

## **IMPROVING THE CRIMINAL JUSTICE INFORMATION SYSTEM IN MICHIGAN**

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## **IMPROVING THE CRIMINAL JUSTICE INFORMATION SYSTEM IN MICHIGAN**

### **PURPOSE OF SYSTEM**

As Michigan's population becomes larger, as the volume and variety of crimes mushroom, as the number of jurisdictions which maintain separate law enforcement agencies proliferate, and as mobility of criminals constantly increases, the effective operation of a criminal justice system tends to depend more and more on the quick, positive identification of offenders and the availability of adequate records on such persons. Throughout the entire criminal justice procedure, from initial investigation to incarceration and final release of a wrongdoer, identification capability plus the existence of complete records and their ready availability will impact on decision-making and follow-up activity. Without such identification and record availability the criminal justice system must to a major degree proceed in the dark.

Initial identification, plus complete, accurate and swiftly-available records, will aid the local police agency in the basic investigation of a suspect, and in the determination of whether to arrest an individual for a crime. Such information also will impact on decisions of prosecutors as to the nature of the charge to be brought (particularly important in the case of a habitual offender) and on whether to subsequently negotiate for modification of charges through plea bargaining. It will affect decisions of the courts in the granting or withholding of bail or in a determination that a suspect may safely be granted pretrial release on his own recognizance. Criminal history information clearly will be a key factor in sentencing decisions of a court, in evaluating eligibility of an offender for various forms of diversion or other special programs, and in expungement determinations. Lastly, correction officials must rely on this information when making decisions on prisoner classification and assignment, types of correctional programs to be utilized, and ultimately parole or release.

A large number of institutions and officials throughout the overall criminal justice system, therefore, are vitally concerned about the timely availability of adequate information about a criminal suspect in order to properly perform their responsibilities. The absence of such information could well cause major problems—incorrect decisions, or the inability to make any decision at all within the increasingly more stringent time limitations now being established for the adjudication of criminal matters. The ramifications of incorrect or tardy decisions go far beyond the parties involved. Unlike a civil law case, where in most instances only a plaintiff and defendant are affected by the quality and timeliness of a determination, such decisions in the criminal justice system affect broad elements of society as a whole. A considerable number of examples exist of offenders who, when released due to incorrect identification or deficient criminal records, have gone on to inflict further injury on society by the commission of violent crimes. A key need of the system is to make possible, through a high-quality information and records system, identification and punishment of violent and career offenders, so that they may be removed from society swiftly and for substantial periods of time. In this manner the system can help secure the overall public interest in a safe society. It also will serve to protect the innocent as well as identify the guilty.

## **HOW AN ADEQUATE INFORMATION SYSTEM SHOULD WORK**

Ideally, a criminal justice information system for Michigan should include a number of features which would enable it to effectively meet the needs of all concerned. These are as follows:

**1.** There should be incorporated as a vital part of the plan a central information repository, utilizing modern technology and effective procedures, serving the entire state. This would make it possible for all criminal justice agencies to seek essential information from a single source—and conversely would provide a central clearing-house for the submission of all data on offenders. Any regional- or local-level information repositories should, to the maximum extent feasible, have their operations closely coordinated with such a central unit. Obviously, local units may be excellent supplementary or back-up sources for identification and information on occasion—and should interchange such information freely among themselves.

**2.** The system should provide a method of swift, positive identification of offenders—preferably through an automated fingerprint identification operation. This would be part of a state-of-the-art computer and telecommunications system, structured in such a manner as to quickly meet the needs of all agencies for identification and exchange of essential information on offenders. Once an offender's fingerprints were received, a state-wide identification number—a SID number—should be immediately assigned (for a new person) or confirmed (for one with an existing record).

**3.** There should be swiftly provided by the central repository to the various criminal justice agencies throughout the state (and to such other agencies and organizations as can show a legitimate need), all pertinent information about the criminal history record of offenders. This would include existing data on all offenses of any consequence (including, as a minimum, all felonies and major misdemeanors). The record on each offense should be complete and all-inclusive—in other words, any arrest and charge also would incorporate full information on final disposition (either by dismissal or by prosecution, conviction, sentence, period of incarceration if any, probation, parole, diversion, etc.). If legally possible identification and records of juveniles might well be included in those instances where serious offenses had been committed by such persons. In an era when juveniles tend to be responsible for a fairly significant proportion of criminal acts, such a step appears to be essential.

