

# The California Department of Justice



## AG Advisory Committee on Criminal History Record Improvement

Bureau of Criminal Information and Analysis

September 26, 2017

# State of the Criminal History Repository

- **Department of Justice Overview**
  - *AG Responsibilities*
  - *Central Repository*
- **Bureau of Criminal Information and Analysis Overview**
- **Criminal Cycle Overview**
  - *Criminal Justice System – Sequence of Events*
  - *Entry into the System*
  - *Prosecution and Pretrial, Adjudication & Sentencing/Sanctions*
  - *Corrections/Custody*
- **Applicant Cycle Overview**
- **Usage of CORI Data**
- **Challenges**
- **Opportunities**

# AG'S Responsibilities

PENAL CODE SECTION 11105 & 11077



*“The Department of Justice shall maintain state summary criminal history information ... “The Attorney General is responsible for the security of criminal offender record information (CORI) ...”*

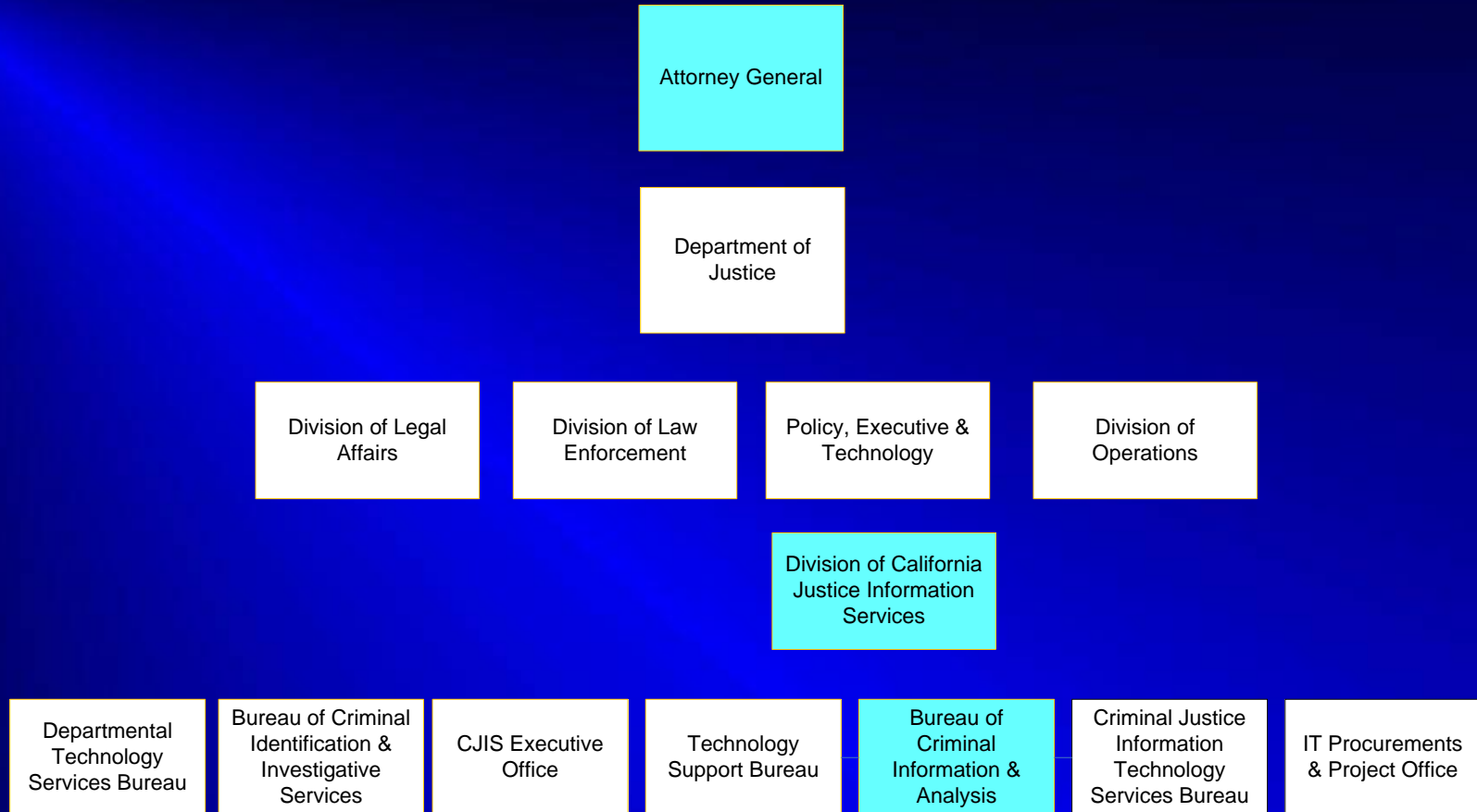
# CORI Definition

Penal Code section 11075. (a) As used in this article, "criminal offender record information" means *records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.* (b) Such information shall be restricted to that which is recorded as the result of an arrest, detention, or other initiation of criminal proceedings or of any consequent proceedings related thereto.

