



## Prosecuting Attorneys' Council of Georgia

**Policies & Procedures**

**Approved April 22, 2010**

**6.3**

**Information Technology**

**GCIC and NCIC Information Systems**

1. Purpose: This policy establishes procedures which are designed to ensure compliance with NCIC and GCIC policies and procedures for accessing, storing and disseminating criminal history files.
2. Authority:
  - A. O.C.G.A. §§ 35-3-30, et seq.;
  - B. O.C.G.A. §§ 16-9-90, et seq.;
  - C. Public Law 99-169 (codified as 5 U.S.C. § 9101);
  - D. Code of Federal Regulations, Title 28, Part 20;
  - E. GCIC Rules § 140-1-.01, et seq.
  - F. GCIC Policy Manual and Operations Manual;
  - G. GCIC Operations Bulletins.
3. Application.
  - A. This policy and procedure applies to all employees of the Prosecuting Attorneys' Council of Georgia and any temporary employees, contractors, or interns.
  - B. This policy supersedes PAC internal directive dated January, 2010 (GCIC and NCIC Information Systems). Any other policy, procedure or order in conflict with this directive is hereby rescinded.
4. Definitions & Abbreviations. As used in this policy,
  - A. "CCH" means a Computerized Criminal History;
  - B. "CHRI" means Criminal History Record Information obtained from GCIC or NCIC;
  - C. "CJIS " means the criminal justice information system;
  - D. "GCIC" means the Georgia Crime Information Center, a division of the Georgia Bureau of Investigation;
  - E. "Practitioners" means any employee of criminal justice agencies who use CJIS network terminals to receive, contribute, or benefit from the Georgia CJIS network,



# Prosecuting Attorneys' Council of Georgia

**Policies & Procedures**

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**6.3**

**Information Technology**

**GCIC and NCIC Information Systems**

the NCIC system, and other CJIS network databases needed to perform official duties and responsibilities.”<sup>1</sup>

F. “TAC” or “Terminal Agency Coordinator “ means a Council employee designated by the Executive Director to be responsible for ensuring compliance with state and federal laws, regulations and policies, regulations and laws established by the Georgia Crime Information Center (GCIC), the Federal Bureau of Investigation’s (FBI) Criminal Justice Information Services (CJIS) Division, or the National Law Enforcement Telecommunications Systems (NLETS). The Terminal Agency Coordinator serves as the liaison between the Executive Director and the Georgia Crime Information Center for CJIS network related matters.

G. “NCIC” means the National Crime Information Center, a division of the FBI.

5. Policy.

A. It is the policy of this agency that all personnel will comply with NCIC and GCIC rules and regulations.

B. Only those personnel who are designated by the agency and are GCIC certified will access or otherwise handle NCIC/GCIC computer files and then only for official criminal justice business.

C. Criminal history record information, when not being used, will be stored in a secure area. This may be a secure container, room or building not accessible by the public or non-criminal justice personnel.

6. Responsibilities:

A. The Executive Director will:

(1) Be responsible for designating the Terminal Agency Coordinator;

(2) Be responsible for ensuring that all affected employees are trained in the components of the CJIS network operations and successfully complete the Georgia CJIS Network Policy and Operations Manual workbooks and tests,

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<sup>1</sup> See also GCIC R. § 140-1.02(n).



# Prosecuting Attorneys' Council of Georgia

**Policies & Procedures**

**Approved April 22, 2010**

**6.3**

**Information Technology**

**GCIC and NCIC Information Systems**

and are re-certified/re-tested every ~~three~~ two years thereafter for the duration of their employment; and

- (3) Have overall responsibility for ensuring the Department's compliance with NCIC/GCIC policies and procedures.

B. The Terminal Agency Coordinator will be responsible for:

- (1) Maintaining an updated GCIC Operations Bulletins Manual, GCIC/CJIS Policy Manual, GCIC/CJIS Network Operations Manual, and Rules of the GCIC Council. These manuals will be accessible to authorized personnel at all times and be located in proximity to the designated computer terminals; and
- (2) Assuring that all departmental employees undergo Security and Integrity training within six months of employment, and every three years thereafter, as well as maintaining all employees GCIC signed awareness statements, workbooks and workbook tests.

C. All employees of the Agency will be responsible for adhering to the rules, regulations and guidelines set forth in this policy, the GCIC Policy Manual, GCIC Council Rules, Georgia CJIS Network Operations Manual, GCIC Operations Bulletin and NCIC Manual.

## 7. Criminal History Inquiries.

A. A signed Awareness Statements will be forwarded to the TAC for GCIC audit purposes.

B. The Prosecuting Attorneys' Council will use the proper purpose code when requesting a criminal history check per GCIC and NCIC regulations.

- (1) Purpose Code J only is authorized for PAC employees.
- (2) Purpose Code E is to be used for other authorized Non-Criminal Justice purposes.
- (3) Purpose Code C is to be used for criminal investigative purposes.



