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Chapter 8

**Record Quality in Federal  
and State Criminal History  
Information Systems**

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# Record Quality in Federal and State Criminal History Information Systems

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## Chapter Summary

As discussed in chapter 6, Federal and many State laws and regulations emphasize the importance of complete, accurate, and current criminal history information. The results of record quality research conducted by OTA and others indicate that while the quality of criminal history records has improved since 1970, significant problems remain. The results for the Federal Bureau of Investigation's (FBI) Identification Division (Ident) file, the National Crime Information Center/Computerized Criminal History (NCIC/CCH) file, and State files are summarized below.\*

**Ident:** Based on a 1979 sample of arrest events, OTA record quality research found that about 30 percent of the Ident records that could be verified lacked a court disposition that had occurred and was confirmed by the district attorney in the local area responsible for prosecution. A 1980 study conducted by the Jet Propulsion Laboratory found that Ident receives dispositions for about 45 percent of the arrests reported. OTA found that about one fifth of the Ident arrest events sampled were inaccurate when compared with charging, disposition, and/or sentencing information in local records.

\*OTA also conducted record quality research on the NCIC Wanted Persons File. Although outside the primary focus of this report, the results are summarized in app. A.

**NCIC/CCH:** OTA record quality research based on a 1979 sample of arrest events found that about 27 percent of the CCH records that could be verified lacked a court disposition that had occurred. About one-fifth of the arrest events were inaccurate with respect to charging, disposition, and/or sentencing information in local records. While it is possible that NCIC/CCH (and Ident) record quality has improved since 1979, OTA is not aware of any comparable research conducted by the FBI or others to document such improvements.

**States:** Based on 1979 and 1982 50-State surveys and a 1979 sample of records selected from one major urban jurisdiction in each of three States, OTA record quality research found that the most significant problem involved the lack of disposition information. Survey results indicated a 65 percent average disposition reporting level for the 41 States responding in 1979. For the three urban jurisdictions sampled, disposition reporting was 58, 60, and 85 percent. In general, a comparison between 1970 and 1979 survey data shows some improvement in disposition reporting for all States and significant improvement for States with computerized (as opposed to manual) systems. Several States contacted by OTA have achieved further improvement in disposition reporting since 1979, but the overall average increased only marginally to 66 percent in 1982.

## Methodology of Record Quality Research

The research reported here is the first systematic effort to measure record quality in

both Federal and State criminal history information systems. The State CCH systems were

included in this study because any future national CCH system will depend on criminal history information generated initially, and in some designs maintained, by the States. Therefore, it is important to obtain an estimate of the levels of record quality in State systems.

### **Methodology Used for Federal Files**

The research reported here on record quality of the Ident criminal history file was based on a stratified proportional sample of criminal history records selected from the outgoing mailroom of the FBI during late July and early August 1979. A random sampling procedure could not be carried out on this file because no log or list of recent disseminations existed. The selection of records was weighted by the only known population parameter—the proportion of records requested by various States. Within States, records were selected in rough proportion to the number of requests made by local agencies during the week of selection. One recent arrest event was chosen from each of 400 criminal history records selected for intensive examination. The criminal history information for each arrest event selected was then sent to the district attorney in the local area responsible for prosecution of the case for full and complete verification of arrest, court disposition, sentencing, and correctional information. Information returned by local district attorneys was then compared with information recorded on the Ident criminal history record, and record accuracy, completeness, and ambiguity were evaluated.

The statistical estimates of record quality in Ident's manual criminal history files are technically generalizable to the population of Ident disseminations that took place in 1979. The results are not technically generalizable to the entire Ident criminal file. Thus, this research measured the quality of information being disseminated by Ident, not the quality of records that are stored but not disseminated.

