

Tribal Access to Federal Criminal Justice Databases

June 25th, 2013
3-4:30 p.m. ET

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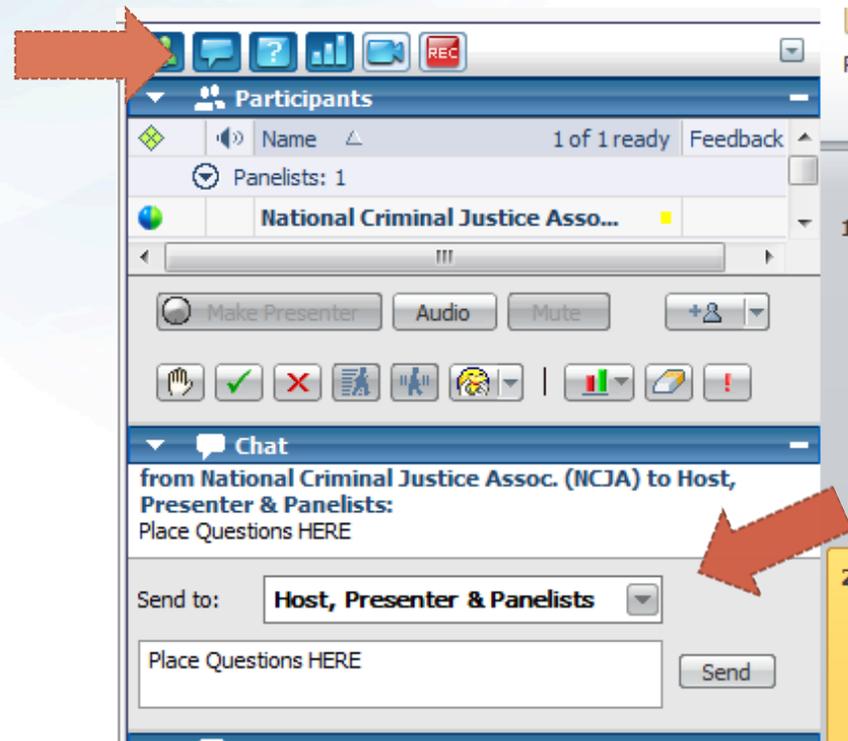
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TRIBAL ACCESS TO FEDERAL CRIMINAL JUSTICE DATABASES



National Strategies for Information Sharing

- National Strategy for Information Sharing & Safeguarding issued by President Obama in December 2012.
- National Strategy for Information Sharing issued by President Bush in October 2007.
- Both documents support tribal law enforcement access to critical public safety information.

National Strategy for Information Sharing & Safeguarding

- “It is a national priority to efficiently, effectively, and appropriately share and safeguard information so any authorized...Federal, state, local [and] tribal...partner...can prevent harm to the American people and protect national security.”
- National Strategy for Information Sharing & Safeguarding, page 3.

National Strategy for Information Sharing & Safeguarding

- “[O]ur national security depends upon an ability to make information easily accessible to Federal, state, local [and] tribal...partners in a trusted manner...”
- National Strategy for Information Sharing & Safeguarding, page 7.

Tribal Law & Order Act

- Signed into law by President Obama on July 29, 2010.

- Public Law 111-211
 - Section 211(b)
 - Section 233(a)
 - Section 233(b)

Tribal Law & Order Act

- TLOA Section 211(b)
- Requires BIA OJS to report UCR crime data to FBI CJIS on a tribe-by-tribe basis.
- 25 USC 2802(c)(15)

Tribal Law & Order Act

- TLOA Section 233(a)
- Statutorily confirms pre-existing FBI CJIS policy to allow tribal law enforcement agency access to federal criminal information databases including NCIC.
- 28 USC 534(d)

Tribal Law & Order Act

- TLOA Section 233(b)(1)
- “The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases.”
- 28 USC 534, note.

CRIMINAL JUSTICE INFORMATION SERVICES DIVISION (CJIS)

CJIS Systems

- Integrated Automated Fingerprint Identification System (IAFIS)
Next Generation Identification (NGI)
- National Crime Information Center (NCIC)
- National Instant Criminal Background Check System (NICS)
- Law Enforcement OnLine (LEO)
- Uniform Crime Reporting (UCR)
- National Data Exchange (N-DEx)



Integrated Automated Fingerprint Identification System (IAFIS)

Next Generation Identification (NGI)

- Delivering vital identification facts in record time.
- Using the power of NGI technology, the IAFIS sifts through the world's largest electronic repository of biometric identification and criminal history information. It delivers vital facts to help law enforcement solve and prevent crimes and terrorist activities and assists employers in hiring qualified workers.

