



# Fugitive from Justice (Warrants)

## The Connecticut Strategy

The National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP) federal grant implements the provisions of the NICS Improvement Amendments Act (NIAA) of 2007. The State of Connecticut received funds under the NARIP 2011 grant to improve the quality, completeness, and availability of NICS records. One of Connecticut's challenges is to develop accurate NIAA State Estimates with narratives that identify the structural or reporting problems of potential NICS records. State Estimates are provided by the originating agencies who may only understand their responsibility in the overarching process.

Connecticut's NCHIP Official, who oversees and verifies the annual NIAA State Estimates to the U.S. Attorney General, sought to create a shared understanding about how data is transmitted to NCIC, III, and the NICS Index. NARIP 2011 funds were utilized to hire business analysts who developed flow charts for Connecticut's current "AS IS" business processes from the local, state and federal levels for all seven (7) categories of records specified in the NIAA. The documentation is intended to provide a comprehensive understanding of the multiple data sources and reporting paths the data follows, providing a more accurate understanding of where records exist and how data is reported. A thorough examination of all the reporting systems can identify and resolve disparities, leading to more records being made available to NICS.

The seven (7) NIAA categories of records that Connecticut is assessing which may disqualify an individual from possessing or receiving a firearm under federal law are as follows:

- 1) Felony Convictions
- 2) Felony Indictments
- 3) Fugitive from Justice (Warrants)
- 4) Unlawful Drug Use Adjudications
- 5) Mental Health Adjudications
- 6) Protection Orders
- 7) Misdemeanor Crimes of Domestic Violence

This document is a work in progress and part of Connecticut's NICS Record Improvement Plan. The analysis contained in this document focuses on the NIAA Category 3 – Fugitive from Justice (Warrants).

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NIAA Estimates define **Fugitive from Justice (Warrants)** as records that identify a person who is a fugitive from justice, as demonstrated by an active felony or misdemeanor want or warrant. The term 'active' means that the want or warrant has not expired or been satisfied, removed, retired, deleted, or otherwise invalidated in terms of its status, and it retains its authority for a law enforcement officer to arrest the subject of the want or warrant.

Connecticut agencies involved in the *business processes* that have an impact on the quality, completeness, and availability of records submitted under Category 3 are:

### Local Law Enforcement Agencies

Division of Criminal Justice, Office of the Chief State's Attorney (prosecutor)

Department of Emergency Services and Public Protection (DESPP)

- Connecticut State Police (CSP)
  - Special Licensing and Firearms Unit (SLFU or State Firearms Unit)

Judicial Branch, Office of the Chief Court Administrator (Judicial)

- Court Support Services Division (Adult Probation)
- Superior Court Operations Division

Office of Policy and Management (OPM)

The *systems* below have been identified by agency as being involved in Category 3. There is no correlation between the records within the State Repository and the records in the Court Repository since both systems generally maintain different types of warrants.

### State and Local Law Enforcement Agencies

- Automated Fingerprint Identification System (AFIS)
- Record Management Systems (RMS)

Department of Emergency Services and Public Protection (DESPP)

- Automated Fingerprint Identification System (AFIS)
- Computerized Criminal History (CCH)
- Connecticut On-Line Law Enforcement Communications Teleprocessing (COLLECT) File 05 (Wanted Person File)
- State Police Record Management System (RMS)

Judicial Branch (Judicial)

- Case Management Information System (CMIS)
- Criminal Motor Vehicle System (CRMVS)
- Protection Order Registry (POR) Administrative Reporting Module (ARM)
- Paperless Arrest Warrant Network (PRAWN)

U.S. Department of Justice (USDOJ)

- Integrated Automated Fingerprint Identification System (IAFIS)
- Interstate Identification Index (III)
- National Crime Information Center (NCIC) Wanted Person File
- National Instant Criminal Background Check System (NICS)

### Types of Warrants in Connecticut

There are two (2) major types of warrants for wanted person or warrants in the State of Connecticut relevant to NICS Reporting, 1) *General Arrest Warrants* and 2) *Bench Warrants*.

