

# TIME System Newsletter

## Volume 2015-1

### April 2015

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The TIME System processed 51,324,988 transaction requests in 2014 for a daily average of over 140,000, another increase from the previous year. The TIME System peak processing times were 3-5 pm as the busiest hours while 4-6 am remained the slowest. Not at all surprising, person and vehicle inquiries represent 45% and 41% respectively of the total TIME System transactions in 2014. How does Wisconsin compare to national statistics? Nlets processed over 1.5 billion transactions in 2014. On Thursday July 18, 2014, NCIC experienced a record high day of 14,618,589 transactions.



Donna Bente, a training officer with CIB since 1999, transferred to the Department of Corrections as of October 5<sup>th</sup>, 2014 and is no longer with CIB. We wish her well in her new career.

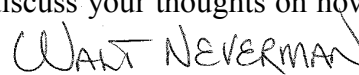
Version 5.3 of the CJIS Security Policy was effective August 4, 2014 and includes the policy change that an enclosed police vehicle is a physically secure location. This impacts the requirement for advanced authentication. If your mobile device in the vehicle can be used for TIME System from outside the confines of the vehicle you are still required to implement advanced authentication since outside the vehicle is not a secure location. This requirement still exists if the TIME System is functional outside the vehicle even if your agency policy prohibits this use.

DNA at arrest is quickly approaching. If you have questions regarding the new DNA at arrest requirements please check out the links on WILENET or you can submit your questions to the following email address; [DNADatabank@doj.state.wi.us](mailto:DNADatabank@doj.state.wi.us) DOJ staff are assigned to monitor this mailbox and will review your request with an answer back to you as quickly as possible.

There have been a couple of legislative changes that will provide you with additional information regarding firearm eligibility. 2013 Act 223 authorizes access to specific mental health records for return of firearms or for investigating potential violations of s. 941.29 Wis. Stats. Changes to Federal regulations, RIN # 1110-AA27, will also allow access to data maintained by the National Instant Criminal Background Check System (NICS) for return of firearms. CIB is working on new TIME System transactions that will provide you access to this information. See more details on this topic in this newsletter.

Mark your calendars; the 2015 CIB Conference is scheduled for September 16<sup>th</sup> – 18<sup>th</sup> in the Wisconsin Dells. Yes, Wisconsin Dells. Registration is open and can be found at <http://www.doj.state.wi.us/dles/cib/conference/annual-cib-conference> Last year was another record attendance. Hope to see you there.

Please feel free to contact me or any of the CIB staff to discuss your thoughts on how we can continue to improve.

  
Walt Neverman

## DNA at Arrest

The new law, effective April 1, 2015, will increase the classifications of people who must provide a DNA sample; allow the police to procure a DNA sample from subjects who are arrested for a qualifying violent offense; create a crime for a person refusing to provide a DNA sample when required to do so; empower the Department of Justice to make known the rules governing the DNA sample collection process; allow law enforcement to use reasonable force to procure a required DNA sample; and, provide law enforcement with immunity if they behave within conformity of the statute and are reasonable in their actions. The new law will allow law enforcement to procure a DNA sample from any adult arrested or any juvenile taken into custody for a violent qualifying offense. A list of the qualifying violent offenses can be found on the secure side of WILEnet. <https://wilenet.org/secure/html/index.html>



The Wisconsin Department of Justice (DOJ) has developed a training video and a web page dedicated to providing information on the new DNA at Arrest law. We encourage you to visit the following website on WILENET and watch the new DNA at Arrest video hosted by Dave Perlman. This video summarizes the new law, demonstrates how to determine whether DNA needs to be collected, and shows how to collect a sample. Additional forms and documents are also available for you on the web page including a listing of criminal offenses.

In preparation of the new law, TIME System users will notice new DNA caveats on a Wisconsin criminal history record which will indicate one of the following flags:

- “No DNA is on file”
- “Conviction DNA sample is on file”
- “Arrest DNA sample is on file”
- “DNA collection needed-SAFE team”
- “DNA collection needed-Crime Lab recollect list”
- “DNA collection needed-Missed collection event”

The Department of Justice is recommending a criminal history record inquiry be performed prior to or during the booking process for a person who has been arrested for a qualifying violent offense. CIB reminds users that a criminal history should always be performed prior to or directly after the arrest event for officer safety purposes.