**4.** There should be established (by legislation or compact) a firm procedure for the reporting to the central repository by criminal justice agencies of all the steps taken to deal with any important criminal incident, from arrest/charging of a suspect through final disposition, together with full fingerprint identification of offenders. A system should be established which would make possible periodic checks on all uncompleted records of cases (i.e., those which lacked information on dispositions) so that follow-up information could be secured and the file brought up-to-date. A process should be developed which calls for periodic audits of both the records of the central repository and a reasonable sample of the records and procedures of local criminal justice agencies, in order to insure compliance with adequate standards of operation plus completeness and accuracy of records. In

addition to ascertaining that each record-keeping agency was being operated in a sound and efficient manner, the audit also would make certain that any legal duty to adopt procedures and policies which were calculated to result in the maintenance of accurate and complete records was being met (thereby minimizing any possible criticism, or even potential legal actions on the part of any person who claimed to have been injured by failure to maintain such a proper standard).

## **PROBLEMS EXISTING IN THE PRESENT SYSTEM**

The problems which can be found in the present criminal justice information system in Michigan appear to be of two basic types. First, there are certain difficulties which can be attributed to shortcomings in the structure of the existing system itself—its basic design, its standards, and various closely-related factors. Second, there are various problems which arise out of the fact that the present system is not being operated as it should be in order to achieve its maximum potential.

**1.** Among the structural problems which can be found in the existing system is what might be termed mechanical/technical obsolescence. At present criminal justice agencies in Michigan use the so-called LEIN system, a computerized network tied into state and federal central record repositories, to obtain criminal histories of suspects (this system has other uses as well—it can be used to produce driving records, car ownership data, etc.). However, the LEIN system uses as identifiers name and birth date only—items obviously subject to error. There is no method presently available for quick submission by a local criminal justice agency to the central state repository of a set of fingerprints of a suspect in order to obtain an immediate, positive identification of such person (followed by a criminal record). Instead, such prints are submitted by regular mail, and securing firm identification of the suspect plus sending notification thereof to the submitting agency takes a considerable period of time (usually ten days or more). This non-automated system can produce critical problems—a suspect operating under one or more aliases might well be able to proceed some distance through the criminal justice system (even be released on bail or discharged) before his or her true identity is discovered. The importance of ascertaining correct identity immediately was demonstrated very clearly in a recent test run conducted by the Central Records Division of the Michigan State Police with the cooperation of the police departments of the cities of Pontiac, Southfield, and Warren (each department represented a consortium of additional communities). During a six-month period, some 340 fingerprint records were transmitted over facsimile equipment by these three local police departments to Michigan State Police Central Records (this was a selective sample). Of the 340 print records some 173 were identified, and 89 of these, or 51 percent, were matched with master records bearing a different name (notification of this was then immediately transmitted to the sending department). This indicated all too clearly that a considerable proportion of offenders arrested in the past may well have been released on bail or personal recognizance or even been improperly sentenced because the operation of the court system proved to be decidedly swifter than that of the criminal justice identification system! Two recent cases provide specific examples of what can occur. In one court a person appeared for arraignment on a charge and, through the use of an

identification card of another individual with a clean record, was released on bail and disappeared. The owner of the stolen identification card then was picked up by law enforcement officers and brought to court. Only the fact that the judge noted that the two persons were different saved everyone from further embarrassment. In a second instance, a person with multiple drunk driving convictions was sentenced as a first offender because the fact that he was operating under an alias was not brought to the attention of the court.

Other mechanical-technical shortcomings can be noted in the system at the present time. In one trial court in Wayne County, the section which obtains information on offenders necessary for bail determinations and pre-sentence investigations must check no less than five separate computer terminals to collect the necessary data—and may have to go through a variety of time-consuming manual operations to reconcile and deal with such data. In addition, this section has no computer link with the local juvenile court—to obtain detailed information on persons with a juvenile record, a staff member normally must visit the juvenile unit to physically check files.

Another key structural problem existing at the present time is the nature of the statute in Michigan governing criminal identification records. The present statute does provide for the immediate taking of the fingerprints of any person arrested for a felony or major misdemeanor by police departments or county sheriffs and forwarding of such items to the Michigan State Police records unit on forms supplied by such unit. There is, however, no specific time limit (in hours or days) established for such reporting (the records unit is charged with the responsibility of procuring and filing fingerprints and all other pertinent information on felons or major misdemeanants, and on “habitual criminals”). Likewise, the clerk of any court, the arresting officer, or other designated official is required to immediately advise the records unit of the final disposition of the arrest for which the accused person was fingerprinted. The present statute, then, is somewhat vague in terms of time of submission of fingerprints, and seemingly less than clear on responsibility for disposition reporting. While the failure to make required reports, etc., is declared to constitute a misdemeanor, it is questionable if the act as a whole pinpoints adequately specific responsibilities for the reporting of activities of all the local criminal justice agencies which must deal with an offender. The penalty provision, then, does not mean much. No provisions for any audit or other periodic examination of either records or procedures being followed in local agencies can be found in the present statute. Consequently, there is no legally effective method of determining if statutory provisions are being complied with.

