

CJIN AGENCY AGREEMENT

This agreement is entered into by the Montana Department of Justice, hereinafter "DOJ", and the Great Falls Probation and Parole, hereinafter "the terminal agency."

I. INTRODUCTION

Created by legislative act in 1967, the Criminal Justice Information Network (CJIN) is a computer controlled telecommunications network that links Montana criminal justice agencies for the purpose of information exchange (MCA 44-2-301). CJIN interfaces with the National Crime Information Center (NCIC) system and the National Law Enforcement Telecommunications System (NLETS).

The Attorney General as Director of DOJ is vested with the authority to administer all operational phases of CJIN (MCA 44-2-302). In addition, DOJ is designated as the Control Terminal Agency in Montana for NCIC and NLETS purposes.

DOJ responsibilities under this agreement include:

1. Operational and technical assistance to the terminal agency;
2. Maintenance of DOJ-owned hardware and software;
3. Training and training materials;
4. Distribution of material as it pertains to CJIN, NCIC, and NLETS; and
5. Performance of all functions of a Control Terminal Agency as defined by NCIC and NLETS.

This agreement outlines the varied responsibilities of the terminal agency as they pertain to CJIN, NCIC, and NLETS. Detailed responsibilities of the terminal agency are contained within the CJIN User's Guide and the NCIC Operating Manual.

II. DEFINITIONS

A. Criminal Justice Agency

(1) Courts; (2) a government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice. State and Federal Inspector General offices are included. (U.S.C., Title 28)

B. Administration of Criminal Justice

Performance of any of the following activities: detection, apprehension, detention, pre-trial release, post trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information. State and Federal Inspector General offices are included. (U.S.C., Title 28)

II. DEFINITIONS CONT.

C. Criminal Justice Information Network (CJIN)

CJIN, managed by DOJ, is the Montana computerized telecommunications network that provides the means for criminal justice agencies in Montana to access NCIC, NLETS, DOJ files, other terminal agencies within the State of Montana, and the Montana Wanted Person files.

D. National Crime Information Center (NCIC)

NCIC, managed by the FBI, is a nationwide computerized index of documented criminal justice information concerning crimes and criminals of nationwide interest and a locator-type file for missing persons.

Authorized agencies may inquire, enter, modify, locate, clear, and cancel records in the NCIC files. The NCIC files are: Articles, Guns, Boats, Vehicles, License Plates, Securities, Wanted Persons, Missing Persons, Unidentified Persons, Foreign Fugitives, U.S. Secret Service, Protection Orders, Convicted Persons on Supervised Release, Sexual Offenders, Sentry, Violent Gang and Terrorists, Deported Felons and the Interstate Identification Index.

E. National Law Enforcement Telecommunications System (NLETS)

NLETS is a nationwide criminal justice data communication system that allows terminal agencies to communicate directly with over 130,000 criminal justice agencies nationwide and in Canada. In addition, NLETS allows terminal agencies to access the driver license, vehicle registration, and criminal history files of every state and Canada.

F. Control Terminal Agency

The state criminal justice agency responsible, by agreement with NCIC and NLETS, for the security and integrity of all state interfaces with federal criminal justice information systems. The Information Technology Services Division, Criminal Justices Information Services (CJIS) Bureau of DOJ has been assigned this responsibility in Montana by the Attorney General.

G. Terminal Agency

Participation on the Criminal Justice Information Network must be approved by the Attorney General. A terminal agency is any agency that participates on the Criminal Justice Information Network that:

1. Is a governmental agency;
2. Is in physical control of a CJIN terminal device;
3. Pays a user fee; and
4. Agrees to abide by the rules and regulations set forth in this agreement.

