



KCJIS News



VOLUME 11, ISSUE 2

MAY 2009



2009 Legislative Action - Criminal Justice

Ed Klumpp, Kansas Association of Chiefs of Police

The 2009 Legislature has passed several statute revisions impacting some KCJIS users. The following is a synopsis of those issues:

Dispatcher and Law Enforcement Interest

HB 2126 (Kelsey Smith Law) requires telecommunication companies to provide location information to law enforcement when needed to locate a person believed to be in danger. The KBI is responsible for developing regulations and contact information. (Effective 4-30-09)

SB148 creates the "Silver Alert Plan" encouraging law enforcement to use media resources when attempting to locate missing adults who may be in danger. The Attorney General's Office is charged with developing protocol for this. (Effective 4-2-09)

HB2147 (Move It Law) requires vehicles involved in accidents to be moved from the roadway on interstate, US, K highways, and other multilane roadways when there is no apparent injury and no hazmat material involved if the vehicles are drivable. (Effective 7-1-09)

HB2236 recodifies the drug laws in chapter 65 and moves them to chapter 21. There is no substantive change in the law but the statute numbers will all change requiring updating statute files in many of our software programs. (Effective 7-1-2009)

Vehicle Registration and other traffic law changes:

SB123 allows an antique vehicle to use an antique license plate issued by a KS city or a replica issued by the state. (Effective 7-1-09)

SB158 allows a person whose driver's license has been suspended for failing to appear to obtain a restricted license prior to closure of the case if they are current on payments and other case requirements. Contains a requirement for courts to electronically notify the state of status. (Effective 7-1-09)

SB275 Changes the definition of all terrain vehicle due to an increase in the size of those vehicles. Also removes "implement of husbandry" from the definition of nonhighway vehicle. (Effective 4/23/09)

HB2134 changes the disability requirement for disabled veteran tags from 100% to 50%. It also will limit the new issue of personalized tags so that the same plate number cannot be duplicated in the state. In other words, they can't be repeated in each county. (Effective 4-23-09)

HB2143 creates the graduated driver's license in Kansas and will change the licensing provisions for new drivers. (Effective 1-1-2010)

HB2152 amends the definition of Micro utility truck. Also amends the definition and clarifies operation parameters for worksite utility vehicles. Also allows cities to authorize the use of golf carts on the city streets but restricts their use on roadways outside cities. (Effective 7-1-09)

INSIDE THIS ISSUE:

2009 KCJIS Conference 2

Kansas Missing Persons Update 2

LOCATER Update 3

Missing Children Poster Winner 3

CSO Comments Trace.com 4

AFIS: Interstate Fingerprint Ident 5

RapID/DigiScan Successes 6

Fail to Register/ Sex Offense Recidivism 7

KBI Help Desk Update 8

2009 NIBRS Training 9

2009 KCJIS Conference

Mary Chambers, Department of Corrections

The Kansas Criminal Justice Information System 2009 Conference will be held in Topeka at the Ramada Hotel on June 8th and 9th.

A reception is being sponsored by CPI (Computer Projects of Illinois) on Sunday evening, June 7th.

We are planning two full days packed with demonstrations and information to provide you with useful information to assist in your day-to-day tasks. From opening speakers to luncheon speakers and numerous other presenters, each day will have six one-hour sessions. Numerous topics are being finalized and materials are being gathered to make this year's conference productive and worthwhile.

John Douglas, Chief of the Olathe Police Department, Johnson County, will speak on the Kelsey Smith murder during one of our catered lunches.

Registration is now open on the 2009 KCJIS Conference website:

<http://www.kscourts.org/KCJIS.asp>.

You are responsible for making your own hotel reservations at the Ramada Hotel at 420 SE 6th Ave, Topeka. Phone (785) 234-5400.



