State Criminal History Records Profiles

A Special Report to the SEARCH Membership Group

Acknowledgments

This document was prepared by SEARCH, The National Consortium for Justice Information and Statistics, Leslie Moore, Chair, and David J. Roberts, Executive Director. The project director was Becki Goggins, Director of Law and Policy. Governor-appointed state representatives to the SEARCH Membership Group, along with personnel in state criminal history record repositories, contributed operational and sample rap sheet data. As primary report authors, Michael Jacobson, Information Sharing Specialist, Mark Perbix, Director of Programs, and Becki Goggins, Director of Law and Policy, prepared narrative content, conducted research, and compiled results. Diane E. Lacy and Mo West, Information Sharing Specialists, provided research assistance. Twyla R. Putt, Corporate Communications Specialist, edited this document.

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Introduction

In May 2018, the staff of SEARCH, The National Consortium for Justice Information and Statistics, completed a Gap Analysis of Criminal History Records Available through State Repositories. The purpose of this work is to analyze current operations at state criminal history repositories, inventory the data provided on the state criminal history records for each state, and identify and document any gaps and/or promising practices related to criminal history records reporting. In June–July 2020, staff amended this document at the request of the SEARCH Membership Group to include data on position descriptions and salary levels of state repository and criminal justice information services (CJIS) staff.

Criminal history records, which are also referred to as rap sheets throughout this document, are intended to provide a complete and accurate portrayal of a person’s involvement in the criminal justice system, including records of arrests, prosecutions, court dispositions, sentences (probation, jail or prison commitments and other sentence terms and conditions), and commitment to and releases from supervision. They are used throughout the criminal justice system to make determinations concerning bail, pretrial diversion, sentencing, parole eligibility and a host of other decisions affecting those who have committed a crime. Criminal history records are also used to determine eligibility to possess, carry concealed, and purchase firearms. Increasingly, criminal history records are used by employers, volunteer organizations, licensing boards and a wide array of regulatory agencies when making suitability determinations and/or hiring decisions.

The gap analysis was warranted because, despite the importance of criminal history records, many agencies responsible for reporting the data contained in the criminal history record are not doing so, resulting in omissions from the authoritative record system responsible for providing complete and accurate criminal history information — the state criminal history repository. This gap significantly impairs the effective use of this authoritative data source for criminal justice and noncriminal justice purposes.

The result of this analysis is the compilation of relevant information about criminal history records and related state criminal history repository operations into State Profiles, which is the subject of this report. The purpose of the work supporting this compilation of state criminal history profiles is to evaluate the effectiveness of the record reporting process as it affects the criminal history repository and to identify areas where the record collection and reporting process is working well and where improvements can be made.

1 SEARCH staff involved in performing the gap analyses and preparing this report were Becki Goggins, Director of Law and Policy; Mark Perbix, Director of Programs; and Michael Jacobson, Information Sharing Specialist: www.search.org

2 This document uses the term “rap sheet” to describe the criminal history record for a given individual. This term is an acronym for Record of Arrest and Prosecution. It is also frequently spelled rapsheet or RAP sheet.
Overview of State Profiles

To develop the State Profiles, SEARCH:

- conducted research related to the laws and policies that affect the content and reporting requirements of criminal history records,
- conducted research and collected data on the operations of state criminal history repositories as they pertain to access and use of criminal history information, and
- analyzed the data contained in state criminal history records.

SEARCH completed a State Profile for each of the 50 states, but did not complete profiles for the District of Columbia or the territories. Each State Profile includes the following sections:

1. **Review of Relevant Statutes, Policies and Requirements**
   a. A list and explanation of laws that require the reporting of arrests and dispositions and submission of fingerprint to establish the criminal history record.
   b. Descriptions of cite and release laws and policies.
   c. Definitions and procedures for expungement and sealing actions in the state.
   d. Definitions of felony and misdemeanor offenses.
   e. A description of fees collected from local criminal justice agencies to support the state criminal history system.
   f. A list of the vendors that assist repository staff with the support and maintenance of their state’s criminal history system.

2. **State’s Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems**

Each profile contains a table that lists the state-specific data for items that are germane to the criminal history repository, as reported by the state in the 2016 Survey, \(^3\) which was published, and the 2018 Survey, \(^4\) which is pending publication. The table includes data for the following items:

   a. Number of subjects (individual offenders) in state criminal history file
   b. Total Interstate Identification Index (III) records supported by the state
   c. Total III records supported by the FBI
   d. Total III records in state and FBI files
   e. Percentage of arrests with dispositions
   f. Percentage of arrests within the past 5 years with dispositions
   g. Percentage of felony charges with dispositions
   h. Active records in state protection order database
   i. Active records in the NCIC protection order file
   j. Active records in state warrant database
   k. Active records in the NCIC warrant file

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l. Information contained in the results for fingerprint-based noncriminal justice background checks (Purpose Code I)
m. Percentage of fingerprint-based noncriminal justice transactions identified against arrest fingerprints
n. Indicator flag on criminal history reports
o. Access to other records

3. Rap Sheet Assessment
Forty-two states provided sample rap sheets. SEARCH evaluated these to identify the data elements presented on the rap sheet and assess their alignment with the FBI’s national rap sheet standard (the Joint Task Force (JTF) on Rap Sheet Standardization XML Version 4.1, the most recent version dated December 2011). This standard defines the rap sheet structure and content requirements, and organizes the rap sheet into distinct segments. The five key segments included in SEARCH’s evaluation are Arrest, Prosecution, Court, Sentencing and Supervision. In its evaluations, SEARCH addressed the overall structure and readability of the state rap sheets and provided commentary on their strengths and weaknesses.

For those states that provided sample rap sheets to SEARCH, the complete rap sheet evaluation is embedded in the state profile. To aid in understanding the evaluations, SEARCH followed these conventions:
- Fully capitalized words identify printed labels on the rap sheet (e.g., 'INCIDENT').
- Data element descriptions that are not printed on the rap sheet but have been associated with a specific data have the first letter capitalized (e.g., Statute Number)
- Each segment from the JTF Rap Sheet Standard is addressed. Where no data was present for a specific data element, the element is left blank.

SEARCH identified the following strengths and weaknesses when evaluating the rap sheets created a summary table showing these for each state.

- Strengths
  - Conformance to JTF specifications
  - Readability
  - Charge tracking
  - Added/modified charges
  - Statutory citations
  - Multiple statutes per charge
  - Granular sentencing data
  - Charge severity (e.g., felony v. misdemeanor)

- Weaknesses
  - Missing data elements (e.g., statute citation, tracking numbers, severity, charge grade level, etc.)
  - Missing contributing agency information

---

4. Other Criminal History Items
This section lists additional information about the criminal history system for each state that
SEARCH deemed to be of value. This information may have been gleaned from the interview
with repository staff or through additional research. This information can include such issues as:
- does the state offer web-based noncriminal justice background checks?
- is the state a signatory to the National Crime Prevention and Privacy Compact?
- does the state participate in the National Fingerprint File (NFF)?
- does the state provide rap back services?

5. State Repository Job Descriptions
This section includes job descriptions of state repository and CJIS personnel, if provided by the
SEARCH Member representing that state, along with salary ranges. The statutes cited are
current as of February 2020. Given the length of many of the job descriptions, these are
provided in full in Appendix F.

Limitations
SEARCH conducted online research of the specific state laws and policies related to rap sheet content
and reporting requirements. SEARCH also derived state-specific data about repository operations from
the 2016 Survey of State Criminal History Information Systems (SCHIS), as well as the unpublished (and
preliminary) data from the 2018 Survey of SCHIS. SEARCH conducted these activities for all 50 states.

Some information was not provided by all 50 states and, therefore, could not be included in the state
profiles. Specifically:
- SEARCH contacted all 50 states to request sample rap sheets for analysis.
  o Forty-two states provided samples of their rap sheets, which SEARCH evaluated.
- SEARCH provided each state with a list of questions related to rap sheet requirements and
  repository operations.
  o SEARCH received responses from 31 states.
  o Of these, SEARCH conducted follow-up interviews with 25 states to clarify and
    complement their responses to the questionnaire.
  o For non-responding states, SEARCH made numerous attempts to gather this
    information, but some states remained non-responsive. State profiles for non-
    responsive states are, therefore, incomplete and a notation related to the missing
    information is provided where appropriate. States with incomplete profiles are
    Alabama, California, Mississippi, New Hampshire, Oregon, Pennsylvania, Rhode Island
    and West Virginia.
- Staff contacted all SEARCH Members to request copies of position descriptions and salary
  ranges for all Criminal Justice Information Services (CJIS) staff. Specifically, SEARCH staff asked
  about the following job classifications:
  o Positions that input, research, and update information within the state Computerized
    Criminal History (CCH) system.
  o Positions that maintain and operate the state Sex Offender Registry.
  o Positions that process ten-print (criminal and civil) submissions within the state
    Automated Biometric Identification System.
o Positions that provide customer support or process civil background checks for employment, licensing, and housing.

o Positions that provide customer support or process background checks for firearm transfers.

o Positions that provide CJIS auditing and training services.

o SEARCH received responses from 13 states: Alaska, Arizona, Idaho, Maryland, Minnesota, Missouri, Nevada, North Carolina, North Dakota, Utah, Virginia, Washington and Wyoming
AK - Alaska State Profile of Criminal History Records

This profile describes the Alaska laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Alaska Statute Title 12, Chapter 80, Section 60 (AS § 12.80.060) provides that fingerprints may be taken by the law enforcement agency with custody of the person. If the law enforcement agency does not collect the fingerprints, then they are to be captured by the booking facility. If not, then the court orders the defendant to appear for fingerprinting.

AS § 12.62.120 requires that criminal justice agencies — law enforcement, prosecutors, courts and corrections — collect accurate and complete personal identification data, charges, dispositions and other information pertinent to all persons who have been charged with a felony or misdemeanor or a serious offense.

- Law enforcement agencies are required to report arrest information within 5 days.
- Prosecutors are required to report their filings and dispositions within one month of their decisions.
- Courts are required to report findings and disposition within one month.
- Corrections agencies are required to provide release information within 24 hours of the release.

A serious offense in Alaska means a conviction for an inchoate crime (e.g., attempt, solicitation, or conspiracy to commit a crime) of the offenses listed in AS § 12.62.900(23). The term “Serious Offense” was originally included in AS § 12.62.120; however, the term is no longer used for the release of criminal history record information. The statute was not modified because the term is being used in other state statutes.

b. Cite and Release – Arrests without Fingerprints

AS. § 12.25.180 allows the arresting officer to release a person from custody when arrested on a misdemeanor, or the violation of a municipal ordinance. The officer may issue a citation to the person instead of taking the person before a judge or magistrate. The officer must take the person into custody if:

- the person does not furnish satisfactory evidence of identity;
- the peace officer reasonably believes the person is a danger to others;
- the crime for which the person is contacted is one involving violence or harm to another person or to property;

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6 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
7 Information acquired during the interview is incorporated into the appropriate section of this report.
8 http://www.touchngo.com/lglcntr/akstats/statutes/title12/chapter80/section060.htm
9 http://www.touchngo.com/lglcntr/akstats/Statutes/Title12/Chapter62/Section120.htm
• the person asks to be taken before a judge or magistrate; or
• the officer has probable cause to believe the person committed a crime involving domestic violence. 11

c. Expungements and Sealing
Alaska does not have a provision for expungement of adult convictions. Most juvenile records are sealed within 30 days of the subject’s 18th birthday or 5 years after they complete their sentence if they are not charged as an adult. Deferred sentencing and non-conviction records for certain adult offenses are sealed and unavailable to the public without the consent of the subject of the record. AS § 12.62.180 states that a person may request that a record be sealed if the conviction resulted, beyond a reasonable doubt, from mistaken identity or false accusation.12

d. State Definition of Felony and Misdemeanor
Per AS. § 11.81.900, a “felony” is defined as a crime for which a sentence of imprisonment for a term of more than 1 year is authorized. A “misdemeanor” is defined as a crime for which a sentence of imprisonment for a term of more than 1 year may not be imposed.13

e. Fees Associated with Criminal History Reports
The Alaska Department of Public Safety (DPS) charges agencies a monthly fee of $29.53 per device connected to the statewide criminal justice network to support repository operations. There are three ways to get criminal history information in Alaska:

1. Name-based in-state checks can be obtained in person at any Alaska State Trooper detachment, local police department or the through DPS for a $20 fee.
2. A mail-in form for an in-state name-based check can be sent to DPS with the $20 fee.
3. Fingerprint-based state and federal background checks can be obtained in person or through the mail from the DPS office in Anchorage. The request must include:
   • a full ten-print set of fingerprints on the FBI standard applicant card (FD-258);
   • a letter of explanation as to why the fingerprint background check is required;
   • a current mailing address; and
   • a check, money order, or if a state government agency, a Reimbursable Services Agreement (RSA) in the amount of $48.25 to cover the fees. The fee charged is currently $35 for the state record check and the rate is for a national fingerprint-based background check (currently $13.25).

f. Vendors Supporting Criminal History Services
Alaska is a member of the Western Identification Network (WIN), which uses NEC Corporation of America to support the automated fingerprint and biometric systems. DPS contracts with Pacific Applied Technology (PAT) for their message switch and the Alaska DPS supports and maintains the computerized criminal history repository with in-house developers.

12 http://www.touchngo.com/lglcntr/akstats/Statutes/Title12/Chapter62/Section180.htm
13 http://www.touchngo.com/lglcntr/akstats/Statutes/Title11/Chapter81/Section900.htm
2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

Alaska responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>278,900</td>
<td>276,700</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>158,049</td>
<td>166,406</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>81,290</td>
<td>80,983</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>239,339</td>
<td>247,389</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>91%</td>
<td>91%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>91%</td>
<td>92%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>92%</td>
<td>92%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not reported</td>
<td>6%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>1,709</td>
<td>1,504</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>1,165</td>
<td>1,169</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>13,199</td>
<td>12,874</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>592</td>
<td>623</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of two test rap sheets provided by the Alaska DPS to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.14

Overview of Contents: The major sections of the rap sheet include the identification, arrest, court and sentence segments of the rap sheet standard. The rap sheets reviewed did not include booking, prosecutor or supervision segments. The test sample rap sheets contained a limited number of cycles and each cycle contained a limited amount of data.

Identification Section: The rap sheet includes person identification and caveat/warning information. The level of detail is sufficient to positively identify the subject and determine if the subject is disqualified from purchasing firearms, is a violent felon, and other cautions and notices.

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Arrest Cycles: The arrest cycle is organized by segment. Each cycle contains an arrest segment followed by the combined court and sentencing segment; it does not include prosecution or supervision segments.

The arrest segment includes arrest date, arrest case number, arresting agency, charge sequence number, charge literal and severity (e.g., Felony or Misdemeanor) information. Statute numbers are not included. NCIC offense codes are included in the Alaska criminal history database and on the response to out-of-state queries but are not currently displayed on in-state printed rap sheets.

The court and sentencing segments include charge disposition and basic sentence information for each charge. It does not list severity. The example rap sheets reviewed did not include any prosecutor dispositions in the court segment.

Charge Tracking: Each charge is assigned a charge sequence number that is used from arrest through disposition to identify and track the charge.

Other Information and Notes:
- The rap sheet does not include warrants or protection orders.
- The rap sheet will indicate that the subject is a sex offender, if applicable.
- The rap sheet includes a list of agencies, at the bottom, that had contact with the subject.

The following table lists strengths and weaknesses of Alaska’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>The rap sheet includes sex offender registry information or firearm disqualifiers.</td>
<td>No statute citation.</td>
</tr>
<tr>
<td>Arrest</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td></td>
<td>No Separate Prosecutor segment.</td>
</tr>
<tr>
<td>Court</td>
<td>Charge Level Tracking - Court Disposition Information includes the disposition information and sentencing information for each charge.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Basic sentence information is included for each charge.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td></td>
<td>No corrections information provided.</td>
</tr>
</tbody>
</table>
4. Other Criminal History Items

The following are other items noted during research and discussions with the Alaska criminal history repository staff:

- Alaska does not offer web-based noncriminal justice background checks.
- Alaska is a signatory to the National Crime Prevention and Privacy Compact.
- Alaska does not participate in the National Fingerprint File (NFF).
- Alaska does not provide rap back services.

5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of Alaska.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Assistant II</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry.</td>
<td>$32,724</td>
<td>$68,418</td>
</tr>
<tr>
<td>Criminal Justice Technician I</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$36,972</td>
<td>$70,938</td>
</tr>
<tr>
<td>Criminal Justice Technician II</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$41,994</td>
<td>$81,558</td>
</tr>
<tr>
<td>Records and Licensing Supervisor</td>
<td>Positions that supervise employees who input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that supervise employees who maintain and operate the state Sex Offender Registry. Positions that supervise employees who provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$48,204</td>
<td>$93,924</td>
</tr>
<tr>
<td>Position</td>
<td>Responsibilities</td>
<td>Salary Range</td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------</td>
<td>---</td>
</tr>
<tr>
<td>Program Coordinator II</td>
<td>Positions that serve as lead employees of staff who input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$67,277</td>
<td>$137,376</td>
</tr>
<tr>
<td>Criminal Justice Specialist</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$48,204</td>
<td>$93,924</td>
</tr>
<tr>
<td>Fingerprint Technician I</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$39,348</td>
<td>$76,122</td>
</tr>
<tr>
<td>Fingerprint Technician II</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$58,944</td>
<td>$105,830</td>
</tr>
<tr>
<td>Fingerprint Technician III</td>
<td>Positions that serve as lead/supervisory employees of technicians who process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$67,277</td>
<td>$137,376</td>
</tr>
</tbody>
</table>
AL - Alabama State Profile of Criminal History Records

This profile describes the Alabama laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints
Title 41, Chapter 9, Article 23, Section 41-9-623 of the Code of Alabama (AL Code § 41-9-623) requires that all criminal justice agencies in the state submit to the Alabama Criminal Justice Information Center (ACJIC), by forwarding to the Alabama Department of Public Safety the following:

- fingerprints, descriptions, photographs and other identifying data on persons who have been lawfully arrested in this state for all felonies and certain misdemeanors described in AL Code § 41-9-622.
- fingerprints, descriptions, photographs and other identifying data on persons who have been charged with an act of delinquency or adjudicated a youthful offender for conduct which would constitute a felony or misdemeanor offense, as described in AL Code § 41-9-622, if committed by an adult.

AL Code § 41-9-648 requires that the Administrator of the Department of Court Management or the chief administrative officer of any court report dispositions to the ACJIC within a reasonable time after formal rendition of judgment, as prescribed by the ACJIC.

b. Cite and Release – Arrests without Fingerprints
AL Code § 11-45-9.1 allows law enforcement officers to issue a “summons and complaint” in lieu of arrest for Class C misdemeanors, except for offenses involving violence, threat of violence, alcohol or drugs.

AL Code § 32-1-4 allows law enforcement officers to issue a notice to appear in lieu of arrest for traffic misdemeanors unless the offense involves an accident resulting in injury or death or impaired driving.

c. Expungements and Sealing
AL Code §§ 15-27-1 through 20 gave courts authority to expunge records of misdemeanors and non-violent felonies that did not result in conviction. This includes cases where charges were dismissed after successful completion of a drug court program, mental health court program, diversion program or veteran’s court program. Felony charges (including violent charges) resulting in acquittal may also be expunged. Expungement may be sought 90 days after charges are dismissed with prejudice, and after an additional waiting period after dismissal without prejudice (2 years for misdemeanors, 5 years for felonies).

15 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
Records of delinquency adjudications may be sealed 2 years after final discharge if the conduct did not involve violence or sexual misconduct.

Expunged records “may not be used for any noncriminal justice purpose and may only be made available to criminal justice agencies upon acknowledgement of an investigation or other criminal matter involving the person related to the expungement.” Expungement does not restore firearms rights or relieve sex offender registration. Expunged charges may also be disclosed to government regulatory or licensing agencies, any utility and its agents and affiliates, or any bank or other financial institution.20

d. State Definition of Felony and Misdemeanor
AL Code § 13A-1-2(8) defines a “felony” as an offense for which a sentence to a term of imprisonment in excess of 1 year is authorized. AL Code § 13A-1-2(9) defines a misdemeanor as an offense for which a sentence to a term of imprisonment not in excess of 1 year may be imposed.21

e. Fees Associated with Criminal History Reports
Alabama does not charge any fees for criminal history system access for local agencies.

f. Vendors Supporting Criminal History Services
Alabama contracts with CPI, the OpenFox Company, for computerized criminal history and message switch services. NEC Corporation of America supports the Automated Fingerprint Identification System (AFIS).

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Alabama responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>2,304,600</td>
<td>2,446,300</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>795,461</td>
<td>870,013</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>560,951</td>
<td>560,345</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,356,412</td>
<td>1,430,358</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>36%</td>
<td>36%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>16%</td>
<td>14%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>49%</td>
<td>71%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
</tbody>
</table>

### i. Active records in state protection order database
13,542 | 13,257

### j. Active records in NCIC protection order file
4,721 | 6,046

### k. Active records in state warrant database
234,486 | 195,309

### l. Active records in NCIC warrant file
13,005 | 16,455

## 3. Rap Sheet Assessment
Alabama did not provide rap sheets for review.

## 4. Other Criminal History Items
The following are other items noted during research:
1. Alabama does not participate in the National Fingerprint File (NFF).
2. Alabama is not a signatory to the National Crime Prevention and Privacy Compact.
3. Alabama does not provide in-state criminal justice rap back services.
4. Alabama provides in-state noncriminal justice rap back services for persons working with children and the elderly, healthcare providers, security guards, and public safety personnel.
5. Alabama provides web-based noncriminal justice background checks to the public for a $25 fee.22

## 5. Repository Position Descriptions
Alabama did not provide position descriptions.

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AR - Arkansas State Profile of Criminal History Records

This profile describes the Arkansas laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints
Arkansas Code Title 12, Subtitle 2, Chapter 12, Subchapter 10 Section 6 (A.C.A. § 12-12-1006) requires that immediately following an arrest for an offense of felony or a Class A misdemeanor the arrested person is fingerprinted and photographed. Fingerprint and photographs shall be sent to the Arkansas State Police, Arkansas Crime Information Center (ACIC) within 5 working days.

A.C.A. § 12-12-1007 requires that arrests, indictments (statement of charges), prosecutor dispositions, dismissals, court dispositions, probationary status, commitments to a correctional or mental health facility, appeals, sentences, or other events occurring during the course of criminal proceedings are reported to ACIC for inclusion on the criminal history record. Criminal justice agencies need to report these events within 5 working days of the occurrence of the event.

b. Cite and Release
A.C.A. § 27-50-603 allows the arresting officer to issue a citation with a notice to appear for traffic misdemeanors and violation except negligent homicide, negligent assault, impaired driving, or failure to stop for or involved in an accident causing a death, injury or property damage.

c. Expungements and Sealing
In Arkansas, expungement is available in only two situations: the first being a non-violent felony committed before the age of 18, and the second after completion of drug court. Minor felonies and drug convictions are eligible for sealing after 5 years after the defendant completes the sentence. Prostitution convictions as a result of being a victim of human trafficking are eligible for sealing at any time. Deferred adjudication for first-time offenses may result in sealing in some cases where there are no further charges. Non-conviction records, including cases where charges have been dismissed, shall be sealed by sentencing court unless there is a public safety risk.

d. State Definition of Felony and Misdemeanor
A.C.A. § 5-1-106 states that an offense is a felony if the offense is designated a felony by the Arkansas Criminal Code or a Statute not a part of the Criminal Code. A.C.A. § 5-1-107 states that a misdemeanor is also designated a misdemeanor by the Arkansas Criminal Code, a Statute not a part of

23 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
24 Information acquired during the interview is incorporated into the appropriate section of this report.
25 https://advance.lexis.com/ACA 12-12-1006
26 https://advance.lexis.com/ACA 12-12-1007
27 https://advance.lexis.com/ACA 27-50-603
29 https://advance.lexis.com/ACA 5-1-106
the Criminal Code, or not designated a felony and a sentence to imprisonment is authorized upon conviction.30

e. Fees Associated with Criminal History Reports
ACIC charges law enforcement agencies a fee of $0.034 per transaction, plus a monthly $234 charge for agencies that use an Arkansas Department of Information Services data line for intranet services. These fees support access to the criminal history systems in Arkansas.

ACIC allows web-based access to name-based and fingerprint-based noncriminal justice background checks.31 The charges follow this schedule:

- $22 per search for in-state name-based check
- $11 per search for in-state name-based checks for volunteers
- $14.25 additional National/FBI fingerprint-based check request
- $12.25 additional National/FBI fingerprint-based check request for volunteers

f. Vendors Supporting Criminal History Services
ACIC administers the state’s automated criminal justice information system and serves as the central access and control agency for Arkansas input, retrieval, and exchange of criminal justice information through the National Crime Information Center (NCIC) and National Law Enforcement Telecommunications System, Inc. (Nlets). ACIC contracts with CPI, the OpenFox Company, for message switch services, CertiFix for livescan services, and the criminal history repository is supported with in-house resources.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Arkansas responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>760,200</td>
<td>805,400</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>593,217</td>
<td>645,271</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>174,441</td>
<td>173,822</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>767,455</td>
<td>819,093</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>70%</td>
<td>58%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>81%</td>
<td>43%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>92%</td>
<td>42%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>1%</td>
<td>1%</td>
</tr>
</tbody>
</table>

30https://advance.lexis.com/ACA 5-1-107
31https://www.ark.org/criminal/index.php
### 3. Rap Sheet Assessment

SEARCH analyzed the contents of six sample Rap Sheets provided by the ACIC to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.\(^{32}\)

**Overview of Contents:** The major sections of the rap sheet include the identification, arrest, court and sentence, and supervision segments of the rap sheet standard. The rap sheet does not include the prosecution segment. The criminal history data is organized by arrest cycle.

**Identification Section:** All identification and caveat/caution information on the sample rap sheets was redacted. An assessment of this information was not performed.

**Arrest Cycle:** Each arrest cycle is identified by an arrest cycle sequence number (ARREST-01, etc.) and is separated from the next cycle by a dashed line break with “END OF ARREST XX” in the middle of the line. The cycle includes data from the arrest, prosecution, court, sentence and supervision segments. Cycles are presented in chronological order (i.e., oldest to newest).

The arrest segment includes an arrest tracking number, arresting agency ORI and name, and arrest charges. Each arrest charge includes the charge description (literal) and the severity (e.g., Felony or Misdemeanor) and class/grade (e.g., FC stands for Class C Felony). The NCIC offense code, NCIC offense literal, statute number and statute description are not listed.

The court and sentence segments begin with the name of the court (e.g., CIRCUIT COURT). Court information includes the court case number (“DOCKET #”) and court location and division. Charge, disposition and sentence information is organized by charge sequence number so all related charge information is listed together. For each charge sequence number, the filed charge is listed including the charge description (literal) and severity and class, although this is in a different format (e.g., FEL C). The filed charge is followed by the final charge, disposition and sentence when appropriate. Each final charge contains a standardized list of dispositions: Guilty, Not Guilty, Nol Pros, or Dismiss with the number “1” placed next to the appropriate disposition.

Sentence details associated with each charge are listed as discrete data elements including terms of confinement and fines and court costs.

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Supervision information may be included and is listed within the arrest cycle following the sentence information. Supervision data includes the custodial agency, inmate identifier, Start Date, Status and Release Date(s).

**Charge Tracking:** Each arrest charge is assigned a charge sequence number, but the sequence number does not track through the court/sentence segment (i.e., the charge sequence numbers associated with the filed and final charges may not match with the charge sequence number associated with the arrest charge).

**Other Information and Notes:** An ‘OTHER INFO’ section is listed at the end of the cycle and can contain miscellaneous information (such as, additional sentencing (e.g., 34 days of jail time credit), case status (e.g., under advisement), residential addresses, or additional supervision information).

The following table lists strengths and weaknesses of Arkansas’ rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td>Not provided.</td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>Not provided.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Each charge includes the severity and class.</td>
<td>Statute Citations and descriptions are not included.</td>
</tr>
<tr>
<td>Prosecution</td>
<td>Filed charge is provided.</td>
<td>Prosecution dispositions are not provided.</td>
</tr>
<tr>
<td>Court</td>
<td>Includes a docket number for each charge. Clear, standardized identification of charge disposition.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Sentencing data presented as discrete data fields.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>Supervision data is associated with the specific cycle.</td>
<td></td>
</tr>
</tbody>
</table>

4. **Other Criminal History Items**

The following are other items noted during research and discussions with the Arkansas criminal history repository staff:

- Arkansas offers web-based noncriminal justice background checks.
- Arkansas is a signatory to the National Crime Prevention and Privacy Compact.
- Arkansas does not participate in the National Fingerprint File (NFF).
- Arkansas does not provide rap back services.

5. **Repository Position Descriptions**

Arkansas did not provide position descriptions.
AZ - Arizona State Profile of Criminal History Records

This profile describes the Arizona laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, findings associated with a site visit SEARCH conducted with representatives of various justice agencies that contribute data to the rap sheet, and findings from an interview SEARCH conducted with state repository personnel. \(^{34}\)

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Arizona Revised Statute Title 41, Chapter 12, Article 3, Paragraph 1750 (A.R.S. § 41-1750) requires the Arizona Department of Public Safety (AZDPS) to collect accurate and complete personal identification data, fingerprints, charges, process control numbers, dispositions and other information pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for a felony offense, an offense involving domestic violence, a sexual offense, or driving under the influence (DUI) from all criminal justice agencies in the state. \(^{35}\) In brief, A.R.S. § 41-1750 states the following:

- Arizona law enforcement agencies are required to fingerprint subjects upon arrest and provide the fingerprint cards with identification data and charges to the repository within 10 days of the arrest for all felony, all sex offenses, all DUI, and all domestic violence offenses.
- Arizona courts and prosecutors are required to provide court disposition information to the repository within 40 days.
- Corrections institutions are required to fingerprint subjects and provide correctional disposition information to the repository within 40 days of intake and release.

b. Cite and Release – Arrests without Fingerprints

A.R.S. § 13-3903 describes the requirements for cite and release. \(^{36}\) It allows the arresting officer to release a person from custody when arrested on some misdemeanor or petty offenses. When there is an arrest with charges that require fingerprints — as listed above — agencies will attempt to collect those fingerprints at the time of arrest before the subject is released. If the arresting or booking agency is unable to collect the fingerprints due to transportation or other issues, the court will order the subject to report to the law enforcement agency so their fingerprints can be collected.

c. Expungements and Sealing

Arizona does not have a statute for expunging or sealing charges or arrests. The courts expunge records, but the criminal history repository does not.

d. State Definition of Felony and Misdemeanor

Arizona defines a “felony” as an offense for which a sentence to a term of imprisonment in the custody of the state department of corrections is authorized by any law of this state. A “misdemeanor” is an

\(^{33}\) 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
\(^{34}\) Information acquired during the interview is incorporated into the appropriate section of this report.
\(^{35}\) https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/01750.htm
\(^{36}\) https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/13/03903.htm
offense for which a sentence to a term of imprisonment other than to the custody of the state
department of corrections is authorized by any law of this state.37

e. Fees Associated with Criminal History Reports
Arizona does not charge any fees for criminal history reports in response to queries with purpose code
C, J or S. For noncriminal justice background checks, the fee for running a check against state
repository databases and the FBI databases is $22. Business checks, money orders, or cashier’s checks
are accepted. Arizona law requires many professions to have an active fingerprint clearance card prior
to or as a condition of licensure, certification, or employment. The cost of a Fingerprint Clearance
Card38 is $67.

f. Vendors Supporting Criminal History Services
Arizona currently contracts with IDEMIA to support the automated fingerprint and biometric systems,
and CPI, the OpenFox Company, for their computerized criminal history system and message switch.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information
Systems
Arizona responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,899,300</td>
<td>1,988,400</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,138,048</td>
<td>1,241,572</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>718,441</td>
<td>716,538</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,856,489</td>
<td>1,958,110</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>46%</td>
<td>31%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>66%</td>
<td>63%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>37%</td>
<td>62%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>&lt;1%</td>
<td>0%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>17,925</td>
<td>25,978</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>17,866</td>
<td>17,984</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>395,764</td>
<td>394,811</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>67,776</td>
<td>78,654</td>
</tr>
</tbody>
</table>

38 https://www.azdps.gov/services/public/fingerprint
3. Rap Sheet Assessment

SEARCH analyzed the contents of five exemplar rap sheets provided by the AZDPS to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.39

Overview of Contents: The major sections of the Arizona rap sheet include the identification, arrest, prosecution, court and sentence segments of the rap sheet standard. It does not include data from the supervision segment.

Identification Section: All identification and caveat/caution information on the sample rap sheets was fully redacted. An assessment of this information was not performed.

Arrest Cycle: The rap sheet is organized by arrest, rather than by segment, and each arrest contains the arrest charges and the related prosecution or court disposition and sentence information as appropriate. Each arrest cycle is identified by a PCN number and is separated from the next cycle by a "******" break.

The arrest segment includes the state offense code, offense date, charge literal, severity (e.g., felony or misdemeanor), arresting agency name and ORI.

There is no separate prosecutor segment. Prosecutor dispositions are included under the “DISPO” label associated with each charge. A common prosecution disposition is “No complaint filed”.

There is no separate court or sentencing section. Court dispositions are associated with each arrest change and labeled “DISPO” just like the prosecution dispositions. Disposition information includes the disposition date, agency identifier and name, an abbreviated statute citation/state offense code, the statute literal, severity (e.g., felony or misdemeanor) and disposition. Sentence data is provided in a semi-structured format and is generally understandable. By including the sentence information at the charge level, the reader is able to understand the outcome of each charge within the arrest cycle.

Charge Tracking: Charge tracking is inherent to the structure of the cycle, as each arrest charge is followed by the disposition and sentence as appropriate.

Other Information and Notes:

- Arizona includes DUI convictions on the rap sheet, even if the subject was not fingerprinted at the time of arrest. The court is required to order the defendant to submit fingerprints for DUI convictions.
- When the arresting agency, prosecutor or courts indicates that a charge included a domestic violence component, the repository includes those charges along with the indicator on the criminal history report in response to purpose code C, J and S queries.
- The Arizona criminal history report does not include warrants or protection orders.
- The rap sheet will indicate that the subject is a sex offender, if applicable.

• Arizona does not record interim disposition (e.g., indictments, filed charges) information to the criminal history.
• AZDPS maintains a separate system for Juvenile arrests and Arizona does not report juvenile arrests on the rap sheet unless the juvenile is treated as an adult offender. Juvenile records are only available through court order.

The following table lists strengths and weaknesses of Arizona’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard.

<table>
<thead>
<tr>
<th>Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Each charge includes the statute, statute description and severity (e.g., felony or misdemeanor).</td>
<td>Charge does not include class.</td>
</tr>
<tr>
<td>Prosecution</td>
<td>No separate Prosecutor segment.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Court Case Information includes the disposition information and sentencing information for each charge. Each charge includes the statute, statute description and severity (e.g., felony or misdemeanor).</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Sentence information is included for each charge.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>No Supervision segment – the rap sheets do not include any details related to custody or supervision of the subject.</td>
<td></td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items noted during discussions with the Arizona criminal history repository staff:

• A.R.S. § 13-908 provides an allowance to “set aside” convictions. This allows people who completed their sentence, probation, paid fines and fees, and have no pending charges to restore their civil rights.
• A November 2017 Executive Order was issued that limits inquiries into criminal histories for public employment applicants:
• The state criminal history repository does not provide web-based noncriminal justice background checks to the public.

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- Arizona is a signatory to the National Crime Prevention and Privacy Compact. Non-criminal justice background check procedures.\(^{42}\)
  - Arizona allows authorized channelers to provide background checks for licensing purposes only. This requires that the individual requesting the background check has an allowable purpose and must sign an affidavit to that effect.
  - AZDPS prefers that in-state applicants mail the fingerprint card or drop it off in person.
  - Out-of-state fingerprint cards must be mailed.
  - The process for noncriminal justice background checks for public safety agencies is: If the vendor(s) is working for AZDPS, the background check is performed by the AZDPS Human Resources Bureau. If the vendor(s) is working on behalf of another criminal justice agency in Arizona, that agency is responsible for conducting the background check in accordance with the FBI CJIS Security Policy. One set of prints is required. A state card is not required in addition to the FD258. Fingerprints may be submitted on cards. Fingerprints cannot be submitted electronically at this time.
  - The time required to return results from a noncriminal justice background check is one to 3 days.
  - The central repository in Arizona does not save noncriminal justice fingerprints or background check information.
  - Arizona does not provide in-state or federal rap back services.

5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of Arizona.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Records Specialist</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$32,793</td>
<td>$43,482</td>
</tr>
<tr>
<td>Records Supervisor</td>
<td>Positions that supervise employees who input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$43,559</td>
<td>$57,851</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH)</td>
<td>$35,816</td>
<td>$47,330</td>
</tr>
</tbody>
</table>

\(^{42}\) [https://www.ijis.org/page/backgroundcheckinfo](https://www.ijis.org/page/backgroundcheckinfo)
<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Current Start</th>
<th>Current High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Supervisor</td>
<td>Positions that maintain and operate the state Sex Offender Registry.</td>
<td>$50,681</td>
<td>$69,229</td>
</tr>
<tr>
<td>Fingerprint Technician</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$37,278</td>
<td>$49,654</td>
</tr>
<tr>
<td>Fingerprint Identification Supervisor</td>
<td>Positions that supervise employees who process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$46,715</td>
<td>$61,518</td>
</tr>
<tr>
<td>Administrative Services Manager</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td></td>
<td>$73,168</td>
</tr>
<tr>
<td>ACJIC Compliance Specialist/Instructor</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$41,117</td>
<td>$52,158</td>
</tr>
</tbody>
</table>
CA - California State Profile of Criminal History Records

This profile describes the California laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems,\(^\text{43}\) and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

California Penal Code Part 4, Title 1, Chapter 1, Article 3 outlines the responsibilities of the Department of Justice to maintain a criminal history repository.\(^\text{44}\) These responsibilities include:

- Providing a system to process the descriptions, information, photographs, and fingerprints of all persons convicted of a felony, or imprisoned for violating any of the state, military, naval, or criminal laws of the United States, and of all well-known and habitual criminals.
- Maintaining a criminal history information system for the identification and criminal history of a person. This information includes the name, date of birth, physical descriptions, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information, and similar data about the person.
- Provide criminal history background information for investigation, employment, certification or licensing purposes.

Penal Code § 11107 requires that each sheriff or police chief executive furnish daily reports of misdemeanors and felonies that are required to be reported by the Attorney General, including but not limited to, forgery, fraud-bunco,\(^\text{45}\) bombings, receiving or selling stolen property, safe and commercial burglary, grand theft, child abuse, homicide, threats, and offenses involving lost, stolen, found, pledged, or pawned property to the Department of Justice.\(^\text{46}\)

b. Cite and Release – Arrests without Fingerprints

California allows arrests without fingerprints based on the following:

- Penal Code § 853.5 allows law enforcement officers to issue a citation for infractions.\(^\text{47}\)
- Penal Code § 853.6 allows law enforcement officers to issue a notice to appear for misdemeanors unless the offense involves domestic violence, abuse or offenses that require a bail hearing, rather than release according to a bail schedule.\(^\text{48}\)
- Penal Code § 818 allows law enforcement officers to issue a notice to appear for vehicle code misdemeanors or ordinances.\(^\text{49}\)

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\(^{43}\) 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.

\(^{44}\) https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PENdivisiontitle=1part=4chapter=1article=3.

\(^{45}\) The word “bunco” comes from the Spanish word “banco,” meaning bank, and is used to describe several swindle schemes. Other terms for the swindles are confidence or con games.

\(^{46}\) https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=11107.

\(^{47}\) https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=853.5.&lawCode=PEN

\(^{48}\) https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=853.6.&lawCode=PEN

\(^{49}\) https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=818.&lawCode=PEN
c. Expungements and Sealing

California courts may dismiss charges or set aside convictions for several categories of minor offenses, including those sentenced to probation or to a term in county jail. Persons with misdemeanor charges not sentenced to probation, and those convicted of infractions (including traffic infractions or possession of small amounts of marijuana), may apply for a change of plea and dismissal of charges 1 year from entry of judgment, which the court may grant if the petitioner can show, in addition to successful completion of probation and no charges pending, that they have obeyed the law.50

Certain minor felonies may also be reduced to misdemeanors and become eligible for dismissal or set‐ aside, including felonies for which sentencing was deferred. Records of decriminalized marijuana convictions may be dismissed and sealed. Sealing is also available for certain under‐ age misdemeanors and most juvenile adjudications after 5 years. The set‐aside does not seal the record, but restores rights and removes disabilities, and has employment‐related benefits. Conviction information may still be used as a predicate offense and must be disclosed to law enforcement.

Effective January 1, 2021, automatic record relief in the form of set‐aside or sealing for individuals with certain convictions and arrests takes effect. The new law supplements but does not supplant the existing system of petition‐based relief and applies to convictions and arrests occurring after the bill’s effective date of January 1, 2021. The new law prohibits courts and the state repository from disclosing information about conviction records that have been granted relief, except where specifically authorized, whether under the new automatic process or the older petition‐based system.51

d. State Definition of Felony and Misdemeanor

Penal Code § 17 states that a felony is a crime that is punishable with death, by imprisonment in the state prison, or notwithstanding any other provision of law, by imprisonment in a county jail under the provisions of subdivision (h) of Penal Code § 1170.52 Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions.53

e. Fees Associated with Criminal History Reports

The California Department of Justice (DOJ) administers the state telecommunications system. The California Highway Patrol pays DOJ for end‐user subscriber access that includes a monthly administration cost of $400.16 and monthly network services fee of $225.50.

f. Vendors Supporting Criminal History Services

California did not provide vendor information.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

California responded to survey questions about its criminal history information system:

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50 http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PENdivision=title=8part=2chapter=1article
51 http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1076
<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>10,815,500</td>
<td>10,546,600</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>8,745,983</td>
<td>9,105,915</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>1,244,075</td>
<td>1,242,679</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>9,990,058</td>
<td>10,348,594</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>63%</td>
<td>63%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>54%</td>
<td>56%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>64%</td>
<td>64%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>9%</td>
<td>14%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>264,526</td>
<td>579,212</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>250,373</td>
<td>280,959</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>1,060,344</td>
<td>470,719</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>231,999</td>
<td>229,198</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment
California did not provide rap sheets for review.

4. Other Criminal History Items
The following are other items noted during research:
- California does not participate in the National Fingerprint File (NFF).
- California is not a signatory to the National Crime Prevention and Privacy Compact.
- California provides in-state criminal justice rap back services for error correction and record management.
- California provides in-state noncriminal justice rap back services for persons working with children and the elderly, healthcare providers, security guards, public safety personnel, and Licensing, certification, and permits.
- California does not provide web-based noncriminal justice background checks to the public.

5. Repository Position Descriptions
California did not provide position descriptions.
CO - Colorado State Profile of Criminal History Records

This profile describes the Colorado laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprint

Colorado Revised Statute Title 24, Article 33.5, Part 4 (C.R.S. § 24-33.5-412) outlines the functions of the Colorado Bureau of Investigation (CBI) that require the following interagency cooperation with reporting functions to maintain the criminal history repository:

- Colorado law enforcement agencies must submit all fingerprints, arrest and identification information on persons arrested in Colorado for federal, state, or out-of-state felony and misdemeanor offenses to the CBI within seventy-two (72) hours.
- Colorado correctional institutions must submit fingerprints and identification on persons received for service of any sentence of incarceration to the CBI within seventy-two (72) hours after receiving such information.
- Colorado judicial agencies must submit identification and charge dispositional information on persons disposed in Colorado for criminal offenses to the CBI within seventy-two (72) hours after receiving such information.

b. Cite and Release – Arrests without Fingerprints

C.R.S. § 16-3-105 allows the arresting officer to issue a citation in lieu of arresting the subject for misdemeanors or petty offenses that do not involve domestic violence offenses or protection order offenses. Some traffic citations can be criminal and require submission of a criminal history (fingerprint-based) record. As a home rule state, local agencies in Colorado make their own policy regarding cite and release, particularly for officers working in rural or isolated locations without practical access to a booking station. When there is an arrest with charges that require fingerprints, and the individual is not printed at the time of arrest, and the subject is released, the court will order fingerprints to be submitted.

c. Expungements and Sealing

Colorado revised its sealing laws in 2019 to allow for most convictions except for class 1 or class 2 misdemeanor traffic offenses, class A or class B, or serious felonies — as listed in C.R.S. § 24-72-706(2) — to be eligible for sealing. There is an eligibility waiting period before a sealing can be pursued: 1 year in the case of petty offenses, 3 years for misdemeanors and lower-level felonies, and 5

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54 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
55 Information acquired during the interview is incorporated into the appropriate section of this report.
58 C.R.S. 24-72-706
years for all other eligible felonies. Waiting periods for repeat offenders may be longer. This revision also mandates sealing of decriminalized misdemeanor marijuana offenses.

Additionally, records can be sealed for the following:

- Non-conviction records must be sealed where the charges are completely dismissed, or the defendant is acquitted.
- Deferred sentencing dispositions may also lead to sealing after successful completion of the deferral program and the charges dismissed.
- Juvenile record expungement is mandatory for most petty offenses and misdemeanors, or where no conviction results.
- Juvenile record expungement is discretionary for low-level felonies after the eligibility waiting period.

The effect of a sealing order does not deny access to the criminal records of a petitioner or defendant by any court, law enforcement agency, criminal justice agency, prosecuting attorney, or party or agency required by law to conduct a criminal history record check on an individual.59

d. State Definition of Felony and Misdemeanor

In Colorado, felony and misdemeanor offenses are defined and classified in the following statutes:

- Six classes of felonies, as described in C.R.S. § 18-1.3-40160
- Four levels of drug felonies, as described in C.R.S. § 18-1.3-401.561
- Three classes of misdemeanors and two levels of drug misdemeanors, as described in C.R.S. § 18-1.3-501.62

e. Fees Associated with Criminal History Reports

Colorado does not charge any fees for local agencies to access the criminal history services.

f. Vendors Supporting Criminal History Services

Colorado criminal history services are supported in-house, and the message switch is supported by CPI, the OpenFox Company. Two vendors, IdentoGO and Colorado Fingerprinting, provide sites—including mobile locations—across Colorado where citizens can obtain their fingerprints for background check purposes.
2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

Colorado responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,756,600</td>
<td>1,902,700</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,316,451</td>
<td>1,403,571</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>224,949</td>
<td>220,843</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,541,400</td>
<td>1,624,414</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>21%</td>
<td>24%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>41%</td>
<td>9%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>47%</td>
<td>43%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>43%</td>
<td>51%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>230,678</td>
<td>254,922</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>112,156</td>
<td>140,367</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>271,512</td>
<td>276,436</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>40,428</td>
<td>44,163</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of seven sample rap sheets provided by the Colorado Bureau of Investigation, Identification Unit to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.63

Overview of Contents: The major sections of the rap sheet include the identification, arrest, court and sentence segments of the rap sheet standard. Rap sheets do not appear to include the prosecution or supervision segments.

Identification Section: The rap sheets reviewed contained sufficient personal information to confirm the identity of the subject. Identification information includes all key identifiers and descriptions of the subject. The rap sheet provides caution and notice information at the top of the page.

Arrest Cycle: The Colorado rap sheet arrest cycle is organized by segment and each cycle contains an arrest segment followed by a court and sentencing segment; it does not include prosecution or supervision information. Each cycle is clearly identified by a visual separator and each is sequentially

numbered and listed from oldest to newest. The cycle tracking number is labeled “PCN” and is included at the beginning of the arrest segment.

The arrest segment includes basic arrest information: Date of Arrest, Arresting Agency, Name Used, Arrest Number and charges. Charge information includes a Charge Literal, Severity (e.g., felony or misdemeanor) and Offense Date. Each charge is identified with a charge sequence number.

Court and sentencing information are separated from the arrest segment by a “--------Court --------” separator. This section lists each charge and the corresponding disposition and sentence if available. Charge Severity is label “Type/Level” to denote if the charge is a felony or misdemeanor. Data includes Docket (court case) number, disposition, disposition date and sentencing information. Sentence data is presented as unstructured text that is generally understandable.

Charge Tracking: Colorado does not track charges by linking them across segments. Therefore, charge sequence numbers between segments may not align. It is not uncommon for more charges to be listed in the court segment than are listed in the arrest segment. The reader must infer the relationship between the charges included in each segment.

Other Information and Notes:
- Many arrests do not have court and sentence information. Many of these can be explained by the nature of the arrest event, which may not result in a court disposition, such as arrests resulting from a failure to appear or failure to comply. Arrests for minor or municipal ordinance violations may never be updated with disposition information.
- Additional caveat and address information and known address and occupation information is provided at the bottom of the rap sheet.

The following table lists the strengths and weaknesses of Colorado’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>Offender notice information is at the top of the identification section.</td>
<td>Addresses are listed at the bottom of the rap sheet rather than in the identification segment.</td>
</tr>
<tr>
<td>Arrest</td>
<td>Each charge includes the statute description and severity (e.g., felony or misdemeanor).</td>
<td>No statute citations. No separate booking information.</td>
</tr>
<tr>
<td>Prosecution</td>
<td>No prosecution segment.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Court identification is not always provided.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Limited sentence information – only one line in the court segment.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>No custody or supervision information.</td>
<td></td>
</tr>
</tbody>
</table>
4. Other Criminal History Items

The following are other items noted during research and discussions with the Colorado criminal history repository staff:

- Colorado participates in the National Fingerprint File
- Colorado is a signatory to the National Crime Prevention and Privacy Compact.
- Colorado provides in-state criminal justice rap back services for error correction and record management purposes.
- Colorado provides an online system for noncriminal background checks, the Internet Criminal History Check System (ICHC), as well as a mail-in request form. The online charge is $5 per search and $13 to process the mailed-in request form.

5. Repository Position Descriptions

Colorado did not provide position descriptions.
CT - Connecticut State Profile of Criminal History Records

This profile describes the Connecticut laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Connecticut General Statute Title 29, Section 11 (Conn. Gen. Stat. Sec. 29-11) outlines the functions of the Connecticut Department of Emergency Services and Protection, State Police Bureau of Identification (Bureau) that require the Bureau to maintain a criminal history repository. Conn. Gen. Stat. Sec. 29-12 requires:

- All Connecticut law enforcement agencies submit fingerprints, photographs, physical descriptions, and person identification information on persons arrested for any criminal offenses to the Bureau immediately.
- All Connecticut correctional institutions must submit fingerprints, photographs, physical descriptions, and person identification information on persons received or released from supervision to the Bureau.

Conn. Gen. Stat. Sec. 29-13 requires that when the criminal charge against a person who has been arrested and fingerprinted is disposed of in any court, the clerk of court has 3 days to notify the Bureau of the judgment.

b. Cite and Release – Arrests without Fingerprints

Conn. Gen. Stat. Sec. 54-1h allows the arresting officer to arrest by complaint and summons for some misdemeanors that do not involve violent offenses or protection order violations and carry a maximum punishment of less than 1 year or a fine less than $1,000. Officers may issue a criminal misdemeanor summons for low-level larceny and dual arrests in a domestic violence case. Most motor vehicle violations—with the exception of impaired driving, evading, or accidents causing death—are issued a complaint and summons.

The courts will order fingerprints of convicted persons be taken and submitted to the Bureau if the subject was not fingerprinted upon arrest.

c. Expungements and Sealing

Connecticut has several deferred adjudication programs that may result in erasure of the court record. Dispositions of not guilty, Nolle Pros (not prosecuted), and dismissed may be erased after 13 months. These records are erased 3 years after completing the deferment program and the charges are

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64 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
65 Information acquired during the interview is incorporated into the appropriate section of this report.
66 https://www.cga.ct.gov/current/pub/chap_529.htm#sec_29-12
68 https://www.cga.ct.gov/current/pub/chap_959.htm#sec_54-1h
dismissed. Pardoned offenses are erased 3 years for misdemeanors and 5 years for felonies after the final disposition of the criminal case. After a waiting period of 2- to 4-years, people at least 17 years of age with juvenile offenses may petition for erasure of police and court records if they do not have any subsequent convictions. The subject of non-conviction records may file a petition for erasure of charges from arrest, prosecution and court records if they do not have any pending charges against them.⁶⁹

The effects of erasure are that any person whose criminal records have been erased are deemed to have never been arrested and may so swear under oath. Additionally, government agencies may not disclose to anyone (including law enforcement) any information pertaining to the charge erased and, upon request of the subject of the records, must cause the actual physical destruction of such records. The erasure statute is intended to operate in the context of the justice system, to prohibit disclosure by government agencies, to bar reliance on the arrest in any subsequent criminal proceeding, and to permit the person arrested to swear under oath that the arrest never occurred.

d. State Definition of Felony and Misdemeanor
Conn. Gen. Stat. Sec. 53a-25 defines a “felony” as an offense with a maximum term of imprisonment is in excess of 1 year. Conn. Gen. Stat. Sec. 53a-26 defines a “misdemeanor” as an offense with a minimum sentence less than 1 year, but greater than 30 days imprisonment.⁷⁰

e. Fees Associated with Criminal History Reports
Conn. Gen. Stat. Sec. 29-11 also outlines the fees the Bureau may charge for background checks, according to the following schedule:
   (1) $36 for a name search resulting in a yes/no criminal record (no rap sheet provided)
   (2) $75 for a fingerprint-based search
   (3) $75 for a personal record search that is either name and date of birth or fingerprint-based
   (4) $75 for a letters of good conduct search
   (5) $75 for a bar association search
   (6) $15 for fingerprinting
   (7) $75 for a criminal history record information search

These fees shall not apply to any federal, state or municipal agency conducting a search for employment or investigative purposes.

f. Vendors Supporting Criminal History Services
The Bureau currently supports and maintains the computerized criminal history repository (CCH) and message switch with in-house resources. The Bureau is currently in the process of upgrading its automated fingerprint identification system from a 15-year old Cogent system to a new IDEMIA system. The Bureau is also in the process of upgrading the CCH as part of the contract with IDEMIA, which subcontracted with GCOM to complete the CCH upgrade.

⁶⁹ https://www.cga.ct.gov/current/pub/chap_961a.htm#sec_54-142a
⁷⁰ https://www.cga.ct.gov/current/pub/chap_952.htm#sec_53a-24
2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

Connecticut responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,188,400(^{71})</td>
<td>683,600</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>393,271</td>
<td>412,545</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>178,513</td>
<td>176,901</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>571,784</td>
<td>589,446</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>97%</td>
<td>97%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>89%</td>
<td>89%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not reported</td>
<td>3%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>30,394</td>
<td>24,386</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>30,739</td>
<td>34,734</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>Not available</td>
<td>11,809</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>3,589</td>
<td>3,389</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of five sample rap sheets provided by the Connecticut Department of Emergency Services and Protection, State Police Bureau of Identification to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.\(^{72}\)

**Overview of Contents:** The rap sheet contains data from the identification, arrest, court and sentence segments. Rap sheets do not appear to include the prosecution or supervision segments. The header of each page repeats the SID number and the notice “{CONVICTED FELON}”. It may also display the subject name but much of this header was redacted and could not be confirmed.

**Identification Section:** The rap sheet includes person identification and caveat/warning information. The level of detail is sufficient to positively identify the subject and determine if the subject is disqualified from purchasing firearms, is a violent felon, and other cautions and notices.

\(^{71}\) Includes expunged records. The 2018 survey will report 683,600

**Arrest Cycle:** The rap sheet is presented in descending order from the most recent arrest. Each arrest cycle is uniquely identified by a cycle number. There are no clear segment separators, and most data appears to come from the court and sentencing segment.

The arrest segment is limited to three data elements: Arrest Date, Agency, and Agency Case Number (OCA).

There does not appear to be a prosecution segment or data included in the cycle.

The court and sentence information are listed following the arrest segment data but without any clear separator. The court and sentence data begin with the label “Disp,” followed by disposition date, multiple case identifiers, subject/defendant name and address related to the cycle, etc.

Charge data appears to only come from the court segment. Each charge includes the charge sequence number, statute citation, charge literal, severity (e.g., Felony or Misdemeanor) and class, modifier, charge count, and offense date. There is no clearly identified disposition data field, and this must be inferred from the line immediately following the charge that displays both disposition and sentence information. “Unconditional Discharge” suggests the charge was dismissed. The presence of sentence details suggests a conviction. A “Verdict Date” accompanies each charge and may effectively represent the disposition or sentence date associated with the specific charge rather than literally representing a verdict by court or jury. Sentencing information is listed for each charge resulting in a conviction and is presented in semi-structured text fields that are generally understandable (incarceration (jail), probation, and fines).

**Charge Tracking:** Charge tracking is inherent to the structure of the cycle, as each arrest charge is followed the disposition and sentence as appropriate.

**Other Information and Notes:**
- Each court segment includes a set of cryptic Y/N indicators: FV?:, ALC?:, NAR?:, CDL?:, CV?:, and HM?: These appear to indicate the involvement of firearms, alcohol, narcotics, commercial driver, and/or other factors related to the arrest.
- Court segments may include additional information, such as Bond and Detention Location, which is assumed to be derived from the arrest segment.

The following table lists the strengths and weaknesses of Connecticut’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Arrest            |           | No arresting ORI.  
No arrest charges. The only charging information comes from the court segment. |
| Prosecution       |           | No prosecution information. |
| Court                | Each charge includes the severity and class. | No court ORI.  
|                     |                                              | No court names.  
|                     |                                              | No tracking to arrest charges.  
| Sentencing          | Cursory text, but understandable.            |  
| Supervision         |                                               | No supervision information.  

### 4. Other Criminal History Items

The following are other items noted during research and discussions with the Connecticut criminal history repository staff:

- Connecticut does not participate in the National Fingerprint File
- Connecticut is a signatory to the National Crime Prevention and Privacy Compact.
- The Bureau provides in-state criminal justice rap back services for error correction and record management purposes.
- The Bureau provides in-state criminal justice rap back services for permit/license revocation and noncriminal justice fingerprint searches.
- The Bureau also provides in-state noncriminal justice rap back services for persons working with children.
- Connecticut has a seldom used state law that allows someone to refuse to be fingerprinted, which is an infraction with a $100 fine.
- The rap sheet to be produced by the new CCH system will conform to the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization XML Version 4.1.

### 5. Repository Position Descriptions

Connecticut did not provide position descriptions.
DE - Delaware State Profile of Criminal History Records

This profile describes the Delaware laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and further research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Delaware Code Title 11, Section 8507 (11 Del. C. § 8507) requires that every law enforcement officer in Delaware transmit the name, fingerprints and record of offenses to the Delaware Department of Public Safety and Homeland Security State Bureau of Identification (the Bureau) within 48 hours after the arrest of any individual.  

11 Del. C. § 8508 states that every court of the state shall transmit information for every change of release, disposition and sentencing regarding every indictment, information, petition or complaint of delinquency, or other formal criminal charge to the Bureau within 90 days of any action from the court.

11 Del. C. § 8509 requires that correctional institutions transmit to the Bureau the names, dates of birth, photos, and Social Security numbers of all adults committed and report any subsequent change in release status.

b. Cite and Release – Arrests without Fingerprints

11 Del. C. § 1907 allows law enforcement officers to issue summons to appear for misdemeanors unless they offense includes probable cause of a protection order violation. There currently is not a statute that requires courts to order fingerprints upon conviction for offenses related to summons to appear arrests.

c. Expungements and Sealing

In 2019 Delaware enacted an expansion of expungement laws. Effective December 30, 2019, all records where the case includes acquittals of all charges, a Nolle Prosequi on all charges, dismissal after probation before judgment, dismissal of all charges, and arrests that are not charged within 1 year of the arrest are eligible for mandatory expungement. Under pre-existing law, only certain non-conviction records (of misdemeanors or violations) must be expunged.

