

OPENING STATEMENT

OF

SPECIAL AGENT MELVIN D. MERCER, JR.
CHIEF, RECORDING AND POSTING SECTIONS
IDENTIFICATION DIVISION
FEDERAL BUREAU OF INVESTIGATION

BEFORE THE
UNITED STATES SENTENCING
COMMISSION

REGARDING
THE CAPACITY AND LIMITATIONS OF THE CRIMINAL HISTORY
INFORMATION SYSTEM MAINTAINED BY THE
FBI IDENTIFICATION DIVISION

The FBI's Identification Division was established by an Act of Congress in 1924, at the urging of the International Association of Chiefs of Police. Two developments at the turn of the century were instrumental in the Division's creation. The first was the adoption by criminal justice authorities of the use of fingerprints as a positive means of identifying criminals. The second was the increasing mobility of criminals. Efficiency and economy made it imperative that there be a national index where a single inquiry could be made to determine whether a person had a prior criminal record. The alternative would be to poll each of the numerous criminal justice jurisdictions throughout the United States to make that determination.

The Identification Division operates in the following manner: Federal, state and local criminal justice agencies voluntarily mail in arrest fingerprint cards and disposition reports, which the Division uses to compile its criminal history records. Inquiries regarding these records are received in the form of subsequent arrest and applicant fingerprint cards and name-check requests. Name-check requests are restricted almost exclusively for criminal justice agency use. The Division also acts as the national repository for fingerprint cards taken in connection with employment in the Federal Government, service in the United States Armed Forces, alien registration, and personal identification, including missing persons and unidentified living and deceased persons. As of May 1, 1986, the Division's fingerprint card holdings totaled 177.2 million cards, including 92.9 million criminal cards relating to 23.4 million persons, and 84.3 million civil cards relating to 35.9 million persons. Two separate

files are maintained for criminal and civil records. Over 22,000 authorized users are presently provided with identification services.

During Fiscal Year (FY) 1985, the Identification Division received 6.9 million fingerprint cards of which 3.4 million involved criminal matters, i.e., arrests, confinements, probations, etc. Our average time for processing a fingerprint card through the system is 13 workdays. We receive about 27,000 fingerprint cards each day. About ten percent of the criminal submissions are rejected because either the fingerprints are illegible or the cards lack essential information necessary to process them.

As previously noted, participation (forwarding arrest and disposition data for inclusion in our system) is voluntary. Criminal history information in our system is routinely purged only when the subject of the record becomes 80 years old. We do honor state and Federal court orders directing the expungement of specific criminal history information; however, these orders relate to a small percentage of the file. Therefore, criminal history information relating to offenses committed ten (or more) years ago is generally available. The arrest charges appearing in the records generally are not identified as felonies or misdemeanors, unless the contributor of the charge data indicates this information. Most contributors do not indicate whether the charge is a felony or misdemeanor.

Our record is constructed from the information on the arrest fingerprint card and final disposition form submitted after the case is disposed of. Disposition reporting has increased substantially during

the past few years. During FY 1983 we received 1,600,465 dispositions, while in FY 1985 we received 2,942,943 dispositions.

Juvenile criminal history information is not maintained in our system unless the juvenile was tried as an adult. Military and foreign criminal record information is maintained when the arrest fingerprint cards are forwarded to us. We receive substantially less than complete reporting in regard to military arrests, although the actual level of reporting is unknown. An individual's probation or parole status will be shown in the record when such information is furnished. Again, the dates, as they relate to the arrest, conviction or release, would be shown on the record if such information is forwarded to us.

One final aspect of our record system that deserves mention is the immediate availability of about ten million of our 23 million records via the National Crime Information Center (NCIC) Interstate Identification Index (III, pronounced Triple Eye). All criminal records on individuals born after January 1, 1956, have been automated and are immediately available via the NCIC communications network. These records contain substantially the same criminal history that is furnished via the mail by the Identification Division.

To further describe our system, provide additional information on its capacity and limitations, and aid the Commission in formulating additional questions, the following items are enclosed:

1. System description published in the "Federal Register" on January 23, 1981.
2. Enabling legislation for the system (28 United States Code

534).

3. Delegation of Authority Statement (28 Code of Federal Regulations 0.85 (b)) (two pages).

4. Listing of Nonserious Offenses not retained in our system.

5. Manual FBI Identification Record under FBI Number 777 533 F.

6. Automated FBI Identification Record under FBI Number 259 975 T11 (two copies--one with descriptive data (two pages) and one without descriptive data).

