



Misuse

Misuse

verb

/,mis'yōōz/

1. use (something) in the wrong way or for the wrong purpose.



BREAKING
NEWS

Misuse Statute

It is a **class B misdemeanor** for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.

UCA 53-10-108

Misuse

Misuse of the UCJIS system applies whether you are set up as a User, Non- Access User, or Non-User.
Misuse can also happen if you are not set up in UCJIS at all.

User Security Agreement

Misuse of UCJIS information: Violation of dissemination, privacy, or security regulations may result in civil and/or criminal prosecution of the person(s) involved and loss of state computer access for the user and his/her agency. BCI maintains an automated dissemination log of all UCJIS file transactions to help ensure this information is being accessed for authorized purposes. Any unauthorized request or receipt of this information could be considered misuse. Utah Code Annotated 53-10-108(12) (a) states:

(12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by BCI or any information contained in a record created, maintained, or to which access is granted by BCI for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.



UCJIS USER SECURITY AGREEMENT

Per Utah Administrative Rule R722-900, a **USER** means a person working for or with an agency who has direct access to UCJIS or a **NON-ACCESS USER** who obtains UCJIS records from a person who has direct access.



UCJIS USER SECURITY STATEMENT

Dissemination, Privacy, and Security of Information: All of the information acquired from any file accessed in UCJIS, which includes Palantir, the Public Safety Alerts and Notifications System (PSANS), and NDex, is governed by regulations and policies of the FBI and the State of Utah. Dissemination, along with the privacy and security of any information acquired from any file in UCJIS, is for criminal justice purposes only. This information should be used for criminal justice purposes and criminal justice employment only. Printed copies must be destroyed by shredding or burning when no longer needed. Per the Administrative Office of the Courts, local agencies may NOT generate a hard copy of a juvenile's rap sheet or record summary.

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User ID: Each UCJIS user must have his/her own user ID that must never be shared even for training purposes. Each user will be held accountable for each transaction in UCJIS under his/her user ID.

Criminal Background Checks: All UCJIS users, including those who are POST certified or who have a Utah Concealed Firearm Permit (CFPP), must undergo a criminal background check prior to having direct access to UCJIS information or receiving UCJIS information from a user with direct access. The criminal background check contains both a name and fingerprint search of UCJIS files and the FBI RAP Back System. The FBI RAP Back System retains prints for the purpose of being searched by future submissions including latent fingerprint submissions. The existence of a criminal conviction, outstanding warrant, or a new criminal arrest may result in loss of access to UCJIS or UCJIS information.

UCJIS USER SECURITY AGREEMENT

I, _____, have read and accepted the *UCJIS User Security Statement* and understand that I must abide by this agreement to have access to any information acquired through UCJIS.

Signature: _____ User ID: _____
Date: _____ Agency ORI: _____ Agency Name: _____

This agreement must be signed prior to accessing UCJIS or receiving any UCJIS information. This form does not need to be signed for biennial re-certification.

Please submit this agreement to your BCI Field Services representative or bcifs@utah.gov per Utah Administrative Rule R722-900-4.

Revised June 2021

User Training Agreement

UCJIS USER AND NON-ACCESS USER AGREEMENT

I certify that by signing this document that I have been trained and/or proficiency tested according to the procedure set by my agency, BCI, and CJIS. I accept that I will be held accountable for any information accessed under my user ID. I understand per Utah Code Annotated 53-10-108 (12)(a), it is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by BCI or any information contained in a record created, maintained, or to which access is granted by BCI for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.



UCJIS USER TRAINING AND TESTING AGREEMENT UCJIS NON-ACCESS USER TRAINING AGREEMENT



USER OR NON-ACCESS USER (Please Print)

USER OR NON-ACCESS USER ID

This agreement must be signed and submitted to BCI after the completion of the user or non-access user's initial training and testing and after each biennial training and testing.

UTAH ADMINISTRATIVE RULE R722-900 DEFINITIONS:

USER: a person working for or with an agency who has direct access to UCJIS.

NON-ACCESS USER: a person working for or with an agency who asks for and/or receives UCJIS records.