**2.** The operational problems which can be observed in the existing criminal justice information system in Michigan are numerous. One of the key difficulties is the inadequacy of reports on arrests and particularly on dispositions received by the central repository from the local criminal justice agencies. Only sixty percent of the arrests which by law are to be reported to the state actually are sent in, and disposition information is forwarded on only thirty-to-thirty-five percent of the arrests reported. This means that complete records (both arrest and disposition) on a case may exist no more than twenty percent of the time. These percentages tend to vary depending on the definition of what is a reportable offense—if felonies alone are considered the percentages are higher. Apparently the problem is compounded by the fact that many police agencies are quite tardy in reporting any arrests. Yet another problem exists when an offender is arrested but not



booked and fingerprinted—something that may occur on occasion in a police agency when a booking officer is not on duty full-time. Finally, confusion may exist when no arrest of an offender whatever occurs—he/she is simply notified to appear in court to answer a charge. In either of the above instances, court officers may have to assume responsibilities normally undertaken by police departments if records are to be produced in complete form.

The results of a lack of complete information on many criminal incidents can be serious. Obviously, one result is the placing of the Central Records Division of the Michigan State Police in a difficult position—it may be well aware that many of its records are incomplete, but short of assigning large numbers of people to undertake follow-up activity, there is little it can do about it. Equally or even more important is the effect on local criminal justice agencies which are seeking complete information on a criminal suspect. With a good-sized proportion of arrests not being reported, many criminal justice agencies either will not know that a suspect has been arrested elsewhere and thus has a criminal record, or will not be aware of the fact that more charges exist than are shown on the person's rap sheet. Obviously, this could affect a wide range of decisions made by various criminal justice units, including police agencies, prosecutors offices, and courts. When disposition information is lacking many agencies—particularly those which must gather background data on an offender as he travels through the judicial process—are compelled to “fill in the gaps” in the record through individual follow-up at courts or police stations. This can be very time-consuming, and still may not result in the record being completed or corrected unless the specific staff member takes the trouble to forward the missing information to the central records agency of the state police—which probably does not occur in most cases due simply to lack of time.

Another significant factor affecting operations is the existence of large numbers of so-called diversion programs for offenders in the criminal justice system. An offender charged with a crime, if it is determined that he/she meets certain standards, may be offered the opportunity to avoid prosecution and possible conviction by going on a type of probationary status for a period of time (usually known as prosecutors diversion). At the end of the stated period, assuming good behavior, the charge is dismissed and the person's arrest record usually expunged (the Holmes Youthful Training Act appears to operate in a somewhat similar manner, but is restricted to persons in a low age group—17 to 20).

A definite problem with such diversion is the unclear status of the offender while in the program—and the apparent “hold” on any information relative to such person during that time. While the U.S. Department of Justice in a recent authoritative report states that diversionary dispositions should be treated as active, pending cases, what often appears to happen is that no report whatever is made on a charge which is assigned to diversion, with the result that the matter remains in limbo. Thus, it could readily happen that an offender who was in diversionary status and committed an offense elsewhere could be treated as a person without a criminal record—not a sound result.

The other type of diversion which occurs is the determination of a police officer (or department) to prosecute an offender under provisions of a municipal ordinance rather than state law (usually known as local diversion). This could result in an offense which would constitute a felony or major misdemeanor under state statute being treated as something far less

serious under a municipal ordinance. Often, instead of arrest and prosecution, an appearance ticket may be issued and a fine paid by the offender, which would end the matter. Consequently, no report whatever would be made on the case by the local police department to the Central Records Division. The end result again is that a person who committed an offense of some magnitude may not be included as an offender on the records of the Michigan State Police.

