Warrant and Disposition Management Project

Warrants vs Wanted Persons

Issue Brief:

Multiple warrants for the same individual and the entry of them into the NCIC Wanted Person File by the same originating agency.

Nearly all States and many local jurisdictions maintain automated warrant systems that enable entry, access, retrieval, updating, and cancellation of warrant information. Frequently the state system also serves as the conduit for entering information into the Wanted Person File of the National Crime Information Center (NCIC). It is widely understood and documented that state and local warrant systems have significantly more records than are reported to NCIC.[1] This comes about largely as a result of three factors – 1) the volume of warrants for lesser offenses, such as those that are related to traffic infractions and other misdemeanor offenses, 2) policy decisions that limit which warrants are entered into NCIC due to the workload associated with record maintenance, hit-confirmation and validation or, 3) the cost in dollars and lost personnel time associated with carrying out extraditions and the return of wanted persons who have simply moved from the jurisdiction or fled the jurisdiction to escape warrant service. Additionally, since state and local repositories often allow multiple warrants from the same Originating Agency (ORI) to be entered into their databases (as opposed to NCIC which does not allow this practice), these systems frequently contain more records.

This last qualifier illustrates a fundamental misalignment between certain state "warrant" systems and the NCIC "wanted person" system. It is important to understand that the purpose of NCIC was to identify individuals with at least one outstanding warrant, while state and local warrant management systems focus on tracking and managing each individual warrant. Recognizing the limitation of the "wanted person" model, law enforcement and the Federal Bureau of Investigation (FBI) have worked to address the need for warrant management within the NCIC Wanted Person File.

Since its inception and through an established Advisory Policy Board (APB), the NCIC has operated under a shared management concept between the FBI and federal, state, local, and tribal criminal justice record contributors and users of NCIC. The APB enables both NCIC users and FBI Criminal Justice Information Services (CJIS) Division users to make recommendations to

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[1] Survey of State Criminal History Information Systems, 2014, U.S. DOJ Office of Justice Programs, Bureau of Justice Statistics, December 2015

the FBI Director for policy and operational enhancements to the system. To this end, proposals dating back to 1998, 2005, and 2011 to allow an ORI to enter multiple warrants for the same individual into the NCIC Wanted Person File have been discussed and rejected by the APB, therein sustaining the practice of rejecting duplicate warrant entries from NCIC by the same ORI. While the above prohibition remains in effect, in October 2011 a "work around" was approved by the APB. The Additional Offense (ADO) Field, which is flagged with a Y (Yes) or N (No) indicator, was added to the NCIC Wanted Person File record layout. This enhancement provided for the first time, a sanctioned means for agencies to affirmatively note in the NCIC record that a warrant issued for an individual contains multiple charges or that additional warrants are issued against the same individual by the same entering agency. Consequently, the standing policy was revised to reflect this enhancement and NCIC users were instructed through a Technical Operating Update (TOU) to enter the code for the more serious charge in the Offense (OFF) Field with additional charges noted in the Miscellaneous (MIS) Field. When used, this effectively informs contacting agencies of all outstanding warrants regarding an individual by each entering agency.

On December 5, 2011, the APB's Warrant Task Force met to identify ways to increase the number of warrants that are entered into NCIC. The task force reviewed warrant entry criteria, extradition, record packing, validation, and hit confirmation. It was also noted that the long standing effort to preserve the NCIC Wanted Person File as a true "person centric file" creates barriers to moving towards a "warrant centric" file that captures all warrants issued by courts. Also, it was noted that several state warrant systems are capable of accepting multiple warrant entries for the same individual by the same ORI. With this information and a continuing desire to increase the utility of the Wanted Person File, the Warrant Task Force developed a recommendation to support the concept of allowing a single ORI to enter multiple warrants for the same individual into NCIC. Topic papers were developed and the information was presented to the APB's Regional Working Groups and to the NCIC Subcommittee for presentation to the APB.

At its spring 2012 meeting in Buffalo, New York, the APB voted to approve the concept of allowing a single ORI to enter multiple warrants for the same individual into NCIC. Consequently, the APB requested the CJIS Division develop the implementation plan for technical and policy requirements for vetting it through the Advisory Process and including it into the technical requirements for NCIC 3rd Generation (N3G). When N3G is introduced to the criminal justice community, agencies using the new Wanted Person File will be able to more readily enter multiple warrants for the same individual under a single ORI. Until N3G becomes operational however, agencies are encouraged to enter multiple warrants regarding the same individual by entering the appropriate Y/N flag in the ADO Field and coding the more serious warrant in the OFF Field with any remaining warrants noted in the MIS Field.