

**ASSESSING THE ISSUES RELATED TO CRIMINAL DISPOSITIONS
IN REAL TIME IN NEVADA**

Institute for Court Management
Court Executive Development Program
Phase III Project

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ABSTRACT

Accurate and complete disposition information is needed for court systems, prosecutors and other entities to make informed decisions. Questions addressed in this research issues included:

- How accurate are final dispositions reporting on criminal cases in one Nevada limited jurisdiction court, the Sparks Justice Court?
- How do the elected state prosecutors throughout Nevada county jurisdictions evaluate an individual's criminal history record presented by the police and the quality of current disposition histories?; and,
- What are the practices and perceptions of the Nevada criminal history repository?

The research conducted within the Justice Court of Sparks Township involved two samples of case files all of which were active cases with outstanding bench warrants. The first of the two Sparks Justice Court samples included 100 cases filed from March 1989 – March 1996 and identified by Nevada Highway Patrol as having active warrants. The data from those warrants was manually compared to data provided by the arresting agency and criminal history record. The second sample with newer cases (cases filed from July 2006 to the end of the year in 2006) allowed comparisons using today's technology and, therefore, it was assumed more accurate disposition reporting.

There were two state wide surveys. The first was sent to the 17 elected Nevada district attorneys. The second went to the State criminal history repository. The District Attorney Questionnaire survey, which was returned by nine of the 17 elected Nevada prosecutors, provided DA perceptions and current practices used by the respondents throughout the state. The purpose of Nevada Criminal History Repository was to document the interaction between the repository and criminal justice agencies as well as generate information that would help the researcher gauge the perceived accuracy of the information. The repository questionnaire identified the procedures employed by the Repository to encourage complete disposition reporting both manually and electronically from the reporting agencies; how information is reported and the methods used to link data; and, auditing measures used to validate accuracy.

The two samples of Justice Court case files demonstrated a disturbing problem: the enormous number of incomplete records. The first sample of old cases revealed a deplorable pattern, only 2.34% of the old criminal histories were complete and accurate. While technology

improvements have been made in the last ten years, the second sample of court records indicated fewer completed records with final dispositions in comparison to the first sample. The second sample showed that final dispositions were accurate in 2.05% of the cases. The legal and practical ramifications are huge.

The DA survey identified criminal history information is used after the arrest of an individual to support charge levels, prosecuting decisions, bail recommendations and sentencing recommendations. An individuals' arrest record is used during the investigation and decision making process to charge a defendant. The dilemma of missing disposition becomes a labor intensive barrier adding significant obstacles to agency support staff assigned to research and locate missing dispositions. The preponderance of incomplete records revealed multiple disconnects between records of dispositions and arrests.

The Nevada Criminal History Repository has an extreme backlog of manual dispositions approximately 300,000 (as of March 13, 2008) and ever growing number of dispositions being received daily for manual entry into the state database. This creates substantial problems for time-sensitive background checks and conducting the necessary research to complete the record, which is time consuming and labor intensive. This is further complicated when electronic data submissions are lost during transmission and when arrest fingerprint cards have errors that must be researched manually. The current procedures in place to encourage complete arrest and disposition reporting are handled by a form letter to the reporting court requesting the missing information. The state performs quarterly self audits on the quality of data in the system from the arrest fingerprint cards. The Nevada Legislative Auditor will be performing a data quality audit this year at the repository but has not yet identified the scope of the audit. A quarterly self audit is performed by the repository on the data housed by randomly selecting fingerprint cards and verifying the information on the card matches the information in the criminal history database. Audit checks were not identified on agencies submitting disposition data to the state. A reporting agency audit would measure and help set performance standards to ensure complete and accurate submission of dispositions in a timely manner.

Taken together the assessment led to conclusions that dispositions require interagency coordination and that multiple reasons exist for currently inaccurate and incomplete records criminal history disposition information. Recommended steps to bring about accurate and timely dispositions include the following:

- All criminal justice agencies must come together to evaluate internal business processes in reporting dispositions and the structure of how each criminal justice agency contributes to criminal history data,
- Statewide systematic survey on manual and electronic reporting tools for dispositions with an overview of what the repositories function and responsibilities
- Realizing and understanding there are problems and through collaborations set statewide standards that are adopted through Nevada Revised Statute 179A,
- With the current growth of criminal justice system all respective agencies brainstorm and implement a strategic logical plan to identify resources to meet the needs of future challenges which include, cost effective budgetary interrelationships to improve automation and business processing.

There needs to be uniformity with all reporting agencies that provide dispositions to the state repository. The creation of reporting standards with auditing capabilities to ensure accurate submission and linkage will improve the integrity of the criminal history database and the decisions made by the users of the information.

INTRODUCTION

The Sparks Justice Court is a limited jurisdiction court handling misdemeanor, gross misdemeanor and felony case types. A volume of 3,250 plus criminal cases are filed and adjudicated through the judicial process. The percentage of adjudicated cases not having a final disposition at the Nevada Criminal History Repository is at a record high for this state. To make informed decisions, the criminal justice system needs complete, accurate, timely, accessible, and easily understandable criminal history information. Information sharing among all criminal justice agencies must be available upon demand to process cases and support decision making. Without data sharing, justice cannot be served without having the real time information available.

The problem of reporting dispositions from the court to the State Criminal History Repository is apparent. The rising backlog of manual dispositions and the lack of staff to maintain timely data, insufficient automation and little or no standards provided to ensure the process is complete are two of the primary reasons the system is not working well.

The Criminal History Repository for the State of Nevada provides decision support data for criminal justice agencies. Information quality is the cornerstone for sound agency decision making and prompts deserved trust and integrity in the justice system. The courts have long been a key user of criminal history records and a provider of final dispositions to complete criminal history records. Decisions courts across the country make daily have significant implications for public safety and are based on data available upon request. There are dozens of decision points in the criminal justice system where the probability of proceeding in one direction or another is largely determined by the information available.

The issue of criminal history records has too long been viewed primarily as a law enforcement criminal justice process along with the presumption the court has not forwarded the disposition to the state repository in reality the “the courts’ problems are the repositories’ problems and the repositories problems are the courts’ problems.”¹ In respect the courts want to collaborate and have the repository succeed in meeting the demand for complete and accurate criminal records being available.

¹ Global Justice Information Network Advisory Committee Meeting Report, December 2001, <http://72.14.253.104/searchwww.it.ojp.gov/htm>. page 2

The need to access rapid data exchange and the need for access to criminal case dispositions led to the Nevada Supreme Court and the Administrative Office of the Courts to implement ADKT 398, Judicial Council's Court Technology Committee

This project purpose is to examine the issues related to the matter of a disposition from an agency which` is responsible for the reporting at the time a charge has been sentenced with a disposition being reported to the repository; whether it is in the manner of a manual report or electronic for real time information through technology.

During this project an evaluation of the current criminal justice process from the starting point with the arresting agency, prosecuting authority, the court and the holder of the criminal history record being the repository in order to pinpoint where and with what criminal justice agency the breakdown for disposition reporting can be identified.

LITERATURE REVIEW

A search of literature available on the justice system dispositions reported to State repositories reveals there is a strong need for reporting standards and polices to be implemented and followed at a state level and nationally. Increasingly there is a need to focus on the delivery of real time access and current dispositions for our key users of this information. Access to rapid data to review pretrial release information now exists in the forefront of daily decision making for public safety and informed decisions by judges and others throughout the criminal justice system.

After locating and researching relevant and similar studies it is apparent there are several major challenges throughout the nation's criminal justice information system. The first challenge is reporting timeliness of dispositions to the repository. This challenge is reflected in a 2005 Bureau of Justice Assistance publication Reporting by Prosecutor' Offices to Repositories of Criminal History Records.²

This report examined whether state court prosecutors ensure record completeness by regularly providing final dispositions information (such as their declinations to prosecute) to state repositories. The prosecutors could provide more than one reason their office did not supply final dispositions on their cases along with the six possible factors surveyed. Although the state repositories are the primary recipients of final dispositions from prosecutors, they are not the only recipients. Local and state police departments and the Federal Bureau of Investigations receive dispositions and are more likely to receive a felony disposition than a misdemeanor disposition and only half of the prosecutors surveyed will report a misdemeanor disposition to the state repository. Prosecutors were asked for the time the decision of declination to prosecute and the submission of the declination to the repository and the response was at an average of 20 days; however, some prosecutors transmit disposition electronically and the greater forward dispositions manually by fax or postal mail. When prosecutors were asked to identify why the dispositions where not forwarded to the repository 86% stated that they believe another entity was responsible for submitting the information.³

² Peter Brien, **Reporting by Prosecutor' Offices to Repositories of Criminal History Records**, U.S. Department of Justice, Office of Justice Programs, April 2005.

³ Ibid, page 5.

