

MAINE STATE LEGISLATURE

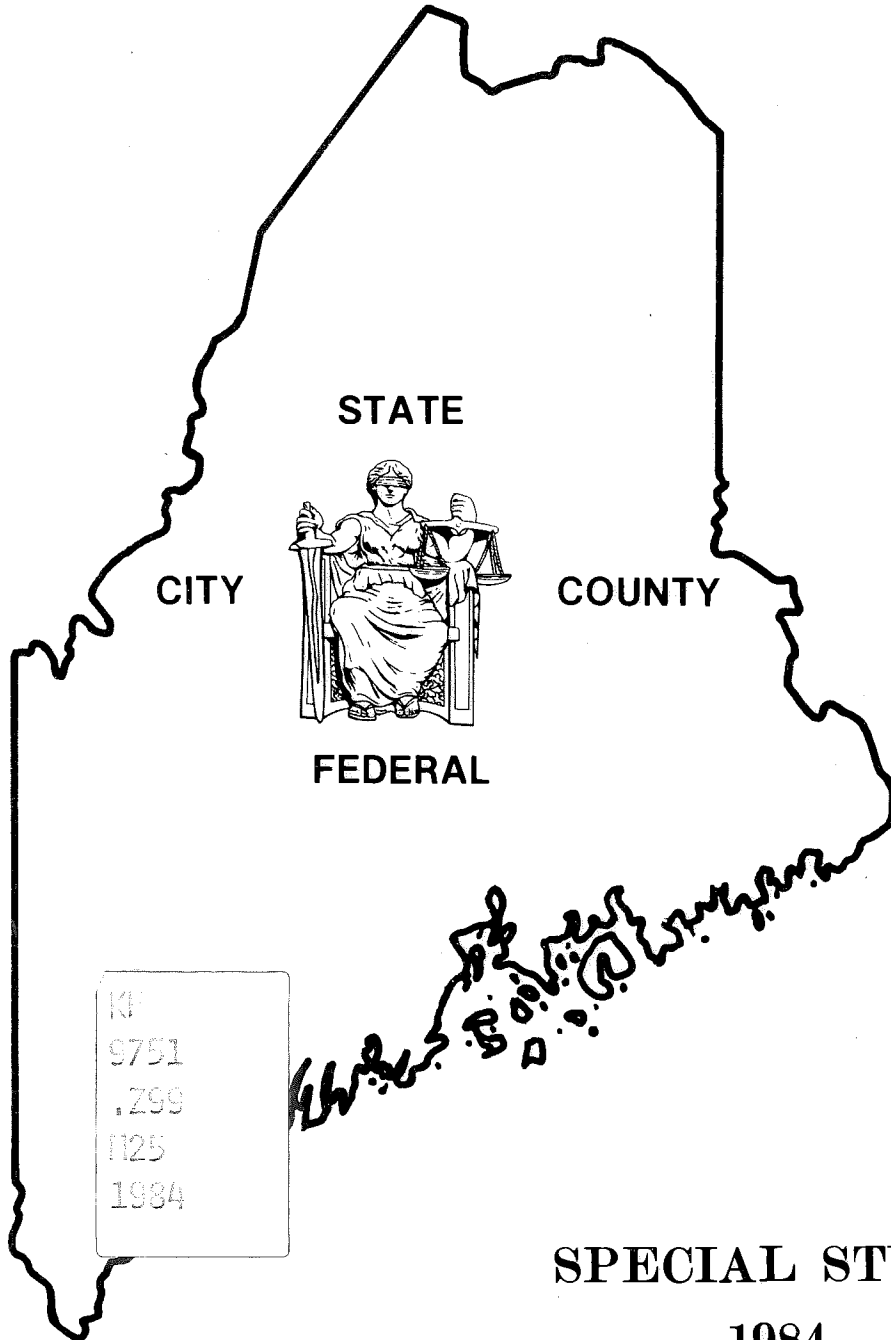
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State of Maine Department of Public Safety



SPECIAL STUDY

1984

Criminal History Record Information



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
36 HOSPITAL STREET
AUGUSTA, MAINE 04330

October 19, 1984

Honorable Gerard P. Conley
President, Maine Senate
State House
Augusta, Maine 04333

Honorable John L. Martin
Speaker, Maine House
State House
Augusta, Maine 04333

Dear Senator Conley and Representative Martin:

In compliance with the legislation passed by the 111th Legislature, Chapter 795, H.P. 1844/LD 2439, section 7, effective July 25, 1984, I am submitting this report on criminal history record information.

This law directed this Department to perform a study on CHRI and to report back by November 1, 1984.

The Director of the State Bureau of Identification, Robert Wagner, Jr., assisted by Steven Woodard, Director of the Criminal Justice Data Analysis Center, researched and carried out fully the directions listed in this law.

I have reviewed this document and recommend it to you as a responsive and factual study of the criminal history record information system in Maine and the many perimeter factors that effect CHRI now, or may affect it in the future.

On behalf of this Department, I express our thanks to all of the members of the criminal justice systems, in-state and out-of-state, who kindly provided information for this study.

Respectfully submitted,

A handwritten signature in cursive script, reading "Arthur A. Stilphen".

Arthur A. Stilphen
Commissioner,
Department of Public Safety

356466

TABLE OF CONTENTS

| | PAGE |
|--|----------|
| Methodology..... | 1 |
| Background SBI - Phase I..... | 2 |
| Background SBI - Phase II..... | 5 |
| Present Status of the Identification Division of SBI. Current Operations..... | 10 13 |
| Forms Utilized..... | 28 |
| Uses and Users of CHRI..... | 45 |
| Privacy and Security Considerations..... | 49 |
| Questionnaire..... | 52 |
| State and Local Criminal Justice Agencies..... | 60 |
| A Case for Automation..... | 64 |
| National Considerations for the Maine CHRI System.... | 67 |
| Missouri CHRI System..... | 80 |
| Summary..... | 82 |
| Recommendations..... | 87 |
| Funding Considerations..... | 91 |
| Glossary of Acronyms..... | 92 |
| Additional Exhibits - Appendix..... | 93 |

Methodology

The 111th Legislature, Second Regular Session passed legislation* directing the Department of Public Safety to conduct a study of the criminal history record system of Maine.

This study was assigned by the Commissioner of the Department of Public Safety to the Director of the State Bureau of Identification in August for completion by November 1, 1984. The Director of the State Data Analysis Center assisted in the study.

The direction provided in the law was analyzed and outlined in order to provide a responsive study. Every effort has been made in this study to respond to specific requests and to also provide background and related information in order to create a better understanding of the entire CHRI system.

Representatives of all Maine criminal justice agencies have been contacted for their contribution to the study, an extensive questionnaire was used, and some out-of-state and national agencies have also provided input.

The selection of the material, the writings of the information, and the order it appears in this study have all been focused on providing a comprehensive answer to the study request, and at the same time to keep it relatively uncomplicated given the nature of the CHRI subject.

*See Appendix for Exhibit #1A

Background SBI - Phase I

The State Bureau of Identification was established by the Legislature in 1937 (See Appendix for Exhibit #1).

The law establishing the Bureau is essentially the same today as it was when originally created. The mission was to create and maintain a central repository of all criminal records in the State of Maine based upon the compulsory submission by criminal justice agencies, on fingerprint forms and other forms provided, under rules adopted, in order to have a comprehensive and adequate system of records available for criminal justice purposes and other purposes authorized by law.

Responsibility for the Bureau was given to the Chief of the Maine State Police to appoint a qualified person to administrate the Bureau subject to the Chief's approval and with some oversight by the Attorney General regarding rules, regulations and forms.

The law was, and still is, very specific in the duties and responsibilities of the Bureau.

The Maine Bureau was established thirteen years after the Federal Bureau of Investigation Fingerprint Section was established in 1924, so Maine was involved in fingerprints in the early stages.

During the earlier years and up to 1977, with one minor exception the SBI was run by Commissioned Officers of the State Police. In 1977 the present Director of the Bureau, a civilian with a strong law enforcement background, was appointed to the position.

All indications show that the SBI was properly set up and the original employees were trained at the Royal Canadian Police Academy in the Henry System of fingerprint classification and filing. All future training in fingerprint classification and filing was done in-house until 1977. While this seemed to work well, it did present a problem that will be identified later in this report.

The problems associated with the Bureau then were similar to the same problems that exist today. Among these problems are cooperation with related criminal justice agencies, field training of departments in the taking and the submission of fingerprints, and the uses of the records. Approval of the dissemination of records was generally under rules approved by the Attorney General's Office and unusual requests had to be referred back for special approval or denial.

Privacy and security records as we know it today were not as stringent and records were disseminated by mimeographing the records on file and sending them out. The effort on completeness and accuracy of records was not as great as it is today under the new laws.

Until repealed in 1973 the SBI served as the central repository for school children's identification fingerprints. These prints were stored in separate files and were not available for any criminal justice investigations. These prints are no longer available and there is no state central repository for children's fingerprints at this time.

In 1974 new mechanical files were obtained with federal grant funds for the criminal history record systems. It did improve

the appearance and efficiency of searching for records, however, considerable work still needed to be done in the system.

In 1975 the first impact of federal involvement in state criminal records took place. The Law Enforcement Assistance Administration, (LEAA) acting under congressional mandate, issued under Federal Title 28, regulations which govern the maintenance and dissemination of criminal history records. They covered such topics as accuracy and completeness, audit, security, dissemination and the right of the record subject to inspect the record.

SBI was not in compliance with these regulations and had until December 31, 1977 to get into compliance.

Meanwhile the State of Maine in 1976 passed legislation based on the Federal Title 28 regulations bringing the state into line with the privacy and security mandates. The alternative to the law, according to Law Enforcement Assistance Administration (LEAA), the administrator of Title 28 regulations, was the loss of future federal grants to criminal justice agencies if Maine did not get in compliance.

Background SBI - Phase II

In July 1977, five months before the State was due to be in compliance with Federal Title 28 regulations, the present Director of SBI was appointed.

In August of the same year LEAA sent an evaluation team to check on the progress status of SBI in achieving Title 28 compliance. This team, a consulting group from Mitre Corporation, found: "In general, Maine is currently in the earliest stages of the implementation process. Its Central State Repository, which has been operational since 1937 when it was created by statute, has only just recently begun to focus on the procedures needed to achieve compliance with Federal Regulations. At this time, the State Bureau of Identification (SBI) is hampered by a series of problems (e.g.) personnel shortages, limited physical space for housing records, inadequate training of staff, etc.) which further impedes their attempts to compliance."

This report went on to cite a number of problems relating to completeness and accuracy of records, security, internal procedures, etc., with a closing paragraph "Should technical assistance be made available in these specific areas along with funds for additional personnel and probable office needs (e.g. equipment, forms, physical space, locks, etc.); it appears that Maine could be near 100% compliance by July 1978."

It should be understood that the Chief of the State Police had appointed a new Director of SBI only a month prior to this

evaluation. Instructions to the new Director included the need for a general upgrading of the Bureau. No additional personnel were assigned to the Bureau, but two additional people were to be assigned if the workload was increased significantly as a result of new procedures initiated.

The first task was to appoint a new Identification Supervisor as the position was vacant due to the retirement of the previous Supervisor who has been employed for forty years. The next was to bring the personnel staff to full strength in both numbers and classifications.

As a result of this procedure the Director decided to seek outside training for personnel with all members attending the FBI Basic Fingerprint school as a backup of training received in-house in the past. It was discovered at this time that some of the in-house fingerprint classifications were not compatible with existing FBI classifications.

The Director contacted the Agent-in-Charge of the Boston Office of the Federal Bureau of Investigation, explained the problem and requested assistance if possible. The FBI responded by making available at no cost for a two week period, their Boston Fingerprint Instructor and the number three agent in the Washington, D.C. Identifications Division. Working with the Identification Supervisor and other staff members on a day, night, and weekend basis, they searched and reclassified 60,000 fingerprint cards.

Concurrent with this problem was addressing the major faults in the criminal history record files as identified by the LEAA consulting firm.

The State of Maine was in the midst of a stringent economic cutback and a freeze on personnel and equipment, that complicated a difficult situation.

Fortunately a way was found with the cooperation of the Maine Criminal Justice Planning and Assistance Agency, the Maine Chiefs of Police Association and the Federal Government to start solving the problems.

The Maine Chiefs of Police applied for a federal grant through the Maine Criminal Justice Planning and Assistance Agency to upgrade the State Bureau of Identification and to be administered by the SBI Director. Money was provided for six people along with some much needed equipment. Some assistance of this type was received, via the above agencies, until March of 1981, costing in excess of 250,000 dollars.

Utilizing some of the new help, and with the advice of a consulting Assistant Attorney General, an extensive purge of the CHRI files was conducted.

Removed were all civil violations, records of crime that were no longer crimes (such as intoxication); all operating under the influence records (as they were duplicated in the Secretary of States records). The Fish and Game/Sea and Shore records were transferred to them for storage. Notation of this change is listed on the SBI record dissemination sheets.

A special committee of users of SBI consisting of the Court Administrator, an Assistant Attorney General, Chiefs of Police, Sheriffs, State Prison Representative, Director of SBI and Staff Members and a Civil Liberties Representative was developed. Many of the changes in progress were discussed by this group, but the

major problem to solve was getting final disposition information from the courts back to arresting agencies so it could be placed on final disposition fingerprint cards. The final disposition data was then submitted to SBI to complete fingerprint verification of the records. Since court abstracts were already being submitted to SBI it was finally approved that these should be improved and made in a duplicate form. The original would be submitted to SBI by the court and the duplicate would be made available (not mailed) at the court for the arresting agency. This system is now in effect and has improved the disposition information.

A training school was developed in cooperation with the State Crime Laboratory consisting of an in-service four hour course, credit approved by the Criminal Justice Academy. The course consists of an explanation of fingerprints, classifying and latent uses and a "hands on" taking of prints by all attendees. The law on fingerprint submission and how to properly fill out the cards took up the third hour. The last hour was devoted to uses of the SBI and the Privacy and Security Law vs the Right-to-Know Law. This school has been well attended all over the state and seventy schools have trained in excess of nine hundred officers. It is still available on a limited basis by request.

Among the many other things addressed was the site security of the SBI location. Previously it had been a wide open area easily available. It is now a fully enclosed area only accessible by two doors that are secured after working hours.

There have been a number of other changes as a bi-product of the upgrading both in equipment and improvement of the integrity

of the CHRI system. Numerically the fingerprint submissions have stayed a little higher than before, but it must be remembered that we are no longer requiring prints in Title 29 (motor vehicle) cases or game law violations. All of these prints have been replaced numerically by an increase in reporting of more serious offenses, as a result of a concerted effort to improve fingerprint reporting.

In 1981 Poole Associates, under sub-contract to Sach/Freeman Associates, conducted a study of the State Bureau of Identification preparatory to the development of a Master Name Index on the State Police computer. In the process a comprehensive operational manual was prepared and is in use.

Some of the Poole Associates information will be adopted in some form in this report where it is currently valid.

This completes the SBI background in an abbreviated form preparatory to the section on the present status of the State Bureau of Identification.

Present Status of the Identification Division

of SBI

The present personnel working in the Identification Division of SBI are hard working, well trained personnel. Several of them have been involved in the recent past changes and the upgrade process that has been taking place since 1977 as previously described.

Seven employees, consisting of a Supervisor, 3 Classifier II's, 2 Classifier I's and a Clerk Typist I, handle the day-to-day functional requirements of the Division. No federal grant personnel are available at this time.

An attempt to set-up an automated Master Name Index was made for about a year in 1982 but it had to be abandoned after federal funding for a single employee ran out and it was determined one person was insufficient to do the work.

Two different consultant groups who have surveyed the workload in SBI have indicated that there are insufficient personnel to meet all the current responsibilities in a timely fashion and to update the old files at the same time.

In 1977 there was 21,557 inquiries from users of the Identification Section of SBI and this has steadily increased to 47,349 inquiries in 1983. It is no small wonder that priorities have had to be set on responses to inquiries and a fee system developed for non-criminal justice uses. Emergencies, investigations, correction information for detentions, etc., are handled first with other requests waiting in turn. At a particularly busy time, or when personnel shortages exist,

three to four weeks may pass before a non-emergency inquiry is answered.

There is a constant updating of records before dissemination in order to comply with dissemination laws. The employees never know the luxury of getting fully caught up in their work.

In spite of this pressure, very few complaints are received from users who have become accustomed to some delay in receiving records.

The record quality is relatively good for criminal justice purposes mainly because of the large volume of court abstracts that are received. However, this information is not verified by fingerprints and must be noted as "unsupported by fingerprints" on CHRI sheets. Fingerprint submissions on arrests are running only about 35% of the number that should be submitted according to the Poole Associates 1981 study. They note that this exists even with all of the field training that has been conducted by the SBI and the Crime Laboratory.

The obvious reason for this goes back to the reporting law (See Exhibit #1). When originally drafted in 1937 it provided all persons "in custody" would be fingerprinted. At that time nearly all arrests were custody arrests. However, today it is not unusual for people arrested for serious crimes such as burglary, assaults, etc. to be summoned to court. Unless a department makes a special effort, many of these people are not fingerprinted.

It will undoubtedly become necessary to change this law and cite specific arrests that people will be fingerprinted for, being either at the time of arrest or before being adjudicated by the court.

This has become necessary in a number of states.

With the loss of personnel furnished in the recent past by federal grants, and considering the large increase in the workload since 1977, it is highly unlikely that the existing work force can do much more than maintain the status quo. Any further effort to expand this repository without making provisions to handle the increased workload may well result in a serious breakdown of services from this Identification Division.

Current Operations

Identification Section Overview

The Identification Section has three primary responsibilities; the receipt and classification of fingerprints, the maintenance of Criminal History files and the dissemination of appropriate CHRI data upon receipt of inquiries.

Figure 2-1 gives an overview of these operations and their relationship to each other. A detailed discussion of workflow follows in the section so titled.

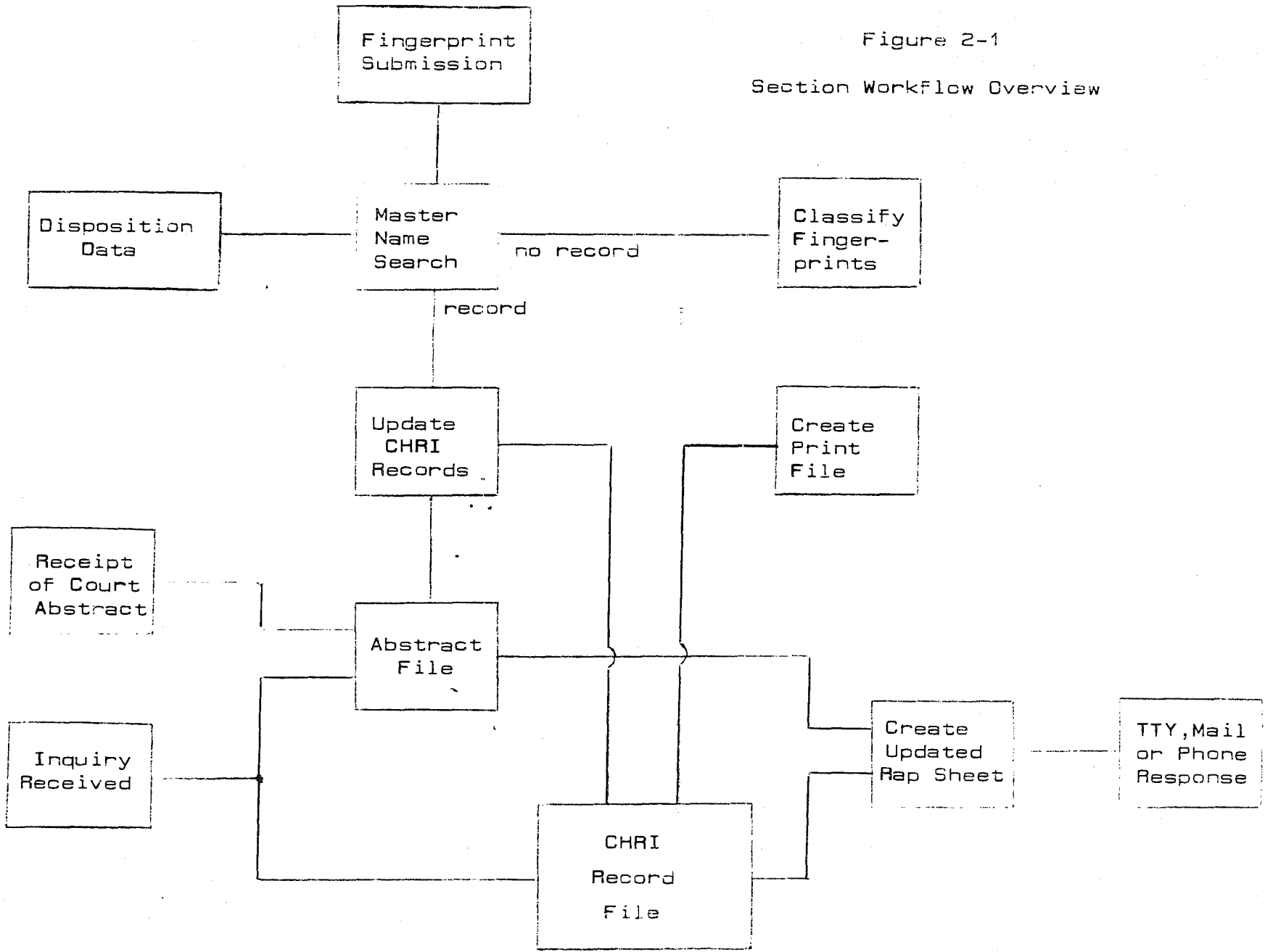
Due to limitations in available staff, the maintenance responsibility has been somewhat neglected in comparison to the higher priorities of fingerprint classification and answering inquiries. The result has been the necessity of updating individual files upon the receipt of an inquiry to that file, thus limiting the response time that can be given to an inquiry.

