

TAP News & Notes

May, 2018



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New TAP Team Members



Jim Barrett, Field Training Specialist, joined TAP in November 2017 and has over 32 years of Federal law enforcement experience as a special agent and manager. In his last assignment before retiring from the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations, he was as a program manager for the Law Enforcement Information Sharing Initiative. Jim worked extensively with tribal law enforcement agencies in providing access to criminal justice information. In addition, he was a core member and facilitator in the Tribal Law Enforcement Consortium of Arizona, a partnership of tribal law enforcement agencies designed to exchange criminal justice information among its member agencies.

Michael LeMieux, Business Relationship Manager (BRM), joined TAP in November 2017. Mike is a retired FBI agent, and began his Federal law enforcement career with BIA law enforcement as a police officer and sergeant. He is an enrolled member of the Oneida Nation of Wisconsin. During his tenure in the FBI, he served in two field offices and two FBI Headquarters divisions, including service in the FBI's Indian Country Unit. He specialized in Tribal gaming and public safety, intellectual property rights, public corruption, antitrust, and counter-terrorism.



Michelle Gruzs, Business Relationship Manager (BRM), joined TAP in February 2018. Michelle is a retired FBI agent with 31 years experience. While serving in the FBI, she focused on Indian Country federal violations for over 11 years, both in South Dakota as an investigator and in a program management capacity at FBI Headquarters as the head of the Indian Country Crimes Unit. Michelle worked to implement the FBI's portion of the Tribal Law and Order Act (TLOA), passed in 2010.

Nancy Dickson, Program Support Analyst, joined TAP in September 2017, but has been with the Department of Justice since 2010. She began her career as a Help Desk Professional with the Community Oriented Policing Services Office (COPS) where she integrated and configured systems/networks to accomplish customer support goals and objectives. She later transitioned to the Justice Management Division (JMD) where she was a Team Lead for Tier 2 Mobility Support. At TAP, Nancy uses her extensive knowledge of DOJ systems to onboard new tribes and serves as SME for resolving TAP tickets.

Richard Clements, Field Training Specialist, has worked with federal law-enforcement since 2001. Richard joined the TAP organization in October 2017, providing data analysis and support for reporting activities.

SMART Sense

SMART Tribal Training & Technical Assistance

The SMART Office's training and technical assistance team can provide support to tribes on maintaining and/or enhancing their SORNA programs, as well as a variety of sex offender management issues. Typical methods of assistance have included conference calls, webinars, peer-to-peer support, and onsite support through training and community outreach events. The SMART Office also funds the National Criminal Justice Training Center (NCJTC) of Fox Valley Technical College, which provides a range of training and technical assistance programs that can be tailored to meet the needs of your particular tribe. Consultants can assist with code development, policies and procedures drafting, sustainability planning, re-entry and treatment services, and engaging the community in education and prevention of sex offenses. If your tribal jurisdiction is interested in training and technical assistance opportunities, please contact the SMART Office at ASKSMART@usdoj.gov

COPS CORNER

COPS Office Community Policing Development Solicitation - Field-Initiated Law Enforcement Micro-grants

State, local, or tribal law enforcement agencies are invited to propose demonstration or pilot projects to be implemented in their agency that offer creative ideas to advance crime fighting, community engagement, problem solving, or organizational changes to support community policing in one of the following areas:

- Peer Support for Officer Safety and Wellness
- Human Trafficking
- Hate Crimes
- Recruitment and Hiring
- Incident-Specific After-Action Reviews
- Child and Youth Engagement

More details on the micro-grant category and solicitation can be found on the COPS Office website at <https://cops.usdoj.gov/default.asp?Item=2450> and in the Application Guide, https://cops.usdoj.gov/pdf/2018AwardDocs/cpd/App_Guide.pdf. -

TAP Training at the Lummi Nation



The TAP team traveled to Lummi Nation in early May to deploy their workstation and provide training to the tribe's criminal and civil agencies. The tribe successfully registered a sex offender into the national sex offender registry and learned how to perform fingerprint-based record checks for tribal employees, prospective employees, or volunteers in positions that have regular contact with, or control over, Indian children. The TAP team and SMART office were excited to attend and loved the scenery and great food recommendations from tribal members.



Ms. Laura Rogers, Director of SMART, provided opening remarks.

Brad Colquitt, from the TAP office, provided training to civil agency staff.

APPA 43rd Annual Training Institute

Scholarships Available

The American Probation and Parole Association (APPA), with funding by the Bureau of Justice Assistance, is pleased to offer a limited number of travel scholarships for community corrections practitioners working for tribal justice agencies to attend its [43rd Annual Training Institute](#) being held July 29th – August 1st, 2018 in Philadelphia. The Institute will offer over 80 training workshops/presentations, committee meetings, and an Exhibit Hall with vendors' products specific to the field of community corrections, as well as networking opportunities to meet other practitioners from around the country.

Each scholarship will cover your airfare, hotel accommodations for four nights, ground transportation expenses, and Institute registration fee. Scholarship recipients must attend the Tribal Issues Committee meeting on July 29th from 10:30-11:30 AM EST and at least seven



workshops/presentations during the Institute. Failure to meet these requirements may result in not being reimbursed.

You may complete a scholarship application by clicking on this hyperlink: [Scholarship Application Form](#). **The deadline to apply is Wednesday May 16th, 2018 by 8:00 PM PST.**

Upon submitting your application, an APPA staff member will be in contact with you if selected to receive a scholarship. Please contact Travis Johnson, 859-244-8015 or tjohnson@csg.org if you have any questions. Thanks!

Grants from the BJA & OJJDP

The Bureau of Justice Assistance (BJA) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) have posted new funding opportunities! Federally-recognized tribes or tribal organizations are eligible for the following currently available BJA grant solicitations

BJA continually posts funding opportunities online. For the most current information regarding BJA funding opportunities, please visit <https://www.bja.gov/funding.aspx#1> regularly. These opportunities are open for a limited time.

Comprehensive Opioid Abuse Site-based Program

Signed into law on July 22, 2016, the Comprehensive Addiction and Recovery Act (CARA) is the first major federal substance abuse treatment and recovery legislation in 40 years and the most comprehensive legislative effort to address the opioid epidemic. CARA establishes a comprehensive, coordinated, and balanced strategy through enhanced grant programs that encompass prevention and education efforts, effective responses to those affected by substance abuse, and services for treatment and recovery from addiction. The Comprehensive Opioid Abuse Site-based Program (COAP) was developed as part of the CARA legislation. COAP's purpose is to provide financial and technical assistance to states, units of local government, and Indian tribal governments to plan, develop, and implement comprehensive efforts to identify, respond to, treat, and support those impacted by the opioid epidemic. Applications are due June 7, 2018. For more information, visit <https://www.bja.gov/COAP18>

Upholding the Rule of Law and Preventing Wrongful Convictions Program

The Upholding the Rule of Law and Preventing Wrongful Convictions (URLPWC) Program is committed to protecting the unwavering integrity of the criminal justice system and the consistent application of due process for all. The URLPWC Program supports efforts by both conviction integrity or review units and entities that represent individuals with post-conviction claims of innocence to review individual cases of post-conviction and appeals claims of innocence. Where possible, the program seeks to identify and apprehend actual perpetrators of crimes who eluded prosecution and bring justice to victim(s), thereby enhancing public safety and security. Applications are due **June 11, 2018**. For more information, visit <https://www.bja.gov/URLPWC18>

Body-Worn Camera Policy and Implementation Program

Law enforcement agencies across the United States and throughout the world are using body-worn cameras (BWCs) as a promising tool to improve evidentiary outcomes, enhance the safety of, and improve interactions between, both officers and the public. The FY 2018 BWC Policy and Implementation Program (PIP) directly supports a key priorities of the Department of Justice by promoting the safety of law enforcement officers and citizens. BWCs can provide critical visual and audio records of interactions. A growing body of research findings indicate that the presence of BWCs can reduce the use of force by assisting in the de-escalation of

conflicts. Research also suggests that BWCs can have a moderating effect on citizens and can help strengthen accountability and transparency in citizen-police interactions. Applications are due **May 31, 2018**. For more information, visit <https://www.bja.gov/BWC18>

Adult Drug Court Discretionary Grant Program

BJA is accepting applications for FY 2018 grants to either establish new drug courts or enhance existing drug court programs using evidence-based principles and practices. BJA also supports courts that integrate the National Association of Drug Court Professionals (NADCP) adult drug court standards into existing drug court services. Applications are due **June 5, 2018**. For more information, visit <https://www.bja.gov/DrugCourts18>