7. This same FBI Identification Record (Attachment 6) in NCIC III format.

8. Our "Letter to All Fingerprint Contributors" dated March 29, 1984, describing the III.

9. Our latest Letter to All Fingerprint Contributors dated March 17, 1986, wherein the initial article is intended to briefly describe our system and show how the system's capacity and limitations are dependent on its users.

Enclosures (9)

Justice/FBI-009

SYSTEM NAME:

Identification Division Records System.

SYSTEM LOCATION:

Federal Bureau of Investigation; J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals fingerprinted as a result of arrest or incarceration.

B. Persons fingerprinted as a result of Federal employment applications, military service, alien registration and naturalization purposes and individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Criminal fingerprint cards and related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprint cards submitted by Federal agencies and civil fingerprint cards submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as "rap sheets" which are compilations of criminal history information pertaining to individuals who have criminal fingerprint cards maintained in the system.

D. An alphabetical name index pertaining to all individuals whose fingerprints are maintained in the system. The criminal records and the civil records are maintained in separate files and each file has an alphabetical name index related to the data contained therein.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established, maintained and used under authority granted by 28 U.S.C. 534, 15 U.S.C. 789, 7 U.S.C. 122, and Pub. L. No. 92-544 (88 Stat. 1115). The authority is also codified in 28 CFR 0.85 (b), and (j).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

The FBI operates the Identification Division Records System to perform identification and criminal history record information functions for federal, state, local, and foreign criminal justice agencies, and for noncriminal justice agencies, and other entities where authorized by Federal statute, state statute pursuant to Public Law 92-544 (88 Stat. 1115), Presidential executive order, or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes.

Release of information to the news media: *Guidelines applicable for the release of information to the news media and the public are set forth in 28 CFR 20.33(c)(4), 20.33(c), and 50.2.*

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management and inspections conducted under the authority of 44 U.S.C. 2904 and 2908.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is stored manually in file cabinets either in its natural state or on microfilm. In addition, some of the information is stored in computerized data storage devices.

RETRIEVABILITY:

(1) All information in the system is retrievable by technical fingerprint classification and positive identification is effected only by comparison of the unique identifying characteristics appearing in fingerprint impressions submitted for search against the fingerprint cards maintained within the system.

(2) An auxiliary means of retrieval is through alphabetical name indexes which contain names of the individuals, their birth date, other physical descriptors, and the individuals' technical fingerprint classifications and FBI numbers, if such have been assigned.

SAFEGUARDS:

Information in the system is unclassified. Disclosure of information from the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

RETENTION AND DISPOSAL:

(1) The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 80 years of age, and the destruction of records maintained in the civil file when the records indicate individuals have reached 75 years of age.

(2) Fingerprint cards and related arrest data in the system are destroyed seven years following notification of the death of an individual whose record is maintained in the system.

(3) Fingerprint cards submitted by state and local criminal justice agencies are returned upon the request of the submitting agencies. The return of a fingerprint card under this procedure results in the deletion from the system of all arrest information related to that fingerprint card.

(4) Fingerprint cards and related arrest data are removed from the Identification Division Records System upon receipt of Federal court orders for expunctions when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the Federal Government, the Identification Division Records System, as a matter of comity, returns fingerprint cards and related arrest data to local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying information.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 10th and Pennsylvania Avenue N.W., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURE:

The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act. However, pursuant to 28 C.F.R. 16.30-34, and Rules and Regulations promulgated by the Department of Justice on May 20, 1975 at 40 Fed. Reg. 22114 (Section 20.34) for Criminal Justice Information Systems, an individual is permitted access to his identification record maintained in the Identification Division Records System and procedures are furnished for correcting or challenging alleged deficiencies appearing therein.

CONTESTING RECORD PROCEDURE:

Same as the above.

RECORD SOURCE CATEGORIES:

See Categories of Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1), (2), (3), (4)(G) and (H), (5) and (8); (f); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

[FR Doc. 81-2171 Filed 1-23-81; 846 am]

BILLING CODE 4410-09-01

(Attachment 1)

Act (31 U.S.C. 869(a) [section 869(a) of Title 31])."

