Felony Convictions

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 1 – Felony Convictions.

NIAA Estimates define **Felony Convictions** as records that identify a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one (1) year (e.g., state 'felonies'), and state misdemeanors punishable by a term of more than two (2) years.

Connecticut agencies involved in the *business processes* that have an impact on the quality, completeness, and availability of records submitted under Category 1 are:

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)
- State Police Bureau of Identification Unit
- Special Licensing and Firearms Unit (SLFU or State Firearms Unit)

Judicial Branch, Office of the Chief Court Administrator (Judicial)
- Superior Court Operations Division
- Superior Court for Criminal Matters (Criminal Courts)
- Superior Court Records Center

Office of Policy and Management (OPM)

The following *systems* have been identified by Agency as being involved in Category 1:

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

Department of Emergency Services and Public Protection (DESPP)
- State Police Record Management System (RMS)
- Automated Fingerprint Identification System (AFIS)
- Computerized Criminal History (CCH or State Repository)
- Connecticut On-Line Law Enforcement Communications Teleprocessing (COLLECT)

Judicial Branch (Judicial)
- Criminal Motor Vehicle System (CRMVS)
- Protection Order Registry Administrative Reporting Module (POR-ARM)

U.S. Department of Justice (USDOJ)
- Integrated Automated Fingerprint Identification System (IAFIS)
- Interstate Identification Index (III)
- National Instant Criminal Background Check System (NICS)

Felony Convictions in Connecticut

All felony conviction records in Connecticut require some form of manual processing throughout the arrest and disposition life cycle. Whether the offender is arrested and booked using the Live Scan or Ink-Rolled Fingerprint process, or fingerprints are not available, will significantly impact how Category 1 records are captured and reported.

The following section describes the Live Scan fingerprint process, which includes the business and system related activities for convictions that are supported by Live Scan fingerprints.

Arrest and Disposition Life Cycle - Live Scan Fingerprints

Connecticut's most efficient method for processing arrest and conviction records is currently through the use of the Automated Fingerprint Identification System (AFIS) Live Scan terminal. With AFIS, law enforcement officers are able to make a direct electronic connection in real-time with the state's centralized AFIS database and the Federal Bureau of Investigation (FBI) Integrated Automated Fingerprint Identification System (IAFIS).

