

SCRANTON POLICE DEPARTMENT POLICY

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CLEAN and NCIC

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I. PURPOSE

The purpose of this policy is to establish procedures for this Department to maintain compliance with rules and regulations developed by the State and Federal Agencies which regulate the Commonwealth Law Enforcement Assistance Network (CLEAN), and the National Crime Information Center (NCIC) terminal. This order is meant to provide basic in house operation procedures for this Department. CLEAN and NCIC have operating standards which by reference are included as part of this order and shall be complied with by all Department personnel. Any additional information on these standards can be found in the NCIC manual, online help or other related material on file in the Department.

II. POLICY

It shall be the policy of this Department to comply with the State and Federal laws, rules and regulations as well as the requirements established in this order concerning CLEAN and NCIC. Additionally this agency shall comply with all record keeping requirements for the terminal and shall maintain such records for the required periods of time. Nothing contained in this order shall supersede the rules and regulations of CLEAN or NCIC. Any part of this order found to be contrary shall be null and void.

III. DEFINITIONS

A. CLEAN

1. CLEAN is used by the Commonwealth's criminal justice agencies to access driver license and motor vehicle information, state criminal history

record information maintained in the Pennsylvania State Police Central Repository, the Commonwealth's central registry for Protection from Abuse orders, "hot" (stolen and wanted) files, law enforcement messaging capabilities, and a host of other services. CLEAN is Pennsylvania's conduit to NCIC, the FBI's National Crime Information Center, and to NLETS, the National Law Enforcement Telecommunications System.

2. CLEAN maintains connections to over forty other networks, including the Pennsylvania Justice Network (JNET). JNET interfaces with CLEAN to access criminal history information, arrest data, protection from abuse information, and "hot" files.
3. CLEAN access and the use of criminal justice systems and information is restricted to criminal justice agencies. The CLEAN Administrative Section in PSP's Bureau of Technology Services is responsible to the FBI's Criminal Justice Information Services (CJIS) Division to ensure that NCIC regulations are enforced among Pennsylvania NCIC users. In addition, the CLEAN Administrative Section prescribes regulations for CLEAN system use, conducts user training, audits transactions to maintain system security and discipline, and investigates allegations of misuse of information systems.
4. CLEAN is capable of sending law enforcement messages such as Be On the Look Outs (BOLOs), requests for motor vehicle registration data, notification of robberies, requests for information, legal bulletins, and road and weather reports. Messages can be sent from 10 to 99 miles, statewide, or by regions. There are eight (8) different regions (Appendix V) which consist of groups of states and agencies.

B. NCIC

1. NCIC is a computerized index of criminal justice information (i.e. criminal record history information, fugitives, stolen properties, and missing persons). It is available to Federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.
2. The purpose for maintaining the NCIC system is to provide a computerized database for ready access by a criminal justice agency making an inquiry and for prompt disclosure of information in the system from other criminal justice agencies about crimes and criminals. This information assists authorized agencies in criminal justice and related law enforcement objectives, such as apprehending fugitives, locating missing persons, locating and returning stolen property, as well as in the protection of the law enforcement officers encountering the individuals described in the system.

3. There are two types of NCIC information:
 - a. "HOT" Files -- consisting of the Vehicle, License Plate, Boat, Gun, Article, Securities, Wanted Person, Foreign Fugitive, United States Secret Service Protective, Missing Person, Unidentified Person, and the Bureau of Alcohol, Tobacco and Firearms Violent Felon File.
 - b. Interstate Identification Index (III) -- contains extremely sensitive records for offenders of serious and or significant violations that are:
 - 1) known to the FBI
 - 2) with a date of birth of 1956 or later
 - 3) arrested for the first time and reported to the FBI Identification Division since July 1, 1974 (regardless of date of birth).
- C. National Law Enforcement Telecommunication System (NLETS) -- NLETS was created by the principal law enforcement agencies of the states nearly 35 years ago. Since the founding, NLETS role has evolved from being primarily an interstate telecommunications service for law enforcement to a more broad-based network servicing the justice community at the local, state, and federal levels. It is now the pre-eminent interstate law enforcement network in the nation for the exchange of law enforcement and related justice information.

