

Proposed Rules
of the
Tennessee Bureau of Investigation

Chapter 1395-01-02
Tennessee Incident Based Reporting System Program

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1395-01-02-. 01 Purpose and Scope.

To establish guidelines for law enforcement reporting, certification and sanctions under the Tennessee Incident Based Reporting System Program.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105. Administrative History: Original rule filed November 6, 2001, effective March 30, 2002.

1395-01-02-. 02 Definitions.

- (1) Agency Certification - The certification received from the TBI CSU for compliance with the TIBRS program.
- (2) Alternate RAC - An Alternate Reporting Agency Coordinator with at least sixteen (16) hours of initial training and eight (8) hours annually thereafter on the TIBRS Program may be designated by each agency submitting data to the TBI CSU. Initial training must begin with an introductory level data collection class. If the agency utilizes TBI's TIBRS software, initial training must also include an introductory level software class (AFTER completion of the data collection class). If the agency utilizes vendor software, initial training must include an introductory level data collection class followed by a TIBRS review class.
- (3) Central Repository - The computer program maintained by the TBI CSU that receives all of the information sent from reporting agencies and transmits that information to the FBI.
- (4) Certified Reporting Agency – A reporting agency that has met the TIBRS Program Certification Requirements outlined in 1395 – 1 – 2 - .03.
- (5) CLEO – Chief Law Enforcement Officer.
- (6) CSU - Crime Statistics Unit is the unit or section of the TBI responsible for maintaining the Central Repository for the collection of crime statistics from all reporting agencies.
- (7) Current Data – Data, not previously submitted, which must be submitted by the 10th day of the following month.

- (8) Data Checks - An analysis completed by the TBI CSU that ensures data submissions do not contain errors before the records are processed through the Central Repository.
- (9) Entering Agency – A reporting agency that meets the certification requirements of the TIBRS Program and submits data to the TBI CSU on that agency's behalf.
- (10) Error Report - The report generated by the TBI CSU when data submissions do not pass data checks at the central repository or at the FBI Uniform Crime Reporting Program.
- (11) FBI-Federal Bureau of Investigation.
- (12) Grant Computer – The computer provided by the TBI to reporting agencies in compliance with the certification requirements of the TIBRS program.
- (13) NCIC-National Crime Information Center is a database of criminal information maintained by the FBI.
- (14) Non-Compliance- Requirements for TBI CSU certification on the TIBRS Program have not been met or adequately maintained.
- (15) Non – Entering Agency Agreement – An agreement between two reporting agencies through which one agency elects to enter crime statistics for the other agency.
- (16) ORI Number - The Originating Agency Identifier is a nine-character identifier assigned by FBI NCIC or TBI CSU to an institution.
- (17) Quality Assurance Review - An investigation performed by the TBI CSU to ensure compliance with the certification requirements of the TIBRS Program.
- (18) RAC - A Reporting Agency Coordinator with at least sixteen (16) hours of initial training and eight (8) hours annually thereafter on the TIBRS Program must be designated by each reporting agency submitting data to the TBI CSU. Initial training must begin with an introductory level data collection class. If the agency utilizes TBI's TIBRS software, initial training must also include an introductory level software class (AFTER completion of the data collection class). If the agency utilizes vendor software, initial training must include an introductory level data collection class followed by a TIBRS review class.
- (19) Re-certification - A process by which a reporting agency in non-compliance with the TIBRS Program certification requirements can receive another chance to receive certification from the TBI CSU.
- (20) Reporting Agency – An agency submitting crime statistics to the TBI CSU in a manner that meets current TIBRS reporting standards.
- (21) TBI - Tennessee Bureau of Investigation.
- (22) TIBRS - Tennessee Incident Based Reporting System is the program of the TBI that maintains a system of intrastate communication of vital statistics and information relating to crime, criminals and criminal activity.
- (23) Training Database - A program maintained by the TBI CSU training staff that tracks training records of RAC and Alternate RAC staff members using the agency's ORI and the attendees driver license number.

(24) Vendor- A company that manufactures records management software that meets TIBRS reporting standards as found in the current TIBRS FILE layout specific document.

Authority: T.C.A. §§ 38-10-101 through 38-10-105. Administrative History: Original Rule filed November 6, 2001; effective March 30, 2002

1395-01-02-. 03 TIBRS Program Certification Requirements.

