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Virginia State Police

C J I S



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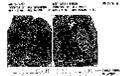


Criminal Justice Information Services Division Newsletter

Volume 10, Issue 1

JULY 2006

AFIS ACTIVITIES



AFIS

ATTENTION: Don't Get Caught Copying Fingerprints From A Previous Day

Some sites have decided that if there is a set of prints in the Live Scan machine for the person they are booking, they can save time by copying the booking and just entering the new arrest data and charges. It is a requirement that you take a new set of fingerprints for an arrestee each calendar day. If you do not do this, the FBI will not accept the fingerprints and, consequently, the new charges are not on file at the FBI.

In the future, any fingerprints copied from another day for a different arrest date will result in notification of this violation to the appropriate Sheriff, Police Chief, or Superintendent. The Live Scan software is designed to allow the operator to copy a charge for correction, or to add additional charges, that are the result of the same day's booking only.

New IDS Software Is Coming Soon

A version of the IDS software that utilizes the extra information stored on a warrant, such as the Offense Tracking Number, VCC Code, and Class of Offense will be available very soon. If you do all of your data entry at the Live Scan, this software will assist you considerably. If you use an RMS/JMS interface, you will be required to scan all warrants that have readable bar codes to pick up this data since it does not come over from your current interface. This takes just seconds to do, and provides the data IDS is required to send.

After your vendor changes their software, and your IDS machine shows that the interface works accurately, the Department of State Police (VSP) will turn off the requirement to scan the warrants.

The system was engineered this way on purpose because VSP had no way to test and coordinate every RMS interface in the state. One significant benefit is that it enables your vendor or IT support staff a way to determine what, if anything, is wrong in the interface file without having to call VSP or ID Networks.

If you do not have the IDS version that uses the bar code scanner, your site should receive a box with a bar code scanner for each Live Scan machine, instructions, a software CD, and a video training CD. The video training CD allows operators to see what is different in the new software, and walk through the fields and screens that differ from the old IDS. After the bar code scanner is attached, and the site booking staff has reviewed the videos and printed instructions, personnel from VSP will contact your site and instruct you to put the software CD in the PC. At that time, VSP personnel will take control of your PC, upgrade the software, and you will be on the new IDS that collects all of the data mandated by legislation.

This new release also allows you to go back to using the manual feed for applicant cards. VSP is scheduled to complete the software upgrade before the end of August, 2006.

If you have any questions, please e-mail them to livescan@vsp.virginia.gov.

AFIS ACTIVITIES — CONTINUED

Magistrates Can Print Bar Coded Documents For Charges Outside Their Area

If you are using one of the Live Scan machines that uses the 2D bar code reader to enter the charge data, you probably have noticed that faxed warrants are not readable with the bar code reader. To help assist with this, magistrates can now print a document with a bar code that is scannable for charges from jurisdictions other than for those they issue warrants. For example, if you are in Charlottesville and need a bar coded document for data entry into Live Scan from Virginia Beach, your local magistrate can print a bar code document that you can scan in place of the faxed warrant. All you need to do is give the magistrate the Offense Tracking Number from the faxed warrant.

Mugshots

Since January 1, 2006, VSP has received over 79,000 images in 54,000 records; the majority of images come from Live Scan agencies. Agencies without Live Scan are mailing images with ink cards; these images are being scanned into the Electronic Archive system.

VSP has received approval for a central mugshot server this year. The mugshot server is not intended to replace an agency's local mugshot system, but will allow agencies to search for images that match specific criteria, such as age range, hair and eye color, height range, and other personal descriptors and create lineups. The images in the system will be most useful statewide if they meet the VSP requirements for elements such as background color, focus, and lighting. These requirements are listed on the VSP website at <http://www.vsp.state.va.us>. Click on "Criminal Justice Information Systems" in the list on the main page, then click on "Live Scan". A number of topics are presented, including Mugshot

Information and FAQ. The VSP Person Image Requirements and Standards can be located by clicking the link for "Documents, Forms and Tables."

