

Identification Newsletter Crime Information Bureau



Director's Corner

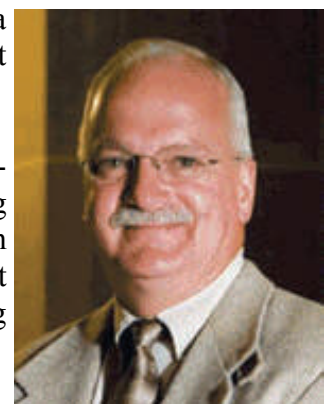
I am pleased to announce that on December 14, 2009, Wisconsin criminal history mugshots began appearing on the TIME System via the eTIME Browser application and the new server to server interfaces. Those criminal records that contain a mugshot that you as arresting agencies submitted with an electronic fingerprint submission will return the most current image. In addition, CIB is in the process of scanning mugshots submitted with paper fingerprint cards in the past and these will also be returned if no electronic image exists.

The Department of Justice is in the process of upgrading the Automated Fingerprint Identification System (AFIS). A popular slogan for one of the major hotel chains is "We will leave a light on for you". We at DOJ are hoping to turn some of them off. AFIS compares the fingerprints for all arrests to the existing database to see if the person already has a Wisconsin criminal record regardless of name on file. If no previous arrest exists, a new State Identification Number (SID) is assigned. If a potential matching criminal record is found, the arrest event is added to a fingerprint technician's queue for comparison. One of the enhancements with the AFIS upgrade is to allow the creation of upper and lower thresholds for "lights out" processing. If a potential matching record is below the lower threshold it will automatically process as a new record. If the potential record is above the upper threshold it will treat it as a match adding the new event to the existing record. Those that fall between the two records will continue to require manual intervention to determine if the potential candidate is a match. The vendor is predicting a 75% lights out operation after the upgrade. What does this mean to you? The most current criminal record will be available to you as soon as practical.

Periodically we run across agencies that suddenly are no longer electronically submitting arrest events. Commonly we discover after contacting the contributing agency that they are not aware of this and the submissions are still in queue within the livescan device. Another enhancement with the AFIS upgrade is to push out email notifications for submissions replacing the existing process of having to log into a mail server to determine if a submission has been processed.

You can read more about each of these items in this month's newsletter. Please feel free to contact me or any of the CIB staff with your ideas and suggestions.

In This Issue	
Fingerprint Submission Coordination	2
Routing Final Disposition Forms	2
Mug Shots on Wisconsin Rap Sheets	5
Sheriff's Fees for Applicant Fingerprints	6
Fingerprint Meetings	8
Reporting Juvenile Adjudications	9
Receiving CIB Publications	9
Live Scan Grant Opportunity	10
AFIS Upgrade	10
2009 Live Scan Honor Roll	11
Arrest Date a Critical Data Element	11
CIB Contact List	12



Walt Neverman
Director
Crime Information Bureau

WALT NEVERMAN

Fingerprint Submission Coordination

In too many instances CIB is receiving multiple sets of arrest fingerprints reporting the same event. The most frequent cause is both the arresting agency and the incarcerating agency submitting fingerprints for the same arrest event. There is no programmatic solution at CIB to prevent both submissions from being accepted without the possibility of also preventing acceptance of legitimate arrest fingerprint submissions. The solution must rely on coordination between arresting and incarcerating agencies.

Duplicate submission cause several issues. The first and most obvious is two distinct arrest cycles on an individual's criminal history record when in fact only one arrest occurred. The second issue is that only one of the cycles will receive disposition data while the other will appear to remain open and unresolved. Both PROTECT and CCAP applications can utilize only one ATN for each unique defendant and incident. Only the cycle with the ATN entered in PROTECT or CCAP will be update with disposition information upon charging by the prosecutor and/or completion of the case in court.

