



**TENNESSEE BUREAU OF INVESTIGATION
TENNESSEE FUSION CENTER
SEX OFFENDER REGISTRY
STANDARD OPERATING PROCEDURES**



NCIC Entry and Validation Requirements for Registering Agencies

PART I – NCIC Entry

PURPOSE: The purpose of this procedure is to establish guidelines for Registering Agencies to use when entering and validating Sex Offender Registry (SOR) information in the NCIC National Sex Offender Registry File (NSORF) within NCIC guidelines as defined in the NCIC 2000 Operating Manual.

The NCIC Entry and Update process has changed significantly since the implementation of the New SOR Single Entry Database. An Initial Registration into the SOR Database automatically generates the NCIC entry for that offender. Additionally, any updates made to the offenders' record in SOR will automatically populate the NCIC entry. The Single Entry Database was designed to ensure the information in SOR matches the information in the NCIC entry, therefore, reducing the amount of "bad data" in each.

There are a few fields in NCIC that are not yet updated by the SOR Single Entry Database. These still require manual update by the TAC or designated NCIC operator for the registering agency. These fields are:

Offender Status (OFS)
Tier Level (TIR)
Fingerprint Classification (FPC)
Miscellaneous Field (MIS)

NCIC records, including Sex Offender Records, may only be validated by persons who have completed the forty (40) hour TIES Basic Certification Course through TBI. Questions regarding NCIC entries or validations should be first directed to the Terminal Agency Coordinator (TAC) at the entering agency prior to contacting TBI. **Registering Agency personnel assigned to NCIC duties should be familiar with this Standard Operating Procedure (SOP) and the chapter in the NCIC 2000 Manual dealing with the NSOR File.** That chapter is included at the end of this Standard Operating Procedure.

PROCEDURAL PROCESS FOR ENTRY OF TENNESSEE OFFENDERS:

- I. All newly registered sex offenders that register at Tennessee Registering Agencies shall be entered in the NCIC NSOR File by the Registering Agency. This is done automatically upon Initial Registration into the SOR Single Entry Database. Registering Agencies, including the Tennessee Department of Correction Probation and Parole (TDOC), shall be responsible for all NCIC functions (entry and validation) on offenders who register with them.



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- II. Registering Agencies shall also enter a sex offender into the NCIC NSOR File in situations where the offender is already registered and entered in NCIC by another jurisdiction (within Tennessee or other state) and the offender moves into their city/county of jurisdiction and begins registering with them. This can occur when an offender moves from city to city within Tennessee. **The NCIC entry is created by changing the ‘Agency to be Notified’ in Section B of the SOR Database to the new agency and by checking the box ‘Create New NIC’, also in Section B.**
- III. When an offender moves from city to city within Tennessee, the Registering / Entering Agency of the offender’s old residence should send a NCIC Sex Offender Notification (SON) message to both the city and county of the location where the offender is moving to ensure the proper agency is notified. Documentation of the notification should be placed within the offender’s file at the last Registering/Entering Agency for audit purposes.
- IV. If the offender moves from city to city within Tennessee, the old Registering Agency shall confirm that the offender has arrived at the new location and registered within 48 hours, by verifying that the offender’s updated information has been entered into the TBI SOR Database. Documentation of the new registration shall be placed within the offender file at the old Registering/Entering Agency. If it cannot be confirmed that the offender has reported to the new agency within 48 hours, the old Registering Agency where the offender last reported shall immediately perform an “Information Update” in the SOR Database, changing the offender’s status to “Absconder” and shall obtain an arrest warrant for the offender for “Failure to Register or Report.” That warrant shall be entered into NCIC. The NCIC sex offender entry status must also be updated to “Absconder”.
- V. If an offender is released from supervision by the Tennessee Department of Corrections Probation and Parole (TDOC), TDOC shall confirm that the offender has registered at the new local Registering Agency within 48 hours, by verifying that the offender’s updated information has been entered into the TBI SOR Database by the new Registering Agency. Documentation of the new registration shall be placed within the offender file at TDOC. If it cannot be confirmed that the offender has reported to the new local agency within 48 hours, TDOC shall immediately report the offender’s failure to register to the local agency with jurisdiction over the offender’s last known residence *and* to the TBI Sex Offender Registry Unit (888-837-4170). Upon notification from TDOC, TBI will notify the local agency with jurisdiction over the offender’s last known residence a second time and direct them to this Standard Operating Procedure. The local registering agency with jurisdiction over the offender’s last known residence shall



