

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics
Program Report

National Criminal History Improvement Program (NCHIP)

Improving Criminal History Records for Background
Checks, 2005

July 2006, NCJ 211485

This file is text only without graphics and many of the
tables. A Zip archive of the tables in this report in
spreadsheet format (.csv) and the full report including
tables and graphics in .pdf format are available from:
<http://www.ojp.usdoj.gov/bjs/abstract/ichrbc05.htm>

This report is one in a series. More recent editions may
be available. To view a list of all in the series go to
<http://www.ojp.usdoj.gov/bjs/pubalp2.htm#ichrbc>

Gerard F. Ramker
Chief, BJS Criminal History
Improvement Programs

Highlights

Since 1995 criminal records accessible for background
checks increased 83% and the growth rate in automated
records was 57%

* At the end of 2003, States held approximately 71
million criminal records on individuals.

* About 9 out of 10 of these records were automated
and 3 out of 4 automated records were accessible for
conducting presale firearms and other background checks.

* As of December 2005, 48 States belonged to the
Interstate Identification Index (III), meeting the
FBI's rigorous standards for participation.

* The National Instant Criminal Background Check System
(NICS) supports nearly 8 million checks annually at the
presale stage of firearms purchases.

* Approximately 1.9% of all applications for firearm
purchases were rejected, primarily for the presence
of a prior felony conviction history.

As of January 2006--

- all 50 States, the District of Columbia, Guam, Puerto
Rico, and the U.S. Virgin Islands were contributing to

the National Sex Offender Registry file which held 414,470 records.

- 45 States, the District of Columbia, and the U.S. Virgin Islands were submitting data to the National Protection Order File which held over 949,810 records.

Introduction

Criminal history records describe an arrest and all subsequent actions concerning each criminal event that are positively identifiable to an individual. Accurate, timely, and complete criminal history record information--

- * enables States to immediately identify persons who are prohibited from firearm purchase or are ineligible to hold positions of responsibility involving children, the elderly, or the disabled

- * enables criminal justice agencies to make decisions on pretrial release, career criminal charging, determinate sentencing, and correctional assignments

- * is critical to assist law enforcement in criminal investigations and decision making

- * is required for background checks for national security, employment, licensing, and related economic purposes, as required under recent legislation.

The Bureau of Justice Statistics' National Criminal History Improvement Program (NCHIP) provides grants and technical assistance to the States to improve the quality, timeliness, and immediate accessibility of criminal history records and related information.

The goal of the NCHIP grant program is to improve the Nation's safety and security by enhancing the quality, completeness, and accessibility of criminal history record information and by insuring the nationwide implementation of criminal justice and noncriminal justice background check systems. Achieving this goal is contingent upon accomplishing four objectives --

providing direct financial and technical assistance to the States to improve their criminal records systems and other related systems to support background checks

ensuring the infrastructure is developed to connect each State's records systems to FBI records systems and, in turn, to connect each State's background check databases to one another

providing the training and technical assistance to States needed to insure that records systems are developed and managed to conform to FBI standards and the most appropriate technologies and that States adhere to the highest standards of practice with respect to privacy and confidentiality

assessing and measuring through systematic evaluation and standardized performance measurement and statistics, the extent of progress in implementing improvements in state-level and national records holdings and background check systems.

The NCHIP program serves as an umbrella for various records improvements activities and funding streams each of which has unique goals and objectives.

Program history

Initiated in 1995 the NCHIP program has made awards to all the States, the District of Columbia, and 5 U.S. Territories totaling \$495 million through fiscal year 2005 (see appendix). NCHIP awards are based on need rather than population or other formula-based methodology. California (7.3%), New York (6.1%), and Texas (5.2%) have received awards totaling \$92 million or about 19% of total NCHIP funds awarded.

In FY 2005 BJS awarded approximately \$26 million in NCHIP funds to promote continued development of criminal records infrastructure. The FY 2005 appropriation from Congress included \$24.7 million to support continued assistance to the States and localities and an additional \$2.91 million to support the development of anti-stalking databases (files of protection and/or restraining order records).