To prevent duplicate submission and its associated issues, arresting and incarcerating agencies should come to an agreement on which agency will submit arrest fingerprints. Both agencies may choose to capture fingerprints but only one should transmit those fingerprints to CIB. The agency that submits the prints should then provide final disposition forms containing sufficient data for entry into PROTECT and CCAP (Arrest Tracking Number, Arresting Agency, Booking Agency, Charges and Arrest Date). Final disposition forms should be referred to the District Attorney with the charge referral in order to ensure proper entry of the information into PROTECT and subsequently CCAP. If only one agency will be capturing fingerprints the most logical choice may be the incarcerating agency. This relieves the arresting agency from requiring a stop at the police department for booking prior to transport to the jail.

If an agency other than the arresting agency makes the submission to CIB, the arrest fingerprint record should clearly identify the arresting agency's ORI in the arresting agency field with the incarcerating agency listed as the booking agency. All arrest charges need to be submitted on the submission even if the subject is not being incarcerated on all counts.

We encourage law enforcement agencies to work with your county sheriff's department to establish procedures as to which agency will submit arrest fingerprints when subjects are incarcerated.

The other circumstance that may result in duplicate submissions is when a court orders a defendant to undergo booking when arrest fingerprints were previously submitted. This can be resolved by the agency performing the court-ordered booking querying the individual's Wisconsin criminal history record. If an arrest for the charges already appear on the record the court-ordered booking is not necessary. If the charges do not appear on the rap sheet, proceed with the booking and submit the fingerprints to CIB.

Routing Final Disposition Forms

In these days of criminal record interfaces, the main purpose of the final disposition form (DJ-LE-249) is no longer to report prosecutor or court dispositions to CIB. In those counties where the District Attorney is using PROTECT (69 of 71) and/or the Clerk of Circuit Court is using CCAP (71 of 72 counties), the primary purpose of the final disposition form is to forward information needed to link disposition data to the previously submitted arrest fingerprints. The primary sets of data required to link disposition and arrest data are: 1) Arrest Tracking Number (ATN) or, 2) Name, Date of Birth, Arrest Date, Arresting Agency and Booking Agency. If either of these datasets in

PROTECT or CCAP match those on the arrest fingerprint, charging and disposition information will post automatically without human intervention.

Those District Attorneys not on PROTECT (Portage and Vernon counties) must still report no prosecution decisions to CIB by completing and sending form DJ-LE-249. Portage County Circuit Court and all municipal courts must report court dispositions to CIB also by completing and mailing form DJ-LE-249.

Proper routing of final disposition forms for PROTECT and CCAP counties is totally dependant on when the arrest fingerprint capture occurs. If arrest fingerprints are captured at the time of the incident or anytime prior to the district attorney making a charging decision, then the final disposition forms should be sent to the district attorney. The ATN and other pertinent data can then be entered into PROTECT. The data will then be forwarded to CCAP and CIB along with the charging decisions.

However if fingerprint capture occurs after a charging decision is made and PROTECT has forwarded the case to CCAP, then the final disposition forms should be provided to the clerk of circuit court for those charges issued. Once PROTECT passes off the case to CCAP, no further updates in the PROTECT system will be passed on to either CCAP or CIB unless additional charges are added or pending charges set to no prosecution. The clerk of court should enter the ATN and other pertinent data into CCAP. The final disposition forms for any charges that were not prosecuted by the district attorney or entered into PROTECT should be forwarded to the DA's office for completion and mailing to CIB.

Exceptions to this rule would be Vernon and Portage counties. Vernon County uses CCAP but not PROTECT. Data to link arrest to disposition information may only be entered into CCAP in Vernon County. Final disposition forms should be forwarded to the District Attorney with the case referral. The DA may then either issue charges and forward the final disposition forms to the clerk of court with the complaint or in the case of no prosecution, complete and mail to CIB. The clerk of court may then enter the data from the final disposition form into CCAP. In Portage County the process for reporting dispositions is completely manual with either the district attorney or clerk of court, as appropriate, completing and mailing to CIB.

For those municipalities utilizing circuit court for a municipal court, any case entered into CCAP will report a disposition to CIB provided sufficient data is present in CCAP. Any other municipal court must report disposition information to CIB manually using form DJ-LE-249.