More information regarding the DNA Databank and DNA at arrest can be found by logging into WILENET and clicking on “DOJ” found on the menu bar and then clicking on the “Crime Laboratory” tab. The DNA Databank tab is found on the right hand side of the screen or can be accessed directly by clicking on the following link after logging into WILENET:

<https://wilenet.org/secure/html/doj/crime-lab/dna/index.html>

Any questions pertaining to DNA at Arrest, please contact the Wisconsin Department of Justice via email at [DNADatabank@doj.state.wi.us](mailto:DNADatabank@doj.state.wi.us)

## Protection Order/Injunction Updates

It is time again to alert TIME System record entry operators of recent updates and changes to the entry procedures for protection orders and injunctions. Laws dealing with protection orders/injunctions can be found in s. 813 WIS. STATS. Sections of s. 813 have been revised with respect to the Domestic Abuse injunction WIS. STATS., and the Child Abuse injunction expiration dates.



Domestic Abuse injunctions are effective according to its terms, for a period of time that the petitioner requests, but not more than 4 years. The statute has been modified to include the following provision:

A judge or circuit court commissioner may, upon issuing an injunction or granting an extension of an injunction issued under this statute, order that the injunction is in effect for not more than 10 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following are true:

- a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01 WIS. STATS., or 2nd-degree intentional homicide under s. 940.05, against the petitioner.
- b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225 (1), (2), or (3) WIS. STATS., or under s. 948.02 (1) or (2) WIS. STATS., against the petitioner.

This does not prohibit a petitioner from requesting a new temporary restraining order or injunction under this statute before or at the expiration of a previously entered order or injunction.

Child Abuse injunctions are effective according to its terms, for a period of time that the petitioner requests, but not more than 2 years or until the child victim attains 18 years of age, whichever occurs first. The statute has been modified to include the following provision:

A judge may, upon issuing an injunction or granting an extension of an injunction issued under this statute, order that the injunction is in effect for not more than 5 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following are true:

- a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01 WIS. STATS., or 2nd-degree intentional homicide under s. 940.05, against the child victim.
- b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225 (1), (2), or (3) WIS. STATS., or under s. 948.02 (1) or (2) WIS. STATS., against the child victim.

This does not prohibit a petitioner from requesting a new temporary restraining order under this statute or injunction under this subsection before or at the expiration of a previously entered order or injunction.

**Business as a petitioner:** CIB has also been fielding numerous questions from users regarding when the petitioner(s) on the court order is a business. If there is no individual named on the order, the business name as it appears on the order should be entered into the last name field and an X placed in the first name field. NCIC requires the petitioner's name and either the date of birth or social security number for entry. If the petitioner information is entered without one of these fields the petitioner's name will not appear in the NCIC record. The name will still appear in the CIB record but a query of the petitioner's name will not produce the record.

**New Injunction Type; Vulnerable Adult Prohibiting Firearm Possession:** Enacted in 2013, Wisconsin Act 223 created a new restraining order and injunction type. Vulnerable Adult injunctions can now be entered with or without a restriction to possess a firearm. The new type is 14 and can be found in the "Type of Order" list on the "Protection Order/Injunctions" entry transaction in the Portal 100 software. If your agency uses an interface for record entry, the transaction remains the same, add "Type of Order" code 14 to enter the new injunction type.



## Department of Corrections Record Responses

In 2014 the TIME System was upgraded to include a real time interface with the Department of Corrections (DOC). As transactions are received they are sent to DOC similar to how driver record and vehicle registration queries are sent to the Department of Transportation. Probation & Parole and Sex Offender records now include real-time responses, provide additional offense and incarceration data, and provide rules and conditions of supervision to TIME System users.

As a result, the format of the DOC responses has changed. If the subject is both on probation/parole and a registered sex offender, only one DOC response is returned containing information about both DOC file statuses. These responses now include additional information from the DOC files such as: physical descriptors (scars/marks/tattoos), ethnicity, vehicle information, and offense information. The responses also bring additional incarceration information to the field including supervision release start and end dates in the offense information section, as well as incarceration end date and disposition information to the incarceration information section of the response.

The responses now add special rules of supervision to the response in the offense information section. DOC has agreed to return only active offenses and suppress the historical offenses and to return special rules of supervision and sex offender rules. Registered sex offenders and individuals released on supervision have a set of standard DOC rules, a copy of those rules can be found on WILEnet (<https://wilenet.org/html/cib/docsupervisionrules.html>). CIB is working on an interface with CCAP to display court imposed conditions. This court information would be available to eTIME users through a link in the response and to Portal 100 users through a separate transaction. No concrete date has yet been determined for this deployment.