The problems involving Juvenile fingerprinting and record-keeping appear to be particularly numerous. It was noted earlier that there is no computerized exchange of information between juvenile court and the trial courts in Wayne County—and with respect to other criminal justice agencies juvenile background data is even less readily available. In addition, there clearly are internal problems within the juvenile court with respect to effective identification. Neither fingerprints nor pictures of juvenile offenders normally are utilized by this court, which means that on some occasions there can be misidentification and a resulting exchange of records (one such incident recently was reported, where only a corrective statement by the family of an offender who was before an adult court for sentencing kept another person's extensive juvenile record from being ascribed to him). Obviously, lack of firm identity and a true record on juveniles can seriously hinder adult courts in their work. With recent changes in sentencing guidelines, juvenile records have become more important—the courts must have reliable information on an offender's early history. It should be mentioned at this time that at age 27 the juvenile record of an offender by law must be expunged, which limits long-term use. It also should be noted that there appears to be no clear policy by police agencies on whether fingerprints will be taken of those juveniles who are arrested—some such agencies fingerprint all juveniles; others appear to waver in their policies (the Michigan State Police Central Records Division now appears to be seeking to establish a statewide policy on this).

## **NEEDS OF VARIOUS CRIMINAL JUSTICE AGENCIES**

A variety of needs relating to offender identification and criminal records have been identified by the various types of criminal justice agencies interviewed in connection with this study:

**A. Police Departments.** The various police departments interviewed stated that a top-priority need was the swift and positive identification of an offender through some type of automated fingerprint system. A second need, closely allied with the first, was availability of full information on a suspect's previous criminal record throughout the state (and in other states) arrests, dispositions, etc. The above information would be useful to the police agency in numerous ways, but particularly in the preparation of an investigators report on an offense and on the suspect, which would be submitted to the prosecutor's office for action by that agency. A "complete state and local rap sheet on a suspect" was stated by police staff to be an essential basis for successful prosecution and sound decisions by the courts.

Police departments normally maintain local identification cards and records on offenders, and seek generally to keep these up-to-date. Consequently, obtaining firm identification

and record data in the majority of cases may be possible through a check of local files. As noted previously, however, criminals today tend to be highly mobile, undertaking their activities in a variety of jurisdictions. In many instances, therefore, it will be necessary to go to a central source for such identification and particularly for complete records. However, as noted earlier, if arrest and related information is not consistently and promptly sent to the Michigan State Police Central Records Division—or if the records unit should be slow in responding to requests—the end result will be a system on which no one can completely rely.

**B. Prosecutor's Office.** This office has a variety of needs and concerns in relation to criminal justice information. It needs to be certain that the identification of an offender and the information on his background, both of which are contained in the police investigator's report, are accurate and complete. Criminal record information is important initially both in determining the nature of the charge which should be brought and at the bail hearing. At a later stage it could well be vital in various court proceedings and in any plea bargaining which may take place. It also is of decided importance in determining if an offender is to be offered an opportunity to enter a diversion program.

Assignment of a specific case identification number (based on a charge) is necessary in conjunction with the application for a warrant. Such number then can be utilized as a common identifier for reporting purposes by the courts and all other agencies which deal with the matter thereafter. (As a complicating factor, it should be noted that if the warrant charge differs from the charge on arrest, all records must be changed to reflect this. Such a problem needs to be dealt with, and a proposed solution will be subsequently described.)

**C. Bail Information Bureau.** This agency needs positive identification of an offender and full information on the individual's criminal record. Such data (usually supplemented with additional information on employment, etc.) is essential to a determination at the arraignment of whether or not the accused individual can safely be released on personal recognizance. Acquiring such information for the initial bond hearing often is difficult to accomplish because of time limitations, and information usually is presented to the court orally. At any later bond review the report is given in writing, and more time is available to assemble and check information.

**D. County Jails.** For this agency, positive identification of a suspect (primarily through fingerprints) is essential on a continuing basis, so that the proper person can be delivered to and returned from the courts. A criminal history record also could be useful in determining incarceration policies.

**E. The Courts.** At all times the courts need to be certain of the identity of the person appearing before them. The agencies which develop information for the various courts also clearly need to have quickly available through computer sources a career criminal history of each offender, including information on any juvenile record he/she may have. Such information is particularly essential for sentencing purposes. The pre-sentence investigation must be a thorough one, and full information on the offender from all sources is needed.

The courts will need to have available the common case identification number mentioned earlier as the basis for recording information on the progress and disposition of each case in a manner which can be utilized by a central record unit.

