

Improving WV's Criminal History Record System

An Exploratory Survey of Law
Enforcement Records Officers and
Court Clerks

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National Improvement Efforts

– NCHIP (BJS and FBI) ¹

- To aid states and local agencies to improve the accessibility, quality and timeliness of criminal history records
- Provides awards and assistance to these agencies in order to make records more complete and beneficial to the CJS infrastructure

– JRSA ²

- Working with BJS to improve criminal history records
- Assist state SACs with developing system and analyze criminal history records
- Allow SACs to participate in coordinated criminal history records studies with key stakeholders

BJA Criminal History Records Recommendation Standards³

- Reporting Standards
 - Fingerprints submitted to state repository within 24 hours
 - Trial disposition submitted within 90 days after disposition is known
- Felony Identification Standards
 - 95% of current arrest records identify felonies
 - 95% of offenses in past 5 years have felony flag indicator
- Arrest Standards
 - 95% of felony arrest records/fingerprints are complete
- Disposition Standards
 - 95% of felony arrest contain disposition information (if disposition is reached)
- Correctional Standards
 - 95% of current sentences to and releases from prison are available

National Review of Criminal History Records

- **Criminal History Records: Areas of Concern**
 - Quality of records (Accuracy and Completeness)
 - Timely submission
 - Automation (including biometric image data & electronic submission)
- **Survey of state criminal history information systems**
 - A few findings from the most recent survey, 2008⁴
 - Fingerprint cards are not completed and submitted in a timely manner
 - 298,000 unprocessed or partially processed fingerprint cards
 - CDRs are not completed and submitted in a timely manner
 - 1.6 million unprocessed or partially processed CDRs reported by 20 states
 - Arrest records are lacking information
 - 30% or less of CDRs could be linked to specific record

2005 WV Criminal History Records Audit³

- Reverse methodology
 - Selection of agencies
 - Based on 1) type of agency, 2) population size, 3) geographic region of agency, and 4) volume of arrest
 - Selection of arrest records from those agencies
- Sample of records taken
 - 1,522 arrest records from 31 agencies
- What the audit assessed:
 - Completeness
 - Accuracy
 - Timeliness

2005 WV Audit Findings³

- Law Enforcement

- Completeness

- 76.8% arrest records complete

- Accuracy

- 65.9% arrest records accurate

- Timeliness

- 36.2 days from arrest to arrival at repository

- Overall

- 7 out of 10 fingerprint cards in state repository

- Court Clerks

- Completeness

- 72.7% CDR is complete

- Accuracy

- 69.8% CDR accurate

- Timeliness

- 56.4 days for CDR to arrive at repository

- Overall

- 4 out of 10 CDRs in state repository

Rationale for Current Study

- 2005 audit findings suggested a strong need to identify problems areas in order to improve WV records system
- Many states conduct audits to assess accuracy, completion & timely submission
 - We wanted to ask the people who complete & submit records the processes they go through to determine where the problems may lie
- Lack of guidance at state level
 - WV Code § 15-2-24³
 - Designates purpose of records system & location of repository
 - Charges WV State Police with maintaining records
 - Does NOT specify what offenses are to be reported or not reported
 - “Regardless of age...penalty provided therefore is confinement in any penal or correctional institution” are to be fingerprinted

Present Study: Data Collection

- Self Administered Survey
 - Internet
 - Groups = 2 Surveys
 - Law Enforcement Records Officers
 - Court Clerks
 - One person selected per agency or court by agency/court supervisor
 - Used Dillman method to increase response rates

Present Study: Population & Sample

- **296 Total Law Enforcement Agencies**
 - **198 Agencies Responded**
 - 109 Municipal Agencies
 - 35 County Agencies (Sheriff Departments)
 - 54 State Police Detachments
- **110 Total Court Clerk Offices**
 - **90 Court Clerk Offices Responded**
 - 45 Magistrate Clerks Offices
 - 45 Circuit Clerk Officers

