

The National Crime Information Center
A Review and Evaluation
July 25, 2005

Statement of Purpose

This report was prepared on behalf of the National Association of Professional Background Screeners (NAPBS) by Craig N. Winston, under the direction of Lester S. Rosen and Mike Sankey, both members of the Board of Directors of NAPBS.

Its stated purpose was to review the National Crime Information Center and the Interstate Identification System in order to evaluate its effectiveness in maintaining accurate and complete criminal history records.

About the Author

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INTRODUCTION

The availability of accurate and up-to-date criminal history records is vital to the criminal justice system. The use of this information is also relative for agencies and organizations outside the criminal justice system. Employers such as banks and securities organizations have statutory authority to obtain criminal history information and rely upon it in making their hiring decisions.

Notwithstanding the increased importance and reliance upon criminal history records, a recent report by the Bureau of Justice Statistics (2001) pointed out that many experts suggest that the “accuracy and completeness of criminal history records is the single most serious deficiency affecting the Nation’s criminal history record information systems.”

The report that follows presents a brief overview of the history and development of criminal history records in the United States. The various state and Federal databases are discussed. The accuracy and completeness of the information as well as other attendant problems are then addressed. Finally, current programs established to monitor and improve criminal history records are reviewed and summary of the findings of the study are presented.

HISTORY AND DEVELOPMENT OF CRIMINAL HISTORY RECORDS

In 1908, the U.S. Department of Justice established the Identification Bureau to develop and maintain a fingerprint-based criminal history information system. This system was expanded in 1924, when the FBI, the successor to the Identification Bureau, was directed by the U.S. Congress to develop an “Identification Division” to maintain manual criminal history records and use fingerprint information for criminal identification and related purposes. Despite these efforts, the Wickersham report, published in 1931, determined that that the system was inadequate and recommended that the government undertake major revisions.

A concentrated and organized effort to make improvements in the information compiled by the Identification Bureau did not begin until the 1967 President’s Commission on Law Enforcement and Administration of Justice published a report evaluating the Nation’s criminal justice system. Crime, the Commission reported, was a serious problem in the United States and the criminal justice system was not equipped to deal with the current crime problem. The Commission called for the establishment of a national criminal history system.

In response to Commission recommendations, the U.S. Department of Justice Law Enforcement Assistance Administration (LEAA) created Project Search. This program was a consortium of states charged with the responsibility of developing a “computerized system for the interstate exchange of criminal history record information” (Use and Management of Criminal Justice Record Information, 2001, 26).

In 1972, LEAA established the Comprehensive Data Systems (CDS) program to encourage states to establish criminal justice information systems. These efforts resulted in the development of the Computerized Criminal History (CCH) component of CDS. CCH contains criminal histories for both Federal and state offenders. By 1976, 26 states joined CCH and began creating criminal history repositories.

Currently, all states maintain some form of criminal history records. A recent study by the Bureau of Justice Statistics indicated that the criminal history records for over 59 million offenders were stored in these repositories. As a general rule, these records contain information including the name of the individual, demographic information such as sex and race, physical characteristics, and driver's license or auto registration information. In addition, the charges and a full set of fingerprints for felonies and serious misdemeanors are maintained. This information is sent to the state repository by reporting jurisdictions.

New developments were also taking place at the Federal level. In 1967, the National Crime Information Center (NCIC) was developed to replace the manual criminal history files maintained by the Identification Division with a computerized criminal history records system. NCIC contained information on stolen vehicles, missing persons, guns, and license plates. A complete listing of the NCIC records can be found in Appendix A. As aforementioned, in the early 1970s, the information available through NCIC was expanded through the creation of the CCH to include criminal history records of persons arrested for

Federal and state crimes.

The FBI also maintains the Interstate Identification Index system (III). III does not contain criminal history records, but provides an automated index of names and other identifiers of individuals whose criminal history records are in computerized files. If an authorized agency wishes to learn if an individual has a criminal record, they can query III through NCIC. If the results of the query indicate that the individual has a criminal record (a “hit”), then a second inquiry through NCIC and the National Law Enforcement Telecommunications System can be made to obtain the criminal history. As of 1999, III contained 43 million automated files and five million manual records.

In July of 1999, the FBI implemented NCIC 2000. This revision expanded the type of information available through NCIC (see Appendix B). Another aspect of NCIC 2000 was the decentralization of criminal history records. Under NCIC, state records were maintained in both the state and the Federal criminal history repositories. In order to avoid duplication of records, states who participate in the III under NCIC 2000 assume full responsibility for providing criminal history records. If an inquiry results in a hit, III directs the inquiry to the state criminal history record repository, which sends the pertinent information to the agency requesting the information. As of 2003, 45 states were participating in III system.

