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A SEARCH White Paper

Promising Practices for Auditing Criminal History Information Systems:

Findings from a SEARCH Focus Group

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Background

In August 2016, SEARCH, The National Consortium for Justice Information and Statistics, established a focus group to identify and document promising practices for auditing criminal history information systems. The focus group met via teleconference three times between August–November 2016. During the calls, several participants shared success stories from their states. Based on what they learned, focus group members decided to host a series of webinars—thus allowing more stakeholders to learn about how states conduct criminal history record audits and quality assurance reviews. SEARCH staff recorded each of the webinars, which are available on the SEARCH website.¹ This white paper is intended to provide an overview of the findings from the focus group meetings and associated webinars.

¹ The webinars are located under the “Law and Policy” heading of the Podcasts and Webinars page: <http://www.search.org/resources/podcasts/>

Legal Authority to Conduct Criminal History Audits

During the focus group conference calls and webinars, several members noted that legal authority is very helpful in terms of establishing a comprehensive criminal history auditing program. Each of the states that presented during the webinars—Alaska, Idaho, Iowa, and Washington—have broad statutory authority to conduct audits.²

However, legal authority is not strictly necessary, and several states reported operating successful programs in which contributing agencies voluntarily participate in auditing programs or data quality reviews.

Promising Auditing Practices from Four States

This white paper documents promising auditing practices from four states: Alaska, Idaho, Iowa, and Washington. These can include:

- **arrest and disposition reporting**
- **auditing methodologies and reporting practices**
- **criminal history records training**

² The Appendix lists the statutory authority for criminal history auditing in these four states.

ALASKA



Arrest and Disposition Reporting

In Alaska, all charges, regardless of whether or not fingerprints are obtained, are required to be submitted to the Alaska Public Safety Information Network (APSIN) Criminal History Record module, which is maintained by the Department of Public Safety (DPS).³ The Criminal Records and Identification (R&I) Bureau within DPS runs reports to see how many arrests are missing dispositions in the module and conducts research to determine why the information is missing—e.g., prosecutor did not submit declination to prosecute, court did not provide all the required fields to support an APSIN entry, etc.⁴ As part of the auditing process, R&I Bureau staff document where the reporting process broke down and provides this information to the appropriate criminal justice agency in summary format for their review and possible action prior to publishing the final audit report.

³ APSIN is used by Alaska DPS employees and other law enforcement personnel across Alaska to track arrests, criminal histories, warrants, missing persons, stolen property, and other information for law enforcement purposes. APSIN provides access to Alaska motor vehicle and driver license data, and connects to the FBI's National Crime Information Center (NCIC) and to other states via the National Law Enforcement Telecommunications System (Nlets). Source: <http://dps.alaska.gov/statewide/>

⁴ The Criminal Records and Identification Bureau maintains Alaska's criminal history records and fingerprint identification data. The Alaska Automated Fingerprint Identification System (AAFIS) verifies the identity of persons arrested and matches latent prints from crime scenes with prints on file. AAFIS is a participant in the nine-state Western Identification Network, which shares a fingerprint data base. Source: Ibid.

State statute requires courts in Alaska to provide all court dispositions to the R&I Bureau. The APSIN Criminal History Record module maintains all of these dispositions. Each charge entry displays a flag to indicate if fingerprints were taken at the initial arrest or citation (or later by court order). Note: In Alaska, most arresting agencies do not record fingerprints at the time of arrest; the Department of Corrections is responsible for obtaining the fingerprints of all individuals booked into their facilities, and the Alaska Court System is, by law, required to ensure that fingerprints have been obtained for all criminal charges at the time of sentencing.

Auditing Methodologies and Reporting Practices

The Alaska DPS conducts audits of the APSIN Criminal History Record module every year; however, state law only requires audits every 2 years.⁵ Information on all charges referred to prosecuting agencies for a designated time period is provided to the module, and this serves as the audit population. All arresting/referring agencies submit requests for prosecution using a standard form called the "Criminal Case Intake and Disposition" form (referred to as the CCID). The CCID form is the source of the Arrest Tracking Number (ATN), which tracks the progress of arrest charges through the criminal justice system.

⁵ In 2011, DPS implemented new auditing software and hired a new full-time auditor, which allows them to complete audits more quickly, effectively, and efficiently by allowing the audits to be conducted annually. Presently, violations, infractions, and noncriminal charges are excluded from the pool of potential cases that are audited.

DPS selects a random sample of the population for the record review and audit. Although contributing agencies are not specifically audited in this process, DPS notifies these agencies of audit findings due to their contribution of source documents.

As a part of the annual audit, DPS examines the selected records for accuracy, timeliness, and completeness as follows:

- On October 1 of every year, auditors take a “snapshot” of the information currently in APSIN as it relates to arrests occurring in the month of January of that year, including any subsequent dispositions for those arrests.
- During the month of September of that same year, the DPS auditor requests a list from prosecutors in all four judicial districts of all criminal incidents referred for prosecution in January of that year. This list, generally received in October, is used as the audit population from which the auditor will select the random sample of records.

The list is imported into the DPS Audit Tool to generate the random sample. (The Audit Tool was developed by MTG and is built over a Microsoft Access database.)

- After the sample is selected, the DPS auditor then follows up with each state/local prosecutor to request source documents (CCID forms) for each case selected. The auditor then compares these source documents to the snapshot data from APSIN.

The records being audited are from the current year, so auditors recognize that some cases may not have worked their way through the court system. However, this method provides a

snapshot of how well various agencies are reporting arrests, declinations, and some dispositions.

- Audit scoring begins in November. The auditor retrieves and prints all source documents related to sampled cases, including but not limited to, fingerprint cards, judgments, and criminal charge information. DPS stores many of these documents electronically in archive databases. DPS also requests missing documents from the submitting agency. In some cases, DPS requests arrest reports to further clarify the status of the arrest and/or non-arrest.

DPS uses the Audit Tool to score each charge for each sampled case. Each of the following record types is compared to data housed in the criminal history repository’s APSIN database:

- fingerprint cards
- CCID/declines to prosecute
- arrest reports
- dispositions.

The auditor evaluates each case to see if any data is missing or inaccurate in APSIN and scores the data’s timeliness—by assessing the time elapsed between the occurrence of an event to its entry into APSIN. For each judicial district, DPS scores approximately 3,500 data elements in the audits.

