



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

Subject: *Law Enforcement Information Systems*

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PURPOSE

The Myrtle Beach Police Department shall adopt and abide by the guidelines from the South Carolina Law Enforcement Division for Law Enforcement Information Systems. These guidelines are written below and made a part of department regulations.

Only minor changes appropriate for our department have been made.

REGULATIONS AND OPERATING PROCEDURES FOR LAW ENFORCEMENT INFORMATION SYSTEMS

THE FOLLOWING OPERATING PROCEDURES WILL BE THE RESPONSIBILITY OF THE RECORDS SUPERVISOR, HIS/HER DESIGNEE AND ALL RECORDS EMPLOYEES. THESE POLICIES WILL BE ADHERED TO BY ALL AGENCY EMPLOYEES REGARDLESS OF POSITION.

1. **Overview: Maintaining the Records Section Filing System**
- 1.1 Filing Procedures.

The proper filing of Incident, Supplement and Arrest (booking) Reports along with criminal history records information (fingerprint cards, "rap sheets", mug shots, dispositions), and arrest warrants is vital to this agency's operation.

1.1.1 Incident and Supplement Reports will be filed in sequence by the case number. Other necessary documentation (supplements, etc.) will be filed with the incident report forming the basic case file.

1.1.2 Arrest (booking) Reports will comprise a separate file from the Incident Reports. This arrest report file will contain copies of arrest reports and will be filed under the name of each offender or the offender's identification number.

1.1.3 Juvenile Arrest Information will be filed separately from other arrests. The names of juvenile arrestees will not be disseminated outside this agency with the exception of Section 20-7-8510 of the Code of Laws of S.C., which allows the fingerprinting of juveniles convicted of violent crimes (as defined in S.C. Code of Laws 16-1-60) or of grand larceny of a motor vehicle to be transmitted to SLED. Fingerprint cards of juveniles convicted of these offenses will be sent to SLED. All information will be placed in envelope marked "confidential".

1.1.4 Records of Stolen Property that cannot be entered into NCIC (usually lacking a serial number or owner applied number) will be categorized and subcategorized according to the description of the stolen item. This file will be updated and kept current. Each record will have as a minimum: Victim name, case number, date of theft, property type, location of theft, identifying characteristics/unique identifiers, victim address and telephone number.

1.1.5 Arrest Warrants (to be served) will be maintained alphabetically as a separate file located in complaint area of police department. This procedure assures quick retrieval.

1.1.6 Criminal Fingerprint Cards will be maintained in a "short term" file. All criminal fingerprint cards (to include warrant numbers and/or uniform traffic ticket numbers listed by the charge(s)) will be forwarded to SLED within forty-eight (48) hours after arrest.

1.1.7 Disposition Reports (R-84 Forms) will also be retained in a "short term" file. Disposition reports will be sent to SLED Central Records Repository on all cases not tried in General Sessions Court. All disposition reports will show the warrant numbers and/or uniform traffic ticket numbers for all charges and must contain the final judicial disposition of each charge. Disposition reports will be sent to SLED as soon as possible after the disposition of the charge is known.

1.2 Retrieval Procedures:

Records will be available through a quick and efficient system of retrieval by knowledgeable and authorized personnel. The procedure must be fast and simple to use in order that officers and support personnel can retrieve vital documents whenever they are needed for law enforcement purposes. This procedure permits the agency to comply with federal and state laws, regulations and policies (i.e. FBI/NCIC, SLED/CJICS and UCR/NIBRS requirements).

Refinements may be made to the filing and retrieval system as experience dictates; however, the following minimum elements are required:

1. All incidents, supplements and case files must be retrievable by any and all of the following identifiers:
 - Case Number (OCA)
 - Victim Names (Persons, businesses, organizations, etc.)
 - Subject Names
 - Witness Names
 - Complainant Names
2. All arrest records (booking reports, arrest cards, rap sheets, etc.) must be retrievable by the names of the persons arrested.
3. All outstanding arrest warrants must be retrievable by the names of the subjects, and must be immediately available to the arresting officers and support personnel.
4. Copies of all warrants and incident reports pertaining active wanted persons, missing persons or stolen vehicles that are in the NCIC/SLED CJICS computer system must be available on site or immediately available to the NCIC terminal operators.

1.3 Storage, Retention and Destruction Procedures:

Records will be stored in a secure area safe from unauthorized access, theft, fire, flood or other natural or man-made disasters. Records RETENTION AND DESTRUCTION GUIDELINES are as follows:

1.3.1 Incident and Supplement Reports will be maintained in the active file for five years or until no further legal or administrative value exists whichever comes later. After that time, the reports will be archived or destroyed, subject to a review by personnel appointed by the agency head, and subject to the approval of the agency head.

