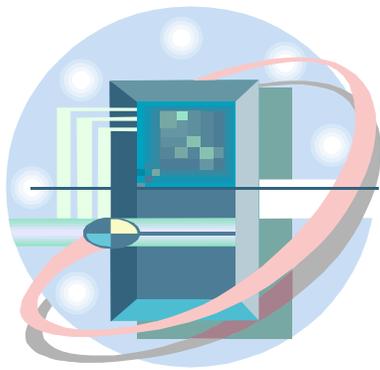# Consequences of Inadequately Integrated Justice Information Systems

A Project Report

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Acknowledgments

Preface

Often the *first* study in a line of research sets the tone for additional research and formulates questions that shape later studies and policy. This study by Dr. Michael Geerken is, we think, the first empirical examination of the consequences of failing to create and maintain adequate integrated criminal justice information systems. It explores new territory related to a core assumption of the integrated criminal justice systems movement. This assumption is that adequately integrated justice information systems lead to decreased criminal activity.

Lurking beneath this premise is the business case for the expenditures needed to implement these systems. There are other significant issues that deserve consideration as well. Are gaps in the sharing of criminal information likely to result in new crimes? Will closing these gaps reduce the crime rate or, as some speculate, result in increased costs related to minor offenses with no concurrent impact on serious crime? What role might improved integrated system capacities have on the continuously evolving needs of law enforcement, court, and correctional resources?

In the aftermath of September 11, 2001, the study further suggests the risks that may be present in a non-integrated criminal justice information system. As crime becomes more mobile and our global society more complex, how is crime to be controlled among those perpetrators who cross U.S. and international jurisdictional lines?

Though additional research is needed, this study is the best delineation to date of the risks of not closing the gaps in criminal justice information networks. The methodologies developed for this study will no doubt be useful in assessing the national status of integrated criminal justice information systems and in developing policies and funding strategies needed to reduce crime in the United States.

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Introduction

The business case for integration of justice information systems has recently been developed by the Center for Technology in Government and by NASCIO[1] as part of a broad initiative by the Department of Justice to promote such systems. The case rests in part on cost efficiency arguments connected to the elimination of redundant data entry, manpower savings in the retrieval and compilation of information, and technology savings from open systems and common standards. The case is made most compellingly, however, in terms of improvements in the quality and timeliness of information upon which justice officials make decisions and initiate action. It is argued that the electronic sharing of justice data makes the information available to officials more accurate, complete, and timely. It is further argued that improvements in the accuracy, completeness, and timeliness of such information have important public safety benefits and at the same time enhance justice and the rights of suspects.

The final decision to develop and participate in integrated systems is made in most cases by an elected official, often by an executive. Development of these systems represents, therefore, not just a financial but also a political investment. The official must invest his or her time and energy, as well as the time and energy of top staff in such projects. The difficulty of making a business case for justice system integration lies in proving that the money and effort and political risk involved is not better spent on projects and issues better understood and appreciated by the voting public. Proponents must argue that spending on integration of information systems is equally important to near term alternative uses of funding, such as hiring more patrol officers, detectives, prison guards, probation officers, social workers, and teachers within the justice system, or other social and economic uses outside the system. Only if justice system integration is important to public safety can such an argument be made.

A powerful case for justice system integration is best made by detailing the consequences of a *lack* of effective electronic data sharing among justice agencies, especially by reference to real-life examples or "horror stories." The exploration of those consequences is the focus of this report. The exploration consists of four parts:

1) A non-technical, operational overview of an ideal, fully integrated justice information system.

2) Key operational features of integrated systems.

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[1] See Anthony Cresswell et al. (2000). *And justice for all: designing your business case for integrating justice information.* Center for Technology in Government, University at Albany-SUNY web site: http://www.ctg.albany.edu/resources/pdfrpwp/doj_guide.pdf.

NASCIO. (2000). *Justice report - toward national sharing of governmental information.* NASCIO web site: http://www.nascio.org/hotIssues/justice/Fullrept.pdf.

3) A taxonomy of problems preventable through integration of systems.

4) Real life examples of deaths, injuries, rights violations, and public risk potentially preventable through better integration of information systems.

Section 1:
Operational Overview of Integrated Justice Information Systems

Description of an Ideal, Comprehensive, Fully Integrated System

A fully integrated justice information system is a network of justice agency computer systems which provides to each agency the information it needs at the time it is needed in the form it is needed, regardless of the source and regardless of the physical location at which it is stored. The information provided is complete, accurate, and formatted in the way most useful for the agency's tasks. The information is available at the agency official's work station, whether that work station is a patrol car, a desk, a laptop, or a judge's bench. Information is shared both horizontally and vertically. Each agency shares information not only with the upstream and downstream agencies in its own jurisdiction (police agency => booking agency => prosecutor => court => correctional facility), but with other agencies like itself and with other agencies at other levels (federal, state, county, city/town). Accurate information is also available to non-justice agencies with the statutory authority—and sometimes legal obligation—to check criminal histories before licensing, employment in certain sensitive occupations, and weapons purchase.

Information is recorded in the integrated system as each individual performs his or her normal business on a computer (booking, typing an incident report on a mobile data terminal in a patrol car, entering the minutes of a court proceeding, etc.). Other agencies' systems are automatically updated immediately if they have immediate use for the information. The information is available on demand to all others. Transfer of information to other agencies is automatic, and these transfers are invisible to the individual originally entering the information or requesting it. As the information is automatically transferred between agencies, certain data may automatically cue a warning, a notice, or may initiate some action in the other agency's system.

As a case is passed from one agency to another, key information is passed electronically. Though paper documents may also be transferred for legal and other reasons, electronic data transfer initiates the processing of the case by the receiving agency and serves to track receipt of the necessary documents. Cases are not "lost" because a document is misplaced or misrouted. The receiving agency usually adds additional information to the case consistent with its function, but information is not re-entered. As the case is "handed off" from one agency to another, only new information is added by the down-stream agency, and that new information is automatically passed back or available to the appropriate upstream agencies. Previously entered data, such as identification and demographic data, is copied from the originating agency's information system or from some central storage hub, such as a state bureau of identification information system. As a result, data elements—such as name spellings—are the same in all agency systems. As a justice agency receives its work in electronic form from another agency, it becomes possible to manage

the tasks more efficiently and create queuing, error-detection, and quality assurance systems to use manpower more efficiently and reduce error. Fewer cases "slip through the cracks."