II. DEFINITIONS CONT.

H. CJIN/NCIC HIT

A HIT is a positive CJIN/NCIC response to an inquiry against one of the following CJIN/NCIC files: Articles, Boats, Guns, Securities, Vehicles, License Plates, Wanted Persons, Missing Persons, Unidentified Persons, Foreign Fugitives, U.S. Secret Service, Protection Orders, Convicted Persons on Supervised Release, Sexual Offenders, Sentry, Violent Gang and Terrorists or Deported Felons.

I. Timeliness

CJIN/NCIC records must be entered promptly to ensure maximum system effectiveness.

Missing Juveniles: (MCA 44-2-505) and the National Child Search Act of 1990 requires the immediate entry of a juvenile reported missing into the NCIC Missing Person file.

Stolen Vehicles: (MCA 61-3-106) requires the immediate entry of reported stolen vehicles into NCIC.

Protection Orders: (MCA 40-25-303) requires that law enforcement agencies enter court issued permanent and temporary protection orders that have been served into the NCIC Protection Order file within 24 hours of receipt of notice of the service.

Wanted Person and other hot files: Wanted Person records must be entered immediately when the conditions of entry are met (decision to arrest and extradition determination), not to exceed three days upon receipt by the entering agency, unless documentation exists to support delayed entry. Other hot files should be entered as soon as possible after a report has been taken and complete information is available, not to exceed three days upon receipt by the entering agency unless documentation exists to support delayed entry.

A timely removal from the file means an immediate removal once the originating agency has documentation the record is no longer valid. Timely system inquiry means initiation of the transaction before an officer begins writing an arrest or citation document of any kind; storing inquiries when CJIN/NCIC is down and submitting them at once when the system returns, regardless of whether the subject is still in custody; inquiry prior to the release of a person who has been incarcerated; and inquiry upon those who appear at a custodial facility to visit inmates.

J. Completeness

Complete records of any kind include all information that was available on the person or property at the time of entry. Inquiries should be made against the CJIN/NCIC system to verify information and to gain additional information. The validation process should include a review of whether additional information has become available (missing from original entry) that could be added.

II. DEFINITIONS CONT.

Complete inquiries on persons include numbers that could be indexed in the record, e.g., Social Security, Passport, VIN, License Plate, Driver's License, etc. Inquiries should be made on all names/aliases used by the suspect. Complete vehicle inquiries include VIN and license plate numbers.

K. Accuracy

The accuracy of CJIN/NCIC entry records must be doubled-checked by a second party. That verification should include assuring that the available cross-checks (VIN/license numbers) were made and that data in the CJIN/NCIC record matches the data in the investigative report. Agencies lacking support staff for this cross-checking should require the case officer to check the record, as he carries primary responsibility for seeking the fugitive and/or the stolen property.

III. OPERATIONAL RESPONSIBILITIES OF THE TERMINAL AGENCY

A. Introduction

To ensure the proper operation of CJIN all policies and regulations as established by DOJ, NCIC, and NLETS must be adhered to. Operational responsibilities are defined in the CJIN User's Guide and the NCIC Operating Manual, and specifically include the following.

B. Terminal Agency Coordinator (TAC)

Every terminal agency administrator must designate an employee to act as a Terminal Agency Coordinator (TAC). Specific functions of the TAC include:

1. Ensuring that system security standards are met within the terminal agency;
2. Functioning as a contact point for record validation and record errors;
3. Assisting in any CJIN/NCIC audit being conducted on the terminal agency;
4. Distributing CJIN, NCIC, and NLET material within the terminal agency; and
5. Providing training to terminal operators. This includes overseeing the workbook certification program for operators in the terminal agency.

C. Training of Terminal Operators

The terminal agency is responsible for providing trained terminal operators. DOJ assists in this requirement by providing training aids and certification of terminal operators. Certification of operators is achieved through a workbook or on-line training course developed by DOJ and administered by the TAC. The course is designed to complement other training provided by the terminal agency. Operators are required to complete the certification within six months of employment or assignment. Operators maintain their certification by completing a similar course on a biennial basis.