Many national perspectives have been evaluated for more than ten years. Strides have been made focusing on collaborations of departments looking for solutions to have complete and accurate information available.

The reporting timeliness of dispositions to repositories is further challenged by the newer users of the criminal justice information system requesting real time data being enforced by the Brady and Child Protection Act. This is evident by what is available in Nevada pursuant to survey.

A follow up survey⁴ published in 2006 was built around a more generic survey regarding non-criminal justice background check issues. Nevada participated in this survey. The state provides name-based background checks and they are available to the public by providing a \$20.00 fee by mail or through virtual private work (VPN). Written consent is required from the individual. Designated Employment and Licensing are the two public entities that are eligible to request name-based checks and they are provided with only convictions. Fingerprint-based checks outside of Public Law 92-544 authority provide state-records-only in Nevada. The survey asked seven questions dealing with name-based checks, and five questions with fingerprint-based background checks.

A third challenge is Federal mandates imposed without funding to enhance current technology in use by the courts creates further distance and delay in the time to final disposition of an arrest. These obligations and expectations were thoroughly discussed in a 2000 Bureau of Justice Statistics Task Force report.⁵

This report provides a “snapshot” of the state court and central repository systems and a review of legislative and judicial trends relating to federal directives. Also includes a review of constitutional challenges to certain federal mandates on state and local governments, as well as congressional efforts to address the issue of federal requirements imposed without sufficient accompanying funding.

⁴Francis X. Aumand III, Chairman and Ronald P. Hawley, **State Criminal History Record Information Availability Survey**, The National Consortium for Justice Information and Statistics, Executive Director, March 2006.

⁵Jan M. Chaiken, Ph.D., **Report of the National Task Force on Federal Legislation Imposing Reporting Requirements and Expectations on the Criminal Justice System**, U.S. Department of Justice, Bureau of Justice Statistics, August, 2000.

This report also examines three clusters of federal statutes that create obligations or expectations that State and local courts and justice agencies will provide information. The National Task Force finds that, in recent years, the federal government's need for information from State and local courts and justice agencies has increased in terms of the quantity and the complexity of data required, and in terms of the speed with which the information must be provided. Information needs arising from the implementation of Federal legislation increasingly require both civil and criminal justice information.

Customarily, many state and local courts have not been actively involved in implementing federal information initiatives, and have not received federal assistance to meet the information demands arising from the implementation of federal legislation. There is a problem with demands imposed by federal mandating reporting requirements when they do not build upon existing information practices. State court systems are large and diverse. Courts are critical players in the state criminal justice information system. Other critical players, which supply the courts with information and also rely on the courts to provide them with information, the state central repositories-now established in every state are now responsible for the collection, maintenance and dissemination of criminal history records.

Repositories are charged under state law with the establishing comprehensive files of criminal history records; ensuring that the records are accurate and up to date; and establishing rules and regulations governing the dissemination of criminal and non-criminal justice users. Criminal history records traditionally were used exclusively for criminal justice purposes. In recent years many public and private non criminal justice agencies have argued for access to these records. Examples of federal mandates include the 'National Child Protection Act of 1993, Brady Handgun Violence Prevention Act, The Lautenber Amendment, Sex offender registration statutes, Court protection orders, Adoption and Safe Families Act of 1997, Welfare Reform Act. All the listed acts are imperative on the reporting of final court dispositions.

These findings identify the need for interagency communications, improving the current plan and creating future options that allow for change and growth. The need of interagency communication and an evaluation of the current plan resulted in the "Focus Group" a committee focusing on solutions to current situations as publicized in the minutes below. A meeting was held in September of 2001 with participants for the Global Justice Information Network Advisory Committee.

This publication of minutes for this meeting documents the Global Justice Information Network Advisory Committee concerns and real possibility to ‘turn information into justice.’⁶ It’s members were a diverse array of justice practitioners, from judiciary; prosecution, court administration, local, state and federal law enforcement, juvenile justice and state criminal record repositories. Two of the topics slated for discussion included, Enhanced Management of Criminal Dispositions, and Fingerprint-Based Court Dispositions, Mr. David Gavin, Assistant Chief of Administration, Texas Department of Public Safety. The presentation documented the progress of the National Criminal History Improvement Program (NCHIP). He also highlighted the need for a new look at the problem of criminal histories and the growing number of dispositions that cannot be linked to an arrest.

The focus group met to identify some solutions to the problem of missing dispositions and focus on new concepts for gathering, storing and disseminating dispositions. Traditionally law enforcement and criminal justice agencies have been the primary users of the repositories. According to the Bureau of Justice Statistics, data quality is defined as:

the extent to which criminal history records are complete and timely. In addition, accessibility is sometimes considered a data quality factor. The key concern in data quality is the completeness of records and the extent to which records include dispositions as well as arrest and charge information.⁷

Culture today along with national legislatures having a new emphasis on background screening for persons in the positions of trust, nurses, teachers, day care workers and volunteers are seeking disqualifying criminal dispositions. The problem of missing dispositions has been highlighted by the increase from non-criminal justice agencies searching criminal history repositories for the existence of arrest records with the findings being active open arrest with no final court dispositions. If there is a rising national need for criminal dispositions is this a call for a more effective national criminal disposition background check system and how should this be answered?

⁶ Global Justice Information Network Advisory Committee Meeting Report, December 2001, <http://72.14.253.104/searchwww.it.ojp.gov/htm>. page 5

⁷ Bureau of Justice Statistics home page on Justice Statistics Improvement Programs at <http://www.ojp.usdoj.gov/bjs/jrip.htm>

This group looked at three different situations to be considered:

1. ‘Situation One-When the person has a previous arrest record in the file, the arrest fingerprints for the disposition in question have been submitted and exist in the computerized criminal history file, but the reported dispositions cannot be linked to that arrest for reasons like a lack of a tracking number.
2. Situation Two- When the person has a previous arrest record, but the arrest fingerprints for the disposition in question have not been submitted, and do not exist in the computerized criminal history file.
3. Situation Three- When the individual does not have a previous arrest record and the arrest fingerprints for the disposition in question have not been submitted.’⁸

The Focus Group findings show they agreed that non-reported dispositions remain a problem and the efforts to assist courts should continue to be a part of the national strategy for improving dispositions in criminal history repositories. The group had a concern that this emphasis on dispositions may diminish the importance of arrest data for investigative and law enforcement purposes. The intention is simply to bring a new perspective to dispositions without reducing the importance of the arrest data. This is not a single source problem and the solution must be the result of combined efforts.

During this meeting Lieutenant Colonel Ken Bouche, Assistant Deputy Director, Illinois State Police, provided the following presentation: *Criminal Justice Identification and Criminal Disposition Reporting*. Identifying the challenge of a positive identification to the criminal dispositions looking for an answer to three fundamental questions:

Lieutenant Colonel Ken Bouche presented the following questions during his presentation:

“Who are you?”

“What have you done?”

“Where have you been?”⁹

This presentation was fingerprint based arrests. The key is accurately identifying an individual in the connection of their fingerprints. Fingerprints are generally taken only once at the time of arrest. There is no reliable biometric identification method to track an individual

⁸ Global Justice Information Network Advisory Committee Meeting Report, December 2001, <http://72.14.253.104/searchwww.it.ojp.gov/htm>. page 29

⁹ Ibid page 32

from arrest through conviction, sentencing or acquittal. The current dependency is linking disposition to the document control number (DCN). Data errors arise frequently with added confusion by the prosecutor if charges are modified or dropped and the failure to report the modifications to the state repository. One solution presented was to fingerprint the subject at the time of final disposition to ensure the integrity of the criminal history record. This method would provide real-time updating of records, reduce data-entry error and provide accurate information for the criminal justice community. Close collaborations of interagency improved current program through the next document.

The common goal with criminal justice counterparts who share data is to improve the access and integrity of criminal history records.¹⁰ Achievements of the National Criminal History Program, missing dispositions in criminal history records and opportunities for improving background checks. NCHIP represents close collaboration with the Bureau of Justice Statistics (BJS), State criminal justice agencies, and the FBI. These collaborations addressed issues related to the completeness and accuracy of criminal history records, mental health records, restraining orders, and misdemeanor domestic violence records. The NCHIP program has provided direct financial and technical assistance to States to develop and upgrade their criminal record information systems.

‘Since 1995 BJS has awarded nearly \$400 million to States. During this time the number of criminal history records has increased 29% nationwide, and the number of automated records available for immediate use by law enforcement has increased 35%.’¹¹

State law enforcement agencies have relied on the NCHIP program to help them transition from ink-based fingerprinting systems to electronic systems. Poor interagency communication was identified for the number of missing dispositions or “open arrests” and the number of final court dispositions in criminal justice agencies that can not be linked to arrest or charging information. The communication between interagency was evaluated in three ways: (1) by the number of days required for the court, law enforcement agency or corrections agency to report disposition information to the repository (2) by the extend to which criminal justice agencies rely on manual systems rather than electronic systems to transmit disposition information and research missing dispositions (3) by whether all criminal justice agencies are

¹⁰ Bureau of Justice Statistics, Improving Access to and Integrity of Criminal History Records, page 1

¹¹ Ibid page 1

fully aware of their reporting requirements. This report also provided several other evaluations of processing criminal history information becoming more efficient.

