



KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL

KCJIS NEWSLETTER

Volume 7: Issue 4; October, 2005



NICS Firearm Prohibitors

By Melissa Warrington, NICS Coordinator
Kansas Bureau of Investigation



The National Instant Criminal Background Check System (NICS) is a computerized system designed to immediately identify those persons who are disqualified from receiving or possessing firearms by conducting a search of available records. Mandated by the Brady Handgun Violence Prevention Act (Brady Act) of 1993, Public Law 103-159, NICS was created to identify individuals whose possession of a firearm would violate Section 922 (g) or (n) of Title 18 state law.

In the state of Kansas, if an individual would like to own a firearm, their identifiers are run through NICS at the time of purchase. When there is a possible match the individual is delayed from purchasing for three days, giving the NICS staff at the FBI time to check the information. They determine whether there is a match to a criminal record and if the record contains any information prohibiting the purchase. If the records from Kansas are incomplete at the FBI level, the NICS staff requests the missing information from the KBI. If the information is not available in the Kansas Central Repository at the KBI, then the KBI is required to contact law enforcement agencies, prosecutor offices, courts, parole offices and the Kansas Department of Corrections in order to obtain the missing information.

Currently, there are nine federal prohibitors the NICS staff uses to determine the eligibility of individuals purchasing firearms in the state of Kansas.

Prohibitor #1 – Persons who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, including persons under indictment in any court for a crime punishable by imprisonment for a term exceeding one year. The final disposition will be requested from the appropriate agency when the Central Repository record is incomplete. When the disposition involves a felony conviction, additional information is required to determine eligibility for the purchase. This information includes whether the individual is currently on probation for the felony and if the court has prohibited the person from purchasing a firearm. Other possible information needed is the date probation was terminated, the date a person is released from DOC and any treatments ordered by the court. Cases that involve an expunged felony conviction in which the subject’s rights were not restored can still be considered a felony conviction which will prohibit the purchase. When a person is convicted of a felony crime against another, he/she will be considered a “prohibited person” for life. In order to determine those facts, details included in incident reports are requested.

(continued on page 2)

NICS Firearm Prohibitors	Page 1	NCIC/KCJIS Audits	Page 5
KCJIS Training Requirement Change	Page 2	Name Changes in Web TAC Admin	Page 6
DOJ Activates National Sex Offender Registry	Page 3	Alert NL Transactions	Page 6
Registered Offender Audit Results	Page 3	OIS-Original Issue Date	Page 6
Domestic Violence Update	Page 4	GSA Fleet Information	Page 6
KIBRS Reporting Deadlines	Page 4	KIBRS Statute File Release	Page 7
Kansas Standard Arrest Quality Issues	Page 5	Justice XML Update	Page 7
Miscellaneous Codes	Page 5	Kansas Prosecutor System Connects to Full Court	Page 8

Prohibitor #2 – Persons who are fugitives from justice.

It is important to determine if there is an active warrant for a felony or a misdemeanor criminal charge. The FBI can provide information to the arresting agency such as a current address or the purchase location.

Prohibitor #3 – Persons who are unlawful users of or addicted to any controlled substance. The NICS staff is required to obtain incident reports of any drug arrest that has occurred within the last year. When an individual has more than one drug arrest within the last year, the NICS staff may request incident reports for the last five years that pertain to drugs. The incident reports are then used by the NICS staff to determine if the individual is considered to be an active user.

Prohibitor #4 – Persons who have been adjudicated as mental defectives or been committed to any mental institution. This means a person determined by a court, board, commission or other lawful authority as having subnormal intelligence, mental illness or incompetency and is in danger of harming himself or others. This prohibitor does not include commitments, out-patient treatments or observations that are voluntary. An individual who has been involuntarily committed, treated or observed can be prohibited. To help assist the NICS staff in determining to use this prohibitor you will be asked to provide court dispositions that state “found not guilty by reason of insanity,” “incompetent to stand trial” or “not responsible due to insanity or incompetency.” Court documentation is required.

Prohibitor #5 – Persons who are aliens and are illegally or unlawfully in the United States. The NICS staff conducts an Immigration Alien Query through the Department of Homeland Security for this information.

Prohibitor #6 – Persons who have been discharged from the Armed Forces under dishonorable conditions. The NICS staff contacts the Department of Defense for this information.