- (1) The TBI CSU will be responsible for maintaining the Central Repository for the collection of crime statistics from all reporting agencies. The responsibilities of the TBI CSU include, but are not limited to, the following:
 - (a) Processing data submissions through the Central Repository;
 - (b) Compiling and transmitting the data to the FBI monthly for all reporting agencies,
 - (c) Monitoring submissions from reporting agencies to ensure timely and accurate data submissions,
 - (d) Generating error reports to provide to reporting agencies that submit inaccurate data;
 - (e) Training RAC and Alternate RAC staff members from each reporting agency participating in the TIBRS Program; and
 - (f) Performing Quality Assurance Reviews of all participating reporting agencies to ensure compliance with the requirements of the TIBRS Program.
- (2) Each reporting agency that participates in the TIBRS Program shall be certified by the TBI CSU staff, upon meeting certification requirements.
- (3) Certification requirements for each agency shall include the following requirements:
 - (a) Maintaining three consecutive months of data submission with an error rate of less than four (4%) percent when processed through the Central Repository;
 - (b) Designating a RAC, in writing by the CLEO, who is responsible for submitting data to the TIBRS Program who has the required amount of training on the Program;
- (4) Agencies that change software vendors are required to go through the certification process with the new software including:
 - (a) Agency must submit three consecutive months of data with an error rate of less than four (4%) percent with the new software.
 - (b) Previously submitted data using the software for which the agency is currently certified must be available for editing and resubmission by utilizing either of the following methods:
 1. Two calendar years of back data including the current year can be converted to the new system by the new vendor and incorporated in a manner the data can be edited or deleted as need may require; or
 2. The vendor must allow the agency to re-enter previously submitted incidents and mark them as re-submitted, edited incidents so that the incidents will come into the repository in the acceptable format for edited incidents.

3. If the agency does not elect to continue entering TIBRS data in the system they are currently certified to use while attempting to attain certification in the new system, all data submitted with the new system will be processed live in the repository and will be subject to the requirements of submission with an acceptable error rate.

- (5) An agency desiring to become certified with a new vendor will be allowed one (1) test file per month. The agency will have a period of eight (8) months to become certified.

Authority: T.C.A. §§ 38-10-101 through 38-10-105. Administrative History: Original rule filed November 6, 2001; effective March 30, 2002

1395-01-02-. 04Data Submission Procedures.

- (6) Entering agencies shall submit crime statistic information monthly to the TBI CSU staff.
- (7) Deadlines for data submissions are as follows:
 - (a) Information from the previous month is due to the TBI by the tenth (10th) day of the current month.
 - (b) Information concerning incidents occurring in the current month should be entered in that month when possible.
- (8) The Tennessee Wildlife Resources Agency shall report only felonies, Class A misdemeanors set forth in Title 69 and 70 of the Tennessee Code Annotated, and any other violations which may be encountered and which fall within the agency's general police powers.

Authority: T.C.A. §§ 38-10-101 through 38-10-105. Administrative History: Original rule filed November 6, 2001; effective March 30, 2002.

1395-01-02-. 05Error Reports.

- (1) The TBI CSU shall process data submissions and enter information into the Central Repository unless the incidents do not pass the data checks and generate errors.
- (2) The TBI CSU will forward error reports received from the FBI to each agency for correction of incidents.
- (3) The TBI CSU shall return error reports to the originating reporting agency in a timely manner.
- (4) Error reports shall contain the following information:
 - (a) Reason(s) the incident did not pass the data check query;
 - (b) Suggestions for correcting the error- only for agencies using TBI's software. Agencies using commercial vendors should contact their vendors for assistance in this area.
- (5) Errors shall be corrected as soon as the error reports are received by the agency and corrected incidents re-transmitted no later than the second month after the error report is received; and
- (6) A letter will be sent by the TBI CSU to any agency's CLEO whose error rate for any month that is four (4.0%) percent or higher.

Authority: T.C.A. §§ 38-10-10 through 38-10-105. Administrative History: Original rule filed November 6, 2001; effective March 30, 2002.

1395-01-02-. 06 Quality Assurance Reviews.

