

## CHAPTER 105

### NATIONAL CRIME INFORMATION CENTER (NCIC)

DISCUSSION: In recent years, the capability of law enforcement agencies to identify and arrest wanted persons has been greatly enhanced through the efforts and computer capabilities of the National Crime Information Center (NCIC) which is maintained by the Federal Bureau of Investigation (FBI). This capability has, however, imposed a serious responsibility on Police Officers using it in regard to safeguarding the constitutional rights of citizens who may, through mistaken identity, be apprehended and/or confined. Thus Police Officers involved must conscientiously adhere to certain procedures in order to safeguard these rights. TO that end, the following guidelines have been developed pertaining to NCIC inquiries and entries.

#### 105.1 NCIC WANTED PERSONS

##### 105.1.1 Established Guidelines

Detailed instructions and criteria are on file in the Communication Section; outlined in the NCIC OPERATING MANUAL published by the U.S. Department of Justice, Federal Bureau of Investigation.

##### 105.1.2 NCIC Inquiry

Anytime an NCIC inquiry is made in the field, the officer shall have the person about which the inquiry is made under observation or positively know his/her whereabouts. However, an inquiry may be made for informational or investigative intelligence; if that is the case, then the officer shall advise the telecommunicator of same and the telecommunicator shall conduct the NCIC check. When inquiries are initially made, the name and date of birth shall be supplied and such further identifying information as is available, i.e. social security number.

##### 105.1.3 NCIC "HIT" Procedures

- A. Upon receiving a "HIT", the requesting officer shall ensure that the person is detained. An initial unverified NCIC wanted "HIT" may not be used as the sole basis for an arrest on a charge stemming from another jurisdiction. It may be used to:
  - 1. Form the basis of a threshold inquiry.
  - 2. Form the basis for a limited detention.
  - 3. Form the basis for a pat-down frisk for weapons if the facts and circumstances indicate there is some articulable reason for concern over the officer's safety.
- B. The telecommunicator shall contact the originating agency to verify the existence of the warrant and its validity. The telecommunicator shall further verify all information "description, social security number, etc." and note the name of the person or officer who verifies such information. If the telecommunicator is completely satisfied that the warrant is valid and the originating agency will extradite, the person may be held in custody and booked IAW Department procedure.

- C. In the case of a verified "HIT" where the originating agency will extradite, the officer shall ascertain from the arrestee whether or not he/she will voluntarily waive and so advise the telecommunicator to relay information to originating agency.
- D. If the subject is wanted, but the originating agency will not extradite or if the subject is reported as missing, but the originating agency will not make arrangements for custodial pick-up; or if the patrol supervisor is not completely satisfied that the subject is the wanted person, he shall be released. The patrol supervisor shall then ensure that a detailed report is prepared and forwarded to the Operations Bureau Commander prior to securing from that tour of duty.
- E. The originating agency shall be requested to send a teletype or fax confirmation to this Department concerning the validity of the warrant. The copy of the teletype or fax shall be attached to the report.

#### 105.1.4 Entering Persons Into NCIC As a Wanted Person

- A. Only NCIC certified operators may enter a person into NCIC. Improper entries, or failure to cancel a record may result in civil liability for false arrest or improper arrest of an individual; it may also result in the suspension of the privileged use of the NCIC system. The following criteria is required:
  - 1. An active felony warrant exists.
  - 2. Probation and parole violators have a warrant and/or capias issued on a felony charge.
  - 3. No person shall be entered if that person will not be extradited from out-of-state. For purposes of NCIC, extradition is the surrender by one state to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other.
  - 4. A temporary felony wanted record may be entered to establish a WANT entry when the Investigating Officer needs to take prompt action to apprehend a person who has committed a felony, or the officer has probable cause to believe the person has committed a felony and the circumstances prevent the immediate acquisition of a valid arrest warrant. If a temporary WANT record is entered, the Investigating Officer shall insure that such temporary WANT is specifically identified as such and shall obtain an arrest warrant as soon as possible, insuring the temporary WANT record is cancelled and a permanent record is entered by Communications Section personnel. A temporary WANT record will be automatically removed from NCIC files after forty-eight (48) hours.

#### 105.1.5 Extradition Limits

The Operations Bureau Commander shall make the initial determination as to extradition intentions prior to entry, subject to review and change by the Chief of Police or the District Attorney's Office. Extradition shall be unlimited unless restricted by above authority.