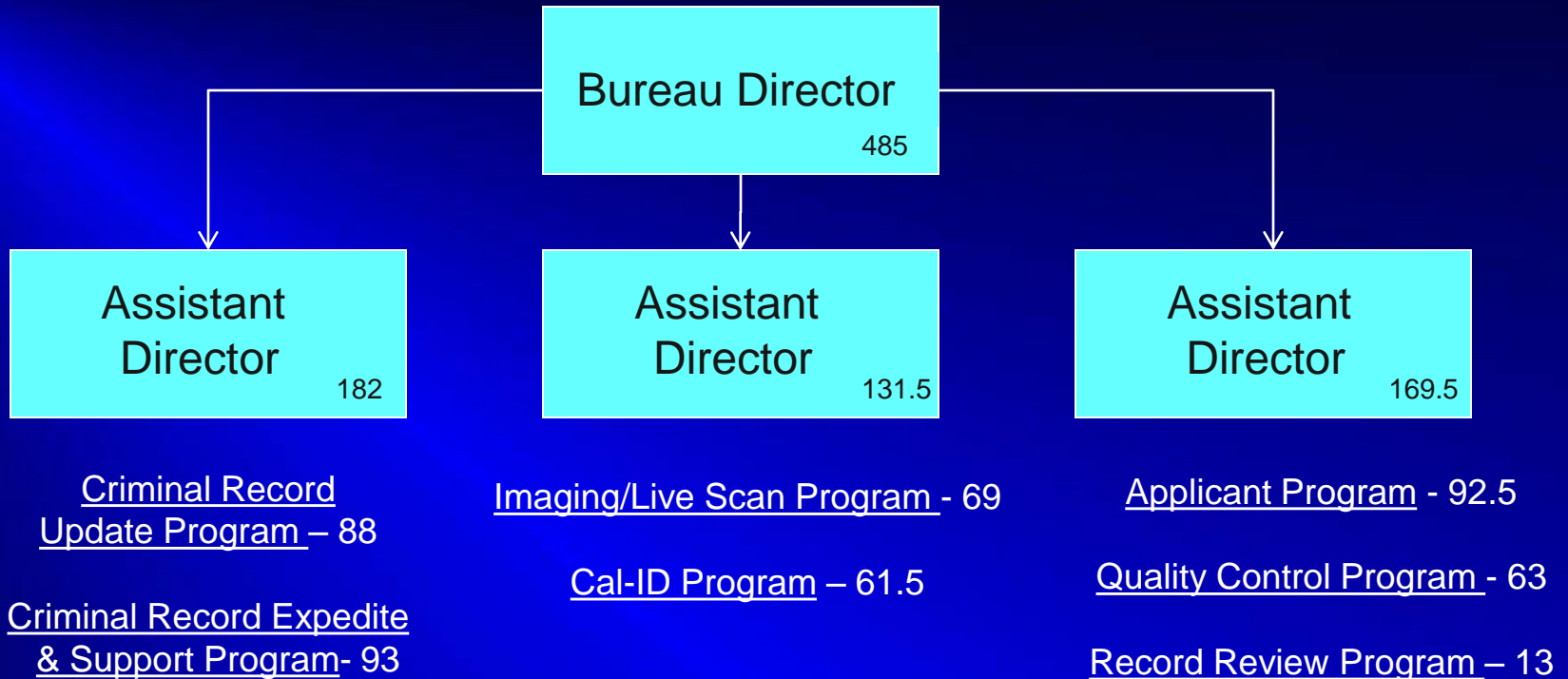
# DOJ – State CORI Central Repository

- Central Repository Database – Subjects: 25 Million
- CA Applicant Transactions - Annual: 2.2 Million
  - ✓ *98% sent electronically*
- FBI Applicant Transactions - Annual: 1.4 Million
- Arrest Transactions - Annual: 1.2 Million
  - ✓ *99.9% sent electronically*
- Dispositions – Annual: 1.5 Million
  - ✓ *78% sent electronically*

