

## **4501:2-10-09 National crime information center (NCIC).**

(A) Any agency operating a terminal accessing NCIC shall implement the necessary procedures to make that terminal secure from any unauthorized use. Departure from this responsibility may result in the removal of the offending terminal(s) from further NCIC participation.

(B) The NCIC uses hardware and software controls to help ensure system security. However, final responsibility for the maintenance of the security and confidentiality of criminal justice information rests with the individual agencies participating in the NCIC system.

(C) Use of NCIC services by any user agency shall be in accordance with the instructions and procedures contained in the NCIC operating manual, the codes contained in the NCIC code manual, and new enhancements contained in the NCIC technical and operational updates, NCIC newsletter, or any other official notification from FBI/NCIC.

(D) The interstate identification index (III) shall only be used for the administration of criminal justice. This includes the issuing of a license or permit for a weapon or explosives when a criminal history check is required to be performed by a criminal justice agency pursuant to a federal, state, or local law or ordinance. If the permits or licenses are issued by noncriminal justice agencies such as county commissioners, mayors offices, etc., a computerized criminal history check shall only be made available as provided in 28 C.F.R. 20.33 (published July 1, 2003).

(E) Federal public law 104-120 "Housing Opportunity Program Extension Act of 1996" specifies CCH/III access is authorized by federal housing authorities for purposes of screening, lease enforcement, and eviction. NCIC, LEADS, police departments, and other law enforcement agencies shall only confirm or deny the existence of criminal history records to housing and urban development agencies upon request.

(F) Federal public law 104-193 "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" authorizes wanted person file access for state and local human services authorities. LEADS shall provide direct access capability to human services offices as users of the system are not authorized to provide this data.

(G) A public children services agency may initiate inquiries and receive computerized criminal history information through local law enforcement agencies using LEADS and NCIC.

Within fifteen days of the request for computerized criminal history information, the public children services agency shall submit to BCI&I and the FBI completed fingerprint cards of the person whose information was submitted to the local law enforcement agency.

Prior to the release of computerized criminal history information under this rule, the public children services agency shall:

- (1) Apply for and/or have been issued an NCIC originating agency identifier ending in the letter T.
- (2) Furnish to the terminal agency providing the computerized criminal history information the agency's NCIC originating agency identifier.

(3) Certify the computerized criminal history information received from local law enforcement agencies shall only be used when exigent circumstances exist for the safe emergency placement of a child or children and time restraints make submission of fingerprint cards unreasonable.

(H) The Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248 became effective October 1, 2006. Sections 151 and 153 of the act allow access to FBI criminal history record information (CHRI) by governmental social service agencies with child protection responsibilities.

(1) Those agencies meeting NCIC requirements will be assigned an ORI with an "F" in the ninth position and purpose code "C" will be used for inquiries made for those agencies.

(2) Terminal agencies must use the "F" ORI assigned to the non-terminal governmental social service agency requesting the NCIC or CCH/III inquiry. This procedure will enable the identification of NCIC and CCH/III transactions conducted pursuant to the act and will facilitate state and federal compliance audits.

Effective: 04/05/2013