

# **Criminal History Reporting Guide For Tribal Agencies**

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## Introduction

The “Criminal History Reporting Guide for Tribal Agencies” (Guide) was created by the Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division, Biometric Services Section (BSS), Criminal History Information and Policy Unit (CHIPU) to assist in understanding and implementing arrest and disposition reporting and maintenance practices currently available with the Next Generation Identification (NGI) System. Disposition stakeholders may include federal, state, and tribal arresting agencies, prosecutors, courts, State Identification Bureaus (SIB), the CJIS Systems Agencies (CSA), the FBI CJIS Division, authorized users of the record, and the subject of the record. This Guide provides the information necessary to select which method(s) best meet the needs of your agency, and addresses the issues regarding the completeness, accuracy, and availability of dispositions.

Incomplete or unavailable criminal history record information (CHRI) can negatively affect the quality of information shared for employment and licensing, adjudications, and firearms background checks, as well as criminal investigations, and sentencing decisions. The lack of dispositions creates missing information for those who rely upon it for decision-making.

For example, an individual applied for a job as an instructor for a tribal childcare program. As part of the hiring process, a national fingerprint-based background check was required and returned a criminal record. The individual’s record showed an arrest in a neighboring jurisdiction for simple assault, but the disposition stated the individual was guilty of parental abuse of a minor. Since the original arrest and subsequent disposition were received, the individual was denied the job and the children were protected from a person who could potentially cause harm to them. Conversely, if the arrest and/or the disposition were missing from the background check required for the hiring of this individual, they potentially could have been hired and placed in a position of trust in this tribal childcare program.

Failure to capture fingerprints at any point during the arrest or adjudication process is a major gap to improving disposition reporting. When criminal arrest fingerprints are not submitted to the FBI, there is no record that an arrest occurred. Further, there will be no arrest to attach a disposition. Both the SIB and the FBI CJIS Division reject disposition data due to no corresponding arrest with supporting fingerprints on file. This can be prevented by complete and accurate criminal fingerprint submissions.

## Background

### A Shared Management Concept

The FBI CJIS Division serves as the central repository for criminal justice information services within the FBI and is responsible for the operation of existing systems and the development of new technologies for identity history information. The FBI CJIS Division collaborates with its partners to meet the needs of both the criminal justice and noncriminal justice communities, while also sharing the responsibility for the operation and management of these programs. The CJIS Division's shared management concept is demonstrated through two bodies: the CJIS Advisory Policy Board (APB) and the National Crime Prevention and Privacy Compact Council (Compact Council).

### The CJIS Advisory Policy Board (APB)

The FBI established the CJIS Advisory Process to obtain the user community's advice and guidance on the operation of the various criminal justice information systems managed by the FBI CJIS Division. The CJIS APB is composed of 35 representatives from criminal justice agencies, national security agencies, and criminal justice professional associations across the United States. Twice each year, the CJIS APB recommends to the FBI Director general policy with respect to the philosophy, concept, and operational principles of these criminal justice information systems. If the FBI Director approves the CJIS APB recommendation, the staff from the FBI CJIS Division will take the necessary action to implement the change. Additional information about the CJIS Advisory Policy Process can be found at <https://www.fbi.gov/services/cjis/the-cjis-advisory-process>.

Additionally, the APB established a Tribal Task Force whose mission is to enhance officer and public safety by improving federal, state, local, territorial, and tribal participation in the CJIS Division Systems. The Tribal Task Force reviews all relevant issues that may prevent or discourage tribal law enforcement agencies from entering records/data into CJIS Division Systems and make recommendations that will address those issues. The Tribal Task Force members consist of representatives from federal, state, local, and tribal agencies.

### The Compact Council

In the late 1970s, it was determined that state criminal history records were more accurate and complete, because the states may have additional arrest and disposition information from state files, such as district attorney offices and court records. Because states have varying statutes or policies that restrict the dissemination of records for noncriminal justice purposes, it was determined a federal law, or Compact, was necessary to provide interstate criminal record dissemination authority. For this reason, the National Crime Prevention and Privacy Compact Act of 1998 (Compact) was signed into law on October 9, 1998. The Compact continues the movement toward decentralization of criminal history record information and facilitates electronic information sharing among the federal and state government and other authorized users.

The Compact also established a 15-member Council whose members are appointed by the U.S. Attorney General. The mission of the Compact Council, as a national independent authority, is to enhance public safety through noncriminal justice background checks based on positive identification, while protecting individual privacy rights. The Compact Council monitors the operations of the Interstate Identification Index (III) and also promulgates rules and procedures for the effective and proper use of the III for noncriminal justice purposes and ensures the protection of an individual's privacy while facilitating the nationwide exchange of CHRI. Further information can be found at <https://www.fbi.gov/services/cjis/compact-council>.

### What is the Next Generation Identification (NGI) System?

The FBI's NGI System is the backbone of the nation's CHRI. It replaced the Integrated Automated Fingerprint Identification System (IAFIS) in 2014. The NGI System upgrades have been completed over a multi-year time span to increase information-processing and sharing demands from both law enforcement and licensing/employment agencies. It provides biometric services to support the mission of the FBI within a service-oriented framework, which provides the FBI flexibility to respond to the changing needs of law enforcement and authorized employment/licensing agencies. The NGI System is an identity-based or person-centric system with the goal of creating a unique identity record for each individual fingerprinted. To be successful in meeting these goals, improvements such as complete and accurate reporting of all arrests and subsequent actions related to those arrests are needed to increase the completeness and accuracy of the CHRI.