Kansas Missing Persons Update



Judy Ashbaugh, Kansas Bureau of Investigation—Missing Persons

Please contact the Missing/Unidentified Person Clearinghouse at 785-296-8244 for a list of persons entered into NCIC by your agency who have been missing for more than 30 days. This list can be created upon request.

K.S.A. 75-712 c states:

Within a reasonable period of time, and in no case longer than 30 calendar days, follow-up forms from the national crime information center or the Kansas bureau of investigation, or both, shall be given to the reporting party, to be completed and returned to the law enforcement agency. The data reported on the follow-up forms shall be entered immediately into the missing person system of the national crime information center and the missing and unidentified person system of the Kansas bureau of investigation.

Remember, the more complete an NCIC entry, the more likely an agency will receive a hit.



Lost Child Alert Technology Resource

Judy Ashbaugh, Kansas Bureau of Investigation— Missing Persons

FREE POSTER SOFTWARE

If your agency does not have the free web-based LOCATER ® system from the National Center for Missing and Exploited Children (NCMEC), you should consider getting it. The LOCATER ® program allows a law enforcement agency to rapidly distribute, in poster format, images and information about missing persons, wanted persons, crime alerts (including Non-Compliant Registered Offenders), and reward offers. An agency can either e-mail or print the posters for distribution. The posters can be customized with your department logo and can be created in English, French and Spanish.

LOCATER ® is provided to law-enforcement agencies without charge. The application is available at: <http://www.locaterposters.org>.

If your agency needs a poster created and does not have the LOCATER ® system, or has a missing child case for which you need help in up-loading to the NCMEC web site, contact Judy Ashbaugh at the Kansas Bureau of Investigation Missing Person's Clearinghouse, at (785) 296-8244, or email judy.ashbaugh@kbi.state.ks.us,

If you have any questions about this program, please contact Judy at the above number or the LOCATER ® staff at (877) 446-2632, ext. 6389.

2009 Kansas Missing Children's Day Poster Contest Winner

Judy Ashbaugh, Kansas Bureau of Investigation— Missing Persons

The winner of the 2009 Kansas Missing Children's Day Poster contest is Hannah Judy, a 5th grader from Blue River Elementary School in Overland Park., Kansas. Hannah, her parents, and teacher were in Topeka on March 30, 2009 where she met Lt. Governor Mark Parkinson, Attorney General Stephen Six, and KBI Director Bob Blecha. Hannah was presented with a certificate then she and her guests were then given a tour of the capitol. To view the poster and explanation of the poster, please visit: <http://www.accesskansas.org/kbi/missingpersons.shtml>. For the contest rules and judging criteria, please visit: <http://ojjdp.ncjrs.gov/programs/postercontest/index.html>.

Hannah's poster has been forwarded to the Office of Juvenile Justice and Delinquency Prevention for judging in the National contest. The National winner will be notified on May 1, 2009. The national winner will attend the National Missing Children's Day ceremony in Washington, D.C. on May 21st.

Governor Kathleen Sebelius has signed a Proclamation declaring May 25th, 2009 as Kansas Missing Children's Day.



KBI Director Robert Blecha, Lt. Governor Mark Parkinson, Hannah Judy, Attorney General Stephen Six, Mrs. Judy, Mr. Judy.



Legislative Action—(continued)

HB2188 authorizes Dealer-Hauler full privilege trailer license plates. (Effective 7-1-09)
New Specialty Tag: Support the Arts.

Court, Prosecutor, and Law Enforcement Interest

HB2236 moves the criminal drug laws from chapter 65 to chapter 21. (Effective 7-1-09)

HB2096 adds requirements for prosecutors to obtain III and DMV records regarding DUI cases. Also requires municipal courts to assure submission of fingerprints and record of arrest to KBI at time of booking or first appearance, whichever occurs first, in DUI cases. (Effective 7-1-09)

HB2207 changes the fee for supervision of a person on bond from \$10/week to \$15/week.

