AG Advisory Committee on Criminal History Record Improvement

Bureau of Criminal Information and Analysis

September 26, 2017
State of the Criminal History Repository

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  - Criminal Justice System – Sequence of Events
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- Usage of CORI Data
- Challenges
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“The Department of Justice shall maintain state summary criminal history information … “The Attorney General is responsible for the security of criminal offender record information (CORI) …”
Penal Code section 11075. (a) As used in this article, "criminal offender record information" means *records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release*. (b) Such information shall be restricted to that which is recorded as the result of an arrest, detention, or other initiation of criminal proceedings or of any consequent proceedings related thereto.
DOJ – State CORI Central Repository

- Central Repository Database – Subjects: 25 Million
- CA Applicant Transactions - Annual: 2.2 Million
  - 98% sent electronically
- FBI Applicant Transactions - Annual: 1.4 Million
- Arrest Transactions - Annual: 1.2 Million
  - 99.9% sent electronically
- Dispositions – Annual: 1.5 Million
  - 78% sent electronically
Bureau of Criminal Information & Analysis (BCIA)
Criminal Record Update Program

• Receives approximately 1.2 million arrest submissions each year.
• Receives approximately 1.5 million dispositions each year.
  • 78% are sent electronically.
• Updates the ACHS from “no longer interested” forms submitted by applicant agencies to cancel subsequent notification service on a record. Approximately 359,000 updates are made annually.
• Consolidates on the ACHS two or more CII numbers that have been verified as the same person. Approximately 8,500 records are consolidated annually.
• Converts manual and hybrid CII numbers to an automated record in the ACHS. Approximately 16,000 records are automated annually.
• Processes sealing orders for adult/juvenile records when ordered by the courts or law enforcement agencies. Approximately 12,000 sealing orders are updated annually.
Criminal Record Expedite & Support Program

- Resolves critical data problems associated with arrest submissions prior to inclusion in the ACHS
- Resolves data problems subsequently discovered by submitting arrest agencies
  - Approximately 221,000 data problems are resolved prior to or after inclusion in the ACHS annually
- FBI liaison for synchronized CA criminal offender record information at the federal level
- Coordinates with local agencies using the Justice Automated Data Exchange (JADE). JADE provides the ability for agencies to correct their own arrest or booking submissions
Imaging & Live Scan Program

• Maintains the manual folder file numbering about 6 million and the Automated Archive System (AAS), which is an electronic folder. Both house the source documents that support ACHS cycles. Approximately 800,000 documents are manually scanned into AAS and 79,000 folder pull requests are processed annually.

• Central receipt point for all arrest and applicant hard card submissions. Collects cash/checks from incoming mail for BCIA services. Approximately 50,000 hard cards are received annually.

• Coordinates the connectivity of live scan devices to the DOJ. This includes working with law enforcement agencies, applicant agencies and Private Service Providers (PSPs). Approximately 4,100 live scan devices in California.
The Cal-ID Program maintains a central repository of fingerprints and palm prints and administers the Cal-ID System through which positive identification of individuals is established. Fingerprints and palm prints that are submitted by law enforcement agencies and applicant agencies are searched, verified and indexed in automated databases, such as the Automated Fingerprint Identification System (AFIS) and the Automated Latent Print System (ALPS).

<table>
<thead>
<tr>
<th>Database</th>
<th>Records</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFIS</td>
<td>25 million</td>
</tr>
<tr>
<td>ALPS</td>
<td>9.5 million</td>
</tr>
<tr>
<td>Palms</td>
<td>4.7 million</td>
</tr>
</tbody>
</table>
Applicant Program

• Provides state and federal level fingerprint based criminal offender record information background responses to authorized agencies or individuals, based on statutorily mandated dissemination criteria. 2.2 million state level and 1.4 million federal level responses are prepared annually.

• Provides Child Abuse Central Index search responses for regulatory purposes. Approximately 246,000 responses are prepared annually.

• Reviews relevant statute and authorizes applicant agencies to perform state or federal level background searches. Approximately 1,000 agencies authorized annually.

• Check Casher Permits – 1,300 issued annually.
• Certified Fingerprint Roller Program – 1,800 issued annually.
• Custodian of Records Certification Program – 2,100 issued annually.
Quality Control Program

• Chases missing or incomplete disposition information for applicant dissemination purposes.

• Chases missing or incomplete disposition for the FBI or other states in support of the Brady Bill Handgun Violence Prevention Act of 1998. Approximately 6,400 annual requests.
Record Review Program

• Record Review – individuals reviewing their own criminal offender record information. 55,000 received annually, 1,500 challenged.

