

Criminal History Audit

Final Report

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Submitted By:

Crime Research Group
Robin Joy, J.D., Ph.D., Director of Research
Max Schlueter, Ph.D. Senior Research Associate

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Introduction

Despite the heavy reliance on criminal histories in practice and in policy-making, Vermont criminal histories have not been audited since 1994. Crime Research Group (CRG) employees, formerly working at the Vermont Center for Justice Research (VCJR), conducted that audit. In the intervening years the Vermont Crime Information Center (VCIC) automated its procedures and continues to make improvements, but no external audit has been conducted.

Method

Data for the criminal history audit were taken from the Vermont Court Adjudication Database¹ maintained by CRG. In 2015 there were 24,842 charges disposed. Sixty charges from each of Vermont's fourteen county superior courts were randomly selected for the audit, totaling 840 charges with a precision level +/- 2.5%.² However, not all dockets were available to be audited because some were missing, sealed or expunged, and some had also been moved to central storage. A total of 690 charges were audited bringing the precision level to about +/-3%.

The paper dockets were reviewed in each county superior court for accuracy from the charging paperwork, the mittimus, and other documents used to enter docket information into the court's case management system. There were only two discrepancies found between court paperwork and the way the case was entered into the court's case management system - one charge had the wrong charge code and in the other the docket number was assigned twice. The data entered into the case management system are then transmitted to VCIC, and form the charge and case disposition information for criminal histories. Criminal histories were obtained from VCIC and matched to the court data to determine reporting accuracy.

Another method was used to see if felony arrests were being fingerprinted and submitted to VCIC as required by law. Criminal histories of those arraigned in 2013 were used to determine if fingerprints were received for felony arrests.

Finally, the data were audited for missing values and logical inconsistencies. Parole violation data was not audited.

Results

Accuracy of Records

The accuracy of records was first measured from the court paper files to entries into the Court's case management system. This system provides arrest, arraignment, and disposition information which is uploaded into the criminal history software. The following fields were checked for accuracy: sentence, disposition, and statute. When a discrepancy was found between the criminal history and the court adjudication database, the docket was viewed on-line to see which was correct. A discrepancy could be the result of a VCIC error, or more often a change in the case after 2015 - the year of the audited charge.

¹ Vermont has a unified court system. All courts use the same records management system and CRG regularly receives extracts from the system to maintain the Court Adjudication Database.

² <http://www.search.org/files/pdf/auditguide.pdf>

- Sentences - Only three sentences were incorrect out of the 593 sentenced charges for a discrepancy rate of .5%. Two sentences were revoked deferrals that were not reflected in the disposition code, and one sentence was listed as deferred but was a sentence of incarceration.
- Dispositions - Only two dispositions were incorrect out of 690 charges audited, for a discrepancy rate of .2%.
- Statutes - Fifty-four charges out of the 690 in criminal histories had a different charge code than the court. However, the errors were either: 1) The statute was not in charge code format but was otherwise correct; 2) Two charge codes had a typo of I for a 1; and, 3) Different subsections of the statute were used, but they had no effect on the charge description or other material change. The discrepancy rate for the statutes was 7%.

Fingerprints

For those arraigned in 2013, criminal histories were used to identify 1,132 unique felony arrests. In order to identify felony arrests that require fingerprints, the cycle events³ were searched for fingerprint related codes. Of the 1,132 unique felony arrests, fingerprint codes were missing for 408 arrests. Thus 36% of felony arrests had no evidence of being fingerprinted. These criminal histories were extracted in 2017. Had fingerprints been taken by a law enforcement agency in 2013, VCIC would have received the fingerprints by 2017.

The crimes for which no fingerprints were recorded included: sexual assault, aggravated domestic assault, assault of a vulnerable adult, exploitation of a child, drug offenses, burglary offenses, and DUIs. If a charge is not fingerprinted, the case cannot be sent to the FBI for inclusion in the defendant's interstate record. This is a critical issue for charging and background checks. For example, if a defendant is convicted of a sex crime against a child in Vermont and the case is not fingerprinted, it does not go to the defendant's interstate record. This means that if the Defendant then goes to New York and is rearrested for a child sex crime, the district attorney in New York will not know about the previous Vermont charge. Similarly if the Defendant moves to New Hampshire and applies to be a daycare worker, New Hampshire authorities would not be aware of the Vermont record. If law enforcement agencies know that the individual resided in Vermont, they may also query Vermont criminal history records directly via NLETS (for authorized purposes) and as such this information may have been provided.

There should be an assessment conducted to determine why so many fingerprint cards are not entered in the law enforcement database and/or not submitted to VCIC (36%). CRG will provide VCIC with the information to review the collection of fingerprints.

Missing Data and Logical Inconsistencies

The criminal histories of those arraigned in 2013 date back to 1964. Criminal histories contain: personally identifiable information, arrest information, arraignment information, and disposition information. The criminal histories represent 3,483 individuals and contained 149,131 charges: 55,030 disposed charges (37%), and 94,101 arraignments or arrests (63%).

³ Cycle Events are events that affect an entire case not just a specific charge.