Prohibitor #7 – Persons who, having been citizens of the United States, have renounced their U.S. citizenship. The Department of State is contacted for this information.

Prohibitor #8 – Persons subject to a court order that restrains them from harassing, stalking or threatening an intimate partner or child of such intimate partner, or from engaging in other conduct that would place the partner or child in reasonable fear of bodily injury. For this prohibitor to be valid the defendant must receive actual notice and have had an opportunity to participate in any related hearing. The plaintiff must have been an intimate partner of the defendant. If the plaintiff is not a current/former spouse or parent of a child of the

defendant, then it will need to be clarified if the plaintiff had ever cohabited with the defendant. The court documents must include that the defendant poses a credible threat to the safety of the plaintiff or child and prohibit the use or attempted physical use of force against the plaintiff or child.

Prohibitor #9 – Persons convicted in any court of a Misdemeanor Crime of Domestic Violence (MCDV). For this prohibitor to qualify, the offense must have been committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, or by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian. Incident reports are requested to determine the relationship to the victim. If the crime is expunged, set aside or pardoned, it is not considered to be a prohibitor.

This article should give a better understanding as to why so much information is needed to determine if an individual qualifies to purchase a firearm. Your help is greatly appreciated. Should you have any questions please send your emails to melissa.warrington@kbi.state.ks.us or phone 785-296-4430.



KCJIS Training Requirement Change

Larry Warders and Linda Gilstrap, CJIS
Kansas Highway Patrol

Reminder to all agency TAC's and LASO's, the revised and most current version of the KCJIS Policy and Procedure Manual now requires that all agency TAC's (including alternate TAC's) and LASO's attend initial training at the next available class after selection or appointment.

Additionally, all TAC's, alternate TAC's and LASO's are required to attend biennial refresher training. This will be assessed beginning in the next audit cycle. Failure to attend the required training will be shown as an out of compliance issue on an agency's audit review.

Department of Justice Activates National Sex Offender Public Registry Website

by Sandy Meier, PSA II
Kansas Bureau of Investigation

The Department of Justice recently announced the activation of its National Sex Offender Public Registry (NSOPR) website, which provides real-time access to public sex offender data nationwide with a single Internet search. The Department-sponsored website allows parents and concerned citizens to search existing public state and territory sex offender registries beyond their own states.

Attorney General Alberto R. Gonzales announced the design and delivery of a national registry website and invited all states and territories to link their public registries to the site at no cost.

Citizens will now be able to search the latest information for the identity and location of known sex offenders across state boundaries. The coordination between each state and the Department of Justice to accomplish such a rigorous goal is essential. This is an example of the Department of Justice working in partnership with states to enable parents and concerned citizens to better protect America's communities from sex offenders."

The NSOPR provides an opportunity for all states and territories to participate in an unprecedented public safety resource by sharing comprehensive, free-of-charge public sex offender data with citizens nationwide. With a single query from any web-capable computer, NSOPR searches public state and territory sex offender registries to deliver matched results based on a name, state, county, city/town, or zip code. The remaining public sex offender registries are expected to be linked to the NSOPR within six months. The site is located at www.nsopr.gov.

The NSOPR uses the Internet to search for and display public sex offender data from state and territory registries. The technology for NSOPR is both time- and cost-effective. Web services and DOJ's Global Justice eXtensible Markup Language (XML) common computer language establishes a link between existing state and territory public sex offender registries. The link allows data from different hardware and software systems to be recognized and shown through the national search site.

There are over 500,000 registered sex offenders nationwide and statistics have shown the recidivism rate for these offenders is high. Access to public registry information nationwide is essential for citizens to help identify sex offenders beyond their own streets or neighborhoods.

States Currently Linked to the Department of Justice's National Sex Offender Public Registry

Arizona	Maryland
Colorado	Nebraska
Delaware	New Jersey
District of Columbia	Nevada
Florida	Ohio
Hawaii	Pennsylvania
Idaho	Rhode Island
Illinois	Tennessee
Kansas	Utah
Kentucky	Virginia
Louisiana	Wisconsin

Registered Offender Audit Results

by Sandy Meier, PSA II
Kansas Bureau of Investigation

Our Kansas Registered Offenders Audit has been completed and the results tabulated.