The business and system's process diagram for the *Arrest and Disposition Life Cycle - Live Scan Fingerprints* is shown below:
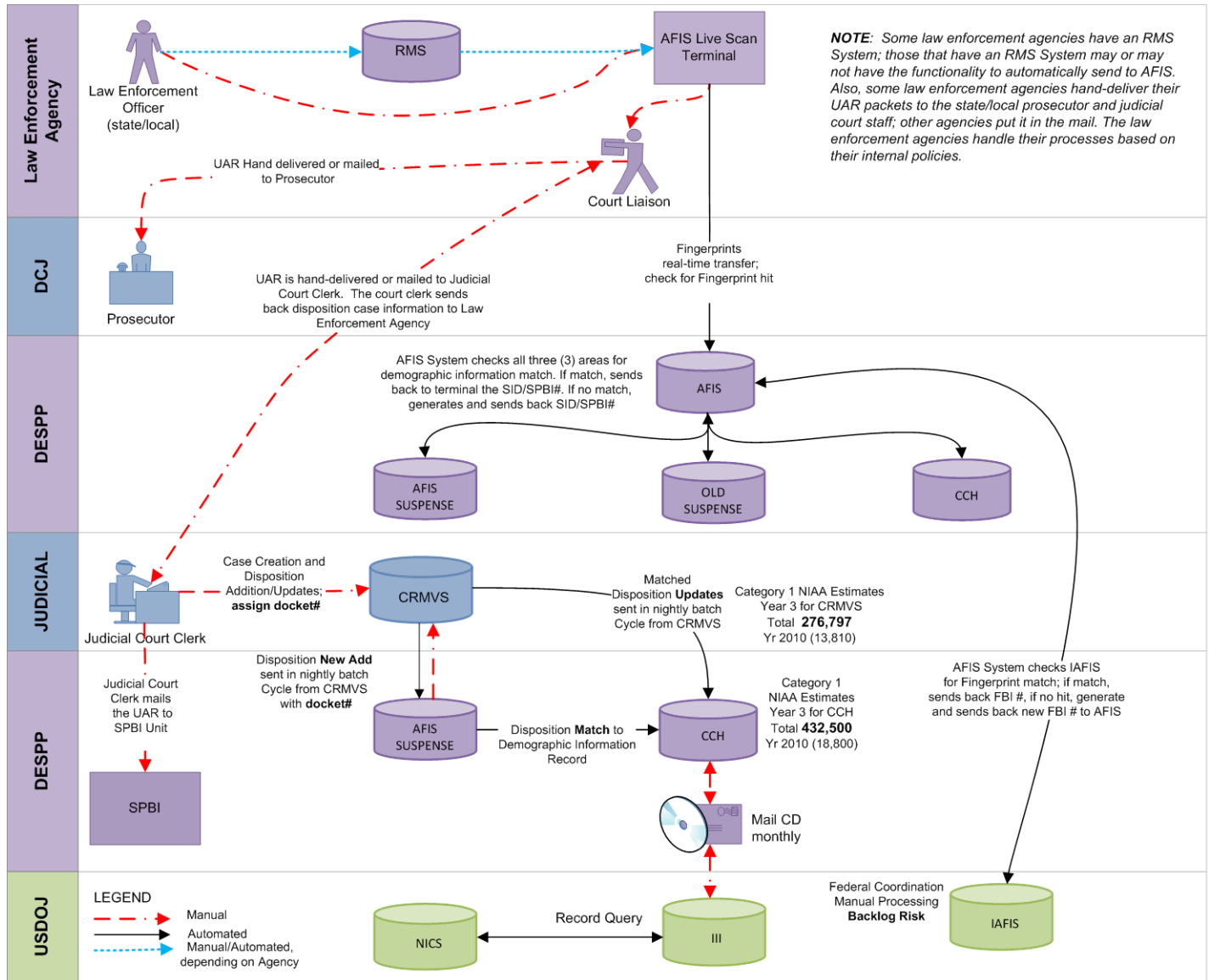
Business Process Description

The data capture for arrest records begins at the point an offender is arrested and booked. The law enforcement officer (state or local) will manually enter the offender's demographic information (e.g. name, DOB, street address, city, state) into their Records Management System (RMS). Once the demographic data has been entered, the law enforcement officer will capture the offender's fingerprint images electronically using their AFIS Live Scan Terminal.

These biometrics are used to physically confirm whether a record of an individual exists in the state or federal systems.

*NOTE: Some Law Enforcement Agencies do **not** have an RMS System or one that has the ability to automatically interface with AFIS. This is considered a 'push' of information as the data provided back from AFIS will not update RMS.*

Once the Live Scan successfully accepts the fingerprint images, they are transmitted directly to DESPP's centralized AFIS database. The fingerprints must be accepted with the centralized AFIS database before being sent to the FBI's IAFIS system. If the fingerprints are accepted in AFIS, they will be transmitted to the IAFIS system; however, if they are not accepted, they will **not** be transferred to the IAFIS system.

The Department of Emergency Services and Public Protection's (DESPPs), Computerized Criminal History File (CCH) is the State Repository for criminal history records. CCH contains the criminal history arrest and offense records of individuals who have been arrested. The Master Name Index (MNI) file allows for a quick name and date of birth search in CCH on a person and their alias records.

Records management in the DESPP's Fingerprint Unit is predicated on a fingerprint match first. The centralized AFIS system will first check for a fingerprint match. If a fingerprint match is not found, AFIS will then search the MNI CCH files for a name and date of birth match. If a name and date of birth match is found, it goes into a verification screen in AFIS so a fingerprint examiner can examine and compare the fingerprints entered into AFIS against the SID# provided by the name and date of birth check.

If the offender already exists in the Connecticut state system, DESPP's centralized AFIS database will transmit back to the AFIS Live Scan terminal an existing SID # or SPBI #. Subsequently, the FBI's IAFIS System will transmit back to the AFIS Live Scan terminal an existing FBI # if the offender exists in the federal system. If the offender is not identified in either the state or federal system, an automated SPBI # and/or FBI # will be assigned to the AFIS Live Scan record. A *Record of Arrest and Prosecution* (RAP) Sheet may also be returned from IAFIS if one exists.