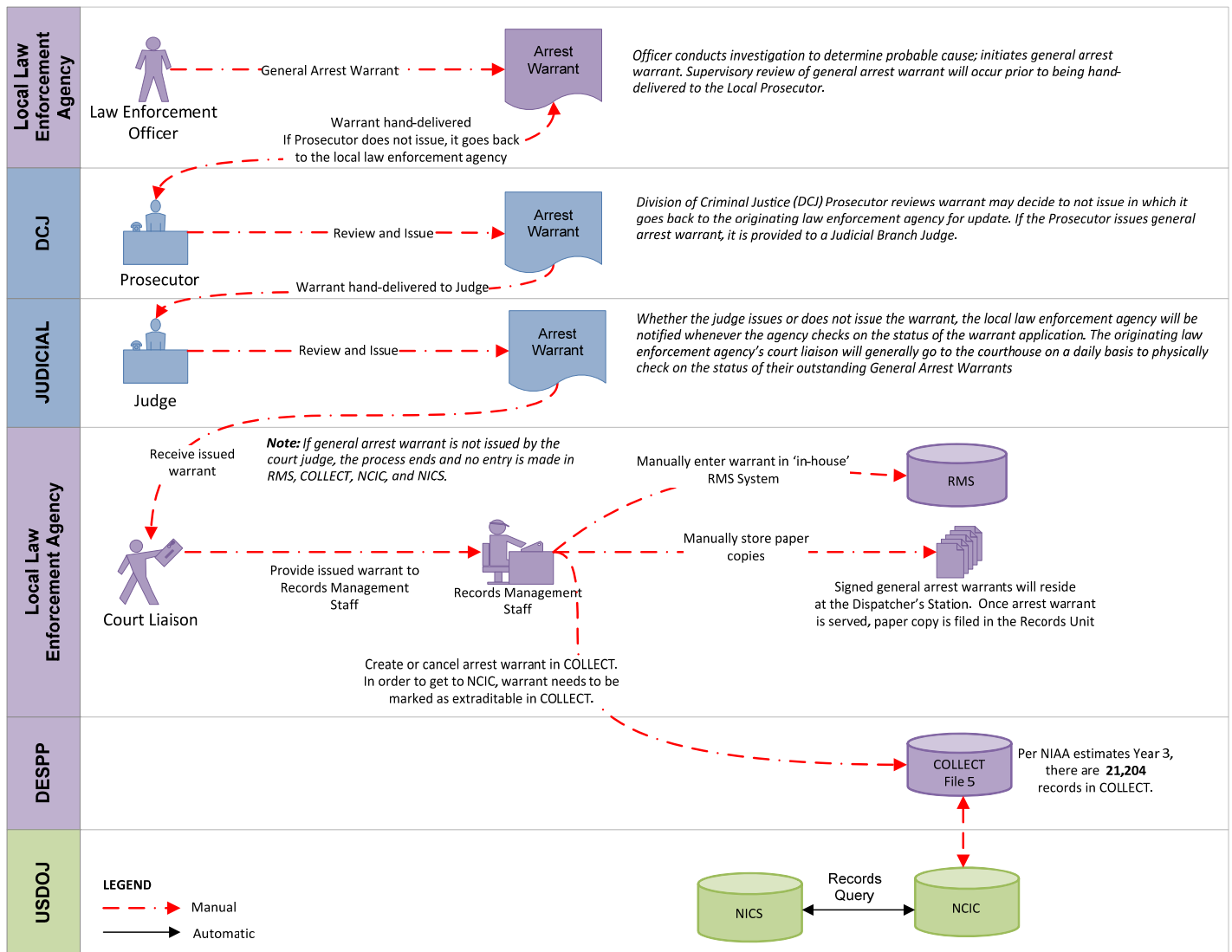
The following section describes the *General Arrest Warrant* process, which includes the business and system related activities for this type of warrant.

### General Arrest Warrants

General Arrest Warrants are initiated by law enforcement agencies for a person who allegedly committed a criminal offense, excluding the offenses of Failure to Appear (FTA) and Violation of Probation (VOP).

In general, the law enforcement agency that applied for the warrant maintains the paper warrant, and in accordance with the agency’s internal policy, the agency may enter and cancel the record in the state’s police Connecticut Online Law Enforcement Communications Teleprocessing System (COLLECT). The prosecutors also maintain some paper warrants, and the prosecutors may enter and cancel records in COLLECT. The courts do not maintain any records for *General Arrest Warrants* until the defendant is arrested on the warrant.

