

Virginia State Police



Criminal Justice Information Services (CJIS) Division Newsletter

July 2012

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| | Page |
|---|------|
| AFIS - Legislative Changes | 2 |
| UCR - Crime In Virginia | 2 |
| UCR - Additions / Revisions to IBR Data | 4 |
| UCR - Tip of the Month | 5 |
| UCR - Anomaly Detection | 7 |
| UCR - IBR Quality Assurance Tracking | 7 |
| VCIN - New CJIS Security Policy | 9 |
| Personnel Update | 9 |

AFIS ACTIVITIES - Unsolved Latent File Maintenance

The following information is an excerpt from correspondence dated June 3, 2011, from Jerome M. Pender, Deputy Assistant Director, FBI Criminal Justice Information Services Division, "...Recent statistical and trending analysis identified the Unsolved Latent File (ULF) is once again reaching capacity; however, to expand further would require extensive modifications to the IAFIS and a personnel and financial resources are currently devoted to the development and implementation of the Next Generation Identification (NGI) System, it is not possible to dedicate additional resources to the ULF without delaying these efforts. Of importance to the latent user community, the NGI, upon implementation of Increment 3 in early 2013, will deliver a new latent matching algorithm, as well as a National Palmprint System. Upon implementation of the capabilities, users will benefit from greater latent search accuracy, an increase in penetration threshold limitations, elimination of ridge counting, and the ability to search unknown palmprints against a national repository of known palmprints.

The CJIS Division requests the latent user community, in coordination with their respective CJIS Systems Officers and State Identification Bureau Chiefs, conduct a thorough inventory of their ULF records. Records that remain in the ULF but have been identified, and those no longer actionable due to statute of limitation expiration, should be removed through electronic Unsolved Latent Delete (ULD) Messages to the IAFIS. Upon request, the CJIS Division will provide user agencies with a complete inventory of their respective ULF records. Please note each ULF inventory can be tailored to the needs of each requesting agency and will incorporate all data fields included as part of the initial latent search transaction to the IAFIS. Additionally, it is understood that current penetration threshold limitations require users to submit multiple IAFIS searches to ensure candidates are generated from the entire Criminal Master File (CMF). Consequently, the ULF contains a vast amount of duplicate records, which has also contributed to an increase in file size. When users conclude record inventories and identify the need to consolidate duplicate records, the CJIS Division will be available to assist record consolidations in a manner that will not negatively impact cascaded latent search services.

AFIS ACTIVITIES -

Unsolved Latent File Maintenance - Continued

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For further information, please contact Management and Program Analyst Michelle Denison of the CJIS Division Biometric Services Section, Latent Investigative Services Program Office, (304) 625-2204, or by electronic mail at michelle.denison@leo.gov.

Legislative Changes – Concealed Handgun Permits

Due to recent changes to the Code of Virginia, effective July 1, 2012, the Virginia State Police will no longer conduct fingerprint based National Background Checks as part of the Virginia resident Concealed Weapons Permit process. If you have any questions, please refer to Section 18.2-308, Code of Virginia.

UCR Highlights – Crime In Virginia

The 2011 Crime in Virginia annual report was released May 7, 2012. This report, and prior reports, may be viewed on the State Police website www.vsp.virginia.gov under “Forms & Publications,” “Publications,” “Crime in Virginia.” This detailed document provides rates and occurrences of crimes committed in towns, cities, and counties across the Commonwealth. The report breaks down criminal offenses by reporting agency, as well as arrests by jurisdiction.

UCR Highlights – Continued

Crime In Virginia

We appreciate the ongoing effort from all contributing agencies providing the most complete and accurate data possible. These data are the official figures for both state and national crime statistics, and are used by criminal justice personnel, policymakers, and the public to better understand the nature and extent of crime issues.

For 2011, statewide violent crimes (murder, rape, robbery and aggravated assault) declined 6.2 percent compared to the previous year. Property crimes such as burglary, larceny, and motor vehicle thefts decreased 2.2 percent during this period of time. Motor vehicle theft continued to experience a large decrease, with a 7.5 percent reduction last year, and 9.2 percent in 2010. Drug and narcotics violations increased 7.1 percent compared to the previous year. Marijuana accounted for approximately 61.9 percent of all drug arrests that occurred during 2011.

Group A Arrests. As shown in the table below, there was an overall increase in arrests between 2010 and 2011 (1.4 percent). Adult arrests increased during this period of time (2.0 percent), while juvenile arrests decreased (-3.1 percent).