Present Study: Survey Measures

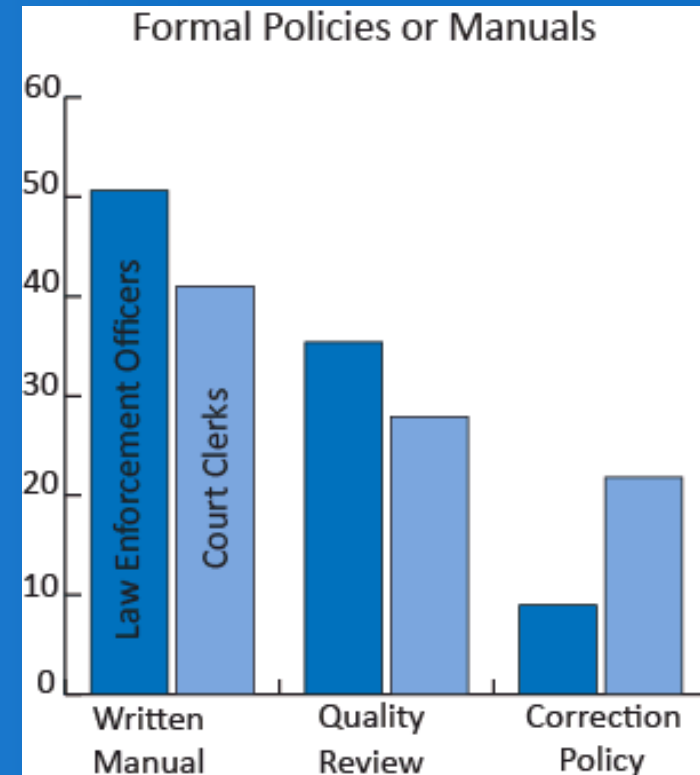
- Law Enforcement
 - Policies & Procedures
 - Written manual
 - Quality review
 - Indictments
 - Fingerprints
 - Submission time frames
 - Resources
 - Technology
 - Training
 - Barriers
 - Accuracy
 - Completion
 - Timeliness
 - Recommendations
 - Suggestions from participants
 - Suggestions from other studies
- Court Clerk
 - Policies & Procedures
 - Written manual
 - Quality review
 - Submission time frames
 - Resources
 - Technology
 - Training
 - Barriers
 - Accuracy
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 - Recommendations
 - Suggestions from participants
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Results

- Policy and Procedures
 - Formal Policies and Manuals
 - Non-Reportable Offenses
 - Indictments
 - Fingerprinting
 - Submission Time Frames
- Resources
 - Technology
 - Automation
 - Electronic Submission
 - Training

Policies and Procedures

- Formal policies and manuals
 - Does your agency's or court's policies or procedures come from a written manual?
 - Is there a quality review process in place?
 - Are there formal procedures in place for correction and resubmission of arrest records or CDRs?



Law Enforcement Officers: N= 190, Written Manual: n= 170, Quality Review: n=178, Correction Policy: n=189. Court Clerks: N=90, Written Manual: n= 78, Quality Review: n= 86, Correction Policy: n=87.

Policies and Procedures

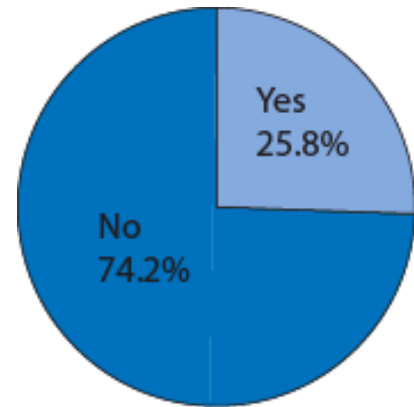
Are there offenses in which an arrest record or CDR is not completed?