Notes of Decisions

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2. Scope of investigatory powers

Where Federal Bureau of Investigation knew that federal crime had been committed when Ku Klux Klan and local officials conspired to violate "Freedom Riders'" right to travel, that conspiracy was still active and that further criminal activity was likely to occur, Federal Bureau of Investigation was required to do more than listen and take notes under this section. *Bergman v. U.S.*, D.C.Mich.1983, 565 F.Supp. 1353.

FBI's investigative authority extends to authorized national security investigation involving foreign influences. *Jabara v. Kelley*, D.C.Mich. 1979, 476 F.Supp. 561, vacated on other grounds 691 F.2d 272, certiorari denied 104 S.Ct. 193.

In view of complex problems of Indian Tribal Court jurisdiction, uncertainty of the law and fact that neither the tribe nor tribal court would, if aware of limitations on their power, exceed it, district court would not issue preliminary injunction to restrain the tribe and its officers from further proceedings with contempt citations or interfering with the Federal Bureau of Investigation in the investigation of violations of federal statutes on their reservation. *U.S. v. Blackfeet Tribe of Blackfeet Indian Reservation*, D.C.Mont. 1973, 364 F.Supp. 192, reaffirmed 369 F.Supp. 562.

It is beyond the power of Indian tribe to in any way regulate, limit, or restrict federal law officer, including FBI agent, in the performance of his duties. *Id.*

5. Prosecutorial function

Prosecutorial function of Federal Bureau of Investigation official under this section is not merely limited to aiding United States attorneys but, rather, definition of term "prosecute" and this section implies that some affirmative action on part of official will be effectuated. *Bergman v. U.S.*, D.C.Mich.1982, 551 F.Supp. 407.

6. Liability of officials

Complainants, who alleged willful failure of named and unnamed Federal Bureau of Investigation agents to detect or to report existence of civil rights conspiracy and planned violence against "Freedom Riders" in derogation of duty to prevent crime and to protect United States citizens, had stated claim for relief under Federal Tort Claims Act, sections 1346(b) and 2671 et seq. of this title where Federal Bureau of Investigation had undertaken, pursuant to this section, to "detect and prosecute crimes against the United States," and it was thus possible that complainants could demonstrate actionable duty on part of United States under Alabama law. *Bergman v. U.S.*, D.C.Mich.1982, 551 F.Supp. 407.

7. Duty of investigative officials

Where Federal Bureau of Investigation had detected violations of section 371 of Title 18, and Federal Bureau of Investigation's informant assisted in execution of conspiracy and was instrumental in planning that conspiracy, Bureau had duty to timely inform competent prosecutorial authorities in Department of Justice of those violations. *Bergman v. U.S.*, D.C.Mich.1983, 565 F.Supp. 1353.

§ 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials

(a) The Attorney General shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records;

(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;

(3) acquire, collect, classify, and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin);

(4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions.

(b) The exchange of records and information authorized by subsection (a) (4) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(c) The Attorney General may appoint officials to perform the functions authorized by this section.

(As amended Pub.L. 97-292, §§ 2, 3(a), Oct. 12, 1982, 96 Stat. 1259.)

by this Subpart O. Existing redelegations by the Assistant Attorney General for Administration shall continue in force and effect until modified or revoked.

(Order No. 543-73, 38 FR 29585, Oct. 26, 1973. Redesignated by Order No. 565-74, 39 FR 15876, May 6, 1974, and further redesignated by Order No. 832-79, 44 FR 29891, May 23, 1979)

Subpart P—Federal Bureau of Investigation

CROSS REFERENCE: For regulations pertaining to the Federal Bureau of Investigation, see Part 3 of this chapter.

§ 0.85 General functions.

The Director of the Federal Bureau of Investigation shall:

(a) Investigate violations of the laws, including the criminal drug laws, of the United States and collect evidence in cases in which the United States is or may be a party in interest, except in cases in which such responsibility is by statute or otherwise specifically assigned to another investigative agency. The Director's authority to investigate violations of and collect evidence in cases involving the criminal drug laws of the United States is concurrent with such authority of the Administrator of the Drug Enforcement Administration under § 0.100 of this part. In investigating violations of such laws and in collecting evidence in such cases, the Director may exercise so much of the authority vested in the Attorney General by sections 1 and 2 of Reorganization Plan No. 1 of 1968, section 1 of Reorganization Plan No. 2 of 1973 and the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, as he determines is necessary. He may also release FBI information on the same terms and for the same purposes that the Administrator of the Drug Enforcement Administration may disclose DEA information under § 0.103 of this part. The Director and his authorized delegates may seize, forfeit and remit or mitigate the forfeiture of property in accordance with 21 U.S.C. 881, 21 CFR 1316.71 through 1316.81, and 28 CFR 9.1 through 9.7.