The business and system’s process diagram for *General Arrest Warrants* is shown below:



## Business Process Description

A *General Arrest Warrant* is initiated by a Law Enforcement Officer. When the warrant is created, it is provided to the court liaison, depending on the local law enforcement agency's policy, to review and approve. If the court liaison does not approve the warrant, the process ends; however, if approved, the *General Arrest Warrant* will be signed and hand-delivered to the prosecutor at their respective district court location for further review.

The State's Attorneys (and/or their prosecutors) within their respective jurisdictions for each of the 13 Judicial Districts will review the *General Arrest Warrant* and make a decision whether to grant or deny the warrant. If the prosecutor does not issue the arrest warrant, it goes back to the originating law enforcement agency for additional information. If the prosecutor issues the arrest warrant, it is forwarded to the Judicial Court Judge for their review and signature.

*NOTE: The Judicial Courts do **not** maintain any records for General Arrest Warrants until the defendant is arrested on the warrant. In the event the warrant has been served, the fugitive firearms disqualification is not applicable or not active when the court gets a copy of the warrant.*

The Judge at the Judicial Court manually receives the *General Arrest Warrant* in paper copy from the DCJ prosecutor. The Judge will also review and make a decision whether to grant or deny the arrest warrant. Whether the judge issues or does not issue the warrant, the local law enforcement agency will be notified whenever the agency checks on the status of the warrant application. The originating law enforcement agency's court liaison will generally go to the courthouse on a daily basis to physically check on the status of their outstanding *General Arrest Warrants*.

Once the law enforcement agency retrieves the active warrant from the Judicial Court, the process for which the warrants are entered into the State Repository (COLLECT) varies from agency to agency. Some law enforcement agencies have an internal Records Management System (RMS) that have arrest warrant modules whereby the active arrest warrant information can be tracked.

Generally, depending on the local law enforcement agency, the Records Management staff will manually enter the information about the *General Arrest Warrant* into their local RMS system and the state's COLLECT system. In order to confirm accurate demographic information (i.e. name, date of birth, street address, city, state), the Records Management staff will first validate the information against their RMS System, as well as the DMV, COLLECT, NCIC, and III systems to confirm accuracy, completeness, and availability of record details. The information retrieved will be attached to the warrant and a paper copy will be kept in

a file cabinet at the front desk of the local law enforcement agency, known as the Dispatcher's Station.

The Dispatcher's Station is staffed 24 hours/7 days a week, which makes having the general arrest warrant paperwork readily available when an inquiry is made. When the *General Arrest Warrant* is entered into COLLECT and *only* if 'extraditable' is equal to 'yes' by the originating law enforcement agency, it will be updated and transferred to NCIC. All general arrest warrant records in NCIC are generally available to NICS for query on a case by case basis.

If the *General Arrest Warrant* is served and is no longer active, the originating law enforcement agency's officer must deactivate it in the local RMS system and the state's COLLECT system, and in turn, NCIC will send back an 'NCIC Cancelled' message. The law enforcement officer will contact the Dispatcher's Station to cancel the active warrant and the process for booking an offender will occur. Once the warrant is cancelled, the paper copy of the *General Arrest Warrant* will be removed from the Dispatcher's Station and filed in the Records Management Unit of the law enforcement agency.

## Challenges

- COLLECT records do **not** get transferred to NCIC unless the law enforcement staff selects 'yes' for the warrant being 'extraditable'.
- For *General Arrest Warrants*, the process is paper based, manual, and duplicative. *General Arrest Warrants* require one (1) paper record that MUST touch several hands across at least three (3) organizations before the record is ready for entry into the State's COLLECT system; the communication channel used to notify the law enforcement community.
- In some cases, an RMS system does not exist within the local law enforcement agency or is not utilized to its fullest capability. This lack of technology can cause significant document management and data retrieval limitations in a system already burdened with manual business processes. Investment decisions are sometimes a direct result of the added cost associated with the procurement of a warrant module. Some systems include warrant records, but the extrapolation of warrant data is not practicable. Those agencies without an RMS system are paper-based, and there is a potential risk for lost, damaged, or destroyed documentation.
- The Judicial Courts do not keep a copy (electronic or paper) of *General Arrest Warrants* after they have been issued by the prosecutor and Judge. *General Arrest Warrants* are not maintained in any form by the courts, so there are no court records. There is a potential risk for lost, damaged, or destroyed documentation.

