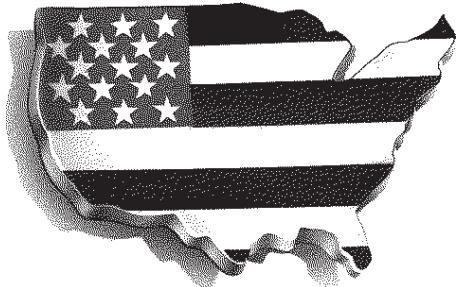




KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL

KCJIS NEWSLETTER

Volume 7: Issue 1; January 2005



KIBRS VIEWS/N-DEX: INVESTIGATIVE TOOLS FOR LAW ENFORCEMENT

by Janell Zeiler, PSA II
Kansas Bureau of Investigation

The Kansas Incident Based Reporting System (KIBRS) continues to provide crime statistics to various individuals, law enforcement agencies and other organizations that may track and study crime trends throughout the state. Statistical data is available on the KBI public website <http://www.accesskansas.org/kbi/> or through direct requests to the IBR Research Analyst.

The KBI appreciates the many law enforcement agencies that are submitting KIBRS reports electronically. The combination of electronic reporting and manual data entry by the KBI staff has reduced the KIBRS backlog to days rather than weeks or even months. The KIBRS data is available through a new investigative resource for law enforcement personnel called KIBRS Views.

The KBI currently has 145 individuals testing KIBRS Views. When this program is fully implemented the views will be available on the KCJIS web site. The user will be required to have access assigned by their TAC. Future enhancements will include visual mapping of the incidents and the use of overlays to show proximity to schools, businesses, day care facilities, etc.

The Criminal Justice Information Services Division of the FBI is currently prototyping/piloting a program entitled N-Dex. N-Dex is a National Data Exchange program that is an incident or event based information sharing system for local, state, tribal and federal law enforcement agencies, which securely collects and processes crime data in support of investigations, crime analyses, law enforcement administration, strategic/tactical operations and national security responsibilities.

N-Dex will provide law enforcement agencies with an investigative resource that will assist in solving crimes by linking information from NCIC, III, NICS and NIBRS. N-Dex will also have mapping capability and in the future advanced crime trending and analysis capability is planned.

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The FBI will only allow designated users within participating law enforcement agencies to query the N-Dex system for certain designated law enforcement or national security purposes.

The Kansas Bureau of Investigation recently signed a Memorandum of Understanding to submit test data, as well as, prototyping offense and arrest data to the Federal Bureau of Investigation.

KIBRS Views and N-Dex is not intended to replace the traditional statistical tracking system currently in place. These programs will work together to provide law enforcement with a more detailed and accurate picture of where and when crimes are taking place.

New CJIS Systems Officer Named

by Bob Ekhhardt, Kansas Highway Patrol
KCJIS Information Security Officer

On November 7, 2004, KHP Lieutenant Jason De Vore was named as the new State CJIS Systems Officer (CSO) to replace retired Captain Ken Justice. In conjunction with that appointment, Colonel William Seck also announced that Lieutenant De Vore was promoted to the rank of Captain, and would become the new Troop M Commander over KHP Statewide Communications, the KHP CJIS Unit, NCIC/KCJIS Training and Audit.

Captain De Vore began his career with the Patrol in 1994 and was assigned to Saline County where he currently resides. He was assigned to the Criminal Interdiction Enforcement Unit from 1996 to 2000 and was also assigned to the KHP SRT Team from 1997 to 2000. He was promoted to the rank 2nd Lieutenant in 2000 and then Lieutenant in 2003.

