

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1240
LAW ENFORCEMENT AGENCIES DATA SYSTEM (LEADS)

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AUTHORITY: Implementing and authorized by the Criminal Identification Act [20 ILCS 2630] and authorized by Section 55(a) of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Adopted at 3 Ill. Reg. 6, p. 125, effective February 19, 1979; codified at 7 Ill. Reg. 14508; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3281; amended at 13 Ill. Reg. 8961, effective May 30, 1989; old Part repealed and new Part adopted at 23 Ill. Reg. 7521, effective June 18, 1999.

Section 1240.10 Introduction

- a) The Illinois Law Enforcement Agencies Data System (LEADS) provided by the Department of State Police (Department) is a statewide, computerized telecommunications system designed to provide services, information, and capabilities to the law enforcement and criminal justice community in the State of Illinois.
- b) The Director of the State Police (Director) is responsible for establishing policy, procedures, and regulations consistent with State and federal rules, policies, and law by which LEADS operates. The Director shall designate a statewide LEADS Administrator for management of the system. The Director may appoint a LEADS Advisory Policy Board to reflect the needs and desires of the law enforcement and criminal justice community and to make recommendations concerning policies and procedures.

Section 1240.20 The LEADS Advisory Policy Board (APB)

- a) The Director shall appoint a LEADS APB to advise the Director with respect to the needs and interests of the law enforcement and criminal justice community.
- b) The APB's Objectives and Scope of Activity
 - 1) To recommend to the Director general policy with respect to the philosophy, concept, and operational principles of LEADS.
 - 2) To review and consider LEADS rules, regulations, standards, and procedures.
 - 3) To consider and advise the Director with respect to participating agency non-compliance and sanctions.
 - 4) To review and consider other LEADS-related issues as may be

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requested by the Director.

- c) The APB, subject to the Director's approval, shall establish its own bylaws and procedures.

Section 1240.30 Accessing LEADS Data and Participating in LEADS

- a) Access to and the extent of participation in LEADS are determined by the criteria in this Section.
- b) Definitions as used in this Section
- 1) "Direct access" refers to having a terminal device or computer located on the agency's premises connected by a data communications link to the LEADS computer.
 - 2) "Full access" refers to direct access to all LEADS data and services.
 - 3) "LEADS data" refers to all data available through the LEADS computer.
 - 4) "LEADS services" refer to:
 - A) providing access to LEADS files;
 - B) processing messages through LEADS;
 - C) providing training and technical support to LEADS users; and
 - D) other LEADS-related services that may become available from the Department.
 - 5) "Less than full access" refers to limited access to some LEADS data and services.
- c) Criteria for Full Access
To qualify for full access to LEADS:
- 1) the following criteria must be met:
 - A) The candidate organization must be a criminal justice agency as defined in the U.S. Department of Justice Regulations on Criminal Justice Information Systems (28 CFR 20, Subpart A); or
 - B) The candidate organization must be under the management control of a criminal justice agency; or
 - C) The candidate organization must be a governmental consolidated dispatch center for providing police dispatch services and must have entered into a specific agreement with a criminal justice agency to provide services for the administration of criminal justice pursuant to that agreement. The agreement must be approved by the LEADS Administrator and incorporated into the LEADS interagency agreement; or
 - D) The candidate organization must be a non-governmental railroad or campus police department that performs the administration of criminal justice, has arrest powers pursuant to State statute, allocates a substantial part of its budget to the administration of justice, and meets the training requirements established by law for peace officers; or
 - E) The candidate organization must be authorized by law to access some or all LEADS data and the organization's utilization of LEADS will not adversely impact criminal justice proposes; and
 - 2) The participating organization must enter into a LEADS interagency agreement reflecting rights and duties of the parties.