The individual user is not required to have special technical knowledge or extensive training to perform his or her job on the computer system. The requesting, acquisition, and updating of information is intuitive to the justice official. When an individual needs information compiled and/or summarized about an offender, a case, an incident, or some other entity for which a decision must be made or an action initiated, a single request, made on the user's system, automatically searches all other relevant systems, retrieves all relevant information, and formats the information for the user in the way most useful for the decision or action. With a single request a user can retrieve not only traditional rap sheet information, but current status information on an individual, including custody status (incarcerated, under supervision, out on bail), all outstanding warrants, detainers, restraining orders, and current conditions of release (if on probation, parole, or pretrial release). For example, a probation officer may request a report which includes a comprehensive rap sheet, all local, state, and federal warrants, all currently active criminal cases with the current status of each case, and summary reports from other probation or parole officers who have supervised the offender in the past. The end-user does not have to log into additional systems or manually compile information from other systems. The integrated justice system automatically gets the information needed from wherever it is stored.

The system is investigator-friendly. Detectives can easily compile information from across the system for investigative purposes and load the data into analysis environments (from spreadsheets to complex computer algorithms) in order to identify suspects or patterns of activity. For example, by entering the times and dates of serial offenses along with suspect characteristics, a detective could compile a database of suspects who have those characteristics and who were at large for each of the offenses.

For the information in such a system to be accurate, offenders must be routinely identified through biometric means—which today means fingerprints but some day may mean DNA. Other elements in the system—charges, cases, and incidents—must have unique identifiers which are issued at the time the information is created and track the information in all other systems. For example, a charge is given a unique numerical identifier at time of booking and that identifier—along with the offender's fingerprint-based identifier—is recorded along with the charge in the prosecutor's system, the court system, and correctional systems. Additional means of identification such as photographs, scars, marks, tattoos, and physical descriptors are also recorded and available to all agencies in the system to assist in identification, especially where fingerprints cannot readily be taken and searched. Coded information has the same meaning in all systems. There is a common data dictionary shared by all agencies so that coded data elements such as statutes, race codes, case dispositions, etc., are defined exactly the same in all justice agency systems.

Section 2:
Key Features of an Integrated Justice Information System

1) **Identification of subjects is accurate and is accomplished quickly and conveniently.**

    a) Today, accurate identification means fingerprint identification through an Automated Fingerprint Identification System (AFIS). AFIS fingerprinting is performed from a paperless fingerprint-scanning device and identification is returned quickly. AFIS fingerprinting and photographing are integral parts of each booking for every arrestee. Identification can also be quickly confirmed by an AFIS device in a courtroom, in the field in a patrol car, or through a probation officer's laptop computer. All AFIS databases are integrated so that a single scan locates a match whether stored in a state or a federal system.

    b) Latent prints are also entered into the AFIS system. Cold searches are performed not only when the latent is entered, but on all subsequent bookings as well.

    c) When fingerprints have never been taken of a suspect, photographs of wanted individuals—even driver's license photos—can be retrieved to help verify identification.

    d) Identification numbers of individuals (typically a State Identification Number or Federal Identification Number) established through fingerprints follow the individual through all systems, so that information transferred between agencies is referenced to the correct individual. Each charge is also assigned a unique number at arrest or booking so that the correct charge is referenced when disposition and status information is transferred.

2) **Warrants, detainers, and restraining orders are available and accurate.**

    a) A warrant issued by one agency is automatically available to any other agency who may have contact with the individual. As any other agency issues a query or does any other data entry on that individual (a booking, initiation of a probation log, entry into a jail or prison visitation log, etc.) that other agency is automatically notified that the individual is wanted.

    b) Any agency that receives notification of wanted status can quickly verify identity through fingerprint comparison, photograph, or some other reliable means.

    c) Any agency who issues a warrant is notified—at the time the warrant is entered—if that individual is currently in custody or under supervision. The agency holding the individual is also notified when the warrant is issued without having to make a specific inquiry.

    d) Warrants satisfied or recalled are immediately removed from all systems.

    e) A *detainer*, as distinct from a *warrant*, is a notification that an individual *already in custody* in a jail or prison is wanted by another agency once the individual's sentence is served, or charges are disposed of, or the individual

has performed some other function, such as serving as a witness. These detainers must have the same system-wide availability as arrest warrants.

f) A *restraining order* or *stay-away order*, may be issued in a civil or criminal proceeding, usually to prevent domestic or child abuse. The current status of these orders is available to the patrol officer—ideally the officer is notified when dispatched to the scene—and to all courts and probation/parole officers, and to appropriate agencies doing licensing checks, such as Brady checks, adoption agencies, and child care agencies.

3) **Criminal histories are comprehensive, complete, accurate and available.**

a) Criminal histories are available to all agencies and are comprehensive. This means that all charges ever filed against an individual (except those expunged) are listed on the criminal history regardless of the jurisdiction of the arresting agency. Final or current dispositions on all charges are accurate and available.

b) Criminal history information includes not only charges, but all terms of supervision or custody with the outcome of those terms.

4) **Current status and location are accurate and available.**

When an individual is in custody or under supervision by an agency, the status of that custody or supervision is available in real-time to all requesting agencies. This includes not only information such as abscond or failure-to-appear status but also details about the conditions of release if the defendant is under probation, parole, or pretrial supervision. Probation, parole, and pretrial supervision agencies are automatically notified when an individual they supervise has a contact, such as an arrest, with another justice agency.

5) **Electronic information transfer cues workflow between agencies.**

As a decision or action by one agency requires action by another (a court orders a release, for example, which must be executed by jail personnel), the order or notification and the relevant data are passed electronically between the agencies. Receipt of the information cues the action in the receiving agency and allows managers to ensure that the appropriate actions have been performed. Though paper documents may still be exchanged, electronic data transfer cues the primary action. When the action is carried out, the first agency is automatically notified. Both agencies can then ensure that appropriate actions are carried out and that cases are not lost.

6) **Information exchange takes place automatically as a function is performed.**

All posting and retrieval of information, all checking for warrants, all notifications to appropriate agencies of custody status take place automatically as the justice worker performs his or her function. For example, an officer booking an arrestee should not have to remember to check for

outstanding warrants, then contact the agency who placed the warrant, then wait for confirmation. All these steps should be performed automatically for the officer as he or she enters the arrestee's booking information into the computer. If the individual is on probation, the probation office is automatically notified and a detainer is electronically sent in response.

Table 1: Summary of Key Features of an IJIS

1. Identification of subjects is accurate and is accomplished quickly and conveniently.

2. Warrants, detainers, and restraining orders are available and accurate.

3. Criminal histories are comprehensive, complete, accurate, and available.

4. Current status and location are accurate and available.

5. Electronic information transfer cues workflow between agencies.

6. Information exchange takes place automatically as a function is performed.

Section 3:
A Taxonomy of Integration-Related Problem Types

A) Improper Release or Failure to Hold

An individual is inappropriately released because a decision-maker lacked information or had misinformation about a suspect/defendant. *Result: risk of additional crimes committed by released offender.*

Subtypes:

1. Unknown Warrant or Detainer

    A warrant or detainer issued by a law enforcement agency, court, or probation/parole agency is unknown to a patrol officer, a booking/detention agency, or a prison. This may occur because: 1) an existing warrant is unavailable or not queried or 2) the suspect has been misidentified.