New KCJIS Policy and Procedure Manual Approved

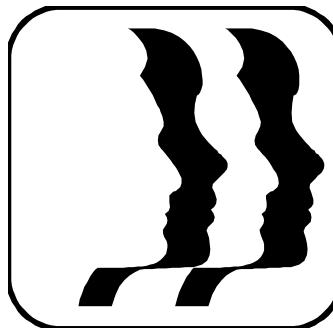
by Bob Ekhhardt, Kansas Highway Patrol
KCJIS Information Security Officer

On December 6, 2004, the KCJIS Committee approved a new KCJIS Policy and Procedure Manual. This new manual replaces the existing KCJIS Security Policy which has been in existence since February of 1999. This new Policy and Procedure Manual has been worked on for over a year by the KCJIS Security Sub-committee. This new Manual is a complete re-write of the existing Policy and covers all aspects of Kansas Criminal Justice Information System usage.

Before passing the new Policy and Procedure Manual, the KCJIS Committee did agree that the KCJIS Security Sub-

committee would meet within 90 days and consider some concerns that OJA had in the area of personnel access.

The new policy should soon be posted on the KCJIS Web Portal.



Identity Theft

by Leslie Moore, PSA II
Kansas Bureau of
Investigation

Due to the increase in complaints of identity theft reported to the Central Repository, the KBI has added a new feature to the Public Access website. The site now includes an Identity Theft Claim Form, instructions for the individual and law enforcement, and links to other identity theft information.

When a person believes their identity was used by another individual whose criminal history is held at the Central Repository, they should complete the Identity Theft Claim Form then go to their local law enforcement agency to be fingerprinted. The KBI will depend on local law enforcement agencies to mail the claim form to ensure the integrity of the fingerprints. We will not accept claim forms unless they are mailed by a law enforcement agency.

Submitting the form does not result in filing criminal charges. The claim form is only for correcting criminal records at the KBI Central Repository. The individual will still need to go to their local law enforcement agency to file a complaint.

Once the claim form is received at the Central Repository the fingerprints and personal identifiers will be compared against the fingerprint and criminal history records. If the search verifies that the personal identifiers appear in another person's record, then the record will be flagged as "Stolen Identity". No information will be deleted from the criminal history records. A letter will then be sent to the person informing them of the results.

The rap sheet has also been updated with a "Stolen Identity" section. This will appear in the Identification section directly under the name, date of birth and social security number. It will list the identifiers that have been confirmed as stolen as well as the date of verification.

You can access the Identity Theft Claim Form and instructions at www.accesskansas.org/kbi/criminalhistory.



CHANGES AT THE KBI

by AD Kirk Thompson
KBI, Information Services
Division

On December 17th a reception was held at KBI Headquarters to honor Assistant Director Chuck Sexson, who retired from the KBI after 32 distinguished years of service. AD Sexson served in a variety of positions during his tenure, with the last 8 years at the helm of the Information Services Division (ISD). AD Sexson will long be remembered as a driving force in development and implementation of the integrated criminal justice information system that came to be known as KCJIS. In addition to his work on the KCJIS project, AD Sexson was responsible for many significant improvements within the Information Services Division at the KBI. AD Sexson embraced new technology and moved Kansas from the “back of the pack” to a leadership role among state criminal justice systems. His contributions to the Kansas criminal justice community were substantial and many. We all wish Chuck the very best in his retirement.

With AD Sexson’s retirement, Director Welch offered me the opportunity to assume oversight of the Information Services Division, an offer I was pleased to accept. In my 25 years at the KBI I have served in both the Field Investigations Division and the Special Operations Division (narcotics). With my transfer to the Information Services Division, Associate Director Dale Finger will assume oversight of the Special Operations Division.

I have big shoes to fill but I look forward to working with the Kansas criminal justice community to further the development of KCJIS and to continue the development of efficient and effective information systems at the state central repository.

I greatly enjoyed working with Kansas law enforcement to address the scourge of illegal drugs. I now am anxious to work with you to improve our records and information systems to provide criminal justice practitioners the tools to do their job safely and effectively.

If I can ever be of any assistance please feel free to contact me at KBI Headquarters (785-296-8209).

