



# KCJIS NEWS



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## Sex Offender Registration Database

By Nicole Musquiz, KBI Offender Registration Unit—PC I

On September 15, 2010 the Kansas Bureau of Investigation, Offender Registration Unit (KBI, ORU) received a grant from the U.S. Department of Justice, Smart Office in the amount of \$300,000.00 dollars to attain a new Offender Registration database. The KBI ORU has chosen to utilize the SORT (Sex Offender Registration Tool) database. The SORT database is available through the U.S. Department of Justice, Smart Office at no expense to the agencies who decide to utilize the database. The SORT database will be modified to enable the State of Kansas to become compliant with the essential Sex Offender Registration Notification Act (SORNA) requirements. As a result of the modifications to the database all Kansas Sheriff's Offices can access the SORT database without cost to the agency.

The Kansas Sheriff's Offices who choose to use the SORT database will have the capability to submit the Kansas Offender Registration Form electronically. We understand a number of agencies utilize particular offender registration management systems. However the KBI ORU will make every effort to work with these agencies to allow for the capability to submit their forms electronically.

The SORT database is user friendly and will provide an efficient and effective offender registration process. SORT provides electronic community notification and permits the sharing and exchange of information between Kansas Sheriff's Offices using SORT. In addition SORT allows all agencies at the local level to create their own Web site's design, and the information entered or modified is validated by the KBI ORU before it is made available to the general public, thus allowing the offender registry to always be current.

The SORT database will facilitate a centralized Offender Registration management system for the State of Kansas. The KBI ORU is enthusiastic about utilizing this database. We will keep all agencies posted on the status of the new database.

As always we look forward to working with your agency to keep Kansas safe.



## Fingerprinting: What Do I Do When?

Sheri Sharp, KBI Records Section

### Fingerprint cards are **REQUIRED** by the KBI:

The following events require submission of a criminal fingerprint card (FBI Form FD 249 or the electronic equivalent) to the Kansas Central Repository at the KBI:

**SUMMONS TO COURT:** When the subject is not arrested or booked, but is summoned to appear in criminal court, the prosecutor and court should ensure that an arrest fingerprint card is made at the first appearance of DUI's regardless of the final disposition and convictions of all reportable offenses.

When the first court appearance results in final disposition of the case, the court's disposition should be added to the fingerprint card. If the final disposition is added to the fingerprint card it is not necessary to submit a Kansas Disposition Report (KDR).

When the first court appearance **DOES NOT** result in final disposition of the case, the fingerprint card is submitted immediately and a KDR is submitted upon the conclusion of the court's disposition.

**FAILURE TO APPEAR (FTA):** When the subject fails to appear after 30 days of a court event, the subject may be charged with the offense of "failure to appear" (K.S.A. 21-3813) or "aggravated failure to appear" (K.S.A. 21-3814). Both of these violations are reportable to the KBI as new offenses. Fingerprint cards must be submitted, listing failure to appear as the charge (and not the original offense for which the subject failed to appear in court), and disposition of the offense requires submission of a KDR. Note: If a subject fails to appear and it has been less than 30 days warrants should be issued under K.S.A. 20-1204A contempt of court; indirect (See below missing a court appearance).

**WARRANT ARREST:** If a warrant arrest is for a reportable charge then a fingerprint card is required to be submitted to the KBI. If the warrant arrest was issued anywhere in the state of Kansas you will need to fingerprint the subject using the correct Kansas statute for the crime on the warrant. An example would be a warrant issued for theft, forgery etc. **DO NOT** report the statute as warrant arrest or arrest by LEO. The KDR that results should be mailed to the originating agency along with the arrest report. The originating agency is responsible for sending the completed disposition to the KBI central repository to complete the cycle on the rapsheet.

**WARRANT FOR ANOTHER STATE:** If the warrant is for **another state** you need to fingerprint the person using the statute of "warrant for other jurisdiction" (K.S.A 22-2401 a 1). If the person is being extradited back to the original state, write that information on the fingerprint card in the disposition section. It is not necessary to submit a Kansas Disposition Report (KDR) to the KBI but it can be kept on file at your agency.

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## **Fingerprint cards are NOT REQUIRED:**

**MISSING A COURT APPEARANCE:** If the subject is taken before the court “within” the first 30 days after being absent from a scheduled court appearance, the subject is not in violation of the “Failure to Appear” statutes. Therefore, no fingerprint card submission to the KBI is required, and no report of the missed court appearance is sent either.