TIME System users are able to search the data in these DOC records by querying any of the following identifiers: Name, Sex, Race, Date of Birth, Driver's License Number, Department of Corrections Number, License Plate Number, Social Security Number, FBI Number, State Identification Number (SID), or the Miscellaneous Number (Passport Number or Alien Registration Number only). Provided this information is included in the original entry, any query of these identifiers will produce the correct DOC response.

The information returned in these responses is "Advisory only." An officer has no authority to arrest based solely on the information returned in DOC responses. All questions regarding the information contained within DOC responses should be directed to DOC at 1-888-222-4362.



## Uniform Traffic Citation Number

Due to changes in state statutes, many citations remain on the driving record much longer than anticipated. As a result, except for those numbers that have been assigned but not yet used, the series of unique Uniform Traffic Citation (UTC) numbers has been exhausted.

When new citations are submitted with duplicate UTC numbers, law enforcement is required to reissue a new citation using a different UTC number. To eliminate this concern, the Division of Motor Vehicles (DMV) is pursuing a system change to modify the UTC number, adding an additional alphanumeric character to the beginning of the current UTC number format. For example:

Current UTC Number:           A123456-0

NEW UTC Number:             AA123456-0

DMV plans to allow law enforcement to utilize any previously assigned but unused UTC numbers. However, when law enforcement agencies order new UTC numbers, they'll receive the new numbered format. DMV does not have a definite launch date yet, but are aiming for the first quarter of 2015.

The following systems will be modified by DMV to accept the new UTC number format:

TraCS (Traffic and Criminal Software)

COWS (Court Ordered Web Service)

EARS (Enforcement Agency Reporting System)

NOTE – Law enforcement will need to update the new citation number format within TraCS. More information will be communicated to law enforcement partners as DMV gets closer to rolling this out.

Please begin preparing and/or testing your record management systems or other applications to ensure they will accommodate the new UTC number format.

Please direct any questions about the project to Supervisor Darlene Schwartz with the Wisconsin Department of Motor Vehicles at (608) 266-8677.

DMV communication printed with permission

## Mental Health & NICS Access

Enacted in 2013, Wisconsin Act 223 authorizes access to mental health records by the courts and law enforcement for the return of firearms. The law also authorizes access to mental health records by law enforcement for determining the eligibility of law enforcement applicants for employment. Changes in federal law regarding National Instant Criminal Background Check System (NICS) authorize criminal justice agencies access to NICS information to conduct background checks for the purpose of returning firearms.

DOJ is creating new functionality in the TIME System to access this information. Portal 100 software will have two new transactions and eTIME will have an option added to the person search.

**Return of Firearms:** To assist law enforcement when making a determination of whether an individual is restricted from possessing a firearm, a transaction was created in the TIME System to allow access to the mental health records and the National Instant Criminal Background Check System (NICS). This new functionality searches multiple data services including: CCH, CIB Hotfiles, DOC, DOT, III, NCIC, and NICS. DOJ will be adding the ability to search CIB Mental Health records later this year. Once access to CIB Mental Health records has been added, the functionality will be available for all TIME System customers (eTIME, Portal 100, Server to Server). At present, this functionality is only available in Portal 100 through form number 0028 but is not accessible through the Portal 100 menu options. The NICS Background Check Law Enforcement guide is available for reference on the secure side of WILEnet <https://wilenet.org/secure/html/resources/squadroom/NICS-LE-Guide.pdf>

**Law Enforcement Applicants:** A TIME System transaction has been created to allow law enforcement access to CIB mental health records for the purpose of conducting background checks on individuals applying to become law enforcement officers. This transaction, currently unavailable, will only search the CIB Mental Health records. Once access to CIB Mental Health records has been added, the functionality will be available for all TIME System customers (eTIME, Portal 100, Server to Server). \*\*The Portal 100 transaction (form 0027) is currently unavailable until CIB Mental Health records are added later this year\*\*.

**Audits:** The new laws also bring new auditing requirements regarding appropriate use and authorized access to NICS data. Audit packets from DOJ will include a new form listing up to 25 firearm return queries performed by the agency. This form will look similar to the criminal history inquiry list currently included in all audit materials. For each inquiry listed, agencies will need to indicate who the “attention line” refers to, why the NICS query was conducted, and if the record was destroyed or was subject to an alternative disposition. These instructions will also be listed on the form contained in the audit material

Additional information:

NICS Notice of Final Rule RIN 1110-AA27 <http://www.fbi.gov/about-us/cjis/nics>.