Improving Reentry for Adults with Co-occurring Substance Abuse and Mental Illness

The Improving Reentry for Adults with Co-occurring Substance Abuse and Mental Illness Program is designed to improve access to and delivery of services to offenders with co-occurring substance abuse and mental illness when they leave incarceration to reenter the community. BJA recognizes that a significant number of these adult offenders are in need of treatment in order to successfully complete their supervision, which in turn will reduce recidivism and promote public safety. Coordination among corrections, substance abuse and mental health treatment providers, correctional health, and parole or probation enables the development of collaborative comprehensive case plans that address criminogenic risk, substance abuse, and mental health needs. Applications are due **June 18, 2018**. For more information, visit <https://www.bja.gov/CSAMI18>

Adult Reentry and Employment Strategic Planning Program

Second Chance Act programs are designed to help communities develop and implement comprehensive and collaborative strategies that address the challenges posed by incarcerated adults re-entering their communities and the workforce, as well as recidivism reduction. Several years ago, BJA initiated a pilot project, the “Integrated Reentry and Employment Strategies” project that sought to test an innovative approach to reduce recidivism and increase job readiness for offenders returning from incarceration and to integrate best practices in reentry and employment. Building upon the pilot project, the FY 2018 Adult Reentry and Employment Strategic Planning Program will provide funding for strategic planning grants to replicate the framework developed in the pilot project. Applications are due **June 18, 2018**. For more information, visit <https://www.bja.gov/SCAEMP18>

The Intellectual Property Enforcement Program: Protecting Public Health, Safety, and the Economy from Counterfeit Goods and Product Piracy

The Intellectual Property Enforcement Program (IPEP) is designed to provide national support and improve the capacity of state, local, and tribal criminal justice systems to address intellectual property (IP) enforcement, including prosecution, prevention, training, and technical assistance. Awards will be made to support law enforcement agencies in coordinating the objectives and activities of their IP enforcement task forces in close collaboration with the relevant state, local, tribal, and federal agencies, to include local U.S. Attorney’s Offices (USAOs). Applications are due **June 14, 2018**. For more information, visit <https://www.bja.gov/IPEP18>.

Economic, High-Technology, White Collar, and Internet Crime Prevention National Training and Technical Assistance Program

The BJA Economic, High-Technology, White Collar, and Internet Crime Prevention National Training and Technical Assistance (TTA) Program supports law enforcement officers, public safety officers, and prosecutors by providing TTA to state, local, territorial, and tribal law enforcement officials; intelligence analysts; prosecutors; judges; fusion center staff; and other criminal justice entities who prevent, investigate, and respond to economic, high-tech, white collar, and internet crimes. These crimes are committed using networked computers, handheld devices, and internet technology; examples include various kinds of theft (financial, identity, etc.), selling illegal goods using the internet, cyber stalking, hijacking accounts on social networking

websites, infrastructure intrusions, and hacking (i.e., reconfiguring or reprogramming a system to function in ways not approved by the owner, administrator, or designer). Applications are due **June 14, 2018**. For more information, visit <https://www.bja.gov/ecrimes18>

Supporting Tribal Youth: Training and Technical Assistance and Youth Leadership Development

There are two categories of funding available as part of this solicitation. Under Category 1 – Tribal Youth Training and Technical Assistance, OJJDP is seeking a tribal youth training and technical assistance provider to provide culturally based, trauma-informed training, support, and other related technical assistance to all OJJDP-funded tribal program grantees, as well as all other interested federally recognized tribes, to build capacity to develop, expand, improve, and/or maintain their juvenile justice systems. This includes support for courts, probation, prosecutors and other key stakeholders charged with responding to juvenile crime as well as an intentional focus on prevention programs targeting risk and protective factors for juvenile delinquency.

Under Category 2 – Tribal Youth Leadership Development Initiative – OJJDP is seeking to build on the successes of the past OJJDP National Intertribal Youth Leadership efforts and the Today’s Native Leaders program to support building youth leadership skills within tribal communities. This initiative aims to enhance tribal efforts to increase youth engagement, improve leadership skills, and support action related to juvenile justice issues, delinquency prevention, and public safety issues in Indian country. The successful applicant will work with tribal communities to identify and engage youth with multiple risk factors (i.e., individual, family, community) to participate in learning events that will build youth leadership skills as part of a risk-focused delinquency prevention approach. The goal of this approach is to provide these youth with the opportunity to create a sustainable community project focused on reducing risk factors for juvenile crime and enhancing protective factors for youth accountability. Applications are due June 18, 2018. For more information, visit: <https://go.usa.gov/xQR7Y>.

OJJDP continually posts funding opportunities online. For the most current information regarding OJJDP funding opportunities, please visit <https://www.ojjdp.gov/funding/FundingList.asp> regularly. These opportunities are open for a limited time.

Data Sovereignty and the Tribal Law and Order Act

(Authored by Chris Chaney, Reprinted from The Federal Lawyer)

The provision of criminal justice services in Indian country is a key aspect of tribal sovereignty. These services, which may include policing, investigations, courts, corrections, sex offender registration, and probation/parole, are vital to the safety, vitality, and economic security of all communities. With the rapid development of technology in recent decades, criminal justice agencies find themselves evolving to meet old and new threats in ways that were mere science fiction a generation ago.

Like all criminal justice agencies nationwide, tribal criminal justice providers have been thrust into a new age of data-driven solutions to protect the people who live, work, and recreate within their respective jurisdictions. Data has now become a key aspect of tribal sovereignty. Federally recognized tribes that understand this have begun the process of protecting this new tribal resource and are learning to control tribal data in ways that are consistent with tribal values, objectives, and laws.

The roots of the data sovereignty movement date back to pre-Columbian times but have taken on new context in the information age. In the pre-Columbian era, knowledge that sustained and protected indigenous tribes included orally communicated data about history, relationships with other tribes, religion, medicine, gathering

places, hunting grounds, etc. According to Desi Rodriguez-Lonebear, "Data sovereignty deals with the right and ability of tribes to develop their own systems for gathering and using data and to influence the collection of data by external actors." Today, tribal data includes information about land, water, people, health, finances, and crime. With the explosion of information now available through electronic means, such as the internet, the importance of managing tribal data has become paramount. Data supports and strengthens tribal sovereignty and tribes are finding new and appropriate ways to manage tribally maintained data. Rodriguez-Lonebear said it another way:

"Tribal data are perhaps the most valuable tools of self-determination because they drive tribal nation-building by tribes for tribes."

The Tribal Law and Order Act (TLOA) was enacted in 2010.⁹ TLOA addressed tribal data issues in four main ways:

1. TLOA § 251(b) provided a mandate to the FBI, the Bureau of Justice Statistics, and the Bureau of Indian Affairs (BIA) Office of Justice Services to coordinate and consult with tribes to develop, establish, and implement tribal data collection systems.
2. TLOA § 211(b) amended 25 U.S.C. § 2802 to authorize the BIA Office of Justice Services to collect, analyze, and report crime data from Indian country.
3. TLOA § 233(a) amended 28 U.S.C. § 534 to statutorily allow tribal criminal justice agencies access to enter and retrieve data from federal criminal databases such as the FBI's National Crime Information Center (NCIC).
4. TLOA § 233(b) (1), codified as 34 U.S.C. § 41107(1), states, "The attorney general shall ensure that tribal law enforcement officials that meet applicable federal or state requirements be permitted access to national crime information databases."

Federal efforts to implement TLOA's mandate to develop tribal data collection systems have taken form in a number of data collection activities. These efforts include planned surveys to obtain data regarding tribal law enforcement agencies, tribal court systems, state/local law enforcement activities on state jurisdiction reservations, and jails in Indian country. BIA Office of Justice Services activities regarding crime statistics will be discussed below. The FBI's Criminal Justice Information Services (CJIS) Division houses and is responsible for federal criminal databases that tribal, and non-tribal, criminal justice agencies utilize on a daily basis. In effect, TLOA § 233 statutorily confirmed the FBI CJIS' pre-existing, policy-based practices regarding tribal access and provided a more permanent statute-based authority. It is the relationship between tribes and FBI CJIS that is explored in this article to show how TLOA impacts data sovereignty in real-world application.

The roots of the FBI CJIS Division date back to the early years of the FBI. In 1924, the FBI established the Identification Division, which handled the FBI's fingerprint records. Interestingly, it was also during this time that the FBI established itself as a key player in Indian country law enforcement when it took a leading role in investigating a series of homicides on the Osage Tribe's reservation in Oklahoma. In 1992, the Identification Division became CJIS.