F. **Corrections Department.** This agency needs to receive full information on an offender once sentence has been imposed and the person is either scheduled to enter prison or begin probation. Such information would include positive identification, a full career criminal history, complete information from the local court probation agency relative to its check of the offender's background, and information from the court on sentencing. All such information is of value in determining how the Department of Corrections will handle the offender. The information on persons entering the corrections system thus primarily comes from other agencies, but as the offender progresses through the system additional data will be entered on him/her—work assignments, etc. The corrections agency in turn will send information to the state police on persons exiting the corrections system—this may be on escapees, parolees, halfway-house residents, etc.

At present, the state corrections agency is planning an interface of Department of Corrections and State Police computers to speed the interchange of data (a recent check disclosed that good progress is being made on this). An additional need in this area may well be an automated interface between the court system and the corrections agency, to substantially improve the flow of information on offenders.

## **PROPOSED APPROACHES**

**State Police.** Any improvement of the overall Michigan State Police central information operation should feature as a top priority the installation of an automated fingerprint identification system (AFIS). This would give the central state unit the capability of providing an immediate offender identification service (and swift assignment or confirmation of a state identification number) to criminal justice agencies throughout Michigan. This is something the local units must have if they are to deal with today's ever-more-mobile criminals. Obviously, this capability is particularly important to the criminal justice agencies in Detroit-Wayne County, where, as was noted by one person interviewed, "our agency deals with a huge volume of cases in a large, impersonal jurisdiction, where the possibility of error in identification always exists." In addition to identifying offenders through an automated tenprint-to-tenprint check, use of AFIS should make possible a vastly improved capability of identifying latent prints secured at crime scenes, thus enabling the resolution of many crimes not otherwise easily solved. The experience of San Francisco with use of AFIS should be noted—this city, through having the ability to identify latent prints, has greatly increased the percentage of arrests and convictions for breaking and entering and certain related crimes.

Development and installation of a sound automated fingerprint identification system would require very careful study to determine specific Michigan requirements, followed by the

development of a system which would meet such needs. At the state level obviously there would have to be readjustments made in the operation of the central repository to handle the new system. The transfer of many thousands of existing prints to the automated system would have to be provided for. Since MSP crime labs initially would be relied on heavily to provide local services, these also would have to be upgraded. At an early date it would be necessary to determine the number of local (or regional) terminals which would be needed to furnish service to specific criminal justice agencies and to develop a plan for providing these. Cost and budgeting factors would be important—the multi-million dollar capital cost of the new central facility would have to be provided for in the state budget, together with anticipated increases in the cost of operation. The funding of local terminals—particularly the nature of any state fiscal contribution thereto—would have to be worked out. Obviously, training of personnel at all levels, together with the development of well-integrated state-local procedures, would have to be undertaken. Development of a realistic timetable for accomplishing all of the above items would be essential.

Closely allied with the installation of an automated fingerprint identification system would be the upgrading of the state central information unit's capabilities as an overall criminal records repository. Obviously, there may well be improvements that can be made which would help strengthen internally the records operation. Equally important, however, would be the joint development with local criminal justice agencies of approaches which would substantially upgrade the receipt from local jurisdictions by the central unit of information on arrests and/or charges, together with disposition data. Once this takes place the central unit will be able to do a far more effective job of supplying accurate current criminal history data to all those agencies which rely on it.

A proposed new statute (which has cleared one of the houses of the legislature) does place certain additional reporting responsibilities on local criminal justice agencies, in the areas of both arrest and disposition. It should be noted, however, that this statute in final form would need to conform to the identification and criminal records system ultimately placed in service. Moreover, the central information unit still may have to be prepared to "phase in" some of the reporting requirements of any proposed new act—e.g., concentrate on developing, together with local units, a plan to initially obtain full compliance with the required submission of information on more serious offenses, with similar efforts in the area of lesser crimes to follow at a later date. The problem of capacity of the Central Records Unit and the MSP Data Center to handle various types of incoming information and inquiries is a factor which should be kept in mind at all times. While such capacity is reported to be adequate to meet present needs, any significant increase in the reporting of criminal justice information (or inquiries for non-criminal purposes) could greatly enlarge the workload of the MSP units, and might well require additional computer capacity, substantial improvement in internal procedures, or perhaps even a setting of priorities. It would appear particularly desirable for the central unit to obtain agreement on upgraded local efforts to promptly and fully report disposition data, since this clearly has been a significant unresolved problem to date. It also appears desirable that establishment of a series of state-local joint training programs involving operation of an automated fingerprint identification system together with an upgraded information reporting procedure be considered.

