
Appendixes

Status of NCIC Hot Files

The National Crime Information Center (NCIC) hot files (e.g., on wanted persons, missing persons, and stolen vehicles, articles, guns, license plates, securities, and boats) are heavily used by Federal, State, and local law enforcement agencies. As of September 1981, hot file transactions were exceeding 300,000 daily and approaching 10 million monthly. * No one has conducted a systematic measurement of the benefits of the hot files. However, the consensus of opinion among law enforcement officers interviewed by or expressing an opinion to OTA was that these files represent an invaluable tool in the apprehension of wanted persons and the recovery of stolen property. Anecdotal evidence on NCIC hot file hits supports this view, as do the results of other surveys cited in chapter 11.

The status of the NCIC hot files warrants consideration in three important areas. First, various parties (including Federal agencies and individual Members of Congress) periodically ask the Federal Bureau of Investigation (FBI) to establish new hot files, for example, on violent offenders, missing children, parolees, and dangerous persons. Most recently, in November 1981, the U.S. Secret Service asked the FBI to establish a file on persons judged to represent a potential threat to protectees, including the President. This file would help the Secret Service "monitor the movements of or keep aware of the location of dangerous persons." Whatever the merits of these proposals, such proposals could involve the use of NCIC to gather intelligence data on or track individuals not formally charged with a current criminal offense.⁷ Such use of NCIC might lead to unwarranted invasions of privacy and improper detentions or arrests.³ A review of the entire process by which such proposals are made and evaluated could be useful. If new legislation were developed for a national CCH, consideration might be given to including a specific statutory framework for the NCIC hot files. The quality of these files (discussed below) and criteria for accessing them might also be addressed. At present, there apparently are no legal or policy prohibitions on the indirect dissemi-

nation of hot file information to noncriminal justice agencies or private individuals.⁴

Second, even with the upgrade of the NCIC host computer and front-end processor,* the FBI is concerned about the ability of NCIC to handle the growing volume of transactions and programing requirements. The NCIC Section and the NCIC APB have initiated a long-range planning effort on the future technology and operational needs of NCIC. In addition to a full range of technical options, it would be important to ensure that the needs of the entire criminal justice community, as well as any congressional decisions on a CCH system, are factored into the planning effort.

Third, NCIC continues to experience some problems with the quality of the hot files. For example, during a short period in 1981, FBI's Identification Division (Ident) collected (on a nonrandom, unsystematic basis) FBI identification numbers for about 75 fugitives who had been apprehended and cleared from the Ident file but had not yet been canceled from NCIC.⁵ NCIC notes that there could be several reasons for this; for example, a different name might have been used by the fugitive, extradition limitations might warrant retention of the record, or the apprehending agency might have failed to check NCIC.⁵ NCIC repeatedly urges users "to cancel their records from NCIC when a fugitive is no longer wanted. Promptly canceling these records will protect the rights of the citizen and eliminate the possibility of false arrest."⁶ NCIC operating procedures require confirmation of all hits on the hot files. Despite a policy mandating immediate (within 10 minutes) response to a request for confirmation, complaints of untimely responses have been received by the FBI, NCIC has advised users that "(d)elay in responding to such a request could subject the agency to a lawsuit (and damage awards for false arrest) or result in the release of wanted and missing persons or stolen property not being returned."⁷ Delays in entering records into the hot files, sometimes up to several months after a warrant is issued or stolen property reported, have

*See ch. 4.

⁴See Nov. 24, 1981, letter from the Secret Service Director to the FBI Director.

⁵See May 19, 1981, letter from William A. Bayse, FBI Assistant Director, to Jerry Morgan, Chief U.S. Probation Officer, Southern District of Georgia.

⁶Ibid.

⁴See FBI, minutes of the June 17-18, 1981, meeting of the NCIC Advisory Policy Board, Topic #12, pp. 35-36.

*See ch. 5.

⁵Mar. 26, 1982, telephone discussion with Conrad Banner of the FBI.

⁶NCIC Newsletter, September 1981.

⁷NCIC Newsletter, February 1981.

also been experienced. Again, NCIC has advised users that delayed entry "reduces or eliminates the possibility of apprehending wanted persons, locating missing persons, and recovering stolen property," as well as unnecessarily endangering law enforcement officers.⁸

The only NCIC hot file examined in detail by OTA was the wanted persons file. OTA found that of the 394 warrants that could be verified (out of a random sample of 405 selected on Aug. 4, 1979), 5.8 percent (23 warrants) had been cleared or vacated at the local level prior to August 4, 1979. As shown in table A-1, 12 of the 23 warrants had been cleared or vacated more than a month prior to August 4, and 7 of these 12 more than 6 months prior to August 4.