Law Enforcement Officer	Court Clerk
non-jailable offenses/ misdemeanors	non-jailable offenses/ misdemeanors
capias	bound-overs
fugitives	capias
pubic intox	extradition
driving on suspended	worthless checks
trespassing	public intox
traffic offenses	waived or transfer to circuit court
DUI	
boundovers	

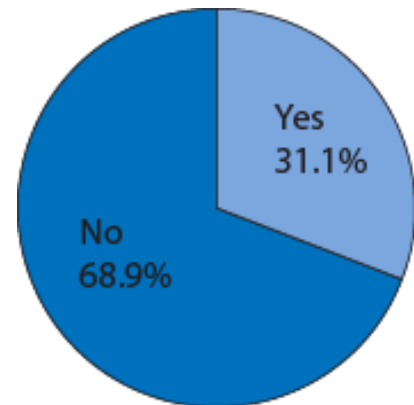
Law Enforcement Officers n=63; Court Clerks n=35

Policies and Procedures

- Indictment issues
 - Are there specific procedures for completing an arrest record when there is an indictment?
 - Does an indictment sometimes prevent your agency from completion and submission of arrest record?



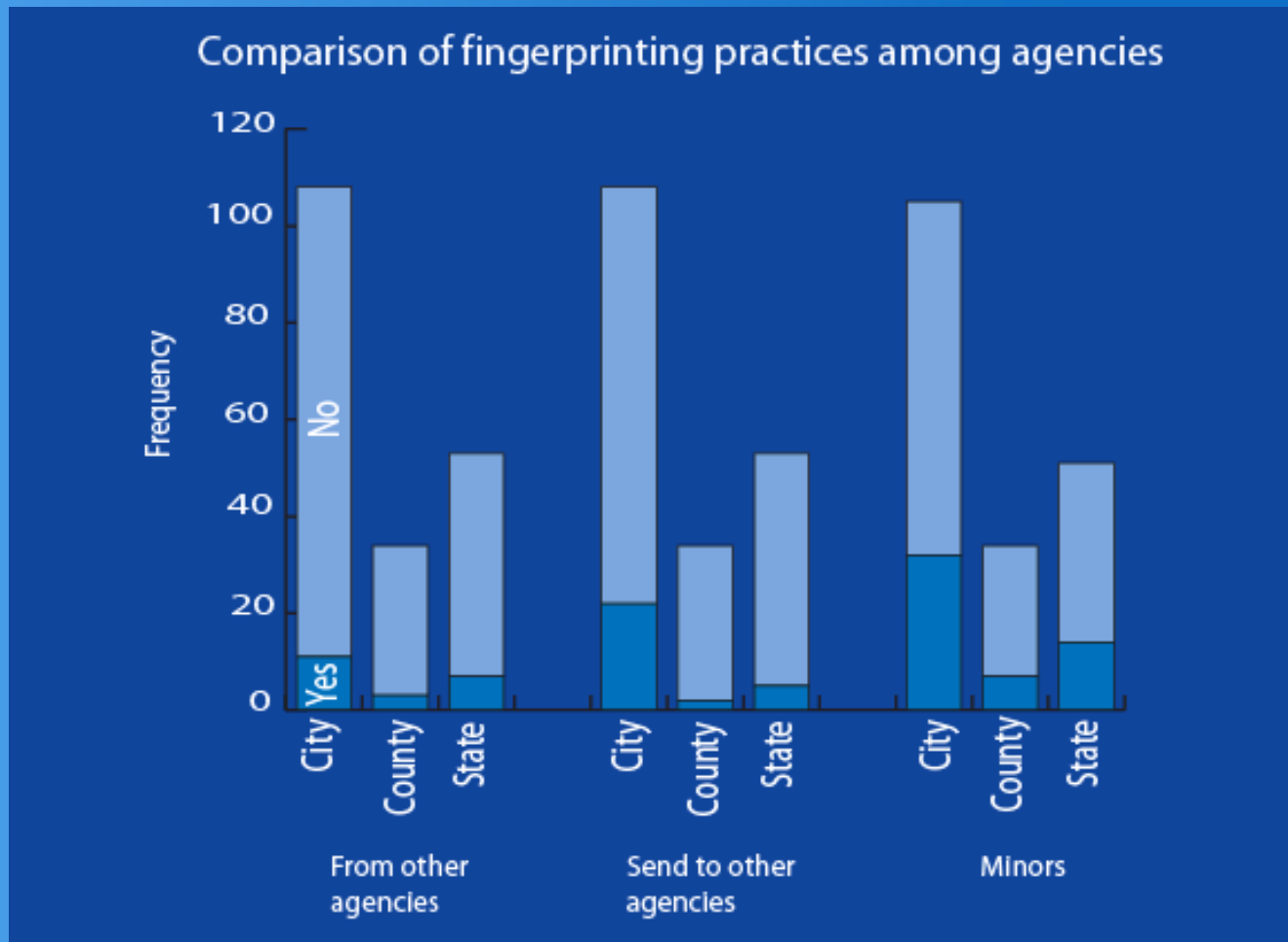
n=190



n=183

Policies and Procedures

- Fingerprint overview

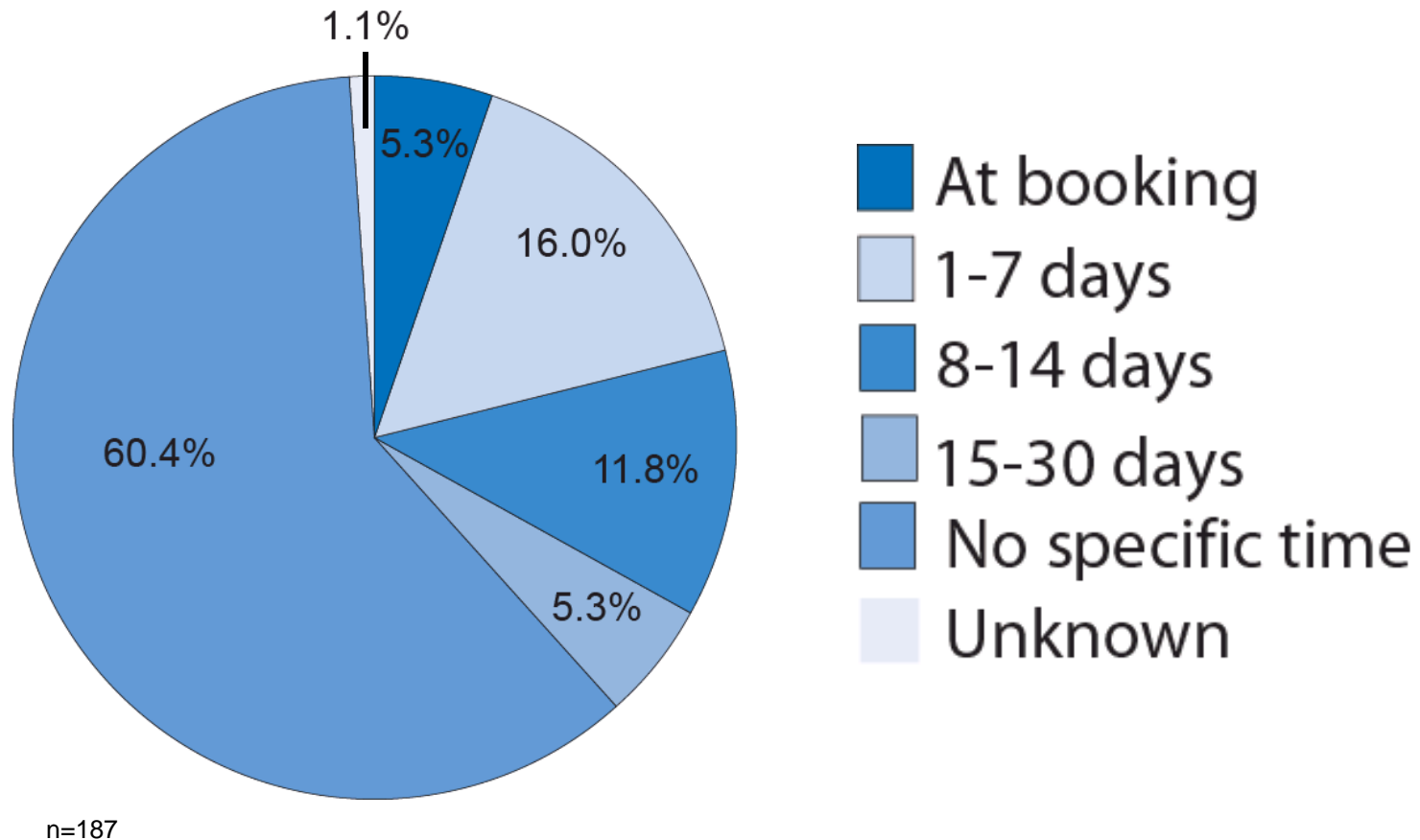


"From other agencies", n=195; "Send to other agencies", n=195; "Minors", n=190



Policies and Procedures