- The auditor continues scoring cases through February of the following year. Upon completion of the scoring, the results are reviewed by the Program Coordinator II (the manager who supervises the auditor).

- In June, DPS provides the audit findings to all contributing agencies for additional review and comment.
- In July, following the review and comment period, DPS publishes the audit findings on their public website and notifies all contributing agencies and advisory boards of final publication.

The Audit Tool generates many of the reports for publication with the click of a button. Each report reflects percentages of completeness and accuracy of reports for each judicial district. The Auditing Tool also generates an executive summary for each judicial district that highlights the major findings, including overall percentages for each record type. Finally, the system generates detailed reports that DPS can provide to contributing agencies to help them identify ways to make process improvements. DPS publishes official audit findings on its website.⁶

⁶ <http://dps.alaska.gov/Statewide/cjis.aspx>.

IDAHO



Arrest and Disposition Reporting

In Idaho, the criminal history repository is operated by the Idaho State Police (ISP) Bureau of Criminal Identification (BCI).⁷ It receives most fingerprints and arrest charges electronically via live scan.⁸ (Only two agencies in the state submit hard-copy fingerprint cards.) The repository also receives court information through an hourly electronic data feed, which is automatically ingested into the criminal history database—provided the fixed-width text file submitted by the court contains all the correct information. The most critical piece of information needed to support automated matching is the transaction control number (TCN) from the original arrest, and all law enforcement agencies in Idaho are required by law to report TCNs to the courts.

⁷ BCI serves as the state's central repository of criminal records, fingerprints, and crime statistics. It provides information and identification services that help law enforcement agencies detect and apprehend criminals; that promote public and officer safety; and that support the criminal justice system in the prosecution, adjudication, and correctional supervision of offenders. It also coordinates terminal access to the Idaho Public Safety and Security System (ILETS), serves as the control terminal agency for the NCIC, and operates the Automated Fingerprint Identification System (AFIS). Source: <https://isp.idaho.gov/BCI/>

⁸ Live scan fingerprinting refers to both the technique and the technology used by law enforcement agencies and private facilities to capture fingerprints and palm prints electronically, without the need for the more traditional method of ink and paper. Source: Wikipedia.

Records that cannot be electronically matched are placed in a “hold” file for closer review by repository staff. Staff will determine if there was an original arrest versus a cite-and-release event, or if the court did not provide the necessary information to allow the disposition to auto-populate within the database. Missing or incorrect TCNs from the courts is the most common reason that the criminal history database rejects a record. Records are also rejected if there are discrepancies in personal identifiers—e.g., the date of birth associated with a TCN does not match what was reported by the court.

The BCI’s Criminal History Unit has one full-time data entry position and four full-time fingerprint technician positions. In addition, National Criminal History Improvement Program (NCHIP) funding from the U.S. Department of Justice recently allowed the ISP to hire six part-time temporary employees to focus on disposition recovery. From May 1, 2016–December 1, 2016, the temporary staff recovered approximately 50,000 missing dispositions.

Auditing Methodologies and Reporting Practices

The BCI has a Criminal History Auditor/Trainer who reviews record completeness as part of the rotating triennial criminal history review of all criminal justice agencies in the state, wherein every agency is reviewed once every 3 years. These compliance reviews compare what information is held by contributing agencies to what is held in the state criminal history repository. These reviews have a two-fold purpose:

- 1) to ensure compliance with state statutes regarding information reporting requirements, including time standards, and
- 2) to evaluate the accuracy and completeness of records submitted to the state repository.

Following each review, the Auditor/Trainer provides the results to contributing agencies to make them aware of any discrepancies found between their records and the central state repository.

To start the compliance review process, the Auditor/Trainer contacts all the agencies within a county to schedule an on-site visit. Agencies reviewed include: sheriff’s departments, police departments, State Police, city and county prosecutors, magistrate and district courts, misdemeanor adult probation, State Department of Correction, and juvenile detention and corrections. Each compliance review lasts approximately 1 week, and all contributing agencies meet at the end of the week to review the findings. Idaho reports that these multiagency meetings have been a key mechanism to improving the accuracy and completeness of criminal history records, as stakeholders work together to identify challenges within each county and devise solutions that work for everyone.

The BCI Auditor/Training schedules compliance reviews about 6 months in advance, and sends each agency a pre-audit questionnaire to complete. The questionnaires are available online, and agencies find it more convenient to fill them out online, as opposed to sending in paper forms. The questionnaire:

- asks law enforcement agencies to note the number of both felony and misdemeanor arrests made during the previous year (BCI then compares these figures to those reported to the state repository);
- requests information on the number of cite and release events for each agency, as well as each agency’s policy for obtaining fingerprints for these individuals; and
- asks how the agency handles charges that are dismissed by a prosecutor.

The goal is to encourage agencies to ensure all arrests and dispositions are accounted for within the criminal history system.

Prior to arriving on-site, the Auditor/Trainer selects a random sample of arrests based on agency size to review. Once on-site, she compares criminal history record information related to the selected arrests to original source documents. Source documents include incident reports, booking sheets, narratives, case summaries, case files, and the court repository.

As mentioned, compliance reviews are conducted every 3 years, which equates to approximately 11 to 12 site-visits per year. However, BCI may audit those agencies experiencing substantial difficulties in reporting more frequently. At the end of each review, the Auditor/Trainer uploads a single report documenting any findings and/or recommendations to an online portal, where it is accessible to all agencies within the county. Agencies use the same system to document records improvement plans or any other corrective actions they plan to take.

Criminal History Records Training

Idaho requires contributing agency personnel to attend training every 2 years to be certified to use the Idaho Public Safety and Security Information System (ILETS).⁹ ISP teaches users to “pack records” for all Interstate Identification Index (III), NCIC, and in-state fingerprint arrest records. ISP conducts trainings at least twice a year in each of the six ISP districts throughout the state. Meanwhile, Idaho’s Peace Officer Standards and Training (POST) agency requires all certified peace and detention officers to receive at least 40 hours of continuing education every 2 years. However, POST does not require training for records or administrative personnel.