Group B Arrests. Between 2010 and 2011, adult arrests decreased only slightly (-1.9 percent). Juvenile arrests experienced a much larger decrease for the same period of time (-15.1 percent).

Group A Arrests and Group B Arrests. There were a total of 355,595 arrests in 2011, compared to 360,008 arrests in 2010, representing a decrease of 1.2 percent.

| ARRESTS | 2011 | | 2010 | |
|-----------------------------|---------|----------|---------|----------|
| | ADULT | JUVENILE | ADULT | JUVENILE |
| GROUP A | 128,067 | 16,462 | 125,529 | 16,995 |
| GROUP B | 195,893 | 15,173 | 199,610 | 17,874 |
| TOTAL (ADULT & JUVENILE) | 355,595 | | 360,008 | |

The table below compares reporting years 2005 through 2011 for each Group A offense. These figures are rates per 100,000 population.

| | Number of Offenses 2011 | 2011 | 2010 | 2009 | 2008 | 2007 | 2006 | 2005 |
|------------------------------------|-------------------------|-------|-------|-------|-------|-------|-------|-------|
| Murder/Non-negligent Manslaughter* | 305 | 3.77 | 4.61 | 4.43 | 4.75 | 5.33 | 5.21 | 6.16 |
| Kidnapping/Abduction* | 1,475 | 18.22 | 20.18 | 23.44 | 27.33 | 29.28 | 28.31 | 28.78 |
| Forcible Sex Offenses* | 5,104 | 63.04 | 62.25 | 60.63 | 67.69 | 68.94 | 71.64 | 70.12 |

UCR Highlights – Continued

Crime In Virginia

| | Number of Offenses 2011 | 2011 | 2010 | 2009 | 2008 | 2007 | 2006 | 2005 |
|------------------------------|-------------------------|---------|---------|---------|---------|---------|---------|---------|
| Robbery | 5,451 | 67.32 | 70.99 | 80.19 | 96.36 | 100.37 | 101.55 | 98.92 |
| Aggravated Assault* | 8,841 | 109.19 | 120.32 | 125.80 | 134.33 | 144.25 | 152.61 | 154.44 |
| Simple Assault/Intimidation* | 99,545 | 1229.47 | 1271.09 | 1247.50 | 1270.37 | 1278.19 | 1243.86 | 1247.80 |
| Arson | 1,167 | 14.41 | 15.42 | 16.63 | 18.86 | 21.54 | 22.73 | 21.84 |
| Extortion/Blackmail | 113 | 1.40 | 1.90 | 1.48 | 1.80 | 1.40 | 1.37 | 0.95 |
| Burglary | 30,438 | 375.94 | 378.61 | 396.33 | 408.66 | 408.85 | 412.53 | 385.13 |
| Larceny | 144,491 | 1784.59 | 1849.06 | 1920.66 | 1976.38 | 1921.63 | 1908.36 | 2061.95 |
| Motor Vehicle Theft | 9,616 | 118.77 | 129.91 | 145.27 | 169.40 | 182.66 | 193.19 | 209.62 |
| Counterfeiting/Forgery | 7,074 | 87.37 | 89.25 | 94.78 | 93.27 | 96.90 | 111.15 | 114.50 |
| Fraud | 26,040 | 321.62 | 307.00 | 310.95 | 314.58 | 303.70 | 273.29 | 240.13 |
| Embezzlement | 2,838 | 35.05 | 33.75 | 36.87 | 46.90 | 50.31 | 46.06 | 42.63 |
| Stolen Property | 1,454 | 17.96 | 19.41 | 22.39 | 23.59 | 23.29 | 21.85 | 19.23 |
| Damage/Vandalism | 73,893 | 912.64 | 971.05 | 1055.03 | 1189.99 | 1223.79 | 1264.16 | 1205.40 |
| Drug/Narcotic Offenses | 50,650 | 625.57 | 591.35 | 570.27 | 593.67 | 619.66 | 587.93 | 558.12 |
| Non-forcible Sex Offenses* | 211 | 2.61 | 2.55 | 2.71 | 2.96 | 2.83 | 3.34 | 3.53 |
| Pornography | 683 | 8.44 | 7.75 | 7.03 | 5.95 | 4.75 | 3.90 | 3.03 |
| Gambling | 156 | 1.93 | 1.04 | 1.46 | 0.76 | 0.92 | 2.11 | 0.74 |
| Prostitution | 950 | 111.73 | 12.36 | 14.51 | 9.22 | 10.70 | 13.48 | 13.12 |
| Bribery | 25 | 0.31 | 0.40 | 0.29 | 0.37 | 0.22 | 0.29 | 0.17 |
| Weapon Law | | | | | | | | |
| Violations | 9,062 | 111.92 | 112.72 | 117.31 | 133.01 | 137.03 | 141.53 | 141.21 |

* Crime counts are number of victims for offenses against a person and number of offenses for all other offenses.