III. OPERATIONAL RESPONSIBILITIES OF THE TERMINAL AGENCY CONT.

D. Equipment Failure and Maintenance

DOJ is responsible for the installation and maintenance of all DOJ owned equipment. Once the terminal has been installed any future moves must be coordinated through DOJ and any expense incurred becomes the responsibility of the terminal agency unless the move is required by DOJ.

DOJ has current maintenance agreements on all DOJ-owned equipment. If problems are experienced with the equipment DOJ must be contacted immediately. DOJ shall contact the appropriate vendor to correct the problem.

The terminal agency is responsible for the purchasing of all supplies, i.e., paper, ribbon, etc. associated with the equipment. The terminal agency is also responsible for any damages to the equipment that would result outside of the normal use of the equipment, such as; flood, fire, theft or equipment abuse.

E. HIT Confirmation Policy

An agency who receives a HIT based on a CJIN/NCIC inquiry must follow the procedures outlined in the CJIN User's Guide and the NCIC Operating Manual pertaining to the file hit upon. Specifically:

1. The inquiring agency must confirm the record with the entering agency. Prior to taking any of the following actions based upon the HIT CJIN/NCIC record:
 - a. arresting the wanted person;
 - b. detaining the missing person; or
 - c. seizing the stolen property.

To confirm the record means to verify with the entering agency that the warrant, theft item, or missing person report is still outstanding, and that the person/property is identical to the person/property described in the record, and to confirm extradition information.

2. The inquiring agency shall choose a priority level for the hit confirmation. An 'urgent' selection requires a response within ten minutes and a 'routine' selection allows the entering agency up to one hour to respond. Some factors to be considered when selecting a priority level are; whether or not the hit is the sole basis for detaining a subject or seizing property, or whether or not the person is already in custody on local charges.

III. OPERATIONAL RESPONSIBILITIES OF THE TERMINAL AGENCY CONT.

3. An agency requesting confirmation which fails to receive a response within the allotted time must generate a second request. A copy of the second request should be sent to the state control terminal of the entering agency. The state control terminal will institute appropriate action to ensure proper response and compliance with system standards. However, should an agency fail to receive a response within the allotted time after making a second request, that agency must generate a third request. A copy of the third request should be sent to the state control terminal of the entering agency and to the FBI.
4. Upon confirmation the inquiring/apprehending agency must place a locate against the record. A locate is placed against the record to indicate (until the entering agency clears the record) that the wanted person has been apprehended or the property has been located. A locate message in the Missing Person file indicates that the whereabouts of the missing person has been determined and automatically purges the record.
5. The entering agency, must within the time specified in the request, furnish to an agency requesting confirmation, a response indicating a positive or negative confirmation or a notice of the specific amount of time necessary to confirm the warrant or extradition.

IV. SECURITY RESPONSIBILITIES

A. Introduction

System security is critical to the integrity of the CJIN system. The responsibility for system security is a shared responsibility between DOJ and the terminal agency.

B. Terminal Security

CJIN terminals and all peripheral equipment must be in a secure location protected against unauthorized use and tampering. Neither the equipment nor the circuit may be modified, moved, changed, nor used for any purpose other than those specifically specified by the Department of Justice.

Remote control of CJIN terminals is not permitted. Remote control is defined as the capability of a person to view screens or files, or control the workstation from a remote location. Examples of remote products are: pcAnywhere, Microsoft Remote Access Service, ZEN for Clients, Telnet or FTP host programs.

Agencies using CJIN21 automatically have access to the Internet through the Department of Administration SummitNet connection. Use of these computer services is restricted to criminal justice/ public safety purposes supporting an operator's assigned duties.