190 offenders were selected for the audit which comprised 5.2% of the offender population. 43 sheriffs were asked to participate in the audit and all 43 participated.

- 38 registered offenders were not compliant with address requirements as determined by the verification process (20%)
- 13 registered offenders' address records were updated
- 25 registered offenders' address records remain unverified (13.2%)
- 53 registered offenders were not compliant with providing current employment information as determined by the verification process (28%)
- 27 registered offenders' employment records were updated
- 26 registered offenders' employment status remain unverified (13.7%)

Several sheriffs, although not selected for inclusion in the random audit, nevertheless, used the occasion to personally check on their local offenders too. And several have now initiated personal-contact programs for the future.





Domestic Violence

by Bill Reid, Research Analyst II
Kansas Bureau of Investigation

Occurrences of Domestic Violence are tracked through KIBRS. K.S.A. 22-2307 and 22-2308 require all law enforcement agencies to have written policies regarding domestic violence that includes a statement of policy which requires law enforcement officers to make an arrest when they have probable cause. Domestic violence can be defined as any harmful physical contact or threat thereof, or destruction of property between associated individuals or formally associated individuals, used as a method of coercion, control, revenge or punishment. Associated individuals are defined as spouses and former spouses, whether residing together or not, persons involved in an intimate relationship, persons who formerly were involved in an intimate relationship and persons, eighteen years of age or older, who are blood or step related to one another.

The requirement to submit reports on domestic violence is mandated in K.S.A. 22-2307 which specifies in paragraph (9) “whether an arrest is made or not, a standard offense report shall be completed on all such incidents and sent to the Kansas Bureau of Investigation.” The KSOR will document the origin and nature of the call, disposition of the parties involved, and all circumstances surrounding the incident, including the presence of children. A KSAR is also submitted if an arrest is made.

When submitting an offense report for a domestic violence case, make sure to check the appropriate box in the method of operation section titled “Incident Activity”. The two choices for a domestic incident are “domestic violence” or “domestic violence with children present”.

The question has come up as to what is meant by “DV with child present.” If a child under the age of 18 is on the property when a domestic violence situation occurs, the agency should flag the report as DV with children present.

If the victim or suspect is under the age of 18 and there are no other minors on the property the case should be flagged as “DV with no children present.

We have two other reminders regarding domestic violence.

1. When reporting using the domestic battery statute you must still mark DV in the method of operation section.
2. When making an arrest in connection with a domestic violence incident, you must mark “domestic” on the arrest report. Do not mark both “adult” and “domestic” as the system will only accept one.

If you have any questions regarding domestic violence don’t hesitate to contact me at bill.reid@kbi.state.ks.us

2005-2006 KIBRS Reporting Deadlines

- October 14, 2005: Third Quarter deadline. All July-September 2005 data submitted to the KBI headquarters.
- January 13, 2006: Fourth Quarter deadline. All October- December 2005 data submitted to the KBI headquarters.
- January 20, 2006: Deadline for all January-December 2005 data to be submitted to KBI headquarters for inclusion in the FBI Crime in the United States publication and other Annual Statistic Reports.
- April 7, 2006: 2006 First Quarter deadline. All January-March 2006 data submitted to the KBI headquarters.