1.3.2 Criminal History Records (to include "rap sheets", mug shots, fingerprint cards and final dispositions) will be retained until the death of the subject or for 75 years, whichever comes first. After that time, the reports will be archived or

destroyed, subject to a review by personnel appointed by the agency head, and subject to the approval of the agency head.

1.3.3 Juvenile Files (to include documents with name, date of birth, race, sex, vital statistics, photographs, warrants, a copy of the arrest/booking report) will be retained for a minimum of three (3) years after the subject reaches majority.

1.3.4 Case Files (to include investigative information) will be retained for thirty (30) years. After that time, the reports will be archived or destroyed, subject to a review by personnel appointed by the agency head, and subject to the approval of the agency head.

1.3.5 Arrest Warrants will be retained until the copy of the warrant is served, then forward the original to the issuing official.

1.3.6 Arrest/Booking Reports will be retained for ten (10) years. After that time, the reports will be archived or destroyed, subject to a review by personnel appointed by the agency head and subject to the approval of the agency head.

1.3.7 Uniform Traffic Collision Reports (Accident Reports) will be retained for ten (10) years. After that time, the reports will be archived or destroyed, subject to a review by personnel appointed by the agency head and subject to the approval of the agency head.

1.3.8 Traffic Tickets and Parking Tickets will be retained for ten (10) years. After that time, the reports will be archived or destroyed, subject to a review by personnel appointed by the agency head and subject to the approval of the agency head.

1.3.9 Breathalyzer Operator Test Report (BA Form) will be retained for ten (10) years. After that time, the reports will be archived or destroyed, subject to a review by personnel appointed by the agency head and subject to the approval of the agency head.

1.3.10 Personnel Training Files will be retained until no longer needed for administrative purposes. After that time, the reports will be archived or destroyed, subject to a review by personnel appointed by the agency head and subject to the approval of the agency head.

2. Operating Procedure for Criminal History Record Information (CHRI).

2.1 Definition of CHRI:

Criminal History Record Information (CHRI) means arrest (booking) reports, fingerprint cards, dispositions and data collected on adult individuals (seventeen

years of age or older) consisting of identifiable descriptors and notations of arrests, detentions, indictments, or other formal charges and dispositions.

2.2 Security of CHRI:

Access to the areas containing CHRI will be limited to only authorized personnel:

1. A notice signed by the agency head listing the authorized personnel is to be posted in plain view at the entrance to the area. Any personnel not on the access list will not be allowed in the area. Any violation will be reported to the agencies TAC Officer or the agency head immediately.

2. The area containing CHRI will be secure from unauthorized access. This area will be "manned" (or secured) by authorized personnel during office hours. After office hours and at times when the area is unattended, the area will be secured by locking windows, doors, file cabinets, etc.

3. All CHRI will be kept away from public view and/or access.

4. All computer terminals and printers having access to criminal history will not be in a position to be viewed by the public or unauthorized personnel. All terminals and printers will be turned off and locked if possible when not attended. No "pass words" or printed instructions on how to access the system will be left on or around such devices.

5. All classified information will be disposed of properly by either placing the information back in file, by shredding or by burning, etc.

6. To protect against fire, flood, wind or other natural or manmade disaster:

- Fire extinguishers must be in plain view and within easy access. They must be charged at all times;
- All personnel must be knowledgeable in the use of fire extinguishers;
- Exits will be clearly marked;
- Any potential fire or water hazard should be reported;
- A review of these procedures should take place periodically for the purpose of updating;
- In case of any violation or emergency in any of these areas, notify the records supervisor or agency head as soon as possible.

The agency head will have the authority to ensure that appropriate disciplinary action is taken whenever personnel violate security rules.

2.3 Criminal History Records:

Arrest data records become criminal history records when arrest records are filed in alphabetical sequence or in such a manner as to allow them to be easily or routinely retrieved.

1. A complete criminal history record contains:
 - Offender name, description and address;
 - Offender date of birth and social security number;
 - Any known aliases;
 - Arrest dates, charges and warrant numbers;
 - Case number(s) to cross-reference to incident reports;
 - Final dispositions and dates.

Criminal history records can be automated or maintained manually. CHRI will be maintained alphabetically by the offender's last name, and charges on any one offender will be listed in chronological sequence as they occur. CHRI must be kept complete, accurate and up-to-date at all times.

1. CHRI can include:
 - Criminal history index file;
 - Arrest (booking) reports;
 - "Rap sheets";
 - "Mug Shots";
 - Fingerprint cards;
 - Disposition reports (R-84 Forms);
 - Automated records of the above information.

2.4 Criminal Fingerprint Cards.

In order to have a criminal record at both SLED and the FBI as well as with this department, an arrested person must be fingerprinted at the time of arrest.

At least two legible sets of prints will be taken on cards approved by SLED and the FBI.

A third set of prints may be taken to be filed with his/her record at this department.

The fingerprint cards should have the agency's name, ORI number and address pre-printed by the FBI in the proper box.