# Bureau of Criminal Information & Analysis (BCIA)



# BCIA Organization



# Criminal Record Update Program

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



# Criminal Record Expedite & Support Program

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

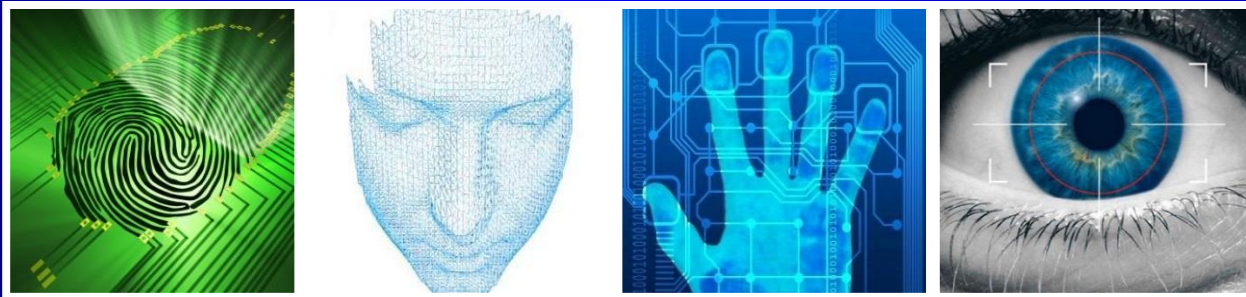
# Imaging & Live Scan Program

- Maintains the manual folder file numbering about 6 million and the Automated Archive System (AAS), which is an electronic folder. Both house the source documents that support ACHS cycles. Approximately 800,000 documents are manually scanned into AAS and 79,000 folder pull requests are processed annually.
- Central receipt point for all arrest and applicant hard card submissions. Collects cash/checks from incoming mail for BCIA services. Approximately 50,000 hard cards are received annually.
- Coordinates the connectivity of live scan devices to the DOJ. This includes working with law enforcement agencies, applicant agencies and Private Service Providers (PSPs). Approximately 4,100 live scan devices in California.

# Cal-ID Program

- The Cal-ID Program maintains a central repository of fingerprints and palm prints and administers the Cal-ID System through which positive identification of individuals is established. Fingerprints and palm prints that are submitted by law enforcement agencies and applicant agencies are searched, verified and indexed in automated databases, such as the Automated Fingerprint Identification System (AFIS) and the Automated Latent Print System (ALPS).

AFIS	25 million
ALPS	9.5 million
Palms	4.7 million



# Applicant Program

- Provides state and federal level fingerprint based criminal offender record information background responses to authorized agencies or individuals, based on statutorily mandated dissemination criteria. 2.2 million state level and 1.4 million federal level responses are prepared annually.
- Provides Child Abuse Central Index search responses for regulatory purposes. Approximately 246,000 responses are prepared annually.
- Reviews relevant statute and authorizes applicant agencies to perform state or federal level background searches. Approximately 1,000 agencies authorized annually.
- Check Cashier Permits – 1,300 issued annually.
- Certified Fingerprint Roller Program – 1,800 issued annually.
- Custodian of Records Certification Program – 2,100 issued annually.

# Quality Control Program

- Chases missing or incomplete disposition information for applicant dissemination purposes.
- Chases missing or incomplete disposition for the FBI or other states in support of the Brady Bill Handgun Violence Prevention Act of 1998. Approximately 6,400 annual requests.



# Record Review Program

- Record Review – individuals reviewing their own criminal offender record information. 55,000 received annually, 1,500 challenged.
- Child Abuse Central Index Self Inquiry – individuals determining if they are listed in the CACI. 524 received annually.