Central Repository Operations Bulletin

The Ops Bulletin is a technical bulletin published by the KBI Central Repository and distributed by e-mail. The bulletin provides information about Central Repository functions, rules and procedures.

Subscriptions to the Operations Bulletin are available by contacting PSA II Barbie Berggren at: barbie.berggren@kbi.state.ks.us. Include “Central Repository Operations Bulletin” in the subject line.

Copies of all previous Ops Bulletins are also available online in the secure KCJIS web site at: <https://www.kcjis.state.ks.us/Information/Services/services.asp>

Hazardous Materials (HAZMAT) Endorsement Update

by SAC Dave Sim
KBI Criminal History Records Section

The Transportation Security Administration (TSA) will begin conducting fingerprint-based background checks of commercial truck drivers applying for hazardous materials endorsements as of 31 January, 2005. This date has been confirmed and will not be changed again.

To implement the backgrounding process, the Kansas Department of Revenue’s Division of Vehicles (DMV) has purchased eight livescan devices. The drivers’ license offices that are receiving livescan are Chanute, Colby, Garden City, Hays, Mission, Salina, Topeka and Wichita. The livescan will be installed and operational before January 21st.

Trouble submitting to the KIBRS Gateway?

If your agency is experiencing difficulty submitting to the KIBRS gateway, please check the date on the calendar. The Incident Based Reporting Section of the KBI shuts the host gateway down on the last working day of each month. The shut down procedure allows the KBI to conduct their monthly NIBRS submission to the FBI. The host gateway is usually turned back on by the second working day of the following month. The IBR Section realizes that this may be an inconvenience for some agencies and strives to complete the process in as short amount of time as possible. If you have any questions, please contact Janell Zeiler at (785) 296-8279 or Beth Visocsky at (785) 296-8278.

Status of the AFIS Workstations Connections

by Ely Meza, Information Services Division
Kansas Bureau of Investigation

As of December 31, 2004, the Kansas Bureau of Investigation has connected 27 livescans to the Automated Fingerprint Identification System (AFIS). In addition to these livescans, the KBI has 6 latent workstations connected to AFIS.

Also, as part of the project for issuing driver's licenses to transport hazardous material (HAZMAT Project), the KBI has been meeting with the Kansas Department of Revenue to discuss the requirements to connect livescans in 8 different locations. See the related story (Hazardous Materials Endorsement Update) on page 3.

List of Livescans (LS) Connected to the KBI AFIS

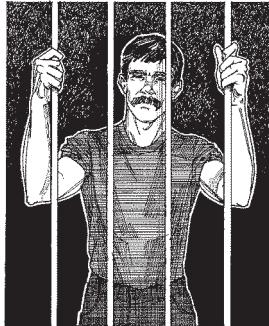
#	Agency	Type	Status	LS Company
1	Allen County Sheriff	Criminal		CROSSMATCH
2	Atchison County Sheriff	Criminal		CROSSMATCH
3	Crawford County Sheriff	Criminal		IDENTIX
4	EI Dorado Correctional Facility	Custody		IDENTIX
5	Finney County Sheriff	Criminal		IDENTIX
6	Ford County Sheriff	Criminal		CROSSMATCH
7	HAZMAT - Topeka	Civil		CROSSMATCH
8	Jefferson County Sheriff	Criminal		CROSSMATCH
9	Johnson County (New Century)	Criminal		COGENT
10	Johnson County (Olathe Detention Facility)	Criminal		COGENT
11	Leawood Police Department	Criminal		IDENTIX
12	Leavenworth County Sheriff	Criminal		PRINTRAK
13	Lyon County Sheriff	Criminal		PRINTRAK
14	Miami County Sheriff	Criminal		CROSSMATCH
15	Olathe Police Department	Criminal		CROSSMATCH
16	Prairie Band Casino/Kansas State Gaming	Civil		IDENTIX
17	Pratt County Sheriff	Criminal		CROSSMATCH
18	Reno County Sheriff	Criminal		IDENTIX
19	Riley County PD	Criminal		IDENTIX
20	Shawnee County DOC	Custody		PRINTRAK
21	Saline County Sheriff	Criminal		PRINTRAK
22	Shawnee Mission School District	Civil		CROSSMATCH
23	Shawnee Police Department	Criminal		CROSSMATCH
24	Sedgwick County Sheriff	Criminal	To be replaced with Crossmatch	PRINTRAK
25	Sedgwick County Sheriff	Criminal	To be replaced with Crossmatch	PRINTRAK
26	Sedgwick County Juvenile Detention	Criminal		PRINTRAK
27	Sedgwick County Juvenile Intake	Criminal		PRINTRAK
28	Topeka Municipal Court	Criminal		CROSSMATCH
29	Wyandotte County Juvenile Intake	Criminal		IDENTIX