**CONTEMPT OF COURT:** When a court issues a bench warrant for failure to comply with court orders (this is not the same as failure to appear after 30 days), the subject may be arrested with the understanding that the bond posted for release will be surrendered to the court and the charge of contempt will not be pursued. This type of procedure is sometimes used to correct situations such as non-payment of court-ordered child support. When the subject is arrested under this type of bench warrant, fingerprint cards are not required to be submitted to the KBI. The KBI will not refuse fingerprint cards that are sent for the charge listed as K.S.A. 20-1203 or 20-1204A if an agency chooses to report them. The card should include the court’s disposition for the contempt charge (e.g. “Bond of \$1,250 forfeited to child support”); therefore no KDR will be required if the information is included on the original fingerprint card.

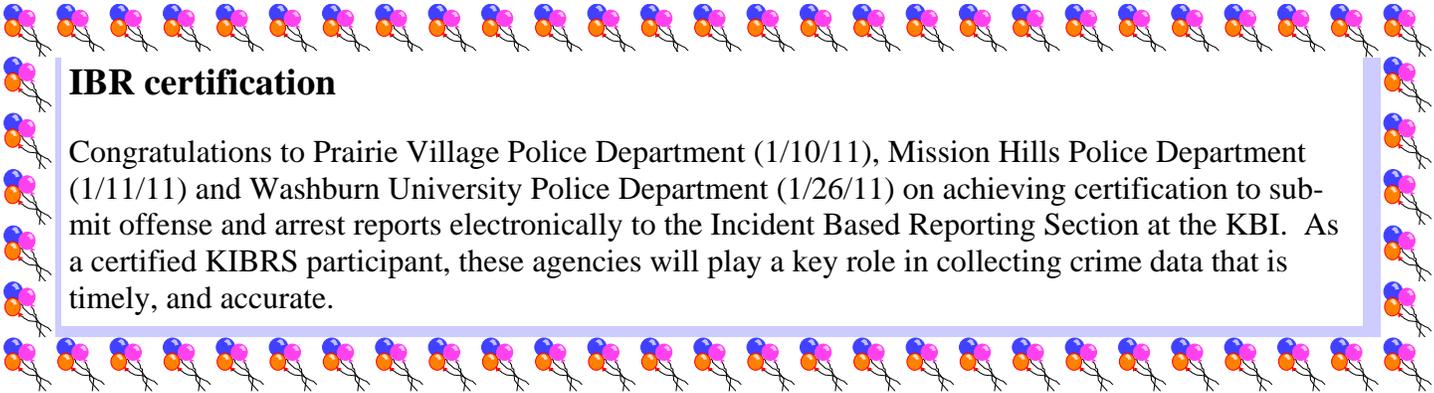
Be sure to use the correct statute when reporting contempt of court:

**K.S.A. 20-1204A** contempt of court; indirect Example: failed to pay fine, not attending classes per judgment etc.

**K.S.A. 20-1203** contempt of court; direct Example: appearing in court drunk, unruly before a judge or in court etc.

**PROBATION VIOLATIONS:** Since the original offense involved an arrest and booking, there is a fingerprint card on file at the Central Repository and probation violation actions don’t require any additional fingerprint submissions if the subject was taken into custody as a result of the probation violation. If the probation violation results in the change of any sentence provisions by the court, then the changes are reported using a copy of the original KDR. If the probation violation results in a revocation or change of the subjects’ probation, then the court will need to copy the original court KDR and report the revocation information.

**NOTE:** Arrest for Contempt of Court and Probation Violations are still required to be reported to the KIBRS section at the KBI using the KSAR’s.



### **IBR certification**

Congratulations to Prairie Village Police Department (1/10/11), Mission Hills Police Department (1/11/11) and Washburn University Police Department (1/26/11) on achieving certification to submit offense and arrest reports electronically to the Incident Based Reporting Section at the KBI. As a certified KIBRS participant, these agencies will play a key role in collecting crime data that is timely, and accurate.



## Unlawfully Obtaining a Prescription Drug

Sara Foster—KBI—Program Consultant

The Incident Based Reporting section at the KBI has noticed an increase in the number of erroneously reported “unlawful obtaining a prescription 21-36a08(subsection c1 and c2)” cases. This statute has been reported in place of the illegal possession statute.

In order for a case to qualify under the “unlawful obtaining a prescription” statute, the suspect must have forged a prescription that was not issued **or** called in a prescription that was not issued **or** altered a prescription issued **or** represent themselves falsely as the individual issued the prescription

In short, there must be an element of Fraud.

Scenario 1:

Walgreens pharmacy reports a Jane Doe called in a prescription for 30 Percocet from Dr. Reid’s office. After doing a random check, Dr. Reid informs the pharmacy that no prescription was written for Jane Doe for Percocet. You arrest Jane Doe after she purchases the prescription.