The research on record quality of the NCIC/CCH file was based on a systematic sample

of the NCIC/CCH transaction log, with a random start for the period January 1 to June 1, 1979. Four hundred recently disseminated criminal history records were selected as of August 12, 1979, and from each a recent arrest event was chosen for verification. The process used for verification of NCIC/CCH records was the same as for Ident. The results of this research are technically generalizable to the population of CCH disseminations that took place during 1979. They are not, however, technically generalizable to the entire NCIC/CCH file.

### **Accuracy of Federal Record Quality Estimates**

The ability to estimate population parameters using randomly drawn samples is a function of sample size as well as the underlying distribution of the variable being estimated. In this research, the sample sizes were restricted due to limited resources. Moreover, the response rate of local authorities who verified information varied. For the NCIC/CCH and the Ident criminal history samples, the statistical estimates of the record quality features are generally accurate to within 6 percent (plus or minus 6 percent). That is, there is 95 percent confidence that the true population parameters of record quality lie within plus or minus 6 percent of the estimates given in the tables.

### **Methodology Used for State CCH Files**

Record quality of State criminal history files was estimated through use of surveys of all States and through a sampling of State CCH use in three major urban jurisdictions. For the former, a written questionnaire was sent by OTA in 1979 to the Governors of all 50 States, the District of Columbia, and Puerto Rico. Forty-eight States and Puerto Rico responded. The questionnaires were filled out by the State officials listed in Appendix B. A followup telephone survey of all 50 States was conducted in August 1982, with update information provided by the officials listed in Appendix D. For

urban areas, since resources limited the size and location of sampling, one major urban jurisdiction in each of the three States was selected. All three States maintain CCH systems that are among the more advanced in operation. Within each jurisdiction, information contained in approximately 500 CCH records used in recent prosecutions was compared with information in local court and district attorney manual records. It was found that district attorneys did not have a list of recently prosecuted cases in which a State CCH record was used, and could provide only rough guesses about the annual number of such cases. The research team was therefore required to work backwards in the manual files of the district attorney until 500 cases were found in which a State CCH record had been

used. This meant looking at cases prosecuted between 1975 and 1979 in one jurisdiction, while in two others the cases spanned a 1-year period.

The State record quality sampling studies are technically generalizable to the population of criminal cases prosecuted using a State criminal history record in the jurisdiction examined for the time period specified; they are not actually samples from a larger population, at least not in any systematic sense of the word "sample." In addition, they are not technically generalizable to the entire population of recently prosecuted criminal cases in the States as a whole. There are differences in the completeness and accuracy among jurisdictions within a State largely owing to variations in local court reporting procedures.

## Findings of Record Quality Research

### FBI Criminal History Files

The results of the OTA record quality studies of the Ident and NCIC/CCH files are summarized in tables 17 and 18. For both files, the major record quality problems were: 1) no disposition information, and 2) inaccurate disposition, charging, or sentencing information, when compared with information in local records. For each arrest event, the evaluation was based on a direct comparison between the information in the Federal record and the information in local records. No disposition meant that a court disposition was shown in the local record, but not in the Federal record. Inaccurate meant that the disposition, charges, or sentence shown in the Federal record did not agree with the disposition, charges, or sentence shown in the local record.

Thus, for 49 (or 29.6 percent) of the 168 verifiable Ident arrest events and 45 (or 27.2 percent) of the 165 verifiable NCIC/CCH arrest events, no disposition was reported even though the disposition had occurred at least 120 days earlier. For 34 (or 20.2 percent) of the 168 Ident arrest events and 32 (or 19.4 percent) of the 165 NCIC/CCH arrest events, in-

formation on disposition, charges, or sentence was inaccurate.

Tables 17 and 18 count only one record quality problem per record, although many records exhibited more than one. For example, counting multiple problems, 20 (or 11.9 percent) of the 168 Ident arrest events and 11 (or 6.7 percent) of the 165 NCIC/CCH arrest events showed more dispositions than charges or more charges than dispositions, when compared with local records.