Inquiries currently come in four different ways. The majority (64%) are received by mail. Another 21% come in via the teletype. The telephone supplies 14% of requests, and a very few (under 1%) are walk-ins.

There are some differences in the handling of requests depending upon how they are received, but in all cases the Soundex Master Name Index is used to locate the individual's file based upon his name and date of birth. In addition, the Court Abstract file is checked to see if additional charges or disposition data has been received that has not yet been filed. An updated Rap Sheet is created, and a response sent to the Inquirer via teletype, telephone or mail.

Figure 2-1

Section Workflow Overview



Fingerprint card submissions and disposition information are received from the law enforcement agencies and the courts. Disposition data are filed in the Court Abstract file or the individual's CHRI record file. Fingerprints are checked to see if a current record exists. If not, they are classified and a technical search performed to locate possible aliases. Finally, these cards are filed in the print file and/or the CHRI file.

Workflow

This section describes the steps that must be taken within SBI to handle their two major functions; answering inquiries and accepting, classifying and filing fingerprints.

Mail Inquiries

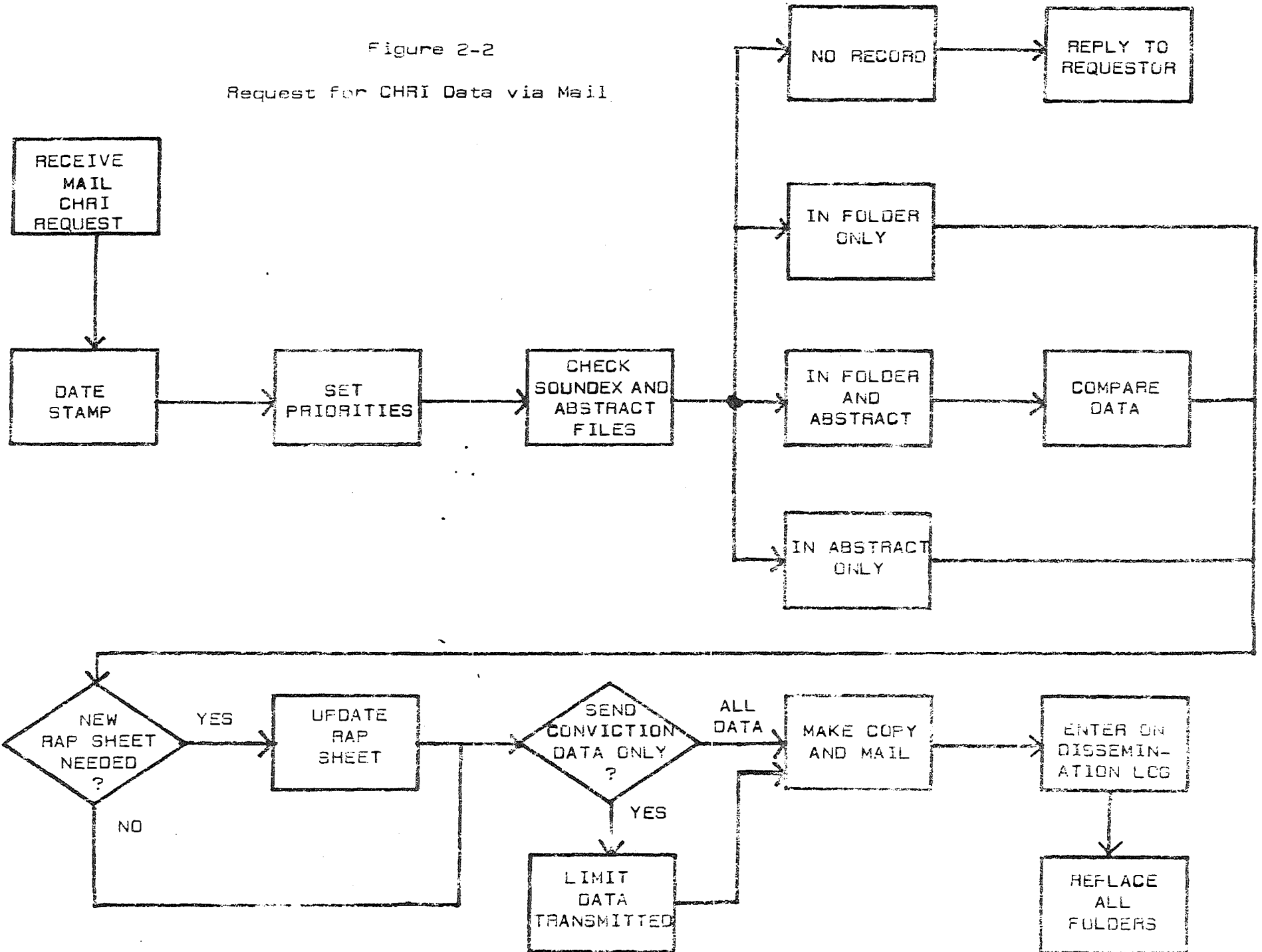
Most inquiries are received at SBI through the mail (typically 64%). Figure 2-2 illustrates the steps that CHRI mail inquiries must go through.

Each day, the mail is opened, mail inquiries are date stamped, and a priority set (depending upon the purpose of the request). As soon as practical, consistent with other priorities, names in the inquiries are checked against both the Soundex Master Name Index and the Court Abstract File. If information is found in both locations, the data is compared to insure that it is the same individual and that arrest charges/dispositions are not duplicated.

When this is accomplished, or if information is found in only one source, a new CHRI rap sheet may be prepared, or the current one brought up to date. If the purpose is not for investigation, or if the requesting agency is not a law enforcement agency, only conviction data will be placed on the rap sheet.

Figure 2-2

Request for CHRI Data via Mail



A copy of the prepared rap sheet is made and mailed to the requesting agency and the appropriate data entered into the disposition log. Finally, all folders which were removed from the files temporarily are returned.

Telephone Inquiries

In the case of telephoned CHRI requests, a somewhat similar procedure is followed. Figure 2-3 illustrates these steps.

Since the request came in over the telephone, all of the necessary data must be received verbally and written down. This includes the name of the suspect, his date of birth, name of the requesting agency and individual, purpose of the request, and whether it is an emergency (or rush). In addition, if the requesting agency is from out of state, a teletype address is requested for response since information is not telephoned out of state. Once the teletype address is determined, the request is handled as a teletype request (see Teletype Inquiries).

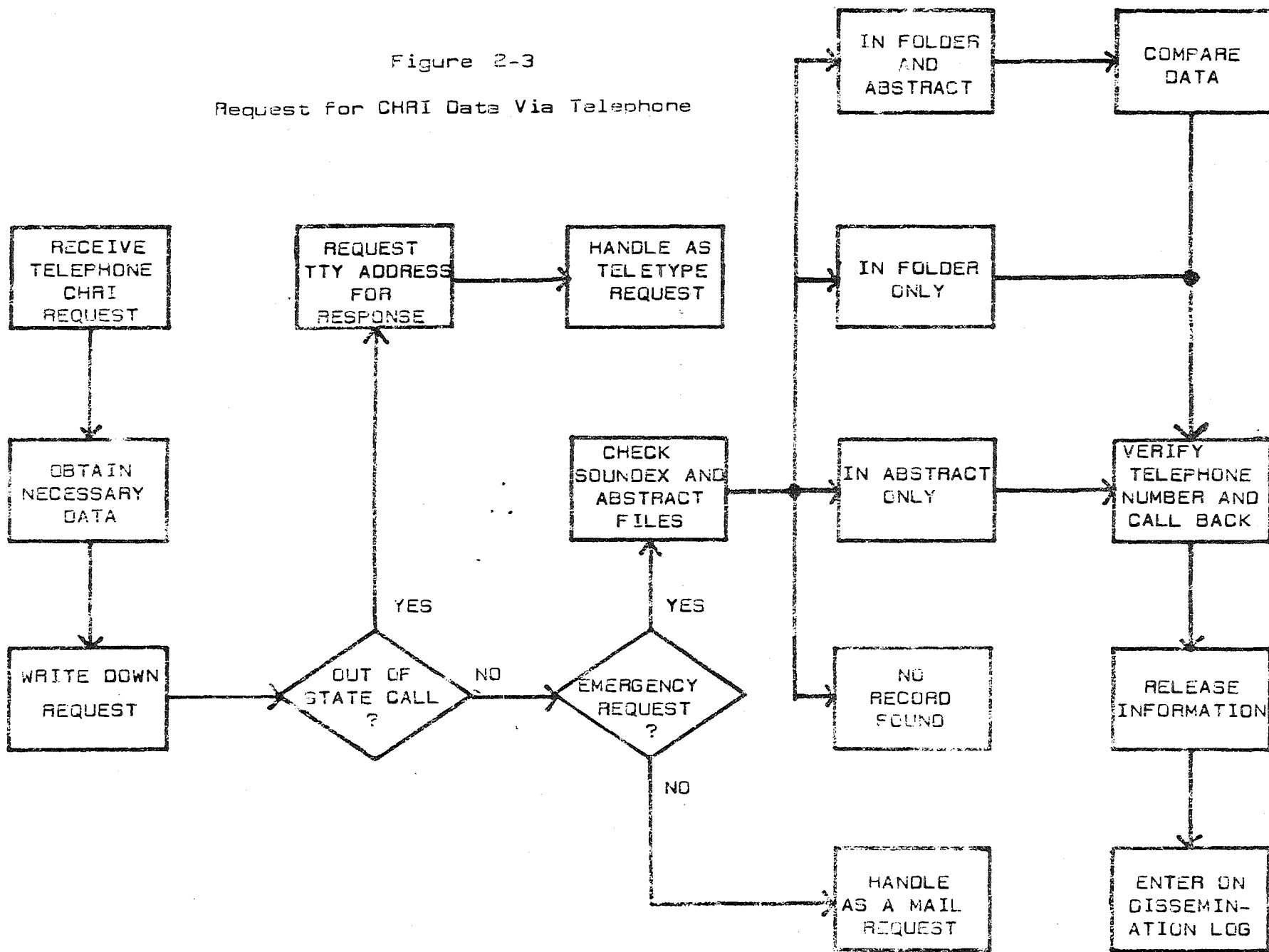
Approximately 14% of the CHRI requests come in by telephone, but very few of these are of an emergency nature (perhaps 1 in 10). If the request is not considered an emergency, the inquiry is handled as a mail request (see Mail Inquiries).

Emergency checks are made right away. The Soundex file and abstract files are checked, data is compared if necessary, the caller's telephone number is verified and he is called back. Information is released to him over the telephone, unless the record is quite lengthy. In this case they are informed that there is a record and a copy of the record will be mailed to the inquiring agency.

Figure 2-3

Request for CHRI Data Via Telephone

18



Finally, dissemination information is entered into the appropriate log and the files which had been removed temporarily are returned.

There are very few walk-in requests for data (less than 1%), but when they occur they are treated as a phone request.

Teletype Inquiries

Teletype requests come primarily from law enforcement agencies and make up 21% of the inquiries. The workflow associated with answering a teletype request is shown in figure 2-4, sheets 1 and 2.

All teletype requests are supposed to be received as CQ (Criminal Query) messages, and contain all of the needed information. Some however, come in as AM (Administrative Messages) requests, and some do not contain all of the necessary data. (Usually the result of interference on the teletype line, causing part of the message to be garbled.) The first step is to determine if all of the necessary information is included, and if not, added data is requested from the initiating agency.

Names and DOB's are checked against both the Soundex Master Name Index and the Court Abstract files. If information is found in both locations, the data is compared to insure that the data is about the same individual and that arrest charges/dispositions are not duplicated.

The next step is to determine whether all data is to be transmitted (to law enforcement agencies conducting an investigation) or whether conviction data only is to be sent.

If no record is found a TTY reply indicating that no record was found is prepared and a copy of the original request and the

Figure 2-4

Request for CHRI Data via Teletype
Sheet 1 of 2

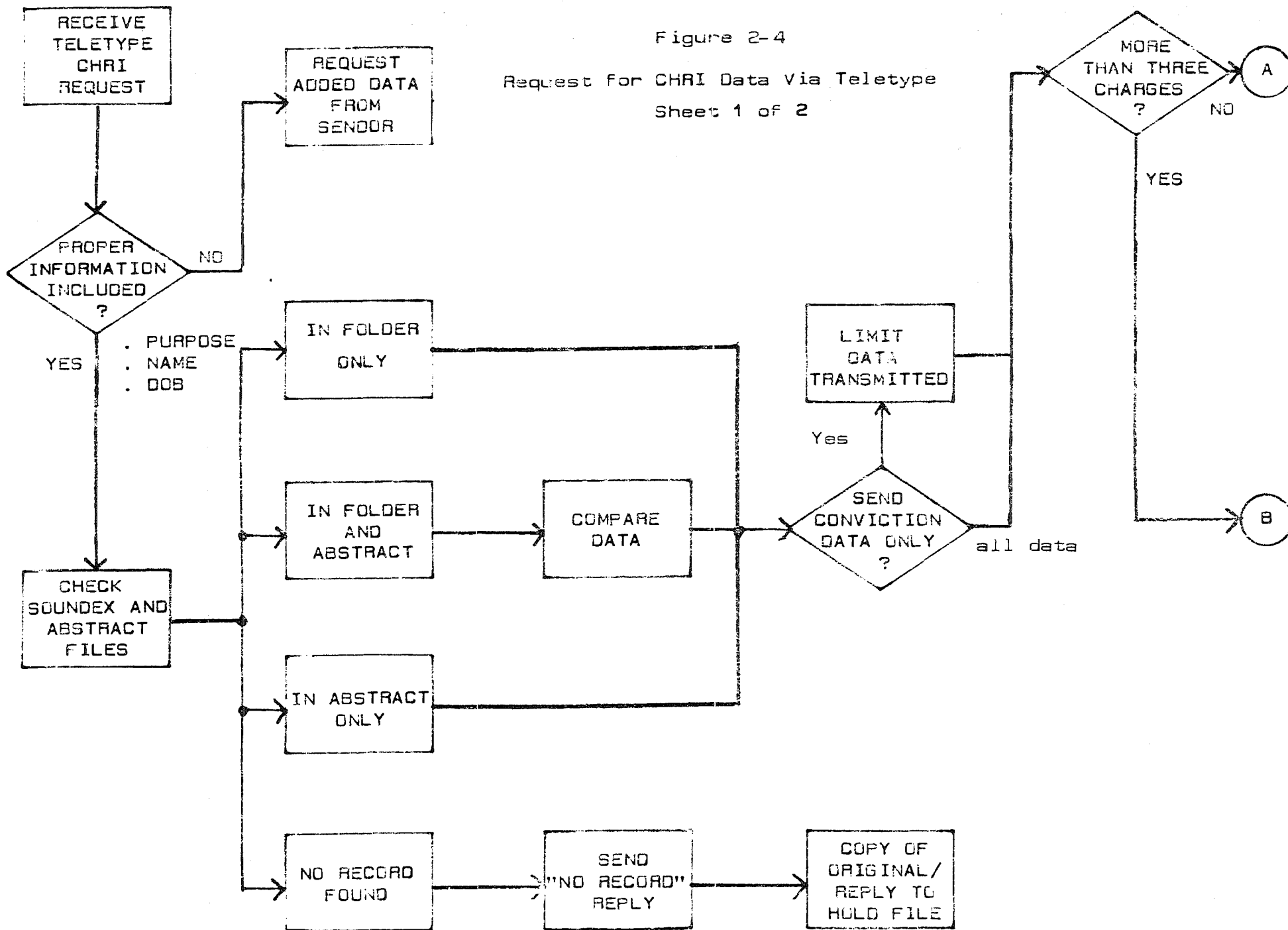
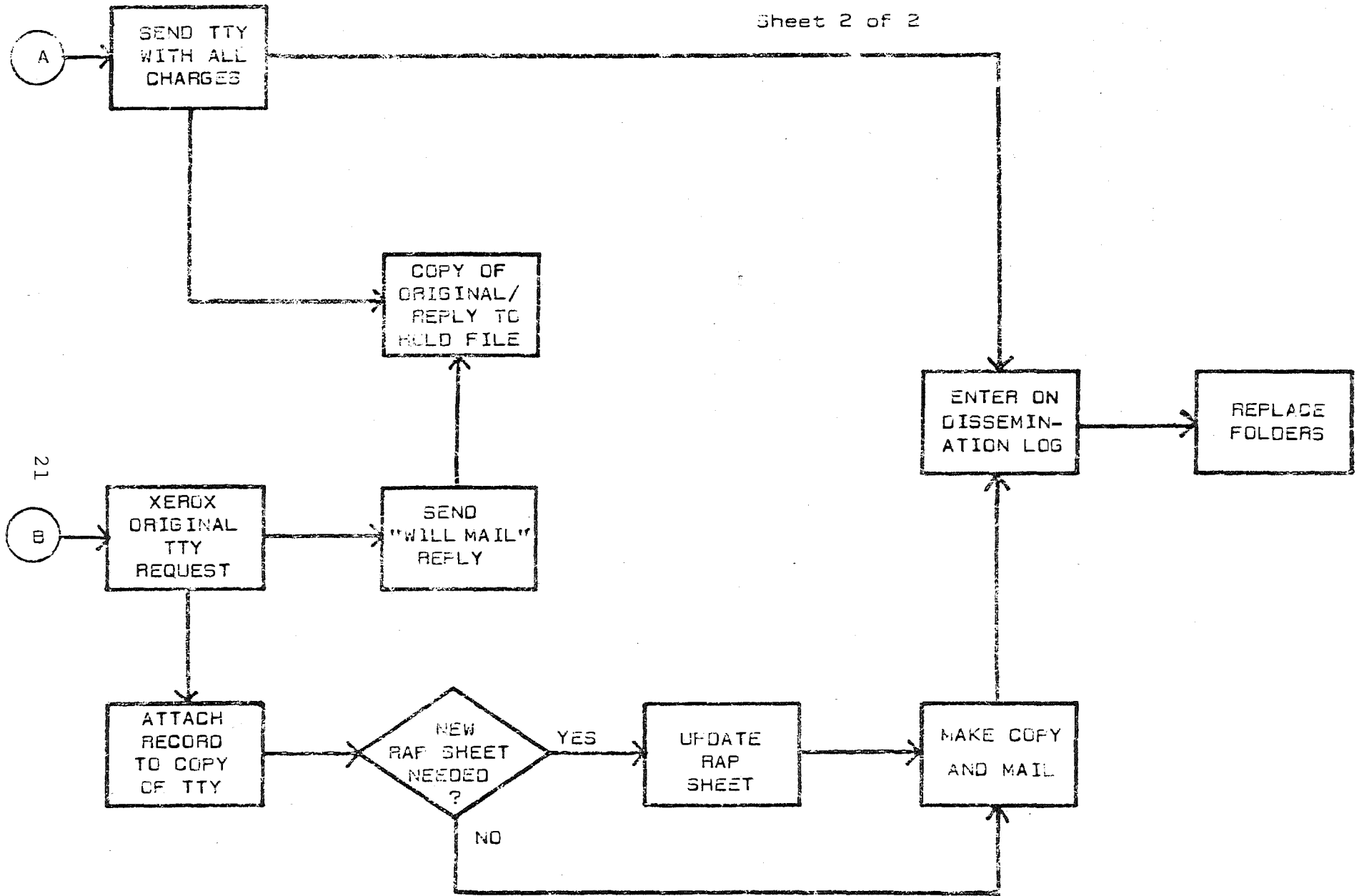


Figure 2-4
Request for CHRI Data Via Teletype
Sheet 2 of 2



reply are placed in a temporary, three month holding file.