IV. SECURITY RESPONSIBILITIES CONT.

C. Operator Security

The terminal agency is responsible to ensure that within 30 days upon initial employment, terminal operators, programmers, IT personnel and other persons employed or utilized to effectuate access to or initiate transmission of CJIN/NCIC information are subjected to appropriate fingerprint based background checks to establish the "honesty and fitness to handle sensitive information" (MCA 44-5-405) of the potential employee and to ensure that the potential employee is "not a fugitive from justice and/or has not been convicted of a felony or serious misdemeanor." (28CFR, 20.21 and NCIC Security Policy approved September 2002). Agencies must also perform fingerprint based background checks on custodial, support, and/or contractor personnel accessing terminal areas, unless escorted by authorized personnel. In addition to the fingerprint based background checks, terminal agencies are required to run system inquiries against the Wanted Person and Criminal History files on potential new employees before requesting operator access.

The terminal agency is responsible for assuring that all operators having system access have successfully completed the operator certification program matching the operators level of system participation, within six months of system access and biennially thereafter.

The terminal agency shall provide DOJ with a list of employees authorized to access CJIN through the agency's terminal, CAD or MDT device. Each employee accessing CJIN through a terminal device will be assigned a unique sign-on by DOJ. The terminal agency must immediately notify DOJ when an employee is no longer authorized to use the terminal. Periodically, DOJ shall request that the agency administrator or TAC, validate the list of authorized employees.

D. Terminal Agency Coordinator (TAC)

The TAC shall be responsible for ensuring that the terminal agency is in compliance with system security requirements. Any violation must be brought to the immediate attention of DOJ.

E. Security of Information

Information obtained via the system shall not be sold or used for private business or personal reasons, nor shall any information obtained via the system be furnished to another person, except for criminal justice purposes. The data stored in CJIN/NCIC is documented criminal justice information and this information must be protected to ensure correct, legal, and efficient dissemination and use. The individual receiving a request for criminal justice information must ensure that the person requesting the information is authorized to receive the data. The stored data in CJIN/NCIC is sensitive and should be treated accordingly, and unauthorized requests or receipt of CJIN/NCIC material could result in criminal proceedings.

V. QUALITY ASSURANCE RESPONSIBILITIES

A. Introduction

Terminal agencies who enter records into CJIN/NCIC agree to maintain complete, accurate, and timely records and to validate these records in accordance with CJIN/NCIC validation procedures.

B. Record Quality

The entering agency is responsible for the quality of its records entered into CJIN/NCIC. However, the DOJ will notify the TAC anytime an error is detected in a record entered by the agency. DOJ becomes aware of record errors through:

1. Record review by DOJ staff;
2. Record review by NCIC quality control staff; and
3. Other terminal and state control terminal agencies.

DOJ may cancel an erroneous record, if after 24 hours of being notified that the record is in error by CJIN, the record has not been verified, changed, or canceled by the entering agency. DOJ shall notify the agency by system message when a record is canceled.

C. Availability to Confirm Records

Agencies entering records into CJIN/NCIC must ensure that HIT confirmation is available 24-hours a day, either at the agency or through another agency, providing a written agreement has been executed.

D. Record Validation

DOJ shall periodically send the terminal agency a list of records scheduled for validation. This listing will be accompanied by a Certification Document and validation procedures. The records must be validated and the Certification Document returned to DOJ within four (4) weeks or all records listed on the validation will be canceled by DOJ. DOJ shall notify the terminal agency administrator prior to canceling the records.

Validation obliges the entering agency to confirm the record is complete, accurate, and still outstanding or active. Validation is accomplished by reviewing the original entry and current supporting documents. Recent consultation with any appropriate complainant, victim, prosecutor, court, motor vehicle registry files, or other appropriate source or individual also is required with respect to the Wanted Person, Missing Person, and Vehicle Files. In the event the entering agency is unsuccessful in its attempts to contact the victim, complainant, etc., the entering authority must make a determination based on the best information and knowledge available whether or not to retain the original entry in the file. Validation procedures must be formalized and copies of these procedures must be on file for review during a CJIN or NCIC audit.

