

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

National Conference on Improving the Quality of Criminal History Records

proceedings of a BJS/SEARCH conference

papers presented by

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(Revised December 1991)

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U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

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Director

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Preface

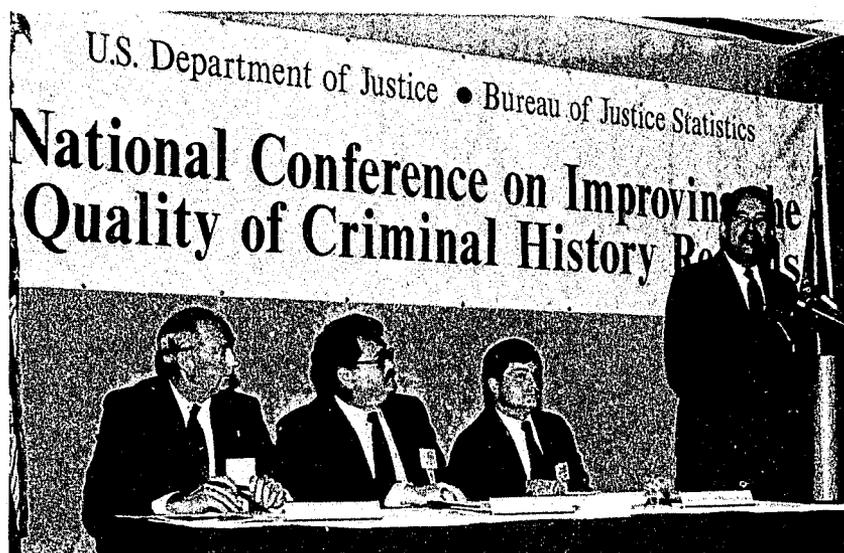
A confluence of activities at the Federal and State levels is spotlighting the criminal history record in a way that is virtually unprecedented. This attention has been focused on what is perhaps the most critical aspect of the criminal history record: its accuracy and completeness — or data quality as it is often called. Improving the data quality of criminal history records stored in local, State and Federal systems is a priority that has been undertaken by all levels of government; the effort, in fact, has garnered the support of numerous national leaders, including the President of the United States. The importance of this effort cannot be overstated. The utility of the criminal history record for criminal justice uses has always been acknowledged. But the importance of the criminal history record continues to expand as its utility for noncriminal justice uses become apparent. Such efforts as background checks of gun purchasers, pre-employment screening and records checks for licensing purposes highlight more than ever the critical need to maintain records that are accurate and complete. To discuss the data quality of criminal history records and State and Federal programs that seek to improve these records, the Bureau of Justice Statistics, along with SEARCH, The National Consortium for Justice Information and Statistics, cosponsored the “National Conference on Improving the Quality of Criminal History Records” in Washington, D.C. on June 20-21, 1991. This publication presents the proceedings of that two-day conference. I believe these presentations will provide readers with a clear understanding of the issues involved in improving criminal history records; the status of criminal history record systems in the Nation today; and a comprehensive picture of the State and Federal initiatives being undertaken to improve the data quality of these records. Working together, the Federal and State governments can improve record systems and guarantee their integrity and usefulness for all criminal justice, as well as noncriminal justice, purposes.

Steven D. Dillingham, Ph.D.
Director
Bureau of Justice Statistics

Introduction

The accuracy and completeness of criminal history record information is the most significant information management concern facing the criminal justice community today. It is critical to the operation of every phase of the criminal justice system: the initial law enforcement contact, the prosecutor's charging decision, the judge's bailsetting and sentencing decisions, and the parole and classification decisions made by corrections officials.

National leaders have called upon the country to take steps to improve the data quality of criminal history information and have sought to marshal and dedicate resources for this purpose. President George Bush included data quality as one of the issues to be addressed as a part of his comprehensive program to combat violent crime, stating that, "The quality of criminal history data is a critical factor in crime control and prevention Timely and accurate reporting of conviction, sentencing and other case disposition records is essential to the effective operation of the Nation's criminal justice system."¹



Left to right: George Tellevik, Chief, Washington State Patrol; Gary R. Cooper, Executive Director, SEARCH; Steven D. Dillingham, Director, Bureau of Justice Statistics; then-Attorney General Dick Thornburgh.

¹ U.S. President, News Release (May 15, 1989).

Then-Attorney General Dick Thornburgh outlined the gravity of the quality of criminal history records in the *Overview* of his program to improve criminal history records;

The increased reliance on criminal history records — to identify persons ineligible to purchase firearms, to identify individuals as habitual or repeat offenders, to make appropriate bail release and sentencing decisions, and to impose correctional supervision requirements — highlights the importance of accurate information for effective crime control.

Similarly, the increased use of criminal history information for such authorized purposes as licensing, pre-employment screening, and other sensitive matters mandates that criminal history records be complete, accurate, timely and rapidly available to authorized users.²

Activity at the Federal level is bearing out these concerns. In February 1991, under the direction of the U.S. Attorney General, the Federal Bureau of Investigation, in conjunction with the Bureau of

Justice Statistics, promulgated voluntary reporting standards for State and local law enforcement. The Bureau of Justice Statistics is in Year Two of administering a three-year, \$27 million program to fund State projects to improve the quality of criminal history records. During the 101st Congress, legislation was passed placing an earmark on the Bureau of Justice Assistance's block grant funding requiring States to allocate "not less than five percent" of their block grant funds for the "improvement of criminal justice records" commencing in fiscal year 1992.³

As a part of the comprehensive national effort to improve criminal history records, the Bureau of Justice Statistics, U.S. Department of Justice and SEARCH cosponsored the National Conference on Improving the Quality of Criminal History Records on June 20-21, 1991, in Washington, D.C. The conference brought together officials from the Federal agencies administering criminal history records improvement initiatives, as well as other experts from a broad spectrum of the criminal justice community. This document presents the proceedings of the conference.

Jimmy Gurulé, Assistant Attorney General for the Office of Justice Programs, U.S. Department of Justice, in his "Welcome" highlights the activities of the Department of Justice focused on improving the criminal justice system, in particular, criminal history record information and the efforts of the keynote speaker, U.S. Attorney General Dick Thornburgh.

In his "Keynote Address," Dick Thornburgh, former U.S. Attorney General,⁴ discusses the direct relationship between combatting violent crime and maintaining complete and accurate criminal history records. He confirms the desire and commitment of the Department of Justice to reach the point where criminal history record information is both immediately accessible and reliable. Then-Attorney General Thornburgh also provides a review of "Operation Triggerlock," which mandates imprisonment based upon prior convictions for violent or drug-related crimes.

² U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Attorney General's Program for Improving the Nation's Criminal History Records and Identifying Felons Who Attempt to Purchase Firearms: Overview* (Washington, D.C.: Government Printing Office, March 1991) p. iii.

³ Crime Control Act of 1990, Pub. L. No. 101-647, 104 Stat. 4850 (codified as 42 U.S.C. § 3759(a)).

⁴ Mr. Thornburgh was serving as the U.S. Attorney General at the time of the conference.

In his presentation, "Recent Legislative Developments," Paul J. McNulty, Principal Deputy Director, Office of Policy Development, U.S. Department of Justice, provides an historical perspective on national legislation that requires the Attorney General to implement a system for the "immediate and accurate identification of felons who attempt to purchase" firearms and on the recent legislation providing for the Federal criminal history record improvement programs. Mr. McNulty provides an analysis of past and current legislative proposals regulating the sale of firearms which will have an impact on the importance of the completeness and accuracy of criminal history record information.

Steven D. Dillingham, Director, Bureau of Justice Statistics, U.S. Department of Justice, in his presentation on "BJS Initiatives for Criminal History Record Improvement," discusses the \$27 million criminal history improvement grant program being administered by his agency. Dr. Dillingham also emphasizes the critical role of criminal history record information for use at every level of the criminal justice system and for the implementation of a point-of-sale firearms systems.

Gerald (Jerry) P. Regier, Acting Director of the Bureau of Justice Assistance, U.S. Department of Justice, reviews the goals and progress of the Bureau of Justice Assistance's program for improving

criminal history record information, including the evaluation of the \$27 million grant program, administered by the Bureau of Justice Statistics, to document successful approaches to criminal history record improvement. Mr. Regier further discusses the legislation which requires each State receiving formula grant funds to set aside five percent of those funds for the improvement of criminal justice records and to report convictions of aliens to the Immigration and Naturalization Service.

"The Impact of Data Quality on the Criminal Justice System" is the subject of the presentation by Stephen Goldsmith, Research Fellow of the Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University. Mr. Goldsmith emphasizes the importance of data to making better decisions on matters which affect the public safety. Mr. Goldsmith posits that mandating the use of more information by more users will result in better quality criminal history records and better policy and operational decisions.

Benjamin H. Renshaw III, Deputy Director of the Bureau of Justice Statistics, U.S. Department of Justice, helped to set the stage for the critical review of the issues concerning criminal history data quality improvement. In his "Introduction and Discussion Overview," Mr. Renshaw asserts that every consequential reform that can be made in criminal justice results from the quality of the records. He further explains the necessity of involving prosecutors and the courts in the process of reform

and concludes that the opportunity to improve the criminal history record information in this country "will be seized and will not be wasted."

Two speakers, Charles F. Wellford, Director of the Institute of Criminal Justice and Criminology, University of Maryland, and Geoffrey P. Alpert, Visiting Research Scholar, Bureau of Justice Statistics, U.S. Department of Justice, discuss "The Importance of Data Quality for Research and Practice." Dr. Wellford provides a historical perspective of the data quality issues of completeness, timeliness and accuracy and an analysis of the new demands and new uses of criminal history information which will require an expanded definition of data quality to include the dimension of utility. Dr. Alpert adds a view on the noncriminal justice and management issues for the future resulting from increasing demands on the use of the criminal history information.

Sheila J. Barton, Director of SEARCH's Law and Policy Program, reports on the results of a nationwide survey of State criminal history record repositories. In her presentation, "Criminal History Record Information: The State of the States," Ms. Barton highlights the survey findings on the quality of the criminal history record information collected and maintained by State repositories,

the accessibility of the information and the extent and frequency of data quality audit activity in the States.

Judge Dalton A. Roberson, Executive Chief Judge of the Third Judicial Circuit Court of Michigan and Detroit Recorder's Court, expresses the concerns of the judiciary and the importance of timely, accurate and complete criminal history information to the courts in his presentation, "Courts and the Importance of Disposition Reporting." Judge Roberson also explains efforts undertaken in his court system to improve criminal history records, including a program known as a "case packaging system," and the involvement of all criminal justice agencies in planning and making information management improvements.

Charles M. Friel, Dean of the College of Criminal Justice and Director of the Criminal Justice Center, Sam Houston State University, in his presentation "Data Quality Problems in Corrections," discusses several trends driving contemporary corrections and five factors emerging from these trends which he thinks may affect the quality of correctional data in the future. Dr. Friel said data quality is a significant problem in corrections which can only be solved through a clearly articulated correctional philosophy.

The first day of proceedings concluded with a presentation by Melvin (Bud) D. Mercer, Chief/Legal Counsel of the Identification Division of the Federal Bureau of Investigation. Mr. Mercer discusses the "FBI Reporting Standards and Initiatives," including the Identification Division's move to West Virginia and the eventual ability to electronically transmit fingerprints to the Identification Division. Mr. Mercer notes other initiatives which will result in more accurate and complete criminal history records at the national level, including a change in FBI policy regarding current fingerprint retention whereby fewer fingerprint cards will be returned to the States and the FBI's commencement of a program to accept machine readable disposition data from the States.

Day Two of the conference opened with an address by Steven R. Schlesinger, Director of the Office of Policy Development, U.S. Department of Justice. Dr. Schlesinger expounds on the critical role of data quality in *how* justice is dispensed. He iterates the commitment of the Department of Justice to improving criminal history record information and similarly challenges the conference participants to achieve the highest level of comprehensive, reliable criminal history data.

Continuing to illustrate the expanded uses of criminal history records, members of a panel outline their States' respective "Point-of-sale Systems for the Purchase of Firearms." All panel members also augment their presentations with statistics on approvals, disapprovals, apprehended suspects, and other relevant data resulting from the implementation of the systems.

Lt. David E. Deputy, Assistant Director of the State Bureau of Identification, Delaware State Police, explains that the Delaware point-of-sale system became operational in January 1991 and covers almost all firearms (shotguns and antiques excepted). The Delaware law is more restrictive than the Federal Gun Control Act in terms of disqualifying crimes. The Delaware law also provides for "disapproval" of the sale if a disposition is lacking on the prospective purchaser's record.

The Florida point-of-sale system is explained by Martha Wright, Bureau Chief of the Crime Information Bureau, Division of Criminal Justice Information Systems, Florida Department of Law Enforcement. The Florida system became operational in February 1991; it differs from the Delaware system in two respects. The

Florida law requires that criminal history records be checked on prospective purchasers of *all* firearms and that transfer of a firearm may be issued only if a conviction is found or the purchaser is "wanted."

The first State to implement a point-of-sale system for the purchase of firearms was Virginia, on November 1, 1989. Lt. R. Lewis Vass, Assistant Records Management Officer of the Records Management Division, Virginia State Police, relates the Virginia experience with the point-of-sale system. Although the Virginia law initially covered only specified firearms, as of July 1, 1991, the law requires criminal records checks for the purchase of all firearms except antiques. Lt. Vass explains how the Virginia system provides for an almost "instantaneous" approval of a sale.

Focusing on "Successful Data Quality Strategies in the States," another panel discusses strategies which have improved the quality of criminal history records in their respective States. Margaret (Peggy) J. Horvath, Deputy State Courts Administrator for the Florida Supreme Court, discusses the process of

putting together a State task force, agency committees and local user groups in order to implement an automated system for the statewide reporting of offender-based transaction data in Florida. These efforts, as Ms. Horvath explains, have resulted in the development of a State criminal justice data element dictionary, a workable flow of data, and a program of orientation and training.

Paul E. Leuba, Director of Data Services, Maryland Department of Public Safety and Correctional Services, reviews the process his State followed in implementing a statewide audit program for quality and completeness. He defines the factors of success of the endeavor, including a legislative mandate, top management commitment, interagency cooperation, and institutionalization of the audit program, as well as the overall improvement of the criminal history record system.

Local agency audits were the focus of the presentation by Gary D. McAlvey, Chief of the Bureau of Identification, Division of Forensic Services and Identification, Illinois State Police. Mr. McAlvey explains how the Illinois State criminal history record repository implemented a program of local agency audits of users and contributors to the system and how the program has affected the

State criminal history record database.

George A. Mitchell III, Deputy Commissioner for Management and Information Services, New York State Division of Criminal Justice Services, discusses the use of automation to improve data quality. Mr. Mitchell states that his State has determined that it is necessary to "deploy" automation at a very low level in the system in order to achieve the greatest degree of success. The New York approach, Mr. Mitchell reports, is an integrated systems approach involving national, State and local systems. Mr. Mitchell also notes that the success of the automation has resulted from implementing reporting systems which are used or relied upon in the work of the courts and other reporting agencies.

A summary and analysis of the conference proceedings is provided by Robert R. Belair, a partner with Kirkpatrick & Lockhart, Washington, D.C., and General Counsel to SEARCH, The National Consortium for Justice Information and Statistics. Mr. Belair's analysis outlines the challenges of the future, including better defining the Federal role in completing a high-quality national record system, and work at the State level to develop and define data quality strategies.

Finally, mention and thanks are given here to George B. Tellevik, who ably served as the conference moderator. Mr. Tellevik is the Chief of the Washington State Patrol and a member of the SEARCH Board of Directors.

Welcome

Welcome

ASSISTANT ATTORNEY GENERAL JIMMY GURULE *Office of Justice Programs, U.S. Department of Justice*

On behalf of the Office of Justice Programs, I want to welcome you to this National Conference on Improving the Quality of Criminal History Records. I would particularly like to thank Attorney General Dick Thornburgh for taking time out of his extremely busy schedule to speak to us today.

As Attorney General, as the former Governor of Pennsylvania, as Assistant Attorney General in charge of the Department's Criminal Division, and as a United States Attorney for Western Pennsylvania, Attorney General Thornburgh has long recognized the importance of improving the quality of the Nation's criminal history records. Since becoming the 76th Attorney General of the United States in August 1988, Attorney General Thornburgh has endeavored to improve the Department's own case and criminal history recordkeeping, as well as working, primarily through the Office of Justice Programs' Bureau of Justice Statistics (BJS), to improve the quality of criminal history data collected and reported by the States.

In November 1988, Congress directed the Attorney General to "develop a system for immediate and accurate identification of felons who attempt to purchase"¹ firearms. Since that time, with the leadership of the Attorney General, the Department of Justice has moved forward with a program to enhance efforts to improve this Nation's criminal history record information and to stop the sale of firearms to convicted felons.

This program is based on a system that would permit States to implement a "point-of-sale" option, whereby gun dealers can check a database through a touch-tone telephone. To move toward a viable point-of-sale system, the Attorney General has directed the FBI to establish a complete and automated database of felons who are prohibited from purchasing firearms. To facilitate this effort, the FBI and BJS have developed voluntary reporting standards for State and local law enforcement. These standards emphasize enhanced recordkeeping for all arrests within the last five years and for the identification of convicted felons.

BJS also recently completed a comprehensive study of the status of State criminal history reporting systems. It found that, despite dire predictions, the Nation's criminal history record systems are in relatively good shape. For example, the study found that:

- 60 percent of the criminal history records maintained by State repositories are already automated;
- 41 States and the District of Columbia require courts to report felony dispositions to the repository; and
- 23 States, representing half of the Nation's population, report that at least 70 percent of records of arrests within the past five years have dispositions recorded.



¹ Anti-Drug Abuse Act of 1988, § 6213, Pub. L. No. 100-690, 102 Stat. 4181.

In addition to these efforts, the Office of Justice Program's Bureau of Justice Assistance — in cooperation with BJS — is devoting \$9 million in 1991, 1992 and 1993 (a total of \$27 million) to fund grants to States to improve criminal history record information, to identify convicted felons and to comply with the voluntary reporting standards.

The FBI also is beginning a project to eliminate its backlog of arrest and disposition data and to automate its records. Finally, the FBI is continuing to monitor the advances being made in biometric identification technology, which will permit more accurate identification of individuals based on unique characteristics, such as the live scanning of fingerprints and digitizing the data for transmission.

We at the Department of Justice are excited about this new program and the potential it has for improving the criminal justice system at all levels — for law enforcement in investigations, for prosecutors in deciding appropriate charges, for judges in sentencing, and for corrections officials in making decisions about supervision and release. You will be hearing more about these initiatives during the next two days.

It is now my great honor to introduce to you the Attorney General of the United States, the Honorable Dick Thornburgh.

Keynote Address

Keynote Address

UNITED STATES ATTORNEY GENERAL DICK THORNBURGH



I am delighted to join this National Conference on Improving the Quality of Criminal History Records — sharing with you the good news, too often ignored, that continuing, nationwide compilation of criminal records has shown recent and significant improvement. You are here to keep on top of that process, and we want to help you in every way we can. You deserve our thanks for the excellent work you have already done, and I want to offer you the continuing support of the U.S. Department of Justice for the rest of the complicated job that lies ahead of you.

Let me emphasize that this is not an academic exercise, undertaken to meet the appetite of the research community. As I hope to outline for you, there is a straight-line relationship between complete and accurate criminal history records and an effective attack upon violent crime. Your expertise is a matter of no small concern to our citizenry, 6 million of whom last year were victims of criminal violence. So keep in mind that the work you will do here this week has the currency of today's headlines and the impact of the six o'clock news.

The technology you will examine is key. Long ago, in simpler times, basic laws could be set forth on Hammurabi's column or on stone tablets. You might say that what Moses brought down from the mountain was the "First Crime Bill."

Those clear "Thou Shalt Nots" will always stand as law for humankind, but the inhuman record of their violation must ever continue to multiply in both entry and complexity. These days the real backup to make the tablets of the law enforceable must be the computer.

What we are pleased to find is that many of you have already made a fine start in this direction. At present, criminal histories are automated to a substantial degree in a large majority of the States, and more are working toward that goal. But what is lacking, as you will explore in depth this week, is completeness, even in many of these computerized criminal histories.

Let me summarize this lack in completeness, as if I were searching for a criminal record myself in our Nation's criminal history records system. First, when I enter the name under investigation and access over 24 million criminals on file at the FBI, I stand only a two-in-three chance of seeing any criminal record, if and when I find the name. This is because over 8 million of such records are not computerized. Worse, among those 24 million names, 40 to 60 percent of the records, computerized or not, are incomplete with no disposition of the criminal action. That is problem number one, but there is more.

If I then turn to the Interstate Identification Index (III), which we are working so hard to perfect, this pointer system will send me back to the State files themselves to get the name I have under investigation. So far, 20 States are accessible through III, and others will be rapidly joining; still there are difficulties. Only 32 States presently have even 50 percent of their criminal records automated. In short, only three out of five States have even one out of two criminals in their computers. But far more troubling, only 23 States have criminal records that are complete on only 70 percent or more of the names on file. In sum, less than half the States have even reasonably complete records on criminals and the crimes they have committed.

These lacunae in our criminal records must be eliminated — ideally to a point where automation provides immediate access to all criminal histories, and complete disposition and compilation have brought all criminal records to the highest degree of reliability. In this last regard, we are not without fault here in Washington. The FBI still has over 3 million criminal records that await updating with final dispositions and 500,000 new files that must be started. All this backlog and lagtime must be addressed by both the States and the Bureau if full access is finally to go hand-in-hand with total reliability.

Our offer of help from the Department of Justice is, initially, some \$27 million in grants over three years to

the States. We want these funds to be used to complete the upgrading process by automation and/or compilation that so many of you have already started, while the FBI works overtime with another \$12 million to catch up on its own files. In that way, we can all be up and ready for whatever requirements the Congress may next choose to lay upon the Nation's criminal justice system.

Even as we gather here today, the Senate is debating two different crime bills. One version is offered by Senator Joseph Biden [D-Delaware], the other is the President's Comprehensive Violent Crime Bill. We believe that the President's bill clearly embodies the most effective proposals to halt violent crime. The President's approach is based on a fundamental principle that reaches right down to street level: the most effective way to reduce violent crime is to get violent criminals off the streets and into prison. I am convinced his bill will, in large part, become law. But let me speak here to all possible eventualities, including one that the President has said he would accept if it came to his desk as part of his own crime bill.

I am speaking, of course, about various proposals, including the Brady Bill, that would effectuate some form of background check in connection with the over-the-counter purchase of handguns. Clearly,

improving the quality of criminal history records is absolutely essential for any police check on gun purchases, whether that check is voluntary or mandatory.

As you well know, and I have only been emphasizing, the records needed to make the match-up of a potential firearms purchaser with his or her possible criminal past do not adequately exist. To put it bluntly, you could not come up with the needed facts, on a consistent basis — even within a mandated seven-day waiting period.

That is a principal reason for calling this conference, and for spending nearly \$40 million on improving the quality of criminal recordkeeping: to bring the National Crime Information Center and III and all State criminal recordkeeping into national sync, ensuring we can track down all those felons who pose the greatest threat to our society, whatever may pass. Yes, these improvements will make it possible to implement a point-of-purchase check against the sale of any firearm to a convicted felon, should Congress require such a check.

Let me tell you something else, however, that these improved records will help us do, regardless of how Congress acts on gun control. Let me tell you how we are *already* using these criminal histories to stop more armed and dangerous criminals from possessing firearms than ever show up in any sporting goods store or gun dealer emporium.

The disturbing truth is that today only one out of six felons actually purchases his or her weapon openly from a gun store. Five out of six murder weapons actually come from

the rampant, illegal, underground black market in deadly arms — where nobody waits seven days to run a computer check on a drug-dealer offering 80 grams of cocaine for a street-sweeper or an Uzi. That, in the risk and anonymity of the black market, is already a “done deal.”

This illicit gun trade is five times larger than the rogue purchase of legal weapons by undetected felons. And these armed criminals are only to be stopped by physically rounding them up along with their illegal weapons. Taking these desperados and their firearms off the streets is exactly what we seek to do, with the help of improved criminal histories, through “Operation Triggerlock.”

We launched Triggerlock this spring to enlist the cooperation of local authorities in targeting criminal predators in their communities who can be charged under the Federal Armed Career Criminal Act. What does this mean? It means that those persons with three prior Federal and/or State felony convictions for violent or drug offenses will be charged whenever they are found in possession of a firearm. These may be hard men, but they make easy marks. Under Federal law, they can be swiftly sentenced to 15 years in prison — no probation, no parole, no plea bargaining, and no more problem to society. If Congress passes the new provisions of the President’s Crime Bill, these cases will be even easier to make. *One* “prior” plus possession of a gun will send a felon away for five years.

What is the real secret to turning the key in Triggerlock, so that these violent predators are sent very far away for simple possession of a firearm? Their criminal histories. They are the sole source for those incriminating “priors.” Triggerlock cases are made by the match-ups that come out of carefully completed recordkeeping — the “hits” that we can make by running their names through that maze of prior convictions that you are here today to help clear up, for good and all. Just keep in mind that the more complete and up-to-date and accessible your criminal records become, the better chances we stand of putting the armed and dangerous career criminals behind bars. *That* is real gun control.

As I noted in my report this spring on our efforts to improve these records, the ramifications of reform and modernization are broad:

Criminal history records are the most widely used records within the criminal justice process; they are the linchpins for major reforms and improvements in criminal justice administration.... Law enforcement officials use this information for a variety of investigative purposes; prosecutors use these data in making decisions about appro-

priate charges, in categorizing the offender as a serious or habitual criminal, in plea bargaining and in making bail recommendations; judges use criminal history records in making bail and sentencing determinations; probation, parole and corrections officials use the information in making their recommendations about incarceration, supervisions, monitoring or release.¹

So I trust you will approach the rest of your week here, and the work ahead, in perfecting and streamlining your criminal history records with the care of scholars, the dedication of law enforcement officers, and the determination of bloodhounds. You are not just helping to set up the records. You are actually helping to make the collars.

¹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Attorney General's Program for Improving the Nation's Criminal History Records and Identifying Felons Who Attempt to Purchase Firearms: Overview* (Washington, D.C.: Government Printing Office, March 1991) p. 7.

The Federal Perspective

Recent Legislative Developments
Paul J. McNulty

BJS Initiatives for Criminal History Record Improvement
Steven D. Dillingham, Ph.D.

BJA Program for Criminal History Record Improvement
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Recent Legislative Developments

PAUL J. McNULTY

*Principal Deputy Director
Office of Policy Development
U.S. Department of Justice*

I come to the issue of criminal history records legislation with a somewhat unique perspective. My responsibility now in the Office of Policy Development is to coordinate the legislative policy for the U.S. Department of Justice, and in that role I have both reactive and proactive responsibilities. Reactive in the sense that the Department of Justice responds to pending legislative proposals through a variety of forms, and my office coordinates these responses. Our role is proactive in that we try to propose a variety of legislative initiatives, and again the Office of Policy Development is responsible for pulling those policy initiatives together and then supporting them through information and responses to questions of all kinds.

In addition to my current responsibility, I served as minority counsel to the Crime Subcommittee of the House Judiciary Committee from 1987 until 1990. The subcommittee — today called the Subcommittee on Crime and Criminal Justice — was responsible for firearms legislation, and one issue that occupied a great deal of the subcommittee's time and attention was that of the seven-day waiting period for firearms purchases.

Congressman Bill McCollum [R-Florida] was the ranking Republican during the time I served as minority counsel. In 1988 we sat down together and looked at the waiting period bill, now known as the Brady

Bill, and considered what kind of options there were to this legislation. We were concerned about the performance of the criminal justice system with regard to identifying individuals and about the number of individuals who came into gun dealers to buy firearms; all of these concerns led to the drafting of what was called the McCollum Amendment. The McCollum Amendment is something with which everyone is familiar now; it started the process of what became the system for identifying felons, and is now widely understood and the subject of great debate.

As an aside, it is interesting to note the evolution of these public policy issues. At that time in 1988, I never would have expected to be standing here today discussing in great detail how to implement a point-of-purchase identification system. On the night that Bill McCollum and I talked, I went back to my office and sat at a little IBM Selectric — I was a Republican counsel; we did not get computers in those days — and wrote out this language. I plucked away that the "Attorney General *shall establish* a system for the immediate and accurate identification of felons purchasing firearms." That simple sentence began this process, and here I stand today talking about the complexities of that sentence and what it has brought.



It is also interesting to note the level of understanding at that time and where we have come in such a short period of time. The level of attention that has developed on this issue is remarkable. At that time, if you heard the debate that took place on the McCollum Amendment, you will remember — or if you look in the *Congressional Record*, you will note — that the level of understanding regarding criminal history records was not very high at all. In fact, if you listened to any of the recent debate on the Brady Bill and the Staggers Amendment, you will note that insofar as Congress is concerned, it has not increased a great deal. Policymakers still have trouble understanding criminal history record systems, but our understanding was even lower in those early days. We did not understand how the systems were organized; we did not understand what the capability was for background checks; and we did not understand what the needs were. We just had a vision for a kind of gun buyer point-of-purchase check system, and even the words “point-of-purchase” were new words at that time. But we knew we wanted something to occur at the time of sale. To summarize, there was a real disconnection, between the policymakers, particularly the legislative policymakers, and the whole world of criminal history records and records systems.

Years of Learning, Action

I call 1989 the “Year of Learning” because at that time there was a silence in Washington on this issue. At that point, the Attorney General’s

Task Force on Felon Identification in Firearms Sales was doing its work. There were a lot of people who were busy pulling together that report, and I suspect a lot of people at the Department of Justice were learning about criminal history records for the first time. People at the FBI and a variety of researchers and experts around the country were contributing to this task of developing a system that would help identify felons who attempt to purchase firearms. As you all know, that report was issued in November 1989, and it got the debate started.