Section 1240.40 Connecting to LEADS

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- a) To connect to LEADS, an agency must have computer hardware and computer software, and be connected to a communications link to the LEADS Data Center in Springfield. For each of these requirements, there are various options. In addition, the agency must meet certain planning and administrative responsibilities.
 - 1) Notify LEADS Administrator
When an agency desires to participate in LEADS and meets the qualifications described in Section 1240.30 or when an agency wishes to change its method of connecting to LEADS, it must make a written request at least 90 days in advance of the desired connection date. The request must be sent to the LEADS Administrator and must state:
 - A) When connection to LEADS is desired; and
 - B) What equipment and connecting options are planned by the agency.
 - 2) Arrange a Conference
The agency must arrange for a conference between its own representatives, any hardware or software vendors involved, and the Department. The LEADS Administrator may waive the requirement for a formal meeting if the vendor has previously demonstrated the ability to successfully interface with LEADS. The Department accepts no responsibility for misunderstanding of LEADS specifications and requirements that occurs between the local agency and its vendors.
- b) The LEADS Administrator must approve the agency's hardware and software configuration prior to the agency connecting to LEADS.

Section 1240.50 LEADS Access Security

- a) Each LEADS participating agency shall comply with the LEADS access security standards established by the Department.
- b) Personnel Security Requirements
 - 1) Thorough background screening of LEADS-related personnel is required by the employing agency. State and national criminal history record checks by fingerprint identification must be conducted for terminal operators, programmers, and other persons employed or utilized to effectuate access to or initiate transmission of LEADS and National Crime Information Center (NCIC) information, regardless of the frequency of access. A fingerprint-based background check must be performed on any person with direct access to LEADS. The agency shall submit both Illinois and FBI criminal justice applicant fingerprint inquiries to the Illinois State Police, Bureau of Identification.
 - 2) No persons will be permitted LEADS access unless they are of good character and have not been convicted of a felony or a crime involving moral turpitude under the laws of this or any other jurisdiction. Any person may have their LEADS access denied if charged with a felony or crime of moral turpitude under the laws of this or any other jurisdiction.
 - 3) No person may provide maintenance or technical services at or near LEADS equipment unless they are of good character and have not been convicted of a felony or a crime involving moral turpitude under the laws of this or any other jurisdiction. Any persons may have their authority to provide maintenance or technical services at or near LEADS equipment denied if charged with a felony or a crime involving moral turpitude under the laws of this or any other jurisdiction.

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- 4) LEADS operators shall use the terminal only for those purposes for which they are authorized. The individual receiving a request for criminal justice information must ensure the person requesting the information is authorized to receive the data.
 - 5) Each participating criminal justice agency must have appropriate written standards for discipline of LEADS and NCIC policy violators.
- c) Site Management Requirements
- Each LEADS agency must ensure that all LEADS computer devices are placed in a location under the direct control and supervision of authorized criminal justice personnel and are inaccessible to the public or persons not qualified to either operate, view, or possess LEADS and/or NCIC transmitted or received data. The computer site and/or terminal area must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data.

Section 1240.60 Computerized Hot Files (CHF) Records

- a) CHF Maintenance
 - 1) Any agency that has entered records into the CHF must ensure that its terminal is operated on a 24-hour-per-day basis by certified LEADS operators.
 - 2) Each LEADS record must be supported by an investigative document, active warrant, or complaint. No LEADS entry shall be made solely on a telephone report by the alleged victim or owner. Documents supporting LEADS records must be available on a 24-hour-per-day basis to the terminal operator, either by direct access or telephone inquiry, for purposes of case confirmation, quality control, validation, record maintenance, etc.
 - 3) Each agency must enter information into LEADS or ensure information has been entered into LEADS as soon as the facts are known and sufficient identifiers are available to permit the establishment of a LEADS record.
 - 4) All warrants will be immediately entered into LEADS by the responsible agency within 24 hours after receiving reliable information sufficient to permit the establishment of a LEADS record unless entry is delayed by emergency operational needs.
 - 5) Each agency assumes responsibility for the accuracy of the records entered under its authority. The accuracy of LEADS records must be double-checked by a second party within 24 hours after entry. That verification will ensure the available cross-checks (e.g., vehicle identification/license numbers) were made and that data in the LEADS record matches the data in the investigative report. Each agency will cooperate with LEADS quality control efforts by modifying or removing records that are incorrect or invalid. An agency must take action with respect to an incorrect or invalid record as soon as possible and no later than the end of the shift or work period during which notification is received. The Department (through "Serious Error" messages) has the right to remove any record where a substantial question exists concerning the validity or accuracy of the record.
 - 6) Each agency will respond to inquiries for confirmation from other agencies relative to the validity and currency of its LEADS records based on the level of priority requested, either urgent or routine.