IV. BACKGROUND

- A. The CLEAN and NCIC terminal allows this agency access to online records held within the files of the Pennsylvania State Police, Pennsylvania Department of Transportation and the FBI which operates NCIC. Access is granted to out of State records as well, via the NLETS.
- B. The CLEAN/NCIC terminal has been placed into the Department's Front Desk area under an agreement with the Pennsylvania State Police that this agency will comply with all regulations as promulgated by the State and Federal agencies who control the access to the records provided through the terminal. There is a second terminal at the AFIS machine in the wagon area. This agency will comply with all regulations and shall not misuse the information gathered via the terminal contrary to any of these regulations.
- C. The administration of CLEAN/NCIC access by this Department is under the authority of the Chief of Police. The Chief of Police may delegate administrative and operational responsibilities for managing and maintaining the integrity of the Department's CLEAN/NCIC access to sworn and/or civilian members of this Department. Any such delegation shall be consistent with the policies of the Department and the rules and regulations of CLEAN/NCIC.

V. PROCEDURES

- A. Off-duty officers and detectives should not make CLEAN/NCIC requests. If an off-duty officer or detective has a need for such information, the request shall be made through the Shift Commander.
- B. CLEAN/NCIC requests from outside criminal justice agencies shall not be honored. Doing so could result in this Department losing CLEAN/NCIC access. Printouts of CLEAN/NCIC information contain this Department's ORI number. If we give this printout to an outside agency and they discard it or lose it, and it is later found by another party, we will be held liable, not the agency given the printout.
- C. If a CLEAN terminal operator is requested to perform a function on the CLEAN terminal that may be in violation of law or CLEAN/NCIC policy, the operator shall immediately contact the TAC Officer if working, or if not available the Shift Commander, for resolution.
- D. Department Information Security Officer (ISO)
 - 1. The Department ISO is the Department liaison to the Lackawanna County Communications Center and CLEAN security officers. The CLEAN security officer is the liaison to FBI CJIS Division on all technical security issues related to our CLEAN equipment.
 - 2. All new network connections to CLEAN must be approved by the Department's ISO through the County and CLEAN ISOs.
 - 3. All intrusions into an agency network must be reported to the Department ISO for reporting to the County and CLEAN ISOs for reporting to FBI CJIS Division.
- E. Terminal Agency Coordinator (TAC) Officer
 - 1. System's management for CLEAN/NCIC access, and integration into the Department's computerized information system, is the responsibility of the TAC Officer.
 - 2. CLEAN/NCIC auditing of the terminal's use and function, daily filing and review of information is the responsibility and is controlled by the TAC Officer. The TAC Officer shall be the Administrative Lieutenant or as otherwise designated by the Chief of Police and shall have attended the Administrator training conducted by the Pennsylvania State Police.
 - 3. The TAC Officer is responsible to ensure:
 - a. The storage and filing of records generated by the use of the terminal.
 - b. Completion of monthly validations.
 - c. Attendance at CLEAN user group meetings.

- d. Receipt of NCIC matters and NCIC memorandums and corrections of problems associated with such messages.

F. CLEAN Stationary Terminal Operators

1. Only authorized employees of this Department may access information by use of the CLEAN/NCIC terminal. All operators must be currently certified by completion of the mandatory background investigation and testing requirements of the Pennsylvania State Police. The initial background requirement is fulfilled by the investigation completed upon the hiring of full time police officers.
2. Prior to being authorized CLEAN/NCIC access, employees shall undergo a background investigation which shall include submission of a completed FBI applicant fingerprint card. The card shall be submitted to the FBI Identification Bureau, through the Pennsylvania State Police, Records and Identification Division. The initial background requirement is fulfilled by the investigation completed upon the hiring of full time police officers.
3. All operators shall undergo a Criminal History check for convictions of misdemeanor or felony crimes. The Criminal History check shall include a state and national fingerprint search for a criminal history.
 - a. Should a conviction be found, authority for use of the CLEAN/NCIC terminal shall immediately be suspended.
 - b. Convictions for any of the following shall show cause for the aforementioned suspension of access privileges:
 - 1) Conviction or under indictment for any felony
 - 2) Conviction for any misdemeanor where the person was incarcerated within the last ten years.
 - 3) Conviction for two or more misdemeanors within the last ten years.
 - 4) Misdemeanor and felony under the laws of Pennsylvania, and the laws of any other State, or Federal Law.
 - c. A computerized Criminal History check shall be repeated each time that an operator is due to recertify.