• Child Abuse Central Index Self Inquiry – individuals determining if they are listed in the CACI. 524 received annually.
California Department of Justice

CRIMINAL CYCLE OVERVIEW
Criminal Justice System
Sequence of Events

Entry into the System
Individual is Arrested & Booked

Prosecution and Pretrial Services
Charges Dropped or Dismissed, Diversion

Adjudication
Acquitted
Guilty Plea
Dismissed Convicted

Sentencing and Sanctions
Sentencing
Appeal
Sanctions

Corrections/Custody
Prison
Jail
Probation

ACHS
Entry into the System

Live Scan Flow Chart

Start Here

Individual is Arrested

→ Individual is Booked

→ Individual is scanned, transaction is sent to DOJ

→ Global Transaction Controller (GTC)

Automated Criminal History System is updated with transaction

→ AFIS

Automated Fingerprint Identification System searches fingerprints and verifies images

→ Criminal Processor

Transaction is sent to the FBI

→ Responses sent to contributing agency

→ Responses sent via CLETS or electronically

→ Master Name Index automated search

← ACHS

← AFIS

← Criminal Processor

← FBI
Entry into the System

Governing Statute & DOJ Challenges

Penal Code section 13150. For each arrest made, the reporting agency shall report to the Department of Justice, concerning each arrest, the applicable identification and arrest data described in Section 13125 and fingerprints, except as otherwise provided by law or as prescribed by the Department of Justice.

25 Record Management Branch staff resolve 221,000 annual critical data problems associated with arrest submissions prior to inclusion in the ACHS.

42 Cal-ID Program staff perform 689,273 annual manual visual fingerprint verifications/comparisons before inclusion in the AFIS and update in the ACHS

Booking / Arresting Agency

CrossPrints/Test Records

Offense Table Data Errors
Prosecution and Pretrial Services
Adjudication
Sentencing and Sanctions

ACHS
Prosecution and Pretrial Services
Adjudication/Sentencing and Sanctions

Governing Statute & DOJ Challenges

Penal Code section 11115
Duty of law enforcement to furnish a disposition report to the DOJ within 30 days

Penal Code section 13151
Duty of the Superior court to furnish a disposition report to the DOJ within 30 days

150 Record Management Branch staff update 339,000+ annual manual Dispositions

Central Valley/Gresher – 90 Days

Schmidt vs. CHP

Disposition Gap
**DISPOSITION REPORTING ISSUES – OPEN ARRESTS**

Disposition Reporting Requirements - Penal Code sections 11115 (LEA) & 13151 (Court)

**ACHS NO DISPOSITION OPEN ARREST**

<table>
<thead>
<tr>
<th>CII</th>
<th>SEX/M RAC/X</th>
<th>HGT/600 WGT/200 EYE/BLU HAV/BLK POB/CA</th>
<th>NAM/001 DOE, JOHN</th>
</tr>
</thead>
<tbody>
<tr>
<td>19590524</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20140718</td>
<td></td>
<td></td>
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</tbody>
</table>

**ACHS WITH DISPOSITION**

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**Law Enforcement Agency**

Arrests individual & sends fingerprint images and related information to the DOJ. However, releases the individual as a “Detention Only” and **does not** report the disposition to the DOJ.

**Prosecutor**

After individual is arrested, the case is reviewed and the Prosecutor declines to prosecute the individual. However, a “Decline to Prosecute” disposition **is not** reported to the DOJ.

**Courts**

After individual is arrested, the case is reviewed and the Prosecutor prosecutes. However, the court **does not** report the disposition to the DOJ.

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The need for complete and accurate criminal history information is vital to all levels of the criminal justice system, applicant regulatory agencies and the public, who rely on the information provided by the DOJ for public safety purposes.

If arrest and disposition information is missing from a subject’s criminal history record, dangerous criminals may be released at the arrest level or receive a lighter sentence in court. Also, individuals applying for employment, licensing and certification (i.e., school employees, day care providers, and security guards) may be denied employment or convicted criminals may be hired for positions.

Additionally, convicted criminals applying for a gun purchase may be granted possession.

**Law Enforcement Agency**

Arrests individual & sends fingerprint images and related information to the DOJ. Releases the individual as a “Detention Only” and reports the disposition to the DOJ.

**Prosecutor**

After individual is arrested, the case is reviewed and the Prosecutor declines to prosecute the individual. A “Decline to Prosecute” disposition **is** reported to the DOJ. **OR**

**Courts**

After individual is arrested, the case is reviewed and the Prosecutor prosecutes, AND The court **does** report the disposition to the DOJ.
Corrections/Custody

ACHS
Corrections/Custody

Governing Statute & DOJ Challenges

Penal Code section 13152. Admissions or releases from detention facilities shall be reported by the detention agency to the Department of Justice within 30 days of such action.

Every individual sentenced to State Prison is fingerprinted utilizing the Custody Type of Transaction and consequently added to ACHS.