#### 105.1.6 Computer Information for NCIC Entry "WANTED PERSON"

- A. **MANDATORY DATA:** The following is a list of information the officer must obtain before any person can be entered in NCIC as WANTED. If any section is omitted, the entry will be rejected.
1. ORIGINATING AGENCY IDENTIFIER: (MS0180000)
  2. NAME: Last, First, Middle
  3. SEX: M for Male; F for Female
  4. RACE: "U" for American Indian, Chinese, Japanese, Other "B" for Negro  
"W" for Caucasian, Latin, Mexican
  5. DATE OF BIRTH: Month, Day, Year
  6. HEIGHT: Feet and inches
  7. WEIGHT: Weight in pounds
  8. HAIR COLOR: Enter hair color
  9. EYE COLOR: Enter eye color
  10. OFFENSE: Enter the number of the offense committed and the NCIC Uniform Offense Classification Code, and the name of the charge in the miscellaneous section.
  11. DATE OF WARRANT: Enter the date of the arrest warrant
  12. AGENCY CASE NUMBER: Enter the incident number
  13. EXTRADITION LIMITS: List geographical limits of extradition; i.e. Region A, B, C, Nationwide, etc.
- B. **OTHER IDENTIFICATION INFORMATION:** Any of the following information should be added, if known, to assist in the proper identification of a Wanted Person.
1. FBI NUMBER: Enter the complete FBI Identification Number
  2. SKIN TONE: Black, Dark, Dark Brown, Light Brown, Light, Medium, Olive, Ruddy, Yellow, Albino
  3. SCARS, MARKS, and TATTOOS: list any scars, marks and tattoos and describe where each is located. Describe the item in the miscellaneous section. List any amputations or artificial body parts.
  4. MISCELLANEOUS NUMBERS: List any additional identifying numbers; i.e. Passport Number, Alien Registration Number, etc.
  5. SOCIAL SECURITY NUMBER: Enter entire number, if known
  6. OPERATOR'S LICENSE NUMBER: Enter driver's license number
  7. OPERATOR'S STATE: Enter state from which license was issued
  8. YEAR LICENSE EXPIRES: Enter year driver's license expires

9. LICENSE REGISTRATION: Enter the registration number of any vehicles owned or operated by the wanted Person or Missing Person
10. LICENSE STATE: Enter the state that issued the vehicle registration
11. LICENSE EXPIRES: Enter the registration date of expiration
12. PLATE TYPE: Enter the type of registration: i.e. passenger, dealer, commercial, motorcycle, etc.
13. VEHICLE IDENTIFICATION NUMBER: Enter the VIN number
14. PLATE TYPE: Enter the type of registration: i.e. passenger, dealer, commercial, motorcycle, etc.
15. VEHICLE IDENTIFICATION NUMBER: Enter the VIN number
16. VEHICLE YEAR: Enter the year of manufacture
17. VEHICLE MAKE: Enter the make of the vehicle; i.e. Ford, Buick, Chevrolet, BMW, etc.
18. VEHICLE MODEL: Enter model of the vehicle; i.e. Mustang, LaSabre, Firebird, etc.
19. VEHICLE STYLE: Enter the style of the vehicle; i.e. 2-door, station wagon, hatchback, etc.
20. VEHICLE COLOR: Enter the color of the vehicle
21. MISCELLANEOUS DATA: Enter other descriptive data to help identify the wanted or Missing Person. Enter information to alert other agencies as to suspect being armed and/or dangerous.

#### 105.1.7 Departmental Responsibilities

The following procedures ensure proper entries and cancellations of all persons entered in NCIC by this agency (to include Missing Persons).

- A. OFFICERS: Whenever a complaint and warrant is signed on a felony charge, that person SHOULD be entered into NCIC, unless the officer has information that the Wanted Person is still in Hattiesburg or the immediate area, and that a quick arrest is expected. The officer issuing the complaint and warrant shall check the criteria for entry and ascertain if the Wanted Person meets such criteria. If the criteria for the entry is met, the officer shall discuss this with his supervisor for a decision whether or not to enter such person in NCIC. If the decision is affirmative, the officer shall ascertain all information listed under MANDATORY DATA as well as any other information known of the individual listed under OTHER IDENTIFICATION INFORMATION and forward same to his supervisor. In cases of missing juveniles, the officer shall make a determination of who will go after and/or pay costs incurred after a WANT or missing juvenile is located.
- B. SUPERVISORS: The Operations Bureau Commander shall make the initial

determination as to extradition. The supervisor shall forward this information to the on-duty telecommunicator.

- C. **TELECOMMUNICATORS:** The on-duty telecommunicator shall ensure that all MANDATORY DATA is complete and enter said Wanted or Missing Person into NCIC via teletype message. After entry a National Information Center (NIC) number will be returned to the communications terminal. The telecommunicator shall run a test on the NIC number to insure all information is correct. If there is incorrect information, then the telecommunicator shall notify the agency and supply the correct information. When a modified NIC number confirms the correct information, then a copy of the NCIC teletype message and NIC number shall be forwarded to the Records Section to attach to the original incident and warrant.
- D. **OPERATIONS BUREAU COMMANDER:** The Operations Bureau Commander shall review all reports and contact the Forrest County District Attorney's Office as soon as possible in reference to extradition authorization and any limits that may be placed on extradition. The Communication Section shall then be notified of any changes in the extradition limits, and the NCIC entry shall be modified accordingly.