Part of NCHIP's support is to capture judicial decisions for criminal history records, participating courts across the country have developed the availability to:

- Electronically link fingerprints and other biometric information to dispositions and share this information with corrections and law enforcement agencies;
- Provide electronic protection order/restraining order files that can be assessed by law enforcement officers in the field;
- Establish and maintain sex offender registries;
- Convert juvenile records to the adult case management system; and,
- Establish databases of offender-based information.

Through NCHIP support, new information technologies have enabled State criminal justice agencies to share critical information more efficiently. From 1995 to 2001 the average time between an arrest and the addition of fingerprints and information about the arrest to a criminal history record was cut nearly in half from 45 days to 24 days. The average time required to receive, process, and add final court disposition information to a criminal history record declined more than 30% from 68 days to 46 days.

With a history of success, NCHIP acknowledges future challenges, emerging from technologies and new criminal justice priorities identified by Federal and State policy makers. The challenges include:

Updating relevant mental health records, Improving access to records for domestic violence misdemeanor convictions, Ensuring that court disposition reporting systems are automated, Encouraging prosecutors to complete criminal history records by reporting their declinations to prosecute, Converting older paper records into an electronic format, Linking criminal history transactions, Developing a uniform criminal history format for RAP sheets, Continuing to address privacy and confidentiality issues as they relate to non-criminal justice background checks.¹²

National standards can help assure complete criminal history records. There is no national consensus on how a missing disposition is defined or a defined table set for this state. National standards are lacking on the following States define "*missing dispositions*" differently.

¹² Bureau of Justice Statistics, Improving Access to and Integrity of Criminal History Records, page 7

Breakdowns between criminal justice agencies that report data was addressed through the NCHIP as referenced in review.

Since 1995 criminal records accessible for background checks has documented the growth by 83% through 2003. One of many accomplishments listed for NCHIP is the *Involvement of the Courts and Systems Integration to Improve Disposition Reporting*.¹³ For the fiscal year 2005 NCHIP provided direct funding to 37 states to provided funding to the courts or funded court related activities and disposition reporting. Total awards provided in the Appendix listed the state of Nevada during the period of 1995-2005, \$5,782,000. The NCHIP program assessment reviewed by the Office of Management and Budget using the Program Assessment Rating Tool (PART) was determined to be effectively meeting its goals and objectives. Current growth has led to implementation of a national standard as outlined in the following order.

In the state of Nevada an order was issued by the Nevada Supreme Court in March 2007 identifying technology standards set forth within the court system¹⁴. The order identifies the Adoption of Statewide Technology Standards to reduce the inefficiencies by converting the labor intensive, manual processes to time saving electronic data exchanges. ADKT 398 identified electronic data sharing initiatives to be accomplished within 18 months:

Court to court case information (document) exchanges, court to executive branch exchanges, which includes, but not limited to arrest warrants, charge dispositions, DMV convictions, DMV “failure to” type warrants and protective orders, improve the accuracy of reporting Uniform System for Judicial Records (USJR) statistics. In August of 2007 a Statewide Technology Standards Project began in order to accomplish and meet the 18 month deadline. Various committees and the AOC are essential to keep this effort on track and within budget. There is a lot of work to do in the area of organizational alignment, communication and collaboration between courts, law enforcement, prosecuting authority.

Instruments were designed to collect information on the factors bearing on the central question of this research.

1. What is the current and required process in report court dispositions to the repository?

¹³ Gerard F. Ramker, **Improving Criminal history Records for Background Checks**, Bureau of Justice Statistics Program Report, July 2006, page 4

¹⁴ Nevada Supreme Court Justices, ADKT 398 Supreme Court Order, Order Adopting Statewide Technology Standards, March 2007

2. What audits are performed and by who to insure accurate and complete data is linked to the correct record?
3. Who are the users relying on complete and accurate disposition data?
4. What data is reviewed by the prosecution level of the criminal process for filing charges and sentencing recommendations?
5. Identify the presumption versus the problem of incomplete dispositions.
6. What are the constraints in reporting real time dispositions?

The literature review showed two things both of which were confirmed by the research to reported here. The first is the fragile relationship between interagency and their dependence on each other and that every entity is striving to reach the same goal of presenting data in real time availability to meet all agency and public demands. With technology advancement at an all time high it is imperative every agency does their part to keep data accurate, updated and available for access by other entities. By all agencies following the above steps an integrated database can be built using all information that everyone can use. There is much to do in Nevada.

METHODS

Research was conducted to assess the final disposition reporting on criminal cases filed in the Justice Court of the Sparks Township with a comparison to the Repository arrest record.

The methods used in this research included two samplings of court case files for review and audit by pulling active cases with outstanding warrants by reviewing to locate if the disposition had been reported after sentencing and a second sampling of more recent court cases. A questionnaire survey distributed to the 17 elected District Attorney's for Nevada. A survey on the procedure and process handled at the State Criminal History Repository along with an extensive literature review for standards and mandates on reporting of dispositions. Details on each method follow below.

Case File Review and Audit: First and Second Samplings

The first gathering of data took place by sampling 100 cases identified by Nevada Highway Patrol that had active warrants. Appendix A provides the data collection form and the results of the first case file audit in one place.

A request was made by the law enforcement agency asking the judiciary to review each case for a possible final disposition by closing the case and removing active warrants from the Nevada Criminal Justice Information System (NCJIS) Warrant File. No activity on the active warrants had taken place in a period of ten years or more. From the list provided from the Nevada Highway Patrol, cases were manually located and researched one by one during a two week period. Each case was manually researched and the Criminal History Record for each defendant was queried. The data captured within the first 100 cases and the Criminal History recorded included, Date of Arrest, Number of charges arrested, Date the Criminal History Record was created, Number of Charges filed in the court, Number of charges on Criminal History record, number of charges with dispositions, prior and subsequent arrests.

Data collected from each case individually was compared to the criminal history record and the data provided by an arresting agency at the time of arrest, the prosecuting authority charging document and the court record. Gathering the information took over a five week period. Court cases were delivered from Record retention off site. Criminal History Records were queried by the Process Control Numbers (PCN), name and date of birth or name and social security numbers. The response from the repository did not always give a positive return. Here identifying an arrest had been made without a criminal arrest record found, more than one

criminal history record had to be searched multiple times with different variations to receive a response and not all of the 100 cases came back with a criminal history record even though an arrest was made. A realization of not every arrest was reported or on file with the state repository. This could be a result of a bad fingerprint roll at the time of arrest. The first grouping of arrest dates ranged from March of 1989 and concluded with March of 1996.

Second, an additional sampling of Sparks Justice Court cases more recent with a filing date of July 1, 2006 thru December 31, 2006 filed with the court. Data captured was the same as the first sampling of court cases and a Criminal History Record for each case sampled in this second round. The second round of data gathering was reduced in time and took about three weeks. Appendix B is the second case sampling data collection form and results.

District Attorney Questionnaire Survey

Survey: 17 Nevada County District Attorney's

A cover letter accompanied the survey was circulated to the 17 elected District Attorney's one from each county within the State of Nevada. A pretest of the survey was provided to a Deputy District Attorney from Washoe County and a private attorney with prior prosecuting experience and following the review and critique several of the questions in the District Attorney Survey were modified based on suggestions to clarify the questions. See Appendix C for the complete survey questionnaire distributed to the elected district attorneys.

The data collection concluded in November of 2007 with a second request being electronically mailed to eight prosecutors who did not reply to the original mailing in October of 2007. One District Attorney responded giving a total of nine survey responses. The survey assessed the key data elements and whether or not certain information reported on a criminal history record was used by the prosecution in the decision process for charging and sentencing practices.

The cover letter (see Appendix C) and survey form (Appendix D) provided the purpose for the survey with instructions for completing and returning the questionnaire and a self addressed stamped envelope for easy return. The survey responses were then calculated for analysis. A total of 17 surveys were mailed with nine surveys returned completed, representing a 52.9% return rate. A total summary sheet was tabulated specific comments pertaining to a question were analyzed separately but in relation to the question asked.

This process examined how the state prosecuting authority at the county jurisdiction level evaluated an individuals' criminal history record and the practices used by the prosecutor in each county within the state of Nevada. The first part of the survey identified if a criminal history record was queried at the time an arresting agency forwarded the arrest report to the prosecution and if so, was the record used to make bail recommendations, charge level decisions and within the record if prior arrest data and or dispositions were used as an evaluating tool. From the prospective of the prosecution as a user of the criminal history record how the entity valued the information provided and what direction was taken to locate information missing from the criminal history record. At the time a case came up for sentencing did the individual's record of criminal history affect the sentencing recommendations?