Flat Processing for Fingerprint-based Background Checks

In April 2006, VSP received authorization from the FBI to submit "flats only" for civil submissions. This approval was obtained after VSP sent several series of test prints to the FBI for review. The VSP CJIS Division has determined that using flats for applicant fingerprint-based searches will be advantageous. The accuracy of the applicant prints should improve due to the fact that the capturing process is simplified for civil personnel who are not as highly trained in taking fingerprints or in the visual assessment of the quality of the fingerprints. Additionally, the cost of the flat capture devices is lower than the rolled capture devices. The cost factor is expected to encourage additional civil sites to invest in the equipment. VSP has received information requests from several civil sites regarding costs and procedures for acquiring the "flats only" devices.

CCRE INFORMATION



SOR and the civil commitment of sexually violent predators, and increases penalties for certain sex crimes.

Virginia Sex Offender and Crimes Against Minors Registry Requirements Legislation Changes—Effective July 1, 2006

The Sex Offender and Crimes Against Minors (SOR) Registry is available to assist law enforcement agencies in protecting the public, and assists the sex offender by requiring the offender stay in compliance with Title 9.1-900 through 9.1-918, Code of Virginia.

Due to the 2006 legislation, there are many changes that effect the registration and re-registration requirement for registered sex offenders. It amends provisions related to the

New Offenses Added to Registry

The following new registry offenses were added. If a person is convicted of three counts of Peeping, §18.2-67.5:1, that person is required to register as a sex offender. Any person convicted of possession of child pornography or burglary with the intent to commit certain felony sex offenses after July 1, 2006, is required to register. The law also modifies the registration of a person convicted of murdering a child; registration will be required if the victim is under 15 years of age and, if the victim is 15 or older, but less than 18, and the murder is related to a registrable sexual offense. Also, the statute adds a conviction for criminal homicide in conjunction with a violation for child abuse as a registrable offense.

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Registration: Change of Address and Change of Employment Requirements

New legislative requirements mandate that any person convicted in a foreign country, or any political subdivision thereof, for any offense similar to one of the offenses requiring registration must register. There were several changes to the registration requirements effective July 1, 2006; place of employment is a required field on the registration form, and each time an offender changes his employment the offender is required to report to the local law enforcement agency where he physically resides to complete an SP-236 Registration form as currently required for a change of address. In addition, offenders will now have only three days to register or re-register after an address change or place of employment change, rather than the previous 10 days. Sex offenders moving into the Commonwealth, nonresident visitors, workers, and college students who are subject to registration requirements will have three days to register, instead of the 10 days provided for under the old law.

CCRE INFORMATION– CONTINUED

Law Enforcement Registration Requirements

The court shall order the person to provide to the local law enforcement agency of the county or city where he physically resides all information required by the State Police for inclusion in the SOR. The court shall immediately remand the person to the custody of the local law enforcement agency for the purpose of obtaining the person's fingerprints and photograph of a type and kind specified by the State Police for inclusion in the SOR. The local law enforcement agency shall obtain from the person who presents himself for registration or re-registration one set of fingerprints, place of employment information, proof of residency, and photograph of a type and kind specified by the State Police. The local law enforcement agency shall obtain from the person who presents himself for registration a sample of his blood, saliva, or tissue taken for DNA to determine identification characteristics specific to the person. If a sample has been previously taken from the person, as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. Upon conviction, the local law enforcement agency shall forthwith forward to the State Police all the necessary registration information.

Sheriff, Jail, Jail Superintendent, an Official of the Department of Corrections, Department of Juvenile Justice and Juvenile Detention Facility Registration Requirements

