
Dispositions

Frequently Asked Questions (FAQs)

What is the Administration of Criminal Justice?

The Administration of Criminal Justice is defined as the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.¹

For purposes associated with the administration of criminal justice, what is a disposition?

A “disposition” in criminal procedure refers to the sentencing or other final settlement of a criminal case (Henry Campbell Black, 1990). A disposition is typically made after a disposition hearing (Henry Campbell Black, 1990). A disposition is essentially the final outcome of an arrest.²

What is a state central repository?

The database (or the agency housing the database) that maintains criminal history records on state offenders. Records include fingerprint files and files containing identification segments and notations of arrests and dispositions (see Criminal History Record Information below). The central repository is generally responsible for state-level identification of arrestees. The repository agency often is the Criminal Justice Information Services Systems Agency (CSA) for contact with Federal Bureau of Investigation (FBI) record systems. Non-fingerprint-based inquiries from local agencies for a national records check are routed to the FBI via the central repository. Although usually housed in the Department of Public Safety, the central repository is maintained in some states by the State Police, Attorney General, or other state agency.³

What is FBI/CJIS?

The Criminal Justice Information Services Division (CJIS) serves as the focal point and central repository for criminal justice information services in the FBI. CJIS provides state-of-the-art identification and information services to the local, state, federal, tribal, and international criminal justice communities. The CJIS Division includes the Fingerprint Identification Program, National Crime Information Center Program, Uniform Crime Reporting Program, and the Integrated Automated Fingerprint Identification

¹ Code of Federal Regulations, Title 28, USC, Part 20

² Bureau of Justice Statistics Technical Brief, *Reporting by Prosecutors' Offices to Repositories of Criminal History Records*, <http://www.bjs.gov/content/pub/pdf/rporchr.pdf>

³ *Survey of State Criminal History Information Systems, 2010*, <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=259283>

System (IAFIS) -- a computer-based system that can store, process, analyze, and retrieve fingerprint data.⁴

What is criminal history record information (CHRI) or criminal history record information system?

A record (or the system maintaining such records) that includes individual identifiers and describes an individual's arrests and subsequent dispositions. Data in CHRI systems are usually backed by fingerprints of the record subjects to provide positive identification. CHRI systems may include information on juveniles if they are tried as adults in criminal courts.

Criminal history records do not include intelligence or investigative data or sociological data such as drug use history. Most do not include data describing involvement of an individual in the juvenile justice system. State legislation and practices vary widely concerning disclosure of juvenile record information and access to criminal history records for noncriminal justice purposes.³

What is the Interstate Identification Index (III)?

III – often called “Triple I” - is an “index-pointer” system for the interstate exchange of criminal history records. Under III, the FBI maintains an identification index to persons arrested for felonies or serious misdemeanors under state or Federal law. The index includes identification information (such as name, date of birth, race, and sex), FBI Numbers, and State Identification Numbers (SID) from each state that holds information about an individual.

Search inquiries from criminal justice agencies nationwide are transmitted automatically via state telecommunications networks and the FBI's National Crime Information Center (NCIC) telecommunications lines. Searches are made on the basis of name and other identifiers. The process is entirely automated. If a person is found on the index (a “hit is made against the Index”), detailed record requests are made using the SID or FBI Number, and data are automatically retrieved from each repository holding records on the individual and forwarded to the requesting agency.

Participation requires that a state maintain an automated criminal history record system capable of interfacing with the III system and also capable of responding automatically to all interstate and Federal/state record requests.³ As of October 5, 2008, all 50 states and the District of Columbia participated in III. Responses are provided from FBI files when a jurisdiction, such as a U.S. territory, is not a participant in III. The III system may also be employed when responding to fingerprint-based noncriminal justice purpose criminal record background checks.

What is the National Crime Prevention and Privacy Compact?

The National Crime Prevention and Privacy Compact is an interstate and Federal/state agreement that establishes formal procedures and governance structures for the use of the III for non-criminal justice purposes. It is designed to facilitate the exchange of criminal history data among states and to eliminate

⁴ FBI CJIS Website, <http://www.fbi.gov/about-us/cjis/overview>

the need for the FBI to maintain duplicate data about state offenders. Under the Compact, the operation of this system is overseen by a policymaking council comprised of state and Federal officials.

The key concept underlying the Compact is agreement among all signatory states that all criminal history information (except sealed records) will be provided in response to noncriminal justice requests from another state—regardless of whether the information being requested would be permitted to be disseminated for a similar noncriminal justice purpose within the state holding the data. (That is, the law of the state that is *inquiring* about the data—rather than the law of the state that *originated* the data—governs its use.) In some cases, ratification of the Compact will have the effect of amending existing state legislation governing interstate record dissemination, since most states do not currently authorize dissemination to all of the Federal agencies and out-of-state users authorized under the Compact.