### What is an Identity History Summary (IdHS) and How is it Established?

With the deployment of the NGI System and the integration of an identity-based repository, the FBI CJIS Division eliminated the use of the term 'rap sheet' with the intention of removing the criminal connotation of an individual with an identity within the NGI System. The term Identity History Summary (IdHS) is now utilized. In addition, the FBI Number (FNU) was replaced with the term, FBI Universal Control Number (UCN). The IdHS will continue to display an individual's CHRI, but may include additional descriptive data as a result of biographic information from civil submissions. When a fingerprint submission is forwarded to the FBI CJIS Division, the fingerprints are searched against the NGI System. If the fingerprint submission results in an identification, the event information is added to the existing identity, when appropriate. If the fingerprint submission does not result in an identification and the submitting agency requested the information be retained, a new identity record is established.

### What is the Interstate Identification Index (III)?

The III is a cooperative state and federal index that provides for the decentralized interstate exchange of CHRI and functions as part of the NGI System. The III provides a means of conducting national record searches of CHRI for criminal justice and other authorized purposes, as specified by existing federal, state, local, or tribal laws. Authorized tribal criminal justice agencies may access the III. The III processes name-check inquiries to determine if a matching record, indexed by a unique FBI UCN, is on file. If the III locates a match, an agency may request the subject's record by transmitting an additional inquiry using an FBI UCN or a State

Identification Number (SID) assigned to the subject's record. Authorized tribal noncriminal justice agencies may also access the III information by submitting fingerprints to the FBI CJIS Division.

## What are State Pointers and Pseudo-Pointers?

Keeping in mind the decentralized exchange of identity history information, the NGI System uses a pointer system to determine who is responsible for the decentralized exchange of CHRI when generating an IdHS. This pointer system directs the NGI System as to who is responsible for each entry on an IdHS. An understanding of the pointer system is a valuable asset for all users, and in particular tribal agencies, when determining how to submit the dispositions for an arrest. There are two types of pointers: state pointers and pseudo-pointers.

- A **state pointer** (or SID) is assigned, by the state, to an identity when the state assumes ownership of the CHRI related to the subject.
- A **pseudo-pointer** within the NGI System indicates the CHRI is maintained by the FBI CJIS Division. The NGI System responds directly to all requests for IdHS information indexed with a pseudo-pointer. A pseudo-pointer is established in the NGI System for the following two instances:
  - Federal records/arrests - All federal records are supported by the FBI CJIS Division. The federal pseudo-pointer indicates the record information is housed and maintained by the FBI CJIS Division.
  - State records/arrests that are not supported by the state – A pseudo-pointer is established in the NGI System to indicate the record information is maintained by the FBI CJIS Division and not by the state. There are multiple reasons why these pseudo-pointers exist, and a goal of the FBI CJIS Division is to work with each state to enable them to assume control of identities currently maintained by the FBI.

## How is an Identity History Summary (IdHS) requested?

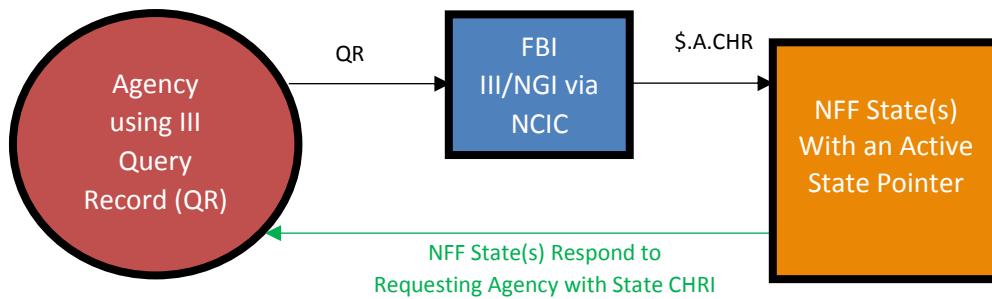
There are two distinct ways an IdHS may be requested: either through a direct electronic record request via the III, referred to as a Query Record message (QR); or through fingerprint submissions to the NGI System. Depending on how the pointers are set, either the state, the NGI System, or both will respond. If the state maintains the record and supports the purpose of the request, such as employment and licensing, the NGI System reaches out to that state for the record information and supplements the NGI record. The NGI System will respond directly for all pseudo-pointers. If a state does not support the purpose of the request, the NGI System outreach does not occur, and the IdHS housed within the NGI System is disseminated.

## Decentralization of Records

The National Fingerprint File (NFF) was the ultimate goal for the decentralization of records when the III concept was adopted in 1978. When fully implemented, the NFF will replace the