In addition, under the new law, records of one or more violations relating to the same case are eligible for mandatory expungement 3 years after the date of conviction, if the person has no prior or subsequent convictions; and one or more misdemeanors, or a combination of misdemeanors and violations, relating to the same case, are eligible 5 years after conviction, if the person has no prior or subsequent convictions.

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73 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
78 https://legiscan.com/DE/text/SB37/2019
subsequent convictions. Under current law, the only adult convictions that are eligible for expungement are misdemeanors that have been pardoned.

Under the new law, the court may, upon petition, expunge certain records relating to misdemeanor or felony convictions if it finds that “the continued existence and possible dissemination of information relating to the arrest or conviction of the petitioner causes, or may cause, circumstances which constitute a manifest injustice to the petitioner.” It is up to the petitioner to prove the manifestation of injustice. Records eligible for discretionary judicial expungement are one or more serious misdemeanors in the same case after 3 years and some after 7 years (e.g., domestic violence), if the person has no prior or subsequent convictions; and a single nonviolent felony, also with no prior or subsequent convictions.

In 2018 Delaware also decriminalized some possession of marijuana convictions that allow petitioners to request expungement of a single conviction of possession of marijuana if it is their only offense.

d. State Definition of Felony and Misdemeanor
In Delaware, each criminal offense statute stipulates the severity and class of that crime. 11 Del. C. § 420179 classifies felony offenses and 11 Del. C. § 420580 outlines the sentences for each. 11 Del. C. § 420281 classifies misdemeanor offenses and 11 Del. C. § 420682 outlines the sentences for each.

e. Fees Associated with Criminal History Reports
Delaware does not charge local law enforcement agencies any fees to access the computerized criminal history system.

f. Vendors Supporting Criminal History Services
Delaware criminal history services are supported by in-state resources within the Delaware Criminal Justice Information System agency.83 The message switch is supported by Diverse Computing. Fingerprint services are provided by IDEMIA.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Delaware responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>2,468,600</td>
<td>2,686,900</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>277,225</td>
<td>289,593</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>37,912</td>
<td>34,864</td>
</tr>
</tbody>
</table>

83 https://deljis.delaware.gov/
<table>
<thead>
<tr>
<th></th>
<th>Total III records in state and FBI files</th>
<th>315,137</th>
<th>324,457</th>
</tr>
</thead>
<tbody>
<tr>
<td>d</td>
<td>Percentage of arrests with dispositions</td>
<td>96%</td>
<td>94%</td>
</tr>
<tr>
<td>e</td>
<td>Percentage of arrests within the past 5 years with dispositions</td>
<td>92%</td>
<td>95%</td>
</tr>
<tr>
<td>f</td>
<td>Percentage of felony charges with dispositions</td>
<td>97%</td>
<td>89%</td>
</tr>
<tr>
<td>g</td>
<td>Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>h</td>
<td>Active records in state protection order database</td>
<td>2,118</td>
<td>2,118</td>
</tr>
<tr>
<td>i</td>
<td>Active records in NCIC protection order file</td>
<td>1,922</td>
<td>2,106</td>
</tr>
<tr>
<td>j</td>
<td>Active records in state warrant database</td>
<td>99,545</td>
<td>207,008</td>
</tr>
<tr>
<td>k</td>
<td>Active records in NCIC warrant file</td>
<td>3,160</td>
<td>2,962</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of four sample rap sheets provided by the Delaware Department of Public Safety and Homeland Security, State Bureau of Identification to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.84

Overview of the Contents: The major sections of the rap sheet include data from the identification section and the arrest and court segments. It does not include data from the prosecution, sentence or supervision segments. Cycle information is organized by charge rather than by arrest event. Each charge can be linked to other charges arrests within a cycle based on the date of arrest and charge sequence number. Each charge includes the associated disposition. Charges are listed in reverse chronological order with the most recent charge listed first.

Heading and Identification Section: The rap sheets contained no Offender Cautions, Notices, etc. in the heading or identification section. Identification information was limited to the Name, Date of Birth, SBI Number (state identification number) and Aliases. No additional demographics information is included. It may be difficult to confirm the positive identification of the individual based solely on the information provided.

Arrest Cycles: The rap sheet is organized by charge rather than arrest cycle. Arrest cycles can be derived from charges based on the date of arrest and charge sequence number. Each charge is clearly listed separately from other charges, although no printed separator is provided. There is no separator between arrest cycles.

Arrest segment data includes the date of arrest, charging agency name, complaint number (agency case number). Charge information is listed only once per segment and is presumed to come from the court as the disposition charge.

There is no prosecution information on the rap sheet.

Court segment data includes the court case number, court name, date of disposition, disposition charge and disposition type. Disposition charge data includes: charge sequence number, domestic violence indicator, and statute in the form of a state statute code that includes statute, severity (e.g., Felony or Misdemeanor) and class separated by colons (e.g., “DE:16:4753:AA2A:F:B” is a Felony Class B Trafficking in Cocaine).

There is no sentence data included on the rap sheet.

There is no supervision data included on the rap sheet.

**Charge Tracking:** Charges are tracked inherent to the format of the rap sheet. Charges are grouped individually, and the outcome is included in this grouping. Arrest events (cycles) can be determined by associated charges with the same arrest date, charge sequence number, and court case number. Each charge is also assigned a complaint number, but the complaint number may not be the same for all charges in an arrest event.

**Other Information and Notes:**
- Each rap sheet includes a statement of certification from the State Bureau of Identification indicating that the record is from the Delaware criminal history record system.

The following table lists strengths and weaknesses of Delaware’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>Limited Identification and Demographic Information.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Charge Tracking.</td>
<td>Does not indicate if the charge is the arrest or disposition charge.</td>
</tr>
<tr>
<td>Prosecution</td>
<td>No Prosecutor Information.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Appears to be a record of dispositions rather than arrests.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Each charge includes the statute citation, severity and class.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>No Sentencing Information.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>No Supervision Information.</td>
<td></td>
</tr>
</tbody>
</table>
4. Other Criminal History Items
The following are other items noted during research:

- Delaware does not participate in the National Fingerprint File (NFF).
- Delaware is a signatory to the National Crime Prevention and Privacy Compact.
- Delaware provides in-state criminal justice rap back services for permit/privileged license revocation, noncriminal justice fingerprint searches, and criminal justice employment.
- Delaware provides in-state noncriminal justice rap back services for person working with children or elderly, healthcare providers, security guards, and public safety persons.
- Delaware does not provide web-based noncriminal justice background checks.

5. Repository Position Descriptions
Delaware did not provide position descriptions.
FL - Florida State Profile of Criminal History Records

This profile describes the Florida laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

The Florida Department of Law Enforcement (FDLE), Division of Criminal Justice Information Services (CJIS), is the central repository for criminal history information for the state of Florida. Florida Statute Title XLVII, Chapter 943, Section 051 (F.S. § 943.051) outlines the duties of CJIS to collect, process, store, maintain, and disseminate criminal justice information. It further describes the requirements of law enforcement agencies to collect fingerprints, palm prints and facial images of persons charged with or convicted of a felony, misdemeanor or violation of comparable ordinance and electronically submit the collected data along with charge data to the repository.

F.S. § 943.052 requires each law enforcement or booking officer and the Clerk of Court to report dispositions at least once a month in an automated format. It also requires that the Department of Corrections and the Department of Juvenile Justice submit fingerprints, palm prints and facial images to the repository for the receipt of person sentenced to custody.

b. Cite and Release – Arrests without Fingerprints

F.S. § 901.28 allows law enforcement officers to issue a notice to appear instead of taking the person into custody for misdemeanors or violation of municipal or county ordinances. A notice to appear may also be issued for traffic violations.

c. Expungements and Sealing

Sealing is available for non-conviction records, including records of deferred adjudication if no prior convictions and no prior sealings are on the records. Sex offenses and violent offenses are ineligible for sealing. Expungement of sealed records is available after the record has been sealed for 10 years, and immediately in the case of acquittals. Expungement is also available for juvenile first offenses upon successful completion of a diversion program, and upon reaching age 24.

d. State Definition of Felony and Misdemeanor

F.S. § 775.08 defines a “felony” as any criminal offense that is punishable by death or imprisonment in a state penitentiary. A person shall be imprisoned in the state penitentiary for each sentence that exceeds 1 year. It defines a “misdemeanor” as any criminal offense that is punishable by a term of imprisonment in a county correctional facility not in excess of 1 year.

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85 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
86 http://www.leg.state.fl.us/Statutes/0943/0943.051.html
87 http://www.leg.state.fl.us/Statutes/0943/0943.052.html
88 http://www.leg.state.fl.us/Statutes/0901/0901.html
89 http://www.leg.state.fl.us/Statutes/0775/0775.08.html
e. Fees Associated with Criminal History Reports
Florida does not charge any fees for criminal history system access for local agencies. FDLE provides public access to a criminal history record when requested for a fee of $24.90.

f. Vendors Supporting Criminal History Services
Florida did not report the names of vendors supporting the criminal history services.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Florida responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>6,524,000</td>
<td>6,756,300</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>5,663,447</td>
<td>5,931,168</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>404,045</td>
<td>358,541</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>6,037,492</td>
<td>6,289,709</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>58%</td>
<td>58%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>55%</td>
<td>58%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>73%</td>
<td>74%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>30%</td>
<td>45%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>319,218</td>
<td>190,271</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>194,803</td>
<td>204,216</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>262,605</td>
<td>253,622</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>264,514</td>
<td>260,417</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment
SEARCH analyzed the contents of four sample rap sheets provided by the FDLE to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on

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90 [https://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks](https://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks)
91 Overall note regarding disposition rates in Florida: There are arrest records maintained within the repository for which the state reports it will never receive corresponding dispositions due to the age of the records in question, loss of hard copy data due to natural disaster prior to electronic recording, or the fact that they are criminal traffic offenses, which are not included in the transmission of data from the Clerks of Court consistently in all counties.
92 Percentage of all dispositions received that could not be linked to a specific arrest record of disposition data occurred during 2018 beyond normal volume processing. The repository was able to add many previously missing dispositions and updated numerous existing dispositions. However, many of these records also were unable to be linked to arrests within the repository because they appeared to be duplicates, etc., thus increasing the state's overall "unmatched" disposition rate compared to the last survey cycle.
Rap Sheet Standardization.\textsuperscript{93} All samples were for Purpose Code C inquiries.

**Overview of the Contents:** The major sections of the rap sheet include data from the Identification section and the Arrest, Prosecution, Court, Sentence and Supervision segments of the JTF standard. Cycles are listed in chronological order with the oldest arrest listed first, with the exception that any current Criminal Registration event is listed as Cycle 1. Correction cycles are presented in date order intermixed with the arrest cycles rather than presented separately at the end. Juvenile arrest data may be included on the rap sheet.

**Heading and Identification Section:** The rap sheet heading contains limited caveat information about record dissemination and use, as well as some cautions and offender notice information (e.g., multi/single state offender, seal record notice). No separate indicators are provided for firearms disqualifications, sex offender designation, or domestic violence indicator. The Identification section is clearly identified with a line break labelled “IDENTIFICATION” and includes common identifiers (SID, FBI Number, SSN, DOC Number), subject names and dates of birth, standard demographic information, scars/marks/tattoos, Place of Birth and current resident information. There is sufficient information to accurately identify the individual.

**Arrest/Event Cycle:** Event cycles are identified by the heading “Criminal History”. Each event cycle is identified by a line break labeled with the cycle number followed by the Tracking Number and Incident Date. Cycles can be for both arrest and supervision data. Arrest cycles include data from the Arrest, Prosecution, Court, and Sentencing segments from the JTF rap sheet standard.

Following the cycle heading, the Arrest segment data includes: Date of Arrest, Arrest Case Number, Arresting Agency ORI and Name, and arrest charge information. Charge data includes Charge Sequence Number (labeled Charge), Charge Literal, Charge Description, NCIC Offense Code and Offense Text, State Offense Code (which is a proxy for Statute Number), Counts, Severity (e.g., Felony or Misdemeanor) and Class (labeled Degree), and the Charging Agency. All arrest charges are listed sequentially under the arrest segment.

Prosecution segment is labeled “Prosecutor Disposition” and includes outcomes for each arrest charge. Outcomes can include charges filed or dropped/abandoned. Each segment begins with the Prosecution Case Number, Prosecution Agency Name and ORI, followed by charge and disposition/outcome data. Charge data includes the Charge Sequence Number (labeled Charge), Charge Tracking Number, which links the arrest charge to the prosecution charge, Charge Literal, Charge Description, NCIC Offense Code and Offense Text, State Offense Code (proxy for Statute Number), Counts, Severity and Class (labeled Degree), and Disposition (Filed, Amended, No Action, Nolle Prosequi, Dropped/Abandoned) and Comment.

The Court segment is labeled “Court Disposition,” followed by the cycle number and includes data for all disposition charges information with any changes to the charge subsequent to filing. Court disposition data includes Court Case Number, Final Disposition Date and Court Name and ORI. Disposition charge data includes Charge Number (which generally links to the prosecution charge tracking number), Charge Literal, Charge Description, NCIC Offense Code and Text, State Offense Code

(proxy for Statute Number), Counts, Severity and Class (Degree). Disposition data is appended to each charge and includes the Disposition (Guilty/Convicted, Adjudged Delinquent (for juveniles), Dismissed, Acquitted, etc.) and Disposition Date.

The Sentence segment is labeled “Sentencing,” followed by the cycle number, and immediately follows the court disposition information. Sentencing data includes Charge, Charge Literal, Charge Description, Statute, NCIC Offense Code and Text, Counts, Severity and Class (Degree), and Disposition date followed by the details of the sentence, including terms of confinement, fine, cost and restitution information, which is presented in a list format. There is no link to the specific charge disposition other than by Charge Literal or Charge Description.

Supervision cycles are identified with the label “Corrections” and the cycle number. Data may include Event date (labeled Supervision Date), Agency Name and ORI, Supervision Case Number, Correction Action and Comment, both of which provide status information (New Commitment), and Release Date.

Charge Tracking: Charges are tracked based on the Charge Sequence Number. The order of appearance may change but charges can be tracked based on the sequence number.

Other Information and Notes:
- Juvenile records can be identified based on the age at arrest based on date of birth and date of arrest, and the sentence confinement type = “Juvenile Facility”.
- A list of agencies is provided at the end of the rap sheet with agency contact information and ORI.
- The most recent Criminal Registration information is listed at the beginning of the event cycles.
- The state has specific statute modifiers to address “Intent Threat to Do Violence”.

The following table lists strengths and weaknesses of Florida’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>No separate booking information.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>Provides prosecution charge outcomes, including filed and dropped/abandoned charges.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Each charge includes the statute citation, severity and class.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed sentence information for each charge.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>Supervision events listed as a cycle.</td>
<td>Does not repeat the uniform case number or link the admission back to a sentence.</td>
</tr>
</tbody>
</table>
4. Other Criminal History Items

The following are other items noted during research:

- Florida participates in the National Fingerprint File (NFF).
- Florida is a signatory to the National Crime Prevention and Privacy Compact.
- FDLE provides in-state criminal justice rap back services for error corrections and record management, sex offenders, parolees, probationers, noncriminal justice fingerprint searches, and arrests.
- FDLE provides in-state noncriminal justice rap back services for persons working with children and the elderly, healthcare providers, security guards, public safety personnel, loan originators, professional solicitors, pari-mutuel wagering, and school contract vendors.

5. Repository Position Descriptions

Florida did not provide position descriptions.
GA - Georgia State Profile of Criminal History Records

This profile describes Georgia laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Official Code of Georgia Annotated (O.C.G.A.) Title 35, Chapter 3, Article 2 (§ 35-3-36) outlines the duties of state criminal justice agencies regarding submission of fingerprints, photographs, identifying data, charges and dispositions to the Georgia Bureau of Investigation, Georgia Crime Information Center (GCIC).

- Law enforcement agencies must submit all arrest and identification information on persons arrested in Georgia for all felonies and for the misdemeanors and violations designated in subparagraph (a)(1)(A) of Code Section 35-3-33 and for persons in the categories enumerated in subparagraphs (a)(1)(B), (a)(1)(C), and (a)(1)(D) of Code Section 35-3-33.
- Fingerprints and other identifying data required to be taken shall be forwarded within 24 hours after taking for filing and classification, but the period of 24 hours may be extended to cover any intervening holiday or weekend. Photographs taken shall be forwarded at the discretion of the agency concerned; but, if not forwarded, the fingerprint record shall be marked "Photo available" and the photographs shall be forwarded subsequently, if requested by GCIC.
- All persons in charge of law enforcement agencies, clerks of court or the Georgia Superior Court Clerks’ Cooperative Authority as applicable, municipal judges when such judges do not have a clerk, magistrates, persons in charge of community supervision, juvenile probation, or Article 6 of Chapter 8 of Title 42 probation offices and the State Board of Pardons and Paroles are required to transmit to GCIC the information described in Code Section 35-3-33 within 30 days of the creation or receipt of such information, except as provided in subsection (d) of this Code section.
- All persons in charge of state penal and correctional institutions shall obtain fingerprints and full-face and profile photographs of all persons received on commitment to these institutions. The prints and photographs shall be forwarded to GCIC, together with any other identifying data requested within 10 days after the arrival at the institution of the person committed. At the time of release, the institution shall again obtain fingerprints and forward them to the center within 10 days, along with any other related information requested by the center.

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94 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
95 Information acquired during the interview is incorporated into the appropriate section of this report.
97 https://advance.lexis.com/OCGA 35-3-33
b. Cite and Release – Arrests without Fingerprints
O.C.G.A. §§ 17-4-23,98 17-6-1199 and 17-7-71100 allow law enforcement officers to issue citations without arrests for motor vehicle violations, minor in possession or attempting to purchase alcohol, misdemeanor trespass, shoplifting and possession of certain drugs. Officers must arrest subjects if the charges include use of a vehicle in commission of a felony, leaving an accident, racing, eluding, driving without a license, and driving while intoxicated. GCIC representatives reported that they do not have cite and release records because the repository will not take a disposition from the courts without an arrest record. If fingerprints are taken subsequent to a cite and release event, then these records would be on file with GCIC.

c. Restricted and Sealed Records
O.C.G.A. § 35-3-37101 allows for the restriction of arrest charges by a local law enforcement agency when certain conditions are met (as outlined in this statute). If approved by the appropriate prosecutor, the arrest cycle is sealed on the Georgia criminal history record. Access to that arrest information is restricted to criminal justice agencies only. However, restricted records are available on rap sheet responses to Triple I inquiries, including purpose code J.102

Examples of final court dispositions that qualify for record restriction include: Dismissed, Not Presented to Grand Jury, No Further Action Anticipated, Nolle Prosse/Prosequi (i.e., declinations to prosecute), Dead Docket, or No Record on File. Guilty dispositions are not eligible for record restriction.

O.C.G.A. § 35-3-37 (h)(1)(A)(ii) directs GCIC to restrict access to criminal history records when there is no final disposition provided to GCIC after certain time periods.103 As a result, GCIC will restrict access to these records without dispositions for purposes of employment and licensing (noncriminal justice purposes) in the State of Georgia. Consequently, when a criminal history record check is done via fingerprints or a name-based query in the State of Georgia, the arrest will not appear on the criminal history record. However, as a member of the National Crime Prevention and Privacy Compact, GCIC will provide criminal history records, excluding sealed records, to out-of-state criminal justice agencies and other governmental and nongovernmental agencies for noncriminal justice purposes as required by the Compact. Out-of-state adjudicators may consider “time expired” records when making suitability determinations for noncriminal justice purposes.

"Restrict," "restricted," or "restriction" means that the criminal history record information of an individual relating to a particular charge shall be available only to judicial officials and criminal justice agencies for law enforcement or criminal investigative purposes or to criminal justice agencies for purposes of employment in accordance with procedures established by the center and shall not be disclosed or otherwise made available to any private persons or businesses pursuant to O.C.G.A. § 35-

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98 https://advance.lexis.com/OCGA/17-4-23
99 https://advance.lexis.com/OCGA/17-6-11
100 https://advance.lexis.com/OCGA/17-7-71
101 https://advance.lexis.com/OCGA/35-3-37
102 https://gbi.georgia.gov/georgia-criminal-history-record-restrictions
103 For details on time restricted records, see: Georgia Law Regarding Time Expired Restriction Notifications.pdf
3-34\textsuperscript{104} or to governmental agencies or licensing and regulating agencies pursuant to O.C.G.A.\textsection{}35-3-35.\textsuperscript{105}

“Conditional discharge” is designed for offenders not previously convicted of 1) furnishing alcoholic beverages to, and purchasing, attempting to purchase, and possession of alcoholic beverages by, a person under 21 years of age (O.C.G.A. \textsection{}3-3-23.1\textsuperscript{106}), or 2) possession of controlled substances as first offense and certain nonviolent property crimes.

Individuals sentenced in accordance with the provisions of O.C.G.A. \textsection{}3-3-23.1 or 16-13-2\textsuperscript{107} and who successfully complete the terms and conditions of their probation will have that portion of their Georgia criminal history record information restricted for employment and licensing purposes.

Sealed records include successfully completed first offender (FOA) sentences. O.C.G.A. \textsection{}42-8-60\textsuperscript{108} states: A defendant sentenced pursuant to this article (First Offender Act) shall be exonerated of guilt and shall stand discharged as a matter of law as soon as the defendant: (1) Completes the terms of his or her probation, which shall include the expiration of the sentence by virtue of the time frame of the sentence passing, provided that such sentence has not otherwise been tolled or suspended; (2) Is released by the court under Code Section 42-8-37, 42-8-103, or 42-8-103.1 prior to the termination of the period of his or her probation; or (3) Is released from confinement and parole, provided that the defendant is not serving a split sentence. Additionally, O.C.G.A. \textsection{}42-8-63.1 provides circumstances when an exonerated first offender’s criminal record may be disclosed for employment purposes.\textsuperscript{109}

d. State Definition of Felony and Misdemeanor
O.C.G.A. \textsection{}16-1-3 defines a “felony” as a crime punishable by death, by imprisonment for life, or by imprisonment for more than 12 months. This code section further defines a “misdemeanor” as any crime other than a felony.\textsuperscript{110}

e. Fees Associated with Criminal History Reports
Georgia does not charge local criminal justice agencies for name-based criminal history record checks. However, local agencies are authorized under state statute to charge a fee when running name-based checks for private persons and businesses, public agencies and political subdivisions with signed consent.

f. Vendors Supporting Criminal History Services
The Georgia criminal history database is supported by equivan. The message switch is supported by Unisys. The AFIS is supported by NEC. Gemalto/Thales supports the Georgia Applicant Processing Service (GAPS) where private persons and businesses, public agencies and political subdivisions submit fingerprints for authorized noncriminal justice background check purposes, including personal

\textsuperscript{104} https://advance.lexis.com/OCGA 35-3-34
\textsuperscript{105} https://advance.lexis.com/OCGA 35-3-35
\textsuperscript{106} https://advance.lexis.com/OCGA 3-3-23.1
\textsuperscript{107} https://advance.lexis.com/OCGA 16-13-2
\textsuperscript{110} https://advance.lexis.com/OCGA 16-1-2
requests, visa/immigration, out-of-state employment, international adoptions and Public Law 92-544 statute requirements and receive results of the fingerprint-based criminal history check.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

Georgia responded to questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>4,164,900</td>
<td>4,358,300</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>3,599,440</td>
<td>3,814,769</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>189,987</td>
<td>187,418</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>3,789,427</td>
<td>4,002,187</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>72%</td>
<td>72%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>85%</td>
<td>85%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>100%</td>
<td>65%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>10,623</td>
<td>12,620</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>9,855</td>
<td>11,016</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>Georgia does not maintain a state warrant file</td>
<td>Georgia does not maintain a state warrant file</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>218,792</td>
<td>230,911</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of five sample rap sheets provided by the GCIC to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.\(^{111}\)

Overview of the Contents: The major sections of the rap sheet include Identification, Arrest, Prosecutor Disposition, Court Disposition, Sentencing and Corrections segments within each arrest cycle. As noted in the discussion below, segments will only contain information if the information is provided by the reporting agency. Cycles are listed in chronological order with the oldest arrest listed first.

Heading and Identification Section: The rap sheets provided include person identification and caveat/warning information. This information is a composite of demographic data from all arrests. The personal information provided is sufficient to positively identify the individual and includes

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caveat/caution and offender notice information, including caution indicators, offender status (Convicted Felon), DNA flag, Federal Firearms flag, Sex Offender flag, and the Multi-State Offender (MSO) / Single-State Offender (SSO) flag.

**Arrest Cycle:** Each arrest cycle is identified by a break line that includes the cycle number “OTN XXXXXX (Cycle 1 of XX)”. Each cycle may include data from the Arrest, Prosecution, Court, Sentencing and Corrections (Supervision) segments. Each segment within the cycle is clearly labeled “Arrest (Cycle 6)”, “Prosecutor Disposition (Cycle 6)”, “Court Disposition (Cycle 6)”, “Sentencing (Cycle 6)”, and “Corrections (Cycle 6)”. The Corrections segment data is included within each arrest cycle and not recorded or presented separately.

Key data in the Arrest segment include offense date, arrest date, arresting agency and the arrest charges. An agency case number field is optional but seldom provided. Arrest charge data include: Charge Tracking Number (OTN concatenated with charge sequence number), Charge Literal (description), Statute, NCIC and state offense codes and charge severity (e.g., Felony or Misdemeanor). Charge class is not provided.

The Prosecution segment (labeled Prosecution Disposition) is optional, but data is not consistently provided. Key data in the prosecution segment include: Prosecuting Agency, Charge Tracking Number, Charge Literal, Statute, Severity and Disposition. Charge Class is not provided. The Disposition field appears to address all prosecution outcomes, including Indicted (e.g., Added), Amended and Dismissed.

The Court and Sentence segments are listed separately within the cycle. The Court segment is labeled “Court Disposition” and includes the following key data: Charge Sequence Number; Charge Tracking Number, Charge Literal, Statute citation, Severity and Court Disposition and Date. No charge class information is provided. The Disposition field includes a selection of disposition codes predetermined by GCIC (e.g., Guilty (Convicted/Adjudicated); Dismissed; and Nolle Prosequi).

Sentencing data is provided in a separate segment. Key data include: Charge Sequence Number, Charge Tracking Number, Charge Literal and Sentence information. Sentence data is provided in a semi-structured (list) format that includes confinement data, fines, costs and restitution and other sentence provisions like credit for time served and concurrent/consecutive information.

Although the Supervision segment (labeled “Corrections”) is included for every arrest cycle, it is only populated for those cases adjudicated and sentenced to prison. Corrections submits data to GCIC upon intake, transfer and parole of inmates. Key corrections/supervision data include: Correction Agency name, Corrections Agency Case Number, Supervision Date and Correction Action. Multiple corrections segments may exist as the offender progresses through the supervision process.

**Charge Tracking:** Each charge in each cycle is assigned a Charge Tracking Number (CTN) that consists of the Offender Tracking Number (OTN) and a sequential charge suffix (XXXXXX-001, etc.). The CTN is accurately mapped across the various segments. New, added or amended charges are assigned a new CTN.

**Other Information and Notes:** The following are additional observations noted from the assessment:
- The rap sheet does not include warrants or protection orders.
The rap sheet will indicate that the subject is a sex offender, if applicable.
A list of agencies (with agency contact information) that entered information in the subject’s record is provided on the bottom of the rap sheet.

The following table lists strengths and weaknesses of Georgia’s rap sheet based on SEARCH’s

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td>Many demographic fields contain multiple entries.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A composite of personal identifiers is provided for each cycle.</td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>Includes a date within the person information to indicate the date the information was added to the record, e.g., Subject Name(s): Doe, John (2017-11-27). This is usually the arrest date. Many demographic fields contain multiple entries. Many person identifiers are provided.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Charge tracking within each cycle by format of the rap sheet and use of charge tracking numbers. NCIC codes are included for each charge</td>
<td>No separate booking information</td>
</tr>
<tr>
<td>Prosecution</td>
<td>Data provided when available. Maintains charge tracking. Clearly provides prosecutor dispositions/ outcomes.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Maintains charge tracking. Clearly provides court dispositions/outcomes.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Each charge includes the statute citation, severity and class.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed sentence information. Information since 2007 is standardized but may include a literal field for some additional information.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>Corrections information may be included within the cycle for arrests resulting in a prison sentence.</td>
<td></td>
</tr>
</tbody>
</table>
4. Other Criminal History Items

The following are other items noted during research and discussions with GCIC staff:

- Georgia participates in the National Fingerprint File (NFF).
- Georgia is a signatory to the National Crime Prevention and Privacy Compact.
- Georgia is working on a rap-back service.
- Fingerprint-based background checks for noncriminal justice purposes are processed using the Georgia Applicant Processing Service (GAPS).¹¹²

5. Repository Position Descriptions

Georgia did not provide position descriptions.

¹¹² Fee Table: http://gbi.georgia.gov/document/publication/gcic-fees/download
HI - Hawaii State Profile of Criminal History Records

This profile describes the Hawaii laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions, and Collecting Fingerprints
Hawaii Revised Statute Chapter 846 (H.R.S. § 846) requires that all criminal justice agencies within the state report disposition of cases that enter their area in the administration of criminal justice to ensure that all systems maintained in the state shall contain complete and accurate criminal history information. Criminal justice agencies that have the power to arrest furnish accurate and complete personal identification data, fingerprints, and charges — for any felony, misdemeanor, or fugitive — to the Hawaii Criminal Justice Data Center (HCJDC). H.R.S. § 846 requires the following:

• Hawaii law enforcement agencies are required to fingerprint subjects upon arrest and provide the fingerprint cards with identification data and charges to the repository as promptly as feasible, but not later than 90 days of the arrest for all felony, misdemeanor, sex offenses, DUI, and domestic violence offenses.
• Hawaii courts and prosecutors are required to provide disposition information to the repository as promptly as feasible but not later than 90 days from an event that constitutes a disposition.
• Corrections institutions are required to fingerprint subjects and provide correctional disposition information to the repository as promptly as feasible, but not later than 90 days of intake or release.

b. Cite and Release – Arrests without Fingerprints
Hawaii does not have a cite and release statute, the most common situation where an arrest occurs but fingerprints are not taken. In misdemeanor and petty misdemeanor cases where fingerprints are not collected upon arrest, the courts may order the defendant to report to the arresting agency for fingerprinting. There is no follow-up at this time from the courts to ensure that the fingerprints are collected.

c. Expungements and Sealing
Hawaii allows a defendant to apply to expunge an arrest after 1 year if the defendant has not been charged with an offense or the defendant has successfully completed a deferral period, or the court discharges him/her and dismisses the charges without an adjudication of guilt. The defendant must apply to the Attorney General for expungement of charges held by law enforcement and apply separately for charges held by the courts. Expunged records are treated as if the arrest never occurred and the record of arrest are no longer available to the public. These records will be made available to a court or law enforcement agency for investigative purposes or for considering the subject for a...

113 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
114 Information acquired during the interview is incorporated into the appropriate section of this report.
115 https://www.capitol.hawaii.gov/hrscurrent/Vol14_Cho701-0853/HRS0846/HRS_0846-.htm
position directly affecting national or state security, including law enforcement officer applicants. This practice is more consistent with sealing a record because the record is not destroyed.

d. State Definition of Felony and Misdemeanor
H.R.S. § 701-107 defines three grades of crimes. A felony carries a sentence to imprisonment for a term which is in excess of 1 year. A misdemeanor provides for a term of imprisonment the maximum of 1 year. A petty misdemeanor is designated for persons that may be sentenced to imprisonment for a term not to exceed 30 days.117

e. Fees Associated with Criminal History Reports
HCJDC bills NCIC/Nlets users on a yearly basis. All costs related to the maintenance and operation of the NCIC/Nlets information sharing systems are covered by these fees. Each agency that uses the systems is charged a prorated amount based on number of inquiries made by the agency. The “cost per inquiry” is determined by dividing the “cost to operate systems” by “total number of inquiries during the previous fiscal year.” Once the “cost per inquiry” is determined, each user agency is billed its yearly agency fee. This fee is calculated by taking the “cost per inquiry” and multiplying it by the number of inquiries made by the agency for the prior fiscal year. If the yearly agency cost is less than $850, the agency will be charged a flat rate of $850 per year. HCJDC tracks the annual costs to operate the NCIC/Nlets information sharing systems to determine the fees. These costs include vendor system maintenance costs, Nlets fees, NCIC dedicated network circuits, equipment maintenance and update costs, and administrative costs.

f. Vendors Supporting Criminal History Services
Hawaii currently contracts with IDEMIA/MorphoTrak to support the automated fingerprint and biometric systems, and uses CPI, the OpenFox Company, for the message switch. HCJDC operates the computerized criminal history system with in-house resources.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Hawaii responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>560,800</td>
<td>602,600</td>
</tr>
<tr>
<td>b. Interstate Identification Index (III) records supported by the state</td>
<td>271,957</td>
<td>295,303</td>
</tr>
<tr>
<td>c. III records supported by the FBI</td>
<td>62,468</td>
<td>62,232</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>334,425</td>
<td>357,535</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>96%</td>
<td>96%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>87%</td>
<td>87%</td>
</tr>
</tbody>
</table>

117 https://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0701/HRS_0701-0107.htm
g. Percentage of felony charges with dispositions | 96% | 97%

h. Percentage of all dispositions received that could not be linked to a specific arrest record | 23% | 10%

i. Active records in state protection order database | 13,747 | 7,681

j. Active records in NCIC protection order file | 5,272 | 6,656

k. Active records in state warrant database | 111,322 | 115,410

l. Active records in NCIC warrant file | 516 | 529

3. Rap Sheet Assessment

SEARCH analyzed the contents of two “Abbreviated,” five “Standard,” and two “Narrative” sample rap sheets provided by the Hawaii Criminal Justice Information Services Division to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.118 This evaluation is based on the review of the Standard version of the rap sheet.

Overview of the Contents: The major sections of the rap sheet include the Identification section (including multiple summary tables), and data from the Arrest, Prosecutor, Court, and Sentence segments. Criminal history information is organized by charge rather than by arrest cycle. Each charge is organized like a cycle and includes relevant information from the Prosecution, Court and Sentencing segments. Charge information is listed in reverse chronological order with the most recent charge listed first.

Identification Section: The rap sheet includes person identification and caveat and caution/warning information. The personal information provided is sufficient to positively identify the individual and includes detailed data such as whether the individual is a convicted felon, a multi-state offender, or designated as a career criminal. Other cautions and offender notices are contained within each charge record.

Arrest Cycles: The rap sheet is not organized by arrest cycle; rather it is organized by charge. Each charge and the rap sheet as a whole are presented in a table structure. Each charge is identified by a sequence number and separated from other charges based on the label “Charge 1 of XX”, etc. Charges are linked together into the arrest cycle based on a Tracking Number listed at the beginning of each charge section. Key charge data include the Tracking Number, Arrest Date, Arresting Agency, arrest report number, offense date and place of offense. Additional information related to the charge include indicators for drug and alcohol involvement and a juvenile status indicator. This is followed by a charge history which tracks the arrest, filed and court (disposition) information: statute number, charge description (literal), charge modifier (e.g., inchoate offense indicator) and a severity-class code (e.g., FC equals Class C Felony; PM equals Petty Misdemeanor).119 The final disposition of the charge is labeled “Final/Last” and includes the disposition agency, disposition date, disposition, and case number. A separate section containing sentence data is provided for convictions. Sentence information is

119 There are three classes of crimes in Hawaii; see https://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HR0701/HRS_0701-0107.htm
provided as a text string in prose. Additional data related to the charge may be included in the comments field.

Supervision segment (labeled Custody Information) data is provided at the end of the rap sheet for the most recent incarceration. This includes the facility, status, security level, admission, scheduled release date and actual release date.

**Charge Tracking:** The rap sheet is organized by charge and lists the charge from each segment within each charge section. This design inherently provides charge tracking. Each charge is also assigned an arrest tracking number, so the reader can aggregate multiple charges into a single arrest cycle.

**Other Information and Notes:** Here are some highlights for each rap sheet form.
- The Identification section includes a summary table of arrests and convictions, a list of all charges, and a list of all arrests by agency.
- The standard rap sheet includes victim information for each charge, which was redacted from the samples.
- Community supervisions, sex offender, and restraining and protection order information is included at the end of the rap sheet. This information is only populated if the subject is currently under supervision, is a sex offender or has a protection order issued.
- Charges and Arrest are clearly identified if expunged.
- Hawaii provides three versions of the rap sheet:
  - “Abbreviated,” which lists the arrests and charges,
  - “Standard,” which provides details for each charge from arrest through disposition, and
  - “Narrative,” which provides the information in a sentence structure rather than broken out by data elements.
- The standard rap sheet will be provided in response to purpose codes C, J, and S.

The following table lists strengths and weaknesses of Hawaii’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Header</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Person</strong></td>
<td>The rap sheet provides sex offender registry information, if known, and a prior felony conviction indicator.</td>
<td></td>
</tr>
<tr>
<td><strong>Arrest</strong></td>
<td>Hawaii’s rap sheets provide both case numbers from the arresting agency and courts. Hawaii’s rap sheets provide arrest tracking numbers.</td>
<td>No separate booking information. No arresting ORI only the arresting agency name.</td>
</tr>
<tr>
<td><strong>Prosecution</strong></td>
<td>The rap sheet provides charge filing information. The final disposition data includes prosecutor outcomes.</td>
<td>No detailed prosecutor information.</td>
</tr>
<tr>
<td><strong>Court</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. Other Criminal History Items

The following are other items noted during discussions with the HCJDC staff:

- The state criminal history repository provides web-based noncriminal justice background checks to the public.
- Hawaii is a signatory to the National Crime Prevention and Privacy Compact.
- Hawaii provides in-state and federal rap back services.
- The public can obtain a copy of an individual’s criminal history record through public access terminals located throughout the state. Public criminal history records check only include adult conviction information.
- Criminal history record checks can also be purchased through the public web-based service referred to as the Adult Criminal Information web site (eCrim). Each search on eCrim costs $5 to view a criminal history record and $10 for a printed copy.
- HCJDC charges a fee of $30 to process the mailed-in record check requests and an additional $20 if a notary seal is required.120

5. Repository Position Descriptions

Hawaii did not provide position descriptions.

120 https://ag.hawaii.gov/hcjdc/criminal-history-records-check/
1. Review of Relevant Statutes, Policies and Requirements.

a. Reporting Arrests and Dispositions and Collecting Fingerprints

IA Code Title XVI, Chapter 692, Section 692.15 (IA Code § 692.15) outlines the arrest and disposition reporting requirements for law enforcement, county attorneys and courts.

- Any law enforcement agency that makes an arrest or takes a juvenile into custody must report the disposition of that event to the Department of Public Safety (DPS) within 35 days if the subject is released without a complaint or information or a petition is filed with any court.

- Any county attorney is to complete the final disposition report and submit it to the DPS within 30 days if the case is dismissed without a new charge being filed.

- If a criminal complaint or information or petition is filed in any court, the clerk must provide the disposition report to the DPS within 30 days of the disposition action.

- Corrections dispositions are reported to the DPS within 30 days of intake or release. 122

IA Code § 690.2 requires the sheriff of every county and the chief of police of each city obtain fingerprints of subjects taken into custody for serious misdemeanor, aggravated misdemeanor, or felony crimes and submit those fingerprints within two working days to the department of public safety. IA Code § 690.2 also requires that:

- The court order fingerprints for person convicted of simple misdemeanors that are subject to enhanced penalty for second offenses.

- The court order fingerprints of adjudicated delinquent juveniles for an offense which would be any offense greater than a simple misdemeanor if committed by an adult. 123

b. Cite and Release – Arrests without Fingerprints

IA Code § 690.2 requires the court to order fingerprints if they determine that the arresting agency did not collect prints at the time of arrest. There are times when the DPS does not receive fingerprints. The DPS criminal history auditors are working with courts and prosecutors to follow up at conviction to ensure that there is a fingerprint to match with the disposition. During the interview with repository staff, they said that “Iowa does fairly well with the court ordering the fingerprints, but not sure how well the orders are followed.” Criminal history auditors are working to develop a solution on how to follow up to ensure complete, accurate, and timely submission of records.

c. Expungements and Sealing

Effective July 1, 2019, several misdemeanors in Iowa may be expunged after 8 years upon written request from the subject and if the subject does not have any pending criminal charges and has no more than one deferred judgment. Additionally, all of the subject’s court debt must be satisfied. A person acquitted of all charges or whose charges are dismissed is entitled to have the record expunged.

121 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
122 https://law.justia.com/codes/iowa/2018/title‐xvi/chapter‐692/section‐692.15/
123 https://law.justia.com/codes/iowa/2018/title‐xvi/chapter‐690/section‐690.2/
after 180 days. Iowa automatically expunges juvenile records when the subject turns 21 years old if they do not have any subsequent offenses. Juvenile records are sealed when the subject turns 18 years old upon petition and after a 2-year waiting period with no subsequent offenses. Juvenile adjudication records are confidential if the record does not involve a forcible felony.

d. State Definition of Felony and Misdemeanor
IA Code § 701.7 defines and classifies a felony offense. It states that an offense is a felony when the statute defining the crime declares it to be a felony and then provides for three classes of felonies: class A, class B, and class C.124

IA Code § 701.8 defines and classifies a misdemeanor offense. It states that all offenses that are not felonies are misdemeanors and classifies them as aggravated, serious, or simple misdemeanors.125

e. Fees Associated with Criminal History Reports
Iowa charges in-state criminal justice agencies for the actual cost for the data line plus a monthly fee based on volume of use of the criminal history system:

- 0–10,000 transactions: $100
- 10,001–30,000 transactions: $100 plus $17 per thousand messages over 10,000
- 30,001–80,000 transactions: $440 plus $14 per thousand messages over 30,000
- 80,001 and greater transactions: $1,140 plus $12 per thousand messages over 80,000

f. Vendors Supporting Criminal History Services
Iowa currently contracts with IDEMIA to support the automated fingerprint and biometric systems, and CPI, the OpenFox Company, for the computerized criminal history systems and message switch.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Iowa responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>750,500</td>
<td>793,100</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>469,037</td>
<td>513,847</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>265,403</td>
<td>261,847</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>734,440</td>
<td>775,694</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>91%</td>
<td>98%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>86%</td>
<td>92%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>93%</td>
<td>93%</td>
</tr>
</tbody>
</table>

### Percentage of All Dispositions Received That Could Not Be Linked to a Specific Arrest Record

<table>
<thead>
<tr>
<th>Description</th>
<th>Iowa</th>
<th>California</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
</tbody>
</table>

### Active Records in Various Databases

<table>
<thead>
<tr>
<th>Description</th>
<th>Iowa</th>
<th>California</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active records in state protection order database</td>
<td>50,180</td>
<td>31,431</td>
</tr>
<tr>
<td>Active records in NCIC protection order file</td>
<td>25,462</td>
<td>30,094</td>
</tr>
<tr>
<td>Active records in state warrant database</td>
<td>53,472</td>
<td>57,684</td>
</tr>
<tr>
<td>Active records in NCIC warrant file</td>
<td>14,506</td>
<td>17,736</td>
</tr>
</tbody>
</table>

### 3. Rap Sheet Assessment

SEARCH analyzed the contents of four sample rap sheets provided by the Iowa DPS to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.126

**Overview of the Contents:** The major sections of the rap sheet include data from the Identification section and the Arrest, Court, Sentence and Supervision segments of the JTF standard. There is no data from the Prosecution segment. The rap sheet lists Arrest and Supervision cycles separately. The arrest cycle includes arrest and court disposition and sentence data. Cycles are listed in chronological order with the oldest cycle listed first.

**Heading and Identification Information:** The rap sheet does not include a caveat. The heading identifies if the individual has felony or misdemeanor only convictions. Offender notice information includes whether the individual is a multistate offender. Caution information is provided. Personal identifier and demographic information are sufficient to positively identify the individual.

**Arrest Cycle:** Each cycle is labeled with the cycle number and the type of cycle (e.g., “06 ARRESTED/TAKEN INTO CUSTODY”) and the arrest date. Each cycle contains arrest, court dispositions and sentencing data. Court data is labeled “COURT DISPOSITION”.

Arrest segment data includes the arresting agency ORI and name, charge sequence number, statute citation, charge literal, and charge tracking number. It does not include severity or class.

Court segment data includes the final charge, disposition and sentence data. Key data include: Court Name and ORI, Court Case Identifier, Charge Description (literal), Statute, Severity (e.g., Felony or Misdemeanor) and Disposition (both Severity and Disposition are labeled “Charge Class”).

Sentence data is structured and includes confinement (Jail/Prison), supervision (probation), fines, suspended fines, restitution, etc., and disposition effective date.

The correction receiving and discharging events are listed with the supervision action as the title (e.g., “43 RECEIVED”). Supervision events are displayed as a separate cycle labeled with a cycle sequence number followed by “Received” (e.g., “24 RECEIVED”) plus the date. Key supervision data include the Facility Name and ORI for which the individual has been incarcerated. Each charge includes the charge literal, statute number, a charge sequence number and charge tracking number, although neither of

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these numbers link to the related arrest cycle. A Supervision event can pertain to multiple court cases and includes the court name but not the court case number. Supervision events also track custody events, such as received, released to work release, escaped, escape ended, work release revoked, released to parole, and parole discharged.

**Charge Tracking:** Charges track from the arrest segment using the charge sequence number and charge tracking number. If a final charge is modified, the change will be reflected in the charge literal and statute number. If a charge is added, it is assigned a new charge sequence number and charge tracking number. Each arrest charge carries a unique tracking number which generally tracks to the Court Disposition segment; however, some exceptions were observed, so charge tracking is not perfect. Arrest charge sequence numbers are also not consistently tracked between the arrest and court disposition segments. Supervision cycles/events also contain charge sequence numbers and charge tracking numbers, but there is no correlation to the arrest cycles.

**Other Information and Notes:** The following are additional rap sheet observations noted from the assessment:

- The rap sheet does not include warrants or protection orders.
- The rap sheet will indicate that the subject is a sex offender, if applicable.
- Iowa has statutorily defined specific Domestic Abuse crimes.

The following table lists strengths and weaknesses of Iowa’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Charge tracking numbers.</td>
<td>No separate booking information.</td>
</tr>
<tr>
<td>Prosecution</td>
<td></td>
<td>No prosecution segments.</td>
</tr>
<tr>
<td>Court</td>
<td>Charge tracking numbers.</td>
<td>Each charge includes the statute citation, severity and class.</td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed sentencing information.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>Supervision event history.</td>
<td></td>
</tr>
</tbody>
</table>

4. **Other Criminal History Items**

The following are other items noted during research and discussions with the Iowa criminal history repository staff:

- Iowa participates in the National Fingerprint File and is a signatory to the National Crime Prevention and Privacy Compact.
- Iowa does not provide criminal justice rap back services.
- Iowa has a unified court reporting system that routes all dispositions from all the courts through a central service to the criminal history system.
Iowa provides a web-based service for noncriminal justice background name-based checks and charges a $15 fee for each record.\(^{127}\)

The DPS criminal history repository staff utilizes two processes to help match dispositions:

- Iowa has a 4-year time limit that an open arrest can remain on the criminal history record if there is no active warrant for the subject. Before the arrest is removed from the criminal history record, repository staff provides a yearly report to arresting agencies of open arrests that need to be disposed. This report prompts a manual process for agencies to review arrests and request dispositions.

- If DPS receives a disposition without an arrest card, the repository staff sends requests to the law enforcement agency to obtain the fingerprint card for that TCN. If there is no tracking number or fingerprint card associated with a disposition, an automated weekly report at the clerk of courts lists these mismatched dispositions. This notifies the courts that they need to help find associated arrests for their dispositions.

5. Repository Position Descriptions

Iowa did not provide position descriptions.

\(^{127}\) [https://iowacriminalhistory.iowa.gov/default.aspx](https://iowacriminalhistory.iowa.gov/default.aspx)
ID - Idaho State Profile of Criminal History Records

This profile describes the Idaho laws, policies and requirements to support the state criminal history record information services. It also provides an overview of findings from the 2016 and 2018 Surveys of State Criminal History Information Systems128 and a brief analysis of sample Idaho rap sheets.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints
Idaho Code 67-3004 requires that when a person is arrested, the arresting agency furnish accurate and complete personal identification data, fingerprints, and charges – for any retainable offense to the Idaho State Police Bureau of Criminal Identification (BCI) for identification.129 Idaho Code 67-3005130 further defines the fingerprinting, charge and disposition reporting:

- Law enforcement agencies or jails must fingerprint a person to initiate the reporting process by transmitting to BCI the authorized and fully completed arrest fingerprint card and identification information within ten (10) working days after the arrest, arraignment or court-ordered fingerprinting.
- A law enforcement agency or jail required to take fingerprints shall ensure that the process control number on the arrest fingerprint card is transmitted to the appropriate court clerk for recording in the court’s automated information system.
- The law enforcement agency or jail shall report the disposition relating to the charge or arrest to BCI.
- The clerk of the court exercising jurisdiction over a case relating to a retainable offense shall report the court disposition of the case to BCI.
- The department of correction shall report information on an individual at intake and released from a state correctional facility or as a result of probation, parole or other judicial action to BCI.

b. Cite and Release – Arrests without Fingerprints
Idaho Code 19-3901131 and 49-1409132 provide provisions for law enforcement officers to issue citations for misdemeanors or infractions triable by magistrate, and misdemeanor traffic violations. The repository will not include traffic citations as part of the criminal history record.133 Only driving under the influence arrests are included in the criminal history record if the officer arrests and books the driver. Other cite and release misdemeanors will be included if the court orders fingerprints.

c. Expungements and Sealing
Idaho allows juveniles to petition the court for expungement under the following criteria:
- Felonies – 5 years after release, or 5 years after the end of the juvenile court’s jurisdiction, or after the subject reaches 18 years of age (whichever occurs last)

128 2016 Survey: [https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf](https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf); the 2018 Survey is pending publication.
129 [https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH30/SECT67‐3004/](https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH30/SECT67‐3004/)
130 [https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH30/SECT67‐3005/](https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH30/SECT67‐3005/)
132 [https://legislature.idaho.gov/statutesrules/idstat/title49/t49ch14/sect49‐1409/](https://legislature.idaho.gov/statutesrules/idstat/title49/t49ch14/sect49‐1409/)
133 Driving records are available at [https://www.accessidaho.org/itd/driver/dlr/index](https://www.accessidaho.org/itd/driver/dlr/index)
• Misdemeanors – 1 year after the end of the juvenile court’s jurisdictions or after the subject reaches 18 years of age (whichever occurs last).

In either case, the court may grant an expungement if it finds that the subject was accountable, is a contributing member of society, and the expungement will not risk public safety.

Idaho Code 67-3014 allows victims of human trafficking arrested and/or convicted as a result of acts induced by human traffickers to petition the court to expunge their criminal history of the related charges.

Idaho Code 18-8310 allows sex offenders who are not convicted of violent or aggravated offenses to petition the court for expungement from the sex offender registry after 10 years of law-abiding conduct. However, the charges will not be sealed or expunged from their criminal history record.

Idaho Code 67-3004(10) authorizes the expungement of non-conviction records if the subject was not charged or indicted within 1 year of the arrest. Additionally, any person who was acquitted of all offenses or whose charges are dismissed (but not dismissal granted for deferred adjudication) may also request that their records are expunged.

d. State Definition of Felony and Misdemeanor
Idaho Code 18-111 defines felony, misdemeanor and infraction. A “felony” is a crime punishable with death or by imprisonment in the state prison. An “infraction” is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding three hundred dollars ($300) and no period of incarceration may be imposed. Every other crime is a misdemeanor.134

e. Fees Associated with Criminal History Reports
The Idaho State Police charges law enforcement agencies a flat fee of $5,000 per year per line, as well as a prorated user fee (based on agency use), for access to the State Criminal History Repository, NCIC and Nlets access, and other criminal justice systems, such as the state wanted persons file, sex offender registry and driving records.

f. Vendors Supporting Criminal History Services
Idaho currently contracts with NEC and the Western Identification Network to support the automated fingerprint and biometric systems, and CPI, the OpenFox Company, for the criminal history and message switch services.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Idaho responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>413,800</td>
<td>444,400</td>
</tr>
</tbody>
</table>

134 https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH1/SECT18-111/
b. Total Interstate Identification Index (III) records supported by the state | 374,578 | 408,960

c. Total III records supported by the FBI | 45,484 | 38,011

d. Total III records in state and FBI files | 420,062 | 446,971

e. Percentage of arrests with dispositions | 51% | 49%

f. Percentage of arrests within the past 5 years with dispositions | 39% | 22%

g. Percentage of felony charges with dispositions | 57% | 34%

h. Percentage of all dispositions received that could not be linked to a specific arrest record | 62% | 47%

i. Active records in state protection order database | Idaho does not maintain a state protection order file | Idaho does not maintain a state protection order file

j. Active records in NCIC protection order file | 1,436 | 6,989

k. Active records in state warrant database | 88 | 107

l. Active records in NCIC warrant file | 26,547 | 28,261

3. Rap Sheet Assessment

SEARCH analyzed the contents of three rap sheets provided by the Idaho State Police to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.135

Overview of the Contents: The major sections of the rap sheet include the Identification section and data from the Arrest, Court and Sentence segments of the JTF standard with each arrest cycle and, separately, data from Supervision cycle. Arrest and Supervision cycles are listed in chronological order with the oldest cycle listed first.

Heading and Identification Section: The rap sheet heading includes Caveat information and Offender Notice information (e.g., convicted felon, firearms purchase disqualification, sex offender designation and multi-state offender status). No additional caution information is provided (e.g., violent offender, known to carry a weapon, etc.). Identification information, including various identifiers and demographic information, is sufficient to positively identify the individual.

Arrest Cycle: Each Arrest Cycle is identified by a dashed line separator with the cycle number embedded in the separator (“Cycle 1”) followed by a label that this is an “ARREST” event. An Arrest cycle may also include court disposition and sentencing data in the “COURT DISPOSITION” section. (While most Arrest cycles include a Court Disposition, some do not, e.g., warrant arrests.)

The Arrest segment includes the following key data: Date of Arrest, Arrest Agency ORI and name, a print identification number and the charges. The arrest charges include a charge sequence number

(Charge), Offense Literal (charge description), Statute, Severity (Felony or Misdemeanor), Counts and Arresting Case Number. Charge Class is not included with Severity. There is no indication that the print identification number is used for segment tracking within the Arrest cycle.

The Court segment combines the final/disposition charge, disposition and sentence data, if appropriate, under each charge. Each charge is listed sequentially by charge number. Key data for each charge includes charge number, Offense Literal (charge description), Statute, Severity, Counts, Court ORI, Court Case number, Court Date (disposition date), and Disposition. Charge Class is not included with Severity. Disposition data includes the disposition type (CONVICTED, DISMISSED, etc.) and sentencing information when applicable. Sentence data is semi-structured with each component listed separately (Confinement, Term, Concurrent indicator, Restitution, Fines, Court Costs, etc.). Sentence modifications, such as probation violations, are appended as Remarks in narrative text.

There is no Prosecution Segment data on the rap sheet.

The supervision cycles are labeled “----- CUSTODY -----” and are listed chronologically, along with Arrest cycles. Supervision cycle identification data include: Date Received, Custody Agency ORI and Name, and print identification number. As with the Arrest Cycle, there is no indication that the print identification number is used for tracking purposes. Each Custody cycle includes all charges related to the custody event. These charges can pertain to multiple court cases, and a modified version of the court case number can be used to link the supervision cycle to the arrest cycle. Key data include: Offense Literal, Statute, Severity, Court ORI and Name, Court Date (presumably sentence date or date of commitment), and sentence confinement. Court Case Number is added via Comment field and is a truncated form of the court case number found in the corresponding Arrest cycle.

**Charge Tracking:** Idaho does not support charge tracking; rather, it employs cycle tracking where charges are organized under each segment of the Arrest cycle independent of the charge number. While each charge includes a Charge number, it is not a true charge sequence number that follows the charge to the court segment. It is common for more charges to be listed in the court segment than are listed in the arrest segment. The relationship between the charges can only be inferred based on the Charge Literal or Statute. Some of the cycles included a REMARKS data field in the Court Disposition segment that stated if the charge was amended, but there are not remarks for added charges.

**Other Information and Notes:** The following are additional rap sheet observations noted from the assessment:

- Arrest on warrants and for probation violations are included, in addition to initial arrests. This results in many additional arrest cycles, some of which may not be associated with a Court Disposition.
- The rap sheet does not include warrants or protection orders.

The following table lists strengths and weaknesses of Idaho’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard.

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136 Charge number is not a true charge sequence number in the Court Disposition Section. Some duplicates exist and charge numbers do not always match the charge numbers in the arrest segment.
## Rap Sheet Segment

<table>
<thead>
<tr>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Header</strong></td>
<td></td>
</tr>
<tr>
<td>Header states if the subject has a felony convictions and/or firearm prohibition.</td>
<td></td>
</tr>
<tr>
<td><strong>Person</strong></td>
<td></td>
</tr>
<tr>
<td>Subject’s person identifiers and person demographics are clearly labeled and presented.</td>
<td></td>
</tr>
<tr>
<td><strong>Arrest</strong></td>
<td></td>
</tr>
<tr>
<td>Arrest information is clearly labeled and presented and contains PRINT ID.</td>
<td></td>
</tr>
<tr>
<td>Arrest Charges include DOMESTIC ASSAULT and BATTERY statutes.</td>
<td></td>
</tr>
<tr>
<td><strong>Prosecution</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No Prosecutor Information.</td>
</tr>
<tr>
<td><strong>Court and Sentencing</strong></td>
<td></td>
</tr>
<tr>
<td>Disposition information includes sentencing information, court costs, fines and restitution amounts.</td>
<td></td>
</tr>
<tr>
<td>Each charge includes the statute citation, severity and class.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Court charge numbers reflect filed charges and are not linked to arrest charge numbers.</td>
</tr>
<tr>
<td></td>
<td>Does not include court name. (Only court ORI is included.)</td>
</tr>
<tr>
<td><strong>Supervision (Custody)</strong></td>
<td></td>
</tr>
<tr>
<td>Provided in ‘Custody’ segment label and includes the PRINT ID#.</td>
<td></td>
</tr>
<tr>
<td>Custody information is a separate cycle and linked to court information through the court case number that is presented in the COMMENT field.</td>
<td></td>
</tr>
<tr>
<td>Supervision cycles can be linked back to original arrests using the court case number.</td>
<td></td>
</tr>
</tbody>
</table>

## 4. Other Criminal History Items

The following are other items noted during discussions with the BCI staff:

- Idaho is a member of the Western Identification Network (WIN) for fingerprint identification services.\(^{137}\)
- Idaho is a signatory to the National Crime Prevention and Privacy Compact.
- Every 3 years the BCI auditor and training staff visit every criminal justice agency to discuss the agency’s responsibility in contributing to the repository. These discussions focus on the importance of providing correct information, and include fingerprint training, compliance reviews, and identifying and addressing agency-specific process problems. Recent efforts have included the court administrators to discuss gathering fingerprints when a subject is convicted.
- Currently, Idaho does not provide web-based access to criminal history information. Criminal history requests can be made through BCI. Fingerprint based background requests are $20 per fingerprint card and name-based requests are $20 per request.