In recent years, the FBI has taken actions to improve the currency and accuracy of the wanted persons file. It routinely conducts a large number of record quality checks, and repeatedly urges users to enter, update, and cancel records on a timely basis. It systematically requests originating agencies at the State and local levels to verify the warrants they have placed in the file.

Still, OTA found that as of August 4, 1979, a possibly significant percentage of warrants in the file (5.6 percent, or approximately 7,400, ± 4 percent) were cleared or vacated. To the extent these individuals were at risk of being improperly detained and perhaps arrested, or detained and perhaps arrested but subsequently neither extradited nor prosecuted, both effective law enforcement and constitutional rights could have been compromised.

Further improvements in the quality of the wanted persons file (and perhaps the other NCIC hot files) may be warranted. Possible actions include:

- establishing standards for retention of outstanding warrants;
- establishing tighter standards for retention of cleared or vacated warrants;
- requiring more frequent certification of warrants as still valid by originating agencies; and
- conducting periodic random audits of the wanted persons file to monitor record quality (currency and accuracy) and to verify that originating agencies are fully complying with certification requirements.

At present, to the best knowledge of OTA, NCIC does not conduct any record quality audits of either the wanted persons file or the other hot files. Perhaps the most important potential action would be to initiate periodic audits to establish benchmarks, to identify problem areas, and to

⁸NCIC Newsletter, August 1981,

Table A-1.—NCIC Wanted Persons File: Record Quality as of Aug. 4, 1979

Number of warrants in general warrant file	
Aug. 4, 1979	127,500
Sample size (random sample, Aug. 4, 1979	405
Originating agency responses	394
Status of warrants in file	
Warrant cleared or vacated prior to	
Aug. 4, 1979 ^a	5.8% (23)
Agency had no record of warrant ^b	4.1 % (16)
Wanted but no warrant locatable	0.80/0 (3)
Warrant cleared or vacated but date of	
clearance unknown	5.1 % (20)
Warrant cleared or vacated after	
Aug. 4, 1979 ^c	2.80/o (11)
Warrant outstanding	81.50/0 (321)
Total	100.1 %/0 (394)

^aClearance dates for the 23 warrants were as follows 12/9/71, 12/30/76, 10/1 7/77, 6/13/78, 8/31/78, 12/7/78, 1/27/79, 4/5/79, 5/1/79, 6/1/79, 6/6/79, 7/2/79, 7/14/79, 7/19/79, 7/23/79, 7/26/79 (2), 7/30/79, 8/1/79 (5)

^bThe FBI has noted that use of the originating case agency number might have helped in further verifying these warrants

^cWarrants cleared or vacated after the date of the Sample were not considered in determining record quality, since the status of the warrants in the NCIC file might have changed between the date of sample and the date of verification

Note on Methodology

The sampling procedure for the NCIC Wanted Persons file was a random sample of the population of general warrants, a list of which is produced weekly by the FBI. The population of warrants used in this research was produced Aug 4, 1979. A series of random numbers was used to select 405 warrants for verification. Each of the warrants was verified by telephoning and/or writing the originating local agency as listed on the records selected from the NCIC Wanted Persons file.

The statistical estimates of record quality produced in this research were technically generalizable to the population of warrants contained in the NCIC file as of Aug 4, 1979. 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. For the Wanted Persons file sample, the 95 percent confidence interval for the true population parameters is plus or minus 4 percent. That is, there is 95 percent confidence that the true population parameters of record quality lie within plus or minus 4 percent of the estimates given in the table.

SOURCE: Office of Technology Assessment

determine whether or not record quality is improving. Record quality audit is defined here as a systematic comparison of a random sample of records in the NCIC file with the corresponding records held by the originating agency. At present, NCIC sends a list of warrants every 6 months to each State terminal control agency, which in turn is responsible for obtaining certification by originating agencies within 75 days. Warrants that are not certified or certified as vacated or cleared are removed from the file. One possible problem is that vacated or cleared or otherwise invalid warrants may be maintained in the file for as long as 81/2 months (6 months plus 75 days) prior to the next certification. Another is that some originating agencies may not be fully complying with the certification requirements. Periodic random audits, such as are currently conducted by the State of California,⁹ should help to encourage full and complete certification.

⁹Per Feb. 16, 1982, telephone discussion with Fred Wynbrandt, California Department of Justice.