I call 1990 the “Year of Action.” That was the year the Department of Justice stepped forward with some idea of what it wanted to do in this area, and criminal history records were the subject of hearings on Capitol Hill. Policymakers were once again groping to understand what was in the task force report, what it said about criminal history records, and what was the feasibility of identifying felons at the point-of-purchase. It was a year of slow progress, but at least the issue got started. The best thing that can be said about 1990 is that we got started rather well in the area of criminal history records improvements because of the Attorney General’s study and the beginning of data quality improvement grants.

While 1990 involved the implementation of the records improvement program, development of the McCollum Amendment II was underway on Capitol Hill. That effort again involved Congressman Bill

McCollum and me saying, “We’re looking at the Brady Bill issue again, and we are not particularly satisfied with where we’ve come on the amendment since 1988. We’re not entirely sure we understand where we are, and so what do we want to do to try to take the next step?” We launched off into an area involving fingerprint identification, trying to get a little more high tech. That did not go very far: the McCollum Amendment II died in committee, and the Brady Bill never came to the House floor. If it had come to the House floor, I suppose McCollum II might have been offered, which might have made things even more confusing. There is, however, a small part of McCollum II that actually became law. As I was drafting that amendment, I realized that we needed to do something about these criminal history records (I had learned that much in the process). Congressman McCollum agreed to earmark some of the Bureau of Justice Assistance (BJA) block grant money for criminal history record improvements. We chose five percent of those block grants. We said that that much *at least* should be used for improvements and that if a State’s records were of a substantially high quality, the State could get a waiver.

When we were in committee and marking up that amendment, Congressman Mike DeWine [R-Ohio], who is now Lieutenant Governor of Ohio, leaned over to me and said, “I like the idea of that five percent earmarking. Would you draft that amendment as a separate amendment for me to use at a later time?” About a week or two later, we had a mark-up on the 1990 crime bill. The House Subcommittee on Crime had begun

their work in July 1990 on what later became the 1990 Crime Control Act. Congressman Mike DeWine offered an amendment to earmark five percent of BJA block grants for criminal history record improvements, and it made it into the crime bill that came out of that subcommittee. The remarkable thing about this story is that the amendment actually survived until the very end of the crime bill that went to the President's desk. I say that is remarkable because if you are familiar with the process of what happens when you offer an amendment in a subcommittee, you feel that you have really achieved something if anything survives by the time it comes out of conference months later. In fact, Congressman DeWine can be proud that his five percent earmark made it. It is the law of the land today and part of the criminal history record improvements program.

Year of Focus

Now here we are in 1991, which I call the "Year of Focus." We have had a year of learning, of action, and now of focus — a year in which we are trying to get the policymakers to really look at this information, realize what the problems are, and attempt to be of benefit to those of you in the field who desperately need resources and help to make necessary improvements to your record systems.

Let me review what we are facing in 1991. In terms of the Department of Justice efforts, we certainly hope that legislation will not come along to frustrate our plans. Specifically, \$9

million for fiscal year 1992 has been earmarked for the improvement of criminal history records in the States, and there is continued debate on Capitol Hill about whether that will continue to be available as a result of the way in which the Office of Justice Programs and its bureaus, the Bureau of Justice Assistance and the Bureau of Justice Statistics, work together to make those monies available. I am confident that those monies will be available, but one can never be 100 percent sure. Hopefully there will not be any legislation to prohibit that money from being made available. The Department will also have a broader focus on apprehending felons through Operation Triggerlock.

On the legislative front, let us look at some things that just happened and some things that are coming up. With regard to the Brady Bill in the House, most of you realize that there was an amendment, offered by Congressman Harley Staggers, Jr. [D-West Virginia] and backed heavily by the National Rifle Association, that tried to advance the whole notion of point-of-purchase identification. It did it in a way that was quite different from where we are today or what we are looking at with regard to your records and the use of those records. The amendment proposed to establish a national hotline number that would be called by all firearms dealers. One thing that we can learn from the debate that took place on the Staggers Amendment is just how confused the policymakers are about these records. For those of us who followed this issue closely, that debate was probably one of the most frustrating things we could experience, just listening to members talking about what was

feasible and what was not feasible and what works and what does not work with regard to identifying felons. The Staggers Amendment, I think, would have added some confusion to this whole effort on records improvement. That was the Department's official position — we said that it was somewhat inconsistent with where we are going now — and so the Staggers Amendment was not adopted, and the Brady Bill was reported out of the House.

The House-passed Brady Bill does not contain any information about records improvements. It is essentially a bare-bones proposal relating to background checks by law enforcement and firearms dealers who are required to send firearm purchaser information to law enforcement. And law enforcement, as you know, is required to use these records if it is going to do anything with the information it receives from the dealer.

We now have the Mitchell Amendment, which is pending in the Senate. Senator Joseph Biden [D-Delaware] reintroduced a crime bill, Senate Bill 1241. One of the main reasons for reintroducing his crime bill was to add the Brady Bill with this Mitchell Amendment to it. The Mitchell Amendment is identical to the Brady Bill, except that it adds onto the language that passed the House, language that would provide incentives to the States to establish point-of-sale systems. The Brady Bill has an exception — one of five exceptions with regard to the waiting period — that says dealers in a State with a

point-of-sale system would not be required to wait the seven days. There are some technical problems with that language we are hoping to remedy, but that is the intention. The Mitchell Amendment builds on that by authorizing funding. It says that States may have monies made available to them if they want to establish a point-of-sale system. In order to have this money available, there are a couple of conditions; one has to do with beginning participation in the Interstate Identification Index (III) by 1993, and then having 80 percent disposition by 1995. Those are two qualifications for the States to get into the incentive program that is authorized by the Mitchell Amendment.

Legislative Appropriations

What is encouraging about the Mitchell language is that it shows a higher level of understanding about the way that this identification system works or could work. The concern, of course, is that it authorizes \$40 million in incentive grants. These days when you see "authorization" in a bill, you have to be very concerned because without an *appropriation*, that money is not going to be there. Appropriations are undergoing a difficulty that they have not undergone in the past because of the budget agreement. The big word now is "pay-go." Pay-go means pay-as-you-go, and if the legislator wants to come up with new money above and beyond last year, there generally must be an offsetting reduction. This would be subject to a pay-go. That means there would have to be a way of

coming up with the money, and yet the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies has already completed action on its appropriations bill. The money is extremely tight, and it is less than the Department of Justice asked for in its overall budget. We are very skeptical about where the \$40 million would come from, even if the Mitchell Amendment passes the Senate.

As I mentioned, the House Appropriations Subcommittee on State, Justice, Commerce has finished its work, the House has passed its appropriations bill, and there we have basically a good story. There should not be any concerns about lack of monies to continue the \$27 million criminal records improvement program. There are no restrictions on the availability of that money, so you will see the Office of Justice Programs provide money at substantially or basically the same level as last year. There is money for NCIC (National Crime Information Center) 2000, and there is also money for SEARCH to continue its national technical assistance and training program. The appropriations process coming out of the House looks fine, and I would suspect that the Senate appropriations process will not make any substantial changes to this. Again, that means no new money, but the same money as before, allowing continuation of the efforts that are underway right now.

I think that there are very good prospects for something coming out of the Brady Bill which would be more focused on criminal history records. I suspect that something will pass the Senate involving the Brady Bill, whether it is the Mitchell Amendment or even a substitute that might be offered by Senators Bob Dole [R-Kansas] or Ted Stevens [R-Alaska] involving the same hotline notion I mentioned in the Staggers Amendment. When conference takes place, I think that members will give careful consideration to what can be done to improve State records so that point-of-sale identification can take place more quickly. The key, of course, is going to be funding. By the nature of a crime bill conference, it can only authorize funding. We may see something coming out of the crime bill conference that authorizes funding, but at this point, I have no reason to believe there is going to be an appropriation of new money. Therefore, even if this \$40 million program continues to be a part of what the conference produces in a crime bill, how they will get to the point of having that money actually available in fiscal year 1992 is unclear.

BJS Initiatives for Criminal History Record Improvement

STEVEN D. DILLINGHAM, Ph.D.
Director, Bureau of Justice Statistics
U.S. Department of Justice

Fellow members of the criminal justice community and honored guests, I am very pleased you could attend this important and timely meeting devoted to improving criminal history records. It is the fourth in a series of conferences sponsored by the Bureau of Justice Statistics (BJS) on the issue of criminal justice records and data quality. As many of you know, BJS and its predecessor agencies, together with SEARCH, have been in the forefront of activity relating to the management and use of criminal records for over 20 years. During this time, we have witnessed far-reaching changes in system technologies, automation and data utilization, as well as changes in legislation (which are being debated in Congress as we speak).

During this period of continuous change and improving technology, policymakers and practitioners have become increasingly aware of the need for accurate, complete and timely records to support criminal justice efforts and for other related purposes. The increasing use of such records in identifying habitual criminals, for making appropriate bail and pretrial release decisions, for sentencing determinations and for correctional supervision and release decisions, all highlight the importance of accurate records for a broad array of law enforcement purposes. Similarly, the use of records for licensing, pre-employment screening and security clearances illustrate the growing importance of making such records available in a timely fashion

to authorized noncriminal justice users. As you are also well aware, the availability of accurate and complete records at the central repository is especially critical to identifying felons who attempt to purchase firearms — a topic we will learn more about during this conference.

Record Improvement Goals

As has been clearly stated by the Attorney General, the Department of Justice and BJS are firmly committed to the goal of improving the accuracy, completeness and timeliness of criminal records. The *Overview of the Attorney General's Program for Improving the Nation's Criminal History Records and Identifying Felons Who Attempt to Purchase Firearms* highlights the fact that "improving the quality of the Nation's criminal history records is one of the most important challenges facing the criminal justice community today."¹

In response to this challenge and often-recognized goal of record improvements, I would like to discuss briefly some of the recent BJS initiatives to implement its program to improve the quality of records across the Nation and to describe the progress occurring at the State level. Before delving into the recent activity involving the Criminal History Record Improvement Program, however, I will cover some of the highlights presented in the report of



¹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (Washington, D.C.: Government Printing Office, March 1991) p. iii.

the BJS/SEARCH study, *Statutes Requiring the Use of Criminal History Record Information*, which has just been completed.² The intent of this study was to measure the extent to which criminal history data are needed to implement statutory requirements governing criminal justice and related operations at the State level. The study identifies various State legislative provisions which expressly require or permit the use of criminal history records for specific criminal justice or firearm sale purposes.

The results of the survey leave little doubt as to the importance of data quality. Almost every jurisdiction has legislative or constitutional provisions which call for the use of criminal history records! In the area of bail, for example, all but three jurisdictions have provisions which require or permit the consideration of a criminal record in determining release conditions. Among these many jurisdictions that depend upon criminal records, an increasing number (including the Federal system) permit pretrial detention where a showing is made of potential danger to the community or where there exists a presumption of such danger because an offender has been convicted of certain designated crimes. Under such circumstances, it is obvious that protection of the community requires

that data be available to the criminal justice system within the limited time available for making a bail decision. Recent BJS research has demonstrated that crimes committed by offenders released pending trial can be substantial.

In the area of criminal sentencing, the survey found that criminal histories containing prior criminal convictions were needed to determine appropriate sentences in pending cases in almost all jurisdictions. In some cases, such as the Federal system, sentencing guidelines stipulate that a prior record is one of the factors for determining the sentencing range for individual offenses. In other cases, statutes provide for enhanced sentences for particular offenses where the offender has been previously convicted or was under criminal supervision at the time of an offense. Since such provisions rely on the accurate reporting of prior offenses and sentences, it is particularly important that information be available to support the implementation of effective sentencing strategies and to ensure that justice is meted out promptly, efficiently and fairly.

I will not attempt to cover the many other topics addressed by the study, but the survey does confirm the critical importance of criminal record data for decisions affecting the areas of sentencing charges, classification as habitual offenders, correctional supervision levels, parole eligibility decisions and firearm sales determinations.

Once again, this survey emphasizes the importance of the recent efforts to improve the quality of the Nation's criminal history record information. The Attorney General, the Department of Justice, as well as many of you at the State level, have been leaders in this effort. As you may recall, the Attorney General, in transmitting to Congress copies of his report on systems for identifying felons who attempt to purchase firearms, highlighted the importance of record quality as a key element necessary for the implementation of a point-of-sale system. The Attorney General's letter to Congress also identified a series of activities to be undertaken to facilitate the implementation of immediate and accurate record checks.

BJS has played a major role in these activities. Specifically, the "Recommended Voluntary Standards for Improving the Quality of Criminal History Record Information" were developed jointly with the Federal Bureau of Investigation, and published in the *Federal Register* on February 13, 1991.

² U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, by Paul L. Woodard, SEARCH Group, Inc. (Washington, D.C.: Government Printing Office, June 1991).

In addition, the first major comprehensive survey of the status of criminal history records in all 50 States was sponsored by BJS and contained in the report, *Survey of Criminal History Information Systems*, published in March 1991.³ The findings of this survey, which provides baseline information for measuring future progress, reveal that, although far more can be done to achieve fully complete records, substantial advances have been made in the quality of State record systems to date. These advances represent significant operational improvements at the State level and will have wide-ranging impacts in combatting crime.

Significant Efforts

By far the most significant thrust of our efforts at BJS to improve data quality has been the Criminal History Record Improvement (CHRI) Program. This program is administered by BJS with funds from the Bureau of Justice Assistance (BJA). Under this program, \$27 million is being made available to States over a period of three years to upgrade the quality of records at the central repository, with particular emphasis on increasing disposition reporting and the identification of felon records in the database. It is clear that this program will serve a multitude of criminal justice needs at the national, State and local levels, and will also facilitate implementing point-of-sale

systems to identify felons who attempt to purchase firearms.

As of the beginning of June 1991, over \$9.2 million had been awarded to 27 States. Applications from four States, totalling over \$1.4 million, are in-house and being processed. Conversations with State representatives indicate that as many as 13 applications will be submitted later this summer. Taken together, it appears that approximately 40 States will be participating in, or applying for, funds in the CHRI Program during this fiscal year. Some of these States are in the early phases of their criminal history record improvement programs and will be requesting funding for additional improvements.

The program announcement specified areas of allowable expenditures. A review of the grants indicates that funds are being expended to support automation of records, to establish interfaces with the courts, to identify and flag felony records, to expand the master name index and to participate in the Interstate Identification Index (III). Where necessary, funds have also been made available to enable States to conduct audits or analyses to identify areas which will have maximum impact in improving entire systems.

In addition to these efforts, starting in fiscal year 1992, States receiving funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance formula grant program administered by BJA will be required to devote no less than five percent of their funds to improving criminal record systems. At current funding levels, this would total more than \$20 million per year nationally for this purpose. The impact of the program will be to further support the efforts now underway.

In recognition of the importance of disposition reporting to the development of complete records, BJS is also supporting, under a grant to SEARCH and in coordination with the National Center for State Courts, a Task Force on Disposition Reporting. Members represent both the judicial system and the State records systems. It is anticipated that the group will produce a formal report and recommendations in 1992 which will signal a turning point toward ensuring more effective coordination of disposition reporting and records use.

High-level Commitment

As can be seen, these efforts represent major commitments by BJS and the States to the goal of improving criminal records data, and to the development of more efficient systems for transmitting data and identifying felons. These continuing efforts will be highly effective in

³ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, by Sheila J. Barton, SEARCH Group, Inc. (Washington, D.C.: Government Printing Office, 1991).

supporting almost all law enforcement and criminal justice activities. Of particular interest, they will facilitate implementation of point-of-sale systems that help prevent illegal sales of firearms to convicted felons while imposing minimal burdens on law-abiding individuals.

The basic elements of the point-of-sale system include a master name index to enable users to rapidly determine the existence of a record on a potential purchaser; an adequate level of disposition reporting to ensure that data describe disqualifying convictions; automation to permit rapid exchange of data within and among States; and procedures for transmission of information between gun dealers and the State systems.

Recent analyses indicate that the infrastructures for point-of-sale records checks are progressing to the degree that point-of-sale systems similar to those of Virginia, Delaware and Florida are becoming technically feasible in many and perhaps most States, should the States commit themselves to such an approach. By utilizing existing State computerized criminal history systems, the National Crime Information Center and National Law Enforcement Telecommunications Systems transmission systems, the III and the expanded FBI records systems, significant reductions in implementation time and costs can be realized. More specifically, the experiences of States like Virginia indicate that a key element to operating the point-of-sale system is a

master name index which directs the user to the full "rap sheet" (which may be either automated or manual). The recent survey showed that the master name index in 44 States included 100 percent of record subjects and that the indexes in over three-quarters of the States (representing over 80 percent of the records) were fully automated. Nationally, therefore, immediate identification through a name index of an individual as the subject of a criminal record is possible in a majority of cases even where full records are not automated.

Legislative criteria also require that for many purposes (such as presale firearm checks), it is necessary to quickly identify those offenders convicted of felony offenses. Thirteen States currently "flag" at least some felony records; another 28 States, meanwhile, collect enough information on the record to enable them to "flag" some felony records. The CHRI Program requires funded States to agree to "flag" convicted felons. Use of a targeted felony database will limit the number of innocent persons prevented from purchasing a weapon by minimizing false hits on persons with nonfelony convictions.

To establish the existence of prior felony convictions, of course, requires that information describing the disposition of the arrest be included

on a record. The survey findings indicate that, as of 1989, 41 States and the District of Columbia required that felony dispositions be reported to the central repository. Thirty-six States also required that felony prison admission information be reported. Although not all States in the survey were able to estimate the number of dispositions received, 34 States (representing over 70 percent of the population) indicated that over 3.5 million dispositions were received in 1989. In contrast, less than 2 million dispositions were received by 30 States which provided such information in 1984. Again, substantial progress occurred over this five-year period due to the hard work and valiant efforts of those of you gathered here today and the States you represent. Just as importantly, 23 States, representing over half of the Nation's population, report having disposition information for over 70 percent of their arrests within the past five years. Eleven States report that 70 percent or more of all arrests in the entire database include disposition data.

In sum, only two States fail to report having a master name index that contains names of most record subjects in the criminal history file. In fact, 44 States report 100 percent complete indexes with 39 being fully automated. In comparing State criminal history records to those States with operating point-of-sale systems, it is interesting to note that 32 States claim disposition reporting rates as good or better than Florida's reported 47 percent rate for the past five years, while 29 States report a higher percentage of automated criminal histories than Virginia, which reported 56 percent of its files automated. These are important and operative facts in determining the feasibility of operational point-of-sale systems, rather than considering only those 10 States with fully automated files but no point-of-sale systems.

We must also be mindful of the fact that the systems maintained by the States include records about offenders within the individual State. Access to information about out-of-state offenses is also necessary for a comprehensive national system. The identification of an offender whose rap sheet is maintained in another State is accomplished through the FBI's National Identification Index. States may obtain information regarding offenders in other States through III or, for States not participating in III, directly from the FBI. The survey indicated that 20 States are currently participating in III.

Overall, the results of the BJS survey indicate that a substantial amount of information regarding prior criminal activity is currently maintained and available in an automated format in State systems, particularly with respect to data on recent offenders. This information continues to increase both in volume and importance.

Enhancing Public Safety

It is our hope that the current CHRI Program and activities that follow will result in: an expansion of data, more complete automation, and the improved identification of felons and repeat offenders. These efforts will, I believe, directly assist the many dedicated professionals within the criminal justice system in carrying out their demanding responsibilities. More importantly, however, these efforts will serve to enhance the public safety and to save lives. Yes, I realize that many individuals and groups assert that their recommendations will save lives. But as those of you involved every day in securing, maintaining and providing criminal history records well know, there is no doubt that accessible, accurate and complete criminal history records protect our communities and our lives each and every day.

Finally, it is important to reflect on the impact of improved records and information technology to the criminal justice system of the future. In this regard, I submit to you that we are indeed entering an "Information Age" in the field of criminal justice, the likes of which we have never experienced. To some extent, this is a product of the Nation's technological revolution in computerization. These new capabilities provide state-of-the-art technology for application throughout the criminal justice system. Similarly, electronic data interchange will become a norm in police operations, as will image technology in transmitting fingerprints. On-line use of information technology now provides point-of-sale systems for managing airline ticket sales, stock sales on Wall Street, and critical business firm operations including inventory, sales, distribution, publishing, scheduling and reporting.

It is inevitable that this technology and the increased productivity that accompanies it will be utilized in combatting crime and enhancing public safety. In other words, it is clear that our criminal justice system can no longer afford to become increasingly labor-intensive in its operations. Instead of combatting crime with more bodies, we must apply more brains — that is, we must fight crime smarter if we are to be successful. The key to this success will be the accomplishments of each of you who are at the hub of this activity and at the core of this responsibility — the keepers and maintainers of the criminal history records.

BJA Program for Criminal History Record Improvement

GERALD (JERRY) P. REGIER

*Acting Director, Bureau of Justice Assistance
U.S. Department of Justice*

The Bureau of Justice Assistance (BJA), like many other agencies within the U.S. Department of Justice, is actively supporting and implementing Attorney General Thornburgh's commitment to improving the quality of criminal history records. Since those preceding me have eloquently discussed the importance of complete and accurate criminal history records, I will not dwell on that aspect. Your participation in this conference is evidence that you think it is important and that you are committed to improving the criminal history records in your State.

Records Improvement Program

As others have mentioned, BJA is providing the \$27 million for the Criminal History Records Improvement Program administered by the Bureau of Justice Statistics (BJS). We are delighted to be a part of this most important initiative. Again, the primary purposes of the program are:

- To develop a system for the immediate and accurate identification of convicted felons who are attempting to purchase firearms; and
- To provide guidance, resources, and direction to the States to assist them in making systematic improvements in the quality and timeliness of State criminal history record data throughout the country.

Also, BJA will soon announce a competitive solicitation to develop and implement an evaluation of that program. The goals of the evaluation are:

- To assess the quality of criminal history record data development in States throughout the Nation;

- To assess the impact of the BJA/BJS Criminal History Records Improvement Program on the timeliness, accuracy and completeness of criminal history records, the ability to identify felons, and the level of compliance with the BJS/FBI Voluntary Standards; and
- To identify effective approaches for States that are seeking to improve criminal history data quality.

The goals will be met through the identification of three to five States that have developed high-quality criminal history record systems and the documentation of the activities undertaken by these States to improve their criminal history systems. A selected number of criminal history record improvement projects, within perhaps 10 States, funded under the BJA/BJS Criminal History Records Improvement Program will be evaluated, as well as the effectiveness of selected strategies across programs. The national survey of States conducted by BJS in 1989 will be replicated to assess the quality of criminal history record information at the national level and the level of State compliance with the BJS/FBI Voluntary Standards.

The evaluation will be supported under the Edward Byrne Memorial State and Local Law Enforcement Discretionary Grant Program, authorized by the Anti-Drug Abuse Act of 1988. Up to \$525,000 will be made available through a cooperative agreement for a 24-month period to support the evaluation effort.



The evaluation will produce a *set of reports* that will communicate the results to a *variety of audiences* including policymakers, practitioners and researchers in the criminal justice system. The reports will describe the evaluation, summarize the results, and document the approaches successful States have taken to achieve superior criminal history record quality. The reports will also provide, if appropriate, recommendations for improving the quality of criminal history record programs to include:

- Technical components (e.g., automation, State identification number, three-part forms, automated court disposition reporting, court use of the criminal history records, ongoing auditing and training);
- Legal and organizational components (e.g., mandatory reporting laws, full-time trained auditing staff and budget); and
- Interorganizational relationships (e.g., good working relationships with judges, prosecutors and law enforcement agencies).

Planning efforts for this solicitation were coordinated with BJS and a BJA Steering Committee chaired by Dr. Charles M. Friel, Dean and Director of the Criminal Justice Center, Sam Houston State University. The Committee was staffed by SEARCH Group. We sincerely appreciate their assistance.

The other BJA activity I would like to discuss today is the implementation of two new requirements attached to the Edward Byrne Memorial State and Local Law Enforcement Assistance formula grant funds which affect criminal records.

Five Percent Set-aside

The Crime Control Act of 1990 amended Part E of the Omnibus Crime Control and Safe Streets Act to require that each State which receives formula grant funds allocate at least five percent of its total award for the improvement of criminal justice records.¹

The improvements required from the five percent set-aside are consistent with and build on the activities initiated with the \$27 million being provided to the States by BJA through the BJS-administered Criminal History Records Improvement Program. The legislation defines criminal records improvements as:

- The completion of criminal histories to include the final dispositions of all arrests for felony offenses;
- The full automation of all criminal justice histories and fingerprint records; and
- The frequency and quality of criminal history reports to the Federal Bureau of Investigation.

BJA has drafted guidance, in consultation with BJS, for the implementation of this provision. The guidance document, which is currently being circulated to affected criminal justice agencies throughout the country for review and comment, requires:

- (1) The establishment of a criminal justice records improvement task force to guide the development and implementation of a criminal records improvement plan;
- (2) An assessment of the completeness and quality of criminal records in the State;
- (3) The identification of the reasons for incomplete and inaccurate records; and
- (4) The development of a records improvement plan, which then must be approved by BJA.

The Director of BJA, at the request of the State, may waive compliance with the five percent requirement in whole, or reduce the amount of the set-aside, if the Director finds that the quality of the State's criminal justice records does not warrant the expenditure of funds. The guidance document defines the criteria which will be used by BJA to make decisions regarding the granting of waivers. States which do not qualify for a waiver and which choose not to use five percent of the total formula grant award for criminal records improvement may not use the set-aside for other purposes. Should such instances occur, BJA will make a determination to deobligate all or a portion of the set-aside amount and use the funds to provide technical or financial assistance to those States demonstrating compliance.

Many States have initiated most of the required assessment and planning activities with resources provided under the Criminal History Records Improvement Program or with State resources and are ready to begin

¹ Crime Control Act of 1990, Pub. L. No. 101-647, 104 Stat. 4850 (codified as 42 U.S.C. § 3759(a)).

implementation. Other States will require considerable time to determine the state of their records and the most effective use for the five percent set-aside. Thus, BJA has not established a due date for the submission of the criminal records improvement plan. The five percent set-aside, however, may not be used until the State has a plan approved by BJA.

I also want to comment on another legislative requirement related to criminal history records.

Reporting Alien Convictions

The guidance document also includes guidance for the implementation of a provision contained in the Immigration Act of 1990 which requires that each State, as a condition of receiving formula grant funds, provide without fee to the Immigration and Naturalization Service (INS), within 30 days of the date of conviction, certified records of convictions of aliens who have been convicted of violating the criminal laws of the State.

This provision became effective with the enactment of the Immigration Act in November 1990.² BJA has been working closely with INS to develop an implementation strategy which provides the States with the maximum amount of flexibility in establishing mechanisms to meet this requirement.

This provision is meant to assist the INS in achieving its criminal alien strategy goals while simultaneously affording States and local agencies benefits in two ways. INS estimates that over 10 percent of the inmates in some State prisons are foreign-born. Once released from prison, these aliens may be deported, thus *reducing the potential for recidivist behavior*. States should also realize a *cost savings* related to court and correctional supervision as a result of the prompt deportation of convicted aliens who are not incarcerated.

The guidance for this provision was combined with the guidance for the improvement of criminal records because both affect criminal records and the planning and implementation within the State should be addressed together. In an effort to reduce the burden on the States, INS has agreed to accept the conviction records from the States in a format most convenient to the State, ranging from hard copies of records from the courts to electronic transfer of required information from the State's central repository.

Recognizing that many States may not be able to fully comply immediately, the guidance allows for a two-phased approach for the implementation of this provision. The first phase would target serious offenders (those sentenced to incarceration) and should be implemented immediately; the second phase should provide for the establishment of procedures for providing INS with the certified

conviction records for all convicted aliens or suspected aliens who are not incarcerated. Alien or suspected alien status is identified by the States through the collection of information on place of birth and citizenship. INS will investigate and verify alien status.

States, or jurisdictions within States, which do not comply with the INS provision are prohibited from receiving formula grant funds.

In the early spring, BJA convened a group with representatives from five designated State administrative agencies and personnel from the five respective central repositories to discuss with them the feasibility of the proposed guidance. Recommendations resulting from that meeting were incorporated into the guidance. Copies of the revised draft have been circulated to all the heads of the State agencies responsible for the administration of the formula grant program and to those professional organizations [including SEARCH] with memberships that may be affected by the provisions. We requested that comments be submitted by July 15, 1991. The final draft which incorporates appropriate comments from the field will be submitted to the Office of Management and Budget prior to finalization.

I believe that the implementation of these two provisions, in combination with the effort already underway by BJS, will have a significant impact on the quality and completeness of criminal records and the enhanced use of these records to make informed decisions regarding the release and supervision of offenders.

² The Immigration and Nationality Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978 (November 29, 1990) amends Section 503(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (codified as 42 U.S.C. § 3753(a)(11)).

The Impact of Data Quality on the Criminal Justice System

STEPHEN GOLDSMITH

*Mayor
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Although the subject today is the impact of data quality on the criminal justice system, a much larger problem exists: a lack of recognition throughout the criminal justice system and the public generally of the *importance* of data, let alone the *quality* of the data. We are finally at the point where the public and other consumers of information may be coming to grips with the fact that information may be important, and that a better-informed decision may be a better decision. Yet there still exists a very retarded view of the importance of information itself. The quality and importance of data work together: so long as people do not demand information, we will not be forced to give out quality information, and the more the demand for information increases, the more the importance of the quality will increase. We see this in the current debate over the Brady Bill in the strained silence of those constituencies that should want quality point-of-access/point-of-sale data.

Information Mission

For purposes of provoking discussion, I would suggest to you that for a long time law enforcement — and I have been involved in law enforcement for a dozen years in various police and prosecutorial aspects¹ —

adopted the wrong mission as it relates to information. Policing agencies, including the FBI, generally have viewed their primary information mission as preventing unauthorized access. The police have traditionally viewed their role as *policing* the information, and not as *providing* information to people in order to drive decisionmaking. Key people involved in this debate need to say, "Wait a minute, we should provide as much information as possible to as many people as possible in order to improve public safety." If we reorient our mission, we will cause more dramatic public safety consequences than could be achieved through the addition of millions of dollars of extra police.