In addition to providing ILETS training, ISP treats every criminal history records compliance review as an opportunity to train agency personnel on completing arrest cards, best practices for fingerprinting, and discussing workflow from the time of arrest to final disposition. Any time it identifies deficiencies, ISP works with the individuals responsible for creating or contributing that portion of the record on ways to improve their process. The end goal is to ensure information is entered accurately, completely, and in a timely manner.

Contributing agencies are not required to participate in fingerprint training, but ISP strongly encourages it. ISP provides sample fingerprint cards submitted with errors that highlight problems for review by the agency, and encourages agencies to use

⁹ ILETS is a dedicated data communication network that links local, state, federal, and foreign criminal justice agencies to state records and files, and to the NCIC, which includes criminal history data and files on wanted or missing persons, orders of protection, property and other files critical to criminal justice and public protection. Source: BCI.

these annotated cards when conducting any in-house training.

ISP also offers online ILETS training for criminal justice and noncriminal justice users, which includes:

- Criminal history process overview
- Fingerprint capture
- Security awareness
- ILETS entries.

The online training is targeted at dispatcher and records staff who otherwise might not attend regular ISP or POST course offerings.

ILETS ENTRY TRAINING TOPICS

- **Introduction to ILETS entries**
 - Entering, modifying, supplementing, and clearing
 - Benefits and effectiveness for cancelling or clearing entries
 - Quality control (accuracy, timeliness, completeness)
 - Case data
 - Linking entries
 - Subject (person) data
 - Vehicle data
 - Images
 - Hit confirmations
 - Test entries
- **Wanted persons**
- **Missing and unidentified persons**
- **Dental records**
- **Protection and no contact orders**
- **Gangs and gang members**
- **Victims of identity theft**
- **Concealed weapon permits**
- **Stolen vehicles**
- **Guns, articles, and securities**

ISP staff mentioned several obstacles to training. First, there is significant staff turnover at the local contributing agencies, which makes it challenging to ensure that everyone responsible for criminal history recordkeeping is knowledgeable about the process.

ISP also reported that many agencies in Idaho are located in rural and small areas, and often have inadequate staffing numbers. Single individuals often serve in multiple roles, which makes it difficult to perform all the functions required for criminal history recordkeeping. Also, smaller agencies often lack the ability to send key personnel for a day or half-day of off-site training.

Tight agency budgets also affect training attendance. While ISP does not charge for training, small agency budgets may make it cost-prohibitive to pay for overtime hours, lodging, and transportation to allow individuals to participate.

Idaho reported wide variability among counties based on the policies of local officials and/or cultural differences. ISP provides examples of best practices during training; however, it encourages agencies to cooperate at the county level to determine what procedures work best for them. Additionally, Idaho is a geographically large state. Even though ISP offers regional trainings, it is often a 4- to 5-hour one-way drive for some local personnel to attend. Once again, this makes it difficult for small, rural departments to afford to send individuals to training courses.



Arrest and Disposition Reporting

Upon a defendant's conviction, Iowa law requires courts to determine whether the defendant was previously fingerprinted relating to the criminal proceedings. If not, the court must order the defendant to be fingerprinted and those prints submitted to the Iowa Department of Public Safety (DPS).¹⁰ Also, the court must order that any juvenile adjudicated delinquent for an offense which would be an offense (other than a simple misdemeanor) if committed by an adult, be fingerprinted and the prints submitted to the DPS—again, if the juvenile was not previously fingerprinted. If the defendant fails to be fingerprinted, the court may order a contempt warrant compelling the person to report to the local jail for fingerprinting.

Iowa has 62 live scan machines deployed at law enforcement agencies throughout the state. In 2006, they established an interface between the state Automated Fingerprint Identification System (AFIS) and the computerized criminal history repository (CCH), which allows every arrest to be electronically submitted to the Iowa repository and the FBI. Iowa only accepts state codes, so local ordinance codes are not allowed.

¹⁰ The DPS Division of Criminal Investigation (DCI) is the central repository for criminal history record information in Iowa. By law, all arrest and disposition information (with the exception of most simple misdemeanors) is to be forwarded to the DCI by all law enforcement agencies and clerks of court in the state. Criminal history records maintained by DCI are supported by fingerprints identification. Source: <http://www.dps.state.ia.us/DCI/supportoperations/crimhistory/index.shtml>

Iowa law provides administrative sanctions for law enforcement agencies and courts that do not submit records to the CCH.¹¹ If a criminal or juvenile justice agency subject to fingerprinting and disposition requirements fails to comply, the DPS commissioner can deny or restrict their access to criminal history record information maintained by the repository. Also, state court administrator is required to develop (1) a policy to ensure that court personnel understand and comply with the fingerprinting and disposition requirements; and (2) sanctions for court personnel who fail to comply with these requirements.

Iowa DPS typically conducts criminal history reporting audits every 4 to 5 years; however, it may conduct "spot checks" or informal audits at the request of a police chief or sheriff. DPS rarely imposes sanctions based on audit findings, but it has occurred. Reporting deficiencies are usually corrected through training provided by the DPS Division of Criminal Investigation (DCI), and most agencies are receptive to training.

In 2010, the courts in Iowa began to implement the Electronic Document Management System (EDMS), which allows the courts to contribute dispositions to the CCH. The CCH uses a 7-digit disposition tracking number (DTN) assigned at the time of fingerprinting to match cases to repository records. EDMS became operational in 2015 and began applying dispositions to the CCH in real time in October 2016. DPS also worked with the courts to have the DTN (which is only available once fingerprints have been obtained) appear when accessing Iowa Courts Online.¹² This offers a convenient

¹¹ Iowa Code, Chapter 690.5

¹² <https://www.iowacourts.state.ia.us/>

way to determine if an individual has been fingerprinted or to verify a disposition was applied to the correct record.

When dispositions are missing on records, the Clerk of Court notifies a DCI auditor when they do not have a tracking number for a criminal case. Also, the courts provide the central repository with weekly printouts showing criminal cases with a *disposition* and no tracking number. DCI auditors research these records first and if it appears fingerprints were not obtained, auditors work with law enforcement to obtain fingerprints. Court clerks also receive weekly reports that are automatically printed out at their location showing *criminal cases* without tracking numbers. Most courts work with law enforcement or contact their DCI auditor to help obtain the tracking number.