The information on form DJ-LE-249 is vital in the automated process of linking arrest, charging and disposition information. While in many instances the forms are no longer necessary to report disposition information, the forms provide the information necessary to link the correct disposition information to the hundreds of thousands of criminal charges issued each year in Wisconsin's courts. These forms should never be discarded unless the ATN or other associated linking data has been entered into either PROTECT or CCAP as appropriate. **Booking agencies should forward any DJ-LE-249s to prosecutors or courts as soon as possible.** This provides data critical in linking disposition data to arrest fingerprints at all stages in the case progression.

If the reporting of the arrest does not take place until the defendant reports to jail to serve their sentence, the disposition information may be reported on the jail intake submission and final disposition forms should not be provided to either the prosecutor or court. Any data entered into either PROTECT or CCAP at this point in time will not cause data to be forwarded to CIB.

The flow chart on the following page should help determine which office should receive final disposition forms dependant on when the arrest fingerprints are captured. Remember, PROTECT will not forward ATN or other pertinent data to either CCAP or CIB once charging decisions have been made and the case forwarded to CCAP unless those charging decision change. Likewise CCAP will not forward the ATN or other associated information to CIB once the case file in CCAP has been closed. The issuing of charges in PROTECT and the closing of the case in CCAP are the events that trigger submission of data to the other systems.

Routing of Final Disposition Forms (DJ-LE-249)

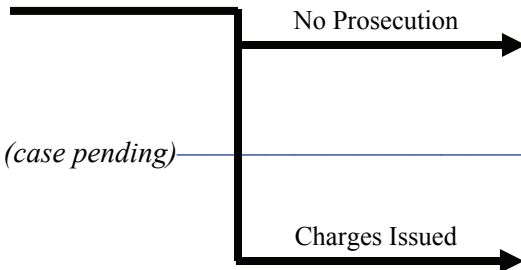
Case Milestones

Arrest (reports to district attorney)



District Attorney
Enter data in PROTECT

Complaint Issued



District Attorney
Complete & mail DJ-LE-249 if charge not in PROTECT

Court Appearance (case pending)

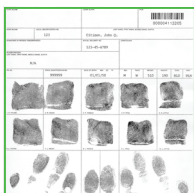
Clerk of Circuit Court
Enter data in CCAP

Court Disposition (CCAP case closed)



Clerk of Circuit Court
Complete & mail DJ-LE-249 or Reopen CCAP case and close

Report to Jail to Serve Sentence



CIB
Reported as sentence data on fingerprint card
No DJ-LE-249

Mug Shots on Wisconsin Criminal History Records

On December 14, 2009 changes were made to the XML version of the Wisconsin criminal history record which allowed for a mug shot to be returned on the rap sheet. In order for a mug shot to be returned, there must be either an electronic fingerprint submission with a type 10 (mug shot) record attached at CIB or a photo must have been submitted which was then scanned into the criminal history archive.

XML versions of rap sheets are returned for inquiries done on eTIME, via eTIME Server-to-Server interfaces when images are requested, or on the public access web site at <http://wi-recordcheck.org>. When multiple mug shots are available the most recent type 10 image is returned.

A photo can provide another important source of identification. If your agency is not submitting mug shots electronically with your fingerprint submissions, you should consider doing so. Officers accessing criminal history records via eTIME have real time access to these images to assist in identification.

Users of the public website receive mug shots automatically and have found them extremely useful. Quite often when conducting an employment background check the applicant may be sitting before them. The mug shots can quickly be used to verify a record match.

eTIME
Wisconsin Department of Justice
Crime Information Bureau

Home - Victim Search - Contact Us - Contact Us - Previous Results
New - Contact - Logout
Return to Homepage

CIB
CRIME INFORMATION BUREAU

Date: 02/05/2010

Wisconsin Criminal History

Firearm Sale Disqualified reported by Wisconsin -- Disqualified
 Convicted Felon
 DNA Available

Purpose Code: C
Attention: Collins

WISCONSIN IDENTIFICATION DATA

THE RESPONSE IS BASED ON A SEARCH USING THE FINGERPRINTS AND/OR IDENTIFICATION DATA SUPPLIED. SEARCHES BASED SOLELY ON NAME AND NON-UNIQUE IDENTIFIERS ARE NOT FULLY RELIABLE. THE CIB CANNOT GUARANTEE THAT THE INFORMATION FURNISHED PERTAINS TO THE INDIVIDUAL YOU ARE INTERESTED IN.