Prosecutors and judges remain much further behind than police organizations in terms of information. Law enforcement, and especially judges and prosecutors, have been trapped in case processing contexts. For example, my jurisdiction was perhaps the second in the country to obtain PROMIS [case processing software]. PROMIS offered a dramatic breakthrough because when a witness called in on the phone and wanted to know when his case went to trial, the phone receptionist could actually answer the question.



¹ Mr. Goldsmith served as Prosecuting Attorney for Marion County, Indiana, from 1979-90. At the time of the conference, he was a Research Fellow in the Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University. He was elected Mayor of Indianapolis in November 1991.

Fifteen years later, prosecutors still rely on PROMIS as their primary information source, and it is still a case processing system. Public safety decisions, however, require more than a case-oriented approach. We need to have information on a *person* as contrasted to a *case* and on a range of people who may be involved in illegal activities. We need to get outside this box of the case. Police officers also become confined by the same sort of mentality as it relates to events. Police departments become event-driven and prosecutors' offices become case-driven, and those two things drive information systems and become circuitous.

Information systems should be viewed as *cumulative* systems. They are not discrete systems with little blocks of information, they are cumulative systems. Prosecutors need police information and police need jail information and judges need all the foregoing and those nice, neat little boxes that show you how a criminal enters over here and goes out over there are just not true. Criminals circle and spiral through the system, they are in and out simultaneously, there are pretrial and bail decisions about people who have been arrested and are out on bail and get arrested again. The criminal justice system can be viewed as a series of retrieval points. Case-oriented and event-oriented systems do not provide adequate information. Government should encourage development of a

person-oriented system, including benefits to the judicial and prosecutorial professions, where a wide range of data are available and needed.

Public Policy Concerns

Others have mentioned the importance of data quality, but I would suggest to you that law enforcement should not be concerned with just convictions. Concern with the efficacy of public policy should prevail. If we do not know whether convictions reduce recidivism, if we cannot evaluate the effect of a police or prosecutorial decision because we do not have access across boundary lines to quality data, then we are just fooling ourselves. I can drive my conviction rate up to 100 percent, but does it have any effect on repeated instances of domestic violence or drunk driving? We need to expand the access to quality data in order to evaluate the efficacy of public policy.

Other information needs abound. My county jail — which is always overfilled and subject to a court-ordered cap of 1,150 prisoners — used to be subject to arbitrary release decisions. No analysis was undertaken of the criminal histories and bail decisions of inmates in order to make risk judgments. Criminal justice agencies need person-oriented data from many agencies.

Actually, there really is no such thing as a criminal history. In an ideal system there is no criminal history. Criminal history is a summary of information available *elsewhere* in the system. A series of decisions occur — pretrial, bail, screening and a disposition, among others — which are summarized on something we call a “criminal history.” But thinking of a “criminal history” standing alone causes missed opportunities and obscures a fundamental understanding of the importance of data in the first place. After all, criminal history is the summary of that data and the higher the data quality is throughout the system, the more accurate the criminal history will be. This debate about criminal histories should cause improvement in quality in other areas.

Illustrative of the lack of understanding about the importance of data is the strange silence in the debate about point-of-sale checks on the part of schools or childcare organizations that employ molesters and do not do pre-employment checks. A chorus of employers should insist on checks at the “point-of-sale,” which is the point of employment. Dozens of examples exist: household moving firms that may employ rapists, embezzlers

shuffling from corporation to corporation, or insurance companies that are defrauded by multiple fraudulent casualty claims. Even somebody who has household help may want to know whether that person is a child molester or a simple thief before hiring him. And local licensing boards often fail to consider records and thus license criminals. I did a check on my school system and found out that many of the school bus drivers had multiple speeding or drunk driving arrests, but the schools never asked for the information because they could not easily obtain it when they hired the bus drivers. It took too long to send in the request and receive a response (which often contained bad data by the time the request was processed), so it was easier to let drunk drivers drive school buses. Yet we see none of those constituencies involved in the current debate in any strong way which means, I think, that people do not realize how bad our data systems are. If they did know, they would use this argument about point-of-sale access to clean up the entire system.

All of this illustrates the lack of use of our data. Therefore, we need to change our mission, lead the charge and redefine our customer. We need to turn around our role and *demand* that people use our information. Most of us define our consumers as police agencies, rather than defining our consumers in a larger way in order to enhance the importance of our data. This redefinition will help break this strange alliance.

Demand Improves Quality

In the past, most of the law enforcement agencies were against access because the data quality was not good. But the quality of criminal history record information will not be good until there is greater access and the people getting the information demand that the quality improve. We can change the whole debate by opening up access. Today, many officials believe that so long as we are only providing information to fellow law enforcement officers, they are savvy enough to know that most of it is wrong and they can get the right information anyway. But recordkeepers believe that if we have to provide data to somebody else, they may misuse it. As long as we define our customer base very narrowly, we reduce the incentives to improve data quality. We need to say to employers, "We don't want schools employing molesters or drunk bus drivers or whatever else the case may be, and we can provide that data to you." Advocacy will help to break this alliance among persons who do not want the data released.

Next — and I am just trying to encourage a different way to view this public debate — in its most provocative sense, we have allowed ourselves to put the rights of the criminals above the rights of the victims. That is because these issues about confidentiality of criminal histories and what it might do to those who are convicted

have been escalated to a higher importance than the inchoate rights of the future victims. We would rather not embarrass a robber by making his conviction known even if the decision allows another person to be a victim of a convenience store robbery. Why is it that my speeding record is available to millions of people but a robbery conviction is not because somehow the robber has confidentiality rights? In redefining our data quality mission, we must redefine the balance between the privacy rights of the criminals (and there are some rights there), and the rights of the future victims. A rebalancing of the system is necessary as we begin to rethink and reset the debate and landscape for information systems, and this rebalancing will cause communities to pay more attention to victims.

This reorienting of the debate will produce, in my opinion, dramatic results. My county is the largest in one of the worst data quality States. The county developed an integrated system with wide-ranging information available about criminals. If the criminals come in from anywhere else in the State, however, I have no idea of their criminal background. We make probation and pretrial decisions when we have no idea what other

crimes have been committed. The prosecutor's office participated in III (Interstate Identification Index) and NCIC (National Crime Information Center), but Indiana does not report anything, so although it is nice to know who committed a crime in Washington, D.C., it is much better to know who committed a crime somewhere in my jurisdiction.

In addition, as a result of this mission to police data, we find that substantial time is spent trying to solve the mystifying access rules: how can I have a big enough office so that the printer is within X feet of the operator and that the terminal is positioned in such a way that nobody could possibly see it? Police spend more time trying to figure out how to make it difficult for people to get data than how to provide it.

We should redefine the mission and say, "Our goal is not to license just one person who is able to get through all these manuals and who can turn his terminal and lock his doors and all the other things. Our goal is to get this data out and make it breathtaking in terms of its availability and use for decisionmaking." As national leaders in this debate, we can reframe issues. The redefinition will be very important.

As a last point of contention, one of the curiosities of the Brady Bill is that even after the seven-day waiting period, law enforcement does not have to respond to data inquiries. We have not only said, "We can't do point-of-sale because it's too difficult to do," we have also said, "We want to do a seven-day waiting period, but nobody has to respond to the dealer in the first place." There is still no pressure to create a high-quality system. We have provided yet another "out" that says we will not be held accountable for the quality or comprehensiveness of our data.

If you add those things together, this is an exciting time in our national debate because of the recognition that we cannot fight crime without better information, and that information brings more effective use of our other resources. The current debate about guns underscores the absence of data everywhere else in the system and the country. If the public understood the significance of our inability to deliver a point-of-sale system for gun checks to mean that their children have a

greater chance of being molested, or that their mothers have a greater chance of being attacked, or that young adults selling hamburgers at McDonald's have a greater chance of being robbed, or whatever the risk consequences are from the lack of data, then — as the managers of that data nationally — we can say that we have the most powerful weapon to reduce crime. We need to insist that people pay attention to our data.

Finally, I prosecuted half-a-million cases, yet we hide the results of this effort. We spend all this time arresting, prosecuting and convicting people, and then we do not allow the public to know about this process. It dilutes the efforts of the sanction in the first place and dilutes the efficacy of the system in its entirety. We think we are doing something of value, and we ought to enhance that by improving the quality, comprehensiveness and availability of the data.

Setting the Stage

Introduction and Discussion Review
Benjamin H. Renshaw III

The Importance of Data Quality for Research and Practice
Part One
Charles F. Wellford, Ph.D.

The Importance of Data Quality for Research and Practice
Part Two
Geoffrey P. Alpert, Ph.D.

Criminal History Record Information: The State of the States
Sheila J. Barton

Introduction and Discussion Overview

BENJAMIN H. RENSHAW III

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For those of you who have been in and around criminal history meetings over the last 15 to 20 years, you may realize that you have heard some remarkable presentations this morning, both in terms of substance and in terms of political commitment. What I would like to do as an overview — since when I get into these gatherings, I assume the role of resident historian — is to make three assertions and then try very briefly to defend them.

The first is that every, and I do not hedge that term, *every* consequential improvement that can be made in criminal justice, every sacrifice, reform or retrenchment, is embedded in one form or another in the quality of those records. Stephen Goldsmith, and in fact the Attorney General, presented eloquently the frustrations of prosecutors when they do not have a disposition tied to an arrest if they are trying to run their career criminal program. When I headed criminal justice planning in the District of Columbia from 1973 to 1975, the most volatile political issue was pretrial conditional release and crimes committed by people while on pretrial conditional release. If you do not know at that stage, or you do not know at the charging stage, or if you are concerned with sentencing reform, if you do not know you have somebody with a boatload of priors, you cannot possibly protect the community. We learned that an incredibly small percentage of people, maybe 6

percent, as I recall, are responsible for as much as 70 percent of the violent crimes. If we do not know that we have that kind of person, we may let a serial killer go because we could not access the criminal history record.

I have always been extremely frustrated by the fact that people remark, "Well my, how *dry* the subject, talking about the criminal history record, talking about a piece of paper." That piece of paper has *vitality*. That piece of paper tells the most important thing. My first assertion, again, is that every consequential improvement that we can make in criminal justice reform depends on the quality of the criminal history record.

Second assertion: a critical mistake we made in the 1970s will not be repeated. Several people alluded to the Law Enforcement Assistance Administration. Indeed, for those of you who remember the comprehensive data systems program, the center of that was computerized criminal histories. We invested hundreds of millions of dollars in that program. In my view, and this is a particular view,

we made a critical mistake. The mistake was that we did not insist upon, or at least try politely to leverage, the involvement of prosecutors and courts. It is already clear from what you have heard today that that mistake will not be repeated. The guidelines put out by the Bureau of Justice Statistics (BJS) have indicated very clearly that when a State applies for any of the \$27 million, whether the application comes from the State police or the criminal history repository, the courts must be in there. Not just, "I called the Chief Justice, and he says give me the money," but something serious with relation to automation or interface. I think it is marvelous that SEARCH, in fact, has a task force on disposition reporting because the lack of court participation, in my view, was the failing. We put the money in, and the systems were indeed improved; but the legacy was lacking. The legacy was lacking because of the issue of disposition reporting.

Last assertion: this opportunity will be seized and will not be wasted. There is a confluence of circumstances right now. We have been brought together because the 1988 drug statute directed the Attorney General to do something about the issue of felons being able to acquire weapons and, as a result of that, the \$27 million came through the Bureau of Justice Assistance (BJA) to BJS. You have heard the legislative history of how the "5 percent solution," as we like to refer to it at BJS, came to be,

how the BJA requirement is now there. But when you look at the confluence of things going on in our program, our \$27 million program is underway. In the State strategies for 1992 that will be submitted to BJA, the 5 percent requirement will be there. Quite frankly, if any State is able to convince BJA that it should not have to spend money because their criminal history system is so great, I will be a little bit surprised. No one is that far down the road yet.

We have SEARCH's task force on disposition reporting; we have enormous change in the FBI and the NCIC (National Crime Information Center) 2000 and their move to West Virginia and that whole upgrading of the system; you have the additional factor of Automated Fingerprint Identification Systems that are not paid for by the Federal government, but are investments that are being made by the States and localities. In the early 1990s, we literally have another enormous opportunity, and I really see a coming together both in the Federal government, within the structure of the assistance that is going out to the States and within varied factors that overcome the impediments that existed in the past, and in the States.

I wish to a certain extent, because of the quality and eloquence of the messages we have already heard, that the larger community of people who are involved with the Bureau of Justice Assistance and the agencies that are going to need to move into that area were here today. It is going to be extremely important that the agency that will be required to produce that State strategy knows who the SEARCH network is and knows who the statistical analysis people are and certainly knows who their State court administrator is and brings an application together that makes sense, both for the \$27 million and for the major funds that will come out of the 5 percent set-aside of the State block grants.

But I will return again to the first assertion because it seems to have had great difficulty over the years. Every consequential change, every improvement in one way or another is tied to the criminal history records. So although we may be small in number here today, I think we have an enormously important message to try and communicate to every constituency we touch.

The Importance of Data Quality for Research and Practice Part One

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My task today is to reflect on the past, talk about some of the issues that seem to be emerging today, and make some suggestions about what we should consider in the near future as the issue of data quality becomes more of a central concern — not just for criminal history professionals, but also for the public at large. Approximately seven years ago, SEARCH and the Bureau of Justice Statistics (BJS) convened a conference similar to this one on data quality. The proceedings of that conference and the companion volume on data quality have guided much of our thinking on this topic since that time. Today, however, we are confronted with a different set of issues when we discuss data quality. In my remarks, I will briefly review the highlights of the 1984 conference, outline some issues we face today, and offer some thoughts on the implications of those issues for what we have to do as criminal history professionals, as policymakers, and as researchers.

In 1984, computerized criminal history (CCH) information systems were just becoming a reality for most jurisdictions. The concern discussed then was how to achieve complete, accurate and timely criminal history systems for criminal justice operational uses. The problem was dispositional data. It is a sign of the half-empty part of the glass that many of

this morning's comments were directed at that same set of goals: achieving computerized systems that are complete, accurate and timely for operational use. Only one speaker in 1984 paid special attention to noncriminal justice users of CCH data. George Trubow sounded the alarm on this then-emerging trend. In 1984, only one speaker spoke of the demands on CCH systems by policymakers for other than operational uses, such as point-of-check references on gun sales, sentencing guidelines systems, etc. Those issues were not central to our thinking in 1984. The definition of quality was simply "complete, accurate and timely." No other dimension was even considered.

Finally, in 1984, it was suggested that the proof of data quality was in the use of the systems. While some suggested audits as a goal, the position of one speaker that "there's probably no better measure of the quality of water than the number of trips to the well" was much more widely accepted. I doubt the citizens of Baghdad would accept that as a definition of water quality today — if there is only one well or one river, that is the one you are going to use regardless of your assessment of its quality. In short, the issue in 1984 was how to achieve a complete, accurate, timely, fingerprint-supported, computerized compilation of 15 to 25 "reportable events" for use by operational agencies in specific cases.

Achieving Early Vision

What exists now? SEARCH reports, as others have noted this morning, that there are over 45 million individuals in criminal history files; that 60 percent of these are automated; that only three States have no automated criminal history information; and that in at least 10 States, there is complete automation of criminal history records and files. For many jurisdictions today, the dream of 1984 is now a reality. For the other jurisdictions, or for those who are trying to fill the other 40 percent of the glass, the only restraints are political will and dollars. The issues, the technology, the work that has to be done is fairly clear to achieve this earlier vision of what CCH should look like.

In Maryland, we have a very highly automated system that is fingerprint-supported with routine audit capabilities that, by any measure, would meet the standards of 1984 with ease. It has received support from the highest level of government for many years but especially in the last five years. With all the talk about court involvement, it has been the Chief Judge of the Maryland Court of Appeals, the highest court in our State, who has brought the strongest leadership over the longest period of time to the development of our criminal justice information system. However, such success has its costs — most notably increased demand for access to CCH data.

Today, increasing demand for access to CCH comes from numerous noncriminal justice users. I think it is correct to conclude that this is a positive development. I am sure those of you working in criminal justice information agencies around the country know that the demand for access to criminal justice information is now a reality. Legislation requiring background checks for childcare workers and transportation workers are a reality with which we have to deal. Policymakers have learned the value of data in CCH systems and are asking increasingly sophisticated questions of these systems. Requests for record reviews and expungements are increasing dramatically as people who are in your systems recognize that the data are being used more widely. In short, the role of CCH since 1984 has changed and the demands have also changed. These changes are occurring, however, when most governments are facing near catastrophic revenue shortfalls. Every aspect of government, but especially data systems, are coming under closer scrutiny. What does all this mean? What are the implications for us? Let me suggest three fairly obvious, but I hope useful, indicators of what this might mean.

Importance of Audits

First, I think the issue of audits is one we can no longer talk about; it is an issue we have to address and achieve. Paul Leuba will address this conference about our experience in Maryland with audits, but let me just say a few words describing what we have done. Beginning about three or four years ago, with the leadership of Paul Leuba and Robert McKeever, the head of our Criminal Justice Information System Advisory Board, the State of Maryland decided that it wanted to seriously audit our criminal history information system. Two things stood out. One was the fact that there were more users and more demands for use coming on the system, and that made it imperative that we make those systems as accurate and complete as possible. Second, as systems begin to be used for other than operational purposes, there is less room for self-correction. There is less room for knowledgeable criminal justice professionals to look at a record, note the problems and discrepancies and, through interpretation, make corrections. So Maryland decided that we would proceed with audits in a scientifically sound manner and, perhaps maybe more importantly, in a manner that would be *perceived* as being scientifically sound.

The decision was that these audits would not be done by a State agency. We decided to do the audits by contracting with SEARCH and Price Waterhouse. They were selected after a competitive process to help us develop a methodology that would allow us to scientifically assess the

credibility and accuracy of our criminal information system. Price Waterhouse and SEARCH did that for two years. Paul Woodard was one of the lead workers on that project, developing the methodology and testing it in a number of jurisdictions, at which point the State decided that it would take over the routine operation of the audit. The auditing would not be done within the two branches of government that run the criminal justice information system, the executive or the judiciary branch. Rather, responsibility for the audits was placed in the legislative branch of government, in the Maryland Legislative Auditor's Office. That office now has the function of auditing the criminal history information system using the same methodology developed by SEARCH and Price Waterhouse. The importance of these decisions is that a sound methodology was developed and is now being applied in a way that assures the perception, as well as the *reality*, of credibility.

If you enter into audits, and I strongly urge you to do so because of the changes in the uses of criminal history information, there will be some consequences. Once you audit, you have to correct. You have to correct not only the individual cases that you find in your samples that

may have errors in them, but you have to make systemic changes. Maryland is now just getting to that stage of identifying the problems in the information systems that may be systemic on a local jurisdiction or at a statewide basis and starting to make those corrections. Audits are excellent for identifying not only the specific case problems but also the systemic problems.

Defining Data "Utility"

A second implication of the changing role of CCH has to do with a change in how we define the quality of criminal justice information data. It is time for us to move beyond "complete, accurate and timely." We need to add "utility" as a fourth dimension of quality. The definition of quality should be expanded to include an assessment of the value of data included in these systems — that is, its use to multiple users. As you look closely at your current system, you will begin to raise a series of questions. One is, "Why are we collecting some of these bits of data?" We collect bail information in Maryland, and we now know that it is a pretty bad piece of information. Once we looked at that, the related questions emerged: Why do we want it? What do we need it for? Who is using it?, etc.

We do not have good "failure to appear data" in many jurisdictions, yet we know that failure to appear is an essential part of the criminal record. SEARCH reports that only 22

out of 50 States maintain fingerprint-supported criminal records on individuals who are brought in on a warrant or summons, and who are then found not guilty and released. There is a significant piece of information, a significant piece of activity, that we should consider whether we should be collecting. In short, I suggest that we need to do a fundamental reassessment of what we include in CCH and why. Once we get past arrest and disposition data, including corrections and probation and parole, we may find it difficult to explain why we spend the public's money to collect some data and not other, especially if we know that there are significant barriers to collecting some data accurately. For this reason, in Maryland, our information advisory board has begun the first steps in reviewing our 21 reportable events to assess which of those should be continued, which might be eliminated, and which elements might be added.

Finally, let me suggest that another implication brought about by the change in the nature of CCH since 1984 is this: the traditional distinction between criminal information agencies and statistical systems and

agencies must be rethought. Properly structured, CCH systems can and should provide data that can be used to address criminal justice policy questions. The kinds of questions I suspect you are asked every day by your governors and legislators are not case-specific. They involve the aggregation of data, frequently on an offender — not case — base. We need to look at the investment of resources in information systems and make sure that they are allowing us to address the policy issues and enable us to conduct the kind of research that we as academics want to do — but also, more importantly, to do the kind of research that policymakers are demanding of us.

The first phase of CCH systems involved creating and marketing the idea. That was the period up until the late 1970s. Phase two, which many States have or are about to achieve, was the accomplishment of the original LEAA (Law Enforcement Assistance Administration), FBI and SEARCH operational goals for CCH. The future requires that we rethink these goals, recognizing the new demands on CCH, the new uses, and the resulting expanded definition of data quality.

The Importance of Data Quality for Research and Practice

Part Two

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I would like to share a few observations that I have made during the early days of my Fellowship at the Bureau of Justice Statistics (BJS). I will center my comments on issues of data quality for criminal justice information systems which extend to noncriminal justice uses and management issues, as well as research and planning.

When I was the legal ombudsman at the Lane County (Oregon) District Attorney's Office and was working with criminal justice information, the process of locating and utilizing the data was slow and cumbersome. In fact, some of the data needed by the prosecutors for their decisions were either not known by law enforcement or not easily retrievable. This obstructed the decisionmaking process and created enormous problems for all of us involved.

Today many of those problems have been solved with the help and support of BJS under the direction of Dr. Steven Dillingham and the work of SEARCH. As the process improves and new demands are made on this information, however, new problems and questions have surfaced. The following list of questions is illustrative of the types of issues that can be answered better next year than they can today.

(1) Who is using criminal history information? An Illinois audit has revealed that more requests come from noncriminal justice agencies than from criminal justice agencies, but who uses what information and for what purposes?

- (2) What are the data informing the users concerning the control and management of crime? In other words, how useful are the data and the systems that have been developed? Have policies been sensitive to multiple uses for the data?
- (3) What stages have the States reached in their development and utilization of criminal history records? What levels of dispositional data are being reported and collected? At what level is the linkage among agencies and units, i.e., arrest and conviction data, independent and dependant systems, adult and juvenile?
- (4) How are we defining quality? Are we more concerned with accuracy or reliability?
- (5) What are the measures of performance, and by what method can we determine how effectively and efficiently the States have used money for improvements? I think there is a need to evaluate and measure the progress of each State. Such an effort would serve the purpose of determining how far each State has come and how that progress was made.

In my experience in Oregon, we were looking for suspects who would qualify for placement into the career criminal program. If the individual's record reflected the current criteria, he or she would be targeted for immediate apprehension, no pretrial release, vertical prosecution and a lengthy sentence recommendation. The



quality of the data was critical to detect the proper individuals who fit the criteria or profile. That one decision — whether to include a person in a targeted group — resulted in a variety of consequences, including targeted or enhanced law enforcement, no pretrial release, intensified prosecution and a lengthy sentence.

Obviously, the *consequences* of these decisions to the system and to the individual are important issues and must be examined. The use of and reliance upon sophisticated computer records makes the whole process more effective. These records can be purged, validated and audit trails established to identify who gained access to whose records and for what purposes. But are these technological capabilities being utilized? Are we using what we know to improve our knowledge base and decisionmaking capabilities, and what is the effect?

Beyond these concerns, there are several operational issues which must be addressed. The meaning of quality has been challenged but has no ideal definition. Its meaning changes with the nature and scope of the operation. Similarly, the issues of completeness and timeliness have been kicked around, but it is necessary to understand that what is complete and timely for criminal history records may not be the same for all operational issues.

The data from criminal history records have a variety of practical uses. I recall my prosecuting attorney dreaming of the day when he could have sufficient data to analyze his office not as a process by the numbers but as an offender-based infrastruc-

ture, knowing not only how many offenders have gone through his office and the courts, but the profile or characteristics of these offenders, the dispositions of their cases and whether these same individuals have been investigated, arrested or convicted in neighboring areas.

Certainly that dream is a reality in some jurisdictions. In fact, law enforcement management systems exist which receive police reports directly from computer terminals in vehicles as well as offices. Data from these systems serve as the foundation for many law enforcement functions. The most sophisticated systems analyze and transfer fingerprint and photographic information for identification purposes, transfer the appropriate information directly to the incident-based Uniform Crime Reports division and create *modus operandi* based on common patterns in offenses. Routinely and immediately, the analysts can generate maps identifying locations and times of investigations, arrests or any other activity programmed into the system. Additionally, these systems can generate reports based on organizational measures, incident-based information or offender-based data. For example, information on case attrition and case solution can be provided by offender or type of offense. Obviously, the only limits are set by the imagination and the computer programmer.

The system designers and salespersons inform me that they are working on expert systems or neural networks to solve a variety of problems more efficiently than the rule-based models. Many of these manufacturers have

designed interactive systems for use among law enforcement, prosecution, courts and jail operations. These are the future of the criminal history records.

As Dr. Charles Wellford and I both mentioned, a variety of uses of this information will come from outside the criminal justice arena. I will never forget the comment I heard while working for the Dade County grand jury in Miami. One of the investigators who was assigned to a child abuse case stated that most of us spend more time and energy investigating our automobile mechanics than our childcare workers. And that was in Florida, a State where the information is available to the public. Since that time, the public has demanded that childcare facilities "certify" that their workers have had a criminal record check. Similarly, other employers have a vested interest in these criminal history records. Further, there are flourishing businesses that predict the likelihood of victimization for convenience stores, hotel and apartment locations. They are built upon different types of criminal history record information.

We have heard this morning that the costs of criminal history record information are increasing and that cooperative agreements among agencies and between government agencies and the public are complex and expensive. We have also heard the importance of understanding the limits of our current data and the need to generate information that can serve multiple users. It is an enormous challenge to develop and administer the programs, but it is also an added opportunity to create a system that works for everyone.

Criminal History Record Information: The State of the States

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In 1989, SEARCH Group, pursuant to a cooperative agreement with the Bureau of Justice Statistics of the U.S. Department of Justice, conducted a nationwide survey of State criminal history record repositories. The survey and the resulting report¹ comprised a part of the comprehensive study undertaken by the Attorney General in response to the Congressional mandate contained in the Anti-Drug Abuse Act of 1988 "to develop a system for immediate and accurate identification of felons who attempt to purchase"² firearms.

In November 1989, when Attorney General Dick Thornburgh issued his final report to the Speaker of the House, he advised the Speaker that "the lack of readily accessible conviction records is the greatest obstacle to an immediate and accurate identification system."³

The purpose of the survey which we undertook was to assess the quality of the repositories' criminal

history record information and to determine the accessibility of the information. In addition, the extent and frequency of data quality audit activity in the States was examined.

We started the survey process in early 1990, when the SEARCH Membership Group met in Sacramento, California, and served as a review/test group for the "Survey to Assess Data Quality in the States." In March of this year, the Attorney General released the report, *Survey of Criminal History Information Systems*, at his "Crime Summit" in Washington, D.C. The report is a part of the Bureau of Justice Statistics' Criminal Justice Information Policy series and contains the findings of the national survey.

In regard to the methodology of the survey, the following should be noted:

- We did no *on-site* verification of responses; the survey reflects self-report results.
- We completed extensive telephone follow-up with each of the survey respondents.
- Finally, we mailed a draft of each of the completed tables to each of the survey respondents for confirmation of the data.

The focus of the survey was obviously data quality. Typically we view the elements of data quality for criminal history record purposes as (1) completeness, (2) accuracy and (3) timeliness. In addition, on this survey, there was an emphasis on *availability* of the data held by the criminal record repositories.



¹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Survey of Criminal History Information Systems*, by Sheila J. Barton, SEARCH Group, Inc. (Washington, D.C.: Government Printing Office, March 1991).

² Anti-Drug Abuse Act of 1988, § 6213, Pub. L. No. 100-690, 102 Stat. 4181.

³ Correspondence from Dick Thornburgh, U.S. Attorney General, to The Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives, November 20, 1989, p. 3.

Areas of Inquiry

The subject areas of inquiry consisted of the following:

- (1) Descriptions of criminal history record information and master name index databases, including
 - Numbers of records,
 - The extent of automation of the records,
 - The extent of fingerprint-supported criminal history records;
- (2) Felony flagging capability of the criminal history repositories;
- (3) Completeness of the databases, looking at the various components of the criminal justice system that do or do not report, including
 - Law enforcement reporting,
 - Prosecutor reporting,
 - Court disposition reporting,
 - Correctional information,
 - Probation and parole;
- (4) The record treatment of modification of felony convictions;
- (5) Procedures to improve data quality, including
 - Disposition and arrest/charge reporting and linkage of that data,
 - Audits,
 - Other strategies;
- (6) The extent of participation and the intentions of the States to participate in the Interstate Identification Index; and
- (7) Search methods and policies for firearms purchases.

Since the report does consist of 22 very "data heavy" tables, I would like to highlight some of the findings. This should serve to give a snapshot view of the state of the criminal history records of this country.

In terms of describing what the criminal history record databases looked like, we found that, as of December 31, 1989, the total number of subjects in the States' (including the District of Columbia) criminal history files was 45,676,400. Sixty percent of those records, or 27,421,500 were automated. (This figure applies only to the criminal history file, including partially automated files; it does not include the master name index.)

We further found that 47 States and the District of Columbia have *some* automation of their criminal history records — the criminal history file and/or the master name index. Eight States and the District of Columbia have *partially* automated master name indexes, and 33 States have *partially* automated criminal history files. There are 10 States which are completely automated.⁴

As of December 31, 1989, three States — Maine, Mississippi and West Virginia — remained completely nonautomated. Since that time, however, Maine has begun to automate their records starting with

the master name index. West Virginia is one of the recipients of the Bureau of Justice Statistics/Bureau of Justice Assistance grant dollars for criminal history record improvement and is launching an effort at planning and implementing automation of their records. To my knowledge, Mississippi has done some very preliminary consideration of how to approach automation in that State.