Each year, DCI provides information to all clerks of court on 4-year-old cases in which (a) the central repository received a fingerprint card at the time of arrest, but (b) the case still shows as open and not disposed. This includes the DTN and other details needed to research the case, including names and numeric identifiers. DCI asks clerks to either provide DPS with the completed disposition by entering the DTN into their EDMS, or notify DPS that the case has an active warrant on it. If an active warrant exists, the arrest information remains on the person's criminal history record. If the repository does not receive information on a particular case from the clerk of court, by Code, DPS must remove the arrest information from the CCH—no matter the charge or circumstances.

Auditing Methodologies and Reporting Practices

Iowa has 99 counties, and the state began its criminal history auditing program in 1995. Iowa DPS employs three non-sworn staff, and each is responsible for 33 agencies. They audit every county attorney, clerk of court, and sheriffs' office—as well as all police departments meeting the predetermined requirements for audits—for compliance, timeliness, and accuracy. DPS began auditing juvenile court offices in 2012.

Once a county is ready to be audited, the auditor requests a random computer selection of 25 arrests and 25 court dispositions received from the previous year from the support processing section at the central repository. Next, the auditor sends a pre-audit survey questionnaire that asks:

- 1) how their records are filed
- 2) fingerprinting policies, including those for juveniles and cite and release events
- 3) paper flow on print cards and disposition sheets
- 4) questions or problems
- 5) potential times for the on-site audit, and
- 6) current contact information.

Finally, the auditor mails the surveys and information regarding when they need to be completed to each agency to be audited, and agencies fax or email the surveys back to the auditor.

For law enforcement agencies, information audited includes all required information on fingerprint cards: Originating Agency Identifier (ORI), demographic information about the arrestee, tracking numbers, place of birth, signature of person taking the fingerprint, etc. Categories of findings used during law enforcement audits include:

- **Compliant** – information matches what was submitted on the fingerprint card with what is found in the agency files;
- **Missing** – information found in the agency case files is missing on the print card (e.g., tattoos in case file, but not on fingerprint card);

- **Inconsistent** – information found in the case file is different than what was submitted on the fingerprint card; and
- **No source document** – information submitted on the print card cannot be located in the agency case file.

The auditor notes any deficiencies in any of these categories and provides a list of arrest records needing correction back to contributing agencies for resubmission. Additionally, the auditor provides the following summary report to each agency (items in yellow are mandatory data elements):

<u>Data Element</u>	<u>Verified in Case Files</u>	<u>Missing on Arrest Card</u>	<u>Different from Case Files</u>	<u>Incomplete</u>	<u>No Source Data**</u>
Tracking Number *					
Last Name *					
First Name *					
Sex *					
Race *					
Country of Citizenship *					
Place of Birth *					
Date of Birth *					
Date of Arrest *					
Date of Offense *					
Offense Description *					
Iowa Code *					
Arresting ORI *					
Printing Official Sign *					
Middle Name					
Aliases					
Basis for Caution					
Height					
Weight					
Eyes					
Hair					
SSN					
Juvenile Submission					
Subject's Signature					
Scars, Marks, Tattoos					

Similar auditing categories are used for court clerks' offices:

- **Compliant** – information matches what was submitted on the fingerprint card with what is found in the agency files;
- **Missing** – information found in the agency case files is missing on the fingerprint card; and
- **Inconsistent** – information found in the case file is different than what was submitted on the fingerprint card.

At each court clerk's office, DCI audits the following:

- adjudication date
- charge and charge code
- fines and the amount when ordered
- jail time
- prison time
- probation
- suspended sentences, and
- special conditions of probation submitted to the repository, which include:
 - batterers' education programs
 - driver's license suspension
 - drinking drivers' classes
 - attendance at Alcoholic Anonymous meetings
 - participation in drug diversion programs.

In cases that receive a deferred judgment, DCI asks clerks to notify them of a sentence type that indicates the completion of the ordered requirements. If DCI does not receive this information, it can appear as a conviction; however, if DCI receives the completion of the judgment, it reflects a non-conviction status. DCI also requests notification in cases where probation is revoked and the original sentence imposed; this is sent through by the clerk as a

sentence type entered into their computer information system.

As with law enforcement agencies, auditors provide the courts with a list of records that need to be reviewed and corrected, along with a tally sheet showing the total number of records that fall into each auditing category. All audit reports are available to any member of the public once the contributing agency has had the opportunity to review the reports to dispute any findings or comment on specific recommendations made by the auditor.

County Attorneys' offices are not audited. However, they receive information about the audit findings from other agencies in the county. Based on issues identified in previous audit cycles, many prosecutors now notify the judge at a defendant's initial appearance if he or she has not been fingerprinted. The judge then issues an order requiring the person to submit fingerprints prior to his or her next court appearance—a strategy that has successfully reduced the number of missing fingerprints due to cite and release events along with direct summons charges from the courts. Contempt warrants may be served on defendants who fail to comply with fingerprinting requirements ordered by the court.

DCI auditors regularly provide training and work with all contributing agencies to support the common goal of achieving the most accurate and complete criminal history records. After each audit cycle, the DCI auditor hosts countywide agency meetings to discuss findings, and to promote working together and better understanding each department's roles and responsibilities relative to the criminal history record. Participants report these

meetings are beneficial, as they may not have previously known records staff at partner agencies or understood their business processes and challenges.

DCI also conducts “mock arrest” training so contributing agencies can learn how the criminal history record is created from the time of arrest through sentencing. DCI reports that trainees often have never met one another and often lack a basic understanding of how information flows through the criminal justice process—including the importance of their own role in contributing to the criminal history record. Once local officials understand what is needed and why it is needed, they are more willing to fully cooperate in doing their part to improve criminal history records. ***Iowa has significantly improved disposition reporting by bringing together law enforcement, corrections, courts, prosecutors, and juvenile service officers to increase awareness and cooperation.***

Criminal History Records Training

The Iowa Law Enforcement Academy (ILEA) is responsible for setting minimum standards for city and county jailers.¹³ The academy offers a basic 40-hour class that jail staff must complete within their first year of employment and a 20-hour in-service class they must complete during each subsequent fiscal year. However, very little (if any) of the jail training covers criminal history records, fingerprinting requirements for various offenses, or final disposition reporting (FDR) procedures. It is up to DCI auditors or co-workers to provide this information, and individual agencies can set their own training requirements beyond what is provided by ILEA.