Fingerprint cards will be forwarded to SLED in the pre-paid postage envelope provided by SLED. When mailing fingerprint cards and/or dispositions to SLED, check the box "Criminal Records/Fingerprints" on the front of the mailing envelope.

Fingerprint cards and dispositions must be mailed to SLED separately from other reports (i.e. UCR/NIBRS/Incident Reports, Alcohol Licensing and Enforcement, Breathalyzer Reports, Finance, etc.).

All information required on the card must be complete and accurate.

Prints that are improperly rolled, smudged or otherwise unclassifiable cannot be maintained at either SLED or the FBI and are returned to the department.

Warrant numbers or uniform traffic ticket numbers must be entered beside each charge so that final dispositions can later be accurately posted to the correct charges.

Fingerprint cards should be forwarded to SLED within forty-eight hours after arrest.

The agency should include FBI and SLED/SID numbers on the fingerprint cards if available. These numbers may be obtained from previous criminal history records or by inquiring through the SLED terminal.

2.5 Final Disposition Reports.

Final disposition reports (the R-84 Form) are essential to complete criminal history records of all Magistrate or Municipal Court cases; R-84 forms are not needed for General Sessions court cases.

The final disposition report must be filled out and completed with the fingerprint cards at the time of arrest as part of the booking process.

All disposition reports will show the warrant numbers and/or uniform traffic ticket numbers for all charges and must contain the final judicial disposition of each charge.

The disposition reports will be maintained in a "pending"-type filing status awaiting court action. As dispositions are received and posted and the report becomes complete, the original disposition report will be forwarded to SLED.

When mailing dispositions to SLED, check the box "Criminal Records/Fingerprints" on the front of the mailing envelope.

Dispositions must be mailed to SLED separately from other reports; i.e., UCR/NIBRS/Incident Reports, Alcohol Licensing and Enforcement, Breathalyzer Reports, Finance, etc.).

2.6 Mug shot Files.

Photographs of persons will be taken at the time of arrest or before the arrestee is released from custody. The photographs will be maintained in the computerized file and a copy of the photograph will be filed with the rest of the arrestee's CHRI upon request. Mug shot files are subject to expungement procedures under South Carolina State Law (S.C. Code 17-1-40; 1976 as amended).

2.7 Uniform Traffic Tickets.

The use of uniform traffic tickets by this agency will conform to The Code of Laws of South Carolina 1976, as amended, Chapter 7, Section 56-7-10 and Section 56-7-15. The use of uniform traffic tickets in criminal cases tried in Magistrate or Municipal Court requires that UCR/NIBRS arrest information (booking reports) be sent to the SLED UCR department. Officers and Records personnel will insure that appropriate reports are completed and forwarded to the SLED UCR department. These arrest reports, along with other UCR/NIBRS information, will be mailed to SLED in the pre-paid postage envelope checking the box "UCR/NIBRS/Incidents" on the front of the envelope.

2.8 Pardon Procedure.

Upon receipt of pardon documentation from the South Carolina Department of Probation, Parole and Pardon, a pardon will be added to the disposition of the record. A pardon does not constitute an expungement. South Carolina State Attorney General's Opinion number 80-86 issued to SLED on June 12, 1980, states in part that a pardon "does not establish the innocence of the person pardoned, nor does it serve to obliterate the conviction record of the pardoned offense."

A complete criminal history record with a pardon should have the following information:

- Charge;
- Date of the charge;
- Disposition and the date of the disposition;
- The pardon; and
- Date of the pardon.

2.9 Expungement Procedure.

Upon receipt of an expungement order, the following steps will be taken:

1. The order must be signed by a Circuit Court Judge (Magistrate and Municipal Court Judges lack sufficient authority to order an expungement);

2. The order must have been filed with the County Clerk of Court;
3. The order should contain consent or approval from the Circuit Solicitor;
4. The order must relate to one of the following statutory requirements for expungements:
 - a) Section 17-22-150: the defendant successfully completed the Pre-Trial Intervention Program;
 - b) Section 17-1-40: the charge was dismissed, nol prossed, not guilty, acquitted, etc.;
 - c) Section 34-11-90(e): the defendant was convicted under the Fraudulent Check Law and no additional criminal activity has taken place in one year from the date of conviction;
 - d) Section 44-53-450(b): the defendant was convicted of first offense simple possession of marijuana, received a conditional discharge and has successfully complied with the terms of that sentence;
 - e) Section 22-5-910: allows the defendant with a first offense conviction in a Magistrate's court or Municipal Court to seek an expungement.
5. As directed by the order, the arrest and booking records, mug shots and fingerprints must be destroyed; appropriate deletions must be made from other documents (incident and supplement reports, etc.). Prior to destroying, remove files and place under security for a period of two (2) weeks pending verification of record from SLED.

3. Dissemination of CHRI.

3.1 Dissemination Policy.

With limited exceptions, the documents maintained as "Criminal History Records" by this department are classified as public records.