**Detroit-Wayne County Area.** A variety of actions by local criminal justice agencies in the Detroit-Wayne County area could be taken to strengthen the overall criminal justice information system and make it more capable of meeting the needs of its users. Among such actions would be the following:

**1.** Development of a plan to improve accessibility of juvenile court records and upgrade identification procedures for youthful offenders. In order to deal with these subjects, the establishment of a committee comprised of representatives of the Wayne County Juvenile Court plus persons from other courts, the prosecutors office, and local police departments, might well be considered (it appears that an informal group does exist at present). Such committee would assist the juvenile court in upgrading the methods used to identify juveniles appearing before it—particularly those charged with more serious offenses (as opposed to so-called “status” matters). The committee also could explore methods of improving the flow of information between juvenile and trial courts plus certain other agencies, so that juvenile records which were legitimately being sought by various agencies might be made quickly accessible through some type of computer interface. The committee should determine if changes in legislation are required to achieve these goals.

**2.** Adoption of a procedure whereby a matter is assigned a case identification number by the prosecutors office once a request for a warrant on a charge is made, with this continuing as a common case identifier through various court processes on to disposition of the matter. This is an all-important initial measure toward strengthening the ability to track the progress of a case through the various steps it must follow in the courts. Obviously, all courts which dealt with such cases would have to agree to recognize this number as a universal identifier (even though other numbers might be used for internal purposes in each court).

**3.** Achievement of an agreement by the various courts to report disposition of cases directly to the central state records unit (this procedure would, of course, have to be closely tied to the adoption of a basic case—or charge—identification number mentioned in the preceding subsection). This approach would eliminate the present roundabout and obviously ineffective procedure of having the local police agency ascertain the disposition of a matter and then submit to central records a disposition report.

**4.** Adoption by local criminal justice agencies in Wayne County of a plan for strengthening the reporting of arrests, and for reporting the status of matters handled through diversion programs. Unless there is a change made in arrest reporting (as subsequently will be noted, a plan has been developed proposing a shift from an arrest-based reporting system to a charge-based one), a more systematic method of reporting to Michigan State Police of such arrests should be developed and adhered to by each local agency. Along with this should be adopted a firm rule calling for each agency to fingerprint all suspects arrested for felonies and at least major misdemeanors.

In the area of diversion, a procedure needs to be adopted for the appropriate agency granting diversion (usually the prosecutors office) to provide a report thereon, identifying the offender by case number, SID, etc., indicating that diversion status exists, and giving the termination date thereof. In this manner, the Michigan State Police criminal history

would incorporate a record of diversion status, which information will be available to any criminal justice agency checking a suspect's record. The central record agency, upon proper notification, could expunge the offender's diversion status following successful completion of the program.

With respect to local diversion, including municipal prosecutions under an ordinance and the substitution of an appearance ticket for other methods of processing a charge, there seemingly is no policy which can be established that will meet the needs and desires of everyone. It may be that some type of what might be termed "shorthand notification" could be worked out to make possible a brief reference in a central criminal history to the fact that the subject had been prosecuted under a local ordinance (or issued an appearance ticket) where the offense also was a violation of state law (for further information on the offense the seeker of information would be referred to the local jurisdiction where the matter originated). However, for this approach to amount to anything it would have to be combined with a fingerprinting program covering lesser offenses, thus making possible firm identification of offenders in district court. Without such positive identification there probably would be a continuation of the type of problem which now appears to exist in large district courts, where a substantial number of defendants operate under aliases, secure in the knowledge that little can be done to penetrate such falsification.

Possibly the formation of a committee composed of representatives of local police agencies, the prosecutors office, and district courts could be established to deal with the problem of positive identification of persons who commit lesser offenses, and the extent to which it would be desirable to have information on such persons and the offenses committed kept in a central records system.

## **ACTIONS TAKEN TO DEAL WITH PROBLEMS**

While numerous problems exist in the criminal justice information system, the outlook at present is by no means a discouraging one. Vigorous and imaginative efforts are being made by both state and local groups—and by effective combinations of the two—to resolve such problems in a timely and effective manner. Among the steps which have been taken are the following:

**Establishment of AFIS Steering and Technical Committees.** In order to obtain a broad-based group to work with the Michigan State Police in developing plans for an automated fingerprint identification system, Act 104, Public Acts of 1985, provided for establishment of a special steering committee. This body was to be made up of a number of state officials from the departments-of Attorney-General, State Police, Corrections, and Secretary of State, together with representatives of local criminal justice agencies (police departments, sheriff departments, and prosecuting attorney offices). This new committee was established quickly, and has been meeting regularly to carry on its work.