Other studies on record quality have tended to confirm the OTA findings with respect to disposition reporting. For example, an FBI analysis found that, as of August 13, 1979, 39.4 percent of arrests in the NCIC/CCH file were without dispositions. A 1980 study conducted by the Jet Propulsion Laboratory found that Ident receives dispositions for about 45 percent of the arrests reported.<sup>1</sup> The differences are partially explained by the OTA

<sup>1</sup>Jet Propulsion Laboratory, *FBI Fingerprint Identification Automation Study: AIDS III Evaluation Report, Volume VI: Environmental Analysis*, California Institute of Technology, Pasadena, Nov. 15, 1980, p. A-3, prepared for the U.S. Department of Justice, Federal Bureau of Investigation.

**Table 17.—Record Quality of FBI Identification  
Division Criminal History File Disseminations,  
Based on 1979 Sample**

Arrests in sample . . . . .	400
Local agency responses . . . . .	231
Arrests not verifiable because . . . . .	63
Pending or sealed . . . . .	19
No record locatable . . . . .	37
No prosecution of arrest . . . . .	6
Fugitive . . . . .	1
Total arrest cases verified . . . . .	168
<b>Results:</b>	
Actual disposition not recorded on Ident record . . . . .	68
Disposition occurred more than 120 days prior to 7/24/79a . . . . .	49
Disposition occurred less than 120 days prior to 7/24/79 <sup>b</sup> . . . . .	11
Disposition occurred after 7/24/79 . . . . .	2
Disposition data unknown . . . . .	6
Ident record otherwise incomplete when compared to local record . . . . .	12
Shows sentence but no conviction information . . . . .	7
Shows conviction but not correctional information . . . . .	5
Ident record inaccurate when compared to local record . . . . .	34
Disposition information does not agree . . . . .	15
Charging information does not agree . . . . .	11
Sentencing information does not agree . . . . .	8
Ident record ambiguous when compared to local record . . . . .	11
Shows more dispositions than charges or vice versa . . . . .	3
Other ambiguities . . . . .	8
Complete, accurate, unambiguous . . . . .	43

NOTE: Although many records exhibited more than one record quality problem, only one per record is counted above. Earliest date of sampling was 7/24/79.  
<sup>a</sup>Disposition was as follows: 2/14/79, 1/18/79, 1/10/79, 1/16/79, 12/20/78, 12/12/78, 12/4/78, 11/7/78, 9/1/78, 7/27/78, 7/17/78, 6/7/78, 5/30/78, 3/20/78, 3/1/78, 2/17/78, 11/7/78, 12/21/77, 11/14/77, 9/6/77, 5/24/77, 4/15/77, 4/11/77, 3/14/77, 2/22/77, 11/29/76, 7/23/76, 6/25/76, 6/14/76, 4/12/76, 2/19/76, 11/21/76, 12/23/75, 8/29/75(2), 8/8/75, 5/15/75, 4/16/75, 3/5/75, 1/30/75, 12/21/74, 3/18/74, 5/11/73, 11/6/72, 9/28/72, 6/16/68, 12/20/67, 7/1/65, and 12/11/64.  
<sup>b</sup>Disposition dates were as follows: /29/79, 6/26/79, 6/5/79, 6/3/79, 5/21/79, 5/10/79, 5/7/79, 4/30/79, 4/27/79 (2), and 4/3/79.

SOURCE: Office of Technology Assessment

methodology which removed arrest events from further consideration if they were found to be pending (case still active and no disposition had occurred) or sealed (disposition had occurred but was sealed for legal reasons); if there had been no prosecution of the arrest; or if no record (or docket) was locatable. This latter category was significant since 16 percent of the NCIC/CCH sample (55 Out of 257) were not verifiable due to no record (or docket) locatable. No record locatable generally reflected a police disposition; that is, the charges were dismissed after arrest but prior to arraignment. For some of the arrests, the dismissal of charges was not noted in the Federal record, and thus would have been included as “no disposition reported” had those arrests not been removed from further analysis. Thus, the OTA analysis tends to understate the true level of arrests without dispositions.