If charges are found, and there are three or less charges, all of the charges and dispositions (if known) are sent to the requesting agency. If there are more than three charges the original request is xeroxed and a message sent on the teletype that a copy of the criminal history data will be mailed. At the same time, the copy is used to send data via the mails. If a new or updated rap sheet is necessary, the file is updated. Then, a copy of the original (or updated) rap sheet is mailed to the agency.

The final step is entering the appropriate dissemination information on a dissemination log and all folders which were temporarily removed are replaced.

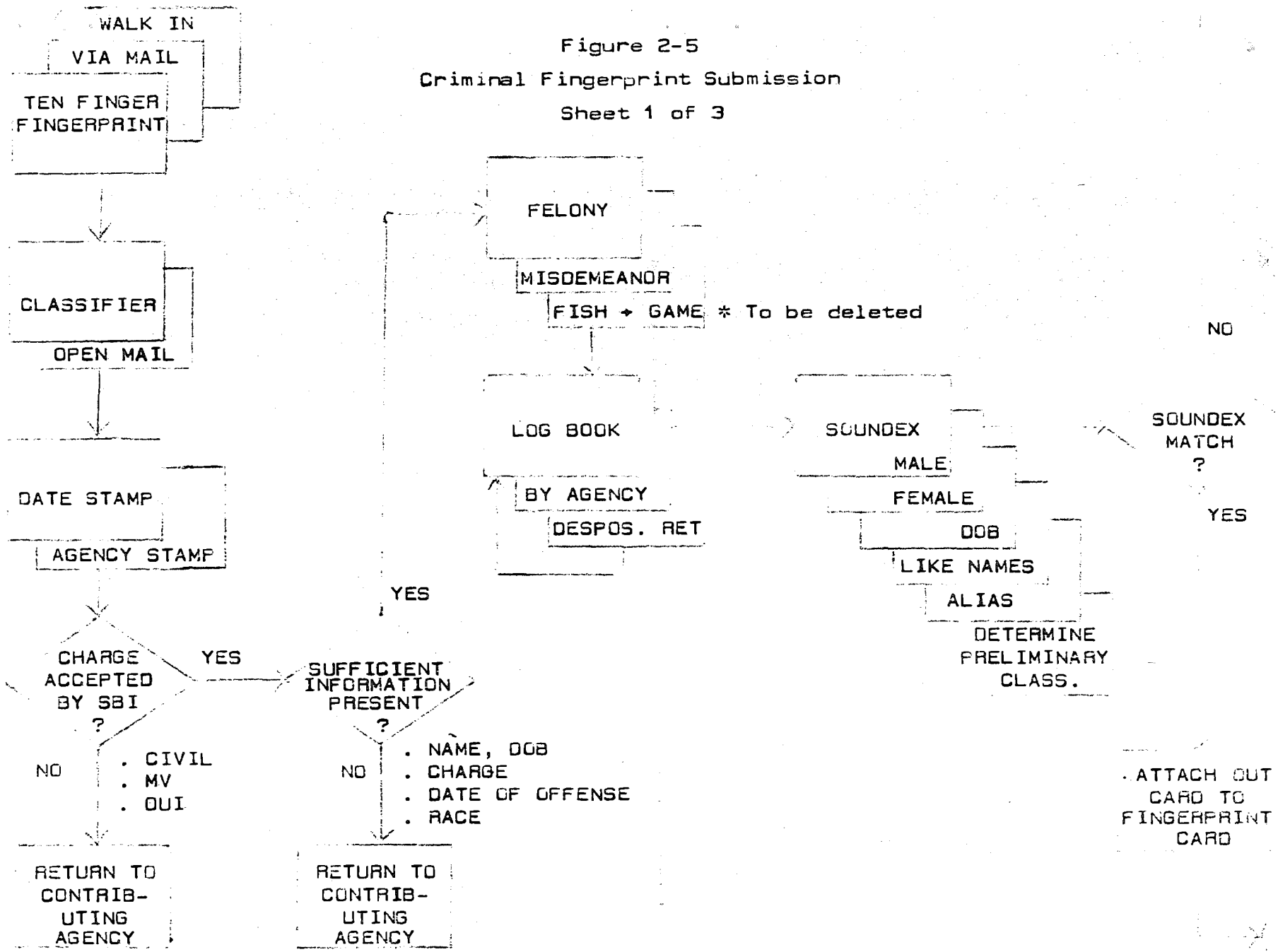
Criminal Fingerprint Submission

When fingerprint cards are received in conjunction with the arrest of an individual, a number of steps must be undertaken to enter this data into SBI files. These steps are illustrated in Figure 2-5, sheets 1 through 3.

Most fingerprints are received by mail, although some are brought in directly. These fingerprint cards are stamped with both the data of receipt and the name of the originating agency.

On occasion, some of the cards received are for charges which are not stored in SBI. These include most juvenile prints; charges which are civil in nature; a motor vehicle violation or OUI charges (Operating under the influence). In this case the submitted cards are returned to the contributing agency.

Figure 2-5
Criminal Fingerprint Submission
Sheet 1 of 3



23

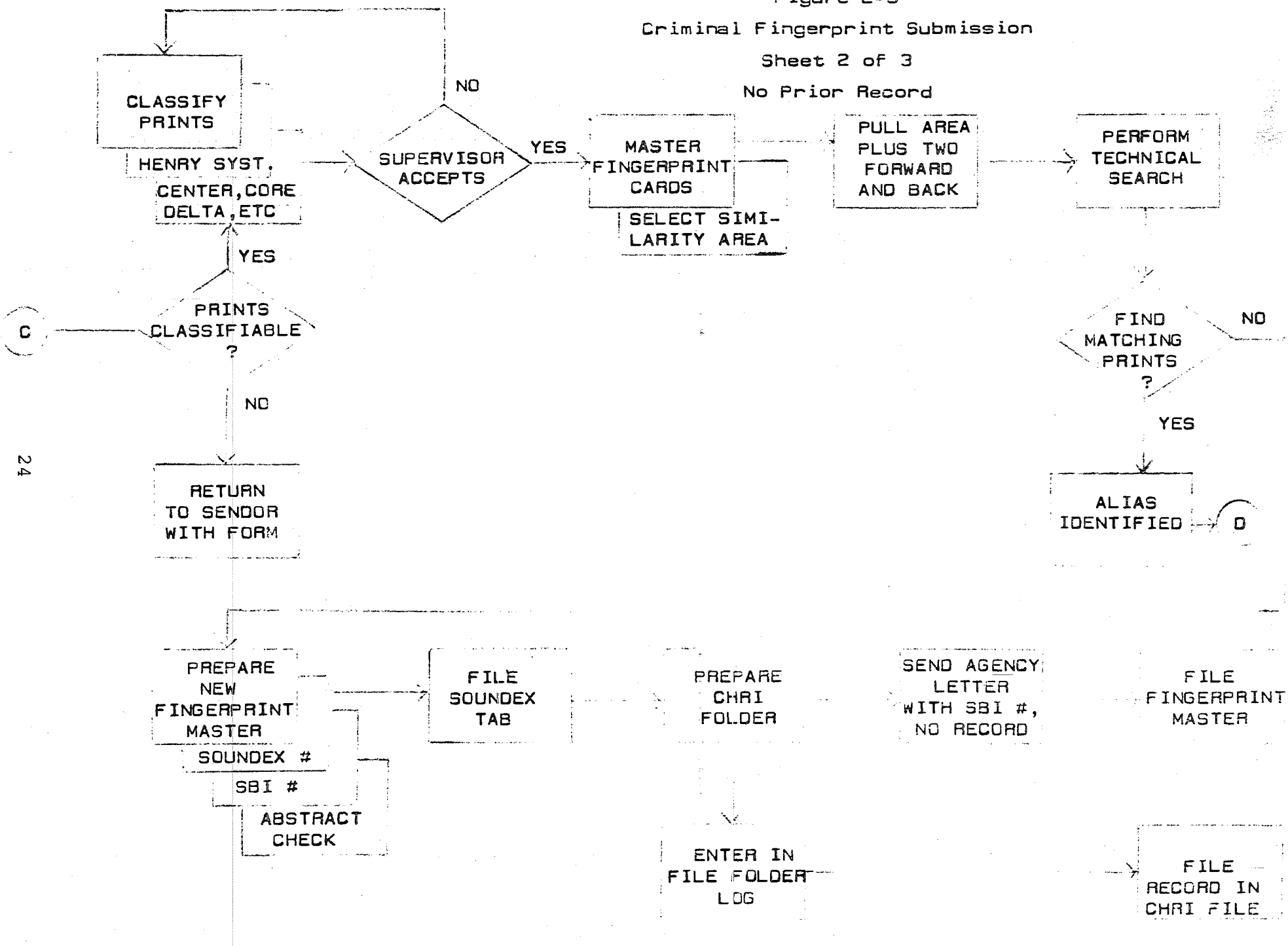
C

D

Figure 2-5
Criminal Fingerprint Submission

Sheet 2 of 3

No Prior Record



C

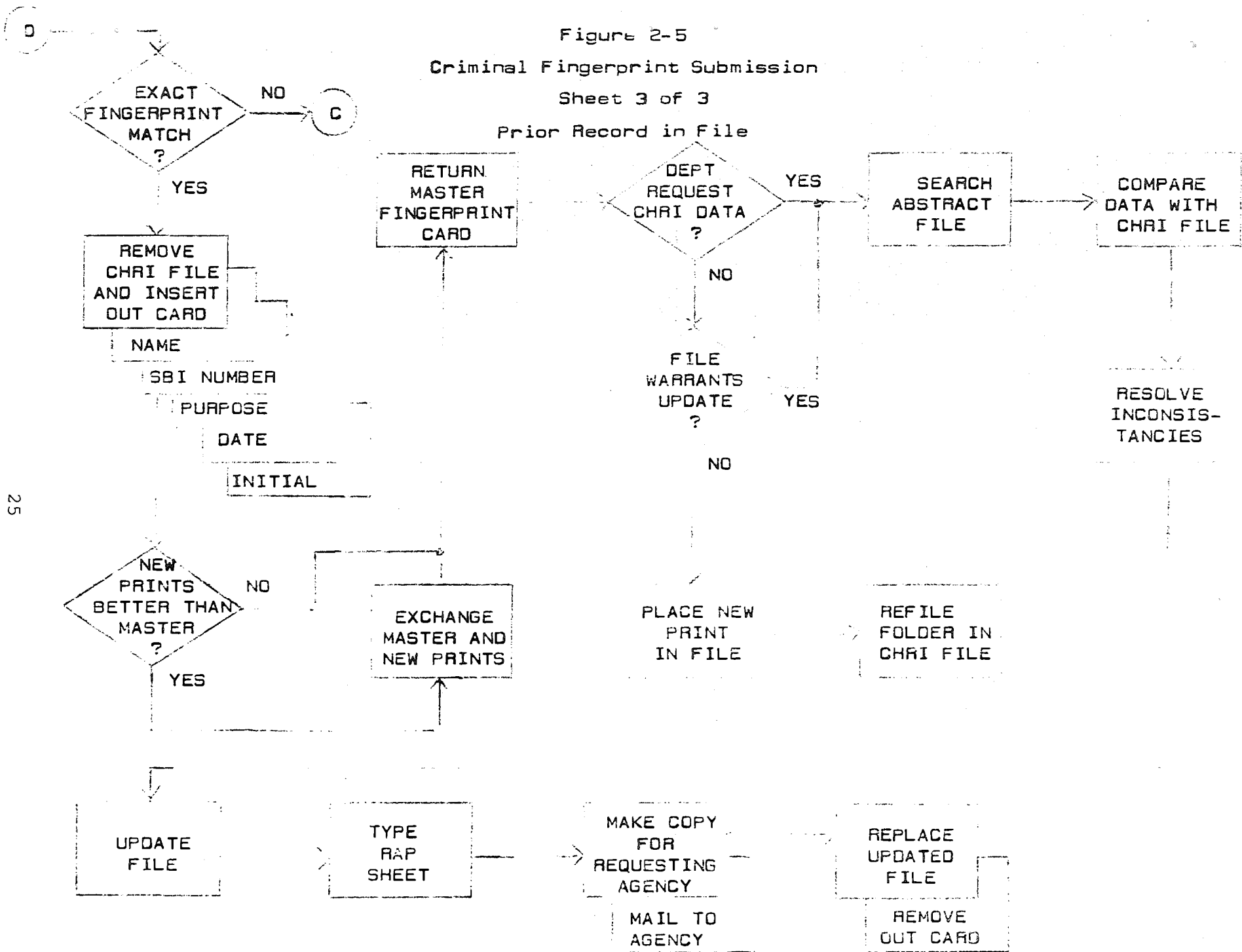
24

Figure 2-5

Criminal Fingerprint Submission

Sheet 3 of 3

Prior Record in File



25

If the charges are of the type to be accepted, but some of the necessary information is missing (name, DOB, charge, date of offense or race), the cards are also returned to the originating agency with a request for additional data.

Once accepted, the cards are entered in a log book, and the Soundex Master Name Index is searched to see if a prior record on the individual is in the files. The next steps taken depend upon whether a Soundex match is found or not. Sheet 2 shows these steps when no record is found via Soundex.

In this case, the prints are classified using the Henry System and a supervisor reviews the classification. (If the print quality is insufficient for classification, the prints are returned to the contributor).

After classification, all prints in the same classification area, as well as prints in nearby areas, are searched (technical Search) to see if the prints are all ready filed under a different name. If matching prints are found, an alias is identified, and fingerprint filing continues as shown on Sheet 3.

If matching prints are not found, a new fingerprint master card is inserted in the files from the newly submitted card. In addition, an entry is made in the Soundex Index file and in the associated log. A letter is then sent to the contributing agency stating that no prior record was found. Finally, both the master fingerprint card and the CHRI record is filed.

If a tentative match is found via Soundex, the steps shown in Sheet 3 are followed. First, the submitted print is compared to the master fingerprint card in the system to ensure that it is an exact match. (If it is not an exact match, the steps shown

on Sheet 2 are followed).

The complete CHRI file folder is temporarily removed and an OUT card inserted. The submitted prints are compared to the Master print card and, if they are superior, the submitted card is made the master.

If the originating department requested CHRI data, or if the file warrants update, the abstract file is searched and any necessary file updates performed. From this a new Rap Sheet is prepared and a copy is sent to the requesting agency.

Finally, the new prints are placed in the existing CHRI folder and the updated files replaced.

Forms Utilized

This section describes all of the forms and letters which are currently utilized by SBI to obtain and or disseminate CHRI data to and from the field.

Fingerprint Cards

There are three different types of fingerprint cards in use. They are furnished by SBI, along with a preaddressed envelope to insure standardization of data supplied.

Exhibit #2 illustrates the basic Criminal Fingerprint Card, also known as a ten finger card. This card should be used by all arresting agencies for each individual that they arrest, unless the agency is positive that a good set of prints is already on file. In that case, they can use the four finger card.

In addition to a complete set of prints (taken individually and four at a time), other information must be supplied with this card. This includes the charge (or charges) made, the place and date of the offense, and various identification and physical descriptor data.

Exhibit #3 shows the reverse side of this same card. Additional space is provided for employer data, photo availability, scars, marks and tattoos, and disposition information, if known at the time of the submission.

Exhibit #4 illustrates the supplemental Criminal Fingerprint Card, also known as the four finger card. This card is used to submit additional charges against an individual, when the agency knows that a good set of prints has all ready been supplied, or to submit final disposition data to SBI by the arresting agency.

CRIMINAL FINGERPRINT RECORD

STATE BUREAU OF IDENTIFICATION, AUGUSTA, MAINE 04330

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|------------------------|--|---|-----------------|----------------------------|------------------------|---------------|---|------|-----------------|------|------------|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| CRIMINAL FINGERPRINT RECORD | | | | | | | SBI Number | | | | | | | | | | | | | | | | | | | | | | | | |
| STATE BUREAU OF IDENTIFICATION, AUGUSTA, MAINE 04330 | | | | | | | Contributing Agency Number | | | | | | | | | | | | | | | | | | | | | | | | |
| Signature of person fingerprinted | | | Last name | | First name | | Middle name | | FBI Number | | | | | | | | | | | | | | | | | | | | | | |
| Signature of official taking fingerprints | | | Contributing Agency | | Nationality | | | Date of Birth: | | | | | | | | | | | | | | | | | | | | | | | |
| Date | | | | | Naturalized <input type="checkbox"/> Alien <input type="checkbox"/> | | | Place of Birth: | | | | | | | | | | | | | | | | | | | | | | | |
| Charge(s) arising from same criminal episode at time of card submission | | | Aliases | | LEAVE BLANK | | | Sex | | Race | Hgt. | Wgt. | Eyes | Hair | Complex. | | | | | | | | | | | | | | | | |
| 1. | | | | | | | | Social Security Number | | Class | | Ref. | | NCIC CLASS | | | | | | | | | | | | | | | | | |
| 2. | | | | | | | | Social Security Number | | Ref. | | Ref. | | | | | | | | | | | | | | | | | | | |
| 3. | | | Social Security Number | | Ref. | | Ref. | | NCIC CLASS | | | | | | | | | | | | | | | | | | | | | | |
| Place(s) and Date(s) of Offense(s) | | | Social Security Number | | Ref. | | Ref. | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. | | | Social Security Number | | Ref. | | Ref. | | NCIC CLASS | | | | | | | | | | | | | | | | | | | | | | |
| 2. | | | Social Security Number | | Ref. | | Ref. | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | | | Social Security Number | | Ref. | | Ref. | | NCIC CLASS | | | | | | | | | | | | | | | | | | | | | | |
| City | | | County | | Ref. | | Ref. | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Right Thumb | | | 2. Right Index | | | 3. Right Middle | | | 4. Right Ring | | | 5. Right Little | | | | | | | | | | | | | | | | | | | |
| 6. Left Thumb | | | 7. Left Index | | | 8. Left Middle | | | 9. Left Ring | | | 10. Left Little | | | | | | | | | | | | | | | | | | | |
| Left four fingers taken simultaneously | | | | | | Left Thumb | | Right Thumb | | Right four fingers taken simultaneously | | | | | | | | | | | | | | | | | | | | | |

Ten Finger Card, Front Side

CRIMINAL FINGERPRINT RECORD

STATE BUREAU OF IDENTIFICATION
MAINE STATE POLICE, AUGUSTA, MAINE 04330

PHOTO AVAILABLE?

YES NO

Status or Final Disposition
At Time of Submission:

INSTRUCTIONS

1. Type or print all information in black ink.
2. Make certain all impressions are legible, fully rolled and classifiable.
3. Note amputation if any in proper finger blocks.
4. Fingerprints are to be submitted directly to SBI.
5. If final disposition not included, forward on form 13:68R-1.
6. All information requested is essential except SBI No., FBI No. and Social Security No. if unknown.
7. Under "Status or Final Disposition" block, include name and date of court.
8. For detailed instructions, refer to current SBI Rules and Regulations pertaining to this form.

EMPLOYER: If U.S. Government, indicate specific agency
If military, list branch of service and serial no.

EMPLOYER'S ADDRESS

OCCUPATION

RESIDENCE OF PERSON FINGERPRINTED

SCARS, MARKS, TATTOOS, AND AMPUTATIONS

REPLY DESIRED?

YES NO

REMARKS:

MISC IDENTIFYING NUMBERS

IF ARRESTED

ARRESTING OFFICER:

Location

Date

TROOP OR

DEPT.

Ten Finger Card, Reverse Side

Exhibit #4

CHECK ONE: CRIMINAL FINGERPRINT ADDITIONAL RECORD
 or
 CRIMINAL FINGERPRINT FINAL DISPOSITION REPORT
 STATE BUREAU OF IDENTIFICATION
 MAINE STATE POLICE, AUGUSTA, MAINE

| | | | | | |
|--|-------------|---------------------------|---|-----------------------------------|---------------|
| Contributing Agency Number | | NAME Last First Middle | | | Date of Birth |
| SBI Number | LEAVE BLANK | | | Residence of Person Fingerprinted | |
| FBI Number | Class | | | | |
| Social Security Number | Ref. | | | | |
| Misc.-Identifying Numbers | NCIC CLASS | | | Signature of Person Fingerprinted | |
| CHARGE(S) ARISING FROM SAME CRIMINAL EPISODE AT TIME OF CARD SUBMISSION: | | | Signature of Official Taking Fingerprints | | |
| | | | Date: | | |
| 1. | | | Name of Official Taking Fingerprints | | |
| | | | Name of Contributing Agency | | |
| 2. | | | Reply Desired? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| | | | IS ARRESTED: | | |
| PLACE(S) AND DATE(S) OF OFFENSE(S) | | | Location | | Date |
| | | | Arresting Officer: | | |
| 3. | | | Troop or Dept. | | |
| | | | Aliases | | |
| Scars, Marks, Tattoos and Amputations | | | Right four fingerprints taken simultaneously | | |
| (City) (County) | | | | | |

Form 13.66 R-1

Four Finger Card

In addition to these two types of criminal fingerprint cards, a non-criminal card (Exhibit #5) is used by agencies taking prints of a non-criminal basis (such as for employment in certain types of occupations). When these prints are received by SBI, agency personnel perform a technical search of the criminal fingerprint file to ensure that the individual does not have a current criminal record.