Tribal Submissions to IAFIS

- FY 2012 criminal fingerprint submissions:
6,366
 - 61.7% increase over FY 2011
- FY 2012 civil fingerprint submissions:
1,942
 - 37.8% increase over FY 2011
- IAFIS software edit allows NFF states to electronically submit tribal criminal fingerprint transactions

National Crime Information Center (NCIC)

- Providing cops on the street with facts they need when they need them.
- NCIC has been providing valuable information to criminal justice agencies since 1967. In 2012, the NCIC contained more than 18.1 million active records with information that law enforcement personnel needed, such as wanted and missing/unidentified person, stolen property, gangs, terrorists, and registered sex offenders. The files of information maintained by the NCIC are accessed via 92,000 connections to law enforcement and other criminal justice partners.

National Crime Information Center

- NCIC ORIs
 - Currently assigned - 382
 - Requested through state CJIS Systems Agency or DOI
- NCIC record entry
 - Entry via state/DOJ connection or service agreement with local/state agency
- Conference Support
 - National Native American Law Enforcement Association
 - Tribal Territory Sex Offender Registry (TTSORS) Conference
- State/Tribal Agency assistance
 - Sex Offender Registration submission
 - Fingerprint Submissions
- **Tribal CJIS Systems Agency**

National Instant Criminal Background Check System (NICS)

- Determining eligibility to purchase firearms and explosives.
- In response to the Brady Handgun Violence Prevention Act of 1993, the NICS provides immediate determinations to Federal Firearm Licensees as to whether a prospective gun buyer should receive a weapon according to federal or state laws.

NICS

- The NICS Improvement Amendments Act (NIAA) authorized a grant program for state and tribal entities to assist in making records available. The legislation specifically carves out 5% of the funding each year to be reserved for tribes.
- The NICS Section hosted a series of regional meetings across the country to bring small groups of state representatives together to share information and offer SMEs to assist states in successful and productive NIAA-related activities.
- Attendees at the meeting included representatives from Mohegan Nation, Nambe Pueblo, Oglala Sioux Tribe, Navajo Nation, Hualapai Nation, Kalispel Tribe, and Chickasaw Nation.
- As a result of the meeting, the NICS Section is aware of several tribes that have intentions of applying for NIAA grant funding under the 2013 solicitation once release. The NICS Section is also currently working with one tribe to assist them in sharing prohibiting records within the NICS Index.

Law Enforcement Online (LEO)

- Enabling law enforcement collaboration.
- The LEO System has enabled more efficient law enforcement collaboration for the past 17 years as it has supplied the criminal justice community with free, safe communication. In 2012, LEO continued, through its secure Internet site and Virtual Command Centers (VCCs) to provide Internet-based monitoring and sharing of information for complex operations and investigations—remotely and in real time.

LEO

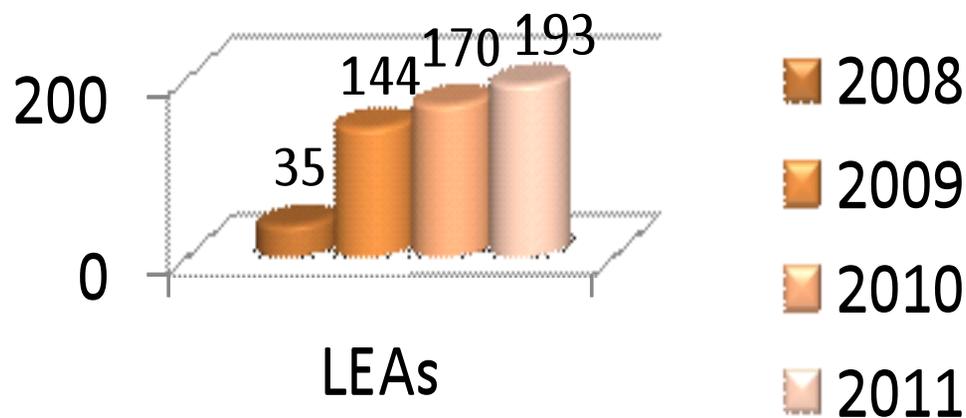
- 10/2012: Rocky Mountain Energy Security Group Fall Conference
- 11/2012: Tribal Probation Officers Academy training
- 01/2013: Kansas Law Enforcement Training Center—presentation to Tribal Law Enforcement
- Ongoing Collaborations:
 - U.S. Oil & Natural Gas Issues
 - Rocky Mountain Energy Security Group
 - Fox Valley Technical College