You may view these bills in their entirety at:

<http://www.kslegislature.org/legsrv-legisportal/index.do>

Trace.com—CSO Comments



Capt. Randy Moon, Kansas Highway Patrol—CJIS System Officer

The December 2007 CJIS Advisory Policy Board (APB) approved a request for a pilot project to disseminate data from the National Crime Information Center (NCIC) Article File to TRACE, a private company that maintains a database of stolen, lost, seized, and recovered property. Individuals may enter information into the database in addition to reporting the theft to law enforcement. Individuals may also query the system to determine whether a stolen or lost item has been recovered and entered into the database.

Specifically, the APB motion approved a pilot for the dissemination of the NCIC Article data to private companies and noncriminal justice governmental agencies for the express purpose of either improving law enforcement operations or making public access to the data available via the Internet under the following conditions:

1. No individual personal identifiers will be provided with the article information. The private company obtaining the data, hereinafter referred to as the "receiving entity" will only receive the necessary information to identify an object, the reporting agency, and case report number of the stolen article.

2. The ability to access the receiving entity's copy of the article data will always be free to the public and law enforcement through a simple Internet search.

3. The receiving entity may not sell or transfer data in a way inconsistent with this motion. Any transfer of bulk data from the receiving entity is prohibited without the written approval from the FBI or the contributing law enforcement agency.

4. The FBI will make information available to the contributing law enforcement agencies regarding the date of any article data transfer, the name of the entity receiving the data, and their intended use of the data. The receiving entity, or FBI, must create a simple mechanism to allow agencies to decline participation in that entity's program.

5. The NCIC Subcommittee shall oversee the use of the data and may revoke any entity's right to use existing and future data for failing to comply with these terms.

6. The NCIC Subcommittee will monitor the pilot project for a period of up to 24 months from implementation and report their finding to the Working Groups for a recommendation as to whether the program should be modified, extended, terminated, or made permanent.

7. The receiving entities shall provide a silent notification to law enforcement agencies of potential hits on their stolen article records.

8. The receiving entity, or the FBI, will create a mechanism to allow states to decline participation, agencies to decline participation, or, when available, agencies can decline entry of specific records into the program.

CSO Comments continued

Furthermore, the APB stipulated that "... any entity wanting to receive the data must make an application to the NCIC Subcommittee to demonstrate how they will meet the above stated requirements and other operational requirements for communications, entry, and updating of records and any controls as established by the NCIC Subcommittee."

The pilot phase, as approved by the APB, will operate for a 2 year period. Although, at this time, TRACE is the only agency approved as a receiving entity, other agencies may petition the NCIC Subcommittee for approval to commence a pilot during the 2 year pilot phase.

The TRACE pilot project went live on April 1, 2009, with the potential of other receiving entity pilots commencing thereafter. At that time, information from the NCIC Article File will be made available, free to the public, at <Trace.com>. Agencies can see what the data will look like prior to the commencement of the pilot by searching the test database at <http://fbidemo.trace.com> and signing in with the credentials LE@trace.com with the password Idemo2009." This data is a test file and is not current. Data on the live site will be updated daily after April 1, 2009.

The project does not require any additional resources from the law enforcement agencies, but the state CSO was required to notify the FBI Point of Contact, Buffy M. Bonafield, if the CSO did not want Kansas to participate or if Kansas was prohibited from participating in the pilot by state law. I have informed the FBI that Kansas as a state is willing to participate and that local agencies in our state would have the option to opt out if they so choose.

Local and state agencies will be responsible for opting-out for their respective agencies. To learn more about the project or to opt-out and decline participation, the agency must go to <Trace.com>, and then click the "Law Enforcement Area" button. An agency may opt-out any time during the pilot phase.

If you have any questions regarding the pilot or the opt-in/opt-out procedures, please contact Ms. Bonafield of the FBI via e-mail bbonafie@leo.gov or via telephone at 304-625-2752.