The steering committee in turn has formed a technical subcommittee, comprised of specialists from various local and state agencies, all with hands-on experience in criminal justice identification and record-keeping systems. This subcommittee's function is to do background work, and advise the steering committee on a wide range of matters. The technical group has surveyed automated fingerprint systems presently being operated in a number of other cities and states, and has undertaken research in various related areas. It has reported its findings and recommendations to the steering committee frequently.

Under provisions of Act 104, the Department of State Police is required to develop a proposal for the basic design of an automated fingerprint identification system. Such plan is to include the proposed data base configuration, and provisions for participation of user agencies in the cost of the system. When completed, the proposal is to be submitted to the steering committee for review and comment, and then must be approved by the Michigan Department of Management and Budget.

**Proposed New CCH Tracking and Reporting System.** In recent months, representatives of the Wayne County Prosecutor's Office, Recorder's Court, the Detroit Police Department, the Wayne County Sheriff, the State Police, and other agencies have examined in detail the twin problems of upgrading the maintenance of criminal histories of offenders in the State of Michigan and development of a more systematic method of reporting offenses and the dispositions thereof in the courts. It was noted earlier that present Michigan State Police computerized criminal history records contain complete information on offenders only a fraction of the time. A plan now has been developed by the group to help resolve the overall problem (initially, it would be expected to apply only within the City of Detroit, and would deal only with felonies).

In developing the plan it was agreed first by the group that all criminal justice agencies must use a common offender identifier, specifically the state fingerprint number or SID number. It also was agreed that all agencies should use a common case identifier, the prosecutors warrant number on a charge, from warrant stage through disposition. This would become a new case-tracking (Computerized Criminal History) number, to be placed on all documents or computerized reports as the matter made its way through the courts. Finally, it was agreed that all criminal justice agencies must use the same Michigan Compiled Laws Annotated charge code tables so that the precise charge in each case and the exact offense listed on the criminal histories would be known.

The study group agreed that in implementing the above-stated guidelines the Detroit Police Department would modify its procedures for submitting information on an arrest to the Michigan State Police. Arrest information on a suspect in custody would be forwarded by the Prosecutor only when a warrant was issued by the court—thus changing the emphasis of the CCH system from arrest-based to charge-based. No longer would arrests without follow-up information be stored in a central criminal history—nor would the problem exist of having to reconcile an arrest charge which differed from a subsequent warrant charge. The Detroit Police Department would continue to take fingerprints of those suspects in custody, and under an automated fingerprint system presumably would use these to check with Michigan State Police Central Records on identification and existence of a criminal record. Such print cards themselves, together with the warrant number and other informa-



tion, however, would be items sent by the Prosecutor's Office to the Michigan State Police. If a defendant was not in custody when a warrant was issued, responsibility for the follow-up process of placing the warrant number, charge number, and charges on the completed fingerprint card after arrest and submitting this to the Michigan State Police Records Unit would revert to the Detroit Police Department. The police department also would have to deal with the reporting of any arrests which were not followed up by authorization of a warrant.

The Prosecutor's warrant number, plus other identifying items (SID number, etc.), then would become the identifying or tracking number for the matter as it proceeded through the courts. The tracking number would be specific to each charge. Upon disposition of the matter, the court of last jurisdiction would generate an automated report (presumably a computer tape) indicating the defendant's Prosecutor's warrant number, SID number, other key numbers, and the disposition, to be sent directly to the State Police Central Records Unit (the Detroit Police Department, therefore, no longer would have the burden of reporting dispositions).

The Central Records Unit of the Michigan State Police would have to make certain modifications in its operating procedures (and quite possibly additions to staff) in order to efficiently handle the new plan described above. One key change would involve adding greater identification number capacity to the MSP data base. Also involved would be the ability to verify a SID number in a very short time (two hours or less). This, of course, would be dependent on installation of AFIS—prior to that occurring some short-term plan would have to be worked out.

The above-described approach appears to offer many advantages. If supplemented by a system or procedure which could be used by out-county and out-state agencies (since smaller courts might not be computerized a less-sophisticated method of reporting dispositions might be necessary here), it could well go a long way toward resolving many of the existing problems in the development of accurate criminal histories for offenders. Reporting to the FBI of arrests, etc., also would have to be provided for.