The FY 2006 NCHIP Program Announcement, released in March 2006, provides for the continued development of the criminal records infrastructure to support NICS and other background check purposes. BJS urges States to develop a component of their program for the courts and prosecutors to electronically communicate disposition transactions for inclusion in criminal records. The announcement also encourages States to incorporate mental health records into background check systems.

The FY 2006 appropriation is \$9.87 million for NCHIP plus \$2.9 million for antistalking databases. The President's proposed budget for FY 2007 seeks \$39.18 million for NCHIP (plus \$2.94 million for anti-stalking databases) to support a court-directed special emphasis on improving disposition reporting.

Authorizing legislation

For 2006 the appropriation for the NCHIP program was made pursuant to the Crime Identification Technology Act of 1998 and the procedures for applying for NCHIP grants reflect the provisions of that act. State matching funds are required for NCHIP applications. The NCHIP program implements the grant provisions for -

* the Crime Identification Technology Act of 1998(CITA), Pub. L. No. 105-251, 112 Stat. 1871(1998), codified at 42 U.S.C. Section 14601 et seq.

* the Brady Handgun Violence Prevention Act(Brady Act), Pub. L. No. 103-159, 107 Stat.1536 (1993), codified as

amended at 18 U.S.C. Section 921 et seq.

* the National Child Protection Act of 1993 (NCPA), Pub. L. No. 103-209, 107 Stat. 2490 (1993), codified as amended at 42 U.S.C. Sections 3759, 5101 note, 5119, 5119a, 5119b, 5119c

* those provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (Omnibus Act), Pub. L. No. 90-351, 82 Stat. 197 (1968), codified as amended at 42 U.S.C. Section 3711 et seq., as amended; and the Violent Crime Control and Law Enforcement Act of 1994 (Violent Crime Control Act), Pub. L. No.103-322, 108 Stat. 1796 (1994), codified as amended at 42 U.S.C. Section 13701 et seq., which pertain to the establishment, maintenance, analysis, or use of criminal history records and criminal record systems

* relevant requirements of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Pub. L. No. 103-322, 108 Stat. 2038, Megan's Law, Pub.L. No. 104-145, 110 Stat. 1345, and the Pam Lychner Sexual Offender Tracking and Identification Act of 1996, Pub. L. No. 104-236, 110 Stat. 3093

* the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000) and related laws pertaining to the identification, collection, analysis and interstate exchange of records relating to domestic violence and stalking (including protection orders).

Accomplishments

NCHIP-funded criminal records improvement efforts have achieved several successes.

Improved accessibility of records

All States have received funds under NCHIP to upgrade the quality and availability of criminal history record systems. Funds have been awarded for acquisition of advanced equipment, development of software, and conversion of manual records to an automated format which permits instant access and linkage. Automated criminal records permit immediate access for law enforcement and other purposes such as background checks. At the end of 2003, States held approximately 71 million criminal records on individuals. About 9 out of 10 of these records were automated and 3 out of 4 automated records were accessible for conducting presale firearms and other background checks. Since 1995 the number of criminal records accessible for background checks has increased 83%, while the rate of growth in the number of automated records over the same years was 57% (highlights).

Full participation in the Interstate Identification Index (III)

To ensure compatibility, all record enhancements funded under NCHIP are required to conform to FBI standards for III participation. III participation is critical since it constitutes the primary system through which the FBI accesses State-held data for NICS checks. In 1989 only 20 States were members of the FBI's III system that permits instant access to out-of-state data. By yearend 1993, 26 States were participants. As of January 2006, 48 States are members of III indicating that they meet the FBI's rigorous standards for participation.

Automation of records and fingerprint data

States have used funds to establish automated fingerprint identification systems (AFIS) and to purchase live-scan equipment for State and local agencies. AFIS enables States to conduct automated searches for records based on fingerprint characteristics and to interface with the FBI's Integrated Automated Fingerprint Identification Systems (IAFIS).