During 1989, a total of 6,062,400 fingerprint cards were submitted to State criminal history repositories. In 38 States, 100 percent of the arrest events recorded in the criminal history file are fingerprint-supported. On the opposite end of the spectrum is Massachusetts, where *no* criminal history record is fingerprint-supported. Massachusetts, however, is also a grant recipient of the Federal data quality dollars and is moving toward a fingerprint-based system.

Finally, we were interested — primarily with respect to the sale of firearms issue — in the States' felony flagging capability. Forty-one States either flag (13 States) or have sufficient data reported (28 States) to flag felony convictions on the criminal history file.

Further inquiry into the completeness of the data in State criminal history repositories revealed that 23 States representing 51 percent of the Nation's population have dispositions⁵ recorded for 70 percent or more of the arrests in the last five years. Of course, the reverse of that is

⁴ The States are Colorado, Georgia, Hawaii, Idaho, Michigan, Montana, Nevada, Oregon, Rhode Island and Washington.

⁵ For purposes of the survey, "disposition" was defined as release by police without charging, declination to proceed by prosecutor, or final trial court disposition.

that 27 States representing 49 percent of the population have less than 70 percent recorded dispositions.

Since 1983, when we conducted a somewhat similar survey,⁶ most States have shown an increase in the number of dispositions reported to the State criminal history record repositories.

Reporting Mandates

The next area we looked at was whether the State legislatures had taken any action in mandating reporting of events which would contribute to a more complete, accurate and timely criminal history record. In looking at the data required by State law to be submitted to the State criminal history repository, we found that 32 States and the District of Columbia require that declinations to prosecute be reported to the repository. In 41 States, reporting of felony trial court dispositions is mandated. Data regarding State prison admission and release information (felonies) must be reported in 36 States, and 23 States also require local correctional facilities to report admission and release information on felonies. Thirty States require probation data, and 30 States also require parole data to be reported to the repository. Although the number of States in the last two categories is identical, the composition of the States is somewhat different.

⁶ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *State Criminal Records Repositories*, Technical Report (Washington, D.C.: Government Printing Office, October 1985).

One of the gaps in the criminal history records is the lack of reporting when a subject is not subsequently charged after the subject's fingerprints and arrest information have been submitted to the repository. Only 24 States require that the arresting agency report to the repository the decision to not charge the subject.

With the exceptions of local correctional data and notification when the arrestee is not subsequently charged, most States require most components of the criminal justice system to report information to the criminal history record repository.

One of the exceptions to a felon purchasing a firearm occurs if the conviction has been modified in certain ways,⁷ so we looked at how the States handled those modifications. Twenty-four States and the District of Columbia have statutes providing for the expungement of felony convictions; 35 States and the District of Columbia have statutory provisions for setting aside of felony convictions; 47 States provide for pardons, and 35 States have statutes which provide for the restoration of a convicted felon's civil rights. When

⁷ "Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms." Gun Control Act of 1968, as amended, 18 U.S.C., § 921(20)(B) (1988).

an order modifying the felony conviction is received by the repository, the action taken by the repository varies from State to State. In some instances, the record is destroyed. Some retain the record with the action noted; some seal the record. In still others, the record is returned to the originating court or, in the case of pardons, to the Governor's office.

Getting the data to the criminal history record repository is only part of the picture. The other part is how efficiently that data are added to the record. The issue here, of course, is timeliness of the data held by the repositories. As a part of our telephone follow-up to the survey, we asked the respondents about backlogs in entering data reported to the repositories.

Respondents indicated that the time between arrest and the receipt of the arrest data by the repository is quite timely — ranging from one day (not counting the District of Columbia, where the Metropolitan Police Department also serves as the central repository) — to 42 days. Entry into the master name index, with four glaring exceptions, is also timely. Nine States, however, report a backlog in entering the data into the criminal history record database.

Disposition reporting to the central repository is a little slower than arrest reporting, ranging again from one day, but taking one State up to one year to receive disposition information. Thirteen States report backlogs in entering the disposition data into

the criminal history record database.

Information on the admission to correctional facilities is reported to the repositories from one day to 90 days. Seven States report backlogs in entering corrections data into the criminal history record database. Some States noted that this information is given priority in their States, which probably helps to account for the lowest number of backlogs in this category.

Data Improvement Strategies

There are a number of procedures that States are employing to encourage more complete arrest and disposition reporting, such as generating lists of arrests with no dispositions (18 States); making field visits to contributing agencies (29 States and the District of Columbia); sending form letters indicating problems (36 States); and telephoning agencies (31 States and the District of Columbia).

On our survey, we also listed a number of procedures or strategies which have been identified as those which improve the completeness and accuracy of criminal history records and asked the States to indicate which of those procedures they were using. Methods used to link disposition information to arrest/charge information included the use of a unique tracking number for the individual (33 States and the District of Columbia); the use of a unique arrest event identifier (28 States and the District of Columbia); the use of a unique charge identifier (20 States); the arrest date (34 States); the subject's name (38 States); and the subject's name and reporting agency's case number (27

States). Again, with the exception of Massachusetts, where there was no linkage to the fingerprint-supported arrest records, all States used at least one method; most used more than one.

A second strategy for improving the quality of criminal history records is auditing. During the past five years, 11 State criminal history record repositories have undergone data quality audits. The audits were conducted by either the repository itself, another State agency, a private organization, or in one case, by both the repository and another State agency. In addition to audits of the repository, auditing of user agencies is a procedure which can improve the quality of the criminal history records. Seventeen States reported that they conducted random sample audits of user agencies. Since the survey was taken, the State of Illinois has implemented a local data quality audit program and also has begun auditing user agencies. The process of auditing is an area where we anticipate a large increase due to the Federal criminal history improvement grant program.

Other strategies for improvement included the manual review of incoming source documents (45 States and the District of Columbia); computer edit and verification programs (34 States); manual review of transcripts before dissemination (30 States); error lists returned to the reporting agencies (12 States); manual

double-checking before data entry (15 States); and random sample comparisons of State criminal history record files with stored documents (11 States).

Participation in the Interstate Identification Index (III)⁸ is really not a data quality issue except to the extent that the assumption is that the closer you are to the source of the information — i.e., the State itself — the more complete the record will be. Currently there are 20 States which participate in III.⁹ Criminal history files available for use in III range

⁸ III is a system that, when fully operational, will replace the "national repository" approach in favor of an approach utilizing a national index to link together the State repositories. The III index maintained at the national level will contain only personal identification data on individuals whose criminal records are maintained in State criminal record repositories (State offenders) and in the criminal files of the FBI (Federal offenders). The index will serve as a "pointer" to refer inquiring criminal justice agencies to the State or Federal files where complete criminal history records on inquired-upon individuals are maintained.

⁹ The participating States are California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Virginia and Wyoming.

from 20 percent to 100 percent (the average is 52 percent).

Finally, we looked at what the States are currently doing in regard to records checks for the sale of firearms. Twenty States and the District of Columbia currently conduct presale records checks of the State criminal history repository in connection with the purchase of firearms. Most States consider gun checks a criminal justice purpose.

In conclusion, I would just note that there has been a good deal of interest in the results of this survey by policymakers and criminal justice practitioners alike. In addition, when the Attorney General released the report of the survey findings, he also released an *Overview* in which he indicated that there would be a "follow-on 1992 survey to measure the progress of the program for improving criminal history records."¹⁰ There should be little doubt that the results of the 1992 survey will be carefully scrutinized and closely compared to the 1990 data.

¹⁰ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Attorney General's Program for Improving the Nation's Criminal History Records and Identifying Felons Who Attempt to Purchase Firearms: Overview* (Washington, D.C.: Government Printing Office, March 1991) p. 5.

**Using Criminal History Records:
Issues and Opportunities**

Courts and the Importance of Disposition Reporting
Judge Dalton A. Roberson Sr.

Data Quality Problems in Corrections
Charles M. Friel, Ph.D.

Courts and the Importance of Disposition Reporting

DALTON A. ROBERSON SR.

Executive Chief Judge

*Third Judicial Circuit Court of Michigan and
City of Detroit Recorder's Court*

During the past 10 years, no greater need has arisen within the criminal justice system than the necessity for accurate and timely information. I propose to you that the most-needed information is accurate and timely criminal history and disposition reports.

In my State, Michigan, we are constantly reminded that a large percentage of the crimes in our community are committed by a small percentage of the people in our community. This proposition, which I have no reason to disbelieve, supports the conclusion that it is extremely important to quickly identify the perpetrators and remove them from the community, that is, completely segregate these repeat, hard-core offenders from the general population. Accurate criminal history reporting, which allows us to target our limited resources on these hard-core criminals, becomes even more important during a time of diminishing resources, such as we are now experiencing.

The latest figures with which I am familiar indicate that the United States has a higher incarceration rate than any other nation in the world — higher than the Soviet Union and South Africa. If this is true, and we consider it in relation to the high

recidivism rate, then we must start identifying the people who are actually committing the bulk of the crimes. In Michigan, we have 31,000 prison beds; we need to make certain that the 31,000 worst offenders occupy those beds, beds which cost the taxpayers \$25,000 each per year.

During the past decade, there have been numerous laws passed by various State legislatures in response to the reported high incidence of recidivism. Some laws require mandatory minimum sentences for first offenders. These kinds of laws *can waste* prison resources. Another set of laws mandate enhanced punishment for individuals who have previous convictions and are subsequently convicted of new offenses. It is, therefore, essential to be able to quickly and accurately identify these people.

In Michigan, if a defendant is convicted of a fourth felony, although the substantive offense may be punishable by a maximum of five years in prison, the fact that the defendant is being convicted a fourth time can enhance his punishment to life imprisonment. In regard to this legislation, however, the Michigan Supreme Court has ruled that in such cases, the prosecutor must charge the defendant as a fourth offender within 14 days of the arraignment on the information, or the prosecutor is barred from initiating such prosecution. This requirement makes obvious the need for quick and accurate criminal history and disposition information.



Nationally, if enhancement laws are to work *and* are to make a difference in removing repeat offenders from our streets, accurate criminal history reporting becomes an absolute necessity.

Mobility: Who You Have and Why

Another social fact which speaks to the importance and necessity of national criminal history and disposition reporting is the *mobility* of the criminal population.

Recently, I was watching television and happened across a program called "Cops." The defendant had been arrested and charged with a felony. Because of the lack of accurate criminal history reporting, however, the message that appeared across the television screen explained, "[A]lthough the defendant had 20 previous cases and four cases pending, he was released before anyone know who he was." We have all heard horror stories about rapists, robbers, murderers and other high-profile cases where the defendant had been identified as the perpetrator in one State, and was arrested in another State, but released before the proper background and identification checks were completed. No message could be more illustrative of the need for accurate and timely criminal history and disposition reporting *and* on a national level.

Timely, accurate criminal history and disposition reporting is *also* one of the greatest tools in the efficient management of large urban criminal court dockets. Let me explain how we use criminal record information in the Detroit Recorder's Court.

First, within hours of a defendant's arrest on a felony, court personnel interview the defendant to determine the extent of drug use and to check for any prior record, including juvenile. They then make a recommendation regarding bail.

All of the information gathered in the interview is entered into the court's computer corresponding to the defendant's fingerprint number; it is also assigned a case tracking number. The case tracking number, or CTN, is used to track a case from arrest through disposition. The fingerprint number tracks the defendant, while the CTN tracks the case.

After the bail interview is completed, bail staff enter information from the police write-up of the case into the computer along with criminal history information. The computer then calculates a sentencing guideline. At that time, the fingerprint number is also entered to determine if the

defendant has any other open cases in the court. Finally, sentencing guideline scores are cross-referenced by name and fingerprint number.

A copy of the sentencing guideline printout, printouts of any pending case, a copy of the defendant's criminal record and the police write-up, plus a pre-signed automatic discovery order are attached to the order assigning the case to a specific defense attorney. This processing is completed within two days of arrest. We depend upon a network of information systems in order to achieve this result.

Defense attorneys, armed with a complete discovery package two days after arrest, are able to review the case and make informed decisions early in the process.

Packaging Cases

Another procedure we use is called "case packaging." If probable cause is found in the lower court to bind a felony case over to the Recorder's Court for trial, the first task of our staff is to enter the defendant's fingerprint identification number into the computer to determine if there is another open case on the same defendant. If there is, the new case is then assigned to the judge with the old case. By using this procedure, all cases for a particular defendant are adjudicated by the same judge — the defendant does not have four cases in four different courtrooms. Without a fingerprint number, a defendant could

use aliases, as about a third of the defendants do, and could, conceivably, be a first offender in four different courtrooms.

Lastly, we report dispositions to the State Police by computer using the fingerprint number and the CTN number. Under our old manual system, only 25 percent of the dispositions were being reported by the local police arresting agency. Under the new system, all dispositions are reported by the court. The information provided by the Recorder's Court as to these dispositions adds to the available databank.

As you can see, having accurate and timely criminal history and disposition information is absolutely vital to the Recorder's Court, both in terms of present and anticipated requirements.

Speaking further to the Recorder's Court's recognition of the necessity of criminal history and disposition reporting, the Recorder's Court has assumed a very active role in seeing that accurate information is available. For example, a "computerized criminal history" committee meets each month and representatives from all justice agencies attend.

As a result of information disclosed at those meetings, the court, in partnership with the State Police, arranged to train the police officers in

all 42 municipalities in Wayne County to fingerprint properly. From the meetings, it was learned that nearly three-quarters of all fingerprint cards were being returned for reprinting. We have instituted new procedures whereby supervising Wayne County police officers and prosecutors check to see that fingerprint cards are complete and that prints are not smudged.

The court's computer is interfaced with the State Police computer, and we have law enforcement information network terminals in the court. The State Police also have a quality assurance unit to check fingerprint quality before the prints are finally read into the State's automated fingerprinting information system computer.

Finally, at the Recorder's Court, we have revised all court forms so that the fingerprint identification number appears on each form. By doing so, we utilize a resource which is already in place and afford ourselves an opportunity to refine and enhance this system. Without accurate fingerprints early, the court could not provide early discovery or perform case packaging.

The Recorder's Court has been and continues to be perhaps more aggressive than even the police in taking whatever action is necessary to assure that accurate and timely criminal history and disposition reporting systems are in place and functioning. Our role in this area may be unusual, but considering our level of automation and our speed, our docket management operations depend on accurate and timely information.

In describing to you specific examples of the dependence of the Recorder's Court upon criminal history and disposition reporting, I hope I have explained and helped you understand why accurate and timely criminal history information is important to any court. I wish, however, to stress that all agencies involved in the criminal justice system must work together if we are to achieve truly accurate and timely criminal history and disposition reporting.

Data Quality Problems in Corrections

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It is a distinct pleasure to be here this afternoon and to share a few thoughts on the emerging issue of data quality problems in corrections.

Upon reflection, I find this topic complex for two reasons. First, the term "data quality" subsumes a wide range of considerations, including the timeliness, accuracy, completeness, accessibility, utility and validity of correctional data. In addition, the qualitative thresholds of each of these dimensions varies depending upon whether the data are to be used for operational, managerial or strategic purposes.

The second factor which complicates the topic is the extended meaning of the term "corrections." Relatively speaking, the terms "law enforcement," "courts," and "prosecution" are rather specific, whereas the term "corrections" includes a very diverse array of agencies and programs. Just consider the following facets of corrections: juvenile, adult, pretrial, post-conviction, institutional, community, public and private; agencies in both the judicial and executive branches, as well as agencies in local, county, regional, State and Federal government; not to mention interstate compact agreements governing both juvenile and adult probation and parole.

From these observations, it should be apparent that any analysis of correctional data quality issues is challenging and not likely to be exhausted in this afternoon's discussion.

What I propose to share with you, therefore, is a brief overview of several trends which I think are driving contemporary corrections, and five factors emerging from the unique confluence of these trends which may affect the quality of correctional data in the future.

Trends Driving Contemporary Corrections

Although the list of factors and countervailing forces that have molded the current state of corrections is legion, there are at least four which I believe significantly account for the present state of affairs. These include:

- (1) the public's perception that crime is out of control;
- (2) the "get-tough-on-crime" philosophy that has dominated correctional policy over the past decade;
- (3) the corrections case law revolution wherein the Federal courts have intervened in the management of institutional corrections; and
- (4) the "no-new-tax" policy which has governed public policy in recent years.

In spite of the somewhat contrary impressions of crime trends reported in the Uniform Crime Reports versus the National Crime Survey, there is no question that the public thinks that crime is out of control. Understandably, the policy reaction to the public's fear of crime has been a get-tough strategy for dealing with offenders. This is manifest in the enhanced criminalization of many statutes, the demand for greater use of

incarceration, longer sentences, mandatory sentences, reduction of good time, erosion or elimination of parole and kindred initiatives.

At the same time, and independent of these initiatives, we have witnessed the death of the hands-off doctrine and in its place, aggressive intervention by the Federal court in defining the conditions under which the State can incarcerate offenders. No longer can the State over-utilize existing facilities, nor can it manage its inmate population without careful regard for the emerging standards of judicially defined inmates' rights.

Interestingly, these three trends crystallized in the 1980s at a time when the public was increasingly demanding "no-new-taxes." As a result, policymakers now suffer the dual burden of having to not only satisfy both the public's demand to be tough on crime but also to refrain from raising taxes. As a result, we have experienced the greatest prison expansion program in American history, but by all indications, prison capacity will nonetheless fall short of demand well through the end of the decade.

This shortfall in capacity, coupled with the restraint of "no-new-taxes," has resulted in growing pressure to find community alternatives to incarceration. The half-life of such alternatives is growing shorter, and more public and private agencies are

involved in the supervision of higher risk offenders in the community than in times past. The proliferation of these graduated sanctions has created an increasing need for valid classification systems, objectification of outcome measures, evaluation and forecasting studies, automation of manual recordkeeping procedures, and interagency exchange of quality information in order to monitor offenders moving from one sanction to another. As the offender population and the regime of sanctions has become more heterogeneous, there is a commensurate demand for sound correctional analysis to support policy development; in short, the need to find alternative programs to handle more offenders with proportionately less resources.

Factors Affecting Data Quality

Out of the confluence of these trends emerge five factors which I believe may substantially affect the quality of correctional data through the remainder of the decade. They include:

- Absence of a coherent and consistent correctional philosophy;
- Proliferation of relatively untested correctional alternatives;
- Lack of compatibility in correctional terminology;
- Failure of policymakers to appreciate the importance of systemic information systems in the development of effective correctional policy; and
- Excessive demand for accountability in corrections.

The Need for a Correctional Philosophy

Clarity of purpose is essential to good public policy. This is no less true in corrections than in any other area of public administration.

Notwithstanding whether practice met expectations, most would agree that the correctional philosophy which dominated the 1950s and 1960s was far less ambiguous than what we enjoy today. Thirty years ago was the era of the "medical model," which suggested that the goal of corrections was to receive and diagnose the offender, develop a surveillance and treatment plan, work toward the restitution of the offender and his/her reintegration into society. Many will argue that corrections did not achieve this end, but most would agree that these ends served as a unifying correctional philosophy.

Today, if one were to ask the question: "What is the purpose of corrections?", the response would be mixed. Some would suggest cost containment, others avoidance of litigation, while many others might say that managing overcrowded institutions and swelling caseloads is the primary mission. Given the public demand for retribution, many policymakers would argue that the goal is punishment and deterrence, while others would state that diversion from overcrowded prisons is the primary objective.

While each of these responses reflects a facet of the problem, none constitutes a clearly delineated and generally accepted philosophy of corrections. Without consensus of purpose and clarity of goals, the issue of data quality becomes ambiguous. The question of what data to collect and at what level of quality presupposes that corrections has an underlying philosophy which creates consensus on goals and objectives. If corrections is essentially reactive, struggling with the attendant problems of limited resources and public dissatisfaction, then information systems development is likely to be erratic and the quality of data will suffer. Good information systems and quality data assume an operational philosophy that has clearly articulated and generally accepted goals and objectives.

In the 1990s, it will be essential for corrections to determine its controlling interest. Should it be risk management, punishment, deterrence, treatment, cost reduction, success in litigation, crime reduction, rehabilitation, incapacitation or what? As it determines its controlling interest, corrections can gather and use appropriate data to optimize outcome. Without specification of its controlling interest, even worse, accepting contradictory controlling interests due to external pressure, it is likely that data quality problems will be pervasive in the future.

Proliferation of Correctional Programs

The past decade has witnessed the greatest proliferation of correctional alternatives in our history. The combination of rising crime, public demand for punishment, overcrowded prisons, judicial intervention, and either an inability or unwillingness to expand institutional resources to meet demand, has led to an unprecedented search for alternative community sanctions. Included are such options as pretrial diversion, community service, restitution, curfews, drug and alcohol testing, intensive supervision, random home visits and telephone contacts, in-house arrest, electronic monitoring, community restitution centers, boot camps, shock probation, split sentencing, and so forth.

While this regime of graduated sanctions may be long overdue, the rampant proliferation of such sanctions in response to economic needs has not necessarily assured appropriate attention to the development of quality information systems. In terms of balance, there has been considerably more emphasis on creating and implementing programs quickly than on exercising appropriate care in determining the purpose of each program, gathering the required data for proper assessment of offenders, and measuring outcomes. Typically, programs are implemented with vague specification of the offenders to be served. A plurality, if not a majority, are designed in such a way that they defy good evaluation, since they lack both control measures and sufficient quality data.

Another data quality issue arising from the rapid proliferation of alternative sanctions involves the exchange of data between sanctions. Increasingly, offenders move from one sanction to another and from one agency to another. This includes movement from juvenile to adult agencies, pretrial to post-conviction programs, community to institutional programs, and public sector to private sector programs. Optimally, it is assumed that each graduated sanction secures and maintains quality data on the offender, and as the offender moves from one sanction to another the data is forwarded accordingly.

I fear that this is not always the case. Graduated sanctions and the movement of offenders between sanctions is growing faster than the development of information networks among sanctions. Thus, it is not surprising to find an offender who has been moved from a community to an institutional program, while his/her medical and drug treatment information has been left behind. As corrections struggles with the competing goals of diversion, deterrence and cost containment, it is likely that the development of distributive information systems will fall short of need. Rapid proliferation of sanctions which lack clear purpose and supporting information not only will contribute to the growing data quality problem but also will frustrate administrators and policymakers in responding to the growing public demand for accountability.

Noncompatibility of Terms

Do boot camp programs work? Is intensive supervision any better than conventional supervision?

Answers to these questions not only assume that good evaluation studies have been conducted on individual programs but also that the terms "boot camp" and "intensive supervision" mean the same thing from one jurisdiction to another.

Unfortunately, the highly decentralized nature of the American correctional system and the rapid proliferation of new programs is no guarantee that the terms used in corrections mean the same thing from one place to another. An interesting indicator of the noncompatibility of correctional terminology can be found in the statistical reports published by the Bureau of Justice Statistics. Some tables in these reports contain almost as many footnotes clarifying definitional exceptions as they do data. This is not to criticize the work of the Bureau of Justice Statistics but simply to point out that such common terms as "institutional capacity," "overcrowding," "admissions" and "releases" are not defined the same way in different jurisdictions. Consider the following list of correctional terms, and ask yourself whether they have the same meaning from one jurisdiction to another:

- furloughs
- escapes
- recidivism
- need risk assessment
- case load size
- time served
- race/ethnicity

- minimum/medium/maximum security
- method of entry and exit from a program
- boot camp
- intensive supervision
- good time credit
- pretrial release
- nature of sentence
- release criteria
- failure
- committing offense
- success
- first offender

Clearly, each of these terms is an important operational criterion or outcome. If, however, the terms "escape" or "recidivism" do not mean the same thing from one jurisdiction to another, how then are we to determine the better approaches to reducing escapes and recidivism? In this sense, incompatibility of terms becomes a serious problem in trying to answer the question, "What works?"

As the correctional crisis has evolved from a local to a national problem, one would assume that there would be a comparable concern for standardization of terminology. I'm afraid that this has not been the case. The lack of a broadly accepted and clearly delineated correctional philosophy works against compatibility of terminology. In addition, rapid proliferation of noninstitutional sanctions in response to overcrowding

and cost containment has resulted in a plethora of programs which may be similar in name only. Not infrequently, two programs with the same name may in fact be handling significantly different kinds of offenders in substantially different ways, making evaluative generalizations about this particular type of program difficult, if not impossible.

Noncompatibility of terminology makes it difficult to assess the true nature of corrections. Comparisons between similar programs both within and between States is often hazardous, compounding the problem of determining what works. This is particularly unfortunate since policymakers and administrators both need and deserve sound information on which programs work best with which kinds of offenders, at what cost, and for what benefits. Such information is critical if policymakers and administrators are to justify budgets, identify visible alternatives and demonstrate good stewardship of public trust.

Failing to Understand Information Systems

Public concern over crime has forced policymakers to search for quick-fix, low-cost solutions to the correctional dilemma. Over the past decade, the policy response has focused on tougher sentences, greater use of incapacitation and avoidance of additional taxes. As even a beginning student of public policy might guess, this approach has not worked. While the rhetoric has been anchored in retribution and crime control, the results have fallen far short of the mark.

Policymakers have become increasingly frustrated that in spite of expanding prison capacity and graduated sanctions, a noticeable decrement in the crime problem has not occurred. In addition, they have been confused when they ask, "What works?", and no clear answer is forthcoming. This frustration is compounded when they ask how much more must be invested in corrections to get a noticeable difference, and are told that sufficient data does not exist to answer the question definitely.

A continuing dilemma for policymakers is that sanctions are implemented with little or no information on their potential efficacy. The urgency of the moment has too frequently forced them to act without the benefit of pilot studies, simulations or other analytic attempts to determine the utility of a new sanction beforehand.

To some extent, the current paradox of action-without-information can be credited to the failure to understand the importance of investing in information systems. While willing, albeit reluctantly, to fund prison expansion and community programs, policymakers seem less enthusiastic about investing in developing the integrated information systems

required to manage these correctional options. While most are aware of their need for information, many turn a deaf ear when advised that the development of such systems is expensive and may take four or five years before useful information is forthcoming. In addition, policymakers are frequently ignorant of the cumbersome and time-consuming problems encountered in developing systemic systems, for example, intergovernmental jealousies, systems compatibility problems, the incompatibility of data definitions, contributor/user issues, and so forth. There is also a tendency to believe that an information system is simply hardware, failing to realize that a system also involves the balanced integration of software, acquisition of quality data, development of good procedures, data quality audits and ongoing training.

Thus, we may well witness continued proliferation of correctional sanctions without commensurate investment in the information systems required to monitor, forecast future needs and assess impact.

Paradox of Accountability

The dilemma of contemporary corrections involves an aggrieved public demanding a punitive response to crime and the resulting proliferation of correctional sanctions at a time when "no-new-taxes" is the dominant caveat of public policy. While policymakers may invest in the development of graduated sanctions, they have not made a commensurate investment in the enhancement of the information systems required to manage these sanctions.

This has resulted in a paradox of accountability. Understandably, correctional administrators are under increasing pressure to demonstrate that sanctions work, but frequently lack the information to prove their case. Policymakers and the public want to know what corrections is doing with offenders, at what risk to the public, at what cost, and for what benefit? These are all legitimate questions of accountability, but the lag between program proliferation and information systems development has resulted in an accountability paradox which is not likely to dissipate in the near future.

Excessive demands for accountability, coupled with inadequate information, might change corrections in a number of substantive ways. The inability to adequately respond to basic questions of outcome may result in the demystification of corrections and the erosion of credibility. In addition, it may result in a shift from qualitative to the quantitative objectives for, as any bureaucrat knows, "what you count, counts." If corrections is to be held accountable, then it behooves administrators to focus their attention on those aspects of corrections which are countable, precipitating a shift from qualitative to quantitative objectives.

The paradox of accountability, coupled with judicial intervention, will precipitate the normalization of corrections. Simply put, if an agency is going to be held excessively accountable for its actions, it is in its

vested interest to promulgate rules, regulations, procedures and policies to assure that everything is documented and conducted according to explicitly stated policy. To grapple with the burgeoning population of offenders at a time of revenue shortfall, corrections needs more innovation and creativity, not normatization.

The paradox of accountability is not conducive to data quality in corrections. While reasonable accountability should result in the commensurate development of quality information systems, excessive accountability may have the unfortunate effect of moving corrections from qualitative concerns to misguided quantitative pursuits, mistakenly thinking that all that counts is what you count.

Summary and Conclusions

It would appear that the current correctional crisis is attributable to at least four factors: the public's growing fear of crime, the policy reaction of "Get-tough-on-crime," judicial intervention in the management of corrections, and the dominant caveat of "no-new-taxes." As a result of the unique confluence of these factors, the current state of corrections is not likely to be conducive to the development of effective information systems, so needed to support policy analysis, monitoring, evaluation and forecasting. Corrections lacks a coherent and sustained philosophy which would otherwise dictate what

information should be gathered and how it should be used. While there has been a proliferation of programs driven by the concept of graduated sanctions, program development has been more a reaction to institutional overcrowding than a proactive initiative to constructively address public concern and offender needs and risks. Proliferation of sanctions in the absence of information systems development has resulted in substantial incompatibility in the terms used in corrections, which has further frustrated policymakers' quest to determine what works. On the other hand, while policymakers have been willing to invest in the expansion of sanctions, there has not been a commensurate willingness to invest in information systems to support program development and evaluation. Finally, the lag between program development and information systems development has created a paradox of accountability wherein there is an increasing demand to demonstrate what works and a paucity of information to answer the question.

