



# Department of Justice

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STATEMENT OF  
STEPHEN L. MORRIS  
DEPUTY ASSISTANT DIRECTOR  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
FEDERAL BUREAU OF INVESTIGATION

BEFORE THE  
COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY  
UNITED STATES HOUSE OF REPRESENTATIVES

HEARING ON  
H.R. 3695, THE "HELP FIND THE MISSING ACT" OR "BILLY'S LAW"

PRESENTED  
JANUARY 21, 2010

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U.S. DEPARTMENT OF JUSTICE**

**Before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security  
On H.R. 3695, the "Help Find the Missing Act" or "Billy's Law"  
January 21, 2010**

Good morning Chairman Scott, Ranking Member Gohmert, and Members of the Subcommittee. I want to thank you for the opportunity to appear before you today and provide testimony about the National Crime Information Center as it relates to H.R. 3695, the "Help Find the Missing Act," also known as "Billy's Law." I am please to join my colleague, Kristina Rose, Acting Director of the National Institute of Justice, with whom the Federal Bureau of Investigation (FBI) enjoys a strong working relationship.

The National Crime Information Center, more commonly known as NCIC, is a computerized database of documented criminal justice information available to virtually every law enforcement agency nationwide, 24 hours a day, 365 days a year. NCIC became operational January 27, 1967, with the goal of assisting law enforcement in apprehending fugitives and locating stolen property. This goal has been expanded over the last forty-three years to include locating missing persons and further protecting law enforcement personnel and the public. NCIC has operated under a shared management concept, known as the CJIS Advisory Policy Board, between the FBI and federal, state, local, and tribal criminal justice users since its inception. The CJIS Advisory Policy Board enables NCIC users to make recommendations to the FBI Director for policy and operational enhancements to the system.

The FBI provides a host-computer and telecommunication lines to a single point of contact in each of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and Canada, as well as federal criminal justice agencies. Those jurisdictions, in turn, operate their own computer systems, providing NCIC access to virtually all local criminal justice agencies and authorized noncriminal justice agencies in the United States. Through this cooperative network, more than 100,000 law enforcement and other authorized users have on-line access to more than 10 million records and generate over 7 million transactions per day. The entry, modification, and removal of records is the responsibility of the agency that entered the record. The CJIS Division serves as the custodian of NCIC records.

The NCIC database currently consists of nineteen files. There are seven property files containing records of stolen articles, boats, guns, license plates, parts, securities, and vehicles. There are twelve persons files containing the supervised release, convicted sexual offender registry, foreign fugitive, immigration violator, missing person, protection order, unidentified person, U.S. Secret Service protective, gang, known or appropriately suspected terrorist, wanted person, and identity theft files. There are two NCIC files impacted by Billy's Law--(1) the Missing Person file, and (2) the Unidentified Person file. The Missing Person file, created in 1975, contains 98,000 records. The Unidentified Person file was established in 1983 and contains approximately 7,000 records.

Records may be entered into the Missing Person file for individuals meeting any of the following criteria:

1. **Disability:** a person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger.

2. **Endangered:** a person of any age who is missing under circumstances indicating that his/her physical safety may be in danger.
3. **Involuntary:** a person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, i.e., abduction or kidnaping.
4. **Juvenile:** a person under the age of 21 who is missing and not declared emancipated as defined by the laws of his/her state of residence and does not meet any of the entry criteria set forth in 1, 2, 3, or 5.
5. **Catastrophe victim:** a person of any age who is missing after a catastrophe.
6. **Other:** a person not meeting the criteria for entry in any other category who is (1) age 21 and older for whom there is a reasonable concern for his/her safety, or (2) a person who is under age 21 and declared emancipated by the laws of his/her state of residence.

A record for a missing person who is over age 21 may be entered into the Missing Person file provided the entering agency has signed documentation in its possession supporting the stated conditions under which the person is declared missing. This documentation will aid in the protection of the individual's right to privacy. When documentation from a parent, legal guardian, next of kin, physician, or other authoritative source, including friend or neighbor in unusual circumstances, is not reasonably attainable, a signed report by the investigating officer will suffice.

The Unidentified Person file assists law enforcement and forensic professionals in identifying unidentified persons and body parts. There are three different categories for entering records into the unidentified person file:

1. **Unidentified deceased persons,** including victims of catastrophe.
2. **Unidentified living persons** who are unaware of their identities, such as amnesia victims, small children, persons with Alzheimer's disease, etc.
3. **Body parts.** Cases have arisen in which a body has been dismembered and disposed of in different geographic locations. Entry of these records may provide investigative links between agencies that have recovered body parts.

The types of data included in an unidentified person file record include blood type, estimated year of birth, approximate height and weight, jewelry, medical conditions, and dental characteristics.

NCIC performs a daily cross-match of information contained within these two files. The NCIC cross-match is an automatic comparison of records in the NCIC Missing, Unidentified, and Wanted Person files based on personal descriptors and dental characteristics. This comparison is performed daily on records entered or modified the previous day and generates a list of potential matching candidates for the owner of both the entering/modifying and candidate records.

In 2007, the CJIS Division was directed, through the CJIS Advisory Policy Board, to work with the National Institute of Justice to explore the possibility of creating a national unidentified person website and to match NCIC data against records contained within the national missing and unidentified persons system or NamUs for the purpose of identifying the unknown dead. CJIS and the Advisory Policy Board understand the interest among the federal government, law enforcement, and medical examiner and coroner communities to share missing and unidentified person information in a web-based environment. CJIS also recognizes the issues and challenges confronted by medical examiners and coroners relative to NCIC terminal access. Likewise, CJIS acknowledges the need for a capability to allow some level of access to missing and unidentified person information for the general public. CJIS is sensitive to the delicate nature of some of the data, particularly images of body parts and morgue photographs, and encourages close monitoring to ensure inappropriate pictures are not shared with the public. The FBI's CJIS Division has supported information sharing with NamUs by sending

representatives to various NamUs working groups and advisory committees since early 2007. The FBI will continue to support this initiative until real-time information sharing between NamUS and the NCIC systems can be developed.

CJIS recognizes the need for real-time access to updated NCIC records. Currently, many NCIC record owners provide extracts of their NCIC Missing and Unidentified Person file records to NamUs. The information in NCIC, however, is updated continuously. During an average month, there are over 150,000 additions, modifications, and removals to the Missing and Unidentified Person file records. Extracts, therefore, are not conducive to providing a timely and accurate representation of records contained in NCIC. In a dynamic system such as NCIC, information obtained via an extract becomes obsolete instantly.

NCIC is an effective tool in the effort to locate missing persons. NCIC processes an average of over 7 million transactions per day. According to the most recent benefits survey, the use of NCIC during the survey year resulted in the location of an estimated 50,000 missing persons.

In closing, I would like to thank you for allowing me the opportunity to explain the use of NCIC for the location of missing persons and identification of the unknown dead. The FBI looks forward to working with members of this subcommittee, the NIJ, and our state and local law enforcement partners, to facilitate information sharing and solve missing and unidentified persons cases.