The Code of Virginia requires the sheriff, jail superintendent, or an official of the Department of Corrections to give notice to a prisoner for whom registration is required at the time of intake, prior to the day of the offender's release or discharge from commitment, of their duty to register and re-register and to submit to registration. The registration must be completed at the time of intake, on the date of release or discharge to include registration information, fingerprints, and provide information regarding place of employment, if available, and a photograph of a type and kind approved by the State Police. The registration information shall be forthwith forwarded to the Department of State Police on the date of the prisoner's intake, prisoner's

release, or discharge from community supervision. Section 9.1-908, Code of Virginia, provides for period of confinement to toll the 10 year registration period for sex offenders with convictions listed in §9.1-902, and the duty to register shall be extended upon the individual's release from custody. The submission of a re-registration with the inmate's thumb prints, recording the date they were received into Corrections, and that the individual is a new prisoner will toll the re-registration period. Inmates convicted of a crime(s) listed on the (SP-236) Sex Offender and Crimes Against Minors Registration form, A.1 (violent offenses), have a duty to re-register for life. Whenever a person required to register has failed to comply with the provisions listed on the SP-236, subsection A, the sheriff, jail superintendent, or other jail administrator shall promptly investigate or request the State Police to promptly investigate, and if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of §[18.2-472.1](#), Code of Virginia, in the jurisdiction in which the person was discharged. The sheriff, jail superintendent, or other jail administrator shall notify the State Police forthwith of such actions taken pursuant to this section.

Re-registration Requirements

The State Police, or the Department of Corrections, will be required to physically verify, or cause to be physically verified, registration information within 30 days of the initial registration or change of address, and semi-annually each year thereafter.

Persons who have to register for murder of a minor will now be required to re-register every 90 days, which is the same as for a violent sex offender. In addition, when a sex offender is convicted of failing to register, he will be required to re-register more frequently (violent sex offenders monthly instead of every 90 days, and sex offenders 180 days instead of 12 months). The duration of registration for sex offenders

CCRE INFORMATION– CONTINUED

who have been convicted of failing to register is extended as they will no longer be permitted to be removed off of the registry in 10 years from the date of registration; but, instead the requirement will be 10 years from the date of their last conviction for failing to register. In addition, murder of a minor will require lifetime registration.

If a person has a second or subsequent conviction for failing to register as a sex offender, a Class 6 felony, the law requires GPS monitoring. Also, a second or subsequent conviction of failing to register as a violent sex offender or murder, a Class 5 felony, requires mandatory GPS monitoring.

The procedures to be used by correctional institutions and juvenile facilities to obtain registration information from sex offenders under their custody are made more comprehensive, and faster timelines for transmission of information to the State Police are added. An offender will be required to be photographed every two years, and to submit to having a DNA sample taken (if not previously taken).

Community Notifications

Additional entities will be entitled to automatic notification of registration of sex offenders, including nursing homes and institutions of higher education.

Any person may request from the State Police and, upon compliance with the requirements therefore established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or re-registration of any sex offender.

Local school boards are required to ensure that schools within the division are registered to receive electronic notice of sex offenders within that school division, and to develop and implement policies to provide information to parents regarding registration of sex offenders and the availability of information on the SOR. Local school boards must also develop protocols governing the release of children to persons who are not their parent.

The Virginia Council for Private Education must annually provide the State Police with the location and e-mail address, if available, of every accredited private school in the Commonwealth for purposes of registering to receive electronic notification of sex offenders near the schools.

Public and private two-year and four-year institutions of higher education are required to electronically transmit information about applicants who have been accepted for admission at each institution to the State Police for comparison with the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry.

The Department of Motor Vehicles is required to electronically transmit application information and change of address information for the same purpose. The law makes it a Class 4 felony to provide false information to obtain a driver's license with the intent to use it as proof of residency for sex offender registration purposes.

The law exempts the provisions of the SOR from the Freedom of Information Act, the Government Data Collection and Dissemination Practice Act, and the Virginia Information Technologies Agency. The Department of Criminal Justice Services is required to advise criminal justice agencies regarding SOR requirements.

Public Access to Both Violent and Sex Offenders

The Sex Offender and Crimes Against Minors Website has recently been enhanced, and is available to the public to access any violent sex offender by conducting an inquiry by zip code, county or city search, name and mapping. The search by map allows individuals to enter a specific address, and will provide a map of all

CCRE INFORMATION– CONTINUED

offenders that live in close proximity to the address entered. The person can click on the sex offender icon and it will display the photograph of the offender, address, demographics, and the sex offense. As of July 1, 2006, both classifications, violent sex offenders and sex offenders, will be available to the public to assess via the Internet at www.virginiatrooper.org

New Offenses Prohibiting Proximity to Children

§18.2-370.2: Failure to register is added to the offenses for which conviction bars loitering within 100 feet of a school. Persons convicted of such offenses after July 1, 2006, will also be prohibited from loitering within 100 feet of a child day program. Persons convicted of certain sex offenses will be prohibited from working or volunteering on the grounds of a school or day care center, and will be prohibited from residing within 500 feet of a school.