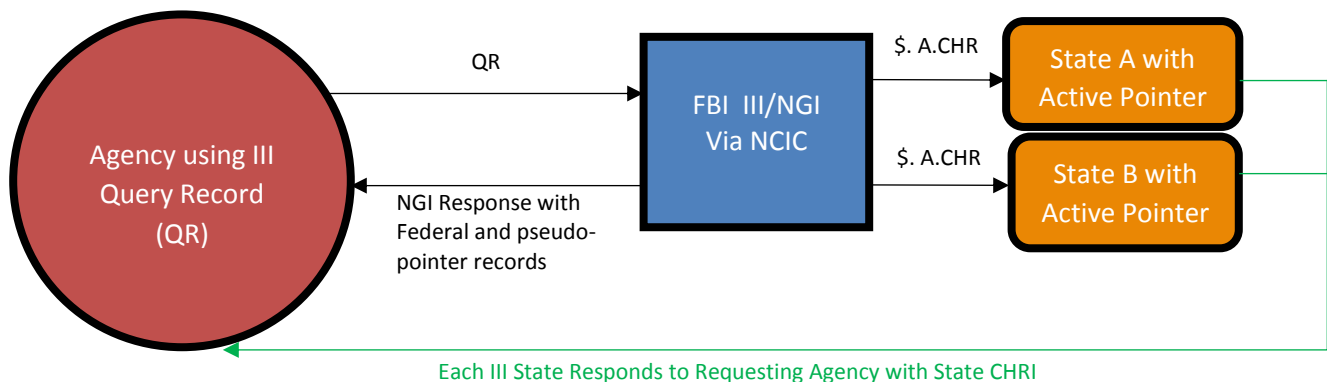
FBI's record keeping responsibility for the state CHRI by allowing state repositories to take responsibility for the record dissemination and maintenance of all state-maintained records. Currently, twenty states participate in the NFF program and provide the CHRI for all authorized uses, including noncriminal justice licensing and employment purposes. An NFF participating state submits each offender's first arrest, and for any other subsequent encounters, will submit additional biometric images (e.g. fingerprints and facial images) to ensure the best biometrics are available for searching. All record maintenance is conducted at the state level, ensuring the most up-to-date and accurate record available to the end user. (Figure 1)

If a tribal agency is located in an NFF state, the tribe may have the NFF state electronically submit criminal fingerprint transactions to the FBI's NGI System, provided the tribal arrest is a state charge and the NFF state repository is retaining the arrest in its database.



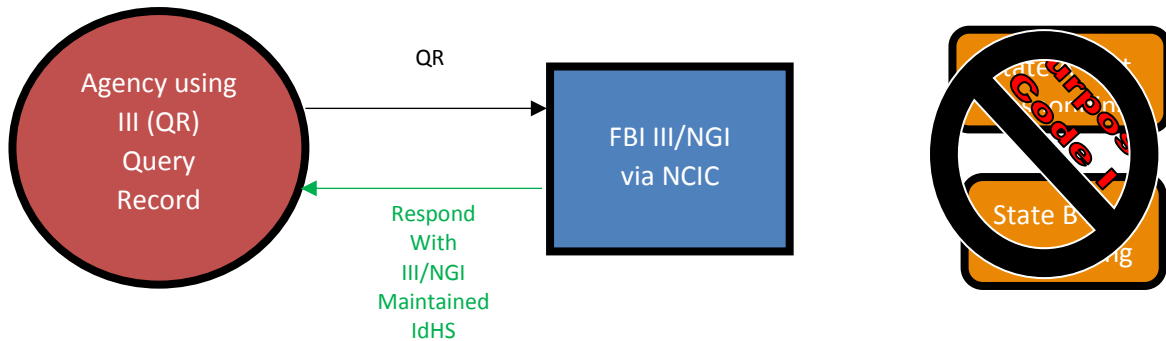
**Figure 1**  
**NFF Decentralization Goal**

When an agency performs a QR on an individual, any state (NFF or Non-NFF) that has CHRI with a state active pointer, the III will reach out directly to those states, utilizing either the SID or UCN, to obtain the CHRI from each state. The NGI System returns a response that includes any federal and pseudo-pointer records and each state will individually respond to the agency using the QR. (Figure 2)



**Figure 2**  
**III State Outreach**

For those instances when a state cannot respond with its criminal record information, the FBI will provide information on file in the NGI System for those particular states. For example, if the same individual applies for a job that requires an employment background check, and has criminal record information from two states that do not respond for employment and licensing purposes (Purpose Code I), the NGI System will respond with the information it has on record for both states. (Figure 3).



**Figure 3**  
**FBI Provides Responses for States Who Cannot Respond**  
**for Certain Purpose Codes,**  
**All Pseudo-Pointer Records, and All Federal Arrests**

It is important to note that an NFF state may also electronically submit criminal fingerprint transactions for tribal agencies to allow the arrest to be added to the FBI Identification Record rather than the NFF state's record. In this instance, the NFF SIB and tribal ORIs must have the same two letter state abbreviation and the ORI number is coded appropriately to allow the arrest to be added to the FBI Identification Record. The NFF state will submit the tribal criminal fingerprint transactions using the same transactions as state arrests.

### How Are Tribal Agencies Designated Within NGI?

Tribal agencies can be designated as either a federal or a state contributing agency for data submissions into the NGI System. All tribal agencies requesting access to a CJIS system must request access through a respective state or federal CSA. The electronic connectivity of the federal or state determines how transactions are routed in the NGI System. Why is this important to your agency? Because there are differences in how these transactions are handled once they are received by the NGI System.

Every Originating Agency Identifier (ORI) is a nine-character alphanumeric combination that is assigned by the FBI to any agency submitting or receiving information from the National Crime Information Center (NCIC) or the NGI System. The first two characters represent the state or country where the agency is located.

The ORI identifies the agency and provides the correct level of system access. There are three types of ORIs: criminal justice, law enforcement, and noncriminal justice. ORIs are classed by the type of agency as well, and are identified as federal or a state contributing agencies.



Since the ORI drives many processing decisions involved in disposition posting, it is very important to know how the agency's ORI is classed and ensure the dispositions are submitted using the appropriate method based on that ORI. An example of how the ORI can affect disposition posting is provided below.

A tribal agency wanting to submit missing dispositions contacted FBI CJIS Division personnel for more details; and during discussions, stated they submitted all dispositions to the state and could not understand why the dispositions from their agency were not on the records. It was discovered the tribe had a federal ORI number, and could have been submitting dispositions directly to the FBI. Prohibitions prevent posting a "state-submitted" disposition to a federal arrest. So this tribe's dispositions, even though submitted to the state, were never posted to the criminal arrest records and a solution was developed to ensure that the dispositions were appropriately posted.