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- immediately perform an “Information Update” in the SOR Database, changing the offender’s status to “Absconder” and shall obtain an arrest warrant for the offender for “Failure to Register or Report.” That warrant shall be entered into NCIC. The NCIC sex offender entry status must also be updated to “Absconder”.
- VI. If the offender moves from city to city within Tennessee or is released from TDOC supervision, and the old Registering Agency has verified that the offender’s updated information has been entered into the TBI SOR Database, then and only then, the old Registering Agency shall clear (not cancel) the offender’s NCIC NSOR entry using the CXS screen in NCIC. **Registering Agencies should never cancel a sex offender entry (XXS screen) when an offender moves from city to city.**
- VII. When an offender notifies a Registering Agency of their intent to move out of state, the Registering Agency should give e-mail notification within 72 hours to the Sex Offender Registry of the state where the offender is moving. E-mail addresses for state registries are available at the TBI Sex Offender Registry web page for law enforcement: <https://www.tn.gov/tbi>.

Scroll down to Helpful Links
Click on “Law Enforcement Resources”
Click on “Tennessee Sex Offender Registry”
Click on “SOR Contacts”
Click on “State Registry Contacts”

Documentation of the e-mail notification should be placed within the offender file at the Tennessee Registering Agency. This notification should be in the following format:

This agency is a sex offender registering agency for the Tennessee Sex Offender Registry. We have received information / documentation that the referenced convicted sex offender intends to or has moved from Tennessee to your state. Our procedures require us to notify other states when offenders relocate, since we do not track sex offenders who live outside of Tennessee.

The information on the offender is provided below:

*Name:
Race:
Sex:
DOB:
SSN:
FBI#:
SID#:*



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*Conviction Offense:
Reported address in your state:*

For your convenience, a copy of the Tennessee Sex Offender Registry Law can be found at the Tennessee Bureau of Investigation website, <http://www.tbi.tn.gov/> under "Sex Offender Registry".

If the offender moves out of state, the Tennessee Registering Agency should confirm that the offender has arrived at the new state by one of the following methods:

- a. Verifying that there is a new out of state NCIC entry on the offender or that the offender has registered/reported to the new out of state registering agency.
- b. The offender's updated address information has been entered into the National Sex Offender Public Website (www.nsopw.gov) by the offender's new state Sex Offender Registry.
- c. The offender's updated address information has been entered into the offender's new state Sex Offender Registry, or
- d. By contacting the offender's new state Sex Offender Registry directly.

Documentation of the new registration should be placed within the offender file at the last Tennessee Registering Agency for audit purposes and a copy should be forwarded to TBI. If it cannot be confirmed that the offender has reported to the new state and in fact was required by that state's law to do so, the offender shall be listed as an absconder in the SOR Database by the Tennessee Registering Agency and a Tennessee arrest warrant should be obtained by the Registering Agency where the offender last reported. That warrant shall be entered into NCIC.

Once the Registering Agency has confirmed the offender has arrived at the new out of state location and registered properly, the Tennessee NCIC entry should be cleared using the CXS screen. If there is a situation where the offender frequently travels in and out of Tennessee, the Tennessee NCIC record should not be cleared. The offender's status in the Tennessee NCIC record may be changed to "Inactive/Moved" (code 79). In cases of frequent movement in and out of Tennessee, by simply changing the status code to "Inactive/Moved", when the offender returns to Tennessee, the code can simply be changed back to "Active". This practice however, should only be used when the offender frequently visits Tennessee, moves away, and continues to return. This will prevent the Registering Agency from having to re-enter the offender into NCIC each time the offender returns to Tennessee.