In 1995, CJIS moved from Washington, D.C., to Clarksburg, W. Va., where it resides today. The FBI CJIS Division maintains a number of federal criminal databases that are of vital importance to tribal criminal justice agencies.

The exercise of effective tribal data sovereignty "will require meaningful and deliberate partnership, not just consultation." The management philosophy of CJIS can be best summarized as deference to the state, local, and

tribal law enforcement agencies it serves. This philosophy, commonly referred to as the "shared management concept" allows tribal, and non-tribal, criminal justice agencies input to make recommendations on how CJIS should be managed. One expression of the shared management concept is the Advisory Policy Board (APB). The APB includes tribal representation in two ways:

- (1) The APB has four nonfederal regional working groups, each of which have a dedicated tribal criminal justice agency seat; and (2) the APB has a Tribal Task Force that takes into account issues and interests specifically pertinent to federally recognized tribes.
- (2) Most importantly, tribal and non-tribal agencies decide what information to share with and to be maintained by CJIS. In other words, FBI CJIS defers to federally recognized tribes in a way that allows broad expression of tribal data sovereignty.

The FBI CJIS NCIC system consists of 21 databases that are of critical importance to police officers in the field and to criminal investigators. Seven "property files" pertain to vehicles, license plates, boats, firearms, and other property that have been reported as stolen. The 14 "person files" cover a variety of people, including fugitives, missing persons, registered sex offenders, respondents subject to domestic violence protection orders, and suspected terrorists. NCIC gives tribal police officers the ability to check on the status of suspects virtually instantaneously. For example, a tribal police officer can do a roadside check of a driver who has been pulled over to determine if he or she is a fugitive from another jurisdiction that is willing to seek extradition.

Additionally, tribal criminal justice agencies enter data into NCIC in order to expand their reach far beyond reservation boundaries to protect citizens nationwide. For example, off-reservation police are able to verify the existence of a tribal domestic violence protection order to aid a protected tribal member anywhere in the United States. One of the person files in NCIC is the National Sex Offender Registry (NSOR). The NSOR file holds information that tribal law enforcement officers need when investigating registry violations of the Sex Offender Registration and Notification Act.

The FBI CJIS National Instant Criminal Background Check System (NICS) is designed to keep firearms out of the hands of prohibited persons. When a person purchases a firearm from a federally licensed firearm dealer, a NICS check is performed to determine whether the purchaser is a convicted felon, a fugitive, is subject to a domestic violence protection order, has been convicted of domestic violence, or is otherwise prohibited by law from possessing a firearm. If a determination is made that the purchaser is a prohibited person, then the sale is denied. People who have been convicted in tribal court for domestic violence and people restrained by a tribal court domestic violence protection order may not legally possess a firearm anywhere in the United States. Pursuant to TLOA, tribes can now prosecute felonies. People convicted in tribal court of felony offenses are now prohibited from possessing a firearm nationwide. Additionally, tribal law enforcement agencies can access NICS for the purposes of issuing tribal firearms permits including "permits or licenses to possess, acquire, or transfer a firearm, or to carry a concealed firearm."

The FBI CJIS Uniform Crime Reporting (UCR) Program issues a variety of publicly available publications that are of great importance to the administration of criminal justice. Perhaps the report most often referred to and utilized by policy-makers and by members of the public is the annual Crime in the United States report. Tribal jurisdiction crime data can be accessed online by going to the most recent final Crime in the United States report, Offenses Known to Law Enforcement section, Table 9. Tribal law enforcement programs that receive funding from the BIA Office of Justice Services are required to report crime data to the BIA. The TLOA amended 25 U.S.C. § 2802 by requiring the BIA Office of Justice Services to pass along that data to the FBI CJIS UCR program on a tribe-by-tribe basis.

This provision was included in TLOA to ensure that tribal UCR data was not submitted in the aggregate but rather was available for each tribal jurisdiction individually.

Web-based FBI CJIS programs utilized by tribal criminal justice agencies include the National Data Exchange (N-DEx) and the Law Enforcement Enterprise Portal (LEEP). N-DEx provides a means for law enforcement

agencies to exchange information including information pertaining to pending cases they may be working on. Criminal justice agencies have robust control over how that information is shared. LEEP is a resource that criminal justice agencies can use to obtain information about various topics and aspects of law enforcement; there are a number of special interest sites within LEEP that offer information pertinent to criminal justice agencies in Indian country, including the CJIS Tribal Outreach site and the Tribal Public Safety Net site.

Although beyond the scope of this article, it is noteworthy that FBI CJIS houses the Next Generation Identification (NGI) system that stores the FBI's fingerprint files. NGI is utilized to generate criminal identity histories of individuals. These fingerprint-based criminal histories are used for noncriminal justice background checks. Where authorized by federal statute, tribal governments utilize these reports for background checks such as when hiring people who will have access to or control over children, certain casino officials, and applicants for employment or tenancy in tribal housing.

Conclusion

Opportunities for federally recognized tribes to submit and retrieve criminal justice data through FBI CJIS systems are broad and extensive. Subject to federal laws or policies that apply to all state, local, and tribal jurisdictions, FBI CJIS relies on tribes as sovereigns to determine what information to submit and what information to access. This deference to principles of tribal data sovereignty puts the tribe in control of its own data. The APB process allows tribes influence over the way that CJIS systems are managed nationwide. Federal agencies that are charged with assisting tribes in data sharing and management may find it instructive to look at the way that TLOA addresses tribal data sovereignty issues and how the FBI CJIS Division has met that challenge.

Criminal History Reporting Guide For Tribal Agencies

03/01/2018



Prepared by:

Criminal Justice Information Services Division Biometric Services Section
Criminal History Information and Policy Unit

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Introduction

The “Criminal History Reporting Guide for Tribal Agencies” (Guide) was created by the Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division, Biometric Services Section (BSS), Criminal History Information and Policy Unit (CHIPU) to assist in understanding and implementing arrest and disposition reporting and maintenance practices currently available with the Next Generation Identification (NGI) System. Disposition stakeholders may include federal, state, and tribal arresting agencies, prosecutors, courts, State Identification Bureaus (SIB), the CJIS Systems Agencies (CSA), the FBI CJIS Division, authorized users of the record, and the subject of the record. This Guide provides the information necessary to select which method(s) best meet the needs of your agency, and addresses the issues regarding the completeness, accuracy, and availability of dispositions.

Incomplete or unavailable criminal history record information (CHRI) can negatively affect the quality of information shared for employment and licensing, adjudications, and firearms background checks, as well as criminal investigations, and sentencing decisions. The lack of dispositions creates missing information for those who rely upon it for decision-making.

For example, an individual applied for a job as an instructor for a tribal childcare program. As part of the hiring process, a national fingerprint-based background check was required and returned a criminal record. The individual’s record showed an arrest in a neighboring jurisdiction for simple assault, but the disposition stated the individual was guilty of parental abuse of a minor. Since the original arrest and subsequent disposition were received, the individual was denied the job and the children were protected from a person who could potentially cause harm to them. Conversely, if the arrest and/or the disposition were missing from the background check required for the hiring of this individual, they potentially could have been hired and placed in a position of trust in this tribal childcare program.

Failure to capture fingerprints at any point during the arrest or adjudication process is a major gap to improving disposition reporting. When criminal arrest fingerprints are not submitted to the FBI, there is no record that an arrest occurred. Further, there will be no arrest to attach a disposition. Both the SIB and the FBI CJIS Division reject disposition data due to no corresponding arrest with supporting fingerprints on file. This can be prevented by complete and accurate criminal fingerprint submissions.

Background

A Shared Management Concept

The FBI CJIS Division serves as the central repository for criminal justice information services within the FBI and is responsible for the operation of existing systems and the development of new technologies for identity history information. The FBI CJIS Division collaborates with its partners to meet the needs of both the criminal justice and noncriminal justice communities, while also sharing the responsibility for the operation and management of these programs. The CJIS Division's shared management concept is demonstrated through two bodies: the CJIS Advisory Policy Board (APB) and the National Crime Prevention and Privacy Compact Council (Compact Council).

The CJIS Advisory Policy Board (APB)

The FBI established the CJIS Advisory Process to obtain the user community's advice and guidance on the operation of the various criminal justice information systems managed by the FBI CJIS Division. The CJIS APB is composed of 35 representatives from criminal justice agencies, national security agencies, and criminal justice professional associations across the United States. Twice each year, the CJIS APB recommends to the FBI Director general policy with respect to the philosophy, concept, and operational principles of these criminal justice information systems. If the FBI Director approves the CJIS APB recommendation, the staff from the FBI CJIS Division will take the necessary action to implement the change. Additional information about the CJIS Advisory Policy Process can be found at <https://www.fbi.gov/services/cjis/the-cjis-advisory-process>.