(b) Conduct the acquisition, collection, exchange, classification and preservation of fingerprint cards and identification records from criminal justice and other governmental agencies, including fingerprint cards voluntarily submitted by individuals for personal identification purposes; provide expert testimony in Federal, State and local courts as to fingerprint examinations; and provide fingerprint training and provide identification assistance in disasters and for other humanitarian purposes.

(c) Conduct personnel investigations requisite to the work of the Department of Justice and whenever required by statute or otherwise.

(d) Carry out the Presidential directive of September 6, 1939, as reaffirmed by Presidential directives of January 8, 1943, July 24, 1950, and December 15, 1953, designating the Federal Bureau of Investigation to take charge of investigative work in matters relating to espionage, sabotage, subversive activities, and related matters.

(e) Establish and conduct law enforcement training programs to provide training for State and local law enforcement personnel; operate the Federal Bureau of Investigation National Academy; develop new approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement and assist in conducting State and local training programs, pursuant to section 404 of the Omnibus Crime Control and Safe Streets Act of 1968, 82 Stat. 204.

(f) Operate a central clearinghouse for police statistics under the Uniform Crime Reporting Program, and a computerized nationwide index of law enforcement information under the National Crime Information Center.

(g) Operate the Federal Bureau of Investigation Laboratory to serve not only the Federal Bureau of Investigation, but also to provide, without cost, technical and scientific assistance, including expert testimony in Federal or local courts, for all duly constituted law enforcement agencies, other organizational units of the Department of Justice, and other Federal agencies, which may desire to avail themselves of the service. As provided for in pro-

§ 0.85a

cedures agreed upon between the Secretary of State and the Attorney General, the services of the Federal Bureau of Investigation Laboratory may also be made available to foreign law enforcement agencies and courts.

(h) Make recommendations to the Office of Personnel Management in connection with applications for retirement under 5 U.S.C. 8336(c).

(i) Investigate alleged fraudulent conduct in connection with operations of the Department of Housing and Urban Development and other alleged violations of the criminal provisions of the National Housing Act, including 18 U.S.C. 1010.

(j) Exercise the power and authority vested in the Attorney General to approve and conduct exchanges of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing; and exercise the power and authority vested in the Attorney General by 15 U.S.C. 78q(f)(2) and 7 U.S.C. 12a, to approve and conduct exchanges of identification records with certain segments of the securities industry and the Commodity Futures Trading Commission, respectively.

[Order No. 423-69, 34 FR 20388, Dec. 31, 1969, as amended by Order No. 884-80, 45 FR 22023, Apr. 3, 1980; Order No. 960-81, 46 FR 52347, Oct. 27, 1981; Order No. 967-82, 47 FR 4513, Feb. 1, 1982; Order No. 968-82, 47 FR 4989, Feb. 3, 1982; Order No. 1024-83, 48 FR 35088, Aug. 3, 1983]

§ 0.85a Criminal justice policy coordination.

The Federal Bureau of Investigation shall report to the Attorney General on all its activities.

[Order No. 960-81, 46 FR 52347, Oct. 27, 1981]

§ 0.86 Seizure of gambling devices.

The Director, Associate Director, Assistants to the Director, Executive Assistant Directors, Assistant Directors, inspectors and agents of the Federal Bureau of Investigation are authorized to exercise the power and authority

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vested in the Attorney General to make seizures of gambling devices (18 U.S.C. 1955(d), 15 U.S.C. 1171 *et seq.*) and wire or oral communication intercepting devices (18 U.S.C. 2513).

[Order No. 960-81, 46 FR 52347, Oct. 27, 1981]

§ 0.87 Representation on committee for visit-exchange.

The Director of the Federal Bureau of Investigation shall be a member of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and shall have authority to designate an alternate to serve on such committee.

§ 0.88 Certificates for expenses of unforeseen emergencies.

The Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General by 28 U.S.C. 537, to make certificates with respect to expenses of unforeseen emergencies of a confidential character: *Provided*, That each such certificate made by the Director of the Federal Bureau of Investigation shall be approved by the Attorney General.

§ 0.89 Authority to seize arms and munitions of war.