# California Department of Justice

## CRIMINAL CYCLE OVERVIEW



# Criminal Justice System

## Sequence of Events

Entry into the System

Prosecution and Pretrial Services

Adjudication

Sentencing and Sanctions

Corrections/Custody

Individual is Arrested & Booked

Charges Dropped or Dismissed, Diversion

Acquitted  
Guilty Plea  
Dismissed  
Convicted

Sentencing  
Appeal  
Sanctions

Prison  
Jail  
Probation

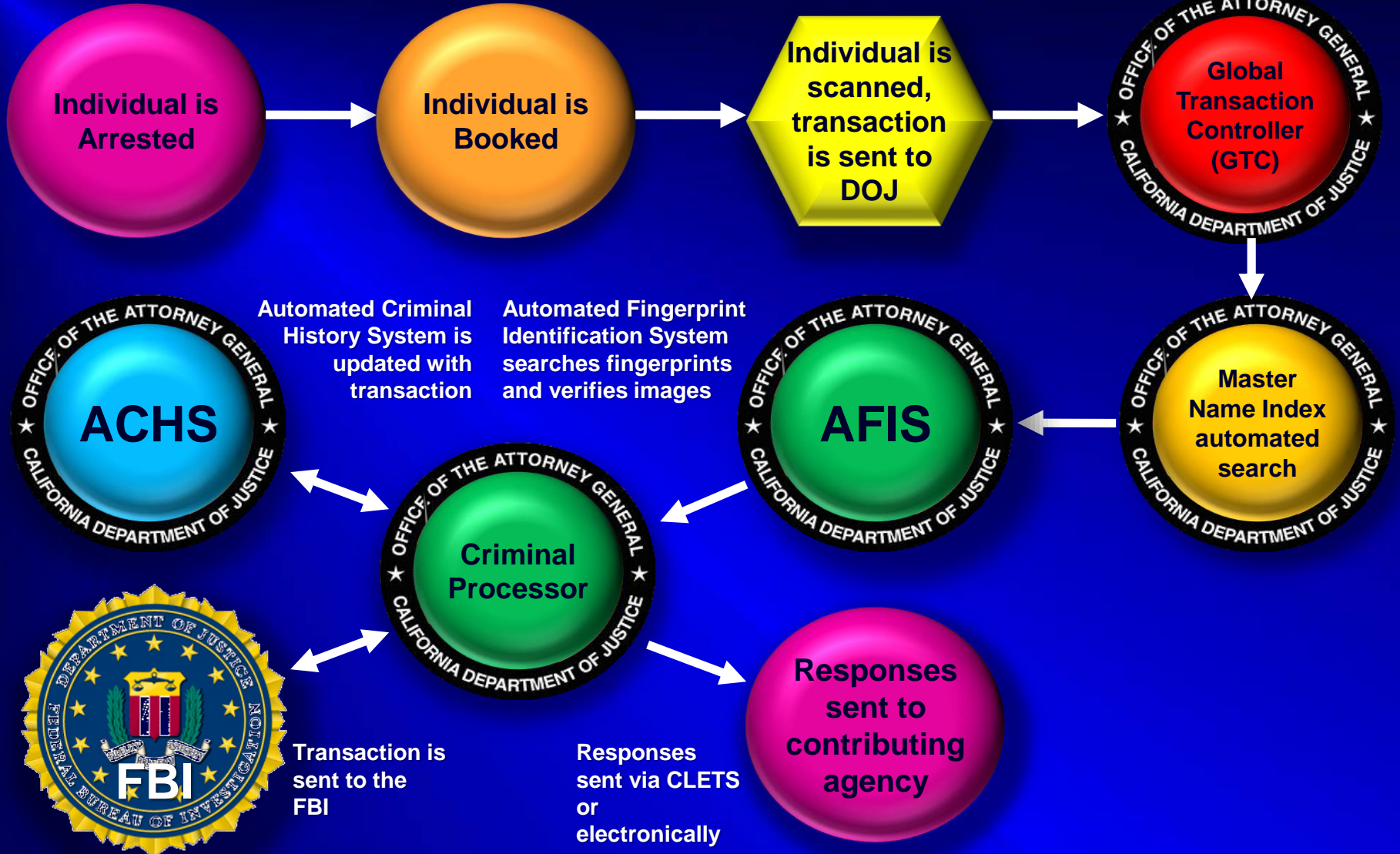




# Entry into the System

## Live Scan Flow Chart

Start Here



# Entry into the System

## *Governing Statute & DOJ Challenges*

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

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

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

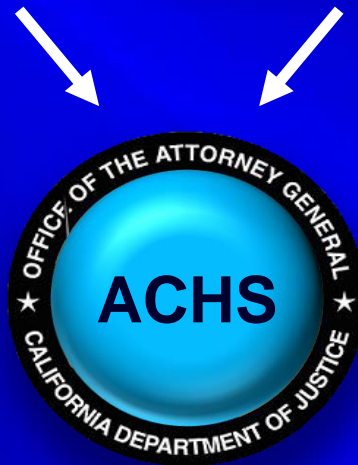
Booking / Arresting Agency

CrossPrints/Test Records

Offense Table Data Errors



# Prosecution and Pretrial Services Adjudication Sentencing and Sanctions



# Prosecution and Pretrial Services Adjudication/Sentencing and Sanctions

## *Governing Statute & DOJ Challenges*

Penal Code section 11115

Duty of law enforcement to furnish a disposition report to the DOJ within 30 days

Penal Code section 13151

Duty of the Superior court to furnish a disposition report to the DOJ within 30 days

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

Central Valley/Gresher – 90 Days

Schmidt vs. CHP

Disposition Gap

# DISPOSITION REPORTING ISSUES – OPEN ARRESTS

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



Law Enforcement Agency

Arrests individual & sends fingerprint images and related information to the DOJ

However, releases the individual as a "Detention Only" and **does not** report the disposition to the DOJ.