Is this unlawful obtaining? YES

Why? Doe called in a fraudulent prescription that never existed. The element of Fraud exists.

Who are the victims?

Walgreens-Victim of Theft by Deception

Dr. Reid-Victim of Unlawful Obtaining a Prescription and Agg False Impersonation  
(for making the call as Dr. Reid)

Property?

Report the Percocet as stolen. Doe could not have been able to obtain the pills without deceiving Walgreens (the theft by deception)

Report the prescription as counterfeit.

Scenario 2:

A search is conducted of Jack Jones’ vehicle. During the search, a vial of Percocet is located. The prescription is issued to Jane Doe. Jones states he stole the pills from Doe, his aunt.

Is this unlawful obtaining? NO

Why? Jones did not create a false prescription nor claim to be Jane Doe to obtain the Percocet. No element of Fraud exists.

Who is the victim?

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## Prescription Fraud continued

### Scenario 3:

Jack Jones fraudulently obtains prescription strength Ibuprofen. Jones is caught selling the Ibuprofen.

Charges: 21-36a08 c 3 Unlawfully selling a prescription only drug.

Victim: Society

Property: Report the Ibuprofen as seized.

Why is it reported this way?

“Unlawfully selling a prescription only drug” works the same way as selling, say, cocaine. The reason “unlawfully selling a prescription only drug” is used, is because Ibuprofen, in this case, does not fit into any of the schedules for drugs.

For this scenario, you have **two** cases: one case for when he obtained the drugs, one case for when he sold them.

Please contact the IBR Section if you have any questions. Sara Foster-785-296-8278 [sara.foster@kbi.state.ks.us](mailto:sara.foster@kbi.state.ks.us), Donna Sheldon-785-296-4373 [donna.sheldon@kbi.state.ks.us](mailto:donna.sheldon@kbi.state.ks.us), or Janell Zeiler-785-296-8279 [Janell.zeiler@kbi.state.ks.us](mailto:Janell.zeiler@kbi.state.ks.us)



## Interested in Electronic Submission of KSOR/KSAR

Sara Foster—KBI—Program Consultant

Is your agency interested in submitting offense and arrest reports electronically to the Kansas Bureau of Investigation? Here's what you need to know.

1. Contact the Incident Based Reporting Section at 785-296-8279 (Janell), 785-296-8278 (Sara), or 785-296-4373 (Donna).
2. Complete the application packet provided by the IBR Section. Make sure to provide a network diagram.
3. After the application packet is approved, the KBI Help Desk will install the KIBRS Gateway.
4. Work with a KIBRS Program Consultant to develop a plan for testing.
  - (a) How many reports to submit at one time
  - (b) What time period to submit
5. The test data will be reviewed in Quality Assurance reviews (QA's)
6. Concerns will be returned to the agency
  - (a) The agency should make contact with the program consultant once they have an opportunity to review the discrepancies. The consultant will assist with reporting requirements and how the agency can overcome any issues that need to be addressed. We have found the more an agency communicates with our staff, the faster the agency will achieve certification
7. More data will be submitted and reviewed
  - (a) Don't give up...
8. Once agency shows competency at completing KIBRS requirements, a certification letter is sent to your agency.
  - (a) The IBR Section is not looking for 100% correct data, but rather competency
  - (b) Frame letter if desired

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## KIBRS Electronic Certification continued

### HINTS:

- Domestic violence flags must be reported correctly 100% on two QA's in a row to be certified. If your agency has a DV error on one QA, you will need to complete two QA's in a row without DV errors before certification is achieved.
- Provide full names and identifiers on all subjects: victims, suspects (when known), and arrestees.
- Double check that property codes are correct and 1199-miscellaneous is not overused.
- Consult the KIBRS Handbook, and review the reports before submission.

If your agency is interested in electronic submission, now is the time to get started! Achieving certification will eliminate your agency having to print and mail reports. Save paper, stamps, and money. If your agency would like training in preparation for testing, contact Sara Foster at 785-296-8278 or [sara.foster@kbi.state.ks.us](mailto:sara.foster@kbi.state.ks.us)



## Misuse of Hate Bias Code 99

Bill Reid - Research Analyst II

A review of KIBRS data has revealed that there is a relatively high number of incidents submitted with a bias motivation code of 99 = Unknown as opposed to incidents indicating a specific bias motivation (codes 11-52) or no bias motivation (88 = None). So far, two factors have been identified in contributing to the high number of unknowns:

- 1) Software defaulting to 99 = Unknown.
- 2) A misunderstanding as to the intent and utility of 99 = Unknown.