The Director of the Federal Bureau of Investigation is authorized to exercise the authority conferred upon the Attorney General by section 1 of E.O. No. 10863 of February 18, 1960 (25 FR 1507), relating to the seizure of arms and munitions of war, and other articles, pursuant to section 1 of title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401).

§ 0.89a Delegations respecting claims against the FBI.

(a) The Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General under 28 U.S.C. 2672 to consider, ascertain, adjust, determine, and settle any claim

NONSERIOUS OFFENSES

Abusive Language	Mandatory Appearance
Alms Solicitation	Material Witness
Amnesia	Medical Treatment
Begging	Mental
Breach of Peace	Minor in Bar
Card Game Playing	Minor in Consumption
Careless or Reckless Driving (as long as driving under influence of drugs or liquor, hit and run, vehicular manslaughter, involun- tary manslaughter or manslaughter not involved)	Minor in Gambling House
Civil Commitment	Minor in Possession Alcohol
Criminal Registration	Misrepresenting Age (liquor)
Curfew Violation	Mooching
Detention Only	Narcotics Registration
Detoxification	Negligent Driving
Dice Game Playing	No Driver's License - Note: Operating Auto with Altered License Considered as Serious Charge)
Disregarding Traffic Signals	No Inspection Sticker or Expired Sticker
Disturbance	No Visible Means
Disturbing Public Worship	Obstructing Traffic
Disturbing the Peace	Operating Auto without License
Dog Laws	Panhandling
Drag Racing	Parking Warrants
Driving while License Suspended or Revoked	Patient - Note: Unless print pertains to MAJOR Charge, i.e., murder, rape, etc.
Drunk (not traffic charges)	Peace Bond
Drunk in or about Auto	Peace Warrant
Drunk in Public Restroom or Restaurant	Possession of Lottery Tickets, Policy Slips, or Numbers
Drunk on Highway	Possession of Open Bottle or Container
Ex-Con Registration	Probation or Parole Check
Failure to Give Good Account	Profane Language
Failure to Identify	Public Intoxication
Failure to Operate in Prudent Manner (auto)	Public Nuisance
Failure to Register in Hotel or Register in Hotel with Someone Other than Husband or Wife	Purchasing Liquor as a Minor
Failure to Yield for Emergency Vehicle, Blue Light, or Siren	Rebooked on Suspicion
False Fire Alarm	Runaway
Felony Registration	Safekeeping, Skusm, Sak
Fireworks	Sex Registration
Fishing without a License	Sleeper
For Identification Purposes	Sleeping in a Subway
General Principles	Speeding
Going thru Red Light	State Work Furlough
Hitchhiking	Suspect
Illegal Consumption of Beer	Suspicion (unaccompanied by criterion charge)
Illegal Possession of Beer	Suspicious Person
Inadequate Brakes	Traffic Violations (minor traffic, vehicle and licensing charges)
Inquiry (unaccompanied by criterion charge)	Trainriding (hobo)
Interview	Tramp
Intoxication	Transient
Investigation (unaccompanied by criterion charge)	Truancy
Investigation Mental	Trusty Commitment
Jaywalking	Urinating in Public
Juvenile Charge	Uninsured Motor Vehicle
Juvenile Commitment	Unlawful Blood Alcohol Content or Count (alone only-not with driving charges)
Juvenile Offender	Vagabond or Rogue
Late Hours	Vagrancy
Loafer	Venereal Control Registration
Lodger	Visiting a Common Nuisance
Loitering	Voluntary Commitment
Lottery Playing	Walking on Highway
Lunacy (unless print pertains to major charge)	Wayward

(Attachment 4)

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537**

Use of the following FBI record, NUMBER **777 533 F**, is **REGULATED BY LAW**. It is furnished FOR OFFICIAL USE ONLY and should ONLY BE USED FOR PURPOSE REQUESTED. When further explanation of arrest charge or disposition is needed, communicate directly with the agency that contributed the fingerprints.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Navy	[REDACTED] [REDACTED] [REDACTED]	3-18-59	Non-arrest entry	Disch 4-25-63
PD Pasadena TX	[REDACTED] [REDACTED] 15008	9-27-66	traff arr indec exposure	12-1-67 P/G. to exposing; sentenced to 5 yrs prob.
PD Pasadena TX	[REDACTED] [REDACTED] SID 1 376 599 #15008	5-21-75	carrying prohib weapon	12-17-75, pled guilty to misdemeanor offense of carrying a weapon; sentenced to 3 das in jl and fined \$600 plus \$49 Court Costs; time served, fine & costs paid
PD Waco TX	[REDACTED] [REDACTED] 26298	FP 8-20-78	aggravated ADW	9-6-78, Charge reduced to misdemeanor offense of terroristic threat; fined \$300 only in Co Crt-at Law #1 McLennan Co, TX D61942

