



Preliminary
finding of the
Disposition Task Force



BEST PRACTICES
guide



The Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) Identification Services Subcommittee created the Disposition Task Force (DTF) in the spring 2009 to address the issue of missing dispositions in criminal history records. The membership



of the CJIS APB DTF is composed of representatives from the National Consortium for Justice Information and Statistics (SEARCH), the National Center for State Courts (NCSC), the Office of Personnel Management, the Bureau of Justice Statistics (BJS), the Conference of State Court Administrators, state repositories, state supreme courts, prosecutorial agencies, tribal courts, the CJIS APB and the National Crime Prevention and Privacy Compact Council.

The CJIS APB DTF was formed to address issues regarding the completeness, accuracy, and availability of dispositions and is moving towards a national strategy for improving the quality of disposition reporting. For the purposes of CJIS APB DTF discussion, the term “disposition” means the formal or informal conclusion of an arrest or charge at whatever stage it occurs in the criminal justice system. Disposition stakeholders may include local, state, federal, and tribal arresting agencies, prosecutors, courts, state identification bureaus (SIB) and CJIS Systems Agencies (CSA), the FBI CJIS Division, users of the record, and the individual.

Disposition gaps

Although great strides have been made in providing the most complete and accurate criminal history record information through federal and state collaboration, gaps in disposition reporting still exist. When a gap exists, incomplete criminal history record information can negatively impact the quality of information shared for employment and licensing adjudications, firearms background checks, and Rap Back services, as well as criminal investigations and sentencing decisions. These missing records create resource issues on all that rely on disposition data for decision making.

In 2014, the NCSC conducted a survey of disposition stakeholders to determine if requirements for disposition reporting exist. The survey

found that a patchwork of legislation, regulation, rule, directive, and policy exists for disposition reporting with varying levels of compliance. These policy gaps are amplified by arbitrary language and interpretation of these requirements.

CJIS APB DTF benchmarking study

The CJIS APB DTF recognizes the need for outreach and education to improve disposition reporting and requested the creation of a best practices guide. In 2015, the CJIS APB DTF requested that the FBI CJIS Division analyze disposition reporting statistics and collaborate with those states reporting higher disposition rates to identify commonalities, study their business practices, and report their findings. The CJIS APB DTF selected 11 participants which were representative of small, medium, and large states, and considered arrest to dispositions percentages from the FBI’s Next Generation Identification (NGI) and the *Survey of State Criminal History Information Systems, 2012*, conducted by SEARCH on behalf of BJS.

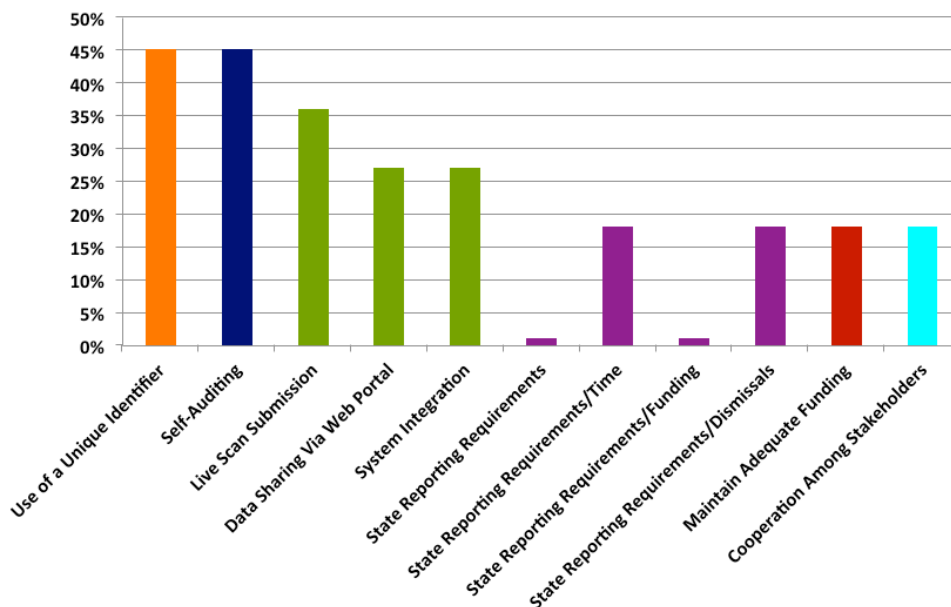
The FBI CJIS Division conducted benchmarking teleconferences with these states, created process maps, and identified promising practices and process gaps. The frequency of these practices/gaps was used to distill best practices and avoidances, which became the foundation for the development of this disposition best practices guide.