Dissemination of these records upon request will be regulated by the SC Freedom of Information Act (FOIA) and the policy.

This agency will accept inquiries either in writing or by personal appearance. The inquiries should include information relating to the person's name, race, sex and date of birth, if available. Inquiries will not be accepted by telephone.

Records personnel will always require positive identification from the requesting individual before dissemination.

The requesting individual will complete an FOI Request Form. If the requested information is not subject to the exceptions listed in the SC FOIA (exceptions listed in Section 3.7 of this policy), then it will be disseminated upon request and compliance with Section 3.2.

Information that includes a Social Security Number or medical/health information will be marked out so it cannot be read.

If there is a question or concern regarding a specific request or the release of the information, the document request will be forwarded to the Chief's office via the chain of command for review and a final determination. The FOIA allows for a fifteen (15) day response on most FOI requests.

Records personnel will document all required information in the Manual Dissemination Log discussed below in Section 3.4. FOI Request Forms will be maintained in a separate file, alphabetized by last name.

Records personnel will suggest to the inquiring agency or individual to contact SLED Records for a more complete criminal history record in South Carolina.

3.2 Cost.

Private persons, businesses and commercial establishments or their designated representatives will be charged a fee of one dollar (\$1.00) for each criminal history record request and each copy of an incident report. The required method of payment is to be by money order, cashier's check, or company payroll check.

3.3 Hours Available For Inquiries.

Specific hours during the day that inquiries for criminal history record checks will be performed will be posted in the public lobby and at the criminal records desk.

3.4 Maintaining Manual Dissemination Logs.

Manual Dissemination Logs are required to be kept by the Code of Federal Regulations (the amendments to Chapter I of Title 28, Section 20.21 (e)) and the Code of Laws of South Carolina 1976, as amended (Chapter 73). These logs are used to document who is receiving criminal history and what information is being disseminated. The following information will be maintained in the logs in order to provide a dissemination trail:

- a. Date of dissemination
- b. Agency requestor
- c. Individual requestor
- d. Name of criminal history record subject

- e. State identification number of criminal history record subject
- f. Description of items [information] released
- g. Agency providing the information if this is indirect dissemination (information from another agency)

A record of the dissemination must be documented in the log for each inquiry made from outside this agency.

The reason for keeping this mandatory log is to insure persons who receive CHRI from this agency can be identified in case of:

- a. Improper use or dissemination; or
- b. A need to correct or update any information disseminated by this agency.

3.5 Access and Review of CHRI.

The agency will allow individuals, upon satisfactory verification of their identity, to review their criminal history record information and obtain a copy when necessary for the purposes of challenge or correction.

3.5.1 Review and Challenge Forms. The "Review" form is to be completed on the person wishing to review their record with the department. If all information is correct, the individual signs the "Review" form and the inquiry is ended.

The "Challenge" form is to be completed when the person wishes to question or challenge their record with the department. In a "challenge", it is the individual's obligation to contact the appropriate authority (the Clerk of Court or the Circuit Court Judge), and to bring the department proper documentation proving that the department's information is incorrect. Upon satisfactory documentation of an error, the Records manager will correct the challenged CHRI. The agency will then use the Manual Dissemination Log to determine if information pertaining to this particular record was disseminated to anyone within the last twelve months. If the department did disseminate this record, we will contact those agencies and advise them of the correction.

3.5.2 The "Public Notice" Displayed. Notices will be prominently displayed and will inform the public of an individual's right to inspect his/her criminal record information. The public notice, which contains rules for access, review and challenge, will cover such matters as procedures for verification of identity, the days and hours when reviews are available, locations where the reviews may be held, any fees, etc. Records personnel will be responsible for designing and posting the notices.

3.6 Controlling Case File Information.

The agency will have procedures for controlling information that may be taken out of file for official use only. The Records manager will publish such rules and design and maintain all forms required to accomplish adequate control and accountability. The number of persons authorized to access or issue documents from the files will be limited and controlled. The document logging system will include the following information:

- a. File type (case file, arrest file, etc.)
- b. Document type (incident report, supplement report, witness statement, etc.)
- c. OCA
- d. Document numbers or page numbers
- e. Date and time the documents were signed out
- f. Name of the person who signed them out (with initial or signature)
- g. Name of the person who received them (with initial or signature)
- h. Date and time the file was returned
- i. Name of the person returning the file (with initial or signature).

3.7 Release of Information Under the Freedom of Information Act.

All public documents are subject to the S.C. Freedom of Information Act (FOIA), S.C. Code of Laws 1976, as amended, Sections 30-4-10 through 30-4-100, unless specifically exempted by the act or other statutes. Law enforcement information (police records and incident reports) is considered public and must be released under the FOIA except where the release of such information will harm the agency.