Individual Level Data

The XML to .csv conversion process CRG uses to analyze criminal history does not convert some fields such as address information, employment information, scars, marks and tattoos. It converts only the Name, DOB, Sex, Race, Ethnicity (Hispanic/non-Hispanic), City of Birth, State of Birth and US Citizen Status. Table 1 below presents the findings regarding missing data by field.

Table 1: Missing Individual-level Data by Type (N= 3,483)

| Field | Number Missing | Percent |
|----------------------|----------------|---------|
| Race | 32 | .9% |
| Ethnicity | 2902 | 83% |
| Sex | 2 | 0% |
| Place of Birth, City | 806 | 23% |
| Place of Birth State | 161 | 5% |

Law enforcement agencies do not enter Ethnicity which is why there is a high percent of missing data. This is the only place to capture Hispanic / non-Hispanic as a category for individuals.

Table 2: Missing Data for Disposed Charges (N=55,030)

| Field | Number Missing | Percent |
|--------------------|----------------|---------|
| Arrest Date | 5,784 | 10% |
| Arraignment Date | 8 | 0% |
| Arraignment Agency | 280 | .5% |
| Charge Description | 313 | .5% |
| Statute | 1413 | 2.5% |
| Felony | 0 | 0% |
| Conviction | 0 | 0% |
| Disposition Date | 123 | 0% |

Most of the missing arrest dates, charge descriptions and disposition dates were clustered around the mid-1990s, judging from other dates available from the records. For statute information, however, the largest number of missing statutes was clustered in 2014 (278 charges), 2015 (233 charges) and 2016 (157 charges). The selection criteria for this analysis was a disposition event, therefore a charge code should have been available.

Arrest/Arraignment Entries

For the purposes of this audit the XML extract for arrest and arraignment data was divided into two files. However, at the data entry point much of the same information is used for both the arrest and arraignment so it is not possible to determine where data was entered first. The disposition data is extracted into a third file. If the file is not merged with the disposition file, entries do not contain disposition codes and can be looked at separately.

Table 3: Missing Data for Arrests/Arraignments (N= 94,101)

| Field | Missing | Percent |
|----------------------------|---------|---------|
| Arrest Agency ⁴ | 2,292 | 2% |
| Date of Arrest | 8,499 | 9% |
| Incident Number | 1,743 | 2% |
| Charge Description | 13,367 | 14% |
| Charge Severity | 18,774 | 20% |

Because most charges come to the attention of VCIC through a criminal case filing from the court, many arrest events entered by law enforcement may not be populated with specific charge information. As noted above, the extract cannot distinguish between an arrest and an arraignment. Researchers should use caution when using these entries for research.

Date of arrest should be populated either through a fingerprint card, which would have the date of arrest, although as noted above a large percent are missing, or from court filings, which should contain the date of arrest. Researchers use date of arrest to determine when a person recidivated.

Logical Inconsistencies

Some fields in a criminal history are not populated until a disposition event occurs. “Felony,” which records whether the person was convicted of a felony and “Conviction,” which counts whether a person has a conviction are examples. Sixty-two charges had values in the Felony and Conviction fields with no associated disposition field populated.

Findings

Court Data

Court data for 2015 contained 24,842 charges disposed. A total of 690 cases were audited. The court data exhibited a high level of accuracy in these audited cases.

- Out of 593 charges, three sentences were incorrect for an error rate of .5%.
- Out of 690 charges, two dispositions were incorrect for an error rate of .2%.

Comparing court data to criminal history data:

- Out of the 690 charges in the criminal histories, 54 had a different charge code than the courts. The discrepancy rate for the statutes was 7%. Three reasons for this are:
 - 1) The statute was not in charge code format but was otherwise correct;
 - 2) Two charge codes have a typo using l for a 1; and,
 - 3) Different subsections of the statute were used but they had no effect on the charge description or other material change.

⁴ Many of these were Dover Police Department incident numbers which are not populating the Arrest Agency Field. This could be a glitch in the software.

Criminal History Data

- In Vermont, fingerprints are required by law to be taken from individuals arrested for a felony. In 2013, there were 1,132 unique felony arrests. Fingerprint codes were missing in 408 arrests or 36% of those felonies.
- The highest rate of missing data in the individual-level data was for Ethnicity (83%), however, this is not a surprise since this data is not routinely collected.
- Of the 55,030 disposed charges, the highest percent of missing data was for date of arrest. Many of these arrests that were missing the date were in the data from the mid-1990s. However, in the 2013 data for arrests and arraignments, 9% of arrest dates are missing.
- 2.5% of charge code data is missing. Most missing data was clustered in the 2014, 2015, and 2016.
- For the 94,101 Arrest/Arraignment Entries in 2013, the largest percent of missing data was for charge description (14%) and charge severity (20%). Because most charges come to the attention of VCIC through a criminal case filing, many arrest events may not be populated with specific charge information. Researchers need to use caution when using this information.

Summary

Overall, the discrepancy rate for this criminal history audit is very small. CRG will consult VCIC on the results of this audit and provide the information needed to reduce the rate of missing data.