¹³ <https://ileatraining.org/>

Adult and juvenile court personnel are not required to attend criminal history records or FDR training. DCI auditors may offer or suggest training, but Clerks of Court determine their level of participation.

DCI auditors also provide training to law enforcement personnel—many of whom are unaware prior to training that fingerprints are required to establish a subject’s criminal history record. Auditors explain in detail how criminal history records are created and the legal requirements for fingerprinting for certain offenses. They also discuss fingerprinting techniques and legal timeframes for submitting records to the state repository.

DCI will provide on-site training on fingerprinting and criminal history records at no charge to any agency that can guarantee at least four persons in the classroom. Otherwise, an agency may send staff to DPS headquarters to receive training. The training is typically 4 hours. Auditors focus on these issues:

- **Accuracy and completeness of records** – e.g., making sure names are spelled correctly, ensuring that all available numeric identifiers such as social security numbers and dates of birth are entered, and that records including tattoo descriptions, etc.
- **Quality controls** – e.g., establishing procedures that require a second person to review any arrest card or live scan information prior to submitting it to the state repository.
- **Policies for fingerprinting juveniles** – e.g., making sure all juveniles who are taken into custody (as defined by the agency) are fingerprinted.

- **Tracking numbers** – e.g., ensuring these are forwarded to prosecutors or courts to allow for dispositions to be matched to arrests.
- **Documentation** – Access to an online manual covering criminal history and fingerprinting policies and procedures.

DCI also explains what arrest information is audited. Specifically, trainees learn about mandatory data elements and how they must coincide with contents of the local agency's case file. DCI encourages law enforcement agencies to include all non-mandatory fields—aliases, height, weight, scars, marks, tattoos—whenever possible to assist in searching for subjects later.

Court training topics are similar to those for law enforcement. When training court clerks, DCI emphasizes the importance of including tracking numbers to support disposition matching and explains which charges require tracking numbers and fingerprints. Auditors discuss the weekly report generated by DCI, which contains missing dispositions, and how clerks can ensure this information is transmitted to the state repository. DCI emphasizes the need for accuracy, and what information is audited, then provides links to both the DPS and Clerks of Court manuals for students' future reference.

DCI conducts training primarily as a part of the routine audit process; however, agencies may request classroom instruction as well. They also have countywide meetings with all contributing agencies at the end of each audit cycle. At these meetings, DCI encourages agencies to share their challenges and work together to identify workable solutions to address breakdowns in the process. Auditors find

this is very effective in establishing rapport and cooperation between agencies. Once again, DCI emphasizes that these multi-disciplinary meetings are the most beneficial in terms of removing barriers to reporting criminal history information.

DCI identified the following challenges when conducting training:

- Staff turnover
- Multiple shifts and multiple agencies
- Cite and release policies
- Differing juvenile arrest and fingerprinting policies
- Lack of awareness that fingerprints start the criminal record
- Lack of awareness for how one agency's actions (or inactions) can impact other agencies.

To address these issues, DCI offers several strategies for success. First, DCI maintains frequent contact with agencies. They remind agencies that the lines of communication are always open and encourage them to reach out to auditing staff whenever they have questions or need assistance. DCI follows up with county officials after each training, and remains accessible to help in suggesting policies based on local needs. DCI also engages in continued education with the contributing agencies, and they are always willing to re-audit as necessary or upon request.



Arrest and Disposition Reporting

Since 2009, the Washington State Patrol (WSP) has received NCHIP funding to research missing dispositions.¹⁴ WSP published its first Annual Compliance Report on Disposition Reporting in 2012. This report is compiled for every originating/arresting agency, and it contains a spreadsheet with all arrest charges that are over 1 year old that do not include a disposition.¹⁵

In 2014, the state auditor's office conducted an audit on the completeness of Washington's criminal history record information (CHRI) database, using arrest charges that occurred during 2012. For cases that were finalized within the court system, the auditors sought to determine how many of those case dispositions were in the state CHRI database. ***The auditor's findings revealed that one-third of the available court dispositions were not in the CHRI database.*** In 2015, the WSP's Identification and Criminal History Section began conducting stakeholder meetings, traveling to each county to meet with local criminal justice agencies to help improve the accuracy and completeness of CHRI. During these meetings, WSP brings together all parties who have a role in contributing fingerprints or dispositions—law enforcement, jails, superior, district,

¹⁴ The Patrol's Identification and Criminal History Section maintains and provides fingerprint-based criminal history record information (CHRI), which is stored in the Washington State Identification System (WASIS) criminal history database. WASIS is the repository for all CHRI for the state. Source: <http://www.wsp.wa.gov/crime/crimecon.htm>

¹⁵ The latest version is dated March 1, 2017: http://www.wsp.wa.gov/crime/docs/misc/audit_report_2017.pdf

municipal and juvenile courts, prosecutors, and others with a stake in the process. Often these folks have communicated by phone and email for years without meeting one another.

At the stakeholder meetings, held biannually, WSP auditors:

- discuss the state auditor's findings and why the stakeholder meetings are important
- review WSP's compliance audit and how well the county is doing
- ask participants to describe their county's process for maintaining and contributing criminal history records
- work with participants to identify ways to make any necessary improvements
- discuss common mistakes and how to avoid and/or fix errors that have been made.

By bringing representatives from across the criminal justice community together to discuss their operations and challenges, WSP helps stakeholders gain a better appreciation of the entire CHRI process. ***WSP has seen a 3.6% increase in the statewide compliance rate in the 2 years since beginning stakeholder meetings.***

WSP has also gained a better understanding of the challenges many law enforcement agencies face in terms of submitting fingerprints. For example, San Juan County is made up of a series of islands—only one of which has a live scan machine. On one of the neighboring islands, there is a police agency made up of only two officers. Since it takes two officers to escort an inmate to travel on a ferry to get to a live scan machine, they were not submitting fingerprints, as making the trip would leave

their island without police protection. Once they learned that the fingerprints are required to establish the criminal history, they were willing to consider sending hard-copy cards instead. While this may create a delay in submitting fingerprints to the repository, it does enable the agency to create a CHRI record.