1. Matters exempt from disclosure are:
 - a. The identity of informants not otherwise known;
 - b. The premature release of information to be used in a prospective law enforcement action;
 - c. The disclosure of investigatory techniques not otherwise known outside the government;
 - d. Endangering the life, health or property of any person.

Note* e. Dissemination of juvenile information.

2. The remaining information is considered public record.

The Myrtle Beach Police Department has a policy whereby the Media Liaison for the Department or designated person(s) is responsible for the review and release of law enforcement information under the S.C. Freedom of Information Act. Information may not be released to the public or news media except in conformance with the Department's Policy and Procedure.

3.8 The Dissemination of Criminal History Record Information.

The agency will obtain from the SLED/CJICS terminal the most recent criminal history record information available before any dissemination to ensure that the most accurate and up-to-date disposition data is being used (Code of Laws of South Carolina 1976, as amended, Chapter 73-22, D.).

4. Operating Procedure For Handling Uniform Crime Reports.

4.1 Incident Reports.

This agency will comply with the S.C. Code of laws 1976, as amended, Chapter 73, Section 30, which requires it "to forward all incident reports to the SLED Uniform Crime Reporting Department in response to all reports of criminal violations, regardless of the degree of seriousness of such activity and booking reports on all arrests or apprehensions regardless of the seriousness of the offense or the age of the offender."

Incident reports should be written on every criminal event reported to this agency, as well as any other events requiring law enforcement intervention, such as missing persons, runaways, suspicious fires, etc. A legible copy of the reports required by SLED will be forwarded to the UCR Section at least once a week. Reports of incidents that occur within the current month must be received at SLED no later than the fifth day of the following month. Incident reports will be screened by Supervisors and Records personnel to assure that correct and required UCR/NIBRS information is included. All reports sent to SLED must include a case number.

4.2 Supplemental Reports.

Supplemental reports will be written to modify or change the status of the reports required by SLED and to reflect additional persons involved or additional property stolen or recovered. Supplemental reports will be assigned the same case number as the original incident. Supplemental reports will be filed with the original incident report and a legible copy will be forwarded to SLED/UCR within the time frame required by SLED.

4.3 Arrest (Booking) Reports.

Arrest reports will be forwarded to SLED on all arrests or apprehensions regardless of the seriousness of the offense (excluding minor traffic offenses) or the age of the offender. Arrest reports will be assigned the same case number as the original incident. Arrest reports will be screened by Supervisors and Records personnel to assure that the correct and proper UCR/NIBRS information is included and a legible copy will be forwarded to SLED/UCR within the time frame required by SLED.

4.4 Juvenile Reports.

Even though juvenile offenders may be summoned or petitioned, or otherwise handled differently than adult offenders, juvenile arrest/apprehension reports will be sent to the SLED/UCR Department as required.

Juvenile arrest information will be filed separately from other (adult) arrests. Juvenile apprehension reports will be assigned the same case number as the original incident. The names of juvenile arrestees will not be disseminated outside the arresting agency with the exception of Section 20-7-780 of the S.C. Code of Laws, which allows the fingerprinting of juveniles convicted of violent crimes (as defined in S.C. Code of Laws Section 16-1-60) or grand larceny of a motor vehicle to be transmitted to SLED.

5. Operating Procedure For Handling Stolen Property In-house.

5.1 Stolen Property.

Stolen property cannot always be entered in the SLED/NCIC stolen property files, usually because the serial number or owner-applied number does not exist or is not available to the agency. To identify such stolen items, if they happen to be recovered, a descriptive file will be kept on each item not entered into NCIC. This file will be categorized and subcategorized to the general and then the specific description of each stolen item. Each item can be cross-referenced to an OCA or victim name.

6. Operating Procedure For Handling Arrest Warrants.

6.1 Arrest Warrants.

Arrest Warrants to be served will be maintained in a separate file located in the Complaints Section. This agency will maintain active arrest warrants in alphabetical order (by the subject's last name) so that it insures faster retrieval since the ability to produce a warrant quickly becomes important when an offender is located or apprehended. The Arrest Warrants file will be made available to all appropriate personnel. Arrest warrants are considered public record after they are served on the person charged in the warrant.

7. Operating Procedure For NCIC Matters.

THE FOLLOWING POLICIES IN SECTION SEVEN (7) WILL BE THE RESPONSIBILITY OF THE TERMINAL AGENCY COORDINATOR (TAC) OR HIS/HER DESIGNEE. THESE POLICIES WILL BE ADHERED TO BY ALL TERMINAL OPERATORS.

7.1 Terminal Operator Background Investigation-Fingerprint Check.

All prospective SLED/CJICS-FBI/NCIC terminal operators will undergo a fingerprint background check conducted by the FBI's Identification Division and SLED. One (1) blue applicant fingerprint card (Form FD-258) will be completed and sent to SLED. A background investigation will also be conducted on each prospective employee.