2. Status Unknown to Judge/Prosecutor

    An individual's current court or supervision status is unknown to a judge making a bond/release condition decision (or unknown to a prosecutor who makes a bond recommendation to the judge). Had the judge known the facts (that, for example, the individual was on probation from another jurisdiction or was in violation of pretrial release conditions in another case), then the judge may have imposed a higher bond or stricter conditions of release.

3. Event Unknown to Supervising Agency

    A court or probation/parole agency is not made aware of a supervisee's arrest or abscond and fails to issue an appropriate detainer or warrant.

4. Incomplete Criminal History Available

    A judge makes a bond or sentencing decision or a prosecutor makes a plea agreement without knowledge of the defendant's complete criminal history. In some cases (DWI, multiple offender statutes), minimum sentences are legally determined by criminal history.

5. Status in One Confinement Agency Unknown to Another after Transfer

    An individual is transferred from one jail or prison to another to serve as a witness, face additional charges, or serve a sentence. That individual should then be returned to the original jurisdiction to serve a sentence or answer charges. However, no warrant exists because that individual is already in custody, and detainer paperwork is not transferred with the individual. The individual is then released from the second jail or prison without serving his sentence or satisfying charges in the original jail/prison.

6. Court Action Not Received or Misinterpreted by Custody Agency

A sentence or other order of court is misinterpreted or not received by a jail or prison because of confusing documents, confusion among courts, or name confusion.

B) Improper Arrest or Confinement

An individual is arrested or confined because the arresting officer or custody official lacks key information or has inaccurate information. *Result: individual is unjustly incarcerated. Denial of civil rights and lawsuit.*

Subtypes:

1. Misidentification on Warrant

An individual is arrested or held in custody on a warrant or probation/parole hold for another individual because of misidentification.

2. Recalled/Satisfied Warrant

An individual is arrested or held on a warrant that has already been satisfied through arrest, withdrawn by the issuing agency, or recalled by the court.

3. Order of Release not Received

An individual is held in confinement despite an order of release by the court or refusal of charges by the prosecutor because the appropriate documents are not received by or were improperly interpreted by the confining agency.

4. Incarceration Status Unknown

A court may issue a failure-to-appear warrant or a probation agency may issue an abscond warrant when the individual is in fact incarcerated in a jail or prison. When that individual's sentence expires or when the court orders his release the jail or prison discovers the warrant and keeps the individual in custody.

C) Risk to Officer from Lack of Information on Offender

A justice official is endangered when dangers associated with an offender are not made known to the officer. For example, an officer responding to an incident or executing a warrant is placed at risk of death or injury when the suspect is known to be dangerous by another law enforcement agency, correctional agency, or supervising probation/parole officer, but that information is not available to the officer. The same risk is present for probation/parole officers and corrections officials who handle the individual. *Result: preventable death or injury to officer.*

D) Risk to Suspect/Inmate from Lack of Information

An arresting, custodial, or supervisory agency fails to take action or takes the wrong action with a suspect/supervisee/inmate because the agency lacked information available elsewhere in the Justice System. *Result: preventable death or injury to suspect/inmate.*

Subtypes:

1. Law Enforcement Agency Mishandles Incident or Suspect

    Police may improperly handle a suspect who has in the past been determined by a justice agency to be mentally unstable or impaired. Extensive information on the suspect may be available in jail, prison, or probation/parole officer records or be available from the records of the same or other law enforcement agency records.

2. Confinement Agency Fails to Take Proper Precautions or Provide Proper Medical Care

    An individual may be known to be a suicide risk or be known to have a serious or contagious medical condition in one jail or prison, yet this information is not readily available to other jails or prisons unless the prisoner was received directly from that institution.

E) Failure to Solve Crimes

An investigating officer fails to solve a serious crime because information maintained by a justice agency is not available or not available in an efficiently usable form. *Result: risk of additional crimes committed by unapprehended or unconvicted offender.*

Such information includes:

Comprehensive custody information (when the suspect was locked up and where)

Gang membership identification in jails and prisons

Jail/prison visitor logs and phone contacts

Probation/parole case officer notes, especially family/friend relationships and "hangouts"

Jail/prison cellmates

MO information from other jurisdictions

F) Failure to Apprehend

An at-large individual is wanted by a law enforcement agency, court, or probation/parole agency and information exists (current address, place of employment, etc.) that would make it possible for the appropriate agency to apprehend that individual, yet the information is not available to the agency responsible for the individual's apprehension. An officer may actually come into contact with the wanted individual but not be aware of the individual's wanted status. *Result: risk of additional crimes committed by unapprehended or unconvicted offender.*

Subtypes:

1. One justice agency has information that would help locate a wanted individual, but that information is not readily available to an agency seeking that individual. For example, a wanted individual may be on the visitor or phone list of a prison or jail inmate with his/her current address.

The individual may be on a subpoena list as a witness or victim in an unrelated case or as the parent or guardian of an offender in juvenile court. Yet an officer patrolling the wanted offender's neighborhood or serving on a warrant task force has no ready access to this type of information.

2. A non-justice government agency has information on a wanted, at-large individual that would locate that individual in place and/or time, but that information cannot be accessed by the agency seeking to apprehend that individual. A variety of federal, state, and local agencies may have such current information. These include taxing agencies, driver's license bureaus, welfare agencies, and voter registration lists. (Law in some cases may, of course, prohibit use of these non-governmental sources.)

G) Inappropriate Clearance

Increasingly, legislatures and the Congress are mandating that criminal history checks be performed before employment or licensing in certain sensitive positions such as those dealing with children (teachers, daycare workers, or foster parents, etc.). In addition, such checks have always been the standard for law enforcement officers and other justice officials. A criminal history check is also now required for purchase of a firearm. To the extent that criminal histories are incomplete or unavailable, inappropriate individuals will be cleared for sensitive occupations or allowed to buy firearms.