If it is necessary to return any of these fingerprint cards due to insufficient information or poor prints, or because they do not match other records in the file, a form (Exhibit #6) is returned to the agency with the fingerprint card in question.

Court Abstract

The Court Abstract (Exhibit #7) is sent by each court to the SBI after final disposition of a case. It is a certified copy of part of the court record, and is used by SBI to determine up to date disposition information, if a request for criminal history information is received on an individual.

The Supplemental Abstract (Exhibit #8) is used when there is more information than can be placed on the standard form. In some cases abstracts are received without all of the required data being present.

The Police Departments would like the Court Abstract to contain a box for the original offense number, to help them (and eventually SBI) determine which case has received that disposition. It appears that this could be done.

Request for Criminal History Record Review

SBI has prepared a form (Exhibit #9) to allow individuals to view material in the file about themselves. This form can be

NON-CRIMINAL FINGERPRINT RECORD

STATE BUREAU OF IDENTIFICATION
Augusta, Maine 04330

| | | | | | |
|--|----------------|-----------------|---------------|---|-------|
| Name | | Date of Birth: | | Sex: | Race: |
| Address: | | | | Name of Official taking Fingerprints | |
| | | | | Signature of Official taking prints | |
| Class: | | | | Department | Date |
| Ref: | | | | Signature of person fingerprinted | |
| | | | | | |
| 1. Right Thumb | 2. Right Index | 3. Right Middle | 4. Right Ring | 5. Right Little | |
| | | | | | |
| 6. Left Thumb | 7. Left Index | 8. Left Middle | 9. Left Ring | 10. Left Little | |
| Left four fingers taken simultaneously | | Left Thumb | Right Thumb | Right four fingers taken simultaneously | |
| | | | | | |

Form 13-62-R

Non-Criminal Card



MAINE STATE POLICE
STATE BUREAU OF IDENTIFICATION
AUGUSTA, MAINE 04330

Contributor:

Enclosed notification of arrest/fingerprints are being returned to you because of reasons indicated below:

- Arrest number omitted/not clear/incomplete.
- Date of arrest not given.
- Arrest charge not listed.
- Complete descriptive data omitted.
- Name and signature differ.
- Name not shown at top of print—signature illegible.
- Name of subject missing.
- Date of birth not given/not clear/incomplete.
- Finger impressions not on card.
- Apparently mailed to us by mistake.
- Enclosed print may have been submitted by your office. Please list contributor and return to SBI. If not submitted by your office please advise.
- Indicate correct sex of subject.
- Finger impressions on attached card/s are identical with those on file for subject of attached record; however, the descriptive data on the attached card/s evidently pertain to another individual.
- Descriptive data on attached fingerprint card/s are similar to that on file for subject of attached record; however, finger impressions are not identical.
- Finger impressions are identical with those on file for SBI Number _____ however, name and description are similar to information on file for SBI Number _____ .
A copy of each record is attached.
- Your attention is called to the fact that these prints are not classifiable.

After making appropriate changes or additions, please re-submit.

Encl.

Records Section
State Bureau of Identification

Exhibit #6
Fingerprint Return Notification

STATE OF MAINE
ABSTRACT OF COURT RECORD OF CRIMINAL VIOLATION

| | |
|---|--------------------------------|
| DISTRICT COURT DOCKET NO. | DEFENDANT _____ |
| SUPERIOR COURT DOCKET NO. | ADDRESS _____ |
| COURT LOCATION | CITY or TOWN _____ STATE _____ |
| ARRESTING DEPARTMENT | DATE OF BIRTH _____ |
| OFFENSE(S) CHARGED (Incl. Stat. Ref.) | |
| OFFENSE(S) ADJUDICATED (Incl. Stat. Ref.) | |
| SENTENCE | |
| | DATE OF SENTENCE |
| Form 13:78 (Rev. 3/78) | Clerk of Court _____ |

Exhibit #7

Exhibit #8



GEORGIA BUSINESS FORMS, INC.
BOX 818, SAVON PL., PORTLAND, ME 04101 774-1482 323817-9

STATE OF MAINE
SUPPLEMENTAL ABSTRACT OF COURT RECORD OF CRIMINAL VIOLATION

| | |
|---|--------------------------------|
| DISTRICT COURT DOCKET NO. | DEFENDANT _____ |
| SUPERIOR COURT DOCKET NO. | ADDRESS _____ |
| COURT LOCATION | CITY or TOWN _____ STATE _____ |
| DATE OF BIRTH _____ | |
| OFFENSE(S) CHARGED (Incl. Stat. Ref.) | |
| OFFENSE(S) ADJUDICATED (Incl. Stat. Ref.) | |
| SENTENCE | |
| Form 13:77 | Clerk of Court _____ |



MAINE STATE POLICE
STATE BUREAU OF IDENTIFICATION

36 Hospital Street
Augusta, Maine 04330

REQUEST FOR CRIMINAL HISTORY RECORD REVIEW-INDIVIDUAL/ATTORNEY

I request to review my criminal history record, if any, on file within the State Bureau of Identification.

Name _____ Date of Birth _____

Address _____

Signature _____ Date _____

rt. thumb print

As attorney for the above named individual, I request to review his/her criminal history record, if any, on file within the State Bureau of Identification.

Name of Attorney _____

Address _____

Signature of Attorney _____ Date _____

(SBI USE ONLY)

Type Contact: Person ___ Mail ___ Copy? Yes ___ No ___
Employee handling request _____

All requests for copies of criminal history record information provided to non-criminal justice agencies will require a \$3.00 fee payable at the time of request. Please make all checks payable to the TREASURER, STATE OF MAINE.

submitted by the individual, or by his attorney, to SBI to review appropriate material. If mistakes are found in an individuals file, provision is made to recheck and correct erroneous data.

There is a \$3.00 fee for this service, and the thumbprint of the individual whose record is being reviewed must be placed on the form. This print may be taken by SBI or by the Attorney.

Criminal Record Sheet (RAP Sheet)

This form (Exhibit #10) is used by SBI to respond to criminal justice agencies requests for Criminal History information on an individual, if a record is found. It may also be used to show only conviction data, if that is requested by an individual. The name and address listed on this form is the most recent address available to SBI from their files.

Exhibit #11 is a second sheet for use in cases where the record overflows one page.

Before any of these sheets are mailed out, SBI checks their files and prepares what updates are necessary. This is one reason why these sheets cannot be returned immediately upon request by an agency.

Teletype Responses

When a request for data comes in by teletype, one of the three types of responses shown in Exhibits #12 to #14 are sent back. Exhibit #12 illustrates the type of response sent when no record is found. Exhibit #13 illustrates a response with 1 to 3 records in the file, and Exhibit #14 illustrates the response used when multiple records are included in the file. In this case, a Criminal Record Sheet (Exhibit #10) is mailed out to save time in teletyping a response.

State Bureau of Identification
Maine State Police
Augusta, Maine

Name and Residence
as Listed in SBI Files:

USE OF, ACCESS TO AND
THE TRANSMISSION OF
INFORMATION CONTAINED
IN THIS SBI RECORD IS
REGULATED BY LAW.

Date of Birth:
Place of Birth:
SBI NUMBER:
FBI NUMBER:

| CONTRIBUTOR OF FINGERPRINTS | NAME AND CASE NUMBER | DATE ARRESTED | OFFENSE(S) CHARGED AND DATE | DISPOSITION AND DATE |
|-----------------------------|----------------------|---------------|-----------------------------|----------------------|
| | | | | |

*REPRESENTS NOTATIONS UNSUPPORTED BY FINGERPRINTS IN STATE BUREAU OF IDENTIFICATION FILES

SBI record sheets do not include the following past or present offenses: Title 29 M.R.S.A. motor vehicle offenses (contact the Secretary of State Motor Vehicle Division for this information); Title 12 M.R.S.A. marine resources offenses (contact the Department of Marine Resources for this information); and Title 12 M.R.S.A. inland fish and wildlife offenses (contact the Department of Inland Fisheries and Wildlife for this information). Further, SBI record sheets do not include certain unrelated offenses reflecting conduct no longer treated in Maine as criminal. A list of such latter offenses is available upon request from this Bureau.

| CONTRIBUTOR OF " FINGERPRINTS | NAME AND CASE NO | DATE ARRESTED | OFFENSE(S) CHARGED AND DATE | DISPOSITION AND DATE |
|----------------------------------|------------------|------------------|--------------------------------|----------------------|
| | | | | |

Exhibit #11

CR.MESPSBI00.ME0060800.

TXT

0180 FILE 15 SP AUGUSTA, MAINE MESPSBI00 011481 - REPLY
TO PD WINTHRCP MAINE

REF YOUR MSG 014 FILE DTD 011281 - CRIMINAL RECORD CHECK

JOHN DOE DOE/070657 - SUBJECT HAS NO RECORD SBI FILES

AUTH R.WAGNER SBI BROWN 1536EST
END

Exhibit #12

CR.MESPSBI00.ME0060800.

TXT

0180 FILE 15 SP AUGUSTA, MAINE MESPSBI00 011481 - REPLY
TO PD WINTHRCP MAINE

REF YOUR MSG 214 FILE DTE 011281 - CRIMINAL RECORD CHECK

JOHN DOE DOE/070657 - SUBJECT HAS RECORD AS FOLLOWS:

012379 ASSAULT - 042379 3 DAYS KENNEBEC COUNTY JAIL

AUTH R.WAGNER SBI BROWN 1536EST
END

Exhibit #13

CR.MESPSEI20.ME0060800.

TXT

0180 FILE 15 SP AUGUSTA, MAINE MESPSBI20 011481 - REPLY
TO PD WINTHRCP MAINE

REF YOUR MSG 014 FILE DTD 011281 - CRIMINAL RECORD CHECK

JOHN DOE DOE/070657 - SUBJECT HAS RECORD - COPY WILL BE
MAILED

AUTH R.WAGNER SBI BROWN 1536EST
END

Exhibit #14

This has been questioned as to whether it actually saves SBI time or not. In any case, it contributes to delays in the requesting agency receiving the needed data.

Other Forms

Exhibit #15 is used by a Criminal Justice agency to request data on an individual by name and date of birth. If no record is found, Exhibit #16 is returned.

Exhibit #17 is used after a technical search has been made against fingerprints submitted and no match was found.



DEPARTMENT OF PUBLIC SAFETY

MAINE STATE POLICE

STATE BUREAU OF IDENTIFICATION

As authorized by 16 MRSA C. 3 Sub C. VIII section 615, I request all conviction data on file within the State Bureau of Identification on the person listed below.

NAME _____ DATE OF BIRTH _____
ADDRESS _____

PERSON INQUIRING _____
ADDRESS _____
SIGNATURE _____ DATE _____

SBI USE ONLY

TYPE OF CONTACT _____ COPY? YES ___ NO ___
PERSON _____ MAIL _____ EMPLOYEE INITIAL _____

All requests for copies of criminal history record information provided to non-criminal justice agencies will require a \$3.00 fee payable at the time of request. Please make all checks payable to the TREASURER, STATE OF MAINE. Return this form along with fee to: *State Bureau of Identification, Maine State Police, 36 Hospital Street, Augusta, Maine 04330.*

Exhibit #15
Request for Conviction Data



MAINE STATE POLICE
36 HOSPITAL STREET
AUGUSTA, MAINE 04330

Re:

To Whom it may Concern:

Please be advised that a search of the name indexes on file in the State Bureau of Identification, Maine State Police, Augusta, Maine reveals no criminal history record information under the name of

Sincerely,

Robert E. Wagner, Jr., Director
State Bureau of Identification
Maine State Police
Augusta, Maine 04330

REW/

Exhibit #16
No Record by Name



MAINE STATE POLICE
36 HOSPITAL STREET
AUGUSTA, MAINE 04330

Dear Sir:

*Referring to fingerprints forwarded by you,
please be advised that a search of the files
at the State Bureau of Identification shows no
previous criminal record against the following:*

Exhibit #17

No Record by Print

Uses and Users of CHRI

The criminal history record information collected by the Identification Division is very important to both the user and the individual involved. Once an individual is in the file, the information can be used in many ways, (and is, if the 1983 figure of over 47,000 inquiries is any indication). This compares with 21,557 in 1977 and shows the expanded use of this file.

It provides extensive and vital information as authorized by law, as follows:

1. Criminal Investigation - All Federal, State, County and Local Agencies

- a. Inquiries are received on routine criminal arrests to determine if further investigation of the individual might be necessary on other crimes.
- b. Suspects in crimes - individuals suspected of being involved in crimes or on the perimeter of an investigation.
- c. Fingerprints of unknown bodies are classified and checked for identification.

2. Criminal Justice Employment

- a. All agencies of Criminal Justice, including law enforcement, courts, corrections, prosecutors, and related agencies can access SBI files for employment purposes.

3. Latent Fingerprint Resource

- a. Fingerprints detected at crime scenes and turned over to the State Police Laboratory are matched with

suspect fingerprints from SBI.

4. Courts

- a. Jury lists are routinely submitted by District Attorneys for court use.
- b. 1978 law provides that a judge shall be furnished the criminal background by SBI on an individual before he is sentenced on Title 17-A, A, B, or C criminal violations. Failure for this to be provided could result in a serious violator being released to once again trigger the Criminal Justice System with a new crime, victim and subsequently costly investigation.

5. Corrections

- a. Provides valuable background to administrators for placement, rehabilitation consideration and security.

6. District Attorneys

- a. Respondent background checks
- b. Witness background checks

7. Probation and Parole

- a. Probation and Parole records can be flagged by request. Any arrests of these subjects forwarded to SBI results in notification to the proper authorities.

8. Military Inquiries

- a. Enlistments in any branch of the military service.
(no juvenile records)
- b. Defense investigations material is used for top secret and security clearances in sensitive government employment and placement.

9. State and Federal Licensing Regulations
 - a. Any specific regulations for background checks in licensing such as private detectives, liquor licensing and certain other occupational requests.
10. Individual Requests for Own Records
 - a. A process to comply with an individual's right to review and verify his record exists. He may suggest corrections and his record must be reviewed to see if there are any errors. If not satisfied with the results, the individual may appeal to the head of the agency and to the court system.
11. Passports
 - a. Provide for passport clearance checks.
12. All Federal Agencies Authorized by Federal Law
 - a. FBI
 - b. Alcohol Tobacco & Firearms
 - c. DEA (Drugs)
 - d. Secret Service - extensive check when the President of the U.S. and the family are in the state for their protection..This also applies to others under Secret Service protection.
 - e. I.R.S.
 - f. Postal Inspectors, Customs, Etc.
13. Attorney General's Office
 - a. Murder investigations
 - b. Other investigations
14. Court Orders
 - a. Judge may order access to SBI system.

15. Concealed Weapon Law
 - a. Dramatic increase in requests as a result of this law.
16. Human Services
 - a. Child abuse cases
17. Special studies by contract by non-criminal justice agencies and by criminal justice agencies
 - a. Special contract, approved by the Attorney General, permits studies to determine a variety of trends, recidivisms, etc.
18. Pardons
 - a. Making information available to the Pardon Board for decisions.
19. Conviction Information to any Person for any Reason
 - a. This is the fastest growing of inquiries. Used primarily for employment purposes.
 - b. Expected to expand further as people become aware of the 1979 law permitting this (Title 16, Subchapter VIII, Sec. 611-622).
20. Any further uses as determined by the State Legislature

Privacy and Security Considerations

Privacy is often described as the right to be left alone; to be free from interference by others. Privacy is not an absolute right. No one can insist on privacy in every situation. The public's interest in disclosure must be weighed against an individual's interest in preventing disclosure.

Public records as commonly defined are those records which an agency makes or receives in the course of performing its official duties. They are open to public inspection. They allow citizens to find out what public agencies are doing. The physical form of a record does not change its character as a public document. It may be written on a printed form, handwritten, typed, microfilmed, stored on computer tape, a computer printout or in any other form.

Criminal history records, compilations of an individuals arrests and their dispositions, are based on information in public records.

Before the computer age people were not too concerned about record systems. Information in manual public record files were not easy to find. Now, computers make the same information accessible. As a result, both the legislature and the courts have begun to give increased attention to the accuracy, availability, use, and security of criminal history records in terms of the individual's entitlement to privacy.

Laws creating state identification bureaus and criminal history systems generally restrict record dissemination outside of criminal justice. This is true in Maine with the exception of conviction information which is available to anyone for any reason.

The original criminal history record law enacted in 1975, (Title 16, Chapter 3, Sub. Chapter VII) and which was repealed in 1979, created a great deal of confusion. The penalty for improper dissemination was a Class E Crime and some law enforcement agencies responded by greatly restricting all of their records. The result was that Governor Joseph Brennan (at that time Attorney General) developed and made available guidelines for the use of criminal justice agencies.

The news media greatly resented the lack of access to criminal history record information and considerable other information that they had previously enjoyed. In 1979 their efforts were rewarded with the repeal of the 1975 CHRI law and it was replaced with the new 1979 criminal history record information act that clarified many privacy issues and opened up conviction information to anyone for any reason.

For the SBI this law was a mixed blessing. While it was well written and clarified the previous law, it made certain changes that rendered obsolete some of the clean up of records that had taken place within the past two years. This work is continuing under the new law.

If you consider that each individual's record may contain conviction information, non-conviction information and possibly juvenile records, you can appreciate the dissemination problems

when all sections are controlled by different laws with different requestors entitled to different information. This is an everyday problem for the personnel in SBI. They must review each record and make sure what they disseminate is according to existing law.

This also means that each record must be reviewed individually before being placed into a computer with the various types of information properly coded. A criminal justice agency would receive different information than other agencies or individuals that are entitled to only certain information authorized by law.

Once the information is in the computer, properly coded, it should make it easier to adjust to law changes with new programming instructions.

Privacy and security laws vary from state to state depending on how conservative or liberal the state may be in this respect. It has and still presents problems in the interstate dissemination of CHRI and will continue to do so until a common denominator is fully established nationally.

QUESTIONNAIRE - Please return to State Bureau of Identification in enclosed envelope.

1.) Agency Name: _____

2.) Agency Address: _____

3.) Name of Person Completing Survey: _____ Phone: _____

4.) At what level is your Agency/Department automated?

Full _____ Partial _____ If not at all go to #12

5.) Do you use a computer located: .

Within your agency _____ Shared-location elsewhere _____

If you share a computer, with whom and where?

If shared system go to #12

6.) What kind of computer(s) do you have? _____

7.) How many of the following do you have?

Terminals: _____

Printers: _____

Modems: _____

8.) Does your computer have the ability to communicate with other machines in the state?

Yes _____ No _____

9.) What are you currently using your computer for (applications)?

Business: _____

Data Processing: _____

Word Processing: _____

Other: (Please specify) _____

10.) Who has overall responsibility for the operation of your computer system?

Name: _____

Phone: _____

11.) Would you please send a copy of the types of information you currently are capturing on your system.

12.) Does your Agency/Department have access to the teletype for Criminal History Record Information from the State Bureau of Identification?

Yes _____ Yes through another agency _____ No _____

If yes through another agency please give name of the agency

13.) Would your Agency/Department find it desirable to be able to obtain automated complete Criminal History Record Information from the State Bureau of Identification?

Yes _____ No _____

14.) Does your Agency/Department intend to automate some or all of its functions within the next five years?

Yes _____ No _____ Unknown _____

15.) If you are going to automate could you explain briefly what it is you would like to be able to do.

16.) Do you maintain a manual CHRI System? Yes _____ No _____

17.) Please give us the name of the individual responsible for your manual CHRI system.

Name: _____

Address: _____

Phone: _____

18.) Comments:

Questionnaire Summary

The State Bureau of Identification mailed surveys to the 147 Police and Sheriffs Departments throughout the State of Maine. Of these 147 surveys, 121 were completed and returned for a return rate of 82%. The results of this survey are as follows:

Only 14 departments stated that they had either full or partial automation. All the remaining departments stated that they were not automated. It should be pointed out that the availability of a teletype within an agency was not considered "computer" access as this question is addressed later in the questionnaire. Data General was the most common police computer with Kaypro the second choice. This does not mean to say that Data General is the principle computer for police work as there are only 14 computers listed in the survey.

A very important consideration for any effort to automate the CHRI of police is their (the police) willingness to cooperate with other agencies on the sharing of resources. As can be seen from the survey, many departments currently share either a computer or a teletype with other departments. The agencies surveyed all stated that there were no problems with the sharing of information or accessing another's system.

All the computers in use do have the capability of communicating with outside computers. The only requisite is the purchase of modems and the software for computer emulation. This is available for all the current systems in use and also for those systems currently in the planning stages.