As the ORI will drive many processing decisions and may ultimately affect posting of any disposition submitted, it is imperative to contact the FBI CJIS Division Customer Service Group at (304) 625-5590 or via e-mail at [Identity@fbi.gov](mailto:Identity@fbi.gov) to determine if the tribal agency's ORI is classed as a state or federal contributing agency prior to submitting dispositions. Please note a tribal agency may be assigned more than one ORI. This typically occurs when the tribal agency has used multiple pathways (i.e., state, hard copy directly to FBI CJIS Division, through DOJ TAP, etc.) to submit information to the FBI CJIS Division. The Customer Service Group will also provide information if the agency has been assigned more than one ORI and assist with determining the correct ORI to use when submitting dispositions.

Not to be confused with an ORI is the Controlling Agency Identifier (CRI). The CRI designates the agency who controls the enrollment of the fingerprint card image into the NGI System. The FBI CJIS Division uses the first submission of CRI (normally the fingerprint submission) in any transaction as the agency that would have the authority to modify the criminal records. The CRI *may* be different from the submitting agency's ORI. When the submitting agency is also the controlling agency, both the CRI and ORI fields are to be submitted with the same identifier. The CRI is the agency owning the original submission, and the ORI is typically the state or federal agency who has the electronic connectivity to the NGI System.

When submitting dispositions, a tribal agency submitting via a federal contributor submits directly to the FBI CJIS Division for posting to the subject's record. All federal arrests are housed within the NGI System, and it will respond to all requests for federal records.

However, a tribal agency with a state CRI can submit dispositions via a state contributor directly to the SIB in its respective state, and then the state can forward the disposition to the FBI CJIS Division for processing. A tribal agency with a federal ORI can submit via a state's connectivity if a prior agreement with the state is in place to do so. A request for a state record can be generated either at the state level or by the NGI System, depending on the pointer system and which entity has assumed control of the record.

## **U.S. Department of Justice (DOJ) Tribal Access Program (TAP)**

The DOJ provided information on the [www.justice.gov/tribal/tap](http://www.justice.gov/tribal/tap) website regarding an access program for national crime information to tribal agencies. The following is an excerpt from the TAP Overview v.3/September 2016.

“The U.S. DOJ launched the TAP in August 2015 to provide tribes access to national crime information systems. The TAP allows tribes to more effectively serve and protect their nation’s citizens by ensuring the exchange of critical data across the CJIS systems and other national crime information systems. In 2015, the DOJ selected tribes to participate in the initial User Feedback Phase. This partnership focused on testing DOJ’s technology solution and training support. It also enabled tribes to identify and share best practices regarding the use of national crime information databases to strengthen public safety.

In 2016, participating pilot tribes received kiosk workstations providing access to national systems as well as training to support whole-of-government needs. User Feedback Phase tribes have elected to implement the TAP in a variety of ways. Criminal agencies utilizing the TAP include police departments, prosecutors, criminal courts, jails, and probation departments.

The TAP adds value to tribal efforts to have orders of protection enforced off-reservation, protect children, keep guns out of the wrong hands, improve the safety of public housing, register sex offenders, and allow tribes to have tribal arrests and tribal convictions be associated with their tribe. The DOJ is continuing to expand the program. Tribes interested in participating in the TAP can obtain more information at <https://www.justice.gov/tribal/tribal-access-program-tap>.”

### **Tribal Disposition Submissions in the NGI System as of 12/31/2017**

Number of Arrests	117,184
Number of Dispositions	55,939
Number of Missing Dispositions	61,245
Percentage of Arrests with Dispositions	48%

## Submitting Fingerprints

### How Are Fingerprints Submitted?

Fingerprints originate from live scan booking terminals, card scanners or mobile devices at the federal, state, local or tribal level. Agencies may submit electronically, via facsimile or hardcopy. Local submissions may be processed by a local Automated Fingerprint Identification System (AFIS) and electronically transmitted to a SIB or an FBI-approved Channeler for processing. The DOJ TAP provides assistance to tribal agencies to ensure CHRI is submitted to the FBI's NGI System. The NGI System checks the submission field edits to ensure they are compliant with NGI specifications outlined in the Electronic Biometric Transmission Specification (EBTS). Submissions that do not meet the outlined specifications or appropriate quality thresholds will be rejected by the NGI System. The NGI System will return the appropriate rejection code to the submitting agency or FBI-approved channeler and will detail the reason for rejection. Additional information on FBI-approved Channelers can be found at <https://www.fbi.gov/services/cjis/compact-council/list-of-approved-channelers>.

### Types of Fingerprint Transactions

The tenprint fingerprint submissions consist of criminal and civil transactions. The particular type of submission is identified in the Type of Transaction (TOT) field in the Type-1 record for each transaction. In addition to the fingerprint images, the submitter may optionally include palm prints, facial images, and/or scars, marks and tattoo images of the subject. If the contributor subsequently wishes to add other biometric images to a tenprint search and retain event, they may reference the Event Identifiers (2.2035 EVI) returned in the tenprint response (SRE) described within the Biometric Enrollment Transactions section of the EBTS. The information within a retained submission will be added to an existing record, if a positive identification is made, or will create a new record if no identification was made. If a non-retain submission is not identified, no information will be retained in the NGI System. If a positive identification is made for a non-retain submission, the descriptive information on that submission will be added to the existing record and dissemination rules will govern the dissemination of this information.