Additions /Revisions to IBR Data

As of July 1, 2012, agencies reporting IBR data to the state UCR/IBR state program will be required to include new data additions/revisions implemented by the FBI. These include additional location and property codes, as well as a new cargo theft field. Some of the new location codes are abandoned/condemned structures, amusement parks, daycare facilities, military installations, and a breakdown of schools by college/university and elementary/secondary. Examples of new property categories include building materials, personal or business documents, identity documents, crops, fuel, pets, non-precious metals (such as aluminum and copper wire and pipes), portable electronic communication devices (such as cell phones, palm pilots and blackberries), recreational/sports equipment and trailers. Most of the new location and property categories were previously included in a generic 'other' code. These new categories allow for more specific data reporting.

UCR Highlights – Continued

Additions /Revisions to IBR Data

Revisions and additions can be found in the IBR Procedure Guide Manual and the Data Dictionary that are posted on the secure IBR website.

In response to the USA Patriot Improvement and Re-authorization Act of 2005, the FBI created and defined a new cargo theft data element to be incorporated into the UCR program. The FBI definition of cargo theft includes 'the criminal taking of any cargo including, but not limited to, goods, chattels, money, or baggage that constitutes, in whole or in part, a commercial shipment of freight moving in commerce...at all points between the point of origin and the final destination, regardless of any temporary stop while awaiting trans-shipment or otherwise.' The new cargo theft field is applicable only to certain offenses: robbery, theft from a building, theft from a motor vehicle, all other larceny, fraud (except for welfare fraud), extortion/blackmail, burglary, motor vehicle theft, embezzlement and bribery. Agencies will indicate whether or not (yes or no) the incident included the criminal taking of any cargo deemed as moving in commerce.

Revisions and additions can be found in the IBR Procedure Guide Manual, and the Data Dictionary that are posted on the secure IBR website.

Tip of the Month

In 2010, we began posting a 'Tip of the Month' as a bulletin on the IBR website. Posted at the beginning of each month, situations that frequently come to the attention of the IBR state program staff are discussed along with ideas or 'tips' to help agency personnel resolve these issues. We encourage all IBR agency personnel to review these postings on a regular basis. The most recent 'tips' include:

1. **Justifiable Homicide (09C)**

Justifiable homicide is defined as 'the killing of a perpetrator of a serious criminal offense by a peace officer in the line of duty; or the killing, during the commission of a serious criminal offense, of the perpetrator by a private individual.' The 'victim' in a justifiable homicide incident is the person who was killed; the 'offender' is the officer or private citizen who did the killing. Justifiable homicide is not an actual criminal offense, and is not included in an

UCR Highlights – Continued

Tip of the Month

1. Justifiable Homicide (09C) – Continued

agency's crime count. Justifiable homicide, by definition, occurs in conjunction with another offense. The crime that was being committed when the justifiable homicide took place must be reported as a separate incident. Separate reports are required because the criminal who was killed justifiably did not act in concert with the officer or civilian who killed him/her; nor did the officer or civilian who killed the criminal act in concert with that criminal in committing the original offense. A killing should not be reported as justifiable or excusable solely on the basis of self-defense or the action of a medical examiner, prosecutor, grand jury or court, but instead should be reported based on law enforcement investigation.

2. Forcible Fondling (11D)

We have been made aware that some RMS vendors indicate that the offense of 11D is titled 'Forcible Fondling (of a child).' The IBR definition of forcible fondling is 'the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.' Forcible fondling includes 'indecent liberties' and 'child molesting.' The offense is not restricted to child victims only; the victim can be an adult or a juvenile. We have requested that software vendors modify the description of the 11D offense to eliminate the words 'of a child.'

3. Rape Definition (11A)

There have been many discussions surrounding the modification of the FBI definition of the offense of rape over the past several months. Any modifications regarding the definition of rape will not affect current reporting of this offense by local agencies in Virginia. Changes/modifications would take place at the national program level through the combination of existing categories that are currently collected at the state level. More specifically, offenses as 1) forcible rape, 2) forcible sodomy, and 3) forcible sexual assault with an object would continue to be reported as individual offenses by Virginia, but may be combined and reported by the national program as a single new category of 'rape.'