In conclusion, it is my considerate opinion that data quality is not only a significant problem in corrections

today but one likely to get worse in the near future. Resolution of the problem will require corrections to evolve a clearly articulated and sustained philosophy, which is mirrored in the thoughtful design and implementation of correctional sanctions. In addition, corrections needs to educate the policy community on the importance of information systems development. Program proliferation without adequate information is simply action without reason. A clearly articulated and sustained correctional philosophy is also prerequisite if corrections is to avoid defaulting to simplistic quantitative objectives in lieu of qualitative ones, capitulating to the bureaucratic hazard of believing that what you count, counts.

Federal Bureau of Investigation Initiatives

FBI Reporting Standards and Initiatives

Melvin (Bud) D. Mercer

FBI Reporting Standards and Initiatives

MELVIN (BUD) D. MERCER
Chief/Legal Counsel
Identification Division
Federal Bureau of Investigation



In viewing the many "data quality initiatives" in effect within the FBI's Identification Division, one must have an appreciation of the magnitude of the operation the FBI is managing. Our record system contains criminal records on over 26.4 million people. Over 37.9 million people are represented in our civil file, a completely manual operation.

With regard to the 26.4 million records in our criminal file, approximately 14.4 million records are completely automated. These 14.4 million records are available via the Interstate Identification Index (III) system. Of the 12 million manual records, approximately 8.7 million have only their name indices automated while the actual criminal records — paper records/rap sheets — remain manual. The remaining 3.3 million records are *completely* manual.

Approximately 150,000 active warrants are posted to criminal records. There are over 64,000 authorized users of our system.

A Month at the ID Division

What is a typical month like in the Identification Division? Let's look at March 1991. Approximately 770,000 fingerprint cards were received, with 427,000 (or 55 percent) of these being criminal-type submissions. This is an average of 36,000 *per day*. Approximately 233,000 dispositions were received — or almost 11,000 a day. We processed 278,000 dispositions during the month of March. The fact

that we processed more dispositions than we received is mainly attributable to the initiation of one of the programs I will touch upon later, our tape disposition program. We processed over 37,000 expungements — or about 1,800 a day. We received and processed 1.4 million III name check requests — or over 70,000 a day. As for III record requests following the name check inquiries, we received over 346,000 — or 16,000 a day. These figures pretty much repeat themselves month after month. If there is any change, the change is just upward, always an upward trend.

How do these figures relate to data quality? A novice might look at the fact that we received 427,000 criminal cards during March and only 233,000 dispositions. The novice would conclude that we are only getting 55 percent of the dispositions for the arrests we are receiving. It is not that simple! Most of you know that the dispositions we received in March do not relate to the arrests that came in during March. Thirty-five thousand of the 427,000 cards received were returned to the contributors because they were illegible; we could not classify them and place them in our system. A number of the criminal

cards we receive each month come from correctional facilities. We do not accept cards from correctional facilities unless they contain a final disposition. If a person is going to jail, you certainly know what that person's sentence was; therefore, cards from correctional facilities already contain dispositions. Other types of cards come in regularly, for example, criminal inquiries wherein the police department is simply investigating someone. We never expect to get a disposition for such submissions. In fact, that is a return-type fingerprint card — it does not get added to a criminal record. As you can see, you cannot simply match what we receive and what we did not receive and come up with a good number.

For the last 12 years, I have worked very closely with criminal records. One of the most frequent questions I have received is, "What percent of your arrest records have dispositions?" It is a question that, in my opinion, cannot be accurately answered in view of the way an FBI identification record is structured. For example, let us take an arrest record with just two entries on it. One of the entries, from a police department, shows a person charged with rape — but there is no disposition. The second entry, from a correctional facility in the same State, shows the person incarcerated for 20 years on a rape charge. The dates are relatively close. Your conclusion — two incidents and one disposition — is a 50 percent disposition rate. I do not know if that is true. I think most people can generally put the two

incidents together and realize that the arrest and the 20-year sentence resulted from the same rape incident. Therefore, rather than having a 50 percent disposition reporting rate, you have a 100 percent rate.

Second, it is almost impossible to analyze our criminal file for true disposition figures. About half our records are automated and half are manual. It is impossible to do any kind of survey on the percentage of dispositions in our system because manual records are involved and you cannot look at every manual record we have on file. Most of our surveys are necessarily limited to the automated records. However, when you write programs to figure out how many dispositions are posted to those automated records, you have problems. This is mainly because a number of arrests are terminated at the arrest or prosecutor level, while the software programs only look at the court level. Therefore, coming up with an accurate disposition percentage for criminal records in the Identification Division by just trying to count court segments and arrest segments is impossible. However, I can say without any hesitation that, based on my 12 years of experience in the Division, the accuracy and completeness has improved considerably over those years. We are much better off than we were 12 years ago.

What else do I glean from the statistics? I mentioned the 35,000

criminal prints that we rejected in March. When you project that figure over a year, it is close to 400,000 prints. These are *arrest* incidents we are rejecting, so many times we are not creating an arrest record in the Identification Division. When you look at completeness, you definitely have to consider that issue. I think that missing arrests are just as important as missing dispositions. The Identification Division sent a letter to all fingerprint contributors dated May 17, 1991. The second article in that letter sets forth a major policy change that becomes effective in the Identification Division on August 18, 1991. About 90 percent of the previously rejected illegible cards will be retained in the Identification Division and filed in our technical fingerprint file with the best classification we can put on them. It is interesting to note that roughly 15 percent of all the dispositions we receive cannot be posted to our records. The main reason they cannot be posted is that we do not have the arrest entry on file, i.e., we do not have an arrest fingerprint card to which we can post the disposition. This policy change in August is going to permit us to post most of those rejected dispositions.

Revitalization Program

Previously, I mentioned the 8.7 million manual records or paper rap sheets where only the name indices are automated. Those records are currently not available over the III system. How are we going to solve that problem? The answer is the revitalization and relocation of the FBI Identification Division. We have opened a satellite operation in Clarksburg, West Virginia, to begin automating the 8.7 million records based on their activity. In fact, we have just hired and begun training 15 to 20 people, and they are actually converting records right now. Hopefully, by the time we move to our new facility in West Virginia, we will have automated and made available over the III system all the active records among those 8.7 million manual records. The projected date for completion of our new facility is mid-1995.

We all know that fingerprints found at the scene of a violent crime have historically been the most damning piece of evidence used to convict a criminal. The Identification Division will be housed in an entirely new facility, one which will incorporate the latest in the automated fingerprint technology. The new system will allow State identification bureaus to instantly transmit electronic fingerprint images of criminals they want identified rather than sending in the inked fingerprints through the mail.

This will result in much faster identification of the repeat offenders and fugitives at the time they are being booked at the police station. There will be tremendous advantages, including giving a suspect's national criminal record to the judge who is fixing the bail.

Before closing, I must mention the FBI/BJS (Bureau of Justice Statistics) voluntary standards to improve criminal history records. I think the key word in those standards is "voluntary." The thing that will make them work is resources. We have heard today that there should be resources available to implement those standards. Three of the standards specifically relate to dispositions, which is why I would like to talk about the FBI's new program — the Machine Readable Data Disposition Program (MRDD). The MRDD Program makes it very easy for a State identification bureau with automated capabilities to meet our specifications and forward its dispositions to us via tape. In September 1990, we began accepting disposition tapes from State bureaus. North Carolina was our initial participant, submitting a tape with 98,000 dispositions. The posted rate for those dispositions was greater than 99 percent. This was all done with a computer tape-to-tape interface with very little manpower involved. Since that time, North Carolina has submitted monthly tapes containing 90,000 dispositions and the posting rate has stayed above 97 percent. Before the end of 1990, Wyoming and South Carolina became MRDD Program

participants. A total of 190,000 dispositions have been automatically posted to criminal records from those two States, with posting rates of 98 and 90 percent, respectively. Idaho recently became the fourth State to join our program. We are also working closely with the State of New York. That will be a major accomplishment as New York accounts for 20 percent of the total dispositions we receive. Also, Delaware is very close to coming on board and Colorado has sent us test tapes.

We are very excited about the MRDD Program and the possibilities it holds for the future. I would like to take this opportunity to thank each one of the four participating States and encourage other States to take a real hard look at that program because it results in more complete and accurate criminal history records. Anything we can do to eliminate the paper is where we have to go.

In conclusion, although we have come a long way in the last 12 years, there is still much to be done. Revitalization of the Identification Division, improved technology and automation, funding, and an awareness that you never reach perfection, will help get us there.

Day Two Opening Address

Criminal History Data and Public Policy
Steven R. Schlesinger, Ph.D.

Criminal History Data and Public Policy

STEVEN R. SCHLESINGER, Ph.D.

Director

*Office of Policy Development
U.S. Department of Justice*



I am delighted to be with all of you this morning. As many of you may remember, in a previous incarnation I had the privilege of addressing many of you as the then-Director of the Bureau of Justice Statistics, a position now held by the very capable Steve Dillingham.

As I told you several years ago and I now repeat to you with even greater confidence, there can be no doubt that the issue of high quality criminal history data is one of the most critical topics to be found today in the broad spectrum of criminal justice. Both at my old posting and now as the newly appointed Director of the U.S. Justice Department's Office of Policy Development, the issue of high quality criminal history data has been of keen interest to me. More important, as articulated yesterday by Attorney General Thornburgh and several of my Justice Department colleagues, criminal history data is a matter of tremendous import to President Bush in his all-out effort against violent crime in America.

Indeed, the massive use of criminal history data in today's America is truly mind-boggling. The information assembled and kept in criminal history data systems across the country affects every accused individual, case-by-case, trial-by-trial, sentence-by-sentence. From law enforcement agencies to prosecutors' offices to court chambers, the reliability, accuracy and timeliness of criminal history data has become increasingly decisive in determining how justice is dispensed.

Similarly, the increased use of criminal history data for a myriad of authorized yet sensitive purposes ranging from licensing to pre-employment screening has brought about an intensification of demands for reliable and timely criminal history data.

This same criminal history data system has emerged to play a key role in the formation of administrative and legislative policy decisions on the Federal, State and local levels. As we witness Congressional debate over various gun control measures and increases in criminal penalties for violent crimes, it becomes clear that the quality and dependability of criminal history data is at the crux of each of these issues.

These data help us to answer the many questions that we have as to why — in a country which enjoys the highest levels of freedom, liberty and affluence — we have such a high level of crime. It is a phenomenon which is hard to explain fully. Yet, as government leaders and policymakers, we have been charged with seeking the answers and the solutions.

Sound Data for Analysis

But before we can competently analyze the problems before us, in order to formulate truly effective policies and legislation, we must ensure that the criminal history data we have are sound. As many of you probably remember, if you go back in recent time — 10 or 20 years ago — much of that data was *not* very sound. It was a rickety system of endless files, blank disposition reports and misplaced records. The word “automation” had a very different meaning from today’s definition. What’s more, the lines of interstate cooperation and communication were significantly more primitive than those we have today — no faxes, no Federal Express, no computer modems.

Over time and with tremendous coordinated effort, the system was put in better order, despite the fact that with each passing year, it mushrooms in size and complexity.

As we strive to improve our criminal history data, new levels of quality are constantly being attained. As with many of the advances made in the United States in the last 30 or 40 years, much of the credit may be squarely placed with Mother Technology. Technological advances such as microcomputers have revolutionized the practical aspects of recordkeeping and, as an important sideline, provided tools by which criminal history data can be more readily updated, verified and audited.

The next big share of the credit can be given to the States. They have almost unanimously responded with effective legislation specifically directed at the operation of criminal history data systems. Through the efforts of State criminal justice officials and State legislatures, we have been able to accelerate the process of modernization and improvement of criminal history data.

I could list several other key agents who have contributed to the revolution in the quality of criminal history data but none deserve as much credit as you — the men and women who have daily toiled at making the criminal history data system work. Through your hard labor and foresight, we have been able to create the foundations of a complex criminal history data system from literally an immense collection of filing cabinets across America. It has been a tremendous challenge; one that, in significant part, you have met and mastered.

But the challenges continue to come, fast and furious. As a professional who has been involved in criminal justice from the data and statistics point of view and now from the policy point of view, I have been given a bird’s-eye view of many of the problems that we are facing in achieving and maintaining quality criminal history data.

What’s more, I now know, more than ever before — let me assure you — that high quality data are becoming more and more important to policymakers and legislators. For instance, much of the American public may believe that the issue of

gun control turns mainly on whether we can exercise our Second Amendment freedoms. But what the debate over the Brady Bill and Stagers Amendment, in critical aspects, is also about is the quality of criminal history data and how we can best put it to work.

What, I believe, many in the public do *not* realize is that our criminal history data system has some problems — problems with reliability, problems with timeliness. It is not so much a question of whether we should check to see if a prospective gun buyer is a former felon, but whether we *can* check to see if he is a former felon.

Challenges for the Future

What are the future challenges to maintaining quality criminal history data? Can we meet these challenges?

These questions in and of themselves help to frame the debate over the future of the issue. But within this frame, if you will, are innumerable subsidiary questions. They include questions about methods used to determine positive identification and the extent to which juvenile criminal history data should be merged into adult criminal history data — all valid, vital questions of the day.

But I am left wondering whether our constant attention to these smaller, immediate questions of the day causes us to miss the big question — the question of whether we can achieve the highest quality possible in criminal history data, a level so high that questions of timeliness and reliability are no longer germane.

Allow me to digress for a moment in the hope of making my point more clear. Throughout my life I have enjoyed pursuing challenges large and small. Indeed, when I was in academia, challenge-chasing was a large part of the job description. Government service also has provided me with innumerable challenges, many of which I have been able to take on and meet.

But as a professional pursuer of challenges, allow me to present each of you with a challenge: many of us anticipate achieving the same level of success with criminal history data during the next decade that we gained in the past decade. Not good enough! Let's strive to do it in half that time.

Modern technology will be there to support us, as it has in the recent past. Perhaps five years is a very short period of time. But the point I am trying to make is that we need to rededicate ourselves — each of us — on the local, State and Federal levels — to comprehensive, reliable criminal history data as it has never been improved before.

As recent debate in Congress has made patently clear, quality criminal history data are becoming more important than ever with every passing year. As the 1991 Bureau of Justice Statistics (BJS) *Survey of Criminal History Information Systems*¹ shows, the time is ripe for us to begin the next revolution in the improvement of quality criminal history data systems.

For instance, as the BJS *Survey* (which describes the status of systems as of December 31, 1989) points out, a total of 47 States and the District of Columbia have automated some records in either the criminal history record file or the master name index. The report also relates that over 45.6 million subjects, which means individual offenders, were in the criminal history files of the State criminal history repositories as of December 31, 1989 — an incredible number of histories on which to keep records.

The report also points out that, in those States maintaining partially automated criminal history files, when an offender with a prior manual record is arrested, the manual record is subsequently automated in 27 States. In five States, the new information is added to the manual file. In one State, only the new arrest

information is automated. In another, since July 1, 1990, the offender's entire record is automated. How can we improve this?

The *Survey* also points out that three States have no automated criminal history records at all. How can we change this? What can we do?

On the good news front: the *Survey* reports that all but five States for which data on both 1984 and 1989 were available, showed an increase in the number of final dispositions reported to the State criminal history repository. Moreover, over 3.5 million final dispositions were reported in 1989 to the 34 State criminal history repositories providing data to the *Survey*. The responding States represent 72 percent of the Nation's population.

Aside from this survey, the Justice Department has taken additional measures to seek improvements. One such effort is BJS's \$27 million, 3-year grant program designed to directly assist the States. So far, as of June 1991, 27 States have received funds for this program, which will improve the quality of their criminal history data.

¹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, by Sheila J. Barton, SEARCH Group, Inc. (Washington, D.C.: Government Printing Office, March 1991).

Another initiative undertaken by the Department is the one that Steve Dillingham spoke of yesterday — the new *Statutes Requiring the Use of Criminal History Record Information*.²

I believe that these initiatives are excellent. Nevertheless, I also believe we must do more.

Let me reiterate: we have made some remarkable advances over the past decade or so. America's criminal history data system grows daily into a more cohesive working entity, capable of sending vast amounts of information from the Pacific to the Atlantic Coast in a matter of moments.

Because of this, criminals are finding it harder to get away with crime, especially if they have left tracks of their illegal activities on paper trails somewhere in America.

Data Quality Revolution

But now is the time for us to pause for a moment, evaluate where we have been, determine where we are going, and then boldly strike out in search of new ways we can make this enormous system the best it can be. We must combine together at the local, State and Federal levels to ignite the next revolution in the quest for quality criminal history data.

Together we must strive to attain the ideal system — a system that would permit the immediate retrieval of accurate information about a suspect who has been positively identified as the subject of a criminal history record. An ideal system would contain complete and timely data; an ideal system would include *all* dispositions.

We must seek a system that would interface with the Federal system and systems maintained by other States, and a system that, to facilitate point-of-sale firearms checks and other criminal and noncriminal justice uses, would identify and “flag” felony convictions.

The more successful you are, the more effective the policymakers and legislators can be in crafting solid laws and statutes, and the safer our streets will be for our children and our children's children.

Let us be remembered by future generations as the generation that returned justice to America in part by keeping accurate and timely records on those in our midst who prey on the innocent.

² U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, by Paul L. Woodard, SEARCH Group, Inc. (Washington, D.C.: Government Printing Office, June 1991).

**Point-of-sale Systems for the
Purchase of Firearms: Panel**

The Delaware System
Lt. David E. Deputy

The Florida System
Martha Templeton Wright

The Virginia System
Lt. R. Lewis Vass

The Delaware System

LT. DAVID E. DEPUTY
Assistant Director
State Bureau of Identification
Delaware State Police

I am very excited to have this opportunity to describe Delaware's point-of-sale firearms transaction approval program. In its five months of operation, we feel it has been very successful. Although we have not had time to produce a large group of statistics to make a conclusive assessment, we think it is going in the right direction. It marks the beginning of the law enforcement community's shift into a proactive, as opposed to reactive, mood in dealing with crime prevention through criminal history records.

My presentation is going to be in four short sections: first, some background about Delaware's firearms transaction law; second, development of the program; third, the operation of the program and the statistics that it has generated to date; and finally, some future enhancements on which we are now working.

On January 14, 1991, Delaware became the second State to adopt the point-of-sale program. Virginia was the first; their program was in operation for almost a year at that point. The responsibility for implementing the new law was assigned to the Delaware State Police's Director of the State Bureau of Identification, Captain John Ford. People were rather surprised that the law had passed in Delaware, and I think it is important to explain how these laws can easily pass in other States. One of the reasons it passed was the strong support from the NRA (National Rifle Association). I think the reason

behind their support was that they realized the potential of the Brady Bill passing Congress, which would create a waiting period for firearms purchases. They knew a point-of-sale system would eliminate the waiting period requirement because it is an exception in the Brady Bill.

Wide Support for Law

With support from the NRA and a lot of people who were interested in preventing felons (and other prohibited people) from obtaining firearms, the Delaware State legislators were in a unique "win-win" situation. By voting "yes" for the bill, they were pleasing the NRA side of the fence and also many people who were searching for some type of control on firearms. This is why you might see this type of legislation moving throughout the country at a rapid pace. In fact, a fourth State is getting ready to implement a similar firearms transaction program.

Now that you can understand how this became law in Delaware, I am going to describe some of the specifics of our law and our program development efforts. Firearms transaction laws are not all the same; it is very important to note that each State's law varies as to what type of weapons are covered, what type of checks will be done, and the time



periods. If your State enacts this type of law, you need to examine the State programs with similar requirements to yours, since each one will vary.

The first thing we did was to visit Virginia's firearms transaction operation. We took back forms from Virginia, and adopted those to fit into our program. One of the most difficult things about starting a firearms transaction program is trying to assess how many calls you will receive. There was no gauge for us to measure. Virginia's program at that time only covered a select amount of guns, whereas ours covers all weapons or firearms with the exception of shotguns and some antiques. We sent notices to the 550 federally licensed firearms dealers in our State and 350 registered for the program. I assume a large percentage of the licensed dealers do not have gun stores but are licensed for personal use to purchase firearms wholesale. Before the program started, we estimated receiving between 10,000 to 20,000 calls in the first year. After the 1991 calendar year is completed, we expect to have received 12,000 calls.

Delaware's firearms transaction law covers most firearms. The licensed dealer must contact us through a toll-free "800" number to obtain the approval number before selling a firearm, with the exception of shotguns, guns manufactured before 1898 or their replicas. We then review the potential buyer's criminal history records and determine if they are prohibited by Delaware or Federal law from possession of a firearm.

Delaware's law expands on the Federal laws in terms of the types of people it prohibits, which probably accounts for a slightly higher disapproval rate. We disapprove for all felonies, as well as for any misdemeanor drug convictions and misdemeanor assaults. There are a lot of people in our database who are prohibited because of misdemeanor assaults. In addition, our law prohibits any person ever committed to a mental institution in Delaware from possessing a firearm, although they can seek relief by providing a letter from a psychologist stating that it is safe for them to possess weapons.

Gun Purchaser Checks

In our operation, four civilian record technicians respond to our "800" lines. If a firearms transaction law is being considered in your State, you might consider the possibility of using a toll "900" line in order to collect a fee, instead of using the toll-free "800" lines. It could be a valuable way of saving human resources in bill collecting activities. We did not have to concern ourselves with that in Delaware, since our system is free of charge. If we did charge for our program, we estimated that, at present, we would have to charge \$8 per transaction to break even.

After gun dealers call us with the buyer's information, we call them back with an approval or disapproval in an average time of nine minutes. We perform a complete check of every possible database available. Delaware started automating criminal history records in 1972, so we have to do a manual check for records prior to 1972. In some cases, the calls might take 10 to 15 minutes for us to respond, but most gun dealers get a response within three to four minutes. Calling the dealers back also gives us added security in that we know the phone numbers to all of our registered dealers. We do not discuss over the telephone the reasons why the customer was prohibited from purchasing a firearm. We provide the dealers with our address and phone number on forms so that when a person's purchase is disapproved, the dealer can give those forms to the customer. Believe me, the customers call us, sometimes right from the gun store. They want to know why they could not buy a gun.

We expect our response time to drop from nine to about five minutes within the next 18 months. This is largely due to the criminal history record improvement grant we received from the Bureau of Justice Statistics (BJS). It will allow us to automate some of our older records and put everyone in the master name index, which is critical for our program.

During the first five months of our program, we have received 4,687 calls from our 350 dealers. We do not know how many guns are being sold — there could be an infinite number of guns with each call. Of those calls, 10 percent, or 467, of those gun purchases were disapproved. As a result of complaints received from the disapproved customers, 60 of those disapprovals, or 12 percent, were rescinded after further investigation by us or the customer (who goes to court and provides us with the disposition). That brings our true disapproval rate down to 8.7 percent. That is relatively higher than expected. Again, I have to emphasize that Delaware disapproves firearms purchases for certain common misdemeanors involving drugs and assaults. Still, it is a felony in Delaware to purchase or possess those guns if you are prohibited from doing so.

Apprehending Fugitives

Another successful result of our program is the fugitives who have been apprehended. In the first five months of operation, we apprehended seven fugitives who attempted to purchase firearms. The most serious offender was someone who was wanted for six counts of rape; we have also had people wanted for forgery, unlawful imprisonment, carrying a concealed deadly instrument, possession of marijuana,

terroristic threatening, and offensive touching. This shows that criminals are going out to buy guns in gun stores. And from what I can see, it is going to continue. One person whose purchase we disapproved had a long history of threatening the President. We get all kinds of different situations in which prohibited persons try to buy guns; although we have not yet had a murderer try to buy a gun, we have had rapists and other types of serious felons.

Our program is unique in that, if the initial records check contains a missing disposition and we cannot tell whether the person is prohibited from purchasing a firearm, we will err on the side of disapproving the transaction. Our law does not state that we must approve the transaction if there is no disposition, so we side with public safety. We get calls from the people who are in a situation where they were charged with a crime but not convicted, and we do not have a disposition. Normally within three days, we can work that out, correct and update the disposition in the system, and approve the transaction.

We often hear about how States need to have an ideal criminal history system to run a point-of-sale program and get that quick response. In

Delaware, although we are proud of our criminal history system and all of the information systems in our State Bureau of Identification, the system is far from 100 percent complete and accurate. I think our program is an example to other States that feel their systems are not quite up-to-speed for a similar program. Delaware has shown that you can have a successful program, despite not having a perfect criminal history system database.

Future Enhancements

We are going to work on a number of things in the future. We are working on a consolidated inquiry capability, which will enable us to combine some of our transactions into one to speed up the response time. We are very excited about felony flagging — it will significantly increase response time. We want to enhance our “800” service to get more data from our telephones. And we are looking into access of our State mental health records to identify more people who were committed for mental health reasons.

The Florida System

MARTHA TEMPLETON WRIGHT
Bureau Chief, Crime Information Bureau
Division of Criminal Justice Information Systems
Florida Department of Law Enforcement

There are over 11,000 firearms dealers in Florida. I do not have exact numbers, but I believe 6,000 of those are registered with the Florida Department of Law Enforcement and do inquiries through our firearms transaction system, which we started in February 1991. Just like in Delaware, there are a portion of firearms dealers who are not registered.

We also have a toll-free "800" number. We explored the "900" toll lines and it was so costly, we felt we could not afford to use that system. Each purchaser pays \$10 and then we bill the dealer monthly for the total calls that they have made. We have an Automated Call Distribution (ACD) system, similar to the one that Virginia has. It is really a wonderful tool as far as an operational working instrument. It takes the calls as they come in and refers the call to the first available operator, one who has not had a call the longest. It keeps statistics for us in terms of the length of the calls, how many are on hold, etc. The ACD system has a screen with bar graphs on it so that the operator can glance up at any time and see how many calls are in the queue waiting to be answered. Some of the more diligent or conscientious operators will check the screen before they take their break. If there is a long queue, they will put off their break until their queue is down and so forth. So it is a really helpful instrument.

Program Structure

We have 32 operators involved in the program, four of whom are supervisors. It sounds like a lot of people, but by the time you spread them out to 16 hours a day, 365 days a year, we really do not have that many on duty at any given time. At this point, we have 15 workstations and those workstations are all filled on busy days, such as Saturdays. We are planning to increase the number of workstations. That is because our law covers all types of firearms, so as we head toward hunting season we are anticipating that the number of inquiries will increase. The operator receives the call and in most cases handles it in a little over three minutes. We tell the dealers to expect it will be three to five minutes unless there is some complication. The demographics are given to the operator by the dealer straight off the ATF (Bureau of Alcohol, Tobacco and Firearms) form; we do not have any other form that we use. The approval or nonapproval number goes right on the ATF form; we worked with ATF to arrange that. Needless to say, the dealers like that format because they do not have any extra paperwork.



The operator does a single inquiry, which checks through not only the FCIC (Florida Crime Information Center) and the Florida "wanteds," but also at the national level. It also dumps the inquiry into a file that we use for billing. Just like Delaware, Florida is not able to maintain information on approvals. I think the NRA (National Rifle Association) naturally had concerns about keeping a repository of information on people who have firearms. We destroy everything according to the statutory provisions within 48 hours. We do not have any data about the firearms purchasers, demographic or otherwise.

In terms of nonapprovals, we probably deny fewer people than Delaware does because we have to deny based on conviction. If we do an inquiry and find an arrest for a dangerous felony as defined by our statute and there are no dispositional data, we have 24 working hours to obtain that disposition. The 24 working hours are defined as the hours between 8 a.m. and 5 p.m., Monday through Friday. Weekends, holidays, evenings and so forth do not count as part of those 24 hours. Thus, if we get an inquiry on a Saturday and the individual has an arrest for a dangerous felony, then our clock starts Monday morning and by Wednesday evening we have to get back to the dealer with an approval or nonapproval number. If we have not found the disposition, the sale is subject to an automatic approval. The denial for "wanteds" is a little better in that we can deny the purchase for any felony for which the purchaser is wanted.

The way we handle our questionable cases is very simple: we do what is equivalent to a personal review. When the firearms dealer receives a nonapproval number, the dealer gives the potential purchaser an appeal form. The individual goes to a law enforcement agency, gets his fingerprints rolled, and sends us the appeal form and the prints. We then verify the identity of the person. A lot of times the individual will have comments about his criminal history. There are cases, for example, when our files indicate the case is a felony although it had been reduced to a misdemeanor in the dispositional process. Through the appeal process, many of the cases deal more directly with the criminal history than they do with positive identification.

One of the subjects that came up earlier was a waiting period. Having a point-of-purchase system does not eliminate the possible need for a waiting period because they really do two different things. The point-of-purchase check simply indicates whether the purchaser has a criminal history. The waiting period is intended to be a cooling off period; whether that is effective, I would not care to comment. Florida will have a point-of-purchase/three-day waiting period program in place effective on October 1, 1991, for all handguns. We are not anticipating that that will negatively impact us because we already have a three-day wait for those persons who do not have a disposition on file, and we are hoping we can overlap the three days in a way

that will reduce the frustration of those persons. Also, we are anticipating that will reduce the number of calls that we get from the gun shows. Individuals who pawn a weapon do not have to go through the gun purchaser check if the same individual picks up the weapon within 90 days of the day it was pawned. However, if it is *more* than 90 days, the individual must go through the procedure the same as for any other weapon transfer. The only exception that comes to mind is that you can reclaim your weapon without a criminal history check if you take it in for repair or warranty service and it is not back within 90 days.

Program Enforcement

Enforcement has been a major problem for us. We are not getting as many complaints now as we were at the beginning of the program. I think part of the reason is that the dealers did not feel we were doing anything about the complaints. That may have some validity because we really did not have enforcement resources assigned for this type of role. The enforcement seems to have fallen into two general categories. The first is unlicensed firearms dealers who ought to be licensed and covered by the law. Dealers say, "I do not think it is fair that I am covered as a dealer and they are not." The second typical complaint is about licensed dealers who are not calling in like they

should. So we have had many concerns from legitimate dealers about both of those areas.