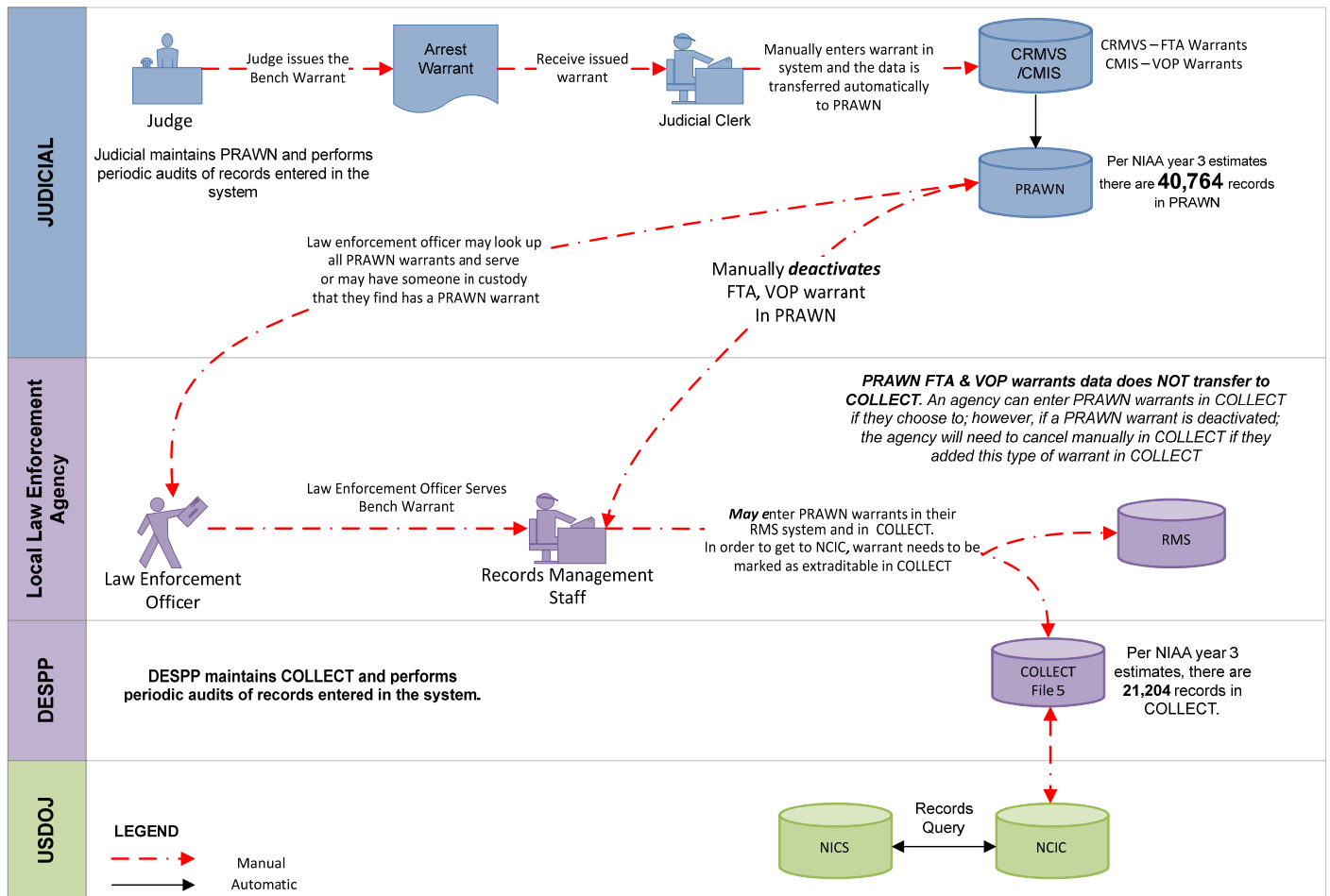
- There are some inconsistencies with the business and system processes within and across agencies (e.g. lack of or underutilized RMS systems, lack of available resources, *limited number of available COLLECT terminals*, and various versions of COLLECT software being used (Mainframe vs. Client-based system)).
- Although a Division of Criminal Justice (DCJ) prosecutor has the authority to enter *General Arrest Warrants* in COLLECT, there is no authority or process for DCJ or a Judicial Court Judge to electronically review, submit or issue a *General Arrest Warrant*.

**Bench Warrants – Failure to Appear (FTA) and Violation of Probation (VOP)**

The following section describes the process for two (2) of the three (3) types of Connecticut bench warrants; FTA and VOP, since these warrants share very similar business and system related activities.