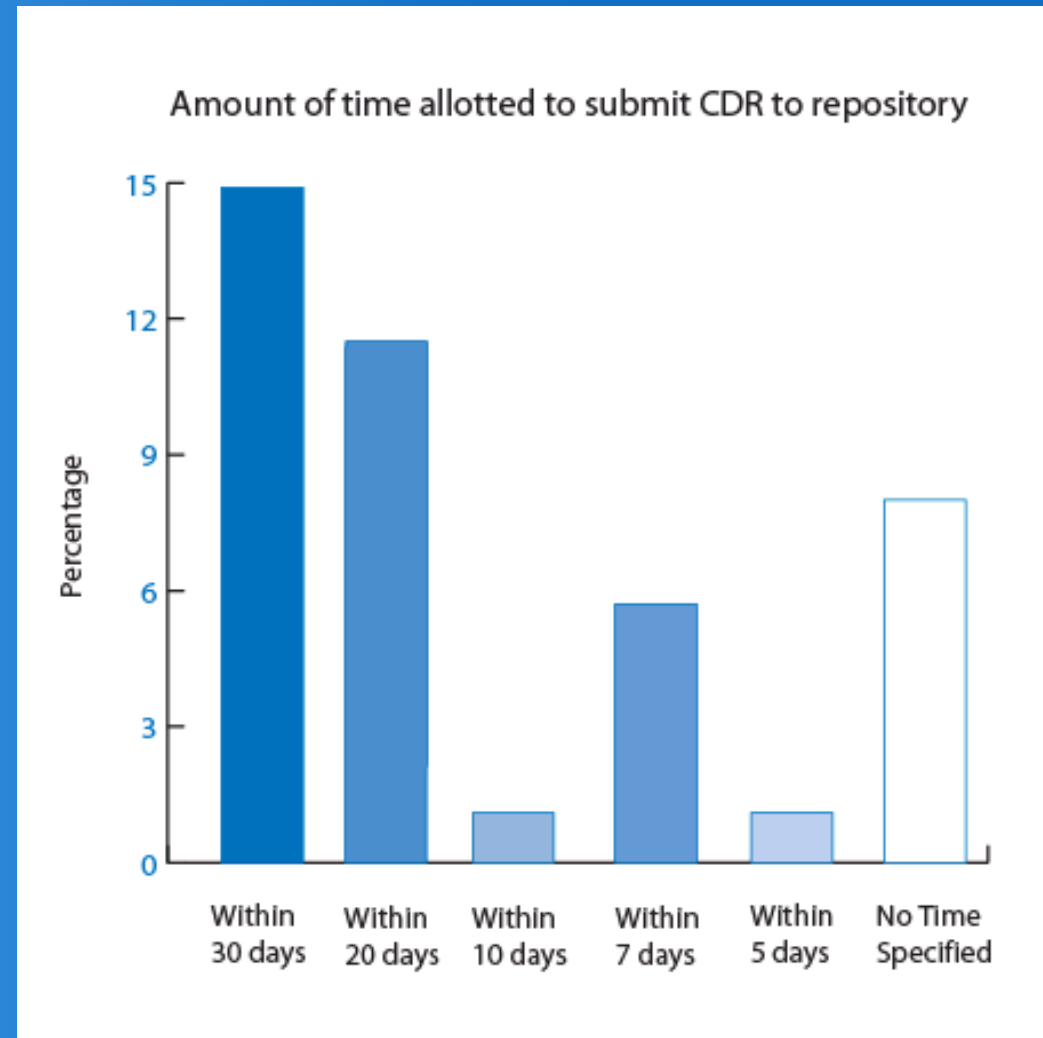
- Fingerprint submission time frames



Policies and Procedures

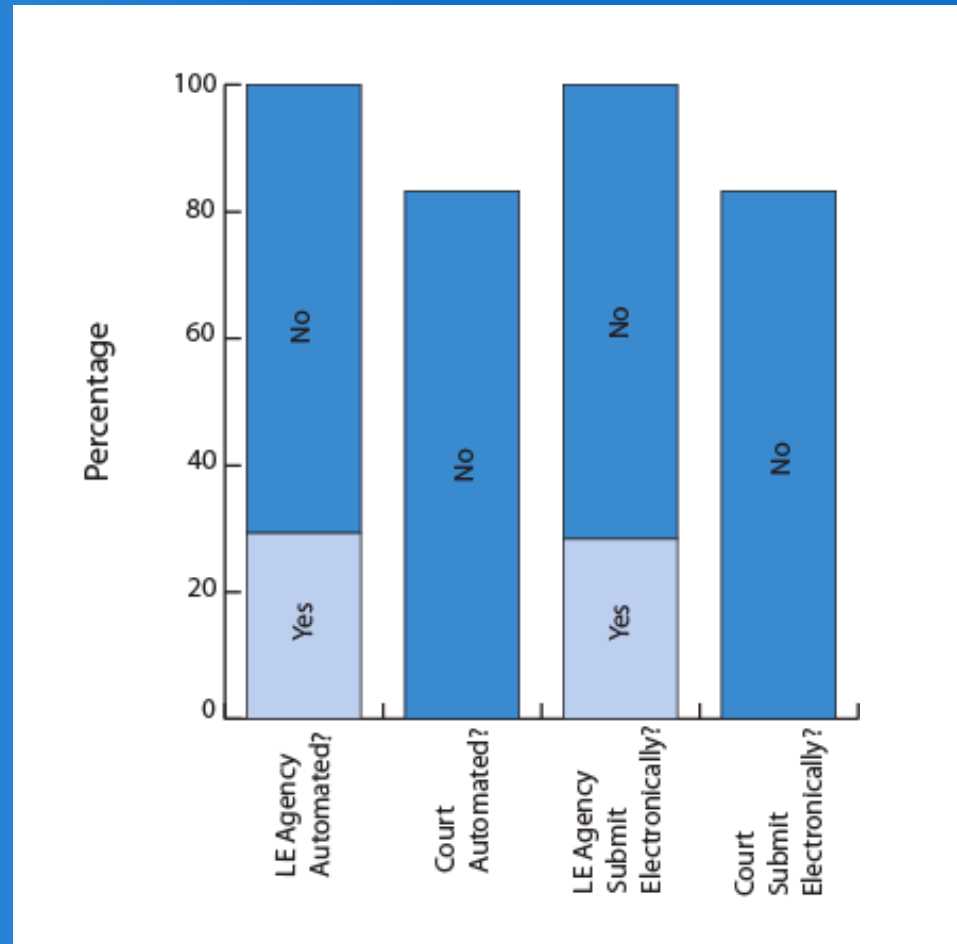
- Court Disposition Reports (CDR)

How much time is allotted for your court to complete and submit a final CDR to the state repository?