THIS RESPONSE MAY NOT SHOW ALL ARRESTS FOR THIS INDIVIDUAL HOWEVER ALL INFORMATION PROVIDED TO THE STATE REPOSITORY IS INCLUDED IN THIS RESPONSE.

THIS IS A STATE OF WISCONSIN TRIPLE I RECORD.

RECORD LAST UPDATED: 05/29/2009

Identification Criminal History Contributing Agencies Your Request

IDENTIFICATION

JANICE LYNN ETHRIDGE
Female / Black
Born in Illinois | Citizen of USA
07/21/1982
5'09" 215lbs Brown Eyes | Black Hair
609 Parkside Cir, Anytown, WI 53599 as of 07/13/2006
4725 Healey Rd, Anytown, WI 53599 as of 03/13/2006

Debit

FN: 770896EAS SOCIAL SECURITY #: 345-57-8910
STATEID: W0412567

FALMPRINT, OR a=BLTRNAL: W0130100-MADISON POLICE DEPARTMENT
FALMPRINT, OR a=BLTRNAL: W0730100-STATE PATROL-DISTRICT #1
FALMPRINT, OR a=BLTRNAL: W0130000-DANE COUNTY SHERIFF
DNA: Method: STR, W0410LEY, WI CRIME LAB - MILWAUKEE.
EMPLOYER: Wal-Mart

Sheriffs Fees for Applicant Fingerprints

The Attorney General has issued the following opinion in response to a question from Grant County Corporation Counsel Jo-Ann Millhouse regarding a sheriff's ability to charge a fee to capture applicant fingerprints .

Are there circumstances in which a sheriff is statutorily authorized to charge a fee for, or to recover costs associated with, fingerprinting persons who need to submit fingerprints to the Department of Justice in order to be eligible for certain occupations or certain kinds of employment?

In my opinion, the answer is no. If the sheriffs department does fingerprinting that is mandated by a county agency, the county board may in its discretion remit a portion of any statutorily-authorized fee charged by the county agency to the sheriffs department in order to defray some or all of the costs that are incurred by the sheriffs department.

Detailed Analysis

Your second question is whether there are circumstances in which a sheriff is statutorily authorized to charge a fee for, or recover costs associated with, fingerprinting persons who need to submit fingerprints to the Department of Justice in order to be eligible for certain occupations or certain kinds of employment. Fingerprinting is either mandatory or can be required in connection with various occupations or forms of employment, including but not limited to court-appointed special advocates, Wis. Stat. § 48.07(5)(b)2.; certain kinship care and long-term kinship care relatives, Wis. Stat. § 48.57(3p)(d); certain caregivers, non-client residents, or persons under eighteen years of age who are caregivers at day care centers, Wis. Stat. § 48.685(2)(bm); certain foster home licensees, Wis. Stat. § 48.685(2)(~)1.; certain adult caregivers, Wis. Stat. § 50.065(2)(bm); certain employees of the Department of Transportation who are involved in issuing operator's licenses or identification cards, Wis. Stat. § 110.09(1)(a) and (b); certain applicants for teacher's licenses, Wis. Stat. § 11 8.19(1 O)(c); certain persons engaged in providing pupil transportation services, Wis. Stat. § 12 1.555(3)(b); certain school bus operators, Wis. Stat. § 343.12(6)(b); all persons seeking private detective licenses or private security permits and certain persons seeking other forms of professional licensure, Wis. Stat. § 440.03(13)(c); designated representatives of wholesale distributors of prescription drugs, Wis. Stat. § 450.071(3)(~)9.; racetrack operators and certain persons connected with racetrack operators, Wis. Stat. § 562.05(7)(b) and (bg); lottery vendors, Wis. Stat. § 565.25(4); and Indian gaming employees and vendors, Wis. Stat. § 569.04(2). See also Wis. Admin. Code § Game 13.05(6) and (7).