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537**

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
PD Austin TX	[REDACTED] [REDACTED] 113104	10-4-79	criminal mischief felony	11-29-79 dismissed
SO Dallas TX	[REDACTED] [REDACTED] 359878 SID 1376599	10-27-81	Agg robbery (1299)	Convicted; sentenced to 10 years
Dept of Corr Huntsville TX	[REDACTED] [REDACTED] 330007 SID 1376599	1-21-82	agg robbery (1)	10 yrs

UNITED STATES DEPARTMENT OF JUSTICE
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05/06/86

Use of the following FBI record, NUMBER 259 975 T11 is REGULATED BY LAW. It is furnished FOR OFFICIAL USE ONLY and should ONLY BE USED FOR PURPOSE REQUESTED. When further explanation of arrest charge or disposition is needed, communicate directly with the agency that contributed the fingerprints. 0

Contributor: Identifier (ORI) Name Case Number (OCA)	Subject: Name State Number (SID)	Arrested or Received	C - Charge D - Disposition
THE SUBJECT'S IDENTIFICATION RECORD APPEARING HEREUNDER HAS BEEN RETRIEVED FROM THE IDENTIFICATION DIVISION FILES BASED ON DESCRIPTORS FURNISHED IN YOUR REQUEST WHICH MATCHED THOSE ON FILE.			
DESCRIPTORS ON FILE ARE LISTED BELOW:			
TYPE OF DESCRIPTOR	ON FILE	TYPE OF DESCRIPTOR	ON FILE
RACE	WHITE	BIRTH DATE	08/19/59
SEX	MALE	BIRTH CITY	MUNCIE
HEIGHT	601	BIRTH PLACE	INDIANA
WEIGHT	130	SOC SEC NO.	
HAIR	BROWN	MISC ID NO.	
EYES	BROWN		
SCARS ETC.	SCAR ON CHIN TATTOO ON RIGHT FOREARM TATTOO ON LEFT FOREARM		
NATIONAL CRIME INFORMATION CENTER FGPT. CLASS: PO 52 CI PI 14 14 14 12 CI 12			
IN0180000 SHERIFF'S OFFICE MUNCIE, IN		02/25/78	C-BURGLARY-CLASS C FELONY D-CONVICTED- CONFINEMENT-2Y
IN990400Z RECEPTION&DIAGN CTR. PLAINFIELD, IN 14367		10/02/78	C-BURGLARY CLASS C FELONY D-CONVICTED- CONFINEMENT-2Y
INISP2500 STATE POLICE REDKEY, IN BE1457		03/31/82	C-DWI SECOND OFFENSE CLASS D FELONY D-FG SENT 1Y IND STATE FARM, EXECUTED D-01/25/83 ORDERED TO PAY \$52 CRT. COSTS, DRIVERS LIC SUSP 1Y
CONTINUED NEXT PAGE			

99999-49307

(Attachment 6)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
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05/06/86

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Contributor: Identifier (ORI) Name Case Number (OCA)	Subject: Name State Number (SID)	Arrested or Received	C - Charge D - Disposition
NATIONAL CRIME INFORMATION CENTER FGPT.		CLASS:	PO 52 CI PI 14 14 14 12 CI 12
IN0180000 SHERIFF'S OFFICE MUNCIE, IN	[REDACTED], [REDACTED]	02/25/78	C-BURGLARY-CLASS C FELONY D-CONVICTED- CONFINEMENT-2Y
IN99040CZ RECEPTION & DIAGN CTR PLAINFIELD, IN 14367	[REDACTED], [REDACTED]	10/02/78	C-BURGLARY CLASS C FELONY D-CONVICTED- CONFINEMENT-2Y
IN18P2500 STATE POLICE REDKEY, IN BE1457	[REDACTED], [REDACTED]	03/31/82	C-DWI SECOND OFFENSE CLASS D FELONY D-FG SENT 1Y IND STATE FARM, EXECUTED D-01/25/83 ORDERED TO PAY \$52 CRT COSTS, DRIVERS LIC SUSP 1Y
IN0180000 SHERIFF'S OFFICE MUNCIE, IN C54-83	[REDACTED], [REDACTED]	11/07/83	C-FELONY THEFT D-02/14/84 DISMISSED SENTENCED ON ANOTHER CHARGE
IN032035C REC & DIAGNOSTIC CTR PLAINFIELD, IN 14367-2	[REDACTED], [REDACTED]	02/16/84	C-BURGLARY CLASS C D-CONVICTED- CONFINEMENT-5Y
FBI INTERNAL COPY DCFBIWA1Z FBI RECORDING SECT WASHINGTON, DC			
99999-49307			