New Livescan Feature: Interstate Fingerprint Identification

Tammy Sisk, Kansas Bureau of Investigation—Identification

The AFIS Host system at the KBI is being upgraded to support identification of tenprint fingerprint records in the Missouri AFIS at the Missouri Highway Patrol. This functionality is being programmed and should be operational later this summer. When this is up and running, a submitting agency can request a livescan record be processed by both Kansas (the KBI) and Missouri (MSHP). If the fingerprints are identified in the Missouri AFIS, the submitter can then retrieve the Missouri criminal history record through a III request.

Some livescan vendors have already included this optional search in the livescan operating systems delivered to Kansas customers. These vendors are allowing use of Tag 2.711 ("Interstate Identification") of the NIST fingerprint message map. While the submitting agency might now be able to request select additional states in which the record is to be processed, that additional identification is not currently being conducted. The Tag is ignored during processing and, until the connection is made between KBI and MSHP, searches of the Missouri AFIS are not supported. When this functionality is operational, livescan users will be notified.

Once the Kansas-Missouri connection has been established, we will begin working for a similar connection between Kansas and Oklahoma. Colorado, Iowa, and other states have also expressed interest in having direct connections with the Kansas AFIS; those projects will be considered as funding supports further expansion of fingerprint services.

RapID and DigiScan Web Produce Results

Ely Meza, Kansas Bureau of Investigation—Data Processing

A new function of the Kansas Automated Fingerprint Identification System (AFIS) is the ability to capture a subject's two index fingerprints, transmit them to the KBI, and (if the subject has an existing record in the state AFIS database) receive an immediate response of positive identification. This new technology supports two types of capture devices; one is a hand-held, wireless capture device with a display screen much like a personal data assistant (PDA), and the other is a wired capture device attached to a PC or laptop connected to the Internet.

RapID. The KBI has purchased sixty of the wireless units, known as RapID devices, from MorphoTrak, Inc., the vendor that installed the host AFIS at the KBI. The KBI has already issued five units to the Johnson County Sheriff, two to the Shawnee County Sheriff and two to the Topeka Police Department. The remaining devices have not yet been received from MorphoTrak. RapID devices support spot ID checks and suspect identification in the field.

DigiScan Web. In addition to the RapID units, the KBI also purchased ten of the capture devices that attach to a PC and connect to the KBI through the Internet. These are DigiScan Web units, and are also manufactured by MorphoTrak. To date, one has been assigned to the El Dorado Correctional Facility, two to the Johnson County Sheriff's Office and one to the Wichita Parole Services. DigiScan Web applications include courtroom identification, jail intake/release and movement control, pre-booking identification, probation reporting, and offender registration.

The KBI is considering future features for these devices, to include:

- Checking for local and federal warrants.
- Return of mug shot and rap sheet information with the identification message.
- Access to III, NLETS and NCIC.

The following are some reported RapID and DigiScan Web experiences:

"Well we have had our first (as far as I know) success with the DigiScan. Olathe brought in a subject using the name "X" who had a warrant out of their city. Upon checking his fingerprints with the DigiScan, they came back to a name "Y". He maintained who he was and was sitting in the vestibule while we tried to figure it out.

"Their mug shots were different and the suspect had several tattoos that name "Y" did not have. After a short period he finally owed up to who he was. Subject with name "Y" had several warrants out of District Court, Overland Park and KCK.

"This whole thing started with Leawood who had contacted him for parking in a handicap space and wrote him a ticket. He gave them the subject name "X" (who is his brother). Subject name "Y" knew he had our warrants and was probably unaware his brother had warrants out of Olathe. Olathe confirmed the warrants and responded to Leawood and picked him up and then brought him to us.

"Olathe is going to charge him with Obstruction, I have not heard if Leawood will charge him or not." - Deputy Mills, Johnson County Sheriff's Office, February 6, 2009.