§18.2-370.3: Sex offenses prohibiting residing in proximity to children; penalty. An adult who is convicted of an offense as defined in Title 9.1-902 and has established a lawful residence shall not be in violation of this section if a child day center or a primary, secondary, or high school is established within 500 feet of his residence subsequent to his conviction.

§18.2-370.4: Sex offenses prohibiting working on school property; penalty.

A. Every adult who has been convicted of an offense occurring on or after July 1, 2006, where the offender is more than three years older than the victim, of one of the following qualifying offenses: (i) rape, (ii) forcible sodomy (iii) object sexual penetration, shall be forever prohibited from working or engaging in any volunteer activity on property he knows, or has reason to know, is public or private elementary or secondary school or child day center property.

VCIN NOTES



ATTENTION: AGENCY HEADS AND TERMINAL AGENCY COORDINATORS

Please disseminate the information contained in this newsletter to all users of the Virginia Criminal Information Network (VCIN) within your agency.

The following agencies were added to VCIN during the first & second quarters of 2006:

<u>AGENCY NAME</u>	<u>TERMINAL ADDRESS</u>	<u>ORI</u>
*Central Virginia Community College PD	CVCP	VA114039E
*Dept. of Agriculture Forest Svc. Arlington	USFS	VADOA0300
*Dept. of Justice Services Richmond	RDJS	VA122041C
*Office of Special Inv Langley AFB	OSIL	VAOSI05S0
Roanoke College Campus PD	RCCP	VA125019E

*DENOTES LIMITED SERVICE TERMINAL

Validation Procedures

Agencies are reminded when sending validation administrative messages for non-terminal agencies to include the non-terminal agency name along with the document control number. This aids the VCIN Administrative Staff in their record keeping so they will know what agency goes with what document control number.

Also, please do not return the validation printout of records, only return the certification letter signed by the agency head.

VCIN NOTES — CONTINUED

Automatic Wanted Person Checks Based on QD Inquiries to Virginia DMV

When performing a QD inquiry to Virginia DMV by social security number or DMV assigned number and the number is not on DMV's file, an automatic wanted person check is **not performed**.

VCIN/NCIC Violent Gang File

When agencies are requesting Gang File codes from NCIC using the Code Request form shown on page II-13-7 of the VCIN Operating Manual be sure to include where the gang member operates from and not the subject's home address on the form.

Also on a supplemental gang member entry (EGMN), in addition to alias names, you may also include singular nicknames/monikers that an individual goes by in the AKA field.

Dissemination of VCIN/NCIC Gang File & NCIC Terrorist File Information

Information obtained from these files is exclusively for the use of criminal justice agencies for criminal justice purposes. In no case should information from these files be disseminated to any non-criminal justice agency. This information shall be accorded the same security measures as criminal history record information, and any secondary dissemination outside of your agency must be logged accordingly.

VCIN Terminals and Internet Access

To meet CJIS Security Policy requirements and to ensure the security and integrity of the VCIN System and State Police network, computer users will continue to be prohibited from co-locating an Internet browser application on the same computer they use for VCIN with the following exception:

VCIN users may use Microsoft Windows 2000 (or later) "Terminal Services Client Session" to deliver Internet sessions to the computer within their agency, at their own expense. The VCIN computer and its network devices must be configured in such a manner that the VCIN computer cannot access the Internet without using a "Terminal Services Client Session". This client software is built into Windows XP, and is available for Windows 2000 and Windows 98 systems. All technical support related to this application installation and operation will be the responsibility of the agency. In compliance with CJIS Security Policy, the configuration diagram needs to be reviewed by the VCIN Staff prior to employing the proposed solution that enables an Internet Browser and VCIN application to reside on any computer. Agencies installing the "Terminal Services Client Session" application should be prepared to demonstrate compliance with the use of this application if the Internet Browser is found on a VCIN computer during any audit. Any violations will result in restriction of access by the specified terminal to the VCIN System.