G. CLEAN Stationary Terminal Operators and CLEAN/Mobile Data Terminal Operators

1. All operators shall be required to sign a "Statement of Liability" upon logging in to the CLEAN/MDT system. This form is an automatic pop-up on the JNET system. Any violations of the requirements contained in this "Statement of Liability" are viewed as serious violations since they may affect this Department's ability to continue to use CLEAN and NCIC.

2. All operators shall use their own sign-on when operating any terminal for the purposes of querying or inputting CLEAN/NCIC records.
3. Operators shall ensure that any protected information obtained from the terminal usage is protected and not made available to the public in any way.
4. All operator information screens or any other screens wherein the requestor's name can be entered in compliance with CLEAN regulations shall have the name of the requestor entered.
5. Terminal operators shall sign-off when not in control of the terminal even when relieved for a few minutes for personal relief.
6. If a criminal justice official with access to CLEAN/NCIC is arrested or indicted for a felony or misdemeanor, that official shall lose access to CLEAN/NCIC until the charges are disposed in court. The official shall permanently lose current CLEAN/NCIC access if convicted, as defined below:
 - a. Conviction for any felony
 - b. Conviction and incarceration for any misdemeanor
7. The Bureau of Records and Information Services, CLEAN Administrative Section Supervisor, must be notified within five (5) days of receipt of a positive criminal history response meeting the aforementioned criteria. The final decision as to whether the individual will be granted CLEAN/NCIC access will be made by the Control Terminal Officer (CTO).
8. Training
 - a. The testing is administered online via the CJIS Launch Pad, NexTest, and must be completed independently.
 - b. All terminal users, including those certified at the Practitioner level, shall be required to maintain proficiency in the use of any terminal which they are authorized to use for CLEAN/NCIC access.
 - c. All new employees who will be using CLEAN/NCIC access computers shall receive training in the use of such terminal. This training shall be limited to the functions related to their level of certification by the TAC Officer. Primary terminal training can be conducted by the NexTest system.
 - d. After completion of the NexTest training the trainee will be administered a test from CLEAN/NCIC and must pass the test prior to using the terminal. They must also demonstrate their knowledge and ability to use the online help screens provided by CLEAN/NCIC.

H. Stationary Terminal Functions

1. The terminal is capable of entry of:
 - a. Wanted person(s)
 - b. Stolen items, to include motor vehicles, items, currency, gun, boats, electronic equipment, etc.
 - c. Missing person(s)
 - d. Sending messages in state and out (i.e. hit confirmations, BOLOs, request out of state license information).
2. The terminal is able to query records from Law Enforcement agencies in the entire United States. The inquiries are at a minimum:
 - a. Wanted person(s)
 - b. Stolen items, to include motor vehicles, items, currency, gun, boats, electronic equipment, etc.
 - c. Missing person(s)
 - d. Receiving messages in state and out
 - e. Criminal History Records
 - f. Files of the Pennsylvania Department of Transportation BMV
 - g. Firearms Permits
 - h. Firearms Ownership

I. It is the responsibility of every member of this agency to provide concise information to the Front Desk person for entry or query of information into CLEAN/NCIC.

1. The entry of information into the CLEAN/NCIC system is controlled and reviewed by the State Police computer center. This information is checked against standards that allow for consistent entry into the system.
2. All information to be entered into the system shall be done at the direction of the officer requesting such entry. A report number shall be included. It shall be the responsibility of the officer to furnish, review and approve the information for entry. The desk officer shall verify the accuracy of the entry form by placing his/her initials on the entry form. The next shift's desk officer shall verify the accuracy of the entry by comparing the printout and entry form and then initialing the entry form. That officer will then appropriately file the printout and form.
3. In the event that our terminal becomes inoperable, requests for entry should be made to Comm. Center.