WIS. STATS.

s. 51.20 (13)(cv) 1., s. 51.45 (13) (i) 1., s. 54.10 (3) (f) 1., or s. 55.12 (10) (a)., s.165.63 (4)., s. 175.35 (1) (at), s. 175.60 (1) (f) 2., s. 175.60 (9g) (a) 2., s. 175.60 (11) (a) 2. f., , s. 813.12 (4m) (b) 2., s. 813.12 (6) (am) 1., s. 813.126) (am) 2., s. 813.122 (5m) (b) 2., s. 813.122 (9) (am) 1., s. 813.122 (9) (am) 2., s. 813.125 (4m) (d) 2., s. 813.125 (5r) (a)., s. 813.125 (5r) (b)., s. 813.123 (5m)., s. 813.123 (8m)., s. 941.29. <https://docs.legis.wisconsin.gov/statutes/>



## Authorized System Users Yearly Validation

Agencies are reminded to validate TIME System user accounts at least annually and document the validation. To validate user accounts please review the list of employees with access to the TIME System (including eTIME, MDC, Portal 100, etc.). During the review please remove access for those no longer actively using the TIME System, ensure the appropriate access levels are assigned to each user based on their duties, and ensure the required background checks and all appropriate training have been completed. Compare the user list to your agency’s TRAIN roster to confirm only those who need TRAIN, TIME System or WIJIS access are listed. If you need to have any users added, removed, or their access level changed, please send a request to [cibtrain@doj.state.wi.us](mailto:cibtrain@doj.state.wi.us). Confirmation of authorized users may be requested during a TIME System audit so be sure to keep documentation of the completed yearly validation process.

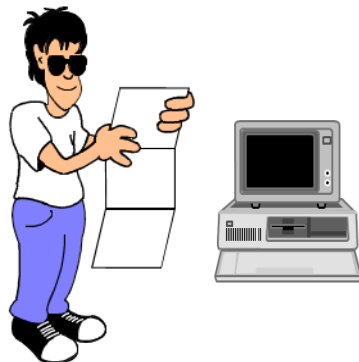
## NIEM Rapsheet

For more than forty years the International Justice and Public Safety Network (Nlets) has provided law enforcement and criminal justice users with criminal history record information from state and federal repositories. This capability has enabled the states and the Federal Bureau of Investigation (FBI) to respond automatically to requests for criminal history information from other users over the Nlets network.

A national task force recommended the creation of a standard transmission format for the interstate sharing of criminal history information. The task force determined improvements were needed to standardize the variety of formats, content, and terminologies that made it difficult for users to decipher out-of state criminal history records. In January 2009, a standardized rap sheet was produced and published, conforming to the National Information Exchange Model (NIEM). This standardized rapsheet provided important reconciliation between biometric identification and criminal history record systems, added some additional content, and revised content and documentation to improve the criminal history record sharing process.

Wisconsin was the first state to implement the NIEM standard for out of state criminal history responses, but had not implemented the NIEM response instate until recently. In January 2015, CIB implemented an upgrade to all criminal history rapsheets, both in-state and out of state, which made the State of Wisconsin compliant with the National Information Exchange Model.

In addition to conforming with the national sharing standard, this upgrade also allowed DOJ to include expanded supervision fields. These changes are most noticeable on the Portal 100 responses that use a text format. The eTIME Browser responses were already using an earlier version of the NIEM standard. The updated responses will be similar to responses from other states that are also using the NIEM standard for sharing criminal history records.





Wisconsin Department of Justice  
**2015 CIB CONFERENCE**  
**START PLANNING NOW**



**Wednesday September 16th – Friday September 18th, 2015**  
**Chula Vista Resort, Wisconsin Dells**

This year's conference offers sessions of interest to Patrol Officers, Investigators, Administrators, IT, Dispatchers, District Attorneys, Judges, Clerk of Courts, Jailers, Probation and Parole and more.

Tentative agenda is:

*Murder of the Lakewood Four*

*DNA @ Arrest*

*Wisconsin Threat Brief*

*Heroin*

*Unmanned Drones*

*Officer Involved Shootings*

*Legal Update*

*More to come...*

**Tuesday September 15<sup>th</sup>**

**Early Registration 3 – 7pm**

**Vendor Reception with beverages and appetizers from 4 – 9pm**

**2015 Presenter**



**Michael Zaro**

Assistant Chief of the  
Lakewood, WA Police  
Department. Assistant Chief  
Zaro will present on the  
ambush attack of four of his  
officers. He will discuss the  
incident, recovery and lessons  
learned.