NOTE: The State ID number (SID #) was an older unique identifier assigned to an offender in CCH; a new unique identifier is now being assigned in CCH which is the State Police Bureau of Identification number (SPBI #).

When the law enforcement officer waits until the state and federal responses are sent back to their AFIS Live Scan terminal, the SID #/SPBI # and FBI# will automatically be printed on the UAR.

The arrest report will be given to the law enforcement agency's court liaison, depending on the law enforcement agency's internal policy, before being hand delivered or U.S. mailed to the state/local prosecutor and the judicial court clerk.

Upon receipt of the arrest report, the prosecutor will determine if the offender should or should not be charged. All dispositions must be handled on the records in court, and CRMVS notifies the arresting law enforcement agency and DESPP. If an offender is not charged or found not

guilty, DESPP will need to erase the arrest record from the criminal history files in both CCH and III, if added.

When the judicial court clerk receives the offender's arrest report, they will manually enter the data into CRMVS. The court clerk will assign the next available unique docket#. They will mail a paper copy of the arrest report to DESPP's SPBI Unit.

Within the nightly batch process, the CRMVS system will automatically transfer the offender's disposition record to DESPP's CCH AFIS Suspense file. If a match is made between CRMVS and AFIS Suspense, the offender's record will be transferred automatically to CCH, and made available to the law enforcement community that conducts a query.

If a match is not made between CRMVS and AFIS Suspense, the offender's disposition record will remain in AFIS Suspense until it is automatically associated to its corresponding demographic record.

As the court case disposition revisions occur, CCH will continue to be updated as CRMVS is updated. The judicial court will send the offender's disposition record updates via U.S. Mail to the arresting law enforcement agency. The law enforcement agencies have the option to download CRMVS dispositions on a nightly basis if they choose to do so.

As matched records are moved from CCH AFIS Suspense to CCH, the disposition record will be compiled monthly to a computer diskette (CD) and sent (via U.S. Mail) to III. All Category 1 records in Connecticut that are sent to III are available to NICS upon inquiry on a case by case basis.

Challenges

- An automated process does not exist for an offender's court case disposition revisions to the III system. The original arrest record may be revised by the state/local prosecutor or by the judicial court clerk throughout the offender's court proceeding. If the disposition case data records are not in III, the record information will not be available in NICS.

- The process by which the state/local prosecutor, judicial court clerk, and DESPP receives the Uniform Arrest Record (UAR) from the state/local law enforcement agencies is paper based. With manual processes comes the potential risk for lost, damaged, or destroyed documentation and data entry errors.

- One of the biggest backlogs for the DESPP's Fingerprint Unit is the UAR being received without the SID #/SPBI # and FBI # on the UAR. This will require the Fingerprint Unit Staff to manually look up the numbers in AFIS and manually record them on the UAR.

- In some cases, an RMS system does not exist within the law enforcement agencies 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. The agencies without an RMS system are paper-based, and there is potential risk for lost, damaged, or destroyed documentation and data entry errors.

- CRMVS is a legacy system that has data limitations for most of the NIAA categories of record. CRMVS is critical to the state's entire criminal justice system; however, it is limited in its system capabilities. *This also presents challenges for the Ink-Rolled Fingerprints process.*

Arrest and Disposition Life Cycle - Ink-Rolled Fingerprints

The business and system's process diagram for *Arrest and Disposition Life Cycle - Ink-Rolled Fingerprints* is shown below.