Questionnaire: Nevada Criminal History Repository Survey

A questionnaire (See Appendix E for the survey form with complete results) was forwarded to the Nevada Criminal History Repository. This questionnaire was to identify the procedures employed by the Repository to encourage complete disposition reporting manually and electronic from the reporting agencies, auditing methods, identify the number of arrest records with and without final dispositions. The purpose was to get a sense of: 1) interaction between the repository and the Criminal Justice agencies; 2) how information is reported, the methods used to link data; and, 3) auditing measures used to validate accuracy.

The first question in this survey asked the state to identify for a calculation tool the number of arrest records in the criminal history file, identify what Criminal Justice Agencies provide data to the repository, and by what means the data was provided. Once a record was created and housed what methods were used to link disposition information to an arrest charge. The state was asked to provide an estimated number of dispositions received that could not be linked to arrest information and identify what procedures were followed when linkage could not be made once a disposition was received from a reporting criminal justice contributor.

This questionnaire examined the strategies employed by the State criminal history repository to ensure accuracy of data in the criminal history data base; the procedures employed by the repository to encourage complete arrest and disposition reporting, a request to provide auditing activities for the State criminal history repository done internally and externally and identify if funding was provided by NCHIP for the State to improve data quality.

FINDINGS

CASE FILE REVIEW AND AUDIT

First Sampling:

A review of 100 cases within the court were requested from record retention and a criminal history was queried for each arrest by the process control number (PCN) completed by the arresting agency. (For complete results see Appendix A). A manual comparison from the written PCN and the electronic criminal history response review provided a 12% error from the arresting document and the arrest charges listed on the criminal history record. The number of arresting charges in 98 cases provided a total of 230 arrest charges with only 202 charges recorded at the criminal history repository, two cases no criminal record was found. See Appendix A. This first sampling of cases were from a period of ten years or more since the offense occurred. Fingerprints were manually rolled and submitted by mail to the repository. The original PCN was filed with the court of jurisdiction. From the time an individual was arrested and the fingerprint rolled one or more of the arrest charges may have been left off the fingerprint card. Once the fingerprint card made it to the repository for manual entry into the NCJIS database the data entry clerk may have went with the lead charge and only entered a selected charge. Internal agency requirements were not shared why or what processes were done in the past decade. Inter agency communication did not exist along with no formal state standards implemented or shared with reporting agencies. The number of dispositions reported in this sampling of cases showed only 34 charges being reported out of the 202 charges reported showing that only 2.34 percent of records are complete. Again, see Appendix A for full reference and findings.

The second sampling of data comparison was made regarding newer technology, with electronic fingerprint submissions made from the booking facility to the repository on arrest records and the PCN located in the court file. (Appendix B includes the complete results). Charges were still not captured at a 100% or disposition reporting at a higher rate of accuracy than the first sampling. This second sampling of 100 cases were pulled with a manual comparison from the written PCN and the electronic criminal history response review provided a 12% error from the arresting document and the arrest charges listed on the criminal history record. The number of arresting charges in 100 cases provided a total of 312 arrest charges with only 149 charges recorded at the criminal history repository and only 234 charges filed in the

court. 163 charges are not accounted for from the time of arrest and the criminal history record being created along with 78 charges not being filed or showed declination to prosecute. Varied practices with criminal justice agencies internally interfere with the disposition processing and variation in agency data collection procedures can lead to incomplete or inaccurate disposition information. Full results are available in Appendix B.

District Attorney Questionnaire Survey Reference

(The DA survey questionnaire is located in Appendix D)

The following analysis will evaluate the data available from the repository and the prosecution practice used throughout the state and they have been included in Tables 1-19. The survey sought whether criminal history data was reliable at the time of request.

1. Evaluation of Responses to Survey questions 1-4.

The first section of the survey dealt with prosecution using data from the Repository at the time a crime was committed and an arrest record is created or attached to an existing criminal record and forwarded to the district attorney to file charges with the court and making bail recommendations regarding the defendant’s criminal history and his/her rights of being detained or released pending a hearing. Full results are located in Appendix D.

The primary findings of this section:

- Criminal History is used in making prosecution decisions
- Bail recommendations are made with Criminal History data
- Charge level decisions are made with Criminal History data
- Arrest and disposition data are both used to determine bail and charge levels

Table 1: Data used by prosecution

	Yes	No	Total	Response Total
Q1	9		9	9
Q2	9		9	9
Q3	7	2	9	9
Q4	9		9	9

2. Evaluation of Responses to Survey questions 5-7.

The purpose in this grouping of questions was to determine if the criminal history record is researched by the prosecution for the arrest data, disposition data or both. The overall

response from the nine prosecutors participating in the survey included six of the nine using both arrest and disposition data with one prosecution authority only using arrest data.

Table 2: Bail, Charge, Sentencing Decisions

	Arrest	Disposition	Both	Total	Response Total
Q5	1	2	6	9	9
Q6		2	6	8	9
Q7		4	5	9	9

3. Evaluation of Responses to Survey questions 8-10.

These questions dealt with how the prosecutor's rated the data available at the time of inquiry. They were asked what percentage of criminal history records with an arrest charge contained dispositions and if the dispositions provided corresponded with the arrest charge. Respectively, three (30%) responded with 26% - 50% with corresponding data while six, (70%) viewed the data provided had 51%-75% corresponding data to the criminal history record. This response provided a low to medium rating regarding the integrity of criminal history information being reliable during research and decision making process. The overall response of data missing did not differ from older or newer criminal history records with 20% responding older dispositions missing, 10% of newer disposition missing and 70% stating that they did not feel that there was a difference of dispositions missing between older or newer records.

Looking at the time from arrest to disposition and the appearance of that data on a defendant's rap sheet, four responses indicated appreciable delay in accurate dispositions, with two answering unknown.

Table 3: Data Availability

	1-25 %	26-50 %	51-75 %	76-100 %	Total	Response Total
Q8		3	6		9	9

Table 4: Missing data on criminal history

	Older	Newer	No Difference	Total Answers	Response Total
Q9	2	1	5	8	9

Table 5: Time to disposition on criminal history

	App Delay	3 M	6 M	1 YR	+ 1 YR	Total Answers	Response Total
Q10	4					7	9
*	Unknown						
	2						

4. Evaluation of Response to Survey questions 11-15.

Questions 11 through 15 asked the DAs to determine if the prosecutors during an investigation of a case consult the court for a disposition when the disposition is missing from the criminal history the. More often the disposition was dismissals or acquittals, convictions or no difference.

Table 6: Missing Disposition outcome

	Dismissal Or Acquittal	Conviction	No Difference	None	Total Answers	Response Total
Q11	1	3	4		8	9
*	Unknown					
	1					

Table 7: Percent of missing disposition resulting in convictions

	1-25 %	26-50 %	51-75 %	76-100 %	None	Total Answers	Response Total
Q 12	2	3	1			7	9
*	Unknown						
	1						

Table 8: Missing data dispositions vs. data elements

	Yes	No	Total Answers	Response Total
Q13	7	1	8	9
Q14	8		8	9
Q15	8		8	9

5. Evaluation of Responses to Survey questions 16-17.

The District Attorney’s responded overwhelmingly that three disposition types were constantly missing from criminal history with convictions missing, sentences along with of the Department of Corrections also missing from the dispositions section of the criminal rap sheet and a total percentage of case information entries are missing from the criminal history record.

Table 9: Percentage of missing data elements

	1-25 %	26-50 %	51-75 %	76-100 %	Total Answers	Response Total
Q16	2	3	2		8	9
*	Unknown					
	1					

To add to the uncertainty of a criminal record being accurate prosecutors answered criminal history records also showed ambiguous information stored on a rap sheet. Charging documents are consistently amended through the District Attorney’s office due to pertinent information not being available at the time of arrest and filing of charges. The charge level at the time of filing may be enhanced or reduced pending disposition data by amending the original charging document. This adds additional time to the length of the case be adjudicated. More vigorously prosecution is lead when a defendant’s criminal history displays prior arrest but does not show dispositions. Prior arrests resulting in a dismissal or acquittal are factored into the charges filed when the data is available.