REQUIRED TRAINING OF EACH USER AND NON-ACCESS USER:

RESTRICTIONS ON ACCESS, USE, AND CONTENT OF UCJIS RECORDS: UTAH CODE 53-10-108

DISSEMINATION, PRIVACY, AND SECURITY OF UCJIS INFORMATION

CJIS REQUIRED SECURITY AWARENESS TRAINING

REQUIRED TRAINING AND TESTING FOR USER:

BCI MANUALS AND/OR NCIC MANUALS: LOCATION AND USAGE

PLEASE CHECK THE FILES THE USER WAS TRAINED AND TESTED ON:

DLD NLETS MVD III

UCH NCIC Inquiry NCIC Entry SWW/PO

UCJIS CERTIFICATION: The TAC has updated the CERT transaction: Yes No

This certifies that this user or non-access user has passed all of the required training and proficiency testing to be able to access UCJIS information.

UCJIS USER AND NON-ACCESS USER AGREEMENT

I certify that by signing this document that I have been trained and/or proficiency tested according to the procedure set by my agency, BCI, and CJIS. I accept that I will be held accountable for any information accessed under my user ID. I understand per Utah Code Annotated 53-10-108 (12)(a), it is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by BCI or any information contained in a record created, maintained, or to which access is granted by BCI for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.

USER OR NON-ACCESS USER'S SIGNATURE

TAC SIGNATURE

DATE SIGNED BY TAC

AGENCY

ORI

Please submit to your BCI Field Services representative or bcifs@utah.gov per Utah Administrative Rule R722-900-4

Revised May 2018

Valid Criminal Justice Inquiry Purposes

- Detection
- Apprehension
- Detention
- Pre/Post Trial Release
- Prosecution
- Rehabilitation of offenders
- Criminal Justice Employment
- Adjudication
- Correctional Supervision


Invalid Inquiry Purposes

- Curiosity
- Employment for Non Criminal Justice Purposes
- Licensing
- Immigration and naturalization matters
- Medicaid/insurance purposes
- City/County Employment
- Animal control when not employed with criminal justice funds

CHQ logs

- What transaction was run
- Who ran the transaction
- When the transaction was run
- Why the information was accessed

*This information can be viewed by FBI, BCI and agency TAC.

CRIMINAL HISTORY QUERY					
REQUESTER ORI	REQUESTER USER ID	REQUESTED FOR	PURPOSE CODE	AUDITING PURPOSE	FORMAT
UTBCI0000	adouglas	ADOUGLAS	C	TEST/ TRAINING YOGI BEAR	

Agency Logs

Your agency TAC is required by BCI to run agency LOGS to verify transactions are being run for a valid criminal justice purposes.

The TAC is able to view

Date/Time

Agency ORI

User ID

Transaction

Information Accessed

Received Time	Agency	UserID	Transaction	ORI	Search Fields
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Possible Penalties

Possible penalties of misuse includes but is not limited to:

- Civil and Criminal Charges
- Jail/Prison Time
- Fees
- Loss of POST certification
- Loss of UCJIS Access



How is misuse found?



- TAC review of weekly logs
- BCI Audit
- FBI Audit
- Self Reporting

53-10-108(12)(b)

A person who discovers or becomes aware of any unauthorized use of records created or maintained, or to which access is granted by the division shall inform the commissioner and the director of the bureau of the unauthorized use.

Examples of Misuse

- Dispatcher live streamed during shift and caught UCJIS data another employee asked about – terminated by department
- Officer ran ‘curiosity’ records checks on women he met at a party – lost POST certification, terminated by department
- State employee ran neighbors’ criminal history and shared information with spouse – terminated by department, criminal and civil charges filed



Scenario 1

Deputy Brewer is serving a warrant on City Official Johnny Rose's Daughter Alexis. City Official Rose demands to see the copy of the warrant.

Deputy Brewer states that City Official Rose cannot see the warrant as the document does not pertain to him. City Official Rose tells Deputy Brewer that if he does not give him the warrant he will get him fired.

Deputy Brewer, worried for his job hands over the Arrest Warrant to City Official Rose.

Is this misuse?

Yes No

Scenario 2

A prosecuting attorney is running a defendant's criminal history for an upcoming trial.

During the trial, the defendant is made aware his criminal history in the prosecuting attorney's documents. He asks the prosecuting attorney if he can look at his criminal history because he has never seen it before and wants to make sure its correct.

The prosecuting attorney agrees, but on the stipulation that he gives it back when he is done with it.

Is this misuse?

YES

NO

Scenario 3

Officer is on the side of the road conducting a traffic stop and asks dispatch to run drivers license information.

Dispatch runs the information and shares the information via RMS to the officer.

Is this misuse?

Yes No

Scenario 4

A police officer gets a phone call from his daughter, she tells him that her brother was just arrested for Possession of a Controlled Substance.