With respect to the importance of the record quality problems, there is general agreement that lack of dispositions is a—and perhaps the —problem. The FBI points out, however, that, except for Federal offenders, the responsibility for submitting dispositions lies with State and local Criminal justice agencies. Both NCIC and Ident encourage prompt submission of dispositions, and, indeed, Federal regulations require that dispositions be reported to the central State repository within 90 days after the disposition has occurred,<sup>2</sup> and to the FBI criminal history record systems within 120 days.<sup>3</sup> However, these regulations are difficult to enforce and few sanctions are available. With respect to incorrect or ambiguous information, the FBI believes that this is largely

<sup>2</sup>28 CFR § 20.21(a)(l).  
<sup>3</sup>28 CFR § 20.37.

**Table 18.—Record Quality of FBI NCIC/CCH File Disseminations, Based on 1979 Sample**

Arrests in sample . . . . .	400
Local agency responses . . . . .	92
Arrests not verifiable because	
Pending or sealed . . . . .	3
No record locatable . . . . .	55
No prosecution of arrest . . . . .	9
Fugitive . . . . .	1
No arrest data . . . . .	24
Total arrest cases verified . . . . .	165
<b>Results:</b>	
Actual disposition not recorded on NCIC/CCH record . . . . .	48
Disposition occurred more than 120 days prior to 8/12/79 <sup>a</sup> . . . . .	45
Disposition occurred less than 120 days prior to 8/12/79 <sup>a</sup> . . . . .	1
Disposition date unknown . . . . .	2
NCIC/CCH record otherwise incomplete when compared to local record . . . . .	7
Shows sentence but no conviction information . . . . .	2
Shows conviction but no correctional information . . . . .	5
NCIC/CCH record inaccurate when compared to local record . . . . .	32
Disposition information does not agree . . . . .	13
Charging information does not agree . . . . .	10
Sentencing information does not agree . . . . .	9
NCIC/CCH record ambiguous when compared to local record . . . . .	4
<b>Complete, accurate, unambiguous . . . . .</b>	<b>74</b>

NOTE Although many records exhibited more than one record quality problem, only one per record is counted above Date of sampling was 9/12/79

<sup>a</sup>Disposition dates were as follows 4/5/79,3/21/79, 11/15/78,9/18/78, 7/27/78,7/3/78, 6/29/78, 6/8/78,6/2/78,5/11/78, 4/27/78,4/21/78, 4/4/78,2/15/78, 12/2/77, 11/10/77, 10/26/77, 10/25/77, 10/19/77, 10/18/77,9/16/77, 6/8/77,4/8/77,4/4/77, 1/7/77, 12/22/76, 10/19/76, 9/30/76,10/21/75, 10/13/75,3/24/75,10/8/74, 7/16/74, 3/9/74,1/29/74, 11/26/73,8/28/73,10/5/72, 9/12/72,8/18/72,7/12/72, 5/6/71,7/15/70, 6/23/70, and 4/13/70

<sup>b</sup>The disposition date was 5/3/79

SOURCE Office of Technology Assessment.

attributable to the realities of the criminal justice process. For example, arrest charges (based on probable cause standards) may differ significantly from prosecutor charges (based on the necessity of proving a case beyond a reasonable doubt), which in turn may differ from final charges (frequently reflecting the results of plea bargaining). Thus, charges may change as a person moves through the criminal justice process, but these changes may not always be reported to the FBI. Also, people whose familiarity with the criminal justice process is limited may have particular difficulty in understanding and interpreting criminal history records. Nonetheless, based on the OTA research, a significant portion of Ident and NCIC/CCH records disseminated in 1979 appear to be incomplete, inaccurate, and/or ambiguous when compared with information in local records.