Table 10: Ambiguously listed entries

	Yes	No	Total Answers	Response Total
Q17	9		9	9

Summary of DA Survey Results

The evaluation of the elected District Attorney's in Nevada, their practice and experience investigating criminal history data information available has a key role in identifying a breakdown regarding criminal history dispositions being available from the Repository. Multiple factors exist. Currently there is not direct electronic disposition capability from the prosecutors to the Repository. Direct linking of arrest data, charging or declination to prosecute on an arrest charge has no connection to an arrest charge sequence from the time of arrest to final disposition of a case. The collaboration of Criminal Justice Agency's to provide information sharing between agencies and the repository is manual for the majority of processes. Technology improvements are in development per agency and linkage is still a necessity. The charges not being filed by the prosecutor was reported within a 30 day period were reported at the time the prosecutor did not file the charges would have a final disposition for that arrest charge increasing timely dispositions for the users.

Questionnaire: Nevada Criminal History Repository Survey

The Nevada Repository a total of 594,927 subjects with arrest records with a calculation date of March 13, 2008 with 425,798 arrest charges with final dispositions (see attached Appendix E for the survey with results. The full results are highlighted below).

An extreme backlog exists of approximately 300,000 manual dispositions waiting entry into the Criminal History database. This backlog cannot be identified as prosecution dispositions or final court dispositions. The State has identified that several thousand cannot be linked to arrest or charge information.

Currently 95 arresting agencies are reporting fingerprint arrest information by automated means with an estimate of 85,964 arrests at an average per year for the last five years. Add the number of courts at 134 with only two submitting by electronic means would reduce the number of missing dispositions. Problems are still being brought to the attention of the repository with electronic data submissions being lost during transmission. At the last count by the state 2,700 arrest cards have errored for numerous reasons and would have to be researched one by one to determine the cause of the error.

The procedures employed by the Repository to encourage complete arrest and disposition report are handled by form letters and telephone calls when linkage cannot be made.

Conclusions and Recommendations

Conclusion 1: Accurate and Timely Dispositions Require Interagency Coordination

This interim evaluation of the Nevada Criminal History Repository and the role of providing complete, accurate and timely dispositions from the court have identified challenges between criminal justice agencies who play a part in the arrest to disposition process. In the state of Nevada the arresting linkage number also known as the process control number (PCN) is the only tracking number that follows the defendant from arrest to disposition. When an arrest occurs listing the charges and are provided on the PCN in a sequence order. The individual's fingerprints are taken and the arrest charges submitted to the Repository electronically to create an arrest record, or attached to an existing record for that individual.

The PCN and the narrative are forwarded to the prosecuting authority to research and review for charging levels based on the information provided. An inquiry for a criminal history began at the time law enforcement was making the arrest and could have been returned to the agency that a prior arrest exists for the individual without a final disposition. The prosecuting agency is now investigating and has inquired upon the arrest record of the same individual without final disposition on record, and not knowing what court jurisdiction the arrest occurred with have to manually research to locate a disposition or any certified priors if required in order to prosecute the current case. In the meantime a judge is reviewing the individual for a release on his own recognize for pretrial release based on the criminal record which does not show he has a conviction. The complication has begun for three criminal justice agencies inquiring on data not available upon demand.

Conclusion 2: Multiple Reasons Exist for Inaccurate Information.

The reasons included confusion generated by prosecutors' charging decisions. The fact that many felony dispositions begin as misdemeanor that are initiated with a citation rather than an arrest; Administrative errors resulting in lost tracking numbers; adjudications that begin by indictments rather than arrests and inadequate reports or non-reported fingerprints at time of arrest. Notice from the booking facility when an error related to a charge at the time of an arrest has been made; Declination notification from the prosecutor regarding the arrest charge(s) not filed in a charging document.

Examples of how inadequate communications among criminal justice agencies contribute to incomplete or inaccurate disposition reporting. The district attorneys office is frequently

involved by not closing out cases when plea bargains in one court cover outstanding charges in another leaving the appearance of missing dispositions.

A court can provide to the repository the disposition of a charge that has been filed into the court, the court cannot forward what is not on court record. Because of the state of the Repository with the backlog of disposition pending linkage to an arrest record has fallen on the arresting agency and the court to provide information to the public or agency that rely on the data. When there is a question about a person seeking to purchase a gun and whether he has been convicted of aggravated battery from an arrest charged the year before. The process begins to prolong tremendously and research becomes manual. The technology is available. Each criminal justice agency uses technology in their daily operations effectively. Mechanisms for truly sharing information can begin with open communication and understanding of what each agency does, who receives the data they provide and how the information is used.

Conclusion 3: Improvements are Mandatory

More importantly we have a chance to share and become true partners in the criminal justice process by first understanding there is a problem with resources, mandates and data quality, with continuing efforts between the criminal justice community when culture changes we understand the effects on the process. At the same time share the failures of technology with one another so each agency isn't repeating and delaying the platform to enhance where they want to succeed.

In conclusion, this study points to the utility of employing a number of varied data sources to address the court processing of court dispositions. The findings, with some consistency suggest the lack of disposition information is problematic because none of the arrest records is complete without the corresponding dispositions indicating whether or not the charges against an individual were upheld or dismissed. The potential legal ramifications are huge and very real. All users and providers of data rely on accurate, complete information being available in a timely manner to make informed decisions.

Recommendation 1: Inform the State Level Court Leadership

This level of leadership needs to be informed of the current backlog of final dispositions held at the state repository. Propose a statewide systematic survey to evaluate internal business processes in reporting dispositions to the repository by reviewing best practices for manual and electronic reporting. Request a current status report from the Administrative Office of the Courts

for the 1996 electronic interface project and the repository. The interface has been developed and is known at the Multi-County Integrated Justice Information System (MC-JIS). The majority of dispositions continue to be received and entered to the criminal record manually. This project had a goal of 40 courts being interfaced with the repository by the end of the calendar year 2006 to report dispositions. The survey response from the Criminal History Repository reported only two courts reporting by automated means with 134 courts reporting by manual means as of March 2008. Current technology is available to report by automated means, the cost of technology interfacing with current case management systems is a factor for the majority. Approach the Criminal History Repository to present the structure of the repository and how each criminal justice agency within the state contributes criminal history data. Clear understanding of how each entity produces work and how the data they produce is utilized by other agencies.

Recommendation 2: Criminal Justice Agency Summit and Set Standards

Hold a Criminal Justice Agency Summit to prioritize the risk and identify solutions for the criminal justice process to report in a more timely and accurate disposition process. Representation by Criminal History Repository Records Bureau and the Technology Division with the law enforcement, courts and the prosecuting authority will require interagency coordination. Upper level management and support staff in a supervisor role are imperative in the creation of a state standard reporting format for manual and electronic dispositions. The format will need to have business rules with time standards. Guidance for reporting standards may be reviewed from other states who have adopted state wide standards. Documentation needs to be established, distributed with adoption by the Supreme Court or introduction of new legislative language in Nevada Revised Statute 179A for state standard with compliance and audit requirements. The creation of a uniformed disposition table for all reporting agencies enforces the compliance and responsibility of accurate and data quality of the system that houses criminal records for local, state and Federal users. Compliance with accurate data will open funding opportunities from grants for future enhancements. The importance complete criminal history cannot be stressed enough and can avoid of a person convicted of a domestic offense to purchase a firearm or a applicant applying for a position as a school bus driver to gain employment with a conviction of a sex crime from ten years prior.

Recommendation 3: Develop a Strategic Plan and Implementation Resources

Planning to achieve the implantation of the state standards for a disposition table and audit compliance. The purpose of the strategic plan is to identify the current and future operational and technological challenges facing the criminal justice agencies and set forth a plan for dealing with those challenges in logical, clear and cost effective manner. The plan needs to focus on the courts and criminal justice agencies interrelationship for automation and business process including the logic behind the recommendations for process improvement. Developing a plan will identify a needed budget to move forward with technology enhancement and review funding available. Weighing and identifying one entities status for technology improvements may affect another's data and should incorporate one another when seeking enhancement tools or funding.

Internally the court will review the disposition reporting tools law enforcement and the district attorney use for manual disposition reporting to the repository. Approach the repository to identify the minimum data elements required to link dispositions to arrests. Create a reporting tool for manual reporting in the form of a document to be submitted by fax or in a File Transfer Protocol (FTP) batch file. Request a report from the repository of incomplete arrest records that have been filed in the court with a priority ranking by charge type to forward the final dispositions. This may impound the repository staff with further backlog of entering the dispositions manual. The court has access to enter criminal warrants into the NCJIS database. With a formatted screen the court can enter dispositions to increase the timely completion of disposition until the state and court has implemented a technology solution for a day forward approach.

