



CJIS Advisory Committee

• Nebraska *Criminal Justice Information System* •

Memorandum of Understanding

Regarding the Use and Dissemination of Information relative to the Nebraska Criminal Justice Information System (NCJIS)

This Memorandum of Understanding (MOU) is between the Nebraska Board of Parole (hereafter referred to as the Agency) and the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) on behalf of the CJIS Advisory Committee. This agreement is to provide terms to assist in administrative, procedural and statutory obligations of participating entities.

The CJIS Advisory Committee is a cooperative project under the Nebraska Crime Commission and makes electronic information available to approved criminal justice agencies via the Nebraska Criminal Justice Information System (NCJIS) in accordance with cooperative agreements with entities providing relevant data. NCJIS refers to the system, servers and ancillary equipment housing the secure browser based access point by which approved agencies may gain access to the data and related facilities. Dissemination refers to the initial access to as well as subsequent access to and distribution of data and information obtained from NCJIS. Secondary dissemination specifically refers to subsequent provision of data obtained from NCJIS by an NCJIS user to another person or entity.

This agreement provides the basis for access to and use of electronic information maintained by the CJIS Advisory Committee for the purpose of improving public safety and improving the ability of criminal justice agencies in the performance of their official duties. Dissemination of and access to criminal justice information is governed by both state and federal statutes, laws and regulations. Parties to this agreement will comply with and be subject to the provisions therein.

The CJIS Advisory Committee retains the right to impose restrictions on access to NCJIS and the release and use of information. The Agency will be subject to all such restrictions. This MOU sets forth conditions for the electronic access to the NCJIS repository and the dissemination and subsequent use of the information provided. Subsequent conditions may be disseminated in writing or electronically for approval via access to NCJIS. Non-agreement to subsequent conditions will void this MOU and access to NCJIS.

Examples of NCJIS's available data systems and supplying agencies include: the State Probation Administration / NPMIS, the State Patrol / Patrol Criminal History, the Department of Correctional Services / Corrections Tracking System, and the Nebraska Commission on Criminal Justice and Law Enforcement (Crime Commission, Jail Standards Board) / Jail Bookings. The availability of criminal history data and related criminal justice event data should, in and of itself, reinforce to the Agency the need for appropriate and professional actions in all matters regarding the use of NCJIS and the available data. As a general guideline the Agency should operate under the same guidelines as those associated with NCIC (National Crime Information Center).

1. The information provided by NCJIS shall be used solely for such purposes as provided for by federal and Nebraska statutes and regulations.
2. The primary point of contact for NCJIS for execution of this MOU shall be the CJIS Project Manager within the Nebraska Crime Commission, currently Mike Fargen.
3. The signatory Chief Executive Officer for the Agency governed by this MOU shall appoint a single point-of-contact to coordinate and administer that office's contact relative to NCJIS. This person will be the designated NCJIS Agency Administrator.
 - a. Specifically, this Agency Administrator shall be Joel Denney.
 - b. The Agency Administrator will be the primary representative of the Agency for implementation of this memorandum and all related issues.
 - c. The Agency Administrator is required to attend the initial NCJIS Training Session covering access, use and