"We have been very happy with the DigiScan Web here at EDCF. We feel confident that this is a step in the right direction of new technology. We have used the DigiScan Web for new intakes as well as for the Inmates that we are releasing and transferring out to other



RapID Unit



DigiScan Unit

RapID continued

facilities. I can definitely see how the DigiScan Web can help out everyone in the long run.” - Sgt. Agnes Linaweaver, El Dorado Correctional Facility, February 16, 2009

“I assisted Deputy Gaulter with a traffic stop on 03/07/2009. During the course of an investigation, a passenger verbally identified himself as subject “A”, B/M, 12/01/81. He also stated he had a KS DL, but no record could be found under that name. He submitted his fingerprints on RapID. We received a positive hit on those prints for subject “B”, B/M, 01/02/80. This identity was later confirmed along with a KDOC parole violation for kidnapping and agg robbery.” - Deputy Mills, Johnson County Sheriff’s Office, March 7, 2009.

“Tonight I was dispatched to assist OLPD with identifying a subject who claimed to be subject name “A”. RapID confirmed this subject’s identity was actually subject name “B”, W/M, 04/10/1985. It was then confirmed that subject name “B” had active warrants through Johnson County, Westwood, and his DL was also suspended”.- Deputy Mills, Johnson County Sheriff’s Office, March 24, 2009.

“I was contacted by Olathe ADC in reference to assisting in identifying a Hispanic individual. The subject was brought in by Overland Park PD and was booked in under “John Doe”. The subject was being charged with Identity Theft (using someone’s SSN). Originally I was contacted to attempt to translate, however it was determined he did not speak Spanish but a Nautahl language. Upon arriving I determined he spoke enough broken Spanish to get his first name – “X”.

“RapID confirmed this subject’s identity as “A” H/M 01/01/1970. Subject was ultimately booked in and deported by ICE”. - Master Deputy Edgar Castillo, Johnson County Sheriff’s Office, March 26, 2009

*“I was assigned to assist Olathe PD at location “X” this evening. During the course of the assignment, OLPD had an intoxicated subject who was unable to spell his name. The officer had just arrested the subject last month. They were unable to properly ID him to arrest him on various charges. I utilized the RapID and was able to successfully identify the subject based on a print hit”.
Deputy Chris Farkes, Johnson County Sheriff’s Office, April 20, 2009*

Failure to Register and Sex Offense Recidivism

Erik Wood—Kansas Bureau of Investigation—Offender Registration

In April of 2009, Lynn University and the Medical University of South Carolina released a study that analyzed the likelihood of a non-compliant sex offender reoffending. This study was done to study the relationship between failure to register and recidivism, and also to identify factors predictive of failure to register.

Interestingly, the study found no significant correlation between registration compliance and the sexual offense recidivism rate; those who were non-compliant with sex offender registration requirements were not statistically more likely to reoffend.

Results from this study do not support the supposition that sexual offenders who fail to register are more sexually dangerous than those who comply with registration requirements. Both non-compliant and compliant registrants had the same 13% rate of sexual offense recidivism over a ten year period. Failing to register did not predict sexual recidivism, a finding that is consistent with other research that notes that sex offenders are more likely to reoffend non-sexually than with a subsequent sex crime.

The study also found that those who had failed to register were younger, had adult victims, and had extensive non-sex-related criminal histories.

In Kansas those convicted of a drug crime are far more likely to commit a subsequent drug crime than a sex offender committing a subsequent sex offense. This conclusion is based on the number of registerable convictions of offenders have who are currently required to register in Kansas.

Lastly the study suggests that assisting sex offenders to reintegrate successfully may contribute in more meaningful ways to public safety than the strict application of the Adam Walsh Act.