APPENDICIES

Appendix A

Case Sampling Data Collection Form and Results

First Sampling

89-49	5667811		3/20/89	1	9/6/89	1			1		N	N
86-1045	5245305	x	9/5/86	6		5						
86-1048	5249480	x	9/6/86	2		1						
86-1520	5300623	x	12/25/86	4		4						
86-398	5221041	x	4/10/86	4		5						
87-481	5349001	x	4/6/87	3		3						
87-638/39	5371593/94	x	5/21/87	4		1						
88-1354	5640801	x	9/24/88	1		2						
88-1829	5647334/35	x		4		5						
88-677	5429935	x	4/29/88	1		1						
89-2138	5527624/5		12/6/89	3	2/26/95	3	3	8/8/1988	3	3	N	N
89-2155	5687351/2	x	12/14/89	4		4						
89-274	5654912	X	PNG									
89-323	5656771	x	8/2/89			2						
89-349			3/7/89	1	4/3/89	1	1	3/10/1989	1	1	N	N
89-677	5670049		4/25/89	2	10/2/89	1	1	3/27/1990	1	1	N	N
89-705	5668372		4/21/89	1	9/28/89	1			1		N	N
89-786	5668443	X	PNG									
89-805	5669848		5/15/89	1	10/3/89	2			1		N	N
89-971	5523607	X										
90-1030	590446	x	6/5/90	1		2						
90-1108	5967644		3/1/90	1	5/2/90	1	1	7/10/1991	3	1	N	Y
90-1215	5912522		6/30/90	1	9/10/90	1	1		2	2	N	N
90-1349			6/20/90	4	1/3/00		4		3		N	N
90-1409	5915302		7/24/90	3	9/10/90	3	3	8/28/1990	7	4	Y	Y
90-1430	5916270	X	7/27/90	4		4						
90-1442	5913468		7/27/90	3	9/10/90	3			8	2	Y	N
90-1582	5916265		7/26/90	1	9/10/90	1			1		N	N
90-1615	5912741	x	PNG									
90-1677	5922962	x	9/2/90	3		1						
90-1706	5919796		9/6/90	5	10/25/90	4			2		N	N
90-172	5527646		1/7/90	2	3/14/90	2		3/14/1990	2		N	N
90-1759	5920118		9/11/90	1	10/25/90	1	1	9/24/1990	1	1	N	N
90-1772	129169		9/23/90	1	11/7/90	1	1	11/9/1990	1	1	N	N
90-1811		X	PNG									
90-1871	6130189		10/7/90	1		2	1	10/18/1990	1	1	N	
90-1966	5524983	X	PNG									
90-1991	6130116		10/12/90	2	11/9/90	3	1	11/8/1990	1	1	N	N
90-210	5893640	x	1/25/90	2		3						
90-2154	6130248	x	11/19/90	3		3						
90-2260	6928378	X	PNG									
90-36	5527994/95		1/5/90	3	3/14/90	2			3		N	N
90-668	5899154		4/7/90	1	6/13/90	1	1	4/17/1990	1	1	N	N
90-881	5897804		5/6/90	3	8/15/90	1			1	1	N	N
90-965	5902165	x	5/17/90	6		7						
91-1107	5946509	x	6/6/91	2			3					
91-1134	550791		5/26/91	1	7/31/91	2			1		N	N

91-1233	5954181		7/1/91	3	10/29/91	6			3		N	N
91-1283	5951418		7/10/91	2	10/29/91	2	2	9/6/1991	2	2	N	N
91-1371	5947545		7/12/91	3	10/29/91	3	1	2/7/1992	1	1	N	N
91-1439	5961783		8/3/91	5		6	0		1	0	N	N
91-1518	5958958		8/6/91	2		2	1					
91-1576	5954758	X	8/25/91	2		2						
91-1606	5961209		8/29/91	3	11/21/94	3	1	9/4/1991	2		N	Y
91-1779	564604		9/24/91	2	11/27/91	1	1	10/17/1991	2	1	Y	N
91-2144	6137223		11/13/91	2	12/17/91	3			3	2	Y	N
91-2166	6140704	x	11/30/91	5		3						
91-2315		X	12/13/91	1		1						
91-236	59026257	x	PNG									
91-282	5936536	X	2/12/91	5		3			3	0	Y	Y
91-354	5938352		2/25/91	2	3/11/91	2			1	1	N	N
91-393	5925411		2/4/91	2	3/12/91	2			1		N	N
91-497	5929724	x										
91-588	5945377		4/1/91	4	5/9/91	1			3		N	N
91-602	5939795		3/15/91	4	5/9/91	2			2		N	N
91-66	5931230		1/4/91	3	2/28/91	2			4	1	N	Y
91-728	5946106		4/25/91	1	5/30/91	1			4		Y	Y
91-802	593892/2	x	4/5/91	5		5						
91-897	5942763		5/13/91	3	5/30/91	4			2		N	N
91-996	5952340		6/1/91	2	8/26/91	2	1	6/5/1991	1	1	N	N
92-120	6141371		1/12/92	2		2	0		1	0	N	
92-1296	6170183		5/20/92	5	8/24/92	7	1	6/25/1992	1	1	N	N
92-1310	6160024		6/21/92	4	8/19/92	5			2		N	N
92-1392	6167746/7		7/2/92	6	7/6/92	5			10	2	Y	N
92-1410	6167900		6/28/92	3	8/19/92	4	1	7/14/1992	2	2	Y	N
92-1480	61161130	x										
92-1618	6169194	X										
92-1718	6177116		8/14/92	1	8/17/92	1	1	11/12/1992	1	1	N	N
92-2091			10/8/92	3		3	1	10/14/1992	2	1	N	Y
92-2105	6348886	x										
92-2111	6352181		10/10/07	6	10/13/92	2			2		N	N
92-2146	6350911		10/15/92	5	10/16/92	1			2		Y	N
92-2190	6955623		10/16/96	2			0		6	0	N	N
92-2231	6141071		1/30/92	1	2/7/92				1		N	N
92-2277	6149812		2/4/92	2								
92-2289	6172878		1/2/00	3	11/4/92	1			2		N	N
92-2440	635401	x		3								
92-2461	635065/6		11/27/92	5	12/1/92	5			7	1	N	N
92-443												
92-496	6154242		3/5/92	1	4/7/92	1			1		N	N
92-569												
92-602	6156112		3/24/92	3	4/28/92	4			1		N	N
92-749	615435		4/9/92	4	4/30/92	3			1		N	N
92-797	5938794	x	4/15/92	3	4/21/92	3						
92-842	6152563		4/26/92	3	5/15/92	3			1		N	N

92-883	6161406		5/2/92	5	5/11/95	3			2		N	N
93-121	6362605	x	PNG									
93-1259	6370957		6/6/93	3	6/8/93	3	1	6/10/1993	4	4	N	N
93-1398	6386858	x										
						Cf	Dis					
			Charges	230		202	34					
			Total Cases	98		98	98					
				2.347		2.061	0.3469					
				234.7		206.1	34.694					

Number of Records to date with No Disposition

Number of Records that have Dispositions

Percentage of Records without Dispositions

Charges Filed	Dispositions	Arrest Charges	Charges Filed	Dispositions
202	34	235%	206%	35%

Appendix B

Case Sampling Data Collection Form and Results

Second Sampling

06-1455	607021286		07/02/06	2	2	07/02/06	2	08/24/06		2	0	N	N
06-1458			07/02/06	1	1	07/03/07	1	08/17/06		1		N	N
06-1460			07/02/96	4	2	07/03/07	4	08/17/06		2		N	N
06-1462			07/01/06	3	1	07/02/06	3	12/27/06		1		N	N
06-1476			06/30/06	7			2	10/02/06					
06-1493			07/04/06	7	4	07/04/06	2	08/25/06		4		N	N
06-1506			07/04/06	4	3	07/04/06	1	10/02/06		3		N	N
06-1512			07/01/06	2				09/12/06					
05-1522			07/07/06	4			4	10/10/06					
06-1524			07/08/06	2	1	07/10/07	2	08/31/06		3	1	N	N
05-1526			07/09/06	2	1	07/09/06	1	10/05/06		1		Y	Y
06-1531			07/01/06	2	1	07/02/06	2	08/18/06		1		N	N
05-1534			07/03/06	4	4	07/03/06	3	10/10/06			1	Y	Y
06-1545			07/04/06	3	2	07/09/06	1	08/10/06		2		Y	N
06-1556			07/12/06	5	5	07/12/00	5	08/07/06		5		N	Y
06-1574			07/03/06	2			2	09/28/06					
06-1578			07/03/06	1			1	08/16/06					
06-1580			07/04/06	4	4	07/04/06	3	10/05/06		4		N	N
06-1593			07/05/06	3	2	07/05/06	4	05/15/07	05/15/07	1	2	N	N
06-1597			07/15/06	3	1	07/16/06	3	10/19/06		1		N	N
06-1600			07/15/06	2	1	07/15/06	2	09/08/06		1		N	N
06-1602			07/15/06	2	1	07/15/06	2	03/08/07		8	1	Y	N
06-1617			07/06/06	1	1	07/07/06	1	09/12/06		1		N	N
06-1619			07/01/06	1	1	07/02/06	1	09/12/06		1		N	N
06-1622			07/19/06	3	1	07/22/06	3	10/09/06		3	1	N	N
06-1625			07/14/06	3	1	07/22/06	4	08/11/06		3		Y	N
06-1639			07/14/06	3	1	07/14/06	3	12/28/06		3		Y	Y
06-1644			07/16/06	4	1	07/16/06	4	10/26/06		1		N	N
06-1646			07/21/06	3	1	07/22/06	3	02/02/07		1		N	N
06-1648			07/23/06	2	1	07/23/06	2	09/07/06		1		N	N
06-1658			07/09/06	2	1	07/09/06	2	12/05/06		2	2	Y	N
06-1644			07/20/06	3	3	07/20/06	1	08/05/06		3		N	Y
06-1668			07/22/06	1			1	08/03/06					
06-1699			07/22/06	8	5	07/22/06	1	12/07/06		7	2	Y	N
06-1713			07/27/06	2	1	07/28/06	2	01/09/07		1		N	N
06-1717			07/16/06	3	1	07/16/06	3	08/31/06		1		Y	N
06-1730			07/28/06	3			2	10/31/06					
06-1740			07/22/06	3			3	11/03/06					
06-1753			07/30/06	5	3	07/30/06	1	09/28/06		3		N	N
06-1757	x			5			5	01/11/07					
06-1772			07/31/06	5	4	08/01/07							
06-1779			08/04/06	3	2	08/04/06	3	10/03/06		2		N	N
06-1790			08/06/06	2	1	08/06/06	2	11/07/06		2	2	Y	N
06-1792			08/05/06	2	1	08/05/06	2	11/07/06		1		N	N
06-1793			08/04/06	2	1	08/05/06	2			1		N	N