Sixty departments stated that they had direct access to the State Police teletype through their own departments. Fifty-nine departments indicated an indirect access to the teletype through an outside agency (commonly the Sheriff's Department or their local State Police Troop). These 59 departments all stated that there were no problems in accessing the teletype through these "other" agencies. Only two departments stated they had no access to the teletype. This indicates that 119 of 121 departments responding (98%) could take advantage of an automated CHRI today, if the system existed.

With respect to the need for an automated CHRI, 115 of the 121 agencies (95%) stated that they would very much like an automated CHRI and that they could/would use such a system if it were in place.

Forty-four departments expressed their plans to automate some of their departmental functions within the next five years. Many of these will be automating within two years. The most common use of automation is for CHRI followed by record keeping and budget work. The UCR program was frequently cited as another item for automation. Sixty departments stated that they were "Undecided" as to automating their departments. Of some importance is the fact that many of these agencies stated that they would like to automate, but their only holdback was money.

Of final note from the survey, 97 departments (80%) stated that they currently maintain manual CHRI systems on their local people. This is noteworthy in that, if there were a central repository of automated CHRI available, it would be unnecessary

for these agencies to maintain their manual files, thus allowing them the opportunity to spend their time on other police business.

QUESTION NUMBER

| DEPARTMENTS | #4 | #5 | #6 | #8 | #12 | #13 | #14 | #15 | #16 |
|-----------------|----|----|----|----|-----|-----|-----|-----------------------|-----|
| ALLAGASH | | | | | 2 | N | ? | | N |
| ASHLAND | | | | | 2 | Y | N | | Y |
| AUBURN | | | | | 1 | Y | Y | NOT SPECIFIED | Y |
| AUGUSTA | | | | | 1 | Y | Y | COMPREHENSIVE | Y |
| BAILEYVILLE | | | | | 2 | Y | ? | | Y |
| BANGOR | P | 1 | 1 | Y | 1 | Y | Y | TRAFFIC, MANAGEMENT | Y |
| BAR HARBOR | | | | | 2 | Y | Y | TELETYPE | Y |
| BATH | | | | | 1 | Y | Y | RECORD KEEPING | Y |
| BELFAST | | | | | 2 | Y | ? | | Y |
| BERWICK | | | | | 2 | Y | ? | | Y |
| BIDDEFORD | | | | | 1 | Y | Y | ACCIDENTS, COMPLAINTS | Y |
| BOOTHBAY HARBOR | | | | | 2 | Y | ? | | Y |
| BREWER | P | 2 | 1 | Y | 1 | Y | Y | NOTHING SPECIFIED | Y |
| BROWNVILLE | | | | | 2 | Y | Y | | Y |
| BRUNSWICK | | | | | 1 | Y | Y | POSSE | Y |
| BUCKSPORT | | | | | 2 | Y | — | | Y |
| BUXTON | | | | | 2 | Y | Y | DMV | |
| CALAIS | | | | | 1 | Y | Y | WORD PROCESSING | Y |
| CAMDEN | | | | | 2 | Y | ? | | Y |
| CAPE ELIZABETH | P | 1 | | Y | 1 | Y | Y | WORD PROCESSING | Y |
| CARIBOU | P | 1 | | Y | 1 | Y | ? | | Y |
| CUMBERLAND | | | | | 2 | Y | Y | RECORD KEEPING | Y |
| DEXTER | P | 2 | | Y | 2 | Y | ? | | Y |
| DIXFIELD | | | | | 2 | Y | Y | | Y |
| DOVER-FOXCROFT | | | | | 2 | Y | ? | | Y |
| EASTPORT | | | | | 2 | Y | ? | | Y |
| ELLSWORTH | | | | | 1 | Y | ? | | Y |
| FAIRFIELD | | | | | 2 | Y | Y | CHRI | Y |
| FALMOUTH | | | | | 1 | Y | ? | | Y |
| FARMINGTON | | | | | 1 | Y | Y | RECORD KEEPING | Y |
| FORT FAIRFIELD | | | | | 2 | Y | ? | | Y |
| FORT KENT | | | | | 2 | Y | ? | | |
| FREEPORT | | | | | 2 | Y | ? | | Y |
| FRIENDSHIP | | | | | 2 | Y | ? | | Y |
| FRYEBURG | | | | | 2 | Y | ? | | |
| GARDINER | | | | | 1 | Y | Y | NOT SPECIFIED | Y |
| GORHAM | | | | | 1 | Y | Y | CHRI | Y |
| HALLOWELL | | | | | N | Y | ? | | Y |
| HAMPDEN | | | | | 1 | Y | ? | | |
| HANCOCK | | | | | 2 | Y | Y | | |
| HOULTON | | | | | 1 | Y | ? | | Y |
| HOWLAND | | | | | 2 | Y | Y | | Y |
| JAY | | | | | 2 | Y | Y | | Y |
| KENNEBUNK | P | | 2 | Y | 1 | Y | — | | Y |
| KENNEBUNKPORT | | | | | 1 | Y | ? | | Y |
| KITTERY | | | | | 1 | Y | Y | | Y |
| LEBANON | | | | | 2 | Y | ? | | |
| LEWISTON | P | 2 | | Y | 1 | Y | Y | POSSE, IMIS | Y |
| LIMESTONE | | | | | 2 | Y | ? | | |
| LINCOLN | | | | | 2 | Y | ? | | |
| LISBON | P | 2 | | Y | 1 | Y | Y | CHRI | Y |

| DEPARTMENTS | #4 | #5 | #6 | #8 | #12 | #13 | #14 | #15 | #16 |
|-----------------------|----|------|----|----|-----|-----|-----|------------------|-----|
| LUBEC | | | | | 2 | Y | ? | | |
| MACHIAS | | | | | 1 | Y | ? | | Y |
| MADAWASKA | | | | | 2 | Y | ? | | Y |
| MADISON | | | | | 1 | Y | ? | | Y |
| MATTAWAMKEAG | | | | | 2 | | | | |
| MEDWAY | | | | | 2 | Y | ? | | Y |
| MECHANIC FALLS | | | | | 2 | Y | ? | | Y |
| MEXICO | | | | | 2 | Y | ? | | Y |
| MILLINOCKET | | | | | 2 | Y | ? | | |
| MILO | | | | | N | Y | ? | | |
| NEWPORT | | | | | 2 | Y | Y | ARRESTS | Y |
| NORRIDGEWOCK | | | | | 2 | Y | ? | | |
| NORTH BERWICK | | | | | 2 | Y | ? | | Y |
| NORTHEAST HARBOR | | | | | 2 | Y | ? | | Y |
| NORWAY | | | | | 2 | Y | Y | CHRI, RECORDS | Y |
| OGUNQUIT | | | | | 1 | Y | ? | | Y |
| OLD TOWN | F | 2 | 1 | Y | 1 | Y | | | Y |
| ORONO | P | 1 | 1 | Y | 1 | Y | Y | ALARMS, TRAINING | Y |
| OXFORD | | | | | 2 | Y | ? | | |
| PARIS | | | | | 2 | Y | | | Y |
| PENOBSCOT INDIAN | F | 2 | 1 | Y | 2 | Y | ? | | |
| PLEASANT POINT PLANT. | | | | | 2 | Y | ? | | Y |
| PORTLAND | P | 2 | | Y | 1 | Y | ? | | Y |
| PRESQUE ISLE | | | | | 1 | Y | Y | CHRI | Y |
| PRINCETON | | | | | 2 | Y | Y | COMMUNICATIONS | |
| RICHMOND | | | | | 2 | Y | ? | | Y |
| ROCKLAND | | | | | 1 | Y | Y | STOLEN PROPERTY | Y |
| ROCKPORT | | | | | 2 | Y | ? | | |
| RUMFORD | | | | | 1 | Y | ? | | Y |
| SABATTUS | | | | | 2 | Y | ? | | |
| SACO | | | | | 1 | Y | Y | BUDGET | Y |
| SANFORD | | | | | 1 | Y | Y | RECORD KEEPING | Y |
| SCARBORO | | | | | 1 | Y | Y | NOT SPECIFIED | Y |
| SEARSPORT | | | | | 2 | Y | | | |
| SKOWHEGAN | | | | | 1 | — | — | | Y |
| SOUTH BERWICK | | | | | 1 | Y | Y | NOT SPECIFIED | Y |
| SOUTH PORTLAND | | | | | 1 | Y | Y | CHRI | Y |
| SOUTHWEST HARBOR | | | | | 2 | Y | | | |
| THOMASTON | | | | | 2 | Y | ? | | Y |
| TOPSHAM | | | | | 1 | Y | Y | BUDGET | Y |
| U.M. ORONO | P | BOTH | * | Y | 1 | | ? | | |
| VAN BUREN | | | | | 2 | Y | ? | | Y |
| VEAZIE | P | 2 | | Y | 2 | Y | Y | CHRI | Y |
| WALDOBORO | | | | | 2 | Y | ? | | |
| WASHBURN | | | | | 2 | Y | Y | RECORD KEEPING | Y |
| WATERVILLE | | | | | 1 | Y | ? | | Y |
| WELLS | | | | | 2 | Y | ? | | Y |
| WESTBROOK | | | | | 1 | Y | Y | CHRI | Y |
| WILTON | | | | | 2 | — | ? | | Y |
| WINDHAM | | | | | 1 | Y | Y | RECORDS, UCR | Y |
| WINSLOW | | | | | 1 | Y | ? | | Y |
| WINTHROP | | | | | 1 | Y | Y | NOT SPECIFIED | Y |

| DEPARTMENTS | #4 | #5 | #6 | #8 | #12 | #13 | #14 | #15 | #16 |
|-------------------|----|----|----|----|-----|-----|-----|----------------------|-----|
| WISCASSET | | | | | 2 | Y | Y | CHRI, UCR | Y |
| YARMOUTH | | | | | 1 | Y | Y | UCR, STOLEN PROPERTY | Y |
| YORK | | | | | 1 | Y | Y | RECORD KEEPING | Y |
| ANDROSCOGGIN S.O. | | | | | 1 | Y | Y | CHRI | Y |
| AROOSTOOK S.O. | | | | | 1 | Y | | | Y |
| CUMBERLAND S.O. | | | | | 1 | - | ? | | Y |
| FRANKLIN S.O. | | | | | 1 | Y | ? | | Y |
| HANCOCK S.O. | | | | | 1 | Y | Y | JAIL RECORDS | Y |
| KENNEBEC S.O. | | | | | 1 | Y | Y | NOT SPECIFIED | Y |
| KNOX S.O. | | | | | 1 | Y | Y | STOLEN PROPERTY | Y |
| LINCOLN S.O. | | | | | 1 | Y | Y | CHRI | Y |
| OXFORD S.O. | | | | | 1 | Y | ? | | Y |
| PENOBSCOT S.O. | | | | | 1 | Y | | | Y |
| PISCATAQUIS S.O. | | | | | 1 | Y | ? | | Y |
| SAGadahoc S.O. | | | | | 1 | Y | ? | | Y |
| WALDO S.O. | | | | | 1 | Y | ? | | Y |
| WASHINGTON S.O. | | | | | 1 | Y | ? | | Y |
| YORK S.O. | | | | | 1 | Y | Y | RECORD KEEPING | Y |

#4 P = PARTIAL AUTOMATION
 F = FULL AUTOMATION
 BLANK = NO AUTOMATION

#5 1 = IN HOUSE COMPUTER
 2 = SHARED COMPUTER ELSEWHERE

#6 1 = DATA GENERAL
 2 = KAYPRO
 BLANK = NOT SPECIFIED

#8 Y = YES - COMMUNICATION CAPABILITY

#12 1 = TELETYPE ACCESS WITHIN THE DEPARTMENT
 2 = TELETYPE ACCESS THROUGH ANOTHER DEPARTMENT
 N = NO TELETYPE ACCESS

#13 Y = YES
 - = NO RESPONSE
 BLANK = NO

#14 Y = YES
 ? = UNKNOWN
 BLANK = NO
 - = NO RESPONSE

#16 Y = YES
 BLANK = NO

State and Local Criminal Justice Agencies

The Department of Corrections has been collecting information on their inmates since the inception of the Department. This information has been collected and stored manually. There are numerous problems associated with this kind of record keeping. Among these are: retrieval of information is often slow and cumbersome, duplication of information is common, and the actual size of the storage files are generally massive. These are but three examples of many.

The Department has recognized this problem and has sought methods of remedying this situation. During the last Legislative session, the Department was awarded \$60,000 to begin to automate its inmate records. This process is time consuming, but necessary, in that extreme care must be given to determining these items of greatest importance. This is critical if the Department is to have an information system in place which will yield the greatest amount of usable data. A partial listing of the inmate data elements which will be automated are: Name, Offenses, Sentences, FBI #, SBI #, prior criminal history, type of admission, etc. The Department is willing to leave room for an offense "cycle" number if the State determines the usage of tracking numbers to be desirable. The Department is planning on purchasing their own computer system to meet their needs. This system will include computer terminals within the major institutions; Maine State Prison, Maine Correctional Center, Maine Youth Center and possibly the Downeast Correctional

Facility. The system will also provide for terminals within the five Probation and Parole District offices (Portland, Lewiston, Augusta, Bangor and Houlton). All these sites will have communications capability with Augusta for the sending and receiving of inmate data. The desirability of linking inmate information with the CHRI files at the SBI can not be overemphasized. The correctional history of an individual should be an integral link in the CHRI chain. Currently, the Department does not have access to the teletype through State Police.

Steven Woodard, of the Criminal Justice Data Center, contacted Peter Tilton, the Director of the Probation and Parole Division, to inquire as to their CHRI needs. During this discussion it was brought out that accurate and timely information was of critical importance to their day-to-day functioning. They must respond to numerous pre-sentence investigations as well as keeping data on those people assigned to their supervision. They currently do not use the SBI resources to their fullest because of the delays encountered in getting data requests answered. Mr. Tilton indicated that he was aware of the severe backlog in the workload of SBI and that if this situation was corrected the Probation/Parole District Supervisors would use the services of SBI more than they do now. Mr. Woodard then contacted several of the District Supervisors to discuss this situation directly. The Supervisors all expressed a great desire to have an automated CHRI available as the benefits of such a system would prove invaluable.

In a separate interview process, Mr. Woodard contacted six of the eight District Attorney's to determine first if they had

access to the State Police teletype, and secondly, if they would find it desirable to obtain accurate and timely CHRI data. In response to the question on the teletype, all districts do have access to the teletype through their local sheriff's office. They indicated that this access is readily available and that there are no problems associated with using the Sheriff's teletype. The problem they do experience is in the timeliness of getting a response from SBI. The waiting period is anywhere from two weeks to a month. This brings us to their desire to have CHRI available to them. All districts polled stated that accurate and timely CHRI would prove invaluable to the effectiveness of their offices'. There are cases disposed of now that are settled before the SBI has had a chance to respond to the DA's CHRI request. This is a situation that could cause a severe problem. It should go without saying that the potential is there for a dangerous individual to be released before the results of the DA's request for criminal history is met.

The District Attorney's have the system in place for an accurate and effective CHRI system in the current teletype. They also have the desire to work with the system in obtaining accurate and timely CHRI data. The need for this system to be enhanced is obvious from the example cited where cases are disposed of prior to the obtaining of the individuals CHRI. The safety of the citizens of Maine and the integrity of the States criminal justice system are at stake in this automation question.

ADMINISTRATIVE OFFICE OF THE COURTS

P.O. Box 4820 Downtown Station
Portland, Maine 04112
207-879-4792

Dana R. Baggett
State Court Administrator

October 2, 1984

To: Robert Wagner; Director SBI
From: Ben Crites; Administrative Office of the Courts *BC*

Subject: Computerization Plans

Our current plans for installing computers in the courts is as follows:

1. Each district and superior court will have a micro-computer and each person in the clerks' offices will have a computer terminal. Each office will have at least two printers for document printing and one or more cash validation printers for complete integration of cash processing with docket processing.
2. Additional ports will be available for terminals and/or printers for judges and district attorneys. We will also probably provide for a dialup line at each site for use by attorneys who also have a terminal or computer.
3. All of the district and superior courts will be connected via phone lines to a central site probably located in Augusta. The central site will then be used to maintain computer communications with the Department of Motor Vehicles and the State Police computer systems and to switch messages between courts which are a part of the system. With respect to traffic violations, we will enter this data directly into the DMV files.

We have separated the programming required into four major subsystems

- (a) district court criminal (includes criminal, traffic criminal, traffic infractions, and civil violations)
- (b) superior court criminal
- (c) civil case processing
- (d) small claims processing.

We expect this to be substantially completed by April-May 1985 with part (a) completed November-December 1984. The installation of these programs will proceed concurrently with our installation of the hardware.

The site installations will depend to a large extent on the available funding from the legislature and thus I will only list sites and planned installation dates for which funds are presently available.

- (a) Rockland district court will be installed in November 1984;
- (b) Biddeford and Portland district courts will be installed in January 1985;
- (c) Bangor and Lewiston district courts in February 1985;
- (d) Augusta district court in March 1985;
- (e) Bangor superior court in April 1985;
- (f) Cumberland County Superior Court in May 1985;
- (g) York County Superior Court in June 1985.

Since the total number of sites is fifty (50), we expect the entire project to take at least three (3) years.

A Case for Automation

CHRI is an information system and, as has been described previously, it is gathered from many sources. It is also available to an unlimited number of users with proper inquiry.

The cost of gathering, compiling, storing and disseminating of the information exists regardless of how many times the system is used.

At the present time with an 8-5 day, five days a week, the use is limited, particularly in the cases where speed is valuable such as for an ongoing investigation. Even with this limitation, 50,000 inquiries a year are responded to.

There exists in the State of Maine the capability to respond in seconds, twenty-four hours a day, seven days a week once the information on file in SBI is properly entered and coded in a computer. The new terminals in use throughout the State (68 in law enforcement) can send and receive from a CHRI program computer through the State Police Message Switch at 1,200 words per minute. These terminals are located in 24 hour a day manned agencies and have a fan out capability to a large number of other agencies by phone as well as hundreds of police cruisers and officers by radio. Other criminal justice agencies with computers, such as courts, corrections, district attorneys and prisons, also have the potential for terminal access to CHRI.

Beyond this is nationwide use of the information through the NCIC and NLETS circuits to all participating states and that opens up their information back to the State of Maine.

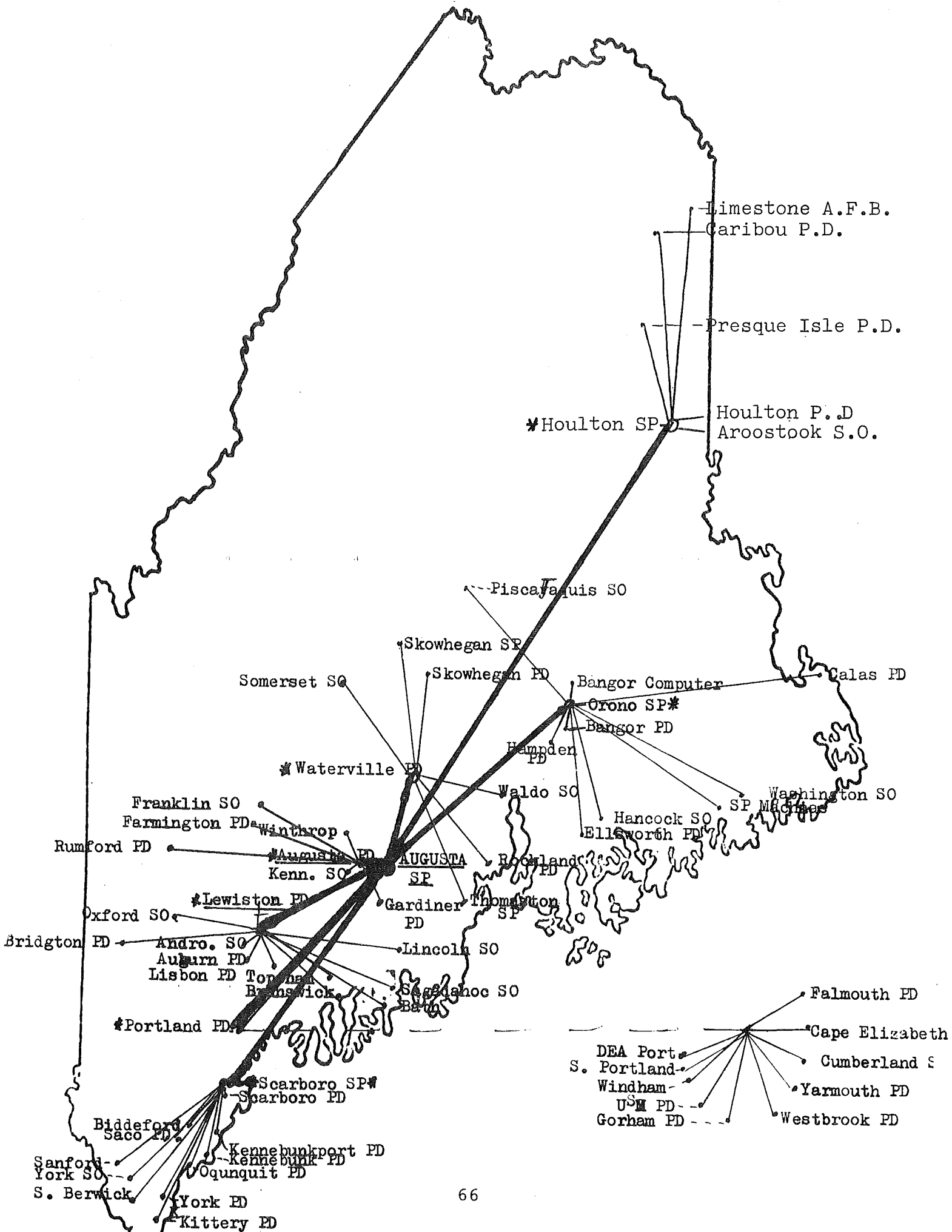
The Maine Telecommunications and Radio Operations (METRO) teletype system upgrade was recently completed. The Augusta Regional Control Center (RCC) at the departmental headquarters in Augusta has 9,600 words per minute printers, (more than twice the speed of the Motor Vehicle Division), and the rest of the state 1,200 word per minute (as of December 31, 1983). The National Law Enforcement Teletype System (NLETS) have 2,400 WPM printers. During 1983 with many of the new terminals "on-line", METRO teletype transactions increased 22 percent (to 4,859,000), with the system doing 9.2 transactions per minute statewide.