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- VIII. It is important to note that the OCA of a Tennessee NCIC sex offender entry is always the offender's TOMIS (00123456) or SO (SO001234) number that is listed in the Tennessee Sex Offender Registry Database. No other number may be used.
- IX. If the Entering Agency is not the Registering Agency (the Registering Agency does not have NCIC access and has entered into an agreement with another agency), the Entering Agency should consult with the Registering Agency to obtain information and to ensure the record is entered correctly.
- X. If a Registering Agency receives new or updated information on a sex offender, they must forward that information to the SOR person at that agency. New information must be entered into NCIC thru the SOR Single Entry Database within 72 hours of receipt of the information by the Registering Agency.
- XI. When entering a record, the NCIC Entry and Validation Checklist should be completed and placed in the offender file at the Entering Agency for audit purposes. The NCIC Entry and Validation Checklist is included in this Standard Operating Procedure.
- XII. Prior to entering an Initial Registration in SOR Single Entry Database or when an offender moves from one jurisdiction to another in TN, run a criminal history of the offender via III and NLETS. Run a driver's license query on the offender to obtain possible address and name used. Copies of these queries (most recent) should be placed in the offender's file for audit purposes. It is only necessary to maintain copies of the most recent queries in the offender's file.
- XIII. The first step in the NCIC Entry and Validation Checklist is for the Registering Agency to obtain a court judgment on the offender's sexual offense conviction. An attempt should always be made to obtain the court judgment. If there is a fee imposed for obtaining a judgment, a fee waiver request letter should be sent to the court clerk where the offender was convicted. An example of this type of letter is included in this Standard Operating Procedure. This letter should be placed in the offender file as proof of an attempt to obtain the judgment for audit purposes. **Proof of conviction of the registerable offense as well as proof of age of the victim must be obtained.** The preferred, most accurate method for validating the conviction information is by having the court judgment for the offender's conviction in the offender's file. Sources for obtaining a court judgment are the court clerk where the offender was convicted, the offender's prior registering agency, an out of state Sex Offender Registry unit, the Prosecuting Attorney's Office or the TBI Sex Offender Registry Unit. If a court judgment cannot be obtained, documentation must be placed in the offender's file explaining why.



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Copies of all court judgments shall be forwarded to the TBI Sex Offender Registry Unit for inclusion in the offender's master file at TBI.

- XIV. If a Court Judgment is not available, the TOMIS database may have conviction information on the offender. If the entering agency has access to TOMIS:
- A. Run LSTQ (Tennessee Sentencing) for the Offender.
 - B. If there is no information in the LSTQ, run LCLJ (referral screen) for possible disposition information.
 - C. Run LIMD (Arrival/Departure Status) for the Offender.
 - D. If it is an out of state conviction and the offender has a TOMIS #, run LSTP for out of state convictions.
- XV. When entering a record in SOR or validating a record in NCIC, it is imperative that accurate and complete information is used. Information on offenders is available from numerous sources that may be used to determine the most accurate information that should be entered in SOR/NCIC. Complete information is a NCIC requirement. All available programmed fields in NCIC (whether classified as mandatory or non-mandatory) shall be completed if the information is available in the TBI SOR Database or elsewhere (see pages 4-5, and 26 of the NSOR Chapter of the NCIC Manual included in this Standard Operating Procedure).
- XVI. The NCIC Offender Status (OFS) field shall be entered upon initial entry and updated each time the offender's status is changed in the TBI SOR Database. Approved status codes for use in Tennessee NCIC sex offender entries are:
- Absconder (B)
 - Active (A)
 - Active-Incapacitated (AI)
 - Active – Resides in Another State, Works in TN (AR)
 - Inactive-Deceased (ID)
 - Inactive-Deported (IP)
 - Inactive-Incarcerated (II)
 - Inactive-Moved (to another state) (IM)
- XVII. Incarcerated offenders should not be entered into the NCIC NSOR File. If an active sex offender who is already entered into NCIC by a registering agency becomes incarcerated for an extended period of time, the entering agency may clear the offender from NCIC. This will avoid a later need for validation of the entry while the offender is incarcerated. Upon incarceration, the agency shall update the offender's status code in the TBI SOR Database to "Inactive-Incarcerated." Once the offender is released from incarceration, the offender's status shall be updated to "Active" in the TBI SOR Database, the Registering