#### Type 4 Fingerprint Transactions

These type of transactions contain ten rolled and four plain impressions of all fingerprint images available. Rolled impressions are the ten individually-taken fingerprint images rolled from nail to nail. Plain impressions are taken simultaneously without rolling. These are referred to as plain, slap, or flat impressions. The plain impressions are used to verify the sequence and accuracy of the rolled impressions. Agencies must submit a Type 4 transaction when submitting a criminal fingerprint submission unless otherwise approved by the FBI CJIS Division.

#### Type 14 ID Flat Fingerprint Transactions

Identification flat impressions are taken simultaneously without rolling. These are referred to as plain, slap, or flat impressions. The individual's right and left four fingers should be captured first, followed by the two thumbs (4-4-2 method). Instituting this finger capture method ensures the highest level of fingerprint sequence accuracy. Agencies may submit a Type 4 or Type 14 ID flat transaction when submitting a civil fingerprint submission.

## Processing Fingerprint Transactions

Although the biographical data will provide potential candidates, fingerprint images are used to determine a positive identity within the NGI System with either an identification or a non-identification decision. A response is then returned to the contributor. The response based on a fingerprint submission will always contain the identification (Ident), non-identification (Non-Ident), or a reject decision (if the quality of fingerprint characteristics are too low.) This response may also contain the electronic Identity History Summary, if requested.

### Identifications

If an identification is made at the state level, an Ident response is transmitted back to the tribal agency. When tribal agencies submit criminal and/or civil submissions from a federal submitting agency (e.g. DOJ-TAP), the NGI system will store that information and send a response back to the submitting agency.

### Non-Identifications

If no identification is made at the state level, the submission is forwarded via the FBI CJIS Wide Area Network (WAN) to the NGI System for processing. Transmitted data is automatically parsed, and a search will be conducted of the friction ridge files in the NGI System. An identification of the submitted fingerprint images may be verified by the FBI CJIS Division fingerprint examiner. Electronic responses from the NGI System to the contributor will be routed via the CJIS WAN through the SIB using the ORI. Subsequent routing to the arresting agency is made by the SIB using the CRI. Additional copies are routed by the SIB using the Security Certification Officer (SCO) field or other related information.

### Rejections

Rejection will occur when missing or incorrect data is received that would prevent processing of the transaction. The following list illustrates some of these types of rejection errors:

- A mandatory field missing in a submitted record set (e.g., NAM field 2.018 is missing in the Type-2 record for the TOT of a Criminal Answer Required (CAR) would result in immediate rejection.
- The format of a mandatory field is incorrect (e.g., an alpha character is discovered in the Social Security Number (SOC) field) and would result in an attempt to correct the data.
- The range of data of a mandatory field is incorrect (e.g., a Date of Birth (DOB) of 1981003 was submitted - year, month, and day are all out of range) and would result in an attempt to correct the data.
- Incorrect data where transaction processing cannot continue would result in the transaction being rejected.
  - Fingerprint pattern(s) not discernible
  - Insufficient pattern area(s) recorded for identification purposes
  - Erroneous or incomplete fingerprint(s) on images: fingers or hands out of sequence, printed twice, missing, and no reason given
  - The quality of the characteristics is too low to be used

## Dispositions

### What is a Disposition?

A disposition has been defined, by the FBI CJIS APB Disposition Task Force (DTF), as “*the formal or informal conclusion of an arrest or charge at whatever stage it occurs in the criminal justice system.*” A disposition states that arrest charge(s) have been modified, dropped, dismissed, or reports the findings of a court decision. Dispositions of offenses can be given at the time of arrest; prior to a court appearance; during the court session; or by a custody, supervisory, or parole agency in the criminal justice system. Dispositions are important to ensure complete and accurate records.

All dispositions reported by the contributor are captured in the court disposition text area of the IdHS. The disposition must *relate* to those offenses included on the original fingerprint submission maintained by the FBI CJIS Division. The court charges in the disposition may be slightly different from those on the arrest fingerprint submission due to plea bargaining, changes to charges because of further investigation, and other factors. The following chart shows the common field names and descriptions for disposition reporting.

<b>Field</b>	<b>Description</b>
Universal Control Number (UCN)	A unique identifying number assigned by the FBI to an identity (both criminal and civil).
State Identification Number (SID)	A unique identifying number assigned by the state to an identity.
Originating Agency Identifier (ORI)	A unique identifying number assigned to an agency by the FBI CJIS Division which identifies the agency who transmits the submission, disposition, etc.
Date of Arrest (DOA)	Date the subject was arrested by the contributor on the original arrest fingerprints.
Event Identifier (EVI)	A unique number assigned to each event for an identity (both criminal and civil cycles). Similar to a DOA but does not replace a DOA.
Court Count (CCT)	A sequential number assigned to each court count.
Court Offense Literal (COL)	A free text description of a charge from a court or any charge regarded by the criminal justice system to be final. When a charge has been amended to, changed to, or reduced to, the original arrest charge should be included in the COL field. For example, grand larceny reduced to shoplifting.
Court Provision Literal (CPL)	Free text disposition information and/or sentence provisions, including but not limited to the following: plead guilty, confinement, probation, a suspended sentence, court fine, dismissed, or acquitted.

At the core of disposition reporting is the capture of fingerprints at any point in the arrest or adjudication process. Without criminal arrest fingerprints being submitted to the FBI, there is no record that an individual was ever arrested. Both the SIB and the FBI CJIS Division commonly

reject disposition data due to no corresponding fingerprints being on file for the arrest. This can be prevented by appropriate fingerprint submissions.