The FBI and state repositories also contain “master name indexes” (MNI). An agency wishing to check a criminal history can query the system by using the individual’s

name or other identifiers such as sex, race, date of birth, height, weight, and/or hair color. If the query indicates that the individual has a record, the agency can request the individual's complete criminal history.

As pointed out previously, the accuracy of state and Federal criminal history databases is vital to law enforcements agencies, courts and other components of the criminal justice system, and select industries that have access to this information. The importance of valid records was emphasized by Richard Thornburgh, former U.S. Attorney General when he stated in the *Use and Management of Criminal History Record Information, 2001*, “[There is a] ‘straight-line relationship’ between high-quality criminal history information and the effectiveness of the Nation’s criminal justice system.”

Notwithstanding the obvious importance of precise data, there are serious deficiencies in the information contained in state and therefore Federal criminal history records. These concerns include accuracy and completeness, timeliness, method of inquiry, and linking/tracking capabilities.

It is also imperative to emphasize that the validity of criminal history records concerning state crime, and therefore the information available through NCIC, is totally dependent upon the reporting policies and practices of the various states. It is this area that the majority of problems arise.

EVALUATION OF DATA QUALITY

Content

The content of state repositories is governed by state law and is dependent upon the reporting practices of the state. State laws do vary in relation to the reporting requirements.

While the laws in all states and the District of Columbia require that arrest and charge information be reported to their state criminal history repository, research indicates that problems with accuracy and completeness of this information, as well as the timeliness of transmission to the state repositories persist.

In order for a criminal history record to be complete it should include the following:

arrest and charge information

identifying information including fingerprints

prosecutor declinations

final dispositions (including dismissal and reduction in charge)
admission/release of felons and perpetrators of serious crimes

probation and parole information

modification of felony conviction

Though all states report arrest and charge information, there is some variation in the reporting laws concerning issues such as disposition, declination to prosecute, and failure to charge after fingerprints and case information have been forwarded to the state repository. Thirty-five states require that dispositions be forwarded to the state repository; in 47 states information concerning declination to prosecute is sent to the state repository;

and 31 states require notification if an arrested person is not formally charged, but his or her fingerprints have been submitted. Reporting requirements related to expungements, pardons, restoration of rights, and other issues also vary from state to state. These variations have a significant impact on the quality of data available.

A second issue related to accuracy and content is the lack of consistency in the criminal codes of the various states. As a general rule, the types of activities that are prohibited are consistent throughout the states. There are, however, some inconsistencies that could influence the validity of the criminal history records due to differences in classifications of behaviors. These records contain information related to serious misdemeanors and felonies. Whether a state defines a particular act as a misdemeanor or a felony may impact the reliability of the criminal history records.

Theft provides a good illustration of this problem. One of the criteria, which is used to distinguish between a misdemeanor theft and a felony theft is the value of the item(s) stolen. This amount differs greatly from state to state. In Florida, the theft of an item worth more than \$300.00 is a felony. In California, the threshold amount for a felony theft is \$400.00; while in Ohio and Maryland \$500.00 delineates the difference between a misdemeanor and a felony.

Crimes related to controlled substances present a similar problem. In Wyoming, possession of more than 85 grams of marijuana is a felony, while the same act in Texas, Ohio, New York, or California would be a misdemeanor. Sale of any amount of marijuana

is a felony in California and Texas, but the sale of up to 25 grams in New York or 20 grams in Ohio would be a misdemeanor.

These and similar discrepancies can impact which crimes are reported to the state repository and therefore the accuracy of the information that is available through the state and Federal criminal record history systems.

Timeliness

The timeliness of transmission of data relevant to a criminal case is a significant issue and clearly impacts the validity of the information. The tables set forth below summarize the major findings of a recent Bureau of Justice report.

TABLE 1. Arrest

ACTIVITY	DAYS
Average number of days between arrest and receipt of information and prints to state criminal history repository	13.7
Average number of days between receipt of information fingerprints and information and entry into master name index	14.4
Average number of days between receipt of prints and entry of data	18.8

Survey of State Criminal History Information Systems, 2001

TABLE 2. Dispositions

ACTIVITY	DAYS
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Average number of days between date of disposition and receipt of information by state criminal history repository	17.5
Average number of days between receipt of information regarding disposition and entry into the criminal history repository	29.5

Survey of State Criminal History Information Systems, 2001

TABLE 3. Correctional Information

ACTIVITY	DAYS
Average number of days between admission to correctional facility and receipt of information and prints to state criminal history repository	13
Average number of days between release and receipt of information by criminal history repository	16
Average number of days between receipt of correctional information and entry into criminal history repository	14.5

Survey of State Criminal History Information Systems, 2001

The utility of a criminal history record is dramatically affected by the lack of up-to-date information. This fact was emphasized by an administrator in a correctional facility in a Mid-Western state. When discussing the importance of accurate criminal history records, he stated that the biggest problem he experienced was the fact that dispositions were not generally available. He went on to point out that this presented problems when hiring new employees or evaluating rehabilitation efforts.