NOTE: The processes in this diagram are faded out to indicate similar processes as the Arrest and Disposition Life Cycle - Live Scan Fingerprints. Please refer to Page 2.
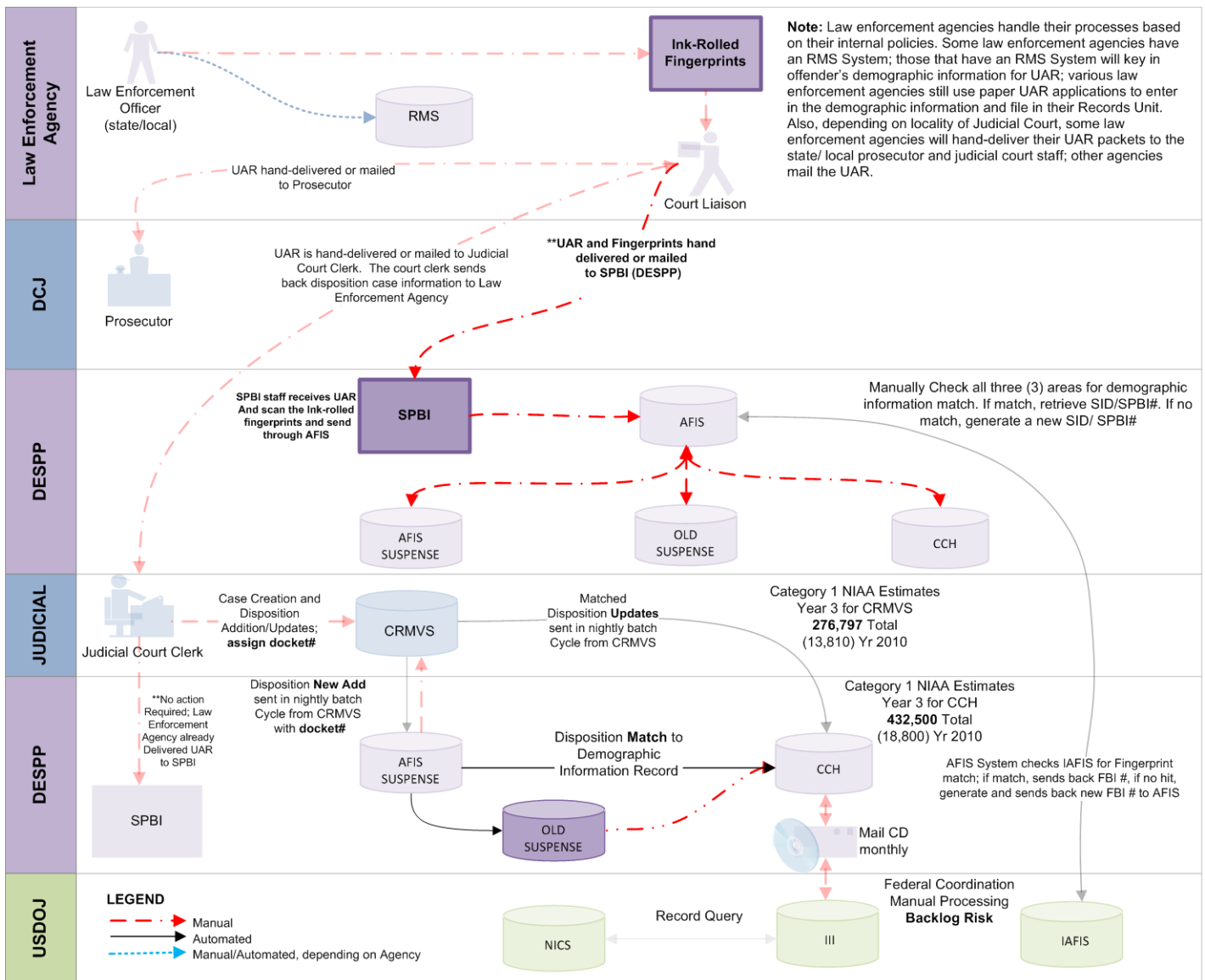
Business Process Description

The Ink-Rolled Fingerprint process focuses on law enforcement agencies that capture the offender's fingerprint images manually. Law enforcement agencies will Ink-roll fingerprints when they do not have a working AFIS Live Scan terminal or are unable to get a good set of fingerprints electronically.

The law enforcement officer will manually enter the offender's demographic information into their RMS System and ink-roll the offender's fingerprints onto the UAR fingerprint card. The offender's arrest report and fingerprints (DESPP only) will be given to the law enforcement agency's court liaison before being hand delivered or U.S. mailed to the state/local prosecutor, the judicial court clerk, and DESPP's SPBI Unit.

*NOTE: Some Law Enforcement Agencies do **not** have an RMS System or it is not utilized to its fullest capability*

DESPP's State Police Bureau of Identification (SPBI) is comprised of three (3) separate units; Fingerprint Unit, Criminal Records Unit, and Reports and Records Unit.   The Fingerprint Unit staff processes the fingerprints in AFIS. When the Ink-Rolled Fingerprints are processed in the Fingerprint Unit, they are sent over to Criminal Records for completion.

