



KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL

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KIBRS REPORTING 101 Part 1: Separation of Time and Place

by Bill Reid, Research Analyst II
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This is the first in a series of articles that will address some common errors and problems that are showing up during agency quality assurance audits.

Understanding the separation of time and place rule will help clear up a large number of errors that are made on offense and arrest reports. Simply stated, “Same time and place” means the time interval between the offenses and the distance between the locations where they occurred are insignificant. The offenses must have occurred during an **unbroken time duration** and at the **same or adjoining location(s)**. The only exception to this rule is in the case of embezzlement, which by definition indicates the crime occurs over a period of time.

The most common reporting errors in respect to time and place involve forgery. If an individual has forged checks at Walmart, a gas station, and grocery store; three KSORs are required. Since the locations of the three forgeries and the time with which they were committed are different, each act should be reported as a unique incident. An easy reminder is: if the incident location is different there **must** be a separate offense report submitted.

If the incident location is the same but the offenses occurred at different times (they almost always do in forgeries) it would also require more than one offense report.

Another common mistake regarding time and place and forgeries involves the theft of the checks that are forged. If the checks were stolen at the same location they were forged then one offense report is allowed. However, in most instances the checks are stolen from the victim’s house or car and forged later at a business. Since both time and location of these offenses are different, more than one offense report is required.

While we understand that this may require more work on the part of the officer, it is necessary for the sake of accurate reporting and the additional information may assist in future investigations through the use of KIBRS Views.

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Kansas Connects to National Fingerprint File

by Dave Sim, SAC
Kansas Bureau of Investigation

For the past several years, the KBI has been in the forefront of electronic connectivity with the national criminal justice databases such as the Interstate Identification Index ("Triple I"), the fingerprint record submission system ("IAFIS") and the NCIC/NLETS network. We've gained a good (and deserved) reputation for leading-edge electronic data exchange with our sister states and with the FBI.

On January 8th, Kansas became the eighth state in the nation to connect to the National Fingerprint File of criminal history information; reaching the status of "senior partner" with the FBI in the maintenance and release of criminal history records. The special status as an NFF state permits Kansas to control Kansas-generated arrest fingerprint records while at the same time electronically sharing criminal history records with federal and state law enforcement officials around the country. Participation in the NFF program represents the most sophisticated level of automated data exchange between a state and the national criminal justice community.

Kansas joins the ranks of Florida, North Carolina, New Jersey, Oregon, Montana, Oklahoma and Colorado as a full NFF participant.

Prior to January 8th, Kansas sent a duplicate fingerprint record to the FBI for each felony and serious misdemeanor arrest made in the state. The state central repository at the Kansas Bureau of Investigation and the national repository at the FBI both kept duplicate fingerprint and data records for each such arrest.

Despite this duplication of services, the FBI records are generally less complete than the corresponding record at the KBI because the national record is often missing dispositional information from prosecutors and courts. Thus, it is to the benefit of the requesting agency that a subject's Kansas record be obtained from the KBI rather than from the FBI.

Under the operating rules of NFF, only the subject's first fingerprint record is sent to the FBI; fingerprint

cards for subsequent arrests are kept by the KBI but are not sent to the national repository. The FBI no longer maintains a duplicate database for Kansas records. As an NFF participant, Kansas now updates its own records and simply notifies the FBI by electronic message when a criminal is processed for subsequent arrests. The FBI recognizes that Kansas is the "owner" of the criminal history information and, under the rules for NFF participation, the KBI agrees to release that criminal history to all authorized requestors. This release is made automatically and electronically, 24 hours per day, 365 days per year over a secure computer network.

Currently the KBI receives and processes over 130,000 criminal fingerprint records each year. The central repository for criminal history records holds criminal histories for almost 800,000 persons. During 2005, over one million record checks of the Kansas central repository were conducted.

When a law enforcement officer in another state needs a criminal history record on a subject of an investigation, the request for the record is sent to the FBI. The FBI repository identifies the subject and, from their records, determines which states hold criminal history information for that subject. If Kansas has some or all of the subject's record, the FBI repository will electronically tell the KBI repository in Topeka to send that record to the requesting law enforcement officer. All of these transactions occur automatically and instantaneously, without staff intervention.

Because only the first arrest fingerprint record is sent to the FBI, the transmission of records from Kansas to the FBI is reduced significantly under NFF, reducing the complexity of data exchange between the state and the national repository. More importantly, the quality and completeness of criminal history record information is improved by relying on Kansas to release its records rather than having the less-complete national version of the record released.

2004 NIBRS Publications

The Federal Bureau of Investigation released the annual *Crime in the United States, Law Enforcement Officers Killed and Assaulted Report and Hate Crime Statistics* for 2004. The Incident Based Reporting Section mailed copies of these publications to several agencies throughout Kansas in October 2005. If your agency did not receive the listed publications and would like a copy please contact Janell Zeiler at 785-296-8279 or janell.zeiler@kbi.state.ks.us.

2006 CJIS Law Application Training Schedule

The CJIS Law Enforcement Application is a comprehensive software package for case management and reporting to the Kansas Incident Based Reporting Section. The program provides a powerful yet easy-to-use tool for entering, finding and reporting information and transmitting information electronically, via the KIBRS gateway. The application has the capability to generate a variety of required forms including:

- Kansas Standard Offense Report
- Kansas Standard Arrest Report
- Fingerprint Card
- Kansas Disposition Report

The application also features several different search capabilities, case management, a calendar feature and the ability to enter local codes and information in the lookup tables.

The Incident Based Reporting Section has scheduled several CJIS law application software training classes throughout 2006. If your agency would like to send a representative to one of the regional training locations, please contact a KIBRS Program Consultant to register. The seating is limited to twenty students per class and the deadline for registration is two weeks before the date of the class.