Kansas Standard Arrest Reports Quality Issues

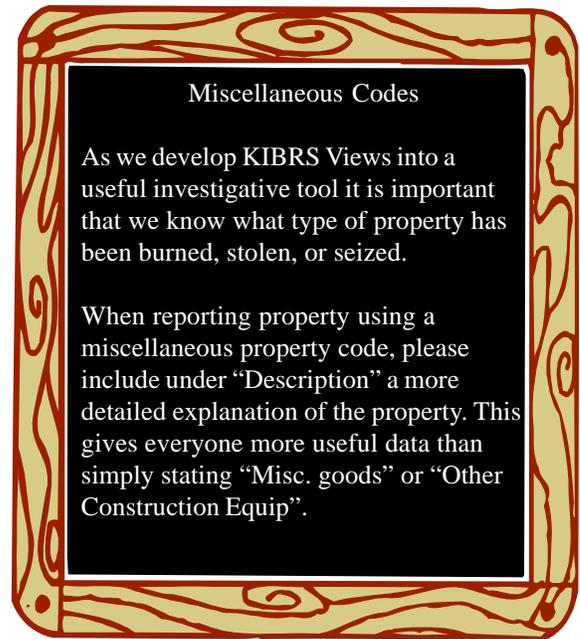
by Janell Zeiler, PSAII

Kansas Bureau of Investigation

- Data on persons taken into custody for other jurisdictions should not be reported by the arresting agency to the Kansas Incident Based Reporting Section. The agency, for which the arrest was made, ie; the jurisdiction where the offense occurred, will report the arrestee data, and thus, duplication in reporting will be avoided. Most agencies will maintain a separate record of the arrest for administrative use.
- The Arrest Transaction Number is the number assigned to an arrest report to identify it uniquely. It is assigned by the state on a preprinted Kansas Disposition Report (KDR), or if the agency uses the state provided case management software for fingerprinting purposes it is assigned automatically within the program when a new card is created. If an agency is using a livescan machine an arrest transaction number will be created automatically for each arrest. This number is unique per arrestee, per arrest action. This number can not be reused.
- When an agency arrests an individual for an incident that is/was domestic violence related, the KSAR should be marked as domestic violence. Failure to flag offense and arrest reports correctly will result in inaccurate domestic violence stats at the end of the calendar year.
- When an individual is arrested on a Failure to Appear, it should be reported by the agency holding the original case.

Effective January 1, 2006:
KIBRS will no longer accept
the premise code of "42"
vehicle.

Please report the premise by
where the vehicle was parked.



NCIC/KCJIS Audits

by Larry Warders, CJIS

Kansas Highway Patrol

The Kansas Highway Patrol CJIS Unit has been very busy the past two months completing the federally mandated triennial audits for the Kansas user agencies. These audits will continue through October.

Included in the Kansas Highway Patrol audit program is the auditing of the federally mandated Wanted Person File, Missing Person File, Protection Order File and Stolen Vehicle File, along with a courtesy audit (not scored for compliance) of the Kansas Warrant File. This current cycle (concluding at the end of 2005), will wrap up the courtesy audit of the Kansas Warrant File.

The next audit cycle, beginning in 2006 (and concluding in 2008), will include the assessment of the Kansas Warrant File, for the same compliance standards as the NCIC Files. Agencies that have not practiced the concept of packing their records and/or good record keeping practices will now be assessed for compliance in this file as well.

The Kansas Highway Patrol CJIS Unit has been actively preparing for the FBI audit, which includes the state of Kansas and selected local agencies.



NAME CHANGES IN WEB TAC ADMIN

by Denise Wheeler, Network Control Supervisor
Kansas Bureau of Investigation

It has been brought to my attention that there may be some confusion regarding name changes in Web TAC Admin. It is KBI policy that no one is allowed to change a User ID due to a change in marital name status. The User ID's are used to track KCJIS usage/transactions for the lifetime of the user and are not linked with a newly created User ID added in Web TAC Admin. By allowing a user to be given a new User ID we lose the ability to properly track the User's transactions and usage by the User ID. When a User ID for a current employee is inactivated and that same employee gets a new User ID the tracking is lost for the old User ID for auditing purposes. If an Audit is requested on a specific User ID for the past year but six months into that year the User ID was changed you would have to know both User ID's to find the information. The only changes to be made regarding marital name change is to change the **last name only** in Web TAC Admin (by the TAC) and in ACE (by KBI staff) leaving the User ID intact. When an employee leaves your agency and returns to work for that same agency the original User ID should be used.



ALERT NL TRANSACTIONS

by Troy Kinney, Network Control Tech. III
Kansas Bureau of Investigation

On April 18th 2005, Missouri's Automated Law Enforcement Response Team (ALERT) changed their Kansas connection from bi-sync to TCP/IP. In doing so, an edit was modified in the ALERT NL (Name Inquiry). The edit requires the date of birth be entered in the following format: MMDDYY. Prior to this change, agencies were able to run NL transactions with the date of birth formatted as YYYYMMDD. The field edit on the NL message key form in Datamaxx and PsPortals has to be changed to accept the new format. Until the software is updated, there is a workaround. For those agencies authorized to run ALERT transactions; enter the date of birth as MMDDYY, override any errors generated from the message form, and the transaction will return a response.