4. Homicide/Manslaughter reporting a motor vehicle as the weapon

The state program will be asking agencies who report a murder/non-negligent manslaughter (09A) or negligent manslaughter (09B) with a motor vehicle being the weapon to verify the circumstances of these incidents. In many cases, the scenarios will indicate that the incident is actually a traffic fatality, which would not be reportable to the UCR/IBR program. The following are examples that would be considered traffic fatalities and, therefore, not reportable as an 09A or 09B incident -- a fatality resulting from icy driving conditions, a fatality caused by a drunk driver (which could be reportable as a 90D DUI Group B arrest), or an accidental hit and run fatality (which could be reportable as a 90Z arrest only).

UCR Highlights – Continued

Anomaly Detection

On a regular basis, the state IBR Program office reviews submitted data to identify any incident that has been reported with one or more 'anomaly.' For IBR purposes, an anomaly can be thought of as a data field or combination of data fields that initially appears to be 'out of the ordinary' or 'unusual.' While the reported data may be correct, we routinely send a list of the identified incidents to agencies and ask them to review the incident(s). If a correction or revision is needed, the agency will then resubmit the incident with the next monthly IBR submission file. A few examples of the anomalies include:

1. An incident reported as an aggravated assault may actually be a simple assault. The incident was reported as 13A aggravated assault with (1) personal weapon or no weapon used AND (2) minor or no personal injury to the victim. Most aggravated assaults involve a weapon (other than personal hands/feet/fists) AND/OR result in a major injury. This would apply to assaults on law enforcement officers as well (i.e., assaults on officers should not automatically be reported as aggravated).
2. An incident reported both a burglary (220) offense and a larceny offense (23A – 23H). The FBI considers larceny-theft as an element of burglary and, therefore, should not be reported as a separate offense if associated with the unlawful entry of a structure. Property stolen in connection with a burglary is to be related to the burglary offense, not as a separate offense of larceny. For most burglaries, therefore, only a 220 offense should be submitted. However, there are scenarios during which both a burglary and a theft occur. For example, if an offender breaks into a home and then also steals a bicycle from the front lawn, a burglary (220) and an 'all other larceny' (23H) should be reported.
3. The property category of 'aircraft,' property description 01, was reported in this incident. Agencies are asked to verify that the property was accurately reported as a 'real' aircraft and not possibly a toy.
4. A robbery (120) incident is reported without an individual (type 'I') victim. Robbery is defined as 'the taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm....The victims of a robbery include not only those persons and other entities (businesses, financial institutions, etc.) from whom property was taken, but also those persons toward whom the offender(s) directed force or threat of force in perpetrating the offense. Therefore, although the primary victim in a bank robbery would be the bank, the teller toward whom the robber pointed a gun and made a demand should also be reported as a victim, as well as any other person upon whom an assault was committed during the course of the robbery.' Because the threat or force is being directed by the offender toward 'another person,' robberies should include at least one individual (type 'I') victim.

IBR Quality Assurance - Tracking

In addition to anomalies, the state IBR Program office is in contact with each agency that submits an incident with a bias motivation (hate crime) as well as property dollar value of \$100,000 or more. During 2011, the UCR/IBR office began "tracking" bias motivated crimes (aka, hate crimes) as well as incidents with property values greater or equal to \$100,000. This process begins by the UCR/IBR office extracting those case numbers submitted by agencies that meet the identified criteria. We then ask individual agencies if the data in question are correct or incorrect. If correct, nothing further needs to be done.



UCR Highlights – Continued

IBR Quality Assurance - Tracking

If incorrect, the submitting agency's personnel are asked what the correct data should be, and to then resubmit these corrections with their next regular monthly file submission. The UCR/IBR office then checks to make sure that the correct data are resubmitted. If not, the agency is re-contacted and asked to once again submit the correct data. This process continues until the correct data are sent to the UCR/IBR office. As with all UCR/IBR data, the state program cannot make data modifications for agencies; we have to rely on individual agencies to make the correct modifications. Whatever modifications are made or not made, the data recorded in the IBR database consists of the data submitted to us.