Uniform Crime Reporting Program (UCR)

- Crunching the numbers and providing a national perspective of crime.
- The primary objective of the UCR Program is to provide dependable and valuable crime statistics for use by law enforcement, criminologists, sociologists, legislators, municipal planners, the media, and the public.

UCR

- Approximately 220 Tribal LEAs
- 35 Active Tribal LEAs in UCR in 2008
- 193 Active Tribal LEAs in UCR in 2011
- 168 Tribal LEAs in *Crime in the United States, 2011*



Law Enforcement National Data Exchange (N-DEx)

- Linking common threads and putting the right information in the right hands, right now.
- N-DEx is a national investigative information sharing system that provides criminal justice agencies with a system for sharing, searching, linking, and analyzing criminal justice information across our country. By using N-DEx as a pointer and data discovery system, users can detect relationships between people, crime characteristics, property, and locations.

N-DEx

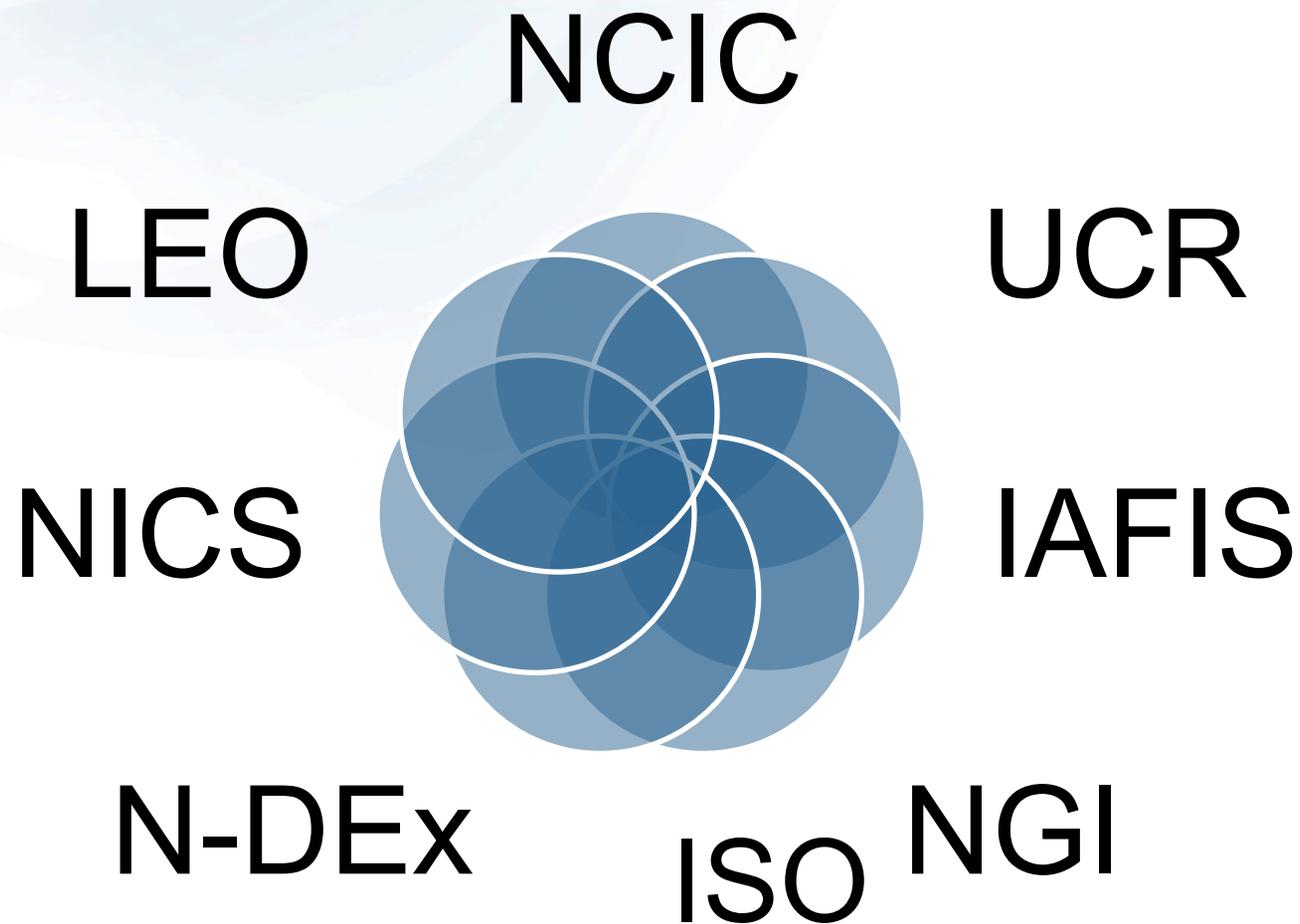
- The Department of Interior (DOI) developed a Record Management System called Incident Management Analytical Reporting System (IMARS), to facilitate intradepartmental information sharing by law enforcement components.
- The N-DEx Program Office is working with DOI management to have IMARS data mapped to N-DEx.
- In coordination with the FBI's Indian Country Crimes Unit, the N-DEx Program Office is developing a strategy to facilitate collaborative information sharing efforts focused around the Safe Trails Task Force (STTF) Program.