There is an APB Tribal Task Force (Tribal Task Force) whose mission is to enhance officer and public safety by improving federal, state, local, territorial, and tribal participation in the CJIS Division Systems. The Tribal Task Force reviews all relevant issues that may prevent or discourage tribal law enforcement agencies from entering records/data into CJIS Division Systems and make recommendations that will address those issues. The Tribal Task Force members consist of representatives from federal, state, local, and tribal agencies.

The Compact Council

In the late 1970s, it was determined that state criminal history records were more accurate and complete, because the states may have additional arrest and disposition information from state files, such as district attorney offices and court records. Because states have varying statutes or policies that restrict the dissemination of records for noncriminal justice purposes, it was determined a federal law, or Compact, was necessary to provide interstate criminal record dissemination authority. For this reason, the National Crime Prevention and Privacy Compact Act of 1998 (Compact) was signed into law on October 9, 1998. The Compact continues the movement toward decentralization of criminal history record information and facilitates electronic information sharing among the federal and state government and other authorized users.

The Compact also established a 15-member Council whose members are appointed by the U.S. Attorney General. The mission of the Compact Council, as a national independent authority, is to enhance public safety through noncriminal justice background checks based on positive identification, while protecting individual privacy rights. The Compact Council monitors the operations of the Interstate Identification Index (III) and also promulgates rules and procedures for the effective and proper use of the III for noncriminal justice purposes and ensures the protection of an individual's privacy while facilitating the nationwide exchange of CHRI. Further information can be found at <https://www.fbi.gov/services/cjis/compact-council>.

What is the Next Generation Identification (NGI) System?

The NGI System is the backbone of the nation's CHRI. It replaced the Integrated Automated Fingerprint Identification System (IAFIS) in 2014. The NGI System upgrades have been completed over a multi-year time span to increase information-processing and sharing demands from both law enforcement and licensing/employment agencies. It provides biometric services to support the mission of the FBI within a service-oriented framework, which provides the FBI flexibility to respond to the changing needs of law enforcement and authorized employment/licensing agencies. The NGI System is an identity-based or person-centric system with the goal of creating a unique identity record for each individual fingerprinted.

To be successful in meeting these goals, improvements such as complete and accurate reporting of all arrests and subsequent actions related to those arrests are needed to increase the completeness and accuracy of the CHRI.

What is an Identity History Summary (IdHS) and How is it Established?

With the deployment of the NGI System and the integration of an identity-based repository, the FBI CJIS Division eliminated the use of the term 'rap sheet' with the intention of removing the criminal connotation of an individual with an identity within the NGI System. The term Identity History Summary (IdHS) is now utilized. In addition, the FBI Number (FNU) was replaced with the term, FBI Universal Control Number (UCN). The IdHS will continue to display an individual's CHRI, but may include additional descriptive data as a result of biographic information from civil submissions. When a fingerprint submission is forwarded to the FBI CJIS Division, the fingerprints are searched against the NGI System. If the fingerprint submission results in an identification, the event information is added to the existing identity, when appropriate. If the fingerprint submission does not result in an identification and the submitting agency requested the information be retained, a new identity record is established.

What is the Interstate Identification Index (III)?

The III is a cooperative state and federal index that provides for the decentralized interstate exchange of CHRI and functions as part of the NGI System. The III provides a means of conducting national record searches of CHRI for criminal justice and other authorized purposes, as specified by existing federal, state, local, or tribal laws. Authorized tribal criminal justice agencies may access the III. The III processes name-check inquiries to determine if a matching record, indexed by a unique FBI UCN, is on file. If the III locates a match, an agency may request the subject's record by transmitting an additional inquiry using an FBI UCN or a State

Identification Number (SID) assigned to the subject's record. Authorized tribal noncriminal justice agencies may also access the III information by submitting fingerprints to the FBI CJIS Division.

What are State Pointers and Pseudo-Pointers?

Keeping in mind the decentralized exchange of identity history information, the NGI System uses a pointer system to determine who is responsible for the decentralized exchange of CHRI when generating an IdHS. This pointer system directs the NGI System as to who is responsible for each entry on an IdHS. An understanding of the pointer system is a valuable asset for all users, and in particular tribal agencies, when determining how to submit the dispositions for an arrest. There are two types of pointers: state pointers and pseudo-pointers.

- A **state pointer** (or SID) is assigned, by the state, to an identity when the state assumes ownership of the CHRI related to the subject.
- A **pseudo-pointer** within the NGI System indicates the CHRI is maintained by the FBI CJIS Division. The NGI System responds directly to all requests for IdHS information indexed with a pseudo-pointer. A pseudo-pointer is established in the NGI System for the following two instances:
 - Federal records/arrests - All federal records are supported by the FBI CJIS Division. The federal pseudo-pointer indicates the record information is housed and maintained by the FBI CJIS Division.
 - State records/arrests that are not supported by the state – A pseudo-pointer is established in the NGI System to indicate the record information is maintained by the FBI CJIS Division and not by the state. There are multiple reasons why these pseudo-pointers exist, and a goal of the FBI CJIS Division is to work with each state to enable them to assume control of identities currently maintained by the FBI.

How is an Identity History Summary (IdHS) requested?

There are two distinct ways an IdHS may be requested: either through a direct electronic record request via the III, referred to as a Query Record message (QR); or through fingerprint submissions to the NGI System. Depending on how the pointers are set, either the state, the NGI System, or both will respond. If the state maintains the record and supports the purpose of the request, such as employment and licensing, the NGI System reaches out to that state for the record information and supplements the NGI record. The NGI System will respond directly for all pseudo-pointers. If a state does not support the purpose of the request, the NGI System outreach does not occur, and the IdHS housed within the NGI System is disseminated.

Decentralization of Records

The National Fingerprint File (NFF) was the ultimate goal for the decentralization of records when the III concept was adopted in 1978. When fully implemented, the NFF will replace the

FBI's record keeping responsibility for the state CHRI by allowing state repositories to take responsibility for the record dissemination and maintenance of all state-maintained records. Currently, twenty states participate in the NFF program and provide the CHRI for all authorized uses, including noncriminal justice licensing and employment purposes. An NFF participating state submits each offender's first arrest, and for any other subsequent encounters, will submit additional biometric images (e.g. fingerprints and facial images) to ensure the best biometrics are available for searching. All record maintenance is conducted at the state level, ensuring the most up-to-date and accurate record available to the end user. (Figure 1)

A tribal agency may have an NFF state electronically submit criminal fingerprint transactions to the FBI's NGI System, provided the tribal arrest is a state charge and the NFF state repository is retaining the arrest in its database.

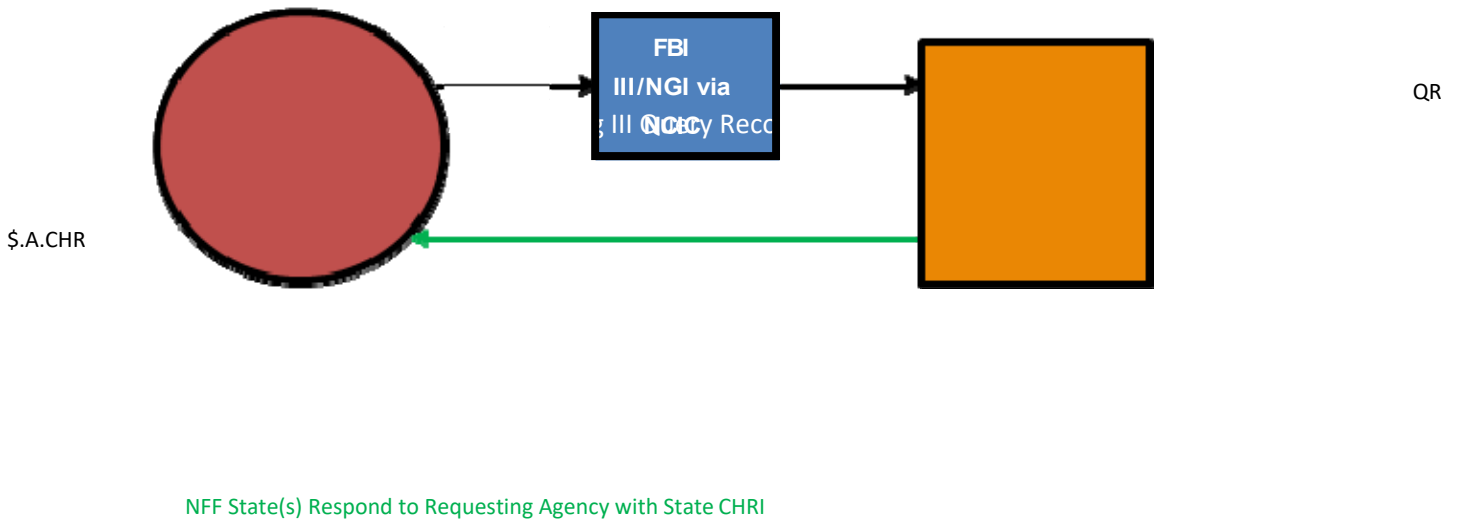


Figure 1
NFF Decentralization Goal

When an agency performs a QR on an individual, any state (NFF or Non-NFF) that has CHRI with a state active pointer, the III will reach out directly to those states, utilizing either the SID or UCN, to obtain the CHRI from each state. The NGI System returns a response that includes any federal and pseudo-pointer records and each state will individually respond to the agency using the QR. (Figure 2)