## **STEPS YET TO BE TAKEN TO FULLY IMPLEMENT NEW PROGRAMS**

As has been noted, a number of vital activities now are underway to develop greatly strengthened fingerprint identification and criminal record-keeping systems in the State of Michigan. There are, however, certain additional things which must be done in order to achieve full success in these areas. The more important of these are:

**Bringing AFIS on Line.** Among the steps which must be taken before an Automated Fingerprint Identification System can be operational are these:

- Development of a basic program and financial plan (a so-called RAD) for an AFIS systems and obtaining necessary approval thereof by the Michigan Department of Management and Budget. In this effort it must be made absolutely clear that the proposed new system is designed to significantly improve crime-fighting capabilities at all levels of gov-

ernment in Michigan (not just automate an existing program). While \$1 million of state money has been made available for 1985-86 and the Governor has recommended an additional \$750,000 for 1986-87, continued funding will be needed in an amount sufficient to meet the goal of increasing the effectiveness of the criminal justice system in Michigan.

- The development of local-level as well as central facilities as a key aspect of any overall AFIS program and fiscal plan. The AFIS systems if it is to achieve maximum potential, must incorporate a plan for development and funding of those local terminals necessary to make the system fully available for use by all criminal justice agencies (this could well include regional facilities to serve clusters of small agencies). The question of whether the state will play a role in the financing of such local facilities, and if so, of what magnitude, certainly will need to be addressed in some detail.

- The development, once program and fiscal approvals are obtained of a sound technical system which can be used as the basis for a Request for Quotation addressed to prospective AFIS vendors. It will be of utmost importance that the technical and operational aspects of such a system be particularly well-thought-out, so that the end result is an AFIS which adequately meets the needs of the entire state now and in the foreseeable future.

- The provision (by legislation) of some type of permanent coordinating AFIS Council, so as to make possible the continuation of the excellent working relationship which has been developed to date between state and local agencies in laying the groundwork for an AFIS program. This would in effect be a counterpart of the LEIN Council which has been in existence for a number of years. The establishment, on a continuing basis, of a state-local forum where differences can be reconciled and common goals and procedures adopted is a must.

- Development of a plan for converting all existing fingerprint records to the proposed new automated system.

**Upgrading the CCH Program.** A variety of activities will need to be undertaken in order to achieve the goal of an upgraded program of computerized criminal histories for use throughout the state, including:

- The obtaining of agreement on statewide adoption of the proposed charge-based system developed (as noted earlier) for use by Wayne County criminal justice agencies. Clearly a single statewide plan would be highly desirable, and reasonable modifications to permit the achievement of such a goal should be carefully considered by all parties concerned.

- The development of technical Improvements by the Michigan State Police data center which will permit entry of and processing of data in the most effective manner possible—particularly the automated data which will be produced if the plan for a charge-based system with court-supplied disposition data is carried out. Resources necessary to make such improvements should be made available by the MSP and other key state agencies concerned.

- Careful analysis of the need for additional computer capacity in the MSP data centers in light of present and particularly future needs. While the AFIS program will be a stand-alone computer system, the proposals for major upgrading of the CCH program, as noted earlier, may well necessitate enlarged capacity. Lines of communication should be opened with key state agencies—particularly the Department of Management and Budget—to determine if additional computer capacity can be obtained once need is clearly demonstrated.

**Ancillary Items to be Dealt With in the Near Future.** Certain other specific steps should be taken in the near future in various related areas to improve the overall criminal justice information system. These would include:

- Enactment of legislation incorporating the identification and criminal records systems ultimately adopted for statewide use and providing for an improved procedure for reporting arrests, dispositions, etc., by criminal justice agencies.

- Development of a plan for continuing system audits, to be conducted by a special unit located in the central MSP repository, and to be based on standards established by a joint state-local committee. The audits would be of both an in-house (of state units) and field (of local user agencies) nature.

- Examination of possible fees which might be charged for non-criminal justice use of MSP records. Several states presently impose such charges, and their use in Michigan would help defray the cost of operating the new fingerprint and criminal records system soon to be installed.

- Development of a state-local training program designed to educate local criminal justice agency staff in the responsibilities each person must assume under any upgraded identification and criminal records system finally adopted for use.

- Swift movement toward the establishment of a working committee in Wayne County (and perhaps on a statewide basis ultimately) to deal with juvenile court problems in the areas of positive identification of offenders and computerized access to records.

- Finally, the securing of a firm expression of willingness by the state government to provide in its budgets over the next several years funds for new automated equipment, for conversion of existing systems, for necessary personnel to meet staffing needs, and for a wide range of support services such as training. This will be essential to the success of proposed new programs in the criminal identification and record area.