WSP works closely with the courts to ask them to order fingerprints if prints were not taken at the point of arrest or arraignment—and WSP has realized some success in this approach. Only superior courts that handle felonies are currently required by state statute to order defendants to be fingerprinted, so it is voluntary for the others. One county—after learning about the importance of fingerprints—applied for and received NCHIP funds to install live scan devices in four of their district courts.

Another promising practice in Washington is having legislation that requires any originating agency that transmits fingerprints to the state repository to indicate which agency is initially responsible for reporting the disposition to the repository.¹⁶ This may be the prosecuting attorney, superior court, district court, municipal court, or the originating agency. This makes it much easier to know who to contact later, in the event of missing dispositions.

When fingerprints are taken, the contributing agency generates a Process Control Number (PCN). WSP receives the PCN along with other arrest information through the live scan devices from the contributing agency. The contributing agency then forwards the dispositions

report containing the PCN to the appropriate court for entry into the Superior Court Office Management Information System (SCOMIS) or the Judicial Information System (JIS). Both the SCOMIS and JIS electronically transmit records daily to the Washington State Identification System (WASIS) criminal history database, where they are associated with an arrest based on matching PCNs.

A reporting mechanism in WASIS can determine arrests with open charges. Once open charges are identified, WSP researches those open arrests through the court's database. If staff cannot locate the disposition, they contact the originating agency or county prosecutor to request information. Once a year, WSP sends a compliance report to all law enforcement agencies, prosecuting attorneys, county clerks, court administrators, and interested legislators that compares the total arrest charges submitted by an agency to the number of charges still missing a disposition after 1 year or longer. As a part of this correspondence, WSP invites agencies to contact WSP to request a detailed list of open charges within their jurisdiction. This allows contributing agencies to research their records to identify any additional disposition information they can provide to the state repository.

WSP received NCHIP funds to hire project employees and pay overtime costs to research missing dispositions. ***Since 2013, WSP project staff have researched more than 502,219 dispositions and updated more than 374,266 previously incomplete records.***

The statewide stakeholder meetings have been a wealth of information for best business practices that are shared

¹⁶ Disposition forms – Coding RCW 10.98.090

throughout the state. For example, prior to an individual's initial appearance before a judge, one county uses a process in which the prosecuting attorneys run a criminal history to see if a person has been fingerprinted for the charged offenses. If fingerprints are on file, a pink disposition reporting form generated at the time of fingerprinting is placed in the file, indicating that fingerprints have been taken. If fingerprints have not been obtained, a yellow fingerprint card is placed in the file. This gives judges a quick visual indicator as to whether they need to order the defendant to report to law enforcement to submit fingerprints.

Another county has a policy requiring that jail officials check to make sure an individual's fingerprints have been taken, then transmitted to and accepted by WSP, before releasing that person from custody. This ensures that the jail does not release people before WSP accepts their fingerprints and the arrest information appears on their Record of Arrests and Prosecution sheet (RAP sheet).

Until they attended the stakeholder meetings, many judges in Washington did not understand the importance of fingerprints in establishing a criminal history record. One judge—who now embraces fingerprinting in the courtroom—initially opposed it, citing a lack of personnel resources to fingerprint every defendant. However, repository staff explained that not all defendants need to be fingerprinted. First, some have already been fingerprinted at arrest. Second, if a defendant is going to jail or prison, he or she will be fingerprinted at intake. Finally, since Washington only releases conviction information to the public, simply fingerprinting individuals who

have been convicted is better than nothing. Once the judge realized the workload was manageable, she agreed to install a live scan device in her courtroom.

Auditing Methodologies and Reporting Practices

WSP audits all criminal justice agencies annually. According to state law, "criminal justice agencies" are defined as those public agencies that perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication, or rehabilitation of criminal offenders. These include police departments, sheriffs' offices, prosecutor offices, courts, jails, and correctional facilities.

Washington has more than 260 law enforcement agencies and more than 300 separate courts. WSP is required to conduct compliance audits at least once annually for each prosecuting attorney, superior, district, and municipal court, and originating agency to ensure that it has received all disposition reports from these agencies and courts and has added them to the state's CHRI database.

To start the audit process, WSP performs a database review to determine all arrest charges with missing dispositions. Based on this review, WSP compares the total number of charges reported to the number of open charges to calculate the percentage in compliance (i.e., charges with final dispositions). WSP then includes these counts and percentages in an annual compliance report, which it has published since 2012.¹⁷

¹⁷ The latest report is available at <http://www.wsp.wa.gov/crime/crimecon.htm>

The compliance reports are publicly available, and they allow agencies to see how they compare to others in terms of record completeness. WSP sends copies of the reports to all originating agencies, which include information for their agency, their county, and the entire state. They also distribute compliance reports to various professional organizations and legislative committees. Finally, WSP uses the compliance reports to inform discussions at the stakeholder meetings referenced earlier.

During the annual audit process, WSP also researches all arrest charges with missing dispositions to see if they can locate the dispositions. If WSP cannot locate these, it sends each originating agency a list of all arrest charges that are missing dispositions and that have been outstanding for 1 year or longer since the date of arrest. Washington law then requires all criminal justice agencies to provide the WSP with a current disposition report or status within 60 days of receipt of notification of open arrest.

Since it takes time for cases to work through the criminal justice system, WSP's review is based on charges submitted during the full previous calendar year. For instance, auditors will review cases from 2015 during the 2017 audit cycle. This is especially important for deferred prosecutions, in which charges may be held in abeyance pending completion of a diversion program.

WSP also takes steps to determine why dispositions are missing. To prepare for the stakeholder meetings, WSP looks at 100 open arrests from each county and tries to determine the underlying reason the disposition was never received.

Additionally, WSP compares their criminal history database to the courts' database by examining 50 cases with convictions from each superior and lower court in which WSP never received disposition information—this enables WSP to see where the communication breakdown occurred.

Through this process, WSP identified that 62% of the time, the reason the disposition was not reported was due to a missing process control number (PCN) in the court database. They are also able to identify which charge types are most likely to be missing dispositions for both juvenile and adult courts. By performing this analysis, WSP can provide concrete examples of how local agencies can improve their reporting. WSP shares this information as a part of their stakeholder meetings and outreach efforts.