Wisconsin Stat. § 165.82(1)(ar) authorizes the Department of Justice to charge a \$15 fee "[for each fingerprint card record check requested by a governmental agency or nonprofit organization[.]" No other state or local agency is statutorily authorized to charge such a fee.

My understanding from the limited information provided is that the sheriff would like to charge a fee for providing fingerprint cards and placing fingerprints on those cards before the cards are submitted to the Department of Justice to perform a record check. It appears from the materials submitted that some private firms or agencies offer such services and charge for them.

"A county or a county officer has only such power as is conferred by statute, either expressly or by clear implication." OAG 1-03 (October 2, 2003), at 2. For the reasons indicated in response to your first question, a sheriff cannot impose a charge for fingerprinting persons who need to submit fingerprints to the Department of Justice in order to be eligible for certain occupations or certain kinds of employment.

I will also address whether the county itself or certain county agencies may impose such a charge. A county has only those powers expressly granted or impliedly authorized by statute. See *St. ex rel. Teunas v. Kenosha County*, 142 Wis. 2d 498, 504, 418 N.W.2d 833 (1988). See also *County of Milwaukee v. Williams*,

2007 WI 69, y 24, 301 Wis. 2d 134, 732 N.W.2d 770. Insofar as relevant to your inquiry, the substantive powers of counties are enumerated primarily in Wis. Stat. § 59.01 and Wis. Stat. ch. 59, subch. V. Those statutes do not expressly or impliedly authorize counties to charge fees for fingerprinting persons solely as the result of the fact that such persons need to submit fingerprints to the Department of Justice in order to be eligible for certain occupations or certain kinds of employment.

There are circumstances in which a county agency does mandate that a person be fingerprinted. Wisconsin Stat. § 48.57(3p)(j) provides that "[a] county department or, in a county having a population of 500,000 or more, the department may charge a fee for conducting a background investigation under this subsection. The fee may not exceed the reasonable cost of conducting the investigation." Wisconsin Stat. § 48.685(8) similarly provides:

The department, the department of health services, a county department, a child welfare agency, or a school board may charge a fee for obtaining the information required under sub. (2)(am) or (3)(a) or for providing information to an entity to enable the entity to comply with sub. (2)(b)l. or (3)(b). The fee may not exceed the reasonable cost of obtaining the information.

The "county department" referred to in Wis. Stat. § 48.57(3p)(j) and in Wis. Stat. § 48.685(8) is the county department of social services or the county department of human services. See Wis. Stat. § 48.02(2d).~

As part of a background investigation under Wis. Stat. § 48.57(3p)(j), a county department that "determines that the person's employment, licensing or state court records provide a reasonable basis for further investigation . . . shall require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprint. Wis. Stat. § 48.57(3p)(d). Similarly, in providing the kinds of information referred to in Wis. Stat. § 48.685(8), a county department "may require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints." Wis. Stat. § 48.685(2)(bm).'

A background investigation under Wis. Stat. § 48.57(3p)(j) may require the submission of fingerprint cards. The items of information referred to in Wis. Stat. § 48.685(8) may also include the submission of fingerprint cards. In cases where a county agency requires fingerprint cards to be submitted, the sheriff's department may do the actual fingerprinting. Wisconsin Stat. § 48.57(3p)(j) authorizes a county department to charge a reasonable fee for the cost of the entire investigation. Wisconsin Stat. § 48.685(8) authorizes a county department to charge a reasonable fee for the cost of submitting all statutorily-required information. No fee may exceed the reasonable cost of obtaining the information. A component of the fee that is charged by the county agency under these statutes may include the reasonable costs of fingerprinting. If the sheriff's department does the fingerprinting that is mandated by a county agency, the county board may in its discretion remit a portion of the fee to the sheriff's department to defray some or all of the costs involved.

CONCLUSION

I therefore conclude that there are no circumstances in which a sheriff is statutorily authorized to charge a fee for or to recover costs associated with fingerprinting persons that are arrested or taken into custody or for fingerprinting persons who need to submit fingerprints to the Department of Justice in order to be eligible for certain occupations or certain kinds of employment. If the sheriff's department does fingerprinting that is mandated by a county agency, the county board may in its discretion remit a portion of any statutorily-authorized fee charged by the a county agency to the sheriff's department in order to defray some or all of the costs that are incurred by the sheriff's department.