Table 2: Taxonomy of Information Related Problem Types
Summary

A) Improper Release or Failure to Hold
1. Unknown Warrant or Detainer
2. Status Unknown to Judge/Prosecutor
3. Event Unknown to Supervising Agency
4. Incomplete Criminal History Available
5. Status in One Confinement Agency Unknown to Another after Transfer
6. Court Action Not Received or Misinterpreted by Custody Agency

B) Improper Arrest or Confinement
1. Misidentification on Warrant
2. Recalled/Satisfied Warrant
3. Order of Release not Received
4. Incarceration Status Unknown

C) Risk to Officer from Lack of Information on Offender

D) Risk to Suspect/Inmate from Lack of Information
1. Law Enforcement Agency Mishandles Incident or Suspect
2. Confinement Agency Fails to Take Proper Precautions or Provide Proper Medical Care

E) Failure to Solve Crimes

F) Failure to Apprehend
1. One justice agency has information that would help locate a wanted individual, but that information is not readily available to an agency seeking that individual.
2. A non-justice agency has information to locate wanted individual, but that information cannot be accessed by the agency seeking to apprehend.

G) Inappropriate Clearance

Nature of Transmission Failures

How does lack of justice system integration lead to poor information transmission? There are two basic situations that should be distinguished:

1) An existing information transmission mechanism is inefficient or unreliable, while integration of systems would increase efficiency and minimize error.

   In many cases, paper document-based systems have been developed to pass information from one agency to another: arrest/booking information to courts, bail/sentence/release/warrant information from courts to jails and prisons, law enforcement, and probation/parole agencies, etc. In many cases, these documents must pass through multiple hands, be sorted and resorted, interpreted and reinterpreted, and then acted upon or filed for future use. Properly integrated computer information systems allow virtually instantaneous transmission of information between agencies, help ensure accuracy, and allow tracking and supervision systems to be developed to prevent information from "falling between the cracks."

   Some linked computer systems may allow inquiry by one agency into the records of another but are not used to transmit documents or data intended to initiate or confirm some action. Such transmission is especially effective and accurate when identification numbers, case and charge numbers, and other key identifiers are commonly indexed. Sometimes information is available on "bulletin board"-type systems such as NCIC or similar state and local systems, where one agency posts a warrant, stolen auto information, etc. and the information is then available to be requested by other agencies. But these systems are inherently limited by this "post-request" procedure. For example, Police Department A posts a murder warrant to NCIC on a suspect. That suspect is, in fact, in prison in another state at the time the warrant is posted. Ideally, Department A should learn this as soon as it posts the warrant, yet it will in fact be notified only if the prison checks NCIC for that particular individual, which will happen (if it happens at all) only just prior to the suspect's release—perhaps years in the future.

2) No transmission mechanism exists, while integration of systems would create such a mechanism.

   There are many situations in which systems or procedures for routinely passing certain information from one agency to another in a given situation have never existed. For example, there is often no procedure in place for notification of a probation/parole agency when one of its supervisees have been arrested, especially if the arrest takes place in another county or state. Trying to establish a paper document system to accomplish such notification would be extremely difficult. A statewide or national integrated justice information system could make such notification easy for both the arresting agency and the supervising agency.

Section 4:
Identification Of Examples

> "Christy Robel drove up to a restaurant with her 6-year-old son Jake…. She left the keys in the ignition of her Chevy Blazer and went inside to get her son a coke, leaving him in the car. While she was inside, Kim L. Davis jumped into the car and started to drive off. The mother chased the car and attempted to yank her son from the back seat as it was moving, but the boy got twisted in the seat belt and was killed as the vehicle sped away and he was dragged to death." Note: Kim L. Davis had been released earlier that day.

A significant goal of this project was the location and verification of real-life incidents that illustrate the consequences of not having adequately integrated justice information systems. At the beginning of this study, we proceeded based on an assumption that when these incidents (as outlined in the taxonomy in Section 3) occur, the involved justice practitioners will generally recognize them as consequences that better integrated systems might prevent. However, as the study progressed, we found this was not the case. In fact the practitioners generally did not link the documented incidents to the inadequacy of information systems.

The project proceeded as follows. First, a description of an ideally integrated justice information system was developed, drawing largely on work already done by the Department of Justice, SEARCH, and statewide integration initiatives. Such a system would be national in scope and include every segment of the justice system at local, state, and federal levels. Information would be exchanged in real time and accessed in the way most efficient for each agency's operations. Information would be contributed to the system automatically as workers record it while performing their agencies' functions.

Second, a taxonomy of types of error was developed from the idealized model and from our own professional experiences and discussions with fellow practitioners. This taxonomy was later expanded somewhat based on information from the latter stages of the project.

Third, a search was made of published sources for examples of information-related justice system errors using a long list of keywords drawn from the taxonomy. The search of web pages was performed using Internet search engines and of legal, newspaper, and magazine publications using LEXIS/NEXIS. Virtually all useful possible cases developed by the methods came from newspaper accounts. These searches were done by Tulane and Loyola University Law School students in their 2nd and 3rd years.

Fourth, the law students were given the task of contacting the reporter and agency representatives involved in the published cases by phone, using a

script prepared by the authors. The newspaper reporter, if available, was to be contacted first for leads; then representatives of the agencies were contacted. It was our original intention to make site visits in a few of the most promising cases to develop very detailed information on the case and the information systems involved. The students were also instructed to solicit information on additional cases from all respondents.

Fifth, one law student was selected to make "cold calls" to prosecutors, corrections officials, and law enforcement officials in other jurisdictions to identify unpublished cases. A variety of sizes of jurisdictions were contacted. This effort yielded no additional cases.

For the cases identified in newspaper accounts, confirmation turned out to be very difficult and, with a few exceptions, the interviewer could not obtain adequate verification of the facts. Though by design all cases occurred in the 1995-2000 time frame, it was often the case that no respondent could be found who remembered (or said they remembered) the incident. Interviewers often could not establish contact with the officials involved and often could not get calls returned once they had explained the purpose of the interview. Some respondents refused to answer, sometimes because the case was under litigation. This lack of response and limits on resources made planned site visits impractical.

With some exceptions, respondents who did agree to be interviewed characterized the cases as "human error" and did not view the cause as a lack of information system integration: somebody didn't send the proper paperwork or misunderstood a document; someone "should have checked" by phone, fax, or Teletype or should have looked up the information in a separate system; someone should have manually compiled a summary from multiple sources and failed to do so.

It is our speculation that a number of factors are behind this lack of response. First, the types of errors these cases involve are seen as reflecting badly on those involved. Some of the newspaper articles present lurid accounts of the incidents and express outrage at the performance of the agencies involved. Many of these agencies are the responsibility of elected officials who believe, correctly, that the public has a poor understanding both of the complexities of justice information systems and the promise of comprehensively integrated systems. Cooperation in a process that may further publicize a blunder is seen, quite understandably, as a mistake. It may also damage the agency's legal position in a lawsuit.