### State Criminal History Files

A comparison between the 1979 OTA 50-State survey and a 1973 General Accounting Office (GAO) study (based on a 1970 50-State survey conducted by the Law Enforcement Assistance Administration (LEAA)) shows some improvement in the average disposition reporting level over that 9-year period. Using bracketed averages, the GAO study found the average disposition reporting level to be about 52 percent for the 49 States responding.<sup>7</sup> In comparison, the OTA study found the average

<sup>7</sup>Use of bracketed averages was necessary since OTA did not have access to the original 1970 LEAA State-by-State survey data. Based on 1970 data, the number of States and disposition reporting levels were as follows: 31 States (less than 65 percent); 11 States (65 to 90 percent); 7 States (more than 90 percent). From U.S. Comptroller General, *Development of a Nation-wide Criminal Data Exchange System—Need to Determine Cost and Improve Reporting*, General Accounting Office, January 1973, p. 10.

disposition reporting level to be about 65 percent for the 41 States responding.<sup>5</sup> However, the 1979 average for computerized States (with a CCH file and/or automated name index) as opposed to manual States was even higher (about 71 percent compared to 50 percent for manual States). Given that in 1970 only one State (New York) had a CCH system, the results indicate that most of the improvement in disposition reporting over the 1970-79 period was in States with computerized systems.

For the three major urban jurisdictions studied with respect to use of their State CCH files, when compared to the results of the OTA 50-State survey, the disposition levels for two of the jurisdictions (about 58 and 61 percent of arrests with dispositions, respectively, based on the OTA record quality research) were below the 71 percent average reported by 29 States with computerized systems in 1979. The disposition level for one urban jurisdiction (about 85 percent) was considerably above the average. All three were above the 50 percent reported by 12 States with manual criminal history systems in 1979.

Several States contacted by OTA have achieved further improvement in disposition reporting since 1978. For example, in North Carolina, a mandatory disposition reporting requirement has gone into effect and some efforts to correct incomplete records from the largest jurisdictions have been initiated. The North Carolina State Bureau of Investigation computerized in 1976 and has since improved disposition reporting from 26 percent (1976) to 56 percent (1981). As of 1981, this State's computerized police information system indicated a disposition reporting rate of about 75 percent. In California, strengthened field efforts over the last 3 years have increased the disposition reporting level for felonies from 66.6 percent in 1978 to 70.8 percent in 1980. However, between 1979 and 1982, average disposition reporting levels for all States responding improved only marginally, to about 66 percent.

<sup>5</sup>From OTA 50-State survey.

With respect to other aspects of record quality (e.g., inaccuracy, ambiguity), research results available to OTA were not adequate to draw any statewide or nationwide conclusions. The State criminal history records sampled by OTA in three urban jurisdictions and by Richard Faust (*Tatum v. Rogers*, S. D. N. Y., 75 Civ. 2782) in one urban jurisdiction, given the nature and size of the samples, cannot be considered as representative even of urban jurisdictions within the four individual States, and do not provide a valid basis for comparison of Federal, State, and local record quality.

### Significance of Findings

The significance of a given level of record quality depends in part on the applicable legal/regulatory framework and how specific criminal history record information is actually used. On the one hand, Federal law as expressed in the Crime Control Act of 1973 (carried forward by the Justice Systems Improvement Act of 1979) and the resultant Federal regulations (28 CFR 20) make clear that all dispositions of criminal charges should be reported, as noted earlier, and that all records should be complete, current, and accurate. The FBI operating procedures emphasize that agencies that enter records into Ident or NCIC have the responsibility "to assure that information on individuals is kept complete, accurate, and current." The FBI helps to maintain the integrity of the NCIC files through automatic computer edits and purges, quality control checks, and periodic record validations by originating agencies.<sup>7</sup> Similar procedures are possible in Ident through use of the Automated Identification Division System (AIDS), but have not yet been implemented. Ident is also considering the use of a disposition followup form for arrest events more than a year old with no disposition reported, and a possible interconnection with State and local automated systems to speed up disposition reporting.

<sup>7</sup>28 CFR § 20.37.