## Prosecutor

After individual is arrested, the case is reviewed and the Prosecutor declines to prosecute the individual.

However, a "Decline to Prosecute" disposition **is not** reported to the DOJ.



## Courts

After individual is arrested, the case is reviewed and the Prosecutor prosecutes,

However, the court **does not** report the disposition to the DOJ.

### ACHS NO DISPOSITION OPEN ARREST

CII  
19590524 SEX/M RAC/X  
HGT/600 WGT/200 EYE/BLU HAI/BLK POB/CA  
NAM/001 DOE, JOHN

ARR/DET/CITE: NAM:001 DOB:19590524  
20140718 CAPD LOS ANGELES

CNT:001  
148.9 PC-FALSE IDENTIFICATION TO PEACE OFFICER  
20140718

CNT:002  
273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB  
20140718



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

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

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

### ACHS WITH DISPOSITION

CII  
19590524 SEX/M RAC/X  
HGT/600 WGT/200 EYE/BLU HAI/BLK POB/CA  
NAM/001 DOE, JOHN

ARR/DET/CITE: NAM:001 DOB:19590524  
20140718 CAPD LOS ANGELES

CNT:001  
148.9 PC-FALSE IDENTIFICATION TO PEACE OFFICER  
20140718  
DISPO: RELEASED / DETENTION ONLY

CNT:002  
273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB  
20140718  
DISPO:PROS REL-DET ONLY-LACK OF SUFF EVID

CII  
19590524 SEX/M RAC/X  
HGT/600 WGT/200 EYE/BLU HAI/BLK POB/CA  
NAM/001 DOE, JOHN

ARR/DET/CITE: NAM:001 DOB:19590524  
20140718 CAPD LOS ANGELES

CNT:001  
148.9 PC-FALSE IDENTIFICATION TO PEACE OFFICER  
20140718

CNT:002  
273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB  
20140718

COURT: 20140818 CAMCTORRANCE NAM:001  
001-M 292481  
148.9 PC-FALSE IDENTIFICATION TO PEACE OFFICER  
DISPO:DISMISSED/FOJ/MOTION OF PEOPLE

002:  
273.5(A) PC-INFLICT CORPORAL INJ SPOUSE/COHAB  
DISPO:CONVICTED-PROB/JAIL/FINE  
CONV STATUS:MISDEMEANOR  
SEN: 1 YEAR, 3 MOS, 2 YRS PROBATION

Law Enforcement Agency



Arrests individual & sends fingerprint images and related information to the DOJ

Releases the individual as a "Detention Only" and reports the disposition to the DOJ.

## Prosecutor

After individual is arrested, the case is reviewed and the Prosecutor declines to prosecute the individual.

A "Decline to Prosecute" disposition **is** reported to the DOJ.

## OR

## Courts

After individual is arrested, the case is reviewed and the Prosecutor prosecutes, AND

The court **does** report the disposition to the DOJ.