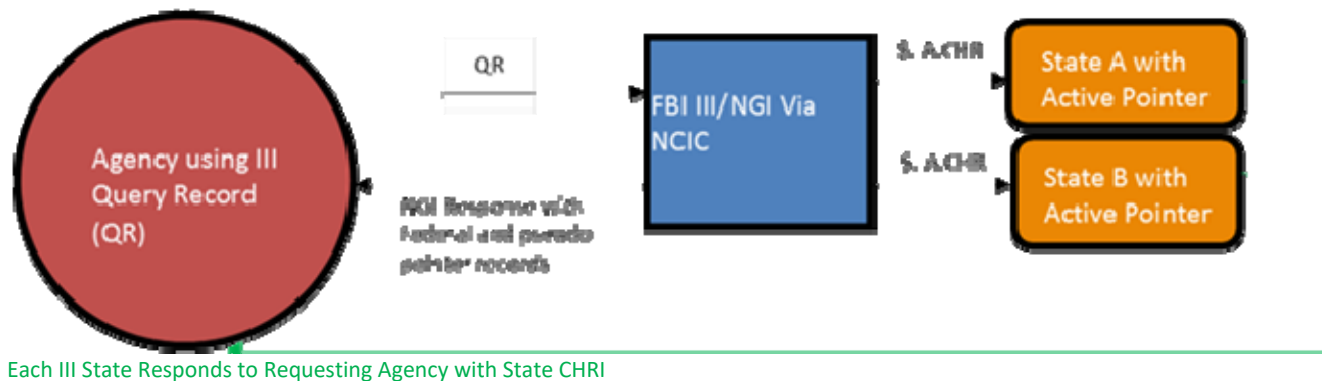


Figure 2
III State Outreach

For those instances when a state cannot respond with its criminal record information, the FBI will provide information on file in the NGI System for those particular states. For example, if the same individual applies for a job that requires an employment background check, and has criminal record information from two states that do not respond for employment and licensing purposes (Purpose Code I), the NGI System will respond with the information it has on record for both states. (Figure 3).

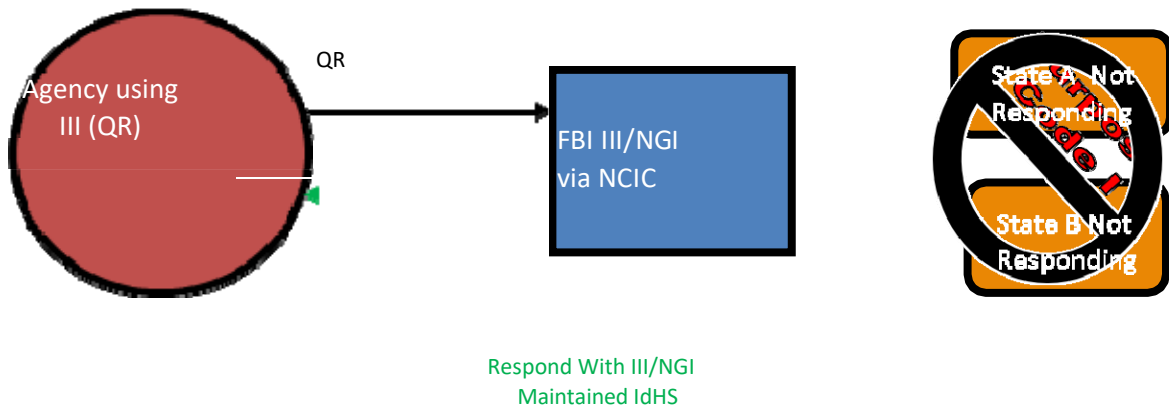


Figure 3

FBI Provides Responses for States Who Cannot Respond for Certain Purpose Codes, All Pseudo-Pointer Records, and All Federal Arrests

It is important to note that an NFF state may also electronically submit criminal fingerprint transactions for tribal agencies to allow the arrest to be added to the FBI Identification Record rather than the NFF state’s record. In this instance, the NFF SIB and tribal ORIs must have the same two letter state abbreviation and the ORI number is coded appropriately to allow the arrest to be added to the FBI Identification Record. The NFF state will submit the tribal criminal fingerprint transactions using the same transactions as state arrests.

How Are Tribal Agencies Designated?

Tribal agencies can be designated as either a federal or a state contributing agency for data submissions into the NGI System. All tribal agencies requesting access to a CJIS system must request access through a respective state or federal CSA. The electronic connectivity of the federal or state determines how transactions are routed in the NGI System. Why is this important to your agency? Because there are differences in how these transactions are handled once they are received by the NGI System.

Every Originating Agency Identifier (ORI) is a nine-character alphanumeric combination that is assigned by the FBI to any agency submitting or receiving information from the National Crime Information Center (NCIC) or the NGI System. The first two characters represent the state or country where the agency is located.

The ORI identifies the agency and provides the correct level of system access. There are three types of ORIs: criminal justice, law enforcement, and noncriminal justice. ORIs are classed by the type of agency as well, and are identified as federal or a state contributing agencies.

Since the ORI drives many processing decisions involved in disposition posting, it is very important to know how the agency's ORI is classed and ensure the dispositions are submitted using the appropriate method based on that ORI. An example of how the ORI can affect disposition posting is provided below.

A tribal agency wanting to submit missing dispositions contacted FBI CJIS Division personnel for more details; and during discussions, stated they submitted all dispositions to the state and could not understand why the dispositions from their agency were not on the records. It was discovered the tribe had a federal ORI number, and could have been submitting dispositions directly to the FBI. Prohibitions prevent posting a "state-submitted" disposition to a federal arrest. So this tribe's dispositions, even though submitted to the state, were never posted to the criminal arrest records and a solution was developed to ensure that the dispositions were appropriately posted.

As the ORI will drive many processing decisions and may ultimately affect posting of any disposition submitted, it is imperative to contact the FBI CJIS Division Customer Service Group at (304) 625-5590 or via e-mail at Identity@fbi.gov to determine if the tribal agency's ORI is classed as a state or federal contributing agency prior to submitting dispositions. Please note a tribal agency may be assigned more than one ORI. This typically occurs when the tribal agency has used multiple pathways (i.e., state, hard copy directly to FBI CJIS Division, through DOJ TAP, etc.) to submit information to the FBI CJIS Division. The Customer Service Group will also provide information if the agency has been assigned more than one ORI and assist with determining the correct ORI to use when submitting dispositions.

Not to be confused with an ORI is the Controlling Agency Identifier (CRI). The CRI designates the agency who controls the enrollment of the fingerprint card image into the NGI System. The FBI CJIS Division uses the first submission of CRI (normally the fingerprint submission) in any transaction as the agency that would have the authority to modify the criminal records. The CRI *may* be different from the submitting agency's ORI. When the submitting agency is also the controlling agency, both the CRI and ORI fields are to be submitted with the same identifier.

The CRI is the agency owning the original submission, and the ORI is typically the state or federal agency who has the electronic connectivity to the NGI System.

When submitting dispositions, a tribal agency submitting via a federal contributor submits directly to the FBI CJIS Division for posting to the subject's record. All federal arrests are housed within the NGI System, and it will respond to all requests for federal records.

However, a tribal agency with a state CRI can submit dispositions via a state contributor directly to the SIB in its respective state, and then the state can forward the disposition to the FBI CJIS Division for processing. A tribal agency with a federal ORI can submit via a state's connectivity if a prior agreement with the state is in place to do so. A request for a state record can be generated either at the state level or by the NGI System, depending on the pointer system and which entity has assumed control of the record.