When the Fingerprint Unit receives the offender's arrest report/fingerprint images, the demographic information and scanned fingerprint images will be manually entered into AFIS. Once AFIS successfully accepts the scanned fingerprint images, they are transmitted directly to the FBI's IAFIS System.

The process by which the CCH, AFIS Suspense, and Old Suspense are checked for a match is done manually by DESPP's Fingerprint Unit. The Fingerprint Unit will note the SID #/SPBI # and FBI #'s on the UAR.

The business processes thereafter are the same as those described in the *Arrest and Disposition Life Cycle - Live Scan Fingerprints Section.*

Challenges

- There is significant disposition backlog (400K – 1M) in CCH's Old Suspense system due to unmatched disposition and arrest records. If the disposition records are in Old Suspense, this record information has *not* been made available to III and NICS.

- Some state and local law enforcement agencies submit ink-rolled fingerprints in place of Live Scan due to the monthly fee for using the electronic fingerprinting technology.

- There are 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 AFIS Live Scan terminals*, and various internal agency policies at the onset of an arrest). Those arrests that are not fingerprint supported will not be available in III and NICS.

- Some arrest records submitted with Ink-Rolled Fingerprints are an issue due to the following: (1) poor or unacceptable quality of the fingerprint image submission; and (2) delays in the accuracy, completeness, and availability of the arrest record being reported in CCH, III, and NICS.

- The process by which DESPP receives the Ink-Rolled Fingerprint images from the law enforcement agencies is manual and paper based, and presents a potential risk for lost, damaged, or destroyed documentation. In addition, due to some of the Ink-Rolled Fingerprint images being sent via U.S. mail, the fingerprint images are not being made available in the state and federal systems in a timely manner.

- When Ink-Rolled Fingerprints are received in DESPP's Fingerprint Unit, there are instances when the fingerprints are very poor quality and/or taken out of sequence. In these instances, the Fingerprint Unit staff will attempt to locate the offender's SID #. If a SID # is found, a manual examination and comparison is conducted to determine if there is a match. The UAR card will be retained in the Fingerprint Unit's files to fingerprint support the arrest. The UAR cards will not be entered and retained in the state's centralized AFIS database or sent to the FBI. If a SID # cannot be found, the UAR card will be sent back to the law enforcement agency as unusable and will not be retained in the Fingerprint Unit's files or sent to the FBI.

- The CRMVS and CCH systems are not matched up due to manual data creation and disposition processes that have been put in place by the different state agencies. For example, a court record may include conviction information in CRMVS on the actual date of the conviction; however, the corresponding record in CCH may not include the conviction information for several weeks or months after that date. *This is also an issue for Live Scan Fingerprints process.*

- Disposition records are difficult to reconcile in CCH and CRMVS if the case involved a diversionary program (e.g., prosecution withdrawn after a defendant completes a treatment program), or if the case involved a post-disposition event (e.g., conviction pardoned or overturned on appeal). *This is also an issue for Live Scan fingerprints process.*

Conviction Records with No Fingerprints

The business and system's process diagram for *Conviction Records with No Fingerprints* is shown below.