The Compact was passed by Congress and signed into law by the President in October 1998. The Compact became effective in April 1999, following ratification by two state legislatures: Montana on April 8, 1999, and Georgia on April 28, 1999. To date (September 13, 2013), 28 additional states have entered into the Compact: Alaska (May 2001); Arizona (April 2002); Arkansas (February 2001); Colorado (March 2000); Connecticut (June 2000); Florida (June 1999); Hawaii (May 2006); Idaho (March 2005); Iowa (April 2000); Kansas (April 2001); Maine (June 2001); Maryland (May 2005); Michigan (January 2009); Minnesota (March 2002); Missouri (July 2003); Nevada (May 1999); New Hampshire (June 2003); New Jersey (January 2002); New York (March 2013); North Carolina (June 2003); Ohio (January 2004); Oklahoma (May 2001); Oregon (July 2005); South Carolina (June 2000); Tennessee (May 2003); Vermont (July 2010); West Virginia (March 2006); and Wyoming (February 2005). Eleven other states and territories have signed a Memorandum of Understanding indicating compliance with the Privacy Compact: American Samoa, Guam, Illinois, Kentucky, Mississippi, Nebraska, New Mexico, North Dakota, Puerto Rico, South Dakota, and Virginia.³

What is the National Fingerprint File (NFF)?

A system and procedures designed as a component of the III system, which, when fully implemented, would establish a totally decentralized system for the interstate exchange of criminal history records. The NFF will contain fingerprints of Federal offenders and at least one set of fingerprints on state offenders from each state in which an offender has been arrested, primarily for a felony or a serious misdemeanor. Under the NFF concept, states are required to forward only the first-arrest fingerprints of an individual to the FBI accompanied by other identification data such as name and date of birth.

Fingerprints for subsequent arrests are not required to be forwarded. Disposition data on the individual also is retained at the state repository and is not forwarded to the FBI. Upon receipt of the first-arrest fingerprint card (or electronic images), the FBI enters the individual's fingerprint information, name and identifiers in the III, together with an FBI Number and an SID Number for each state maintaining a record on the individual. Charge and disposition information on state offenders are maintained only at the state level, and state repositories are required to respond to all authorized record requests concerning these individuals for both criminal justice and noncriminal justice purposes. To date (September 13, 2013) the NFF has been implemented in 18 states: Colorado, Florida, Georgia, Hawaii,

Idaho, Iowa, Kansas, Maryland, Minnesota, Missouri, Montana, New Jersey, North Carolina, Oklahoma, Oregon, Tennessee, West Virginia, and Wyoming.³

What is the National Crime Information Center (NCIC)?

NCIC is a computerized information system maintained by the FBI and available to law enforcement and criminal justice agencies. The system includes records for wanted persons, missing persons, other persons who pose a threat to officer and public safety, and various property files. The III is accessible through the NCIC system. The NCIC operates under a shared-management concept between the FBI and local, state, tribal, and Federal criminal justice agencies. The FBI maintains the host computer and provides a telecommunications network to the Criminal Justice Information Services Systems Agency (CSA) in each of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and Canada, as well as Federal criminal justice agencies. A CSA is a criminal justice agency that has overall responsibility for the administration and usage of NCIC within a district, state, territory, tribe, or Federal agency. NCIC data may be provided only for criminal justice and other specifically authorized purposes.³

Why are Arrest Dispositions Important?

A complete criminal history record is important to law enforcement and for the administration of criminal justice. A complete criminal history record is also important for non-criminal justice background check purposes in making informed licensing, employment, and regulatory decisions. Where fingerprints and criminal arrest information have been recorded by local authorities and subsequently sent to a state repository for inclusion into state and FBI files, it is imperative that final dispositions be reported to complete each arrest entry. To make informed decisions, the criminal justice system needs complete, accurate, timely, accessible criminal history information.

Prosecutors, probation, and courts rely on this information to make accurate informed decisions regarding bail, risk assessment, and sentencing. In addition, program administrators and evaluators rely on criminal history records to assess recidivism rates. A complete criminal history record is also important for non-criminal justice background checks to make informed decisions regarding employment, licensing, and regulatory decisions. If criminal history records are incomplete or inaccurate, firearm licenses may be permitted for persons who should be ineligible due to their background, or persons may be hired for certain employment positions such as at daycares when their record should prevent such decision making.

What are typical examples of criminal dispositions?