Second, in many of these cases a procedure exists, usually involving the manual transfer of a document or notification by phone or fax, that was not followed and would have prevented the incident. A document, form, or message may in fact have been sent, but was misinterpreted. In such cases the proximate cause of the incident was, in fact, human error, albeit often under workload demands or special circumstances that almost guaranteed errors (see, for example, the description of the Los Angeles County "pony express" below). In many of these cases of "human error," a new procedure based on a well-designed electronic transfer of properly coded information would reduce error significantly.

Almost every sheriff and police chief, prosecutor, judge, and corrections official knows of erroneous releases and failures to release, warrant misidentifications, missed opportunities in detective work because of missing information, and a host of errors that *could* have been prevented had the right information been known to the right person at the right time. Anyone with experience using criminal histories is aware of the errors and omissions that are endemic to many of them. Experienced police officers know of arrests made on warrants that turn out to be invalid. Jail records managers know of inmates kept in jail too long or released when they should have stayed in jail. But without a detailed understanding of the promise of integrated information systems, incidents will be seen only as human blunder and result only in human solutions: fire, discipline, train, or retrain somebody (or everybody), or put in additional checking and procedures that might catch errors but only at a significant cost in time and manpower. For example, if there was an erroneous release, modify policy so that every release of an inmate has to be checked by a supervisor before the release is executed. Of course, more supervisors will be needed (or other supervisory work will not get done) and the inmate will wait longer to be released.

In fact, the inability of many justice officials to visualize a comprehensively integrated system and its advantages is one of the reasons such systems are so hard to develop. Making the case for such systems is a difficult challenge because the first and most natural reaction to "horror stories," such as those outlined below, is to attack the human element directly rather than to seek solutions through comprehensive integration of information systems.

NOTE:

Since full and completely reliable confirmation of these examples—and especially, the deficiencies on the information systems involved—could only be done through extensive on-site interviews and observations, these examples should be treated only as illustrations. Even as such, the information system discrepancies described are in some cases dated by as much as seven years[2] from the date of this report, and some of these jurisdictions are known to have made significant improvements since the incident described.

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[2] In the original search for cases in 2000, only cases less than five years old were selected.

Examples: Incidents Preventable Through IJIS

The following 21 "horror stories" illustrate the tragedies preventable through IJIS, commentaries on how integration might have prevented them, and a reference to the key features of IJIS outlined in Section 2.

Rafael Resendez-Ramirez

The Border Patrol at the Santa Teresa INS border station took Rafael Resendez-Ramirez into custody June 1, 1998, after his arrest as an illegal immigrant at Sunland Park, NM, near El Paso. His photo was taken and his fingerprints run through the INS IDENT system for identification. He was released June 2 after being transported back into Mexico. At the time, however, he was the target of a massive manhunt both by the FBI and Texas police as a suspected serial killer wanted for four killings. Within days of his arrest the "Railway Killer" returned to the U.S., where he is suspected of committing at least four more murders. The victims were: a 73-year-old woman who was bludgeoned to death west of Houston, a 26-year-old school teacher at her home, and a 79-year-old man and his 51-year-old daughter in Gorham, Illinois on June 15th. He is also a suspect in a number of other murders.

His prints were on file, and warrants had been placed in both NCIC and the Texas Crime Information Center (TCIC). Texas police had in fact contacted the INS in Houston as part of their investigation, but none of the INS investigators posted a "lookout" in INS IDENT. INS IDENT is not linked to the FBI and Texas systems. Therefore, when Resendez-Ramirez was checked in IDENT on June 1, the INS had no way to know he was wanted. In fact, he had first been picked up by the INS in Michigan in 1976 and was subsequently deported. He also was deported in 1985, 1987, and 1991 and had been apprehended nine times by Border Patrol agents since January 1998.

Resendez-Ramirez had a 20-year criminal history. He obtained driver's licenses in California and Florida using at least six aliases and four different birth dates.

Sources: Houston Chronicle, June 8 and 27, 1999; Des Moines Register, July 2, 1999; Washington Times, March 22, 2000.

Comments

The fact that fingerprint and name checks run in the INS computer system are not automatically made in the FBI's system, but must be done as a separate task, means that most of the 1.5 million INS apprehensions each year are not searched in the FBI system. Linking the two systems, so that checks are automatically made in both, would not only improve apprehension of aliens wanted for crimes but would allow law enforcement agencies who check prints with the FBI to easily determine immigration status of arrestees. In this case linking these two systems would have prevented multiple murders.[3] (Relevant Key Feature 1a, 2a)

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[3] Note also that this case points out the limitations of drivers' licenses as a means of identification for law enforcement purposes—and of course for other purposes as well.

Kim L. Davis

On February 14, 2000, Kim L. Davis surrendered to the Independence, Missouri Police Department on a municipal warrant for possession of drug paraphernalia. He pled not guilty and bond was set at $1,000. Because he could not post the bond, he was transported to the Carroll County jail under a contract that jail has with the police department to hold some of its prisoners. On February 16, a warrant for probation violation was issued for Davis on an unrelated matter. On February 22, Davis changed his plea to guilty. A judge accepted his plea, gave him thirty days to pay the $150 fine, and ordered him released. Independence police faxed a release form to the Carroll County jail.

Independence police had checked Davis for warrants when he was booked on the 14th, but neither they nor Carroll County checked Davis for warrants on the 22nd, and he was released on 11:30 am that day. Davis hitched a ride back to Independence with an Independence police official, who dropped him in Independence. Christy Robel drove up to a restaurant with her 6-year-old son Jake about a half-mile from Davis's drop-off point. She left the keys in the ignition of her Chevy Blazer and went inside to get her son a coke, leaving him in the car. While she was inside, Davis jumped into the car and started to drive off. The mother chased the car and attempted to yank her son from the back seat as it was moving, but the boy got twisted in the seat belt and was killed as the vehicle sped away and he was dragged to death. Several motorists apprehended Davis.

Newspaper reports indicated that Carroll County officials assumed Independence police had checked for warrants before release and Independence police said at the time that they made the same assumption about Carroll County. Bill Pross, Public Information Officer for the Independence Police Department, told our interviewer that the only Independence police officer who could accurately check warrant systems was fired just a few days before Davis's release.

Sources: The Kansas City Star, Feb. 25, 2000; Our interview with Tanyanika Samuels, reporter; our interview with Bill Pross, Public Information Officer, Independence Police Department.

Comments

Both Carroll County and the Independence Police Department had the technical capacity to locate the warrant that would have kept Davis incarcerated. However, the warrant check required, as it still does in most jurisdictions, a separate operational step which is procedurally, but not technically, part of the release process and which falls by the wayside under time constraints, confusion about responsibility, or lack of specially trained personnel. A warrant check that is made automatically as part of an automated release process eliminates the need for specially trained personnel, which is often lacking, especially in small departments. In addition, when the warrant was initially entered, a fully integrated system would have notified the probation department that Davis was currently in custody at Carroll County.