Linking Case Histories and Individuals

One of the most serious data quality issues is linking the data to the proper individual and case. When an individual is arrested for the first time, he or she is assigned a

unique number. This number should allow accurate storage and retrieval of criminal records associated with this individual. Unfortunately, due to the use of aliases, false identifiers, and clerical errors, duplicate records can be created. These problems are generally remedied when fingerprints are used to process subsequent cases, but discrepancies may still be present. A more serious problem arises when attempts are made to integrate correctional dispositions with information related to the arrest and charge. This situation is exacerbated when the individual has more than one pending case or the disposition information does not match the charge data due to plea bargaining agreements or reduction in charges.

Many states have successfully overcome the problem of linking information related to the charge and disposition by implementing a “case tracking” system that integrates the individual’s name with a case identification number. The most recent report from the Bureau of Justice Statistics (2001 Update) indicated that not all states had implemented this process. In addition, problems persist when attempting to integrate arrest information with disposition when the case has been modified by factors such as plea-bargaining or other modifications of the charge reported at the time of arrest. The use of a charge-tracking system has been able to reduce the problem, but efforts to implement are still underway.

Format and Terminology

Two additional concerns have been raised concerning the quality of the data contained in criminal history records. First, the formats that are used by the various states are not consistent. This can create a situation where some records may contain blank data

fields or fields that simply contain the word “unknown.” Differences in terminology can create difficulties for individuals attempting to interpret the data. The implementation of the III program in 1999 has increased the magnitude of these problems. Prior to 1999, the FBI provided the information requested in national searches. Problems in interpretation were eliminated since the FBI incorporated state information into a standard format. Since the new system relies upon the states to provide criminal history records they are not in this standard format, however. This problem and others have created the need for reforms in the content and format of criminal history records.

False Positives/Negative

Clearly, the lack of consistency in the data reported and the timeliness of reporting and entering the data are significant problems. Another problem is presented when the inquiry is based upon the individual’s name and other personal identifiers other than fingerprints. These types of inquiries are typically done by noncriminal justice organizations including Federal and state agencies that have been authorized by law to obtain criminal history records.

To illustrate, the records maintained in the III index are those of individuals who have been arrested or formally charged with a serious misdemeanor or felony. A name search should result in a “hit” if the individual’s name is found in the index due to some previous involvement with the criminal justice system. Studies have indicated, however, that name searches can result in two types of errors. The first, a “false positive,” occurs

when the search indicates that the individual's name is in the MNI and therefore has a criminal record when, in fact, he or she does not. The other possible error is a "false negative" or an indication that the individual does not have a criminal record when in fact he or she does.

In order to obtain a clear picture of the accuracy of name searches, a task force was formed during the late 1990s consisting of the Bureau of Justice Statistics, the Florida Department of Law Enforcement, the Department of Housing and Urban Development, and the FBI. The purpose of this task force was to compare the accuracy of identifications made using name checks through III and those using a fingerprint-based search of the FBI's records. The task force analyzed the results of 93,274 background checks from Florida licensing or employment applicants, 323 public housing applicants, and 2550 volunteers. The results indicated that when compared to fingerprint-verified criminal histories, name-checks yielded 11.7% false negatives and 5.5% false positives.

In other words, of the 10,673 subjects who were found to have a criminal record by fingerprint-verified search, the name check search indicated that 1,252 did not have records (false positives). Similarly, of the 82,610 individuals who were determined not to have a criminal record by the fingerprint-verified search, the results of the name check indicated that 4,562 had criminal records (false negatives).

Based upon the findings of this study, the 6.9 million fingerprint-verified background checks conducted by the FBI in 1997, would have resulted in 346,000 false

positives and 70,200 false negatives if a name check verification had been used.

It becomes apparent that name checks alone would result in large numbers of persons being improperly disqualified for employment. In addition, persons who may pose some risk because of their criminal record are not discovered.

In order to deal with this problem, NCIC 2000 contains an “enhanced name search” database. For example, a search under the name of “James” will also return records on a “Jim”, or “Jimmy”. Notwithstanding this improvement, cases where the individual is using an alias or a false identity remain problematic. One of the reasons cited for the continued use of name checks is the time it takes to process fingerprint identification. The implementation of the Integrated Automated Fingerprint Identification System (IAFIS) in 1999 addressed this problem and can provide responses to fingerprint identification requests within 24 hours.

The use of fingerprints, though more accurate, does have privacy and logistic problems associated with it. The III index and the Integrated Automated Fingerprint Identification System (IAFIS) contain information on individuals who have been arrested. In order for a fingerprint search to return accurate results, the individual’s prints must be on file.

THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

The recent move to NCIC 2000 signaled a change in the way in which criminal

history records are maintained and utilized. When it is fully implemented, each state will be responsible for providing criminal history records through III. State laws regarding the dissemination of these records create problems in this regard. Though all states provide access to the criminal history records for criminal justice agencies, the laws of many states do not authorize access to these records by noncriminal justice agencies and organizations. In order to deal with this problem, the U.S. Congress passed Senate Bill 2002 that established the National Crime Prevention and Privacy Compact. The stated purpose of the Compact is “to facilitate authorized interstate criminal history record exchanges for noncriminal justice purposes” (Section 212, paragraph 4). The states are also required to review each request and response and delete any information that may not be released according to state law. It is interesting to note that as of 2003, 44 states were participating in the Interstate Identification Index Program, but only 16 were members of the National Crime Prevention and Privacy Compact (See Appendix C). Until all states take part in the Compact, access to criminal history records will not be consistent throughout the country.

CONCLUSION

The purpose of this report was to provide summary information concerning the NCIC and to examine the quality of the state data accessible through NCIC. In order to accomplish this, a brief history of the development of criminal history records was presented as well as a discussion of the current criminal history and related databases

maintained by the states and the Federal government.

Since the establishment of the first nationwide criminal history repositories, there have been numerous revisions in an effort to upgrade the accuracy of the information contained therein. Today, the FBI and each of the states maintain criminal history repositories to aid the criminal justice system and select noncriminal justice agencies and organizations. Recently, changes such as the revision to the NCIC and III have been made to improve the content and accessibility of the information. In 1995, the National Criminal History Improvement Program (NCHIP) was established. This program provides grants to states to work on the improvement of NCIC and increase participation in the III program. This program has been successful in many regards. The number of automated records increased 35% from 1995 to 2001. The number of states participating in the III program increased from 26 in 1993 to 47 in 2004. In addition, under NCHIP, participating states have been able to improve their information pertaining to domestic violence and sex offender registries and take advantage of the latest technology.

Notwithstanding these ongoing efforts, significant problems in the accuracy and validity of the information contained in the state criminal history depositories remain. These

problems can be summarized as follows:

Many states do not report information concerning dispositions, declinations to prosecute, failure to charge after fingerprints have been submitted, and expungements.

Inconsistency in the various states' reporting requirements and criminal codes impacts the completeness and accuracy of the records.

The timeliness of transmission by the local jurisdictions to the state criminal history repositories remains problematic.

There are still significant time lags between the time information is transmitted to the state repository and entry into the criminal history records.

The process used to linking data to the proper individual and case is still ineffective.

Serious problems remain in the process to link dispositional information to the proper case and charge.

The format and terminology used by the various states creates problems of interpretation for individuals in other states who are using the information.

The use of name checks has been proven create serious identification problem.

Differing laws related to dissemination of criminal history records poses significant problems for the implementation of the III program.

It cannot be overemphasized that the deficiencies in state criminal history records present serious problems for the various agencies and organizations who are dependent upon the information they provide. Continued efforts are needed in order to insure that the problems discussed in this report are addressed and the reliability of these records is improved.

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APPENDIX A
NCIC Databases

Stolen Articles
Foreign Fugitives
Stolen Guns
Criminal History Queries
Stolen License Plates
Deported Felons
Missing Persons
Criminal Justice Agency Identifier
Stolen Securities
Stolen Boats
Gang and terrorist members
Unidentified Persons
United States Secret Service Protection File
Stolen Vehicles
Persons Subject to Protective Orders
Wanted Persons
Canadian Police Information Center

APPENDIX B
NCIC 2000 Databases

Stolen Articles
Foreign Fugitives
Stolen Guns
Criminal History Queries
Stolen License Plates
Deported Felons
Missing Persons
Criminal Justice Agency Identifier
Stolen Securities
Stolen Boats
Gang and terrorist members
Unidentified Persons
United States Secret Service Protection File
Stolen Vehicles
Persons Subject to Protective Orders
Wanted Persons
Canadian Police Information Center
Enhanced Name Search
Search of right index finger prints
Mugshots
Other identifying images such as scars, tattoos
Sexual Offenders
Persons on Probation or Parole
Persons incarcerated in Federal prisons
User manuals
Information linking
Improved data quality
On-line as hoc searches
Maintaining five days of system inquires to allow agencies to be notified if they are looking for information on the same case

APPENDIX C
Compact States
2003

Alaska
Arizona
Arkansas
Colorado
Connecticut
Florida
Georgia
Iowa
Kansas
Maine
Minnesota
Montana
Nevada
New Jersey
Oklahoma
South Carolina

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