J. Verifying Vehicle VIN, License Plate, and Firearms Serial Numbers

1. This Department has various means of verifying VIN numbers and license plate numbers for vehicles and checking firearm records. Prior to the entry of these items the Front Desk person shall:
 - a. For vehicles:
 - 1) Run a search through PENNDOT files and print a copy of the vehicle information either by VIN, registration or owner information.
 - 2) Check the VIN number may be entered in the VIN Assist program which is available on line and print the same for attachment to the incident report.
 - b. For firearms, make an inquiry of the firearms owned by the crime victim in the PSP files and print a copy of the same for attachment to the report if the weapon in question is listed.
2. The Front Desk person shall, after approval of the officer, make the entry into CLEAN/NCIC. Completion of all mandatory fields is required. Any miscellaneous information shall be placed into the appropriate field entry.
3. After the entry is complete it shall be the responsibility of the officer to furnish, review and approve the information for entry. The desk officer shall verify the accuracy of the entry form by placing his/her initials on the entry form. The next shift's desk officer shall verify the accuracy of the entry by comparing the printout and entry form and then initialing the entry form. That officer will then appropriately file the printout and form.
4. Once entry is complete one copy of the entry shall be printed. The completed entry printout, report, and any supporting documents listed above in #1 shall be left for verification by the following desk officer before filing.

K. Entry of Stolen Articles and Securities

1. Items that may be entered in the articles file include, but are not limited to, the following:
 - a. Office equipment
 - b. Stereo equipment
 - c. Cellular phones
 - d. Bicycles
 - e. Jewelry
 - f. Serialized lottery tickets
 - g. Television sets
2. Items that may be entered in the securities file include but are not limited to currency, money orders, traveler's checks, and savings certificates (see CLEAN on-line manual for complete listing).

3. The Front Desk person shall, after approval of the requesting officer, make the entry into CLEAN/NCIC. Completion of all mandatory fields is required. Any miscellaneous information shall be placed into the appropriate field entry.
4. After the entry is complete it shall be the responsibility of the officer to furnish, review and approve the information for entry. The desk officer shall verify the accuracy of the entry form by placing his/her initials on the entry form. The next shift's desk officer shall verify the accuracy of the entry by comparing the printout and entry form and then initialing the entry form. That officer will then appropriately file the printout and form.
5. Once entry is complete one copy of the entry shall be printed. The completed entry printout, report, and any supporting documents are left for verification by the following desk officer before filing.

L. Missing Person Entry

1. Adults

- a. The officer responsible for the initial investigation of a missing person report shall ensure that the information is provided to a Front Desk Officer for entry into the CLEAN/NCIC system.
- b. The officer responsible for follow-up investigation of a missing person report shall ensure that additionally obtained information is provided to a Front Desk Officer for entry into the NCIC system.
- c. Front Desk Officers provided missing person data from an investigating officer shall enter that data into the NCIC missing person file in accordance with guidelines established by NCIC and policy 16-014 Missing Persons.
- d. Copies of the data entry shall be processed in accordance with established NCIC and this order.
- e. Any police officer or detective who completes a supplemental investigation report involving the locating of a missing person entered by this Department in the NCIC system shall promptly advise the on-duty Front Desk Officer to remove the file entry from the system.
- f. Any Front Desk Officer receiving a request to remove a missing person entry from the NCIC files shall do so promptly. Copies of the data entry cancellation shall be processed in accordance with established NCIC and this order.

2. Juveniles

- a. Upon request from an investigating officer, the Front Desk person shall immediately enter the information into CLEAN/NCIC.
- b. Information entered into CLEAN/NCIC on a missing child should include, but is not limited to; full name, nickname, date and place of birth, age, social security number, operator's license number, height,

weight, color of hair and eyes, use of eyeglasses or contacts, physical or mental handicaps, special medical conditions or needs, scars and marks, or any other distinguishing characteristics. Information should also be entered regarding any vehicle the missing child might be using or traveling within, as well as any persons that the missing child might be with.

- c. In all cases the missing child shall be entered into CLEAN/NCIC as soon as possible after the information is obtained. There shall be no waiting period before entry is made.