In some cases, software has been programmed to default to code 99 = Unknown when data entry personnel skip this data element.

Regarding the proper use of code 99 = Unknown, page 75 of NIBRS Volume 1: *Data Collection Guidelines*, (August 2000) states that “. . . incidents that do not involve any facts indicating biased motivation on the part of the offender are to be reported as 88 = None, whereas incidents involving ambiguous facts (some facts are present but are not conclusive) should be reported as 99 = Unknown.”

Statistical reasonableness checks allow that the presence of bias motivation is undeterminable in a very small percentage of incidents, which includes those under current investigation. However, the high percentage of unknowns submitted by some agencies indicates that the agency is not modifying its reports with the final results of the investigations (to show 88 = None or a specific bias motivation, codes 11-52), their investigations are inconclusive, or perhaps they are using the code as a means to avoid determining the presence or absence of bias motivation altogether.

The original intent of bias motivation code 99 = Unknown is to allow an agency the opportunity to report a crime in which bias motivation is suspected until a final decision has been made and to report those instances in which the presence of bias motivation is inconclusive. Once the incident reports are modified to indicate the results of subsequent investigations and hate crime data are finalized with year-end totals, reporting agencies should have few, if any, hate crime offenses coded with 99 = Unknown.



## AFIS Services

Ely Meza , KBI—IT Department

With the implementation of a new AFIS system in 2007, the KBI brought forward several new services and technologies that agencies can use to improve fingerprint processing and identification in the state of Kansas. Agencies interested in one or more of the following services or with AFIS related questions should contact Ely Meza at (785) 296-8254 or [ely.meza@kbi.state.ks.us](mailto:ely.meza@kbi.state.ks.us).

1. **MARS (*MorphoTrak Archive Retrieval System*)**: MARS stores images of all tenprints and palm prints submitted to the KBI. It also stores images of all mug shots submitted via livescan. Access to MARS requires the agency purchase one client license per PC, however multiple users may utilize any given PC and license.
2. **DigiScan Web and RapID**: These are complementary 2-finger identification systems. Both are designed to capture the index fingerprint from each hand and submit them to the KBI AFIS for identification, with responses being returned directly to the units. Reponse times are typically 1 minute or less depending on processing load and bandwidth. The DigiScan Web consists of one personal computer and an optical fingerprint reader to capture the index fingerprint, whereas the RapID units are designed to work outdoors using the services of a wireless communication provider (like a cellular phone). The KBI purchased trial units of both the DigiScan Web and RapID technologies as part of the AFIS purchase contract. Several of the trial units are still available upon request. Recipients are required to purchase a maintenance service agreement and, in the case of the RapID, will have to provide a wireless communications service.
3. **Livescan Technology**: As part of the AFIS implementation in 2007 the KBI adopted the current FBI fingerprint resolution standards of 1000 pixels-per-inch (ppi), and added the ability to receive palm prints and mugshots electronically via livescan, all of which dramatically increase the chance to quickly identify an individual not only within Kansas but nationally. Many agencies in the state are still using older livescans however, that cannot provide fingerprints at greater than 500 ppi resolution and cannot provide palm prints or mugshots. As you make budget plans and look for grant opportunities, please consider the adoption of newer livescans that can meet current standards.
4. **Changes affecting the livescan**: If your agency is planning to implement significant changes to your livescan, such as moving the livescan to another location or to a different network, or replacing the livescan, please contact the KBI AFIS Administrator as soon as possible. Please keep in mind changes of that sort need to be reported to the KBI to ensure your livescan retains connectivity to AFIS, does not violate the KCJIS Policy, or put at risk your agency and/or KBI computer systems.

**Note:** *Be advised, while replacing a livescan hard drive would not necessarily require an agency to notify the KBI, you may need to contact the KBI to re-establish connectivity to AFIS.*



## KIBRS Training Opportunities

The Incident Based Reporting Section is putting together the 2011 training schedule. Please contact Sara Foster at 785-296-8278 or by email at [sara.foster@kbi.state.ks.us](mailto:sara.foster@kbi.state.ks.us) to request training on Kansas Incident Based Reporting System (KIBRS) for the offense reports and arrest reports.





## Missing Person Training

The Office of Justice Programs (OJP) and The Office of Juvenile Justice and Delinquency Prevention (OJJDP) are pleased to announce the following online training opportunity:

### **Patrol First Response for Missing and Abducted Children**

This 100% online course is designed to provide law enforcement officers responsible for patrol and first response duties with the tools and training which promote swift and decisive response in the critical, early stages of incidents involving missing and abducted children. The course is delivered through Fox Valley Technical College's Blackboard Online Learning System and is designed to be completed in a self-directed manner. The content is delivered across four modules and is designed to require a total of 1.5 hours to complete.