[U.S. Department of Justice \(DOJ\) Tribal Access Program \(TAP\)](#)

The DOJ provided information on the www.justice.gov/tribal/tap website regarding an access program for national crime information to tribal agencies. The following is an excerpt from the TAP Overview v.3/September 2016.

“The U.S. DOJ launched the TAP in August 2015 to provide tribes access to national crime information systems. The TAP allows tribes to more effectively serve and protect their nation’s citizens by ensuring the exchange of critical data across the CJIS systems and other national crime information systems. In 2015, the DOJ selected tribes to participate in the initial User Feedback Phase. This partnership focused on testing DOJ’s technology solution and training support. It also enabled tribes to identify and share best practices regarding the use of national crime information databases to strengthen public safety.

In 2016, participating pilot tribes received kiosk workstations providing access to national systems as well as training to support whole-of-government needs. User Feedback Phase tribes have elected to implement the TAP in a variety of ways.

Criminal agencies utilizing the TAP include police departments, prosecutors, criminal courts, jails, and probation departments.

The TAP adds value to tribal efforts to have orders of protection enforced off- reservation, protect children, keep guns out of the wrong hands, improve the safety of public housing, register sex offenders, and allow tribes to have tribal arrests and tribal convictions be associated with their tribe. The DOJ is continuing to expand the program. Tribes interested in participating in the TAP can obtain more information at <https://www.justice.gov/tribal/tribal-access-program-tap>.”

Tribal Disposition Submissions in the NGI System as of 12/31/2017

| | |
|---|---------|
| Number of Arrests | 117,184 |
| Number of Dispositions | 55,939 |
| Number of Missing Dispositions | 61,245 |
| Percentage of Arrests with Dispositions | 48% |

Submitting Fingerprints

How Are Fingerprints Submitted?

Fingerprints originate from live scan booking terminals, card scanners or mobile devices at the federal, state, local or tribal level. Agencies may submit electronically, via facsimile or hardcopy. Local submissions may be processed by a local Automated Fingerprint Identification System (AFIS) and electronically transmitted to a SIB or an FBI-approved Channeler for processing.

The DOJ TAP provides assistance to tribal agencies to ensure CHRI is submitted to the FBI's NGI System. The NGI System checks the submission field edits to ensure they are compliant with NGI specifications outlined in the Electronic Biometric Transmission Specification (EBTS). Submissions that do not meet the outlined specifications or appropriate quality thresholds will be rejected by the NGI System. The NGI System will return the appropriate rejection code to the submitting agency or FBI-approved channeler and will detail the reason for rejection. Additional information on FBI-approved Channelers can be found at <https://www.fbi.gov/services/cjis/compact-council/list-of-approved-channelers>.

Types of Fingerprint Transactions

The tenprint fingerprint submissions consist of criminal and civil transactions. The particular type of submission is identified in the Type of Transaction (TOT) field in the Type-1 record for each transaction. In addition to the fingerprint images, the submitter may optionally include palm prints, facial images, and/or scars, marks and tattoo images of the subject. If the contributor subsequently wishes to add other biometric images to a tenprint search and retain event, they may reference the Event Identifiers (2.2035 EVI) returned in the tenprint response (SRE) described within the Biometric Enrollment Transactions section of the EBTS. The information within a retained submission will be added to an existing record, if a positive identification is made, or will create a new record if no identification was made. If a non-retain submission is not identified, no information will be retained in the NGI System. If a positive identification is made for a non-retain submission, the descriptive information on that submission will be added to the existing record and dissemination rules will govern the dissemination of this information.

Type 4 Fingerprint Transactions

These type of transactions contain ten rolled and four plain impressions of all fingerprint images available. Rolled impressions are the ten individually-taken fingerprint images rolled from nail to nail. Plain impressions are taken simultaneously without rolling. These are referred to as plain, slap, or flat impressions. The plain impressions are used to verify the sequence and accuracy of the rolled impressions. Agencies must submit a Type 4 transaction when submitting a criminal fingerprint submission unless otherwise approved by the FBI CJIS Division.

Type 14 ID Flat Fingerprint Transactions

Identification flat impressions are taken simultaneously without rolling. These are referred to as plain, slap, or flat impressions. The individual's right and left four fingers should be captured first, followed by the two thumbs (4-4-2 method). Instituting this finger capture method ensures the highest level of fingerprint sequence accuracy. Agencies may submit a Type 4 or Type 14 ID flat transaction when submitting a civil fingerprint submission.

Processing Fingerprint Transactions

Although the biographical data will provide potential candidates, fingerprint images are used to determine a positive identity within the NGI System with either an identification or a non-identification decision. A response is then returned to the contributor. The response based on a fingerprint submission will always contain the identification (Ident), non-identification (Non-Ident), or a reject decision (if the quality of fingerprint characteristics are too low.) This response may also contain the electronic Identity History Summary, if requested.

Identifications

If an identification is made at the state level, an Ident response is transmitted back to the tribal agency. When tribal agencies submit criminal and/or civil submissions from a federal submitting agency (e.g. DOJ-TAP), the NGI system will store that information and send a response back to the submitting agency.

Non-Identifications

If no identification is made at the state level, the submission is forwarded via the FBI CJIS Wide Area Network (WAN) to the NGI System for processing. Transmitted data is automatically parsed, and a search will be conducted of the friction ridge files in the NGI System. An identification of the submitted fingerprint images may be verified by the FBI CJIS Division fingerprint examiner. Electronic responses from the NGI System to the contributor will be routed via the CJIS WAN through the SIB using the ORI. Subsequent routing to the arresting agency is made by the SIB using the CRI. Additional copies are routed by the SIB using the Security Certification Officer (SCO) field or other related information.

Rejections

Rejection will occur when missing or incorrect data is received that would prevent processing of the transaction. The following list illustrates some of these types of rejection errors:

- A mandatory field missing in a submitted record set (e.g., NAM field 2.018 is missing in the Type-2 record for the TOT of a Criminal Answer Required (CAR) would result in immediate rejection.
- The format of a mandatory field is incorrect (e.g., an alpha character is discovered in the Social Security Number (SOC) field) and would result in an attempt to correct the data.
- The range of data of a mandatory field is incorrect (e.g., a Date of Birth (DOB) of 1981003 was submitted - year, month, and day are all out of range) and would result in an attempt to correct the data.
- Incorrect data where transaction processing cannot continue would result in the transaction being rejected.
 - Fingerprint pattern(s) not discernible
 - Insufficient pattern area(s) recorded for identification purposes
 - Erroneous or incomplete fingerprint(s) on images: fingers or hands out of sequence, printed twice, missing, and no reason given
 - The quality of the characteristics is too low to be used

Dispositions

What is a Disposition?

A disposition has been defined, by the FBI CJIS APB Disposition Task Force (DTF), as “*the formal or informal conclusion of an arrest or charge at whatever stage it occurs in the criminal justice system.*” A disposition states that arrest charge(s) have been modified, dropped, dismissed, or reports the findings of a court decision. Dispositions of offenses can be given at the time of arrest; prior to a court appearance; during the court session; or by a custody, supervisory, or parole agency in the criminal justice system. Dispositions are important to ensure complete and accurate records.

All dispositions reported by the contributor are captured in the court disposition text area of the IdHS. The disposition must *relate* to those offenses included on the original fingerprint submission maintained by the FBI CJIS Division. The court charges in the disposition may be slightly different from those on the arrest fingerprint submission due to plea bargaining, changes to charges because of further investigation, and other factors. The following chart shows the common field names and descriptions for disposition reporting.

| Field | Description |
|-------------------------------------|--|
| Universal Control Number (UCN) | A unique identifying number assigned by the FBI to an identity (both criminal and civil). |
| State Identification Number (SID) | A unique identifying number assigned by the state to an identity. |
| Originating Agency Identifier (ORI) | A unique identifying number assigned to an agency by the FBI CJIS Division which identifies the agency who transmits the submission, disposition, etc. |
| Date of Arrest (DOA) | Date the subject was arrested by the contributor on the original arrest fingerprints. |
| Event Identifier (EVI) | A unique number assigned to each event for an identity (both criminal and civil cycles). Similar to a DOA but does not replace a DOA. |
| Court Count (CCT) | A sequential number assigned to each court count. |
| Court Offense Literal (COL) | A free text description of a charge from a court or any charge regarded by the criminal justice system to be final. When a charge has been amended to, changed to, or reduced to, the original arrest charge should be included in the COL field. For example, grand larceny reduced to shoplifting. |
| Court Provision Literal (CPL) | Free text disposition information and/or sentence provisions, including but not limited to the following: plead guilty, confinement, probation, a suspended sentence, court fine, dismissed, or acquitted. |

At the core of disposition reporting is the capture of fingerprints at any point in the arrest or adjudication process. Without criminal arrest fingerprints being submitted to the FBI, there is no record that an individual was ever arrested. Both the SIB and the FBI CJIS Division commonly

reject disposition data due to no corresponding fingerprints being on file for the arrest. This can be prevented by appropriate fingerprint submissions.