Listed below are the tracking results for bias motivated crimes and for property values greater than or equal to \$100,000 for the reporting year 2011:

Bias Motivated Crimes (Hate Crimes):

| | | | |
|-----|----------------------|----------|---------------------------------------|
| 220 | Initially Submitted: | 122 | (55% Correct) |
| | | 98 | (45% Incorrect) |
| | Of those Incorrect: | 91 | Resubmitted |
| | | <u>7</u> | Not resubmitted, but should have been |
| | | 98 | |

Property Values Greater or Equal To \$100,000:

| | | | |
|-----|----------------------|----------|---------------------------------------|
| 238 | Initially Submitted: | 172 | (72% Correct) |
| | | 66 | (28% Incorrect) |
| | Of those Incorrect: | 57 | Resubmitted |
| | | <u>9</u> | Not resubmitted, but should have been |
| | | 66 | |

It is important to remember that we cannot track offenses that are not submitted in a timely manner. For this reason, results do not represent the final figures for end-of-year reporting.

* Bias Motivated Crimes: Had we done nothing, 220 occurrences would have been reported rather than 122 that should have been reported. This is an initial difference of 45 percent over-reporting.

* For property values: Had we done nothing, \$167,693,310 would have been reported for these tracked incidents rather than the correct value of \$46,133,770. Nine of these incorrectly submitted offenses were not modified by agencies resulting in \$1,283,763 over-reported.

To help resolve these, as well as other, data entry errors, agencies need to be vigilant in the initial data entry process as well as responding to requests from the state Program personnel in a timely manner. Without a resolve to submit the most complete and accurate data possible, the value of these crime figures will be limited.

Virginia Criminal Information Network (VCIN)

Revised VCIN Manual

NEW CJIS SECURITY POLICY

A new CJIS Security Policy 5.1 has been released by the FBI, and is now available at www.leo.gov on the VCIN Special Interest Group. We recommend agencies download a copy of this policy and become familiar with its requirements. Of special interest, to many agencies, are the Advanced Authentication (AA) requirements for next year. The new policy elaborates in more detail the requirements for AA.

Section 5.6.2 states, "...Each individual's identity shall be authenticated at either the local agency, CSA, SIB or Channeler level. The authentication strategy shall be part of the agency's audit for policy compliance...". Section 5.6.2.2 defines AA, and what will meet the CJIS requirement. The FBI has also included an Advanced Authentication Decision Tree under Section 5.6.2.2.2. The Decision Tree has a list of questions, and depending on a yes or no response, will help your agency determine if AA is required.

Also, please review and begin utilizing the new CJIS Security Addendum form immediately. The revision is dated July 13, 2012, and all security addendums completed after this date should be on the new form. The next revision of the VCIN manual will reflect this new change.

CJIS Personnel Updates

Lieutenant Thomas A. Bradshaw

The CJIS Division welcomes Lieutenant Thomas A. Bradshaw as the Assistant CJIS Officer. He has over 30 years of service with the Department of State Police, and the Suffolk Virginia Police Department. Lieutenant Bradshaw was the former Commander of Area 8, the former Assistant Unit Commander of the Executive Protective Unit, Office of the Governor, and the former Intelligence Officer for Threat Assessments and the Medical Officer for the Protective Detail.

Lieutenant Bradshaw's background includes 16 years of Emergency Medical Services, and is currently a National Registered Emergency Medical Technician - Tactical. He is a graduate of the United States Secret Service Protective Operations, and United States Department of State Diplomatic Security Service Academies. He served for seven years as a Master Operator with the Virginia State Police Tactical Team. He has vast experience with high profile events, including Presidential and Governor's conventions and inaugurations, and also has provided protection and supervised protective operations on trade missions worldwide, working closely with the United States Embassy and foreign authorities.

Lieutenant Bradshaw is a certified instructor with the Department of Homeland Security Incident Response to Terrorist Bombings, Federal Air Marshall Service – Law Enforcement Officers Flying Armed Certification, the Department of Justice Terrorism for Law Enforcement Officers Flying Armed Certification, and the Department of Justice Terrorism for Law Enforcement Officers. He is also certified by the Virginia Department of Criminal Justice Services as a General Instructor, Personal Protection Specialist Instructor, and an Emergency Vehicle Operator Instructor. Lieutenant Bradshaw is a National Crime Prevention Specialist - Level II, and has provided training internationally, as a lead instructor, on behalf of the Virginia State Police, and to various local, state, and federal agencies on the topic of dignitary protection.

Lieutenant Bradshaw holds a Bachelor of Science degree in Governmental Administration from Christopher Newport University, and a Master of Public Administration degree from Troy State University. He also received a Postgraduate Diploma in Executive Management & Leadership from the University of Virginia - National Criminal Justice Command College.