CJIS Division

Tribal Working Group

- Liaison to Indian Country
 - Connectivity to CJIS Systems/Programs
 - Connectivity issues with state, territory, and local jurisdictions
 - CJIS Policy Compliance
 - CJIS Program Awareness

Tribal Collaboration



IAFIS

- **Greatest Obstacle:** While the CJIS Division is willing to process hard copy prints, most of the tribes have not established billing agreements or have not requested civil fingerprint processing ORIs to accomplish this processing. The CJIS Division has advised several tribes of the possibility of submitting fingerprints via the state identification bureau under an Memorandum of Agreement (MOA) with the state or the availability of contracting with an FBI-approved channeler that would electronically submit the fingerprints and deliver the response to the appropriate tribal authorized recipient.
- **Recent Accomplishment:** Several tribes have submitted hard copy fingerprint cards to the CJIS Division for processing. Most of these are civil submissions under the authority of Pub. L. 101-630, the Indian Child Care Act.

NGI

- **Greatest Obstacle:** Relying on the same information sharing infrastructure, Next Generation Identification (NGI) shares the same obstacles in providing connectivity and bilateral information sharing within the varying degrees of capability and availability of technology among tribal entities.
- **Recent Accomplishment:** Though previously engaged, NGI was recently able to identify a single point of contact that can dedicate time needed to ensure the tribal agencies are aware of NGI related activities.

NCIC

- Greatest obstacle: National Crime Information Center (NCIC) has over 92,000+ users and the CJIS Division provides connectivity to approximately 70 CJIS Systems Agencies (CSA). The CSA provides connectivity and accessibility to law enforcement agencies within its service jurisdiction. The CSA is the liaison between the user agencies and the FBI. The CSA ensures user agencies adhere to system policy, security, training, auditing, etc. At present time, tribal agencies either receive CJIS Systems access via the state they are geographically located or through the Department of Justice. There is not a CSA available specifically for tribal access, which hinders some tribal agencies from sharing information globally.
- Recent accomplishment: Access and participation in NCIC continues to increase (Originating Agency Identifier [ORI] activity), awareness of NCIC services continues, and individual tribal agency workarounds are implemented as needed and requested through coordination by the NCIC Operations and Policy Unit.

NICS

- **Greatest Obstacle:** Significant Challenges-limited tribal record reporting on a national level to Interstate Identification Index (III), NCIC, and to the NICS Index which are the databases searched in relation to a firearm background check. The NICS users rely on accurate records reported to these databases in order to process the release of firearms in accordance with the Brady Handgun Violence Prevention Act of 1993. Lack of record reporting and opportunities for NICS to speak at tribal venues to deliver the importance of this information is an obstacle for the NICS Section.
- **Recent Accomplishment:** The NICS State Support Team recently conducted the first NICS tribal training at Nambe Pueblo, New Mexico at the 2012 Federal Summit on Coordinating Criminal Justice Strategies. An eight hour block of NICS training was provided to the Eight Northern Pueblos encompassing the federal firearm prohibitions, the NICS Improvement Amendments Act of 2007 with NARIP grant opportunities, the NICS Index, and the importance of sharing tribal records on a national level.