The police officer is very close with his son, and knows he would never ingest a controlled substance.

The police officer runs his son's criminal history to see everything that his son has been charged with before he goes to court.

Is this Misuse?

YES

NO

Scenario 5

A judge requests the court clerk to run a criminal history for an upcoming case later that day.

The court clerk, knowing the judge is an authorized UCJIS User, runs the criminal history with the judge listed as the requestor and with purpose code C.

Is this Misuse?

Yes No

Dissemination

noun

the action or fact of spreading something,
especially information, widely.

"the dissemination of public information"

In BCI Language

Dissemination

-The transmission/distribution of CJI to Authorized Recipients within an agency.

Secondary Dissemination

- The dissemination of CJI from a releasing agency to an authorized recipient agency.

Secondary dissemination log

What needs to be recorded?

- File Type Shared
- Date
- Requesting Agency
- Requesting Individual

Dissemination

Knowing when to disseminate

- Which agency/individual is requesting the information?
 - Are they an authorized recipient?
 - Do they have an Active ORI?
- What type of file is being requested?
 - Are they permitted to have that information?
 - Is the file restricted? If so, is a valid Law Enforcement agency/User requesting the file?
- What is your agency policy regarding dissemination?

Purpose codes

A- BCI Use Only

C- Criminal Justice

D-Domestic Violence and Stalking

F- Weapon Related Checks

H- HUD Housing

I- BCI Use Only

J- Criminal Justice Employment

P- Right of Access

X- Emergency Placement of Children

Devices

- UCJIS Information can not be run on personal devices.
- To access UCJIS information on a work device your agency must have an MDM on file with BCI



Devices

Any portable device that is used to access UCJIS is under the same dissemination, privacy, security and misuse regulations as a desktop computer located in a locked office.

Can you print UCJIS information?

YES

NO

Proper Destruction

Cross Cut Shred or Burn



Can you store UCJIS information electronically?

YES

NO

Proper Destruction

Must be sanitized three times prior to disposal or release.

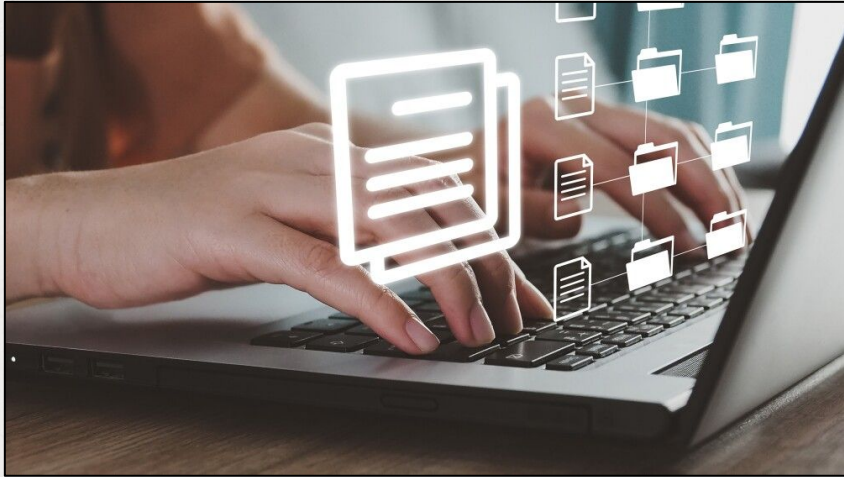


What is an RMS

Records Management System.

The RMS system stores UCJIS information, therefore it is required to meet CJIS security policy standards. Anyone accessing the RMS should be set up accordingly.

RMS



- Versaterm
- Spillman/Motorola
- Fatpot/Central Square/Tyler Technologies.

*Examples- not a full list.

Who Uses an RMS?

- Usually used by law enforcement agencies for patrol, records, corrections, and or dispatch.
- Includes E-Prosecutor or approved file sharing systems.

Should RMS users have UCJIS accounts?

Yes

No

Maybe

I don't know

Select all that apply

What UCJIS type should an RMS User Be?

User

Non- Access User

Non- User

They don't need one

Reminders

- Anything queried needs to be run on the ORI that is receiving the information when multiple accounts have been created.
 - EX-If you are task force but also have a PD account, when you are running information for task force you need to be using task force ORI.
- Anyone who may come across UCJIS information without an escort needs to be trained and recorded as at least a non-access user.
- A violation of UCA 53-10-108 applies to any person, not just a UCJIS user.