
CHAPTER 1

Summary

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The National Crime Information Center (NCIC) is a nationwide information network operated by the Federal Bureau of Investigation (FBI) since 1967 which provides criminal justice agencies throughout the country with access to information on stolen vehicles and other stolen property, wanted persons, and missing persons. In 1971, a Computerized Criminal History (CCH) file was added, containing records of individual offenders' criminal histories. The CCH program has been slow to develop; only 12 States and the Federal Government contribute records to the system.

Although questions have been raised regarding the effectiveness of the entire NCIC network, CCH has been the most controversial aspect of the system. The controversy over CCH has focused on the question of whether the FBI should be authorized to provide a message-switching service to route inquiries and responses regarding criminal history information between States. However, this question rests on broader issues, including the system's potential impact on constitutional rights of citizens and on the relationships between the Federal and State governments in the administration of criminal justice. The possible longer term impacts of the system on society, both desirable and undesirable, have also been the subject of speculation. Because of these and other major concerns, the Office of Technology Assessment (OTA) was asked by the Judiciary Committees of the House and the Senate to undertake an assessment of the NCIC system, with emphasis on the CCH portions.

This report is the result of a preliminary effort by the OTA staff and an ad hoc working group of experts to assess the critical issues raised by CCH and to identify the important questions regarding each issue. As a preliminary effort, the document systematically identifies issues but does not try to answer the questions they raise.

Although CCH has been the subject of numerous studies, conferences, and hearings, there is only limited information regarding the ways in

which law enforcement and the criminal justice decisionmakers as well as other government and private individuals and the press make use of criminal history information, its benefits, the value of nationwide access to this information, and the value of rapid access. Even more limited is information on the quality of criminal history records in terms of completeness, accuracy, and currency, and the effects of inadequate quality on decisionmaking and constitutional rights of individuals involved. It must be recognized that computerization can eliminate certain kinds of errors which plague manual records. No computerized information system is perfect. Since, with computers, increased transaction volumes are to be expected, the potential for harm from dissemination of inaccurate or incomplete records also increases.

Much better information is needed concerning these and other questions raised in the report in order to make assessment and evaluation of the policy alternatives regarding CCH.

Because of the decentralized nature of the U.S. criminal justice system and because the generation and use of criminal history information occurs mostly at the State and local levels of government, the States have a primary stake in establishing standards and procedures for the keeping and dissemination of criminal history information. On the other hand, minimum national standards also are required for an interstate CCH system. Attempts at comprehensive Federal legislation to control the collection and dissemination of criminal justice information have failed to produce legislation or a consensus as to how authority for this important area of control of the system should be allocated between the States and the Federal Government. The lack of resolution of this issue is a very serious obstacle to the successful development of CCH. This federalism issue underlies issues raised in the report with regard to management, oversight, and planning process for the system.

The role of the FBI as a manager of the CCH system should be raised as an issue for further

examination. By some standards, the FBI is uniquely qualified to run the CCH program; they have the cooperation and respect of law enforcement agencies throughout the country; they have an extensive fingerprint identification function, which is necessary to support effective use of CCH where identity is in question; and the transfer of the CCH system to some other Government agency might be viewed with great alarm by the law enforcement community. By other standards, and in light of changing public attitudes towards privacy, civil liberties, and governmental controls, the FBI is placed in a position of great conflict of interest in bearing these records management responsibilities in addition to its primary investigatory responsibilities. An argument can be made that higher public confidence would be attained by placing CCH operations in a more neutral agency.

The Computerized Criminal History system is now undergoing an extensive review in Congress, in the Justice Department, and in the States. Thus an important and immediate issue is how to accommodate the needs and interests of the various levels of government, the Criminal Justice Community, and other stakeholder groups in the planning process. Although some Federal agencies use it, the essence of the CCH system is that primary sources and users of the data are the State and

local criminal justice agencies. The history of CCH development has shown the importance of the States participation in the planning process. It is questionable that a blueprint for a workable system can be created without their playing a direct, perhaps even principal role in the planning, including participation by a cross-section of interest groups who will be affected by the system.

In rethinking the CCH system, a number of technical system alternatives should be considered. Alternative approaches to managing message traffic are available that might relieve some of the concerns raised about the FBI message-switching plan, while raising questions of their own regarding costs and auditability. Again the federalism issue is important. Those who see the responsibility for maintaining and disseminating criminal history records as falling primarily with the States argue for viewing CCH as many different State systems with a need to exchange information, not necessarily through NCIC. Those who see a strong need for Federal oversight and Federal standards for information dissemination argue for a centrally managed system.

In a future full-scale assessment, OTA will examine these issues, the policy alternatives available, and their long-range implications for society.