7.2 Certification of Agency Terminal Operators.

The FBI/NCIC policy states that all computer terminal operators employed after January 1, 1987, must achieve certification by the Control Terminal Agency (CTA), SLED, within six (6) months of employment.

Those individuals employed prior to January 1, 1987, whose assigned duties and responsibilities include the operation of the FBI/NCIC-SLED/CJICS computer terminal, must also achieve certification within a reasonable period of time as defined by the Control Terminal Officer (CTO), SLED.

SLED will be notified by letter or teletype to the attention of the South Carolina Control Terminal Officer at SLED of any changes in the status of either the Terminal Agency Coordinator (TAC) or any agency terminal operators (i.e. terminations, or name changes resulting from marriage or divorce).

7.3 The Responsibilities of the Terminal Agency Coordinator (TAC).

It shall be the responsibility of the TAC to make certain that the agency is in compliance with operator certification and reaffirmation. No person with this department is permitted to operate the SLED/NCIC Terminal without having achieved certification within the stated time frame of six months from assignment to duty as terminal operator.

The Terminal Agency Coordinator (TAC) will be appointed by the agency head. This person will attend and pass the SLED/CJICS Certification Program. This person will have authority over the duties of all terminal operators.

The responsibilities of the TAC are to handle all SLED/CJICS-FBI/NCIC matters as they might affect this agency and to ensure compliance with all SLED/CJICS-FBI/NCIC policies, rules and regulations. The TAC will serve as liaison between this agency and SLED. Coordination of all SLED/CJICS-FBI/NCIC activity as it relates to the participation of this agency will be handled through the TAC.

The responsibilities of the TAC will include but not be limited to:

1. Receipt of validation mailings and assurance that such validation material is processed in accordance with established standards and within the mandated time frames;

2. Making certain that all manuals and literature including newsletters relating to SLED/CJICS-FBI/NCIC are properly disseminated and posted for agency personnel to read and reference as deemed necessary;
3. Coordinate terminal operator certification and reaffirmation in accordance with programs mandated by SLED/CJICS and FBI/NCIC Advisory Policy Board;
4. Receive and ensure all changes in SLED/CJICS-FBI/NCIC policy, rules and regulations are disseminated in a timely manner, as well as ensuring all manuals, etc. are updated to reflect changes;
5. Coordinate both the SLED/CJICS mandated agency audit and any FBI/NCIC audit with the appropriate personnel from those agencies;
6. Attend seminars designed to inform the TAC of methods that will assist him/her to fulfill duties and responsibilities more effectively and efficiently;
7. Maintain User Agreements as covered and explained in section VII, C;
8. Coordinate with the enforcement units (Uniform Patrol, Investigators, Warrant Section, etc.) and the Records section to insure that documentation necessary to the initiating, clearing, canceling or confirming of a SLED/CJICS-FBI/NCIC record is properly captured and completed and that policies are in place which require and facilitate the direction of such documentation throughout the information system, especially to terminal operators.
9. The TAC is specifically required to audit five random "hot file" records per month and report in writing to the agency head any incomplete, invalid or otherwise incorrect records. The report will also specifically determine at which point in the system the errors were made (initial incident, recovery report, follow-up, warrant service, records management, terminal operations, etc.)

7.4 Discipline of SLED/CJICS-FBI/NCIC Policy Violators.

The following is the disciplinary action to be applied for violating SLED/CJICS and FBI/NCIC system policies or any laws applying to criminal justice information and communication by agency employees:

1. Unauthorized disclosure or receipt of SLED/CJICS-FBI/NCIC criminal justice information.

2. Release of driver's license or vehicle registration information to other than criminal justice employees without the Terminal Agency Coordinator's (TAC) authorization.
3. Release of information to private security guards or firefighters, without the TAC's authorization.
4. Allowing the use of the system by personnel not certified by SLED, except for job training toward certification or in special circumstances authorized by the TAC.
5. Failure to comply with the policies and procedures established in the SLED/ CJICS-FBI/NCIC Operations Manual.
6. Failure to log information supplied to the coroner's office, the solicitor's office, or any other criminal justice employee does not have a user agreement with this agency.
7. Improper record keeping.

Violation of any of the above SLED/CJICS and FBI/NCIC system policies shall be grounds for action. Referring to the "City of Myrtle Beach Personnel Policies and Procedures Manual", discipline shall be, when circumstances permit, of an increasingly progressive nature for each successive instance of employee misconduct. The recommended penalties in the manual may be modified by the appropriate City official to include a lesser or more severe penalty when extenuating circumstances are found.

Violation of any of the above SLED/CJICS and FBI/NCIC system policies shall fall under the City's Group I Offense, (q) or Group III Offense, (a).

