



## Lunenburg Police Department

<b>Policy Number:</b> <b>1.30</b>	<b>Subject:</b> <b>CJIS Hit Confirmation</b>
<b>Issue Date:</b> <b>03/14/2016</b> <b>Revision Date:</b> <b>10/18/2021</b> <b>Effective Date:</b> <b>03/14/2016</b>	<b>Massachusetts Police Accreditation Standards Referenced:</b> <b>N/A</b>
<b>Issuing Authority:</b>  <i>Chief Thomas L. Gammel</i>	

### I. DEFINITION OF A “HIT”

A “HIT” is a positive response from CJIS and/or NCIC in which the person or property inquired upon appears to match the person or property contained in the response.

### II. PROBABLE CAUSE

A CJIS and/or NCIC hit alone is **NOT** probable cause to arrest an individual or to seize property. It is one factor which must be added to other facts and circumstances to arrive at sufficient legal grounds for probable cause to arrest a person or to seize property.

**NOTE:** based on the decision in U.S. v. Hensley, 83 L.Ed.2d. 604 (1985), an NCIC hit would establish reasonable suspicion to detain an individual to briefly investigate the circumstances, including verifying and confirming the CJIS and/or NCIC hit.

### III. EXCLUSION:

A hit in the Warrant Management System (WMS) may be probable cause to arrest, provided that the arresting officer is "***relying in good faith on the warrant appearing in the Warrant Management System***".

Relying in good faith, an Officer can affect an arrest based solely on the entry in the Warrant Management System (WMS). If there is any doubt as to the identification of the subject, the inquiring agency should contact the agency responsible for the warrant (the WPD) and confirm the subject is identical to the subject described in the record.

#### **IV. RETENTION OF THE HIT RESPONSE**

- A. When an operational inquiry on an individual or property yields a valid positive response (hit), the terminal-produced printout showing the inquiry message transmitted and the record (s) on file in NCIC should be retained for use in documenting probable cause for the detention of the missing person, arrest of the wanted person, or seizure of the property. The printout may also prove valuable in a civil suit alleging a false arrest, a false imprisonment, a civil rights violation, or an illegal seizure of property. In all cases, the original printout should be retained for use in any court proceedings.
- B. When a CJIS or NCIC inquiry yields a hit, the terminal operator making the inquiry should note on the terminal-produced printout precisely how, when, and to whom the information was given, initial and date this notation, and forward the printout to the inquiring officer or agency for retention in the case file. This procedure establishes the chain of evidence for the communication should the arresting officer need to substantiate actions in a judicial proceeding.
- C. The printout should be retained for as long as there remains any possibility that the defendant will challenge the arrest, search, or other law enforcement action taken because of the information contained on the printout. The printout should be retained until all possible levels of appeal are exhausted or the possibility of a civil suit is no longer anticipated.

#### **V. HIT CONFIRMATION POLICY - (DOES NOT INCLUDE WMS WARRANTS)**

- A. Any agency which receives a record(s) in response to a CJIS or NCIC inquiry must confirm the hit on each record(s) which appears to have been entered for the person or property inquired upon prior to taking any of the following actions:
  1. arresting the wanted person;
  2. detaining the missing person;
  3. seizing the stolen property;
  4. charging the subject with violating a protection order;
  5. denying the subject the purchase of a firearm; or
  6. denying the subject access to explosives as regulated under the Safe Explosives Act. Additionally, an agency detaining an individual on local charges where the individual appears identical to the subject of a wanted person record *and is within the geographical area of extradition* must confirm the hit.
- B. Confirming a hit means to contact the agency that entered the record to:

1. Ensure that the person or property inquired upon is identical to the person or property identified in the record;
2. Ensure that the warrant, missing person report, protection order, or theft report is still outstanding; and
3. Obtain a decision regarding:
  - a. the extradition of a wanted person when applicable,
  - b. information regarding the return of the missing person to the appropriate authorities,
  - c. information regarding the return of stolen property to its rightful owner, or
  - d. information regarding the terms, conditions, and service of a protection order.
4. Determine if the entering agency wants the record to be located when the missing person was identified by partial body parts.
5. There are two priority levels for hit confirmation: Urgent and Routine.

## VI. IN-STATE HIT CONFIRMATION REQUEST

- A. An agency seeking **hit confirmation within state** must contact the originating agency by TELEPHONE if possible. If unable to call, an Administrative Message must be sent.
- B. The terminal operator making the inquiry should note on the Hard Copy printout:
  1. precisely how, when, and to whom the information was given;
  2. the name of the person confirming the record; and
  3. the time the record was confirmed
- C. The terminal operator should then initial and date this notation and forward the printout to the inquiring officer or agency for retention in the case file
- D. When using the telephone, one or more of the following should be obtained:
  1. Administrative messages sent as final confirmation
  2. Fax messages sent as final confirmation
  3. Dispatcher audio tape recordings
- E. Documentation of the confirmed hit is essential in that it may be critical to the success of defending a later claim of misidentification or inappropriate action.

## VII. OUT-OF-STATE HIT CONFIRMATION REQUEST

An agency seeking **an out-of-state hit confirmation** must contact the entering agency via an NLETS “**YQ**” (Hit Confirmation Request) message. This MUST be done in addition to any telephone contacts. There are two levels of priority for YQ messages:

- A. Urgent - within 10 minutes. This priority level should be used in those instances where the hit is the only basis for detaining a suspect, or the nature of a case or situation requires urgent confirmation of a hit.
- B. Routine - within 1 hour. Generally, this priority level is used when the person is being held on local charges or when an urgent confirmation is not required.