Only a few years ago prior to the new upgrade system, most agencies were equipped with the old Model 28 teletype limited to 60 words per minute.

Criminal history record information, properly programmed into a dedicated computer, could become a part of this existing modern communication system. In addition to supplying information swiftly, it would make it possible for many agencies now maintaining their own CHRI system to rely solely on the state repository. This would eliminate costly duplication of the record keeping in the field.

The previous narrative is primarily from the state viewpoint and CHRI in the state is no longer only a state issue.

Improved technology and communications have already led to faster moving connected systems in other states. Maine has been relying on a manual CHRI system that is fast becoming inadequate for the many uses it is needed for. Clearly the time has come to consider, plan, and implement a system that will do the job efficiently in Maine and also be compatible with the national system.



National Considerations for the Maine CHRI System

It is impossible to work in the environment of computerized criminal history information, where criminals travel swiftly from state to state, without considering the national scene. We have already reacted to national laws and pressures as they were identified in the early part of this report (Title 28 - LEAA Funding).

Even as we discuss this report it is being strongly affected by national programs.

The best known systems which we are now communicating with is the National Crime Information Center (NCIC). Part of this system is NCIC's Computerized Criminal History (CCH) as well as other important programs. The Federal Bureau of Investigation (FBI) is responsible for the NCIC and has recently added the functions of the Interstate Identification Index (III).

The present status of the Interstate Identification Index (III) was described in a letter in concise form, March 29, 1984, by Nick Stames, Assistant Director of the Identification Division of the FBI. I am including this letter as written to "All Fingerprint Contributors", as follows - Quote -

"In my November 10, 1983, Letter to All Fingerprint Contributors, I wrote regarding the "Use of the NCIC Identification Index (III) for Record Requests." That article has generated numerous inquiries from contributors concerning the operation of the III. The III is an automated system which provides for the decentralized storage and interstate exchange of

criminal history record information. It functions as a part of the National Crime Information Center (NCIC) and presently includes the personal identification data of over eight million individuals who have been arrested for serious crimes. At the present time, 14 states are participating in the III program whereby they are responsible for furnishing the criminal records of all new arrests and certain older arrests in their state when a record request is made via the III. Seven more states plan to begin similar participation in the near future. The III will increasingly serve users of criminal history records as their comments regarding the new system have been highly complimentary. Therefore, I want to take this opportunity to briefly explain its concept and operation and to request your cooperation in a study which is being conducted regarding the III.

The name index portion of the III is maintained in the NCIC computer. This index was initially established by using the identification data of records previously included in the NCIC's Computerized Criminal History (CCH) File, now referred to as the "Federal Offender File." This identification data was compared with the automated arrest records of the 14 participating states to create the III name index representing over eight million individuals. About one half of the records are indexed for state dissemination, while the FBI is responsible for disseminating the other half. Records

available via the III include: records on arrestees with years of birth of 1956 or later; records on persons arrested for the first time on or after July 1, 1974, regardless of their dates of birth; most persons with a Federal arrest since January 1, 1970; and some additional older arrest records which have been automated because of the subjects' recent involvement with the law enforcement community. As new records are created in AIDS, corresponding index records are automatically added to the III. The number of records is increasing at the rate of over 16,000 a week. Authorized criminal justice agencies in 49 states, the District of Columbia, and Puerto Rico, have "on-line" access to the III via their computer terminals. Inquiries are made based on names and numeric identifiers (i.e., date of birth, Social Security Number, FBI Number, etc.) to determine if criminal history records are available on the subjects of the inquiries. Upon receipt and review of the response(s), the inquiring agency can request the specific criminal record desired via its terminal. The actual criminal history information will be provided from the data bases identified as maintaining such information. As pointed out previously, 14 states are presently fully participating in the III in that they have taken on the responsibility for responding to requests for all new and selected older arrest data which originated in their state. Once a state has accepted this

responsibility, the request for a record via the III results in an automatic notification to the state(s) which will respond directly to the requesting agency. The FBI is responsible for disseminating Federal arrest data and non-Federal arrest data not indexed to a participating state.

When an agency makes a III request for a record which is indexed to the AIDS File, the record is mailed to the requestor the following workday. However, by mid-summer 1984, the FBI will be furnishing AIDS records "on-line" over the NCIC telecommunications network. The Federal Offender File already provides "on-line" records, as do 12 of the 14 states. The states' records are returned to the requesting terminal via the National Law Enforcement Telecommunications System, Inc. (NLETS). The two remaining states advise the requestors via NLETS that the record is being placed in the mail. By the end of 1984, it is expected that all responses will be over telecommunication lines. Therefore, requesting agencies may receive portions of an individual's record from different sources in varying formats.

A "National Fingerprint File (NFF)" maintained by the FBI's Identification Division (ID) is included in the ultimate concept for the III. Pending the implementation of the NFF, the ID continues to provide criminal justice and authorized licensing and employment purposes. The NFF would receive and

maintain only the initial criminal fingerprint card from each state wherein an individual is arrested. Any subsequent fingerprint card(s) on the individual generated within the same state would be stopped at the State Bureau of Identification. The NFF, as it relates to the states, would provide the national fingerprint index on all persons represented in the III System; and, through its technical fingerprint searching capability, furnish positive identifications or nonidentifications based on searches of this File. Thus, only those criminal fingerprint cards which the states could not identify, i.e., "nonidents," would be submitted to the ID. The ID would no longer maintain the entire criminal records for these individuals since their records would be available from the states via the III. The ID would continue to maintain and provide records concerning persons arrested by Federal agencies. In addition, the ID would receive and retain all criminal fingerprint cards for states not fully participating in the III.

The use of the III is currently limited to criminal justice agencies for criminal justice purposes. This includes criminal justice employment. A study is ongoing to examine the ramifications it will have upon present users or criminal history record information for employment and licensing purposes, and on whether these users can be accommodated in the new III environment. A contract has been awarded to SEARCH

Group Incorporated (SGI) to study state and local noncriminal justice users' access to criminal history record information, and a similar contract has been awarded to Mr. Raymond J. Young, a Virginia attorney who is a retired Special Agent with many years experience in the NCIC system, to study the Federal noncriminal justice users' access to criminal history record information. It is anticipated that these studies will be finished during early September 1984. The results will then be evaluated and a course of action decided upon.

I hope this brief description of the III has been informative and request you give the above-mentioned contractors your complete cooperation. Your input to the study will be helpful in ensuring a national criminal history record information system that will serve the needs of all authorized users." - Unquote -

The III system presently is setting the pace on the national scene and Maine must recognize this trend and take it into consideration.

In order for a state to participate in the Interstate Identification Index (III) it must meet the following standards:

I. Fingerprint Identification Matters

- A. The state has a central state repository for criminal history record information with fingerprint identification capability, i.e., the ability to match fingerprint impressions. Although full technical fingerprint search capability is desirable, it is

not a requirement.

- B. The state's central repository serves as the sole conduit for the transmission of arrest, judicial, and correctional fingerprint cards for criterion offenses within the state to the FBI Identification Division (single-source submission). Submission of related final disposition reports and expungements to the Identification Division via the central repository is desirable. Single-source submission of information to the SBI should not be unduly delayed by the state agency.
- C. The central repository maintains the subject's fingerprint impressions or a copy thereof as the basic source document of each Index record and to support each arrest event in the criminal history record.
- D. The central repository agrees to continue submitting all criterion arrest, court, and correctional fingerprint cards and, when possible, the related final disposition reports to the FBI Identification Division until such time as a study is completed regarding the National Fingerprint File and approval is given to submitting only the first arrest fingerprint card (single-print submission).

II. Record Content and III Maintenance

- A. Each record maintained by the state contains all known arrest, disposition and custody - supervision data for that state.
- B. The state agrees to remove or expunge the State

Identification Number (SID) from an III record when corresponding record data no longer exists at the state level.

- C. The state agrees to conduct a regularly scheduled audit to identify discrepancies and synchronize III records pointing to the state's data base.
- D. Record completeness, accuracy and timeliness are considered by the state to be of primary importance and are maintained at the highest level possible.

III. Record Response

- A. The state agrees to respond immediately to III record requests via MLETS with the record or an acknowledgement and notice when the record will be provided.
- B. Record responses will have any alphabetic and/or numeric codes translated to literals (words or easily understood abbreviations) in order that the record responses can be readily understood.
- C. The state agrees not to include in its III response, any out-of-state criminal history record information maintained in its files.

IV. Accountability

- A. A single agency within each state agrees to be responsible for ensuring that the standards of participation are met.
- B. The state agrees to maintain records and provide dissemination in accordance with the civil and constitutional rights of individuals reflected

in the records.

- C. The state agency executes a written agreement with the FBI to comply with the standards of participation. (See Appendix for Exhibit #18).

Another national program being heavily recommended by the Bureau of Justice Statistics of the U. S. Department of Justice is the Offender - Based Transaction Statistics Program (OBTS).

OBTS, initiated in 1969 by then SEARCH Group, provides detailed data on the operation of the criminal justice system with regard to processing offenders. Specifically, OBTS tracks offenders through the criminal justice process from initial arrest through adjudication and correctional sentencing. Each step of this process can be analyzed by time to highlight delays, or by result to highlight needed changes in laws or procedures. With OBTS, a state can examine individually and collectively the components of the criminal justice system; measure the impact of policies and programs on offender processing; establish accurate performance measures and forecast future needs.

The State of Maine has received communications from the Bureau of Justice Statistics requesting that the State of Maine participate in this program along with twelve states already participating. BJS indicated they would pay expenses up to \$10,000 to modify appropriate computer programs and an additional \$1,000 per year for prosecution expenses for each calendar year of data that is provided (See Appendix for Exhibit #19).

BJS claims a state-supported OBTS program is the most economical means of providing data that will permit citizens, legislators, policymakers and practitioners alike to understand the criminal justice process.

Maine is not automated, but with a properly developed and programmed CHRI system could participate in the OBTS program. It will require a considerable amount of cooperation from participating criminal justice agencies.

NLETS

National Law Enforcement Telecommunications Systems, Inc.

NLETS is a very effective and apparently well managed telecommunications corporation operated under the control of the states of the United States for the purpose of the interstate transmission of information necessary for effective law enforcement in the United States and bordering nations.

Within the past few years the system has been expanded and has the capability to work with the Interstate Identification Index of the (NCIC) National Crime Information Center as the states' part of the overall CHRI system. It is already participating in the early stages of the (III) Interstate Identification Index development.

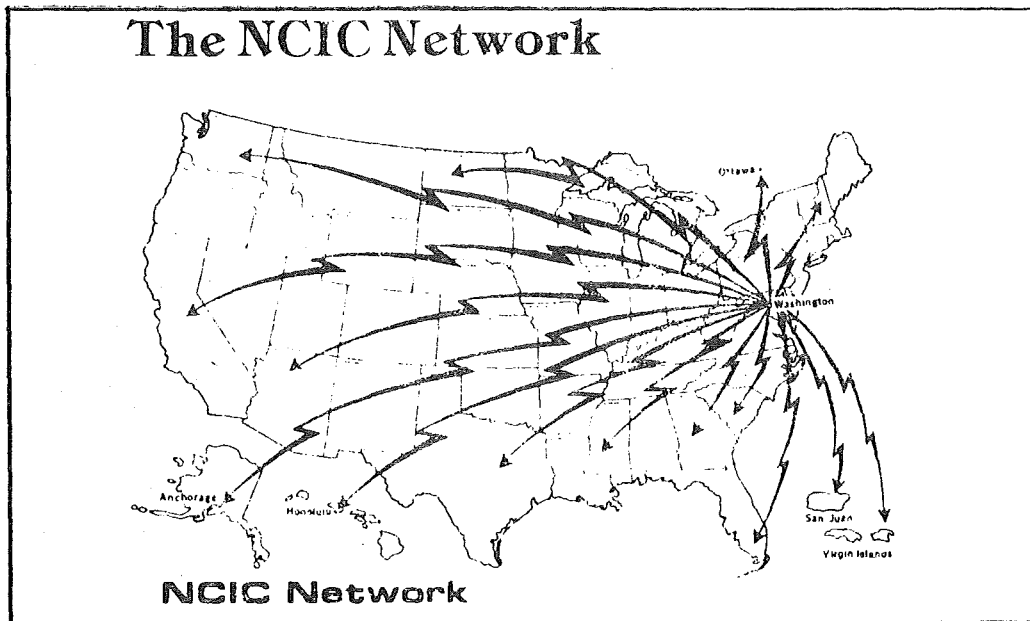
The NLETS headquarters is based in Phoenix, Arizona and for operative purposes, is divided into eight regions.

REGIONS

| <u>Region A</u> | <u>Region B</u> | <u>Region C</u> | <u>Region D</u> |
|-----------------|-----------------|-----------------|-----------------|
| Connecticut | Delaware | District of | Alabama |
| Maine | New Jersey | Columbia | Arkansas |
| Massachusetts | Pennsylvania | Maryland | Florida |
| New Hampshire | *FBI/NCIC | North Carolina | Georgia |
| New York | | Ohio | Louisiana |
| Rhode Island | | South Carolina | Mississippi |
| Vermont | | Virginia | Tennessee |
| | | West Virginia | *Puerto Rico |

| <u>Region E</u> | <u>Region F</u> | <u>Region G</u> | <u>Region H</u> |
|-----------------|-----------------|-----------------|------------------------|
| Indiana | Iowa | Colorado | Arizona |
| Illinois | Minnesota | Kansas | Alaska |
| Kentucky | Montana | New Mexico | California |
| Michigan | Nebraska | Oklahoma | Hawaii |
| Missouri | North Dakota | Texas | Idaho |
| Wisconsin | South Dakota | Utah | Nevada |
| | Wyoming | | Oregon |
| | | | Washington |
| | | | *U.S. Customs/ TECS |

* Associate Members



The NCIC computer equipment is located at FBI Headquarters in Washington, D.C. Connecting terminals are located throughout the United States, Canada, Puerto Rico, and the U. S. Virgin Islands in police departments, sheriff's offices, state police facilities, Federal law enforcement agencies, and other criminal justice agencies. NCIC, working with statewide computer systems, is able to furnish computerized data almost immediately to any agency participating in the centralized state system. A dispatcher can respond quickly to inquiries received from the officer on the street. Mobile terminals are becoming more common as a useful instrument to police officers. These vehicle mounted terminals enable officers to inquire directly from their units.

An NCIC user accesses the NCIC computer through a regional and/or state computer system or, in some cases, with a direct tie-in to the NCIC computer. To facilitate the prompt return of responses to its users, NCIC has established standards which provide the most effective communications for all criminal justice agencies. These standards require responses to be returned within seconds.

The NCIC computer stores a wealth of information. Contained within the NCIC data base are twelve files of information. The files are labeled as follows:

- (1) Article
- (2) Boat
- (3) Canadian Warrant
- (4) Gun
- (5) Interstate Identification Index (III)
- (6) License Plate
- (7) Missing Person
- (8) Securities
- (9) U.S. Secret Service Protective
- (10) Unidentified Person
- (11) Vehicle
- (12) Wanted Person

Missouri CHRI System

Pursuant to this study, Dr. Robert J. Bradley, Director, Information Systems Missouri Highway Patrol and immediate past Chairman of SEARCH Group, Inc. was contacted by the Maine SBI Director. The Maine SBI Director has been a member of SEARCH Group, Inc. by Governor's appointment since 1979.

SEARCH is an acronym for System for Electronic Analysis and Retrieval of Criminal Histories. It is a National Consortium for Justice Information and Statistics made up of state representatives and has done extensive research and development in CHRI and related specialties.

Missouri is one of the more advanced states in CHRI and has developed a system incorporating all of the needs of an automated CHRI system.

In the appendix is a Missouri bill drafted in January that is still pending in the Missouri Legislature. The bill and related material will only make mandatory the reporting system that exists and is functioning well. Prior to now it was a voluntary system.

Missouri is already a "sole source" state. The data system will, with modifications, support the Interstate Identification Index and Offender Based Transaction System. The III system will be in operation later this year and add the OBTS system eight or nine months later.

Dr. Bradley reported the cost of the system would be difficult to estimate as the system had been developed over

several years in three stages.

Missouri has a Criminal Justice Central Computer system used for criminal justice information and is used by all criminal justice agencies. This is in line with our thinking of a dedicated computer for SBI record needs.

Director Bradley was kind enough to mail to Maine much of their operational procedures and codes and offered programming assistance material if it was compatible to Maine. Indiana has received this information and is contemplating implementing the Missouri System in their own state.

The Missouri System supports a number of functions such as audits, delinquent dispositions, printouts, etc.

This information is provided as a possible source of an automated system (See Appendix for Exhibit #20).

SUMMARY

The information contained within this CHRI study project is provided mainly to support the answers to the real questions existing in the Legislative study request. They appear to be as follows:

1. What kind of a CHRI system do we have in Maine?

The State Bureau of Identification located within the Bureau of the State Police, Department of Public, is one of the oldest identification systems in the country. When organized in 1937 it was set up under existing procedures of that time; was responsive to the needs of users; and remained pretty much status quo until the early 1970's when Federal and State Laws applied pressure for change. Privacy and Security Laws and changing technology had caught up with the system and was forcing change in Maine and throughout the country.

The bottom line is that these new laws, a changing society, and a heavy demand by users of CHRI, has found SBI struggling to maintain integrity in the system and to provide timely and accurate records. While changes and improvements have taken place, they have not been sufficient to provide the services being demanded today.

2. Is it doing the job it was created for?

The answer is probably no. The demand for information (Inquiries) has more than doubled since 1977 (21,000 to

an estimated 50,000 this year) causing priorities to be set on the dissemination of information. Some delays on low priority requests can take up to four weeks diluting the value of the information and resulting in it not being available when needed. Investigative requests and emergency type requests continue to receive top priority.

Although there is extensive information available for a variety of purposes it is only accessible 8 AM to 5 PM, five days a week. Technology and communications exist to make it available 24 hours a day, seven days a week, with immediate response to criminal justice agencies.

3. What roles are the other elements of the criminal justice system playing in CHRI.

All criminal justice agencies are a part of the CHRI system and are subject to reporting laws and Privacy and Security laws. The courts provide court abstracts on all cases to the SBI. Judges' receive pre-sentence criminal history record information provided via the District Attorneys. All law enforcement agencies are supposed to fingerprint all individuals in custody arrest cases, but this law is not being satisfactorily compiled with. Law enforcement agencies use the system for investigative and employment purposes. Corrections use the information for the placement of prisoners. After placement CHRI could affect internal security and rehabilitation efforts.

CHRI is developed by, and used extensively by all elements of the criminal justice system. This is clearly indicated in the support material provided in this study.

4. How do we compare with other states?

It was not possible to do a national study as a part of this project due to time constraints. However, in 1980 the International Association for Identification did a national study that provides some information.

This study showed a great variation in individual state budgets for state identification bureaus ranging from \$51,000 to \$14.6 Million annually.

It indicated at that time that the most pressing personnel problem facing state identification bureaus was a basic lack of staff to meet workload demands. Of course this is also true in Maine.