Importance of Dispositions

A complete and accurate IdHS is important to both criminal justice and noncriminal justice agencies. Law enforcement agencies use the IdHS for investigative purposes, as well as sentencing decisions. In addition, federal, state, and tribal law may authorize fingerprint-based background checks for noncriminal justice purposes, such as employment (e.g. health care workers, teachers, school bus drivers, etc.) and licensing purposes. In any of these cases, if a disposition is not present on the applicant's record, then the applicant may be denied or the adjudication may be delayed.

Federal law prohibits firearms possession by, or transfer to, prohibited persons, including those who are under indictment for, or convicted of, a crime punishable by imprisonment for more than one year under Section 922 (g) or (n) of Title 18, United States Code. The FBI CJIS Division encourages the reporting of indictments as an interim disposition. The Brady Handgun Violence Prevention Act of 1993 (Brady Act) requires a background check be conducted using the FBI's NICS to identify potential purchasers who are prohibited from purchasing firearms.

From November 1998 to February 2017, over 257 million inquiries have been made into the NICS. Without a complete IdHS, untimely delays may occur in approving eligible purchases. Also, it may cause a person who is ineligible to purchase a firearm be "conditionally" approved to obtain the firearm.

There are numerous statutes, including the following that authorize fingerprint background checks for tribal entities:

The Indian Child Protection and Family Violence Prevention Act, (Pub. L. 101-630), as amended by the Native American Children's Safety Act, (Pub. L. 114-165) (25 U.S.C. 3205 and 3207) authorized Indian tribal governments to conduct FBI fingerprint-based background checks of applicants that may have regular contact with, or control over, Indian children. In addition, tribal social service agencies may conduct fingerprint-based background checks for foster care placements in tribal court proceedings of individuals 18 years of age or older living in a home.

The Indian Gaming Regulatory Act, Pub. L. 100-497, (25. U.S.C. 2701, et seq.) authorized the National Indian Gaming Commission to conduct background checks on key employees and primary management official of tribal gaming enterprises.

The Native American Housing Assistance and Self-Determination Act of 1996, Pub. L. 104-330, (25 U.S.C. 4138) authorized Indian tribes or tribally designated housing entities to conduct background checks of adult applicants for employment and adult applicants or tenants of housing, for the purpose of applicant screening, lease enforcement, or eviction.

It is imperative the IdHS contains complete and accurate record information, including both the arrest and disposition, to ensure agencies can accurately process these inquiries. The following scenarios show the importance of disposition reporting.

Scenario #1

A 19-year-old individual was arrested for shoplifting at a convenience store on the tribe's reservation. The arrest fingerprints were submitted to the NGI System for processing. Later, the owner of the establishment chose not to pursue charges against the individual after a formal apology; therefore, the original charge of shoplifting was dismissed. Two years later, the individual enlisted into the U.S. Army, which required a national fingerprint check. The FBI returned an IdHS with a charge of shoplifting with no disposition. The individual's enlistment was immediately delayed because of the open arrest. If the disposition had been sent to the FBI CJIS Division for processing, the IdHS would have been complete and individual's enlistment would not have been delayed or required to obtain additional documentation to support the dismissed charge.

Scenario #2

A husband and wife had an altercation at their residence on the tribe's reservation, and the neighbors called the tribal police. Once the tribal police officers arrived on the scene, the husband was arrested and charged with disorderly conduct.

After a tribal court trial, the husband was found guilty of one count of misdemeanor domestic violence, but the disposition was never submitted to the FBI CJIS Division. The next year the husband applied to purchase a firearm and a NICS check was required. The NICS received the transaction for the purchase of the firearm; and, upon research, the record showed an arrest for disorderly conduct with no disposition. The NICS examiner delayed the purchase of the firearm until the IdHS could be updated with the disposition indicating a final charge of misdemeanor domestic violence. If the FBI CJIS Division had received the disposition at the time of sentencing, the husband would have been immediately denied the purchase of the firearm as opposed to being delayed.

Since the transaction was delayed, the NICS had only three business days to research and resolve the transaction. If the transaction was not resolved within the three business days, the firearms dealer would have the authority under the Brady Act to transfer the firearm if he/she so desired.

Again, it is crucial the IdHS contains complete and accurate record information, including both the arrest and disposition, to ensure agencies can accurately process these inquiries. The following scenarios show the importance of disposition reporting.

How Can Dispositions Be Submitted To The NGI System?

The percentage of CHRI without dispositions impacts the quality of information disseminated and used by people or agencies making decisions (adjudicators) regarding qualifications for employment, licensing, adoption, healthcare workers, volunteers with children, etc. In addition, incomplete records hinder criminal investigations and court sentencing decisions, as well as the services provided by the NICS Section. In order to disseminate the most complete and accurate IdHS, for which the FBI has dissemination responsibility, it is imperative both arrest fingerprints and dispositions are submitted to the NGI System.

The current methods in which dispositions can be submitted to the FBI are not limited to state maintained records where a SID is assigned to the record. New submission avenues are continually in development. The current methods to submit dispositions are listed below:

- Web-Based Platform
- Final Disposition Reports (R-84 forms)
- III Disposition Message Key (DSP MKE)
- Two different Types of Transactions via the Electronic Biometric Transmission Specification (EBTS) standard
 - Disposition File Maintenance Submission (DSPE)
 - Electronic Fingerprint Disposition Submission (FDSP)

The BSS CHIPU Information Quality and Solutions Team (IQST) will provide and coordinate assistance to agencies to implement methods for reporting dispositions. If you would like to discuss other disposition submission methods, or if you have any questions, please contact the IQST at 304-625-3652, or e-mail FBI-III@leo.gov.

Web-Based Platform

A new web-based platform has been developed to provide an electronic means to submit disposition data. The Law Enforcement Enterprise Portal (LEEP) is an electronic gateway providing law enforcement and criminal justice entities centralized access to many different resources and services via a single sign-on. These resources strengthen case development for investigators and enhance information sharing between agencies.

One section of the LEEP is limited to updating existing arrest cycles already maintained in the NGI System because of a prior tenprint submission. The web-based portal currently provides a process to upload bulk dispositions via the LEEP. Technical programming resources are required since thousands of dispositions are in each file.

This bulk file of dispositions is uploaded into a specific folder in the LEEP and are automatically fed into the NGI System for processing. A report of successful and unsuccessful postings is automatically generated, and the results are posted to the submitting agency's folder for retrieval and review. Submissions that cannot be posted electronically will receive a manual review for conflict resolution and will either be posted to the record or rejected back to the contributor with an explanation. (Figure 4)

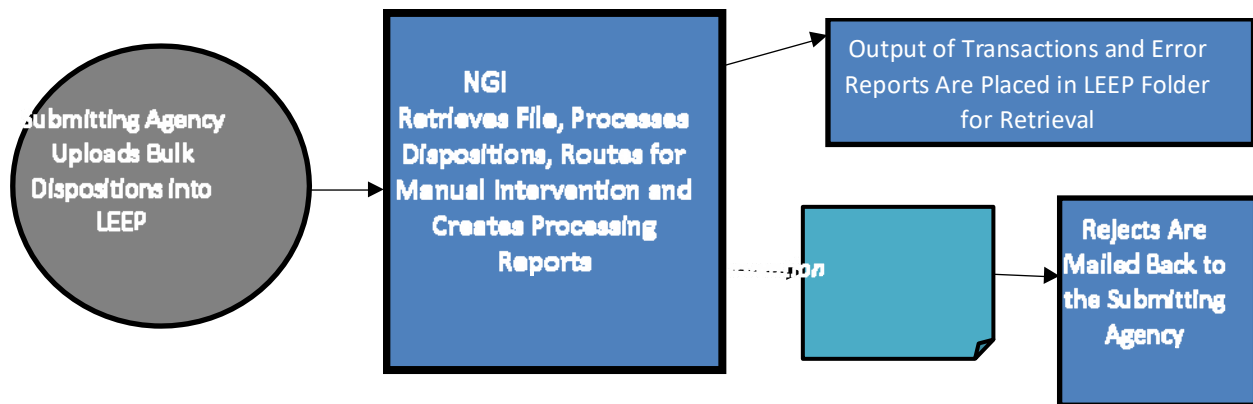


Figure 4

Web-Based Platform

The LEEP accounts are available to personnel affiliated with the tribal criminal justice system. To apply for a LEEP account, go to www.cjis.gov and complete the online application. For more information on the LEEP, please contact the FBI Support Center, which is available 24/7 to answer any questions at (888) 334-4536 or helpdesk@leo.gov.