**COMMENTS FROM PREVIOUS ATTENDEES:**

"Best conference yet!"

"Another great conference"

"Good topics covered"

"This by far had the best information and speakers"

**Register online: <http://www.doj.state.wi.us/dles/cib/conference/annual-cib-conference>**

## WISCONSIN DEPARTMENT OF JUSTICE EXCEPTIONAL SERVICE AWARD



The following awards are presented annually at the Attorney General's Summit. To nominate an individual for one of these awards please complete and return the attached application form to the Wisconsin Department of Justice Awards Committee c/o Sara Phelan, 17 West Main Street, PO Box 7070, Madison, WI 53707-7070, or by email to [phelansm@doj.state.wi.us](mailto:phelansm@doj.state.wi.us).

**\*The deadline to submit nominations is May 15, 2015.\***

### **Crime Victim Advocate of the Year**

The Wisconsin Crime Victim Advocate of the Year award recognizes an individual who has gone above and beyond what is expected, demonstrating outstanding service and advocacy for crime victims and victim services. The nominee works on behalf of the victim to ensure, enhance or enforce crime victim rights and has made a positive difference in the lives of victims. The nominee is recognized as a leader within their field/community and exhibits extraordinary work. This could include direct service, system and/or community change, or championing legislative change that has a positive impact on victims of crime.

### **Forensic Science Contribution of the Year**

The Wisconsin Department of Justice instituted the Forensic Science Contribution of the Year award to recognize outstanding achievement by a forensic scientist, evidence specialist, AFIS technician, or other laboratory employee who has exhibited objectivity, impartiality, clarity, integrity, and dedication in the performance of their duties. This award may be based upon their extraordinary efforts in handling of a specific case or cases, or a longstanding record of contributions to their laboratory, discipline, or forensic science as a whole.

### **Law Enforcement Officer of the Year**

The Wisconsin Department of Justice instituted the Officer of the Year award to recognize a law enforcement officer who has demonstrated exemplary service and devotion to duty. Although a single heroic incident may be worthy of consideration, special consideration is given to those nominees who have distinguished themselves and their profession throughout their careers. These exemplary services would include but are not limited to: law enforcement service, community service, extreme action of valor, and other notable contributions to the law enforcement profession.

### **Prosecutor of the Year**

The Wisconsin Department of Justice instituted the Prosecutor of the Year award to recognize outstanding achievement by a prosecutor who has exhibited excellence, fairness, integrity, and dedication in the performance of their duties. This award may be based upon their extraordinary efforts in the prosecution of a specific case or cases, or a longstanding record of contributions to the prosecutorial profession, law enforcement, or their community.



## CIB Contacts



	<u>Name</u>	<u>Telephone</u>	<u>Fax Number</u>	<u>Email</u>
Director	Walt Neverman	608-264-6207	608-267-1338	nevermanwm@doj.state.wi.us
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Training Officer	Patricia Ninmann	608-266-9341	608-267-1338	ninmannpm@doj.state.wi.us
TIME Systems Operations Manager	Chris Kalina	608-266-7394	608-267-1338	kalinaca@doj.state.wi.us
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Livescan/Cardscan Program Policy Analyst	Vacant			
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Firearms Unit	Andrew Nowlan	608-267-2776	608-267-1338	nowlanam@doj.state.wi.us
	Bradley Rollo	608-261-8134	608-267-1338	rollobr@doj.state.wi.us
TRAIN		608-266-7792	608-267-1338	CIBTrain@doj.state.wi.us
Data & Statistics	Derek Veitenheimer	608-266-7185	608-266-6676	veitenheimerdj@doj.state.wi.us
Uniform Crime Reporting (UCR)	Derek Veitenheimer	608-266-7185	608-266-6676	veitenheimerdj@doj.state.wi.us
WIJIS Justice Gateway	Dennis Powers	608-261-6267	608-266-7315	powersdj@doj.state.wi.us
Interoperability	Vacant			
TSCC		608-266-7633	608-266-7315	
WILEnet		608-266-8800		wilenet@doj.state.wi.us

Check the WILEnet website for additional data at [www.wilenet.org](http://www.wilenet.org)