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Agency where the offender reports after leaving jail/prison shall update the offender's SOR record and NCIC through the SOR Single Entry Database .

A newly convicted sex offender, who becomes incarcerated immediately upon being convicted, must be registered in the TBI SOR Database within 48 hours of entering the facility and listed as "Inactive-Incarcerated." The newly convicted sex offender should not be entered into NCIC until he is released from incarceration and registers with a Registering Agency.

XVIII. Once a NCIC entry is complete, print the QXS screen from NCIC and add to the offender file at the NCIC Entering Agency. Complete the NCIC Sexual Offender Entry and Validation Checklist and add to the offender file at the NCIC Entering Agency.

All new NCIC entries should have a Second Party Check according to NCIC standards.

The accuracy of NCIC records is an integral part of the NCIC System. The accuracy of a record must be double-checked by a second party.

The verification of a record should include assuring all available cross checks and field-to-field comparison were made and that the data in the NCIC record match the data in the SOR Database.

Second Party Checks should be completed by a certified NCIC operator (either Query or Basic certified).

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PART II – NCIC Validation

PROCEDURAL PROCESS FOR VALIDATION OF NCIC NSOR ENTRIES:

I. When validating NSOR entries in NCIC, all standards mentioned above for NCIC NSOR entries should be followed in addition to the following procedures. All personnel should be thoroughly familiar with the entry process before proceeding to the validation process.

- A. Each month a list of NSOR File Validations is submitted to the NCIC contact person for the Registering Agency. Once the NCIC contact person has received the list, he or she has approximately thirty (30) days in which to validate the information using a variety of intelligence information and this Standard Operating Procedure.
- B. TBI has completed its NCIC ORI changeover process. Under no circumstance should TBI or a TAC (Terminal Agency Coordinator) modify an ORI.***
- C. These guidelines from NCIC should be followed when validating offender entries.
 - 1. Validation obliges the originating agency to confirm that the record is complete, accurate, and still outstanding or active. Validation is accomplished by reviewing the entry and current supporting documents (offender file), and by recent consultation with any appropriate complainant, victim, prosecutor, court, nonterminal agency, or other appropriate source (TBI SOR Database) or individual.
 - 2. Each month, the CJIS System Agency (CSA) receives a file of records to be validated. The CSA in turn distributes the records to be validated to the ORIs as appropriate.
 - 3. All validations are entered using the modify transaction in which the Name of Validator (VLN) Field is filled out. This constitutes validation and the NCIC System inserts a date of Last Validation (VLD) in the record.



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Note: It should become standard practice that the VLN field is completed not only during scheduled validations, but each and every time the offender's record in NCIC is modified.

NSOR records that have been validated within the last 11 months, based on the Date of Last Validation (VLD) Field, will not be selected for validation. This provides a mechanism by which jurisdictions can perform record validation as part of the verification process. When an entering agency updates the Name of Validator (VLN) Field, the record will not be selected by NCIC for validation for at least another year. Records that have not been validated within the last 11 months would represent noncompliant, out of state, incarcerated, and deceased offenders. This allows the jurisdiction to validate its NSOR records on its schedule, and not the NCIC System's schedule.

Therefore, when simply modifying a record, the entire validation process may be completed, thereby re-setting the validation cycle for another year.

4. Records that have been validated within the last calendar month are not retrieved for validation during the next validation cycle.

