

502 KAR 40:040. LINK user agencies to initiate agreement with satellite agencies.

RELATES TO: KRS 16.130

STATUTORY AUTHORITY: KRS 16.080, 16.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.130 mandates that the commissioner shall cooperate with criminal justice agencies by exchanging criminal justice information. This administrative regulation establishes criteria for the exchange of criminal justice information via the LINK system by those criminal justice agencies within the Commonwealth of Kentucky by means of a Criminal Justice Information Exchange User Agreement contract.

Section 1. All criminal justice satellite agencies that access and/or enter CJI in the LINK system shall be required to enter into a User Agreement with the terminal agency providing said access/entry services. The form of the agreement shall be prescribed and approved by the commissioner prior to the entry, retrieval or access to information. A completed copy of this Agreement shall be filed with the Commissioner, Kentucky State Police, by all terminal agencies. (A copy of the Satellite User Agreement is available from the Kentucky State Police Records Section, Louisville Road, Frankfort, Kentucky 40601.) (See Appendix A)

APPENDIX A

COMPUTER INFORMATION

EXCHANGE AGREEMENT

BETWEEN

AND

This Agreement, made and entered into this _____ day of _____, 19__ between _____, a terminal agency accessing the Law Information Network of Kentucky (LINK), hereinafter referred to as terminal agency, and _____,

a nonterminal agency, hereinafter referred to as satellite agency.

This Agreement entitles Satellite Agency authority to request access to LINK files, except criminal history record information; to National Crime Information Center (NCIC) files, except criminal history record information; and to National Law Enforcement Telecommunications System (NLETS) for the exchange of criminal justice related information, except criminal history record information.

Satellite Agency agrees to abide by all statutes, regulations, rules, policies and procedures of the Law Information Network of Kentucky, the National Crime Information Center and the National Law Enforcement Telecommunications System, Inc.

Satellite Agency agrees to cooperate with the Terminal Agency and provide assistance and information necessary to meet the following minimum standards:

1. Ensure that all Record Entries and Modifications are accurate and complete.
2. Ensure immediate removal of all related records when property is recovered or individuals are apprehended.
3. React to error notifications as specified in LINK policies and procedures.
4. React within ten (10) minutes to a hit confirmation request.
5. Ensure immediate entry of locate message upon recovery of property or apprehension of Wanted/Missing persons.

Satellite Agency agrees to indemnify and save harmless the Terminal Agency, its director and employees; and the Kentucky State Police, its director and employees from and against any and all claims, demands, actions, suits and proceedings by others; against all liabilities to others including but not limited to any liability for damages by reason of or rising out of any false arrest or imprisonment or any cause of actions whatsoever, and against a loss, cost, expense and damage resulting therefrom, or rising out of or involving any negligence on the part of the Satellite Agency in the exercise or enjoyment of this agreement.

The Kentucky State Police and the Terminal Agency each reserve the right to immediately suspend services to the User Agency when rules, regulations, policies or procedures of LINK, NCIC or NLETS have been violated.

This Agreement will become effective on the ____ day of ____, 19 ____.

In WITNESS WHEREOF, the parties hereto caused this Agreement to be executed by authorized officials and officers.

Terminal Agency:

BY:

TITLE: (Chief Law Enforcement Official)

DATE:

BY:

TITLE: (Chief Executive Officer of Governmental Entity) (i.e., County Judge-Executive, Mayor, etc.)

DATE:

Satellite Agency:

BY:

TITLE: (Chief Law Enforcement Official)

DATE:

BY:

TITLE: (Chief Executive Officer of Governmental Entity) (i.e., County Judge-Executive, Mayor, etc.)

DATE:

APPROVED: (Commissioner), Kentucky State Police, 919 Versailles Road,
Frankfort, Kentucky 40601.

(12 Ky.R. 1568; eff. 4-17-86; Crt eff. 2-26-2020.)