Best practices

The best practices, quantified here, can be broken into six distinct categories: standard use of a unique identifier, self-auditing, implementation of technological enhancements, state reporting requirements, maintaining adequate funding, and cooperation. The following figure shows the frequency that each of these emerged as a best practice through the benchmarking process.

Standard use of a unique identifier

A unique identifier, assigned to an individual, incident, or event, facilitates the submission and processing of disposition data across systems, and assists in the integration of automated systems for data sharing. The omission of a unique identifier causes additional delays, and requires



searching name and descriptive data, or multiple identifiers to obtain and integrate this data across multiple systems at the arresting agency, prosecutorial, court, and state identification bureau levels. Combinations of two or more of these identifiers make the validation exponentially more accurate.

A unique identifier associated with criminal history records may include:

- Offender tracking number
- Incident tracking number
- Case number
- Docket number
- State identification (SID) number
- FBI universal control number (UCN)¹
- FBI event identifier

Unique identifiers can be used in a variety of fields throughout data sharing systems and can be populated on the fingerprint submission and disposition documents, including the R-84. For guidance regarding the appropriate use of a unique identifier(s) on the fingerprint submission,

¹ The FBI UCN was NOT identified by state participants as a unique identifier which is commonly used across systems, although the FBI UCN and the SID number are shared between the state system and the FBI.

please consult your SIB or CSA and the *Electronic Biometric Transmission Specification* available at <www.fbibiospecs.cjis.gov>.

Self-auditing

Self-auditing is a proactive method for stakeholders to identify open arrest cycles and reconcile the missing disposition information for historical data. Self-auditing can also be implemented in a day one forward approach. Benchmarking participants varied widely in both the requirement and the frequency to accomplish this.

At least one state had a requirement to audit the state system and identify the rate of compliance for each county. The state also legislatively tied funding to disposition reporting compliance rates for the county. Counties which were not compliant had funding withheld for disposition processing and for other functions as well. This state audited compliance on a monthly basis. This state also has a law making it a misdemeanor for court personnel failing to report dispositional information to the SIB (although the state did confirm that no one has been charged with this).

In contrast, another state indicated their self-audit process started very informally when an employee at the SIB decided to follow up with counties who had open arrests without dispositions. This state's self-audit is conducted every year to every three years. The SIB sends a spreadsheet to the court which populates the open arrests with dispositions, and submits it back to the state for updating the record.

Self-auditing works best when:

- Participants establish a clearly defined objective, scope, and methodology
- Clear policies exist outlining procedures and time frames for the submission of disposition information
- The standard is accepted by all stakeholders
- The self-audits occur at regularly scheduled intervals
- The self-audit incorporates technical solutions that work for everyone involved
- An organizational culture exists which establishes accountability

Since 2015, the FBI CJIS Division offers dashboards and detail data to states and federal agencies to assist in researching open arrests. These dashboards show the percentage of arrests with dispositions at the FBI, the number of pointers each state supports, and where the state and federal agency falls nationally in the scope of missing dispositions. For more information regarding your state or federal agency's dashboard, contact the FBI CJIS Division's Biometric Services Section at 304-625-3652.

To establish a disposition self-auditing methodology in your state, contact your SIB or CSA. For additional guidance on creating a self-audit methodology, the SEARCH provides a quality assurance checklist available online at <<http://www.search.org/resources/repository.qa.tools>>.

Implementation of technological enhancements

In general, automation and technical enhancements facilitate better information sharing among stakeholders². In addition to the use of a standard identifier across systems, the benchmarking participants indicated that the following technological solutions were best practices for improving disposition reporting:

- **Live scan submission**

In many state models, the arrest fingerprint submission establishes the individual's criminal history record. The implementation of live scan technology helps eliminate gaps in arrest fingerprint reporting, and enhances the state and FBI CJIS Division's ability to post dispositions, especially when paired with the use of unique identifiers.

Live scan technology provides immediate notification to the submitter indicating the fingerprints are accepted or rejected, eliminating delays and additional data collection for the individual. For states that do not fingerprint at the time of arrest, using live scan technology in the courtroom enables both the submission of the fingerprint and the disposition information directly to the state and the FBI CJIS Division.

²At least one benchmarking state said they decided to go back to a manual process for posting dispositions as opposed to a case management system because of system issues.