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\(^{137}\) [https://www.winid.org/](https://www.winid.org/)
## 5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of Idaho.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical Records Specialist I</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing. Positions that provide customer support or process background checks for firearm transfers.</td>
<td>$27,373</td>
<td>$48,942</td>
</tr>
<tr>
<td>Technical Records Specialist II</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing. Positions that provide customer support or process background checks for firearm transfers.</td>
<td>$31,970</td>
<td>$57,117</td>
</tr>
<tr>
<td>Fingerprint Technician</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$27,373</td>
<td>$48,942</td>
</tr>
<tr>
<td>Senior Fingerprint Technician</td>
<td>Positions that serve as lead employees of staff who process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$31,970</td>
<td>$57,117</td>
</tr>
<tr>
<td>Auditing and Training Specialist</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$45,594</td>
<td>$81,432</td>
</tr>
</tbody>
</table>
IL - Illinois State Profile of Criminal History Records

This profile describes the Illinois laws, policies and requirements to develop the state criminal history records. It also provides an overview of findings from the 2016 and 2018 Surveys of State Criminal History Information Systems and a brief analysis of sample rap sheets.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Illinois Compiled Statute 20 ILCS § 2630 — the Criminal Identification Act — outlines the arrest and disposition reporting requirements for law enforcement, state’s attorneys and courts. 20 ILCS § 2630/2.1 provides the following details:

- All arresting agencies are responsible for providing fingerprints, charges and descriptions of the arrested person to the Department of State Police on a daily basis.
- The state’s attorney of each county is required to notify the Department of State Police of all charges and petitions filed and not filed.
- The clerk of circuit court of each county is required to furnish judgements, sentences, reversals and remands to the Department of State Police within 30 days of the disposition.
- The Illinois Department of Corrections and the sheriff of each county shall furnish the Department of State Police with information concerning the receipt, escape, execution, death, release, pardon, parole and discharge of persons sentenced to custody.

b. Cite and Release – Arrests without Fingerprints

725 ILCS § 5/107-12 allows a peace officer to issue a notice to appear in lieu of custodial arrest for a Class C misdemeanor or a petty offense.

b. Expungements and Sealing

A pardon may authorize judicial expungement (physical destruction of records). Also, expungement of non-conviction records is available after a waiting period if no prior convictions are found. Most juvenile records are expunged automatically after a brief waiting period that varies based on the offense; non-expunged records are sealed (but may be shared with school authorities and law enforcement).

Sealing is available, in Illinois, for most misdemeanors, felonies, and deferred adjudication after a 3-year waiting period. There are exceptions for a handful of serious offenses. Sealing makes records unavailable without a court order but does not destroy the records. Sealing of non-conviction records is available immediately upon disposition.

Courts are authorized to issue certificates to relieve licensing restrictions, referred to as “certificate of relief from disabilities,” and may also provide a defendant a Certificate of Good Conduct.

d. State Definition of Felony and Misdemeanor
730 ILCS § 5/2-7 defines a “felony” as an offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is imposed. 730 ILCS § 5/2-11 defines a “misdemeanor” as any offense for which a sentence to a term of imprisonment in a facility other than a penitentiary for less than 1 year may be imposed.\(^{143}\)

e. Fees Associated with Criminal History Reports
The Department of State Police does not charge any fees to local law enforcement agencies for access to the criminal history system.

20 ILCS § 2635/1, the Uniform Conviction Information Act, mandates that only criminal history record conviction information collected and maintained by the Department of State Police is available to the public. Name-based queries are available through the Criminal History Information Response Process (CHIRP) web portal for a $16 per record fee. Fingerprint-based criminal history background checks must be submitted to the Department of State Police electronically through a licensed live scan fingerprint vendor; each record costs $20 to process.\(^{144}\)

f. Vendors Supporting Criminal History Services
Illinois currently contracts with NEC to support the automated fingerprint and biometric systems. The Department of State Police supports the computerized criminal history and message switch in-house.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Illinois responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>7,092,400</td>
<td>7,473,400</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,980,906</td>
<td>2,979,753</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>1,643,991</td>
<td>743,325</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>3,624,897</td>
<td>3,723,078</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>70%</td>
<td>72%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>52%</td>
<td>55%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>82%</td>
<td>Unknown</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>4%</td>
<td>0%</td>
</tr>
</tbody>
</table>

\(^{143}\) [http://www.ilga.gov/legislation/ilcs/ilcs5/2](http://www.ilga.gov/legislation/ilcs/ilcs5/2)

### 3. Rap Sheet Assessment

SEARCH analyzed the contents of five rap sheets provided by the Illinois State Police to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.\(^{145}\)

Overview of the Contents: The major sections of the rap sheet include data from the Identification section and the Arrest, Prosecution, Court, Sentence and Supervision segments of the JTF standard. The rap sheet lists Arrest and Supervision cycles separately. The Arrest cycle includes Arrest, Prosecution, Court and Sentence segment information. Cycles are listed in reverse chronological order, with the newest cycle listed first.

**Heading and Identification Section:** The rap sheet heading does not include the caveat but does include Conviction, Custodial and Juvenile status information, as well as alias names and dates of birth. The Identification section is identified by a section break labeled “Subject Identification Data”. Key data include many common identifiers, including driver’s license and social security numbers, along with demographic data (Sex, Height, Weight, Scars, Marks and Tattoos, etc.). Sufficient data exists to accurately identify the individual. This section also includes employer information, caution and offender notice information, and a list of available photos and the agency that maintains the photo.

**Arrest Cycle:** Each arrest cycle is identified by a line separator and the label “Arrest”. Arrest cycles are not numbered, and there is no count of the total number of cycles included on the rap sheet. As noted above, each arrest cycle includes data from the four most significant JTF segments: Arrest, Prosecutor, Court Disposition, and Sentence.

The Arrest segment is the first section of the cycle and is not separately labeled. It begins with the cycle tracking number (labeled “DCN”) and the subject’s name (Name) and Date of Birth, and Date of Arrest. Key data include: Arresting Agency and ORI (labeled “NCIC”), Agency Case Number, and Arresting Officer Badge Number, followed by a listing of all Arrest Charges. Each Arrest Charge includes a charge sequence number (Count), the Statute Citation, Literal (charge) Description, Inchoate Code, Class, a Domestic Violence indicator, and Date of Offense.

The Prosecutor segment is labeled “States Attorney Section”. Key data include: Filing Decision, Decision Date and charges filed. Each filed charge includes Count (Charge Sequence Number), Statute Citation, Literal (Charge) Description, Inchoate Code, Class, Agency Name and ORI (labeled “NCIC”).

The Court and Sentence segments are combined and labeled “Court Charges/Disposition”. The section can include intermediate as well as final dispositions. Intermediate dispositions can include Warrant

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Issued, Bond Forfeiture, etc.). This results in multiple entries for individual charges. There is no definitive way to identify final dispositions other that by the specific disposition type listed: GUILTY, NOT GUILTY, DISMISS, NOLLE PROSEQUI, etc. Key data include: Count, Statute Citation, Literal Description, Inchoate Code, Class, Disposition, Case Number, Court (Agency) Name, and Disposition Date. The sentencing information is provided for each charge, when applicable, under the label “Status,” and the sentence details are presented in a semi-structured (list) format, including common sentence information: confinement, credit for time served, fine, etc. Not all Arrest Cycles include Court disposition data.

A Supervision cycle is created when a subject is fingerprinted upon intake and release from a correctional facility. These events are labeled “Custodial” and are intermixed with the Arrest cycles by date. Key data include: Date Received, Subject Institution Number, Confining Agency, and the Custodial Charges and Sentence information. Custodial charge information includes: Count, Statute Citation, Literal (charge) Description, Inchoate Code, Class, Disposition and Court Case Number. Sentence information is provided in a semi-structured (list) format and includes: Concurrent/consecutive indicator (Status), Sentence (confinement term and placement), Custodial Status (Received, Discharged, etc.), Status Date and Agency Name. The inclusion of the court case number may enable linking of custodial events to arrest cycles, but this data was redacted and could not be confirmed.

**Charge Tracking:** The rap sheet tracks charges based on the charge sequence number labeled “Count”. If a charge is added after arrest, it is assigned an incremented charge sequence number that carries through to the Court Charges/Disposition segment. Charge tracking appears to be accurate and reliable although as noted previously, multiple entries can appear for a given count in the Court Charge/Disposition segment due to the entry of intermediate and post sentence dispositions.

**Other Information and Notes:** The following are additional rap sheet observations noted from the assessment:

- The rap sheet does not include warrants or protection orders.
- The rap sheet will indicate that the subject is a sex offender, if applicable.
- Charge Severity can be derived from the Class code: Numbers indicate Felonies and letters indicate Misdemeanors.
- All Prosecutor segments include only the Filing Decision of “Direct Filed with Court,” suggesting that cases not filed are not included on the rap sheet.
- Inchoate Codes on the rap sheet are: O – Offense (not inchoate), A – Attempt, C – Conspiracy, and S - Solicitation.146

The following table lists strengths and weaknesses of Illinois’ rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td>Header states if the subject has a felony conviction(s) and current custodial status.</td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>Person identifiers and person demographics are clearly labelled and presented.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Arrest agency case number is provided if further research is required. Domestic Violence indicator present for all arrest charges.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>Provides filing decision data</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>IL has specific statutes for Domestic Violence.</td>
<td>Frequently missing entire court dispositions from arrest cycles.</td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed sentence information.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>Provided in ‘Custodial’ segment.</td>
<td></td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items noted during research and discussions with the Illinois criminal history repository staff:
- Illinois does not participate in the National Fingerprint File.
- Illinois is not a signatory to the National Crime Prevention and Privacy Compact.
- Illinois provides in-state only criminal justice rap back services for error correction and record management updates.
- Illinois published a rap sheet guide: [http://www.isp.state.il.us/docs/5-727.pdf](http://www.isp.state.il.us/docs/5-727.pdf)

5. Repository Position Descriptions

Illinois did not provide position descriptions.
IN - Indiana State Profile of Criminal History Records

This profile describes Indiana laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems,147 an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.148

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Indiana Code Title 10, Article 13, Chapter 3, Section 24 (IC § 10-13-3-24)149 requires the Indiana State Police (ISP) Criminal Justice Data Division to act as the official state criminal history repository and for law enforcement to report arrests, photographs, and fingerprints to the repository at the time of the arrest.

IC § 10-13-3-25150 requires disposition reporting within 30 days after the disposition action for the following actions:

- If the person’s custody is transferred to another criminal justice agency
- If the person is released from custody
- If an indictment or information is filed in a court, the court must report the disposition of the case.

b. Cite and Release – Arrests without Fingerprints

IC § 35-33-4-1151 allows a law enforcement officer to issue a summons to appear in lieu of a custodial arrest for misdemeanors. IC § 9-30-2-5152 provides exceptions for traffic misdemeanors: impaired driving, offenses involving an accident causing death, injuries, or property damage, and driving with an invalid license where the officer is required to detain the suspect.

c. Expungements and Sealing

IC § 35-38-9153 details the expungement and sealing process within Indiana. Judicial expungement of non-conviction records, misdemeanors, and less-serious felonies is available after a waiting period.

There is a 1-year waiting period for non-conviction records before the record may be expunged by the court. This includes deferral or continuance of prosecution for drug abuse, alcohol-related charges, and less serious felonies for persons without more than one prior conviction. Once records are expunged under this provision, no information concerning the arrest or charges may be retained or reported.

147 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
148 Information acquired during the interview is incorporated into the appropriate sections of this report.
150 http://iga.in.gov/legislative/laws/2019/ic/titles/010/#10-13-3-25
151 http://iga.in.gov/legislative/laws/2019/ic/titles/035/#35-33-4-1
Most misdemeanors and Class D felonies or level 6 felony convictions may be expunged after waiting periods ranging from 5 to 8 years and these records are automatically sealed.

Most serious felonies may also be expunged, with exceptions for offenses involving sex or violence, after a waiting period of 8 or 10 crime-free years from date of conviction, or 3 to 5 years from completion of sentence. These records are not sealed, but are marked as expunged.

Expungement alone does not result in limiting public access to the record unless sealing is also specifically authorized. The records of expunged and sealed convictions are not available to the public, or to prosecutors without a court order. The records of expunged but not sealed convictions remain public, although they must be clearly and visibly marked or identified as being expunged. Civil rights, including voting rights and eligibility for public office and jury service, are restored upon expungement, as are firearm rights.

Expunged and sealed arrests are released and notated on rap sheets for responses to Purpose Code C queries, but are not released or notated for Purpose Code S.

d. **State Definition of Felony and Misdemeanor**

IC § 35-50-2-1 outlines the definition of each level of felony based on the minimum sentence:

- for murder, 45 years:\(^{154}\)
- for a Class A felony, for a crime committed before July 1, 2014, 20 years;
- for a Class B felony, for a crime committed before July 1, 2014, 6 years;
- for a Class C felony, for a crime committed before July 1, 2014, 2 years;
- for a Class D felony, for a crime committed before July 1, 2014, one-half (1/2) year;
- for a Level 1 felony, for a crime committed after June 30, 2014, 20 years;
- for a Level 2 felony, for a crime committed after June 30, 2014, 10 years;
- for a Level 3 felony, for a crime committed after June 30, 2014, 3 years;
- for a Level 4 felony, for a crime committed after June 30, 2014, 2 years;
- for a Level 5 felony, for a crime committed after June 30, 2014, 1 year; and
- for a Level 6 felony, for a crime committed after June 30, 2014, one-half (1/2) year.

Misdemeanor classes are:\(^{155}\)

- A person who commits a Class A misdemeanor shall be imprisoned for a fixed term of not more than 1 year; in addition, he may be fined not more than $5,000.
- A person who commits a Class B misdemeanor shall be imprisoned for a fixed term of not more than 180 days; in addition, he may be fined not more than $1,000.
- A person who commits a Class C misdemeanor shall be imprisoned for a fixed term of not more than 60 days; in addition, he may be fined not more than $500.

e. **Fees Associated with Criminal History Reports**

ISP does not charge local law enforcement agencies any fees to use the criminal history system.

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\(^{155}\) [http://iga.in.gov/legislative/laws/2019/ic/titles/035#35-50-3-2](http://iga.in.gov/legislative/laws/2019/ic/titles/035#35-50-3-2)
f. **Vendors Supporting Criminal History Services**
ISP contracts with LexisNexis for computerized criminal history repository, NEC for automated fingerprint information system services, and CPI, the OpenFox Company, for the state message switch.

2. **Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems**
Indiana responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,786,300</td>
<td>1,871,800</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,037,100</td>
<td>1,132,319</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>489,623</td>
<td>489,340</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,526,723</td>
<td>1,621,659</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>50%</td>
<td>56%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>49%</td>
<td>58%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>58%</td>
<td>63%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>37%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>100,486</td>
<td>115,626</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>98,676</td>
<td>112,754</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>78,092</td>
<td>83,656</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>79,226</td>
<td>83,860</td>
</tr>
</tbody>
</table>

3. **Rap Sheet Assessment**
SEARCH analyzed the contents of two sample rap sheets (one for Purpose Code C and one for Purpose Code J) provided by the ISP Criminal Justice Data Division to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. This evaluation is based on the Purpose Code C rap sheet version.

**Overview of Contents:** The rap sheet includes data from the identification, arrest, and court and sentence segments of the JTF rap sheet standard. The rap sheets do not include data from the prosecution or supervision segments. The major sections of the rap sheet include the Identification section and the arrest cycle. Cycles are listed in chronological order with the oldest arrest listed first.

**Heading and Identification Section:** The rap sheet heading does not include any offender caution or notice information. The Identification section includes multiple person identifiers, demographics, alias

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names and dates of birth and Scars, Marks and Tattoos. Sufficient detail is provided to confirm the identity the subject. This section does not have any label or section identifier. It immediately follows the caveat notice.

**Arrest Cycle:** Each cycle is separated by the label “ARREST” followed by the arrest cycle number and the date of arrest, which is unlabeled and presented in YYYYMMDD format. Each cycle includes data from the arrest, court and sentencing segments of the JTF standard data depending on the outcome of the arrest/case.

The arrest segment includes basic arrest information: date of arrest, arresting agency name and ORI, and arresting agency case number followed by the arrest charges. Arrest charge information is limited to the charge literal and count for each Charge. Each charge is identified by a charge sequence number.

No data from the Prosecutor segment is included on the rap sheet.

Court and sentencing information are separated from the arrest segment by the label “COURT DISPOSITIONS” followed by the charge, disposition and sentence information associated with each disposition charge. Charges do not track from arrest to disposition using the same sequence number. Charge disposition information includes the Disposition and the associated Disposition Charge, Severity (e.g., Felony or Misdemeanor) and Class. Sentence data is limited to “SENTENCE” term, “SUSPENDED” term and “COMMENTS”. Comments frequently list a date, which is assumed to be the date of sentencing.

**Charge Tracking:** The charge sequence number does not link across segments. Therefore, charge sequence numbers between segments may not align. It is common for more charges to be listed in the court segment than are listed in the arrest segment. The reader must infer the relationship between the charges based on the Charge Literal. If no court disposition information is available, “NO DISPOSITION INFORMATION IS ON FILE FOR THIS ARREST” is printed in place of the COURT DISPOSITION segment.

No Supervision Segment information is included on the rap sheet. The statement “NO CUSTODY INFORMATION IS ON FILE FOR THIS SID” is printed at the end of the rap sheet.

**Other Information and Notes:**
- Arrest charges only included the charge literal and number of counts.
- Disposition charges do not include the statute number.
- Sealed records are clearly identified on the Purpose Code C version of the rap sheet.

The following table lists strengths and weaknesses of Indiana’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:
<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>Complete Person Information</td>
<td></td>
</tr>
</tbody>
</table>
| Arrest           | Charge tracking numbers are not used.  
Charges are tracked by segment within each cycle.  
Charges can be linked based on the Charge Literal. | No Statute Citation. |
| Prosecution      |           | No Prosecution Information. |
| Court            | Each charge includes the statute citation, severity and class. | No Statute Citation. |
| Sentencing       |           | Sentencing data is limited to term of commitment, term of suspended sentence and a comment field. |
| Supervision      |           | No supervision Information. |

4. **Other Criminal History Items**

The following are other items noted during research and discussions with the Indiana criminal history repository staff:

- Indiana does not participate in the National Fingerprint File (NFF).
- Indiana is not a signatory to the National Crime Prevention and Privacy Compact.
- ISP offers a web-based Limited Criminal History that contains only felonies and class A misdemeanor arrests within the state of Indiana for $15 per search for subscribers or $16.32 per search for credit card users.¹⁵⁷
- Indiana does not offer rap-back services.

5. **Repository Position Descriptions**

Indiana did not provide position descriptions.

KS - Kansas State Profile of Criminal History Records

This profile describes the Kansas laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Kansas Statute Annotated Chapter 21, Article 25, Section 1 (K.S.A. 21-2501) outlines the duties of state law enforcement agencies to collect fingerprints and palm prints of suspects. The fingerprints, a comprehensive description of the arrestee and other data and information for identification of the person and the charges against that person, are sent to the Kansas Bureau of Investigation (KBI) within 14 days of the arrest. K.S.A. 22-4705 outlines the reportable events (i.e., arrests, filing of charges, dispositions, confinement and release) and the requirements for criminal justice agencies to provide information to KBI for the criminal justice information system central repository. KBI requires that agencies provide information to the repository within 14 days of the reportable event.

b. Cite and Release – Arrests without Fingerprints

K.S.A. 22-2408 allows law enforcement officers to issue a written notice to appear for any act punishable as a misdemeanor when the offender is not immediately taken before a magistrate for further proceedings. K.S.A. 8-2106 allows officers to issue a notice to appear for traffic misdemeanors, infractions and violations, except for impaired driving, fleeing a scene or violations equal to a felony (i.e., vehicular manslaughter).

K.S.A. 21-2501 states that the court shall ensure that the offender is processed, fingerprinted and palm printed, upon the offender’s first appearance for a felony or an A or B misdemeanor.

K.S.A. 12-4517 states that the municipal court judge shall ensure that all persons convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault are fingerprinted and processed.

c. Expungements and Sealing

K.S.A. 21-6614 provides an opportunity for a convicted person to petition the court after discharge from probation or parole, after a waiting period of 3 years for misdemeanors and minor felonies, and 5 years for eligible felony offenses. Serious violent offenses (murder, rape, sex offenses) are ineligible

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158 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
159 Information acquired during the interview is incorporated into the appropriate section of this report.
160 http://www.kslegislature.org/li_2018/statute/021chapter025article0001
161 http://www.kslegislature.org/li_2012/statute/chapter022article047section0005
162 http://www.kslegislature.org/li_2018/statute022chapter024article0008
163 http://www.kslegislature.org/li_2018/statute008chapter008article021
164 http://www.kslegislature.org/li_2018/statute012chapter012article4517
for expungement. Driving under the influence with a commercial driver’s license is also not eligible. In 2012, the legislature amended this law to provide that no expungement is available for any conviction or any part of an offender’s criminal record if and while the offender is required to register for sex offenses, violent offenses, and drug offenses.165

K.S.A. 22-2410 allows for a person who has been arrested to petition the district court for the expungement of the arrest record. This statute also has a new provision to allow an arrest of mistaken identity to be expunged and purged from all state and federal systems.166

K.S.A. 12-4516 provides for any person who has been convicted or fulfilled the diversion agreement of a violation of a city ordinance to petition the convicting court for the expungement of convictions or diversion and relating arrest records if 3 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, suspended sentence or the diversion agreement was fulfilled. Any person convicted or diverted of selling sexual relations must wait 1 year after satisfying the sentence imposed or the terms of the diversion agreement, discharged from probation, parole, conditional release, or suspended sentence. Specific violations require the waiting period to be 5 years. Persons convicted or diverted for a first violation of driving under the influence must wait 5 years after satisfying the sentence imposed or the terms of the diversion agreement, discharged from probation, parole, conditional release, or suspended sentence. Driving under the influence with a commercial driver’s license is also not eligible.167

Juvenile expungement is available, except for the most serious offenses, after the offender reaches age 23 and after a 2-year waiting period with no subsequent offenses. Non-conviction records may be expunged on petition to court, subject to certain court-ordered grounds for disclosure as per K.S.A. 38-2312.168

K.S.A. 60-5004 allows for persons wrongfully convicted and imprisoned to have the associated arrests and convictions expunged and purged from state and federal systems regardless if the person has prior criminal convictions.169

After expungement, a person is treated as not having been arrested, convicted or diverted of the expunged charges. Except the expunged conviction may be considered as a prior conviction for sentencing purposes related to a conviction for a subsequent crime and it may be disclosed in a subsequent prosecution for an offense which requires a prior conviction as an element.

d. State Definitions of Felony and Misdemeanor
K.S.A. 21-5102 defines a felony as a crime punishable by death or by imprisonment in any state correctional institution or a crime which is defined as a felony by law. If the crime is not a felony, infraction, or traffic violation, then it is a misdemeanor.170

165 http://www.kslegislature.org/li_2018/statute021chapter066article0014
166 http://www.kslegislature.org/li_2018/statute022chapter024article0010
167 http://www.kslegislature.org/li_2018/statute012chapter045article0016
168 http://www.kslegislature.org/li_2018/statute038chapter023article0012
169 https://www.ksrevisor.org/statutes/chapters/ch60/060_050_0004.html
170 http://www.kslegislature.org/li_2018/chapter21article51section5102
e. **Fees Associated with Criminal History Reports**  
Kansas does not charge any fees to in-state law enforcement agencies to access the state criminal justice information systems.

f. **Vendors Supporting Criminal History Services**  
Kansas supports the criminal history system with in-house resources. The message switch is supported by CPI, the OpenFox Company. Fingerprint services are provided by IDEMIA.

2. **Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems**

Kansas responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,259,500</td>
<td>1,617,900</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>557,158</td>
<td>618,147</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>347,707</td>
<td>343,917</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>904,865</td>
<td>962,064</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>57%</td>
<td>55%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>38%</td>
<td>43%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>63%</td>
<td>60%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>41%</td>
<td>40%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>Kansas does not maintain a state protection order file</td>
<td>Kansas does not maintain a state protection order file</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>5,394</td>
<td>5,544</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>32,828</td>
<td>Kansas no longer maintains a state warrant file</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>11,753</td>
<td>47,780</td>
</tr>
</tbody>
</table>

3. **Rap Sheet Assessment**

SEARCH analyzed the contents of one sample rap sheet provided by the KBI to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet...
Standardization.\textsuperscript{171} The rap sheet provided by KBI was from a test criminal history record.\textsuperscript{172}

Overview of the Contents: The major sections of the rap sheet include the Heading and Identification section and the Arrest, Prosecution, Court and Sentencing segments within each arrest cycle with a separate section for the Custody and Confinement information. Not all segments contain information for a given arrest cycle. Cycles are listed in chronological order with the oldest cycle listed first.

Heading and Identification Section: The rap sheet heading, labeled “Section 1 – Introduction,” includes only caveat information and multi-state offender information. The Identification section is labeled “Section 2 – Identification” and includes person identifiers, name, alias and demographic information. The personal information provided is sufficient to accurately identify the individual. The test rap sheet record did not include the FBI number; however, the FBI number is included on the rap sheet if the subject is assigned one. The test record included in the Identification section provided an explanation of stolen identity. The Identification section is followed by Section 3 – Summary, which showed the most recent reported activity.

Arrest Cycle: Arrest cycles are contained in “Section - 4 Criminal Justice Cycles”. Each arrest cycle is identified by cycle number, type of arrest and the cycle tracking number “Cycle X, Adult Offense and Transaction Number 9999X9999999”. Each cycle may include data from the Arrest, Prosecution, Court, and Sentencing segments of the JTF standard. Each segment within the cycle is clearly labeled “Arrest/Charge Data,” “Prosecution” and “Court”. Court data includes sentence information, if applicable to the case. Corrections segment data is presented separately at the end of the rap sheet in a “Custody and Confinement” section.

The Arrest segment includes the following key data: date of arrest, arresting agency ORI and name, and a listing of arrest charges. It also indicates if the arrest is a Domestic Violence Case. Arrest charge data includes charge sequence number, Statute, Charge Literal (description), Severity (Felony or Misdemeanor) and Class, Date of Offense and any charge modifiers, such as whether a firearm was used during the commission of the offense. Each arrest segment includes an Arrest Disposition (e.g., “Referred to prosecutor”).

A Prosecution segment is labeled “Prosecution” and is included in each cycle. Key data from this segment includes prosecuting agency and ORI, prosecution case number, Domestic Violence indicator, if applicable, and a list of the charges filed. Filed charge data includes charge sequence number, Statute, Charge Literal (description), Severity and Class, Date of Offense and any charge modifiers, e.g., whether a firearm was used during the commission of the offense. Each charge includes an outcome/disposition (Declined, Filed, Amended, etc.). If the charge is amended, it immediately follows the filed charge with the amended charge information. The prosecutor status also includes pretrial status (in-custody, released on bond, etc.).

The Court segment is labeled “Court” and includes the following key data: court ORI and name, court case number, date of judgement and sentencing. It also indicates if this is a domestic violence case and type of counsel. Charge information includes charge sequence number, Statute, Charge Literal

\textsuperscript{172} Sample or test records do not always provide a realistic or accurate representation of the data contained in production versions of the rap sheet.
(description), Severity and Class, and any charge modifiers, such as whether a firearm was used during the commission of the offense, and the disposition.

If any of the charges results in a sentence, sentencing information is provided before the charge list at the case level rather than for each charge. Sentence data is provided in a semi-structured (list) format that includes confinement data, fines, costs and restitution, and other sentence provisions like credit for time served and concurrent/consecutive information.

The Supervision segment (labeled “Custody and Confinement”) is included at the end of the rap sheet. The supervision data includes the supervising agency information, defendant status and the charge that resulted in supervision. The heading for the Custody and Confinement cycle includes data links back to the arrest cycle via the comment “This confinement cycle relates to part 4 criminal justice cycle number 2” and the Transaction Number.

**Charge Tracking:** Each charge in each cycle is assigned a Charge Sequence Number that remains the same between each segment. New charges from the prosecution segment receive a new sequence number, while amended charges keep the sequence number assigned in the arrest segment.

The sample rap sheet included cycles without arrests, noting “This cycle is not supported by fingerprint identification.” These cycles include a transaction number and the charges are listed under the prosecution segment. If there is an arrest, the charges are listed under the arrest segment, but only changed or amended charges are listed under prosecution segment.

**Other Information and Notes:** The following are additional observations noted from the assessment:

- The rap sheet does not include warrants or protection orders.
- If a record is expunged, the rap sheet notes “Expunged” at the charge level.
- The rap sheet includes sex offender registration status, firearms disqualifier, and other cautions or notices in Section 2.
- If the arrest involves domestic violence, a “Domestic Violence Case” comment is added to each segment of the cycle.

The following table lists strengths and weaknesses of Kansas’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Header</strong></td>
<td>Many demographic fields contain multiple entries.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Many person identifiers are provided.</td>
<td></td>
</tr>
<tr>
<td><strong>Person</strong></td>
<td>Includes a date within the person information to indicate that the data was valid on that date, e.g., Place of Birth, Topeka, KANSAS (Reported: Aug 27, 2012).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Many demographic fields contain multiple entries.</td>
<td></td>
</tr>
</tbody>
</table>
### Arrest
- Charge tracking within each cycle by format of the rap sheet and use of charge sequence numbers.
- Includes arrest disposition.
- Indicates if arrest was related to Domestic Violence.
- Each charge includes the statute citation, severity and class.

### Prosecution
- Data provided when available.
- Maintains charge tracking.
- Clearly provides prosecutor dispositions.
- Each charge includes the statute citation, severity and class.

### Court
- Maintains charge tracking.
- Clearly provides dispositions/outcomes.
- Each charge includes the statute citation, severity and class.

### Sentencing
- Detailed sentence information.
- Sentence data is associated to the case rather than the charge.

### Supervision
- Corrections information maintains charge tracking.

### 4. Other Criminal History Items
The following are other items noted during research and discussions with KBI staff:
- Kansas participates in the National Fingerprint File (NFF).
- Kansas is a signatory to the National Crime Prevention and Privacy Compact.
- Kansas provides in-state criminal justice rap back services for investigative leads, permit/privileged license revocation and warrants.
- Kansas provides in-state noncriminal justice rap-back services for all noncriminal justice partners that submit fingerprint-based record checks.
- KBI provides web-based noncriminal justice background checks to the public for a $20 per search fee.¹⁷³

### 5. Repository Position Descriptions
Kansas did not provide position descriptions.

KY - Kentucky State Profile of Criminal History Records

This profile describes the Kentucky laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from additional research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Kentucky Revised Statutes Chapter 17, Section 110 (KRS 17.110) requires law enforcement agencies to report offenses under the penal code of Kentucky to the Department of Kentucky State Police (KSP). The report must include a photograph, as set of fingerprints, a description of the person arrested and any other information involving offenses. The report must be submitted to KSP within 30 days of the arrest.

KRS 27A.300 requires the Administrative Office of the Courts, in cooperation with KSP, be responsible for recording data elements needed for the centralized criminal history record system (CCH). Further sections in Chapter 27A describe the data requirements for the CCH and implies that the Clerks of Court are required to submit disposition information to the CCH.

b. Cite and Release – Arrests without Fingerprints

KRS 431.015 states that a peace officer may issue a citation instead of making an arrest for a violation or misdemeanor committed in his or her presence, if there are reasonable grounds to believe that the person being cited will appear to answer the charge. The citation provides the defendant with a notice to appear in court at a designated time and place. The peace officer must take the defendant into custody if the arrest is a violation of a protection order, violent crime, or sexual offense, or if the person poses a risk of danger to himself/herself or another person, or if the person is combative in any way.

c. Expungements and Sealing

KRS 431.073 authorizes courts upon petition to vacate specified Class D felony convictions and pardoned convictions, dismiss the charges, and expunge the record. Eligible Class D felonies include third-degree burglary, drug possession, prescription forgery, theft by unlawful taking, theft by deception, stealing credit card information, stealing computer data, filing falsified financial records, conspiracy to promote gambling, bigamy and selling real estate without a license, among several others. A 5-year waiting period from completion of sentence, including any period of probation and parole, applies, during which time a person must remain conviction-free.

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175 https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=1198
KRS 431.078 allows for most misdemeanors and violations to be eligible for expungement, upon petition to the court of conviction, 5 years after completion of sentence or probation, whichever is later.\textsuperscript{179}

The effect of expunging a conviction in Kentucky is that the original conviction shall be vacated, and the record is deleted or removed from the court and other agency computer systems so that the matter does not appear on official state-performed background checks.

d. State Definition of Felony and Misdemeanor
KRS 431.060 defines felonies, misdemeanors and violations as the following:
- A “felony” is an offense punishable by death or confinement in the penitentiary
- A “misdemeanor” is an offense punishable by confinement other than in the penitentiary
- “Violations” are offenses punishable by a fine only.\textsuperscript{180}

e. Fees Associated with Criminal History Reports
Kentucky does not charge fees for criminal history reports in response to queries with purpose code C, J or S from local agencies.

f. Vendors Supporting Criminal History Services
Kentucky contracts with CPI, the OpenFox Company, to support the criminal history system and message switch. Kentucky’s Justice and Public Safety Cabinet provides a collection of applications for criminal justice information sharing, the Kentucky Open Portal System (KYOPS). KYOPS includes collision reporting, criminal and traffic citations, incident reporting, field intelligence reporting, electronic disposition reporting and electronic warrants.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Kentucky responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,435,800</td>
<td>1,561,600</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>680,486</td>
<td>773,316</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>369,871</td>
<td>349,795</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,050,357</td>
<td>1,123,111</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>42%</td>
<td>42%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>17%</td>
<td>16%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>50%</td>
<td>51%</td>
</tr>
</tbody>
</table>

\textsuperscript{179} https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=45221
\textsuperscript{180} https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=18577
h. Percentage of all dispositions received that could not be linked to a specific arrest record  

| | 21% | 9% |

i. Active records in state protection order database  

| | 14,750 | 17,109 |

j. Active records in NCIC protection order file  

| | 16,914 | 18,765 |

k. Active records in state warrant database  

| | 137,689 | 148,867 |

l. Active records in NCIC warrant file  

| | 10,428 | 10,630 |

3. Rap Sheet Assessment

SEARCH analyzed the contents of five sample rap sheets provided by the Kentucky State Police to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.181

Overview of the Contents: The major sections of the rap sheet include data from the identification, arrest, court, sentence, and supervision segments of the JTF standard. The major sections of the rap sheet include the Identification section, and arrest and supervision cycles. Cycles are listed in reverse chronological order with the most recent arrest listed first.

Heading and Identification Section: The rap sheet heading includes caveat information about the purpose code used to produce the rap sheet and explanatory text about the contents of the rap sheet. It includes an “ATTENTION” section for cautions, warnings and notices, but none of the examples included any such information. The Identification section contains the III status (multi/single state offender designation). The Identification section includes multiple person identifiers, demographics, alias names and dates of birth, and Scars, Marks and Tattoos. Sufficient detail is provided to confirm the identify the subject.

Arrest Cycle: Cycles are identified by a dashed line break followed by the label * ARREST * and the cycle number. The cycles include information from the Arrest, Booking, Court and Sentencing segment from the JTF standard. Where an arrest has an accompanying disposition section, this is separated from the arrest segment by the label * Disposition *. Charges are listed separately in sequential order within the arrest section and the disposition section of each cycle.

Key arrest segment data includes the arrest date, arresting agency ORI and name, fingerprinting ORI, arrestee name and charge information. The Charge information includes the charge sequence number, state offense code and charge literal, offense date, severity (e.g., Felony or Misdemeanor), counts, statute number, charge modifier (“ASCF” – Attempt, Solicitation, Conspiracy, Facilitation), citation number and police case number for each charge. On some rap sheets the charge information is provided as a comment and the related offense and statutory information may be blank.

The rap sheet does not include a separate prosecution segment.

The Disposition segment includes the disposition date, court location, court name and court case number. The charge data includes charge sequence number, disposition type, state offense code and

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charge literal, counts, charge modifier ("ASCF"), severity, citation number, comments and sentence, when applied, for each charge. A comment field may include additional information, such as whether the charge was amended, a warrant was served, etc.

The Sentence information is presented in a semi-structured list under the associated disposition including Sentence, which includes confinement/suspended information, probation and fine information.

In cases where no disposition or sentence is reported, such as for older arrests, a comment states “NO DISPOSITION FOUND”.

Supervision segment data is presented at the bottom of the rap sheet and is labeled *COMMITMENT/SENTENCING INFORMATION*. It includes the commitment ORI and name, inmate number, date received, confinement type and term. A COMMENTS section can include additional confinement information such as release date.

Charge Tracking: Charges can be reliably tracked from the arrest to the disposition using the charge sequence number. Where a charge is amended, the sequence number remains the same. Typically, the original charge will have a disposition indicating that the charge has been amended. New charges in the disposition segment are assigned a new sequence number.

Other Information and Notes: The rap sheet includes an index of agencies with agency contact information for the agencies that interacted with the subject at the bottom of the rap sheet.

The following table lists strengths and weaknesses of Kentucky’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Identification    | Includes identification, demographic and location information along with aliases and occupation.  
|                   | Notifies of the existence of fingerprints, photos and DNA.                 |                                                 |
| Arrest            | Charges are tracked by charge sequence number.                             | Does not include the charge grade level (class). |
| Booking           | Arrest information includes the fingerprinting ORI.                       | No prosecutor information.                      |
| Prosecution       |                                                                           | No prosecutor information.                      |
| Court             | Complete charge, disposition data.                                        | No court ORI.                                   |
| Sentencing        | Detailed sentence data. Semi-structured provides some consistency.        | Inconsistent inclusion of supervision segment.   |
| Supervision       |                                                                           |                                                 |
4. Other Criminal History Items

The following are other items noted during research:
- Kentucky does not provide web-based noncriminal justice background checks to the public.
- Kentucky does not participate in the National Fingerprint File (NFF).
- Kentucky is not a signatory to the National Crime Prevention and Privacy Compact.
- Kentucky does not provide rap-back services.

5. Repository Position Descriptions

Kentucky did not provide position descriptions.
LA - Louisiana State Profile of Criminal History Records

This profile describes the Louisiana laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from additional research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints
Louisiana Revised Statute Title 15, Statute 591 (LA Rev Stat § 15:591) requires every criminal justice agency to collect and submit the name, fingerprints, description, photographs, and other identifying data on persons lawfully arrested, indicted, or taken into custody in Louisiana, as required by the Louisiana State Police (LSP) Bureau of Criminal Identification (the bureau) and any felony and most misdemeanors.

LA Rev Stat § 15:597 requires that a disposition report of all arrests is sent to the bureau within 30 days following the termination of a case by the agency responsible for the case termination.

b. Cite and Release – Arrests without Fingerprints
Louisiana Code Criminal Procedure Article 211 (LA Code Crim Pro Art 211) allows law enforcement officers to issue a summons without taking the subject into custody for misdemeanor and felony theft or illegal possession of stolen items worth $500-$1,000; writing worthless checks; driving without license in possession. Exceptions to the summons in lieu of arrest are felony charges when the person has a prior conviction, impaired driving, offense with a weapon or use of force or violence, domestic abuse, failure to pay child support, and any felony warrants.

Officers must also believe that the person will appear on the summons and that the person will not cause injury or harm to himself/herself or others, or cause property damage.

c. Expungements and Sealing
LA Code Crim Pro Title XXXIV provides for the expungement of certain arrests and convictions that allow for the removal of the record from public access but does not result in the destruction of the record. The provisions of this title are:

- Mandatory expungement of certain felony offenses 10 years after completion of sentence, except for violent offenses, sex offenses, crimes against minors, and drug trafficking offenses.
- First offender pardons are eligible for immediate expungement, specifically including for drug crimes.
- Expungement following deferred adjudication for certain noncapital felonies.
- Most juvenile adjudications may be expunged immediately upon termination of juvenile court jurisdiction or after a 5-year waiting period for serious offenses.

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182 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
• Non-conviction records may be expunged at any time but remain available for certain licensing purposes.

Expunged records are not publicly available, except to law enforcement and certain licensing agencies, but may be used as predicates.

d. State Definition of Felony and Misdemeanor
LA Rev Stat § 14:2 defines a felony as any crime for which an offender may be sentenced to death or imprisonment at hard labor and a misdemeanor as any crime other than a felony.187

e. Fees Associated with Criminal History Reports
LSP does not charge any fees for approved Louisiana Law Enforcement Telecommunications System (LLETS)188 agencies to use the Datamaxx Omnixx189 application for LLETS access. LLETS agencies may elect to partner with a different third-party vendor where fees are associated. If through the partnership of a third-party vendor, a LLETS interface line is required and LSP charges $75 per month for that VPN connection.

f. Vendors Supporting Criminal History Services
LSP did not report what vendors support the criminal history services in Louisiana.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Louisiana responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,698,200</td>
<td>1,743,500</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,125,166</td>
<td>1,206,849</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>434,687</td>
<td>433,281</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,559,853</td>
<td>1,640,130</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>20%</td>
<td>26%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>24%</td>
<td>22%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>20%</td>
<td>35%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>50%</td>
<td>26%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>Not available</td>
<td>20,399</td>
</tr>
</tbody>
</table>

188 http://www.lsp.org/technical.html#communications
189 Datamaxx Omnixx is the message switch terminal software used by law enforcement agencies to access the criminal history system. LSP has an enterprise license that they share with law enforcement agencies across the state.
### 3. Rap Sheet Assessment

SEARCH analyzed the contents of 5 sample rap sheets provided by the state of Louisiana to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. All of the sample rap sheets were identified as “For use by non-criminal justice agencies only”.

**Overview of Contents:** The major sections of the rap sheet include data from the identification, arrest, and court and sentence segments of the JTF rap sheet standard. The rap sheet does not include data from the prosecution segment. Some supervision segment data is provided under “MISC DISPOSITIONS” at the end of the rap sheet. The major sections of the rap sheet include the Identification section and the arrest cycle. Cycles are listed in chronological order with the oldest arrest listed first.

**Heading and Identification Section:** The rap sheet heading provides minimal caveat information. The Identification section begins with the name, date of birth and basic demographic information. This is followed by Offender Cautions and Notices, such as Sex Offender, Convicted Felon and Violent Offender notations, followed by alias names, social security numbers, and operator license numbers. There is sufficient detail to confirm the identity of the subject. The Identification section ends with a list of all arrests by date and includes the arresting agency and reason for arrest.

**Arrest Cycle:** Each arrest cycle is identified by a dashed line followed by the date of arrest and may include data from the arrest, court and sentence segments. The cycles are presented in order from oldest to newest. As noted above, it appears that only conviction dispositions are included on the sample rap sheets. If disposition information is provided, it is the sentence associated with the case. Arrest cycles are organized by charge and the corresponding final charge and sentence is listed immediately under the arrest charge. Key arrest segment data includes the arrest date, arresting agency name and ORI, the arrest tracking number (ATN), name of the subject used at the time of arrest, and a local agency identifier (LID).

Charge information is labeled “Charge X”. Key data includes the statute citation, charge literal, and counts. Charge severity (e.g., Felony or Misdemeanor) is included intermittently.

There is no prosecutor data present on the rap sheet.

The court segment data is only included if the final charge has a conviction disposition. The court data is labeled “CASE” and includes data for the statute number, charge literal, and disposition. The disposition information consists of unstructured text that uses common abbreviations that can be

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generally understood and combines the disposition and sentence information. Key data includes the disposition date, court name, court docket number, disposition type, and then repeats the charge statute citation and charge literal before presenting the sentence date, confinement type, and location and term – if applicable.

Supervision cycle information is listed under MISC DISPOSITIONS. Each supervision cycle lists the date of the custody status change, LID, agency name, name of defendant, ATN. There is not a clear link to the charge and case information to an arrest cycle presented earlier in the rap sheet.

Charge Tracking: Charge tracking is accomplished by listing all court and sentence segment data under each charge. Each charge is listed once and if there is a disposition for a charge, the “case” information is listed with the charge.

Other Information and Notes:

- The rap sheet has a listing of the aliases, social security numbers and driver license numbers, along with an indicator if that alias was used for identity theft.
- Court information uses the label “CASE” and disposition and sentence is strung together without labels.

The following table lists the strengths and weaknesses of Louisiana’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>Includes a summary table of arrests by date, agency and description.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>The ATN is used to identify each cycle.</td>
<td>No booking segment data.</td>
</tr>
<tr>
<td>Booking</td>
<td>No prosecutor segment data.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>No prosecutor segment data.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Detailed Charge and Disposition Data - statute, disposition and sentencing data for each charge. Docket number included on newer cycles.</td>
<td>Court segment data is labeled “CASE” and can be confusing to follow. Non-conviction dispositions are not clearly identified. Disposition and sentence information is in one string. No court ORI but does include court location.</td>
</tr>
<tr>
<td>Sentencing</td>
<td>In the disposition string without labels.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>Limited number of cycle entries.</td>
<td></td>
</tr>
</tbody>
</table>
4. Other Criminal History Items

The following are other items noted during research:

- The bureau does not offer web-based noncriminal justice background checks.
- Louisiana does not participate in the National Fingerprint File (NFF).
- Louisiana is not a signatory to the National Crime Prevention and Privacy Compact.
- The bureau provides in-state criminal justice rap back services for parolees, probationers, and permit/privileged license revocations.
- The bureau provides in-state noncriminal justice rap back services for persons working with children or the elderly, healthcare providers, security guards, and public safety personnel.

5. Repository Position Descriptions

Louisiana did not provide position descriptions.
MA - Massachusetts State Profile of Criminal History Records

This profile describes Massachusetts laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, and information from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements
   
a. Reporting Arrests and Dispositions and Collecting Fingerprintsmassachusetts General Law, Part 1, Title XV, Chapter 94C, Section 45 (MGL c. 94C Section 45)\(^{193}\) and MGL c. 263 Section 1A\(^{194}\) states that any person arrested for or charged with a felony be photographed and fingerprinted. Upon conviction, any fingerprints and photographs become part of permanent records of the police department of the municipality where the arrest took place, and without delay two copies of the fingerprints and photographs must be forwarded, with such other description as may be required and a written history of the offense, to the Department of State Police, State Bureau of Identification (SBI).

MGL c. 211B Section 22 requires the trial court to electronically send to the Department of State Police all criminal case disposition information for the offender, including sealing and expungement orders and dissmissals, together with the corresponding offense-based tracking number and fingerprint-based state identification number.\(^{195}\)

b. Cite and Release – Arrests without Fingerprints

MGL c. 90C Section 3 allows a law enforcement officer to issue a summons to appear in lieu of a custodial arrest for automobile law misdemeanors. Additionally, MGL c. 276, Section 24 allows for the issuance of a summons instead of a warrant for any offense.\(^{196}\)

c. Expungements and Sealing

Effective October 1, 2018, certain records, including juvenile records on file with the commissioner of probation, may be eligible for expungement in accordance with MGL c. 276 Sections 100E through 100U.\(^{197}\) Courts are also authorized to order expungement of a criminal or juvenile court record based on false identification or identity fraud, or official error. A petition for expungement may be filed 3 years from the date of a juvenile misdemeanor offense, and 7 years from the date of a juvenile felony offense, so long as specified eligibility requirements are met.

\(^{191}\) 2016 Survey: [https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf](https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf); the 2018 Survey is pending publication.
\(^{192}\) Information acquired during the interview is incorporated into the appropriate sections of this report.
\(^{193}\) [https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94C/Section45](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94C/Section45)
\(^{194}\) [https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter263/Section1A](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter263/Section1A)
\(^{195}\) [https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6/Section167A](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6/Section167A)
\(^{196}\) [https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleII/Chapter276/Section24](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleII/Chapter276/Section24)
\(^{197}\) [https://malegislature.gov/Laws/GeneralLaws/PartIII/TitleI/Chapter211B/Section22](https://malegislature.gov/Laws/GeneralLaws/PartIII/TitleI/Chapter211B/Section22)
Expungement is defined in MGL c. 276 Section 100E as “the permanent erasure or destruction of a record so that the record is no longer accessible to, or maintained by, the court, any criminal justice agencies or any other state agency, municipal agency or county agency.”

Convicted persons can apply to the Department of Probation to have their records sealed after a period of 3 years for a misdemeanor and 7 years for a felony. Certain offenses, including firearms offenses, crimes by public officials, and crimes “against public justice,” such as perjury, are ineligible for sealing.\(^{198}\) Sexual offenses are subject to a 15-year eligibility period after all supervision has ended, and sealing is unavailable to anyone who is still under a registration obligation or who was ever been required to register as a Level 2 or 3 sex offender.

Records of conviction for decriminalized offenses may be sealed immediately. This includes low-level marijuana possession convictions as a result of decriminalization legislation enacted at the end of 2016. Records that do not result in conviction may be sealed if the defendant is found not guilty, or a no bill is returned by the grand jury, or a finding of no probable cause is made by the court. Juvenile records on file with the office of the commissioner of probation must be sealed upon request if 3 years have elapsed since any court appearance or disposition in the case, and the person is not an adjudicated delinquent, found guilty of a crime, nor been imprisoned or committed to custody.

Sealing does not expunge a record and the record remains available to law enforcement authorities. Sealing does not restore state firearm acquisition rights.

d. State Definition of Felony and Misdemeanor

MGL c. 274 Section 1 defines a felony as a crime punishable by death or imprisonment in the state prison. All other crimes are misdemeanors.\(^{199}\)

e. Fees Associated with Criminal History Reports

The Massachusetts Executive Office of Public Safety and Security does not charge local law enforcement agencies any fees to use the criminal history system.

f. Vendors Supporting Criminal History Services

Massachusetts contracts with IDEMIA for automated fingerprint information system services and CPI, the OpenFox Company, for the state message switch, and supports the computerized criminal history systems with in-house resources.

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\(^{198}\) [https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleII/Chapter276/Section100A](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleII/Chapter276/Section100A)

\(^{199}\) [https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleII/Chapter274/Section1](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleII/Chapter274/Section1)
2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

Massachusetts responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,572,600</td>
<td>1,462,000</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>661,430</td>
<td>724,590</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>362,399</td>
<td>362,074</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,023,829</td>
<td>1,086,664</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>11%</td>
<td>18%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>11%</td>
<td>18%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>48%</td>
<td>7%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>35,605</td>
<td>37,104</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>19,785</td>
<td>19,115</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>839,751</td>
<td>353,647</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>15,503</td>
<td>15,158</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of two sample rap sheets provided by the Massachusetts Executive Office of Public Safety and Security to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.200

Overview of the Contents: Massachusetts maintains the criminal history record in two different data systems. It is assumed that records from both systems must be reviewed to see the entire criminal history for the individual. One system records data related to fingerprint events, which corresponds to the Arrest Segment of the JTF standard. It contains data from the Identification and Arrest Segments. The other system records court activities and outcomes, which corresponds to the Court and Sentence segments of the rap sheet standard. It contains data from the Identification, Court and Sentence segments. One of each of these records was provided to SEARCH for this assessment. The arrest record was produced by the Massachusetts State Police and is titled “State RAP Sheet“. The court and sentence record is produced by the Massachusetts Department of Criminal Justice Information Services and is entitled “MA Criminal History (BOP)“. Caveat information on the State RAP Sheets notes “Disposition Information is not available from all courts.” No disposition information was recorded on

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the State RAP Sheet. The State RAP Sheet is organized in chronological order with the oldest information listed first. The MA Criminal History is organized in reverse chronological order, with the newest information listed first.

The remaining assessment will address each document separately.

**State RAP Sheet**

**Heading and Identification Section:** The heading includes limited dissemination and usage caveat information and no Offender Caution or Notice data. The Identification section includes multiple identifiers, names, demographic data, aliases for names and dates of birth, and history data for all standard demographic data elements, and scars/marks/tattoos. This section also includes address and employment history and mug shot photos. The Identification section is comprehensive, and there is sufficient data to confirm the identity of the subject.

**Arrest Cycle:** Each arrest cycle is clearly label “Cycle X of YY” and separated from the next cycle by a solid line separator. Each cycle includes arrest data only. Key data elements include: Arrest Date (“Date”), Arrest Tracking Number (“Tracking No.”), Agency Name, and Arrest Charge (“Offense”) Information. Data for each offense includes the Offense Description, which is a concatenated text string, which may include the following information: Charge Literal (e.g., A/B (i.e., Assault and Battery), DRUG, DISTRIBUTE), offense class (CLASS B), and a state offense code based on the criminal code chapter (C265) and subsection (S13A), followed by the Offense Date. Offenses do not include the statute number, severity (e.g., Felony or Misdemeanor), or a charge tracking or sequence number. The rap sheet includes an area for disposition data with column headings for Offense Description, Disposition, and Disposition Date. However, all dispositions sections on the sample rap sheet stated “Disposition information for this record is currently not available using this application. Please contact the arresting authority for more information.” Other rap sheets obtained may include disposition data in this section.

**MA Criminal History (BOP)**

**Heading and Identification Section:** The heading includes the caveat that this record is not supported by fingerprints. The heading includes data comparable to Offender Cautions and Notices. The sample included Civil Restraining Order information. The identification section includes name, various identifiers, demographic and address information. No alias or history data is provided.

The Court and Sentence section is labeled “***** ADULT APPEARANCES *****”. Each court and sentence entry corresponds to a charge filed with the court and is labeled “ARRAIGNMENT: (0001)” Key court information includes the Arraignment Date (ARG‐DATE), Court Name (COURT), Court Case Number (DKT#), Charge Literal and Severity (OFF), Case Status (STATUS), and Disposition (DISP). If the Disposition is a conviction, the sentence is included. Each arraignment includes additional data elements that are not clearly defined on the rap sheet. The Disposition data is a free-text field, the court enters codes for the disposition, the disposition date, and a code for plea. In the example provided, “%C” appears to represent a conviction and “PTCOR‐A” appears to represent Adult Pre-trial.

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201 The state offense code may include chapter and section from state statues, but does not always. This is a free-text field and at this time it does not distinguish a misdemeanor or felony.

202 A list of these codes will be included on the rap sheet guide for MA.
Corrections (Diversion). Plea codes include “G” for Guilty and “NP” for Nolo Prosequi (Dismissed). Since each entry is for an individual charge, the entire case must be reviewed based on the DKT# and ARG-DATE. A complete case can include charges with convictions and sentences and charges that are dismissed with no sentence data.

Sentence information is presented as a semi-structured text format that includes confinement term and placement, probation, fines, etc. for each charge. Subsequent sentences, such as violations of probation are entered on a separate line following the original sentence. Many abbreviations and acronyms for the sentence information are used that make the information difficult to interpret and understand.

Neither the State RAP sheet or the MA Criminal History contain data from the prosecutor or supervision segments of the standard.

**Charge Tracking:** No charge tracking mechanism is evident. There is no identifier that links the State RAP Sheet arrest data with the MA Criminal History record. Linking records from both systems can be inferred based on the similarities between the Arrest Date and Arresting Agency on the State RAP Sheet and the Arraignment Date (ARG-DATE) and the Court on the MA Criminal History, and the similarity in charges contained on each record.

**Other Information and Notes:** The following are additional rap sheet observations noted from the assessment:

- Neither rap sheet includes sex offender registration information, warrants, or firearms limitations.
- The MA Criminal History rap sheet includes Juvenile court appearances.

The following table lists strengths and weaknesses of Massachusetts’ rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Header</strong></td>
<td>Limited caution information, such as firearms limitations and warrants.</td>
<td></td>
</tr>
<tr>
<td><strong>Identification</strong></td>
<td>The State RAP Sheet includes substantial identification information.</td>
<td>The MA Criminal History is not biometrically based. Comparisons to the State RAP Sheet must be made using other information (name, DOB, etc.).</td>
</tr>
<tr>
<td><strong>Arrest</strong></td>
<td>No statute numbers, although the state codes appear to be an accurate proxy.</td>
<td>No severity, but this may be able to be derived from Class.</td>
</tr>
<tr>
<td></td>
<td>No charge tracking.</td>
<td>Arrest disposition segment on the State RAP Sheet did not contain disposition data.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>No separate booking information.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>No prosecution information.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No statute numbers are provided. No Severity, but this may be derivable from Class.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Many cryptic abbreviations for labels and data.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No charge tracking.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed sentence information in the court segment.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Many cryptic abbreviations for labels and data. Difficult to understand.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>No supervision information.</td>
<td></td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items noted during research and discussions with the Massachusetts criminal history repository staff:

- Massachusetts does not participate in the National Fingerprint File (NFF).
- Massachusetts is not a signatory to the National Crime Prevention and Privacy Compact.
- Massachusetts offers a web-based noncriminal justice background checks to the public for a fee of $25.
- Massachusetts does not offer rap-back services.
- In 2016, Massachusetts Courts began submitting fingerprint-supported final dispositions to the repository. A major project is underway to link court disposition data to the repository, where significant improvements in disposition reporting are anticipated.

5. Repository Position Descriptions

Massachusetts did not provide position descriptions.
MD - Maryland State Profile of Criminal History Records

This profile describes the Maryland laws, policies and requirements to develop the state criminal history records. It also provides information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems\textsuperscript{203} and a brief analysis of sample rap sheets.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Maryland Code, Criminal Procedure, Title 10, Subtitle 2, Part III (MD Code Crim. Pro. § 10-213) establishes the Criminal Justice Information System (CJIS) central repository under the Department of Public Safety and Correctional Services (DPSCS).\textsuperscript{204}

MD Code Crim. Pro. § 10-214 requires criminal justice agencies report to the central repository:

1) The data pertaining to an arrest or the issuance of an arrest warrant within 72 hours after the arrest or the issuance of the arrest warrant. Under criminal procedure rules, this includes fingerprints at the time of arrest.

2) The data pertaining to the release of a person after an arrest without the filing of a charge within 30 days after the person is released.