Dispositions can be separated into 3 main categories:

The Arrest Event or Charge Disposition: This disposition includes:

Decision Not to File Charges: A decision by law enforcement that the facts before them are insufficient to file criminal charges.

Decision Not to Prosecute (Nolle prosequi): A decision by the prosecutor that the facts in law enforcement reports are insufficient to support the charges.

The Court's Disposition or Finding: This second category of dispositions includes:

Guilty: The defendant was tried before a judge or jury and found to have committed the crime as charged (Henry Campbell Black, 1990).

Acquittal (Not Guilty): A finding of not guilty (Henry Campbell Black, 1990).

Not Guilty by Reason of Insanity: The defendant has been tried by a judge or jury and adjudicated not guilty by reason of insanity, meaning, generally, that the defendant lacked substantial capacity either to appreciate the criminality (wrongfulness) of his or her conduct or to conform his or her conduct to the requirements of the law at the time the crime was committed (Henry Campbell Black, 1990).

Incompetent to Stand Trial: A person lacks competency to stand trial if he or she lacks the ability to understand the nature and object of the proceedings, to consult with counsel, and to assist in preparing his or her defense (Henry Campbell Black, 1990). A person found incompetent to stand trial will not be permitted to stand trial until and unless the defendant is restored to competency.

Dismissal: Termination of the court's jurisdiction over a defendant regarding the charges before the court (Henry Campbell Black, 1990). This includes when the prosecutor decides to dismiss the charges against the defendant.

Dismissal With Prejudice: A final disposition, barring the right to bring or maintain an action on the same charge.

Dismissal Without Prejudice: The case or charge was dismissed, but it may be reopened in the future.

Diversion: Suspension of criminal proceedings against an offender after arrest, but before judgment and referral of the offender to a treatment or care program in which the court directs the defendant to participate as part of probation (Henry Campbell Black, 1990). Often includes referral to a specialty docket such as drug or mental health court, veterans' court, DUI court, sex offender court, domestic violence court, etc.

Adjudication Withheld: Continues the court's jurisdiction (ability to rule on the case) into the future for reasons such as to place the defendant on probation. The court withholds its judgment until the defendant successfully meets conditions imposed by the court.

Post-Disposition Modifications: This third category includes changes to the court's disposition that occur after the court case is over. Included in this category are such dispositions as:

Clemency: The act of the executive branch (governor) when the executive grants pardon or commutes a death sentence to life imprisonment (Henry Campbell Black, 1990).

Pardon: An executive action that mitigates or sets aside punishment for a crime (Henry Campbell Black, 1990).

Commutation: The change of a punishment to one which is less severe; as from execution to life imprisonment (Henry Campbell Black, 1990)

Reprieve: Temporary relief from or postponement of execution of a criminal punishment or sentence (Henry Campbell Black, 1990).

Amnesty: A sovereign act of forgiveness for past acts, granted by a government to all persons (or to certain classes of persons) who have been guilty of crime, generally political offenses such as treason, sedition, rebellion, or draft evasion, and often conditioned upon their return to obedience and duty within a prescribed time (Henry Campbell Black, 1990).

What are the primary challenges with updating criminal history records with disposition information?

No arrest record on file at the repository: All criminal history files must include a biometrically based personal identifier, e.g. a State Identification Number (SID). The SID is assigned upon capturing fingerprints. Each state varies on types of offenses that require a person to be taken into physical custody where their fingerprints are taken and an official record of their arrest is captured in their criminal history record. For these types of offenses (e.g., low level misdemeanors, criminal citations) when a case is adjudicated, and the disposition record submitted to the criminal history repository, the repository has no record of the original offense to match.

Prosecution Case Consolidation: Criminal records may lack complete dispositions because charges were consolidated into another case. When prosecutors consolidate charges from several cases into a single case, nearly all prosecutors (92%) report this consolidation to the courts, but only 40% report it to the criminal history repository.²

Prosecution Modifies Charges: Frequently prosecuting attorneys will negotiate pleas, amend charges, or introduce new charges. These modifications may not be reported to the criminal history repository or court. When plea negotiations result in charges being disposed, 85% of prosecutors report these dispositions to the courts and 63% report them to the repository.²

Deferred Prosecution or 'cold' cases: Criminal records may contain an arrest that has no disposition because the case has become "cold" or dormant due to insufficient evidence, unavailability of witnesses, or other reasons. Three-fourths of the responding prosecutors have deferred the prosecution of a case while awaiting the availability of evidence or witnesses. Nearly half of prosecutors operate under procedures that may consider a "cold" case to be closed under certain circumstances. When it is decided that a cold case is officially closed, 28% of prosecutors report this information to the court and 44% report it to the repository.²