NOTE: The business and system processes for the arrest and disposition life cycle are the same as found on Page 4 of the Ink-Rolled Fingerprints Section. The processes below in this diagram reflect potential cleanup efforts that may take place for those conviction records that do not have associated fingerprints and other felony conviction records that are not available in III.
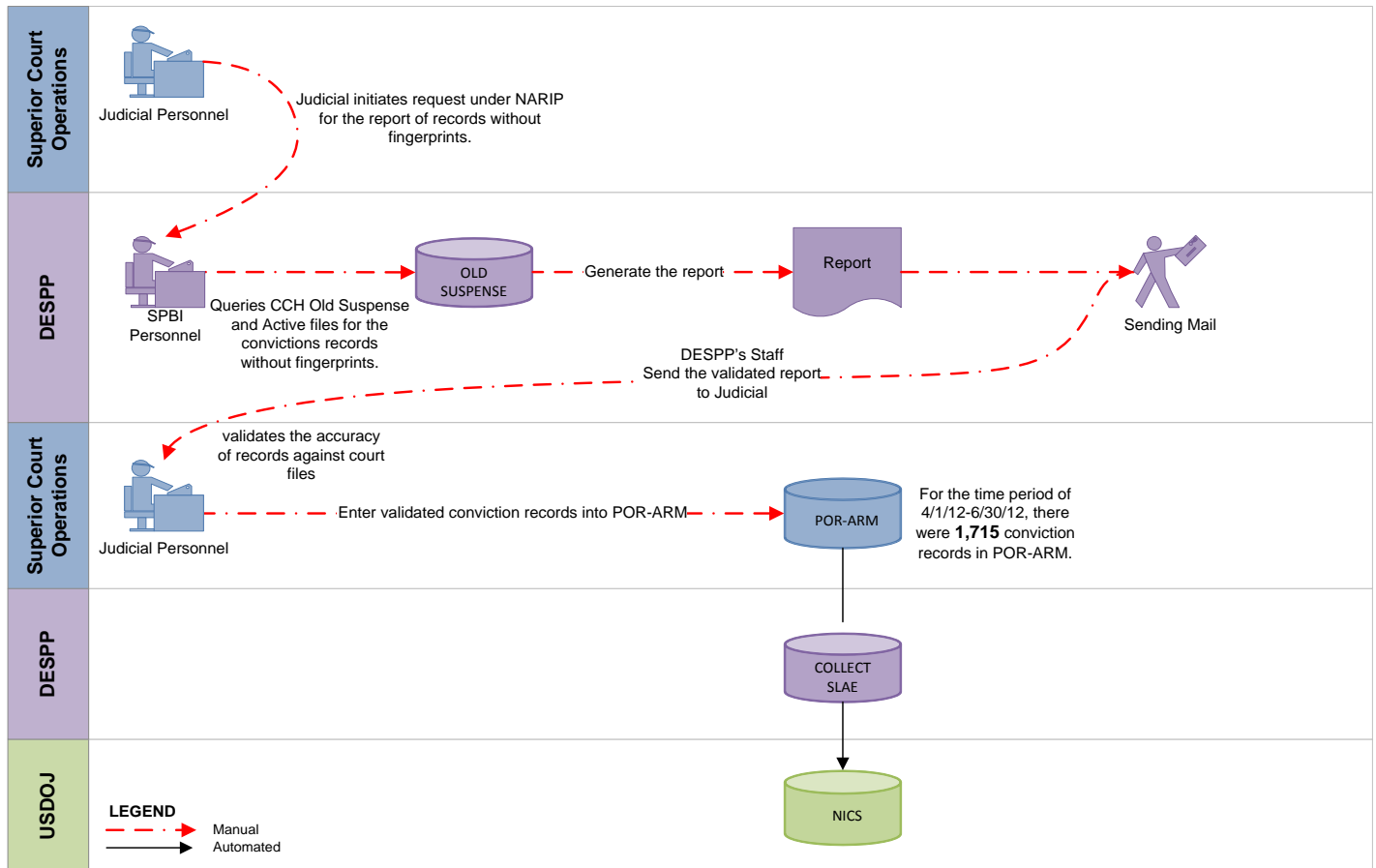
Business Process Description

Some conviction records may *not* be available to NICS through the III because the offender was *not* fingerprinted at the time of the arrest. These records are stored in DESPP's CCH Old Suspense file. As part of a cleanup effort, DESPP and Judicial have started to review certain conviction records that are *not* supported by fingerprints, and some of these records reviewed may be entered in the NICS denied Person File.

To perform the review, Judicial requests a report of the conviction records with no fingerprints from SPBI personnel. Once Judicial receives the report, it validates the accuracy of records against court files. When validation is complete, Judicial personnel enter these conviction records into POR-ARM for entry into COLLECT SLAE to make these records available to NICS.

Challenges

- Arrest and conviction records that are *not* fingerprint supported will not be available in III and NICS. This requires manual intervention to make these records available to the federal systems.

- Arrest records that are not fingerprint supported will cause significant delays in the availability, accuracy, completeness, and quality of the conviction record being available to NICS.

- In a typical felony conviction records life cycle, all felony conviction records should be made available to NICS through III.

- It appears that some felony arrests are *not* fingerprint supported because of limitations in staffing and equipment, and agency policies among the law enforcement agencies.