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Technology Talk

By Aaron Gorrell, President and CEO, Waterhole Software, Colorado Springs, Colorado

Changing Behavior and Systems for Criminal History Improvement in Nevada

For years, achieving full charge-disposition matching in state criminal history repositories has been an elusive target for many jurisdictions. A typical rap sheet for a repeat offender shows multiple arrest charges with few corresponding dispositions. The impact is significant to virtually everyone, both inside and outside the criminal justice system. A lengthy rap sheet filled with undisposed charges stymies law enforcement officers' efforts to gain a truly comprehensive understanding of the person they are about to approach. Likewise, prosecutors spend hours trying to determine the status of previous charges and whether they can enhance charges for repeat offenses. Furthermore, employment and the right to gun ownership are often conditional based on the absence or presence of certain criminal charges. Many states report disposition matching around 35 percent; in some states, this number has improved, but only marginally, even though agencies have spent millions of dollars, obtained through grants awarded by the National Criminal History Improvement Program (NCHIP), to rectify this issue.

Current Process

At first glance, it is hard to understand why the problem still exists in this day and age, when most jails and agencies use LiveScan machines to book a subject. When subjects are booked through LiveScan, both their fingerprints and their charges are electronically transmitted to the state criminal history repository. By itself, this has substantially improved officer safety by ensuring that the repository has all law enforcement charges. However, it is often only the most severe charges that are submitted to the state through LiveScan; all too often, misdemeanor and traffic charges remain local and never make it to the state repository.

Once charges have been electronically transmitted to the state repository, they are filed with the prosecutor, who makes further decisions on whether to



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add, drop, or enhance charges. Consequently, the charges presented to the court can vary greatly from those originally submitted during booking. As such, the charges contained within the repository and the charges maintained in the court case management system can vary significantly—a situation that ultimately results in undisposed charges. To deal with these discrepancies, the Nevada Administrative Office of the Courts (AOC) has prepared a comprehensive plan that is elegant both in its approach and in its relative simplicity. Although not in its final form, the plan is the culmination of four years of detailed analysis and planning by the AOC in conjunction with assistance provided by the National Center for State Courts and Waterhole Software.

Improving the System

As with any effort to improve the criminal justice system, the solution requires both a change in the way agencies do business and the implementation of technology in the form of electronic information exchanges. A critical aspect of this plan is the ability to distinguish one charge from another unambiguously by assigning each charge a unique charge tracking number. This step is necessary because computers are notoriously bad at comparing anything besides concrete numbers. The charge tracking number is automatically assigned by the LiveScan system at the time of booking. Information about the incident, the subject, and the charges with identifiers is then electronically forwarded to the court, which opens a court case. For lesser offenses where the subject is not taken into custody, Nevada either books and releases the subject or requires that the subject appear at an agency at a later date for fingerprinting.

The cornerstone to the Nevada plan requires modification in how prosecutors and law enforcement agencies do business. Once charges are filed through LiveScan, they can be added or dropped only in the court. Thus, either through the criminal complaint or later motions, prosecutors must receive court approval of changes to charges. This process ensures that courts are aware of all previous and new charges as well as the current status of those charges. When a charge is modified, dropped, or adjudicated, the presiding court is then responsible for updating the disposition in the state criminal history repository. When a charge is added, the court is also responsible for reporting any new charges (and assigning tracking numbers). Dispositions are updated using the previously assigned charge tracking number in combination with the process control number (PCN), also called a fingerprint card number. The tracking number/PCN combination is a key identifier that, when included with a disposition, allows the repository to update the charge correctly with a disposition.

Criminal history improvement programs can become a reality, without being cumbersome or requiring the addition of staff. This combination of business process reengineering and technology can result in a potent solution to an equally vexing problem.

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