OIS – Original Issue Date

by Troy Kinney, Network Control Tech. III
Kansas Bureau of Investigation

The Kansas Department of Revenue (KDOR) has added an Original Issue Date (OIS) field to all in-state driver's license records. This field reflects the date the driver's license was originally issued to the subject. Original issue dates were not maintained in KDOR's databases prior to 1992. Therefore, any issue date prior to 1992 will show the birth month and day of the subject followed by the year 1991.

GSA Fleet Information



by Troy Kinney, Network Con. Tech. III
Kansas Bureau of Investigation

GSA (General Services Administration) Fleet is a federal entity that leases non-tactical vehicles (including automobiles, passenger vans, light, medium, and heavy trucks, buses and ambulances) to over 75 participating federal agencies throughout the U.S. and abroad. GSA Fleet is one of the largest non-tactical federal fleets in the U.S. government. Their total fleet of over 200,000 vehicles can now be queried through NLETS, but this does not make up the entire federal fleet. Many federal agencies manage their own vehicles and are not yet available via NLETS. GSA Fleet vehicles can be distinguished from other government vehicles by their license plates. GSA Fleet license plates consist of a "G" followed by seven alphanumeric characters. GSA Fleet's state designation code for query purposes is "GS".

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>



by Sandy Meier, PSA II
Kansas Bureau of Investigation

The KBI Offender Registration Unit (ORU) would like to thank all agencies for their continued efforts in collecting and submitting all information that makes up our Offender Registration database.

Please remember that when a Registered Offender is incarcerated in your facility that upon release, whether to another facility or back into the public, that you notify the ORU. If an offender is being released back into the public please complete the Kansas Offender Registration Form with the offender and mail to the KBI ORU. If an offender is being transferred from one facility to another you can submit that by e-mail, fax or regular mail.

We encourage agencies to take a photo of an offender and submit it to the ORU whenever you have the opportunity. This will provide a better service to anyone viewing the KBI Registered Offender Website.

When completing an initial registration, a photo and fingerprint card are required in order to fulfill registration requirements.

Thank you again for helping us maintain our Kansas Offender Registration Database.

KBI Offender Registration Unit - Contact Information

Shelia Sawyer-Tyler, phone 785-296-6656, e-mail shelia.sawyer@kbi.state.ks.us

Shawna Hanrahan-Lowrey, phone 785-296-6678, e-mail shawna.lowrey@kbi.state.ks.us

Sandy Meier, phone 785-296-8277, e-mail sandy.meier@kbi.state.ks.us

Fax number for the Offender Registration Unit is 785-296-6781.

Livescan Fingerprint Device Contract

The Kansas Division of Purchases has extended the current contract for livescan devices. Any local or state agency may take advantage of this contract to purchase a livescan or related services. This version of the contract is good through December 31st of this year and can be found at the following link:

<http://da.state.ks.us/purch/contracts/ContractData/06513.doc>

The KBI will take action to replace this contract with a new one that includes additional livescan functionality such as palmprints and mugshot photographs. The new contract should be available at the beginning of CY 2006.

Justice XML Project to Be Completed by Spring 06

by Gordon Lansford,
KCJIS Director

Kansas was one of six states to be awarded a grant from the National Governors Association (NGA) earlier this year. All six grants are funding projects that will further the use of XML within the Justice Community.

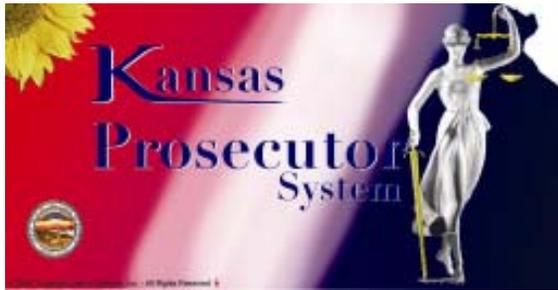
Kansas has a team of eleven individuals from eight state and local agencies dedicated to successfully completing the project by May 2006. The project is divided into two parts:

- (1) Convert the KCJIS Standard Data Element Dictionary (1500+ data elements) to the new Global Justice XML Data Model (GJXDM). GJXDM will become the new data standard for the Kansas criminal justice community, as well as all other criminal justice users in the United States.
- (2) Provide a “proof of concept” by actually creating an electronic exchange of information using GJXDM between two agencies. The specific exchange for this proof of concept will be the electronic submission of Kansas Disposition Reports (KDR’s) from the Shawnee County District Attorney’s office to the KBI.