M. Authorization and Entry of a Wanted Person(s) for Criminal Warrants

1. Warrant procedures shall be followed per policy 07-009 Warrant Control.
2. Warrants shall only be entered into CLEAN and/or NCIC at the request of an officer by the officer completing a Wanted Person Information form which shall then be used by the Terminal Operator to make the entry.
3. The entry of wanted person(s) is for pending misdemeanor and felony criminal charges. This entry shall be made into CLEAN and NCIC. Extradition limits will be determined by the Shift Commander.
4. The Administrative Assistant to the Captain shall ensure warrants have been entered into CLEAN. If a warrant has not been entered he/she will have it entered by Front Desk personnel. Personnel making the entry shall:
 - a. Use the information provided. Estimations may be used and online help from CLEAN provides the information to be entered. If there is an estimation, it shall be noted in the miscellaneous field of the entry.
 - b. Place the warrant with face sheet and copy of the CLEAN record entry into the warrant file.
 - c. Complete the warrant control sheet, including the date, the incident number, and entered by areas.
 - d. Once entry is complete one copy of the entry shall be printed. The completed entry printout, report, and any supporting documents are left for verification by the following desk officer before filing.
5. If a warrant filed at the Front Desk area has not been entered into CLEAN/NCIC, and it is later determined that the warrant should be entered, an entry shall be made and the above procedures completed.
6. CLEAN/NCIC warrant entries require a supplement to the initial report if the warrant was not already documented in the initial report.

N. Record Modifications

1. Occasionally information may be entered and accepted initially and after checking may be found to be incorrect. In this event the Computer center will send a request to modify message to this terminal. On receipt of the request to modify, the Front Desk person receiving the message shall:
 - a. Confer with:
 - 1) The originating officer
 - 2) The TAC Officer.
 - b. Once the record has been modified copies of the request to modify along with the modified record shall be forwarded:
 - 1) To the entry file.
 - 2) In the case of a wanted person also be placed in the warrant file.
 - c. The information contained in the modified records shall be compared to the original information obtained by the officer for accuracy.
 - 1) Should the information in the incident report be found to be incorrect the incident report shall be modified by submission of a supplemental report along with the record of modification to the records Administrative Assistant to the Captain in the case of a wanted person file.

O. Hit Confirmation

1. In the event of a location of a wanted person, stolen vehicle or other property we will receive from the locating agency a hit confirmation. This confirmation requires a ten (10) minute response so the other agency can act on the CLEAN/NCIC hit. When a hit confirmation is received the Front Desk person shall:
 - a. Notify the Shift Commander, via chain of command, of such message.
 - b. Print two copies of the message
 - c. Begin to verify the information (i.e. wanted person that the warrant is on file)
 - d. Respond to the message (hit confirmation response) within the required ten minutes with available information. A response shall be made within ten minutes even if the response is "we are checking."
 - e. Print two copies of the outgoing message.
 - f. Provide one copy of the printed messages to warrant folder and one copy to be appropriately filed.
2. If we receive a positive "hit" on a wanted person, property, or vehicle, the Comm. Center dispatcher will radio the patrol car and state "Unit #, Can you copy Officer?" This alerts the patrol to a positive hit on the want requested and he/she should determine if they should distance themselves from the person or situation. Comm. Center will not give the information until told to do so by the officer.
3. Enforcement action shall not be taken based solely on the results of a "hit" on an inquiry. Officers also have to follow up with the hit confirmation

request.

P. Cancellation of Entries

1. At any time there is a need to cancel a CLEAN/NCIC entry for whatever reason the entry shall be canceled without delay. Copies of the cancellation shall be filed and sent to Central Records?
2. The only exception to an immediate cancellation will be with wanted person(s).
 - a. The entry will remain until the person is in the custody of a Scranton Police Officer.
 - b. When an agency sends a locate notification to us this will automatically cancel the CLEAN/NCIC entry.
3. If it is determined that a wanted person entered into CLEAN/NCIC by this agency is in custody in a secure facility, i.e. state or county jail (within or outside of the state), the CLEAN/NCIC entry will not be canceled until the warrant is served.