#### 105.1.8 Cancellations

Wanted Persons shall remain in file indefinitely or until action is taken to clear the record.

- A. A Wanted Person record with one (1) located message attached to the record will remain in the file indefinitely or until action is taken to clear the record. A located message is one in which the inquiring agency has sent a "Locate Message" format to the originating agency confirming that the Wanted Person has been located.
- B. A Wanted Person record with one (1) located message attached will be automatically removed from the file upon receipt of a second located message and the control terminal agency (Mississippi Justice Information Center [MJIC]) will be notified.
- C. A Wanted Person shall be deleted upon arrest, or administrative cancellation of the warrant by this department.
- D. A Wanted Person shall be administratively deleted by NCIC if NCIC validation checklists furnished by Mississippi Justice Information Center (MJIC) are not returned within the allocated time frame.

### 105.2 NCIC MISSING PERSON PROCEDURES

#### 105.2.1 Entering Persons into NCIC as a Missing Person

Any officer wishing to enter a person in NCIC as missing shall insure that the Missing Person meets the following criteria:

- A. A person of any age who is missing and under PROVEN physical or mental disability

or is PROVEN to be senile, thereby subjecting himself or others to personal and immediate danger may be entered.

- B. A person of any age who is missing under circumstances indicating that the disappearance was not voluntary.
- C. A person of any age who is missing and in the company of another person under circumstances indicating that his or her physical safety is in danger may be entered.
- D. A person who is missing and declared unemancipated as defined by the laws of his/her state of residence and does not meet any of the entry criteria set forth in 1,2, or 3 above may be entered.

#### 105.2.2 Missing Person NCIC Entry Documentation

The categories of Disability, Involuntary, Endangered and Juvenile listed in 105.2.1 above must be entered into NCIC on the teletype. These categories being entered in the record will serve as a positive statement that the originating agency has proper documentation in its possession under which the person is declared missing. This documentation in the record will ensure that the rights of privacy for the individual will not be violated. Examples of documentation are:

- A. A written statement from a parent, legal guardian, family member or other authoritative source advising that the Missing Person's disappearance was not voluntary or that he/she is in the company of another person under circumstances indicating that the person's physical safety is in danger.
- B. A written statement from a doctor or other authoritative source corroborating the missing person's physical or mental disability.
- C. A written statement from a parent or legal guardian confirming that the person is missing, along with a copy of the individual's birth certificate verifying the date of birth.

#### 105.2.3 Computer Information for NCIC Entry Missing Person

- A. **MANDATORY DATA:** Following is a list of information the officer must obtain before any person can be entered into NCIC as a Missing Person. If any section is omitted, the entry will be rejected.
  - 1. ORIGINATING AGENCY IDENTIFIER: (MS0180000)
  - 2. NAME: Last, First, Middle
  - 3. DATE OF BIRTH: Month, Day, Year
  - 4. DATE OF EMANCIPATION: (in cases of missing juveniles)
  - 5. DATE OF LAST CONTACT: Date person was last seen
  - 6. HEIGHT: Feet and inches
  - 7. WEIGHT: Weight in pounds

8. HAIR COLOR: Enter color of hair
  9. EYE COLOR: Enter color of eyes
  10. INCIDENT NUMBER: Enter incident number
  11. MISCELLANEOUS INFORMATION: In the case of missing juveniles only - the name and telephone number of a guardian.
- B. OTHER IDENTIFICATION INFORMATION: Other additional information may be entered with the Missing Person record. The information is the same as listed above for OTHER IDENTIFICATION INFORMATION for wanted Persons, Section 105.1.6.

#### 105.2.4 Departmental Responsibilities

The procedures and responsibilities previously detailed in Section 105.1.7 are the same for Missing Persons as well as Wanted Persons. In addition to the previously detailed responsibilities, the Juvenile Officer shall review all cases involving unemancipated juveniles and insure that entry into NCIC has been made.

#### 105.2.5 Cancellations

- A. Missing Persons entered under categories of Disability, Involuntary and Endangered will remain in file indefinitely or until action is taken to clear the record.
- B. Missing Persons entered under unemancipated Juvenile will remain until the person reaches the age of emancipation and then be automatically deleted.
- C. Any Missing Person record will be purged from file immediately upon receipt of a located message and the control terminal will be notified.
- D. A Missing Person shall be deleted by this Department upon locating the individual or by administrative cancellation of the missing status.
- E. A Missing Person shall be administratively deleted by NCIC if NCIC validation checklists furnished by MJIC are not returned within the allocated time frame.