- **Data sharing via web portal**

States use web-based technology, for researching missing dispositions, uploading data into systems, and providing information to other agencies. The use of secure server technology mitigates logistical issues regarding the location and exchange of missing disposition data. Authorized users can request and access documents, manage case files, and provide additional detail for making criminal justice or noncriminal justice adjudications. State participants described systems where users referenced files using a unique identifying number, but were also able to query based on name and descriptive data.

- **System integration**

Automatically notifying stakeholders when changes are made to the individual's record via integrated systems is a best practice. This technology has management controls for sharing the information among stakeholders, and for automatically and systemically updating data across multiple systems simultaneously.

State reporting requirements

Enacting effective legislation requiring stakeholders (arresting agencies, prosecutors, courts, and state agencies) to submit dispositions is a best practice. Although similar, they are each integral components for compliance with reporting requirements, whether legislative, policy, rule, or directive. Requirements are foundational to effective compliance for disposition reporting. The CJIS APB DTF identified the following four actions as best practices.

- State has reporting requirements
- State reporting requirements have time constraints
- State reporting requirements are tied to funding
- State reporting requirements include dismissals

Maintaining adequate funding

State participants indicated that adequate funding helped them to achieve better disposition reporting. The National Criminal History Improvement Program (NCHIP) and National Instant Criminal Background

Check System (NICS) Act Record Improvement Program (NARIP) are the two primary funding opportunities for states to improve disposition reporting. Information about federal grant funding opportunities can be found online at <www.bjs.gov>. Most state participants did not identify funding as a hindrance to submitting dispositions to the state and/or the FBI CJIS Division.

Cooperation Among Stakeholders

Local networking symposiums and town hall style meetings are considered as a best practice. Good communication among stakeholders facilitates and cements agency investment in community problem solving. State participants indicated that stakeholder meetings to address specific issues were very productive. In some cases, minor issues were resolved which led to significant improvements in the overall availability of the disposition information. Yearly and monthly coordinated efforts provide opportunities for training and educational opportunities for stakeholders to vent issues and create solutions. Regular town hall style meetings keep stakeholders engaged and ensure all the appropriate groups have a seat at the table. Providing a voice in the improvement process also brings collective investment, community responsibility, and ownership to the solutions.

Opportunities for improvement

Four general categories of avoidances were discovered, some of which were also listed as best practices. These avoidances will therefore be referred to as opportunities, and should be examined in respect to the stakeholders' environment.

- **Opportunities for standardization**

The lack of standardization was a hindrance to some state's business practices, although each state had a different function that lacked standardization. The lack of a standardized unique identifier, a standardized submission process, making legacy exceptions to current business processes, and maintaining both fingerprint and non-fingerprint supported information in data sharing systems are common examples of inconsistencies which stymie disposition reporting improvements.

- **Opportunities for effective legislation**

Vague Legislative language that is subject to misinterpretation (no required processing time or not agreed as a requirement to submit at all) is an avoidance. Further, legislation that is counterproductive to keeping criminal history records (automatic misdemeanor expungements) hinders disposition reporting improvements.

- **Opportunities for integration**

The failure to integrate multiple systems, or multiple systems existing which do not talk to each other create manual research and data extraction, different fields, and different identifiers.

- **Opportunities for positive identification**

Because the criminal history record information that is shared nationally via the Interstate Identification Index³ (III) must be supported by fingerprints, the failure to capture fingerprints at any point in the process is a major gap to improving disposition reporting. When fingerprints are not submitted, there is no record that an arrest occurred. Further, there will be no arrest to append a disposition in the data sharing models. This information is unavailable in the III, and to the users.

Criminal history record information that is indexed and exchanged using the III must be fingerprint supported. The submission of arrest data without fingerprints becomes an obstacle for sharing this data in the III. Both the SIB and the FBI CJIS Division commonly reject disposition data due to no fingerprint on file for the arrest. The electronic fingerprint disposition submission type of transaction, introduced in NGI Increment 4, allows a disposition to be posted to an existing identity, for the identity to be established in NGI, regardless of the presence of the date of arrest because the fingerprints and dispositions are within the same transaction.

Additional guidance on how to reduce fingerprint rejection is available from your SIB or CSA, and from the FBI CJIS Division at <https://www.fbi.gov/about-us/cjis/fingerprints_biometrics/recording-legible-fingerprints>.

³The III is an electronic interstate records sharing system for states to index their available criminal history records. Authorized users may query the III for authorized purposes.