- security. If this person leaves the Agency or if another person is designated as the Agency Administrator then that person must attend a subsequent training session.
- d. It is recommended that an agency have more than one person attend NCJIS Agency Administrator training and be granted administrator rights and responsibilities.
 - e. The Agency Administrator will
 - i. Approve all applications of individual persons within the office for direct electronic access to NCJIS.
 - ii. Be responsible for ensuring compliance with established rules, regulations and procedures by all authorized users.
 - iii. Report violations in a timely manner to the CJIS Project Manager in writing or by email.
 - f. The Agency will receive on-line notice of changes and the registered Agency Administrator will acknowledge receipt and review of changes signifying compliance with the changes, and thereby binding the organization to the revised operating procedures and policies.
 - g. The availability of data to a particular user or agency will be determined by the entity providing the data and the CJIS Advisory Committee as well as the Agency, which will designate its own users and access.
4. The CJIS Advisory Committee and contributing entities will strive to provide timely, accurate and complete data. However, the data exists with limitations and nuances inherent in any system as well as those in the originating data source systems.
- a. NCJIS data may exist as a mirrored copy of a database, a portion of a database or may be accessed from a database directly.
 - b. Currency of data and its relation to the source data will be displayed through NCJIS.
 - c. Results from searches in NCJIS reflect currently available NCJIS data; NCJIS may not be as current as the originating database.
 - d. A search without response does not indicate a person has not been in these systems.
 - e. Fingerprint based searches should be used for identity verification.
 - f. Agencies are responsible to identify individuals and responses based upon their own criteria, particularly when multiple responses result from a given search.
 - g. NCJIS data is not probable cause to arrest. NCJIS data is but one factor comprising sufficient legal grounds for probable cause to arrest. Correct procedure demands that the agency which placed the record on file be contacted to confirm that the data is accurate and up-to-date.
5. The Agency shall properly identify the purpose for which the information is requested and the identity of the person requesting the dissemination.
- a. Purpose codes for use of the data will include
 - i. Criminal Justice - to denote a query and use of the data in connection with the official duties with the administration of criminal justice
 - ii. Firearms Sales Check (FIFS) - to denote a query or use of the data involving weapons-related background checks
 - iii. Name Check
 - b. NCJIS shall not be used for employment checks provided to the public. It may be used for internal checks of potential personnel.
6. Information provided to the Agency shall be afforded proper security.
- a. The Agency shall ensure that access to all information furnished by the NCJIS repository, to include documents prepared by the agency that contain the substance of the information, is restricted to persons directly involved in the professional use for which the justice information is obtained.
 - b. The Agency shall maintain records of the identities of all persons receiving access to the information and such records shall be furnished to the CJIS Project Manager or designee upon request.
 - c. The Agency shall conduct internal audits and compliance monitoring.
 - d. Copies of information obtained from NCJIS must be afforded security to prevent unauthorized access to or use of the data. When retention or use is no longer required then the records will be disposed of in a secure manner (shredding is recommended).
7. The Agency shall
- a. Establish written procedures for justice information queries, individual employee access, training, receipt and safeguard of disseminations and similar issues of management and security.
 - b. Supervise all system users for whom the Chief Executive Officer has recommended approval of registration and system access. This supervision shall be sufficient to ensure proper use of the NCJIS system and proper safeguarding of information obtained therefrom.
 - c. Notify the CJIS Project Manager of issues concerning non-compliance of
 - i. NCJIS system procedures
 - ii. System Security

- iii. Other requirements with any part of this MOU and subsequent conditions
 - iv. What to include in the notification
 - (a) Person who is in non-compliance
 - (b) Type of infraction
 - (c) When the incident(s) happened (date & time)
 - d. Ensure proper physical security of all hardware, communications lines and automation devices used to access the central repository.
 - e. Maintain a log to record and track any dissemination of data obtained from NCJIS and provided to another individual and/or agency. (NOTE: NCJIS will track and log all electronic queries made by a user. This will be sufficient to satisfy the logging requirement for the initial data inquiry but not for any subsequent dissemination made by the Agency.) The Agency is required to keep sufficiently detailed records to show
 - i. Record disposition of all criminal history reports given to other agencies. Agencies can, at their discretion, track other reports provided to other agencies.
 - ii. Secondary disseminations of data.
 - iii. The log must include but is not limited to
 - (a) What was distributed (eg PCH RAP sheet for John Doe)
 - (b) To whom it was distributed (including name, agency (if applicable))
 - (c) When distributed (date & time)
 - (d) What purpose/use
8. Each Agency employee granted access shall
- a. Safeguard his/her user ID and password, never permit another person to access the NCJIS repository with that ID and password, and never use another person's ID or password.
 - b. Log off the network when finished accessing the central repository. Workstations shall not be unattended while connected to the NCJIS repository.
 - c. Justify each record check conducted.
 - d. Not alter the format or content of any information printed from NCJIS, including NCJIS identifying information.
9. The Agency and its employees granted access will not electronically save data received from NCJIS unless appropriately secured.
- a. Criminal history reports (PCH) will not be saved to computer disk or memory.
10. The Agency will be promptly notified in the event that the CJIS Advisory Committee determines that it is necessary to discontinue providing information, either manually or electronically, either in whole or in part, to the Agency due to failure to comply with the conditions set forth in this memorandum and pursuant to state and federal law and regulation.

Mike Fargen	(Agency Head Signature)
CJIS Project Manager	(Printed Name and Title)
CJIS Advisory Committee Nebraska Crime Commission	(Agency)
(Date)	(E-mail address)
(Date)	(Date)

2/7/17