### 105.3 NCIC FILES

#### 105.3.1 NCIC Files

- A. NCIC allows its users the capability of communicating with and receiving responses from all current and future NCIC files to include:
  1. Articles
  2. Boats
  3. Canadian Warrants

4. Guns
  5. Interstate Identification Index (III) including the NCIC Federal Offenders File and the FBI Automated Identification Division System (AIDS)
  6. License Plates
  7. Missing Person
  8. Securities
  9. Unidentified Persons
  10. U.S. Secret Service Protection
  11. Wanted Persons
  12. ZO (Agency Identifier)
- B. Specific and stringent criteria has been established by NCIC to enter, search, modify and cancel entries. This criteria is on file in the NCIC Manual located in the Communication Section.

#### 105.4 STOLEN VEHICLES

##### 105.4.1 Daily Dissemination of Stolen Vehicle Information

- A. The telecommunicator receiving a call of an allegedly stolen vehicle shall initially ascertain the circumstances surrounding the theft, time it was last seen and full description of the vehicle. The telecommunicator should check the Department's own vehicle/tow log and repossession notices to ensure that the vehicle in question had not been lawfully towed or repossessed.
- B. If satisfied that a theft has or may have occurred recently, the telecommunicator should immediately broadcast (via radio or telephone) any known suspects or direction of travel, and vehicle information to all on-duty patrol officers and local law enforcement agencies. A patrol officer must then be dispatched to interview the reporting person and obtain a complete written report, as soon as possible IAW the priority system.
- C. The telecommunicator shall run known registration/title information if applicable, to verify State Motor Vehicle Information with that received by the Investigating Officer and complainant.
- D. Once verified, the information shall be entered and other appropriate area broadcast with special attention to NCIC entry. In order to be entered into NCIC, information must meet the criteria as established by the FBI for the NCIC Stolen Vehicle File. Criteria is specifically outlines in the NCIC Manual available in the Communication Section. The message log in the Communication Section must be completed showing an "Administrative Message" has been sent.
- E. Once MJIC has entered the information into NCIC, that agency will forward the NIC



number to the Department. The telecommunicator shall verify that information by using the test screen on MJIC and calling up the same NIC number. If the information is incorrect, the telecommunicator shall notify MJIC to modify the entry.

- F. Once the correct information is verified, copies of the MJIC vehicle information, broadcasts, and NIC number shall be printed.
  - 1. One copy shall be directed to Records Section to be attached to the officer's report.
  - 2. One copy of the broadcast shall be directed to the Patrol Division to be read at daily briefings.
  - 3. One copy of broadcast and NIC number shall remain in the Communication Section until such time as the information is entered into the Department's Stolen Property File or the vehicle is recovered.
- G. Upon recovery of a stolen vehicle originating from this Department, the telecommunicator shall ensure that any/all MJIC administrative messages and NCIC entries are properly cancelled following guidelines set forth in the NCIC Manual located in the Communication Section. Copies of the cancellations shall be printed and forwarded to Information Management Section to attach to the original report and a copy sent to the Squad Room to be disseminated to patrol personnel.

#### 105.5 MISSISSIPPI JUSTICE INFORMATION COMPUTER

##### 105.5.1 Information from Other Agencies

- A. Many administrative messages are received on the MJIC terminal during the course of each watch. The telecommunicator is responsible to read and review all messages whether concerning stolen vehicles, missing or wanted persons, crimes or general police information. The telecommunicator shall determine whether each message is of importance to this Department. Copies of such messages shall be printed and addressed to the appropriate Section/Division/Bureau or personnel.
- B. Common sense should be exercised by the telecommunicator in determining the importance of all messages. Consideration should be given to the location of the crime, direction of travel, time element, severity of the crime, similar crimes in the local area and scheduled training programs or police events. Examples are as follows:
  - 1. Messages involving serious or unique sexual behavior should be forwarded to the Department's Detective Division.
  - 2. Stolen vehicles, wanted/missing persons from local communities and those believed headed into this jurisdiction should be broadcast to the on-duty watch and printouts made for on-coming watches.
  - 3. Messages describing upcoming police training courses or seminars should be forwarded to the Training Unit.
  - 4. Messages dealing with stolen/recovered property or criminal M.O.'s from area

jurisdictions should be directed to the Detective Division.

- C. It is the responsibility of the telecommunicator to review and brief him/herself on MJIC messages received since the previous watch and discard those messages that no longer are valid or not of any significance.