# Corrections/Custody



# Corrections/Custody

## *Governing Statute & DOJ Challenges*

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

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

Entry/Exit from Local or State Custody

# California Department of Justice

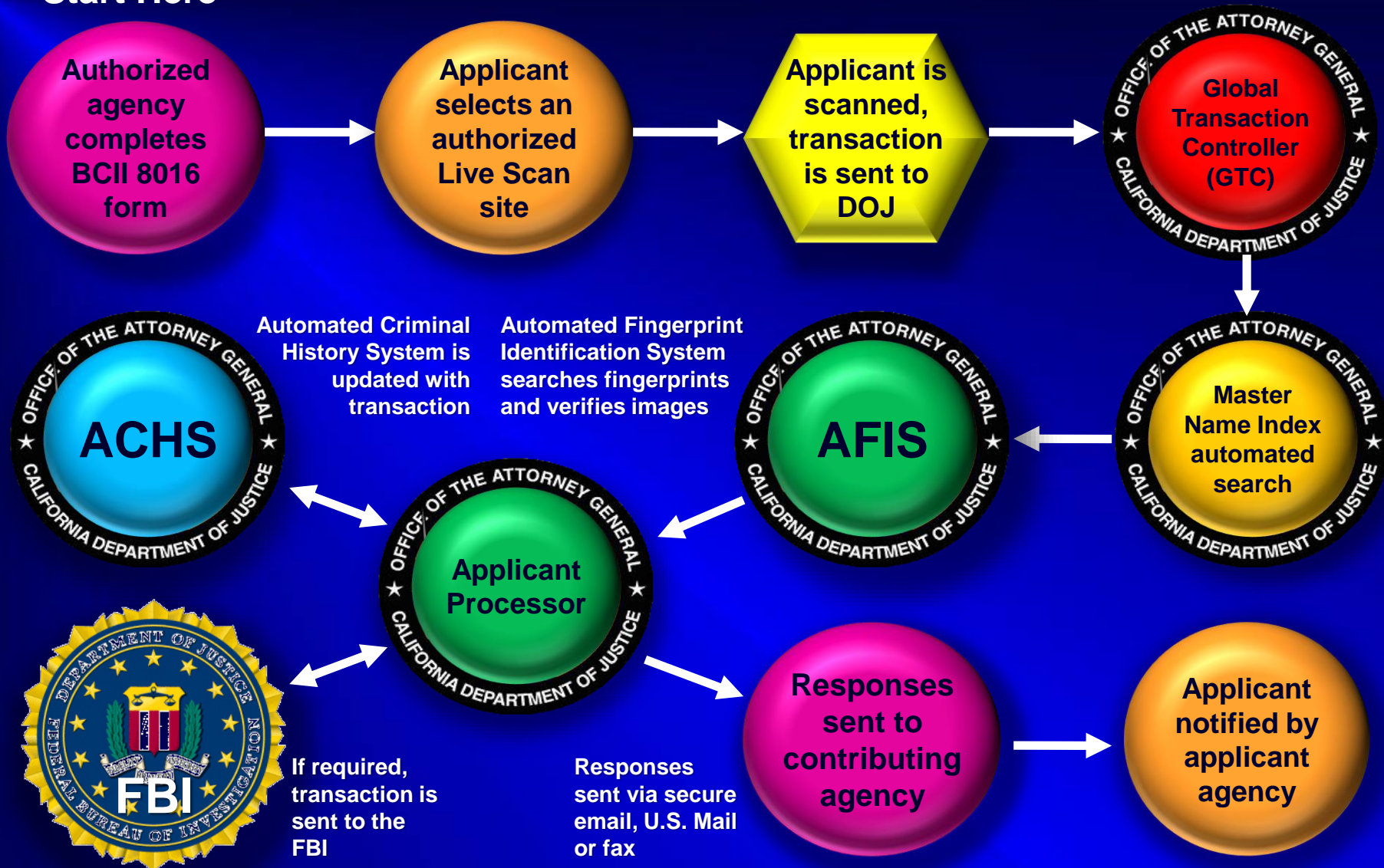
## APPLICANT CYCLE OVERVIEW



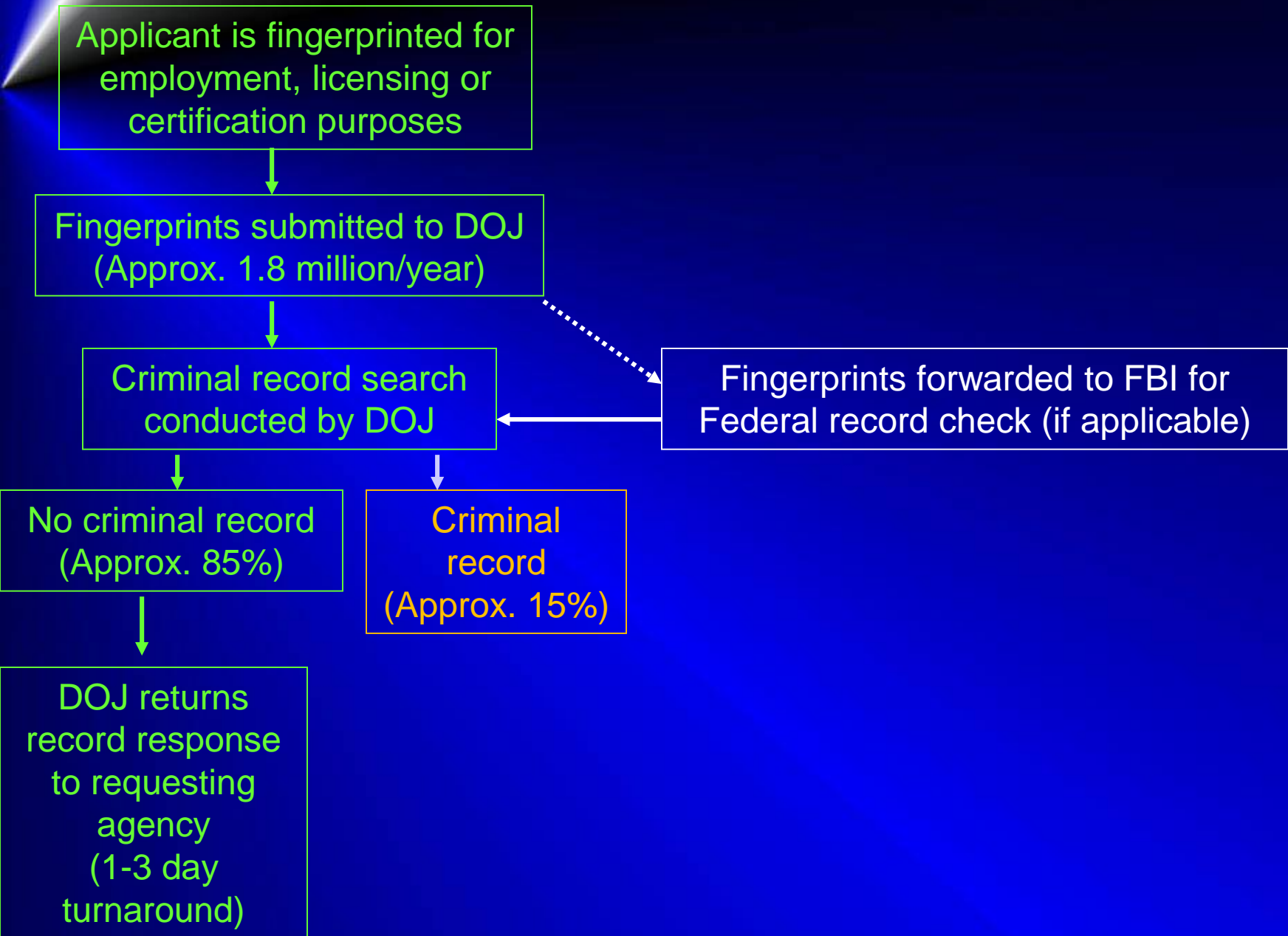


# Applicant Live Scan Flow Chart

Start Here



# APPLICANT FINGERPRINT STEP BY STEP PROCESS



APPLICANT CRIMINAL HISTORY BACKGROUND CHECKS

REASONS FOR DELAY NOTIFICATIONS

# Applicant has Criminal History



Requires DOJ to manually review criminal history

# APPLICANT FINGERPRINT STEP BY STEP PROCESS

Applicant is fingerprinted for employment, licensing or certification purposes

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

Criminal record search conducted by DOJ

No criminal record (Approx. 85%)

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

Criminal record (Approx. 15%)