Fingerprint Meetings

The Crime Information Bureau will be hosting two meetings in April to discuss issues surrounding fingerprint submissions: both criminal and applicants. Both meetings are at the Best Western Midway Hotel in Wausau. The hotel is located at 2901 Hummingbird Lane (Exit 188 off I39), near the State Patrol District 4 Headquarters.

Criminal Record Submissions

This meeting will be held on Wednesday April 14th and will deal with relevant issues regarding the successful submission of arrest fingerprints, prosecutor data and court disposition information. Following presentation of ideal guidelines for submission of arrest, charging and disposition data, the remainder of the meeting will deal with problems encountered and discuss practical solutions for statewide and local issues. We are hoping to have representatives from both PROTECT and CCAP in attendance to allow discussion of how the systems interact.

Representatives from law enforcement, prosecutors and courts are encouraged to attend. Let those agencies you partner with in the criminal history process know about this meeting. CIB will help agencies work through any local issues you may be experiencing and that can be best achieved if all contributors are present. The meeting will commence at 9:30 AM and should conclude no later than 3 PM.

Electronic Submission of Applicant Fingerprints

While a few agencies are currently submitting applicant fingerprint electronically, many more have expressed an interest in doing so. Most agencies currently submitting applicant fingerprints via live scan are only sending criminal justice employment prints. Legislation over the past few years has expanded the requirements for state and national fingerprint background checks that could be done electronically.

The Adam Walsh Child Protection Act requires that any governmental entity licensing prospective foster or adoptive parents conduct both a state and national fingerprint background check. This requirement impacts most county human service agencies in Wisconsin as they are responsible for the licensing or approval of these applicants. The majority of counties are submitting these fingerprints by ink and roll, resulting in an unacceptably high rejection rate. Such rejections slow the approval process and therefore impacts the lives of the children to be placed in these homes.

One Wisconsin agency is already submitting applicant fingerprints electronically for both teacher licensing and the Adam Walsh Act. CIB is interested in seeing that number grow. If you are interested in submitting these or any types of applicant fingerprints electronically you should attend this meeting. If you are contemplating submitting under the Adam Walsh Act for foster and adoptive parents please invite a representative from your county human services agency to attend with you.

The meeting is tentatively scheduled for Thursday April 15th from 9:30 AM and should wrap up by 3 PM.

Meeting Registration

If you are interested in attending either meeting, please contact Joan Wolfe to register. Information needed is name of your agency, number attending and for which meeting. Joan can be reached at wolfejk@doj.state.wi.us or (608) 264-9490. Lunch is on your own but the hotel restaurant will be offering a buffet lunch for approximately \$9. The Best Western Midway is also providing a block of rooms for anyone needing accommodations at the state rate of \$70 single or \$80 double occupancy. When making your reservation at the Best Western Midway [(715) 842-1616] ask for the Department of Justice room block. The Midway does not have an elevator in the event accessibility is an issue for lodging arrangements. All meetings will be on the first floor.

Reporting Juvenile Adjudications

Courts are required to report juvenile adjudications to the Department of Justice pursuant to s. 938.396 (2g) (n) and (o) Wis. Stats.

(n) Firearms restriction record search. If a juvenile is adjudged delinquent for an act that would be a felony if committed by an adult, the court clerk shall notify the department of justice of that fact. No other information from the juvenile's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose any information provided under this subsection only as part of a firearms restrictions record search under s. 175.35 (2g)

(o) Criminal history record search. If a juvenile is adjudged delinquent for committing a serious crime, as defined in s. 48.685 (1) (c), the court clerk shall notify the department of justice of that fact. No other information from the juvenile's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose any information provided under this subsection only as part of a criminal history record search under s. 48.685 (2) (am) 1 or (b) 1. a. [day care licensing]

2009 Wisconsin Act 76 greatly expanded the list of offenses that disqualify a person from being licensed, certified or contracted with to provide child care, from being employed or contracted as a child care provider or from being permitted to reside at premises where child care is provided. These disqualifying offenses apply to criminal convictions or any delinquency adjudication on or after the person's 12th birthday.