06-1810			08/05/06	5		08/06/06	5	08/09/06		5		N	N
06-1834			08/04/06	3	1	08/04/06	3	09/15/06		1		N	N
06-1846			08/12/06	3	1	08/13/06	3	02/06/07		1		N	N
06-1854			07/03/06	2	1	07/31/06	2	09/28/06		1		N	N
06-1865			08/12/06	2	2	08/12/07	1	10/24/06		2		N	N
06-1868			01/25/06	4	1	01/26/06	1	09/26/06	9/26/06	1	1	N	N
06-1876			08/12/06	3	1	08/12/06	3	10/03/06		1		N	N
06-1881			08/07/06	2	1	08/07/06	2	09/14/06		1		N	N
06-1894			08/17/06	1	1	08/17/06	1	10/05/06		1		N	N
06-1928			08/03/06	1	1	08/17/06	1	10/05/06		1		N	N
06-1957			08/20/06	4			3	09/07/06		3		N	N
06-1968			08/23/06	1	1	08/23/06	1	11/14/06		1		N	N
06-1976			08/16/06	3	1	08/23/06	1	10/05/06	10/05/06	3	1	N	N
06-1982			08/13/06	2	1	08/13/06	1	11/21/06		1		N	N
06-1993			08/17/06	4		08/18/06	2	11/15/06		2		N	N
06-1999			08/26/06	2	1	08/26/06	2	10/31/06		1		N	N
06-2002			08/26/06	1	1	08/22/06	2	11/14/06		1		N	N
06-2007			08/22/06	2	1	08/22/06	2	11/14/06		1		N	N
06-2020			08/25/06	2	1	08/25/06	2	11/02/06		1		N	N
06-2024			08/25/06	4	3	08/26/06	4	12/07/06		3		N	N
06-2036			08/27/06	2	1	08/28/06	2	10/03/06		1		N	N
06-2057			08/31/06	5	1	08/31/06	5	09/21/06		1		N	N
06-2063			08/27/06	1	1	08/27/06	2	10/12/06		1		N	N
06-2069			08/26/06	8	6	08/27/06	1	02/08/07		6		N	N
06-2070			09/03/06	4	4	09/03/06	4	09/21/06		39	1	N	N
06-2076			09/03/06	2	1		2	01/19/07		1		N	N
06-2078			09/02/06	4	2	09/03/06	4	11/09/06		2		N	N
06-2112			09/02/06	5	4	09/03/06	1			4		N	N
06-2131			09/04/06	3	1	09/04/06	3	10/26/06		1		N	N
06-2149			09/10/06	3	1	09/10/06	3	11/30/06		1		N	N
06-2142			09/05/06	8	1	09/10/06	2	10/09/06		4		N	N
06-2171			08/13/06	4	1	08/13/06	4	01/30/07		1		N	N
06-2186			09/09/06	5	3	09/10/06	2	10/18/06	10/18/06	3	2	N	N
06-2205			09/17/06	5	3	09/18/06	5	11/14/06		3		N	N
06-2217			09/16/06	5	4	09/16/06	1	10/05/06		4		N	N
06-2248			08/31/06	4	3	08/31/06	2	02/19/07		3		N	N
06-2253			09/22/06	2	1	09/24/06	2	10/10/06		1		N	N
06-2254			09/23/06	3	2		3	10/10/06		2		N	N
06-2255				3	1	09/24/06	3	12/05/06		1		N	N
06-2256			09/23/06	3	1	09/24/06	3	12/28/06		1		N	N
06-2258			09/24/06	2	1	09/24/06	2	01/02/07		1		N	N
06-2259				2			2	10/05/06					
06-2262			09/08/06	4	4	09/08/06	2	01/03/07		4		N	N
06-2264			09/25/06	4	2	09/25/06	4	06/12/07		2		N	N

06-2265			09/25/06	2	1	09/25/06	2	12/26/06		3		N	N
06-2217			09/13/07	2	3	09/14/06	3	02/20/07		3		N	N
06-1707			07/23/06	3	2	07/23/06	1	11/30/06		2		N	N
06-1795			07/23/06	2	1	08/05/06	2	12/12/06		1		N	N
06-1844			08/12/06	4	2	08/12/06	4	11/13/07		2		N	N
06-2126			09/05/06	4	3	09/06/06	2	10/28/06		3		N	N
06-2257			09/24/06	5	1	09/25/06	5	12/28/06		1		N	N
06-2301			09/23/06	2	1	09/23/06	2	12/14/06		1		N	N
06-2317			09/21/06	2	1	09/23/06	2	10/24/06		1		N	N
06-1957			08/20/06	4			3	09/07/06					
06-2738			11/10/06	2			1	03/22/07					
							CHARGES			QH	DISPO		
			Charges	312	149		234			213	17		
			Total Cases	100	100		100			100			

Appendix C
DA Survey Cover Letter

NAME
COURT NAME
COURT ADDRESS
CITY, ST, ZIP
PHONE NUMBER

DATE

DISTRICT ATTORNEY NAME
DISTRICT ATTORNEY JURISDICTION
ADDRESS
CITY, ST, ZIP

Dear [DA NAME]

The State of Nevada has reached a critical need for court dispositions in real-time. Progress has been made over the past few years with present day technology and stake holders exchanging information but there is a long way to go to achieve complete and accurate court dispositions regarding arrests.

To assist in the effort, I am conducting a research project for the National Center for State Courts Court Executive Development Program concerning *court dispositions*. My goal is to develop a picture of the present situation. The report will make tangible recommendations for the criminal justice community having the dispositions available at the time of charging through to the sentencing phase of a defendant.

Your assistance in taking the time to review, complete and return the enclosed questionnaire by October 22, 2007 will be very much appreciated and will enhance the credibility of this project.

I would be pleased to answer any questions or concerns that you may have about the study or questionnaire.

Sincerely,

Anita (Pete) Whitehead
enc.

DA COVERLETTER

Appendix D

District Attorney Survey

Please check the answer after each question which best describes the practice of your office or the circumstances relating to the criminal history information system in your jurisdiction. A separate page is enclosed for additional comments.