New VCIN Terminal Software Approved for the VCIN System

A new VCIN terminal software application, called Messenger, was approved for use in addition to the current G-LINK software for connection to the VCIN system. The Messenger terminal software will give an agency the capability to send and receive images (Fingerprint, Mugshots, Signature, Identifying, and Generic images, see page 10 of the NCIC Operating Manual, Image Section) from NCIC. At the present time, you may only enter and receive images from the VCIN Violent Gang file and receive Sex Offender Registry images. Images from NCIC and other states' DMVs will be provided, if available, and they are capable of sending them through NLETS. Other VCIN Hot Files are being upgraded, and will be available for entering and receiving images beginning in 2007. The Department of State Police is pursuing grant funding to enable receiving DMV images for operator licenses and driver transcripts in

VCIN NOTES — CONTINUED

conjunction with OpenFox® Messenger software. This project funding, if awarded, will begin in November, 2006. The new Messenger software also has all of the VCIN formatted screens with drop down screens with the NCIC assigned codes for that field. The following information provides the requirements of the Messenger software:

HARDWARE

Personal computer capable of running Sun Java runtime library (Minimum requirement, Pentium IV 1.2 MHz or above, 512 MB RAM, 20GBHDD) with Windows 2000, XP and printer. Note: Computers that have lesser performance characteristics will run this application, but it can affect speed of performance related to the transition between screens and moving through the application.

Broadband or DSL telecommunications/Internet circuits are also recommended. Once images begin transmitting the response and transmission speed will be reduced with 56k Frame Relay circuits.

The user will be responsible for loading/installing the OpenFox® Messenger software on their respective PCs. In addition to loading the software, the user is **responsible for paying a required annual license renewal/maintenance fee.** The State Police will provide a document explaining the installation procedure. This installation, though not difficult, should be performed by someone who has a good *working knowledge* of Windows 98/2000/XP. This product requires a unique product code, supplied by CPI, that identifies **the specific computer machine** to a terminal ID (the four character terminal address assigned by the VCIN administrative office) and agency.

The Messenger software is currently available for purchase as noted below:

COST

OpenFox® Messenger Product \$156.00 per copy

For ordering information contact:

Mr. Lorne Sawatsky, President, CPI
Telephone: (630) 968-0244
FAX: (630) 968-0481

Software license renewal and maintenance support (yearly) is \$156.00 per copy not to exceed 5% increase annually. **THIS IS REQUIRED.**

Interface Conversion Reminder

Agencies that have not converted to DMPP2020 protocol (Data Message Processing Protocol) are considered non-compliant with FBI/CJIS/VCIN system security requirements. Agencies that have not converted to the DMPP2020 protocol and included the DSEO2020 protocol (DataMaxx Standard for Embedded Objects) in their system modification will not be able to receive images that will be available through any of the VCIN image initiatives. It is requested that any agency, which has not converted to these protocols, complete this process as soon as possible and advise the VCIN Office of your anticipated completion date.

Protective Order File Issue

A problem with how NCIC processes a Cancel Protective Order transaction (XPO or XTO) file has been discovered. When the cancel transaction is processed through NCIC, it checks both the active and expired databases. However, the oldest record, which would be the expired record, would be cancelled and the active record would not, even though your response indicates the record was cancelled. If you only have the one active entry on a subject and there are no expired protective orders, then the active record is cancelled. The VCIN staff is in the process of working with NCIC to find a solution to this problem. *In the meantime, when performing an XPO or XTO and the NCIC reply indicates the record was cancelled, do a follow-up inquiry on the subject. If the inquiry reveals the record is still on file, then perform an NCXPO or NCXTO to remove the record from NCIC.*

UCR HIGHLIGHTS....



2006 Training Sessions

CJIS training sessions were held in June in the different divisions throughout Virginia. We received favorable comments from the local agencies and recommendations for future training sessions.