LEO

- **Greatest Obstacle:** Internet accessibility in rural areas and older generation approval for using an FBI program within the tribal police department. Younger tribal members are more familiar with technology and can foresee the benefits of using a Special Interest Group (SIG) or Virtual Command Center (VCC) for operational uses; however, some elders are apprehensive of using an FBI system in their jurisdiction.

- **Recent Accomplishment:** Law Enforcement Online (LEO) Operations Unit (LOU) has been invited to provide comprehensive LEO presentations and break-out sessions at two tribal sponsored events in June 2013.
 - 2013 Tribal Probation Academy - Shelton, WA
 - 2013 School Resource Officer Conference – Appleton, WI (this will enable LOU to reach tribal leaders in the use of the LEO Program to store school blueprints and floor plans and effectively communicate with other responding law enforcement agencies during active shooter events)

UCR

- Greatest obstacle: There are 111 Public Law 280 (Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin) tribal jurisdictions not submitting Uniform Crime Reporting (UCR) data. Of the 111, only 9 have been confirmed to have Tribal Police Departments. To participate in the FBI UCR Program, officers must be full-time, sworn, and possess full arrest powers.
- Recent accomplishment: The FBI UCR Program is developing an Excel Workbook and Tally Book specific to Bureau of Indian Affairs (BIA) and FBI reporting requirements, which will enable the agency to submit crime statistics in an acceptable electronic format. This initiative will ensure compliance with the FBI mandate to reduce hard copy processing of data. On April 11, 2013, the FBI met with the BIA for further discussion this initiative, evaluated feedback on the workbook/tally book, and established a training plan with the BIA Office of Justice Services based on the finalized product.

N-DEx

- The greatest obstacle to tribal participation in the Law Enforcement National Data Exchange (N-DEx) Program is fear by tribal leaders that participation in N-DEx will diminish their sovereignty. They fear that non-tribal agencies will gain access to tribal information. This can be overcome through outreach and education to tribal leadership.
- The Five Tribes Law Enforcement Committee (FTLEC) in Arizona recently agreed to become users and data submitters to N-DEx. This is first time the five tribes have had a common law enforcement data base. This is groundbreaking in the Indian Country Law Enforcement Community and the members of the FTLEC have a plan to add more tribes (starting first with adding other AZ tribes and moving on to tribes in adjacent states), as they realize success with N-DEx data submission.

Thank You

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Tribal Access to Federal Law Enforcement Databases

By Kirk Flerchinger Law Enforcement Compliance Officer for
the Confederated Tribes of the Umatilla Indian Reservation

The Umatilla Tribal Police Department

- History of Umatilla Tribal Police Department
- Tribal judicial system
- Jurisdiction with State and Local agencies

CTUIR Access to Federal Databases

1. Steps Umatilla Tribal Police did to access Federal Databases
2. Negotiation/Consultation with local agency to sign Memorandum of Agreement (MOA)
3. Training requirements for Federal Databases
4. Assuring compliance for audits

Oregon State Police Computerized Records Access Agreement

- The Agency agrees:
- To abide by all published rules, policies, and procedures promulgated by the asp governing use and security of its computer systems.
- That no person who has been convicted of a crime which could have resulted in a sentence to a federal or state penitentiary will be allowed to operate a terminal accessing asp files or otherwise have access to this information, and that requests for extraordinary circumstance exceptions to this requirement will be promptly submitted, In writing. to the Superintendent of the asp.

Umatilla Tribal Police Department Sex Offender Registry Program

- How Umatilla Sex Offender Registry Program implements with federal / state databases
- Sex Offender Program best practices in federal / state database access
- Adam Walsh Act
- Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART)

SMART

- For More Information
- <http://www.ojp.gov/smart/indiancountry.htm>
- <http://www.ojp.gov/smart/funding.htm>

Thanks You

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Additional Information & Resources

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Required Submissions to Federal Databases for Tribes Implementing SORNA

- The Sex Offender Registration and Notification Act (SORNA)
- Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART)
- Tribes implementing SORNA must submit DNA to CODIS, Fingerprints to IAFIS, Palm Prints to NGI and Sex Offender data to NCIC/NSOR
- Public Website linked to NSOPW or have state post offenders

National Sex Offender ‘Registries’