Please contact KIBRS Program Consultants Dawn Hefton 785-296-8278 or Mike Robb 620-658-4422.

CJIS Law Application Training Schedule

<p>March 30, 2006 Chanute Police Dept 8:00 a.m.-5:00 p.m.</p> <p>April 13, 2006 KHP Troop-Hays 8:00 a.m.- 5:00 p.m.</p> <p>May 25, 2006 Hutchinson Community College 8:00 a.m.-5:00 p.m.</p>	<p>April 11, 2006 KHP Academy- Salina 8:00 a.m.-5:00 p.m.</p> <p>May 23, 2006 Garden City Community College 8:00 a.m.-5:00 p.m.</p> <p>July 11, 2006 Washburn University Topeka 8:00 a.m.-5:00 p.m.</p>
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Summary Agencies

Information packets for agencies reporting Summary data for 2005 have been mailed to those agencies that are required to fill them out. Please make sure these forms are completed and returned to our office. This data is used for reporting to the FBI as well as for the Domestic Violence/ Rape book that is published by the Governor's office. Agencies that do not return the forms by the deadline will be flagged in publications as "Did Not Send Complete Data for 2005".

In 2006, these reports will be done on a quarterly basis as opposed to the annual collection we are currently doing. This was a recommendation made by the FBI during our UCR audit last fall.



Kansas Disposition Reports – Case Charges

by Barbie Berggren, PSAII
Kansas Bureau of Investigation

A question received from a prosecutor involved whether to report all charges involved in a specific case, or only the charges that result in a conviction.

The Kansas Bureau of Investigation Central Repository requires all charges be reported on the Kansas Disposition Report (KDR). The arresting agency will list the charges at the time of arrest, the prosecutor may add, decline, or amend those charges in any fashion, and the court can amend or dismiss at their discretion. Every single charge from any segment of the criminal justice system must be reported on the KDR for a specific arrest or transaction.

For example, an arresting agency charges a defendant with Burglary and Criminal Damage to Property. The case is presented to the prosecutor who elects to amend Burglary to Criminal Trespass, add a charge of Obstruction of Justice, and decline the Criminal Damage to Property charge. The case results in conviction of Obstruction of Justice and a dismissal of Criminal Trespass. The results on this case as filed by the prosecutor presents a final disposition of one charge as convicted (01) and one charge as dismissed (22, 23, or 28). The declination of Criminal Damage to Property is addressed in the prosecutorial segment with the proper code (60). Each one of the offenses must be addressed in the KDR with a disposition code which gives the Central Repository a final closure for the case and all offenses mentioned therein.

One of the best ways to address questions as to whether or not to report a charge to the Central Repository is: "When in doubt, report it."



Registered Offender Sheriff's Report Update

by Sandy Meier, PSA II
Kansas Bureau of Investigation

The Sheriff's Report has been redesigned to provide your agency more information from the offender registration database. The new format includes 7 lines of information.

- **Registered Offender:** Offenders full name, race, sex, date of birth, KBI criminal history number and the Release Status Code.
- **Supervision Officer:** Name of the person supervising the offender. If we have been informed that an offender is "Off Supervision" or "Discharged" it is so marked.
- **Address:** Address where offender is currently living, including city, state, zip code and when updated.
- **Mailing address:** Address where offender receives his/her mail if different than physical address.
- **School/college:** Where if the offender is currently attending a school/college and when updated.
- **Employment:** Name of employer, including address, city, state and when updated
- **Vehicles(s):** Vehicle information as listed by the offender

Information in our database is collected from the initial registration forms, updated registration forms, 90-day verification letters, change of addresses from offenders and/or law enforcement agencies, DOC-KASPER website and information from the supervising officer while offender is on probation/parole.

It is our goal to keep the offender database as current and as accurate as possible. The Sheriff's Report, formerly known as the Sheriff's Quarterly report, is now mailed to the Sheriff's Offices and District/County Attorney's office monthly. This information reflects the offenders registered in your county. We thank you for taking time to examine the list and ensure it is an accurate reflection of your records. If there are any discrepancies, or if you have any questions about the information provided, please do not hesitate to contact the KBI Offender Registration Unit (ORU).



KIBRS No Longer Allows Premise Code for Vehicle "42"

by Janell Zeiler, PSA II

Kansas Bureau of Investigation

The Incident Based Reporting Section at the KBI implemented some changes to reporting requirements that will affect KIBRS submissions from local law enforcement agencies throughout the state. The IBR section had hoped to make this transition as smooth as possible. The official announcement was published in the October 2005 edition of the KCJIS newsletter.

The following change went into effect on January 1, 2006:

The premise code of "42" will no longer be allowed in the KIBRS database. If a crime occurs within a vehicle, agencies should be reporting the premise where the vehicle was physically located. For example: If a vehicle is parked in Wal-Mart's parking lot and there is an incident reported for criminal damage to property, the premise code would be "25" department store. The property section on the Kansas Standard Offense Report provides the IBR Section with the vehicle information. If a car is stopped on a city street for DUI and drugs are found during a vehicle search, the premise code would be "02" for city street. This will allow crime analysts to identify where cars are actually located when the crime occurred.

If you should have any questions, comments or concerns please feel free to contact Janell Zeiler at (785) 296-8279 or Bill Reid at (78) 296-8242.

Why I Got a Mailback!

Please do not put "See KSAR" on the offense report for Suspect Information. This can not be accepted and the reports will be returned to your agency. In most instances we do not receive the KSOR and KSAR at the same time making this notation ineffective.



NEWSLETTER

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