Final Disposition Report or R-84 Forms

The traditional way of reporting dispositions is the Final Disposition Report, or R-84 paper form. This form is provided to federal, state, and tribal agencies by the FBI. The latest revision of this form was on September 15, 2017; however, prior versions are accepted for processing.

In order to correlate the dispositions to the offenses on a subject's fingerprint submission, the following information is required on the R-84:

- The FBI UCN and/or Date of Birth (DOB)
- Subject's first and last name
- Date of Arrest
- The submitting agency of the fingerprints, **or** the submitting agency of the disposition
- A charge on the disposition
- The disposition
- State Bureau stamp (if required by that specific state)

In addition to the previous fields, the SID and the SOC fields are optional. Please note the fingerprints of the subject are not mandatory to complete the R-84.

If the paper disposition is unable to be processed manually by the FBI CJIS Division, the disposition will be returned to the submitter with a reject letter explaining why the disposition was unable to be posted. Depending on the reason for rejection, this can be corrected, and the disposition resubmitted for further review.

There is **no** charge to order the R-84 disposition forms or manila envelopes pre-addressed to the FBI. Orders are normally shipped within two to three business days, and sent via FedEx Ground. Delivery time varies between one to six days depending on the location of the agency. To order supplies, provide the name and ORI number of the agency, the complete physical address, a phone number, and a Point of Contact at the agency.

The paper R-84 forms can be obtained by two methods. The first allows an agency to order online at <https://www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/ordering-fingerprint-cards-and-training-aids>. Additionally, an order and envelopes can be requested by calling 304-625-3983.

There is a PDF version of the R-84 is available at https://www.fbi.gov/file-repository/final-1110-0051_r-84-01.pdf. It can be emailed or faxed to the FBI CJIS Division for processing.

The image shows the front view of the Final Disposition Report (R-84) form. It is a structured form with various fields for data entry. Key sections include: Agency, Date of Birth, Date of Arrest, Disposition, and a table for recording multiple dispositions. The form is titled 'DISPOSITION REPORT' and includes instructions for use.

**Final Disposition Report or
R-84
(front and back)**

The image shows the back view of the Final Disposition Report (R-84) form. It features a table with columns for Agency, Date of Birth, Date of Arrest, and Disposition. Below the table, there is a section for 'Agency Use' with checkboxes for 'Printed' and 'Scanned'. The form also includes a 'Remarks' section and a 'Date' field.

III Disposition Message Key (DSP MKE)

The III DSP MKE provides law enforcement agencies the capability to update the IdHS with disposition data via the III/NCIC. It may be used to add disposition data to an existing arrest, replace existing disposition data, append existing disposition data, or delete disposition data on an existing arrest cycle. The III DSP MKE is limited to updating existing arrest cycles already maintained in the NGI System because of a prior tenprint submission. A message is returned for each transaction stating if the disposition has posted, has been rejected, or sent for manual processing. (Figure 5)

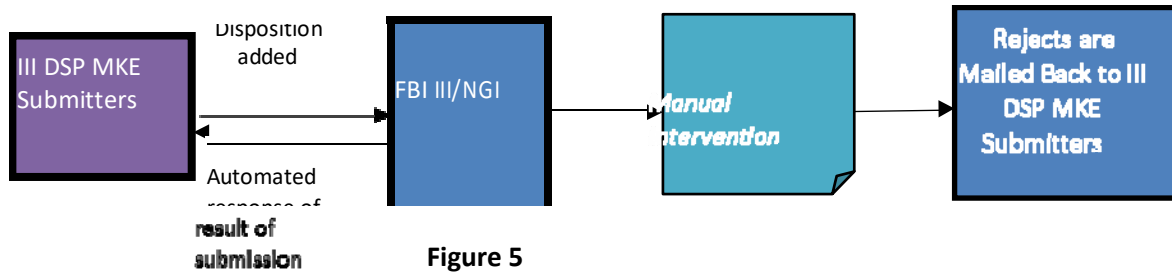


Figure 5
III DSP MKE Process

Electronic Biometric Transmission Specification (EBTS) Transactions

The EBTS is the standard that defines requirements that agencies must adhere to when electronically exchanging biometric information with the NGI System. This standard is used with a connectivity method reserved for large disposition volume users. For more specifics about the EBTS, go to <https://www.fbibiospecs.cjis.gov>. The two disposition submitting methods via this standard are addressed below.

Disposition File Maintenance Submission (DSPE)

The DSPE was created for authorized agencies to submit a disposition using the EBTS formatted message to add, append, replace, or delete disposition data on an existing arrest. The Disposition File Maintenance Response (DSPR) is electronically returned to the contributor to advise of the transaction results. If the disposition information is unable to be applied as requested, the transaction will be rejected and an electronic Administrative Transaction Error (ERRA) message is returned to the contributor. The DSPE is ideally suited for reporting dispositions in real-time as records are updated in systems and do not allow fingerprints with the submission of disposition information.

Electronic Fingerprint Disposition Submission (FDSP)

A second EBTS transaction, the FDSP, allows an authorized contributor to submit fingerprints with a disposition. With the inclusion of the fingerprints for the FDSP, if the date of arrest is not present, an event cycle will be created to capture the dispositional data. Additionally, if no candidate is identified by the fingerprint comparison, a new IdHS will be created. The response to a valid FDSP is a Submission Results—Electronic (SRE).

What May Cause a Disposition to Reject?

For a variety of reasons, dispositions received by the FBI CJIS Division, regardless of the submission method, may be rejected and not be posted to an IdHS. For example, invalid values or missing information for a specific field may result in an immediate error. Dispositions that fail to post to an IdHS may be subject to manual processing to resolve the issue, or if unresolved, will be rejected back to the submitter. The most common rejects for dispositions are:

- Failure to match to an existing identity - no identity record found
- Failure to match to an existing DOA - the IdHS/record was found, but there is no arrest fingerprint on file for the specified DOA
- Disposition data already exists
- Conflicting disposition data already exists

Additional Information and Resources

The BSS CHIPU IQST will provide and coordinate assistance to agencies to implement methods for reporting dispositions. If you would like to discuss other disposition submission methods or if you have any questions, please contact the IQST at 304-625-3652, or e-mail FBI-III@leo.gov.

- Additional information about the CJIS Advisory Policy Board can be found at <https://www.fbi.gov/services/cjis/the-cjis-advisory-process>
- CJIS APB DTF Best Practices Guide can be found at <https://www.fbi.gov/file-repository/disporev04082016tagged.pdf/view>
- Additional information about The National Crime Prevention and Privacy Compact Act of 1998 can be found at <https://www.fbi.gov/services/cjis/compact-council>
- The latest version of the EBTS can be viewed/downloaded from www.fbibiospecs.cjis.gov
- The current list of FBI-approved Channelers can be found at <https://www.fbi.gov/services/cjis/compact-council/list-of-approved-channelers>
- To apply for a LEEP account go to www.cjis.gov and complete the online application. For more information on the LEEP, please contact the FBI Support Center, which is available 24/7 to answer any questions at (888) 334-4536 or helpdesk@leo.gov
- More information regarding disposition information www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/arrest-disposition-submission
- To order R-84 disposition forms and pre-addressed manila envelopes go to <https://www.fbi.gov/services/cjis/fingerprints-and-other-biometrics/ordering-fingerprint-cards-and-training-aids>. Supplies can also be requested by calling 304-625-3983.
- DOJ Tribal Access Program information is found at <https://www.justice.gov/tribal/tribal-access-program-tap>
- In order to determine if the ORI you use is a federal or state based ORI, contact the CJIS Division's Customer Service Group at 304-625-5590 or via email at Identity@fbi.gov, and they can inform you of your status.
- To find out more information about the FBI CJIS Division Tribal Engagement Program, please contact the FBI CJIS Division Tribal Liaison Team for information on FBI's CJIS Division systems, programs, and Tribal initiatives at cjistribaloutreach@fbi.gov

- The latest PDF version of the R-84 Disposition Report can be found at https://www.fbi.gov/file-repository/final-1110-0051_r-84-01.pdf