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- 7) Each agency will promptly cancel an entry when the agency is notified or when it becomes aware that the legal intent of its entry has been satisfied, i.e., stolen property has been recovered or the suspect has been apprehended or returned. The agency that entered a record is responsible for the accuracy of that record.

Section 1240.70 Validation of CHF Records

- a) A record is valid if the CHF data in the agency's LEADS records are supported by documentation maintained by the agency.
- b) CHF records in LEADS must be immediately removed when no longer valid. Promptness in entering, modifying, voiding, and cancelling records is essential to maintaining the integrity of the LEADS files.
- c) All agencies having records in the LEADS CHF shall participate in the LEADS record quality-control activities initiated by the Department.

Section 1240.80 Dissemination of Data Obtained Through LEADS

- a) The LEADS network and LEADS data shall not be used for personal purposes.
- b) Personal or unofficial messages shall not be transmitted.
- c) LEADS data shall not be sold.
- d) LEADS data shall not be disseminated to any individual or organization that is not legally authorized to have access to the information.

Section 1240.90 Administrative and Training Responsibilities

All LEADS agencies must meet the following administrative responsibilities:

- a) Appoint LEADS Agency Coordinator
 - 1) Every LEADS terminal agency is required to appoint one employee as its LEADS Agency Coordinator. Immediately upon appointment, the name of this person must be submitted to the LEADS Administrator.
 - 2) The minimum requirements for the appointed LEADS Agency Coordinator are:
 - A) Must be an employee under the direct management control of the agency head;
 - B) Must be certified through the LEADS User Certification Program prior to appointment and remain in certified status during time of appointment; and
 - C) Must be thoroughly familiar with all LEADS regulations, policies, capabilities, and procedures.
 - 3) The duties of the LEADS Agency Coordinator include, but are not limited to:
 - A) Serve as liaison with Department personnel;
 - B) Coordinate training of all agency personnel on LEADS capabilities, procedures, regulations, and policies;
 - C) Assist the agency head to ensure all LEADS regulations and policies are followed; and
 - D) Provide input to LEADS personnel of the Department regarding problems and ideas for improvement of and changes to LEADS.
 - 4) Immediately upon the termination or reassignment of the LEADS Agency Coordinator, the agency head must appoint a new LEADS Agency Coordinator and notify the LEADS Administrator of the appointment.

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- b) Training Requirements
- 1) LEADS user certification is mandatory for all LEADS agency personnel who have full access or less-than-full access to LEADS functions.
 - 2) LEADS User Certification Program training is administered by the Department.
 - 3) User certification is awarded after successful completion of the LEADS User Certification Program and satisfaction of all its requirements for the level of access sought.
 - 4) Each full access and less-than-full access LEADS user must be functionally retested and recertified according to the LEADS Operator Certification Program.
 - 5) Each LEADS agency shall maintain records of all LEADS training, testing, and proficiency affirmation.
 - 6) Each agency shall provide basic LEADS training to all indirect users of LEADS and criminal justice practitioners (within six months after employment or assignment) for which the agency provides LEADS service.
 - 7) Each LEADS agency shall provide continuing access to information concerning changes or enhancements to LEADS to all indirect users of LEADS and criminal justice practitioners who utilize LEADS.
 - 8) Each LEADS agency shall provide basic LEADS training regarding functionality, regulations, policy, audits, sanctions, and related civil liability to criminal justice administrators and upper-level managers within the agency.
 - 9) User certification may be suspended or revoked by the Department for violation or non-compliance with laws, rules, regulations, or procedures. An individual whose certification is to be suspended or revoked will be informed of the reason for the action and the evidence supporting it. The individual will be provided an opportunity to respond prior to a suspension or revocation.

