

SEARCH Resolution 94-15

Of the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics

February 11, 1994

Disposition Reporting Standards in the Brady Instant Check System

WHEREAS, the Brady Handgun Violence Prevention Act (Brady Act), requires that not later than six months after enactment the Attorney General shall adopt hardware and software and communications or telecommunications architecture for a National Instant Criminal Background Check System;

WHEREAS, the Brady Act requires the Justice Department to investigate each state's criminal record system and adopt a timetable by which states can provide criminal records on an on-line capacity basis to the national system;

WHEREAS, the Brady Act requires that not later than 60 months after enactment the Attorney General shall establish a National Instant Criminal Background Check System;

WHEREAS, Section 6213 of the Anti-Drug Abuse Act of 1988, P.L. 100-690, mandates that the Attorney General shall, "develop a system for the immediate and accurate identification of felons who attempt to purchase firearms...";

WHEREAS, any system intended to accurately and reliably identify felons must rely upon state-based criminal history record information that has a high level of disposition reporting;

WHEREAS, the National Instant Criminal Background Check System should maintain the highest felony disposition reporting standard achievable;

WHEREAS, the National Instant Criminal Background Check System should serve all states and therefore any disposition reporting standard should be calculated on a national average basis;

WHEREAS, the disposition reporting standard should not include arrests for which a final disposition has not occurred;

WHEREAS, the disposition reporting standard should address only felony dispositions;

WHEREAS, the disposition reporting standard should be calculated against all arrests for felony offenses occurring within a state within the five-year period and not just arrests reported to the repository; and

(More)

WHEREAS, the disposition reporting standard should define a final disposition so as to avoid confusion as to the meaning of that term;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, the National Consortium for Justice Information and Statistics, that: "The Attorney General is urged to adopt disposition reporting standards for a National Instant Criminal Background Check System which require that within five years from the date of enactment of the Brady Act, the National Instant Criminal Background Check System maintain, on a national average basis, the highest percentage achievable of available, final felony dispositions. A final disposition means a case termination by release without charging, by prosecution declination or by court adjudication."