Washington State Criminal Records Audit: Presentation to the Sentencing Guidelines Commission

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Objective of the Criminal Records Audit

- Analyze Washington State’s criminal history databases for adult felons to determine completeness and accuracy among the databases (October 2007).

- Databases to be studied:
  - Washington State Patrol (WSP)
  - Department of Corrections (DOC)
  - Administrative Office of the Courts (AOC)
  - Sentencing Guidelines Commission (SGC)

In This Presentation:
Review Three Study Questions

1) How uniquely can a defendant be identified?

2) Are defendant’s criminal records accurately recorded?

3) Are criminal records consistently associated with the same defendant throughout the system?
1) How uniquely can a defendant be identified?

<table>
<thead>
<tr>
<th>Criminal Justice Database</th>
<th>Percentage of Person IDs With Multiple Matches in WSP Database Based on Name and DOB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Office of the Courts</td>
<td>10%</td>
</tr>
<tr>
<td>Sentencing Guidelines Commission</td>
<td>11%</td>
</tr>
<tr>
<td>Department of Corrections</td>
<td>8%</td>
</tr>
</tbody>
</table>

- Fingerprints are not exclusively used to identify an offender by AOC, SGC, and DOC.
- It is difficult to reliably identify a person using only name, date of birth.
1) How uniquely can a defendant be identified?

Fingerprint-based State Identification number (SID) exists for:

- WSP (arrests)
- AOC (convicted felons)
- DOC (offenders)
- SGC (J & S's)
2) Are criminal records accurately recorded?

- Not all AOC felony conviction cases are found in the criminal justice databases.
  - WSP: 87 percent found
  - SGC: 88 percent found
  - DOC: 91 percent found

- When cases match from AOC to the criminal justice databases:
  - between 69 and 90 percent of all charges match.
3) Are criminal records consistently associated with the same defendant throughout the system?

- AOC case numbers were matched to case numbers in the criminal justice databases. We found that the SID is the same in both databases:
  - WSP: 91 percent
  - SGC: 64 percent
  - DOC: 93 percent
3) Are criminal records consistently associated with the same defendant throughout the system?

PCNs in AOC’s Database Matched to PCNs in WSP’s Database

- Percentage with same AOC Case Number
- Percentage with same SID Number

Year Case Was Filed

Recommendations to Improve Person Identification

- Require the SID be the official state identifier for all databases for criminal defendants from superior court.

- Transmit the SID electronically from WSP to all other agency databases (e.g., email).
Improve Person Identification – cont’d

- Discuss methods to guarantee that an SID appears on every judgment and sentence document signed by a judge.
  - SGC and the Superior Court Judges Association

- Require SID on the prosecutor’s charging document for booked defendants.
  - Based on fingerprint from law enforcement.

- Eliminate name and date of birth identification and use live-scan devices (in the courtroom).
  - Comment: Allow time before court appearance to fingerprint summoned defendants.
Recommendations to Improve Accuracy and Consistency of Criminal History Records

- Develop an oversight committee charged with managing the consistent recording of RCWs.

Responsibilities could include:

- Establish a common RCW table for all agencies.
- Simplify charges requiring more than one RCW. For example, theft charges.
- Review ambiguous RCWs.
  - "Undefined" - cannot distinguish if it’s a felony
  - "Combined" - subparagraphs are felonies and misdemeanors
- Require the PCN (or PCNs) on the judgment and sentence document.
Targeting Areas for Future Improvements

- Fingerprints become the exclusive method for recording an offender identification.
- Databases become more integrated.
  - assist each organization to align its database with the requirements of an integrated criminal justice database system.
- Rely on data transmission without manual intervention.
- AOC capture conviction information from the judgment and sentence for transmission to WSP, SGC, and DOC.
Other Helpful Slides Not Used During This Presentation
Washington State Institute for Public Policy

- Created in 1983 by the state Legislature

- Mission: Carry out non-partisan research on projects assigned either by the legislature or the Institute’s Board of Directors
  - 8 legislators
  - 4 higher education provosts or presidents
  - 4 state agency directors
Authority

- OFM contracted with the Institute to conduct an audit of the Washington State criminal history record systems as part of the National Criminal History Improvement Program.

- This project was approved by the Institute Board.
Criminal Records Oversight Committee

- Representing nine state and local criminal justice agencies.

- Responsibilities:
  - To provide the Institute with technical guidance on data and business practices.
  - To ensure analyses accurately reflect the status of the criminal history databases and records.

- The Institute did not ask the Committee to take an official position on each recommendation.
Importance of Complete and Accurate Criminal Records

- Sentencing Reform Act of 1984 - Convictions are counted in a sentence calculation.

- DOC’s risk assessment tool.

- Other reasons include: background checks, voter registration, professional licensing, sex offender registration, rental housing decisions, etc.
Dictionary of Terms

- **SID** – Fingerprint-based State Identification number issued by WSP
- **PCN** – Unique number linking disposition of fingerprinting event to an arrest record.