II. Once an agency receives their list of validations, the following steps shall be performed:

- A. When validating a record, the offender's criminal history shall be run and printed for inclusion in the validating agency file for audit purposes. The QXS screen shall also be printed and added to the offender file at the Validating Agency as proof of validation.
- B. The person validating the record shall review all fields the NCIC NSOR File entry for accuracy, completeness, and validity.
- C. The NCIC OFS status field should be updated each time the offender's status is changed in the TBI SOR Database. Approved status codes for use in Tennessee NCIC sex offender entries are:

Absconder
Active
Active-Incapacitated
Inactive-Deceased
Inactive-Deported
Inactive-Incarcerated (*Note: see section XXI above for information on incarcerated offenders*)



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Inactive-Moved (to another state)

- D. Those records that are no longer valid in NCIC will then be cleared and all others validated. If the offender is deceased, change the offender's status to Inactive- Deceased in the SOR Database and the TBI Sex Offender Registry Unit will automatically be notified. After verification, TBI will remove the record from SOR and NCIC. **Registering Agencies are not authorized to remove offender entries from NCIC on offenders who are deceased or deleted or offenders whose registration requirements have been terminated. Please contact the SOR Hotline (888-837-4170) to have these offenders removed.**
- E. If the Validating Agency is not the Registering Agency (the Registering Agency does not have NCIC access and has entered into an agreement with another agency) the Validating Agency should consult with the Registering Agency to obtain information for validation purposes and to ensure the record is validated / modified correctly.
- F. If a Registering Agency receives new or updated information on a sex offender, they must forward that information to the validator of the record for that agency. New information must be entered into NCIC within 72 hours of receipt of the information by the Registering Agency.
- G. When validating a record, the NCIC Entry and Validation Checklist should be completed and placed in the offender file at the Registering Agency. The NCIC Entry and Validation Checklist is included in this Standard Operating Procedure.
- H. The first step in the NCIC Entry and Validation Checklist is ensuring a court judgment on the offender's sexual offense conviction(s) has been obtained. If there is a fee imposed for obtaining a judgment, a fee waiver request letter should be sent to the court clerk where the offender was convicted. An example of this type of letter is included in this Standard Operating Procedure. This letter should be placed in the offender file as proof of an attempt to obtain the judgment. The Validating Agency must maintain a copy of the judgment or fee waiver request letter for audit purposes. If a court judgment cannot be obtained, documentation must be placed in the offender's file explaining why. **Copies of all court judgments shall be forwarded to the TBI Sex Offender Registry Unit for inclusion in the offender's master file at TBI.**

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CHECKLIST: NCIC Entry and VALIDATION For Registering Agencies

TOMIS / SO # _____ Offender's Name _____ Date _____

Check one (1): This is an: Entry _____ Validation _____

Query the offender in the NCIC NSOR File. Information from the QXS printout should be compared to the following:

_____ NCIC OCA number of offender matches the offender's TN Sex Offender Registry TOMIS or SO number. No other number may be used.

Court Documents:

_____ Court Judgment Order in file (the preferred, most accurate method for validating the charge) (If not able to obtain judgment, explain. If fee based, attach letter to clerk.)

Information from the SOR Database:

_____ SOR Database matches NCIC for addresses, physical description, sex, race, DOB/SSN, place of birth/citizenship, e-mail addresses/internet identifiers, etc.

_____ Offense information in SOR Database matches NCIC (date of offense/conviction, classification, was victim a minor)

_____ Classification of offender (sexual / violent) in SOR Database is correct.

NCIC Classifications: Tier I = Sexual / Tier III = Violent

_____ Offender Status listed in SOR Database matches NCIC offender status field (OFS)

Information from TOMIS (only to be used if unable to obtain a Court Judgment):

_____ Complete sexual conviction information from TOMIS matches both the SOR Database and NCIC

_____ If offender is listed as incarcerated in TOMIS and not in the SOR Database, the SOR Database should be updated once the incarceration is verified. NCIC entries of incarcerated offenders may be cleared if the offender is incarcerated for an extended period of time.