Mr. Pross reported that in response to this incident the Missouri legislature passed "Jake's Law," which requires law enforcement agencies to make the kind of checks that weren't made here, if means were available. This was, however, a nonfunded mandate that provided no funds for additional personnel, training, or new technology. (Relevant Key Feature 2a, 2c)

Angel Moya

In July 1995, Moya was arrested in Los Angeles by the California Highway Patrol in a drunk driving incident that killed 18-year-old Leticia Cabrera. Los Angeles County's central jail officials released Moya on July 26 because CHP officers had not filed charges within the 48-hour limit prescribed by law. In fact, prosecutors had issued a warrant for Moya before his actual release, thinking he had already been released because of the time limit. Jail officials, however, did not check for warrants before releasing the suspect.

Source: Los Angeles Times, August 23, 1995.

Comments

The proximate cause of Moya's release was the delay by CHP and prosecutors in filing charges. However, a justice system in which CHP, prosecutor, and jail information systems were integrated would allow CHP and prosecutors to file charges electronically, prosecutors to check custody status when issuing warrants, and jails to automatically check for warrants as a part of release processing. Such a system would likely have prevented this incident.

Isadore Jackson

When picked up by the Broward County Sheriff's Office for a child support violation, Jackson, 31, had an outstanding warrant for parole violation. He was released without a warrant check, however. He subsequently beat his girlfriend's baby, Kayanna Smith, to death.

Source: Orlando Sun-Sentinel.

Comments

As in other cases of this type, a failure to check for warrants, i.e., "human error," is the direct cause of the erroneous release. However, a warrant check which is made automatically as part of an automated release process eliminates the need for specially trained personnel or for personnel to remember to perform the task as a separate step in the release or booking process. (Relevant Key Feature 2a, 5)

William Hallinan

Hallinan, 28, escaped from a minimum-security work program in Concord, New Hampshire, on December 24, 1996. Upon his rearrest it was discovered by Claremont police that he had two outstanding warrants from Massachusetts for theft and drug charges. Had they known of the warrants, Hallinan would never have been placed in a minimum-security program.

Source: New Hampshire Sunday News, January 5, 1997.

Comments

This case is an example of the need for prison classification systems to have easy access to criminal history and warrant information. In an ideally integrated system, prison classification computer programs would access criminal history and warrant information to calculate the appropriate classification level. (Relevant Key Feature 2a)

"Rambo" Guy Cummings

Cummings was released on his own recognizance twice in December of 1994 by courts in Taunton and Stoughton, Massachusetts, despite the fact that he had larceny, kidnapping, and assault warrants in Arizona, Georgia, and New York. The probation office report used by the courts did not include information on outstanding warrants outside Massachusetts.

Source: The Boston Herald, December 28, 1994.

Comments

This incident was also a breakdown at the law enforcement agency level, where apparently no NCIC check for warrants was made. Warrant checks could be performed automatically during release processing in an integrated system. (Relevant Key Feature 2a,3a)

Gregory Devon Murphy

Murphy, 29, was released on parole from Virginia State Prison on April 7, 2000, after serving more than six years for malicious wounding, petty larceny, and obstructing justice. Murphy reported to the Alexandria Probation and Parole Office after his release, and his case was assigned to a parole officer on April 17. On the same day, Murphy was arrested on a cocaine possession charge in neighboring Fairfax County. The parole officer was not aware of the arrest, however, and Murphy did not report it to him in a phone contact April 19. On the same day as the phone contact, evidence indicates that Murphy stabbed to death 8-year-old Kevin Shifflet.

Murphy failed to keep his meeting with his parole officer on April 20. He failed to appear for a court hearing on the drug charge in Fairfax County and the judge issued a bench warrant.

After failing to locate Murphy in three attempts, the parole officer issued a parole warrant on May 11, but by department policy this first step warrant is only good in Alexandria County. An NCIC warrant can only be issued by the state Parole Board, which in this case was not done until June 19. Murphy was arrested in Fairfax on the bench warrant on June 9, but he was released on $2,500 bond because the Sheriff's Office did not know about the parole warrant in Alexandria County. Finally, on June 25, Alexandria police arrested Murphy on the parole violation charge. DNA evidence linked him to the murder a few days later.

Source: The Washington Times, July 19, 2000.

Comments

At first this would appear to be a case of erroneous release after failure to check warrants. However, the parole warrant was unavailable to Alexandria authorities by policy, since the Virginia Department of Parole established a two-tiered system of issuing parole warrants: first in the local jurisdiction, then nationwide (NCIC). In any case, the release on June 9 occurred after the boy's death.

The more serious breakdown in this case is the parole officer's lack of knowledge of Murphy's arrest and the Fairfax County authorities' (apparent) ignorance of Murphy's parole status on April 17. If a detainer had been filed while Murphy was still in custody on April 17, the boy's death may have been prevented.

In most states, probation or parole authorities are notified of a supervisee's arrest only if the arresting agency performs the notification or if the probation/parole officer makes a criminal history check. In an integrated system, arresting agencies are automatically notified of an arrestee's supervision status, and the supervising agency is automatically notified of an arrest with an opportunity to place a detainer before the offender's release.

Richard Sherroan

In February 1999, Sherroan was convicted of drunken driving and marijuana possession in Scott County District Court in Kentucky. He paid a $300 fine and was released. At the time, he was on parole in Kentucky for 1995 robbery and forgery convictions, but the prosecutor was unaware of his status and the Division of Probation and Parole of the Kentucky Correction Department was unaware of the arrest. There is no system linking the court and state systems in Kentucky.

In April of the same year, Sherroan is alleged to have murdered Isaac Davis, 18, Aaron Mills, 22, and Frank Reschke, 57.

Source: The Cincinnati Enquirer, May 2, 1999.

Comments

As in the Gregory Devon Murphy case above, an integrated system would have automatically made Sherroan's arrest and conviction known to parole authorities and provided them the opportunity to initiate a detainer and revocation proceedings.

Jose Serrano

On April 16, 1998, a Brooklyn Narcotics Team arrested a man who identified himself as Joseph Figueroa for possession of heroin. The arrestee also, apparently, had some documentation with that name. He was fingerprinted but was issued a desk appearance ticket and released before his prints were identified, a process that at the time took up to eight hours.

When his prints were finally returned from Albany, police learned that he was in fact Jose Serrano, who was wanted for parole violation. When officers went to Serrano's home to arrest him for missing a May 18 court date, they were ambushed by Serrano and his girlfriend who took one of the officers' guns. Officer Anthony Mosomillo was shot four times by Serrano. Mosomillo shot and killed Serrano before he died.