Once the project is complete it will not only advance Kansas into the use of the newest technology standard within the justice community, but will provide a “model” for other states who wish to implement a similar system. In addition all criminal justice agencies in Kansas will have access to a current state-of-the-art data model for their

own use. It will be available to any agency applying for federal grants since Justice XML is now a requirement for all new development.

Once the grant project is complete the new data standard will be presented to the KCJIS Committee for approval and will replace the current standard, which has been in use since 1996. For additional information on this project or Justice XML please contact Shawn Brown at the KBI (Shawn.Brown@kbi.state.ks.us) or Shlomo Ginsburg at the Kansas Department of Corrections (ShlomoG@kdoc.dc.state.ks.us).



Kansas Prosecutor System (KPS) Connects to Courts (FullCourt)

by Gordon Lansford
KCJIS Director

The Kansas Prosecutor System (KPS) continues to expand throughout Kansas as additional prosecutors install the system. The Barton County Attorney's office became the sixth county to install the system in August 2005. Our congratulations to them for joining the Riley, Leavenworth, Pottawatomie, Ellis, and Finney County Attorney's in using the newly developed system. It is a complete prosecutor case management and accounting system, **"developed by Kansas Prosecutors, for Kansas Prosecutors"**.

The Douglas County District Attorney will join the list of offices using KPS before year-end, as will the Cowley County Attorney. **Installations are currently being scheduled starting in January of 2006.** If you have an interest in being added to the list please call Gordon Lansford, KPS Project Manager, at 785-633-7700. We will have the capability to install at least three offices per month beginning in January, maybe more depending on their size and location. Training is done on site and there is no case data-entry required to begin using the system. In most cases the system is installed, staff is trained, and the new system in completely operational within one or two weeks, depending on the size of the office. It is very easy to install and learn how to use the system.

The most significant news regarding KPS is that both Leavenworth and Ellis Counties have **electronically connected the prosecutors to the courts.** This capability allows two-way exchange of electronic information between the two offices.

For example, when the prosecutor receives a KSOR from law enforcement and creates the case within the Kansas Prosecutor System a "send" button allows the prosecutor to forward all the case information electronically to the court, which can review and "accept" the case. Once that is done FullCourt assigns a case number to the new case and automatically returns the newly assigned case number to the prosecutor. From that point forward all information regarding the case can be exchanged electronically between the two systems.

As another example of the electronic interface capability, if an action is taken in the court such as a hearing date being set, or changed, the information is sent automatically to the prosecutor and their records reflect the new information. The prosecutor also receives an alert that new information on the case has been received. The prosecutors using the new electronic interface capability, as well as the courts, indicate that it has improved efficiency for both.

If you have questions regarding the Kansas Prosecutor System (KPS), or would like to see the system in use please call or email Gordon Lansford at gordon.lansford@da.state.ks.us. KPS will be available for viewing at the KCDA meeting in Overland Park on October 17-18, 2005.

2005 KIBRS Statute File

The most recent version of the KIBRS statute file has been released. Agencies using a vendor to submit their data electronically to the KBI were emailed a copy of the file. If your agency did not receive this file you may access a copy at the KCJIS site <http://www.kcjis.state.ks.us>. Go to Services and info then to statute downloads. Should you have any questions contact Janell Zeiler (785)296-8279 or Bill Reid (785)296-8242.



NEWSLETTER

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

Roger Werholtz, Chair
Secretary of Corrections

Director Larry Welch, Vice Chair
Kansas Bureau of Investigation

Council Members

JaLynn Copp
Asst. Legal Counsel
Office of the Governor

Colonel Bill Seck
Superintendent
Kansas Highway Patrol

Justice
Donald Allegrucci
Kansas Supreme Court

Eric Rucker
Deputy Attorney General
Office of the Attorney General

Acting Commissioner
Don Jordan
Juvenile Justice Authority

PRESORTED
STANDARD
US POSTAGE PAID
TOPEKA, KS
PERMIT NO. 157

OFFICE OF THE ATTORNEY GENERAL
KANSAS BUREAU OF INVESTIGATION
INFORMATION SERVICES DIVISION
1620 SW TYLER
TOPEKA KS 66612-1837