Resources

- Technology
 - Are your records automated?
 - Does your agency/court submit records electronically?



Law enforcement agency records automated; Law enforcement officers: n=188; CDRs automated; Court clerks: n=75 (no responses were "Yes"). Law enforcement agency records sent to state repository electronically; Law enforcement officers: n=194; CDRs sent to state repository electronically; Court clerks: n=75 (no responses were "Yes").

Resources

- Training

	Initial Training		Training in last 5 years		Adequately Trained	
	Yes	No	Yes	No	Yes	No
	f / %	f / %	f / %	f / %	f / %	f / %
Law Enforcement Officers						
City	43 / 42.6	58 / 57.4	14 / 17.5	66 / 82.5	50 / 56.2	39 / 43.8
County	18 / 54.5	15 / 45.5	3 / 12.5	21 / 87.5	20 / 69.0	9 / 31.0
State	39 / 81.2	9 / 18.8	16 / 41.1	23 / 58.9	45 / 88.2	6 / 11.8
Total	100 / 54.9	82 / 45.1	33 / 23.1	110 / 76.9	115 / 68.0	54 / 32.0
Court Clerks						
Magistrate	18 / 43.9	23 / 56.1	16 / 39.0	25 / 61.0	25 / 67.6	12 / 32.4
Circuit	14 / 27.1	29 / 67.4	10 / 22.2	35 / 77.8	19 / 52.8	17 / 47.2
Total	32 / 38.1	52 / 61.9	26 / 30.2	60 / 69.8	44 / 60.3	29 / 39.7

Note: "Initial Training": Officers, n=182; Clerks, n=84. "Training in 5 years": Officers, n=143; Clerks n=86. "Adequately Trained": Officers, n=169; Clerks, n=73.

Barriers & Recommendations

- What are barriers for accurate completion?
 - Law Enforcement
 - Training issues (19), technology (19), uniformity (17), related to officer (21), time (11), resources (equipment & manpower) (7), cards (9), and court related (6)
 - Court Clerk
 - Charge issues (23), incomplete information (16), and CDR not received from arresting agency (6)

Barriers & Recommendations

- What are barriers for timely submission?
 - Law Enforcement
 - Electronic equipment and submission capabilities (28), formal policy or state mandated code (8), submit record & prints at the time of the arrest (11), training (15), and court processes were too lengthy (12)
 - Court Clerk
 - Receipt of CDR from arresting agency (13), electronic capabilities (2), time guidelines not specified (2), training (2), teamwork (2), more staff needed (3) and related to court process or personnel (13)

Barriers & Recommendations

- What are suggestions to increase completeness & accuracy of records?
 - Most common recommendations
 - Law Enforcement
 - Electronic equipment & capabilities, uniformity, training
 - Court Clerks
 - Training, receipt of CDRs, correct information on CDRs

Participant Opinions

	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
	f / %	f / %	f / %	f / %	f / %
Automated systems will make submissions more timely					
Law Enforcement Officers (n=195)	85 / 43.6	74 / 37.9	30 / 15.4	6 / 3.1	0 / 0
Court Clerks (n=88)	18 / 20.5	33 / 37.5	25 / 28.4	9 / 10.2	3 / 3.4
More training would be beneficial					
Law Enforcement Officers (n=191)	0 / 0	1 / 0.5	87 / 45.5	72 / 37.7	31 / 16.2
Court Clerks (n=88)	26 / 29.5	38 / 43.2	16 / 18.2	6 / 6.8	2 / 2.3
There should be quality assurance measures in place					
Law Enforcement Officers (n=194)	65 / 33.5	87 / 44.8	29 / 14.9	12 / 6.2	1 / 0.5
Court Clerks (n=86)	22 / 25.6	38 / 44.2	23 / 26.7	2 / 2.3	1 / 1.2
My agency/court could improve accuracy & timeliness of submission					
Law Enforcement Officers (n=196)	37 / 18.9	60 / 30.6	69 / 35.2	25 / 12.8	5 / 2.6
Court Clerks (n=87)	5 / 5.7	20 / 23.0	37 / 42.5	18 / 20.7	7 / 8.0
Complete, timely, accurate criminal histories are important					
Law Enforcement Officers (n=197)	124 / 62.9	63 / 32.0	9 / 4.6	1 / 0.5	0 / 0
Court Clerks (n=88)	53 / 60.2	32 / 36.4	3 / 3.4	0 / 0	0 / 0