Entry/Exit from Local or State Custody
Applicant Live Scan Flow Chart

Start Here

Authorized agency completes BCII 8016 form

Applicant selects an authorized Live Scan site

Applicant is scanned, transaction is sent to DOJ

Global Transaction Controller (GTC)

Automated Criminal History System is updated with transaction

Automated Fingerprint Identification System searches fingerprints and verifies images

ACHS

AFIS

Applicant Processor

Responses sent to contributing agency

Applicant notified by applicant agency

Responses sent via secure email, U.S. Mail or fax

If required, transaction is sent to the FBI

Master Name Index automated search

OFFICE OF THE ATTORNEY GENERAL
CALIFORNIA DEPARTMENT OF JUSTICE

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APPLICANT FINGERPRINT STEP BY STEP PROCESS

1. Applicant is fingerprinted for employment, licensing or certification purposes.
2. Fingerprints submitted to DOJ (Approx. 1.8 million/year).
3. Criminal record search conducted by DOJ.
4. Fingerprint forwarded to FBI for Federal record check (if applicable).
5. Criminal record conducted by DOJ.
6. No criminal record (Approx. 85%). DOJ returns record response to requesting agency (1-3 day turnaround).
7. Criminal record (Approx. 15%).
Applicant has Criminal History

Requires DOJ to manually review criminal history
Applicant is fingerprinted for employment, licensing or certification purposes

Fingerprints submitted to DOJ (Approx. 1.8 million/year)

Criminal record search conducted by DOJ

No criminal record (Approx. 85%)

DOJ returns record response to requesting agency (1-3 day turnaround)

Criminal record (Approx. 15%)

Criminal record information complete

DOJ furnishes record response to requesting agency (7-14 day turnaround)

Criminal record information incomplete

DOJ must chase missing arrest & disposition information

Fingerprints forwarded to FBI for Federal record check (if applicable)

50 staff chase 250,000 annual missing or incomplete disposition information for applicant dissemination purposes

Direct Access to Courts costs approximately $300K annually

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Incomplete Criminal Record Information

“RAP-Sheet”

DOJ must chase missing arrest & disposition information
APPLICANT FINGERPRINT STEP BY STEP PROCESS

 Applicant is fingerprinted for employment, licensing or certification purposes

 Fingerprints submitted to DOJ (Approx. 2.2 million/year)

 Criminal record search conducted by DOJ

 Fingerprints rejected due to poor image quality (Approx. 5%)

 Fingerprints forwarded to FBI for Federal record check (if applicable)

 No criminal record (Approx. 85%)

 Criminal record (Approx. 15%)

 Criminal record information incomplete

 DOJ must chase missing arrest & disposition information

 Criminal record information complete

 Missing disposition information obtained

 DOJ furnishes record response to requesting agency (7-14 day turnaround)

 No dispo info found

 DOJ suppresses arrest before releasing applicant response

 Fingerprints submitted to DOJ

 Criminal record search conducted by DOJ

 No criminal record (Approx. 85%)

 Criminal record (Approx. 15%)

 Criminal record information incomplete

 DOJ must chase missing arrest & disposition information

 Criminal record information complete

 Missing disposition information obtained

 DOJ furnishes record response to requesting agency (7-14 day turnaround)

 No dispo info found

 DOJ suppresses arrest before releasing applicant response
Usage of CORI Data

Law Enforcement
Prosecutors
Probation
Courts
Prison and Jail – Risk Assessments, Population Planning
Department of State Hospitals – Risk Assessment
Sex Offender Registry
Employment/Regulatory Agency
Licensing/Certification
Firearms/Ammunition/CCW possession and purchasing

Research – Penal Code section 13202
Criminal Justice system evaluation, program/treatment evaluation, trends, etc…
Challenges – Arrest Process

• DOJ
  – Offense charges not on offense code table
  – Arresting agency (“booking for”) ORI on arrest/booking print
  – “Double books” – arrest and booking prints
  – Cross Prints
  – Bum RAPs

• Law Enforcement Agencies

• Prosecuting Agencies

• Courts

• Probation
Challenges – Disposition Process

• DOJ
  – Not receiving law enforcement level dispositions
    • Result of prosecuting agency not filing proceedings with the court, or
    • Result of arresting agency releasing the individual with no further proceedings desired
  – Over 350,000 dispositions submitted on paper
  – Missing CII on disposition (allows DOJ to match directly to subject)
  – Missing SCN* on disposition (allows DOJ to match directly to arrest cycle)
  – Level of charge not on the offense code table
  – Data inconsistency (offenses, dispositions, enhancements, and qualifiers)

• Law Enforcement Agencies
• Prosecuting Agencies
• Courts
• Probation
Challenges – Applicant Process

- DOJ
  - Missing dispositions
  - Confusion reading applicant responses

- Law Enforcement Agencies

- Prosecuting Agencies

- Courts

- Probation
Opportunities

• Data Standardization and Governance
  – Offense Table
  – Disposition Table
  – Enhancement Table
  – Qualifier Table

• Electronic Disposition Reporting
  – NIEM Web Services
  – ATDR
  – JADE (On-line)

• Mobile Booking
  Penal Code section 853.6(g)

• County Open Arrest Reports