- *Failure to Appear (FTA)* warrants may be initiated when a defendant fails to appear for a pending criminal or motor vehicle court case.
- *Violations of Probation (VOP)* warrants may be initiated for an offender who allegedly violated the terms of probation imposed as a result of a criminal conviction.

The business and system’s process diagram for the *Bench Warrants – Failure to Appear (FTA) and Violation of Probation (VOP)* is shown below.



As stated, bench warrants follow very similar business and system processes because the bench warrant corresponds to an active Judicial Court case. They are initiated in the Judicial Court and the judicial staff creates an original electronic record in the Court’s case management systems (CRMVS and CMIS) which will automatically transfer to the Paperless Arrest Warrant Network (PRAWN) System.

PRAWN was created through Connecticut legislation that authorized the court to enter warrants for criminal defendants who fail to appear for court in a central computer system. It was modified to accommodate other types of court warrants and arrest orders. This system was implemented in all local law enforcement agencies in August, 2005, and in all state police troops in March, 2007. It is now used by more than 140 local, state and federal criminal justice agencies located in the State of Connecticut

There are two distinct components to PRAWN: the inquiry component, and the custodial processing component. The inquiry component enables most criminal justice agencies in Connecticut to ascertain whether a subject has an outstanding arrest warrant and to identify the agency holding the warrant, when applicable. When a bench warrant is issued, specific data is entered in the Criminal Motor Vehicle System (CRMVS) for FTA and Order to Incarcerate (OTI) warrants and the Case Management Information System (CMIS) for VOP warrants. This data is instantly transmitted to PRAWN and therefore, available to criminal justice agencies throughout the state, either through direct inquires in PRAWN, or through more general inquires in COLLECT.

For the Custodial Processing component, new warrants are distributed in a “paperless” medium, so whenever any active warrant is located in PRAWN, any authorized law enforcement agency can serve a warrant by printing the required custody documents from the system. Any law enforcement agency in Connecticut has the ability to view and deactivate the electronic record in PRAWN when their agency serves the warrant.

The PRAWN records are not transmitted into COLLECT, thereby creating a dual system for data entry. A law enforcement agency may elect to create and maintain a second record in the COLLECT system in accordance with the agency’s internal policy.

### **Business Process Description**

The Judicial Court Judge (e.g. generally at the request of the prosecutor) determines whether to issue a bench warrant. These types of warrants; FTA and VOP are created by the Judicial Courts, and specific data (i.e. detailed information on the arrest warrant, including the offender’s name and address) associated with the warrants are entered in CRMVS/CMIS. This data is automatically transferred to PRAWN and thereby available to all criminal justice agencies throughout Connecticut, either through direct inquires in PRAWN, or through more general inquires in COLLECT.

Statewide procedures are in place for all FTA and VOP warrants to be entered in PRAWN, but PRAWN does not exchange data with COLLECT. There is no authority or process, however, to electronically enter warrant records in COLLECT from PRAWN or by the computer systems maintained by the local law enforcement agencies and the prosecutors. If a law enforcement agency’s internal policy is to manually enter in PRAWN warrants into COLLECT, it will be updated and transferred to NCIC. If bench warrant records are in NCIC, they are generally available to NICS for query on a case by case basis.

### **Challenges**

- Bench warrant data records that are not entered in COLLECT will not be available in NCIC.
- The PRAWN records are not transmitted to COLLECT, thereby creating a dual system for data entry and duplicative effort for entering the same information in both systems.
- No authority or process exists to electronically enter bench warrant records in COLLECT from PRAWN or the computer systems maintained by the law enforcement agencies and the Department of Criminal Justice (DCJ) prosecutors. A law enforcement agency may elect to create and maintain a second record in COLLECT in accordance with the agency’s internal policy.