Criminal History Records Training

WSP provides no-cost training to state and local criminal justice agencies. To host a training class, an agency must provide a training room, tables and chairs, and at least 10 registered attendees.

Washington does not require training for taking fingerprints, interpreting criminal histories, or making correction notifications. However, WSP recommends that agencies attend offered trainings or schedule a class. WSP posts all training courses on its website, along with training manuals and online course offerings.

When a local agency installs a new live scan device, WSP provides data entry training and demonstrations using live scan equipment similar to that used by the local agency. During the class, users practice entering data and receive a training manual

and quick reference guide.¹⁸ To connect to WSP, live scan devices must meet the Electronic Fingerprint Specifications (EFTS) published by the FBI. Additionally, users should not be able to submit live scan records to the repository if mandatory fields are missing.

Most agencies have a records management system (RMS) or jail management system (JMS) connected to the live scan device. End users complete data entry using the RMS or JMS, and booking officers import the record by selecting the booking name or number. The RMS or JMS auto-populates most fields, but the booking officer is responsible for adding any other mandatory fields that may be missing.

Data entry begins with the arresting agency. If WSP detects a data entry error when it receives the record, it is routed for exception handling by criminal records staff. WSP staff then contacts the contributing agency to request clarification on the information provided. Once corrected, the record is electronically updated in the criminal history repository. Criminal records staff will also email the WSP instructor regarding the errors. WSP instructors track these errors and may contact the contributing agency to offer more training or assistance with correcting a setting within the live scan device.

WSP stresses the importance of record completeness in all their trainings regarding RAP sheets. They explain how RAP sheets are used in employment screening and provide examples of why it is so important for records to be complete—e.g., a school

system would not want to employ a bus driver with multiple driving under the influence charges.

WSP provides training on how to roll quality fingerprints as a part of the in-person training, and they remind agencies that Washington state law requires all fingerprints to be submitted to the repository within 72 hours of an arrest. The fingerprint training provides insight on rolling good quality fingerprints and how to avoid rejections. Attendees can practice rolling fingerprints using both ink and live scan devices.

WSP also teaches agencies about non-conviction information contained on RAP sheets provided to law enforcement, which includes vacated cases, sealed juvenile records, adverse findings, pardons, etc. It also provides information on sex and kidnapping offender registrations and state Department of Corrections' information. Contributing agencies may also request specialized training courses, which offer a deeper dive into the topics noted above.

As noted previously, WSP conducts biannual stakeholder meetings in each county, which provide valuable information on criminal history records. Local agencies and WSP also use the Annual Disposition Reporting Compliance Reports to identify where agencies need improvement and to determine specific training needs.

WSP offers a variety of online training for criminal justice and state officials. Most of the trainings consist of self-paced PowerPoint presentations—the exception is the Court Order training, which is an interactive module. These courses include:

¹⁸ The reference guide is available online: http://www.wsp.wa.gov/crime/docs/misc/chri_ready_reference_guide.pdf

- Court order (interactive)
- Conviction RAP sheets
- Applicant fingerprint card completion
- Disposition reporting
- Lifecycle of a fingerprint card
- Notices of arrest
- Record review and challenge procedures

Other online training resources include:

- Criminal Justice Training Manual
- A Guide to Sealing and Destroying Court Records, Vacating Convictions, and Deleting Criminal History Records in Washington State
- Process Control Number (PCN) guidelines
- Fingerprint cards and PCN order form
- Live scan vendor and contact list
- A Complete Guide to Submitting Criminal History Record Information

Like other states, WSP reports several challenges and obstacles related to training. First, RMS and JMS systems are not always updated with the most current crime codes.

WSP sends messages to each agency as these code lists are updated; however, agencies may not realize the importance of making the updates or providing the revised code lists to their vendors. Staff turnover and lack of funding resources also make it difficult to ensure everyone who is a part of the criminal history record process is fully trained with the latest information.

Additionally, WSP notes that sometimes information simply does not get to the right person due to a lack of awareness of who is responsible for various aspects of creating records.

To overcome these challenges, WSP has several strategies for promoting training. First, all trainings are listed on their Fingerprint/Criminal History website.¹⁹ They also send memos to all agencies scheduled for regional WSP-sponsored classes, along with flyers to all agencies in nearby areas. WSP encourages agencies hosting classes to send invitations to other agencies as well, and WSP instructors are always available by telephone or email to help arrange training.

¹⁹ <http://www.wsp.wa.gov/secured/ident/resource.htm>

Appendix

LEGAL REQUIREMENTS FOR REPORTING

	Agencies Required to Report to State Criminal History Repository	Types of Records Submitted to State Criminal History Repository
ALASKA	Arresting agencies <i>13 Alaska Administrative Code (ACC) 68.115 Arrest or Citation</i>	<ul style="list-style-type: none"> • Arresting agency identifier • Date of arrest or citation • For each charge, <ul style="list-style-type: none"> ○ Arrest tracking number (ATN) ○ Court case number (if assigned) ○ Offense code ○ Domestic violence (DV) indicator (if applicable)
	Fingerprinting agencies <i>13 AAC 68.120 Required Submission of Fingerprints</i>	<ul style="list-style-type: none"> • Two sets of fingerprints • Identification of agency submitting fingerprints • Date of arrest or citation (or date ordered to submit to fingerprinting) • Date of offense (if known) • Identification of arresting/citing agency, or identification of court ordering fingerprinting • For each charge, <ul style="list-style-type: none"> ○ ATN ○ Court case number (if assigned) ○ Charge number ○ Offense code ○ DV indicator (by arresting agency, if applicable)
	Prosecutors (Declinations to prosecute) <i>13 AAC 68.130 Decision to Decline or Postpone Prosecution</i>	<ul style="list-style-type: none"> • Identification of the prosecuting agency • Date of the decision • Identification of the agency that referred the charge to a prosecuting agency • For each charge, <ul style="list-style-type: none"> ○ ATN ○ Court case number (if assigned) ○ Charge number ○ Offense code
	Courts (Filing documents) <i>13 AAC 68.135 Filing of a Charging Document</i>	<ul style="list-style-type: none"> • Filing or an amendment to the filing • Identification of the court in which the charge was filed • Date filed or amended • For each charge, <ul style="list-style-type: none"> ○ ATN ○ Court case number ○ Charge number ○ Offense code ○ DV indicator (if applicable)
	Courts (Dispositions) <i>13 AAC.68.140 Court Disposition</i>	<ul style="list-style-type: none"> • Identification of the prosecuting agency • Date of the disposition • For each charge disposed, <ul style="list-style-type: none"> ○ ATN ○ Court case number (if assigned) ○ Charge number ○ Offense code • Dispositions to be reported include: <ul style="list-style-type: none"> ○ Dismissed ○ Stayed due to incompetency ○ Not guilty by reason of insanity