As of January 2006, 48 States, the District of Columbia, and 3 territories (American Samoa, Guam, and the U.S. Virgin Islands) participate in IAFIS, which became operational in July 1999. In addition to ensuring that records are properly matched to the correct offender, AFIS minimizes the time and manpower required for searching fingerprint databases, which facilitates matching of latent prints obtained at a crime scene.

Livescan equipment permits law enforcement to take fingerprints without use of inkpads or other similar procedures and to electronically transfer fingerprints to the State's AFIS for comparison and matching against State and FBI held prints. Almost all States have received NCHIP funds to use in connection with fingerprint automation systems.

National Instant Criminal Background Check System (NICS)

The Brady Act requires that a background check be conducted using the FBI's NICS to identify potential purchasers who are prohibited from purchasing firearms. Over 63 million records in thirteen files are used for NICS checks. The effectiveness of the system is dependent on the extent to which complete records are available in response to system inquiries. NCHIP funds have been used to increase the number of records which are accessible to the system and to fund the development of court systems to ensure that records include final dispositions.

The NICS is now supporting nearly 8 million checks annually at the presale stage of firearms purchases. Since 1999 under the permanent provisions of the Brady Act, almost 48 million applications for firearm transfers were subject to background checks. Approximately 896,000, or 1.9% of all applications were rejected, primarily for the presence of a prior felony conviction history, but also in a growing

proportion of checks for nonfelony prohibiting background factors, enumerated in the 1968 Gun Control Act as amended. State and local agencies maintain a significant role in background checks, having conducted checks on almost half of the applications for firearm transfers or permits in 2003, while the FBI was responsible for the remainder.

National Sex Offender Registry

Beginning in FY 1998 NCHIP funds have been provided to assist States in developing and enhancing the operation of State sex offender registries that include information on convicted sex offenders. These funds have been used for purchase of equipment, training, and development of procedures required to ensure that released offenders are registered with proper authorities and that State systems are capable of interfacing with the FBI's National Sex Offender Registry system. The FBI's permanent National Sex Offender Registry became operational in July 1999. As of January 2006 all 50 States, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands were contributing to the National Crime Information Center (NCIC) file that held 414,470 records.

Domestic violence records and protection orders

NCHIP has put special emphasis on ensuring that domestic violence-related offenses are included in criminal records. The Federal Gun Control Act as amended prohibits sales of firearms to persons subject to a qualifying domestic violence related protection order or convicted of a qualifying domestic violence misdemeanor. Funds have been awarded specifically for development of State protection order files that are compatible with the FBI's national file so as to permit interstate enforcement of protection orders and the denial of firearm transfers to prohibited persons subject to a protection order. The NCIC's National Protection Order File became operational in May 1997. As of January 2006, 45 States, the District of Columbia, and the U.S. Virgin Islands were submitting data to the file which held over 949,810 records of protection orders.

Involvement of the Courts and Systems Integration to Improve Disposition Reporting

Ensuring that States demonstrate a commitment to support court efforts relating to the development of record systems is among the most important priorities of NCHIP. All NCHIP applications are required to demonstrate that court needs have been considered.

For FY 2005, 37 States included direct funding to the courts or funded court-related activities and disposition reporting. Such projects totaled over \$6 million (25%) of the NCHIP funds awarded in 2005. The following are examples of court improvement projects that States are undertaking with 2005 NCHIP awards:

The Administrative Office of the Courts in Alabama is

continuing to expand its project to collect criminal disposition data from the municipal courts, flagging all court dispositions that are domestic violence related, and is developing a new arrest-to-court disposition automated matching program.

The Alaska Department of Public Safety (DPS) is providing funds to the Alaska Court System for data exchange and infrastructure projects, including the exchange of court records and criminal history data between the court system and other criminal justice agencies, and providing training and technical assistance to users of the court information system.