## Prosecuting Attorneys' Council of Georgia

**Policies & Procedures**

**Approved April 22, 2010**

**6.3**

**Information Technology**

**GCIC and NCIC Information Systems**

- C. Documents containing criminal justice information, regardless of its source, will not be altered, obtained, copied, destroyed, delayed, misplaced, misfiled, given, brought, or sold when the intent of such actions is to obstruct justice or to facilitate the violation of any federal or state law. The Prosecuting Attorneys' Council will request criminal history records for official business only as described in this procedure. The records will be disseminated only for the purpose of determining if a defendant, witness, or victim has a criminal history.
  - D. The following minimum information shall be maintained in GCIC CJIS computer system dissemination logs:
    - (1) Date of record dissemination.
    - (2) State or FBI identification number (if applicable).
    - (3) Agency reference number (ARN) shall be claim numbers.
    - (4) Requesting person's name and agency.
    - (5) The actual name or initials of the terminal operator or practitioner making the inquiry and agency.
  - E. Secondary dissemination must be logged.
8. Records Management.
- A. The Prosecuting Attorneys' Council will maintain CHRI for the duration of the criminal case.
  - B. Criminal history record information no longer needed shall be destroyed by shredding.
9. Security of Records Inquiry and Dissemination Functions.
- A. Authorized operators accessing criminal history records will provide a secure area out of the view of the public and unauthorized personnel as follows:
    - (1) The doors to the offices of the Prosecuting Attorneys' Council will be kept locked and only authorized persons shall be admitted access.



## Prosecuting Attorneys' Council of Georgia

**Policies & Procedures**

**Approved April 22, 2010**

**6.3**

**Information Technology**

**GCIC and NCIC Information Systems**

- (2) When the CHRI documents are not under the immediate control of authorized personnel, the documents will be secured in a locked file cabinet.
    - (3) Operator passwords will not be divulged to anyone.
    - (4) Secondary dissemination must be logged.
  - B. CCH records will not be commercially disseminated or sold.
- 10. Personnel Security and Training.
  - A. All employees, including but not limited to regular staff, temporary employees, contractors, and interns, who are assigned to handle criminal justice information must be fingerprinted within 30 days of employment.
  - B. New employees are required to attend Security and Integrity training within six months of the date of their employment.
  - C. Following successful completion of the initial Security and Integrity training;
    - (1) Council employees who are classified as practitioners must be retrained every two years following their initial training;
    - (2) all other authorized Council employees must attend Security and Integrity training every three years.
  - D. Testing:
    - (1) The TAC shall select two questions from each end of part test pertaining to the completed workbook parts that correspond to the Practitioner's job assignment, and at least one corresponding computer exercise. The TAC will certify that each retested Practitioner scores 90% or higher for a passing grade.
    - (2) If a Practitioner fails to retrain within the two-year period, the following applies:



# Prosecuting Attorneys' Council of Georgia

**Policies & Procedures**

**Approved April 22, 2010**

**6.3**

**Information Technology**

**GCIC and NCIC Information Systems**

- a. If the Practitioner is from one (1) to thirty (30) days delinquent in retraining, he/she must complete all end of part tests in their entirety for the workbook parts he/she was originally trained in.
- b. If the Practitioner is more than thirty (30) days delinquent in retraining, he/she must complete all workbook parts that were originally taken as if he/she were newly hired.

- (3) When employees represent the work of others as their own in their workbooks, the workbooks in question are invalid. Affected employees shall be subject to disciplinary action by the agency heads. Workbooks in paper format shall be completed in handwritten form, unless a medical condition exists warranting completion by typing. Such special conditions shall be documented by agency heads and TAC as justification from diverting from the handwriting standard. In such cases, agency heads shall be found in non-compliance with GCIC Council Rule 140-2.16. When such findings occur for employees already certified as CJIS Network Terminal Operators, certifications are subject to revocation by GCIC.

**E. Inspections and Audits.**

- (1) The TAC will routinely inspect the personnel practices and criminal history logs to ensure daily compliance with NCIC/GCIC policies and procedures.
- (2) The TAC will routinely inspect the Department's GCIC and NCIC worksites to ensure the GCIC operating manuals/bulletins are accessible and current, as well as, perform bi-monthly inquiries (CHRI) against the GCIC criminal history log sheet for appropriate inquiries.
- (3) The TAC and the Executive Director will coordinate and facilitate site audits by the GCIC.

**F. Contingency of Operations - Disaster Recovery Procedures.**

- (1) Each Council office will use all reasonable methods to protect criminal justice information and CJIS network terminals from man-made or natural disasters. This includes, but is not limited to, placement of fire suppressions devices (fire extinguishers) and assurance that employees are trained in the



# Prosecuting Attorneys' Council of Georgia

**Policies & Procedures**

**Approved April 22, 2010**

**6.3**

**Information Technology**

**GCIC and NCIC Information Systems**

operation of such devices. (Offices with an overhead sprinkler system meet this requirement.)

- (2) If the Council main office becomes unsecured as the result of a fire or any other disaster, security will be provided for the office by security of the Georgia Bar Building until an employee of the Prosecuting Attorneys' Council can take charge of the office.
- (3) If a CJIS network terminal becomes inoperable in an office due to a disaster, the supervisor of the office or a designee will notify the Georgia Crime Command Center at (404) 244-2770 and advise them of the situation so the inoperable terminal can be disengaged from CJIS network connections.
- (4) In the event that a disaster renders the CJIS network terminal at the Council inoperable, the TAC will make arrangements with the Criminal Justice Coordinating Council (CJCC) to serve as a backup operational site. If the CJCC terminal is also inoperable, the TAC will make arrangements with the District Attorney's Office for the Clayton Judicial Circuit to serve as a backup operational site. The TAC or designee will notify the Georgia Crime Communications Center.

11. Sanctions for Violation of GCIC Council Rules and CJIS Security Policy.

- A. Administrative sanctions will be imposed on individual violators according to the agency's standard operating policy for disciplinary actions. Such sanctions may include, but are not limited to, mandatory retraining and/or re-certification of practitioners.
- B. Individual violators will also be subject to criminal prosecution when their actions constitute violations of applicable state or federal law.