7.5 Maintaining User Agreements.

This terminal agency is required by SLED/CJICS-FBI/NCIC to maintain a valid user agreement titled: "CRIMINAL HISTORY and CRIMINAL JUSTICE INFORMATION USER AGREEMENT." This agreement is between SLED and this agency and must be signed by the current officials of both agencies. The original is maintained at SLED and a copy must be maintained with this agency and must be available for inspection by FBI and SLED auditors.

If this agency services any non-terminal agencies, this agency and each non-terminal agency it services must maintain a separate user agreement between themselves titled: "CRIMINAL JUSTICE NON-TERMINAL ORIGINATING AGENCY IDENTIFIER (ORI) USER AUTHORIZATION AGREEMENT". This

agreement is between this agency and each non-terminal it services, and each must be signed by the current officials of each agency. The original is maintained at SLED and copies must be maintained by both this agency and non-terminal agencies and must be available for inspection by FBI and SLED auditors.

In situations where this agency services non-terminal agencies, a clearly written policy must exist outlining the duties and responsibilities of both this agency and non-terminal agencies concerning matters of NCIC and criminal history record information.

7.8 The Ten Minute Hit Confirmation Policy.

This agency adopts as its policy the procedures set forth by SLED/CJICS-FBI/NCIC concerning ten minute hit confirmations as explained in the SLED/CJICS NCIC Operating Manual, pg. I-37, 4.3, (A) and any future SLED/CJICS-FBI/NCIC updates.

7.9 Handling Serious Error Messages.

This agency adopts as its policy the procedures set forth by SLED/CJICS-FBI/NCIC concerning serious error messages as explained in the SLED/CJICS NCIC Operating Manual, pgs. I-25 through I-27, 3.2.2 and 3.2.3.

7.10 Validation of Records.

This agency adopts as its policy the procedures set forth by SLED/CJICS-FBI/NCIC concerning validation checks and quality control as explained in the SLED/CJICS NCIC Operating Manual, Part 11.

It is understood that the anniversary validation (once every year) that is required by FBI/NCIC for every record on file gives our agency only a bare minimum of protection. Therefore, it is also our policy to effectively review and validate all of the records in NCIC on a monthly basis. A control list (automated if possible) of all persons and items entered into NCIC by our department will be used in reviewing cases that may have had arrests of offenders, locates/returns of missing persons and recoveries of property.

7.11 Wanted Person File.

This agency adopts as its policy the procedures set forth by FBI/NCIC concerning wanted person records as explained in the SLED/CJICS NCIC Operating Manual, Part 7.

SLED/CJICS-FBI/NCIC Policy states that "Agencies that enter records in NCIC are responsible for their accuracy, timeliness and completeness" (pg. I-24, 3.1.1).

"NCIC records must be entered promptly to ensure maximum system effectiveness" (pg. I-24, 3.1.3). "Complete, accurate and timely records are essential to ensure system integrity. Users also are encouraged to enter records in a timely manner to afford the maximum protection to the law enforcement officer by providing up-to-date information. ...delayed entry of records in NCIC reduces or eliminates the possibility of apprehending wanted persons, locating missing persons and recovering stolen property" (SLED/CJICS NCIC Operating Manual, pg. I-7, 1.7).

Wanted person records will be entered by this agency as soon as proper documentation (i.e. the arrest warrant, incident report) has been completed. Enforcement supervisors will insure that wanted person reports are given to terminal operators as soon as possible.

Wanted person records will be removed from NCIC immediately upon receiving written confirmation that the wanted person has been apprehended.

Enforcement supervisors (uniformed patrol, detectives, warrant division, etc.) will insure that appropriate documentation is completed and forwarded to the terminal operators whenever warrants are served on persons who have records in the wanted person file.

NOTE OF CAUTION: Failure to insure that timely, accurate and complete information is entered in NCIC could endanger police officers and the public and could place both the entering agency and the locating agency in an awkward and possibly civilly liable position.

7.12 Missing Person File.

This agency adopts as its policy the procedures set forth by FBI/NCIC concerning missing person records as explained in the SLED/CJICS NCIC Operating Manual, Part 8.

SLED/CJICS-FBI/NCIC Policy states that "Agencies that enter records in NCIC are responsible for their accuracy, timeliness and completeness" (pg. I-24, 3.1.1). "NCIC records must be entered promptly to ensure maximum system effectiveness" (pg. I-24, 3.1.3). "Complete, accurate and timely records are essential to ensure system integrity. Users also are encouraged to enter records in a timely manner to afford the maximum protection to the law enforcement officer by providing up-to-date information. ...delayed entry of records in NCIC reduces or eliminates the possibility of apprehending wanted persons, locating missing persons and recovering stolen property" (SLED/CJICS NCIC Operating Manual, pg. I-7, 1.7).

NOTE OF CAUTION: Failure to ensure that timely, accurate and complete information is entered in NCIC could place both the entering agency and the locating agency in an awkward and possibly civilly liable position.