Reporting of criminal convictions that disqualify a person from providing child care are handled by the normal disposition process via the CCAP interface (except for Portage County). Disqualifying juvenile adjudications must be reported using for DJ-LE-FH9, *Juvenile Adjudication and Prohibited Possession Firearm Report*. When completing the form be sure to list the disqualifying statute in the space provided in the day care disqualification section. If the juvenile adjudication is a felony in addition to being a day care disqualifier, both the firearms and day care boxes should be checked.

DOJ will be working with CCAP to automate this process and do away with the manual reporting requirement, however funds to work on this project have not yet been released.

In addition to expanding the disqualifying offenses, Act 76 also adds a sex offender check requirement for child care providers and mandates more frequent background checks on licensees and residents.

Receiving CIB Publications

CIB no longer distributes printed versions of the Identification or TIME System newsletters. Newsletters are posted on our web site at www.doj.state.wi.us/dles/cib/forms/Newsletters.asp when published. To notify subscribers of the availability of newsletters or other pertinent information, CIB has set up two Listservs to which persons can register.

To register for either listserv you must have access to WILENET. When you are logged in to WILENET at www.wilenet.org, from the *Features* menu select *E-Mail lists*. Clicking on *User Profile* will allow you to select which Listservs you wish to join. Your current choices are: Dispatch/Comm Center Management; Criminal History News/Notices; Legal Update Notification; LESB Instructors; SWAT Personnel and TIME System. By selecting Criminal History News/Notices you will receive notification of Identification newsletters and TIME System newsletters by choosing TIME System.

You can change your subscriptions by logging in to WILENET and changing your previous choices.

Live Scan Grant Opportunity

Funding for live scan devices will be available due to federal stimulus dollars provided to the State of Wisconsin. CIB is still working on the process with the Wisconsin Office of Justice Assistance. A grant announcement is expected to be made in Spring of 2010 with grant applications due mid-June. This timeframe will permit agencies to allocate matching funds in their 2011 budgets.

This will be a competitive grant with a review board making final awards. Grants will be accepted for:

- Pilot projects to put fingerprint capture stations in proximity of courts to submit fingerprints as ordered by a judge pursuant to s. 970.02 (7) Wis. Stats.
- New installations for agencies currently without electronic fingerprint capability.
- Replacement or upgrade of existing electronic fingerprint capture equipment when functionality will be improved or increased by the replacement or upgrade (i.e., palm print capture, electronic applicant capability, etc.) and agency demonstrates inability to fund from current resources.
- Other innovative projects to capture fingerprints currently not being submitted to CIB.

Grants will be available for both ten print and ten print with palm print capture devices. Criteria evaluated will include current and projected criminal fingerprint submissions, demonstrated need for new or replacement device, project potential to increase fingerprint submissions and potential to increase number of applicant fingerprints submitted electronically. Agencies must provide a minimum 25% match up to the award maximum and agree to continue device maintenance for at least 5 years.

Applications will not be accepted prior to the official grant announcement. Additional workstation capabilities beyond ten print or ten & palm print capture are the financial responsibility of the agency receiving the award.

When the Office of Justice Assistance is ready to accept applications, CIB will send notice to those of you on the Criminal History News/Notices listserv. If you want to make sure you are advised when the application period opens, contact Joan Wolfe at wolfejk@doj.state.wi.us and express your interest.