IDAHO		<ul style="list-style-type: none"> ○ Guilty (with DV indicator, if applicable) ○ Guilty but mentally ill (with DV indicator, if applicable) ○ Probation revoked/not revoked (with DV indicator, if applicable) ○ Transferred to another court ○ For dispositions with a sentence, <ul style="list-style-type: none"> • Term of incarceration imposed/suspended • Fine imposed/suspended • Community Work Services imposed/suspended • Restitution ordered • Probation imposed and conditions of probation • Other court orders
	Courts (Orders of judgment to reverse, remand, vacate, reinstate, set aside, amend, or modify a criminal conviction, sentence or condition of sentence) <i>13 AAC.68.140 Court Disposition</i>	<ul style="list-style-type: none"> • Identification of the court • Date of the judgment or order • Trial court case number • Appellate court case number, if applicable • For each charge, <ul style="list-style-type: none"> ○ ATN ○ Charge number ○ Offense code ○ If sentence is changed, sentencing information
	Board of Parole <i>13 AAC 68.145 Executive Clemency</i>	<ul style="list-style-type: none"> • Date the executive clemency is granted • ATN • Court case number • Offense code • Description of the type of executive clemency granted, including: <ul style="list-style-type: none"> ○ Unconditional pardon ○ Conditional pardon, including conditions ○ Unconditional commutation of sentence ○ Conditional commutation of sentence and conditions
	Correctional facilities (Booking photographs) <i>13 AAC 68.150 Admission (Booking) Photograph</i>	<ul style="list-style-type: none"> • Booking photograph • Identification of the agency that took the photograph • Date photograph was taken
	Fingerprinting and identification <i>Title 67, Chapter 30, 67-3004</i>	CRIMINAL HISTORY RECORDS AND CRIME INFORMATION (1) The bureau shall: (a) Obtain and file fingerprints, physical descriptions and any other available identifying data on persons who have been arrested or served a criminal summons in this state for a retainable offense; (b) Accept fingerprints and other identifying data taken by a law enforcement agency for the purpose of identification or conducting a records review for criminal justice purposes; and (3) When a person is arrested for a retainable offense, with or without a warrant, fingerprints of the person shall be taken by the law enforcement agency making the arrest. A law enforcement agency may contract or make arrangements with a jail or correctional facility or other criminal justice agency to take the required fingerprints from a person who is arrested by the law enforcement agency. 4) If a person was arrested and is in the custody of a law enforcement agency, jail or correctional facility and a felony summons or information is filed for an offense separate from the offense for which the person is in custody, the agency, jail or correctional facility shall take the fingerprints of the person in connection with the new offense.

IOWA	Sheriffs and Police (Adult arrests) <i>Iowa Code, Chapter 690.2</i>	<ul style="list-style-type: none"> Fingerprints for persons taken into custody for the commission of a serious misdemeanor, aggravated misdemeanor, or felony Fingerprints of persons arrested for a simple misdemeanor subject to an enhanced penalty for conviction of a second or subsequent offense Photographs and palm prints may also be submitted
	Sheriffs and Police (Juvenile arrests) <i>Iowa Code, Chapter 232.148</i>	<ul style="list-style-type: none"> Fingerprints of a child who has been taken into custody shall be taken and filed by a criminal or juvenile justice agency investigating the commission of a public offense other than a simple misdemeanor.
	Courts (Dispositions) <i>Iowa Code, Chapter 690.2</i>	<ul style="list-style-type: none"> All dispositions must be reported. <p>Additionally, if a defendant is convicted by an Iowa court, "of an offense which is a simple misdemeanor subject to an enhanced penalty for conviction of a second or subsequent offense, a serious misdemeanor, an aggravated misdemeanor, or a felony, the court shall determine whether such defendant has previously been fingerprinted in connection with the criminal proceedings leading to the conviction and, if not, shall order that the defendant be fingerprinted and those prints submitted to the department of public safety. The court shall also order that a juvenile adjudicated delinquent for an offense which would be an offense other than a simple misdemeanor if committed by an adult, be fingerprinted and the prints submitted to the department of public safety if the juvenile has not previously been fingerprinted."</p>
WASHINGTON	Sheriffs, Directors of Public Safety, and Police <i>Revised Code of Washington (RCW), 43.43.735</i>	<ul style="list-style-type: none"> Photographs and fingerprints of all adults and juveniles lawfully arrested for the commission of any criminal offense constituting a felony or gross misdemeanor Disposition reports must be sent to Prosecuting Attorney (PA) or appropriate court May provide No Charge Filed (NCF) disposition reports
	Courts (Fingerprints for felonies) <i>Fingerprint Responsibility (Felonies) RCW 10.98.050</i>	<ul style="list-style-type: none"> At the preliminary hearing or the arraignment of a felony case, the judge shall ensure that the felony defendants have been fingerprinted and an arrest and fingerprint form is transmitted to the section
	Superior Courts <i>Fingerprint Responsibility (Felonies) RCW 10.98.050</i>	<ul style="list-style-type: none"> Final dispositions Must send disposition to lower courts if charges are reduced
	Lower Courts <i>Fingerprint Responsibility (Felonies) RCW 10.98.050</i>	<ul style="list-style-type: none"> Final dispositions
	Prosecutors <i>Fingerprint Responsibility (Felonies) RCW 10.98.050</i>	<ul style="list-style-type: none"> NCF disposition reports
	Community Supervision <i>Fingerprint Responsibility (Felonies) RCW 10.98.050</i>	<ul style="list-style-type: none"> Department of Corrections (DOC) information
	Department of Corrections <i>Fingerprint Responsibility (Felonies) RCW 10.98.050</i>	<ul style="list-style-type: none"> Releases and furloughs