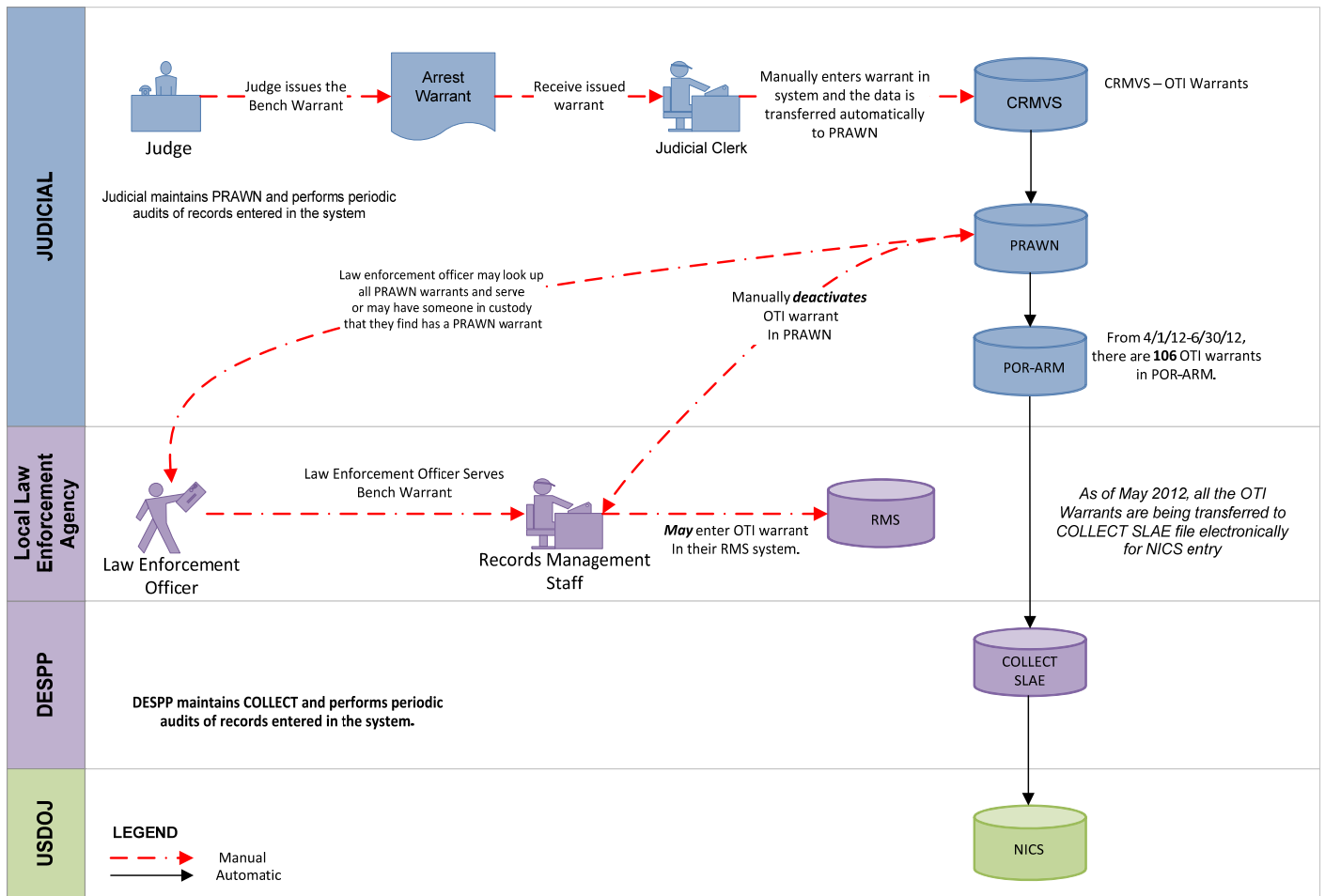
### Bench Warrant – Order to Incarcerate (OTI)

The following section describes the process for one (1) of the three (3) types of Connecticut bench warrants; OTI.

- *Order to Incarcerate (OTI)* papers may be initiated for an offender that has not paid a fine or served a prison sentence.

The business and system’s process diagram for the *Bench Warrant – Order to Incarcerate (OTI)* is shown below.

**NOTE:** The process diagram below currently does **not** apply to OTI papers that are issued for failure to serve a prison sentence as they are negligible for NICS estimates.



### Business Process Description

The business and system processes for the Bench Warrants – Failure to Appear (FTA) and Violation of Probation (VOP) are the same as found on Page 5 up until when the OTI warrants are entered into PRAWN. The PRAWN system will automatically transfer the individual’s OTI warrant record to POR-ARM for entry into COLLECT SLAE for availability to NICS upon inquiry on a case by case basis.

### Challenges

- The Order to incarcerate warrants for those offenders who do not serve a prison sentence is not available in PRAWN.