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**NATIONAL CRIME INFORMATION CENTER (NCIC)
TECHNICAL AND OPERATIONAL UPDATE (TOU) 20-2**

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SECTION 1 -- MESSAGE TO CJIS SYSTEMS OFFICERS

Section 2 of this TOU provides information on the addition of the SOS Field to the National Sex Offender Registry QXS inquiry for noncriminal justice agencies.

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TOUs are also available via the Law Enforcement Enterprise Portal (LEEP). To access TOUs on LEEP, go to JusticeConnect, then, under Communities, join the NCIC Community.

Users with questions concerning access to LEEP should contact the LEEP Help Desk at 888-334-4536.

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SECTION 2 -- SYSTEM CHANGES**2.1 ADDITION OF THE SOS FIELD TO THE NATIONAL SEX OFFENDER REGISTRY QXS INQUIRY FOR NONCRIMINAL JUSTICE AGENCIES**

AFFECTED BY CHANGE:

**Introduction
National Sex Offender Registry**

EFFECTIVE DATE:

April 7, 2020**Background**

On November 19, 2014, the Child Care and Development Block Grant Act (CCDBG) Public Law 113-186, was enacted and reauthorized the Child Care and Development Fund (CCDF) program for the first time in 18 years. Section 7 amended the CCDBG of 1990 (Title 42, United States Code [U.S.C.], Section 9858 et seq.) by requiring a state which receives CCDF funding to have in effect requirements, policies, and procedures to require and conduct criminal background checks for child care staff members, including prospective child care staff members of child care providers (42 U.S.C. § 9858f). The U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Care (OCC) published a final rule on September 30, 2016, based on these requirements (see Title 45, Code of Federal Regulations [C.F.R.], Part 98).

As provided in the OCC Final Rule, the CCDBG criminal background check requirements for a child care staff member are as follows (45 C.F.R. § 98.43):

- A Federal Bureau of Investigation (FBI) fingerprint-based national criminal history background check.
- A search of the National Crime Information Center (NCIC) National Sex Offender Registry (NSOR).
- A search of the following registries, repositories, or databases in the state where the child care staff member resides and each state where such staff member resided during the preceding five years:
 - State criminal registry or repository, with the use of fingerprints being:
 - Required in the state where the staff member resides
 - Optional in other states
 - State sex offender registry or repository
 - State-based Child Abuse and Neglect (CAN) registry and database.

Through coordination with the OCC, the FBI's Criminal Justice Information Services (CJIS) Division disseminated a letter to all CJIS Systems Officers (CSOs), State Identification Bureau (SIB) Representatives, Compact Council Members, and additional State Compact Officers on June 2, 2017, to provide guidance regarding the background check requirements for the CCDBG. For the NSOR check requirement, the FBI's CJIS Division recommended designated state agencies partner with law enforcement agencies to have a search of the NSOR conducted using the Query Sex Offender (QXS) message key (MKE). The guidance in the letter provided

that law enforcement agencies may provide the NSOR results to the designated state agency; however, the NSOR results may not be provided to a child care provider or applicant.

As a search of the NSOR for a noncriminal justice background check was unprecedented prior to the CCDBGGA, numerous questions arose surrounding the NSOR search requirement. The FBI's CJIS Division provided states with the following options for conducting the NSOR search:

1. The designated state agency partners with a law enforcement agency as stated in the referenced letter.
2. The SIB conducts the QXS queries on behalf of the designated state agency.
3. If the designated state agency has a law enforcement component (e.g., an Office of the Inspector General), the designated state agency may use its NCIC terminals to have the law enforcement component with the agency conduct the QXS queries.

Even with the options provided, states found it difficult to fulfill the NSOR search requirement of the CCDBGGA. In particular, the guidance to partner with law enforcement agencies created challenges for the states due to limited resources.