List of Latent Workstations Connected to the KBI AFIS

Agency	Brand Name
KBI - Topeka HQ	Printrak
KBI - Great Bend	Printrak
KBI- Pittsburg	Printrak
Topeka Police Department	Printrak
Johnson County Crime Laboratory	Printrak
Wichita Police Department	Printrak

The KBI has promoted the idea of redistributing livescans among users. This idea consists of encouraging those agencies that have stopped using their livescans to submit fingerprint data to the KBI (or have never used their livescan) or those agencies that are replacing their existing livescan technology with new technology to make those livescans available to other agencies. If your agency is interested in transferring a livescan to another agency, please submit the following information to Ely Meza: 1)The contact name; 2) Telephone number; 3)E-mail address

Agencies interested in purchasing a livescan and connecting it to the KBI AFIS, please contact Ely Meza.
ely.meza@kbi.state.ks.us



Corrections Continues to Add Functionality to KASPER

by Mary Chambers, KDOC-IT

Utilizing funds from a federal Edward Byrne grant, the Kansas Department of Corrections continues to expand and enhance the functionality of the Kansas Adult Supervised Population Electronic Repository (KASPER). The website was developed in order to make information about KDOC offenders readily accessible to the public and law enforcement. The KASPER site, which may be found at www.dc.state.ks.us/kasper2/, now includes two additional features that were added this fall.

The first new feature of the site is a disciplinary conviction history for those offenders who are or have been incarcerated by the KDOC. This disciplinary conviction history provides the date and title of each disciplinary conviction received by an inmate. Depending on their severity, frequency and type, disciplinary convictions may affect the good time earned by an inmate. This could also subsequently affect the inmate's earliest possible release date.

The second new feature of KASPER includes a physical location history for KDOC inmates housed in Kansas correctional facilities, as well as those on parole or post-release supervision. While most female offenders are housed throughout their incarceration at Topeka Correctional Facility, many male offenders are transferred away from El Dorado after an initial evaluation at EDCF Reception and Diagnostic Unit. The KDOC has 11 facilities statewide for housing male offenders. The physical location history provides great detail regarding where offenders are located. This history includes the county of residence for those offenders released to either parole or post-release supervision.

Kansas Disposition Report Gateway Update

by SAC Dave Sim
KBI Criminal History Records Section

Johnson County is currently participating in final testing of the gateway for a fully automated disposition data exchange with the Central Repository at the KBI.

When this data exchange is operational, the Johnson County database will automatically generate records when a criminal case is disposed of by the District Attorney or the courts. Those records will then be edited and validated by the KDR Gateway program to ensure correct and complete information. Records that pass that edit/validation will be added to the Computerized Criminal History (CCH) database in the Central Repository. All of this processing and movement occurs without manual intervention by either Johnson County staff or the KBI.

Johnson County will benefit from the KDR Gateway because moving dispositional data electronically eliminates the need for submitting Kansas Disposition Reports (KDR). This should significantly reduce the amount of time prosecutors and courts spend completing and mailing KDR.