- **National Sex Offender Public Website (NSOPW)**
 - **Operated and maintained by the SMART Office**
 - **www.nsopw.gov**
 - **Search Engine**
- **National Sex Offender Registry (NSOR)**
 - **Operated and maintained by the FBI**
 - **Law Enforcement Only**
 - **Actual Database**
 - **Subset of NCIC**
- **There is no National Tribal Sex Offender Registry**

NCIC/NSOR

- (National Crime Information Center)NCIC is a computerized index of documented criminal justice information which is available 24 hours a day, 365 days a year
- FBI/CJIS database: Administered by state CSA's, accessible to law enforcement only
- (National Sex Offender Registry)NSOR is a sub-folder of NCIC
- Initial registration and other updates must be entered into NCIC/NSOR.
- Tribes CANNOT submit to NCIC/NSOR through TTSORS or WATCH Systems public website
- Access(i.e. Querying the system) and submission to NCIC/NSOR are NOT the same thing
- NO direct access to NCIC/NSOR. Must go through the state for either a connection with own ORI # and terminal or web submission OR enter into agreement for local sheriff, or another tribe or state police or some other law enforcement entity to enter data for the tribe
- At this time some tribes cannot enter NCIC/NSOR data in some states**

DNA

- If the sex offender's DNA is not already contained in CODIS,(national database)the sex offender shall provide a sample of his DNA.
- Must check with state to see if there already is a DNA profile in CODIS-if so, note, and you do not need to take
- Tribes that can submit through state and have made those arrangements –take and submit to state
- Alternative - direct submission through FBI Laboratory
 - They will test and submit to CODIS
 - Provide buccal swab kits and pre-stamped mailers –free of charge
 - Information available on SMART Office website at http://www.smart.gov/pdfs/factsheet_dna.pdf

Fingerprints and Palm Prints

- It is a SORNA requirement that, upon registration, all sex offenders have their fingerprints taken and submitted to the FBI national database called the Integrated Automated Fingerprint Identification System (IAFIS)
- There are multiple ways for tribes to meet this requirement
- **1**-Roll fingerprints and submit to the state for upload to IAFIS.
 - Tribe must coordinate with the state and receive their mailers and cards
 - Confirm that the state is going to submit the fingerprints to IAFIS.
 - These prints must be uploaded to your registry so that they may be digitized per SORNA's requirements.

Fingerprints and Palm Prints

- Information on how to order cards and mailers and other information related to finger and palm prints can be located on the SMART Office website at <http://www.smart.gov/indiancountry.htm>
- Issues with direct submission of finger or palm prints to FBI, please contact, the FBI CJIS Division, Biometric Services Section (BSS), Customer Service Group for additional information and assistance with the submission of finger and palm prints directly to the IAFIS. The BSS Customer Service Group can be reached by calling (304) 625-5590 or via e-mail at LIAISON@LEO.GOV.

Thank You!

- Website. www.smart.gov

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Regional Information Sharing Systems® Program

RISS Supports Three Major Areas

➤ Information and Intelligence Sharing

- Operates RISSNET and serves as the secure infrastructure for hundreds of systems and resources
- Operates the RISS Criminal Intelligence Databases (RISSIntel) and provides for real-time, online federated search of more than 34 connected intelligence systems