3) The data pertaining to any other reportable event within 60 days after the reportable event occurs.\textsuperscript{205}

MD Code Crim. Pro. § 10-215 outlines the reportable events. There are 25 events listed in statute that generally include arrests, charging documentation, prosecutorial dispositions, court dispositions, correctional and custody status changes, juvenile adjudications, and any other event arising out of a criminal proceeding.\textsuperscript{206}

b. Cite and Release – Arrests without Fingerprints

MD Code Crim. Pro. § 4-101 allows law enforcement officers to issue a citation in lieu of an arrest for misdemeanors that do not carry a penalty of imprisonment, misdemeanors that carry a penalty of up to 90-day maximum, possession of marijuana, sale of alcohol to a minor or intoxicated person, malicious destruction property with damage < $500, and misdemeanor theft. If the offense includes violation of peace or protective order, violation of a condition of pretrial release while charged with a sex crime against a minor, possession of an electronic control device after conviction of a drug felony or violent crime, or the abuse or neglect of an animal, the officer must detain the person.\textsuperscript{207}

MD Code Transportation § 26-201, 202 and 203 allows officers to issue a citation for most traffic violations and misdemeanors, except impaired driving, leaving an accident, fleeing, or any offense resulting in injury or death.\textsuperscript{208}

\textsuperscript{203} 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
\textsuperscript{204} https://law.justia.com/codes/maryland/2018/criminal‐procedure/title‐10/subtitle‐2/part‐iii/section‐10‐213/
\textsuperscript{205} https://law.justia.com/codes/maryland/2018/criminal‐procedure/title‐10/subtitle‐2/part‐iii/section‐10‐214/
\textsuperscript{206} https://law.justia.com/codes/maryland/2018/criminal‐procedure/title‐10/subtitle‐2/part‐iii/section‐10‐215/
\textsuperscript{207} https://law.justia.com/codes/maryland/2018/criminal‐procedure/title‐4/subtitle‐1/section‐4‐101/
\textsuperscript{208} https://law.justia.com/codes/maryland/2018/transportation/title‐26/subtitle‐2/
MD Code Crim. Pro. § 10-216 sets forth requirements for fingerprinting if a person is not fingerprinted at the time of arrest. This law requires the court to order fingerprints when the defendant is found guilty or pleads guilty or nolo contendere to a reportable crime.209

c. Expungements and Sealing
Expungement may be authorized for over 100 enumerated misdemeanor and certain felonies involving theft, burglary, and drug trafficking convictions after a 10- to 15-year waiting period.210 Expungement is also available immediately for pardoned nonviolent first offenses and 3 years after completion of sentence for specified nuisance convictions or for deferred adjudication (“probation before judgment”). Marijuana possession offenses are eligible for expungement after a 4-year waiting period. Arrest records not leading to charges are automatically expunged and other non-conviction records are expunged upon petition, with no waiting period.211

Sealing is available for 12 enumerated non-violent misdemeanors after a 3-year waiting period. Eligible charges range from malicious destruction of property to prostitution and possession of a controlled dangerous substance. Any offense sentenced as a “domestically related crime” is ineligible. A person may only petition for sealing once in their lifetime, although a single petition may seek sealing of multiple convictions as long as the convictions are from the same county.212

Expungement confers greater benefits than sealing; expunged records may only be opened by a court order and are destroyed after 3 years.

d. State Definition of Felony and Misdemeanor
Under Maryland law, a crime is a felony if the crime historically has been a felony under the common law, including crimes of violence, listed under MD Code Crim. Law § 14-101213 or the statute defining the crime states that the crime is a felony. If a crime is not a felony, then it is a misdemeanor.

e. Fees Associated with Criminal History Reports
DPSCS does not charge any fees to local law enforcement agencies for access to the criminal history system.

f. Vendors Supporting Criminal History Services
DPSCS supports the computerized criminal history systems with in-house resources and contracts with Business & Decision and Gantech for additional support. Maryland also uses Inquiries Inc. to assist with researching missing dispositions.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Maryland responded to survey questions about its criminal history information system:

210 For additional information: https://mdcourts.gov/legalhelp/expungement
<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,629,000</td>
<td>1,672,100</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,006,964</td>
<td>1,049,971</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>385,452</td>
<td>383,749</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,392,416</td>
<td>1,433,720</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>97%</td>
<td>96%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>92%</td>
<td>89%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>98%</td>
<td>32%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>29%</td>
<td>33%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>9,331</td>
<td>10,839</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>8,955</td>
<td>9,702</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>66,139</td>
<td>69,861</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>20,600</td>
<td>23,252</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of seven sample rap sheets provided by the Maryland Criminal Justice Information System – Central Repository to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.214

Overview of Contents: The major sections of the Maryland rap sheet include data from the arrest, prosecution, court, sentence and supervision segments of the rap sheet standard. The major sections of the rap sheet include the Identification section and the Arrest and Supervision cycles. Arrest and Supervision cycles are listed in reverse chronological order with the newest cycle listed first; however, the data associated with a given cycle is listed in chronological order.

Heading and Identification Section: The rap sheet heading includes caveat information about dissemination and usage rules followed by Offender Cautions and Notices labeled “Note” and “Warning”. The Identification section was fully redacted, so data elements provided were not evaluated.

Arrest Cycle: Each arrest event is identified by the label “Arrest event” located on the right side of the rap sheet. No other visual separator is provided; however, each page of the rap sheet has a header that includes the Date, Agency, Agency Identification, Citation, and Disposition. Within the cycle, subsequent entries are listed in chronological order through the prosecution, court, sentence and supervision segments. Each arrest cycle is identified by an arrest tracking number labeled “TRK” in the

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arrest and prosecution segments. This number is used through the court and sentence segments, but is unlabeled. The supervision segment while listed in line with the cycle does not include the arrest tracking number. The original charge has the tracking number. If the case stays at the district court level, the tracking number will be on the supervision segment. However, if the case goes to circuit court, the circuit court case number is used on both the disposition and supervision segments.

Arrest segment data (labeled “Arrest event”) includes date of arrest, arresting agency name and ORI, the state offense code, charge literal, and arrest tracking number.

Filed charges are labeled “Turned over to Commissioner.” Data includes event date, agency name and ORI, state statute and charge literal. The statute citation in a form that includes the charge sequence number, a dash, then the statute citation without any format, e.g., 01-CR5619C1 is MD Code, Criminal Law, § 5-619(c)(1) – Possession of drug paraphernalia with intent to use.

Court disposition and sentence data is labeled “Other” on the right side of the rap sheet and the court name or court type is presented next to the event date on the left. Key data includes the arrest tracking number (unlabeled), the charge sequence number and the disposition. The “Other” label is listed as the case moves through the court process, such as in a continuance. When the final entry is made, the disposition will be presented with the charge. Sentence data is provided in a structured format and is generally understandable. By including the sentence information at the charge level, the reader is able to understand the outcome of each charge within the arrest cycle.

Supervision cycles are labeled as “Fingerprinted: Commitment” and are appended to the appropriate arrest. Additional Supervision cycles are intermingled within the rap sheet based on the date the fingerprints are taken for a non-arrest specific event (Dispositions of “Received,” “Parole,” etc.). If a criminal offense occurs while the subject is incarcerated, a Correctional Officer assigned to the Intelligence & Investigative Division who has arrest powers will criminally charge the offender. Thus, the correctional agency would be identified as the arresting agency.

**Charge Tracking:** Charge tracking is inherent to the structure of the cycle, as well as through the use of the arrest tracking number (TRK) + charge sequence number on each charge.

**Other Information and Notes:** The following are additional rap sheet observations noted from the assessment:
- Dismissals are listed as “Nolle Prosequi”.
- Dismissals are listed as “Dismissed by State”.

The following table lists strengths and weaknesses of Maryland’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>Includes Triple I status.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Includes firearm disqualification information.</td>
<td></td>
</tr>
</tbody>
</table>
Includes sex offender registration status. (e.g., Warning: Registered sex offender. SUBJECT WAS REGISTERED ON THE MD SEX OFFENDER REGISTRY 2013-03-08 BY PRINCE GEORGES PD ARN # 000422XXXXSOR ******* END *******)

<table>
<thead>
<tr>
<th>Arrest</th>
<th>Charge Level Tracking.</th>
<th>No severity (e.g., Felony or Misdemeanor) or class. Limited labels so some data values are not clearly defined.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecution</td>
<td>Charge filed information included under “Turned over to Commissioner”.</td>
<td>Limited information (only TRK and charge sequence number to identify the charge).</td>
</tr>
<tr>
<td>Court</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Included for each charge.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>Supervision segment data associated with a specific arrest is included under the arrest.</td>
<td></td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items noted during research and discussions with the Maryland criminal history repository staff:

- Maryland participates in the National Fingerprint File (NFF) and is a signatory to the National Crime Prevention and Privacy Compact.
- Maryland provides in-state only criminal justice rap back services for error correction and record management updates, sex offenders, probation, and on record searches, updates and arrests.
- Maryland provides in-state noncriminal justice rap back services for persons working with children and elderly, healthcare providers, security guards, and public safety personnel.
- Maryland does not provide web-based noncriminal justice background checks to the public.

5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of Maryland.
<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Services Clerk</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that provide customer support or process civil background checks for employment, licensing, and housing. Positions that provide customer support or process background checks for firearm transfers.</td>
<td>$28,845</td>
<td>$44,900</td>
</tr>
<tr>
<td>Office Services Clerk Lead</td>
<td>Positions that serve as lead employees of staff who input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that provide customer support or process background checks for firearm transfers.</td>
<td>$30,307</td>
<td>$47,317</td>
</tr>
<tr>
<td>Office Processing Clerk</td>
<td>Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$28,845</td>
<td>$44,900</td>
</tr>
<tr>
<td>Office Processing Clerk Supervisor</td>
<td>Positions that provide supervision, customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$32,498</td>
<td>$50,881</td>
</tr>
<tr>
<td>Office Supervisor</td>
<td>Positions that provide supervision of staff who input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that provide supervision of staff who provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$34,516</td>
<td>$54,195</td>
</tr>
<tr>
<td>Administrative Aid</td>
<td>Positions that manage or support people, practices, and policies within the department.</td>
<td>$34,174</td>
<td>$53,658</td>
</tr>
<tr>
<td>Administrative Specialist II</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide CJIS auditing and training services.</td>
<td>$34,516</td>
<td>$54,195</td>
</tr>
<tr>
<td>Administrative Specialist III</td>
<td>Positions that maintain and operate the state Sex Offender Registry.</td>
<td>$36,676</td>
<td>$57,787</td>
</tr>
<tr>
<td>Position</td>
<td>Responsibilities</td>
<td>Minimum Earnings</td>
<td>Maximum Earnings</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Research Analyst</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system.</td>
<td>$38,988</td>
<td>$61,649</td>
</tr>
<tr>
<td>Administrative Officer I</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$38,988</td>
<td>$61,649</td>
</tr>
<tr>
<td>Administrative Officer II</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide CJIS auditing and training services.</td>
<td>$41,464</td>
<td>$65,790</td>
</tr>
<tr>
<td>Administrative Officer III</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System. Positions that provide customer support or process background checks for firearm transfers.</td>
<td>$44,106</td>
<td>$70,201</td>
</tr>
<tr>
<td>Administrator I</td>
<td>Positions that manage employees who provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$38,988</td>
<td>$61,649</td>
</tr>
<tr>
<td>Administrator III</td>
<td>Positions that manage employees who maintain and operate the state Sex Offender Registry.</td>
<td>$53,214</td>
<td>$85,398</td>
</tr>
<tr>
<td>Fingerprint Specialist II</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$30,307</td>
<td>$47,317</td>
</tr>
<tr>
<td>Fingerprint Specialist Advanced</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that process ten-print</td>
<td>$32,176</td>
<td>$50,377</td>
</tr>
<tr>
<td>Position</td>
<td>Description</td>
<td>Salary Range</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>--------------</td>
<td></td>
</tr>
<tr>
<td>Fingerprint Specialist Supervisor</td>
<td>Positions that provide supervision of employees who input, research, and</td>
<td>$34,516</td>
<td></td>
</tr>
<tr>
<td></td>
<td>update information within the state Computerized Criminal History (CCH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>system. Positions that supervise employees who process ten-print (criminal</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>and civil) submissions within the state Automated Biometric Identification</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>System. Positions that provide supervision of employees who provide</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>customer support or process civil background checks for employment, licensing,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>and housing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IT Functional Analyst II</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$46,942</td>
<td></td>
</tr>
<tr>
<td>IT Functional Analyst Supervisor</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$53,214</td>
<td></td>
</tr>
<tr>
<td>Program Manager II</td>
<td>Positions that manage or support people, practices, and policies within the</td>
<td>$60,514</td>
<td></td>
</tr>
<tr>
<td>Program Manager Senior I</td>
<td>Positions that manage or support people, practices, and policies within the</td>
<td>$73,541</td>
<td></td>
</tr>
</tbody>
</table>
ME - Maine State Profile of Criminal History Records

This profile describes the Maine laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Maine Revised Statutes Title 25, Part 4, Chapter 193 (MRS 25 § 1542-A) requires law enforcement agencies to collect the fingerprints of arrested persons within 5 days of the arrest. If the fingerprints are not taken before the time of arraignment, the court will order fingerprints be taken. It is the duty of the law enforcement agency taking the fingerprints to immediately transmit the fingerprints, identification information and charges to the Maine State Police State Bureau of Identification (SBI).

Maine has a statute that imposes penalties for non-compliance with arrest and disposition reporting laws. MRS 25 § 1550 states, “Any person who fails to comply with the provisions of section 1542-A, subsection 1 or 3, or with the provisions of section 1542-A, subsection 4, imposing a duty to transmit criminal fingerprint records to the State Bureau of Identification, or with the provisions of sections 1544, 1547 or 1549 commits a civil violation for which a fine of not more than $100 may be adjudged.”

MRS 25 § 1547 requires courts to submit criminal records to the SBI at the conclusion of the court proceedings. The courts also submit prosecution dispositions to SBI.

b. Cite and Release – Arrests without Fingerprints

MRS 17A § 15-A allows law enforcement officers to issue a summons to appear in lieu of arrest for most criminal offenses, unless the criminal offense is murder, any class A, B, or C crime, assault, domestic violence, theft when the value of goods or services is greater than $999, forgery, violations of court orders, harassment, failure to appear, or a violation of a condition of release.

Per MRS 25 § 1542-A, if fingerprints are not taken, the court will order them be taken.

c. Expungements and Sealing

As of October 1, 2019, a sunset provision in the Maine state law repealed any provision for sealing or expungement of adult convictions.

MRS 15 § 3308 allows an individual to petition the court to seal all juvenile adjudication records after at least 3 years have passed since the end of the juvenile’s disposition, there have been no subsequent adjudications or convictions since the disposition, and there are no pending charges.

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215 2016 Survey: [https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf](https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf); the 2018 Survey is pending publication.
219 [http://legislature.maine.gov/statutes/15/title15sec3308.html](http://legislature.maine.gov/statutes/15/title15sec3308.html)
Maine also allows for non-conviction records to be made to persons making specific inquiry as to whether a named individual was summoned, arrested or detained, or have formal charge initiated on a specific date.\(^{220}\)

d. State Definition of Felony and Misdemeanor
The terms “felony” and “misdemeanor” are not used in Maine statutes. MRS 17A § 4A classifies crimes by categories of seriousness, Class A through E, with Class A being the most serious and E the least.\(^{221}\)

e. Fees Associated with Criminal History Reports
Maine does not charge any fees for local law enforcement access to the criminal history system.

f. Vendors Supporting Criminal History Services
Maine contracts with IDEMIA for automated fingerprint information services (AFIS) and CPI, the OpenFox Company, for the message switch. All other criminal history system services are supported with in-house resources and the Maine State Police.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Maine responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>570,800</td>
<td>592,600</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>59,032</td>
<td>73,008</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>137,191</td>
<td>140,846</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>196,223</td>
<td>213,854</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>82%</td>
<td>82%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>68%</td>
<td>70%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>70%</td>
<td>70%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>Not available</td>
<td>5,071</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>4,574</td>
<td>4,905</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>Not available</td>
<td>37,241</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>1,298</td>
<td>1,351</td>
</tr>
</tbody>
</table>

\(^{220}\) [http://legislature.maine.gov/statutes/16/title16sec705.html](http://legislature.maine.gov/statutes/16/title16sec705.html)  
3. Rap Sheet Assessment

SEARCH analyzed the contents of three sample rap sheets, in response to Purpose Code C requests, provided by the Maine State Police State Bureau of Identification (SBI) to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.\(^{222}\)

**Overview of Contents:** The rap sheet includes data from the Identification, Arrest, Prosecution, Court and Sentencing segments of the JTF rap sheet standard. The Prosecutor segments were added beginning in 2006. The major sections of the rap sheet include the identification section and the arrest cycle. Arrest cycles are in chronological order with the oldest cycle listed first.

**Heading and Identification Section:** The rap sheet heading includes caveat information about appropriate dissemination and use. Multi/single state offender information is listed at the beginning of this section and other offender cautions and notices, such as firearms disqualification, are listed at the end of the Identification section. The Identification section includes multiple person identifiers, demographic and extensive alias information, including Scars, Marks and Tattoos, and an address history. Sufficient detail is provided to confirm the identity of the individual.

**Arrest Cycle:** Arrest cycles are clearly defined with a dashed separator and labeled with the cycle sequence number. Each cycle contains data from the arrest, prosecution, court and sentence segments of the JTF standard.

Arrest segment data begins with the arrest/charge date, and includes the arresting agency case number, arresting agency ORI and name, subject’s name at arrest, and arrest type (Adult/Juvenile). Each charge includes a charge sequence number, charge tracking number, charge literal, statute number and severity (e.g., felony or misdemeanor).

Prosecution segment data is labeled “Prosecution Disposition” and includes the prosecution date, prosecutor agency ORI and name, charge sequence number, charge tracking number, charge literal, statute number, severity (e.g., felony or misdemeanor), disposition date and type (Filed, Declined, etc.), and may include a comment. A separate prosecution segment is included for each charge.

Court segment data is labeled “Court Disposition” and includes the court case number, court ORI and name. Each charge includes the charge sequence number, charge tracking number, charge literal, statute number, severity, and disposition date and type (Guilty, Dismissed, etc.).

Sentencing segment data is labeled “Sentencing” and is listed separately from the court segment within the cycle. The sentencing segment data repeats data from the court segment for each charge involving a conviction based on the charge sequence number and includes the sentence date, terms and conditions and confinement type (Corrections/Jail), if appropriate. The sentence information is a structured list with each element of the sentence listed as a separate data item (e.g., “2011-09-07: INCARCERATED 2 years”, “2011-09-07: RESTITUTION $3413.00”).

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Supervision segment data is labeled “Corrections” and is listed as a separate cycle within the cycle sequence. Supervision data includes the supervision date, corrections agency ORI and name, supervision case number, corrections action (INTAKE), and the correctional comment that appears to be the court case number.

Charge Tracking: Each charge in each cycle is assigned both a Charge Tracking Number and a Charge Number. The Charge Tracking Number appears to repeat the arrest tracking number (Tracking Number) used to identify the cycle. The Charge Number appears to use the same tracking number with a sequence number appended to it to make the charge number unique. Both numbers are used from arrest through court disposition to identify and track the charge. If a charge is added in the Prosecution segment, it is assigned a new charge tracking number that is used in the Court and Sentencing segments.

Other Information and Notes: The following are additional rap sheet observations noted from the assessment:

- Each segment within the cycle includes the cycle number in the title (e.g., “Sentencing (Cycle 009)”).
- An agency list is provided at the end of the rap sheet.
- The identification section includes a listing of heights, weights, dates of birth, changes in hair and eye color, and the date those demographics changed.
- The identification section includes employment and residence history.
- Charges involving domestic violence are noted in a comment associated with the charge.

The following table lists strengths and weaknesses of Maine’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td>The header includes Triple I status.</td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>The person information is complete with dates indicating when addresses, aliases and other data items were recorded.</td>
<td>No separate booking information.</td>
</tr>
<tr>
<td></td>
<td>The person information also includes cautions, such as firearm disqualified status.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>The charges each have a unique charge tracking number.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Includes statute and severity.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>Includes dispositions of arrest charges, any new charges or removed (declined) charges.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Detailed disposition data for each charge.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Includes statute and severity.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed sentence for each charge.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>Includes corrections information within each cycle.</td>
<td></td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items of note:

- Maine does not participate in the National Fingerprint File (NFF).
- Maine is a signatory to the National Crime Prevention and Privacy Compact.
- SBI provides a web-based noncriminal justice background checks to the public. Fees for subscribers to the Maine Criminal History Record and Juvenile Crime Information Request Service (InforME) are $21 for in state and $31 for out-of-state subscribers and non-subscribers.\(^\text{223}\)
- Maine provides in-state criminal justice rap back services.
- Maine provides in-state noncriminal justice rap back services for persons working with children.

5. Repository Position Descriptions

Maine did not provide position descriptions.

\(^\text{223}\) [https://www5.informe.org/online/pcr/](https://www5.informe.org/online/pcr/)
MI - Michigan State Profile of Criminal History Records

This profile describes the Michigan laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprint

Michigan Compiled Laws Chapter 28, Section 28.243 (MCL § 28.243) outlines the duties of The Bureau of Criminal Identification and Records (BCI) and the requirements for criminal justice agencies to report arrest, identification, DNA and disposition information to BCI.

- Law enforcement agencies must submit all arrest and identification information on persons arrested in Michigan for felony, misdemeanor, or any violation of state law for which the maximum possible penalty exceeds 92 days or a fine of $1,000 within 72 hours of the arrest.
- Clerks of court are required to transmit to BCI a summary of findings, including any disposition or sentence imposed upon entering the disposition into the court system.
- Prosecutors are not required by statute to report charge data to the repository. However, prosecutors report charge data to BCI through the Adult Case Tracking software provided by the state.
- Michigan correctional institutions are not required by statute to report intake or release to the repository.

b. Cite and Release – Arrests without Fingerprint

MCL 764.9c allows arrests without warrant for misdemeanor or ordinance violations that the maximum penalty will result in less than 93 days or a fine. The subject is served a notice to appear. BCI reported that if these cite and release situations result in a fingerprintable charge, the court will order fingerprints are taken.

c. Expungements and Sealing

A person convicted of a single felony offense may petition the convicting court to “set aside” the conviction 5 years after either imposition of sentence or completion of any term of imprisonment imposed, whichever is later, as long as the applicant has no more than two prior misdemeanors. Additionally, a person convicted of two misdemeanor (or fewer) offenses and no other felony or misdemeanor offenses may apply to have those misdemeanor convictions set aside. A conviction of any felony or attempt to commit any felony punishable by life in prison is ineligible for set-aside, as are sex offenses.
The effect of a “set aside” is sealing of the record. Upon entry of an order setting aside the conviction, the court sends a copy of the order to the arresting agency and the BCI, which will retain a nonpublic record of the case. This set-aside authority is commonly referred to as the “general expungement statute,” and a conviction that was set aside and sealed remains accessible to law enforcement and the judicial branch for law enforcement employment, professional licensure by the judicial branch, and enhancement of a sentence in subsequent prosecution.

Non-conviction records are to be expunged. When an arrested person is released without charges, law enforcement agencies and the BCI are required to “destroy” any biometric and arrest records. If charges are brought against the arrested individual but dismissed before trial, and if the court or prosecutor does not object within 60 days, the BCI is required to expunge the arrest record from the internet records system and from the law enforcement information network. If an accused is found not guilty, or if a decision is made not to proceed with a prosecution, the record must be destroyed by the official holding the record. The clerk of the court must notify the BCI of any finding of not guilty or nolle prosequi.

Michigan has a program under MCL 333‐7411 that an offender who completes the drug prevention program may set aside the conviction. This discharge and dismiss program treats the conviction as a non-conviction.

Juvenile records may also be set aside. 1 year after adjudication or release from detention, or upon reaching the age of 18, whichever is later, a person may apply to the adjudicating court to set aside up to three delinquency adjudications.

d. State Definition of Felony and Misdemeanor
Michigan defines a felony as a violation of a penal law that the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony. A misdemeanor is a violation of a penal law that is not a felony or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or a fine that is not a civil fine or a violation of a local ordinance that substantially corresponds to state law and that is not a civil infraction.229

e. Fees Associated with Criminal History Reports
Michigan does not charge any fees for criminal justice agencies for access to the criminal history system.

f. Vendors Supporting Criminal History Services
The Michigan Department of Technology, Management and Budget are the in-house development and support for the criminal history system. The AFIS is supported by IDEMIA and the message switch is supported by CPI, the OpenFox company.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

Michigan responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>3,138,400</td>
<td>2,688,600</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>2,041,786</td>
<td>2,148,575</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>256,301</td>
<td>256,086</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>2,298,087</td>
<td>2,404,661</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>79%</td>
<td>81%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>76%</td>
<td>79%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>84%</td>
<td>81%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>10%</td>
<td>9%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>30,421</td>
<td>17,056</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>16,076</td>
<td>16,203</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>809,401</td>
<td>1,063,454</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>85,373</td>
<td>92,082</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of six sample rap sheets provided by Michigan State Police Criminal Justice Information Center to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.231

Overview of Contents: The rap sheet includes data from the identification, arrest, prosecution, and court and sentence segments of the rap sheet standard. The rap sheets do not include the supervision segment. Cycles are listed in chronological order with the oldest arrest listed first.

Heading and Identification Section: The heading includes a minimal amount of caveat information. The Identification section presents basic identification and demographic information following the three-letter labeling format used by the FBI (e.g., NAM = Name, RAC = Race). Alias names, dates of birth and social security numbers are provided if available under “Additional Identifiers and Comments”. There

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230 In 2018, Michigan conducted a project to remove arrests that were never prosecuted from the state criminal history repository. This is because in Michigan, fingerprints cannot be retained if a person is not charged with a crime. Due to this cleanup effort, the number of records in the state repository is lower than in previous surveys.

is sufficient data to confirm the identity of the subject. The rap sheet does not include Offender Caution or Notice information other than III (Triple I) status (multi/single state offender).

Arrest Cycle: Each arrest cycle is identified by a record separator that includes the Criminal Tracking Number, Date of Incident and the Name Used for that cycle. Each cycle presents data from the Arrest, Prosecution, and Court and Sentencing segments of the JTF standard in a three-column format labeled Arrest Segment, Charge Segment and Judicial Segment. Segments missing data include the notation “No Data Received”. Older arrests (prior to 1990 based on the samples reviewed) may not include the prosecution/charge segment.

The Arrest segment includes the following arrest information: date of arrest, arresting agency ORI and name, agency case number (OCA), charge count, state charge code, and charge literal and arrest disposition, the most common being “CHGD BY PROSECUTOR”.

Prosecution segment data (labeled Charge Segment) reflects charges filed and includes the charge date, prosecuting agency ORI and name, charge count, statute number, charge literal, and severity (e.g., Felony or Misdemeanor). No other prosecutor outcomes were included in the sample rap sheets. Nolle Prosequi and Dismissals are reported in the Judicial segment.

Court and sentence segment data (labeled Judicial Segment) includes the disposition date, court ORI and name, court case number (CFN). Charge data include charge count, statute number, charge literal, and disposition (DISP). For convictions, the Judicial segment includes sentence information that includes confinement and/or probation terms. Financial obligations are consolidated into one field labeled F/C/R (Fines, Costs, Restitution). Sentence information is cryptic but understandable.

No Supervision data is included on the rap sheet.

Charge Tracking: The rap sheet does not track charges across segments (i.e., charge 1 in the Arrest Segment does not align or map to charge 1 in the Charge Segment or charge 1 in the Judicial segment). Charges may be added or altered throughout the adjudication process. However, the columnar format makes it clear as to the progression of all charges associated with a given arrest cycle. Charges are clearly identified by the statute number and a clearly understandable charge description. Each charge includes the charge severity.

Other Information and Notes:
- The rap sheets provided did not include any supervision or custody information.
- The rap sheet includes caveat information both at the top of the rap sheet and at the bottom.
- Domestic Violence offenses are listed as separate charges.

The following table lists strengths and weaknesses of Michigan’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:
<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Header</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Person</strong></td>
<td>The rap sheet includes complete identification information and the availability of AFIS and Palm prints, photos and DNA.</td>
<td></td>
</tr>
<tr>
<td><strong>Arrest</strong></td>
<td>Charge Tracking – Although charge tracking is not employed, the columnar format makes it easy to follow charges through the cycle.</td>
<td>Missing Charge Grade Level (Class).</td>
</tr>
<tr>
<td><strong>Prosecution</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Court</strong></td>
<td>Statute numbers and short descriptions of the charge are provided, in the Judicial segment. Includes statute and severity.</td>
<td></td>
</tr>
<tr>
<td><strong>Sentencing</strong></td>
<td>Detailed Sentencing Data at charge level, including the sentencing data for each charge.</td>
<td></td>
</tr>
<tr>
<td><strong>Supervision</strong></td>
<td></td>
<td>No Supervision Segment.</td>
</tr>
</tbody>
</table>

### 4. Other Criminal History Items

The following are other items noted during research and discussions with State Police staff:

- Michigan does not participate in the National Fingerprint File
- Michigan is a signatory to the National Crime Prevention and Privacy Compact.
- Michigan provides in-state criminal justice rap back services for error correction and record maintenance and notifies on record searches, updates and arrests.
- Michigan provides in-state noncriminal rap back notifications for persons working with children, persons working with the elderly, healthcare providers, first responders, handgun licensees, mortgage loan officers and gaming control.
- Michigan provides web-based noncriminal justice background checks to the public for $10 per request through the Internet Criminal History Access Tool (ICHAT).\(^2\)
- Fingerprint background checks can be obtained through a live scan vendor. The state fee for noncriminal justice processing is $30 per request.

### 5. Repository Position Descriptions

Michigan did not provide position descriptions.

\(^2\) [https://apps.michigan.gov/Home/Index](https://apps.michigan.gov/Home/Index)
MN - Minnesota State Profile of Criminal History Records

This profile describes the Minnesota laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints
As provided by Minnesota Statutes, Section 299C.10 (M.S. 299C.10), upon an arrest, law enforcement and community corrections are required to take finger and thumb prints, photographs, distinctive physical mark identification data, information on any known aliases or street names, and other identification data requested or required by the Minnesota Bureau of Criminal Apprehension (BCA). This information is to be electronically entered into the repository within 24 hours, along with any charges for a felony, gross misdemeanor, or targeted misdemeanor.

As provided by M.S. 299C.17, upon sentencing of a defendant for a felony, gross misdemeanor, or targeted misdemeanor, the court administrator of every court is to electronically transmit, within 24 hours, the prosecution and disposition of the criminal case, in a form prescribed by BCA.

b. Cite and Release
As provided by M.S. 626.862, law enforcement officers have the power to issue citations in lieu of arrest for petty misdemeanors and motor vehicle violations – except accidents resulting in injury or death, impaired driving, or failure to stop for an accident. As provided in M.S. 299C.10, fingerprints must be submitted to the BCA prior to the court’s acceptance of a plea of guilty or not guilty.

c. Expungements and Sealing
Effective January 1, 2015, Minnesota law specifically authorizes courts, upon petition by the defendant, to seal court and criminal history records where all pending actions or proceedings are resolved in favor of the defendant, and in cases involving misdemeanor convictions and some non-violent felonies. For those defendants convicted of or who received a stayed sentence for a misdemeanor must wait 2 years after completion of sentence before petitioning for record sealing. Those convicted of a gross misdemeanor must wait 4 years and those convicted of nonviolent felonies must wait 5 years before petitioning the court. The records of a conviction for which registration is required may not be sealed.

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233 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
234 Information acquired during the interview is incorporated into the appropriate section of this report.
235 https://www.revisor.mn.gov/statutes/cite/299C.10
236 A targeted misdemeanor is a misdemeanor violation of driving while impaired, order for protection violation, fifth-degree assault, domestic assault, interference with privacy, harassment or restraining order violation, indecent exposure, or domestic abuse no contact order.
237 https://www.revisor.mn.gov/statutes/cite/299C.17
238 https://www.revisor.mn.gov/statutes/cite/626.862
239 https://www.revisor.mn.gov/statutes/cite/609a.02
M. S. 260B.198 Subd. 6 authorizes the district court to seal all records relating to a delinquency adjudication, after determining that sealing of the record would yield a benefit to the subject of the record that outweighs the detriment to the public and public safety. Juvenile records are retained and made available to certain government agencies, schools, and victims only until the person reaches age 28, through a court order.²⁴⁰

d. State Definition of Felony and Misdemeanor
M.S. 609.015 defines provides the following definitions of crime severity for Minnesota:

- Felony as a crime for which a sentence of imprisonment for more than 1 year may be imposed.
- Misdemeanor as a crime for which a sentence of not more than 90 days or a fine of not more than $1,000, or both, may be imposed.
- Gross misdemeanor as a crime which is not a felony or misdemeanor. The maximum fine which may be imposed for a gross misdemeanor is $3,000.
- Petty misdemeanor as an offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than $300 may be imposed.²⁴¹

e. Fees Associated with Criminal History Reports
BCA charges agencies monthly fees for access to BCA systems. These fees include $50 for the secured connection, $40 per device license, and $15–$35 per key fob²⁴² for VPN access. These fees support access to the criminal history systems in Minnesota.

f. Vendors Supporting Criminal History Services
BCA contracts with IDEMIA for Automated Fingerprint Information Services and with Unisys to support the message switch. BCA’s criminal history system (CHS) is a custom system, built by Boeing Company and BCA resources. The CHS is maintained by BCA resources.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Minnesota responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,135,900</td>
<td>1,075,500</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>935,366</td>
<td>998,490</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>46,856</td>
<td>44,973</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>982,222</td>
<td>1,043,463</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>65%</td>
<td>77%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>51%</td>
<td>74%</td>
</tr>
</tbody>
</table>

²⁴⁰ https://www.revisor.mn.gov/statutes/cite/260B.198
²⁴¹ https://www.revisor.mn.gov/statutes/cite/609.02
²⁴² A security key fob is issued to allow users to access the criminal history systems through a virtual private network.
<table>
<thead>
<tr>
<th></th>
<th>Percentage of felony charges with dispositions</th>
<th>68%</th>
<th>81%</th>
</tr>
</thead>
<tbody>
<tr>
<td>g.</td>
<td>Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not available</td>
<td>6%</td>
</tr>
<tr>
<td>h.</td>
<td>Active records in state protection order database</td>
<td>15,096</td>
<td>19,263</td>
</tr>
<tr>
<td>i.</td>
<td>Active records in NCIC protection order file</td>
<td>17,025</td>
<td>18,314</td>
</tr>
<tr>
<td>k.</td>
<td>Active records in state warrant database</td>
<td>69,324</td>
<td>65,349</td>
</tr>
<tr>
<td>l.</td>
<td>Active records in NCIC warrant file</td>
<td>18,310</td>
<td>26,146</td>
</tr>
</tbody>
</table>

### 3. Rap Sheet Assessment

SEARCH analyzed the contents of four sample Minnesota rap sheets provided by the BCA to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.\(^{243}\) All four samples were for Purpose Code C inquiries.

**Overview of Contents:** The rap sheet includes data from the person identification, arrest, court and sentence, and supervision segments of the rap sheet standard. The rap sheets do not include a separate prosecution segment. Following the identification section, cycles are listed in chronological order with the oldest cycle listed first.

**Heading and Identification Section:** The heading includes a minimal amount of caveat information. Triple I status (multi-state offender status) is included in the heading. Other offender cautions and notices (violent felon designation, firearms purchase disqualification) are listed at the end of the Identification section. The Identification section includes name/alias names, multiple identifiers and demographic information. There is sufficient data to confirm the identity of the subject.

**Arrest Cycle:** Each arrest cycle is identified by a “double dash” record separator that includes the cycle number (“===== Cycle 4 =====”) followed by the Earliest Event Date and Incident (Offense) Date. Each cycle presents data from the Arrest, Court Disposition, Sentencing and Supervision segments of the rap sheet standard. The cycle information is organized by these four segments, including those that are appropriate to the court disposition (conviction dispositions include sentence and supervision segments). Each segment is identified by a “single dash” record separator and is clearly labeled: “Arrest Date,” “Court Disposition,” “Sentencing” and “Corrections”. Cycle data in all segments is presented in a two-column format with the label for the data listed to the left and the contents listed to the right. Cycles do not include filed charge information from the Prosecutor segment.

The Arrest segment includes the following key data: incident date, arrest date, arresting agency, arrest type (Adult/Juvenile), offender identification number, and charge information. Charges are listed sequentially and include a charge sequence and tracking number, charge description (Charge Literal) and statute (Charge Literal and statute), State Offense Code, Severity (e.g., Felony or Misdemeanor), Inchoate Charge (if applicable, which includes accomplice, aid/abet, etc.) and arrest outcome (Disposition). The Disposition indicates if the case was referred for prosecution (“Held”) or if no further action was taken (“Declined toProsecute”). Each arrest cycle includes the Charging Agency;

the arrest and charging agency may differ if one agency arrested the individual and another pursues charges.

The Court segment is labeled “Court Disposition” and includes the cycle number. The court disposition segment includes all charges resulting in a final disposition. If a charge is amended or is otherwise changed or if a sentence is changed, such as the result of a probation revocation, a separate disposition segment is added to reflect the change in disposition, and a separate sentencing segment is added to record the change in sentence. All of these added segments maintain the same charge number to track these events through the adjudication process. The Court segment includes the disposition date, court case number, court ORI and name, and charge information that is similar to the Arrest segment. Each charge has a disposition.

The Sentence segment is labeled “Sentencing”. If the defendant has a charge disposition of “convicted,” a Sentence segment follows with one segment for each convicted charge. The Sentencing segment clearly identifies specific provisions such as “confinement,” “probation,” “Fine Amount” and “Sentence”. Terms and conditions are labeled “Charge Description” and precede the Sentence data.

Supervision segment: Each arrest cycle includes only the most recent supervision event. This event is presented under the appropriate arrest cycle labeled with the cycle number, which allows tracking of the supervision events associated with the arrest cycle.

There is no separate prosecutor segment, although prosecutor dispositions are included as the “final” disposition on the charge in the court segment where appropriate, such as “No complaint filed”.

**Charge Tracking**: Each charge in an arrest cycle is assigned a charge tracking number and a charge sequence number that is used from arrest through sentencing to identify and track the charge. There are a number of cycles in the sample rap sheets that include multiple court interactions in the court segment that are associated with the arrest cycle. Consistent use of the charge tracking number ensures that the court actions are correctly linked to the arrest charges.

**Other Information and Notes:**
- The rap sheet includes DWI convictions.
- The rap sheet does not include warrants or protection orders.
- The rap sheet includes interim disposition information.
- The rap sheet includes a list of agencies at the bottom that had contact with the subject.
- Arrest charges may not be identical to filed charges. Not all arrest charges result in filed charges.
- No domestic violence indicators were included on the sample rap sheets.

The following table lists strengths and weaknesses of Minnesota’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:
<table>
<thead>
<tr>
<th>Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identification</td>
<td>The rap sheet includes firearm disqualifiers.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Each charge includes a disposition to explain the outcome of the charge, such as “Held” if the case is forwarded to the prosecutor, or filed with the court, or “Declined to Prosecute” if no further action resulted from the arrest.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Prosecutor dispositions, if not prosecuted, are reported in the arrest segment.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Charges include statute, severity and class.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>No separate Prosecutor segment.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Charge Level Tracking - Court Case Information includes the disposition information and sentencing information for each charge.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Charges include statute, severity and class.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Included for each charge.</td>
<td>Sentence details are intermingled with charge information and appear to be mislabeled as “Charge Description.” This may be a coding error or the result of data conversion.</td>
</tr>
<tr>
<td>Supervision</td>
<td>Corrections release information appears to be provided in each cycle that has a corrections component.</td>
<td></td>
</tr>
</tbody>
</table>

4. **Other Criminal History Items**

The following are other items noted during research and discussions with the BCA criminal history repository staff:

- Minnesota is a signatory to the National Crime Prevention and Privacy Compact.
- Minnesota participates in the National Fingerprint File (NFF).
- Minnesota provides in-state criminal justice rap back services for probationer and crime scene elimination prints.
• BCA offers web-based access to name-based noncriminal justice background checks to the public as a free service. This service only provides in-state offense, court disposition and sentence information. It does not provide arrest data, juvenile data, or other data classified as private or confidential under the Minnesota Government Data Practices Act or federal law.

• BCA offers noncriminal justice background checks, including private criminal history data, to those with statutory authority to access the data, or those having written consent from the data subject. The BCA charges a fee of $15 ($8 for charitable non-profits) for these background checks.

5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of Minnesota.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fingerprint Technician</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$43,000</td>
<td>$59,000</td>
</tr>
<tr>
<td>Background Check Analyst</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system.</td>
<td>$42,000</td>
<td>$59,000</td>
</tr>
<tr>
<td>Criminal History Analyst</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that provide customer support or process background checks for firearm transfers.</td>
<td>$42,000</td>
<td>$59,000</td>
</tr>
<tr>
<td>Predatory Offender Registration Analyst</td>
<td>Positions that maintain and operate the state Sex Offender Registry.</td>
<td>$42,000</td>
<td>$59,000</td>
</tr>
<tr>
<td>Senior Trainer and Auditor</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$51,000</td>
<td>$74,000</td>
</tr>
</tbody>
</table>

244 [https://chs.state.mn.us/](https://chs.state.mn.us/)
MO - Missouri State Profile of Criminal History Records

This profile describes the Missouri laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information from the 2016 and 2018 Surveys of State Criminal History Information Systems, 245 analysis of Missouri state rap sheets, and research conducted by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements
   a. Reporting Arrests and Dispositions and Collecting Fingerprints
      Missouri Revised Statutes Title V, Chapter 43, Section 43.503 (MO Rev Stat § 43.503) requires that all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, and the prosecuting attorney submit criminal arrest, charge, and disposition information to the central repository for filing without undue delay. 246

      MO Rev Stat § 43.503 subsections describe the requirements for each type of agency:
      • Law enforcement agencies making arrests shall furnish without undue delay, to the central repository, fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions of all persons who are arrested for misdemeanor and felony charges.
      • The prosecuting attorney shall notify the central repository of his or her decision to not file a criminal charge.
      • The clerk of the courts shall furnish the central repository a record of all charges filed, including all those added subsequent to the filing of a criminal court case, amended charges, and all final dispositions of cases for which the central repository has a record of an arrest or a record of fingerprints.
      • The department of corrections and the department of mental health shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, legal name change, or discharge of an individual who has been sentenced to that department's custody.

   b. Cite and Release – Arrests without Fingerprints
      MO Rev Stat § 300.580 allow officers to issue a citation and notice to appear for traffic law violations. 247 Under MO Rev Stat § 43.503, if a defendant appears before court and has not been fingerprinted, the court is to order that the fingerprints are taken and provided to the central repository.

   c. Expungements and Sealing
      Effective January 1, 2018, felonies and misdemeanors may be expunged except for violent offenses, sex offenses, and other more serious offenses (e.g., kidnapping or abuse of vulnerable persons). The

245 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
waiting period is 3 years after the defendant completes the sentence for misdemeanors and 7 years for felonies. Only one felony and two misdemeanor convictions may be expunged in a lifetime.248

Missouri also allows for expungement of non-conviction records subject to same eligibility rules and procedures as convictions; a 3-year waiting period for misdemeanors and 7 years for felonies.

A court may seal or destroy juvenile records after the person reaches age 17.

The effect of expunging records in Missouri is to seal the record. Expunged records are considered confidential and are only available to criminal justice agencies or through a court order.

d. State Definition of Felony and Misdemeanor
MO Rev Stat § 556.061 defines a “felony” as an offense designated in the criminal code or an offense for which persons found guilty may be sentenced to death or imprisonment for a term of more than 1 year. A “misdemeanor” is an offense designated in the criminal code or an offense for which persons found guilty may be sentenced to imprisonment for a term of which the maximum is 1 year or less.249

e. Fees Associated with Criminal History Reports
Missouri only charges the actual cost of the agency’s connection to the criminal justice network. Costs vary depending on the type of connection, but they are similar in cost to a monthly business internet connection. The Missouri State Highway Patrol (MSHP) Criminal Justice Information Services Division does not charge a “per user” or “per device” fee.

f. Vendors Supporting Criminal History Services
Fingerprint services are provided by IDEMIA and the computerized criminal history system and message switch are supported by CPI, the OpenFox Company.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Missouri responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,667,500</td>
<td>1,706,400</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,241,369</td>
<td>1,346,624</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>309,374</td>
<td>305,480</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,550,743</td>
<td>1,652,104</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>77%</td>
<td>67%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>82%</td>
<td>57%</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>63%</td>
<td>67%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>16%</td>
<td>0%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>16,170</td>
<td>12,667</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>15,981</td>
<td>15,997</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>269,902</td>
<td>303,024</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>31,537</td>
<td>33,365</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of six sample rap sheets provided by the MSHP Criminal Justice Information Services Division to evaluate the alignment of the Missouri data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. All samples were based on purpose code V inquiries.

Overview of the Contents: The rap sheet includes data from the Identification, Arrest, Prosecution, Court, Sentencing and Supervision segments of the JTF standard. It is well organized within each arrest cycle with headings for each segment — Arrest, Prosecution, Court, and Sentencing. Cycles are listed in chronological order with the oldest cycle listed first.

Heading and Identification Section: The heading of the rap sheet includes caveat information pertaining to use and dissemination. Offender Caution and Notice information is listed at the end of the Identification section. Offender Caution and Notice information includes the subject’s Triple I status, a record open/closed indicator, and if the subject is a convicted felon. The Identification section includes names used and multiple dates of birth, if known. Several identifiers (SID FBI Number, and SSN) are listed, along with demographic information. There is sufficient identification information to confirm the identity of the subject.

Arrest Cycle: Each arrest cycle is identified by a “double dash” record separator that includes the cycle number (“===== Cycle 4 =====”), followed by the offense cycle number (OCN). Each cycle includes arrest, prosecution, and court and sentencing information in sections labeled “‐‐‐‐‐‐‐ Arrest ‐‐‐‐‐‐‐”. “‐‐‐‐‐‐‐ Prosecution ‐‐‐‐‐‐‐” and “‐‐‐‐‐‐‐ Court ‐‐‐‐‐‐‐”. Sentence data is listed within the Court segment and labeled “‐‐‐‐‐‐‐‐ Sentence ‐‐‐‐‐‐‐”. The Arrest segment includes the OCN, Arrest Date, Arrest Agency ORI and Name, Arrest Agency Case Number, Arrest Name (name subject used at time of arrest), and Arrest County, followed by the arrest charges. Each arrest charge includes the Count (charge sequence number), Charge Literal, Offense Type (e.g., Felony or Misdemeanor), Offense Class (subcategory of Offense Type, e.g., 2nd Degree), Date of Offense, State Offense Code, Statute Citation, and NCIC Offense Code. The State Offense Code appears to be a variation of the State Citation. Each charge includes at least one outcome labeled

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“Status,” along with a Status Date. Cases referred for prosecution have a status of “CLOSED”. Cases not prosecuted have a status of “PROSC NOT FILED”.

The Prosecution segment includes the Count, Action and Action Date, Prosecution Case Number (PA Case Number), Court Case Number, and charge information. Charge information includes Charge Prosecuted (Charge Literal), Offense Type, Class, State Code, Statute Citation and NCIC Code following the same format as the arrest charges. More recent records include the prosecuting agency ORI and name. The Action represents the action the prosecutor took on the charge (e.g., “CHARGE FILED” or “NOLLE PROS”).

The Court segment is organized by Count and includes the Charge Sequence Number (Count), Court ORI and Name, and Case Number. Charge information follows the same format and structure as the Arrest and Prosecution segments. Each charge concludes with a Court Action, which combines the disposition (e.g., GUILTY, DISMISSED BY STATE, etc.) with an action date.

Sentence information is provided for convictions and details are presented in a semi-structured (list format), including confinement information, probation, fines, etc. for each charge.

Supervision segment data is presented at the end of the rap sheet and is not linked to a specific arrest and conviction. Supervision segments represent changes in correctional status requiring a fingerprinting event such as intake (“Incarceration”), “Complete Release,” “Field Supervision,” etc.

Charge Tracking: Each charge in each segment is assigned a charge sequence number but charge sequence numbers do not always link across segments – particularly from the arrest to prosecutor segments. Without a consistent charge tracking number, charges cannot be reliably matched across segments. Charge tracking can be inferred from the Charge Literal, State Code or Statute Citation fields. Charges may be added when the case is filed in court.

Other Information and Notes: The following are additional rap sheet observations noted from SEARCH’s assessment:
- The rap sheet does not include warrants, protection orders or firearms limitations.
- Sex offender registration information is appended to the end of the rap sheet, if applicable.
- Domestic violence is addressed by statute (e.g., Domestic Assault – 2nd Degree).

The following table lists strengths and weaknesses of Missouri’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identification</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Each charge includes the statute, statute description and severity. Includes NCIC offense codes.</td>
<td>No separate booking information.</td>
</tr>
<tr>
<td>Prosecution</td>
<td>Each charge includes the statute, statute description and severity.</td>
<td></td>
</tr>
</tbody>
</table>
Court

Each charge includes the statute, statute description and severity.

Sentencing

Detailed sentence information in the court segment.

Supervision

Includes intake and release dates.

No charge tracking to link supervision information back to the cycle(s).

4. Other Criminal History Items

The following are other items noted during research:

- Missouri participates in the National Fingerprint File (NFF) and is a signatory to the National Crime Prevention and Privacy Compact.
- Missouri does not provide rap-back services for criminal justice purposes.
- Missouri provides rap-back services for noncriminal justice purposes for school employees.
- Missouri allows public access to criminal history reports through a web-based service.251

5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of Missouri.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technician I</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$28,668</td>
<td>$39,708</td>
</tr>
<tr>
<td>Technician II</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$30,576</td>
<td>$42,780</td>
</tr>
</tbody>
</table>

251 https://www.machs.mshp.dps.mo.gov/MACHSFP/home.html
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Min Salary</th>
<th>Max Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Checkers</strong></td>
<td>Checks for employment, licensing, and housing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Technician III</strong></td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$33,276</td>
<td>$46,992</td>
</tr>
<tr>
<td><strong>Program Supervisor</strong></td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$41,184</td>
<td>$60,084</td>
</tr>
<tr>
<td><strong>Trainer/Auditor I</strong></td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$35,640</td>
<td>$50,112</td>
</tr>
<tr>
<td><strong>Trainer/Auditor II</strong></td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$38,304</td>
<td>$54,264</td>
</tr>
<tr>
<td><strong>Trainer/Auditor III</strong></td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$41,184</td>
<td>$60,072</td>
</tr>
<tr>
<td><strong>Trainer/Auditor IV</strong></td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$44,352</td>
<td>$65,280</td>
</tr>
<tr>
<td><strong>Program Manager</strong></td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$58,896</td>
<td>$82,656</td>
</tr>
</tbody>
</table>
MS - Mississippi State Profile of Criminal History Records

This profile describes the Mississippi laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems,252 and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints
Mississippi Code Title 45, Chapter 27, Section 9 (MS Code § 45-27-9) requires that all criminal justice agencies submit an arrest card that includes fingerprints, descriptions, photographs, and other identifying data on persons lawfully arrested or taken into custody for all felonies and misdemeanors to the Department of Justice, Mississippi Justice Information Center (MJIC). MS Code § 45-27-9 states that it is the duty of the courts and court clerks to submit a disposition form for every disposition.253

b. Cite and Release – Arrests without Fingerprints
Mississippi allows police officers and booking officers to issue a written notice to appear in lieu of custodial arrest for misdemeanor offenses except domestic violence or protection order violations.254

c. Expungements and Sealing
Any first misdemeanor conviction, other than a traffic offense, and a single specific less serious felony may be expunged by the convicting court upon petition 5 years after completion of the sentence.255 A person may also expunge a single more serious felony conviction committed before the age of 21 5 years after the sentence is completed. Certain serious felonies, including rape, murder, armed robbery, and child pornography, are not eligible for expungement.

Upon petition, the court shall expunge the record of any non-conviction case. This includes:
- An arrest was made, and the person was released, and the case was dismissed
- The person was found not guilty at trial
- The charges were dropped
- There was no disposition of such case

The effect of the expunction order is to restore the person to the status they occupied before any arrest or indictment for which they had been convicted. It is unclear if the expungement removes the record from the criminal history.

d. State Definition of Felony and Misdemeanor
Under MS Code § 1-3-11, a “felony” is any violation of law punished with death or confinement in the penitentiary.256 Under Mississippi law, a crime is considered a misdemeanor if the maximum possible punishment does not include time in state prison.

252 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
e. Fees Associated with Criminal History Reports
Mississippi does not charge access fees to local agencies to access the criminal history systems.

f. Vendors Supporting Criminal History Services
Mississippi did not provide vendor information.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Mississippi responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,031,500</td>
<td>1,057,000</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>356,294</td>
<td>402,053</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>205,604</td>
<td>206,147</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>561,898</td>
<td>608,200</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions257</td>
<td>14%</td>
<td>13%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>11%</td>
<td>14%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>10%</td>
<td>2%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>17,441</td>
<td>Mississippi no longer maintains a state protection order file</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>826</td>
<td>1,086</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>Mississippi does not maintain a state warrant file</td>
<td>Mississippi does not maintain a state warrant file</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>15,781</td>
<td>16,005</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment
Mississippi did not provide rap sheets for review.

4. Other Criminal History Items
The following are other items noted during research:

257 Mississippi reports that low percentages are due to a number of factors: Lack of training of court clerks, turnover, illegible handwriting on manual documents, court information system not linked to criminal history repository system, updated records at local level that are not being forwarded to repository system, etc.
- Mississippi does not participate in the National Fingerprint File (NFF).
- Mississippi is not a signatory to the National Crime Prevention and Privacy Compact.
- Mississippi does not provide in-state criminal justice or noncriminal justice rap back services.
- Mississippi does not provide web-based noncriminal justice background checks to the public.

5. Repository Position Descriptions

Mississippi did not provide position descriptions.
MT - Montana State Profile of Criminal History Records

This profile describes the Montana laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

   a. Reporting Arrests and Dispositions and Collecting Fingerprint

Montana Code Annotated Title 44, Chapter 5, Part 2 (MCA 44-5-202) requires that all arresting agencies are responsible for providing fingerprints, charges and descriptions of the arrested person to the state repository within 10 days.

MCA 44-5-213 requires that dispositions resulting from court proceedings in a criminal action against an individual who has been photographed and fingerprinted under MCA 44-5-202 are reported to the originating agency and the state repository within 15 days. Prosecutors and courts are required to advise the state repository within 30 days of all dispositions concerning the termination of criminal proceedings against an individual who has been photographed and fingerprinted under MCA 44-5-202.

Also, under MCA 44-5-213 the Department of Corrections is required to inform the state repository within 30 days of all custodial dispositions subsequent to conviction of an individual who has been photographed and fingerprinted under MCA 44-5-202.

b. Cite and Release – Arrests without Fingerprints

MCA 46-6-310 allows a peace officer to issue a notice to appear instead of taking a person into custody. The Montana repository staff noted that there is an issue with some cite and release arrests not being reported. The repository staff is working to educate law enforcement, courts and prosecutors about the need for fingerprints for every arrest.

c. Expungements and Sealing

All misdemeanors are eligible for expungement after a 5-year waiting period. A subject can only request one expungement order in a lifetime. A pardon is also grounds for judicial expungement. After charges are dismissed on a deferred sentencing for misdemeanors and first felony offenses, access to those records is limited. Youth court and associated law enforcement records are automatically sealed upon defendant reaching age 18.

If an individual is released without the filing of charges, if the charges did not result in a conviction, or if a conviction is later invalidated, the court is required to report the disposition to the state repository, as required in MCA 44-5-213(2), within 14 business days. Photographs and fingerprints taken of the

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258 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
259 Information acquired during the interview is incorporated into the appropriate section of this report.
263 https://leg.mt.gov/bills/mca/title_0460/chapter_0180/part_0110/sections_index.html
individual must be returned by the state repository to the originating agency, which shall expunge all copies. A criminal justice agency may not maintain any copies of the individual’s fingerprints or photographs related to that charge or invalidated conviction.

d. State Definition of Felony and Misdemeanor
In Montana, a “Felony” is an offense that the sentence imposed upon conviction is death or imprisonment in a state prison for a term exceeding 1 year. A “Misdemeanor” is an offense that the sentence imposed upon conviction is imprisonment in the county jail for a term or a fine, or both, or that the sentence imposed is imprisonment in a state prison for a term of 1 year or less.264

e. Fees Associated with Criminal History Reports
The Montana Department of Justice charges local law enforcement agencies a transaction fee of $0.082 per query. They also charge $307 per license per year for the DataMaxx Omnixx265 software that is the client software to access the criminal history repository. Law enforcement agencies may also lease hardware (PC/printer/scanner) for $440 per device per year. Agencies must also purchase the VPN device from the Department for $450.

f. Vendors Supporting Criminal History Services
Montana contracts with NEC and the Western Identification Network to support the automated fingerprint and biometric systems. The computerized criminal history system was developed and is maintained with in-house resources. CPI, the OpenFox Company, supports the message switch.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Montana responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>244,200</td>
<td>262,200</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>208,952</td>
<td>228,424</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>12,755</td>
<td>11,743</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>221,707</td>
<td>240,167</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>54%</td>
<td>65%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>60%</td>
<td>67%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>47%</td>
<td>63%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>5%</td>
<td>0%</td>
</tr>
</tbody>
</table>

265 DataMaxx Omnixx is the data terminal software used by the agencies to access information through the message switch.
<table>
<thead>
<tr>
<th></th>
<th>Active records in state protection order database</th>
<th>Montana does not maintain a state protection order file</th>
<th>Montana does not maintain a state protection order file</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.</td>
<td>Active records in NCIC protection order file</td>
<td>5,014</td>
<td>5,590</td>
</tr>
<tr>
<td>j.</td>
<td>Active records in state warrant database</td>
<td>19,624</td>
<td>20,160</td>
</tr>
<tr>
<td>k.</td>
<td>Active records in NCIC warrant file</td>
<td>3,710</td>
<td>4,513</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of one sample rap sheet provided by Montana Department of Justice Criminal Records and Identification Bureau (after they completed the upgrade of their criminal history system in July, 2020) to evaluate the alignment of the data presented on the Rap Sheet with the contents of the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization XML Version 4.1, the most recent version dated December 2011. The example was in response to a Purpose Code C inquiry.

Overview of the Contents: The rap sheet includes data from the Identification, Arrest, Prosecutor, Court, and Sentence segments of the JTF standard. Arrest cycles are listed in chronological order with the oldest arrest listed first.

Heading and Identification Section: The heading includes use and dissemination caveat information. Offender Cautions and Notices are listed immediately following the basic Identification information in a section labeled “Miscellaneous Information” which includes III status, Sexual or Violent Offender registration Information (Offender Type, Initial Registration Date, Status and Comments), and a charge summary listing the number of Felony and Misdemeanor charges and convictions. Identification information includes Subject Names and Dates of Birth, FBI/UCN and State ID numbers. It also includes SSNs, Demographic, Physical Description data, and employment and resident history information. All data elements are labeled. There is sufficient information in this section to confirm the identity of the subject.

Arrest Cycle: Each arrest cycle is identified by a “double dash” record separator with the Offense Tracking Number (OTN) followed by the cycle number and the cycle identifier. The cycle header also includes the Earliest Event Date and the Offense Date. Each arrest cycle is organized by segments labeled ARREST, PROSECUTOR DISPOSITION (when provided), COURT DISPOSITION and SENTENCING (when appropriate). The SUPERVISION events are listed separately after the ARREST cycles.

Arrest Segment data includes the name of the subject at the time of arrest, the arresting agency name and ORI, the date of arrest and the agency case number (OCA) followed by the arrest charges. Charge data includes the Charge Tracking Number, Charge Literal, Statute, NCIC Offense Code, Counts, and Severity.

The Prosecutor segment data includes the Case Number, Office ORI and Name, Subject’s Name, Charge data that includes the Charge Tracking Number, Charge Literal, Statute, NCIC Offense Code, Counts,

and Severity. It also includes the Disposition of the charge and Disposition Date (e.g., FILED (1998-11-06; Other).

The Court segment includes the Case Number, Court Agency ORI and Name, Subject’s Name, and Charge data that includes the Charge Tracking Number, Charge Literal, Statute, NCIC Offense Code, Counts, and Severity. Disposition data is reported by charge and labeled “Disposition” and includes the disposition (e.g., CONVICTED) and Disposition Date.

When a sentence is imposed, each sentence is listed by charge and includes Sentence Date, Sentencing Agency ORI and Name, and Charge data that includes the Charge Tracking Number, Charge Literal, and Sentence. The Sentence is a semi-structured sentence (e.g., 10 YEARS DEPT OF CORRECTIONS W/7 SUSPENDED).

**Charge Tracking:** The Rap Sheet includes a charge tracking number that directly link charges across all three major segments within the arrest cycle (Arrest to Prosecution to Courts) providing a reliable way to track charges when charges are dropped, added or changed.