Let me just run through a few numbers. From February 1-May 31, 1991, we have had approximately 74,000 inquiries. That is fewer than we had expected because we had initially predicted that we would have up to 500,000 each year. By annualizing this figure, we would not end up with half of that amount. We have yet to go through a whole hunting season, though, so we are not really sure how dramatic the increases for that period of time may be. We have a much higher approval rate than Delaware, probably because of what I just said: we approve when we do not have a disposition, and Delaware has the other categories of violent misdemeanors for which they disapprove. We have about a 96 percent approval rate. The nonapprovals are primarily convicted felons. We have denied 72 for felony warrants. We do not check anything about the mental health; however, we disapprove the firearms purchase if they are adjudicated insane, and we have had five of those cases.

We have another category, "pending nonapprovals," which are felony cases in which there is not yet a judicial outcome. Those purchasers do not get an approval until their cases have been heard in court. Of the conditional approvals we have given (which are those without dispositions), over half have become full approvals at the time that we have received the dispositions. This is just an estimate because we cannot keep the statistics on these approvals. Approximately 70 percent of our cases without dispositions are Florida

cases, which helps us because the Florida statute specifically defines the role of the clerk or court in this process. About 30 percent of those are out-of-state.

The ones that are out-of-state, of course, are more difficult for us to deal with. The law enforcement agency that we are trying to reach is usually not familiar with our specific program and therefore less willing to help. We have had better cooperation than we might have anticipated, and I imagine part of that is the publicity at the national level about these types of programs. We have had occasions, however, where we have had to call the same clerk multiple times because the same individual buys the weapon. He may have received a conditional approval, and we called for the dispositions. Because we do not have that arrest on our file, the disposition needs to be added to the file in another State. Subsequently, that person has gone in again to purchase a weapon, and we have had to call for the disposition once again. It really is better if they could figure out a way to add the disposition at the time we call, which many of the States have been willing to try to do for us.

Criminal History Improvements

We also are one of the States with a Federal criminal history improvement grant and we have focused on the years 1983-87 for adding dispositions to our files. Since 1988, we have had an offender-based tracking system that has allowed us to work with the Office of the State Courts Administrator, which works directly with the clerks to add dispositions in a very

efficient manner. So our post-1988 dispositional reporting has drastically improved over the previous years. We have gone back and started adding additional data for the years between 1983-87. In fact, we have met with a great deal of success. Prior to our initial efforts, we had approximately 47 percent of the dispositions on file for those years; now we are up to 62 percent. That is a fairly dramatic increase.

Also, as part of that grant, we are working on flagging our arrests and disposition data as felony or misdemeanor. We have made an initial pass over our file and have been able to classify over 60 percent as either felony or misdemeanor. Now we are going back and doing some more programming in terms of some of the literal fields, trying to once again get the flagging at an even higher rate. Our intention is to have a flag in the identification segment. In the future, that would be an indicator to the operator that the person should be denied or approved on the basis of that flag rather than reviewing the arrest and disposition data in the file itself.

We have been very successful working with both the NRA and the gun dealers. The program we have in place has been very popular with them. I think this is primarily because the operators we have are unusually helpful and courteous to them and the dealers have been very pleased with the service they have received.

The Virginia System

LT. R. LEWIS VASS

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Records Management Division
Virginia State Police*

The Virginia Firearms Transaction Program, which became operational on November 1, 1989, provides for a timely, point-of-sale, approval/disapproval decision regarding the sale of certain firearms, based upon the results of a criminal history record information check concerning the prospective purchaser.

This program authorizes properly licensed and registered gun dealers to request criminal history record information checks on prospective purchasers by calling the Department of State Police via a toll-free number, between the hours of 8 a.m and 10 p.m., seven days a week. The purchaser's name and certain personal descriptive data are immediately entered into a computer system while the dealer remains on the telephone.

Our clientele consists of the firearms dealers and prospective firearms purchasers in Virginia and other States. The program currently services 4,061 firearms dealers and an unknown number of individuals who purchase firearms in Virginia.

Currently, the weapons requiring pre-sale approval in Virginia are:

- (1) Any handgun or pistol having a barrel length of less than five inches; or
- (2) Any semiautomatic *center-fire* rifle or pistol that is
 - a) *provided* by the manufacturer with a magazine which will hold more than 20 rounds of ammunition or

- b) *designed* by the manufacturer to accommodate a silencer or bayonet or
- c) *equipped* with a bipod, flash suppressor or folding stock.

Effective July 1, 1991, the pre-sale approval became required for all guns sold in Virginia except antique firearms as defined in the *Code of Virginia*.

Instantaneous Response

The design of this program eliminates the traditional waiting periods associated with other programs of this type by electronically accessing criminal history records and "wanted" databases at the National Crime Information Center (NCIC) and the Virginia Central Criminal Records Exchange (CCRE) and providing an almost instantaneous approval/disapproval decision to firearms dealers concerning the firearms sale.

The computer simultaneously accesses the Virginia Computerized Criminal History (CCH) file, the Virginia Crime Information Network (VCIN) "hot" files and the NCIC "hot" files. If an identification is not made in one or more of these files, the computer responds "Yes," the sale is approved and a unique approval number is provided for that transaction. If an identification is made,



however, the computer responds "No, the sale is not approved at this time," and the sale is denied.

Secondary checks are performed on every transaction processed by a telephone call when the firearms transaction transfer/consent form is received. At this time, a national criminal history record check is made through the Interstate Identification Index (III). Until this secondary check is completed, the approval/disapproval received in response to the telephone call is conditional.

In the very near future, the III check will become part of the instantaneous check performed prior to the sale to avoid a firearm being approved for sale to an individual who has a disqualifying record in another State. This will provide for a final approval/disapproval to be made during the initial telephone call.

This program is the first of its type in the Nation. The average time to provide an approval/disapproval decision to a firearms dealer is less than two minutes. All other programs require waiting periods varying from three to 15 days or longer before an approval/disapproval decision is made. Virginia was able to implement this program almost two years ago because the CCRE maintained by the Virginia State Police is one of the most complete records repositories in the Nation and provides the database for the Firearms Transaction Program.

To date, the CCRE contains 499,868 individual records in the CCH files, all of which are flagged as felony or misdemeanor records. There are an additional 306,523 records on the computerized name index for a total of over 806,000 records in the Virginia files. Virginia is a participating State in III and has over 221,000 records in that file.

Firearms Transaction Checks

During the 18 months that this program has been operational, 90,655 firearms transactions have been processed. Based on the results of criminal history record information checks, 89,180 were approved; 1,475 transactions, or approximately 1.7 percent, were disapproved because the prospective purchaser either had a criminal record or was prohibited by State or Federal law from purchasing or possessing a firearm. Forty fugitives have been identified, with 16 being apprehended as a result of this program; 138 prospective purchasers have been charged with illegally attempting to purchase firearms. Of that, 49 percent have been convicted, with approximately 11 percent awaiting trial.

Virginia's Firearms Transaction Program has been replicated in Delaware and Florida. The United States Attorney General has endorsed a point-of-sale instantaneous check as the best way of identifying disqualified purchasers at this time and has recommended Virginia's program as a model program nationwide. Representatives from Connecticut, Georgia,

Illinois, Maine, Massachusetts, Pennsylvania, Texas and Nevada have reviewed this program for possible implementation in their States.

The program had to be designed and implemented in a short period of time. This required the cooperative effort of five different divisions within our agency and one other State agency. Additionally, the concerns of special interest groups had to be addressed.

Virginia's approach to firearms records checks does not infringe on an individual's ability to purchase or possess a firearm, while those individuals who are prohibited by State or Federal law are denied legal access to weapons. One of the most significant problems experienced in operating the instant point-of-sale program is accessing records of other States and interpreting the varied methods of recording and reporting arrest and court disposition information.

The 1991 Virginia General Assembly enacted House Bill 1997 which amended and reenacted Section 18.2-308.2:2 of the *Virginia Code* to require criminal history information checks prior to the sale of *all* guns. We are anticipating a 400 percent increase in the number of transactions processed through the program when the new law takes effect July 1, 1991.

The program cost for the first year of operation, in addition to the initial equipment purchase of \$76,952, was:

- Personnel and Services
(Salary & Benefits)\$247,579
 - Contractual Services
(Telecommunications)48,600
 - Supplies and Materials3,500
 - Continuous Charges
(Line Services)9,444
 - Equipment1,075
- \$310,198

It is projected that the program cost will increase to approximately \$590,000 annually with the expansion to all firearms. The program is partially funded from fees collected by firearms dealers for each firearm transaction processed, supplemented by funding appropriated from the General Fund.

How the Program Works

The Virginia Firearms Transaction Program works in this manner.

The purchaser:

- (1) Completes the purchaser's section of a Virginia Firearms Transaction Form (VFTR).
- (2) Provides consent to a criminal history record check.
- (3) Provides at least two forms of identification, one of which must display a photograph.

The dealer:

- (1) Obtains the prospective purchaser's consent to conduct a criminal record check.
- (2) Establishes the identity and residency of the prospective purchaser and completes the dealer's section of the VFTR.

- (3) Ensures that the forms of identification support the identifying characteristics supplied by the purchaser on the VFTR.
- (4) Requests a criminal history record check by calling the Department of State Police, using the toll-free number, and providing the select identifying characteristics describing the prospective purchaser.
- (5) Receives notification of approval or disapproval of the sale, rental, trade or transfer. This may be given during the initial telephone conversation, or the State Police may need additional time to conduct the record check. The State Police must notify the dealer of the gun purchase approval/disapproval by the end of the dealer's next business day. If the dealer has not received notification by that time, the sale may proceed.
- (6) Proceeds with the transaction if the sale is approved. If the sale is disapproved, the firearm may not be sold, rented, traded or transferred.
- (7) Forwards two copies of the VFTR to State Police within 24 hours, whether the sale is approved or disapproved. The original VFTR should be placed on file at the dealer's place of business for a period of 10 years.

For nonresidents of Virginia, the criminal history record check must be requested in writing. Although telephone record checks are not permitted for out-of-state requests, similar procedures apply. The Department of State Police will notify the dealer within 10 days from the date the request was mailed if the sale is approved or disapproved.

**Successful Data Quality Strategies
in the States: Panel**

Consensus Building and Use of State Task Forces
Margaret (Peggy) J. Horvath

Use of Statewide Audits
Paul E. Leuba

Use of Local Agency Audits
Gary D. McAlvey

Use of Automation to Improve Data Quality
George A. Mitchell III

Consensus Building and Use of State Task Forces

MARGARET (PEGGY) J. HORVATH

*Deputy State Courts Administrator
Florida Supreme Court*



How do you get State and local criminal justice agencies to cooperate and agree to use automation for reporting uniform OBTS — Offender-Based Transaction System — data?

Many States are searching for the answer to this question. The answer seems further away when you consider three key issues:

- (1) Two branches of State government, separate but equal, are involved — the executive branch with the law enforcement agency and the judicial branch with the courts;
- (2) Information must come from different sources, the local sheriff and the clerk of the court — two independently elected constitutional officers; and
- (3) Funding, which is always a prevailing issue.

There is no one way to pull all of these parts together. Depending upon the State's political climate, however, different approaches have been successful.

The approach we took in Florida is one of the success stories. We pulled the pieces together and implemented an automated system for statewide reporting of OBTS data.

How did we do it?

Phase One

In 1986 the Florida Legislature laid a firm foundation for the project. This foundation set the structure and environment for compliance of data reporting and cooperation among the agencies. Legislators added two requirements to the Florida statutes: (1) each law enforcement agency must include the OBTS number on arrest fingerprint cards; and (2) each clerk of court must submit uniform dispositions to the Florida Department of Law Enforcement.

The Legislature also encouraged the use of automation for submitting OBTS data. This legislative action laid the groundwork for full statewide automated data reporting, and it assigned responsibilities to law enforcement and the courts.

Legislation also was passed which required all State executive agencies and the courts to develop strategic plans for information system technology. The strategic plans were to provide for interagency efforts to improve the efficiency and effectiveness of information system development and to eliminate duplication in data reporting. The strategic plans were linked directly to the State budget process. Translated, this means that priority funding consideration was given to programs that demonstrated interagency cooperation; funding was withheld from programs that perpetuated redundant data reporting.

Given these legislative initiatives, the stage was set. We had a State OBTS reporting mandate with emphasis on automation, and an information systems planning and budgeting process that emphasized interagency cooperation.

Unlike many States, our approach did not establish a formalized criminal justice committee or an oversight group. Instead, the Legislature created a general requirement for agency cooperation when information system development is planned. This approach transcends the issues of separation of powers between government branches and the establishment of a separate, bureaucratic structure.

The OBTS system clearly falls within the definition of a multiagency program and overlaps with the criminal reporting system needs of the courts and corrections. In 1987, therefore, representatives from the Florida Department of Law Enforcement (FDLE), the Department of Corrections, and the Office of the State Courts Administrator (OSCA) formed a task force to develop a plan for implementing the OBTS system. All of the parties agreed that the final plan would:

- Meet the OBTS needs of the FDLE;
- Incorporate the existing court statistical reporting requirements to measure judicial workload; and
- Incorporate the sentencing and intake reporting requirements of corrections.

The first, and probably the most important, accomplishment of the task force was the development of a State criminal justice data element dictionary. This dictionary contains descriptions of the consolidated reporting requirements of the three agencies and definitions of each data element. It is divided into three segments — arrest, prosecution and courts. There are 101 data elements, of which 78 are mandatory and 23 are optional. A detailed record layout (750 characters) is also included so that the clerks of court can submit filing and disposition data in an automated manner.

The task force's second major accomplishment was the definition of the flow of data from the individual clerks of court to the State level. Because OSCA and the clerks had already established a court summary reporting system which included a criminal component, the task force decided that the OSCA would coordinate the expansion of the criminal reporting system to include OBTS data.

The result? Clerks of court have a single common data reporting flow to the State for court-related information. The criminal data file is transmitted to the OSCA, where OBTS data are extracted and forwarded by magnetic tape to the FDLE.

The final major accomplishment of the task force was orientation and training for the new State criminal data standards and reporting process. Representatives from the State agencies conducted workshops with the local criminal justice agencies.

Phase Two

The task force assigned to the OSCA the second phase of the OBTS system development project, and the Florida Supreme Court established the Trial Court Information Systems Committee to guide the OSCA in developing policies. The committee members were circuit and county judges, trial court administrators and a clerk of court. An appellate judge and a supreme court justice served as ex-officio members.

This committee performed two key roles in the project development. First, the committee helped the OSCA gain the support and commitment of the trial courts and clerks in accepting the new criminal reporting system. Second, the committee was instrumental in gaining legislative recognition and the funding that was required to implement the automated reporting system.

Phase Three

The final phase of the project was two-fold. Plans were developed and funding sought for the clerks of court to (1) modify their existing criminal system; and (2) develop a new criminal system to meet the State reporting mandate according to the defined standards.

In this phase, the OSCA assumed the role of facilitator, and a variety of user groups were established. First, in 1987 OSCA obtained State grant-in-aid funding to assist the clerks in meeting the reporting requirements. An average of \$10,000 was projected for each of the 67 counties.

Because of the counties' varied levels of automation and criminal system development, several implementation strategies were required. Fifteen counties did not need assistance; they had adequate financial and personnel resources to meet the State reporting requirements. Fourteen counties opted to work independently on their system's revisions; these counties received \$20,000 each in grant funds.

The remaining 38 counties were divided into four groups, according to their level of automation and vendor type. A user committee for each group was formed; the members were the circuits' trial court administrators, the counties' clerks of court, and the data processing managers. The OSCA worked with each group to encourage local cooperation and the development of a common criminal system application which could be given to each group member. One of the groups, consisting of 17 counties, had no automation. A single, microbased system design was developed. The application package and hardware were bid.

Through the cooperative effort of the counties in these groups, the State grant-in-aid funds were pooled. Their resources were adequate to cover the software development and to purchase the microbased system for the nonautomated counties.

State grant funds totaling \$740,000 were provided to prepare the counties for submitting automated data to the State. As of today, 62 counties are participating and the remaining five counties will be on board by the fall of 1992.

The approach we took in Florida, that is, using a State task force, agency committees, and local user groups, has been so successful that we continue to follow the model.

- Recently, a similar project with the Department of Highway Safety and Motor Vehicles was completed. A traffic data element dictionary and automated reporting procedures for court traffic data were established.
- The OSCA and the Department of Health and Rehabilitative Services are working on the common use of child support enforcement data to meet State operational and court management needs.
- The OSCA is also working with the Department of Corrections, the Department of Highway Safety and Motor Vehicles, and the State Division of Communication on common statewide telecommunications network to support the courts and corrections.

In Florida, we pulled the pieces together. We gained the input and support of the user, and we developed efficient and effective shared information system services.

Use of Statewide Audits

PAUL E. LEUBA

Director, Data Services

Maryland Department of Public Safety and Correctional Services

The subject that I will address is Maryland's development and implementation of a statewide audit program for quality and completeness of criminal records. That process began in 1985, when a committee of the Maryland General Assembly was looking at the failure in Maryland to utilize certain subsequent offender statutes. Maryland has a subsequent offender statute that prescribes a mandatory sentence of 25 years for the third conviction and a life term for the fourth conviction of a violent crime.

In addition, we observed that the nature of the use of criminal records in the State central repository was shifting from almost exclusively criminal justice use to a very large use for noncriminal justice purposes. In 1986, the adoption of the Security Clearance Information Act by the U.S. Congress and the Childcare Worker Statute in Maryland caused a quantum increase in that usage. At that time, we evaluated the components of our criminal history records system to determine the factors to address in order to correct problems we had with disposition reporting, disposition linking and, to a lesser extent, arrest reporting.

Factors for Success

The elements that we identified as the critical success factors necessary to improving the criminal history records system are these four:

- (1) A statutory charter that establishes the criminal records system, identifies reportable events and also places specific statutory authority on State government officials to implement the responsibilities of collecting, maintaining and storing criminal history records. (We were fortunate that in 1978 such a statute was passed in Maryland. That statute has not been amended in any significant way since its implementation.)
- (2) In order for the system to be successful, we needed very strong support from top management. It is important that the top management involvement include all three branches of government, the legislative, judicial and executive.
- (3) The only way to correct the problems in a criminal history record system, even in a State the size of Maryland — which is not large geographically but is very densely populated — is to rely on automation. Manual methods were just not going to get the job done, and we could not impose another layer of recordkeeping on top of an already overworked and overburdened work force, particularly in the courts.
- (4) An external audit was absolutely essential to ensure that the system was performing properly, that we were getting feedback about system problems, and to serve as a benchmark for system improvements.



Having decided to perform an audit, we submitted and received funding and set out to define the objectives to be accomplished. We wanted to perform an accuracy and completeness audit and to measure the overall reliability of the system. The audit approach would involve inspecting the data in the automated system and measuring the extent to which that automated information reflects the contents of the documents of the events as they actually occurred. We wanted the audit to identify existing system problem areas, and we also intended that the audit provide an impetus for change.

We received an appropriation in fiscal year 1987, and immediately prepared an RFP (request for proposal) for the audit. In the design of the audit, we focused on the characteristics that we wanted to imbue into its implementation. [See Figure A.] On that list was top management commitment. There are about 145 local law enforcement agencies in

Maryland and independently elected court clerks who at that time were not under the direct management and control of the Chief Judge of the Maryland Court of Appeals. Therefore, a high level of support by the Chief Judge and the Secretary of Public Safety and Correctional Services in setting the tone for the audit was very important in gaining the cooperation of the court clerks and law enforcement.

We decided the second characteristic needed for a successful audit is interagency cooperation on the part of those being audited. SEARCH Group, Inc. and Price Waterhouse were selected as the audit team after a competitive bid process. Because the operation of a criminal history records system is not readily understood by many persons outside of the practitioners themselves, it was not realistic to bring in an outside auditor and expect to accomplish a good audit without significant involvement by the agencies being audited. Therefore, we

formed a committee comprised of the agencies to be audited, which resulted in those agencies actively assisting in the design of the audit.

The audit plan we published called for a multi-phased project. The first phase was the design of the audit, with a management decision point at the completion of design. In phase two, SEARCH and Price Waterhouse tested the audit in Baltimore County. At the conclusion of that test, they did one full complete audit in the City of Baltimore and submitted a report. After some fine-tuning — in terms of sample size selections and where the sample data were selected — SEARCH and Price Waterhouse proceeded with phase three, which involved auditing eight additional counties. The audit design was based on the reporting statute. During the conduct of the audit, we have ensured that the items audited are statutorily required. By sticking right to the statute, the audit revealed that there were many policy issues that needed to be addressed in the statutes, the regulations and the rules published by the Secretary of Public Safety and the Chief Judge.

The final objective we wanted to accomplish with the audit was to institutionalize it. Institutionalizing it meant to include the funds to support the audit in the State budget for future

Criminal History Record Systems Characteristics of a Successful Audit

- Top Management Commitment
- Cooperative Interagency Project
- Independent Audit Organization
- Design Based on Reporting Statute
- Institutionalized

Figure A

years, and to establish an independent audit organization. The audit was institutionalized through a Memorandum of Understanding that was signed by the Chief Judge, the Secretary of Public Safety and Correctional Services, and the director of the Maryland Legislative Auditor's Office. This memorandum, signed in 1988, establishes the funding basis, organizational structure and operating procedures of the audit.

Audit Structure

The organizational structure established for the audit is as follows. [See Figure B.] All three branches of government are involved. The Chief Judge and the Secretary of Public Safety are identified in the enabling statute and are responsible for enforcing the reporting standards. The statute also created the Criminal Justice Information System (CJIS) Advisory Board, which in turn selected the audit project director. The auditors for the early audit phases were SEARCH and Price Waterhouse, selected by competitive bid. At the conclusion of their contract, the Memorandum of Understanding was signed to ensure the continuance of the audit. In the latest audit cycle, the 1990-91 audit was conducted by the legislative

auditors, taking their functional direction from the CJIS Advisory Board's project director. The dotted-line organizational relationship [in Figure B] reflects the fact that the Chief Legislative Auditor sets certain standards for the conduct of the audit. Through the legislative auditors, we had both the professional guidance and the independent nature of the audit, and we gained functional and criminal justice expertise through the CJIS Advisory Board and the project director. Staff from the Department of Public Safety and Correctional Services and the Administrative

Office of the Courts were available to the auditors on a regular basis for reviewing drafts and proposed audit procedures to ensure that the auditors were taking an approach that was meaningful and efficient.

As I mentioned, the audit's organizational structure and many of the operating procedures, particularly the relationship between the legislative auditors and the executive branch, were laid out in the Memorandum of Understanding that was signed in 1988. We intend to continue this audit as an ongoing process. It has not stopped since it began in 1988.

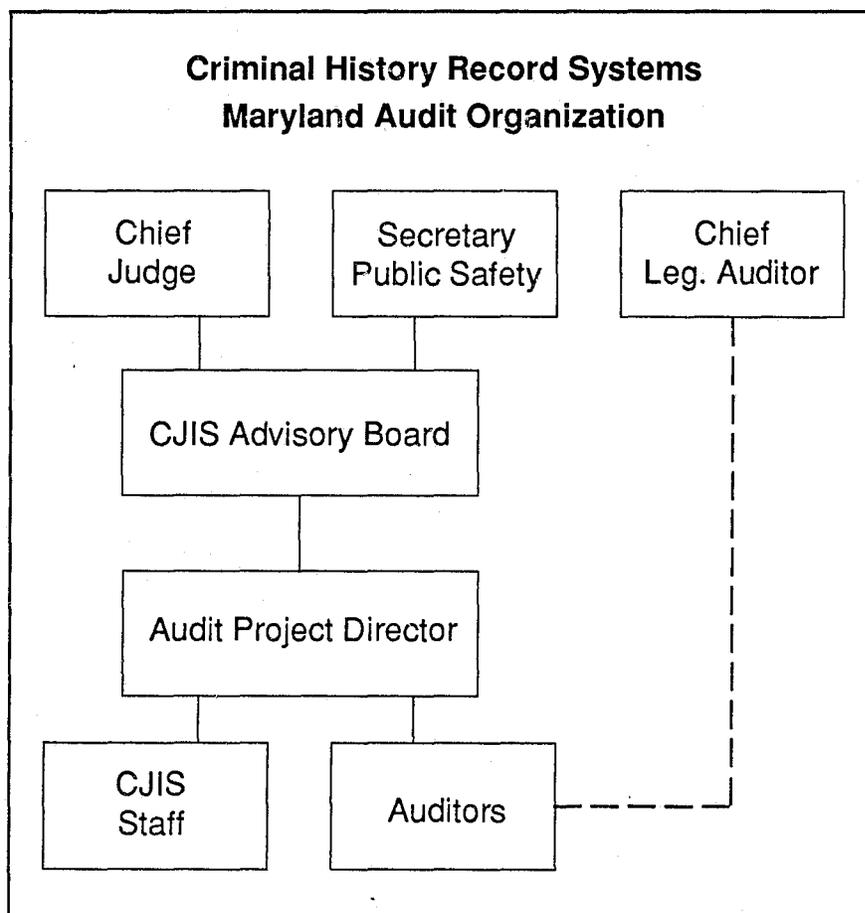


Figure B

The following costs [shown in Figure C] are close estimates, not exact dollars. The audit design completed in the first phase cost about \$40,000. As I mentioned, the audit was tested in Baltimore County, and a complete audit was done in the City of Baltimore before SEARCH and Price Waterhouse conducted the audit of eight additional counties in 1989 and the beginning of 1990. The legislative auditors picked up the audit in 1990 and 1991, auditing six counties. Annually, the Administrative Office of the Courts and the Department of Public Safety each budget \$135,000 to reimburse the State legislative auditors for conducting the audit.

The audit report is prepared by the State Legislative Auditor's Office. Drafts are presented and reviewed with the CJIS Advisory Board, and made available to the Department of Public Safety and Correctional Services and the Administrative Office of the Courts. A final aggregate report is published each year.

Follow-up System

Having this experience, the question that we posed to ourselves was: "Would we have done this any differently if we could start over?" The one thing that comes to mind is now that 16 jurisdictions have been audited, it is clear that we should have designed an audit follow-up system so that the audit reports are presented in a format that rolls right into the system for follow-up.

The Division of Audits and Compliance within the Department of Public Safety and Correctional Services is designing a follow-up process that includes a tracking system and a compliance plan to close the loop. The Administrative Office of the Courts is planning a similar process. We envision this audit as being a dynamic portion of our criminal history record system. It provides a benchmark measure of information quality, providing a means to measure system improvements. In these tight fiscal times, an important question is: Where should

we put our money? The audit is helping us choose those places. Having made choices to invest in the system's improvement, we will be able to measure the results of that investment in unequivocal, quantifiable terms.

Criminal History Record Systems Maryland Audit		
1988	Design Audit Methodology	\$40,000
	Test Audit in Baltimore County	\$73,000
	Audit Baltimore City	\$85,000
1989-90	Audit 8 Counties	\$283,000
1990-91	Audit 6 Counties	\$270,000

Figure C

Use of Local Agency Audits

GARY D. McALVEY

*Chief, Bureau of Identification
Division of Forensic Services and Identification
Illinois State Police*

I would like to share the Illinois experience in setting up an auditing program that became operational on January 1, 1991.

First, I will provide a little bit of history about the statutory reporting requirements within the State of Illinois. The Criminal Identification Act, originally passed in 1931, mandated the submission of fingerprints to the predecessor agency of the Illinois State Police and authorized the creation of rap sheets for use by police agencies. Our first disposition reporting act was enacted in 1975; it required State's attorneys and circuit courts to report dispositions to arrests which had been reported to the State Police within 30 days of the effective date of the disposition. In 1984, a Uniform Disposition Reporting Act was enacted. It mandated that arrest, charge, State's attorney and court disposition, post-sentence fingerprinting and correctional information all be gathered and reported during the process of taking an individual through the criminal justice system.

Finally, in 1987, with an effective date of 1991, the Uniform Conviction Information Act was enacted, which provides that all conviction information is now public information in the State of Illinois and is available to anyone who applies for it. The act also mandates that audits of all Uniform Disposition Reporting Act agencies shall be conducted by the Illinois State Police, and I would like to read that particular section of the act. It says:

The department shall regularly conduct representative audits of the criminal history recordkeeping and criminal history record reporting policies, practices and procedures of the repositories for such information in Illinois to ensure compliance with the provisions of this act and Section 2.1 of the Criminal Identification Act (which is really the Uniform Disposition Reporting Act). The findings of such audit shall be reported to the governor, the general assembly and, upon request, to members of the general public.

We also decided that as long as we were going to enact this audit program, we would take care of those audit requirements that were contained within the Federal regulations and also be in a position to audit the users of our information.



Local Agency Audits

To start the program, we contracted with SEARCH Group, Inc. in late 1989 to assist us in developing the Illinois local agency audit program. The contract asked SEARCH to review audit programs that were in effect in other States. (The results of this indicated to us that we probably were going to be plowing virgin territory because very little true agency auditing of recordkeeping practices had occurred in the past throughout the country.) We wanted a review of any existing audit program documentation that might exist in other States. We wanted SEARCH to develop the Illinois State Police local agency audit program for compliance with both Illinois law and Federal regulations. And we wanted SEARCH's assistance in identifying the appropriate sites where we could test the local agency audits.

As we got into this, the Bureau of Justice Statistics, U.S. Department of Justice awarded a contract to SEARCH that paralleled many of the things that we were doing; as a result, we were able to take advantage of the information that was being developed in that area and meld it into the development of our program. We implemented both the Uniform Conviction Information Act and our audit program on January 1, 1991. Our 1991 goal was to audit all 102 State's attorneys and circuit clerks in

the State of Illinois. We have an audit staff that really amounts to two-and-one-half people. We have two full-time auditors plus the supervisor of that unit, who also supervises our disposition acquisition unit, which we also implemented at the beginning of 1991.

After two or three months in the field, we found that our schedule was far too aggressive for what we were trying to accomplish. The pace was too fast; we were not allowing enough time for our auditors to return from the field, compile their reports, and disseminate that information to the agencies that we had audited. So we slowed the whole process down. For the last six weeks, we have suspended all field operations. The staff has been back at the office developing their audit reports and returning their findings to the audited agencies. We anticipate that we will do an assessment after we have had one year of experience, to ensure that we are maximizing our available resources and to identify any necessary changes in the program.