In 1980 about two-thirds of all state bureaus were utilizing computers for their identification name and/or fingerprint search. We have not been able to achieve this in Maine although we have been working toward it.

This IAI study encouraged computer application to state ID bureaus and the employment of in-house staff to develop or improve the automated functions.

In 1980, based upon information in the IAI study, most state identification bureaus were in transition stages based on new technology and communication systems.

Many started sooner and took full advantage of grants under the now defunct LEAA and are out ahead in this transition. Because of a slow start Maine would rate in the lower third of the states in automation efforts. However, this is not all bad because Maine can benefit from programs already in operation.

6. If the CHRI system in Maine is inadequate, how do we improve it?

This study is the first step in solving the problem. It must be determined what the State needs for a CHRI system and some type of priority assigned to fulfill these needs.

The fingerprint law is inadequate to insure that all serious criminal offenders are printed. It must be more specific as to what crimes are fingerprintable offenses and a procedure developed to ensure that all people charged with these crimes are printed.

There must be adequate staffing to carry out the everyday functions of the Bureau and, also, to make the progressive changes necessary to modernize the systems. It is not a question now whether we should automate the CHRI system, but when should we start and to what degree we need to automate. Whatever is done should be compatible with the national system so the State of Maine can participate in the National Crime Information Centers Triple III Program (Interstate Identification Index).

The identification repository should become a "sole source" repository for the state and eliminate the

duplication of effort by all other law enforcement agencies in the state. "Sole source" is also necessary for Maine to participate in the Interstate Identification Index of the NCIC.

The role of the juvenile offender in CHRI should be clarified. Presently a juvenile can be printed and the record sent into SBI. It is difficult to get disposition information and no juvenile information is permitted to be disseminated to anyone, including criminal justice agencies, without permission of the Court. This is a problem that has been in limbo for several years now.

Recommendations

These recommendations take into consideration that Maine has a long way to go in CHRI development to reach the status now in practice in other states.

Priority #1 - Increase Staff

Increase the existing staff by three positions to improve the existing service to a more responsive condition than now exists. This will allow time to consider, plan and implement an improved Maine CHRI system.

Priority #2 - Change the Reporting Law

Replace the existing CHRI reporting law, including the fingerprint submission portions, with a law designed to accommodate conditions in society today and make it more responsive to the users of the system.

This means fingerprint verification on all arrests and charges identified as to be a part of the CHRI system in Maine.

An example of this type of law is included in the appendix of this study that was received from the State of Missouri. It contains all the basic components needed to have integrity in the CHRI reporting system (See Appendix for Exhibit #20).

Priority #3 - Automate the Maine CHRI

Set up a three year plan to automate the CHRI information in the State Bureau of Identification. Survey existing plans in other states; decide the level of automation needed in Maine; purchase a mini-computer dedicated to the confidential material in SBI; acquire the needed expertise to program and guide the automation and implement the program.

Some additional costs will be necessary during this period due to additional work involved and the maintaining of a dual record system.

Priority #4 - CHRI "Sole Source" State

As explained in the National Considerations portion of the study, in order to participate in the Interstate Identification Index, Maine would have to meet the requirement as a "Sole Source" state. This means all CHRI information must be funneled through SBI in and out of the state by agreement with the Federal Bureau of Investigation. This is to prevent all of the duplication by local agencies in dealing with the FBI and to exercise better control over CHRI in the state.

Priority #5 - Participate in the Interstate Identification Index

As described in this study the next step after completing the prior four steps is to become a part of the Interstate Identification Index. Without any great

difficulty, if the priorities to this point are completed, Maine would also be ready to be a part of the Offender Based Transaction System if they were not already.

Priority #6 - Improvement of Fingerprint Image Quality

Improvement of fingerprint image quality along with proper filling out of fingerprint cards is an old problem that is very difficult to overcome.

Unclassifiable prints that are returned to the sender usually results in the loss of these fingerprint records.

The major cause of the problem involves frequent turn-over in state and local agency personnel responsible for the taking of fingerprint impressions. As a result, increased training to local and state officers is highly necessary. Follow up in-service field training using appropriate training aids is necessary to improve the reporting and to accent the importance of the program.

Priority #7 - Clearly define the role of the Juvenile in CHRI

Present law appears to authorize the taking of juvenile prints and the submitting of them to the State Bureau of Identification. At this point, obtaining disposition data is very difficult and the juvenile code does not permit the dissemination of Juvenile CHRI to anyone without permission of the Court.

The Maine Chiefs of Police Association is on record as

supporting the dissemination of Juvenile CHRI for criminal investigation purposes.

This is not an unusual situation as other states are divided on this issue and it is very difficult to resolve.

Priority #8 - Administrative and Supervisory Personnel to participate in National Regional Seminars and Training Sessions

Key personnel should participate in national and regional seminars on subjects relating to CHRI: such as privacy and security, new technology in fingerprinting, automation of records, or changes in state or federal laws affecting CHRI storage or dissemination.

Funding Considerations

It is very difficult to provide specific costs for improving and automating the CHRI system in Maine. One estimate of \$800,000, by a knowledgeable individual familiar with the existing system, was by his own admission an educated guess.

The federal government is pressing very hard for improved CHRI systems and several Bills have been introduced into Congress to fund, at various levels, these improvements. In the process of this study we have been watching this possibility of funding very closely. At this writing it was not completely clear if any funds would be available this year, but a consultant with representatives of the Bureau of Justice Statistics indicated they were very optimistic for additional funding next year.

It would appear that no solid costs can be developed until the reporting law is changed, (with adequate funding for that step), and automation is considered in the light of that law. By that time the automation costs will have been delayed by at least one year due to the legislative process of the new law and this would provide time to determine more exact automation costs and to determine how best to fund these costs.

Of course the option to move faster or slower in any of these recommended changes depends on the deliberations of the Legislature and the priority they assign to an improved CHRI system in Maine.

Glossary of Acronyms

| | |
|--------|--|
| AIDS | Automated Identification Division System |
| BJS | Bureau of Justice Statistics |
| CASS | Crime Analysis System Support |
| CCH | Computerized Criminal History |
| CHRI | Criminal History Record Information |
| DEA | Drug Enforcement Administration |
| FBI | Federal Bureau of Investigation |
| IAI | International Association for Identification |
| ID | Identification Division |
| III | Interstate Identification Index |
| IMIS | Investigators Management Information System |
| IRS | Internal Revenue Service |
| LEAA | Law Enforcement Assistance Administration |
| METRO | Maine Telecommunications and Radio Operations |
| NCIC | National Crime Information Center |
| NFF | National Fingerprint File |
| NLETS | National Law Enforcement Telecommunications Systems, Inc. |
| OBTS | Offender-Based Transaction Statistics Program |
| POSSE | Police Operations Support Systems - Elementary |
| RCC | Regional Control Center |
| SBI | State Bureau of Identification |
| SEARCH | System for Electronic Analysis and Retrieval of Criminal Histories |

Ch. 795

111th LEGISLATURE

L.D. 2439

Sec. 7. Study. In order to ensure the availability of accurate and complete criminal history record information to allow criminal justice officials to make informed decisions, the Department of Public Safety is directed to study the systems, methods and purposes for reporting and disseminating criminal history record information. The department shall submit a report, together with any suggested legislation, to the Legislature by November 1, 1984. The report shall determine the needs of the State in regard to receiving and disseminating criminal history record information, assess the current delivery system for criminal history records and make recommendations concerning the establishment and implementation of a criminal history record information system which will adequately meet the needs of the State to provide accurate and complete criminal history record information in a timely and efficient manner. The department shall specifically evaluate the desirability of establishing a computer-based information system for law enforcement agencies throughout the State. The department shall consult with the various state agencies involved in collecting, disseminating and receiving criminal history record information, including, but not limited to, local and state law enforcement agencies, sheriffs' offices, state prosecutorial agencies and the court system.

Approved April 19, 1984

CHAPTER 193

STATE BUREAU OF IDENTIFICATION

Sec.

- 1541. Supervisor; fingerprints and photographs.
- 1542. Recording of fingerprints.
- 1543. Officers to furnish information.
- 1544. Supervisor to cooperate with other bureaus.
- 1545. Cooperation with local officials.
- 1546. Rules and regulations.
- 1547. Courts to submit criminal records.
- 1548. Repealed.
- 1549. Authorization of Governor and Council.

§ 1541. Supervisor; fingerprints and photographs

The Chief of the State Police shall appoint a person who has sufficient identification qualifications, including thorough knowledge of the various standard identification systems, Maine court procedure, parole and probation, to be Supervisor of the State Bureau of Identification, heretofore established within the Bureau of State Police, and he may delegate members of the State Police to serve in said bureau upon request of the supervisor. The supervisor shall have the authority to hire such civilian personnel, subject to the Personnel Law ¹ and the approval of the Chief of the State Police, as he may deem necessary to carry out this section and sections 1542 to 1546. The Chief of State Police shall supply such bureau with the necessary apparatus and materials for collecting, filing, preserving and distributing criminal records.

R.S.1954, c. 15, § 14. 1971, c. 592, § 37.

¹ Section 551 et seq. of Title 5.

Historical Note

Change of name. "Department of of State Police", see note under § 1501 the State Police" as meaning "Bureau of this Title.

Library References

States ⇄46.

C.J.S. States §§ 49, 52, 68 et seq.

§ 1542. Recording of fingerprints

The State Police, the persons in charge of all state penal institutions, the wardens or keepers of jails and prisons, the sever-

25 § 1542 INTERNAL SECURITY & SAFETY Title 25

al sheriffs, and the chiefs of police in each of the cities and towns of the State and other law enforcement officers shall have the authority to take or cause to be taken, and shall take or cause to be taken, the fingerprints or photographs or both the fingerprints and photographs of any person in custody charged with the commission of crime, or of any person who they have reason to believe is a fugitive from justice, or of any suspicious person, or of any habitual criminal, and of all unidentified dead persons, and they shall furnish daily to the Supervisor of the State Bureau of Identification copies of the fingerprints and photographs so taken, together with a report of the way the crime was committed, the method of operation of the person arrested, and any psychiatric report or other pertinent information which may be necessary to keep the records and statistics of the State Bureau of Identification, such fingerprints to be taken and additional reports made on forms furnished or approved by the State Bureau of Identification. The Supervisor of the State Bureau of Identification shall immediately upon receipt of such records compare them with other records already on file, and shall furnish to the proper official such information as he may have relative to the criminal record of such persons.

District Court Judges may, in their discretion, have the same authority granted to law enforcement officers under this section.

R.S.1954, c. 15, § 15; 1963, c. 402, § 6.

Cross References

District Courts and judges, see § 151 et seq. of Title 4.

Library References

Criminal Law ⇨393(1).

C.J.S. Criminal Law § 649 et seq.

Notes of Decisions

In general 2
Evidence 3
Validity 1

I. Validity

If the seizure of a person is lawful, the taking of fingerprints or palm prints does not infringe upon any interest protected by the Fourth Amendment. State v. Inman (1973) Me., 301 A.2d 348.

2. In general

The word "fingerprints," as used in statute providing that the state police have authority to take, inter alia, "fingerprints or photographs," should be construed to include palm prints. State v. Inman (1973) Me., 301 A.2d 348.

In construing the word "fingerprints," as used in statute providing that the state police have authority to take, inter alia, the "fingerprints"

of any person in custody charged with commission of crime, the Supreme Judicial Court may look to the original statute and to the usage of the word in the jurisprudence of the time. *Id.*

"Fingerprints" are a generic name for impressions of the papillary ridges or friction skin which are not confined to the human finger alone, but which are found with equal importance and equal persistency in the human palm. *Id.*

"Speeding" is a "crime," as the latter word is used in statute providing that the state police have authority to take, inter alia, fingerprints and photographs of persons in custody charged with the commission of "crime." *Id.*

3. Evidence

Second palm print, which was taken from defendant while he was in custody pursuant to search warrant, was admissible where affidavit and reasonable inferences drawn therefrom leading to issuance of the search warrant were such that a reasonably discreet and prudent person would have believed that defendant caused the death of homicide victim. *State v. Inman* (1973) Me., 301 A.2d 348.

There is little or no difference between the methods used in the comparison of palm prints and the comparison of fingerprints, and since palm prints are valuable and accurate means of identification they are of sufficient probative worth to be admitted as evidence. *Id.*

§ 1543. Officers to furnish information

It is made the duty of every clerk of every criminal court, including the District Court, and of every head of every department, bureau and institution, state, county and local, dealing with criminals and of every officer, probation officer, county attorney or person whose duties make him the appropriate officer, to transmit, not later than the first and 15th days of each calendar month, to the Supervisor of the State Bureau of Identification, such information as may be necessary to enable him to comply with sections 1542 and 1544. Such reports shall be made upon forms which shall be supplied or approved by the State Bureau of Identification.

It shall be the duty of all states, county and municipal law enforcement agencies, including those employees of the University of Maine appointed to act as policemen, to submit to the State Bureau of Identification uniform crime reports, to include such information as is necessary to establish a Criminal Justice Information System and to enable the supervisor to comply with section 1544. It shall be the duty of the bureau to prescribe the form, general content, time and manner of submission of such uniform crime reports. The bureau shall correlate the reports submitted to it and shall compile and submit to the Governor and Legislature annual reports based on such reports. A copy of such annual reports shall be furnished to all law enforcement agencies.

R.S.1954, c. 15, § 16; 1963, c. 402, § 7. 1973, c. 707.

25 § 1543 INTERNAL SECURITY & SAFETY Title 25

Historical Note

The 1973 amendatory law added the second paragraph.

Library References

Clerks of Court ⇐67.

C.J.S. Clerks of Courts § 38.

§ 1544. Supervisor to cooperate with other bureaus

The Supervisor of the State Bureau of Identification shall cooperate with similar bureaus in other states and with the national bureau in the Department of Justice in Washington, D. C. and he shall develop and carry on an interstate, national and international system of identification.

R.S.1954, c. 15, § 17.

Cross References

Acquisition, preservation, and exchange of identification records by U. S. Attorney General, see 28 U.S.C.A. § 534.

New England State Police Compact, see § 1665 et seq. of this Title.

§ 1545. Cooperation with local officials

The Supervisor of the State Bureau of Identification shall afford instruction and offer assistance to all persons required to take fingerprints and photographs in the establishment and operation of their local systems of identification, in order to assure coordination with the system of identification conducted by the state bureau. Neglect or refusal of any person or official to make reports or perform any other act required by sections 1541 to 1546, shall constitute a misdemeanor, and such person or official, upon conviction thereof, shall be punished by a fine of not more than \$50.

R.S.1954, c. 15, § 18.

§ 1546. Rules and regulations

The Supervisor of the State Bureau of Identification shall make and forward to all persons charged with any duty or responsibility under sections 1541 to 1545, rules and regulations for the taking and preserving of the fingerprints and other records as provided, such rules and regulations before becoming effective to be approved by the Attorney General.

R.S.1954, c. 15, § 19.

§ 1547. Courts to submit criminal records

Every court in every case wherein a person is convicted of the violation of any criminal statute shall forthwith transmit to the State Bureau of Identification an abstract, duly certified, setting forth therein the names of the parties, the nature of the offense, the date of hearing, the plea, the judgment and the result. For this purpose the State Bureau of Identification shall furnish to said courts proper abstract forms.

1955, c. 120; 1963, c. 402, § 8.

Historical Note

Derivation: R.S.1954, c. 15, § 19-A,
as enacted by 1955, c. 120. 1963, c. 402,
§ 8.

§ 1548. Repealed. 1973, c. 5**Historical Note**

The repealed section, which related to fingerprinting of school children, was derived from R.S.1954, c. 15, § 20.

§ 1549. Authorization of Governor and Council

The law enforcement agencies of the State, upon request of the Governor and Council, shall have the authority to take, or cause to be taken, and shall take, or cause to be taken, the fingerprints of any persons who shall request their fingerprints to be taken for civilian identification.

R.S.1954, c. 15, § 21. 1973, c. 788, § 109, eff. April 1, 1974.

Historical Note

The 1973 amendatory law deleted "1548 and" before "of any persons who shall request their fingerprints".

Library References

States ⇨67.

C.J.S. States §§ 58, 66.

25 § 1506
Repealed

INTERNAL SECURITY AND SAFETY

§ 1506. Repealed. 1975, c. 594, § 7, eff. Oct. 4, 1976

CHAPTER 193

STATE BUREAU OF IDENTIFICATION

Section
1550. Violations.

§ 1541. Commanding officer

1. **Appointment.** The Chief of the State Police shall appoint a person who has knowledge of the various standard identification systems and Maine court procedure to be commanding officer of the State Bureau of Identification, heretofore established within the Bureau of State Police.

2. **Personnel.** The Chief of the State Police may delegate members of the State Police to serve in the bureau upon request of the commanding officer. The commanding officer shall have the authority to hire such civilian personnel, subject to the Personnel Law and the approval of the Chief of the State Police, as he may deem necessary.

3. **Cooperation with other bureaus.** The commanding officer shall cooperate with similar bureaus in other states and with the national bureau in the Department of Justice in Washington, D.C. and he shall develop and carry on an interstate, national and international system of identification.

4. **Rules and regulations.** The commanding officer shall make and forward to all persons charged with any duty or responsibility under this section and sections 1542, 1544, 1547 and 1549; rules, regulations and forms for the taking, filing, preserving and distributing of fingerprints and other criminal history record information as provided in this chapter. Before becoming effective, such rules, regulations and forms are to be approved by the Attorney General.

5. **Apparatus and materials.** The Chief of the State Police shall supply such bureau with the necessary apparatus and materials for collecting, filing, preserving and distributing criminal history record information.

1975, c. 763, § 3.

1975 Amendment. Section repealed and replaced by c. 763:

upon which to predicate finding of error. State v. Burnham (1976) Me., 350 A.2d 577.

Defendants, charged with breaking, entering and larceny in nighttime, had right to subpoena such records as may have existed in bureau of identification regarding criminal record of third party, to whom defendant, according to testimony of prosecution witness, had allegedly made certain statement. Id.

Where there was no showing in prosecution for breaking, entering and larceny in nighttime that State had in its possession any records from Federal Bureau of Investigation, such records were not discoverable in state court proceeding. Id.

Notes of Decisions

1. In general

Where the Supreme Judicial Court was not furnished with transcript of hearing on defendants' motion to obtain transcript of criminal record of third party from bureau of identification or Federal Bureau of Investigation in prosecution for breaking, entering and larceny in nighttime, Court had no way of knowing whether any showing of materiality was made and therefore had no basis

§ 1542. Recording of fingerprints; photographs; palm prints

1. **Fingerprints.** Law enforcement officers or persons in charge of state correctional institutions under the general supervision, management and control of the Department of Mental Health and Corrections shall have the authority to take or cause to be taken, and shall take or cause to be taken, the fingerprints of any person:

A. In custody charged with the commission of a crime;

- B. In custody charged with the commission of a juvenile offense;
- C. In custody and believed to be a fugitive from justice;
- D. Named in a search warrant which directs that such person's fingerprints, palm prints or photograph be taken;
- E. Who dies while confined at a jail, police station or any facility operated by the Bureau of Corrections;
- F. Who may have died by violence or by the action of chemical, thermal or electrical agents, or following abortion, or suddenly when not disabled by recognizable disease, or whose death is unexplained or unattended, if directed to do so by the Attorney General or District Attorney; or
- G. The taking of whose fingerprints, palm prints or photograph has been ordered by a court.

2. **Photographs.** Whenever a law enforcement officer or other individual is authorized, pursuant to subsection 1, paragraphs A, B, C, E or F, to take or cause to be taken the fingerprints of a person, the officer or other individual may take or cause to be taken the photograph or palm prints, or photograph and palm prints, of such person.

3. **Fingerprint record forms.** Fingerprints taken pursuant to subsection 1, paragraphs A, B, C, D and E shall be taken on a form furnished by the State Bureau of Identification, such form to be known as the Criminal Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraph F, shall be taken on a form furnished by the bureau, such form to be known as the Noncriminal Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraph G, shall be taken upon either the Criminal Fingerprint Record or the Noncriminal Fingerprint Record as the court shall order.

4. **Duty to submit.** It shall be the duty of the head of the arresting agency, or his designee, to transmit, within 5 days of the date of arrest, to the State Bureau of Identification the criminal fingerprint record of any person whose fingerprints are taken pursuant to subsection 1, paragraphs A, B or C. Law enforcement agencies other than the arresting agency shall not submit to the State Bureau of Identification a criminal fingerprint record for any person whose fingerprints are taken pursuant to subsection 1, paragraphs A, B or C, unless expressly requested to do so by the Commanding Officer of the State Bureau of Identification.

It shall be the duty of the Director of the Bureau of Corrections, or his designee, to transmit, within 5 days of the date of death, to the State Bureau of Identification, the criminal fingerprint record of any deceased person whose fingerprints are taken pursuant to subsection 1, paragraph E.