Multiple course sections have been scheduled to assist in planning for training at times which best meet operating needs. For more information go to:

<https://www.thecjportal.org/AmberAlert/Courses/DistanceLearning/PATMAC/Pages/default.aspx>

### **Public Safety Telecommunications Best Practices for Missing and Abducted Children**

This 100% online course is designed to provide public safety telecommunications, call-takers and dispatchers with the tools and training which promote swift and decisive response in the critical, early stages of incidents involving missing and abducted children. The course is delivered through Fox Valley Technical College's Blackboard Online Learning System and is designed to be completed in a self-directed manner. The content is delivered across five modules and is designed to require a total of 5-6 hours to complete.

**Over 1500 public safety telecommunications personnel across the US have completed the course since its launch in March 2010.** Please share this information with telecommunications center administrators in your area so that first responders who support your law enforcement efforts can receive training and resource information on this critically important aspect of public safety responsibilities.

Multiple course sections have been scheduled to assist communications supervisors in planning for training at times which best support their centers' operating needs.

For more information go to:

<https://www.thecjportal.org/AmberAlert/Courses/DistanceLearning/Telecommunications/Pages/default.aspx>

If you have additional questions, please email us at [amberadmin@fvtc.edu](mailto:amberadmin@fvtc.edu).



**The U.S. Department of Justice (DOJ), The Office of Justice Programs (OJP) and the Office of Juvenile Justice and Delinquency Prevention Programs (OJJDP) are pleased to announce:**

## **2011 AMBER Alert Training Calendar**

KANSAS CITY, MO: 10/3/2011 Go to [www.amber-net.org](http://www.amber-net.org) for details.

Tuition, lodging (except Federal participants), training materials, and light refreshments will be provided to the participant. You may register for more than one training opportunity.

Transportation will only be covered for CART non-Federal participants. For all other programs, transportation expense is the responsibility of the participant. Agencies with a financial hardship may apply for a scholarship to cover the cost of transportation. Final decision making authority rests with Fox Valley Technical College's AMBER Alert Program Director. A printable copy of the scholarship request form is available at our website ([www.amber-net.org](http://www.amber-net.org)). *Scholarship applications must be submitted immediately after registering and will not be considered if received after participant has been approved for a course.*

Acceptance priority will be given to 'in region' participants applying for scholarships, as well as CART programs. Please visit our website at [www.amber-net.org](http://www.amber-net.org) to register online, view course descriptions and obtain additional course information.

**Questions:** Contact 877-71-AMBER or [askamber@fvtc.edu](mailto:askamber@fvtc.edu)



## **KIBRS Discontinues Collecting Runaway Data**

Janell Zeiler, KBI—KIBRS Section

Beginning January 1, 2011, the Incident Based Reporting Section at the Kansas Bureau of Investigation discontinued the collection of arrest data for runaways. This decision was based off the National Incident Based Reporting System eliminating the collection and publication of data for these incidents. The IBR Section encourages local agencies to continue tracking data for runaways for their internal purposes, however will not have the ability to provide state-wide statistics.



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# Missing Person Success Story

Judy Ashbaugh—KBI, Missing Persons

On February 10, 2011, the KBI Missing/Unidentified Person Clearinghouse received a call from National Center for Missing and Exploited Children (NCMEC) case manager Terry Torgersen. He was working on an old missing person case from Olathe, Kansas. Terry requested that the clearinghouse see if there was anything else available through KBI that would help in clearing this case. In 1997, the person in question had been arrested in Shawnee, Kansas and was placed in a treatment center in Olathe. Upon checking with the KBI Records division, it was learned that fingerprints were on file at KBI. After checking with Assistant Attorney General Kyle Smith, it was determined that running the prints through IAFIS would, perhaps assist in clearing the missing person case. The prints were run through IAFIS and a hit was made on a person currently incarcerated in the Missouri Prison system. That person had given a different name and date of birth when arrested in Kansas.

Think about this when looking at other cold missing person cases. If fingerprints of the missing person are available, consider running them through IAFIS. Keep in mind that many parents have their children fingerprinted at various child safety events.



## 2011 KCJIS Conference

**KCJIS Conference:** This 2011 KCJIS conference will be held in conjunction with the spring APCO conference at the Ramada Inn in Topeka, April 10-12. Registration for the conference, which requires a small registration fee, is now open. Please visit <http://www.ksapco.net/spring.html> for schedule, lodging, registration cost and other details. See you there!