Far in advance of implementing these audits, we began to advise the agencies that there was a possibility they would be audited in the years to

come. Attached to each rap sheet we disseminate is a message page that allows us to distribute information to the users of our criminal history records. For a period of 60 days, starting in mid-1990, we began to attach a sheet that informed our users of the local agency auditing program. This let them know what the law was, what the requirements on us were, and gave them an opportunity to call well in advance, ask questions and express concerns — anything that was going to help us forge a cooperative relationship with those agencies as we went about carrying out our statutory requirements.

We decided that we would conduct the audits based upon all arrests reported to the Illinois State Police during the period of January 1, 1977-December 31, 1990. We made a run against our criminal history database on a county-by-county basis and found that during that period, a total of 2.775 million arrests had been reported to the Illinois State Police. We also knew that throughout the State, 1.33 million, or about 48 percent, of those arrests had had

dispositions reported to us by the State's attorneys. And that 1.30 million, or about 47 percent, of those arrests had dispositions reported to us by the circuit clerks. That meant we had to figure out what had happened with 52 percent of the State's attorneys' dispositions and 53 percent of the circuit clerks' dispositions that had not been reported to us. And, as I indicated, we started our disposition acquisition program at about the same time as the audit program, and we did have teams from this program out in the field trying to work with the clerks and the State's attorneys to acquire dispositions.

Preliminary Findings

After almost six months of operation, we have made some preliminary observations. We originally thought we were going to do a micro-type audit and that we were going to look for technical problems and some of the specific things that would probably occur as a result of auditing these contributing agencies. We never got that far. We found some major problems: the agencies just were not reporting. For example, they were not aware of the statutes that mandated the reporting of dispositions on juveniles who are treated as adults. Generally, we found that there was a real lack of concern on the part of most of the agencies.

We did have a couple of interesting experiences. One of the counties in the State contacted us and a circuit clerk said, "I do not really need the State coming into my county and creating a problem for me politically because I have to run for office in the future. Will you postpone my audit from the date that you have scheduled and give me an opportunity to report the dispositions that I haven't reported?" As a result, that is the only county in the State right now where we have a negative number for the dispositions needed from the circuit clerk because he reported dispositions for arrests that never were reported to us. That is also the only county in the State that has a 100 percent reporting rate as far as the circuit clerks' data.

A group of major counties in the northeastern part of the State, which extends from Chicago to Rockford and down through Joliet and across the State to Rock Island, formed a regional circuit court clerks group. (Incidentally, we now meet regularly with this group.) They immediately asked us to meet with them at their next regularly scheduled meeting. They expressed their concerns and accused us of perhaps trying to sabotage them politically through our efforts. We heard and tried to address their concerns, and assure them that we were only carrying out our statutory mandate. One of the bigger counties said, "We look forward to

you coming in. We want to use the negative findings to try to get the resources we need to do what we are supposed to do." One of the large counties downstate, in the southeast metropolitan area across the river from St. Louis, has been refusing and continues to refuse to report misdemeanors, saying they do not have enough resources.

We have only audited 11 police departments and four sheriff's departments during the process to date. But all of a sudden we found a significant increase in the number of arrests being reported to us on a day-by-day, week-by-week basis. There has been no real significant increase in Illinois' crime rate, but annualizing 1991's submissions to date indicates that we are probably going to have 100,000 more arrests reported to us than were reported annually in the period from 1985 to 1989. We are projecting that we will have a 100 percent annual increase in submissions between 1989 and 1991 of reported arrests. If we look at 1988, when we had 300,000 arrests reported to us by fingerprint cards, we project that, based on current reporting levels, the number will be 630,000 arrests by 1992. As I said, this has all occurred without any substantial increase in the crime rate.

Future Goals

What is the future going to bring in our program? We have done 81 audits to date: 27 State's attorneys, 28 circuit clerks, four sheriffs, 11 police departments, and 11 noncriminal justice agencies — school districts, local liquor commissioners, and agencies like that. We are going to move at a slower pace in the future; we are going to continue with our goal of completing audits of all of the circuit clerks and the State's attorneys, but we are also going to get out and begin to do some audits on some of these other types of agencies, both criminal justice and noncriminal justice.

We are also finding that the local agency audits have worked as a self-audit of the Bureau of Identification. Through the local agency audits, we have discovered less-than-satisfactory performance by our Crime Study Field Analysts. Additionally, conflicts and turf problems have developed internally between our Audit staff and the Crime Study Field Analysts, who have been responsible for local agency contacts and training since 1972. A tighter rein will be placed on the Field Analysts in the future, and they will work directly under the Disposition and Acquisition Unit and will be responsible for retrieving dispositions and providing training as needed.

It is our intention to fine-tune the program to ensure that we are maximizing our efforts and to convene meetings with major agencies and statewide organizational groups to develop a working relationship with them and, at the same time, make the impact on them as easy as possible. We also have to realize that we are faced with a mandate which requires that we report to the Governor, the General Assembly and the public, on request, the findings of our audits. There are undoubtedly going to be uses made of this information that may be detrimental to many of the elected officials at the county level throughout the State of Illinois. Finally, it is our intention to assist and support State's attorneys and circuit clerks in their efforts to become recipients of federal grant dollars earmarked for improving the quality of statewide criminal history record information.

The Use of Automation to Improve Data Quality

GEORGE A. MITCHELL III

*Deputy Commissioner for Management and Information Services
New York State Division of Criminal Justice Services*

I am going to focus on the future, which I think some of the larger, highly automated State governments are already experiencing. Automation per se, however, is not going to solve all the data quality problems; it is just going to create some new and more vexatious ones. It is a little like the parent who breathes a sigh of relief when his child is no longer two years old and forgets that ages 13, 14 and 15 are coming, and there is a lot ahead.

In the early 1980s, we in New York essentially came to the conclusion that spending untold millions of dollars on automation had produced some good results, but had not produced nearly the results people had expected. We also realized we ought to be talking about how to make automation better, set a clearer direction and better utilize the technology. Virtually everything was incompatible, everything was bound up in proprietary problems, some of them vendor-created and some of them created by the data processing shop for survival or other reasons. We found that we really had not achieved much of the promise at an operational level, at a program evaluation level, at an efficiency level, or nearly any other level that we thought we ought to have for such a huge investment.

In 1982 and 1983, as a result of some serious interest in this subject by the outgoing Governor, Hugh Carey, and the incoming Governor, Mario Cuomo, and the work of a very distinguished commission chaired by

Attorney Arthur Liman, New York launched a more integrated State and local approach to the development and installation of criminal justice information systems. I like to talk about it as an "integrated cooperative processing environment."

Low-level Deployment

We have a few principles that we use in New York's justice systems projects, one of which is that automation has to be deployed at the lowest possible level in order to achieve very high levels of success. We can achieve mediocre levels of success with other approaches, and we all might feel quite proud about those. But it has been our experience that in order to achieve very high levels of success against some of our criteria — including quality, cost effectiveness, efficiency and the rest — you have to deploy at a very low level (or at least the lowest level at which you have a stakeholder who is using the technology and relying on it for the accomplishment of a job or task).

For example, we have automated and semiautomated disposition reporting and court management systems in New York. In the courts where the disposition reporting systems are fully integrated into the operations of the court, we have about a 95 percent disposition reporting



rate. In courts using the semi-automated systems, in which none of those court management functions are automated or where court management is a completely separate PC-based system and disposition reporting is on paper, we experience about a 70 percent disposition reporting rate. In New York, we find that if the systems are not used or relied upon in the work of the court or other agency, they are not very useful to anyone for reporting purposes, including the Federal government.

That is one basic principle which we apply on a statewide basis. We have to work from a state-level information perspective when developing products and solutions for agencies in the field, whether they are courts, probation or law enforcement. We spent an enormous amount of time analyzing problems with them, providing them technical information and evaluating their information — where did they get it, what do they do with it, where do they send it, what do they need, what is the quality of the information they get, and what is the quality of the information they send to somebody else? We work with them to try to create products that meet their needs first, because when we are creating those products we also take care of our own information and data quality requirements.

We have written and funded the development of software which has automated police departments and probation offices. We initially developed some prosecution management systems, but have migrated to a rather interesting cooperative venture with SEARCH wherein we augmented their district attorney software package [D.A.'s ASSISTANT™] for New York requirements. We have also developed standard software for jail management and warrant management and other kinds of processes, which are now being integrated with arrest and incident modules into a comprehensive product we call SPECTRUM Justice System. We have done that through the use of standard data elements. We have now issued the third edition of our statewide *Criminal Justice Data Dictionary*, which covers corrections, the courts, law enforcement and prosecutors. We have implemented the data dictionary through the development of standard forms and standardized best practices-type procedures, and then introduced automated products and processes.

Linking Jurisdictional Databases

Those automated products are beginning to be linked to the large State and national databases. The "wanted" databases, for example, are mainly concerned with serious felony and other "wants." But the warrant officers are often more interested in the local management and execution

of "wants" and warrants or in other "wanted" that would not necessarily appear in the statewide databases. Therefore, we have automated systems to support those local warrant management requirements within regions and within individual departments. We are now starting to upload and integrate the local warrant management products with the State "wanted" systems and soon, the national. That means users will not have to go to one computer to post and manage their own internal and regional "wanted" and then another computer terminal to process the statewide and national "wanted." Integrating the "wanted" files is better for the local police agencies, and we think it is better for all law enforcement. These are the sort of integrated systems approaches we take.

I know there has been considerable depth in the discussions at this conference about data quality, but there are a lot of aspects to data quality that we need to carefully consider. The first, of course, is completeness. Is the disposition there or not? Another aspect is timeliness because it does not do us any good in New York if the criminal history information is okay in a conceptual sense, but is not accessible or delivered in a timely manner. Another is accuracy. And then an even more difficult question for the researchers is the validity of the data for its intended purpose. New York has taken a broader approach to this, an integrated approach, and one in which we largely abandoned the traditional mainframe master-slave relationships and are engaging in cooperative processing environments in which the

basic data acquisition, initial processing and data editing is done entirely on a local basis and is then uploaded into the large State databases and systems (sometimes as a result of on-line transaction processing and sometimes as a result of overnight batch or dial-in or other file transfer techniques). That, of course, results in products back to the local agencies, whether it is rap sheets or other kinds of things.

This integrated approach is our basic philosophy. An example of this is our on-line booking system. First, on-line booking is *not* central booking. It can be as centralized or as decentralized as one wishes, using as much hardware and data communications lines as you like and can afford. It works like this: an operator enters all the basic arrest processing data into a microcomputer. Specialized printers apply the relevant data to a series of fingerprint cards. In New York, it is traditional to print at least three cards: one each for the local police department, the FBI and the New York State Division of Criminal Justice Services (DCJS). Instead of typing all the data on the three cards, the operator simply throws all the cards in the printer. This saves a lot of typing time and is very popular with

local police. At the same time that basic data — which are all predefined under the data dictionary — are uploaded to DCJS. When the police departments send the fingerprint cards to us via fax machine — we have a 65-station digital facsimile network around the State — we marry them up with the data already in a transaction processing slot. That saves us a tremendous amount of data entry time. It saves us work, it saves the local folks work, and we have captured very reliable, edited data without duplicate data entry on our end.

In most of those cases, we are able to make the identification and return the rap sheet again over data communications lines within about two hours. That is important because in New York, particularly in New York City, judges will not arraign without a brand-new criminal history report which is based on a positive identification of the person. We cannot give our judges a rap sheet based on a name search or number search; it *has* to be based on a new fingerprint identification. That gives you an example of something that is good operationally and also produces better data for us.

Concerns for the Future

In closing, I think there are a lot of complexities ahead for many of us, particularly as we move beyond the 80 percent accuracy standard to levels of 90 percent and above. Finally, I am not nearly as concerned these days about disposition reporting — I think we are making a lot of headway there — as I am about arrest processing. We are relying more and more on good and timely print-taking and the timely transmission of those arrest cards. We are getting reports on a lot of dispositions for which we never received arrest cards or for which the arrest card arrives after the disposition report. Sloppy practices still remain in some parts of the law enforcement community. In some cases, police agencies are under tremendous cost pressures so they are using techniques like desk appearance tickets and other approaches that are resulting in a large number of fingerprints not being taken at the time of arrest. If fingerprints are not taken at the point of arrest, it is not unusual for them never to be taken, to the detriment of quality in State and national record systems.

Summary and Analysis

Summary and Analysis

ROBERT R. BELAIR

*General Counsel, SEARCH
Partner, Kirkpatrick & Lockhart*

This has been an extraordinary conference. It has been extraordinary because of the unequivocal and unprecedented commitment by the most senior Federal criminal justice officials to provide funding and leadership for improving criminal history records.

It has been extraordinary because of the substantive quality of the presentations, which document:

- (1) the wide-ranging use and importance of criminal history record information;
- (2) the successes and deficiencies in the accuracy, completeness and timeliness of existing criminal history record information systems;
- (3) the impressive efforts that are presently underway to improve the quality of criminal history record information; and
- (4) the nature of emerging developments that are propelling the Nation toward the successful completion of a high-quality, national criminal history record information system.

Most of all, however, this conference has been extraordinary because so many of the conference presenters, in different ways, have reached the same conclusion. It is a new and insightful conclusion: the users of criminal history record information now represent so many facets of our society and their need for high-quality data is so compelling that the user community — not the information

managers — will emerge as both the primary force for assuring that initiatives to improve the quality and utility of criminal history data will be successful and for shaping the content and organization of criminal history record systems.

Benjamin Renshaw, Deputy Director of the Bureau of Justice Statistics (BJS) and one of a handful of people who can rightly take credit for building the Nation's criminal history record system, made a remarkable presentation and one of his points goes right to the heart of the importance of criminal history record information. He said, and I quote:

... every, and I do not hedge that term, *every* consequential improvement that can be made in criminal justice, every sacrifice, reform or retrenchment, is imbedded in one form or another in the quality of [criminal history records].



Using Records For Criminal Justice Purposes

With respect to the use of criminal history record information for criminal justice purposes, Attorney General Dick Thornburgh, I think, put it best when he said that there is a "straight-line relationship" between high-quality criminal history record information and the success of the war on crime.

Dr. Steven Dillingham, Director of the Bureau of Justice Statistics, gave us an overview of other uses of criminal history record information for criminal justice purposes. Citing the BJS/SEARCH publication, *Statutes Requiring the Use of Criminal History Record Information*,¹ he summarized the broad and critical uses of criminal history records for bail and sentencing determinations. Simply stated, criminal history record information plays an integral, indeed an essential, part in virtually every criminal justice decision from apprehension decisions, through prosecution, sentencing, post-trial release and correctional decisions.

Mr. Renshaw emphasized that we now know that just a tiny percentage of offenders are responsible for a staggering amount of crime, particu-

larly more serious crimes against property and people. This reality is the "jet octane" for accelerating the commitment to improving the accuracy and completeness of criminal history record information so that these violent predators can be identified and taken off the streets.

Indeed, the Attorney General's discussion of the Justice Department's "Triggerlock" initiative provides a perfect example of the relationship between accurate and complete criminal history record information and the Nation's ability to target and attack chronic, violent offenders. The Justice Department intends to use the Federal Armed Career Criminal Act to target offenders who have three prior Federal or State felony convictions for violent crimes or drug offenses, and to prosecute those individuals under the Federal statute so that these offenders spend 15 years in prison without possibility of parole. The Attorney General emphasized, quite rightly, that without reliable criminal history record information, the "Triggerlock" initiative is doomed to failure.

Using Records For Noncriminal Justice Purposes

Several speakers also emphasized that criminal history record information is no longer confined to criminal justice use. Today, criminal history record information is relied upon in

numerous and vital noncriminal justice situations. In his presentation, Dr. Charles F. Wellford, Director of the Institute of Criminal Justice and Criminology at the University of Maryland, pointed out that at a 1984 SEARCH/BJS conference on criminal history record information, only one speaker even mentioned the use of the records for noncriminal justice purposes. A lot has changed. Dr. Geoffrey P. Alpert, a Visiting Research Scholar at the Bureau of Justice Statistics, described the variety and importance of noncriminal justice uses of criminal history record information. These uses include critical governmental decisions, such as determining suitability for security clearances; a myriad of licensing decisions (of which firearms licensing, of course, is but one example); and numerous employment decisions involving positions of trust.

The Attorney General, in fact, talked about the essential role that criminal history record information plays in assuring that only those individuals who are legally eligible to purchase firearms, in fact do so. In that regard, we heard from three State representatives, Lt. David E. Deputy, the Assistant Director of the Delaware State Bureau of Identification; Lt. R. Lewis Vass, Assistant Records Management Officer with the Virginia State Police; and Martha Wright from the Division of Criminal Justice Information Systems in the Florida Department of Law Enforcement. All three of those States have

¹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, by Paul L. Woodard, SEARCH Group, Inc. (Washington, D.C.: Government Printing Office, June 1991).

implemented point-of-sale systems to identify individuals who are ineligible to purchase firearms. All of those systems, of course, can be successful only by relying upon reasonably accurate and complete criminal history record information.

Both Dr. Alpert and Stephen Goldsmith, former Prosecuting Attorney for Marion County, Indiana, emphasized that the identity and purposes of criminal history users are continuing to expand and change, and criminal history record systems must be sensitive to these developments. Indeed, Mr. Goldsmith forcefully and effectively articulated what I believe to be the key insight of this conference — that ultimately the Nation's success in achieving high-quality criminal history information systems depends upon the users of criminal history records. As he put it, the more that the users of criminal history record information need and demand information, the greater will be the demand for high-quality information.

The Need For Timeliness And Utility

Subsumed in the concept of high-quality criminal history record information is not just information which is accurate, and not just information which is complete, but also information which has two other characteristics — timeliness and utility.

Executive Chief Judge Dalton A. Roberson made the point that in his court — the Detroit Recorder's Court — they operate a "rocket docket." For them, it's not enough for criminal

history information to be accurate and complete; the information also must be *timely*. For example, Judge Roberson tells us that if a defendant is being convicted of a fourth felony in Michigan, it is possible to enhance the punishment for that conviction to life imprisonment. But if an individual is going to be prosecuted with that potential enhancement, the prosecutor must elect to do so within 14 days of arraignment. In other words, within 14 days of arraignment, the prosecutor *must* obtain a copy of the defendant's criminal history record if the prosecutor is to make a determination that this individual is a candidate for an enhanced punishment.

Mr. Goldsmith points out that timeliness is also critical in the noncriminal justice context. Schools in his State of Indiana, for example, sometimes do not conduct background checks for school bus drivers because the checks take too long. He said that "... many of the school bus drivers had multiple speeding or drunk driving arrests, but the schools never asked for the [criminal history] information because they could not easily obtain it when they hired the bus drivers."

Dr. Wellford talked about the *utility* of criminal history record information. He said criminal history records must reflect the needs of users and must be dynamic so that records and record systems can be customized to meet those needs. As an example, Dr. Wellford cites the fact that most criminal history records do not

include "failure-to-appear" data. This is a significant deficiency and causes criminal history records to fall short of meeting user needs because failure-to-appear data is essential to making intelligent pretrial release decisions.

The Increasing Importance of Records

Many of the speakers predicted that criminal history record information, as important as it is right now, will become still more important. Our speakers cited several factors to support this conclusion, including the high crime rate, high recidivism rates, and a growing trend toward employer liability for negligent hiring. Judge Roberson identified still another, critical factor fueling the growing reliance upon criminal history records. He pointed out that when criminal justice resources are stretched, as they are now, there is a compelling need to target those resources on the most chronic and violent offenders. Judge Roberson tells us that there are 31,000 prison beds in Michigan. The State pays \$25,000 per year to maintain each prison bed. Judge Roberson argues that today more than ever, Michigan's criminal justice system has to be certain that each one of those 31,000 beds is occupied by offenders who pose a serious threat to public safety.

The Status of Record Quality

The conference speakers leave little doubt that criminal history record information is more important, and more widely used today, than ever before. Thus, the extent to which criminal history record information systems contain information that is accurate and complete becomes a germane and, indeed, compelling question. The answer to that question is very much a function of perspective.

For some of our speakers the glass is "half-full" and for some of our speakers the glass is "half-empty." A number of speakers make the point, quite rightly, that the quality of criminal history record information is better than ever before. For example, Jimmy Gurulé, the Assistant Attorney General for the Office of Justice Programs, citing the recently published BJS/SEARCH *Survey of Criminal History Information Systems*,² noted that 60 percent of the criminal history record information in State repositories is now automated; 41 States and the District of Columbia now require courts to report felony dispositions; and 23 States, representing approximately one half of the Nation's population, report at least a 70 percent disposition reporting rate for arrests made within the last five years.

BJS Director Dr. Dillingham made the very important point that master name indexes in over three quarters of the States are now automated. This is a key development in that the quick and reliable retrieval of information from a master name index is a predicate to the establishment of a high-quality criminal history record system. Dr. Dillingham also stressed that over 40 States now have felony disposition reporting statutes. Furthermore, over 40 States now either flag felony conviction records or collect sufficient information to be able to do so.

Of course, if the glass is half-full the glass is also half-empty. The Attorney General, while acknowledging that criminal history record systems are better than ever before, stressed that much remains to be done. He points out, for example, that the FBI has 24 million criminal history record files. Eight million of those records are not automated and thus retrieval is compromised. Moreover, 40 to 60 percent of those records are incomplete. The Attorney General went on to say that the FBI has a backlog of 3 million criminal history records awaiting updating and a backlog of 500,000 records awaiting initial entry into the system.

State criminal history record systems, of course, also present a half-full/half-empty picture. The Attorney General noted that only 32 States have automated even 50 percent of their criminal history

records and a minority of States, only 23, have reached even 70 percent completeness levels. After looking at these and other statistics, Mr. Goldsmith concludes that the Nation's criminal history record systems are in dismal shape.

Dr. Charles M. Friel, Director of the Criminal Justice Center at Sam Houston State University, laments the particular deficiencies in the correctional component of criminal history records. As Dr. Friel sees it, the lack of a coherent correctional philosophy; erratic and inconsistent correctional strategies; a lack of compatibility in terminology and technology; and an overdemand for accountability have conspired to doom high-quality correction records. Dr. Friel predicts that, in the near term, the correctional component of criminal history record information will deteriorate.

Judge Roberson sounded another data quality alarm, this one with respect to fingerprinting. Judge Roberson makes the point — and it is a point that SEARCH has often made in testimony and publications — that without fingerprint support, criminal history records are unreliable and are at risk of being matched with the wrong individual. In his jurisdiction, Judge Roberson sees a need to be ever vigilant to assure that all criminal history record information is fingerprint-supported.

² U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, by Sheila J. Barton, SEARCH Group, Inc. (Washington, D.C.: Government Printing Office, March 1991).

Listening to the speakers over the last two days, however, makes clear that regardless of whether speakers take an optimistic (half-full) or pessimistic (half-empty) approach, every speaker is aware of and concerned about the fact that criminal history record information in most systems still does not meet acceptable levels of accuracy and, particularly, completeness and that in many instances, cannot be provided on a timely basis. Moreover, the speakers are concerned that, from a utility standpoint, criminal history record information does not adequately meet user needs.

Initiatives to Improve Record Quality

As Dr. Dillingham pointed out, the criminal justice information community has worried about the quality of criminal history record information for a long time — over two decades. Indeed, a 1970 SEARCH report stated, “[D]ifficult issues arise from questions about the accuracy and completeness of criminal history records. Accuracy and completeness should be matters of great concern.”

While it is true that many of the organizations and individuals represented or present at this conference have worked for two decades to improve the quality of criminal history record information, it is also true, as several speakers emphasized, that the efforts currently underway are

more ambitious and hold more promise than any efforts previously undertaken. As Mr. Renshaw put it, “a confluence of events” is driving and fuelling and nurturing initiatives to improve criminal history record information.

Federal Initiatives

Dr. Steven R. Schlesinger, Director of the Justice Department's Office of Policy Development, Dr. Dillingham, Mr. Gurulé and Gerald (Jerry) P. Regier, the Acting Director of the Bureau of Justice Assistance (BJA), discussed the current Federal initiatives. Those initiatives are impressive. The Attorney General's Program for Improving the Nation's Criminal History Records and Identifying Felons Who Attempt to Purchase Firearms is providing States with \$27 million over the next three years for automation, court interface, flagging of felony records, development of master name indexes and participation in the Interstate Identification Index. As Dr. Dillingham related to us, \$9.2 million has already been awarded and it appears that as many as 40 States are likely to participate in the program.

In conjunction with this program, on February 13, 1991, BJS and the FBI published voluntary standards for improving the quality of criminal

history record information.³ From all reports, the program is providing important and well targeted assistance to State criminal history record information systems. Most practitioners are optimistic that the program will pay real dividends.

The Bureau of Justice Assistance, which provided BJS with the \$27 million in funding, is beginning an evaluation of the effectiveness of the program. BJA will be looking at 10 States to assess compliance with the voluntary standards and to identify strategies that have proven effective in those States for improving the quality of criminal history record information. BJA expects to spend \$525,000 on the evaluation and to produce a comprehensive report.

At the same time, BJA is also finalizing plans to administer a program that will annually set aside 5 percent of its block grant funds for improvements in disposition reporting, automation and reporting of criminal history records to the FBI.

BJA has already published guidelines with respect to the expenditure of these 5 percent set-aside funds. As Mr. Regier explained, the guidelines call for the establishment of statewide task forces; for the assessment and auditing of the completeness and

³ U.S. Department of Justice, Federal Bureau of Investigation and Bureau of Justice Statistics, “Recommended Voluntary Standards for Improving the Quality of Criminal History Record Information,” *Federal Register*, (13 February 1991) vol. 56, no. 30.

accuracy of criminal history record information; for the identification of reasons for difficulties in improving criminal history record information; and for the development of a comprehensive records improvement plan in each State. It is expected that at current funding levels the 5 percent set-aside program will assure that the States use at least \$20 million per year from their BJA block grant funds for improvements in criminal history record systems.

The FBI is also working to improve their criminal history record systems. The Attorney General pointed out that the FBI will spend \$12 million to attack the backlog of 3 million records awaiting updating and 500,000 new records awaiting initial entry. Melvin (Bud) D. Mercer, the Chief and Legal Counsel of the FBI's Identification Division, described in detail the FBI's initiatives to improve their information systems. Everyone, of course, is familiar by now with the FBI's ambitious and massive Identification Division Revitalization Project, the centerpiece of which is a move to West Virginia and substantial upgrading of technology. In addition, the FBI is well underway in implementing recommendations arising out of its NCIC 2000 project. Furthermore, Mr. Mercer described the FBI's new Machine Readable Data Disposition Program (MRDD). He emphasized that MRDD will make it far easier for a State central repository to provide automated disposition data to the FBI and should do much to improve the FBI's disposition reporting rate.

Paul J. McNulty, Principal Deputy Director in the Justice Department's Office of Policy Development and a former senior minority staffer on the

House Judiciary Committee, brought home to conference attendees that the interest in the quality of criminal history record information is not confined just to the executive branch. The Congress also has been very interested in this issue. The Attorney General's Program for the Immediate and Accurate Identification of Felons Who Attempt to Purchase Firearms is, of course, a program that has its roots in Federal legislation. Further, BJA's 5 percent set-aside program, as Mr. McNulty emphasized, was conceived in the House Judiciary Committee and is now reflected in Federal statute law.

The confluence of events, as Mr. Renshaw put it, includes a keen awareness in the Congress that criminal history record information is of vital importance to the Nation; that these records are not as accurate, complete or timely as they should be; and that in order to improve these records in an acceptable time frame, Federal money and leadership must be available. As George B. Tellevik, Chief of the Washington State Patrol and Moderator of this conference made clear, this Federal commitment could not come at a better time. Many States are desperate for funds, and lack adequate State funds for criminal history record improvements.

It should also be said that this administration deserves enormous credit for making criminal history record information the priority that it now is. No prior administration has done as much, and no prior administration has been as willing to recognize that much more remains to be done.

State Initiatives

In addition to receiving Federal support, the States, where possible, also spend their own funds and have also been active in developing initiatives to improve the quality of their criminal history record systems. Sheila Barton, Director of SEARCH's Law and Policy Program, described in detail the initiatives underway in the States with respect to disposition and arrest reporting; linkage of data; auditing; and other strategies to improve criminal history record information. Sheila sums up those initiatives as follows:

There are a number of procedures that States are employing to encourage more complete arrest and disposition reporting, such as generating lists of arrests with no dispositions (18 States); making field visits to contributing agencies (29 States and the District of Columbia); sending form letters indicating problems (36 States); and telephoning agencies (31 States and the District of Columbia).

We are fortunate at this conference to have heard from a number of State leaders with respect to initiatives in their States. Margaret (Peggy) J. Horvath, Deputy State Court Administrator for the Florida Supreme

Court, described the role that a statewide information systems committee or task force played in Florida. Statewide task forces that bring together representatives from all of the criminal justice agencies involved in the criminal history record process have proven to be an enormously important and useful strategy. Indeed, the strategy has been so successful that, as I mentioned earlier, the BJA guidelines for administering the 5 percent set-aside program expressly call for the establishment of such integrated, statewide task forces.

Several speakers, including Dr. Wellford, and two of the Nation's leading criminal history record practitioners, Paul Leuba, the Director of Data Services for Maryland's Department of Public Safety and Correctional Services, and Gary D. McAlvey, the Chief of the Illinois State Police Bureau of Identification, discussed the vital role that auditing can play in improving criminal history record information. The institutionalization of regular audits, along with a plan for quick follow-up regarding problems identified by the audit, are seen as indispensable strategies for improving a State's criminal history record system.

Mr. McAlvey, in his excellent presentation, also identified a collateral benefit. Audits can substantially boost arrest reporting. He pointed out that in Illinois, after a local agency audit program was institutionalized, 100,000 more arrests were reported in 1990 than in each of the years 1985 through 1989 — and yet the crime rate remained steady.