Missing person records will be entered by this agency as soon as proper documentation (i.e. the incident report) has been completed. Prompt entry of the missing person record in NCIC will increase the likelihood of locating the missing person. Enforcement supervisors will insure that missing person reports are given to terminal operations as soon as possible.

Officers will make every effort to obtain dental and other descriptive information.

Enforcement supervisors (uniformed patrol, detectives, warrant division, etc.) will insure that appropriate documentation is completed and forwarded to the terminal operators whenever missing persons are located.

The case officer will be responsible for calling back or following up on missing persons within seventy-two (72) hours to determine any change of status of the case.

All officers/investigators involved with missing person cases will be familiar with and use the FBI/NCIC "Missing Person File-Data Collection Entry Guide" Packet. Completing the requested information in the packet insures proper entry of the missing person(s) in NCIC. FBI/NCIC policy states that agencies that enter records in NCIC are responsible for their completeness (pg. I-2, 1.3).

NOTE: Copies of the "Data Collection Entry Guide" packet may be obtained by contacting the Missing Person Information Center (MPIC) at SLED Headquarters (803/737-9000).

7.13 Stolen Vehicle File.

This agency adopts as its policy the procedures set forth by FBI/NCIC concerning stolen vehicle records as explained in the SLED/CJICS NCIC Operating Manual, Part 1.

SLED/CJICS-FBI/NCIC Policy states that "Agencies that enter records in NCIC are responsible for their accuracy, timeliness and completeness" (pg. I-24, 3.1.1). "NCIC records must be entered promptly to ensure maximum system effectiveness" (pg. I-24, 3.1.3). "Complete, accurate and timely records are essential to ensure system integrity. Users also are encouraged to enter records in a timely manner to afford the maximum protection to the law enforcement officer by providing up-to-date information. ...delayed entry of records in NCIC reduces or eliminates the possibility of apprehending wanted persons, locating missing persons and recovering stolen property" (SLED/CJICS NCIC Operating Manual, pg. I-7, 1.7).

Failure to ensure that timely, accurate and complete information is entered in NCIC could place both the entering agency and the locating agency in an awkward and possibly civilly liable position.

Stolen vehicle records will be entered by this agency as soon as proper documentation (i.e. the incident report) has been completed. Enforcement supervisors will insure that stolen vehicle reports are given to terminal operations as soon as possible.

NOTE OF CAUTION: Failure to immediately enter a stolen vehicle into NCIC could prevent the possibility of quickly locating the vehicle (and possible subjects) before time and distance become a significant factor in the case. A vehicle that is not entered in NCIC will not be reflected in an inquiry run by another agency that has that vehicle stopped. To repeat, should a vehicle not be entered in NCIC by the originating agency and should that vehicle be stopped by another police agency, the inquiry and reply from NCIC would not reflect that the vehicle was stolen. This could place the officers stopping the vehicle in great danger (not knowing the vehicle is stolen) and would focus great liability on the originating agency for not entering the vehicle in a timely manner.

Enforcement supervisors (uniformed patrol, detectives, warrant division, etc.) will insure that appropriate documentation is completed and forwarded to the terminal operators whenever stolen vehicles are recovered.

7.14 Other NCIC Files (Articles, License Plates, Boats, Guns, etc).

Along with the wanted person file, the missing person file and the stolen vehicle file, this agency adopts as is policy the procedures set forth by FBI/NCIC concerning Articles, License Plates, Boats, Guns, Securities etc. as explained in the current SLED/CJICS NCIC Operating Manual.

Records referred to in this section will be entered by this agency as soon as proper documentation (i.e. the incident report) has been completed. Enforcement supervisors will insure that these reports are given to terminal operations as soon as possible.

7.16 Routine Inquiry in NCIC.

It is the policy of this department to inquire in NCIC on all persons (offenders) taken into custody. This will be the responsibility of the booking officer. Furthermore, it is also the policy of this department to inquire in NCIC on all arrestees before being released from jail.

This procedure insures that wanted persons are identified and not released into the public.

Enforcement supervisors (uniformed patrol, detectives, warrant unit, etc.) will insure that appropriate documentation is completed and forwarded to the terminal operators so that they will conduct the inquiry.

NOTE OF CAUTION: Failure to inquire in NCIC (before release) on a subject in custody could cause a wanted person to be released who could possibly cause unnecessary harm or injury to police officers and the public. In such a case, great liability could be focused on this agency for failing to determine the status of the arrestee.

7.17 Disposing of Sensitive Information.

It is the policy of this agency to dispose of information (criminal history, etc.) that is not to be kept or filed, by either burning or shredding. To quote from the SLED/CJICS NCIC Operating Manual, pg. 10-10, (C), (3): "copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of that data."

It shall be the duty and responsibility of all supervisors in this agency to make certain that the proper procedures for the destruction of criminal history data are followed.

The destruction of such data will be by burning or shredding as soon as it is determined the information is no longer needed or necessary.