Section 1240.100 LEADS Terminal Agency Audits

- a) Each LEADS terminal agency will be audited periodically by the Department. The agency will be notified prior to the audit.
- b) The LEADS Agency Coordinator or designee must be present to assist the Department and make available all agency files, logs, or any other documentation required to be examined.
- c) Following the audit, each LEADS terminal agency will receive a written analysis detailing the findings, recommendations, discussions, and requirements for compliance generated by the audit.
- d) If an agency is found not in compliance with LEADS/NCIC policy, the agency head must respond in writing to the LEADS Administrator within 30 days after receiving the audit report with a plan of action that will place the agency within policy guidelines. Upon completion of these corrective measures, the agency head must notify the LEADS Administrator in writing that the agency has accomplished its planned objectives and is now in full compliance with LEADS/NCIC policy and regulations.
- e) If the head of an agency not in compliance with LEADS/NCIC policy fails to respond in writing to the LEADS Administrator within 30 days after receiving an audit report with a plan of action that will place the agency within policy guidelines or if the agency head fails to notify the LEADS Administrator in writing that the agency has accomplished its planned objectives and is now in full compliance

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with LEADS policy and regulations, the agency will be considered non-compliant and will be subject to suspension of all LEADS services or other sanctions.

- f) If an agency refuses to cooperate in a Department audit, the agency will be considered non-compliant and will be subject to suspension of all LEADS services or other sanctions.

Section 1240.110 Non-Compliance/Sanctions

The Department may suspend all or any portion of LEADS service without prior notification as the result of an agency's non-compliance with laws, rules, regulations, or procedures.

- a) **Minor Violations (Low Risk)**
When a violation occurs that does not threaten the integrity of LEADS or LEADS data, the LEADS Administrator will give written notice to the agency explaining the violation. If the matter is promptly addressed, no suspension of any LEADS access or service will occur.
- b) **Repeated, Continuous, Multiple, or Major Violations that Do Not Require Immediate Suspension (Moderate Risk)**
When an agency is repeatedly or continuously in violation, has committed multiple violations or has committed a major violation not requiring suspension, the Director or designee shall set a hearing date, providing the agency with at least a 20-day advance written notice.
- c) **Major Violations Requiring Immediate Suspension (High Risk)**
When a violation occurs that could seriously affect the integrity of LEADS or could threaten the safety of officers or the public, or is against the law, the Director may immediately suspend all or part of LEADS access or services without prior notice. When immediate suspension becomes necessary, the Director will notify the suspended agency and give the following:
 - 1) A list of the services that have been suspended;
 - 2) Alleged violations;
 - 3) A hearing date that shall be within 10 days after the date of the immediate suspension. The Director may lift the suspension prior to the hearing for emergency or public safety needs.
- d) **Hearing Procedures**
When a hearing has been set by the Director or designee, the following procedures will be followed:
 - 1) Agency representatives may appear at the hearing;
 - 2) The Leads Administrator or designee will present evidence that a violation has occurred or is occurring;
 - 3) The agency representatives may present any evidence they choose relevant and material to the alleged violation or to any corrective actions taken.
- e) **Director's Decision**
At the conclusion of the hearing, the Director may:
 - 1) Suspend service;
 - 2) Find no violation;
 - 3) End a suspension already imposed; or
 - 4) Grant a period of time to correct the non-compliance. If the Director grants additional time to comply, the Director shall set a date for a subsequent hearing to review compliance with the terms of the Director's order. At the second hearing, the Director may exercise any option that could have been exercised at the original hearing.