George A. Mitchell III, the Deputy Commissioner for Management and Information Services in New York State's Division of Criminal Justice Services, described New York's experience with another of the strategies that are essential to the establishment of high-quality criminal history record systems — automation. Mr. Mitchell argues that to be most effective, automation must start at the very lowest level and work up. Furthermore, the State must take an integrated approach to automation so that all of the components of the criminal justice system involved in the criminal history record process are included and are operating compatible systems.

If there is a consensus point with respect to State strategies for improving data quality, it is that to have the greatest chance of success, a State campaign must be fashioned as a comprehensive, integrated, omnibus program. All of the components of the State criminal justice system have a role to play. Here too, Mr. Renshaw said it best, and let me quote from and paraphrase his remarks:

[Under the Law Enforcement Assistance Administration] We invested hundreds of millions of dollars in that program [a law enforcement-related criminal history record

improvement program]. In my view ... we made a critical mistake. The mistake was that we did not insist upon ... leverag[ing] the involvement of prosecutors and courts. It is already clear from what you have heard today that that mistake will not be repeated.

Where Do We Go From Here?

There is a difference of opinion with respect to whether we should be positive or negative in characterizing the current status of the quality of criminal history record information. But apart from a few areas such as correctional records, there is little difference of opinion about whether we should be optimistic about the future. Once again, let me quote from Mr. Renshaw:

... this opportunity [to take the final steps toward establishing a high-quality national criminal history record system] will be seized and will not be wasted. There is a confluence of circumstances right now.

One of the "events" in that confluence is the continued progress in developing and institutionalizing effective, practical information technologies. Dr. Dillingham was eloquent in stating that we are truly entering an Information Age — an age of electronic data interchange; of imaging technology; of biometric-based identification; of inexpensive and reliable telecommunications; and of massive automated memory. Dr. Alpert elaborated further on the positive role that technology will play: he talked about an emerging telecommunications capacity to transfer fingerprints and photographic information; the integration of operational criminal history records and statistical systems; the ability to generate from criminal history record systems investigative information such as modus operandi and crime pattern information; and the use of criminal history data as feed stock for developing expert system capabilities. In this context, technology is indeed a handmaiden for change, and the change is positive.

Another "event" in the confluence is the achievement, after so many years of debate, of a consensus with respect to the organizational and legal structure to support a high-quality, national criminal history record system. The crown jewel in that constellation, as Mr. Gurulé and the Attorney General both noted, is the Interstate Identification Index. Already 21 States are participating. And, of course, it must not be overlooked that another critical part of the "confluence of events" is the availability, at both the State and particularly the Federal level, of funding in amounts not seen since the halcyon days of LEAA.

Does this mean that serendipity is upon us and we need merely sit back and await the inevitable completion of a high-quality national criminal history record system? Of course not. As Dr. Schlesinger so rightly put it, "we have a challenge before us." We are challenged to better define the Federal role with respect to the completion of a high-quality national criminal history record system. Clearly, the Federal role includes Federal assistance to promote national compatibility; to demonstrate successful strategies; to provide national training and technical assistance; and to provide for forums such as this for the exchange of information. But beyond that, the nature of the Federal role requires further thought and refinement, particularly with respect to Federal assistance for operational purposes and for the development of new programs and technologies. Further work also needs to be done on the role that each of the Federal agencies, BJS, BJA and the FBI, ought to have with respect to the Nation's criminal history record systems.

At the State level, more work still needs to be done to develop and refine data quality strategies — including the composition and role of statewide task forces; the status of juvenile records; the role of the State central repository and its relationship to local criminal history record systems; and the relationship of State repositories and the courts, to name a few of the key issues. Indeed, the States need to give perhaps the most attention to the whole issue of

integration and strategies for a comprehensive, systemwide approach to criminal history systems.

Still, despite the hard work ahead of us, we end this historic conference on a high note. A high note because this conference has witnessed the most dramatic expression ever of Federal leadership and commitment to improving criminal history record systems; a high note because technological developments now give us the tools to reach new levels of data quality; a high note because strategies for improving data quality such as auditing have been further refined and have, in fact, proven to be effective; and a high note because there is now a consensus with respect to the political and organizational infrastructure for the Nation's criminal history record system that gives us reason to believe that we can exploit new technologies and strategies for improving criminal history record information.

Most of all, however, we end on a high note because — as so many speakers in different ways pointed out — the constituency for criminal history record data, the consumers of criminal history record data, are now legion and they represent virtually all of the facets of our society. Together, they are an irresistible force calling for, and insisting upon, a national criminal history record system that meets the highest standards of accuracy, completeness, timeliness and utility.

Contributors' Biographies

Contributors' Biographies

Geoffrey P. Alpert, Ph.D.

Dr. Alpert is a Visiting Research Scholar at the Bureau of Justice Statistics, U.S. Department of Justice. He is Professor of Criminal Justice at the University of South Carolina and Research Professor, Institute of Public Affairs.

A former Director of the Criminal Justice Program at the University of Miami, Dr. Alpert has also served in a variety of criminal justice agencies. He has held several positions with the Miami Police Department and with courts and prosecutors offices in Oregon. Dr. Alpert was also Director of Research for the Georgia Department of Corrections.

Dr. Alpert has published more than a dozen books and monographs, and has also contributed to legal, sociological and criminal justice journals.

Shella J. Barton

As Director of SEARCH's Law and Policy Program, Ms. Barton is responsible for developing and implementing a multifaceted program of public policy analysis; documenting State and Federal information policy development, education and assistance to State and local policymakers; conducting national conferences and workshops on justice information policy issues; and publishing timely studies on justice information policy. She is also staff to the SEARCH Law and Policy Program Advisory Committee and Board of Directors.

Prior to joining SEARCH, Ms. Barton was a Municipal Judge in Cheyenne, Wyoming, and was also engaged in the private practice of law. She also has held the positions of Public Defender for Cheyenne and Staff Attorney to the Wyoming Supreme Court. She has also served in the New York State Department of Correctional Services, Office of the Special Legal Assistant to the Commissioner and Legal Specialist for the Department's Division of Health Services. Prior to her service in New York, she was Associate County Judge for Lincoln County, Nebraska.

She holds a B.A. from Augustana College (South Dakota) and a J.D. from the University of Nebraska College of Law.

Robert R. Belair

Mr. Belair is SEARCH's General Counsel and is a partner with the Washington, D.C. law firm of Kirkpatrick & Lockhart. The principal emphasis of Mr. Belair's practice is privacy and information law involving administrative, legislative and litigation activity. His practice includes counseling in all aspects of privacy and information law; defamation; intellectual property, including software copyright; constitutional law; and criminal justice administration.

As General Counsel, Mr. Belair has participated in SEARCH's security and privacy programs and has authored many studies in the area of criminal justice information law and policy. He was actively involved in the development of SEARCH's revised standards of criminal history record information, *Technical Report No. 13: Standards for the Security and Privacy of Criminal History Record Information* (Third Edition).

He has served as consultant to The National Telecommunications and Information Administration and The Commission on Federal Paperwork. Mr. Belair is former Deputy General Counsel and Acting General Counsel of the Domestic Council Committee on the Right of Privacy, Office of the President.

Mr. Belair is a graduate of Kalamazoo College (Michigan) and the Columbia University School of Law (New York).

Lt. David E. Deputy

Lt. Deputy is Assistant Director of the State Bureau of Identification, Delaware State Police. As Assistant Director of Delaware's central repository of criminal history record information, Lt. Deputy is responsible for the Firearms Transaction Approval Program; the criminal history, data entry and fingerprint sections; the statewide Uniform Crime Reports section; the handwriting examination, photography and detective licensing sections; and the State Missing Children Information Clearinghouse.

Lt. Deputy has been an active participant in the Felon Identification in Firearms Sales Ad Hoc Task Force. He is also an appointed member of the Delaware Justice Information System Board of Managers and a member of the Harvard Associates in Police Science.

Lt. Deputy has a B.S. degree in criminal justice from Wilmington College (Delaware). He is presently pursuing a Master's degree from Wilmington College in human resource management.

Steven D. Dillingham, Ph.D.

Dr. Dillingham is Director of the Bureau of Justice Statistics, U.S. Department of Justice. Prior to his appointment by President Bush in 1990, Dr. Dillingham held the positions of Deputy Director in the Bureau of Justice Assistance and Acting Deputy Director for the Office for Victims of Crime, both within the Office of Justice Programs, U.S. Department of Justice.

Dr. Dillingham has also previously served on the University of South Carolina faculty; as Counsel for criminal law for the U.S. Senate Judiciary Committee; in the offices of General Counsel of the U.S. Office of Personnel Management and the U.S. Department of Energy; and as a private consultant in the design and operation of justice facilities. He has authored and co-authored books and articles on various criminal justice topics.

Dr. Dillingham holds a J.D., M.P.A. and Ph.D. in political science from the University of South Carolina. He is currently engaged in post-doctoral studies at the Georgetown University Law Center (Washington, D.C.).

Charles M. Friel, Ph.D.

Dr. Friel is Director of the Criminal Justice Center and Dean of the College of Criminal Justice, Sam Houston State University, Huntsville, Texas.

In 1978 and again in 1984, the Japanese Ministry of Justice invited Dr. Friel to study that Nation's correctional system. Dr. Friel has also served as a visiting lecturer at the United Nations' Asia and Far East Institute in Fushu, Japan. In 1988, he was invited by the Ministry of Public Security of the People's Republic of China to lecture at various police colleges and to provide advice on police training and executive development.

Dr. Friel has lectured extensively throughout the United States and Canada on a variety of criminal justice topics. He is the author of numerous criminal justice information publications, particularly in the areas of correctional forecasting and policy analysis. He is the 1987 recipient of SEARCH's *O.J. Hawkins Award for Innovative Leadership and Outstanding Contributions in Criminal Justice Information Systems, Policy and Statistics in the United States*.

Dr. Friel's undergraduate work at Maryknoll College (Illinois) included studies in philosophy and Latin. He completed a Ph.D. in experimental psychology at The Catholic University of America (Washington, D.C.). Dr. Friel is an at-large member of SEARCH and a past member of the SEARCH Board of Directors.

Stephen Goldsmith

Mr. Goldsmith is an attorney with the Indianapolis, Indiana, law firm of Dann Pecar Newman Talesnick & Kleiman. Mr. Goldsmith is also a Research Fellow at the John F. Kennedy School of Government, Criminal Justice Policy and Management Program, Harvard University, and Associate Professor at the School of Public and Environmental Affairs, Indiana University. In November 1991, he was elected Mayor of Indianapolis.

Mr. Goldsmith served as the Prosecuting Attorney for Marion County, Indiana, from 1979-90. During his tenure, he chaired and participated on a number of select committees including, among others, the Attorney General's Commission on Pornography, the President's Commission Against Drunk Driving, the Governor's Task Force to Reduce Drunk Driving, and the Governor's Child Support Commission. Mr. Goldsmith has also authored a number of articles on a variety of criminal justice issues and has edited the *Prosecutors Perspective*, a journal on applied research.

Mr. Goldsmith received an A.B. from Wabash College (Indiana) and a J.D. from the University of Michigan. Mr. Goldsmith is an at-large member of SEARCH and a past member of the SEARCH Board of Directors.

Jimmy Gurulé

Mr. Gurulé was sworn in as Assistant Attorney General for the Office of Justice Programs (OJP), U.S. Department of Justice on August 3, 1990. In that capacity, Mr. Gurulé is responsible for coordinating policy, management and priorities within OJP and its five program Bureaus and Offices: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Prior to his present position, Mr. Gurulé was an Associate Professor of law at Notre Dame Law School. He also served as an Assistant United States Attorney in the Criminal Division of the Office of the U.S. Attorney in Los Angeles, California, from 1985 to 1989, where he was Deputy Chief of the Major Narcotics Section. He also was an Adjunct Professor of law at the University of Utah College of Law from 1983 to 1985, and a trial attorney in the Criminal Division of the U.S. Department of Justice from 1980 to 1982. In addition, Mr. Gurulé has served as a Special Assistant United States Attorney for the Southern District of Florida and the District of Columbia.

Mr. Gurulé was the recipient of the Attorney General's Distinguished Service Award in 1990 for his work in prosecuting the killers of Drug Enforcement Administration (DEA) Special Agent Enriqu  Camarena. He also has received the DEA Administrator's Award, DEA's highest award, for his outstanding contributions in the field of law enforcement. Mr. Gurulé is past President of the Hispanic National Bar Association.

Mr. Gurulé received his Bachelor's degree and J.D. from the University of Utah.

Margaret (Peggy) J. Horvath

Ms. Horvath has served as Deputy State Courts Administrator of the Florida Supreme Court since 1985. In her present capacity, Ms. Horvath oversees the areas of Court Services, Information System Services, the Alternative Dispute Resolution Program, the Court Reporter Certification Program and the Driving Under the Influence Program. She also serves as the State Information Resource Manager for the court system.

Prior to joining the Office of the State Courts Administrator, Ms. Horvath spent 14 years with the Florida Department of Law Enforcement. While at that department, she held the positions of Deputy Director of Criminal Justice Standards and Training and Deputy Director of Criminal Justice Information Systems.

Ms. Horvath has previously served as a member of SEARCH; held the position of Vice Chairman of the FBI Southern Region of the National Crime Information Center; and consulted with LEAA to define the original national and State requirements of the Offender-Based Transaction System.

Paul E. Leuba

Mr. Leuba is Director of Data Services for the Maryland Department of Public Safety and Correctional Services, a position he has held since 1979. Mr. Leuba has worked for the Maryland State government for 24 years in a variety of technical and management positions in information processing.

In his current position, Mr. Leuba has directed and implemented Maryland's statewide criminal justice information system. He is directly responsible for the management of the State's central repository of criminal records, as well as the Public Safety Data Center, where computer-based information systems are operated for law enforcement, corrections, probation and parole offices throughout Maryland.

Mr. Leuba holds a B.S. degree in industrial engineering from Johns Hopkins University (Maryland). He is Maryland's State representative to SEARCH, and is a former member of SEARCH's Board of Directors.

Gary D. McAlvey

Mr. McAlvey is Chief of the Bureau of Identification, Division of Forensic Services and Identification, Illinois State Police, a position he has held since 1977. Prior to assuming duties as Chief, Mr. McAlvey worked in various positions within the Illinois Department of State Police and for the Pittsburgh and Allegheny County Crime Laboratory, Pittsburgh, Pennsylvania. Mr. McAlvey's current responsibilities include management of the State's criminal history repository and automated fingerprint identification system.

Mr. McAlvey has served as an Editor of the *Journal of Criminal Law, Criminology and Police Science* and the *Journal of Police Science and Administration*. He has also served as an instructor and lecturer at the University of Louisville, Southern Police Institute and Waubensee Community College (Aurora, Illinois). He is a member of several professional organizations.

Mr. McAlvey is the most senior member of the SEARCH Membership Group, having been appointed in 1970. He has served a total of five terms as Chairman of SEARCH and in 1986 was awarded the *Board of Directors Award for Meritorious Service*.

Mr. McAlvey holds a B.S. in police administration (Criminalistics) from Michigan State University. He has also completed graduate work in public service administration at Governors State University (University Park, Illinois).

Paul J. McNulty

Mr. McNulty is Principal Deputy Director of the Office of Policy Development, U.S. Department of Justice. Mr. McNulty has previously served as Acting Director and Deputy Director of the Office of Policy Development; Minority Counsel to the Committee on the Judiciary, U.S. House of Representatives; Director of the Office of Government Affairs of the Legal Services Corporation; and Counsel to the Committee on Standards of Official Conduct, U.S. House of Representatives.

Mr. McNulty received a B.A. degree from Grove City College (Pennsylvania) and a J.D. from Capital University School of Law (Ohio). He is a member of the Pennsylvania Bar.

Melvin (Bud) D. Mercer

Mr. Mercer is the Chief/Legal Counsel of the Identification Division at the Federal Bureau of Investigation Headquarters in Washington, D.C., a position he has held since 1981. He is responsible for resolving legal, legislative and policy issues concerning criminal history records. Prior to his current assignment, Mr. Mercer was Assistant Section Chief in the Identification Division. He has also served as a Special Agent in the Mobile, Alabama, FBI Office and the FBI's Baltimore, Maryland, Office.

Mr. Mercer earned a B.S. degree from Holy Cross College (Massachusetts) and a J.D. from the Boston College Law School. He is an inactive member of the Massachusetts State Bar.

George A. Mitchell III

Mr. Mitchell is Deputy Commissioner for Management and Information Services for the New York State Division of Criminal Justice Services (DCJS). Mr. Mitchell is responsible for all technology and systems activities of DCJS, including the automated criminal records repository, fingerprint identification systems, the statewide wanted and missing persons system and several statistical research and office automation systems. Mr. Mitchell also manages the statewide Criminal Justice Data Communications Network (CRIMNET) and the digital facsimile network for the transfer of fingerprints and suspect photographs.

Mr. Mitchell has served for more than 20 years in State government, including the positions of General Counsel to DCJS, Director of DCJS Data Processing Services, and several positions with the New York State Division of the Budget.

Mr. Mitchell is currently Chairman of the New York State Forum for Information Resource Management, a consortium of State and local information resource management executives and policymakers. He is a licensed attorney.

Gerald (Jerry) P. Regier

Mr. Regier was appointed Acting Director of the Bureau of Justice Assistance, U.S. Department of Justice, by Attorney General Dick Thornburgh on February 15, 1990. The Bureau of Justice Assistance is the agency within the Justice Department's Office of Justice Programs that provides funds to State and local governments to control crime and drug abuse and to improve the criminal justice system.

In February 1989, President Bush appointed Mr. Regier a Commissioner on the National Commission on Children. The Commission held hearings throughout the United States to assess the status of children for the purpose of reporting to the President.

From 1981 to 1984, Mr. Regier served as Associate Commissioner for the Administration for Children, Youth and Families in the U.S. Department of Health and Human Services. In that position, he was involved in developing policy and managing social programs serving children, youth and families and administered the Runaway Youth Act. In 1984, Mr. Regier established the Family Research Council, a nonpartisan research/educational/resource organization. He was president of that organization until 1988.

A graduate of Michigan State University, Mr. Regier also holds an M.P.A. from Harvard University's John F. Kennedy School of Government.

Benjamin H. Renshaw III

Mr. Renshaw is the career Deputy Director of the Bureau of Justice Statistics, U.S. Department of Justice. During the past decade, he has twice been Acting Director of the Bureau of Justice Statistics, and also acting Director of the Bureau of Justice Assistance (November 1986 to May 1989), and has served on the staffs of the current Office of National Drug Control Policy in the Executive Office of the President and the White House Conference for a Drug-Free America.

From 1975 to 1979, Mr. Renshaw was the head of the Statistics Division and an Assistant Administrator of the Law Enforcement Assistance Administration. From 1973 to 1975, he served as the Executive Director of the Office of Criminal Justice Plans and Analysis for the District of Columbia. He also previously served as an Assistant City Manager in Beverly Hills, California; Budget Analyst for the Washington State Legislature; Managing Editor of the *Public Administration Review* in Chicago; Director of a Ford Foundation-financed study of New England State governments in Boston; and Criminal Justice Systems Manager of Government Studies and Systems in Philadelphia.

Mr. Renshaw has a B.S. in economics and a Master's degree in governmental administration from the Wharton School of the University of Pennsylvania.

Judge Dalton A. Roberson Sr.

Judge Roberson is Executive Chief Judge for the Circuit Court for the Third Judicial Circuit of Michigan and the Recorder's Court for the City of Detroit. In September 1990, he was also appointed to a four-year term on the State Judicial Council.

Judge Roberson has been a member of the judiciary since 1974, when he was appointed Judge of the Detroit Recorder's Court. He has also served in both the United States Attorney's Office and the Wayne County, Michigan, Prosecuting Attorney's Office.

Judge Roberson received his B.A. degree from Michigan State University and a J.D. degree from the Detroit College of Law.

Steven R. Schlesinger, Ph.D.

Dr. Schlesinger is Director of the Office of Policy Development, U.S. Department of Justice. Dr. Schlesinger is also an Adjunct Professor of government at The American University (Washington, D.C.).

Prior to his current appointment, Dr. Schlesinger was the Director of Education and Training for the United States Institute of Peace, where he was responsible for the Institute's programs designed to increase the level of knowledge and understanding of peace- and conflict-related issues on the part of all segments of the American public. He also previously served as Director of Curriculum and Instruction of the Close Up Foundation, a nonpartisan, civic education program which, since 1970, has

brought almost 250,000 high school students, teachers and older Americans to Washington, D.C. to study American government and politics.

From 1983 to 1988, Dr. Schlesinger served as Director of the Bureau of Justice Statistics, U.S. Department of Justice. He has also served on the faculties of Claremont Graduate School and Claremont Men's College, Rutgers University, The Catholic University of America, and Sam Houston State University.

Dr. Schlesinger has published several books and monographs. He has also authored over 20 articles in professional journals on law and political science topics.

Dr. Schlesinger received his B.A. from Cornell University (New York), and his M.A. and Ph.D. from Claremont Graduate School (California).

Chief George B. Tellevik

Mr. Tellevik is Chief of the Washington State Patrol. He began working at the State Patrol in 1956 following a tour of duty in the U.S. Navy.

Chief Tellevik served in a variety of Patrol positions throughout Washington State. In addition to his duties as a line trooper, his assignments included the early development of the state-wide law enforcement and national telecommunications systems, which led him to the nationwide presidency of the National Law Enforcement Telecommunications Network.

Prior to his being appointed Chief, then-Major Tellevik served as

Western Washington Region Commander for the Field Operations Bureau of the Patrol. He was also the Patrol's legislative liaison during the administrations of former Governors Ray and Spellman.

Chief Tellevik is a graduate of the National Executive Institute and serves on or chairs a number of organizations, including the Governor's Core Cabinet (member), the Washington Association of Sheriffs and Police Chiefs (former Board member), the Criminal Justice Training Commission (Commissioner), Traffic Safety Commission (Commissioner), the Western Region International Association of Chiefs of Police (Chairman), the Organized Crime Intelligence Unit (Chairman), and Criminal Justice Advisory Council (Chairman). Chief Tellevik is also a member of the SEARCH Board of Directors and is Chairman of the SEARCH Systems and Technology Program Advisory Committee.

Dick Thornburgh

Mr. Thornburgh became the 76th Attorney General of the United States on August 12, 1988, and was unanimously confirmed by the U.S. Senate. (Editor's Note: subsequent to this conference, Mr. Thornburgh resigned his post.)

As Attorney General, Mr. Thornburgh serves as the Nation's chief law enforcement officer and is in charge of executing the Administration's initiatives against drug traffickers, organized crime and white collar criminals, as well as the enforcement of civil rights, anti-trust and environmental laws.

Prior to his assuming his present office, Mr. Thornburgh served from 1987 to 1988 as Director of the Institute of Politics at Harvard's John F. Kennedy School of Government. He was also a partner in the Washington, D.C. law firm of Kirkpatrick & Lockhart.

Mr. Thornburgh served two terms as Governor of Pennsylvania. He was elected in 1978 and was re-elected in 1982.

Prior to that, he served as United States Attorney for Western Pennsylvania (1969-1975), prosecuting a number of drug traffickers, major organized crime figures and corrupt public officials. From 1975-1977, Mr. Thornburgh served as Assistant Attorney General of the United States in charge of the Criminal Division of the Department of Justice during the administration of President Gerald Ford. He established the Public Integrity Section to spearhead the Justice Department's actions against corrupt public officials.

A native of Pittsburgh, Mr. Thornburgh holds an engineering degree from Yale and a law degree from the University of Pittsburgh. He has been awarded honorary degrees by 26 other colleges and universities.

Lt. R. Lewis Vass

Lt. Vass graduated from the Virginia State Police Academy in 1967. During his 24 years of service with the State Police, he has received specialized training in bombs and explosive devices, terrorism and civil disorders, and police personnel management. He is currently continuing his studies in criminology.

Lt. Vass serves as the Assistant Records Management Officer, Records Management Division, Virginia Department of State Police. His responsibilities include the Virginia Automated Fingerprint Identification System, the Virginia Central Criminal Records Exchange, Virginia machine gun registration files, and the Virginia Firearms Transaction Program (VFTP). Lt. Vass was instrumental in designing and developing the VFTP, the first instant check point-of-sale approval system in the Nation for firearms sales.

Lt. Vass is currently a member of the Felon Identification in Firearms Sales Ad Hoc Task Force. He is a member of the steering committee to assist the Bureau of Justice Assistance in the design of a methodology to evaluate criminal history records programs.

Charles F. Wellford, Ph.D.

Dr. Wellford is a Professor at the University of Maryland at College Park. He is also the Director of the Institute of Criminal Justice and Criminology, a position he has held since 1981.

Dr. Wellford serves on numerous State and Federal advisory boards and commissions, including the District of Columbia Sentencing Commission and the Governor's Assistance Board. He is Vice President-Elect of the American Society of Criminology.

From 1976-81, Dr. Wellford served in the Office of the U.S. Attorney General, where he directed the Federal Justice Research Program. During that time, he directed research on Federal sentencing and prosecution policies and on the state of civil justice in America.

Dr. Wellford is the author of numerous publications on criminal justice issues. His most recent research has focused on the determinants of sentencing, the development of comparative crime data systems and the measurement of white collar crime.

Dr. Wellford received his B.A. and M.A. from the University of Maryland and his Ph.D. from the University of Pennsylvania.

Martha Templeton Wright

Ms. Wright is Bureau Chief, Crime Information Bureau, Division of Criminal Justice Information Systems, Florida Department of Law Enforcement, a position she has held since 1988. Her responsibilities include managing the Bureau functions by monitoring systems and subsystems used to create and maintain the State's criminal history repository; initiating research and study on targeted areas; identifying potential research topics and concerns; and outlining strategies for addressing problems. Ms. Wright also provides oversight to Bureau programs, including the Automated Fingerprint Identification System, the Firearm Purchase Program, the applicant criminal history check program, the criminal history repository, and associated programs, such as the Offender-Based Transaction System.

Prior to her current position, Ms. Wright worked in several other capacities for the Florida Department of Law Enforcement, including Senior Management Analyst II in the Office of the Inspector General; Management Review Specialist in the Office of the Executive Director; and Lead Worker Research and Training Specialist in the Division of Criminal Justice Standards and Training. She has also served in various research and supervisory positions with the Florida Department of Health and Rehabilitative Services, Auburn University and the University of Michigan.

Ms. Wright received a B.S. and an M.S. in psychology from Iowa State University.

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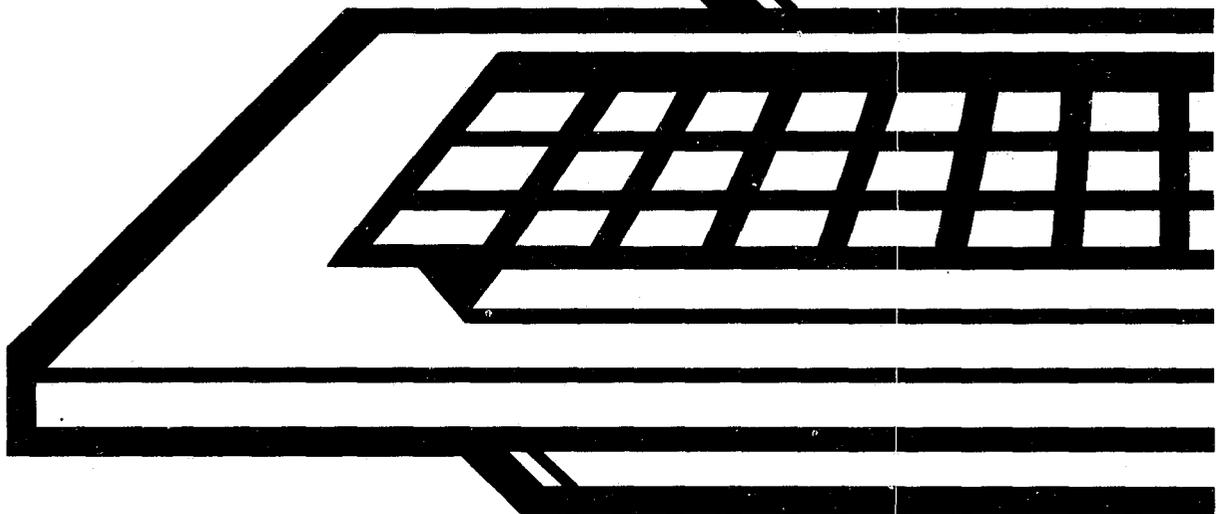
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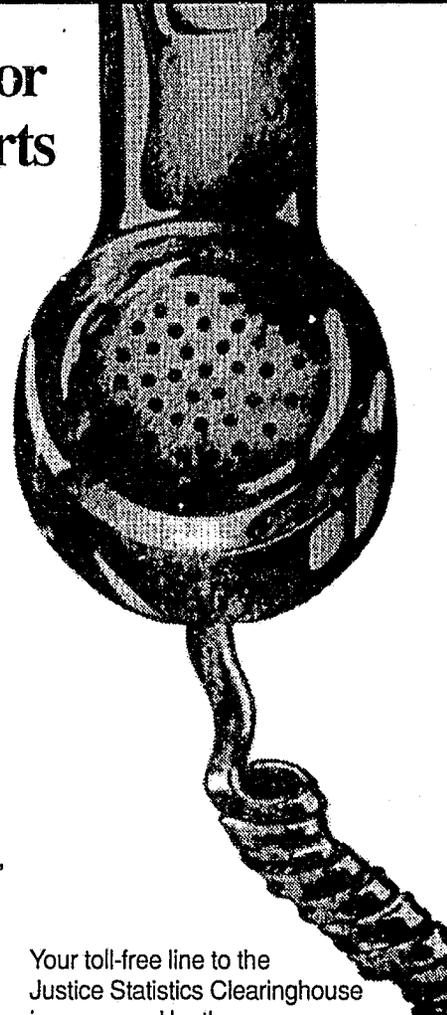
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