After this incident, New York police changed the policy of releasing misdemeanor and minor felony offenders before fingerprint results are received, a decision that will affect some 80,000 arrestees a year and lengthen the time in detention of many.

Source: The New York Times, May 28, 1998.

Comments

Integrated systems must provide information quickly, or the benefits will be lost to shortcuts forced by workload pressures on operations. (Relevant Key Feature 1a)

Antonio Martinez

Martinez was in New Mexico state custody on a parole violation while awaiting trial for the February 2000 slaying of Dale Garcia, a 35-year old state employee. Since the Santa Fe District Attorney had not filed a detainer on him, however, corrections officials released him in June 2000 from the Torrance County Detention Center.

The DA indicated that the problem in part stemmed from Martinez's transfer from the Santa Fe county jail to the privately run jail. State corrections officials stated, however, that they had contacted the DA's office on May 2, but the prosecutor's staff could not locate the case, apparently because Martinez used multiple dates of birth.

Martinez was still at large 48 days after his release.

Source: The Santa Fe New Mexican, August 2000.

Comments

In this case there are at least two problems amenable to integrated system solutions. In an ideally integrated system, prosecutors would not have to track defendants from correctional facility to facility in order to file detainers to ensure they would not be released. The detainer would be posted centrally and available to all facilities to check before release.

Secondly, a common fingerprint-based identifier carried in all court, prosecutor, and correctional systems would eliminate the type of name and DOB-based identification problems evidenced here. (Relevant Key Feature 1b, 2e)

Leo Mitchell

Mitchell, 26, was released on February 13, 2000, after posting a surety bond of $26,000 for assaulting his ex-girlfriend, Elena Smith. At the time Mitchell was on parole for a 1991 shooting in New Orleans. On April 2, Mitchell returned to Smith's house where he killed Henry Porter, wounded Smith's brother, and kidnapped Smith. A state trooper captured him the same day, and Smith was released unharmed.

Though criticism was leveled at the magistrate for setting the $26,000 bond, there is dispute about whether the magistrate was made aware that Mitchell was on parole when he set the bond. It is clear, however, that the state Probation and Parole Office did not file a detainer on Mitchell which would have kept him in custody. Apparently the Jefferson Parish Sheriff's Office would fax a magistrate list to that office before each magistrate hearing, and each probation and parole officer was responsible for checking the list. Mitchell's parole officer, apparently, missed his name on that day.

Source: The Times-Picayune, April 18, 2000.

<u>Comments</u>

Since the Jefferson Parish Sheriff's Office information system was not integrated with the state Probation and Parole Office's system, individual parole officers could not be efficiently notified about their clients' arrests. As a result, each officer had to be diligent about making daily checks of a faxed list. (Relevant Key Feature 4)

Dean Mallis

Mallis, 27, was arrested November 14, 1999, after a 40-year old mentally disabled man told police that Mallis had held him prisoner, tortured him, and sexually abused him for 10 days. The next morning a judge set a $2,500 bail, rejecting requests from the prosecutor that it be much higher. At the time the judge and prosecutor were unaware that in 1995 Mallis was convicted of beating his 69-year-old roommate and killing his cats as he lay helpless on the floor.

The state's Bureau of Identification may take days to compile a criminal history, especially if there are out-of-state convictions, as in this case.

Source: Portland Press Herald, December 29, 1999.

<u>Comments</u>

Since bond setting must occur shortly after arrest, only through nationally integrated criminal history systems can a magistrate get a reasonably complete criminal history with which to make an in-formed decision in time. (Relevant Key Feature 3a.)

Charles Louis Rodriguez

Rodriguez, 34, was a crack addict who was arrested May 4, 1995, by Hillsborough County, Florida, deputies for use of a stolen credit card. At booking he gave the name "Lyle Plummer" and was released on a low bail after a check revealed no outstanding warrants. A fingerprint check against Hillsborough files was not completed until four hours after his release. In fact, he had an 18-year history of arrests and convictions for theft and drug possession in central Florida, and was wanted at the time both by Pinellas County and the same Hillsborough authorities that arrested him. He was often able to make bail or receive probation because of his frequent use of aliases. He was known by at least 17 aliases, had two valid Florida driver's licenses, and multiple social security numbers.

Most of his arrests were for minor property crimes, and in such cases fingerprint searches against local files are often given low priority. Checks against the Florida Department of Law Enforcement fingerprint files took as long as eight weeks at the time of the report.

Two weeks after his release on May 4, Rodriguez was arrested in Hernando County after dressing as a doctor and stealing nurses' purses in a hospital. In this case his true identity was discovered. He received a sentence of four and a half years.

Source: St. Petersburg Times, August 7, 1995.

Comments

This case points to the importance of a near real-time, state or nationwide fingerprint identification system as the basis of criminal history and warrant information. Note also that the ID system must be manpower efficient enough so that it can be used in times of heavy workload and even for minor crimes. Someone arrested on a minor crime may be a career criminal or wanted for a serious crime. (Relevant Key Feature 1a)

Leonard Saldana

In early March, 1998, Leonard Saldana was arrested for violating a stay-away order from his common-law wife, Sylvia Hernandez, by Austin, Texas, police. The municipal judge set only a $4,000 bond, not knowing of Saldana's extensive criminal history. He had been jailed 19 times in the prior 10 years, including DUI, violating protective orders, and domestic assault, but the police department had refused to allow municipal courts on-line access to criminal histories. Courts could obtain them orally in response to individual requests or on paper if the court's investigators retrieved them.

On April 4, after his release on bail, Saldana stabbed his wife to death.

Source: Austin American-Statesman, April 29, 1998.

Comments

Lack of on-line access to criminal histories by the courts and prosecutors often means that use of criminal record to make bail and sentencing decisions—especially in non-felony cases and minor courts, is hit-or-miss at best. A procedure involving telephone requests and oral reports or paper transfer is often too cumbersome to be used consistently by high volume court operations. (Relevant Key Feature 1a)

Forris Massey

In July, 1996, Massey, 33, was convicted in Tarrant County, Texas, on four counts of aggravated robbery for four home invasion robberies and sentenced to life imprisonment. After these convictions, he was transferred to Dallas County for trial on two additional home invasion robberies. While awaiting trial there, Massey was returned to Tarrant County to serve as a witness, then returned to Dallas County when he refused to testify. Dallas County prosecutors dismissed their charges against him in June 1977. Since there was no detainer from Tarrant County in the file, he was released by Dallas County.

The mistake was not discovered until January, 1998, when Tarrant County contacted Dallas officials to ask about his status. He was captured shortly thereafter.