_____ If TOMIS has a different conviction than that listed in the SOR Database and/or NCIC, pull the offender file to see if there is a court judgment order or additional information to determine the source of the discrepancy. **Court Judgments take precedence in determining conviction information.**

_____ If conviction information cannot be confirmed within the offender file, confirmation must be made and documented prior to entering/validating the file. This is accomplished by obtaining a



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court judgment, or documentation by the Entering Agency that a verbal disposition was given by the court clerk, probation officer, or district attorney office, and a judgment will later be added to the file. A printout from an out of state SOR may also be used for conviction information if a court judgment is not immediately available.

Criminal History

- _____ Criminal History checked for additional sex offenses or new information (alias names, dates of birth, social security numbers, scars, marks, tattoos, etc.).
- _____ FBI # listed on the QXS printout matches the offender criminal history.
- _____ SID # listed on the QXS printout matches the offender criminal history.
- _____ Verify that the offender’s FBI and Tennessee SID #s are in the SOR Database. Never enter an out of state SID # into the Tennessee SOR Database.
- _____ New criminal history printed and placed in Entering Agency file.

Driver’s License

- _____ Driver’s license number on QXS printout belongs to offender.
- _____ Driver’s license checked for changes in expiration date.

(Check each one that exists)

- | | | |
|----------------------|------------------------|---------------------------------|
| _____ Court Judgment | _____ LCLJ (TOMIS) | _____ Driver’s License |
| _____ LSTQ (TOMIS) | _____ LIMD (TOMIS) | _____ LSTP (TOMIS) |
| _____ LCLR (TOMIS) | _____ Criminal History | _____ Out of state SOR printout |
| _____ QXS Printout | | |

Finalizing the Entry or Validation

- _____ Upon completion of NCIC entry, query the offender in NCIC to obtain the original QXS. A copy of the original QXS printout showing the NCIC entry should be added to the offender file as proof of entry.
- _____ Upon completion of subsequent NCIC validations, Registering Agencies shall add a new QXS printout of the NCIC validation to the offender file as proof of validation.
- _____ A copy of this checklist should be added to the offender file at the entering/validating agency upon entry and each subsequent validation.

Date all conviction information was available for entry into NCIC _____

Date entered into NCIC _____ Entered by (print) _____

*NCIC 2nd Party Check (entries only) performed by: (print) _____

If all information is not available in order for NCIC entry to be made within 3 days, please explain below.



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____ COPIES OF COURT JUDGMENTS OBTAINED ON OFFENDERS SHALL BE MAILED TO THE TBI SEX OFFENDER REGISTRY UNIT UPON RECEIPT.

Example of a fee waiver request letter to court clerk:

Dear Court Clerk,

Agencies who register Tennessee sex offenders are required by national standards from the FBI and NCIC to verify and validate conviction information on convicted sex offenders who are registered with the Tennessee Sex Offender Registry. A major part of the validation process is accomplished when an officer from a registering agency obtains a copy of the court judgment from the court where the sex offender was convicted. Without a copy of the court judgment showing the conviction offense of the offender, an offender's record within the Tennessee Sex Offender Registry remains incomplete.

These records are used by local law enforcement agencies who register sex offenders on a daily basis. When the registering agency and the TBI has a copy of the judgment on a convicted sex offender, we are able to forward that information to any in-state or out-of-state registering agency that the offender comes in contact with, thereby alleviating repeated requests from multiple agencies to a court clerk on the same offender. These records are also used in the prosecution of offenders who violate both state and federal registry laws.

Recently, an employee with this registering agency attempted to obtain a copy of a court judgment on conviction information for: Name / Date of Birth / Case Information of Offender

The employee was advised by your staff that your office charges a fee for this information, including fee charges to other governmental agencies. I am requesting that you waive the fee to this agency for the collection of these records so that together, we may continue to serve the citizens of this state and nation and continue our endeavors toward public safety.

Sincerely,