And everyone using the Central Repository will benefit from more complete Kansas criminal histories.

KIBRS QUALITY CHECK

by Bill Reid, Research Analyst II
Kansas Bureau of Investigation

As we embark on a new year I thought it would be appropriate to highlight a few of the reporting errors that are common to many agencies in the hopes that 2005 will bring an improved dedication to the accuracy of the data we collect.

As the story on page one indicates, the accuracy and completeness of the KIBRS data is more important than ever. The better the data we receive, the better the KIBRS Views program will become in the future.

1. Theft of Checks/Credit Card should be a separate case from Forgery/Criminal Use of Credit Card. This is due to the separation of time and place. (see article on page 6)
2. Victim of a forgery should be an individual and not a business. The easiest way to remember this is to think of the victim as the person whose signature was forged.
3. When reporting a weapons violation, a weapon type of (40) Personal Weapons does not meet the criteria for this offense.

4. Please make sure that when an arrest is made for a domestic violence offense that it is flagged as "domestic" and not as "adult". This error can show your agency with a very low DV arrest rate.

I will be reviewing data on a regular basis and contacting the agencies that need to improve on these matters. Please don't hesitate to contact the KIBRS staff with any questions you may have regarding the proper reporting of your data.

Another way to improve your agency's data quality is to share the QA information you receive from the KBI with the necessary people. The more we all learn, the better and quicker our data quality scores will rise.

As a reminder, K.S.A. 21-2501a reads that all law enforcement agencies having the responsibility of maintaining a permanent record of offenses shall file with the KBI, on a form approved by the Attorney General, a report on each offense for which a permanent record is required **within 72 hours** after such offense is reported or known to have been committed.

Feel free to contact me with any questions or concerns regarding your agency's data quality at:
bill.reid@kbi.state.ks.us



CREDIT CARD FRAUD vs THEFT

by Bill Reid, Research Analyst II
Kansas Bureau of Investigation

The most asked questions to the KIBRS office continues to center around credit card fraud vs. theft of credit card.

When a stolen credit card is used it is Unlawful Use of a Credit Card. This DOES NOT apply to the theft of the card but to its fraudulent use.

When a credit card is stolen it should be listed using the appropriate theft offense. This would almost always be a separate case from the unlawful use of the credit card.

The same is true of stolen checks. The use of stolen checks (signing) is Forgery. The victim being the person whose name was forged. The theft of the checks should be a separate case using the appropriate theft offense.

The reason these should be reported as separate cases is simple. They happen at different times and different places.



FREQUENTLY ASKED QUESTIONS

Q. Is the Jail Blotter (also known as the Jail Log - the record that contains the subject's name, DOB, race, sex, charge and bonding info) a public record?

A. Yes. And so is the Police Blotter, the chronological record of calls and police response. These records must be accessible to the public.

Q. Can the Sheriff's Office release any information contained in these blotters to anyone, whether in person or by phone, email, fax...?

A. Yes. There is no legal restriction to the mode of release.

Q. If the public asks if a subject has ever been arrested, can we give them information from the blotter, or must they know a date of arrest?

A. If your departmental policy is to provide blotter information with index supportso that an event can be located by searching the files, you may do so. Alternatively, you may establish the policy that the requestor must review the blotter in person and find the information on his/her own. The important issue is to be consistent in providing access to your blotter, so that every request is handled the same and all requestors have the same access to the data. This policy should be written and publicly available.

Q. What part of the Kansas Standard Offense Report (KSOR) is public record?

A. The Attorney General of the state of Kansas has opined that Page One of the KSOR, which contains the name of the victim, is an open public record and released in accordance with Kansas law (AG Opinion 87-25). However, victim-specific or other identifying information being reported as a result of a sex offense may be discretionarily closed by the reporting law enforcement agency. Disclosure of such information is an invasion of personal privacy (A.G. Opinion 92-149).