- (1) The TBI CSU will be responsible for conducting Quality Assurance Reviews for each agency at least once in each audit cycle and will include a review of the following:
 - (a) All offense reports within a specified time period;
 - (b) Calls for service logs, where applicable;
 - (c) Data submitted by the agency during the same time period; and
 - (d) Quality control issues with the agency data;
- (2) The TBI CSU upon completion of the review will generate a formal report detailing findings and recommendations for corrective actions;
- (9) The agency will have a specified time frame to submit a written response to the formal written report which should include corrective actions initiated by the agency to address findings.

Authority: T.C.A. §§ 38-10-10 through 38-10-105.

1395-01-02-. 07 Sanctions for Non-Compliance with the TIBRS Program Requirements.

- (1) An agency will be classified as non-compliant with the requirements of the TIBRS Program if any of the following incidents occur:
 - (a) Failure to enter and submit current data to the TBI CSU for three (3) consecutive months in a format accepted by the repository;
 - (b) Failure to submit by the 10th of the following month for four (4) consecutive months;
 - (c) Failure to have a RAC or Alt RAC (if applicable) receive the mandatory hours of TIBRS Program training annually;
 - (d) Failure to implement corrective actions outlined in a report of findings from a Quality Assurance Review performed by the TBI CSU staff within sixty (60) days of receipt of the report by the certified reporting agency;
 - (e) Failure to submit a written response to the TBI CSU detailing steps taken to implement suggested recommendations within sixty (60) days of receipt of the Quality Assurance Review report;
 - (f) Failure to correct errors identified in error reports sent back to the certified reporting agency within sixty (60) days of receipt of the report;
 - (g) Failure to appoint a RAC, in writing from the CLEO, within thirty (30) days of starting reporting to the TIBRS Program;
 - (h) Failure to appoint a new RAC, in writing from the CLEO, within thirty (30) days after the position has become vacant;

- (i) Failure to have a current written agreement between an Entering and Non-entering agency on file at TBI.
 - (j) Failure to produce all records requested for Quality Assurance Reviews; or
 - (k) Failure to submit four (4) consecutive months of data with an error rate of less than four (4.0%) percent after the reporting agency has been certified.
- (2) A law enforcement agency with a grant computer that remains in non-compliance with the requirements of the TIBRS program for ninety (90) days shall return the grant computer to the TBI in its original condition.
 - (3) A reporting agency that has lost certification for the TIBRS Program may be re-certified after the agency corrects the area(s) of non-compliance including submission of all back data, and submits three (3) consecutive months of previously un-submitted data with an error rate of less than four (4.0%) percent.
 - (4) Notification of non-compliance with the requirements of the TIBRS Program shall be submitted by the TBI CSU to the Office of Criminal Justice Programs and to the District Attorney General.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105.

1395-01-02-. 08 Non-Entering Agency Agreement Requirements

- (1) Reporting agencies may elect to enter crime statistics for another agency to the TIBRS Program only if the following requirements are met:
 - (a) A written agreement must be signed by the heads of both reporting agencies;
 - (b) The original copy of the written agreement must be sent to the TBI CSU; and
 - (c) The entering agency must enter statistics for the non-entering agency using the non-entering agency's ORI Number at all times for proper identification purposes.
 - (d) The TBI Director and the supervisor of the CSU must also sign the Non-Entering Agency Agreement.

Authority: T.C.A. §§ 38-10-10 through 38-10-105. Administrative History: Original rule filed November 6, 2001; effective March 30, 2002.

1395-01-02-. 09 General Statistical Information.

- (1) Requests for crime statistics shall be made in writing to the supervisor of the TBI CSU.
- (2) The Director of the TBI shall adopt and promulgate rules and regulations prescribing the form, general content, time, and manner of submission of the following reports:
 - (a) Uniform Crime Report, composed of information received from all state, county and municipal law enforcement and correctional agencies as well as courts; and
 - (b) Crime on Campus Report, composed of information provided by campus officials from colleges/universities and other reporting institutions located within the state of Tennessee.

- (3) The Director shall designate a unit to correlate such reports to compile and submit to the governor and the general assembly in the form of an annual report.
- (4) A copy of the final report, submitted to the governor and general assembly, shall be furnished to law enforcement, prosecuting, judicial, correctional authorities, and other appropriate law enforcement and criminal justice agencies.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105. . T.C.A. §§ 49-7-2201, 49-7-2202, 49-7-2203, 49--7-2204 and 49-7-2205

The proposed rules set out herein were properly filed in the Department of State on the 19th day of November, 2007, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of March, 2008. (FS 11-13-07; DBID 2755)