## Importance of Dispositions

A complete and accurate IdHS is important to both criminal justice and noncriminal justice agencies. Law enforcement agencies use the IdHS for investigative purposes, as well as sentencing decisions. In addition, federal, state, and tribal law may authorize fingerprint-based background checks for noncriminal justice purposes, such as employment (e.g. health care workers, teachers, school bus drivers, etc.) and licensing purposes. In any of these cases, if a disposition is not present on the applicant's record, then the applicant may be denied or the adjudication may be delayed.

Federal law prohibits firearms possession by, or transfer to, prohibited persons, including those who are under indictment for, or convicted of, a crime punishable by imprisonment for more than one year under Section 922 (g) or (n) of Title 18, United States Code. The FBI CJIS Division encourages the reporting of indictments as an interim disposition. The Brady Handgun Violence Prevention Act of 1993 (Brady Act) requires a background check be conducted using the FBI's NICS to identify potential purchasers who are prohibited from purchasing firearms. From November 1998 to February 2017, over 257 million inquiries have been made into the NICS. Without a complete IdHS, untimely delays may occur in approving eligible purchases. Also, it may cause a person who is ineligible to purchase a firearm be "conditionally" approved to obtain the firearm.

There are numerous statutes, including the following that authorize fingerprint background checks for tribal entities:

The Indian Child Protection and Family Violence Prevention Act, (Pub. L. 101-630), as amended by the Native American Children's Safety Act, (Pub. L. 114-165) (25 U.S.C. 3205 and 3207) authorized Indian tribal governments to conduct FBI fingerprint-based background checks of applicants that may have regular contact with, or control over, Indian children. In addition, tribal social service agencies may conduct fingerprint-based background checks for foster care placements in tribal court proceedings of individuals 18 years of age or older living in a home.

The Indian Gaming Regulatory Act, Pub. L. 100-497, (25. U.S.C. 2701, et seq.) authorized the National Indian Gaming Commission to conduct background checks on key employees and primary management official of tribal gaming enterprises.

The Native American Housing Assistance and Self-Determination Act of 1996, Pub. L. 104-330, (25 U.S.C. 4138) authorized Indian tribes or tribally designated housing entities to conduct background checks of adult applicants for employment and adult applicants or tenants of housing, for the purpose of applicant screening, lease enforcement, or eviction.

It is imperative the IdHS contains complete and accurate record information, including both the arrest and disposition, to ensure agencies can accurately process these inquiries. The following scenarios show the importance of disposition reporting.

### Scenario #1

A 19-year-old individual was arrested for shoplifting at a convenience store on the tribe's reservation. The arrest fingerprints were submitted to the NGI System for processing. Later, the owner of the establishment chose not to pursue charges against the individual after a formal apology; therefore, the original charge of shoplifting was dismissed. Two years later, the individual enlisted into the U.S. Army, which required a national fingerprint check. The FBI returned an IdHS with a charge of shoplifting with no disposition. The individual's enlistment was immediately delayed because of the open arrest. If the disposition had been sent to the FBI CJIS Division for processing, the IdHS would have been complete and individual's enlistment would not have been delayed or required to obtain additional documentation to support the dismissed charge.

### Scenario #2

A husband and wife had an altercation at their residence on the tribe's reservation, and the neighbors called the tribal police. Once the tribal police officers arrived on the scene, the husband was arrested and charged with disorderly conduct. After a tribal court trial, the husband was found guilty of one count of misdemeanor domestic violence, but the disposition was never submitted to the FBI CJIS Division. The next year the husband applied to purchase a firearm and a NICS check was required. The NICS received the transaction for the purchase of the firearm; and, upon research, the record showed an arrest for disorderly conduct with no disposition. The NICS examiner delayed the purchase of the firearm until the IdHS could be updated with the disposition indicating a final charge of misdemeanor domestic violence. If the FBI CJIS Division had received the disposition at the time of sentencing, the husband would have been immediately denied the purchase of the firearm as opposed to being delayed. Since the transaction was delayed, the NICS had only three business days to research and resolve the transaction. If the transaction was not resolved within the three business days, the firearms dealer would have the authority under the Brady Act to transfer the firearm if he/she so desired.

Again, it is crucial the IdHS contains complete and accurate record information, including both the arrest and disposition, to ensure agencies can accurately process these inquiries. The previous scenarios show the importance of disposition reporting.



## How Can Dispositions Be Submitted To The NGI System?

The percentage of CHRI without dispositions impacts the quality of information disseminated and used by people or agencies making decisions (adjudicators) regarding qualifications for employment, licensing, adoption, healthcare workers, volunteers with children, etc. In addition, incomplete records hinder criminal investigations and court sentencing decisions, as well as the services provided by the NICS Section. In order to disseminate the most complete and accurate IdHS, for which the FBI has dissemination responsibility, it is imperative both arrest fingerprints and dispositions are submitted to the NGI System.

The current methods in which dispositions can be submitted to the FBI are not limited to state maintained records where a SID is assigned to the record. New submission avenues are continually in development. The current methods to submit dispositions are listed below:

- Web-Based Platform
- Final Disposition Reports (R-84 forms)
- III Disposition Message Key (DSP MKE)
- Two different Types of Transactions via the Electronic Biometric Transmission Specification (EBTS) standard
  - Disposition File Maintenance Submission (DSPE)
  - Electronic Fingerprint Disposition Submission (FDSP)

The BSS CHIPU Information Quality and Solutions Team (IQST) will provide and coordinate assistance to agencies to implement methods for reporting dispositions. If you would like to discuss other disposition submission methods, or if you have any questions, please contact the IQST at 304-625-3652, or e-mail [FBI-III@leo.gov](mailto:FBI-III@leo.gov).