The Arizona Criminal Justice Commission is developing a comprehensive disposition reporting system involving an improved web entry front-end to include error checking, mass update capabilities, enhanced charge tracking, utilization of the Global Justice XML Data Model, and improved justice and law enforcement system integration.

The Arkansas Crime Information Center (ACIC) is using funds to support the identification and collection of missing disposition information. Funds are also being used by the Administrative Office of the Courts for completion of a technology project resulting in the automatic transmission of criminal case dispositions to the ACIC.

The California Department of Justice is implementing a pilot project in two county courts to add electronic thumbprint images to dispositions and supporting both the transmission of disposition data from the Administrative Office of the Courts to the State repository and the processing of real-time automated disposition reporting from five counties.

The Florida Department of Law Enforcement (FDLE) is implementing a project with the Florida Association of Court Clerks to research and obtain missing disposition data. FDLE will also complete system enhancements to provide criminal judges, Clerks of Court, and State Attorneys electronic access to sentencing and commitment data.

The Georgia Bureau of Investigation is assisting the courts in developing a new court case management system that will enable electronic transmission of disposition data from the courts to the central criminal history repository.

The Hawaii Department of the Attorney General is supporting the upgrade of the Judiciary's current telecommunications technology to allow the transmission of criminal justice information over the State network to CJIS-Hawaii.

The Louisiana Commission on Law Enforcement, in cooperation with the Integrated Criminal Justice Information System (ICJIS) Policy Board, the Supreme Court, the District Attorneys' Association, the Sheriffs' Association, and the

State Police, is continuing the development and implementation of the ICJIS and its component systems.

The Maine Department of Public Safety is conducting an analysis of both the quality of court disposition reporting to the criminal record repository and the contributory factors related to low reporting rates, developing a plan to mitigate low disposition reporting rates, and finalizing a strategy to link dispositions to the State's criminal history record system.

Maryland is researching and identifying existing Arrest and Disposition Reporting(ADR)system records lacking final court dispositions and matching arrests to the correct disposition for entry into the repository. Also, a process will be created to update the ADR system with court disposition information for older records that have no court tracking number associated with them.

The Minnesota Bureau of Criminal Apprehension is using funds to improve information about both misdemeanor domestic violence offenses and dispositions and orders of protection by developing integrated standard business practices on gathering proper identification on targeted misdemeanors and other court disposition data to be transferred to the criminal history files.

The Mississippi Department of Public Safety, Criminal Information Center(CIC)is initiating the testing and installation of an interface between the Mississippi Criminal History System and the courts and prosecutor's new case management system.

The Missouri State Highway Patrol and the Office of State Court Administrators is supporting an initiative aimed at improving the accuracy and completeness of Missouri's Criminal History Record System. The project involves the identification of missing criminal arrests and final disposition information through manual field research at the criminal justice agencies.

New Hampshire is using grant funds to continue support for its Administrative Office of the Courts to review and enter domestic violence and stalking restraining orders into the State criminal justice information system and to the FBI's NCIC.

The New Jersey Department of Law and Public Safety, in collaboration with the Administrative Office of the Courts (AOC), is installing livescan units in a Camden County Jail which will permit an interface with the County Correction Information System. Also, the AOC will continue to build interfaces between its database and the information systems of several State criminal justice agencies to allow for an easy exchange of critical information and to eliminate duplication of effort.

The New Mexico Department of Public Safety is implementing security measures in the Magistrate Courts of New Mexico

and providing ongoing technical support to the courts and counties in transferring data to the State's Repository. Funds will also support protective order database enhancements necessary to transfer data to the New Mexico Law Enforcement Telecommunications System and the FBI's NCIC.

The New York State Division of Criminal Justice Services providing support to the Administrative Office of the Courts to continue the identification and correction of inaccurate court information and to reduce the current number of missing dispositions in the State Repository.

North Carolina is initiating the development of a new Criminal Court Information System (CCIS) to replace the outdated Automated Criminal Infraction System (ACIS) currently being used by the courts in North Carolina. The CCIS will greatly increase efficient, accurate, and timely reporting of court data into an electronic database accessible to all law enforcement agencies.