<sup>8</sup>See *NCIC Operating Manual*; also see statement of William A. Bayse of the FBI before the House Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, Oct. 22, 1981.



In addition, in December 1981, the NCIC Advisory Policy Board (APB) created a subcommittee on NCIC record quality. This subcommittee is empowered to study and report back to the APB on possible new approaches to improving record quality. At the State level, as of mid-1981, 46 States had “some statutory provision requiring the reporting of dispositions, although not all of them set out reporting deadlines and relatively few of these statutes contain sanctions to make them mandatory.”<sup>8</sup> These requirements in part reflect the importance attached to accurate and complete criminal history information in the protection of individual rights of privacy, due process, and equal protection of the laws.

Despite these Federal and State requirements, disposition reporting is still far from complete in Ident and NCIC/CCH and in a significant number of States. In the OTA 50-State survey, 14 of 41 States responding in 1979 and 13 of 47 States in 1982 indicated that disposition reporting to the State repository was less than 50 percent. In both 1979 and 1982, eight States indicated a reporting rate of less than 25 percent.

The significance of the use of criminal history record information with record quality problems such as lack of disposition data depends on who is using the information and for what specific purpose. With few exceptions, Federal and State law authorizes the dissemination of criminal history information—with or without dispositions, whether accurate and complete or not—to the criminal justice community.<sup>9</sup> Law enforcement and prosecuting agencies, in particular, note that it is recognized that criminal history records are frequently incomplete and/or inaccurate, but that these records are very useful as a “pointer” to the location of complete and accurate information. In a variety of situations, such as setting conditions for pretrial release, arrest-only records are useful to judicial officials. However, in criminal trial proceedings, the laws of

criminal evidence in most jurisdictions preclude the admission or even consideration of uncertified criminal history records, and most certainly arrest-only records.

On the other hand, Federal regulations permit dissemination of Ident and NCIC/CCH records without dispositions to Federal non-criminal justice agencies if authorized by Federal statute or Executive order. Dissemination is also permitted to State and local noncriminal justice agencies if authorized by Federal or State statutes and approved by the U.S. Attorney General. Dissemination of records without dispositions is prohibited only if the arrest charge is more than 1 year old and is not under active prosecution.<sup>10</sup> At the State level, as of mid-1981, 37 States authorized dissemination of arrest-only records to a variety of State and local noncriminal justice agencies (primarily for employment and licensing purposes), and 27 States authorized such dissemination to private sector organizations and individuals. In a large number of States, the disclosure of such records to private parties “depends upon factors other than State law, such as local law, local agency policy, or the impact of the State’s public record or freedom of information law.”<sup>11</sup>

The wide dissemination of criminal history records with known record quality problems, especially missing or inaccurate disposition information, raises legitimate questions about: 1) the efficiency of law enforcement and criminal justice programs that use or rely on such records, notwithstanding their value as a “pointer” to more complete and accurate information; 2) the protection of constitutional rights (especially due process and equal protection of the laws) where such records are used in criminal justice decisionmaking; and 3) the protection of rights to privacy as well as due process and equal protection where such records are used for noncriminal justice purposes, as in employment and licensing decisions. These questions become even more important in light of many of the recommenda-

<sup>8</sup>SEARCH Group, Inc., *Trends in State Security & Privacy Legislation*, Sacramento, Calif., November 1981, p. 12.

<sup>9</sup>SEARCH, *Security & Privacy*, op. cit., pp. 9-10.

<sup>10</sup>28 CFR § 20.33.

<sup>11</sup>SEARCH, *Security & Privacy*, op. cit., p. 10.

tions of the Attorney General's Task Force on Violent Crime (e.g., with respect to denial of bail to a person accused of a serious crime who had previously committed, while in a pretrial release status, a serious crime for which he was

convicted)<sup>12</sup> which are intended to protect the public safety, but which depend in turn on high quality criminal history records.

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<sup>12</sup>\*Attorney General's Task Force, op. cit., p. xi.