➤ Officer Safety and Deconfliction

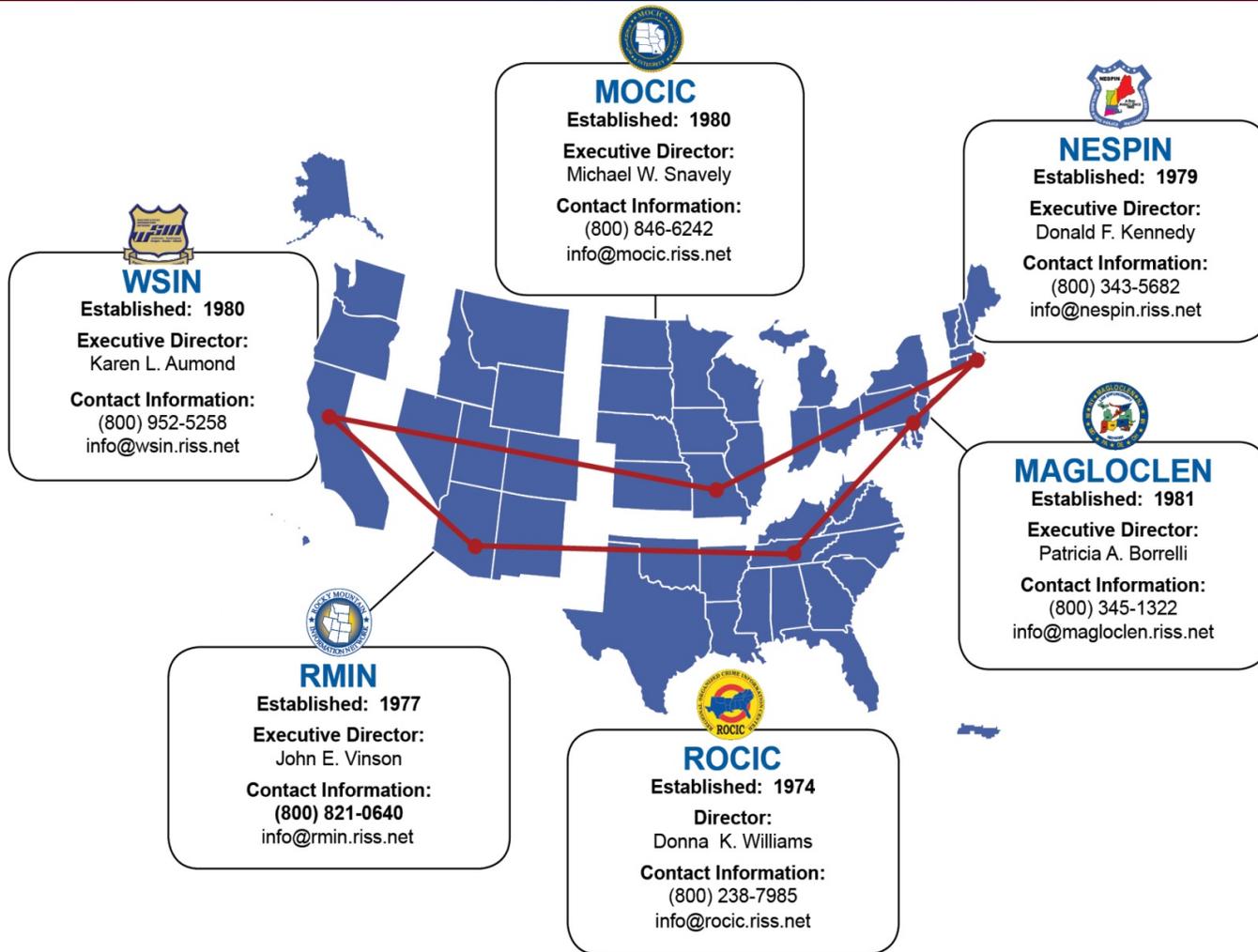
- Operates the nationwide RISS Officer Safety Event Deconfliction System (RISSafe)
- Operates the RISS Officer Safety Website

➤ Investigative and Case Support

- Develops analytical products such as specialized charts and crime scene diagrams
- Researches intelligence and investigative resources
- Loans specialized surveillance and investigative equipment
- Provides one-on-one technical support to law enforcement agencies
- Trains thousands of law enforcement professionals and develops law enforcement publications



Regional Information Sharing Systems® Program



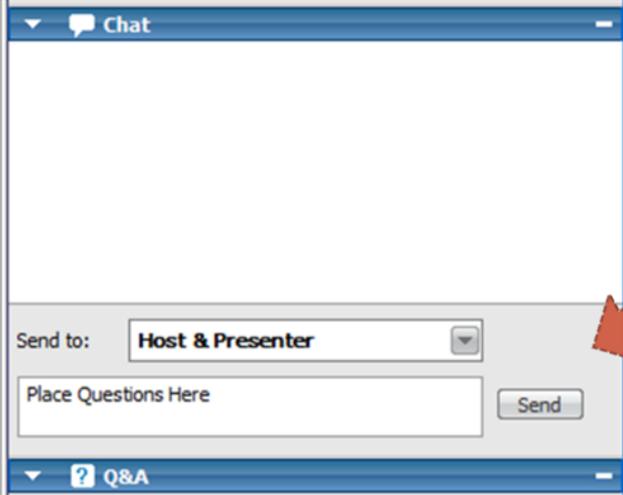
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<http://tloa.ncai.org/>

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