**Other Information and Notes:** The rap sheet includes the following additional information at the bottom:
- A residence history of known addresses for the subject
- An occupational history of the subject
- A listing of agencies that had contact with the subject of the rap sheet

The following table lists strengths and weaknesses of Montana’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Header</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Identification</strong></td>
<td>Detailed Person Information.</td>
<td></td>
</tr>
<tr>
<td><strong>Arrest</strong></td>
<td>Statutes are represented at a detail (subsection) level, providing more granular information about the charge. Charge Tracking Number on every charge that allows tracking of charges between all segments.</td>
<td>Missing Charge Grade Level (Class).</td>
</tr>
</tbody>
</table>
| **Prosecution**   |           | A prosecutor segment is not included on all arrests.  
It is difficult to determine changes to charges, as the rap sheet does not include reliable charge tracking. Charges that are not filed are not accounted for. |
| **Court**         |           |            |
4. Other Criminal History Items

The following are other items noted during research and discussions with the Montana criminal history repository staff:

- Montana participates in the National Fingerprint File.
- Montana is a signatory to the National Crime Prevention and Privacy Compact.
- Montana does not currently provide rap back services and they do not store and maintain noncriminal justice fingerprint cards.
- Montana provides a web-based noncriminal background name-based check service through [https://app.mt.gov/choprs/](https://app.mt.gov/choprs/) for $20 per request.
- Montana is currently working to add the Charge Tracking Number to the rap sheet — this improvement will make it possible to accurately manage charges added, dismissed, or modified in the Prosecution and Courts segments.

5. Repository Position Descriptions

Montana did not provide position descriptions.
NC - North Carolina State Profile of Criminal History Records

This profile describes the North Carolina laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

North Carolina General Statute, Chapter 15A, Section 502 (N.C.G.S. § 15A- 502) provides that a person charged with the commission of a felony or a misdemeanor may be photographed and his fingerprints may be taken for law-enforcement records only when he has been:

- Arrested or committed to a detention facility, or
- Committed to imprisonment upon conviction of a crime, or
- Convicted of a felony

It also specifies that it is the duty of the arresting law enforcement agency to cause a person charged with the commission of a felony or any of the following misdemeanors to be fingerprinted and to forward those fingerprints to the State Bureau of Investigation (SBI):

- Domestic criminal trespass
- Offense that involved domestic violence or the violation of a valid protective order
- Impaired driving, impaired driving in commercial vehicle, operating a commercial vehicle after consuming alcohol, and operating a school bus, child care vehicle, EMS or firefighting vehicle or law enforcement vehicle after consuming alcohol
- Possession of a controlled substance
- Assault, stalking, or communicating a threat

In addition, if the person cannot be identified by a valid form of identification, it shall be the duty of the arresting law-enforcement agency to cause a person charged with the commission of any offense involving impaired driving or driving while license revoked if the revocation is for an Impaired Driving License Revocation to be fingerprinted and photographed.

Fingerprints are forwarded to the SBI, along with the following information:

- Name, including first, last, middle, maiden, and nickname or alias
- Address, including street, city, and state
- Driver’s license number and state of issuance
- Date of birth
- Sex
- Race
- Social Security number
- Relationship to the alleged victim and whether it is a "personal relationship"

267 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
N.C.G.S. § 15A-1382\(^{269}\) requires the courts and prosecutors to report the disposition of charges to SBI within 60-days following the disposition.

b. Cite and Release – Arreets without Fingerprints
North Carolina allows law enforcement officers to issue a written citation that includes a notice to appear in lieu of custodial arrest for misdemeanors with a few exceptions including, but not limited to, domestic violence charges.\(^{270}\)

In cite and release cases, N.C.G.S. § 15A-502(f) requires the court to order the defendant to submit to fingerprinting by the Sheriff or other appropriate law enforcement agency at the earliest practical opportunity. If the person fails to appear for fingerprinting as ordered by the court, the sheriff shall so inform the court, and the court may initiate proceedings for criminal contempt against the person.

c. Expungements and Sealing
In North Carolina General Statutes Chapter 15A Article 5\(^{271}\) sets forth the laws that govern the expunction of records. Individual statutes state the length of time an offender must wait following the dismissal, conviction, or sentence to apply for an expunction. In addition, each statute specifies the type of information that must be contained within the petition for expunction. The following are the statutes that allow for the expunction of records:

- N.C.G.S. § 15A-145. Expunction of records for first offenders under the age of 18 at the time of conviction of misdemeanor; expunction of certain other misdemeanors.
- N.C.G.S. § 15A-145.1. Expunction of records for first offenders under the age of 18 at the time of conviction of certain gang offenses.
- N.C.G.S. § 15A-145.2. Expunction of records for first offenders not over 21 years of age at the time of the offense of certain drug offenses.
- N.C.G.S. § 15A-145.3. Expunction of records for first offenders not over 21 years of age at the time of the offense of certain toxic vapors offenses.
- N.C.G.S. § 15A-145.4. Expunction of records for first offenders who are under 18 years of age at the time of the commission of a nonviolent felony.
- N.C.G.S. § 15A-145.5. Expunction of certain misdemeanors and felonies; no age limitation.
- N.C.G.S. § 15A-145.7. Expunction of records for first offenders under 20 years of age at the time of the offense of certain offenses.
- N.C.G.S. § 15A-145.8. Expunction of records when charges are remanded to district court for juvenile adjudication.
- N.C.G.S. § 15A-146. Expunction of records when charges are dismissed or there are findings of not guilty.
- N.C.G.S. § 15A-147. Expunction of records when charges are dismissed or there are findings of not guilty as a result of identity theft or mistaken identity.

\(^{269}\) https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_15A/GS_15A-1382.pdf
\(^{270}\) https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_15A/GS_15A-302.pdf
\(^{271}\) https://www.ncleg.gov/enactedlegislation/statutes/pdf/byarticle/chapter_15a/article_5.pdf
• N.C.G.S. § 15A-148. Expunction of DNA records when charges are dismissed on appeal or pardon of innocence is granted.
• N.C.G.S. § 15A-149. Expunction of records when pardon of innocence is granted.

In North Carolina, expunged records are sealed and are available for inspection by law enforcement, prosecutors, and for security clearances purposes. The court granting the expungement may order the removal of expunged convictions from the records of the court, law enforcement agency and other state and local government agencies. While the general public would not have access to criminal history record information that has been expunged, N.C.G.S. § 15A-151.5 allows for the prosecutor to have access to expunged records under certain circumstances and allows for them to be used to calculate prior record level if the person is convicted of a subsequent offense. Persons pursuing Law Enforcement Certification may also be required to disclose information regarding expunged felony convictions, as described in Chapter 17C the North Carolina Criminal Justice Education and Training Standards Commission and 17E under North Carolina Sheriffs’ Education and Training Standards Commission.

d. State Definition of Felony and Misdemeanor
N.C.G.S. § 14-1 defines a “felony” as a crime that is a felony under common law, is punishable by death, or imprisonment in the State’s prison or denominated a felony by statute. It defines a misdemeanor as any other crime.272

e. Fees Associated with Criminal History Reports
North Carolina SBI currently charges a monthly per device fee of $25 per desktop for access to the computerized criminal history systems.

f. Vendors Supporting Criminal History Services
North Carolina did not provide vendor information.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

North Carolina responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,733,200</td>
<td>1,867,100</td>
</tr>
<tr>
<td>b. Interstate Identification Index (III) records supported by the state</td>
<td>1,683.082</td>
<td>1,805,706</td>
</tr>
<tr>
<td>c. III records supported by the FBI</td>
<td>139,770</td>
<td>139,770</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,822,852</td>
<td>1,945,476</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>83%</td>
<td>84%</td>
</tr>
</tbody>
</table>

272 https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_14/GS_14-1.pdf
f. Percentage of arrests within the past 5 years with dispositions | 68% | 69%
g. Percentage of felony charges with dispositions | 90% | 90%
h. Percentage of all dispositions received that could not be linked to a specific arrest record | Not reported | Not reported
i. Active records in state protection order database | North Carolina does not maintain a state protection order file | North Carolina does not maintain a state protection order file
j. Active records in NCIC protection order file | 12,573 | 13,073
k. Active records in state warrant database | 135,040 | Not available
l. Active records in NCIC warrant file | 27,090 | 27,981

3. Rap Sheet Assessment

SEARCH analyzed the contents of two rap sheets provided by the North Carolina SBI to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. Both rap sheets provided are in response to purpose code “C” queries. One was presented in the “old” format, while the second one was presented in the “new” format. Both formats contain substantially the same data. Differences are noted below.

**Overview of Contents**: The rap sheet includes data from the Identification, Arrest, Booking, Court, Sentence, and Supervision segments of the JTF standard. Prosecution data is not included on the rap sheet. Following the Identification section, arrest cycles are listed in chronological order, with the oldest arrest cycle listed first.

**Heading and Identification Section**: The Heading includes information about dissemination and use. The rap sheet does not list cautions or offender notices. The Identification section includes key identifiers, name, alias names, Date of Birth and Alias DOBs, common demographic information about the subject, and scars/marks/tattoos. There is sufficient data to positively identify the subject.

**Arrest Cycle**: Arrest cycles are separated from the Identification section and other arrest cycles by a double-dashed line separator with the label “Cycle X.” Each cycle contains arrest, booking, court, sentence and corrections segment data. All segments are separated by single-dashed lines. All arrest charges are listed together in the Arrest section. Booking segment data follows but is provided inconsistently. The Court segment lists each charge and disposition individually. Sentencing segment data follows and provides a sentence for each charge with detailed sentence terms and conditions. Supervision Segments are entered as separate cycles.

Key Arrest segment data includes the Arrest Tracking Number, Earliest Event Date, Incident Date, Arrest Date, Name Used at Arrest, Arresting Agency and ORI, and Arrest Case Number. Charge

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information is labeled “Charge” and for more recent cases includes a Charge Sequence Number, Charge Literal, Severity (e.g., Felony or Misdemeanor) and Inchoate Charge. The old format includes the Charge Statute Number and not the NCIC Offense code, while the new format includes the NCIC Offense Code and not the Charge Statute Number. If Booking data is provided, it follows the arrest segment and includes the Booking Case Number and Booking Agency.

The Court segment begins with the label “Court Disposition” and the Cycle number. This segment includes the Court Case Number, Final Disposition Date, and Court Name and ORI labeled “Court Agency.” Each charge is listed separately with a disposition for the charge. Key charge data include: Charge Literal, NCIC Offense Code, and Severity. The disposition for each charge is listed as a string with the label “Disposition” and includes the Disposition Date, Disposition Type, and Disposition; for example, “(2013-03-26; Trial By Judge; Verdict: Guilty).” The disposition charge segment may end with a Court Comment.

Sentence segment date begins with the label “Sentencing” and the Cycle number. The sentence segment lists the Sentencing Agency, Court Case Number, Charge Literal, NCIC Offense Code, Severity, Disposition, and Sentence terms and conditions for each charge. The sentence information is in a structure list and includes Confinement terms, Time service credit, Court costs, Restitution, Sentence class, Firearms penalty indicator, and Judgement satisfied indicator.

The Supervision segment is displayed as a new Cycle with the label “Corrections” and the Cycle number. It includes the Supervision date, Corrections agency name and ORI, Subject’s name, Corrections ID number, Court case number, and Charge information. Key charge data include: Charge Literal, NCIC Offense Code, and Severity. The disposition for each charge is listed as a string with the label “Disposition” and includes the Disposition Date, Disposition Type, and Disposition; for example, “(2013-03-26; Trial By Judge; Verdict: Guilty)”. Corrections data is linked to the arrest cycle by the Court case number. Supervision status information is also provided as separate Correction cycle entries and denote if the offender is paroled, discharged, etc.

**Charge Tracking:** Charges are linked together under the cycle only. No charge tracking numbers are used to identify and link charges between segments. All charges are listed together under each segment. Charges do not necessarily align across the segments. An arrest charge may not be accounted for in the court or sentence segments and charges may be presented in a different order than those in the arrest segment.

**Other Information and Notes:**
- Following all the arrest cycles is an “INDEX OF AGENCIES” that lists the Agency Name and ORI of each agency included in the arrest cycles on the rap sheet.

The following table lists strengths and weaknesses of North Carolina’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:
<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identification</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>No Charge Tracking Number.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>No Prosecution segment.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Charges include statutes number and description in addition to NCIC data. Detailed disposition data.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed sentencing data.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>Supervision cycles link to arrest cycles via the court case number.</td>
<td></td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items noted during research:

- North Carolina participates in the National Fingerprint File (NFF).
- North Carolina is a signatory to the National Crime Prevention and Privacy Compact.
- North Carolina does not provide in-state criminal justice or noncriminal justice rap back services.
- North Carolina does not provide web-based noncriminal justice background checks to the public.
- North Carolina is making modifications to its Computerized Criminal Histories (CCH) in conjunction with a system upgrade to the Administrative Office of the Courts. The current plan is for the enhancements to be implemented statewide by 2025 with pilot implementation of some of the enhancements beginning 3rd quarter of 2020.274
  - Inclusion in CCH of dispositions of arrests without fingerprints.
  - Less stringent rules on accepting disposition information from the court system.
  - Improved synchronization processes, including a periodic synchronization of data between the court system and CCH to address data completeness and correctness issues.

5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of North Carolina.

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274 These enhancements are subject to potential disruptions from COVID 19.
<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Specialist I</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process background checks for firearm transfers.</td>
<td>$31,200</td>
<td>$48,058</td>
</tr>
<tr>
<td>Admin. Specialist II/Expungement Specialist</td>
<td>Position that processes petitions for criminal history information and orders for expungement.</td>
<td>$32,703</td>
<td>$51,904</td>
</tr>
<tr>
<td>Fingerprint ID Technician</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$32,703</td>
<td>$38,928</td>
</tr>
<tr>
<td>Crim. Justice Specialist/Investigator I</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$34,190</td>
<td>$53,063</td>
</tr>
</tbody>
</table>
ND - North Dakota State Profile of Criminal History Records

This profile describes the North Dakota laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

North Dakota Century Code Chapter 12-60, Section 16.2 (N.D.C.C. § 12-60-16.2) requires that each criminal justice agency must report criminal history record information to the North Dakota Bureau of Criminal Investigation (BCI). Section N.D.C.C. § 12-60-16.2 outlines the following requirements.

- Each criminal justice agency that makes an arrest for a reportable offense shall furnish to BCI the necessary biometric data, charges, and descriptions of the person arrested.
- The prosecuting attorney shall notify the bureau of all charges filed, including all those added after the filing of a criminal court case, and whether charges were not filed in criminal cases for which the bureau has a record of an arrest.
- After the court pronounces sentence for a reportable offense, and if the necessary biometric data of the person being sentenced has not been collected, the prosecuting attorney shall ask the court to order a law enforcement agency to collect the necessary biometric data from that person.
- If the court determines that the necessary biometric data of the person being sentenced has not previously been collected, the court shall order the necessary biometric data is collected from that person. The law enforcement agency shall forward the necessary biometric data to the bureau.
- The prosecuting attorney having jurisdiction over a reportable offense shall furnish the bureau all final dispositions of criminal cases. For each charge, this information must include at least the following:
  - Judgments of not guilty, judgments of guilty including the sentence pronounced by the court, discharges, and dismissals in the trial court;
  - Reviewing court orders filed with the clerk of the court which reverse or remand a reported conviction or which vacate or modify a sentence; and
  - Judgments terminating or revoking a sentence to probation and any resentencing after such a revocation.
- The North Dakota department of corrections and rehabilitation, pardon clerk, parole board, and local correctional facility administrators shall furnish the bureau with all information concerning the receipt, escape, death, release, pardon, conditional pardon, reprieve, parole, commutation of sentence, or discharge of an individual who has been sentenced to that agency's custody.

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275 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
276 Information acquired during the interview is incorporated into the appropriate section of this report.
277 https://www.legis.nd.gov/cencode/t12c60.pdf
b. Cite and Release – Arrests without Fingerprints
North Dakota does not have a cite and release statute, except for minor traffic violations. There are some instances where the arresting officer cannot collect fingerprints at the time of arrest. If the court determines that the necessary biometric data of the person being sentenced has not previously been collected, the court will order the data be collected from that person.

c. Expungements and Sealing
North Dakota does not offer expungements except for non-conviction records. Juvenile adjudication records are treated as confidential and generally unavailable to the public. Juvenile adjudication records are destroyed automatically 10 years after the later date of the satisfaction of the final order in the case or upon the individual’s 19th birthday.

Effective August 1, 2019, misdemeanor and felony convictions may be sealed upon petition. Violent offenses must wait 10 years after completion of the sentence before the defendant can petition for sealing. Minor felony convictions may be set aside and reduced to misdemeanors after the defendant successfully completes probation. For those defendants convicted of or who received a stayed sentence for a misdemeanor must wait 2 years after completion of the sentence before petitioning for record sealing. Those convicted of a gross misdemeanor must wait 4 years and those convicted of nonviolent felonies must wait 5 years before petitioning the court. First offense marijuana possession may be sealed by the court if there is not a subsequent conviction for 2 years. Cases resulting in deferred adjudication and deferred imposition of sentence are available for sealing after successful completion of the deferment program. The records of a conviction for which registration is required may not be sealed. 278

d. State Definition of Felony and Misdemeanor
N.D.C.C. § 12.1-32-01 provides for seven classes of offenses and describes the maximum penalty for each as follows:
1. Class AA felony carries a maximum penalty of life imprisonment without parole.
2. Class A felony carries a maximum penalty of 20 years' imprisonment, a fine of $20,000, or both.
3. Class B felony carries a maximum penalty of 10 years' imprisonment, a fine of $20,000, or both.
4. Class C felony carries a maximum penalty of 5 years' imprisonment, a fine of $10,000, or both.
5. Class A misdemeanor carries a maximum penalty of imprisonment for 360 days, a fine of $3,000, or both.
6. Class B misdemeanor carries a maximum penalty of 30 days' imprisonment, a fine of $1,500, or both.
7. Infraction carries a maximum fine of $1,000.279

e. Fees Associated with Criminal History Reports
BCI does not charge criminal justice agencies any fees for access to the criminal history systems.

278 https://www.legis.nd.gov/cencode/t12c60-1.pdf
279 https://www.legis.nd.gov/cencode/t12-1c32.pdf
f. Vendors Supporting Criminal History Services

BCI contracts with IDEMIA for automated fingerprint identification services and with CPI, the OpenFox Company, to support the message switch. BCI’s computerized criminal history system is a custom system, built and maintained by in-house resources.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

North Dakota responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>195,600</td>
<td>209,400</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>123,821</td>
<td>138,807</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>35,121</td>
<td>34,989</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>158,942</td>
<td>173,796</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>90%</td>
<td>91%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>84%</td>
<td>91%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>Not reported</td>
<td>95%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not reported</td>
<td>11%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>2,683</td>
<td>1,837</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>1,297</td>
<td>1,134</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>36,307</td>
<td>37,775</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>1,682</td>
<td>1,971</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of four sample rap sheets provided by the North Dakota BCI to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.280

Overview of Contents: The rap sheet includes data from the Identification, Arrest, Prosecution, Court, Sentence, and Supervision segments of the rap sheet standard. Following the Identification section, arrest cycles are listed in chronological order, with the oldest cycle listed first. Supervision segments are listed as separate cycles in chronological order following the arrest cycles.

Heading and Identification Section: The Heading includes limited caveat information Offender Caution and Notice information may include current supervision information and other cautions, such as violent offender, but no additional cautions were included on the samples reviewed. This information

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may be included in other versions of the rap sheet. The purpose code was not displayed on the rap sheet examples.

The Identification section includes all key identifiers, names and aliases and other duplicate data (DOB, SSN, etc.), other standard demographic data, and scars/marks/tattoos.

**Arrest Cycles:** Each arrest cycle is identified by a dotted line separator (“............”) followed by the text “ARREST:”. Beginning around 1994, the Prosecutor segment was added, which is labeled “PROS:”. The Court and Sentence segments are combined under the label “DISP:”. The format of the arrest cycle data is compact.

The Arrest segment includes an arrest tracking number (ATN), arresting agency ORI and name, date of arrest and arrest charge(s). Each charge includes the arrest charge literal (description), the number of counts, severity (e.g., Felony or Misdemeanor), and class. A charge tracking number is assigned at arrest that carries forward to the prosecutor and court segments. During the adjudication process (Prosecutor and Court segments), the charge tracking number is appended with an “a,” which reflects the number of counts per charge (e.g., if there are four counts of the first charge, the prosecutor and court segments will refer to those counts as 1a, 1b, 1c, 1d).

The Prosecution segment is organized by charge and includes data for the filed charges similar to the charge fields used in the Arrest segment. Each charge includes the prosecution disposition (“FILED,” “ADDED/FILED,” “MODIFIED,” etc.) and the court name where the charge was filed. The segment does not include the name of the prosecuting agency.

The Court segment is organized by charge and includes the following data for each charge: charge tracking number from the Prosecution segment, charge data similar to the arrest and prosecution segments, disposition and disposition date. For convictions, sentence data is also associated with each charge. Sentencing data is presented in a semi-structured text format that includes confinement information, credit for time served, fines, etc. Confinement information is labeled “SENTC’D:”. Other sentence information is labeled “ADDL INFO”.

Supervision cycles include the court case number, which can be associated back to the original arrest cycle. Additional data includes the name and ORI of the correctional facility, status (Received, Released) and the associated date, and the charge(s) pertaining to the conviction.

**Charge Tracking:** The rap sheet follows a charging tracking model where each charge is sequentially numbered within each arrest cycle. The Prosecution segment maintains the charge sequence number and appends an “a” to it to reflect the charge count. Charges added after arrest are numbered without the “a” suffix and are labeled as “added/filed”. Charges may be changed between arrest and filing in court. In these instances, the Prosecution charge is annotated as “modified”. The Court segment retains the same numbering used in the Prosecution segment, including the “a” suffix where appropriate.

**Other Information and Notes:**
- The readability is hampered by the insertion of header information at each page break that inserts the header information in the middle of a cycle.
- Rap sheet information is densely formatted and uses many abbreviations.
The rap sheet includes caveat information at the end of the rap sheet, stating “THE USE OF THIS RECORD IS CONTROLLED BY STATE AND FEDERAL REGULATIONS. IT IS PROVIDED FOR OFFICIAL USE ONLY AND MAY BE USED ONLY FOR THIS PURPOSE”

The following table lists strengths and weaknesses of North Dakota’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Header</strong></td>
<td>Person information is carried as a header on all pages.</td>
<td></td>
</tr>
<tr>
<td><strong>Identification</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Arrest</strong></td>
<td>Cycle tracking.</td>
<td>Limited cycle number information.</td>
</tr>
<tr>
<td></td>
<td>Includes Severity and Class.</td>
<td>Case numbers are inconsistently presented.</td>
</tr>
<tr>
<td><strong>Prosecution</strong></td>
<td>Charge sequence number concatenates a letter to arrest charge sequence number, e.g., 1 becomes 1a, 2 becomes 2a. If an arrest charge becomes two charges, then it becomes 1a and 1b.</td>
<td>No statute numbers</td>
</tr>
<tr>
<td><strong>Court</strong></td>
<td>Court dispositions relate to prosecution charge sequence number.</td>
<td>No statute numbers</td>
</tr>
<tr>
<td><strong>Sentencing</strong></td>
<td>Free-text information is in the court segment and is presented either or both in the SENTC’D or ADDL INFO labels.</td>
<td></td>
</tr>
<tr>
<td><strong>Supervision</strong></td>
<td>All supervision/custody cycles are aggregated at end of rap sheet and appear to have a case number associated to link the custody cycle back to the arrest cycle.</td>
<td></td>
</tr>
</tbody>
</table>

4. **Other Criminal History Items**

The following are other items noted during SEARCH’s research and discussions with BCI criminal history repository staff:

- North Dakota is not a signatory to the National Crime Prevention and Privacy Compact.
- North Dakota does not participate in the National Fingerprint File (NFF).
- BCI does not offer in-state criminal nor noncriminal justice rap back services.
- North Dakota does not offer web-based noncriminal justice background checks to the public.
- BCI is currently engaged in a computerized criminal history upgrade project, including a redesign of the rap sheet and improving access to criminal history information.
5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of North Dakota.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Records Specialist I</td>
<td>Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$32,856</td>
<td>$59,136</td>
</tr>
<tr>
<td>Criminal Records Specialist II</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System. Positions that provide customer support or process civil background checks for employment, licensing, and housing. Positions that provide CJIS auditing and training services.</td>
<td>$39,060</td>
<td>$70,308</td>
</tr>
<tr>
<td>Administrative Assistant II</td>
<td>Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process background checks for firearm transfers.</td>
<td>$32,856</td>
<td>$59,136</td>
</tr>
<tr>
<td>Administrative Assistant III</td>
<td>Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process background checks for firearm transfers.</td>
<td>$46,356</td>
<td>$83,436</td>
</tr>
<tr>
<td>Administrative Staff Officer I</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$46,356</td>
<td>$83,436</td>
</tr>
<tr>
<td>Administrative Staff Officer III</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$55,356</td>
<td>$99,636</td>
</tr>
</tbody>
</table>
NE - Nebraska State Profile of Criminal History Records

This profile describes the Nebraska laws, policies and requirements to develop the state criminal history records. It also provides information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems\(^{281}\) and a brief analysis of sample rap sheets.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Nebraska Revised Statute Chapter 29, Section 209 (Neb. Rev. Stat. § 29-209) requires law enforcement officers and agencies to send fingerprints and descriptions for any persons arrested for a felony or any fugitive to the Nebraska State Patrol (NSP) for criminal identification.\(^{282}\)

Neb. Rev. Stat. § 29-3516 requires that each criminal justice agency in the state report dispositions to the NSP. Agencies need to report all dispositions as promptly as feasible, but no later than 15 days after the happening of an event which constitutes a disposition.\(^{283}\)

b. Cite and Release – Arrests without Fingerprints

Neb. Rev. Stat. § 29-422 authorizes police officers to issue a citation in lieu of arrest or continued custody for any offense that is a traffic infraction, any other infraction, or a misdemeanor and for any violation of a city or village ordinance, except for violations of protection orders, domestic violence or sexual assault.\(^{284}\) Additionally, Neb. Rev. Stat. § 60-684 allows police officers to issue citations for traffic infractions.\(^{285}\)

c. Expungements and Sealing

Neb. Rev. Stat. § 29-2264 permits an offender sentenced to probation, or to pay a fine only, to petition the court to “set aside” the conviction. The court may grant the offender’s petition and issue an order setting aside the conviction when, in the opinion of the court, the order will be in the best interest of the offender and consistent with the public safety. Set-aside has the effect of nullifying the conviction and removing civil disabilities and disqualifications imposed as a result of the conviction.\(^{286}\)

The effect of a set-aside is not to seal or expunge the record. A conviction that was set aside may be used as a predicate offense and to enhance a subsequent sentence, to impeach a witness, and to deny a law enforcement training certification. A set-aside does not relieve the obligation to register as a sex offender.

Criminal history information from cases not resulting in a conviction are automatically sealed and available only to law enforcement.\(^{287}\)

\(^{281}\) 2016 Survey: [https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf](https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf); the 2018 Survey is pending publication.
Juvenile sealing is authorized by Neb. Rev. Stat. §§ 43-2,108.01 through 43-2,108.05. Juvenile sealing provisions apply to a person who was under the age of 18 when the offense took place and after being taken into custody, arrested, cited, or referred for prosecution was either: (1) released without the filing of a juvenile petition or criminal complaint, (2) offered juvenile pretrial diversion or mediation, (3) had a juvenile court petition filed, (4) had a criminal complaint filed in county court under state statute or city or village ordinance for misdemeanor or infraction possession of marijuana or drug paraphernalia, (5) had a criminal complaint filed in county court for any other misdemeanor or infraction under state statute or city or village ordinance, other than a traffic offense that may be waived, or (6) had a criminal complaint filed in county or district court for felony under state law or a city or village ordinance that was subsequently transferred to juvenile court.

d. State Definition of Felony and Misdemeanor
Neb. Rev. Stat. § 28-105 defines 10 classes of a felony as follows:  

<table>
<thead>
<tr>
<th>Class IA felony</th>
<th>Life imprisonment</th>
</tr>
</thead>
</table>
| Class IB felony         | Maximum—life imprisonment  
                         | Minimum—20 years imprisonment |
| Class IC felony         | Maximum—50 years imprisonment  
                         | Mandatory minimum—5 years imprisonment |
| Class ID felony         | Maximum—50 years imprisonment  
                         | Mandatory minimum—3 years imprisonment |
| Class II felony         | Maximum—50 years imprisonment  
                         | Minimum—1 year imprisonment |
| Class IIA felony        | Maximum—20 years imprisonment  
                         | Minimum—none |
| Class III felony        | Maximum—4 years imprisonment and 2 years post-release supervision or $25,000 fine, or both  
                         | Minimum—none for imprisonment and 9 months post-release supervision if imprisonment is imposed |
| Class IIIA felony       | Maximum—3 years imprisonment and 18 months post-release supervision or $10,000 fine, or both  
                         | Minimum—none for imprisonment and 9 months post-release supervision if imprisonment is imposed |
| Class IV felony         | Maximum—2 years imprisonment and 12 months post-release supervision or $10,000 fine, or both  
                         | Minimum—none for imprisonment and none for post-release supervision |

Neb. Rev. Stat. § 28-106 defines seven classes of a misdemeanor, as follows:  

Class I misdemeanor  Maximum — not more than 1-year imprisonment, or o$1,000 fine, or both
Minimum — none

Class II misdemeanor  Maximum — 6 months imprisonment, or $1,000 fine, or both
Minimum — none

Class III misdemeanor  Maximum — 3 months imprisonment, or $500 fine, or both
Minimum — none

Class IIIA misdemeanor  Maximum — 7 days imprisonment, $500 fine, or both
Minimum — none

Class IV misdemeanor  Maximum — no imprisonment, $500 fine
Minimum — none

Class V misdemeanor  Maximum — no imprisonment, $100 fine
Minimum — none

Class W misdemeanor  Driving under the influence or implied consent
  1st Conviction  Maximum — 60 days imprisonment and $500 fine
                  Mandatory minimum — 7 days imprisonment and $500 fine
  2nd Conviction  Maximum — 6 months imprisonment and $500 fine
                  Mandatory minimum — 30 days imprisonment and $500 fine
  3rd Conviction  Maximum — 1-year imprisonment and $1,000 fine
                  Mandatory minimum — 90 days imprisonment and $1,000 fine

e. Fees Associated with Criminal History Reports
Nebraska’s Combined Law Enforcement Information Network (CLEIN) is a user-supported network. Network access charges are based on the number of terminals the agency operates. A single CLEIN terminal at a Sheriff’s Office, police department, etc. costs $448 per month and additional CLEIN terminals are $256 per month for each additional device.

Mobile data terminals (MDT) connecting to CLEIN are an additional charge and are on a tiered-fee structure depending on the number of MDTs. Most of Nebraska’s agencies are on the lowest tier of 1 to 50 MDTs with a fee of $64 per month. The other tiers are 51–100 at $128 per month and 100+ MDTs at $256 per month.

f. Vendors Supporting Criminal History Services
Nebraska currently contracts with IDEMIA to support the automated fingerprint and biometric systems. The computerized criminal history is supported by in-house resources and the message switch is supported by DataMaxx.
2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

Nebraska responded to survey questions about criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>435,100</td>
<td>464,600</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>306,410</td>
<td>332,645</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>111,843</td>
<td>111,840</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>418,253</td>
<td>444,485</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>71%</td>
<td>80%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>80%</td>
<td>75%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>78%</td>
<td>88%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>0%</td>
<td>60%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>5,027</td>
<td>5,985</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>2,094</td>
<td>3,654</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>17,003</td>
<td>4,800</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>11,313</td>
<td>16,647</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of four rap sheets provided by the Nebraska State Patrol to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.291

Overview of the Contents: The major sections of the rap sheet include data from the Identification, Arrest, Court and Sentence segments of the JTF standard. The rap sheet includes Arrest cycles separately along with other related data under the heading “MISCELLANEOUS INFORMATION”. The Arrest cycle includes Arrest, Court and Sentence segment information. No data is included from the Prosecution or Supervision segments. Cycles are listed in chronological order, with the oldest cycle listed first.

Heading and Identification Section: The rap sheet heading includes caveat information about record dissemination and use. The only Caution or Offender Notification information provided is a convicted felon indicator. The Identification section begins with the name of the subject. Key data includes common criminal justice identifiers: state identification (SID) and FBI number, demographic data (Sex, Height, Weight), alias names, dates of birth, and Scars, Marks and Tattoos. It does not include a social security number or driver’s license number; however, sufficient data exists to accurately identify the individual.

Arrest Cycle: The arrest cycle section is labeled “Arrest History”. Each arrest cycle is identified by a line separator and is labeled “Arrest #”. No Arrest section label is provided but arrest data immediately follows the cycle separator. Court and Sentence segment data is separated from arrest data by a solid line and is labeled “Court Event”.

The Arrest segment data includes Arrest Date, Arrest Tracking Number (labeled “DCN”) Arresting Agency name and ORI and subject’s name used at time of arrest before listing the arrest charges. The arrest charge information includes the NCIC Offense Code, Charge Literal (description), charge count and classification (e.g., felony or misdemeanor).

The “Court Event” section includes data from Court and Sentencing segments. Key data includes the court name and ORI, docket number (court case number), disposition date and citation number (if applicable the case). Each charge is identified by the heading “CHARGE”. If the court case involves multiple counts, the charge sequence number is appended to the Charge label as “Count”. Key data within each charge includes the NCIC Offense Code, Charge Literal (description), and Severity and Class (labeled Classification) and Disposition. If the disposition results in a sentence, the sentence is provided in a text string (e.g., “JAIL 7 DAYS CONCURRENT FINE 400 COURT COST”). The first charge includes a section labeled “JUDGEMENT” section, which may include additional terms of the sentence.

No prosecutor segment data is included on the rap sheets reviewed.

Supervision segment data is included in the “MISCELLANEOUS INFORMATION” section that contains additional fingerprint-based information about the offender, such as prison intake and probation data. Supervision data includes Charge Literal, Docket (Court Case Number), Agency information, Type of Probation, Beginning and Discharge Dates, Status and Probation Officer contact information. Supervision data can be linked to the arrest cycle using the Docket number.

Charge Tracking: The rap sheet does not track charges across segments. There is no charge tracking number or charge sequence number that can be used for charge tracking, and the number of arrest charges may not align with the number of court disposition charges.

Other Information and Notes: The following are additional rap sheet observations noted from the assessment:

- The rap sheet does not include warrants and protection orders.
- Domestic Violence may be included as part of the charge.
- No Firearms prohibitor.
- No III status.
- Each page of the rap sheet includes a footer with the SID, date the rap sheet was run, who created the rap sheet, and the type (e.g., Notarized/Self).
The following table lists strengths and weaknesses of Nebraska’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td>Limited information: no SSN.</td>
</tr>
<tr>
<td>Person</td>
<td>Limited information: no SSN.</td>
<td>No charge tracking.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No separate booking segment.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No statute numbers.</td>
</tr>
<tr>
<td>Arrest</td>
<td>Each charge includes the statute description and severity (e.g., felony or misdemeanor).</td>
<td>No charge tracking.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Inconsistent use of statute numbers.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Some charges do not have final dispositions (Guilty by Conviction or Court Dismissal) (e.g., “amended”).</td>
</tr>
<tr>
<td>Prosecution</td>
<td>No prosecution segment.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Detailed sentence information in the Sentence and Judgment sections.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. **Other Criminal History Items**

The following are other items noted during research and discussions with the Nebraska criminal history repository staff:

- Nebraska does not participate in the National Fingerprint File (NFF)
- Nebraska is not a signatory to the National Crime Prevention and Privacy Compact.
- Nebraska does not provide in-state criminal justice rap back services.
- Nebraska provides in-state noncriminal justice rap back services for persons working with children or the elderly, healthcare providers, security guards, and public safety personnel.
- Nebraska provides web-based noncriminal justice background checks to the public for a fee of $15.50 per request.  

5. **Repository Position Descriptions**

Nebraska did not provide position descriptions.

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292 [https://statepatrol.nebraska.gov/services/criminal-history-record-requests](https://statepatrol.nebraska.gov/services/criminal-history-record-requests)
NH - New Hampshire State Profile of Criminal History Records

This profile describes the New Hampshire laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems,293 and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

New Hampshire Revised Statute Title VII, Chapter 106-B, Section 106-B:14 (NH Rev Stat § 106-B:14) authorizes the New Hampshire Department of Public Safety (DPS) to adopt rules to secure the records and other information relative to people who are arrested or convicted of a felony, misdemeanor or violation.294 DPS Administrative rules Chapter Saf-C 5700 Operation of the Central Repository: Criminal Records295 requires that:

- All state, local, and county law enforcement agencies submit arrest information on a fingerprint card and provide it to the central repository for each person arrested for any felony, misdemeanor, or violation.
- The clerks of courts report the plea, court disposition, and the sentence imposed, if any, of any person brought before the court on a felony, misdemeanor, or violation charge to the central repository.
- All criminal justice agencies report all arrests for felonies, misdemeanors, and violations committed under NH Rev Stat Title LXII (Criminal Code) and all dispositions to the central repository within 90 days of the occurrence, for inclusion on the master history record.

b. Cite and Release – Arrests without Fingerprints

In New Hampshire a law enforcement officer may issue a written summons to appear for a misdemeanor or violation in a case where the officer is arresting without a warrant. Additionally, a summons to appear may be issued after an arrest in lieu of bail.296

A summons to appear may also be issued for traffic violations, except reckless driving, impaired driving, transporting explosives or hazardous materials, certain speeding violations, traffic misdemeanors, and traffic felonies.297

c. Expungements and Sealing

In New Hampshire the record of arrest, conviction and sentence of any person may be annulled by the sentencing court at any time in response to a petition for annulment which is timely and brought in accordance with the provisions of this section if in the opinion of the court, the annulment will assist in the petitioner’s rehabilitation and will be consistent with the public welfare. Annulment waiting periods range from 1 year for a violation, 3 years for misdemeanors, 5 years for a class B felony and 10 years for a class A felony and sexual assault, indecent exposure, and lewdness. Many offenses are

293 2016 survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 survey is pending publication.
295 http://www.gencourt.state.nh.us/rules/state_agencies/saf-c5700.html
ineligible for annulment, including obstruction of justice, violent crimes, and crimes for which an extended sentence was imposed, which includes crime as a major source of livelihood, exceptional cruelty resulting in serious bodily harm, crime against (or by) a law enforcement officer, and hate crimes.298

Non-convictions records, occurring after January 1, 2019, including arrests resulting in a finding of not guilty on all charges or those cases dismissed or not prosecuted will have the arrest record and court record automatically annulled.

Annulled records are only available to the person receiving the annulment and to law enforcement.

Juvenile records are sealed upon reaching age 21. Court and individual institutional records are closed and placed into an inactive file. Law enforcement officials may still access the files to investigate and prosecute criminal activity.299

d. State Definition of Felony and Misdemeanor
NH Rev Stat § 625:9 provides the definition and classification for felonies and misdemeanors. A felony is murder, or a crime designated by statute within or outside the criminal code or a crime defined by statute outside of the criminal code where the maximum penalty provided is imprisonment in excess of 1 year. A misdemeanor is any crime designated by statute within or outside the criminal code and any crime defined outside of the criminal code for which the maximum penalty, exclusive of fine, is imprisonment not in excess of 1 year.300

e. Fees Associated with Criminal History Reports
The New Hampshire State Police do not charge for access to the computerized criminal history systems.

f. Vendors Supporting Criminal History Services
New Hampshire contracts with IDEMIA to support the automated fingerprint identification system and CPI, the OpenFox Company, for the computerized criminal history system and message switch.

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2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

New Hampshire responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>471,600</td>
<td>547,000</td>
</tr>
<tr>
<td>b. Interstate Identification Index (III) records supported by the state</td>
<td>291,810</td>
<td>204,837</td>
</tr>
<tr>
<td>c. III records supported by the FBI</td>
<td>185,654</td>
<td>106,077</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>106,156</td>
<td>310,914</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>88%</td>
<td>85%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>94%</td>
<td>83%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>93%</td>
<td>85%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not reported</td>
<td>43%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>21</td>
<td>Not available</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>3,712</td>
<td>3,931</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>32,256</td>
<td>39,717</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>3,027</td>
<td>1,971</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

New Hampshire did not provide rap sheets for review.

4. Other Criminal History Items

The following are other items noted during research:

- New Hampshire does not participate in the National Fingerprint File (NFF).
- New Hampshire is a signatory to the National Crime Prevention and Privacy Compact.
- New Hampshire does not provide in-state criminal justice or noncriminal justice rap back services.
- New Hampshire does not provide web-based noncriminal justice background checks to the public.

5. Repository Position Descriptions

New Hampshire did not provide position descriptions.
NJ - New Jersey State Profile of Criminal History Records

This profile describes the New Jersey laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, findings associated with a site visit SEARCH conducted with representatives of various justice agencies that contribute data to the rap sheet, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

New Jersey Revised Statutes Title 53, Section 53:1-15 (NJ Rev Stat § 53:1-15) requires law enforcement officers to provide the fingerprints, descriptions, and history of the offense to the New Jersey State Police (NJSP), State Bureau of Identification upon arrest.

NJ Rev Stat § 53:1-18 requires that the clerk of every court before which a person appears on any criminal charge or disorderly persons offense shall report to the State Bureau of Identification the sentence of the court or other disposition of the case within 30 days.

NJ Rev Stat § 53:1-18a requires that the prosecutor of every county report to the State Bureau of Identification, on forms prescribed by the superintendent of State Police, prosecutor filing and disposition information within 30 days.

New Jersey Revised Statutes Title 53, Section 53:1-13 requires that the person in charge of any state institution furnish fingerprints, plates, photographs, pictures, descriptions, measurements and other information as may be pertinent, of all persons who have been or may hereafter be convicted of an indictable offense within the state, and also of all well-known and habitual criminals to the State Bureau of Identification.

b. Cite and Release

NJ Rev Stat § 2B:12-21 allows law enforcement officers to issue a summons in lieu of arrest for some minor misdemeanors, infractions and traffic violations if the offense is committed in an officer’s presence.

New Jersey voters passed a constitutional amendment largely eliminating cash bail in 2014, and the law went into effect January 1, 2017. This amendment directly impacted the arrest and detention process. When a subject is arrested, the law enforcement officer contacts a judge to see if a summons or warrant will be issued. If the arrest results in a court summons, then the defendant is released from custody with a notice of court appearance.

301 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
302 Information acquired during the interview and site visit is incorporated into the appropriate sections of this report.
308 https://www.njcourts.gov/courts/criminal/reform.html
c. Expungements and Sealing
New Jersey state law allows for the expungement of criminal records, as defined in NJ Rev Stat §§ 2C:52-1 through 2C:52-32. If eligible, a petitioner must file a Petition for Expungement in the Superior Court in the county where the petitioner was arrested or prosecuted as an adult or taken into custody or adjudicated as a juvenile. The petitioner must meet certain eligibility requirements to request expungement:

- The waiting period before a criminal conviction can be expunged is 6 years.
- The number of disorderly persons or petty disorderly person convictions that can be expunged is four.
- Convictions for multiple interdependent or closely-related-in-circumstances disorderly persons or petty disorderly person offenses occurring within a short period of time can be treated as a single conviction.
- Satisfaction of fines and other financial obligations to the court arising from a criminal conviction are not a requirement to obtain an expungement when the non-satisfaction was not willful.
- Expungement is not available if a person has previously had a conviction expunged (unless seeking expungement for a municipal offense) or has been granted dismissal of charges following completion of a supervisory treatment or diversion program.

If the court grants the expungement, the order is sent to all parties and the Criminal History Records unit. The Criminal History Records unit then removes fingerprints, mug shots, documents, and associated paperwork from the primary CCH database and the petitioner is notified. These records are placed into a separate database that can only be searched for purposes as defined in NJ Rev Stat § 2C:52-1.310 While New Jersey law uses the term “expungement,” these records are not deleted and destroyed, which is the common application of this term. Rather, records are handled more like a sealed record in other states.

d. State Definition of Felony and Misdemeanor
New Jersey laws classify a felony offense as an “indictable” offense. New Jersey refers to misdemeanors as a “disorderly person” crime. New Jersey classifies indictable offenses, by the following degrees:

- First-degree crimes in New Jersey include rape, manslaughter, and murder.
- Second-degree crimes include aggravated arson, kidnapping, sex crimes, white collar crimes, and drug crimes.
- Third-degree crimes are arson, possession of a controlled substance, certain robbery offenses, as well as some DUI offenses.
- Fourth-degree crimes include the remaining robbery and DUI offenses, as well as forgery.

New Jersey indictable crimes carry the following punishments:

- The prison sentence for a first-degree crime is between 10 years and a lifetime sentence depending, on the offense. Also, a court can impose a maximum fine of up to $200,000.

309 https://www.njcourts.gov/forms/10557_expunge_kit.pdf
• For a second-degree felony, the court can impose a prison sentence between 5 and 10 years and a fine up to $150,000.
• A court has the power to sentence someone with a third-degree conviction to 3 to 5 years in prison, as well as a fine up to $15,000.
• A fourth-degree conviction can result in a prison sentence up to 18 months and a fine up to $10,000.

There are two classifications for misdemeanors in New Jersey: disorderly person offenses and petty disorderly person offenses. New Jersey misdemeanor crimes carry the following punishments:
• Disorderly person charges can result in jail time up to 6 months and a fine of up to $1,000.
• Petty disorderly person charges include a maximum jail sentence of 30 days as well as a $500 maximum fine.

e. Fees Associated with Criminal History Reports
NJSP does not charge local law enforcement agencies any fees to use the criminal history system.

f. Vendors Supporting Criminal History Services
New Jersey currently contracts with IDEMIA to support the automated fingerprint and biometric systems, and Diversified Computing, Inc. for the message switch. In-house resources support and maintain the criminal history repository.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
New Jersey responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>2,333,600</td>
<td>2,569,700</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,978,706</td>
<td>2,069,138</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>149,479</td>
<td>149,341</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>2,128,185</td>
<td>2,218,479</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>91%</td>
<td>91%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>79%</td>
<td>82%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>98%</td>
<td>97%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>180,000</td>
<td>179,000</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>173,875</td>
<td>178,193</td>
</tr>
<tr>
<td></td>
<td>k. Active records in state warrant database</td>
<td>New Jersey does not maintain a state warrant file</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>l.</td>
<td>Active records in NCIC warrant file</td>
<td>55,261</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of five sample rap sheets provided by the New Jersey State Police to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.312

Overview of Contents: The New Jersey rap sheet contains data from the Identification, Arrest, Court, Sentencing, and Supervision segments of the JTF standard, but it does not include prosecutor information. Arrest cycles are listed in chronological order, with the newest cycle listed at the bottom of the rap sheet.

Heading and Identification: The heading includes caveat information about appropriate dissemination and use and Triple III status (single/multi-state offender indicator). No additional offender caution or notice information is included in either the heading or Identification section. Arrests involving domestic violence are noted in the cycle section break. Arrests involving firearms violations or domestic violence may also be listed as specific charges. The Identification section includes multiple identifiers, names, date of birth, social security number and aliases for each of these three data elements, demographic information, last reported address, and scars/marks/tattoos. There is sufficient data to confirm the identity of the subject.

Arrest Cycle: Each arrest cycle is identified by a section break that includes the cycle number (****** ARREST 001 ******). If the arrest involves domestic violence, this designation is also included in the section break (****** ARREST 004DOMESTIC VIOLENCE ******). Each cycle includes data from the Arrest, Court, Sentence and Supervision segments of the JTF and is organized in to Arrest, Disposition, Sentence and Supervision sub-segments.

Arrest segment information includes arrest date, arrest agency case number, arrest agency ORI and name, name and date of birth used at time of arrest, offense date, location of arrest (VENUE) and charge information. Charge data includes: the number of charge counts, statute number and charge literal (description). None of these latter three elements is labeled. Charges are presented in a structured list. Charge severity (e.g., Indictable or Disorderly Person) and class are not included. Arrests sections with no further information are labeled “PENDING COURT”.

There is not a separate prosecutor segment; however, certain prosecution outcomes are recorded as charge dispositions (“TO BE DISMISSED”, “NO BILL”).

The Court segment begins with the form of case initiation, which is not clearly labeled or identified. These values include: SUMMONS/WARRANT, INDICTMENT/ACCUSATION. These entries identify the court where the case is initially filed and correspond to a limited jurisdiction (lower) court (e.g.,

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Municipal Court) or trial court (e.g., Superior Court). Court data includes the summons or warrant number, court name and ORI, charge and disposition (GUILTY, DISMISSED, etc.). Charge data include: Number of counts, Statute, Degree and Charge Literal (Description).

The Sentence segment is labeled “AGGREGATE SENTENCE” and includes Sentence Date, Court Name and ORI, and Sentence data. Sentence data includes terms on confinement: placement, duration, credit for time served, fine amount, conditions, etc. Sentence information pertains to the entire cycle/case rather than to each charge.

Court data tracks the case through the justice process and accounts for all charge dispositions. If the case is filed in the lower court, it may reach disposition there or charge may be bound over to the trial court for disposition. Cases filed directly in the trial court show a disposition for each charge.

Supervision information follows the sentence where appropriate and includes date received, the institution name and ORI, and the agency offender identifier.

Charge Tracking: The rap sheet does not provide charge tracking; charges can be matched within the cycle based on the Statute and Charge Literal. Arrest charges may not match the disposed charges and the order that the charges are listed may be different from the arrest charge list to the court disposition charge list.

Other Information and Notes:
- Additional Custody Status data may be listed at the end of the rap sheet.
- A “Criminal History Diversion Program and Indictable Conviction Summary” table, which includes counts for interventions, conditional discharges, indictable convictions and violations of probation, is listed at the end of the rap sheet.

The following table lists strengths and weaknesses of New Jersey’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identity</td>
<td>The rap sheet person information is complete with demographics, physical descriptions, and identification numbers associated with the subject.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>No charge tracking.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No separate booking information.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No Charge Severity or Class (NJ classifies crimes as indictable or disorderly person).</td>
</tr>
<tr>
<td>Arrest</td>
<td></td>
<td>No Prosecution segment.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>The rap sheet provides a disposition for each charge.</td>
<td>No charge tracking.</td>
</tr>
<tr>
<td></td>
<td>Court segment tracks case through all stages of adjudication.</td>
<td>No Charge Severity or Class (NJ classifies crimes as indictable or disorderly person).</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed sentence information included within the court segment.</td>
<td>Aggregate sentence does not clearly identify outcomes for each convicted charge.</td>
</tr>
<tr>
<td>Supervision</td>
<td>The rap sheet includes the most recent custody status.</td>
<td>The rap sheet does not include additional custody statuses.</td>
</tr>
</tbody>
</table>

### 4. Other Criminal History Items

The following are other items noted during discussions with the New Jersey criminal history repository staff:

- New Jersey participates in the National Fingerprint File (NFF).
- New Jersey is a signatory to the National Crime Prevention and Privacy Compact.
- Driving While Intoxicated (DWI) offenses are considered traffic citations in New Jersey, and they do not require fingerprints and are not reported to the criminal history repository. To obtain DWI records, investigators need to contact the New Jersey Motor Vehicle Commission.
- New Jersey offers in-state criminal justice rap back services to notify criminal justice agencies of a record posting.
- New Jersey offers in-state rap back services for noncriminal justice purposes.
- Noncriminal justice licensing and employment fingerprint background request fees are $42.80, while name-based background checks may be requested through the NJSP Criminal History Record Request Portal. Each request costs $20, except volunteer work related requests, which cost $12.

### 5. Repository Position Descriptions

New Jersey did not provide position descriptions.

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313 [https://www.njportal.com/njsp/212b/](https://www.njportal.com/njsp/212b/)
NM - New Mexico State Profile of Criminal History Records

This profile describes the New Mexico laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, and a brief analysis of sample rap sheets.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

New Mexico Statutes Chapter 29, Article 3, Section 8 (NM Stat § 29-3-8) states that the arresting officer or jail staff must fingerprint and photograph the arrestee each time that person is arrested. At the time of fingerprinting, a state tracking number is assigned to the records and a booking sheet is created that includes the identification number and charges. The fingerprints and booking sheet are to be sent to the Department of Public Safety (NMDPS) for all felony, misdemeanor and DWI arrests within 5 days following the date of arrest.

NM Stat § 29-3-8 requires the administrative office of the courts and the administrative office of the district attorneys to provide to NMDPS the disposition of all criminal cases with an assigned state tracking number. The disposition shall be provided in electronic format promptly upon the conclusion of the case.

b. Cite and Release – Arrests without Fingerprints

NM Stat § 31-1-6 allows officers to issue a citation in lieu of arrest for petty misdemeanors. NM Stat § 66-8-123 allows officers to issue a citation in lieu of arrest for motor vehicle misdemeanors and violations, except for Impaired driving, failure to stop at accident causing injury, death, or damage, reckless driving, and driving with invalid license.

c. Expungements and Sealing

In 2019, New Mexico enacted a comprehensive law authorizing the sealing of most non-conviction records, and of conviction records in all but the most serious violent and sexual crimes. Effective January 1, 2020, the Criminal Record Expungement Act (CREA) authorizes courts to limit public access to all but a limited category of non-conviction records after a 1-year waiting period, as long as no charges are pending against the individual. Courts are also authorized to seal the record of most convictions after conviction-free waiting periods ranging from 2 to 10 years. Sealed records are available under purpose codes C, J, and S.

Juvenile records are generally unavailable. Under NM Stat § 32A-2-26, if a motion to the court is made by a person over 18 years old, the court is required to seal all records after 2 years have passed since

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314 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
318 https://www.nmlegis.gov/Sessions/19%20Regular/final/HB0370.pdf
release from custody/supervision or entry of judgement and there have been no subsequent adjudications or convictions for any felony or misdemeanor, and no charges are pending.\textsuperscript{319}

d. State Definitions of Felony and Misdemeanor
NM Stat § 30-1-6 defines three crime severities. A felony if it is so designated by law or if upon conviction thereof a sentence of death or of imprisonment for a term of 1 year or more is authorized. A misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment in excess of 6 months but less than 1 year is authorized. A petty misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment for 6 months or less is authorized.\textsuperscript{320}

e. Fees Associated with Criminal History Reports
NMDPS does not charge any fees to local law enforcement agencies for access to the criminal history system.

f. Vendors Supporting Criminal History Services
NMDPS contracts with Gemalto for automated fingerprint information services and CPI, the OpenFox Company, for the message switch, and the computerized criminal history is maintained with in-house resources.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

New Mexico responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>632,900</td>
<td>634,000</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>350,723</td>
<td>383,626</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>288,975</td>
<td>288,719</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>639,698</td>
<td>672,345</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>25%</td>
<td>25%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>25%</td>
<td>25%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not reported</td>
<td>30%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>New Mexico does not maintain a protection order file</td>
<td>New Mexico does not maintain a protection order file</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>6,611</td>
<td>7,088</td>
</tr>
</tbody>
</table>

\textsuperscript{320} https://law.justia.com/codes/new-mexico/2018/chapter-30/article-1/section-30-1-6/
k. Active records in state warrant database | New Mexico does not maintain a state warrant file | New Mexico does not maintain a state warrant file
---|---|---
l. Active records in NCIC warrant file | 105,960 | 110,322

3. Rap Sheet Assessment

SEARCH analyzed the contents of five sample rap sheets provided by the New Mexico Department of Justice, Law Enforcement Records Bureau to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.321

Overview of the Contents: The rap sheet contains data from the Identification, Arrest, Court, Sentence and Supervision segments. Arrest events/cycles include Arrest, Court and Sentence segment data. Supervision segments are listed chronologically, along with arrests. The rap sheet includes entries for all fingerprinting events (Arrest and Supervision Intake). No Prosecution segment data is included. Cycles are number sequentially and listed in reverse chronological order, with the newest arrest listed first as cycle 1.

Heading and Identification Section: The Heading contains limited information about dissemination and use of the rap sheet. No Cautions or Offender Notices are included. Identification information is labeled “Identification” and includes the SID and FBI numbers, a list of all names used by the subject, followed by basic demographic data, and all Dates of Birth and SSNs used by the subject. There is sufficient data to confirm the identity of the subject.

Arrest Cycle: Each arrest cycle is identified by a double dashed line with cycle number in the middle “======== CYCLE 1 ======” Each cycle contains data from the arrest, court and sentence segments of the JTF standard. The Court and Sentence data is appended to the arrest segment data and not presented in separate sections.

Arrest segment information includes the Arrest Date, Agency ORI and Name, and charge information. For more recent arrests, the charge information includes the Charge Sequence Number, Statute Number, Severity (e.g., F for felony and M for misdemeanor), Charge Class, and Charge Literal (description). Older arrests may not include all of these data elements.

No prosecutor segment data is included on the rap sheet.

Court segment information is limited to Disposition, which is appended to each charge.

Sentence segment data is contained in a “Remarks” field following the charges. Sentence details are generally fully spelled-out in a free-text format that includes confinement information, credit for time served, fines, etc.

Supervision segment data is entered in a format similar to arrest cycles. Data includes Date of Arrest, Agency Name and ORI, charge data, including Charge Sequence Number, Statute Number, Severity and

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Class, Charge Literal, and Court Disposition. A Remarks field may contain sentence information or other actions resulting from the event.

Charge Tracking: Charges within the cycle are only presented once; therefore, charge tracking is inherent in the format of the rap sheet.

Other Information and Notes:
- All fingerprint events are presented, which includes arrests for probation violations and warrants. Many of these do not have a disposition and the action taken is recorded in the Remarks field.
- One of the rap sheets included a separate warrant segment with information from the fully packed warrant that was entered into NCIC. The warrant segment also includes caution and warning information.
- Two rap sheets included results from other states as separate rap sheets. This is likely an orchestration of multiple queries generated by NM DOJ for Purpose Code C inquiries.

The following table lists strengths and weaknesses of New Mexico’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td></td>
<td>No incident information.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No booking agency information.</td>
</tr>
<tr>
<td>Prosecution</td>
<td></td>
<td>No Prosecution segment.</td>
</tr>
<tr>
<td>Court</td>
<td></td>
<td>Many dispositions are listed as unavailable.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No court identifiers or case references.</td>
</tr>
<tr>
<td>Sentencing</td>
<td></td>
<td>Sentencing is associated with the arrest event and not with individual charges.</td>
</tr>
<tr>
<td>Supervision</td>
<td>Many supervision events are recorded and included on the rap sheet.</td>
<td>No mechanism to link supervision data to arrest data. No action, status or event data is provided in supervision cycles.</td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items noted during research:
- New Mexico does not participate in the National Fingerprint File (NFF), nor are they a signatory to the National Crime Prevention and Privacy Compact.
- New Mexico does not provide in-state-only criminal justice rap back services.
- New Mexico provides in-state noncriminal justice rap back services for persons working with children or the elderly, healthcare providers, security guards, and public safety personnel.
• New Mexico provides a web-based noncriminal justice background checks to the public. The New Mexico Applicant Fingerprint Processing (NMAPS) is an electronic solution for state residents to complete their federal and state background checks. The fee is $73.30 for Department of Health Applicants, $8.30 for Law Enforcement Applicants, and $44 for all other applicants.322

5. Repository Position Descriptions

New Mexico did not provide position descriptions

322 https://www.aps.gemalto.com/nm/index_NM.htm
**NV - Nevada State Profile of Criminal History Records**

This profile describes the Nevada laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems,\(^{323}\) an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.\(^{324}\)

1. **Review of Relevant Statutes, Policies and Requirements**
   a. **Reporting Arrests and Dispositions and Collecting Fingerprints**

   Nevada Revised Statute Title 14, Chapter 179A, Section 075 (NRS § 179A.075) requires that each criminal justice agency collects and reports arrest, disposition, sentencing and custodial information to the Nevada Department of Public Safety, Records, Communication and Compliance Division (DPS). Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained to DPS within 60 days after the date of the disposition of the case. To complete the record of criminal history, DPS requires:\(^{325}\)
   - Arrest disposition information, including fingerprints, descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued, citations issued for violations
   - Decisions of a district attorney or the Attorney General not to prosecute the subject
   - Indictments or other formal criminal charges
   - Dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences
   - Information concerning an offender in prison, any post-conviction relief, correctional supervision occurring in Nevada
   - Information concerning the status of an offender on parole or probation
   - Information concerning a convicted person who has registered as a sex offender

   b. **Cite and Release – Arrests without Fingerprints**

   NRS § 171.122\(^{326}\) In lieu of arresting a defendant, a peace officer may issue a citation if the following conditions are met:
   - The offense is punishable as a misdemeanor;
   - The officer has no indication that the defendant has previously failed to appear on the charge;
   - The defendant provides satisfactory evidence of his or her identity to the peace officer;
   - The defendant signs a written promise to appear in court for the misdemeanor offense; and
   - The officer has reasonable grounds to believe that the defendant will keep a written promise to appear in court.