1. Is criminal history data used in making prosecution decisions?
 Yes No
2. If the answer to question one was yes, is such data used in making bail recommendations?
 Yes No
3. If the answer to question one was yes, is such data used in making charge level decisions?
 Yes No
4. If the answer to question one was yes, is such data used in making sentence recommendations?
 Yes No
5. When criminal history data is utilized in making bail recommendation decisions, do you use arrest data, disposition data or both?
 Arrest Disposition Both
6. When criminal history data is utilized in making charge level decisions, do you use arrest data, disposition data or both?
 Arrest Disposition Both
7. When criminal history data is utilized in making sentencing level decisions, do you use arrest data, disposition data or both?
 Arrest Disposition Both
8. Approximately what percentage of criminal history arrest entries contains no corresponding disposition information?
 0% to 25% 26% to 50% 51% to 75% 76% to 100%
9. Are entries of disposition data missing more often with older or newer cases?
 Older Newer No Difference
10. What is the average time between the disposition of a case and the appearance of that data on the defendant's rap sheet?
 Appreciable Delay 3 months 6 months
 1 year More than one year

-
11. Are missing dispositions more often found to be dismissals or acquittals, or are they more often found to be convictions (whether by plea or after trial) when the court records of such cases are consulted?
 Dismissal or Acquittal Conviction No Difference None
 12. Approximately what percentage of entries not showing disposition data have resulted in a conviction?
 0% to 25% 26% to 50% 51% to 75% 76% to 100%
 13. Are conviction charges sometimes missing from the disposition section when other disposition data are shown?
 Yes No
 14. Are sentences imposed sometimes missing from the disposition section when other disposition data are shown?
 Yes No
 15. Is the Department of Corrections data sometimes missing from the disposition section when other disposition data are shown?
 Yes No
 16. If the answer to questions #13, 14 or 15 was yes, approximately what total percentage of case entries is missing at least one of those data elements?
 0% to 25% 26% to 50% 51% to 75% 76% to 100%
 17. Are entries on criminal history ever ambiguously listed?
 Yes No
 18. If the answer to question #17 was yes, approximately what percentage of dispositions are also listed?
 0% to 25% 26% to 50% 51% to 75% 76% to 100%
 19. When a prosecution decision is to be based in part upon an individual's prior criminal history, are disposition data not appearing on the rap sheet sought out before the decision is made?
 Yes No
 20. If the answer to question #19 was no, are arrest data used in place of such missing disposition data, or is the arrest event disregarded?
 Arrest Data used Event Disregarded

-
21. Does your office have special prosecution programs either for individuals with particular criminal *records* or for individuals charged with particular types of *offenses*?
- Records Offenses Both Neither
22. Are cases more vigorously prosecuted when the defendant's criminal history shows a history of prior convictions as opposed to very few prior convictions?
- Yes No
23. Are cases more vigorously prosecuted when the defendant's criminal history prior arrests but does not show dispositions vs. a criminal history that shows no prior arrests?
- Yes No
24. Are cases more vigorously prosecuted when the defendant's criminal history of prior arrests resulting in a dismissal or acquittal than they are if the history shows no prior arrests?
- Yes No
25. Do sentencing recommendations made by your office tend to be affected by the number of prior arrests resulting in conviction or by the *severity* of prior convictions?
- Number Severity Neither Both
26. Do sentencing recommendations made by your office tend to be affected by the *number* of prior arrests not resulting in conviction or by the *severity* of prior charges not resulting in convictions?
- Number Severity Neither Both
27. In approximately what percentage of cases is the level of the most serious conviction offense the same as the level of the most serious charge?
- 0% to 25% 26% to 50% 51% to 75% 76% to 100%
28. At what point in the criminal justice process does a criminal history record from your jurisdiction normally become available to your office?
- Prior to Arraignment After Arraignment but Prior to Trial After Trial
29. The NRS for sealing criminal history information from a defendant's record, in your experience how well are the statutory requirements complied with?
- Minimal Compliance Medium Compliance Substantial compliance

Appendix E

Nevada Criminal History Repository Survey Form with Results

Nevada Criminal History Repository Survey Form With Results

O1. Number of subjects (individuals) in the Criminal History Database

Total:	Date of Calculation:
594,927	03/13/08

Q2. Agencies submitting Criminal Arrest information

Law Enforcement	Booking Facility	Courts	Other
X	X		

O3. Number of Arrests with Final Dispositions Recorded

To date:	Past five years:
425,798	109,384

O4. Number of Arrest fingerprint cards submitted

2006	2005	2004	2003	2002
95,496	96,971	92,222	78,799	66,333

O5. Number of Fingerprint cards submitted

2006	2005	2004	2003	2002
19,637	19,091	20,292	23,701	20,895

O6. Average number of days to process data

Manual	Electronic
Arrests are nearly 100 % automated	

O7. Number of Arresting Agencies reporting by automated means

95

O8. Number of Courts reporting by automated means

2 – LVJC, CCJC

O9. Number of Courts Agencies reporting by manual means

134 –distinct court ORI's

Q10. Number of backlog on manual fingerprint cards currently at the Repository

We are fairly current on our civil manual fingerprint cards, turning them around in about 3 week's time. There are some 2,700 criminal arrest fingerprint cards that have errored out of our AFIS for various reasons that need to be researched one-by-one, determined why they errored out, and resubmitted. In addition, there are some 2,200 problem cards that have to be researched one-by-one to determine why they can't be input into our criminal history system. Possible reasons could be record consolidations, record splits, waiting for information from another jurisdiction, etc.

Q11. Number of backlog on manual dispositions currently at the Repository

Approximately 300,000

Q12. Methods used to link dispositions to arrest charge information

Unique No for Subjects	Unique Arrest event	Unique Charge	Arrest Date
	X-PCN	X	X
Subject Name	Agency Name/Report No	Other	
X	X		

Q13. Procedures followed when linkage cannot be made from dispositions/arrest.

Arrest Assumed w/dispositions	Enter info from court data	No info w/o linkage	Notify Court no linkage
		X	X

Q14. Estimated Dispositions received which cannot be lined to arrest/charge information.

Prosecution	Final Court Dispositions
<i>When we counted our backlog, we did not split our dispositions into Prosecution and Final Court. In that 300,000 figure, there are likely several thousand that cannot be linked to arrest/charge information, but we won't know that until we actually try to enter them.</i>	

Q15. Procedures employed by State Criminal History Repository to encourage complete arrest and disposition reporting

Field Visits	Form Letters	Telephone Calls	Provide List w/o dispo to arresting agency
	X	X	

Q16. What procedures are followed when linkage cannot be made between court information in the criminal history database?

When a linkage cannot be made, usually because of missing information on the disposition, we return the disposition to the

Q17. Strategies employed by State Criminal History repository to ensure accuracy of data in the criminal history database.

Manual review of documents	Manual double-check before or after data entry	Computer edit programs	Random sample comparison
X	X		X
Error lists to reporting agency	Name/Agency Case No.	Other	
X			
<i>We perform a manual re-key function for data entry as part of a quality control process. We return arrest cards that have errored out and request corrections from the submitting law enforcement agency.</i>			

Q18. Describe audit activities for the State Criminal History Repository

We conduct quarterly random audits to match information received on a fingerprint card with information recorded in the criminal history system to help identify any errors and/or staff training issues.

Q19. Has the State Criminal History Repository been audited in the last five years?

YES	NO
X	
<i>We were audited by the Nevada Legislative Auditor in 2002, and they are currently auditing our office and expect to be finished sometime later this Spring.</i>	

Q20. Describe data quality audits performed at the State Criminal History Repository and the agency that performed the audit

The Nevada Legislative Auditor performed a data quality audit of our office in 2002, and they are back again this year. However, we are not entirely sure of the scope of their audit this time around. We perform quarterly self-audits on the quality of data in the criminal history system by randomly selecting fingerprint cards and verifying the information on the card matches the information in the criminal history database. See questions 17 & 18.

Q21. Describe initiatives underway to improve data quality.

We are undertaking several initiatives to improve data quality. The first is the statewide deployment of new Livescan machines throughout many Nevada law enforcement agencies. The machines were deployed in September-October 2007. We are hoping to see a reduction in errors for poor image quality as a result of these new Livescans. Second, we are in the process of developing a training program for agencies that submit fingerprints to us on how to take quality prints and on our overall review process. Third, we are in the process of implementing a "Store & Forward" device, which is a special type of server that will do edit checks up-front and only forward to our database submissions that are error free. Finally, we were awarded an NCHIP grant in 2006 to hire temporary workers to assist with our backlog of court dispositions and III errors, and we most recently applied for a 2008 NCHIP grant to hire temporary workers for our court disposition backlog.

Q22. Has Nevada received NCHIP funding to improve data quality?

YES	NO
X	

Q23. If the answer to question 22 is yes, describe the program implemented by the State Repository and the status of the project today.

The 2006 NCHIP grant has ended. That grant was to correct approximately 34,000 III errors and to hire 4 temporary workers to do disposition data entry. The III errors have been corrected, and the 4 temporary workers were able to enter approximately 69,000 dispositions. However, during this process it was discovered that our disposition backlog was significantly more than we had originally thought. As a result, we have applied for another NCHIP grant in the 2008 grant cycle to hire additional temporary workers for disposition data entry. We have also made some staffing reassignments and offered staff overtime for disposition data entry.

Q24. If the answer to question 21 is yes, describe the program implemented by the State Repository and the status of the project today.

The courts could assist the Repository by ensuring that all dispositions forwarded to us have the appropriate information. Many dispositions are missing the PCN, the date of arrest, the severity of the charge(s), and/or don't list a disposition for each charge on the original arrest. When that happens, we have no choice but to send the disposition back to the court to get the missing information. We believe the longer term solution is to receive disposition information electronically from the Courts, and we are working with the Nevada Administrative Office of the Courts on this initiative.

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