AFIS Upgrade

DOJ has signed a contract with MorphoTrak for an upgrade to Wisconsin's Automated Fingerprint Identification System (AFIS). The upgrade process will be continuing throughout 2010. There are several enhancements to the new AFIS that will be of interest to law enforcement:

- Lights out processing of fingerprint submissions. Both arrest and applicant submissions received that require no operator intervention for quality control will, in most instances, be processed through the AFIS automatically. This means faster identification and 24 hour capability.
- RapID capability. The new AFIS will have the capability to process two finger searches generated by MorphoTrak's RapID devices. These wireless devices are suitable for use in squad cars and can connect using either cellular or WiFi connections.
- Immediate submission acknowledgement. The new AFIS will advise via email whether a fingerprint submission was accepted, rejected and whether or not an identification was made. In order to accommodate delivery of these message, each booking agency will need to provide an email address where these messages will be sent. Even though implementation of responses will not take place until the upgrade is completed, any agency knowing what email address they wish to use should contact Joan Wolfe at wolfejk@doj.state.wi.us with the information. The address should be one that can be accessed any time booking is taking place in case of a submission error.

2009 Live Scan Honor Roll

Twenty five law enforcement agencies averaged a fingerprint submission time of less than 24 hours for all of 2009. Submission time is based on the difference between the *date printed* field from the electronic fingerprint transmission specification and the *date received* field added to each record when received at CIB. Section 165.84 (1) Wis. Stats. requires that all arrest fingerprints be submitted to DOJ within 24 hours excluding weekends and holidays. The honor roll agencies for submission time are:

Appleton PD	Grant County SO	Oneida County SO
Brookfield PD	Green Lake County SO	Sauk County SO
Brown County SO	Juneau County SO	Sawyer County SO
Calumet County SO	Langlade County SO	Shawano County SO
Dane County SO	Marathon County SO	Sheboygan County SO
Dodge Correctional	Marinette County SO	Sheboygan PD
Douglas County SO	Milwaukee County SO	Waukesha County SO
Fond du Lac PD	Oconto County SO	Walworth County SO
Forest County SO		

During 2009 these 25 agencies were responsible for 43.57% of the total number of live scan fingerprint submissions and show no matter what your agency's fingerprint volume may be, it is possible to submit arrest fingerprints within 24 hours. The statewide average live scan submission time for all agencies was 7.85 days.

In addition to timeliness of fingerprint submissions, the other factor determining how fast arrest information can be posted to a criminal history record is data quality. Rates for data errors range from 2% to 79% for agencies submitting via live scan. The statewide average is 12% or approximately one of every eight submissions contain a data error preventing the record from posting. Reducing data errors will speed the updating of criminal history data at both the state and FBI. These agencies had an acceptance rate of over 95% for 2009:

Eau Claire County SO
Janesville PD
Waukesha County SO
Waukesha PD
Waupaca County SO

Arrest Date - A Critical Data Element

As explained in this issue's article *Routing Final Disposition forms*, while the importance of form DJ-LE-249 has lessened as the means for reporting of court dispositions and prosecutorial decisions, the form is vital in the disposition process. The final disposition form is the primary method of conveying critical data allowing charging and disposition to link to previously submitted arrest fingerprints.

If disposition information does not contain an arrest tracking number (ATN), other data is used to attempt to find the corresponding arrest event. One of these elements is the date of arrest. If arrest dates in the disposition data and arrest event do not match, the disposition data goes into an error queue. The major cause of an arrest date mismatch is when booking occurs after the original arrest. While PROTECT and CCAP have the original arrest date based on police reports, the booking agency uses either the offense date from the complaint or current date. Using the offense date causes a mismatch if the arrest did not occur at the time of the offense. Booking agencies should attempt to determine an arrest date in the information contained in the complaint. If unable to determine use the offense or incident date. This date aids in the manual linking process at CIB.

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The *Identification Newsletter* is distributed to over 800 law enforcement, criminal justice and support agencies throughout Wisconsin. The purpose of the newsletter is to provide up-to-date information on the people, programs, events and technological advancements of the TIME System. The newsletter is published quarterly as a service of the Crime Information Bureau, Walt Neverman Director. Writers will receive byline credits for submitted articles. Articles for publication and letters to the editor are welcomed. Log onto <http://doj.state.wi.us/dles/cib/forms> for past issues of the *Identification Newsletter*. Send all correspondence to Wisconsin Department of Justice, Crime Information Bureau, P.O. Box 2718, Madison, WI 53701-2718; Fax 608/267-1338; Email wolfejk@doj.state.wi.us.