Key Items for Criminal History Record Improvement

Law Enforcement

- Improve accuracy
 - training
 - technology
 - manpower
 - time management
 - teamwork
 - uniformity
- Improve timeliness
 - training
 - electronic equipment
 - send at time of arrest
 - teamwork
 - policy dictate time limit
- Improve completeness
 - automation
 - training
 - uniformity
 - quality review
 - policy dictates requirements

Key Items for Criminal History Record Improvement

Court Clerk

- Improve accuracy
 - training
 - technology
 - forms
 - manuals
- Improve timeliness
 - training
 - electronic submission
 - timely receipt of CDRs
 - teamwork
 - complete at time of disposition
- Improve completeness
 - automation
 - training
 - quality review
 - complete CDR with or without prints

Review

- Purpose
 - 2005 Audit showed room for improvement in key areas of records
 - To determine if participants viewed these key areas as improvement areas
 - Obtain feedback from people that actually complete and submit criminal history records
- Group similarities
 - Policies & Procedures
 - Resources
 - Barriers
- Group differences
 - Policies & Procedures
 - Resources
 - Barriers

Conclusions

- What is needed to improve West Virginia's Criminal History Records System?
 - Manuals
 - 50.6% of law enforcement participants & 41.0% of court clerk participants reported having a written manual
 - Manuals need to include time frames, completion and submission guidelines (including quality reviews, correction & resubmissions, fingerprinting, juveniles, non-reportable, indictments, and etc)

Conclusions

- What is needed to improve West Virginia's Criminal History Records System?
 - Training
 - Court clerks (38.1%) report less training upon hire than law enforcement officers (55.4%)
 - Less than a quarter of law enforcement (23.1%) and less than a third of court clerks (30.2%) reported attending a training concerning criminal history records in the last 5 years
 - Uniformity
 - A manual would aid uniformity among individual agencies and courts
 - Same rules, policies, & procedures would lead to more consistency and overall completion of criminal history records

Conclusions

- What is needed to improve West Virginia's Criminal History Records System?
 - Communication
 - Better communication between law enforcement and courts is needed to ensure accurate and complete records
 - Automation
 - No automation or electronic submission of dispositions by courts
 - Law enforcement has limited automation and electronic submissions (mostly found within state police detachments)

“I believe we have covered what we need to do in this survey. Let's do it.”
-survey participant

References

- ¹ Bureau of Justice Statistics. (2010). FY 2009 National Criminal History Improvement Program (NCHIP) Solicitation. <http://bjs.ojp.usdoj.gov/content/pub/pdf/nchip10sol.pdf>
- ² Justice Research and Statistics Association. (2010). Improving State Criminal History Records Through Analysis. <http://www.jrsa.org/programs/criminal-history-records.html>
- ³ Lester, T.K. & Haas, S.M. (2005). West Virginia Criminal History Records Data Quality Review <http://www.dcjs.wv.gov/SAC/Documents/FinalCHRAuditReport6-14-05.pdf>
- ⁴ Bureau of Justice Statistics. (2009). Survey of state criminal history information systems, 2008. <http://www.ncjrs.gov/pdffiles1/bjs/grants/228661.pdf>

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