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\(^{323}\) 2016 Survey: [https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf](https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf); the 2018 Survey is pending publication.

\(^{324}\) Information acquired during the interview and site visit is incorporated into the appropriate sections of this report.

\(^{325}\) [https://www.leg.state.nv.us/NRS/NRS-179A.html#NRS179ASec075](https://www.leg.state.nv.us/NRS/NRS-179A.html#NRS179ASec075)

\(^{326}\) [https://www.leg.state.nv.us/NRS/NRS-171.html#NRS171Sec122](https://www.leg.state.nv.us/NRS/NRS-171.html#NRS171Sec122)
c. Expungements and Sealing

Nevada does not expunge any criminal history records. Nevada has one of the broadest sealing laws in the Nation, making convictions but those for crimes against a child, sex offenses, and certain DUI offenses eligible for sealing after a waiting period. A defendant may petition the court in which they were convicted to seal all records related to the conviction. There is a waiting period of 2 to 10 years after the completion of the sentence for felonies and 1 to 7 years for misdemeanors.327 Sealing relief is not available to anyone who has been convicted during the eligibility waiting period. Sealing is available for successful reentry program participants and persons convicted of drug possession after a 3-year waiting period.

Victims of human trafficking convicted of prostitution and related offenses may petition to have their convictions vacated and sealed “after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.” NRS § 179.247.

NRS § 458.300 authorizes deferred sentencing in the case of persons convicted of a crime and adjudged an addict or alcoholic. Upon successful completion of a treatment program, the conviction may be set-aside and the record sealed. Deferred sentencing and sealing are also available for first-time drug offenders.

NRS § 176A.290 authorizes deferred sentencing and dismissal in specialized treatment courts for veterans or members of the military, and § 176A.260 establishes similar specialized courts for persons with mental illness or intellectual disabilities. After dismissal, sealing would then be available.

On May 29, 2019, the Governor of Nevada signed the Nevada Second Chance Act into law. The law establishes procedures for sealing conviction records for offenses that the Nevada legislature has since decriminalized. The Nevada Second Chance Act particularly affects individuals with marijuana possession convictions. Nevada legalized recreational use of marijuana in 2016.

Non-conviction records relating to a dismissal, declination or acquittal are presumptively eligible for sealing after the charges are dismissed, declined for prosecution (after the limitations period has run or 10 years), or a person is acquitted.

NRS § 179.245 and NRS § 179.255 require the subject of the record to provide the court with a copy of their state criminal history to accompany their petition to seal records. There is a fee of $27 that the subject of the record must pay to obtain a copy of their own criminal history report.

Records are sealed automatically upon reaching age 21 for most juvenile offenses. Records for certain violent and sexual offenses may be sealed after reaching age 30. Those under age 21 may petition for sealing if they have not been adjudicated in or referred to juvenile court for the preceding 3-year period.

327 https://www.leg.state.nv.us/NRS/NRS-179.html#NRS179Sec245
The effect of record sealing is that the sealed record may be inspected under certain circumstances by prosecutors, agencies charged with gaming and insurance licensing, the Central Repository for Nevada Records of Criminal History, law enforcement, and the State Board of Pardons Commissioners.

d. **State Definition of Felony and Misdemeanor**
NRS § 193.120 defines a felony as crime that may be punished by death or by imprisonment in the state prison is a felony. It further defines a misdemeanor as crime punishable by a fine of not more than $1,000, or by imprisonment in a county jail for not more than 6 months and a gross misdemeanor as every other crime.328

e. **Fees Associated with Criminal History Reports**
DPS does not charge local law enforcement agencies any fees to use the criminal history system. At present, DPS does not offer web-based noncriminal justice background checks.

f. **Vendors Supporting Criminal History Services**
Nevada is a member of the Western Identification Network (WIN), which uses NEC to support the automated fingerprint and biometric systems. DPS contracts with Norsoft Consulting for their message switch and DPS supports and maintains the computerized criminal history repository with in-house developers. In July 2019, Nevada released a request for proposal for their criminal justice information system modernization project to include software applications that support the statewide law enforcement message switch system, hot files, computerized criminal history, and noncriminal justice background check processes.

2. **Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems**
Nevada responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>879,200</td>
<td>941,900</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>727,820</td>
<td>807,620</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>243,731</td>
<td>234,105</td>
</tr>
<tr>
<td>d. Total III) records in state and FBI files</td>
<td>971,551</td>
<td>1,041,725</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>57%</td>
<td>61%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>60%</td>
<td>69%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>23%</td>
<td>67%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>4%</td>
<td>6%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>2,380</td>
<td>2,035</td>
</tr>
</tbody>
</table>

328 [https://www.leg.state.nv.us/NRS/NRS-193.html#NRS193Sec120](https://www.leg.state.nv.us/NRS/NRS-193.html#NRS193Sec120)
3. Rap Sheet Assessment

SEARCH analyzed the contents of five sample rap sheets provided by the Nevada Department of Public Safety Records, Communications & Compliance Division (DPS) to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.330

Overview of Contents: The major sections of the rap sheet include the identification, arrest, prosecution, court and sentence segments of the rap sheet standard. Rap sheets do not include the supervision segment. The Nevada rap sheet is formatted to confirm the identity of the subject and follow their criminal history arrest cycles.

Identification Section: The rap sheets provided by DPS included redacted person identification. It appears to contain sufficient detail to confirm the identity of the subject. Identification information includes key identifiers and descriptive information about the subject. It also includes information that indicates if the subject is a violent felon, and other cautions and notices.

Arrest Cycle: Each cycle is separated by a header and identified by a unique process control number (PCN). Each cycle includes the arrest and prosecution or court data depending on the outcome of the arrest/case. Cycles are presented in reverse chronological order (i.e., the most recent arrest is listed first).

Arrest cycles are not organized by segment. Rather, each charge within the arrest segment includes relevant data from the prosecutor or court segment. For example, the first arrest charge will display the associated disposition and sentence rather than listing all the arrest charges separately followed by the prosecutor or court segments that include the outcomes for each charge. The arrest information includes arrest date, arresting agency name and ORI, the name used by the subject, arrest case number (OCA), and arrest charges with charge literal, severity (e.g., felony or misdemeanor), statute citation, and state and NCIC offense codes.

Prosecution information is provided only when the charge final dispositions are from the prosecutor. Prosecution data includes charge literal, severity (e.g., felony or misdemeanor), statute citation, state offense code and NCIC offense code, and the prosecutor’s disposition and agency name.

329 Nevada courts are not open 24 hours a day, 7 days a week. This causes courts not to be able to comply with NCIC’s 24x7 "hit" confirmation policy. Also, courts and law enforcement lack resources to validate the accuracy of protection orders under the NCIC validation requirement. Protection orders that meet NICS entry criteria are entered into the NICS Indices by repository (Point of Contact) staff for use in making firearm suitability determinations.

If the final disposition is from the court, court data includes charge literal, severity (e.g., felony or misdemeanor), statute citation, state offense code and NCIC offense code, court name and ORI, disposition, disposition date, and court case number.

Sentencing data is provided for each charge where appropriate and includes terms, conditions, probation terms, fines and confinement type (e.g., jail, prison) in discrete data fields.

**Charge Tracking:** Charge tracking is inherent to the structure of the cycle, as each arrest charge is followed the disposition and sentence as appropriate.

**Other Information and Notes:**
- The rap sheet query appears to generate additional queries about the individual, including: Concealed Carry Permit, Protection Orders, Warrants/Wanted Persons and Sex Offender Registration information in response to queries for criminal justice purposes (e.g., purpose code C).
- For noncriminal justice purposes (purpose codes J and I), these queries are not included in the background check; however, a search of the Sex Offender Registry is conducted and if the individual is a convicted offender and is subject to public notification pursuant to state law a caveat is provided at the bottom of the rap sheet.

The following table lists strengths and weaknesses of Nevada’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>Includes information that indicates if the subject is a violent felon, and other cautions and notices.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Charge tracking by the format of the cycle. Charges include statutes and severity.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>Prosecutor information only provided if no court information is provided.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Detailed disposition data. Charges include statutes and severity.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed and discrete sentencing data.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>No supervision information.</td>
<td></td>
</tr>
</tbody>
</table>
4. Other Criminal History Items

The following are other items noted during research and discussions with the Nevada criminal history repository staff:

- Nevada does not participate in the National Fingerprint File (NFF).
- Nevada is a signatory to the National Crime Prevention and Privacy Compact.
- Nevada was the last state to establish an in-state criminal history system – prior to implementing the in-state system, Nevada utilized the FBI Interstate Identification Index (III).

5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of Nevada.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Assistant II</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing. Positions that provide support to CJIS auditing and training services.</td>
<td>$33,971</td>
<td>$49,151</td>
</tr>
<tr>
<td>Administrative Assistant III</td>
<td>Positions that provide supervision, input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing. Positions that provide customer support or process background checks for firearm transfers. Positions that provide support to CJIS auditing and training services.</td>
<td>$36,314</td>
<td>$53,598</td>
</tr>
<tr>
<td>Administrative Assistant IV</td>
<td>Positions that provide supervision and serve as lead employees who maintain and operate the state Sex Offender Registry and to provide customer support or process civil background checks for employment, licensing, and housing. Positions that provide customer support, conduct research, and process background checks for firearm transfers.</td>
<td>$39,943</td>
<td>$58,380</td>
</tr>
<tr>
<td>Position</td>
<td>Responsibilities</td>
<td>Program Officer I</td>
<td>Program Officer II</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Program Officer I</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry.</td>
<td>$43,346</td>
<td>$63,746</td>
</tr>
<tr>
<td>Program Officer II</td>
<td>Positions that provide supervision, input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that provide supervision and serve as lead employees who maintain and operate the state Sex Offender Registry. Positions that provide supervision and serve as lead employees who provide customer support or process civil background checks for employment, licensing, and housing. Positions that provide supervision, customer support, research or process background checks for firearm transfers. Positions that provide support to CJIS auditing and training services.</td>
<td>$47,188</td>
<td>$69,739</td>
</tr>
<tr>
<td>Fingerprint Records Examiner II</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$43,346</td>
<td>$63,746</td>
</tr>
<tr>
<td>Fingerprint Records Examiner III</td>
<td>Positions that serve as lead employees for processing ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$45,142</td>
<td>$66,628</td>
</tr>
<tr>
<td>Fingerprint Records Examiner - Supervisor</td>
<td>Positions that supervise employees who process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$49,151</td>
<td>$72,871</td>
</tr>
<tr>
<td>NCJIS Program Specialist</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$43,346</td>
<td>$63,746</td>
</tr>
<tr>
<td>Information Technology Professional III</td>
<td>Positions that perform Information Security Officer (ISO) functions, providing ISO assistance and performing audits/training.</td>
<td>$63,746</td>
<td>$95,672</td>
</tr>
<tr>
<td>Information Technology Professional IV</td>
<td>Positions that serve as lead employees performing ISO functions, providing ISO assistance and performs audits/training.</td>
<td>$69,739</td>
<td>$104,901</td>
</tr>
<tr>
<td>Position</td>
<td>Description</td>
<td>Salary 1</td>
<td>Salary 2</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Information Technology Manager</td>
<td>Positions that manage the ISO program and employees performing ISO functions.</td>
<td>$76,170</td>
<td>$115,090</td>
</tr>
<tr>
<td>Statistician II</td>
<td>Positions that perform Uniform Crime Reporting (UCR) functions and tasks associated with the programs Sexual Assault Forensic Evidence (SAFE) Kit Tracking and Reporting Program.</td>
<td>$43,346</td>
<td>$63,747</td>
</tr>
</tbody>
</table>
NY - New York State Profile of Criminal History Records

This profile describes the New York laws, policies and requirements to develop the state criminal history records. It also provides information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprint

The Consolidated Laws of New York, Criminal Procedure, Part 2, Title H, Article 160, Section 10 (CPL 160.10) requires the arresting agency to take fingerprints when the arrested person is charged with: a felony, misdemeanor, or loitering for the purpose of engaging in prostitution. Additionally, the arresting agency may take fingerprints to ascertain a person’s identity. The fingerprints and the submission of available information concerning the arrested person must be submitted to the New York State Division of Criminal Justice Services (DCJS).

Executive Law Article 35, Section 837 (EXC 35-837) defines the functions and powers of the DCJS. These duties include acting as the central repository for criminal justice information and in order to do so, the DCJS must collect dispositions from the courts. The DCJS, in cooperation with the Office of the Court Administration, established a disposition reporting system that courts are required to use to report dispositions.

Correction Law 22.618 requires state correctional institutions to submit fingerprints to the central repository when an inmate’s status changes (e.g., at intake, release, etc.) and transmit them to the DCJS within 24 hours following the status change.

b. Cite and Release – Arrests without Fingerprints

CPL 150.20 requires a police officer to issue an appearance ticket when arresting an individual without an open warrant for misdemeanors or class E felonies that do not involve a sex offense or violence. CPL 150.75 allows an officer to issue a notice to appear for possession of marijuana when no other offense is alleged. CPL 160.10 requires the officer to fingerprint the person before issuing an appearance ticket and releasing them. If the defendant is convicted of an offense and not fingerprinted, the court will order the fingerprints to be taken.

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331 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
332 Information acquired during the interview is incorporated into the appropriate section of this report.
337 https://law.justia.com/codes/new‐york/2018/cpl/part‐2/title‐h/article‐150/150.75/
338 https://law.justia.com/codes/new‐york/2018/cpl/part‐2/title‐h/article‐150/150.75/
c. Expungements and Sealing
CPL 160.50\textsuperscript{340} provides the automated sealing of non-conviction records and CPL 160.55\textsuperscript{341} allows for the automated sealing of violation convictions. Once the court actions for these cases are complete, the court will notify the repository and appropriate police departments to seal the arrest records for the case.

Effective October 1, 2017, the state’s first general adult conviction sealing authority went into effect, allowing individuals with up to two convictions and only one felony to seal the records of conviction for all crimes other than sex offenses and class A and violent felonies after a 10-year waiting period.\textsuperscript{342} Individuals required to register as sex offenders and individuals who have exceeded the maximum allowable number of sealings are ineligible, as are those with pending charges or who have been convicted subsequent to the last conviction for which sealing is sought.

CPL 160.58 allows defendants that complete a diversion/drug treatment program for marijuana and minor substance abuse to receive sealed dispositions after completing the diversion program.\textsuperscript{343}

If a delinquency procedure terminates in favor of the juvenile, the court must immediately order the sealing of records, unless the interests of justice require otherwise. A juvenile may also move in writing to seal a record, except for felony acts, and the court will grant the motion if “in the interest of justice.” All records for adjudicated youthful offenders are sealed automatically.\textsuperscript{344}

A Certificate of Relief from Disabilities (CRD) or a Certificate of Good Conduct (CGC) may be obtained to restore certain rights. CRD is available to individuals with no more than one felony, as early as sentencing and a CGC is available to individuals with multiple felonies after a waiting period of 1 to 5 years. Persons residing in New York with convictions from other states or with federal convictions may qualify for these certificates.

d. State Definition of Felony and Misdemeanor
New York distinguishes the severity of a crime by the length of the sentence that may be imposed. A felony is a crime that can carry a sentence of at least 1-year imprisonment and a misdemeanor shall not exceed 364 days.\textsuperscript{345}

e. Fees Associated with Criminal History Reports
The DCJS does not charge any fees to local law enforcement agencies for access to the criminal history system.

f. Vendors Supporting Criminal History Services
The DCJS contracts with IDEMIA for the automated fingerprint identification system. The State supports the computerized criminal history system and message switch with in-house resources.

\textsuperscript{344} https://law.justia.com/codes/new-york/2015/cpl/part-3/title-u/article-720/
2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

New York responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>9,941,000</td>
<td>8,227,600&lt;sup&gt;346&lt;/sup&gt;</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>3,874,482</td>
<td>3,826,628</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>327,577</td>
<td>326,759</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>4,202,059</td>
<td>4,153,387</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>91%</td>
<td>91%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>85%</td>
<td>91%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>92%</td>
<td>92%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>6%</td>
<td>3%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>Not available</td>
<td>169,042</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>250,409</td>
<td>269,024</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>Not available</td>
<td>308,050</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>33,560</td>
<td>35,821</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of four sample rap sheets provided by the New York State Division of Criminal Justice Services to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.<sup>347</sup>

Overview of the Contents: The major sections of the rap sheet include data from the Identification section and the Arrest, Prosecution, Court, Sentence and Supervision segments of the JTF standard. The Arrest cycle may include data from the Arrest, Prosecution, Court, Sentence and Supervision segments. Cycles are listed in reverse chronological order with the newest cycle listed first.

Heading and Identification Section: The rap sheet heading includes some Offender Caution and Notice information, such as “Violent Felony Offense(s) on File,” at the beginning of the section and some, such as Multi-state Offender indicator, at the end of this section. The Identification section is identified by a section break labeled “Identification Information”. The rap sheet includes sufficient identification information to accurately identify the individual (Name, DOB, SID, and other numbers),

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<sup>346</sup> The number of subjects in the state repository is accurately reported for 2018. The count provided in the 2016 survey reflected the number of unique fingerprints on file and not subjects.

physical descriptions, cautions and flags, and address information. The rap sheet includes a photo of the individual.

**Arrest Cycle:** Each arrest cycle is identified by a line separator and the label “Cycle #.” The first arrest cycle is for the most recent arrest and shows the highest cycle number (total number of cycles). Each cycle is divided into the following sections: Arrest/Charge Information, Court Case Information, and Incarceration/Supervision Information.

The Arrest/Charge Information section begins with the arrest date followed by demographic information associated with the arrest, including: arrestee name, date of birth, and social security number and includes the place of arrest, date of crime, a criminal justice tracking number, arresting agency ORI and name, and arrest number. This segment then lists data associated with each arrest charge, including the charge literal, statute citation, severity (Felony or Misdemeanor), class and NCIC offense code. No charge tracking or charge sequence number is used.

Court Case Information section immediately follows the arrest information and provides a chronological history of court events and actions. It starts by identifying the court of jurisdiction followed by all filed (“arraigned”) charges. If the case is disposed of in the initial court of jurisdiction, the final/disposition charges are listed, followed by the sentence and supervision data, if appropriate. If the case is bound over to a higher court, the bound-over charges are listed again under a subsequent event (e.g., “Transferred to XXXXXXXX Court”). Interim court actions or events may also be listed, but each Court Case Information section ends with the final outcome/disposition for each charge (“Conviction Upon Plea of Guilty,” “Dismissed,” etc.) All charges include the statute number, Charge Literal, Severity and Class, and NCIC offense code. Charge information is followed by sentence and supervision information as appropriate.

Sentence information is presented as semi-structured text and can include confinement, fine and other sentence details in one text string. While sentence information pertains to a given charge, New York allows for the consolidation of charges, which are then associated with only one sentence. Charges are consolidated using the reference “In Full Satisfaction of:” followed by a list of charges.

Supervision segment data is labeled “Incarceration/Supervision Information” and is included within the arrest cycle. Key data includes intake (Admission) date, reason, term, and charge (following the same format), and release date and reason, as well as status updates.

**Charge Tracking** – No charge tracking number or charge sequence number is used to follow the history of the arrest charge through the cycle. Arrest charges can change both by order presented and substantively when filed (arraigned). Final charges at disposition are reorganized by Disposition rather than by listing all final charges in the same order as when filed. This is not a common format and does not make it easy to track charges across segments, although it makes it easy to identify the disposition for each charge.

**Other Information and Notes:**
- A sample rap sheet using test data indicates that current Supervision status may be included in the rap sheet heading.
- The rap sheet heading and identification section includes a summary table of arrests, open cases, convictions, etc.
- If the arrest incident includes domestic violence charges, the cycle header includes “Domestic Incident Report Filed”.
- If the arrest incident includes a violent felony charge, the cycle header includes “Violent Felony Offense”.
- The rap sheet includes a significant amount of additional information about the offender, including: Other History Related Information, Job/License Information, Warrant Information, and additional caution information that is useful for public safety purposes.

The following table lists strengths and weaknesses of New York’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>The rap sheet includes complete identification information (Name, DOB, SID, and other numbers), physical descriptions, cautions and flags, and address information. Additional information provided for public safety purposes.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Charges include the NCIC Offense codes for each charge.</td>
<td>No Separate Booking Segment.</td>
</tr>
<tr>
<td></td>
<td>The charges include the severity and class.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>The cycles include an arraignment section that provide details about case proceedings and each charge.</td>
<td>It is difficult to track charges across the entire cycle lifecycle.</td>
</tr>
<tr>
<td>Court</td>
<td>Detailed Disposition Data. Additional court events are included.</td>
<td>Organization of dispositions is not typical and may require additional understanding of judicial process.</td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed sentencing data is included in the court segment.</td>
<td>Standardized data elements and values are not used.</td>
</tr>
<tr>
<td>Supervision</td>
<td>Detailed Incarceration and Supervision Information included with each cycle.</td>
<td></td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items noted during research and discussions with the New York criminal history repository staff:

- New York participates in the National Fingerprint File (NFF) and a signatory to the National Crime Prevention and Privacy Compact.
- New York provides in-state criminal justice rap back services for sex offenders, parole and probation, and noncriminal justice purpose fingerprint searches.
• New York provides in-state noncriminal justice rap back services for persons working with children and the elderly, healthcare providers, security guards, public safety personnel, and taxi and hazmat licensees.
• New York does not provide web-based noncriminal justice background checks to the public.

5. **Repository Position Descriptions**

New York did not provide position descriptions.
OH - Ohio State Profile of Criminal History Records

This profile describes the Ohio laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements
   a. Reporting Arrests and Dispositions and Collecting Fingerprints
      Ohio Revised Code Title I, Chapter 109, Section 57 (ORC § 109.57) describes the duties of the superintendent of the Bureau of Criminal Identification and Investigation (BCI) to collect and file photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent to all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor that is punishable by jail time or a fine greater than $1,000.

      ORC § 109.57 requires that BCI cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor that is punishable by jail time or a fine greater than $1,000.

      ORC § 109.57 also requires that every clerk of a court of record in Ohio, other than the supreme court or a court of appeals, send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving any misdemeanor that is punishable by jail time or a fine greater than $1000.

   b. Cite and Release – Arrests without Fingerprints
      ORC § 2935.26 allows a law enforcement officer to issue a citation in lieu of arrest for minor misdemeanors. Legislation was recently changed to include the courts in the fingerprint process; the court can mandate that the subject get fingerprinted at a law enforcement agency or they can be fingerprinted at the court.

   c. Expungements and Sealing
      ORC § 2935.31 makes sealing is available for one or more offenses, but not more than five felonies. The felonies must be fourth- or fifth-degree offenses and must not be an offense of violence or a sex offense. Sealing is also available for one felony, for two misdemeanors, or for one felony and one misdemeanor. There is an eligibility waiting period of 1–5 years, depending on the number and

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348 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
349 Information acquired during the interview is incorporated into the appropriate sections of this report.
350 http://codes.ohio.gov/orc/109.57v1
351 http://codes.ohio.gov/orc/2935.26
352 http://codes.ohio.gov/orc/2953.31v1
seriousness of the offenses and a hearing is held in which the court applies a balancing test. Additionally:

- The court may seal records pertaining to charges that were dismissed or as to which the defendant was found not guilty.
- Juvenile delinquency records may be sealed 6 months following discharge, except for murder or rape.
- Expungement is available for victims of human trafficking.
- A court-issued Certificate of Qualification for Employment (CQE) removes specified mandatory occupational and licensing consequences and creates presumption of fitness based on a 1-year waiting period for felonies and 6 months for misdemeanors.

The effect of sealing a record in Ohio restores the defendant to all rights and privileges not otherwise restored by termination of the sentence, community control sanction, by final release on parole, or post-release control. Private and public employers, as well as occupational licensing authorities, may not question a person about a sealed adult conviction, unless the question “bears a direct and substantial relationship to the position for which the person is being considered.”

d. State Definition for Felony and Misdemeanor
ORC § 2901.02 classifies crimes. Any offense where imprisonment for more than 1 year may be imposed as a penalty is a felony. Any offense where imprisonment for less than 1 year may be imposed is a misdemeanor.353

e. Fees Associated with Criminal History Reports
BCI does not charge local law enforcement agencies any fees to use the criminal history system. At this time BCI does not offer web-based noncriminal justice background checks.

f. Vendors Supporting Criminal History Services
BCI contracts with Gemalto for computerized criminal history repository and automated fingerprint information system services. The state message switch and criminal justice information network are part of the Law Enforcement Automated Data System (LEADS) that are supported with in-house resources from BCI and the Ohio Highway Patrol.

353 [http://codes.ohio.gov/orc/2901.02v1](http://codes.ohio.gov/orc/2901.02v1)
2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

Ohio responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>2,464,700</td>
<td>2,545,400</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,842,485</td>
<td>1,964,575</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>338,968</td>
<td>312,605</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>2,181,453</td>
<td>2,227,180</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>53%</td>
<td>55%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>43%</td>
<td>59%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>50%</td>
<td>53%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>33%</td>
<td>38%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>27,381</td>
<td>34,643</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>31,971</td>
<td>34,495</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>Not available</td>
<td>220,000</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>15,997</td>
<td>17,859</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of four rap sheets provided by the BCI to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. All samples were for Purpose Code C inquiries.

Overview of Contents: The rap sheet includes data from the Identification, Arrest, Court and Sentence, and Supervision segments of the rap sheet standard. The rap sheets do not include data from the Prosecution segment. Arrest Cycles are presented in chronological order, with the oldest cycle listed first.

Heading and Identification Section: The Heading provides repository identification and contract information, and some components of the query request. Caveat information on dissemination and usage information is provided at the end of the rap sheet. Offender Cautions and Notice information is provided immediately following the Heading, such as “WARNING: APPROACH WITH CAUTION” and “CONVICTED ON FELONY CHARGE”. Additional caution and notice information is embedded in the

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Identification section (e.g., III status, etc.). The Identification section contains various identifiers, name and demographic data. Alias data follows. There is detail to confirm the identity of the subject.

**Arrest Cycle:** Each cycle is separated and identified by a unique cycle number (CYCLE/01, etc.). Each cycle includes the arrest, court, sentencing, and supervision data, depending on the outcome of the arrest/case. Segments are labeled “ARREST,” “JUDICIAL” and “CUSTODY - SUPERVISION”.

The Arrest segment includes the following key data: Date of Arrest (DOA), Agency Name and ORI, arrest tracking number (ARREST#), and charge information. More recent arrests include the incident tracking number (ITN). Charge information includes charge literal (description), state offense code, statute number. More recent arrests show severity (e.g., Felony and Misdemeanor) and class. Each charge is identified by a charge sequence number.

Court and sentencing information are separated from the arrest segment by the word “JUDICIAL,” followed by the court ORI and name. This section lists each charge and the corresponding disposition and sentence, if available. Data includes charge sequence number, charge statute number, charge literal, disposition (DISP), disposition date (CDD), and sentencing information. Disposition and sentence data are presented under each charge in a columnar format on the right side of the rap sheet. Sentence components are labeled followed by the value (e.g., CONFINEMENT/3Y or FINE/200). Additional sentence may be listed on the left side of the rap sheet and labeled “PROVISIONS” (e.g., SENTENCE SUSPENDED, CONCURRENT/CONSECUTIVE, etc.). PROVISIONS appear to be used as a general comment area and can include information other than sentence data.

Supervision information is provided within the arrest cycle with the segment header of “CUSTODY – SUPERVISION”. The supervision information includes supervision action (RECEIVED, PAROLED, DISCHARG), the action date (START DATE), and the agency name and ORI.

**Charge Tracking:** Ohio does not link arrest charges to filed or disposition charges. Charge sequence numbers do not map across these segments. It is common for more charges to be listed in the court segment than are listed in the arrest segment. The reader may infer the relationship between the charges included in each segment based on the statute number.

**Other Information and Notes:**
- Some arrests do not have court and sentence information. Many of these can be explained by the nature of the arrest event, which may not result in a court disposition, such as arrests resulting from a failure to appear or failure to comply; others may have been disposed by the prosecution.
- The Ohio rap sheet contains several acronyms and abbreviations that persons unfamiliar with the rap sheet will have difficulty deciphering. For example, the rap sheet includes several cryptic labels (e.g., “EAG/” followed by an ORI related to BCI and “DRE/” followed by a date).

The following table lists strengths and weaknesses of Ohio’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:
<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td>Offender caution information is displayed clearly at the beginning of the rap sheet.</td>
<td></td>
</tr>
<tr>
<td>Identification</td>
<td>Complete Person Information.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Most of the charges reviewed include the severity and class in the Judicial segment.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>No Prosecution Information.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Lack of charge tracking. Many arrest segments do not contain corresponding judicial or supervision segments.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Granular Sentencing Data.</td>
<td>Some sentence data is contained under PROVISIONS.</td>
</tr>
<tr>
<td>Supervision</td>
<td>Include intake and release dates.</td>
<td></td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items noted during research and discussions with the Ohio criminal history repository staff:

- Ohio participates in the National Fingerprint File (NFF).
- Ohio is a signatory to the National Crime Prevention and Privacy Compact.
- Ohio provides in-state rap back services.
- Ohio does not provide a web-based service for background checks.

5. Repository Position Descriptions

Ohio did not provide position descriptions.
OK - Oklahoma State Profile of Criminal History Records

This profile describes the Oklahoma laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements
   a. Reporting Arrests and Dispositions and Collecting Fingerprint

Oklahoma Statutes Citationized Title 74, Chapter 5, Section 150.12 (O.S. § 150.12) mandates reporting of fingerprint and criminal history information by criminal justice agencies to the Oklahoma State Bureau of Investigation (OSBI).
   - Law enforcement officers are required to provide fingerprints, identification information, and charge information to OSBI and the incident filing report to prosecution within 72 hours of the reportable event.
   - The Department of Corrections is to take the fingerprints of all prisoners received into custody and provide fingerprints and identification information to OSBI within 72 hours of the reportable event.
   - The following events shall be reported to OSBI within 30 days:
     o The release of a person after arrest without the filing of any charges;
     o A decision by a prosecutor to modify or amend initial charges upon which the arrest was made, including deletions or additions of charges or counts;
     o The presentment of an indictment or the filing of a criminal information or other statement of charges;
     o The dismissal of an indictment or criminal information or any charge specified in such indictment or criminal information;
     o An acquittal, conviction or other court disposition at trial or before, during or following trial, including dispositions resulting from pleas or other agreements;
     o The imposition of a sentence;
     o The commitment to or release from the custody of the Department of Corrections or incarceration in any jail or other correctional facility;
     o The escape from custody of any correctional facility, jail or authority;
     o The commitment to or release from probation or parole;
     o An order of any appellate court;
     o A pardon, reprieve, commutation of sentence or other change in sentence, including a change ordered by the court;
     o A revocation of probation or parole or other change in probation or parole status;
     o Any other event arising out of or occurring during the course of criminal proceedings or terms of the sentence deemed necessary as provided by the rules established by OSBI.

356 Information acquired during the interview is incorporated into the appropriate sections of this report.
b. Cite and Release
O.S. § 209 allows law enforcement officers, who arrest a person on a misdemeanor charge or violation of city ordinance, to issue a citation to appear in court and release the cited person from any custody.

O.S. § 150.12(B) states that courts are required to order prints be taken, at the time of sentencing, if they are not taken at the time of the arrest. Those fingerprints are to be sent by the law enforcement agency taking the fingerprint impressions to OSBI within seventy-two (72) hours.

c. Expungements and Sealing
Effective Nov. 1, 2019, O.S. § 22.18 allows for a single nonviolent felony conviction to be sealed 5 years after completion of the sentence if there are no pending charges. Two nonviolent felonies may be sealed after 10 years if there are no pending charges. Misdemeanors may be sealed after 5 years if no prior felonies and no charges are pending. The waiting period is waived if the sentence involves a fine less than $500 and no (or suspended) prison term, and upon satisfaction of fine. Pardoned offenses may be sealed with no waiting period.

Oklahoma offers record sealing for deferred adjudication for people with first-time drug offenses and for deferred adjudication and probation for misdemeanors and first-time minor felony offenses after a waiting period; 5 years for felonies and 1 year for misdemeanors.

Records of juvenile adjudications may be sealed upon reaching age 21 with no subsequent convictions. Non-conviction records may be sealed in case of acquittal or if no charges filed, and in case of dismissed charges only if no other felony convictions and the statute of limitation has passed.

Oklahoma uses the term “expungement” in their statute. This Profile replaces “expungement” with “sealing” based on the explanation in O.S. § 22.18, "expungement" shall mean the sealing of criminal records, as well as any public civil record, involving actions brought by and against the State of Oklahoma arising from the same arrest, transaction or occurrence.

d. State Definition of Felony and Misdemeanor
Oklahoma has two types of crimes, felony and misdemeanor, and Oklahoma does not break out classes for either a felony or a misdemeanor.

Title 21 – Crimes and Punishments, Chapter 1 – Preliminary Provisions provides the following definitions:
- O.S. § 21.5 defines a “felony” as a crime which punishable by death or by imprisonment in a penitentiary.360 Every offense declared to be felony is punishable by a fine not exceeding One Thousand Dollars ($1,000), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.
- O.S. § 21.6 defines a “misdemeanor” as every other crime.361 Except in cases where a different punishment is prescribed by this chapter or by some existing provisions of law, every offense

declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding 1 year or by a fine not exceeding $500, or both such fine and imprisonment.

e. Fees Associated with Criminal History Reports
OSBI charges per-device fees to local, state and tribal law enforcement agencies to access the criminal history systems.
- For a full entry/access NCIC terminal, the monthly fee is $350.
- For a limited access desktop terminal that has no NCIC entry capability, the annual fee is $300.
- For a mobile device that has the ability to obtain criminal justice information from the Oklahoma Law Enforcement Telecommunications System (OLETS), the monthly fee is $5.

f. Vendors Supporting Criminal History Services
OSBI contracts with IDEMIA for automated fingerprint information system support and maintenance and CPI, the OpenFox Company, for message switch services. In-house resources support and maintain the computerized criminal history systems.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,037,000</td>
<td>1,110,500</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>649,862</td>
<td>712,041</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>300,911</td>
<td>299,525</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>950,733</td>
<td>1,011,566</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>50%</td>
<td>66%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>56%</td>
<td>61%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>67%</td>
<td>73%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>Oklahoma does not maintain a state protection order file</td>
<td>Oklahoma does not maintain a state protection order file</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>8,658</td>
<td>10,438</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>Oklahoma does not maintain a state warrant file</td>
<td>Oklahoma does not maintain a state warrant file</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>22,978</td>
<td>23,075</td>
</tr>
</tbody>
</table>
3. Rap Sheet Assessment

SEARCH analyzed the contents of six rap sheets provided by the Oklahoma State Bureau of Investigation (OSBI) to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.362

Overview of the Contents: The rap sheet includes data from the Identification, Arrest, Court, Sentence, and Supervision segments of the JTF standard. It does not include data for the Prosecution segments. Following the Identification section, arrest cycles are listed in reverse chronological order, newest to oldest. Supervision segments are listed as separate cycles and displayed in chronological order, along with the Arrest cycles.

Heading and Identification Section: The Heading includes caveat information about record contents. The only Offender Caution or Notice provided is if the subject is a convicted felon, which is listed at the end of the Identification section. Other caution and notice information may be included in other versions of the rap sheet. The purpose code was not displayed on the rap sheet examples. The Identification section includes all key identifiers, names and aliases, and other duplicate data (DOB, SSN, etc.), other standard demographic data, and scars/marks/tattoos. There is sufficient data to confirm the identity of the subject.

Arrest Cycle: The Arrest and Supervision cycles are separated from the Identification section by a separator labeled “------- ARREST CYCLES -------”. Each cycle is separated by a line of asterisks and each cycle heading begins with the word “ENTRY,” followed by the cycle number and received date. Cycle information contains a ‘Contributor Agency’ label, which can be used to determine if the entry is an Arrest entry submitted by law enforcement or a Supervision cycle.

Arrest cycle events includes data from the Arrest, Court and Sentence segments. This data is organized by charge, so all court and sentence data related to each charge is listed under the arrest charge. The Arrest segment data includes the following key data: arrest date (ARRESTED/RECEIVED DATE), arresting agency name and ORI (CONTRIBUTOR AGENCY), the name used by the subject, agency case number, and arrest charges. Arrest charge data includes: State Offense Code and Charge Literal, Severity (e.g., felony or misdemeanor), Counts, and the arrest charge disposition (e.g., “REFERRED TO D.A.”). Charge information does not include the statute of offense.

Court and Sentence data are listed under each Arrest Charge and includes the court name, court case number, disposition, disposition date, offense (Charge Literal), and conviction (e.g., felony or misdemeanor). Sentencing data is provided as a structured list for each charge and includes terms, conditions, probation terms, fines and confinement type (e.g., jail, prison).

The rap sheet does not include a separate prosecutor segment. However, Oklahoma receives disposition data directly from the District Attorneys for cases filed in state court. Oklahoma receives disposition data directly from municipal court clerks for cases adjudicated in municipal court.

Supervision cycles can be identified by the Contributing Agency and ORI (Corrections agency ORIs end with a “C”) and a Court: Disposition of “SENTENCED”. More recent cycles include the Arrest Disposition of “INCARCERATED” and their related sentence information. Supervision cycles list the charges that resulted in confinement and are structured the same as the Arrest cycle. The segment also includes supervision status information, such as Received Date, Discharge Date, Completed Sentence Date, etc. The court case number (CASE #) can be used to link the cycles.

**Charge Tracking:** Charge tracking is inherent due to the formatting of the cycles. If multiple charges are listed in a cycle, the court disposition and sentence is listed with each charge. Arrest Charge Counts also track through the adjudication process. For example, two counts of an arrest charge will either be treated as two separate court segments or a single court segment will reflect the two arrest charges as “Count: 2”.

**Other Information and Notes:** The following is an additional rap sheet observation noted from the assessment:
- The rap sheet does not include warrants and protection orders.

The following table lists strengths and weaknesses of Oklahoma’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Header</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Person</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Arrest</strong></td>
<td>Arrestd include an outcome/disposition.</td>
<td>Statute Numbers are not provided.</td>
</tr>
<tr>
<td></td>
<td>Charges include severity.</td>
<td></td>
</tr>
<tr>
<td><strong>Prosecution</strong></td>
<td></td>
<td>No separate prosecution segment.</td>
</tr>
<tr>
<td><strong>Court</strong></td>
<td>Charge tracking is at the count level.</td>
<td>No Court ORI provided.</td>
</tr>
<tr>
<td></td>
<td>Charges include severity.</td>
<td>Statute Numbers are not provided.</td>
</tr>
<tr>
<td><strong>Sentencing</strong></td>
<td>Structured list.</td>
<td></td>
</tr>
<tr>
<td><strong>Supervision</strong></td>
<td>Events submitted from Department of Corrections are shown in same format and listed as an arrest cycle.</td>
<td></td>
</tr>
</tbody>
</table>

**4. Other Criminal History Items**

The following are other items noted during research and discussions with the Oklahoma criminal history repository staff:
- Oklahoma participates in the National Fingerprint File (NFF).
- Oklahoma is a signatory to the National Crime Prevention and Privacy Compact.
- Oklahoma does not provide rap back services for criminal justice purposes.
• Oklahoma provides in-state noncriminal justice rap back services for persons working with children and the elderly, healthcare providers, security guards, public safety personnel, and all other noncriminal justice partners.
• Oklahoma provides in-state criminal justice rap back services for criminal justice employment purposes.
• Oklahoma provides web-based noncriminal justice background checks to the public through the Criminal History Information Request Portal (CHIRP). The cost of the Oklahoma name-based criminal history background check is fifteen dollars ($15) per search.

5. Repository Position Descriptions

Oklahoma did not provide position descriptions.

363 https://chirp.osbi.ok.gov/home
OR - Oregon State Profile of Criminal History Records

This profile describes the Oregon laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Oregon Revised Statute Chapter 181A, Section 181A.160 (ORS § 181A.160) states that law enforcement agencies must fingerprint and record identification data of arrested persons and promptly transmit the information to the Department of State Police.

ORS § 181.175 requires the court to report dispositions to the Department of State Police.

b. Cite and Release – Arrests without Fingerprints

Oregon allows law enforcement officers to issue a written citation that includes a notice to appear in lieu of arrest for misdemeanors except charges that include domestic disturbance with probable cause to believe that an assault occurred between family or household members, or a person is in fear of imminent serious bodily injury, or a violation of a protection or restraining order.

c. Expungements and Sealing

ORS § 137.225 authorizes the courts to “set-aside” misdemeanors, class C felonies, many class B felonies, schedule I drug possession offenses, and “violations” under state law and local ordinance. Traffic offenses, most sex offenses, most violent offenses, and most offenses against vulnerable populations are ineligible for set-aside. The waiting period varies by severity and class of the offense:

- 1 year for non-conviction records.
- 3 years from the date of judgement for misdemeanors and class C felonies.
- 20 years for class B felonies after the sentence is fulfilled.

Following the decriminalization of recreational marijuana use in 2015, Oregon greatly expanded the availability of set-aside for those convicted of marijuana offenses. Decriminalized marijuana offenses are treated as class C misdemeanors.

In all cases, the applicant must not have any arrests or convictions during the waiting period. Registered sex offenders are ineligible for set-aside until their registration obligation is complete. The effect of a set-aside is that it seals the record of conviction.

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365 https://www.oregonlaws.org/ors/181A.160
366 https://www.oregonlaws.org/ors/181A.175
367 https://www.oregonlaws.org/ors/133.055
368 https://www.oregonlaws.org/ors/137.225
369 https://www.oregonlaws.org/ors/137.226
d. State Definition of Felony and Misdemeanor
ORS § 161.525 defines a “felony” as a crime designated in any statute of Oregon as a felony or if a person convicted under a statute of Oregon may be sentenced to a maximum term of imprisonment of more than 1 year.\(^{370}\)

ORS § 161.545 defines a “misdemeanor” as a crime designated in any statute of Oregon or if a person convicted may be sentenced to a maximum term of imprisonment of not more than 1 year.\(^{371}\)

e. Fees Associated with Criminal History Reports
Oregon does not charge fees to criminal justice agencies to access the criminal history systems.

f. Vendors Supporting Criminal History Services
Oregon contracts with NEC and the Western Identification Network to support the automated fingerprint and biometric systems. Oregon did not provide information vendor information for the message switch or computerized criminal history system.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Oregon responded to survey questions about its criminal history information system:

3. Rap Sheet Assessment
Oregon did not provide rap sheets for review.

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,268,900</td>
<td>1,311,400</td>
</tr>
<tr>
<td>b. Interstate Identification Index (III) records supported by the state</td>
<td>967,472</td>
<td>1,017,967</td>
</tr>
<tr>
<td>c. III records supported by the FBI</td>
<td>115,059</td>
<td>114,017</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,082,531</td>
<td>1,131,984</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>61%</td>
<td>71%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>44%</td>
<td>43%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>79%</td>
<td>94%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>16%</td>
<td>3%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>16,904</td>
<td>Not available</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>17,118</td>
<td>18,710</td>
</tr>
</tbody>
</table>

\(^{370}\) [https://www.oregonlaws.org/ors/161.525](https://www.oregonlaws.org/ors/161.525)

\(^{371}\) [https://www.oregonlaws.org/ors/161.545](https://www.oregonlaws.org/ors/161.545)
4. Other Criminal History Items

The following are other items noted during research:

- Oregon participates in the National Fingerprint File (NFF).
- Oregon is a signatory to the National Crime Prevention and Privacy Compact.
- Oregon does not provide in-state criminal justice or noncriminal justice rap back services.
- Oregon provides web-based noncriminal justice background checks to the public for $10 per search.

5. Repository Position Descriptions

Oregon did not provide position descriptions.
PA - Pennsylvania State Profile of Criminal History Records

This profile describes the Pennsylvania laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems,372 and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Pennsylvania Consolidated Statutes Title 18, Chapter 91, Subchapter B, Section 9112 (18 Pa.C.S. § 9112) states that the fingerprints of all arrested persons are taken for a felony, misdemeanor or summary offense373 that becomes a misdemeanor on a second offense. The fingerprints, identification and descriptions of the persons, along with the arrest charges, need to be forwarded to the central repository within 48 hours of the arrest.374

18 Pa.C.S. § 9113 requires that all criminal justice agencies collect and submit reports of dispositions occurring within their respective agencies for criminal history record information and within 90 days of the date of such disposition report the disposition to the central repository.375

b. Cite and Release – Arrests without Fingerprints

Pennsylvania Rules on Criminal Procedure, Rule 519(B) (Pa. Crim. Proc. R. 519) allows law enforcement officers to file a complaint and release the defendant after arrest for 2nd degree misdemeanors and 1st degree misdemeanors for impaired driving rather than bringing them to the magistrate.376 Additionally, Pa. Crim. Proc. R. 402 allows officers to issue a citation in lieu of arrest for summary offenses that are punishable by a maximum of 90 days incarceration. In both cases the arrested person must appear before the magistrate on the date and time provided in the complaint.

c. Expungements and Sealing

Pennsylvania courts may expunge records of “summary offenses“ and non-conviction records only if the individual who is the subject of the record petitions the court, and is free of arrests or prosecution for 5 years following the conviction for the offense to be expunged.377 The effect of expungement is to remove information so that there is no trace or indication that the record existed.

Pennsylvania courts are authorized to seal records, to limit the access to the record, of second- and third-degree misdemeanors and ungraded offenses carrying a penalty of no more than 2 years. A 10-year waiting period from completion of the sentence applies, during which time the petitioner may not

373 A summary offense is the most minor type of criminal offense in Pennsylvania. Summary offenses can include disorderly conduct, loitering, harassment, and low-level retail theft, among others. A conviction for a summary offense usually results in a fine.
374 https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=91&sctn=12&subsectn=0
375 https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=91&sctn=13&subsectn=0
377 https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=91&sctn=22&subsectn=0
have been arrested or prosecuted for any other offense. Petitions must be filed in the court of conviction, along with a $132 filing fee, and they may be granted without a hearing if the prosecutor does not object. The Clean Slate Act of 2018 made several significant changes in the sealing law, expanding eligibility to some first-degree misdemeanors, and further limiting dissemination of sealed conviction records and narrowed the types of prior conviction that would render a person ineligible for record sealing. The Clean Slate Act of 2018 also provided for automatic sealing of most offenses; this eliminates the requirements for court filing or payment of the filing fee. ¹³⁷⁸

d. State Definition of Felony and Misdemeanor
18 Pa.C.S. § 106 outlines the classifications of a felony and defines a “felony” as an offense that a sentence of death or of imprisonment with a maximum of 7 years (felony of the third degree) is authorized. A “misdemeanor” is defined as a crime that is not a felony, with the maximum imprisonment of not more than 5 years (misdemeanor of the first degree). ¹³⁷⁹

e. Fees Associated with Criminal History Reports
Pennsylvania does not charge fees to criminal justice agencies to access the criminal history systems.

f. Vendors Supporting Criminal History Services
Pennsylvania contracts with NEC to support the automated fingerprint and biometric systems, and Unisys to support the computerized criminal history system and message switch.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Pennsylvania responded to survey questions about its criminal history information system:

3. Rap Sheet Assessment
Pennsylvania did not provide rap sheets for review.

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>2,829,800</td>
<td>3,404,200</td>
</tr>
<tr>
<td>b. Interstate Identification Index (III) records supported by the state</td>
<td>1,964,728</td>
<td>2,106,303</td>
</tr>
<tr>
<td>c. III records supported by the FBI</td>
<td>505,847</td>
<td>489,541</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>2,470,575</td>
<td>2,595,844</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>76%</td>
<td>76%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>69%</td>
<td>69%</td>
</tr>
</tbody>
</table>

¹³⁷⁸ [https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=91&sctn=22&subsctn=1]
¹³⁷⁹ [https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=1&sctn=6&subsctn=0]
<table>
<thead>
<tr>
<th></th>
<th>Percentage of felony charges with dispositions</th>
<th>95%</th>
<th>95%</th>
</tr>
</thead>
<tbody>
<tr>
<td>h.</td>
<td>Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>28%</td>
<td>28%</td>
</tr>
<tr>
<td>i.</td>
<td>Active records in state protection order database</td>
<td>30,689</td>
<td>13,787</td>
</tr>
<tr>
<td>j.</td>
<td>Active records in NCIC protection order file</td>
<td>29,505</td>
<td>30,640</td>
</tr>
<tr>
<td>k.</td>
<td>Active records in state warrant database</td>
<td>111,425</td>
<td>101,383</td>
</tr>
<tr>
<td>l.</td>
<td>Active records in NCIC warrant file</td>
<td>115,205</td>
<td>122,948</td>
</tr>
</tbody>
</table>

4. **Other Criminal History Items**

The following are other items noted during research:

- Pennsylvania does not participate in the National Fingerprint File (NFF).
- Pennsylvania is not a signatory to the National Crime Prevention and Privacy Compact.
- Pennsylvania does not provide in-state criminal justice or noncriminal justice rap back services.
- Pennsylvania provides web-based noncriminal justice background checks to the public for $22 per search.³⁸⁰

5. **Repository Position Descriptions**

Pennsylvania did not provide position descriptions.

³⁸⁰ [https://epatch.state.pa.us/Home.jsp](https://epatch.state.pa.us/Home.jsp)
RI - Rhode Island State Profile of Criminal History Records

This profile describes the Rhode Island laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

State of Rhode Island General Laws Title 12, Chapter 12-1, Section 9.1 (R.I. Gen. Laws § 12-1-9.1) requires arresting agencies to furnish the fingerprints and physical description of all persons arrested, wanted or fugitives from justice to the Bureau of Criminal Identification within 10 days of the arrest.

R.I. Gen. Laws § 12-19.1-2 requires that the clerks of courts maintain a listing of all criminal convictions that includes the case name, charges against the defendant, convicted charges, and sentence details for each case.

b. Cite and Release – Arrests without Fingerprints

R.I. Gen. Laws § 12-7-12 allows a peace officer to issue a summons and release a person who has committed a misdemeanor without requiring the person to appear in court, if the person signs an agreement to appear in court at a designated time. Additionally, R.I. Gen. Laws § 31-27-12 allows officers to issue a summons for traffic offenses.

c. Expungements and Sealing

R.I. Gen. Laws § 12-1.3-2 provides for three distinct types of expungement: 1) first offenders, defined as those with a single felony or misdemeanor conviction; 2) those with between two and six misdemeanor convictions; and 3) those who successfully completed deferred sentences. It also provides additional authority for expunging other deferred dispositions, as well as decriminalized offenses, and for sealing of non-conviction and juvenile records.

First offenders may petition for expungement of the record of conviction after 10 arrest-free years (for felonies) or 5 arrest-free years (for misdemeanors). Individuals with between two and six misdemeanor convictions may petition to expunge those convictions after 10 arrest-free years. Individuals convicted of more than one felony are ineligible, as are those with pending charges. Domestic violence and DUI convictions may not be expunged. Waiting periods begin upon completion of sentence.

Sealing and expungement have been held to be functionally identical in that the record is sealed and removed from active files. The sealed records must be disclosed in applications for certain jobs and

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381 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
382 http://webserver.rilin.state.ri.us/Statutes/TITLE12/12-1/12-1-9.1.HTM
383 http://webserver.rilin.state.ri.us/Statutes/TITLE12/12-19.1/12-19.1-2.HTM
384 http://webserver.rilin.state.ri.us/Statutes/TITLE12/12-7/12-7-12.HTM
385 http://webserver.rilin.state.ri.us/Statutes/TITLE31/31-27/31-27-12.HTM
386 http://webserver.rilin.state.ri.us/Statutes/TITLE12/12-1.3/INDEX.HTM
licenses involving teaching, early childhood education, law enforcement, coaching, and the practice of law.

d. **State Definition of Felony and Misdemeanor**
Rhode Island defines a “felony” as any criminal offense that may be punished by imprisonment for a term of more than 1 year, or by a fine of more than $1,000. A “misdemeanor” is defined as any criminal offense that may be punishable by imprisonment for a term not exceeding 1 year, or by a fine of not more than $1,000, or both. A petty misdemeanor is any criminal offense which may be punishable by imprisonment for a term not exceeding 6 months or by a fine of not more than $500, or both.  

e. **Fees Associated with Criminal History Reports**
Rhode Island does not charge fees to in-state criminal justice agencies to access the criminal history systems.

f. **Vendors Supporting Criminal History Services**
Rhode Island did not provide vendor information.

2. **Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems**
Rhode Island responded to survey questions about its criminal history information system:

3. **Rap Sheet Assessment**
Rhode Island did not provide rap sheets for review.

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>998,400</td>
<td>901,800</td>
</tr>
<tr>
<td>b. Interstate Identification Index (III) records supported by the state</td>
<td>204,506</td>
<td>218,783</td>
</tr>
<tr>
<td>c. III records supported by the FBI</td>
<td>23,227</td>
<td>23,225</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>227,733</td>
<td>242,008</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>85%</td>
<td>85%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>Not reported</td>
<td>83%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>Not reported</td>
<td>80%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not reported</td>
<td>5%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>50,980</td>
<td>46,718</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>15,567</td>
<td>14,477</td>
</tr>
</tbody>
</table>

387 [http://webserver.rilin.state.ri.us/Statutes/TITLE11/11-1/11-1-2.HTM](http://webserver.rilin.state.ri.us/Statutes/TITLE11/11-1/11-1-2.HTM)
k. Active records in state warrant database | Not available | 51,000
l. Active records in NCIC warrant file | 2,038 | 2,459

4. Other Criminal History Items

The following are other items noted during research:
- Rhode Island does not participate in the National Fingerprint File (NFF).
- Rhode Island is not a signatory to the National Crime Prevention and Privacy Compact.
- Rhode Island does not provide in-state criminal justice or noncriminal justice rap back services.
- Rhode Island does not provide web-based noncriminal justice background checks to the public.

5. Repository Position Descriptions

Rhode Island did not provide position descriptions.
SC - South Carolina State Profile of Criminal History Records

This profile describes the South Carolina laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and research conducted by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

South Carolina Code of Laws Title 23, Chapter 3, Article 120 (S.C. Code § 23-3-120) requires all law enforcement agencies and court officials to report all criminal data and related information within their respective jurisdictions to the South Carolina Law Enforcement Division (SLED) Central Record Repository. This data must include fingerprints to be submitted within 3 days.

S.C. Code § 14-17-325 states that every clerk of court shall report the disposition of each case in the Court of General Sessions to the Central Record Repository within 30 days of disposition.

S.C. Code § 23-3-120(C) requires that the Department of Corrections and the Department of Probation, Parole and Pardon Services submit the fingerprints of persons taken into custody to the Central Record Repository within 3 days after incarceration or intake.

b. Cite and Release – Arrests without Fingerprints

S.C. Code § 56-7-10 allows officers to issue a citation and notice to appear for all traffic offenses and 55 other minor misdemeanors and violations listed in subsection A of S.C. Code § 56-7-10. Subsection B of S.C. Code § 56-7-10 also allows officers to issue a notice to appear in an arrest for a misdemeanor offense within the jurisdiction of magistrate’s court if the offense is committed in the presence of an officer.

c. Expungements and Sealing

South Carolina allows expungement for non-convictions, first-offense misdemeanor convictions, first-offense youthful offender convictions, first-offense simple possession or possession with intent to distribute convictions, conditional discharges and other diversion programs, first-offense failure to stop convictions, and first offense misdemeanor fraudulent check convictions. Expungements for certain convictions may require the person not have pending charges, an arrest, and/or conviction for a period of time after conviction or completion of the sentence. If a non-conviction is expunged, law enforcement and prosecution agencies may retain unredacted files under seal indefinitely, but they must retain the files for at least 3 years and 120 days.

A juvenile may apply for expungement at the age of 18 for non-violent first offenses.

388 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
389 Information acquired during the interview is incorporated into the appropriate section of this report.
390 https://www.scstatehouse.gov/code/t23c003.php
391 https://www.scstatehouse.gov/code/t14c017.php
392 https://www.scstatehouse.gov/code/t56c007.php
393 https://www.scstatehouse.gov/code/t17c022.php
Once records are expunged, they are placed under seal so they are no longer public record and can only be used for limited law enforcement purposes or disclosed by a court order. The non-public record maintained by SLED is only released to authorized law and court officials for the sole reason of preventing certain expungement statutes from being used more than once.

d. Definition of Felony and Misdemeanor
South Carolina has six classifications of felonies (Class A through F), with penalties ranging from 1 to 30 years. South Carolina defines a “misdemeanor” as an offense with a term of imprisonment of less than 1 year.394

e. Fees Associated with Criminal History Reports
South Carolina does not charge any fees for criminal history system access for local law enforcement agencies.

f. Vendors Supporting Criminal History Services
South Carolina contracts with IDEMIA for automated fingerprint identification system and with Unisys for their message switch. The computerized criminal history system is supported with SLED’s in-house resources.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
South Carolina responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,731,700</td>
<td>1,788,100</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,509,632</td>
<td>1,573,281</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>72,727</td>
<td>72,748</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,582,359</td>
<td>1,646,029</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>65%</td>
<td>65%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>South Carolina does not maintain a protection order file</td>
<td>South Carolina does not maintain a protection order file</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>2,641</td>
<td>3,523</td>
</tr>
</tbody>
</table>

394 https://www.scstatehouse.gov/code/t16c001.php
3. Rap Sheet Assessment

SEARCH analyzed the contents of four sample rap sheets provided by the SLED to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.395

Overview of the Contents: The major sections of the rap sheet include the headings and Identification section followed by the arrest cycles. Arrest cycles include data from the Arrest, Court and Sentence segments. Supervision cycle data is presented separately from the Arrest cycle. Arrest cycles are listed in chronological order with the oldest cycle listed first.

Heading and Identification Section: The rap sheet heading does not include any offender caution or notice information. This information can be found at the end of the rap sheet and includes sex offender registration information, convicted felon indicator, firearms restrictions, multi-state offender indicator and some warrant information. The Identification section immediately follows the heading and caveat information. No visual separator or label is provided. The identification section consists of name, demographic and alias information and includes sufficient information to accurately identify the individual.

Arrest Cycle: The arrest cycles are separated by a dashed line followed by the subject name at arrest and the arrest date. Cycle information is presented in two columns with agency identifier information in the left column and charge information in the right column. Some of the data in the arrest cycle is not labeled. Each Arrest cycle contains data from the Arrest, Court, and Sentence segments of the JTF standard.