**NOTE:** Agencies MUST use the lower priority when an immediate response is not necessary. It will help to make the entire process more efficient and responsive.

## **VIII. HOW TO SEND A HIT CONFIRMATION (YQ) REQUEST**

To send an out-of-state hit confirmation request, you must do the following:

- A. Type **YQ** in the Quick Query Bar at the bottom of the screen and then?????  
Or
- B. In the Messenger forms tree, double-click on the Nlets folder, double-click the Hit Confirmation Folder, and then double-click Request.
- C. The YQ – NLETS Hit Confirmation Request form will be returned to the screen:

### **“YQ” DATA FIELDS**

#### **REQUIRED FIELDS**

#### **DATA REQUIRED**

*Destination 1	Destination (Entering Agency's ORI Number) (up to three destinations are allowed)
*Request Type	Request (type of record):
	SV - Stolen Vehicle
	WP - Wanted Person
	MP - Missing Person
	PO - Protection/Restraining Order
	SL - Stolen License Plate
	SG - Stolen Gun
	SA - Stolen Article
	SS - Stolen Security
	SB - Stolen Boat
	SP - Stolen Part
*Request Number	Request Number (1,2, or 3)
*Confirmation Priority	Priority:
	R - ROUTINE (confirm within 1 hour)
	U - URGENT (confirm within 10 minutes)
*Agency Case Number	Originating Case Agency Number
*NCIC #	NCIC NIC Number
*Requestor's Name	Name of the Individual Requesting the Confirmation

\*Requesting Agency      Requesting Agency Name

## IX. RESPONDING TO A HIT CONFIRMATION REQUEST

- A. When an entering agency receives a hit confirmation request from another agency, it MUST:
  - 1. Provide, within **ten minutes (for URGENT requests) or one hour (for ROUTINE requests)**, either a positive or negative confirmation or notice of the specific amount of time necessary to confirm or reject the record.
  - 2. Review all available information, including case files, warrants, and all other information that is relevant to identifying the person or property to ensure that a proper response is given.
- B. Entering agencies should be aware that hit confirmation is especially critical with regard to the wanted person file. In instances where extradition information is not readily available, the entering agency should indicate the specific amount of time needed to obtain extradition information.

## X. HOW TO SEND A HIT CONFIRMATION RESPONSE (YR)

When an agency receives a hit confirmation request (YQ) message, it must respond using the Hoit Confirmation Response (YR) message. To send a YR message, you must do the following:

- A. Type **YR** in the Quick Query Bar at the bottom of the screen and then ????  
Or  
In the Messenger forms tree, double-click on the Nlets folder, double-click the Hit Confirmation Folder, and then double-click Response.
- B. The YR - Hit Confirmation Request form will be returned to the screen:

## **“YR” DATA FIELDS**

## **REQUIRED FIELDS**

## **DATA REQUIRED**

\*Hit Type Request Type (type of record):

SV - Stolen Vehicle

**WP - Wanted Person**

MP - Missing Person

**PO - Protection/Restraining Order**

**SL - Stolen License Plate**

SG - Stolen Gun

SA	-	Stolen Article
SS	-	Stolen Security
SB	-	Stolen Boat
SP	-	Stolen Part

*Confirmation Status	Confirmation Status:
	P - In Process of Being Confirmed
	N - No (record NOT confirmed)
	E - Record Valid BUT Awaiting a Decision on Extradition.
	Y - Yes (record confirmed)
*Agency Case Number	Originating Case Agency Number
*Confirming Agency	Name of Individual Confirming the Record
*Confirming Agency	Name of Confirming Agency

## **XI. FAILURE TO RESPOND TO A HIT CONFIRMATION REQUEST**

### **A. IN-STATE**

1. If an entering agency does not respond within the time specified, the inquiring agency will send an administrative message to the DCJIS (MAMSP0030). The DCJIS will contact the entering agency and request that it respond to the hit confirmation request.

### **B. OUT-OF-STATE**

1. If a response to a first request is not received from an out-of-state entering agency within the time specified, a second request (YQ) must be sent to the following:
  - a. the entering agency
  - b. the Control Terminal Agency (CTA) of the state in which the entering agency is located
  - c. the CJIS Support Services Unit at MAMSP0030
1. If a response to a second request is not received from an out-of-state agency within the time specified, a third request (YQ) must be sent to the following:
  - a. the entering agency
  - b. the control terminal agency (CTA) of the state in which the entering agency is located
  - c. the CJIS Support Services Unit at MAMSP0030
  - d. the FBI CJIS Division at DCFBIWA00
2. Failure of an agency to ensure compliance with the hit confirmation policy will result in imposition of sanctions as approved by the DCJIS and the FBI.

## **XII. PRACTICES AND PROCEDURES**

- A. Prior to entering records into CJIS, employees must comply with two-party verification to ensure accuracy of information entered into CJIS database.
- B. Any records entered into CJIS found to be inaccurate or records entered in error will be immediately removed and/or corrected.

## **XIII. CONCLUSION**

- A. Hit Confirmation is the primary tool for ensuring that the proper person is apprehended or located and that the correct property is seized. It is particularly important to remember:
  1. Entering and inquiring agencies must follow the ten-minute or one hour hit confirmation policy.
  2. Hit confirmation documentation should be retained.
  3. Hit confirmation must be available 24 hours a day, 7 days a week, every day of the year.
  4. A hit alone is not probable cause to arrest.
- B. Failure to follow the hit confirmation policy could result in civil lawsuits and costly penalties for the criminal justice agency.