## Web-Based Platform

A new web-based platform has been developed to provide an electronic means to submit disposition data. The Law Enforcement Enterprise Portal (LEEP) is an electronic gateway providing law enforcement and criminal justice entities centralized access to many different resources and services via a single sign-on. These resources strengthen case development for investigators and enhance information sharing between agencies.

One section of the LEEP is limited to updating existing arrest cycles already maintained in the NGI System because of a prior tenprint submission. The web-based portal currently provides a process to upload bulk dispositions via the LEEP. Technical programming resources are required since thousands of dispositions are in each file.

This bulk file of dispositions is uploaded into a specific folder in the LEEP and are automatically fed into the NGI System for processing. A report of successful and unsuccessful postings is automatically generated, and the results are posted to the submitting agency's folder for retrieval and review. Submissions that cannot be posted electronically will receive a manual review for conflict resolution and will either be posted to the record or rejected back to the contributor with an explanation. (Figure 4)

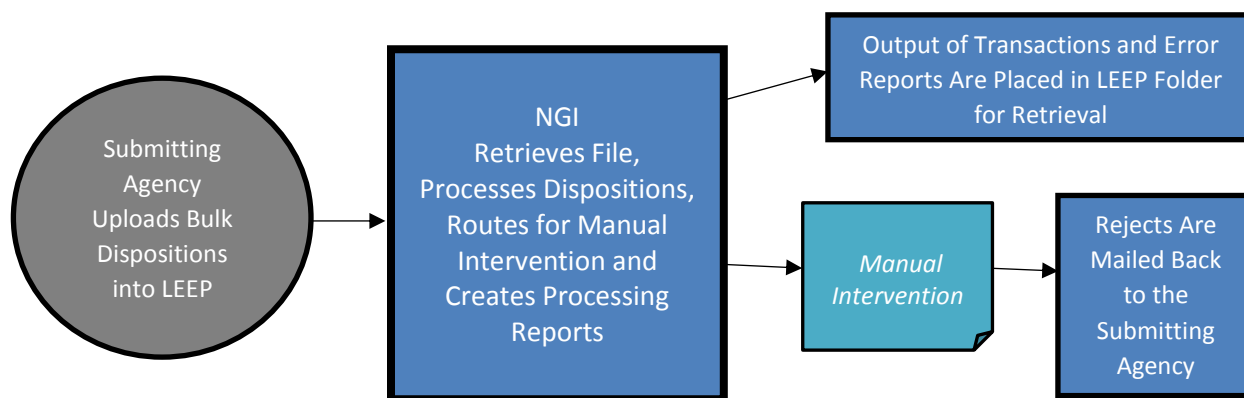


Figure 4

### Web-Based Platform

The LEEP accounts are available to personnel affiliated with the tribal criminal justice system. To apply for a LEEP account, go to [www.cjis.gov](http://www.cjis.gov) and complete the online application. For more information on the LEEP, please contact the FBI Support Center, which is available 24/7 to answer any questions at (888) 334-4536 or [helpdesk@leo.gov](mailto:helpdesk@leo.gov).



### III Disposition Message Key (DSP MKE)

The III DSP MKE provides law enforcement agencies the capability to update the IdHS with disposition data via the III/NCIC. It may be used to add disposition data to an existing arrest, replace existing disposition data, append existing disposition data, or delete disposition data on an existing arrest cycle. The III DSP MKE is limited to updating existing arrest cycles already maintained in the NGI System because of a prior tenprint submission. A message is returned for each transaction stating if the disposition has posted, has been rejected, or sent for manual processing. (Figure 5)

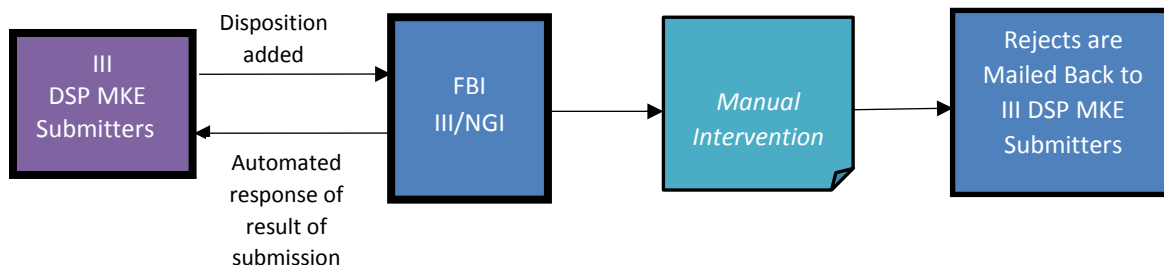


Figure 5

III DSP MKE Process

### Electronic Biometric Transmission Specification (EBTS) Transactions

The EBTS is the standard that defines requirements that agencies must adhere to when electronically exchanging biometric information with the NGI System. This standard is used with a connectivity method reserved for large disposition volume users. For more specifics about the EBTS, go to <https://www.fbibiospeccs.cjis.gov>. The two disposition submitting methods via this standard are addressed below.

#### Disposition File Maintenance Submission (DSPE)

The DSPE was created for authorized agencies to submit a disposition using the EBTS formatted message to add, append, replace, or delete disposition data on an existing arrest. The Disposition File Maintenance Response (DSPR) is electronically returned to the contributor to advise of the transaction results. If the disposition information is unable to be applied as requested, the transaction will be rejected and an electronic Administrative Transaction Error (ERRA) message is returned to the contributor. The DSPE is ideally suited for reporting dispositions in real-time as records are updated in systems and do not allow fingerprints with the submission of disposition information.