IBR Website

Agencies' 2006 three months year-to-date reports have been posted on the IBR website. Go to Statistical Reports on the Main Menu, then YTD and the March 2006 option under each of the five reports will contain your 2006 three months' figures as of June 5, 2006.

Quality Assurance Reviews

The FBI will be performing another IBR Quality Assurance Review in Virginia in November of this year. They usually ask for approximately nine local agencies to volunteer for participation in this process. Agencies that have volunteered previously have benefited from the review as an excellent training source in accurately reporting to IBR. If you are interested in volunteering for the Quality Assurance Review in November, please call the UCR office at (804) 674-2143.

The Question of Unfounded Cases

Often agencies inquire about unfounded cases. They think that by marking the status as unfounded, the incident would not be reported to IBR. The status of the report is not an IBR data field; therefore, IBR does not know whether a case is unfounded or not. We have advised agencies to check with their vendor to find out how their software handles unfounded cases. Ideally, if the report becomes unfounded, then the software should send to IBR a delete for that incident.

2005 Crime In Virginia Data

The 2005 Crime In Virginia report is posted on the State Police website www.vsp.virginia.gov under crime statistics. We extend our appreciation to all IBR contributing agencies for submitting 2005 monthly electronic files in a timely manner.

The following figures represent the statewide 2005 totals. Offenses of a person (murder, kidnapping, rape, sex offenses and assaults) are victim counts. All other offenses are offense counts.

All Group A offenses increased or stayed approximately the same when compared to the figures from the previous year except the offenses of extortion/blackmail, motor vehicle theft, non-forcible sex, and bribery. Offenses that increased with double digit percentages were murder, abduction, fraud, pornography, gambling, and weapon law violations. The city of Norfolk reported 23 more murders in 2005, than in 2004, and the city of Portsmouth reported 14 more murders in 2005, than in 2004. Of the total statewide murders in 2005, 66% were committed with a firearm of some type, and 50% of the murders occurred in a residence.

Group A Offenses – 2005

Murder/Non-negligent Manslaughter	466
Kidnapping/Abduction	2,178
Forcible Rape	1,706
Other Forcible Sex Offenses	3,600
Robbery	7,486
Aggravated Assault	11,687
Simple Assault & Intimidation	94,427
Arson	1,653
Extortion/Blackmail	72
Burglary	29,145
Larceny Theft	156,038
Motor Vehicle Theft	15,863
Counterfeiting/Forgery	8,665
Fraud Offenses	18,172
Embezzlement	3,226
Stolen Property Offenses	1,455
Damage/Vandalism of Property	91,219
Drug/Narcotic Offenses	42,236
Non-Forcible Sex Offenses	267
Pornography/Obscene Material	229
Gambling Offenses	56
Prostitution Offenses	993
Bribery	13

UCR HIGHLIGHTS — CONTINUED

2005 Arrests

	<u>Adults</u>	<u>Juveniles</u>
Group A Arrests	102,511	17,911
Group B Arrests	167,409	18,669

When comparing the 2005 arrest figures to the previous year, we find that the Group A arrests increased .9% and the Group B arrests increased 1.1%.

The total adult arrests (Group A and Group B) increased 1.3%, while the total juvenile arrests decreased .7%.

Of the total juvenile Group A arrests, 5,817 were for assaults, 4,578 for larcenies and 2,576 for drug offenses.

Of the total adult Group A arrests, 34,877 were for assaults, 27,495 for drug offenses and 17,386 for larcenies.

Due to legislative changes, the SP-236 Sex Offender and Crimes Against Minors Registration form has been revised as of July 1, 2006.

Using the form below, please order new forms and destroy all old SP-236 forms.

ORDER FORM

FOR

SEX OFFENDER AND CRIMES AGAINST MINORS

REGISTRATION FORM SP-236

Agency Name: _____

Mailing Address: _____

Attn: _____

Date Forms Ordered: _____

Phone Number: _____

Please fax your order request to (804)-674-8529, or e-mail your request to Anita.Dolan@vsp.virginia.gov.

Revised: July 1, 2006