#4: 2016 Survey Gauges Level of Disposition Reporting by Courts and Local Prosecutors

By Becki Goggins

As a part of the Survey of State Criminal History Information Systems, 2016, SEARCH queried states about their practices for receiving disposition information from courts and prosecutors. The information presented in the survey provides a snapshot of the number of dispositions received and how state criminal history repositories process them.

In their responses, 50 states, Guam, and Puerto Rico indicated that more than 12.6 million final dispositions were reported in 2016—a 3% increase from that reported in 2014.1 Once received,

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1 For more information, see Table 8 of the 2016 survey.
state repositories seek to match these dispositions to fingerprint-supported arrests in their criminal history repository. If no corresponding arrest can be located, states will typically place the disposition into a “suspense” file, so the disposition can be added when and if the arrest record is submitted. State repository staff may also contact local law enforcement agencies to see if they have arrests on file for corresponding dispositions where no state-level record exists. Additionally, nine states reported that they have deployed livescan devices in courtrooms to capture fingerprints to allow dispositions to be added to the criminal history record.2

**Court Dispositions**

Courts are the primary source of final dispositions for criminal history repositories. Courts dispose criminal cases and issue adjudications in any number of situations, including conviction, acquittal, dismissal of charges, suspended adjudication, suspended sentencing—all are final or interim dispositions that should be incorporated into relevant criminal history records.

Since most disqualifiers for employment, licensing, volunteer work and firearms purchasing are based on convictions, it is important that the final dispositions from courts are tied to the individual and the originating arrest charges in state or federal criminal history information systems. This is equally true whether the final disposition is a conviction or an acquittal. As the map illustrates:

- Thirty-nine state repositories receive court disposition data by automated means (both final and interim dispositions).
  - Twenty-two states reported receiving dispositions via a centralized (statewide) court case management system (CMS).

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2 For more information, see Table 13 of the 2016 survey.
Eleven states reported receiving dispositions via individual (local) court CMSs.

Six states indicated they receive electronic court dispositions; however, they did not provide detail on the sources.

Twenty-one states report that 90% or more of all court dispositions are reported to repositories by automated means.

Automating the process of submitting dispositions to the state repository ensures that they are available in the timeliest manner. In jurisdictions where 90–100 percent of court dispositions are reported electronically to state repositories, felony dispositions are typically reported to the repository within 24 hours of adjudication. In turn, those electronic dispositions are recorded by the repository in the state criminal history database within 24 hours.³

Prompt disposition reporting is essential to ensuring public safety. Conviction for a felony and for certain misdemeanor crimes of domestic violence or drug charges can render a person ineligible to purchase a firearm under federal law. If the conviction is not reported in a timely fashion, it is possible that a convicted person could obtain a firearm given current operations. These types of convictions are also used to deny persons access to positions of public trust and working with vulnerable populations—such as children, the elderly, the ill, and persons with disabilities. Conversely, if a person is effectively exonerated by a court’s final disposition, timely updating of the criminal history record to reflect this fact will not hinder their ability to serve in a trusted capacity, secure certain professional licenses, or purchase a firearm.

³ See Tables 8 and 8b of the 2016 survey.
Prosecutor Dispositions

Prosecutors are another key source of dispositions for state criminal history record repositories. While courts are the authoritative source for records of judicial adjudications, prosecutors can also formally dispose cases by declining prosecution, diverting cases to alternative treatment options, reducing charges, or other dispositions. Moreover, prosecutors can also provide critical *interim* dispositions as cases work their way through the criminal justice system. To ensure accurate and complete criminal history records, state repositories work closely with prosecutors to facilitate timely reporting of disposition information. In 2016, 33 states and Puerto Rico reported receiving dispositions from prosecutors. (See blue-shaded states.)

As with courts, electronic data submissions result in the timeliest entry of records into the state criminal history repository:

- Eight states and Puerto Rico reported receiving dispositions from local prosecutors via automated means through a centralized (statewide) prosecutors’ CMS.
- Six states receive automated dispositions from local prosecutors via a local jurisdiction’s CMS.
- Fourteen states receive dispositions from local prosecutors via a mix of automated and paper-based processes.
- Fifteen states receive dispositions from prosecutors in paper form.

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4 See Table 7c in the 2016 survey.
Because dispositions are central factors in so many criminal justice and noncriminal justice background checks, SEARCH continues to work with states to ensure that all case dispositions are made available to state criminal history repositories.

**About the Author**

Ms. Becki Goggins is Director of Law and Policy at SEARCH. She oversees our work in the areas of criminal history records, development of laws and policies concerning the use of justice information and protection of privacy, implementation of evidence-based practices, and the use of technology to improve justice information sharing. As an organization, SEARCH was originally founded to facilitate the exchange of criminal history record information (CHRI) between the states. Learn more about SEARCH’s work with criminal history records and the surveys we conduct on CHRI issues.

SEARCH staff continue to analyze the results of the 2016 Survey with the intention of making the data more accessible by creating dashboards and interactive displays. If you have suggestions for topics you would like to see highlighted, or if you have specific questions about survey findings, please contact Becki Goggins (becki@search.org) or Dennis DeBacco (dennis@search.org).