VI. CRIMINAL HISTORY RECORD INFORMATION (CHRI)

A. Introduction

Criminal justice agencies may access criminal history information via the CJIN system from the following sources:

1. Individual agencies;
2. State Central Repositories; and
3. The FBI Interstate Identification Index.

Criminal justice agencies who access CHRI data via CJIN must abide by all federal and state statutes governing the dissemination and use of CHRI data. Statutes include the Montana Criminal Justice Information Act of 1979, the Federal Privacy Act of 1974, and the Code of Federal Regulations, Title 28, part 20. In addition:

1. Agencies agree to abide by all policies and procedures implemented by DOJ and NCIC.
2. System security standards as outlined in section IV. of this agreement, must be met.
3. Terminal agencies shall permit a DOJ and/or NCIC audit team to conduct compliance audits.
4. All terminal agencies accessing criminal history record information will maintain a dissemination log with notation of the individual making the request for the record. All logs will be maintained for a minimum of one year.

VII. AGENCY AUDITS

Each terminal agency will be audited biennially by DOJ to ensure compliance with state and NCIC policy and regulations. A compliance audit may be conducted on a more frequent basis should it be necessary due to failure to meet the standards of compliance.

In addition to the DOJ audit, some local agencies will be audited directly by NCIC, as part of the NCIC compliance audit of Montana. The objective of this audit is to verify adherence to NCIC policy and regulations and is termed a compliance audit.

VIII. ADMINISTRATIVE RESPONSIBILITIES

A. User Fee

The terminal agency agrees to pay a user fee that partially offsets the cost of maintaining the telecommunications system. Agencies who become 90 days delinquent in payment, shall be notified and DOJ may begin action to terminate service to the delinquent agency.

B. Termination of Service

The terminal agency or the DOJ may, upon thirty days notice in writing, discontinue service.

VIII. ADMINISTRATIVE RESPONSIBILITIES CONT.

C. Sanctions for System Misuse

Violations of the rules, regulations, policies, and procedures or any other misuse or abuse of the system will, unless otherwise noted, result in the following sanctions:

1. The first violation will result in a notification letter to the administrator of the offending agency.
 - a. This letter will outline the infraction and will request future compliance.
 - b. DOJ will retain a copy of the letter on file.
2. The second violation will result in an agency reprimand to the administrator of the offending agency.
 - a. This letter will outline the infraction and request future compliance.
 - b. DOJ will retain a copy of the letter on file.
 - c. DOJ will call the agency administrator to discuss the problem.
3. The third violation will result in a meeting with DOJ and the agency administrator to discuss the possibility of removing that agency from the system until the problem has been resolved.

If the violation is of such a nature that the security of the network is jeopardized, the DOJ reserves the right to begin sanctions at number 3 above.

In those situations where clear violations of the law have occurred, criminal prosecution of the offender will occur.

All terminal agencies shall permit an inspection team appointed by DOJ to conduct appropriate inquiries with regard to any allegations of serious security violations. The inspection team shall include at least one representative of the Control Terminal Agency. All results of the investigation shall be reported to the Attorney General with appropriate recommendations.

ACKNOWLEDGEMENT

On behalf of the Great Falls Probation and Parole, terminal agency on the CJIN system, I hereby acknowledge the duties and responsibilities set out in this document and those documents incorporated by reference. This agency further agrees to indemnify and save harmless DOJ, its Director, and employees, from and against any and all claims; against all liability to others, including but not limited to any liability for damages by reason of or arising out of any false arrest or imprisonment or any cause of action whatsoever; and against any loss, cost, expense, damages resulting therefrom, arising out of or involving any negligence on the part of the terminal agency in the exercise or enjoyment of this agreement.

APPROVED:

MONTANA DEPARTMENT OF JUSTICE
Montana State Control Terminal

Great Falls Probation and Parole
Terminal Agency

BY: Jennifer Viets

BY: [Signature]

TITLE: CJIN Program Manager

TITLE: PPD Administrator

DATE: October 28, 2014

DATE: 2/12/15