Criminal record information complete

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

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

*Direct Access to Courts costs approximately \$300K annually*

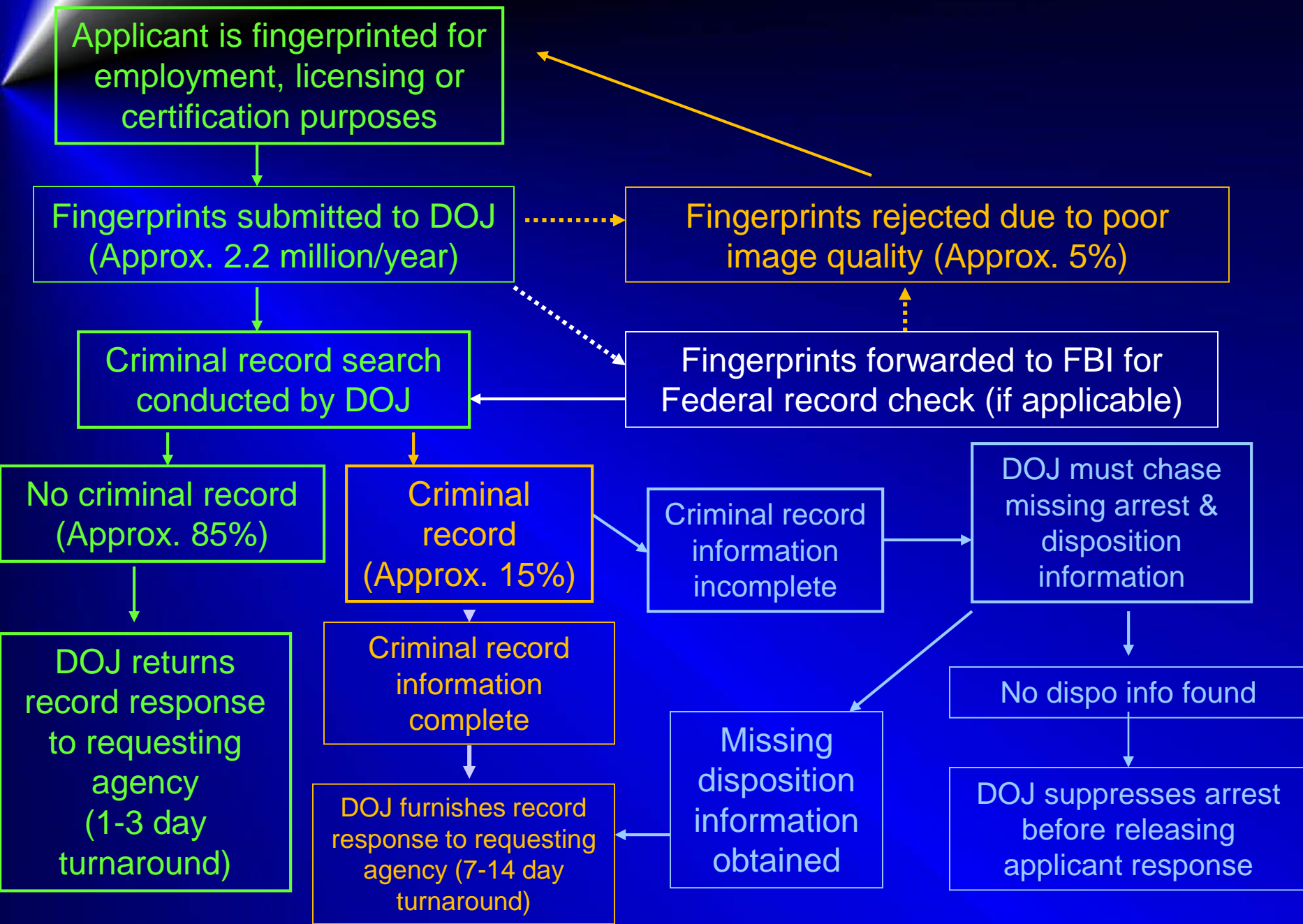
Fingerprints forwarded to FBI for Federal record check (if applicable)

Criminal record information incomplete

DOJ must chase missing arrest & disposition information



# APPLICANT FINGERPRINT STEP BY STEP PROCESS



# Usage of CORI Data

Law Enforcement

Prosecutors

Probation

Courts

Prison and Jail – Risk Assessments, Population Planning

Department of State Hospitals – Risk Assessment

Sex Offender Registry

Employment/Regulatory Agency

Licensing/Certification

Firearms/Ammunition/CCW possession and purchasing

**Research – Penal Code section 13202**

Criminal Justice system evaluation, program/treatment evaluation, trends, etc...

**OPENJUSTICE**

# Challenges – Arrest Process

- **DOJ**
  - *Offense charges not on offense code table*
  - *Arresting agency (“booking for”) ORI on arrest/booking print*
  - *“Double books” – arrest and booking prints*
  - *Cross Prints*
  - *Bum RAPs*
- **Law Enforcement Agencies**
- **Prosecuting Agencies**
- **Courts**
- **Probation**





# Challenges – Disposition Process

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



# Challenges – Applicant Process

- DOJ
  - *Missing dispositions*
  - *Confusion reading applicant responses*
- Law Enforcement Agencies
- Prosecuting Agencies
- Courts
- Probation



# Opportunities

- **Data Standardization and Governance**
  - *Offense Table*
  - *Disposition Table*
  - *Enhancement Table*
  - *Qualifier Table*
- **Electronic Disposition Reporting**
  - NIEM Web Services
  - ATDR
  - JADE (On-line)
- **Mobile Booking**  
**Penal Code section 853.6(g)**
- **County Open Arrest Reports**



A close-up photograph of the American flag, showing the stars and stripes in detail. The flag is draped and slightly wrinkled. The text 'THANK YOU' is overlaid in a white, serif font. The entire image is framed by a yellow border. The background of the slide is a solid blue color with a white, curved shape in the top-left corner.

**THANK YOU**

WEB SHOTS