5. **Law enforcement officer.** As used in this section, "law enforcement officer" means any person who by virtue of his public employment is vested by law with a duty to prosecute offenders or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

1975, c. 763, § 5.

1975 Amendment. Section repealed and replaced by c. 763.

§ 1543. Repealed. 1975, c. 763, § 6

§ 1544. **Uniform crime reporting**

It shall be the duty of all state, county and municipal law enforcement agencies, including those employees of the University of Maine appointed to act as policemen, to submit to the State Bureau of Identification uniform crime reports, to include such information as is necessary to establish a Criminal Justice Information System and to enable the commanding officer to comply with section 1541, subsection 3. It shall be the duty of the bureau to prescribe the form, general content, time and manner of submission of such uniform crime reports. The bureau shall correlate the reports submitted to it and

shall compile and submit to the Governor and Legislature annual reports based on such reports. A copy of such annual reports shall be furnished to all law enforcement agencies.

The bureau shall establish a category for abuse by adults of family or household members which shall be supplementary to its other reported information. The bureau shall prescribe the information to be submitted in the same manner as for all other categories of the uniform crime reports.

1975, c. 763, § 7; 1979, c. 578, § 6.

1975 Amendment. Section repealed and replaced by c. 763.

1979 Amendment. Chapter 578 added the second paragraph.

Laws 1979, c. 578 was presented to the Governor by the Senate on June 8, 1979 and, the Governor's signature having no force and effect, became law because it was not returned within three days after the meeting of the Second Regular Session of the 109th Legislature. (Constitution, Article IV, Part Third, Sec. 2) Received in the Office of the Secretary of State January 5, 1980.

Sunset provision. Section 7 of 1979, c. 578, as amended by 1979, c. 677, § 18, was repealed by 1983, c. 583, § 26, eff. Sept. 8, 1983.

Notes of Decisions

1. In general

Where the Supreme Judicial Court was not furnished with transcript of hearing on defendants'

motion to obtain transcript of criminal record of third party from bureau of identification or Federal Bureau of Investigation in prosecution for breaking, entering and larceny in nighttime, Court had no way of knowing whether any showing of materiality was made and therefore had no basis upon which to predicate finding of error. *State v. Burnham* (1976) Me., 350 A.2d 577.

Where there was no showing in prosecution for breaking, entering and larceny in nighttime that State had in its possession any records from Federal Bureau of Investigation, such records were not discoverable in state court proceeding. *Id.*

Defendants, charged with breaking, entering and larceny in nighttime, had right to subpoena such records as may have existed in bureau of identification regarding criminal record of third party, to whom defendant, according to testimony of prosecution witness, had allegedly made certain statement. *Id.*

§§ 1545, 1546. Repealed. 1975, c. 763, § 8

§ 1549. Request for fingerprints; fee

The State Police, the sheriffs and the chiefs of police in each of the cities and towns shall have the authority to take or cause to be taken, and upon payment of a \$1 fee, shall take or cause to be taken, the fingerprints or palm prints, or fingerprints and palm prints, of any person who shall request that his fingerprints or palm prints, or fingerprints and palm prints, be taken.

Such fingerprints and palm prints shall be taken on a form provided by the requesting person, or if the person does not provide a form, upon the Noncriminal Fingerprint Record. Fingerprints or palm prints taken pursuant to this section, or copies thereof, shall not be retained by the taker or forwarded to the State Bureau of Identification.

1975, c. 763, § 9; 1975, c. 771, § 264, eff. Jan. 4, 1977; 1977, c. 78, § 159, eff. April 14, 1977.

1975 Amendments. Chapter 771 substituted "Commissioner of Public Safety" for "Governor and Council" and c. 763 repealed and replaced section, without reference to amendment by c. 771.

1977 Amendment. Chapter 78 repealed and replaced this section to consolidate the effects of 1975, cc. 763 and 771.

§ 1550. Violations

Any person who fails to comply with the provisions of section 1542, subsections 1 or 3, or with the provisions of section 1542, subsection 4, imposing a duty to transmit criminal fingerprint records to the State Bureau of Identification, or with the provisions of sections 1544, 1547 or 1549 commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

1975, c. 763, § 10.

III File Status

The following represents the III File as of April 30, 1984:

Individuals Indexed:

| | |
|------------------------|-------------|
| Single-state Offenders | - 6,949,235 |
| Multistate Offenders | - 1,534,312 |
| Total | - 8,483,547 |

Records Indexed:

| | |
|-------------------------------|-------------|
| AIDS Records | - 4,209,890 |
| Federal Offender File Records | - 650,400 |
| Participating State Records | - 4,182,999 |
| Total | - 9,043,289 |

Records Indexed for Participating States

| <u>State</u> | <u>Single-state</u> | <u>Multistate</u> | <u>Total</u> |
|----------------|---------------------|-------------------|--------------|
| California | 645,203 | 102,433 | 747,636 |
| Colorado | 51,161 | 14,266 | 65,427 |
| Florida | 635,863 | 65,503 | 701,366 |
| Georgia | 249,788 | 35,555 | 285,343 |
| Michigan | 288,470 | 74,409 | 362,879 |
| Minnesota | 38,037 | 6,114 | 44,151 |
| New Jersey | 217,461 | 47,136 | 264,597 |
| New York | 684,591 | 83,762 | 768,353 |
| North Carolina | 130,752 | 33,528 | 164,280 |
| Pennsylvania | 33,998 | 3,713 | 37,711 |
| South Carolina | 153,952 | 23,544 | 177,496 |
| Texas | 444,366 | 75,009 | 517,375 |
| Virginia | 37,813 | 7,051 | 44,864 |
| Wyoming | <u>1,082</u> | <u>439</u> | <u>1,521</u> |
| Total | 3,610,537 | 572,462 | 4,182,999 |

The number of individuals indexed in III increases by more than 60,000 each month. By the end of 1990, the File will represent about 13 million individuals; and will include anyone age 34 and under who has an arrest record identified by fingerprints on file with the FBI.



U.S. Department of Justice

Bureau of Justice Statistics

December 20, 1983

Washington, D.C. 20531

Robert Wagner, Jr., Director
Bureau of Identification
36 Hospital Street
Augusta, Maine 04333

Dear Mr. ~~Wagner~~ *B. Wagner*:

Enclosed, for your information, is a copy of the Bureau of Justice Statistics bulletin, "Tracking Offenders." This is the first of a series of bulletins to be based on data submitted by the states under the BJS Offender-Based Transaction Statistics (OBTS) program. Another example of OBTS data display is contained in the recently released BJS "Report to the Nation on Crime and Justice - The Data" (pp 45-46), which is also enclosed.

OBTS, initiated in 1969 by the then SEARCH Group, provides detailed data on the operation of the criminal justice system with regard to processing offenders. Specifically, OBTS tracks offenders through the criminal justice process from initial arrest through adjudication, and correctional sentencing. Each step of this process can be analyzed by time to highlight delays, or by result to highlight needed changes in laws or procedures. With OBTS, a state can examine individually and collectively the components of the criminal justice system, measure the impact of policies and programs on offender processing, establish accurate performance measures, and forecast future needs.

The next OBTS bulletin, scheduled for release in early 1984, is expected to include data from California, New York, Ohio, Pennsylvania and Utah, and will be based on calendar year 1980 and 1981 data. It will generally follow the data display pattern established by the "Tracking Offenders" bulletin.

Dr. Schlesinger, the BJS Director, has provided Governor Brennan with a copy of the bulletin and has encouraged Maine's participation in OBTS. BJS hopes to obtain calendar year 1982 data by September, 1984, and to publish a bulletin on the data by December, 1984. We believe that your agency can make an important contribution to this program should Governor Brennan agree to participate.

Mr. Wagner
December 20, 1983
page two

To defray the costs of converting state data to BJS standards, BJS will reimburse the state for expenses up to \$10,000 to modify appropriate computer programs and an additional \$1,000 for production expenses for each calendar year of data that is provided. Additionally, to facilitate effective coordination, BJS expects to use the Maine Criminal Justice Data Center (CJDC) as the single point of contact for all the state agencies that may submit data.

We earnestly encourage your participation. A state-supported OBTS program is the most economical means of providing data that will permit citizens, legislators, policymakers, and practitioners alike to understand the criminal justice process more fully and to make informed decisions about it. For further details, please feel free to contact the CJDC or me (telephone: 202-724-7770) at your convenience.

Sincerely,



Donald A. Manson
OBTS Coordinator

Enclosures

MISSOURI CRIMINAL HISTORY RECORD SYSTEM

SYSTEM FRAMEWORK

Exhibit #20

MISSOURI CRIMINAL HISTORY RECORD SYSTEM

In today's society there is an ever-increasing demand for services being placed upon criminal history record repositories by the criminal justice community. To meet the demand, it is essential that criminal history record service centers integrate systems that will serve to improve the efficiency and general effectiveness of their operations. Even more important is the fact that, to operate in the current economic environment, it should be clearly recognized that criminal history service centers can only expect to receive requested operating capital if they can clearly demonstrate the judicious expenditure and maximum use of available resources. One further point that should be emphasized is that, in a recent survey of state identification bureaus, the number one and two priorities of those bureaus were respectively the improvement of bureau management systems and the improvement of computer capabilities. Implementation of Missouri's Criminal History Record System is a definite step toward meeting these priorities.

Missouri's Criminal History Record System can provide invaluable service to all segments of the criminal justice community; service that has been and continues to be in ever-increasing demand. The capability to process criminal history record information in an efficient and accurate manner, to respond in a timely fashion to criminal history inquiries, and to produce accurate and timely crime statistics

are characteristics of the system that will allow the Missouri State Highway Patrol, as the central site repository, to meet today's demands for service, demands that may go unsatisfied in a manual environment.

The Criminal History Record System (CHRS) is a system comprised of a series of manual and automated techniques intended to accurately collect, compile, and provide criminal history record information for the purpose of criminal justice administration, be it on the police, judicial, or custody level. The development and implementation of the CHRS system is the result of a long commitment by both the State of Missouri and the Missouri State Highway Patrol to provide quality service and assistance to Missouri's criminal justice community. While the CHRS system has been several years in development, there have been a number of significant accomplishments. These accomplishments have been both transparent and visible to criminal justice field personnel, and regardless of the type, they have enabled the Missouri State Highway Patrol to improve and streamline their operations, an important achievement in preparation for the implementation of a CHRS System. The 'transparent' accomplishments include the development of an automated criminal identification logging module. The 'visible' and most notable accomplishment has been the development of a MULES/Criminal Identification System Interface. This interface has allowed criminal justice agencies to immediately determine if a subject has a criminal record on file with the Missouri State Highway Patrol. All of

these accomplishments have been important prerequisites, necessary for the implementation of an effective, efficient CHRS system.

MISSOURI CRIMINAL HISTORY RECORD SYSTEM

STATEMENT OF OBJECTIVES

Missouri's Criminal History Record System is a comprehensive integrated data system capable of responding to criminal justice agencies ever increasing demands for clear, concise, accurate information. The design of the CHRS system addressed and met the following objectives:

- Development of an automated arrest module that would provide for the timely processing of formal action associated with an arrest incident.
- Development of a caution indicator notification module capable of maintaining pertinent information about offenders involved in crimes of violence, weapons offenses and police officer assaults.
- Development of an automated disposition module that would provide for the timely processing of the primary judicial disposition as reported by the arresting agency.
- Development of a dissemination/logging module that would provide a central file containing all dissemination information.
- Development of a notification of record change reporting module capable of producing documents suitable for notifying qualifying agencies that a record disseminated to them in the past 13 months has changed.
- Development of a delinquent disposition reporting module capable of notifying arresting agencies that dispositions on cases initiated by their department have become delinquent.
- Development of an automated rap sheet module capable of producing a rap sheet suitable for dissemination.
- Development of a statistical reporting module capable of producing reports in the areas of:
 - Crime statistics
 - Dissemination statistics
 - System usage statistics

SECOND REGULAR SESSION
HOUSE BILL NO. 1448
82ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCOVILLE AND MATHEWS (Co-sponsors),
DANNER, GRAHAM AND DAVID.

Read 1st time January 17, 1984 and 1000 copies ordered printed.

DOUGLAS W. BURNETT, Chief Clerk

2501

AN ACT

To repeal sections 57.103 and 57.105, RSMo 1978, relating to
arrest and fingerprint records, and to enact in lieu thereof
nine new sections for the purpose of establishing a
Missouri criminal history record information system.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 57.103 and 57.105, RSMo 1978, are
2 repealed and six new sections enacted in lieu thereof, to be
3 known as sections 1, 2, 3, 4, 5, 6, 7, 8, and 9, to read as follows:

Section 1. 1. For the purpose of maintaining complete
2 and accurate criminal records of the Missouri state high-
3 way patrol, all police officers of this state, the clerk of each
4 circuit court, the department of corrections and human
5 resources, the sheriff of each county, the chief law enforce-
6 ment official of a city not within a county, and the prose-
7 cuting attorney or circuit attorney of each county shall
8 submit certain criminal arrest, charge, and disposition
9 information to the highway patrol for filing at the earliest
10 time possible but not later than thirty days after the
11 criminal history event in the form and manner approved by
12 the Missouri state highway patrol.

EXPLANATION—Matter enclosed in bold faced brackets [thus] in this bill is not enacted
and is intended to be omitted in the law.

13 2. All law enforcement agencies making misdemeanor
14 and felony arrests as determined by section 2 of this act,
15 shall furnish daily to the highway patrol fingerprints,
16 charges, photographs, and descriptions of all persons who
17 are arrested for such offenses on standard fingerprint
18 forms supplied by the highway patrol. All such agencies
19 shall also notify the highway patrol of all decisions not to
20 refer such arrests for prosecution. An agency making such
21 arrests may enter into arrangements with other agencies
22 for the purpose of furnishing daily such fingerprints,
23 charges and descriptions to the highway patrol upon its
24 behalf.

25 3. The prosecuting attorney of each county or the
26 circuit attorney of a city not within a county shall notify the
27 highway patrol on standard forms supplied by the highway
28 patrol of all charges filed, including all those added sub-
29 sequent to the filing of a criminal court case, and whether
30 charges were not filed in criminal cases for which the
31 highway patrol has a record of an arrest. All records
32 forwarded to the highway patrol by prosecutors or circuit
33 attorneys as required by this act shall include the state
34 offense cycle number of the offense, and the originating
35 agency identifier number of the reporting prosecutor, using
36 such numbers as assigned by the highway patrol.

37 4. The clerk of the circuit court of each county or city
38 not within a county shall furnish the highway patrol, on
39 standard forms supplied by the highway patrol, with all
40 final dispositions of criminal cases for which the highway
41 patrol has a record of an arrest or a record of fingerprints
42 reported pursuant to subsections 5 and 6 of this section.
43 Such information shall include, for each charge:

44 (1) All judgments of not guilty, judgments of guilty

45 including the sentence pronounced by the court, discharges
46 and dismissals in the trial court;

47 (2) Reviewing court orders filed with the clerk of the
48 circuit court which reverse or remand a reported conviction
49 or vacate or modify a sentence;

50 (3) An order of supervision or an order of probation
51 granted; and

52 (4) Judgments terminating or revoking a sentence to
53 probation, supervision or conditional discharge and any
54 resentencing after such revocation.

55 All records forwarded to the highway patrol by courts as
56 required by this act shall include the state identification
57 number of the offender, the offense cycle number of the
58 offense, and the originating agency identifier number of the
59 reporting court, using such numbers as assigned by the
60 highway patrol.

61 5. After the court pronounces sentence, including an
62 order of supervision or an order of probation granted for
63 any offense which is required by statute to be collected,
64 maintained, or disseminated by the Missouri state highway
65 patrol, the prosecuting attorney shall ask the court to order
66 a law enforcement agency to fingerprint immediately all
67 persons appearing before the court who have not previously
68 been fingerprinted for the same case. The court shall so
69 order the requested fingerprinting if it determines that any
70 so sentenced person has not previously been fingerprinted
71 for the same case. The law enforcement agency shall
72 submit such fingerprints to the highway patrol daily.

73 6. After the court pronounces sentence for any offense
74 which is not required by statute to be collected, maintained,
75 or disseminated by the Missouri state highway patrol, the
76 prosecuting attorney may ask the court to order a law
77 enforcement agency to fingerprint immediately all persons

78 appearing before the court who have not previously been
79 fingerprinted for the same case. The court may so order the
80 requested fingerprinting, if it determines that any so
81 sentenced person has not previously been fingerprinted for
82 the same case. The law enforcement agency may retain
83 such fingerprints in its files.

84 7. The department of corrections and human resources,
85 other city or county custody agencies, and the sheriff of
86 each county shall furnish the highway patrol with all
87 information concerning the receipt, escape, execution,
88 death, release, pardon, parole, commutation of sentence,
89 granting of executive clemency, or discharge of an indi-
90 vidual who has been sentenced to the agency's custody for
91 any offenses which are mandated by statute to be collected,
92 maintained or disseminated by the highway patrol. For an
93 individual who has been charged with any such offenses
94 and who escapes from custody, all information concerning
95 the escape shall also be so furnished to the highway patrol.
96 For an individual who dies while in custody, all information
97 concerning the death, including fingerprints, shall be
98 furnished to the highway patrol. All records forwarded to
99 the highway patrol by custody agencies or sheriffs as
100 required by this act shall include the state identification
101 number of the offender, the offense cycle number of the
102 offense, and the originating agency identifier number of the
103 reporting custody agency or sheriff, using such numbers as
104 assigned by the highway patrol.

Section 2. Those offenses considered reportable for the
2 purposes of this act shall include all felonies, and those
3 misdemeanors determined to be included by the super-
4 intendent of the highway patrol.

Section 3. The superintendent of the highway patrol
2 shall, in accordance with the provisions of chapter 536,

3 RSMo, establish such rules and regulations as are neces-
4 sary to implement the provisions of this act. Such rules
5 shall relate to the collection of criminal history information
6 from or dissemination of such information to criminal
7 justice, noncriminal justice, and private agencies or citi-
8 zens both in this and other states.

Section 4. The supreme court shall issue such orders
2 and rules as are necessary to implement the provisions of
3 this act as related to criminal history record information
4 collected by and disseminated or reported from courts in
5 this state.

Section 5. The Missouri highway patrol, with the
2 approval of the supreme court, shall publish and make
3 available to criminal justice officials, a standard manual of
4 codes for all offenses in Missouri. This manual of codes
5 shall be known as the "Missouri Charge Code Manual",
6 shall be used by all criminal justice agencies for reporting
7 information required by this act.

Section 6. The highway patrol, with the approval of
2 the attorney general, shall publish regulations governing
3 the security and privacy of criminal history record infor-
4 mation as required by this state and by federal law or
5 regulation.

Section 7. This act shall not require fingerprinting of
2 juvenile offenders or reporting of information pertaining
3 to a proceeding pursuant to the Missouri juvenile code,
4 except in those cases where a juvenile is certified to the
5 circuit court to stand trial as an adult.

Section 8. Beginning on the effective date of this act,
2 any person required by this act to furnish records to the
3 highway patrol who willfully refuses to furnish such
4 records shall be guilty of a class C misdemeanor.

Section 9. Beginning on the effective date of this act,
2 records shall be filed as required by this act.

3 【57.103. The sheriff in each county of the first class
4 not having a charter form of government and in each
5 county of the second class shall take pictures of and
6 fingerprint any person who is taken into or placed in
7 the custody of the sheriff by virtue of a warrant
8 charging a felony. The report shall contain the fol-
9 lowing information:

- 10 (1) The name of the person;
- 11 (2) A description of the person and any other data
12 to identify the person;
- 13 (3) The nature of the criminal offense. The sheriff
14 shall send a copy of the report, including a duplicate
15 picture and fingerprints, to the main office of the state
16 highway patrol, in Jefferson City. The report shall be
17 filed in the office of the highway patrol, and copies of
18 any report shall be available to any sheriff or law
19 enforcement official upon the request of the sheriff or
20 law enforcement official, when necessary in the per-
21 formance of his official duties.】

2 【57.105. The sheriff in each county of the third and
3 fourth class, shall take pictures of and fingerprint any
4 person accused of or convicted of a criminal offense
5 when the person is taken into or placed in the custody
6 of sheriff. The report shall contain the following
7 information:

- 8 (1) The name of the person;
- 9 (2) A description of the person, and any other data
10 to identify the person;
- 11 (3) The nature of the criminal offense; and
- 12 (4) Whether the person was accused or convicted.

13 The sheriff shall send a copy of the report, in-
14 cluding a duplicate picture and fingerprints, to the
15 main office of the state highway patrol, in Jefferson
16 City. The report shall be filed in the office of the
17 highway patrol, and copies of any report shall be
18 available to any sheriff or law enforcement official

H.B. 1448

18 upon the request of the sheriff or law enforcement
19 official, when necessary in the performance of his
20 official duties.]