Key Arrest segment data includes the subject’s name at the time of arrest, arresting agency ORI and name, arrest case number, arrest tracking number, and arrest charge information. Each arrest charge is identified by a warrant number (charge tracking number); charge data includes the charge literal, offense date and a comment. Arrest charge statute is presented inconsistently.

No prosecutor segment information is provided.

Key Court segment data includes a docket number (DOC), the warrant number (WARR) used for charge tracking, the court charge information and court disposition. The court charge information includes the statute citation (CIT), severity (e.g., felony or misdemeanor), charge literal, disposition (COURT DISP) and disposition date. The name of the court is not identified.

If the disposition includes a sentence, the sentence is listed either following or under the disposition as unstructured text (e.g., “90 DAYS, PAYMENT OF $200.00 FINE”).

Supervision segment data is presented as a separate cycle and can be identified by the supervising agency ORI and name. Key data includes custody status date, custody status, case number, start date, and charge

information and the court disposition. The case number under the status does not track back to an arrest cycle case number.

**Charge Tracking:** Charge tracking within each Arrest cycle is implemented using the warrant number and that warrant number is displayed with the charge in both the arrest segment and court segment.

**Other Information and Notes:**
- If the subject is required to register as a sex offender, the rap sheet lists the registration information for each time the subject registered.
- Domestic Violence is charged under a separate statute.
- DUI is charged under a separate statute.

The following table lists strengths and weaknesses of South Carolina’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
</table>
| **Header**        | Sex offender registry information.  
Firearm provisions. | Cautions and Offender Notices should be listed at the beginning of the rap sheet rather than at the end. |
| **Person**        |           |            |
| **Arrest**        | Charge Tracking Number under label “WARR”  
Charges include statute, severity and class. | No Prosecutor information is provided. |
| **Prosecution**   |           | No court ORI or Name.  
The court disposition includes the disposition, as well as the sentence information, in a free-form text field. |
| **Court**         | Charges include statute, severity and class. | |
| **Sentencing**    |           | Provided in a free-form text field rather than discrete elements. |
| **Supervision**   |           | Cannot be linked to originating sentence. |

4. **Other Criminal History Items**

The following are other items noted:
- South Carolina does not participate in the National Fingerprint File (NFF)
- South Carolina is a signatory to the National Crime Prevention and Privacy Compact.
- South Carolina does not provide criminal justice rap-back services.
- South Carolina provides noncriminal justice rap-back services for persons working with children and vulnerable adults, healthcare providers, security guards, and public safety personnel.
• South Carolina provides a web-based service for noncriminal justice purposes, referred to as Citizens Access to Criminal Histories (CATCH). The CATCH service charges a search fee of $25 for name-based searches of the state criminal history system.396

5. Repository Position Descriptions

South Carolina did not provide position descriptions.

396 https://catch.sled.sc.gov/
SD - South Dakota State Profile of Criminal History Records

This profile describes the South Dakota laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of South Dakota rap sheets, and findings from research conducted by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

South Dakota Codified Law Title 23, Chapter 5, Section 4 (SDCL § 23-5-4) requires that law enforcement officers take the fingerprints of any person arrested for a felony or misdemeanor immediately upon the arrest. The fingerprints, subject descriptions and charges are forwarded to the South Dakota Division of Criminal Investigation (DCI).

SDCL § 23-6-16 requires criminal justice agencies, including law enforcement, prosecutors, courts and corrections, to provide DCI with information and reports in order for DCI to maintain a complete criminal history record for persons charged with a crime.

b. Cite and Release

South Dakota law enforcement officers may issue a summons to appear before court in lieu of custodial arrest under the following statutes:

- SDCL § 23-1A-7 allows officers to issue a summons for most misdemeanor public offenses with the exception of probable cause of aggravated domestic assault or domestic assault involving injury or threat of injury and a protection order exists or there was an assault in the preceding 48 hours.
- SDCL §§ 23-1A-2, -5, -11 allows officers to issue a summons for traffic, petty and misdemeanor offenses.
- SDCL § 32-33-2 allows officers to issue a summons for misdemeanor motor vehicle violations except offenses causing an accident resulting in injury or death, reckless driving, impaired driving, driving with an invalid license, or driving through roadblock.

SDCL § 23-5-4 outlines the requirements for persons who are arrested to be fingerprinted. It states, “if the arresting officer reasonably believes that the person arrested does not present a danger to self or others and will appear in response to a summons, the arresting officer may ... release the person arrested with a summons to appear; and the person arrested shall present himself or herself to the law enforcement agency issuing the summons for fingerprinting prior to the initial court appearance. Any
person who fails to appear for fingerprinting in compliance with this section shall be proceeded against by warrant.”

c. Expungements and Sealing
SDCL § 23A-3-34 authorizes automatic removal from a defendant’s public record any charge or conviction resulting from class 2 misdemeanors, municipal ordinance violations, or petty offenses after 10 years if all court-ordered conditions on the case are satisfied. The case record will remain available to court personnel or others as authorized by the court.405

SDCL § 23A-3-27 allows for the sealing of non-conviction records if no charges are filed after 1 year from the date of arrest, upon prosecuting attorney formally dismissing the charges or after an acquittal.406

There is no provision for juvenile expungement. However, juvenile delinquency records may be sealed by the court 1 year after the youth is released from the court’s jurisdiction or discharged from the Department of Corrections.

d. State Definition of Felony and Misdemeanor
SDCL § 22-1-4 defines a “felony” as any crime that may be punishable by imprisonment in the state penitentiary and a “misdemeanor” as every other crime.407

e. Fees Associated with Criminal History Reports
South Dakota does not charge access fees to criminal justice agencies to access the criminal history system.

f. Vendors Supporting Criminal History Services
South Dakota did not provide a listing of vendors.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

South Dakota responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>304,700</td>
<td>278,300</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>202,785</td>
<td>217,790</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>86,990</td>
<td>85,802</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>289,775</td>
<td>303,592</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>95%</td>
<td>67%</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of three sample rap sheets provided by the South Dakota DCI to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. All rap sheet examples were for Purpose Code C.

Overview of the Contents: The rap sheet contains data from the Identification, Arrest, Court, and Sentence segments. Arrest events/cycles include Arrest, Court and Sentence segment data. Cycles are listed in chronological order, with the oldest arrest listed first. There is no prosecution segment on the rap sheet.

Heading and Identification Section: The rap sheet is labeled “CRIMINAL HISTORY RECORD” and includes the Triple I status, followed by the section labeled “Introduction,” which contains caveat information pertaining to record use. No Offender Cautions or Notifications are included. The purpose code is displayed in the Introduction section.

The Identification section is labeled “IDENTIFICATION” and includes the subject’s names and key identifiers (FBI, State ID numbers, SSN), standard demographic data (e.g., Height, Weight, Hair and Eye color, etc.), Date of Birth, and Place of Birth. It does not include Driver’s License Number or Scars/Marks/Tattoos. Sufficient data exists to accurately identify the individual. There are no indicators for firearms prohibition, sex offender registration or domestic violence, although specific charges exist for domestic violence and sex offender registration violations.

Arrest Cycles: The arrest cycle section begins with the heading “CRIMINAL HISTORY,” followed by a cycle separator labeled “Cycle” and the cycle number and the Earliest Event Date for the cycle. Court segment data is separated from arrest data by a dashed line, followed by the label “Court Disposition”. Sentence segment data is separated from the court disposition data by a dashed line, followed by the label “Sentencing”. Both the Court Disposition and Sentence segment separators include the cycle number.

Arrest segment data includes the Arrest Date, Arrest Case Number, and Arresting Agency ORI and Name followed by arrest charge information. Arrest charge information includes the Charge Literal

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(description), Statute Description, NCIC Offense Code, Counts, and Severity (e.g., Felony or Misdemeanor). All charge data is repeated for each charge.

Court segment data includes Final Disposition Date and charge information at disposition. Charge data includes Charge Literal (description), Statute Description and Statute Number, NCIC Offense Code, Counts, Severity, Enhancing Factor, and Disposition. The court ORI or Name is not listed in this segment. The presence of Statute Numbers is inconsistent. The Enhancing Factor appears to reflect the Class of the charge.

Sentence segment data includes Sentence Date, Sentencing Agency (ORI and name), and Court Case Number, followed by charge and sentence data for each dispositioned charge: Charge Description, Statute Description and Statute Number, NCIC Offense Code, Counts, Severity, Disposition, and the terms of the sentence presented as name-value pairs (e.g., 60.0D INCARCERATION, 58.0D SUSPENDED). Dispositions not resulting in a sentence are repeated in the Sentence segment even though there is no sentence data.

**Charge Tracking:** South Dakota appears to employ charge tracking effectively but does not include a way to link charges on the rap sheet. The rap sheet does not provide a charge tracking number or charge sequence number in each arrest cycle. However, evaluation of the charge data in multiple offense arrests appear to match in sequence order across all three segments based on the Charge Literal and Statute Description.

**Other Information and Notes:**
- There is an index of agency names and ORIs listed at the end of the report.

The following table lists strengths and weaknesses of South Dakota’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td>Does not include Offender Cautions and Notices.</td>
</tr>
<tr>
<td>Identification</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td></td>
<td>No charge tracking listed (charge sequence number or charge tracking number).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Inconsistent use of Statute Numbers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No booking information.</td>
</tr>
<tr>
<td>Prosecution</td>
<td></td>
<td>No Prosecution information.</td>
</tr>
<tr>
<td>Court</td>
<td>Changes include statute description, severity and class.</td>
<td>No identifiers are used to track charges.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Inconsistent use of Statute Numbers.</td>
</tr>
<tr>
<td>Sentencing</td>
<td>Sentence information presented as name-value pairs.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td></td>
<td>Not provided.</td>
</tr>
</tbody>
</table>
4. Other Criminal History Items

The following are other items noted during research:

- South Dakota does not participate in the National Fingerprint File (NFF).
- South Dakota is not a signatory to the National Crime Prevention and Privacy Compact.
- South Dakota currently does not provide any criminal justice rap back services.
- South Dakota does not provide web-based access to criminal history background checks.

5. Repository Position Descriptions

South Dakota did not provide position descriptions.
TN - Tennessee State Profile of Criminal History Records

This profile describes the Tennessee laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from additional research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Tennessee Code Title 8, Chapter 4, Part 1 (TN Code § 8-4-115) outlines the standardized procedures for booking arrestees. When booking an arrestee, the law enforcement agency must photograph and fingerprint the subject and submit the fingerprints, identification and demographic information, and an arrest report including arrest charges to the Tennessee Bureau of Investigation (TBI). Submitting the fingerprints and arrest report creates a state control number for the arrest.

TN Code § 8-4-115 also requires clerks of the court to submit final disposition reports containing the state control number electronically to the TBI. In addition to the state control number, the disposition report must contain the defendant’s full name, social security number, date of birth, sex, and race, and the county of arrest, class designation of the crime, date of arrest and date of offense, disposition date, sentence date, criminal charges or charges convicted of, any fines, court costs and restitution, case number and court number, and sentence information.

b. Cite and Release – Arrests without Fingerprints

TN Code § 40-7-118 allows officers to issue citations in lieu of arrest for misdemeanor crimes or petty offenses with the exception of driving under the influence or accidents resulting in serious bodily injury or death or where the driver has neither a valid license nor proof of insurance. Additionally, an officer may issue a citation to the arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate if a person is arrested for shoplifting, issuance of bad checks, use of a revoked or suspended driver license, assault or battery as defined by common law if the officer believes the arrestee will do no additional harm, or prostitution.

TN Code § 55-10-207 allows an officer to issue a traffic citation in lieu of arrest for misdemeanors and violations except criminally negligent homicide, voluntary manslaughter, impaired driving, or an accident causing death, injury, or property damage.

c. Expungements and Sealing

TN Code § 40-32-101 allows the expungement of certain less-serious, nonviolent offenses 5 years after the defendant completes their sentence and they have no more than two convictions. This includes expungement for only one felony with the same 5-year waiting period. Expungement in first-offense, deferred adjudication, and pretrial diversion cases is available for misdemeanors and class D felonies. Tennessee has mandatory expungement of juvenile records after 1 year if the record is made

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409 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
up of solely misdemeanor offenses. Courts may also grant discretionary expungement for other juvenile records beginning when the subject is 17 years old and after a 1-year waiting period.\footnote{413}

Expunged convictions in Tennessee are treated as if they never occurred, public records are destroyed. Courts must destroy public records in cases of acquittal or where charges have been dismissed.

d. State Definition of Felony and Misdemeanor
TN Code § 39-11-110 defines a “felony” as a violation of law that may be punished by 1 year or more confinement or by the infliction of the death penalty. A “misdemeanor” is a violation of law punishable by fine or confinement of less than 1 year, or both.\footnote{414}

e. Fees Associated with Criminal History Reports
TBI charges every agency a $560 quarterly fee that covers TBI’s overhead. If agencies connect their criminal history systems via the state-owned wide area network (WAN), the fees are $2,000 per quarter including TBI’s overhead and each agency's circuit and router. Primary booking agencies in each county that use the state WAN and submit fingerprints electronically receive a $1,300 credit on their quarterly bill (resulting in a quarterly fee of $700).

f. Vendors Supporting Criminal History Services
TBI contracts with IDEMIA for the automated fingerprint identification system and Diverse Computing to support the computerized criminal history and message switch.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Tennessee responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>2,325,200</td>
<td>2,536,000</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,050,421</td>
<td>1,180,015</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>806,427</td>
<td>795,864</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,856,848</td>
<td>1,975,879</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>75%</td>
<td>75%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>Tennessee does not maintain a state protection order file</td>
<td>Tennessee does not maintain a state protection order file</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>17,432</td>
<td>18,635</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>Tennessee does not maintain a state warrant file</td>
<td>Tennessee does not maintain a state warrant file</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>36,020</td>
<td>40,816</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of six Tennessee rap sheets provided by the TBI to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.415

Overview of Contents: The major sections of the Tennessee rap sheet include the Identification, Arrest, Court and Sentence segments of the rap sheet standard. It does not include data from the prosecution or supervision segment. Following the Identification section, arrest cycles are listed in chronological order, with the oldest event listed first. Five of the rap sheets were for Purpose Code A; one was for Purpose Code F. There are no indicators for firearms prohibitions, sex offender status or domestic violence; domestic violence may be identified as a specific charge.

Heading and Identification Section: The Heading section is labeled “Introduction” and includes caveat information pertaining to record use and dissemination. No offender cautions or notices are included in the Heading or Identification sections. A multi/single state offender reference may be included at the end of the rap sheet. The Identification section includes subject identifiers (FBI Number, SSN), Names and aliases, standard demographic data, Scars/Marks/Tattoos, Citizenship and Place of Birth. There is sufficient data to confirm the identity of the subject.

Arrest Cycle: Cycles are separated and labeled by a double dashed line with the cycle number in the middle of the line (e.g., ===== CYCLE 001 =====), followed by the Earliest Event Date, which pertains to each cycle. Cycles are numbered sequentially. Arrest data begins with Arrest Date. Court and Sentence segment data begins with the label “Court Disposition”. The cycle presents the arrest charges followed by the court charges and dispositions.

Following the Arrest Date, arrest segment includes Arrest Case Number, Arresting Agency ORI and type (but not name), Charge Sequence Number, Charge Literal (description), and Severity (e.g., Felony or Misdemeanor or Unknown). The charge information does not include a statute citation or any other offense code.

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The Court segment is organized by charge and includes Court Case Number, court name (labeled Court Agency), Charge Sequence Number, Charge Literal, Charge Literal (description), Charge Description, Severity (e.g., Felony or Misdemeanor or Unknown), and Disposition (Guilty, Dismissed, etc.). The Disposition field also includes sentence data.

Sentence data is presented as a text string in an unstructured format. Sentence data includes confinement information and a limited amount of information about fines and other terms and conditions of the sentence.

**Charge Tracking:** Charge tracking is inherent to the structure of the cycle and the use of the charge sequence number within the cycle.

**Other Information and Notes:**
- The criminal history report does not include warrants or protection orders.
- The rap sheet will indicate that the subject is a sex offender, if applicable.
- The rap sheet does not record interim disposition (e.g., filed charges).
- An index of arresting agencies is provided at the end of the rap sheet.

The following table lists strengths and weaknesses of Tennessee’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td></td>
<td>Agency name not provided, only agency type (e.g., Police Department or Sheriff’s Department). No offense codes or statute number for the charge. Many arrests have no dispositions.</td>
</tr>
<tr>
<td>Prosecution</td>
<td></td>
<td>No prosecution information.</td>
</tr>
<tr>
<td>Court</td>
<td></td>
<td>No statute citations.</td>
</tr>
<tr>
<td>Sentencing</td>
<td></td>
<td>Sentencing is provided in court disposition as an unstructured string. Sentence data is limited and does not include more detailed information such as fine amounts.</td>
</tr>
<tr>
<td>Supervision</td>
<td></td>
<td>No supervision information.</td>
</tr>
</tbody>
</table>
4. Other Criminal History Items

The following are other items noted during research and discussions with TBI staff:

- Tennessee participates in the National Fingerprint File (NFF).
- Tennessee is a signatory to the National Crime Prevention and Privacy Compact.
- Tennessee provides in-state criminal justice rap back services only for error correction and record management purposes.
- Tennessee provides noncriminal rap-back services for public safety personnel.
- Tennessee provides in-state criminal history information for $29 per request.416

5. Repository Position Descriptions

Tennessee did not provide position descriptions.

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416 [https://tbibackgrounds.tbi.tn.gov/Toris/](https://tbibackgrounds.tbi.tn.gov/Toris/)
TX - Texas State Profile of Criminal History Records

This profile describes the Texas laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints
Texas Statutes, Code of Criminal Procedures, Chapter 66, Subchapter F & G (C. Crim. Proc. Art. 66.251 – 301) outline the requirements for a uniform incident fingerprint card, reporting of information by local entities, and the duties of each criminal justice agency to provide data pertaining to criminals and crime to the Texas Department of Public Safety (DPS). These responsibilities include:

- Law enforcement agencies need to provide the fingerprint card, identification information and arrest charge information to DPS within 7 days after the arrest.
- The clerk of court shall report dispositions of the case to DPS within 30 days of the disposition.

b. Cite and Release
C. Crim. Proc. Art 14.06 requires offenders are taken before a magistrate within 48 hours after the person is arrested. If the offense is a class C misdemeanor, other than public intoxication or lower, the arresting officer may issue a citation with a notice to appear. Additionally, If the person resides in the county where the offense occurred, a peace officer may issue a citation that contains a written notice to appear rather than taking the person before a magistrate. This only applies to certain misdemeanors that, if convicted, carry a maximum term of 1 year.

c. Expungements and Sealing
Expungement is available for deferred adjudications of class C misdemeanors, non-conviction records, and pardoned convictions.

Sealing is available for most first-offense misdemeanors, upon completion of the sentence or after a 2-year waiting period for more serious misdemeanors. Sealing is available for less serious first offense DWI offenses after a 2-year waiting period. Deferred adjudication may result in record sealing for most offenses with a 5-year waiting period for felonies and for many first-offense nonviolent misdemeanors. Juvenile adjudications are automatically sealed at age 19 for misdemeanor and non-conviction records. People may petition to have juvenile adjudications sealed upon reaching age 18 or 2 years after discharge.

418 Information acquired during the interview is incorporated into the appropriate sections of this report.
419 https://statutes.capitol.texas.gov/Docs/CR/htm/CR.66.htm#F
d. State Definition of Felony and Misdemeanor
Texas defines a “Felony” an offense so designated by law or punishable by death or confinement in a penitentiary. A “Misdemeanor” is an offense so designated by law or punishable by fine, by confinement in jail, or by both fine and confinement in jail.\(^{422}\)

e. Fees Associated with Criminal History Reports
Texas does not charge any fees to local or state criminal justice agencies to access the computerized criminal history systems.

f. Vendors Supporting Criminal History Services
Texas did not provide information related to vendor support for their computerized criminal history systems.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Texas responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>14,287,000</td>
<td>15,437,500</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>6,556,529</td>
<td>7,006,852</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>536,292</td>
<td>526,749</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>7,092,821</td>
<td>7,533,601</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>84%</td>
<td>85%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>95%</td>
<td>95%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>83%</td>
<td>84%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>3%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>44,610</td>
<td>49,373</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>17,743</td>
<td>20,198</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>639,330</td>
<td>254,559</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>238,254</td>
<td>254,181</td>
</tr>
</tbody>
</table>

\(^{422}\) https://statutes.capitol.texas.gov/Docs/PE/htm/PE.1.htm#1.07
3. Rap Sheet Assessment

SEARCH analyzed the contents of one rap sheet provided by the Texas DPS to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. The sample rap sheet is based on test data; actual rap sheets may not include all of the data contained on the test rap sheet.

Overview of Contents: The rap sheet includes data from the Identification section and the Arrest, Prosecution, Court, Sentence and Supervision segments of the JTF standard. The rap sheet lists Arrest and Supervision cycles separately. The Arrest cycle includes Arrest, Prosecution, Court and Sentence segment information. Cycles are listed in chronological order with the newest cycle listed last.

Heading and Identification Section: The rap sheet heading includes caveat information about record completeness, dissemination and use, as well as Offender Cautions and Notices (Convicted Felon, Domestic Violence conviction, Sex Offender and Juvenile status information). The Identification includes names used and many common identifiers, including driver’s license and social security numbers, along with common demographic data (Sex, Height, Weight, Scars, Marks and Tattoos, etc.). Multiple/Alias data includes Name, Date of Birth, SSN, Driver’s License Number. Sufficient data exists to accurately identify the individual.

Arrest Cycle: Arrest Cycles are identified and separated by a double-dashed line, followed by the label “EVENT CYCLE #”. The arrest cycle includes data from the Arrest, Prosecution, Court and Sentencing segments. The Prosecution segment is separated from the Arrest segment by a single dashed line followed by the label “PROSECUTION DATA”. Court segment data is similarly separated from Prosecution segment data with a single dashed line followed by the label “COURT DATA”. The COURT DATA section combines data from the Court and Sentence segments. Within each Arrest cycle, charge information is organized by arrest charge and includes all related prosecution and court data. Each Arrest Charge is separated by a single dashed separator followed by the label “TRACKING SUFFIX” and a charge tracking sequence number (e.g., A001, A002, etc.).

Arrest segment data is labeled “OFFENSE DATA” and includes the arrest tracking number (TRACKING NUMBER), arrest date, arrest type (Adult/Juvenile), booking agency ORI and name, and the name the subject used at the time of arrest. Charge information follows the TRACKING SUFFIX separator and includes the arresting agency ORI and name, Offense Date, charge literal (OFFENSE), statute number, Severity (LEVEL) (e.g., felony or misdemeanor), class (DEGREE) (e.g., Class A, Class B), disposition, disposition literal, and disposition date. Arrest dispositions document the outcome of the arrest, the most common being “HELD” (for further action). Other dispositions include “RELEASED WITHOUT PROSECUTION”. A field labeled “REFERRED” is listed at the end of the section, which includes an identifier of unknown purpose.

Prosecution data provides the ORI and name of the prosecuting agency, prosecution actions (ACTION), Action Date, and charge information - Charge Literal (OFFENSE), statute number (CITATION), Severity (LEVEL) (e.g., felony or misdemeanor), Class (DEGREE) (e.g., Class A, Class B). Prosecution actions

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include “PROSECUTOR ACCEPTS CHARGES,” “PROSECUTOR HAS CHANGED THE CHARGE,” “CHARGES DROPPED BY ARRESTING AGENCY,” etc.

Court data includes court name and ORI labeled COURT AGENCY, Disposition Charge Literal (COURT OFFENSE), Statute Number (CITATION), Severity (LEVEL) (e.g., felony or misdemeanor), Class (DEGREE) (e.g., Class A, Class B), and the disposition. Disposition data includes Disposition (Convicted, Dismissed, Nolo Contendere, etc.), Disposition Date, Sentence Date, Cause Number (Court Case Number), and FINAL PLEADING (Guilty/Not Guilty).

The sentence information is presented in a list format using name-value pairs for various sentence components (e.g., Confinement – 2Y, Probation – 1Y, Provision – Restitution, Provision – Registered as a Sex Offender). The Provision data element is also used to document other status information about the defendant or charge. Sentences involving incarceration include the RECEIVING CUSTODY label, followed by an Agency identifier.

Supervision segment data is listed at the end of the rap sheet and is labeled HISTORY OF CUSTODY EVENTS. Key supervision data includes Custody Agency name and ORI, Sentence Expiration Date, Commitment County, supervision status information, and the associated date (Start Date, Paroled Until, Pardoned, etc.). There is no data linking the supervision events to arrest events.

**Charge Tracking:** Each charge within an arrest cycle is assigned a Tracking Suffix that enables charge tracking. The prosecution and court/sentence data associated within each charge is listed under each arrest charge, which enables charge tracking across the adjudication process.

**Other Information and Notes:** The following are additional rap sheet observations noted from the assessment:

- The rap sheet does not include warrants or protection orders.
- No information is provided regarding firearms prohibitions.
- If data is not available for a segment, the rap sheet states “NO OFFENSE/PROSECUTION/COURT DATA AVAILABLE”.
- DNA profile information is provided at the end of the rap sheet, if it is available.
- Prosecution, Court and Sentencing data may be included that do not have an underlying arrest segment (OFFENSE DATA). It is unclear how the association to the individual is established.

The following table lists strengths and weaknesses of Texas’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:
<table>
<thead>
<tr>
<th>Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td>Includes offender notices if the subject of the rap sheet has a felony conviction, domestic violence conviction, juvenile adjudication information or is required to register as a sex offender.</td>
<td></td>
</tr>
<tr>
<td>Identification</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Cycle tracking number and charge tracking suffix used for charge tracking. Charge data includes Statute Number, Severity and Class.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>Prosecution segment is present. Charge data includes Statute Number, Severity and Class.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Charge data includes Statute Number, Severity and Class.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Structured list (confinement, fine, court cost, provisions, etc.)</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td></td>
<td>Cannot readily link supervision data to arrest data.</td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items noted during research and discussions with the Texas criminal history repository staff:

- Texas does not participate in the National Fingerprint File.
- Texas is not a signatory to the National Crime Prevention and Privacy Compact.
- Texas provides in-state criminal justice rap back services to parole and probation officers.
- Texas provides in-state noncriminal justice rap-back services for persons working with children and the elderly, healthcare providers, security guards, public safety personnel, and all entities authorized to receive fingerprint-based criminal history record checks.
- Texas provides web-based noncriminal justice background checks to the public for a fee of $4 per search request.\textsuperscript{424}

5. Repository Position Descriptions

Texas did not provide position descriptions.

\textsuperscript{424} \url{https://records.txdps.state.tx.us/DpsWebsite/CriminalHistory/}
UT - Utah State Profile of Criminal History Records

This profile describes the Utah laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Utah Code Annotated Title 53, Chapter 10, Part 2, Section 207 (UCA § 53-10 -207) states that peace officers, prosecutors, and magistrates shall supply information to the Utah Department of Public Safety, Bureau of Criminal Identification (BCI) of arrested persons without delay. This includes fingerprints, identification information, charges, and prosecutorial declinations.

UCA § 53-10 -208 requires magistrates and court clerks to supply information to BCI within 30 days of the disposition. If an individual is adjudicated as a mental defective or involuntarily committed to a mental institution, the court will transmit a record of the determination or finding to BCI no later than 48 hours after the determination is made.

UCA § 53-10 -209 requires penal institutions and the state hospital to supply information to BCI regarding confinement, parole, or release of persons. This includes identification information, fingerprints, recent photos, and correctional event information.

b. Cite and Release – Arrests without Fingerprints

UCA § 77-7-18 allows law enforcement officers to issue a citation in lieu of arrest for misdemeanors and infractions. All arrests reported on the repository are supported by fingerprints (including single-print citations). A few law enforcement agencies have the ability to electronically capture a single fingerprint when a citation is issued in lieu of an arrest. Ink prints are predominant on single-print citations. A single print citation can be used to create a Utah criminal history and other single-print citations can be added. But only charges associated with a full set of prints will be sent to the FBI and shown on the criminal history record.

UCA § 53-10 -207(3) requires that at the preliminary hearing or arraignment of a felony case, the prosecutor shall ensure that each felony defendant was fingerprinted, and an arrest and fingerprint form is transmitted to BCI. In felony cases where fingerprints have not been taken, the judge shall order the chief law enforcement officer of the jurisdiction or the sheriff of the county to:

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426 Information acquired during the interview is incorporated into the appropriate sections of this report.
427 https://le.utah.gov/xcode/Title53/Chapter10/53-10-S207.html
428 https://le.utah.gov/xcode/Title53/Chapter10/53-10-S208.1.html
429 https://le.utah.gov/xcode/Title53/Chapter10/53-10-S209.html
430 https://le.utah.gov/xcode/Title77/Chapter7/77-7-S18.html
• cause fingerprints of each felony defendant to be taken on forms provided by BCI;
• supply information requested on the forms; and
• forward without delay both copies to BCI.

c. Expungements and Sealing
A person convicted of one felony, or up to two class A misdemeanors (in separate criminal episodes), or up to three class B misdemeanors, or up to four convictions of any degree, excluding infractions and any traffic offenses, is eligible to apply to BCI for a certificate of eligibility to expunge the record of conviction. Capital crimes, first degree and violent felonies, registerable sex offenses, vehicular homicide, or felony driving under the influence/reckless driving are convictions that are not eligible for expungement. Sentences must be complete and fines and restitution must be paid before expungement may be ordered. The eligibility periods for petitions are:
• 7 years in the case of a felony;
• 10 years in the case of a misdemeanor DUI offense or felony drug trafficking offense;
• 5 years in the case of a class A misdemeanor, or felony drug possession offense;
• 4 years in the case of a class B misdemeanor; or
• 3 years in the case of any other misdemeanor or infraction.

In addition to these time periods, the petitioner must be clear of prior or current offenses.

In Utah, the effect of expungement is the sealing of the record for noncriminal justice inquiries. An expunged conviction is available for purposes only allowed by statute. The Departments of Commerce and Insurance, the State Board of Education, and the Office of Peace Officer Standards and Training are authorized to receive information contained in expunged records upon specific request.

d. State Definition of Felony and Misdemeanor
Utah classifies crimes by felony, misdemeanor or infraction and defines each classification in terms of imprisonment. Felonies are classified and the classes defined by the sentence upon conviction, as follows:
• A felony of the first degree has a term of not less than 5 years up to life imprisonment.
• A felony of the second degree has a term of not less than 1 year and not more than 15 years imprisonment.
• A felony of the third degree for a term not to exceed 5 years imprisonment.

Misdemeanors are classified and the classes defined by the sentence upon conviction, as follows:
• A class A misdemeanor has a term not exceeding 364 days.
• a class B misdemeanor has a term not exceeding 6 months.
• a class C misdemeanor has a term not exceeding 90 days.

Infractions do not carry a term of imprisonment. The person convicted of an infraction may be subject to a fine, forfeiture, disqualification, or any combination.

431 https://le.utah.gov/xcode/Title77/Chapter40/77-40.html
432 https://le.utah.gov/xcode/Title76/Chapter3/76-3-S203.html?v=C76-3-S203_1800010118000101
433 https://le.utah.gov/xcode/Title76/Chapter3/76-3-S204.html?v=C76-3-S204_2019051420190514
434 https://le.utah.gov/xcode/Title76/Chapter3/76-3-S205.html?v=C76-3-S205_2018050820180508
e. Fees Associated with Criminal History Reports
Utah does not charge any fees to local or state criminal justice agencies to access the computerized criminal history systems.

f. Vendors Supporting Criminal History Services
Utah is a member of the Western Identification Network (WIN), which uses NEC to support the automated fingerprint and biometric systems. BCI supports and maintains the message switch and computerized criminal history repository with in-house developers.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Utah responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>777,500</td>
<td>819,8009</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>561,950</td>
<td>604,371</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>73,412</td>
<td>73,419</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>635,362</td>
<td>677,790</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>78%</td>
<td>79%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>74%</td>
<td>75%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>83%</td>
<td>82%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>22%</td>
<td>52%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>38,450</td>
<td>40,130</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>10,446</td>
<td>12,124</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>193,976</td>
<td>237,314</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>1,582</td>
<td>1,574</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment
SEARCH analyzed the contents of five rap sheets provided by the Utah BCI to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.435

Overview of Contents: The rap sheet includes data from the Identification, Arrest, Prosecution, Court and Sentence segments of the JTF standard. Data from the Prosecution segment is limited to

prosecutor outcomes (e.g., DECLINE TO PROSECUTE). Supervision data is not included on the rap sheet and can be accessed following instructions at the end of the rap sheet. Following the Identification section, arrest cycles are listed in chronological order with the oldest arrest cycle listed first.

**Heading and Identification Section:** The Heading includes information about dissemination and use. Cautions and Offender Notices (FLAGS) are listed immediately following the caveat at the beginning of the Identification section. Cautions and Flags include: Convicted of Domestic Abuse, Convicted as a Felon, Multistate Offender, etc.). Firearms prohibitions and sex offender information are not included at this time. The Identification section includes key identifiers, name, alias names, Date of Birth and Alias DOBs, common demographic information about the subject, and scars/marks/tattoos. Address and employer history are also included. There is sufficient data to positively identify the subject.

**Arrest Cycle:** Arrest cycles are separated from the Identification section and other arrest cycles by a solid-line separator with the label INCIDENT 1 of X. Each cycle contains arrest, prosecution, court and sentence segment data. They are labeled ARREST, PROSECUTION ACTION and COURT ACTION, respectively. All arrest charges are listed together in the Arrest section followed either a PROSECUTION segment with charges labeled “Charges Disposed of” or more commonly a COURT ACTION section with disposition charges labeled “Charges Disposed of”. Each cycle is assigned an Offense Tracking Number (OTN), which identifies the arrest event. The cycles are listed in chronological order, with the oldest arrest listed first.

Key Arrest segment data includes the OTN, Date of Arrest, Date of Offense, Name Used at Arrest, Arresting Agency and ORI, and Arresting Agency Case Number. Arrest data also includes whether a firearm was used during the offense or if a firearm was involved during the arrest. Charge information is labeled Arrest Charges and includes Arresting Charge (Charge Literal), statute number, jurisdiction of arrest, Severity and Class (e.g., Felony 3, Misdemeanor B, etc.), and Court of Next Appearance.

A Prosecution segment is included for arrests where all charges are not prosecuted and have a disposition of Decline to Prosecute. Key data include the prosecutor office name and ORI (labeled AGENCY), Prosecutor Case Number (CASE NUMBER) and a second reference to the prosecutor office name and ORI labeled PROSECUTOR AGENCY. Key charge data include: Offense Literal, Statute Number, NCIC Offense Code, Severity and Class, Disposition, Court Action Date (which appears to be Action Date for the Prosecutor Declination), and comments. Charges do not follow in sequence from the arrest charges.

The Court segment is labeled “COURT ACTION” and includes the court name and ORI labeled “AGENCY” and the Court Case Number. More recent cycles also include the Name of the Defendant Used at Court, and the Arresting and Prosecution agency names. All disposition charges are listed under the “Charges Disposed of” label. Key charge data include: Offense Literal, Statute Number, NCIC Offense Code, Severity and Class, Disposition, Court Action Date (which appears to be Action Date for the Prosecutor Declination), and comments. Charges with a Disposition of Convicted include sentence data which is presented in a structured list format containing the terms and conditions of the sentence in a label-values format (e.g., Prison Sentenced – 2 Years, Jail Sentenced – 365 Days, Probation Sentenced – 3 Years, Fine Sentenced - $1,000). More recent records also include Plea (Guilty/Not Guilty) and Judgment (Guilty/Dismissed). Charges do not follow in sequence from the arrest charges. The rap sheet includes Corrections/Custody information.
**Charge Tracking:** Charges are linked together under the cycle only. No charge tracking numbers or charge sequence numbers are used to identify and link charges between segments. All arrest charges are listed together under the Arrest. All Prosecutor and Court Charges are listed together under Charges Disposed of under the respective segment. Charges do not necessarily align across the segments. An arrest charge may not be accounted for in the court or prosecutor segments. Prosecution and Court charges may be presented in a different order than those in the arrest segment.

**Other Information and Notes:**
- Domestic Violence offenses are identified using a specific data element.
- Following the Identification section, Utah provides a summary of criminal justice activities for the subject of the rap sheet that includes number of incidents, convictions, felony convictions, number of incidents without dispositions, and the date of the last incident.

The following table lists strengths and weaknesses of Utah’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identification</td>
<td>Includes Cautions and Offender Notices.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Includes a Criminal Justice Summary.</td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Charges include the NCIC Offense codes and descriptions for each charge.</td>
<td>No Charge Tracking Number.</td>
</tr>
<tr>
<td>Prosecution</td>
<td></td>
<td>Limited to prosecutor information provided by the courts.</td>
</tr>
<tr>
<td>Court</td>
<td>Charges include statutes number and description, in addition to NCIC data.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Severity includes Class/Grade</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Detailed disposition data.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Detailed sentencing data.</td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td>Although the supervision segment is not included, instructions for accessing corrections information is included at the bottom of the rap sheet.</td>
<td></td>
</tr>
</tbody>
</table>

4. **Other Criminal History Items**

The following are other items noted during research and discussions with the Utah criminal history repository staff:
- Utah currently does not provide online criminal history background checks.
- Utah does not participate in the National Fingerprint File.
- Utah is a signatory to the National Crime Prevention and Privacy Compact.
- Utah does not provide in-state criminal justice rap back services.

### 5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of Utah.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Information Technician II</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System. Positions that provide customer support or process civil background checks for employment, licensing, and housing. Positions that provide customer support or process background checks for firearm transfers. Note: Positions that maintain and operate the Sex Offender Registry are assigned to the Utah Department of Corrections.</td>
<td>$28,829</td>
<td>$43,306</td>
</tr>
<tr>
<td>Criminal Information Compliance Specialist</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$32,157</td>
<td>$48,235</td>
</tr>
</tbody>
</table>
VA - Virginia State Profile of Criminal History Records

This profile describes the Virginia laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and findings from an interview SEARCH conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

   a. Reporting Arrests and Dispositions and Collecting Fingerprints
   
   Code of Virginia Title 19.2, Chapter 23, Section 390 (Va. Code. § 19.2-390) states that every official or agency having the power to arrest shall make a report to the Virginia State Police (VSP) Central Criminal Records Exchange (CCRE) of any arrest for the following charges: treason, any felony, any misdemeanor punishable by confinement in jail, or any similar county, city or town ordinance. The report of fingerprints, identification information and charges must be made to VSP within 72 hours of the arrest.

   Va. Code. § 19.2-390 also includes the requirements for courts to electronically report disposition and sentencing information to VSP within seven (7) days of sentencing.

   Additionally, under Va. Code § 19.2-390 correctional status changes are to be reported to VSP. The reports to the exchange shall include any commitment to or release or escape from a state or local correctional facility, including commitment to or release from a parole or probation agency.

   b. Cite and Release
   
   Va. Code. § 19.2-74 allows law enforcement officers to issue a citation in lieu of arrest for non-jailable misdemeanors and ordinances if the offense does not involve impaired driving, public drunkenness, a protection order violation or domestic assault. The VSP exchange staff stated that the court will order fingerprints at the time of conviction if they were not taken at the time of arrest.

   c. Expungements and Sealing
   
   Virginia law does not make any provision for expunging adult conviction records with the exception of those that are vacated pursuant to a writ of actual innocence or those records where the subject was granted an absolute pardon (for innocence). Courts may grant expungement to the petitioner only if it finds “manifest injustice” or if the arrest was for a misdemeanor and the petitioner has no prior record.

   Expunged records in Virginia are removed from the criminal history report and are available only by court order.

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436 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
437 Information acquired during the interview is incorporated into the appropriate sections of this report.
There is no mechanism for sealing juvenile records, but most juvenile court records are confidential and only accessible to Virginia law enforcement and limited noncriminal justice purposes. Court records are automatically destroyed annually if the juvenile is at least age 19 and 5 years have elapsed since the last hearing in any juvenile case.

d. State Definition of Felony and Misdemeanor
Va. Code. § 18.2-8 provides the following definition: “Offenses are either felonies or misdemeanors. Such offenses as are punishable with death or confinement in a state correctional facility are felonies; all other offenses are misdemeanors.”

e. Fees Associated with Criminal History Reports
VSP does not charge a fee to local law enforcement agencies.

f. Vendors Supporting Criminal History Services
VSP contracts with NEC for automated fingerprint information services and with CPI, the OpenFox Company, for the message switch. The criminal history repository is supported and maintained by in-house resources.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Virginia responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>2,109,900</td>
<td>2,397,200</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,792,651</td>
<td>1,914,695</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>345,513</td>
<td>344,847</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>2,138,164</td>
<td>2,259,542</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>88%</td>
<td>89%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>88%</td>
<td>95%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>89%</td>
<td>90%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>Not reported</td>
<td>14%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>31,857</td>
<td>95,788</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>31,317</td>
<td>35,170</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>59,016</td>
<td>185,148</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>58,040</td>
<td>61,934</td>
</tr>
</tbody>
</table>

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441 https://law.lis.virginia.gov/vacode/title18.2/chapter1/section18.2-8/
3. Rap Sheet Assessment

SEARCH analyzed the contents of two rap sheets provided by the Virginia State Police to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. Both rap sheet samples contained test data, so the completeness of the data presented on production rap sheets cannot be assured.

Overview of the Contents: The rap sheet includes data from the Arrest, Court, Sentence and Supervision segments. There is no Prosecution segment data. Arrest cycles include the data from the Arrest, Court and Sentence segments. Arrest cycles are listed in chronological order, with the oldest cycle listed first. Supervision segment data is listed as a Correctional History following the arrest cycles. Virginia provides separate rap sheets for adults and juveniles. The two samples provided include one of each type. Virginia does not provide out-of-state criminal justice agencies with juvenile record information.

Heading and Identification Section: The Heading includes limited caveat information. In the samples provided, only the juvenile version included a caveat that the record pertains to a juvenile. Record use and dissemination caveats are provided at the end of the rap sheet. The only Offender Caution or Notice information presented in the heading pertains to notice of felony conviction and the number of felony convictions. The only additional Offender Notice, III status, is listed at the end of the rap sheet. Identification information includes all key identifiers, name, DOB and other demographic data about the subject. Aliases or multiple entries are provided for names, sex, race, DOB and SSN. This section includes last reported address. Scars/marks/tattoos were not included in the sample rap sheets.

Arrest Cycle: Arrest cycles are separated by double dashed lines “====”. No cycle number is provided. Cycles are organized by charge and each charge includes arrest, court and sentence segment data, where appropriate. Each charge within a cycle begins with the Arrest Agency Name. No label is provided. The Court and Sentence segment data begin with the name of the court. No label is provided. Charges are separated within the cycle by a single dashed line separator “-----”.

Key arrest data includes contributing Agency Name and ORI, Date of Arrest (no label), Charge Sequence Number, Severity (e.g., Felony or Misdemeanor), Statute Number, State Offense Code (that includes charge class), Charge Literal (description) and jurisdiction (arrest location) and Date of Offense. Charge information begins with “CHARGED WITH”; there are few other data labels.

There is not a separate Prosecution segment, although Nolle Prosequi outcomes are captured as court dispositions

Court and Sentence segment data include the Court Name and ORI, Date of Disposition, Disposition (Guilty, Not Guilty, Nolle Prosequi), and disposition charge. Disposition charge includes Charge Sequence Number, Severity, Statute Number, State Offense Code, Charge Literal (description), and Court Case Number (labeled CCN).

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Sentence data immediately follows, if appropriate, and includes confinement data. No labels are provided. Multiple sentence entries may be present, such as sentence imposed, sentence suspended, probation, etc. A unique charge tracking number (DCN) is included after the sentencing information of each charge.

Supervision segment data is presented in the “Correction History” section at the end of the rap sheet and lists each time the subject was fingerprinted for a change in correctional status. The Correctional History includes a summary of status changes at the end of the section. The correctional information does not include tracking numbers to link custody and supervision events with arrest charges.

Charge Tracking: Charge tracking is inherent by the format of the rap sheet, as each arrest charge is immediately followed by the court disposition for that charge. Changes to the charges from arrest to disposition can be identified by a change in Statute Number and/or Charge Literal.

Other Information and Notes: The following are additional observations of Virginia’s rap sheet noted from the assessment:
- The rap sheet does not include warrants or protection orders.
- The rap sheet will indicate that the subject is a sex offender, if applicable.
- The samples provided gave no indication that domestic violence offenses or firearms prohibitors are separately identified.

The following table lists strengths and weaknesses of Virginia’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Header</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Person</strong></td>
<td>Limited identification numbers (e.g., no driver license number)</td>
<td></td>
</tr>
<tr>
<td><strong>Arrest</strong></td>
<td>Some of the arrests also include an OCA – arresting agency case number. Each arrest includes a charge tracking number(s) (DCN). Charges include statute and severity.</td>
<td>No cycle number or cycle tracking number. The rap sheet is missing clear data labels. There are no NCIC offense codes, but each charge includes a state code.</td>
</tr>
<tr>
<td><strong>Prosecution</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Court</strong></td>
<td>The court information includes a court case number for most of the cycles.</td>
<td></td>
</tr>
<tr>
<td><strong>Sentencing</strong></td>
<td>Sentence information is limited to confinement and supervision. It is not consistently formatted.</td>
<td></td>
</tr>
<tr>
<td><strong>Supervision</strong></td>
<td>No tracking back to court charges.</td>
<td></td>
</tr>
</tbody>
</table>
4. Other Criminal History Items

The following are other items noted during research and discussions with the Virginia criminal history repository staff:

- Virginia does not participate in the National Fingerprint File (NFF).
- Virginia is a signatory to the National Crime Prevention and Privacy Compact.
- Virginia currently does not provide online criminal history background checks.
- Virginia provides limited in-state criminal justice rap back services for criminal justice agencies only.

5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the Commonwealth of Virginia.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information Technology Specialist II</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$46,087</td>
</tr>
<tr>
<td>VCIN Training and Audit Administrator</td>
<td>Positions that manage/supervise CJIS auditing and training services.</td>
<td>$46,087</td>
</tr>
</tbody>
</table>
VT - Vermont State Profile of Criminal History Records

This profile describes the Vermont laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of state rap sheets, and additional research conducted by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements
   a. Reporting Arrests and Dispositions and Collecting Fingerprints
   Vermont Statutes Title 20, Chapter 117, Section 2061 (20 V.S.A. § 2061) requires law enforcement officers to take fingerprints and photographs of a person arrested for a felony, misdemeanor, or for being a fugitive from justice. Persons in charge of correctional facilities are required to fingerprint and photograph all offenders lodged at their correctional facility pursuant to a criminal offense. Fingerprints and photographs taken are forwarded to the Vermont crime information center to report arrests and custody status changes.

   13 V.S.A. § 7004 requires the clerks of the Superior Court to forward a certified report of any conviction, together with the sentence and any other facts that may be required by the Vermont crime information center.

   b. Cite and Release
   Rule 3 of the Vermont Rules of Criminal Procedure allows law enforcement officers to issue a citation in lieu of arrest for misdemeanors committed outside the presence of the officer. There are exceptions that require custodial arrests, including: assault against a family member, impaired driving, hate-motivated crimes, stalking, simple assault, reckless endangerment, cruelty to children, failure to comply with sex offender registration, abuse of a vulnerable adult, and violation of a protection order.

   Subparagraph (d) of 20 V.S.A. § 2061 states that when a defendant who is required to be fingerprinted and photographed is arraigned and has not been previously fingerprinted and photographed, they are to be fingerprinted and photographed at a time and place set by the court.

   c. Expungements and Sealing
   Expungement or sealing is available for “qualifying” crimes, including nonviolent, non-sexual misdemeanors, and for minor felonies after a 5-year waiting period if no further convictions.

   Deferred sentencing and diversion may result in expungement and sealing under the first-offense diversion program after a 2-year waiting period and after successful completion of the program. Convictions for offenses committed under age 21 may be sealed 2-years after the juvenile is discharged and deemed rehabilitated.

   443 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
   446 https://advance.lexis.com/documentpage/Rule3ArrestWithoutWarrantCitationVT
20 V.S.A. § 2061 states that the Vermont crime information center, law enforcement agencies and correctional facilities are to destroy all copies of fingerprints and photographs of accused persons that were taken in connection with a particular alleged offense, unless the attorney for the state can show good cause why the fingerprints and photographs should not be destroyed, in any of the following circumstances:

- No criminal charge is filed by the state.
- The court does not determine probable cause or dismisses the charge at the time of arraignment.
- The defendant is acquitted after a trial of all charges related to the incident.
- All criminal charges related to an incident are dismissed by either the court or the state after arraignment.

d. State Definition of Felony and Misdemeanor
13 V.S.A. § 1 defines a felony as any offense whose maximum term of imprisonment is more than 2 years, for life, or which may be punished by death and a misdemeanor as any other offense.448

e. Fees Associated with Criminal History Reports
Vermont does not charge any fees to local law enforcement agencies for access to the criminal history systems.

f. Vendors Supporting Criminal History Services
Vermont contracts with CPI, the OpenFox Company for the computerized criminal history and message switch services and with IDEMIA for the automated fingerprint identification system.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Vermont responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of subjects (individual offenders) in state criminal history file</td>
<td>250,000</td>
<td>256,900</td>
</tr>
<tr>
<td>Total Interstate Identification Index (III) records supported by the state</td>
<td>73,873</td>
<td>83,620</td>
</tr>
<tr>
<td>Total III records supported by the FBI</td>
<td>43,208</td>
<td>38,838</td>
</tr>
<tr>
<td>Total III records in state and FBI files</td>
<td>117,081</td>
<td>122,458</td>
</tr>
<tr>
<td>Percentage of arrests with dispositions</td>
<td>94%</td>
<td>93%</td>
</tr>
<tr>
<td>Percentage of arrests within the past 5 years with dispositions</td>
<td>83%</td>
<td>78%</td>
</tr>
<tr>
<td>Percentage of felony charges with dispositions</td>
<td>94%</td>
<td>91%</td>
</tr>
<tr>
<td>Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>5%</td>
<td>5%</td>
</tr>
</tbody>
</table>

3. Rap Sheet Assessment

SEARCH analyzed the contents of three rap sheets provided by the Vermont State Police to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. The rap sheets reviewed did not include the Purpose Code.

Overview of Contents: The Vermont rap sheet includes data from the Identification, Arrest, Prosecution (filed charges), Court and Sentence segments of the JTF standard. No data is included from the Supervision segment.

Heading and Identification Section: The Heading starts with Offender Cautions and Notices and followed by summary of information about the offender labeled “Guide to the Record,” which includes other Offender Cautions and Notices (see Other Information and Notes below). The Heading does not include any record caveats pertaining to use and dissemination. The Identification section is labeled “Identification” and includes key identifiers (SID, FBI Number, SSN), Subject Name and aliases, standard demographic data, Scars/Marks/Tattoos, address history, and may include Employment history (labeled “Job”). There is sufficient data to confirm the identity of the subject.

Arrest Cycle: Arrest cycles are separated and labeled by double dashed lines with the Cycle number in the separator (e.g., “===== CYCLE 1 =====”) followed by the arrest tracking number. The Arrest segment is labeled “Arrest,” followed by Court and Sentence segment data. Court data includes filed charges (labeled “Court Arraignment” and dispositioned charges labeled “Court Disposition”. The rap sheet lists the arrest cycles in reverse chronological order, with the most recent arrest listed in cycle number 1.

Arrest segment data includes Date of Arrest, Arresting Agency name and ORI, arresting agency case number, Arrest Type (Adult/Juvenile), and charge data. Each charge includes a Charge Sequence Number, Charge Literal (description), State Offense Code (labeled “Statute”) and Severity (e.g., felony or misdemeanor).

Court segment data includes both charges filed in the “Court Arraignment” segment and dispositioned charges labeled “Court Disposition”. Court Arraignment data includes Arraignment Date, Court Name (labeled “Arraignment Agency”), and Court Case Number (labeled “Docket Number”), followed by charge information. Charge information includes Charge Sequence Number, Charge Literal (labeled “Charge Description”), State Statute Code (labeled “Statute”) and Severity. Some arraignment sections include Plea (e.g., “ARRAIGNED, PLED NOT GUILTY TO FELONY”).

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The Court Disposition section includes data related to disposed charges. Data fields include Charge Sequence Number, Convicted indicator (Y/N), Felony indicator (Y/N), Charge Literal (description), State Offense Code (Statute) and Disposition. The Disposition data is presented as a list of variable data elements that pertain to both the disposition and sentence. Disposition data values can include Felony or Misdemeanor Conviction, Case Dismissed, Charge Amended, etc.

The sentence data is included in the Disposition field and includes free-form text entries that encompass the terms and conditions (confinement, fine), and status of the sentence (suspended, probation revoked, etc.). Additional sentence data may be listed under “Cycle Event” following the Court Disposition section.

There is no Prosecution segment, per se; however, filed charge data included in the Court Arraignment section is a component of the Prosecution segment.

There is no Supervision segment.

Charge Tracking: Vermont follows a cycle tracking model and charges are not individually tracked across the various segments of the rap sheet. While charges are assigned a Charge Sequence Number, these do not uniquely identify each charge across the segments.

Other Information and Notes: The following are additional rap sheet observations noted from the assessment:

- At the end of the arrest cycle, there is a list of “CYCLE EVENTS” that includes items such as fingerprint dates, dates of intake and discharge, and referrals to diversion.
- The rap sheet does not include warrants or protection orders.
- The rap sheet will indicate that the subject is a sex offender, if applicable.
- The rap sheet includes a summary table labeled "GUIDE TO THE RECORD" at the top of the rap sheet that includes counts for the following items:
  - DOC SUPERVISION STATUS
  - SUPERVISING OFFICER
  - DATE OF LAST ARREST
  - AGE OF OFFENDER
  - FAILURES TO APPEAR
  - VIOLATION OF COURT ORDERS OR CONDITIONS CHARGES/CONVICTIONS
  - UNKNOWN OFFENSE LEVEL CHARGES/CONVICTIONS
  - ASSAULTIVE CRIME CHARGES/CONVICTIONS
  - SEX CRIME CHARGES/CONVICTIONS
  - ASSAULT ON OFFICER CHARGES
  - DANGEROUS/DEADLY WEAPON RELATED CHARGES
  - ESCAPE CHARGES
  - VIOLATION OF PROBATION/PAROLE CHARGES

The following table lists strengths and weaknesses of Vermont’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:
<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Header</strong></td>
<td>Provides warning and caution information at the top of the rap sheet. Summary table is informative.</td>
<td></td>
</tr>
<tr>
<td><strong>Person</strong></td>
<td>Includes address and job history.</td>
<td></td>
</tr>
<tr>
<td><strong>Arrest</strong></td>
<td></td>
<td>No separate booking information. No statute numbers. No charge Class.</td>
</tr>
<tr>
<td><strong>Prosecution</strong></td>
<td>Includes a “COURT ARRAIGNMENT” segment instead of a Prosecutor segment. However, this provides similar data to what would be included in the Prosecutor segment, such as changes to charges from arrest to filing.</td>
<td>Not a complete prosecution segment. Does not include outcomes for cases not filed with the court. No statute numbers. No charge Class.</td>
</tr>
<tr>
<td><strong>Court</strong></td>
<td></td>
<td>No statute numbers. No charge Class.</td>
</tr>
<tr>
<td><strong>Sentencing</strong></td>
<td></td>
<td>Limited sentencing data.</td>
</tr>
<tr>
<td><strong>Supervision</strong></td>
<td></td>
<td>No supervision segment.</td>
</tr>
</tbody>
</table>

### 4. Other Criminal History Items

The following are other items noted during research and discussions with the Vermont criminal history repository staff:

- Vermont does not participate in the National Fingerprint File (NFF).
- Vermont is a signatory to the National Crime Prevention and Privacy Compact.
- Vermont provides in-state criminal justice rap back services.
- Vermont provides in-state noncriminal justice rap back services for people working with children.
- Vermont provides online criminal history background checks to the public that result in a Vermont Conviction Report for a fee of $30 per report.450

### 5. Repository Position Descriptions

Vermont did not provide position descriptions.

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450 [https://vcic.vermont.gov/ch-information/record-checks](https://vcic.vermont.gov/ch-information/record-checks)
WA - Washington State Profile of Criminal History Records

This profile describes the Washington laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of Washington rap sheets, and findings from an interview conducted with state repository personnel.

1. Review of Relevant Statutes, Policies and Requirements

   a. Reporting Arrests and Dispositions and Collecting Fingerprints

   Revised Code of Washington Title 43, Chapter 43 Section 735 (RCW 43.43.735) requires that all arresting agencies are responsible for fingerprinting and photographing all adults and juveniles arrested for a felony or gross misdemeanor that are taken into custody. Gross misdemeanors and minor misdemeanor offenses not taken into custody are not required to be fingerprinted.

   Revised Code of Washington Title 43, Chapter 43 Section 740 (RCW 43.43.740) requires that all arresting agencies are responsible for providing fingerprints, charges and demographic information of the arrested person to the state repository within 72 hours from the time of arrest.

   RCW 10.97.045 requires whenever a court or prosecutor reaches a disposition of a criminal proceeding, the court or prosecutor shall furnish the disposition data to the agency initiating the criminal history record for that charge and to the identification section of the Washington State Patrol, as required under RCW 43.43.745 upon disposition.

   RCW 10.98.050 requires law enforcement and corrections agencies to transmit fingerprints and identifying data to the central repository within 72 hours for individuals as authorized under RCW 43.43.735.

   RCW 43.43.745 requires the law enforcement agency or jail to fingerprint all persons held in or remanded to their custody when conviction of any crime as provided for in RCW 43.43.735 for which the penalty of imprisonment might be imposed.

   RCW 43.43.745 also requires submission of the disposition to repository at whatever stage in proceedings a final disposition occurs.

   RCW 43.43.745 also outlines requirements for the department of corrections to notify the local and state law enforcement agencies of furlough and releases within 30 days of the furlough or release of a subject.

   452 https://app.leg.wa.gov/RCW/default.aspx?cite=43.43.735
   453 https://app.leg.wa.gov/RCW/default.aspx?cite=43.43.740
   455 https://app.leg.wa.gov/RCW/default.aspx?cite=43.43.745
b. Cite and Release – Arrests without Fingerprint

RCW 10.31.100 describes the process for arrest without warrant and provides provisions for the arresting officer to issue a citation and notice to appear, instead of taking the person into custody, for some misdemeanors and most traffic-related offenses.

During SEARCH’s interview with repository staff, the staff raised concerns that in remote areas of the state the distance may preclude fingerprinting. Also, for minor offenses, combative subjects or subjects needing medical attention may not get fingerprinted. There is no mechanism to identify the number of cite and release arrest events; however, a small study of DUI charges showed that 35% of DUIs from Washington State Patrol were cite/release arrests without fingerprints. This percentage is likely to be representative of the statewide percentage.

c. Expungements and Sealing

All but serious and violent offenses may be “vacated” after a 5- to 10-year waiting period and most misdemeanors are eligible after a 3- to 5-year waiting period. A pardon does not automatically remove the record of conviction. The offenses vacated via court order result in limited public access to agency records, but there is no statutory authority to seal adult court records in Washington. Washington automatically seals juvenile records at the time of a non-conviction finding (except serious sex offenses) or upon satisfaction of terms and conditions of disposition. Non-conviction records may be deleted from agency records after a 2- or 3-year waiting period, except that deletion is discretionary if the record involves diversion, the subject has additional criminal records, or intervening charges are pending.