#### Electronic Fingerprint Disposition Submission (FDSP)

A second EBTS transaction, the FDSP, allows an authorized contributor to submit fingerprints with a disposition. With the inclusion of the fingerprints for the FDSP, if the date of arrest is not present, an event cycle will be created to capture the dispositional data. Additionally, if no candidate is identified by the fingerprint comparison, a new IdHS will be created. The response to a valid FDSP is a Submission Results—Electronic (SRE).

## What May Cause a Disposition to Reject?

For a variety of reasons, dispositions received by the FBI CJIS Division, regardless of the submission method, may be rejected and not be posted to an IdHS. For example, invalid values or missing information for a specific field may result in an immediate error. Dispositions that fail to post to an IdHS may be subject to manual processing to resolve the issue, or if unresolved, will be rejected back to the submitter. The most common rejects for dispositions are:

- Failure to match to an existing identity - no identity record found
- Failure to match to an existing DOA - the IdHS/record was found, but there is no arrest fingerprint on file for the specified DOA
- Disposition data already exists
- Conflicting disposition data already exists

## [Additional Information and Resources](#)

The BSS CHIPU IQST will provide and coordinate assistance to agencies to implement methods for reporting dispositions. If you would like to discuss other disposition submission methods or if you have any questions, please contact the IQST at 304-625-3652, or e-mail [FBI-III@leo.gov](mailto:FBI-III@leo.gov).

- Additional information about the CJIS Advisory Policy Board can be found at <https://www.fbi.gov/services/cjis/the-cjis-advisory-process>
- CJIS APB DTF Best Practices Guide can be found at <https://www.fbi.gov/file-repository/disporev04082016tagged.pdf/view>
- Additional information about The National Crime Prevention and Privacy Compact Act of 1998 can be found at <https://www.fbi.gov/services/cjis/compact-council>
- The latest version of the EBTS can be viewed/downloaded from [www.fbibiospecs.cjis.gov](http://www.fbibiospecs.cjis.gov)
- The current list of FBI-approved Channelers can be found at <https://www.fbi.gov/services/cjis/compact-council/list-of-approved-channelers>
- To apply for a LEEP account go to [www.cjis.gov](http://www.cjis.gov) and complete the online application. For more information on the LEEP, please contact the FBI Support Center, which is available 24/7 to answer any questions at (888) 334-4536 or [helpdesk@leo.gov](mailto:helpdesk@leo.gov)
- More information regarding disposition information [www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/arrest-disposition-submission](http://www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/arrest-disposition-submission)
- To order R-84 disposition forms and pre-addressed manila envelopes go to <https://www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/ordering-fingerprint-cards-and-training-aids>. Supplies can also be requested by calling 304-625-3983.
- DOJ Tribal Access Program information is found at <https://www.justice.gov/tribal/tribal-access-program-tap>
- In order to determine if the ORI you use is a federal or state based ORI, contact the CJIS Division's Customer Service Group at 304-625-5590 or via email at [Identity@fbi.gov](mailto:Identity@fbi.gov), and they can inform you of your status.
- To find out more information about the FBI CJIS Division Tribal Engagement Program, please contact the FBI CJIS Division Tribal Liaison Team for information on FBI's CJIS Division systems, programs, and Tribal initiatives at [cjistribaloutreach@fbi.gov](mailto:cjistribaloutreach@fbi.gov)
- The latest PDF version of the R-84 Disposition Report can be found at [https://www.fbi.gov/file-repository/final-1110-0051\\_r-84-01.pdf](https://www.fbi.gov/file-repository/final-1110-0051_r-84-01.pdf)

## Acronym List

Acronym	Meaning
\$.A.CHR	Criminal History Request Notification (III Unsolicited Message)
R-84	Disposition Report (paper or PDF)
APB	Advisory Policy Board
AFIS	Automated Fingerprint Identification System
BSS	Biometric Services Section
CAR	Criminal Tenprint Submission (Answer Required)
CCT	Court Count
CHIPU	Criminal History Information and Policy Unit
CHRI	Criminal History Record Information
CJIS	Criminal Justice Information Services
COL	Court Offense Literal
CPL	Court Provision Literal
CRI	Controlling Agency Identifier
CSA	CJIS Systems Agency
DOA	Date of Arrest
DOB	Date of Birth
DOJ	Department of Justice
DSP MKE	Disposition Message Key
DSPE	Disposition File Maintenance Submission Request
DSPR	Disposition File Maintenance Response
DTF	Disposition Task Force
EBTS	Electronic Biometric Transmission Specification
ERRA	Administrative Transaction Error
EVI	Event Identifier
FBI	Federal Bureau of Investigation
FDSP	Electronic Fingerprint Disposition Submission
FIS	Fingerprint Image Submission
FNU	FBI Number
IAFIS	Integrated Automated Fingerprint Identification System
IdHS	Identity History Summary
III	Interstate Identification Index

<b>Acronym</b>	<b>Meaning</b>
IQST	Information Quality and Solutions Team
LEEP	Law Enforcement Enterprise Portal
NFF	National Fingerprint File
NGI	Next Generation Identification
NCIC	National Crime Information Center
NICS	National Instant Criminal Background Check System
ORI	Originating Agency Identifier
QR	Query Record (III Inquiry)
SCO	Security Certification Officer
SIB	State Identification Bureau
SID	State Identification Number
SOC	Social Security Number
SRE	Submission Results - Electronic
TAP	Tribal Access Program
TOT	Type of Transaction
TTF	Tribal Task Force
UCN	Universal Control Number
WAN	Wide Area Network