Q. Criminal History Records

1. The only personnel of this agency authorized to request a criminal history check on an individual is a sworn police officer. No civilian may request a records check.
2. When requesting a criminal history it can be done for two reasons only;
 - a. Investigation involving suspected criminal activity. This requires a "C" code.
 - b. Employee background checks. This requires a "J" code and may only be conducted by the Chief of Police, a Lieutenant, Sergeants and members of the Criminal Investigation Section.
3. On receipt of a criminal history record the printed copy of the record is to be given directly to the requesting officer who shall:
 - a. Place the incident number for the criminal history on the printed copy of the history.
 - b. Place the record with the arrest file.
 - c. Place the record for filing by Central Records.
 - d. Destroy the file by shredding and note such destruction on the incident report
 - e. Maintain the record with an investigative file or warrant file and on closing the file dispose of the records as described in b, c, or d above.

R. Record Keeping Requirements

1. When making an entry into the CLEAN/NCIC the terminal operator shall also create a record of such entry on the NCIC Log form.
2. Cancellation of entry from CLEAN/NCIC.
 - a. Enter the appropriate information and make the cancellation
 - b. Record such cancellation on the NCIC Log form.
 - c. A query of the file that was canceled may be done to ensure that cancellation took place.
3. Messages sent or received
 - a. It is a requirement of CLEAN that all messages sent, and any administrative message received, be printed and a copy filed.
 - 1) If the message being sent involves an incident, a supplement may be added to the incident report.
 - 2) A copy of all outgoing messages this agency sends and all incoming administrative messages must be provided to the TAC Officer for filing. They shall be retained as required by CLEAN.
 - 3) If in doubt, print the message and provide it to the TAC Officer.

S. Validations

1. Validation is the process by which the entering agency confirms, on an annual basis, that each NCIC entry is accurate, complete, and still outstanding or active. Records must be validated within 90 days from the date that they are first entered into NCIC. Thereafter, validations are completed annually.
2. Each month the entering agency receives a printout of their records from CLEAN and NCIC from the following files:
 - a. Wanted Person
 - b. Missing Person
 - c. Unidentified Person
 - d. Boat
 - e. License Plate
 - f. Vehicle
 - g. Vehicle Parts
 - h. Gun
 - i. Securities
3. Each record in the printout must be compared to the supporting documents, such as:
 - a. Case Files
 - b. Incident Reports
 - c. Warrants

- d. etc.
4. Comparisons include:
 - a. Examining the record to ensure accuracy
 - b. Examining the documents (report, warrants, etc.) to ensure all the information contained in them is included in the record
 - c. Ensuring all information in the record can be verified by the supporting documents
 5. A second validation step is necessary for validation of:
 - a. Wanted Persons File
 - b. Missing Persons File
 - c. Vehicle File
 6. In the case of a Wanted Person file, a "sealed" warrant must be available for confirmation and validation.
 7. Consultation must be made with any appropriate complainant, victim, prosecutor, court, motor vehicle registry files, or to other appropriate source or individuals to ensure that the entry is still valid and should remain in the NCIC system. Consultation is essential for proper validation of the three files listed in 5 above.
 8. Receipt of Validation Sheets
 - a. Validation sheets are received directly by the TAC Officer for assignment to verify the records.
 - 1) Wanted person(s) entry verifications shall be done by checking that the original warrant is on file.
 - 2) Stolen vehicle records shall be verified by an attempt to contact the victim(s) stating that we will be holding the record open unless notified that the vehicle has been recovered.
 - 3) Stolen gun records shall be verified by an attempt to contact the victim(s) stating that we will be holding the record open unless notified that the gun has been recovered.
 - 4) Stolen articles shall be verified and since they are removed from CLEAN/NCIC on a scheduled purge they will be verified by examination of the case status.
 - 5) Missing person(s) entry verifications shall be done by checking the original incident report and verified with the reporting party. Since all missing person investigations are assigned to an officer or investigator the incident report and supplements shall be referred to for the verification.
 9. On the validation listing, all of the active records should be designated with an "As Is" and all of the cancelled records resulting for the monthly validation of the record should be designated with a "Cancel" and a copy

of the cancellation be attached. If a record was cancelled prior to the validation of that record the record on the listing should be designated with a "C" and the date of cancellation written next to the record. If the record requires modification the record should be designated with a "Modified" and the procedures for modification followed as stated above.

By the Order of:

Chief Carl R. Graziano
Superintendent of Police
Scranton Police Department