Source: The Fort Worth Star-Telegram, January 16, 1998.

Comments

When inmates are moved back and forth between correctional facilities, the possibilities of error multiply if those facilities rely on paper document "detainers" to be filed at each step. In an ideally integrated system, a correctional facility or probation/parole department's "hold" notice on an individual would be electronically available to all facilities, and a check could be made of a centralized file before any facility releases the individual. (Relevant Key Feature 2e)

Thomas Lee Carey

Carey, 21, was transferred from the Franklin, Tennessee jail to the Nashville jail in May 1998 by Metro Police warrant officers on a warrant for failure to appear on a misdemeanor. His bail was set low by Davidson County night court, and he was released. After his release it was discovered that a detainer filed by the Davidson County Sheriff's Office at the Franklin jail was not known to Metro authorities at the time of his release. That hold was pursuant to a grand jury indictment for the 1996 kidnapping and murder of Michael Dickerson, 18.

Source: The Tennessean, June 19,1998.

Comments

This is another example of the loss of detainer information as inmates are moved among correctional facilities. As in the Forris Massey case, an electronic file of "holds" accessible to all facilities would have probably prevented the release of this murder suspect. (Relevant Key Feature 2e.)

Los Angeles County Cases

Perhaps nowhere have the results of poor communication between jail and court information systems been better documented than in Los Angeles County, California. This system is one of the busiest in the country. As of 1996, about 2000 inmates arrived at the jail from county courts each evening. In an entirely paper-driven process called the "pony express," court paperwork is tossed off each prisoner transport bus in yellow bags and two dozen clerks labor into the night sorting, filing, and entering information into the Sheriff's Office computer system. The cumbersome process led to the (known) mistaken releases of 36 inmates in 1996. Five separate homicide suspects were mistakenly released between mid-1995 and mid-1996: Gregory Stinson, Juan Espino, Pedro Quezada, Anait Zakarian, and Angel Moya. Four of the five suspects were released because of confusion about court paperwork by records clerks. Zakarian was still at large four years later.

In addition to mistaken releases, the cumbersome process led to many inmates being held in custody too long. County supervisors recently agreed to pay $27 million to settle five class action lawsuits involving the illegal detention of 400,000 inmates over a five-year period. This second problem stemmed in part from attempts to remedy the erroneous release problem by waiting for release until there was assurance all court paperwork had been received.

Source: Los Angeles Times, August 23, 1995, August 22, 1996, October 23, 1999; interview with Commander Chuck Jackson, LASD.

Comments

The problems are huge in this case because the system involved is huge. However, the problem of mistaken releases and failure to release is present everywhere there is a high volume of court activity handled by a correctional facility, and there is no efficient link between the information systems involved. In part the problem exists because of the complexity of the legal process and the lack of training of records clerks in interpreting court documents. In part the problems stem from a disjunction between information levels: correctional institutions must make decisions at the level of the individual and courts at the case level. A court will issue a release order on a case without regard to (and usually without knowledge of) other open cases or sentences. In an integrated system, courts issue decisions on charges and cases using the same unique individual, charge, and case identifiers that are used in corresponding law enforcement and correctional systems. These decisions are coded in a fashion understood by those systems, so that the meaning and impact of the court's action is clear and can be acted upon appropriately. (Relevant Key Feature 5)

Seminole County, Florida, Erroneous Releases

Between June and September, 1998, seven inmates were released from the Seminole County, Florida, jail because of records clerks' misinterpretation of court documents. One of the releases was a suspect in an Orange County murder case.

Records clerks at the jail work from handwritten court minutes sent by the court. They must interpret these notes and enter the results into the jail computer system.

Source: Orlando Sentinel, January 19, 1999.

Comments

Handwritten court minutes are even more difficult to interpret than typed orders, since the sometimes ambiguous textual nature of court minutes is combined with the problems of handwriting legibility. (Relevant Key Feature 5)

Kenneth Gagum

Gagum, 39, was a habitual felon sentenced in August 1999 to 80 to 105 months in jail by a Durham, North Carolina, court. However, the jail was not notified of the sentence until five days later. Gagum had been released on bail the same day he received his sentence.

Source: The Herald-Sun, September 2, 1999.

Comments

In an ideal integrated system, an electronic transfer of sentencing information to the jail occurs at the same time the sentence is produced by the court's information system in the courtroom. In this way, the transfer of information is not only accurate and clear, it is timely. (Relevant Key Feature 5)

Enrique Sandoval

Sandoval was sentenced in Albuquerque, New Mexico, March 11, 1997, to 18 months in prison for aggravated assault with a deadly weapon, with 12 months suspended. He was also sentenced to a year's probation and a year's parole. On November 21 of the same year, he violated his probation and was given 201 days in state prison. He was then paroled on March 22. He violated his parole in connection with a murder charge and was returned to New Mexico state prison. He was transferred from a state-run facility to a private facility on December 23.

The Bernalillo County District Attorney sent a letter to the corrections department informing them that Sandoval had been charged with the killing of Angelo Cavez, 18, in August. Sandoval completed his sentence February 1, 1999. Bernalillo County Sheriff's deputies picked up Sandoval along with 12 other prisoners on February 1 because a prison official told the deputies he had some traffic warrants and a felony warrant. Deputies could find no felony warrant after a computer check but returned Sandoval to the county to deal with the traffic and misdemeanor warrants. He was released February 6 despite the murder charge.

Source: Albuquerque Journal, February 16, 1999; interview with Captain Van Sickler, Bernalillo County Sheriff's Department.

<u>Comments</u>

The information breakdown in this case occurred when corrections officials did not pass the DA's letter to sheriff's deputies on February 1, apparently overlooking it because it was not a formal detainer order. Even if the proper form had been used, detainers are not "posted" in warrants systems. Detainers are typically documents that must be transferred by hand from agency to agency as the offender is physically moved, and the likelihood of error increases with each transfer. In an integrated system, detainer information is available simultaneously to all justice agencies so checks can be made, like warrant checks before release. (Relevant Key Feature 2e, 5)

Simon Gonzales

On June 22, 1999, Gonzalez bought a gun from a federally licensed firearms dealer. He passed a federal "Brady" background check. At that time there was a domestic restraining order against him, but a check of such orders was not part of the "Brady Check" system.

After the gun purchase, Gonzales murdered his three daughters before dying in a shootout with Castle Rock, Colorado, police.

Source: Denver Rocky Mountain News, September 13, 1999.

Comments

There has been a growing recognition that Brady Checks and other licensing-related checks require information not found on traditional arrest-based criminal history records. Complete information can only be provided by an integrated system that combines arrest-based rap sheets with other database types. (Relevant Key Feature 2f)