As a result of the CCDBGGA background check requirement, the Colorado CSO submitted a topic paper suggestion recommending the FBI pursue a technical solution to streamline the process and outlined the following steps:

1. Modify the Next Generation Identification (NGI) System so fingerprints submitted under the CCDBGGA are identified and the biographic information from the fingerprint submission is passed to the NCIC for a name-based search of the NSOR. The search results would only include active NSOR records.
2. If the biographics match an NSOR record, an automated message will be sent to the SIB which submitted the CCDBGGA background check to notify the agency of a potential match. The message should include all pertinent information such as the NSOR agency information, instruction on who to contact to further identify or confirm the NSOR, and a statement informing the SIB of the results are from a name-based search of the NSOR and are not based upon positive identification.
3. The biographic information would be transmitted from the NGI System to the NCIC in a Query Wanted Person (QW) transaction. The QW would result in only active NSOR records being returned.

However, not all applicant fingerprint submissions for the CCDBGGA are forwarded to the FBI (e.g., National Fingerprint File states may make the identification at the state level). As the NGI System technical solution is only valid for applicant fingerprints submitted to the NGI System, a second solution was provided from an NCIC perspective.

Through the Advisory Process, the recommended solution for NCIC was to add a new message field code (MFC) to the existing QXS transaction. This could be used to identify when an active non-suppressed record should be returned in the hit response. This change is not limited to the CCDBGGA but will be available for all users to limit search results based on active versus

suppressed NSOR records for investigative purposes and future authorized noncriminal justice purposes.

System Changes

A QXS inquiry of the NSOR may be made by name and one, more than one, or all of the following alphanumeric identifiers: DOB (including year, month, and day), FBI, MNU, SOC, OLN, LIC, VIN, REG, and/or BHN with each data element preceded by the proper MFC. The Sex Offender Status (SOS) Field will be added to the QXS inquiry to specify whether expired and inactive records should be returned. If the SOS Field contains Y, only active NSOR records will be returned. If the SOS Field contains N or is blank, then active, expired, and cleared records will be returned.

NCIC Operating Manual Changes

Additions to the *NCIC Operating Manual* (December 1999) are indicated by **highlighting**, and deletions are indicated by ~~strikeout~~.

INTRODUCTION**SECTION 2--NCIC MESSAGES****2.8 ERROR MESSAGES****2.8.17 REJECT - EXCESSIVE FIELDS (FOR XXX)**

- Entry transaction contains more than the allowed fields.
- Supplemental enter transaction attempts to enter more fields than are allowed.
- Inquiry transaction contains more than the allowed fields.

NATIONAL SEX OFFENDER REGISTRY**SECTION 5--INQUIRY****5.3 MESSAGE FIELD CODES FOR AN INQUIRY****5.3.1 Personal Identifiers**

FIELD NAME	REQUIREMENTS	MESSAGE FIELD CODE	FIELD LENGTH	DATA TYPE
HEADER	MANDATORY	HDR	9-19	ALPHABETIC, NUMERIC, SPECIAL CHARACTERS
MESSAGE KEY	MANDATORY	MKE	2-2	ALPHABETIC
ORIGINATING AGENCY IDENTIFIER	MANDATORY	ORI	9-9	ALPHABETIC, NUMERIC
NAME	MANDATORY	NAM	3-30	ALPHABETIC, NUMERIC, SPECIAL CHARACTERS
DATE OF BIRTH	CONDITIONAL	DOB	8-8	NUMERIC
SEX	OPTIONAL	SEX	1-1	ALPHABETIC
RACE	OPTIONAL	RAC	1-1	ALPHABETIC
FBI NUMBER/UCN	CONDITIONAL	FBI	1-9	ALPHABETIC, NUMERIC
MISCELLANEOUS NUMBER	CONDITIONAL	MNU	4-15	ALPHABETIC, NUMERIC, SPECIAL CHARACTERS
SOCIAL SECURITY NUMBER	CONDITIONAL	SOC	9-9	NUMERIC
OPERATOR'S LICENSE NUMBER	CONDITIONAL	OLN	1-20	ALPHABETIC, NUMERIC
LICENSE PLATE NUMBER	CONDITIONAL SET	LIC	1-10	ALPHABETIC, NUMERIC
LICENSE PLATE STATE	OPTIONAL WITHIN SET	LIS	2-2	CODE AS DEFINED IN NCIC CODE MANUAL