A Court-issued Certificate of Restoration of Opportunity (CROP) prohibits licensing agencies from disqualifying individuals based on a criminal conviction and protects employers against negligent hiring liability.

d. State Definition of Felony and Misdemeanor

Washington defines the classification of each felony in Title 9ARCW. Each felony is expressly designated in the section defining it. For the purposes of sentencing, there are three felony classes (A, B, or C). For example, Assault in the first degree is a class A felony.

Misdemeanors and Gross Misdemeanors are any crime punishable by a fine of not more than $1,000, or by imprisonment in a county jail for not more than 90 days, or by both. All crimes other than felonies and misdemeanors are gross misdemeanors.

e. Fees Associated with Criminal History Reports

Washington charges agencies annual fees to access to the state message switch. Agencies may query hot files, department of licensing information, and criminal history record information systems based on the following transaction-based fee structure:

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457 https://app.leg.wa.gov/RCW/default.aspx?cite=10.31.100
<table>
<thead>
<tr>
<th>Number of Transactions</th>
<th>Cost for City/County Agencies</th>
<th>Cost for Federal/Tribal/State Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–199,999</td>
<td>$200</td>
<td>$400</td>
</tr>
<tr>
<td>200,000–499,999</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>500,000–699,999</td>
<td>$900</td>
<td>$1,800</td>
</tr>
<tr>
<td>700,000–999,999</td>
<td>$1,500</td>
<td>$3,000</td>
</tr>
<tr>
<td>1,000,000–1,999,999</td>
<td>$3,000</td>
<td>$6,000</td>
</tr>
<tr>
<td>2,000,000+</td>
<td>$6,000</td>
<td>$12,000</td>
</tr>
</tbody>
</table>

f. Vendors Supporting Criminal History Services
Washington contracts with NEC/WIN for the automated fingerprint information system. The computerized criminal history system was developed and is maintained by Leidos. DataMaxx supports the message switch.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
Washington responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,797,000</td>
<td>1,882,000</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>1,300,059</td>
<td>1,378,988</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>288,160</td>
<td>287,255</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,588,219</td>
<td>1,666,243</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>85%</td>
<td>87%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>84%</td>
<td>70%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>84%</td>
<td>86%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>3%</td>
<td>Not reported</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>106,187</td>
<td>87,104</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>102,822</td>
<td>107,260</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>205,605</td>
<td>163,039</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>47,401</td>
<td>50,809</td>
</tr>
</tbody>
</table>
3. Rap Sheet Assessment

SEARCH analyzed the contents of six rap sheets provided by the Washington State Patrol Criminal History Record Section to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization.460

Overview of the Contents: The rap sheet contains data from the Identification, Arrest, Court, Sentence and Supervision segments. Arrest events/cycles include Arrest, Court and Sentence segment data. Supervision events/cycles are listed separately at end of the rap sheet. Cycles are listed in reverse chronological order, with the most recent arrest listed first.

Heading and Identification Section: The Heading contains caveat information pertaining to record use and dissemination. No Offender Cautions or Notifications are included in the heading; however, sex offender registration and other offender monitoring registration information is provided at the end of the rap sheet, if applicable. The purpose code is not displayed on the rap sheet examples.

The Identification section is organized into sections labeled “Master Information” and “Person Information”. The Master Information section includes all key identifiers, names and Date of Birth. The Person Information section includes the standard demographic data, alias and other duplicate data (Names, DOBs, SSNs, etc.), and scars/marks/tattoos. There is sufficient data to confirm the identity of the subject. The Identification section also includes a summary of convictions or adverse findings and a summary of supervision information.

Arrest Cycle: The arrest cycle section begins with the heading “Criminal History Information.” Each cycle is separated by a section break labeled “Arrest,” followed by the arrest sequence number and the Date of Arrest. Data from the arrest agency is listed at the beginning of the cycle. Charge information is presented in a two-column format, with Arrest Charges listed on the left and Disposition Charges and Sentence information listed on the right.

Each arrest segment begins with the heading separator that shows the arrest number, Arrest Date, the name the subject used at the time of arrest, the booking (contributing) agency information, a local identification number, and cycle tracking numbers.

Arrest charge information includes the State Offense Code (no label), Charge Literal (no label), statute number (labeled RCW:), Charge Class and Severity (e.g., Felony or Misdemeanor), warrant number, Arrest Agency (labeled “Originating Agency”), arrest disposition (labeled “Dispo Responsibility”), and Date of Offense. Disposition information includes the Court Name and ORI (labeled “Contributor or Responsible Agency”), court case number, disposition (labeled “Status”), State Offense Code and Charge Literal (no label), Statute Number, Class and Severity, and Counts.

Sentence information is presented immediately below the disposition as a text string that lists all of the sentence requirements separated by semi-colons. It is difficult to locate the confinement requirements.

There are no prosecutor dispositions on the rap sheets reviewed. The format of the disposition segment and the label for the agency would allow the prosecutor to report dispositions if the charges were not filed in the court.

**Charge Tracking:** Washington does not track charges across segments. Charges are tracked by cycle. Arrest charges can be associated to disposition charges based on the statute number and Charge Literal, but there is no system-supplied linking. There can be more arrest charges than dispositioned charges and vice versa.

**Other Information and Notes:**
- A corrections history is provided at the end of the Identification section.
- Sex Offender and Monitor Population registration information is provided at the end of the rap sheet. This includes all registration events.
- Washington state has a Felony Firearm Offender Registration, which requires individuals convicted of a felony firearm offense to register as a Felony Firearm Offender. If fingerprints are provided, the felony firearm registration will appear on the rap sheet.
- A list of resources is provided at the end of the rap sheet with names, phone numbers, and websites of various agencies and criminal justice units that had contact with the subject of the rap sheet.
- The rap sheet contains additional data about the offender not directly related to the criminal history. For example, at the bottom of the rap sheet, “No Know Applicant Details” pertains to criminal justice applicant information.

The following table lists strengths and weaknesses of Washington’s rap sheet based on

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td>Summary of Arrest Charges and Summary of Correction submissions.</td>
<td></td>
</tr>
<tr>
<td>Identification</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Arrest tracking: Process Control Numbers (PCN) are assigned at the time of the fingerprinting event and is a tracking number for the fingerprinting event. Transaction Control Numbers (TCN) are also assigned at the time of the fingerprinting event and is also a tracking number.</td>
<td>No labels are provided for much of the information.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Date of offense is not always present.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No charge sequence numbers.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No charge tracking numbers.</td>
</tr>
<tr>
<td>Prosecution</td>
<td></td>
<td>No prosecution information.</td>
</tr>
<tr>
<td>Court</td>
<td>Includes Charge Severity and Class.</td>
<td></td>
</tr>
<tr>
<td>Sentence</td>
<td>Very thorough.</td>
<td>Difficult to decipher the sentencing information.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not all charges resulting in a conviction include sentence information.</td>
</tr>
</tbody>
</table>
Supervision segments can be linked to Arrests using the court case number provided in this segment.

4. Other Criminal History Items

The following are other items noted during research and discussions with the Washington criminal history repository staff:

- Washington does not participate in the National Fingerprint File
- Washington is not a signatory to the National Crime Prevention and Privacy Compact.
- Washington does not currently provide rap back services.
- Washington provides a web-based noncriminal background name-based check service through the Washington Access to Criminal History https://fortress.wa.gov/wsp/watch/
- Background Check Fees are as follows:
  - Name and Date of Birth - online - $11 each
  - Notary Request - online - $10 each
  - Name and Date of Birth - mailed request - $32
  - Fingerprint based - $58
  - Fingerprint service - WSP, Identification and Criminal History Section in Olympia, WA - $16
- The rap sheet format will change when Washington goes live with their new criminal history system at the end of 2019. The new format will be similar to the FBI rap sheet, as the information will be presented in a linear format.

5. Repository Position Descriptions

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of Washington.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correctional Records Technician</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$41,352</td>
<td>$55,524</td>
</tr>
<tr>
<td>Correctional Records Technician Lead</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$45,504</td>
<td>$61,224</td>
</tr>
<tr>
<td>Position</td>
<td>Responsibilities</td>
<td>Min Salary</td>
<td>Max Salary</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>Correctional Records Technician Supervisor</td>
<td>Positions that input, research, and update information within the state Computerized Criminal History (CCH) system. Positions that maintain and operate the state Sex Offender Registry. Positions that provide customer support or process civil background checks for employment, licensing, and housing.</td>
<td>$50,256</td>
<td>$67,560</td>
</tr>
<tr>
<td>Fingerprint Technician 1</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$38,592</td>
<td>$51,432</td>
</tr>
<tr>
<td>Fingerprint Technician 2</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$42,420</td>
<td>$56,856</td>
</tr>
<tr>
<td>Fingerprint Lead Technician</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$44,412</td>
<td>$59,688</td>
</tr>
<tr>
<td>Fingerprint Supervisor</td>
<td>Positions that process ten-print (criminal and civil) submissions within the state Automated Biometric Identification System.</td>
<td>$48,996</td>
<td>$65,928</td>
</tr>
<tr>
<td>Criminal Identification Coordination Specialist</td>
<td>Positions that provide CJIS auditing and training services.</td>
<td>$50,256</td>
<td>$67,560</td>
</tr>
</tbody>
</table>
WI - Wisconsin State Profile of Criminal History Records

This profile describes the Wisconsin laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, an analysis of Wisconsin rap sheets, and findings from an interview conducted with state repository personnel on behalf of NBIB.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints
Wisconsin Statute has the following requirements for fingerprints, arrest information and disposition reporting:

- Wis. Stat. § 165.83 requires the Wisconsin Department of Justice (WIDOJ) obtain and file fingerprints, descriptions, and photographs along with identifying data on persons taken into custody within the state for any felony, misdemeanor and any disorderly conduct charge.
- Wis. Stat. § 165.83(2)(f) also requires the WIDOJ to collect information concerning the legal action taken in connection with any offenses committed in the state, from inception of the complaint to the final discharge of the defendant.
- Wis. Stat. § 165.84(2) requires Wisconsin law enforcement, tribal law enforcement, state penal and correctional institutions to obtain fingerprints and provide the WIDOJ with the fingerprints, descriptions, photographs, identification data, and arrest charges within 24 hours.
- Wis. Stat. § 165.84(5) obligates law enforcement, court, correctional, probation and parole officers to provide WIDOJ with dispositions related to crimes committed in the state.

b. Cite and Release – Arrests without Fingerprints
Wis. Stat. § 968.085 allows officers to issue “notice to appear” citations for some misdemeanors that do not involve domestic violence, disorderly conduct, or a violation of a court order. WIDOJ works with the courts to notify them of missing fingerprints when WIDOJ receives a disposition. The courts will then issue an order to collect the fingerprints.

c. Expungements and Sealing
Misdemeanor and minor felony convictions may be expunged only if committed before the subject is 25 years old, and only if the court authorizes at the time of sentencing that the record may be expunged. Juvenile expungement is available for persons upon reaching age 17 with a court finding of benefit to the person and that person is no longer a harm to society. Wis. Stat. § 165.84(1) allows for any person arrested or taken into custody and is released without charge or cleared of the offense through court proceedings to have their fingerprint record taken in connection with the charge returned upon request.

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461 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
462 Information acquired during the interview is incorporated into the appropriate section of this report.
463 https://docs.legis.wisconsin.gov/document/statutes/165.83
464 https://docs.legis.wisconsin.gov/document/statute/165.84
465 https://docs.legis.wisconsin.gov/statutes/statutes/968/085
d. **State Definition of Felony and Misdemeanor**
Wis. Stat. § 939.60 defines a “felony” as a crime punishable by imprisonment in the Wisconsin State prison and every other crime is a misdemeanor.466

e. **Fees Associated with Criminal History Reports**
Law enforcement agencies in Wisconsin are not charged a fee for criminal history searches for criminal justice purposes. Agencies with TIME System access are charged a system access fee that includes BadgerNet467 line charges.

f. **Vendors Supporting Criminal History Services**
WIDOJ contracts with IDEMIA for automated fingerprint information support and maintenance services. The TIME system and the computerized criminal history are supported with in-house resources. The message switch is supported by CPI, the OpenFox Company.

2. **Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems**
Wisconsin responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>1,509,400</td>
<td>1,617,400</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>680,566</td>
<td>770,670</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>517,113</td>
<td>501,376</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>1,197,679</td>
<td>1,272,046</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>82%</td>
<td>83%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>80%</td>
<td>63%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>86%</td>
<td>97%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>7%</td>
<td>8%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>17,338</td>
<td>17,136</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>17,338</td>
<td>17,130</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>172,712</td>
<td>151,040</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>17,649</td>
<td>39,288</td>
</tr>
</tbody>
</table>

466 https://docs.legis.wisconsin.gov/statutes/statutes/939/IV/60
467 BadgerNet is the secure high-speed Wide-Area-Network for Wisconsin agencies. https://det.wi.gov/Pages/BadgerNet.aspx
3. Rap Sheet Assessment

SEARCH analyzed the contents of seven sample rap sheets provided by the WIDOJ to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. All rap sheets provided were for Purpose Code C.

Overview of the Contents: The rap sheet contains data from the Arrest, Prosecution, Court, Sentence and Supervision segments of the rap sheet standard. Arrest events/cycles include Arrest, Court and Sentence segment data. Supervision events/cycles are listed in chronological order, along with arrest cycles. Cycles are listed in chronological order, with the oldest arrest listed first.

Heading and Identification Section: The Heading contains limited caveat information pertaining to record content. Offender Cautions or Notifications are included in the heading, including Firearms Disqualification, Convicted Felon status and III status; however, sex offender registration and domestic violence indicators are not included as cautions. The purpose code is displayed on the rap sheet examples.

Identification information includes key identifiers (FBI Number, SID, Driver’s License), name and Date of Birth, including aliases and other duplicate/fraudulent data, standard demographic data, and scars/marks/tattoos. In addition, this section includes Employer and Occupation information. There is sufficient data to confirm the identity of the subject.

Arrest Cycle: Each arrest cycle is identified by the label “Cycle,” followed by the cycle number. Each cycle includes data from the Arrest and Booking segments labeled “ARREST DATA,” the Prosecution segment labeled “PROSECUTION,” and Court and Sentence segments, which are combined under the section labeled “COURT”.

Each arrest cycle begins with a heading section including Earliest Event Date, Arrest Tracking Number and Date of Offense, followed by the ARREST DATA section. Arrest data includes the subject name at arrest, arrest type (Adult/Juvenile) (label: Type), arrest date, arrest agency case number, Arrest Agency Name and ORI (label: Arrest Agency), and Local Identification Number. Booking information includes the booking agency case number and Agency Name and ORI. Arrest charges follow in charge sequence order. Data includes: Charge Sequence Number, Arrest Agency Case Number (label: Case Number), Statute Number, Charge Literal (description), NCIC Offense Code, Counts and Severity.

Prosecutor section data includes the Prosecutor Case Number and the Prosecutor Office Name and ORI. Charge information includes Charge Sequence Number, Arrest Tracking Number, Statute Number, Charge Literal (description), Counts and Severity. Each prosecution charge includes an outcome labeled PROSECUTION ACTION. This section includes the action labeled “Literal”, Disposition Date and Disposition. The action (Literal) and Disposition appear to be matched (e.g., Literal “Other” is associated with Disposition “Charge Issued”; Literal “Dismissed” is associated with “No Prosecution”; and Literal “Deferred” is associated with Disposition “Deferred Prosecution-First Offender Program”).

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Court and sentence data are included under the COURT section. Sentence data follows all court charge information. Court section data includes Subject Name, Case creation date (label: Date), the court case number, prosecutor case number, court name and comments. Charge information follows and includes both filed and disposition charges. All charge information is organized by charge sequence number so the filed charge is followed by the disposition charge. Filed and disposition charges include both the charge and action subsections and mirror the Prosecution charge structure. CHARGE data includes Charge Sequence Number, Arrest Tracking Number, Statute Number, Charge Literal (description), Counts and Severity. The COURT ACTION section includes the action labeled “Literal”, Disposition Date and Disposition. The values entered for the Literal and Dispositions appear to be associated in a manner similar to the Prosecution Action section.

Sentence data follows all charge data. Sentence data is associated to the charge using the charge sequence number. Sentence data includes Sentence Date, Court Case Number, Court Name, and convicted charge sequence number, followed by penalty data (labeled SENTENCE). The sentence data are presented in a structured list, including detailed entries for each component of the sentence, including supervision information (placement, duration, begin date) and other terms and conditions (Restitution, fine, etc.) and a Comments field with additional sentence orders such as, submitting to DNA testing, court costs, etc. Multiple sentence records may be included for each convicted charge.

The Supervision section can include data pertaining to the subject, charge, disposition and Supervision Action. Key data in this section includes Subject Name, Admission Type (Adult/Juvenile) labeled “Type”, action date, and Intake and Release data under Supervision Action. The Supervision data is not linked to any Arrest data.

**Charge Tracking:** Wisconsin effectively employs charge tracking through the use of the charge sequence number across all segments of the Arrest cycle. Arrest charges that are filed retain their sequence number. Charges added during the adjudication process receive an incremented sequence number. Charges modified during the adjudication process maintain their sequence number. This approach makes it possible to accurately track charges added, dismissed, or modified in the Prosecution and Courts segments.

**Other Information and Notes:**
- The charging structure of the rap sheet supports more than one statute when appropriate. This is common when inchoate charges are involved — one statute pertains to the underlying charge (e.g., Theft) and the second statute citing the inchoate form (e.g., Attempt, Solicitation, and Conspiracy to Commit).
- A list of agencies that contributed to the rap sheet is provided at the bottom.

The following table lists strengths and weaknesses of Wisconsin’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:
<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td>Some offender cautions and notices are listed at the beginning of the rap sheet.</td>
<td></td>
</tr>
<tr>
<td>Identification</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td>Charge Tracking.</td>
<td>Missing Charge Grade Level (Class).</td>
</tr>
<tr>
<td></td>
<td>Managing Added, Dismissed and Modified Charges.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multiple Statutes per Charge.</td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>Accurately tracks charges from arrest to disposition.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Includes prosecutor outcomes per charge.</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>Includes both filed charges and charges at disposition.</td>
<td></td>
</tr>
<tr>
<td>Sentencing</td>
<td>Much Sentence data is presented in a semi-structured format.</td>
<td>Some sentence data is included as narrative text.</td>
</tr>
<tr>
<td>Supervision</td>
<td></td>
<td>No linkage of Supervision Cycle to Arrest Cycles.</td>
</tr>
</tbody>
</table>

4. Other Criminal History Items

The following are other items noted during research and discussions with the WI DOJ criminal history repository staff:

- Wisconsin does not participate with the National Fingerprint File (NFF).
- Wisconsin is not a signatory to the National Crime Prevention and Privacy Compact.
- Wisconsin does not provide in-state criminal justice rap back services.
- The WIDOJ Criminal History Unit provides public access to criminal history record information and manages the Wisconsin Online Record Check System (WORCS). Each search request costs $7, and a certified copy of the record costs $12.

5. Repository Position Descriptions

Wisconsin did not provide position descriptions.
WV - West Virginia State Profile of Criminal History Records

This profile describes the West Virginia laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems, and findings from research by SEARCH.

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

West Virginia Code Chapter 2, Article 2, Section 24 (WV Code § 15-2-24) establishes the West Virginia Criminal Identification Bureau (CIB) and the criminal history repository. This statute requires law enforcement to collect fingerprints, identification and description data, and charge information and report arrests to the CIB. It also requires correctional institutions to collect fingerprints and report intake events. Additionally, it requires prosecutors and courts to report dispositions to the CIB.

b. Cite and Release – Arrestd without Fingerprints

WV Code § 62-1-5a allows a law enforcement officer to issue a citation in lieu of making an arrest for any misdemeanor not involving injury to a person, domestic assault or battery.

WV Code § 17C-19-4 allows a law enforcement officer to issue a written notice to appear for any traffic violation punishable as a misdemeanor except for negligent homicide; impaired driving; and failure to stop in accident causing death, injury or property damage.

c. Expungements and Sealing

In West Virginia non-violent misdemeanors and non-violent felonies may be expunged after waiting periods ranging from 1 to 5 years. A number of felony and misdemeanor offenses are ineligible for expungement, including those involving violence, domestic violence, sexual offenses, use or exhibition of a deadly weapon or dangerous instrument, abuse or neglect of an incapacitated adult, cruelty to animals, stalking or harassment, and various driving offenses, including driving while a license is suspended or revoked, driving while impaired, and violations by holders of commercial licenses or drivers of a commercial motor vehicle.

A pardon is a basis for expungement after 1 year and at least 5 years after the discharge of the sentence. Non-conviction records may be expunged unless the person has a prior felony conviction.

Juvenile records may be sealed after a 1-year waiting period or upon reaching age 18, unless the case is transferred to the adult court.

If the expungement petition is granted, the court will order the sealing of all records in the custody of the court and expungement of any records in the custody of any other agency, including law-enforcement records. Every agency with records relating to the arrest, charge or other matters arising...
out of the arrest or conviction that is ordered to expunge records shall certify to the court within 60 days of the entry of the expungement order that the required expungement is complete. All orders enforcing the expungement procedure shall also be sealed.

d. State Definition of Felony and Misdemeanor
WV Code § 16-11-1 defines a “felony” as any offense punishable by confinement in the penitentiary and misdemeanors as all other offenses.474

e. Fees Associated with Criminal History Reports
West Virginia does not charge fees to criminal justice agencies to access the criminal history systems.

f. Vendors Supporting Criminal History Services
West Virginia contracts with IDEMIA for automated fingerprint information support and CPI, the OpenFox Company, for the message switch and criminal history system.

2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems
West Virginia responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>703,900</td>
<td>714,500</td>
</tr>
<tr>
<td>b. Interstate Identification Index (III) records supported by the state</td>
<td>250,001</td>
<td>276,673</td>
</tr>
<tr>
<td>c. III records supported by the FBI</td>
<td>153,238</td>
<td>151,938</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>403,239</td>
<td>428,611</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>80%</td>
<td>Not reported</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>55%</td>
<td>Not reported</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>60%</td>
<td>Not reported</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>15%</td>
<td>11%</td>
</tr>
<tr>
<td>i. Active records in state protection order database</td>
<td>2,265</td>
<td>2,889</td>
</tr>
<tr>
<td>j. Active records in NCIC protection order file</td>
<td>2,694</td>
<td>2,763</td>
</tr>
<tr>
<td>k. Active records in state warrant database</td>
<td>115,505</td>
<td>Not reported</td>
</tr>
<tr>
<td>l. Active records in NCIC warrant file</td>
<td>1,956</td>
<td>2,508</td>
</tr>
</tbody>
</table>

474 http://www.wvlegislature.gov/wvcode/ChapterEntire.cfm?chap=61&art=11&section=1#11
3. **Rap Sheet Assessment**
West Virginia did not provide rap sheets for review.

4. **Other Criminal History Items**
The following are other items noted during research:
   - West Virginia participates in the National Fingerprint File (NFF).
   - West Virginia is a signatory to the National Crime Prevention and Privacy Compact.
   - West Virginia does not provide in-state criminal justice rap back services.
   - West Virginia provides noncriminal justice rap back services for persons working with children and elderly and volunteers.
   - West Virginia does not provide web-based noncriminal justice background checks to the public.

5. **Repository Position Descriptions**
West Virginia did not provide position descriptions.
WY - Wyoming State Profile of Criminal History Records

This profile describes the Wyoming laws, policies and requirements related to the creation, management and use of its state criminal history records. It is based on a review of relevant state statutes, information gleaned from the 2016 and 2018 Surveys of State Criminal History Information Systems,475 an analysis of Wyoming rap sheets, and findings from an interview SEARCH conducted with state repository personnel on behalf of NBIB.476

1. Review of Relevant Statutes, Policies and Requirements

a. Reporting Arrests and Dispositions and Collecting Fingerprints

Wyoming Statute Title 7, Chapter 19, Article 1 (W.S. § 7-19-101 - 109)477 describes the responsibilities of the central criminal history repository for Wyoming. The repository is the responsibility of the Division of Criminal Investigation (WYDCI) under the Office of the Attorney General. Wyoming Statute Title 7, Chapter 19, Article 1 outlines the following requirements for fingerprints, arrest information and disposition reporting:

- All criminal justice agencies in the state must report criminal history record information that they are responsible for to WYDCI at the earliest time possible following the occurrence of a reportable event.
- All criminal justice agencies making an arrest must furnish WYDCI with charge information, person descriptions and identification, and fingerprints for all felonies, high misdemeanors, and other misdemeanors determined by WYDCI; such as, domestic violence-related charges and driving under the influence.
- All district attorney and clerks of courts shall notify WYDCI of the final disposition of reportable charges, including the finding and sentence information.
- The Department of Corrections and sheriff of each county must report information related to the receipt, escape, execution, death, release, pardon, parole or discharge to WYDCI.

b. Cite and Release

W.S. § 7-2-103478 allows officers to issue “notice to appear” citations for some traffic misdemeanors and misdemeanors that do not involve domestic violence, disorderly conduct, or a violation of a court order.

c. Expungements and Sealing

The court may grant an expungement to an applicant for some non-violent felony convictions 10 years after completion of the sentence if no other felony convictions have occurred. Some misdemeanors may be expunged after 5 years if the offense did not involve the use of a firearm. Wyoming allows for deferred sentencing for some misdemeanors and first felony offenses, excluding certain serious crimes, but expungement is specifically prohibited.479

475 2016 Survey: https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf; the 2018 Survey is pending publication.
476 Information acquired during the interview is incorporated into the appropriate section of this report.
Juvenile expungement (and certain municipal and circuit court cases involving minors) may be granted by the court upon petition after the subject reaches age 18. Wyoming also expunges non-conviction records 180 days after the dismissal of proceedings if no charges are pending.480

d. **State Definition of Felony and Misdemeanor**
W.S. § 6-10-101 defines “felony” as crimes that are punished by death or imprisonment for more than 1 year and misdemeanors as all other crimes.481

e. **Fees Associated with Criminal History Reports**
WYDCI charges law enforcement agencies a software license fee of $171.60 and an annual maintenance fee of $171.60 for access to the state message switch.

W.S. § 7-19-108482 allows WYDCI to charge a fee of not more than $15 for the processing of noncriminal justice fingerprints for a criminal history records check. Under this statute, no fees are charged to criminal justice agencies or the Department of Family Services. The criminal background check fee is not more than $10 for volunteer organizations. An additional Federal Bureau of Investigation fee is charged for national criminal history checks.

f. **Vendors Supporting Criminal History Services**
Wyoming contracts with NEC/WIN for the automated fingerprint information system. The computerized criminal history system was developed and is maintained by Analysts International and CPI, the OpenFox Company, supports the message switch.

### 2. Responses to the 2016 and 2018 Surveys of State Criminal History Information Systems

Wyoming responded to survey questions about its criminal history information system:

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>2016 Data</th>
<th>2018 Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of subjects (individual offenders) in state criminal history file</td>
<td>204,800</td>
<td>218,600</td>
</tr>
<tr>
<td>b. Total Interstate Identification Index (III) records supported by the state</td>
<td>179,493</td>
<td>194,334</td>
</tr>
<tr>
<td>c. Total III records supported by the FBI</td>
<td>26,103</td>
<td>26,286</td>
</tr>
<tr>
<td>d. Total III records in state and FBI files</td>
<td>205,596</td>
<td>220,620</td>
</tr>
<tr>
<td>e. Percentage of arrests with dispositions</td>
<td>87%</td>
<td>85%</td>
</tr>
<tr>
<td>f. Percentage of arrests within the past 5 years with dispositions</td>
<td>79%</td>
<td>76%</td>
</tr>
<tr>
<td>g. Percentage of felony charges with dispositions</td>
<td>86%</td>
<td>83%</td>
</tr>
<tr>
<td>h. Percentage of all dispositions received that could not be linked to a specific arrest record</td>
<td>2%</td>
<td>2%</td>
</tr>
</tbody>
</table>

i. Active records in state protection order database | 753 | 721  
j. Active records in NCIC protection order file | 695 | 695  
k. Active records in state warrant database | 18,674 | 19,847  
l. Active records in NCIC warrant file | 570 | 827

3. Rap Sheet Assessment

SEARCH analyzed the contents of five sample rap sheets provided by the Wyoming Division of Criminal Investigation to evaluate the alignment of its data to the national rap sheet standard released by the FBI’s Joint Task Force (JTF) on Rap Sheet Standardization. All rap sheet examples were for Purpose Code C.

Overview of the Contents: The rap sheet contains data from the Identification, Arrest, Court, Sentence and Supervision segments. Arrest events/cycles include Arrest, Court and Sentence segment data. Supervision events/cycles are listed separately at end of the rap sheet. Cycles are listed in chronological order with the oldest arrest listed first.

Heading and Identification Section: The Heading labeled “Introduction” contains caveat information pertaining to record use. Offender Cautions or Notifications are included at the end of the Identification section and includes III status information, convicted felon indicator, firearms purchase prohibition and voter eligibility. The purpose code is displayed at the beginning of the rap sheet.

The Identification section is labeled “IDENTIFICATION” and includes the subject’s names and key identifiers (FBI, SID and SSN), the standard demographic data, Date of Birth, scars/marks/tattoos, Place of Birth and Citizenship. There is sufficient data to confirm the identity of the subject.

Arrest Cycles: The arrest cycle section begins with the heading “Criminal History,” followed by a cycle separator labeled “Cycle” and the cycle number. For arrest cycles, no Arrest section label is provided but arrest data immediately follows the Cycle separator. Court segment data is separated from arrest data by a dashed line followed by the label “Court Disposition”. Sentence segment data is separated from the court disposition data by a dashed line followed by the label “Sentencing”. Both the Court Disposition and Sentence segment separators include the cycle number.

Arrest segment data includes the arrest tracking number, Earliest Event Date, Arrest Date, Arrest Case Number, Subject’s name at arrest, the SID (labeled Offender Id), and Arrest Type (Adult/Juvenile) followed by arrest charge information. Arrest charge information includes the charge sequence number (labeled Charge), Charge Tracking Number, Charge Literal (description), Statute Description, State Offense Code, Counts and Severity (e.g., Felony or Misdemeanor). All charge data is repeated for each charge.

There is not a Prosecution segment on the rap sheet.

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484 Per the JTF standard, the earliest event date on each arrest cycle represents the earliest arrest for the subject rather than the earliest date for each cycle.
Court segment data includes Court Case Number, Final Disposition Date, the court name and ORI, and charge information at disposition. Charge data includes Charge Literal (description), statute description and statute number (labeled Statute), State Offense Code, Counts, Severity and charge disposition. There is a separate charge disposition subsection for each charge.

Sentence segment data includes Sentence Date and the terms of the sentence presented as name-value pairs (e.g., Confinement – 5Y0M0D, Probation – 01Y00M00D, Fine Amount – 40.00) Dispositions not resulting in a sentence still include a Sentence segment that contains only a sentence date, which is the same as the disposition date.

Supervision segment data includes submissions from the Wyoming State Penitentiary. The correction submission does not appear to be directly linked to a court case but can be inferred from the statute description and date.

**Charge Tracking:** Wyoming appears to employ charge tracking effectively but does not provide identifiers to visually link charges. The Court and Sentence segment data does not include either the charge tracking number or the charge sequence number from the arrest segment. However, evaluation of the charge data in multiple offense arrests appear to match in sequence order across all three segments based on the Charge Literal and Statute Number.

**Other Information and Notes:**
- There is an index of agency names and ORIs listed at the end of the report.
- Multiple counts of the same charge are displayed inconsistently. Some arrest cycles show the counts as 2 for multiple accounts, while other cycles list two separate charges each with a count of 1.
- Probation violations and warrant arrests are the most frequent examples of arrests without a disposition.
- An index of submitting agencies is included at the end of the rap sheet.

The following table lists strengths and weaknesses of Wyoming’s rap sheet based on SEARCH’s analysis and its alignment to the JTF standard:

<table>
<thead>
<tr>
<th>Rap Sheet Segment</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Header</td>
<td><strong>Includes Offender Cautions and Notices.</strong></td>
<td></td>
</tr>
<tr>
<td>Identification</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arrest</td>
<td><strong>Arrest Tracking Number is present.</strong></td>
<td><strong>Multiple counts of the same charge are displayed inconsistently.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Charges include statute and severity.</strong></td>
<td><strong>No booking information.</strong></td>
</tr>
<tr>
<td>Prosecution</td>
<td><strong>Charges include statute and severity.</strong></td>
<td><strong>No prosecution information.</strong></td>
</tr>
<tr>
<td>Court</td>
<td></td>
<td><strong>No identifiers are used to track charges.</strong></td>
</tr>
<tr>
<td>Sentencing</td>
<td><strong>Sentence information presented as name-value pairs.</strong></td>
<td></td>
</tr>
<tr>
<td>Supervision</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*State Criminal History Records Profiles*  
Page 262 of 274
4. **Other Criminal History Items**

The following are other items noted during research and discussions with the WYDCI criminal history repository staff:

- Wyoming participates in the National Fingerprint File and is a signatory to the National Crime Prevention and Privacy Compact.
- Wyoming currently does not provide any criminal justice rap back services.
- Wyoming has WYCJIS – a state-provided web-based application for criminal justice agencies. WYCJIS allows access to criminal history information for criminal justice agencies that have a valid ORI and fall under the FBI CJIS definition of a criminal justice agency. Agencies can run queries that do not go through the message switch against the criminal history, drivers, protection orders and wanted persons databases. WYDCI vets any request from in-state and out-of-state agencies for access; if approved, the agency is provided a digital certificate and login credential for access to WYCJIS.

5. **Repository Position Descriptions**

The following table lists the job titles, descriptions and salaries of repository positions, as provided by the State of Wyoming.

<table>
<thead>
<tr>
<th>Position</th>
<th>Description</th>
<th>Starting Salary</th>
<th>Salary Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Justice Information Services (CJIS)</td>
<td>Positions that input, research, and update information within the state</td>
<td>$39,780</td>
<td>$46,800</td>
</tr>
<tr>
<td>Records Analyst</td>
<td>Computerized Criminal History (CCH) system. Positions that maintain and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>operate the state Sex Offender Registry. Positions that provide customer</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>support or process civil background checks for employment, licensing, and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>housing. Positions that provide CJIS auditing and training services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division of Criminal Investigation Fingerprint</td>
<td>Positions that process ten-print (criminal and civil) submissions within the</td>
<td>$39,780</td>
<td>$46,800</td>
</tr>
<tr>
<td>Examiner</td>
<td>state Automated Biometric Identification System.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Control Terminal CJIS Specialist</td>
<td>Positions are responsible for monitoring system use and performance 24x7x365,</td>
<td>$48,637</td>
<td>$62,677</td>
</tr>
<tr>
<td></td>
<td>quality control of automated transactions made by statewide user agencies and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>resolving/responding to questions as they relate to statewide use of NCIC,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nlets, and WCJIN.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Appendix A: Glossary of Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arrest Cycle (cycle)</strong></td>
<td>Each cycle will be based upon a fingerprint submission that either establishes the subject record or positively identifies the current submission to the existing subject record. Ordinarily, a cycle will begin with an arrest and will contain all the reported information that pertains to that arrest.</td>
</tr>
<tr>
<td><strong>Compact</strong></td>
<td>See <em>National Crime Prevention and Privacy Compact</em></td>
</tr>
<tr>
<td><strong>Conviction</strong></td>
<td>A formal declaration that someone is guilty of a criminal offense, made by the plea of guilty, verdict of a jury or the decision of a judge in a court of law.</td>
</tr>
<tr>
<td><strong>Deferred Dismissal or Dismissal after Deferred Imposition</strong></td>
<td>Many states offer first-time offenders with a second chance outcome based on completion of a preventative program. The court may allow the defendant to withdraw a plea of guilty or nolo contendere or may strike the verdict of guilty from the record and order that the charge or charges against the defendant be dismissed once the defendant completes a deferral program (e.g., DUI prevention classes).</td>
</tr>
<tr>
<td><strong>Disposition</strong></td>
<td>A disposition may occur at any stage in the arrest cycle. Arrest dispositions are decisions made by the arresting agency and may include charges dropped or referred to prosecution; prosecution dispositions are decisions on the charges made by the prosecutor (e.g., filed, not filed, dismissed, Nolle Prosequi, etc.); court dispositions are the final determination by the court (e.g., guilty, not guilty, etc.). See <em>Appendix C: Common Disposition Terms</em></td>
</tr>
<tr>
<td><strong>Expungement of Records</strong></td>
<td>A court-ordered process in which the legal record of an arrest or a criminal conviction is removed from the criminal history system.</td>
</tr>
<tr>
<td><strong>FBI UCN/FBI Number</strong></td>
<td>A biometrically based unique identifier assigned to a person by the FBI. This is known historically as the FBI Number and is currently called the Universal Control Number (UCN).</td>
</tr>
<tr>
<td><strong>Felony/Class Degree</strong></td>
<td>See <a href="https://thelawdictionary.org/article/what-are-felony-charges-classes-penalities/">https://thelawdictionary.org/article/what-are-felony-charges-classes-penalities/</a></td>
</tr>
<tr>
<td><strong>Final disposition</strong></td>
<td>e.g., Nolle Prosequi, Dismissed, Guilty</td>
</tr>
<tr>
<td><strong>Interstate Identification Index (III)</strong></td>
<td>The FBI National Fingerprint File and national criminal history pointer system. Also known as “Triple I” or the III system.</td>
</tr>
<tr>
<td><strong>National Crime Prevention and Privacy Compact</strong></td>
<td>An infrastructure by which states can exchange criminal records for noncriminal justice purposes according to the laws of the requesting state and provide reciprocity among the states to share records without charging each other for the information.</td>
</tr>
<tr>
<td><strong>National Fingerprint File (NFF)</strong></td>
<td>A database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual. The FBI maintains the NFF to provide positive identification of record subjects indexed in the III system.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Nolle Prosequi (Nolle Prosse)</td>
<td>A term used to terminate a prosecution on a charge and dismiss the charge – this is a final disposition by the prosecution. See this Westlaw link: <a href="https://law.justia.com/cases/federal/us/168/us515.html">Nolle Prosequi</a></td>
</tr>
<tr>
<td>Non-conviction</td>
<td>A term used to describe a disposition that did not end in a conviction (e.g., not guilty, dismissed, Nolle Prosequi, no true bill, acquitted). See <a href="https://national-employment-screening.com/criminal-record-non-conviction-terms-definitions/">https://national-employment-screening.com/criminal-record-non-conviction-terms-definitions/</a></td>
</tr>
<tr>
<td>Originating Agency Identification (ORI)</td>
<td>A nine-character identifier assigned to an agency, which helps the FBI and the ATF designate the originating agency for the fingerprint cards that are being submitted.</td>
</tr>
<tr>
<td></td>
<td>- Link for LEA ORIs: <a href="https://www.icpsr.umich.edu/files/NACJD/ORIs/STATESoris.html">https://www.icpsr.umich.edu/files/NACJD/ORIs/STATESoris.html</a></td>
</tr>
<tr>
<td></td>
<td>- LEA list from CDE: Click on this link, <a href="https://crime-data-explorer.fr.cloud.gov/">https://crime-data-explorer.fr.cloud.gov/</a>, then click on the &quot;agency participation data&quot; download under the map</td>
</tr>
<tr>
<td>Purpose Codes</td>
<td>The requester provides the purpose code when requesting a criminal history report. States may limit information (e.g., convictions only) on their rap sheet in response to purpose codes D, I, F, or H. The Privacy Act of 1974 requires the FBI to maintain an audit trail of the purpose of each disclosure of a criminal history record and the recipient of that record. Therefore, inquiries and record requests transmitted to III must include the purpose for which the information is to be used. For the purposes that certain agencies may use during III criminal history records checks and the appropriate use, see <a href="https://www.fbi.gov/criminal/criminal-history/approach-iii/criminal-history-request-purpose-codes">Appendix B: III Criminal History Request Purpose Codes</a>.</td>
</tr>
<tr>
<td>Rap Back</td>
<td>A capability of the FBI Next Generation Identification (NGI) system, or an in-state system, that provides authorized agencies notification of criminal activity that occurs after the initial processing and retention of criminal or civil transactions.</td>
</tr>
<tr>
<td>Sealing Records</td>
<td>A court-ordered process in which the legal record of an arrest or a criminal conviction—which would otherwise be publicly accessible as a public record—is restricted from disclosure.</td>
</tr>
<tr>
<td>Security/Level</td>
<td>Black’s Law Dictionary defines a felony as a “serious crime usually punishable by imprisonment for more than 1 year or by death.”  Misdeemeanor is defined as a crime that is “less serious than a felony and is usually punishable by a fine, penalty, forfeiture or confinement (usually for a brief term) in a place other than prison.”</td>
</tr>
<tr>
<td>SID</td>
<td>See <a href="https://www.fbi.gov/ci/publications/state-identification-number">State Identification Number</a></td>
</tr>
<tr>
<td>SSO/MSO flag</td>
<td>A III status that indicates whether a subject has a single record (single-source offender, e.g., a Georgia criminal history record only) or has more than one record (multi-source offender), e.g., a Georgia criminal history record and an active warrant, sex offender record, etc. or has a criminal history record and/or other records in multiple states.</td>
</tr>
<tr>
<td><strong>State Identification Number (SID)</strong></td>
<td>A biometrically based unique identifier assigned to a person by the state criminal history agency typically based on fingerprints. Commonly called a State ID or SID.</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Summary Offense</strong></td>
<td>A summary offense is the most minor type of criminal offense in some states. Summary offenses can include disorderly conduct, loitering, harassment, and low-level retail theft, among others. A conviction for a summary offense usually results in a fine.</td>
</tr>
<tr>
<td><strong>Triple I</strong></td>
<td>See <em>Interstate Identification Index</em></td>
</tr>
<tr>
<td><strong>Universal Control Number</strong></td>
<td>See <em>FBI UCN/FBI Number</em></td>
</tr>
<tr>
<td><strong>Western Identification Network (WIN)</strong></td>
<td><a href="https://www.winid.org/">https://www.winid.org/</a></td>
</tr>
</tbody>
</table>
### Appendix B: III Criminal History Request Purpose Codes

<table>
<thead>
<tr>
<th>Code</th>
<th>Agency</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>Criminal Justice</td>
<td>Used for official duties in connection with the administration of criminal justice.</td>
</tr>
<tr>
<td>J</td>
<td>Criminal Justice</td>
<td>Used when the III transaction involves employment with a criminal justice agency or the screening of employees of other agencies over which the criminal justice agency maintains management control. Criminal justice employment has been separated from other criminal justice purposes due to the requirement of some state agencies participating in III. For those states that are unable to provide a record for a purpose code J inquiry (i.e., state statute), the FBI will provide the record online.</td>
</tr>
<tr>
<td>I</td>
<td>Interstate-approved Noncriminal Justice</td>
<td>Used when the III transaction involves noncriminal justice employment and/or licensing. Limited to one agency in each state with approved state statutes.</td>
</tr>
<tr>
<td>F</td>
<td>Weapons-related Checks</td>
<td>Used when the III transaction involves weapons-related background checks authorized by the state. All firearm-related checks must be made through the National Instant Criminal Background Check System.</td>
</tr>
<tr>
<td>D</td>
<td>Domestic Violence and Stalking</td>
<td>Used by civil or criminal courts in domestic violence or stalking cases. ORIs ending in D (those issued to civil courts) are not allowed access to III for any other purpose.</td>
</tr>
<tr>
<td>H</td>
<td>Housing</td>
<td>Used when the III inquiry is made under the authority of the Housing Opportunity Extension Act of 1996. Limited to QH inquiries.</td>
</tr>
<tr>
<td>A</td>
<td>Administrative File Maintenance</td>
<td>Used when the authorized participating state agency generates a III transaction for internal review. Responses for this purpose code may not be disseminated for any other reason. Response is limited to that state's portion of the record maintained by the FBI; no federal arrest data are provided.</td>
</tr>
<tr>
<td>S</td>
<td>National Security</td>
<td>Used when the III transaction is generated by an agency authorized by the Security Clearance Information Act (SCIA) in investigation of individuals for access to classified information or assignment in sensitive national security duties.</td>
</tr>
<tr>
<td>V</td>
<td>Visa Applicants</td>
<td>Used when the III transaction is made for the purpose of determining eligibility for visa application. Limited to QH inquiries by the Department of State, Consolidated Immigrant Processing Visa Center.</td>
</tr>
</tbody>
</table>
## Appendix C: Common Disposition Terms


<table>
<thead>
<tr>
<th>Terminology</th>
<th>Terminology Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquitted</td>
<td>Finding, by jury or judge, that a person is not guilty of the charged offense.</td>
</tr>
<tr>
<td>Bail/Bond Forfeiture</td>
<td>Money or property lost or forfeited as a result of failure to comply with a court order. For lessor offenses an individual may forfeit a bond in lieu of paying a fine. This may be a disposition in older, legacy records.</td>
</tr>
<tr>
<td>Charges Dropped</td>
<td>Use for arrest disposition only.</td>
</tr>
<tr>
<td>Conditional</td>
<td>Court outcome involving the absence of determination of guilt. If the type is based on conditions set by the court, the outcome may change if the conditions are satisfied. Includes Adjudication Withheld, Conditional Discharge, Non-Adjudication of Guilt, and Retirement.</td>
</tr>
<tr>
<td>Consolidated</td>
<td>Court ordered unification of two or more charges or cases into a single matter.</td>
</tr>
<tr>
<td>Convicted</td>
<td>Judicial finding of guilty of a crime in adult court, by verdict or plea.</td>
</tr>
<tr>
<td>Deceased</td>
<td>Person died before final disposition.</td>
</tr>
<tr>
<td>Deferred Prosecution</td>
<td>Postponed or delayed, could relate to prosecution, sentence, judgment or disposition.</td>
</tr>
<tr>
<td>Deferred Sentence</td>
<td>Postponed or delayed, could relate to prosecution, sentence, judgment or disposition.</td>
</tr>
<tr>
<td>Deferred Judgment</td>
<td>Postponed or delayed, could relate to prosecution, sentence, judgment or disposition.</td>
</tr>
<tr>
<td>Deferred Disposition</td>
<td>Postponed or delayed, could relate to prosecution, sentence, judgment or disposition.</td>
</tr>
<tr>
<td>Deported</td>
<td>The expulsion or transfer of an alien from the country.</td>
</tr>
<tr>
<td>Destroyed</td>
<td>This will be entered by the state repository if the disposition could not be found due to destruction through a fire or a natural disaster.</td>
</tr>
<tr>
<td>Dismissed</td>
<td>Decision by the court that terminates prosecution; limited to court actions only, including Vacated, and Stricken on Leave, and Set Aside</td>
</tr>
<tr>
<td>Diversion</td>
<td>Diversion: Referral to a program intended to enable alleged offenders to avoid criminal charges and a criminal record. Diversion programs may be run by law enforcement agencies, courts, prosecutors, or outside agencies. An offender may be referred to a diversion program before charges are brought,</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diversion</td>
<td>Diversion: Referral to a program intended to enable alleged offenders to avoid criminal charges and a criminal record. Diversion programs may be run by law enforcement agencies, courts, prosecutors, or outside agencies. An offender may be referred to a diversion program before charges are brought, before trial commences, or before sentence is imposed. Includes Pre-Trial, Adult, Juvenile Diversion and Probation before Judgment.</td>
</tr>
<tr>
<td>Extradited</td>
<td>The official surrender of an alleged criminal by one jurisdiction to another; the return of a fugitive from justice, regardless of consent, by the authorities where the fugitive resides. Use for arrest dispositions only.</td>
</tr>
<tr>
<td>Juvenile Adjudication</td>
<td>Court adjudication of delinquency or imposition of juvenile sanctions in adult court; not limited to felonies. This would be a conviction if the subject was treated as an adult. Includes Juvenile Delinquency and Youthful Offender.</td>
</tr>
<tr>
<td>Mental Health Adjudication</td>
<td>Court action to suspend prosecution while determining competence to stand trial or a finding of not guilty by lack of mental responsibility. Meets qualifying criteria for mental defective. Includes Acquittal or Dismissal by Reason of Insanity.</td>
</tr>
<tr>
<td>Not Prosecuted</td>
<td>Use for events that end at the arrest, grand jury or prosecution phase – Nolle Prosequi, No Bill, Not Filed, No Action Taken.</td>
</tr>
<tr>
<td>Other</td>
<td>If using “Other” it is mandatory to provide detail or description</td>
</tr>
<tr>
<td>Revocation</td>
<td>An annulment, cancellation or reversal of a finding of guilty.</td>
</tr>
<tr>
<td>Transferred</td>
<td>The removal of a case from the jurisdiction of one court or judge to another. Includes Remanded (case sent back to court for further action).</td>
</tr>
<tr>
<td>Unavailable</td>
<td>This will be entered by the state repository if the final disposition is unavailable. This code may be used when, upon thorough research, the disposition could not be found or was purged in accordance to record retention schedules.</td>
</tr>
<tr>
<td>Adjudication Withheld</td>
<td>A special sentence in which the judge orders probation but does not formally convict the defendant of a criminal offense.</td>
</tr>
<tr>
<td>(not in JTF)</td>
<td></td>
</tr>
<tr>
<td>No True Bill</td>
<td>A legal procedure to dismiss charges against a defendant when the grand jury does not find enough evidence to charge the defendant with violating a law.</td>
</tr>
<tr>
<td>(not in JTF)</td>
<td></td>
</tr>
<tr>
<td>Set Aside</td>
<td>To annul or negate a court order or judgment by another court order.</td>
</tr>
</tbody>
</table>
Appendix D: Law Requiring the Court to Order Fingerprint When Not Collected at Arrest

States with Laws Requiring the Court to Order Fingerprints

<table>
<thead>
<tr>
<th>State</th>
<th>Statute Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>A.R.S. § 12-12-1006(b)(1)</td>
</tr>
<tr>
<td>Arkansas</td>
<td>AR Code § 27-50-603</td>
</tr>
<tr>
<td>Illinois</td>
<td>725 ILCS § 5/107-12</td>
</tr>
<tr>
<td>Iowa</td>
<td>IA Code § 690.2</td>
</tr>
<tr>
<td>Kansas</td>
<td>K.S.A. 21-2501(b)</td>
</tr>
<tr>
<td>Kentucky</td>
<td>KRS 431.015</td>
</tr>
<tr>
<td>Missouri</td>
<td>MO Rev Stat § 43.503</td>
</tr>
<tr>
<td>North Carolina</td>
<td>N.C.G.S. § 15A-502(f)</td>
</tr>
<tr>
<td>North Dakota</td>
<td>N.D.C.C. § 12-60-16.2</td>
</tr>
<tr>
<td>Ohio</td>
<td>ORC § 109.57</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>O.S. § 150.12(B)</td>
</tr>
<tr>
<td>Utah</td>
<td>UCA § 53-10 -207(3)</td>
</tr>
<tr>
<td>Wyoming</td>
<td>W.S. § 7-19-101 - 109</td>
</tr>
</tbody>
</table>

States without Laws Requiring the Courts to Order Fingerprints

| Alabama          | Montana                          |
| Alaska           | Nebraska                         |
| California       | New Hampshire                    |
| Colorado         | New Mexico                       |
| Connecticut      | New Jersey                       |
| Delaware         | New York                         |
| Florida          | Oregon                           |
| Georgia          | Pennsylvania                     |
| Hawaii           | Rhode Island                     |
| Idaho            | South Carolina                   |
| Indiana          | South Dakota                     |
| Louisiana        | Tennessee                        |
| Maine            | Texas                            |
| Maryland         | Vermont                          |
| Massachusetts    | Virginia                         |
| Michigan         | Washington                       |
| Minnesota        | West Virginia                    |
| Mississippi      | Wisconsin                        |
Appendix E: Local Agency Access Fees to Criminal Justice Information Services

15 states charge local criminal justice agencies access fees to use the state criminal justice information systems. This appendix outlines the fee structures and provides links to the statutes that authorize the fees.

The Alaska Department of Public Safety (DPS) charges agencies a monthly fee of $29.53 per device connected to the statewide criminal justice network to support repository operations. https://law.justia.com/codes/alaska/2019/title-44/chapter-41/section-44-41-020/

The Arkansas Crime Information Center charges law enforcement agencies a fee of $0.034 per transaction, plus a monthly $234 charge for agencies that use an Arkansas Department of Information Services data line for intranet services. These fees support access to the criminal history systems in Arkansas. https://law.justia.com/codes/arkansas/2018/title-12/subtitle-2/chapter-12/subchapter-2/section-12-12-214/

The California Department of Justice (DOJ) administers the state telecommunications system. The California Highway Patrol pays DOJ for end-user subscriber access that includes a monthly administration cost of $400.16 and monthly network services fee of $225.50. The state share for local access to the system is 70%. https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=1.&article=3.5.

The Hawaii Criminal Justice Data Center bills NCIC/Nlets users on a yearly basis. All costs related to the maintenance and operation of the NCIC/Nlets information sharing systems are covered by these fees. Each agency that uses the systems is charged a prorated amount based on number of inquiries made by the agency. The “cost per inquiry” is determined by dividing the “cost to operate systems” by “total number of inquiries during the previous fiscal year.” Once the “cost per inquiry” is determined, each user agency is billed its yearly agency fee. This fee is calculated by taking the “cost per inquiry” and multiplying it by the number of inquiries made by the agency for the prior fiscal year. If the yearly agency cost is less than $850, the agency will be charged a flat rate of $850 per year. HCJDC tracks the annual costs to operate the NCIC/Nlets information sharing systems to determine the fees. These costs include vendor system maintenance costs, Nlets fees, NCIC dedicated network circuits, equipment maintenance and update costs, and administrative costs. https://law.justia.com/codes/hawaii/2013/title-38/chapter-846/section-846-10.5/

Iowa charges in-state criminal justice agencies for the actual cost for the data line plus a monthly fee based on volume of use of the criminal history system:
- 0–10,000 transactions: $100
- 10,001–30,000 transactions: $100 plus $17 per thousand messages over 10,000
- 30,001–80,000 transactions: $440 plus $14 per thousand messages over 30,000
- 80,001 and greater transactions: $1,140 plus $12 per thousand messages over 80,000


The Idaho State Police charges law enforcement agencies a flat fee of $5,000 per year per line, as well as a prorated user fee (based on agency use), for access to the State Criminal History Repository, NCIC and Nlets access, and other criminal justice systems, such as the state wanted persons file, sex offender registry and driving records. https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH30/SECT67-3010/
Louisiana State Police does not charge any fees for approved Louisiana Law Enforcement Telecommunications System (LLETS) agencies to use the Datamaxx Omnixx application for LLETS access. LLETS agencies may elect to partner with a different third-party vendor where fees are associated. If through the partnership of a third-party vendor, a LLETS interface line is required and LSP charges $75 per month for that VPN connection. https://law.justia.com/codes/louisiana/2018/code-revisedstatutes/title-15/rs-15-587/ and https://law.justia.com/codes/louisiana/2018/code-revisedstatutes/title-15/rs-15-598/

The Minnesota BCA charges agencies monthly fees for access to BCA systems. These fees include $50 for the secured connection, $40 per device license, and $15–$35 per key fob for VPN access. These fees support access to the criminal history systems in Minnesota. Under https://www.revisor.mn.gov/statutes/cite/299C.03 BCA established rules to collect fees. Also see https://www.revisor.mn.gov/statutes/cite/299C.10

Missouri only charges the actual cost of the agency’s connection to the criminal justice network. Costs vary depending on the type of connection, but they are similar in cost to a monthly business internet connection. The Missouri State Highway Patrol (MSHP) Criminal Justice Information Services Division does not charge a “per user” or “per device” fee. https://law.justia.com/codes/missouri/2019/title-v/chapter-43/section-43-270/ and https://law.justia.com/codes/missouri/2019/title-v/chapter-43/section-43-527/

The Montana Department of Justice charges local law enforcement agencies a transaction fee of $0.082 per query. They also charge $307 per license per year for the DataMaxx Omnixx software that is the client software to access the criminal history repository. Law enforcement agencies may also lease hardware (PC/printer/scanner) for $440 per device per year. Agencies must also purchase the VPN device from the Department for $450. https://leg.mt.gov/bills/mca/title_0440/chapter_0020/part_0030/section_0120/0440-0020-0030-0120.html

The North Carolina SBI currently charges a monthly per device fee of $25 per desktop for access to the computerized criminal history systems. https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_143B/GS_143B-905.pdf

Nebraska’s Combined Law Enforcement Information Network (CLEIN) is a user-supported network. Network access charges are based on the number of terminals the agency operates. A single CLEIN terminal at a Sheriff’s Office, police department, etc. costs $448 per month and additional CLEIN terminals are $256 per month for each additional device. Mobile data terminals (MDT) connecting to CLEIN are an additional charge and are on a tiered fee structure depending on the number of MDTs. Most of Nebraska’s agencies are on the lowest tier of 1 to 50 MDTs with a fee of $64 per month. The other tiers are 51–100 at $128 per month and 100+ MDTs at $256 per month. https://nebraskalegislature.gov/laws/statutes.php?statute=81-2004.09

The Oklahoma OSBI charges per-device fees to local, state and tribal law enforcement agencies to access the criminal history systems.

- For a full entry/access NCIC terminal, the monthly fee is $350.
- For a limited access desktop terminal that has no NCIC entry capability, the annual fee is $300.
- For a mobile device that has the ability to obtain criminal justice information from the Oklahoma Law Enforcement Telecommunications System (OLETS), the monthly fee is $5.


The Tennessee Bureau of Investigation (TBI) charges every agency a $560 quarterly fee that covers TBI’s overhead. If agencies connect their criminal history systems via the state-owned wide area network (WAN), the fees are $2,000 per quarter including TBI’s overhead and each agency’s circuit and router. Primary booking agencies in each county that use the state WAN and submit fingerprints electronically receive a $1,300 credit on

**Washington** charges agencies annual fees to access to the state message switch. Agencies may query hot files, department of licensing information, and criminal history record information systems based on the following transaction-based fee structure.

<table>
<thead>
<tr>
<th>Number of Transactions</th>
<th>Cost for City/County Agencies</th>
<th>Cost for Federal/Tribal/State Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–199,999</td>
<td>$200</td>
<td>$400</td>
</tr>
<tr>
<td>200,000–499,999</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>500,000–699,999</td>
<td>$900</td>
<td>$1,800</td>
</tr>
<tr>
<td>700,000–999,999</td>
<td>$1,500</td>
<td>$3,000</td>
</tr>
<tr>
<td>1,000,000–1,999,999</td>
<td>$3,000</td>
<td>$6,000</td>
</tr>
<tr>
<td>2,000,000+</td>
<td>$6,000</td>
<td>$12,000</td>
</tr>
</tbody>
</table>

[https://app.leg.wa.gov/RCW/default.aspx?cite=43.43.530](https://app.leg.wa.gov/RCW/default.aspx?cite=43.43.530) and [https://app.leg.wa.gov/RCW/default.aspx?cite=43.43.838](https://app.leg.wa.gov/RCW/default.aspx?cite=43.43.838)

The **Wyoming** DCI charges law enforcement agencies a software license fee of $171.60 and an annual maintenance fee of $171.60 for access to the state message switch. [https://law.justia.com/codes/wyoming/2019/title-7/chapter-19/article-1/section-7-19-107/](https://law.justia.com/codes/wyoming/2019/title-7/chapter-19/article-1/section-7-19-107/)
Appendix F: State Repository Position Descriptions/Salaries

The criminal history record repositories of the following 12 states submitted position description and salary data:

- Alaska
- Arizona
- Idaho
- Maryland
- Minnesota
- Missouri
- North Carolina
- Nevada
- Utah
- Virginia
- Washington
- Wyoming

Due to the length of this data, it is provided in a separate PDF.