Q. Are the Kansas Standard Arrest Reports (KSAR) open public records? The KSAR narratives? The KSAR supplemental reports? Witness statements?

A. The Attorney General has advised that Kansas Standard Arrest Reports are mandatorily closed (A.G. Opinion 98-38).

However, Police Blotters are public, and if your law enforcement agency does not record arrest information in a blotter, your agency is under an obligation to provide blotter type information reasonably contemporaneous with the arrest. This would consist of basic information including: the name, address, age, sex, date, time and place of arrest, and the offense for which the person is arrested.

Q. Is juvenile offender information releasable to the public?

A. Kansas Statutes Annotated (K.S.A.) 38-1608 (c) says that offender records for juveniles 14 years of age or older are subject to the same disclosure restrictions as are records of adults.

Q. Must we withhold blotter information for subjects who are 13 years of age or younger?

A. Yes. That blotter information is not releasable to the public.

Q. Is information regarding juvenile victims releasable to the public?

A. There is no specific prohibition in Kansas statutes on releasing information on juvenile victims. In general, the name, address, phone number or any other information identifying a victim of a sexual offense in article 35 of chapter 21 of Kansas statutes should not be released. Whether or not the information is released depends upon the type of record that contains the information. The front page of the KSOR is an open record, which includes victim information. Personal identifiers such as date of birth or social security numbers can be redacted (removed). Victim information contained within investigative records can be discretionarily closed under KSA 45-221(a)(10). There is also closure under KSA 45-221(a)(30) for the release of personal information which would clearly consist of an invasion of personal privacy.

Q. Are domestic violence and sex crimes open records?

A. The discretionary closure of investigative records in KSA 45-221(a)(10) applies to all investigative records, including domestic or sex crime cases. Again, personal information applying to victims of sex crimes should not be released.

Q. If we have a question regarding releasability of records, can we require the requestor to submit a detailed request in writing?

A. Yes, if that is part of your records release policy and if it makes good sense and is consistently applied. Remember to have that policy in writing and accessible to the general public.

Q. Can we establish the policy that written requests may take several business days to process?

A. Yes, if that delay is necessary for legitimate staffing and decision-making. KSA 45-218 (d) requires that the request be acted upon not later than the third business day following receipt of the request, unless a detailed explanation of the need for further delay is provided to the requestor.

Q. Can we charge a fee for copying records?

A. Yes. KSA 45-219 requires that the costs assessed must be reasonable and shall not exceed actual costs, including staff time required to make the information available. The statute further states that copies of public records which is equal or less than \$.25 per page shall be a reasonable fee. An agency is permitted to collect advance payment of the prescribed fee as set by the agency.

Q. Are we required to publish a pamphlet covering records release policies?

A. KSA 45-227 requires an “official custodian” make publicly available “...a brochure in the form prescribed by the local freedom of information officer...” This brochure can be placed on display or given out to the public.

Q. Must the records release policy be on display at our Sheriff’s Office?

A. KSA 45-227 doesn’t require this brochure to be on display specifically at the SO, but doing so would be consistent with the spirit and intent of the statutes.

Q. Is there a source of additional information regarding the Kansas Open Records Act and the release of criminal justice records?

A. Yes. The Attorney General has an outline of applicable rules and regulations for the release of records. That outline is online at:

www.accesskansas.org/ksag/OPEN/KORA.htm

Q – What is the origin of the word “sheriff?”

A – It derives from the Old English *scirgeref*, meaning “representative of royal authority in a shire.” *Scirgeref* is a word consisting of *scir*, which refers to “shire,” an English political district equivalent to our counties and *geref*, which refers to “reeve,” an Anglo-Saxon official of high rank, representing the king.



NEWSLETTER

The KCJIS NEWSLETTER is published by the
Kansas Criminal Justice Coordinating Council

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