The Ohio Office of Criminal Justice Services is continuing its development of the Ohio Courts Network to automate reporting and sharing of information.

The Oregon State Police is carrying out a disposition acquisition project with the Oregon Judicial Department.

In Tennessee, funds are being used by the Administrative Office of the Courts (AOC) to enhance existing databases to verify judgment information electronically submitted to the AOC and to enable access to the data by other courts and criminal justice agencies.

Utah is supporting the development and implementation of an electronic filing interface between county prosecutors and the Administrative Office of the Courts to eliminate duplicate, manual data entry of prosecutor information by the courts and to research and update missing disposition data from the courts to be included into the Utah Computerized Criminal History system.

In Vermont, the Office of the Court Administrator is improving access to the judiciary's criminal case and disposition information, electronic protection orders, and mental health records.

The Wyoming Supreme Court is developing a data extraction system that maps data from those district courts that are experiencing difficulty transmitting data to the court's central database.

Improved performance
measurement--The Records
Quality Index

To help quantify the impact of NCHIP funds, BJS created a Records Quality Index(RQI). The purpose of the RQI is to measure the performance of criminal history record systems and to help BJS to--

- * assess the status of records quality at both the State and national levels

- * identify critical records improvement activities by pinpointing areas of deficiency

- * help BJS target specific State- and local-level problems and deficiencies in NCHIP program announcements.

The Records Quality Index(RQI)is a composite of different outcome and process measures, including:

- * the extent of automation of the State's criminal history records

- * the response to Interstate Identification Index (III) inquiries

- * the automated transmission of arrests to the repository

- * the criminal history database flagging of certain convictions

- * the transmission of criminal fingerprints to IAFIS, the FBI's automated fingerprint identification system

- * the transmission of applicant fingerprints to IAFIS

- * the extent of electronic data submission to FBI files

- * the transmission of dispositions to the repository

- * the authorized access to State files including sex offender registries and registries of the courts' protection or restraining orders

- * the State's participation in the National Fingerprint File and National Crime Prevention and Privacy Compact

- * the timeliness of criminal case processing in the State

- * the completeness of disposition reporting in the State.

Similar to how the Dow Jones Industrial Average may be used to gauge the performance of the overall stock market, the criminal history Records Quality Index, based on a small set of key measures, characterizes the performance of the States' criminal history record systems toward achieving the goals of the Federal records improvement programs.

The National RQI(NRQI)is a weighted average of the individual State RQI's for which the weights reflect the number of criminal history records in each State as a proportion of the total. During the seven-year measurement period, the NRQI reflects steady records quality improvement. The NRQI nearly tripled between 1997 and 2003, growing by 169% during this period.

Program assessment

In 2003 the NCHIP program was reviewed by the Office of Management and Budget using the Program Assessment Rating Tool (PART) and was determined to be effectively meeting its goals and objectives. A 2004 U.S. Government Accountability Office study for House of Representative Committee on the Judiciary also found that NCHIP helped States make significant progress in building a national criminal records infrastructure.

Efforts carried out under the National Criminal History Improvement Program are highly consistent with the U.S. Department of Justice's strategic goal to, "Improve the crime fighting and criminal justice system administration capabilities of State, tribal, and local governments." The efforts to improve the Nation's criminal history records also contribute directly to the Office of Justice Programs' goal of providing and coordinating information, research and development, statistics, training, and support to help the justice community build the capacity it needs to meet its public safety goals.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jeffrey L. Sedgwick is director.

This report was written by Gerard F. Ramker, Chief, BJS Criminal History Improvement Programs. Carolyn C. Williams produced the report and provided editorial review. Jayne Robinson prepared the report for final printing. July 2006, NCJ 211485

This report in portable document format and in ASCII and its related statistical data and tables are available at the BJS World Wide Web Internet site: <<http://www.ojp.usdoj.gov/bjs/>>

End of file
07/20/06 ih