News from the KBI Helpdesk

Tariq Azmi, Kansas Bureau of Investigation—Help Desk

The following issues have been recently resolved:



1. At the CPI Portal page when users launched the OpenFox Messenger an error message popped up indicating the Digital certificate has expired. We worked with the CPI developers and resolved the issue by renewing the digital certificate.
 - ◆ If the error message still pops up, clear your Java cache and Temporary Internet files or call the KBI Help Desk.
2. When deleting vehicle information record (or wanted person, sex offender, etc) you can now delete the entire Vehicle LIC set and Vehicle VIN by entering an asterisk (*) in the LIC/VCO field. This eliminates the need to enter a period (.) in each field to delete the data. You may utilize this method to delete the entire record contents for the following message keys:
 - ◆ MW, MT, MXS, MGM, MC, MPO, MTO and MM.
 - ◆ The MV does **not** have this capability since removing the vehicle information using this message key will remove the entire record
3. The ALERT Message keys are fixed and now transmitting queries correctly. Please be advised that DOB must be entered as MMDDYY, for example use 010161 for Jan 1 1961. **NOTE - This only affects KCJIS users that utilize the Alert message keys.******
4. Shared vs. Exclusive mode user setting is now working as intended. Shared vs. Exclusive mode is:
 - ◆ Shared mode: Users on any given terminal will be able to see all traffic from other users' sessions within their own agency. In other words they are "sharing" the Messenger traffic on that terminal.
 - ◆ Exclusive mode: A user set to Exclusive mode will only see his/her traffic in Messenger.
 - ◆ If two users share a terminal and one is set to Shared and the other Exclusive, the Shared user will be able to see the Exclusive user's traffic.
 - ◆ TAC's are responsible for deciding who gets what setting. This is on a per user account basis. This allows for the flexibility to have some users shared and some users exclusive.
5. Several Technical and Operational Updates (TOUs) have been applied. Please visit the KCJIS website and view the TOU changes/updates from NCIC. We have implemented all the TOU's listed on the site.
6. The NCIC code manual has been updated with the new vehicle makes and models, electronic equipment, etc. **Fleet tags** are usually on the larger vehicles such as UPS Trucks. They are red and white and the tag number starts with letter "F" followed by 6 numbers. They can be queried using ZQ77 form.

The TOUs updates and NCIC code manual can be found on the KCJIS web site at:
<https://www.kcjis.state.ks.us/Information/ncic/PeakPerformanceManuals/index.html>



For subscription information or to submit articles contact:

Bill Reid, Kansas Bureau of Investigation
Phone: 785-296-8242
E-mail: bill.reid@kbi.state.ks.us

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

Roger Werholtz
Chairman
Secretary of Corrections

JaLynn Copp
Vice Chair
Office of the Governor

Council Members:

Robert E. Blecha, Director
Kansas Bureau of Investigation

Justice Marla Luckert
Kansas Supreme Court

Col. Terry Maple, Superintendent
Kansas Highway Patrol

The Hon. Stephen Six
Attorney General

J. Russell Jennings, Commissioner
Juvenile Justice Authority

KBI Operations Bulletin

As a direct result of diminished budget and personnel resources, the Information Services Division of the KBI will no longer publish the Operations Bulletin. Information normally contained in Bulletin articles will be disseminated through the KCJIS Newsletter or other appropriate communications.

Those who subscribed to the Ops Bulletin will be added to the KCJIS Newsletter subscription list.

2009 NIBRS Training

Janell Zeiler, Kansas Bureau of Investigation—KIBRS

The Incident Based Reporting Section at the Kansas Bureau of Investigation has requested Greg Swanson, FBI Training Instructor/ NIBRS Implementation Coordinator conduct a training session in Topeka on July 21-22, 2009.

Mr. Swanson will be presenting information on the National Incident Based Reporting System. This will be a great opportunity to meet with state and federal representatives to answer questions regarding issues that your local agency may be experiencing.

The classes will be held on the campus of Washburn University. The seating is limited and we ask that each agency limit their registration to two individuals. The deadline for registration is July 3, 2009. If you would like to receive additional information regarding this training session or would like to register, please contact Donna Sheldon, 785-296-8276 or Janell Zeiler, 785-296-8279.