SECTION 2 – SYSTEM CHANGES

VEHICLE IDENTIFICATION NUMBER	CONDITIONAL SET	VIN	1 -20	ALPHABETIC, NUMERIC
VEHICLE MAKE	OPTIONAL WITHIN SET	VMA	2-24	CODE AS DEFINED IN NCIC CODE MANUAL
BOAT REGISTRATION NUMBER	CONDITIONAL	REG	1-8	ALPHABETIC, NUMERIC
BOAT HULL SERIAL NUMBER	CONDITIONAL	BHN	1-20	ALPHABETIC, NUMERIC
ORIGINATING CASE AGENCY NUMBER	CONDITIONAL	OCA	1-20	ALPHABETIC, NUMERIC, SPECIAL CHARACTERS
IMAGE INDICATOR	OPTIONAL	IND	1-1	ALPHABETIC
RELATED SEARCH HIT	OPTIONAL	RSH	1-1	ALPHABETIC
EXPANDED NAME SEARCH	OPTIONAL	ENS	1-1	ALPHABETIC
EXPANDED DATE OF BIRTH SEARCH	OPTIONAL	EBS	1-1	NUMERIC
SEX OFFENDER STATUS	OPTIONAL	SOS	1-1	ALPHABETIC

5.3.2 ZIP Code

FIELD NAME	REQUIREMENTS	MESSAGE FIELD CODE	FIELD LENGTH	DATA TYPE
HEADER	MANDATORY	HDR	9-19	ALPHABETIC, NUMERIC, SPECIAL CHARACTERS
MESSAGE KEY	MANDATORY	MKE	2-2	ALPHABETIC
ORIGINATING AGENCY IDENTIFIER	MANDATORY	ORI	9-9	ALPHABETIC, NUMERIC
ZIP CODE	MANDATORY	ZIP	5-5 5-10	NUMERIC, SPECIAL CHARACTERS
SEXUAL OFFENDER STATUS	OPTIONAL	SOS	1-1	ALPHABETIC
IMAGE INDICATOR	OPTIONAL	IND	1-1	ALPHABETIC

5.4 REQUIREMENTS FOR INQUIRY

- A QXS inquiry of the NSOR may be made by name and one, more than one, or all of the following alphanumeric identifiers: DOB (including year, month, and day), FBI, MNU, SOC, OLN, LIC, VIN, REG, and/or BHN with each data element preceded by the proper MFC. ~~Additionally, inquiries may be made using ZIP only, preceded by the proper MFC.~~
- When a QXS using name and an identifier is performed, active, expired, and cleared records will be returned.

- Additionally, the Sex Offender Status (SOS) Field can be used to specify whether expired and inactive records should be returned. If the SOS Field contains Y, only active NSOR records will be returned. If the SOS Field contains N or is blank, then active, expired, and cleared records will be returned. Authorized noncriminal justice agencies partnering with a law enforcement agency, such as those designated state agencies authorized under the Child Care and Development Block Grant Act, shall include the SOS/Y in its QXS inquiry.

If the QXS contains an SOS/Y and includes the RSH, ENS, or EBS, the inquiry will be rejected with the message REJECT – EXCESSIVE FIELDS FOR SOS.

- A QXS inquiry of the NSOR may be made using ZIP only, preceded by the proper MFC.

When a QXS using ZIP is performed, the ~~Sex Offender Status~~ (SOS) Field can be used to specify whether expired and inactive records should be returned. If the SOS Field contains Y or is blank, only active NSOR records will be returned. If the SOS Field contains N, then active, expired, and cleared records will be returned.

- A direct retrieval of an active NSOR record can be made using NAM and OCA only. Exact spelling of the name as contained in the entry is required when inquiring with only NAM and OCA.
- To directly retrieve a NSOR record using NIC, a wanted person inquiry (QW, QWA, QWE, QWF, QWS, or ZW) must be performed. Additional information on these transactions can be found in the Wanted Person File chapter.