(Attachment 6)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

PAGE

2

05/06/86

Use of the following FBI record, NUMBER 259 975 T11 is REGULATED BY LAW. It is furnished FOR OFFICIAL USE ONLY and should ONLY BE USED FOR PURPOSE REQUESTED. When further explanation of arrest charge or disposition is needed, communicate directly with the agency that contributed the fingerprints.

Contributor: Identifier (ORI) Name Case Number (OCA)	Subject: Name State Number (SID)	Arrested or Received	C - Charge D - Disposition
CONTINUED FROM PREVIOUS PAGE IN0180000 SHERIFF'S OFFICE MUNCIE, IN C54-83 IN0320350 REC & DIAGNOSTIC CTR PLAINFIELD, IN 14367-2 FBI INTERNAL COPY DCFBIWA1Z FBI RECORDING SECT WASHINGTON, DC	[REDACTED], [REDACTED] [REDACTED], [REDACTED]	11/07/83 02/16/84	C-FELONY THEFT D-02/14/84 DISMISSED SENTENCED ON ANOTHER CHARGE C-BURGLARY CLASS C D-CONVICTED- CONFINEMENT-5Y

2L01XXX02.GR.DCFBIWA10.FBI/259975T11.FUR/C.ATN/MERCER
2L01XXX02
DCFBWA10
REC

FLO1XXX02
DCFBWA10
THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/259975T11. THE FOLLOWING WILL RESPOND
TO YOUR AGENCY:

FBI
- FBI/259975T11
END

4L01XXX02
DCFBWA10
THE FOLLOWING RECORD IS IN RESPONSE TO YOUR INQUIRY ON FBI/259975T11

- FBI IDENTIFICATION RECORD -

NAME	FBI NO.	INQUIRY DATE
[REDACTED]	259975T11	05/06/86

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE
M	W	08/19/59	601	130	BRO	BRO	INDIANA

FINGERPRINT CLASS
P0 52 CI PI 14
14 14 12 CI 12

1-ARRESTED OR RECEIVED 02/25/78
AGENCY-SHERIFF'S OFFICE MUNCIE IN (IN0180000)

NAME USED-[REDACTED]
CHARGE 1-BURGLARY-CLASS C FELONY

COURT-

DISPOSITION-CONVICTED
OFFENSE-BURGLARY-CLASS C FELONY
SENTENCE-2Y CONFINEMENT

2-ARRESTED OR RECEIVED 10/02/78
AGENCY-RECEPTION&DIAGN CTR PLAINFIELD IN (IN99040CZ)
AGENCY CASE-14367 NAME USED-[REDACTED]
CHARGE 1-BURGLARY CLASS C FELONY

COURT-

DISPOSITION-CONVICTED

3-ARRESTED OR RECEIVED 03/31/82
AGENCY-STATE POLICE REDKEY IN (INISF2500)
AGENCY CASE-BE1457 NAME USED-[REDACTED]
CHARGE 1-DWI SECOND OFFENSE CLASS D FELONY

COURT-
DISPOSITION-
OFFENSE-DWI SECOND OFFENSE CLASS D FELONY
SENTENCE-
OTHER COURT PROVISIONS-FG SENT 1Y IND STATE FARM, EXECUTED

SUPP COURT-
01/25/83 DISPOSITION-
OFFENSE-DWI SECOND OFFENSE CLASS D FELONY
SENTENCE-
OTHER COURT PROVISIONS-ORDERED TO PAY \$52 CRT COSTS, DRIVERS LIC
SUSP 1Y

4-ARRESTED OR RECEIVED 11/07/83
AGENCY-SHERIFF'S OFFICE MUNCIE IN (IN0180000)
AGENCY CASE-CS4-83 NAME USED-[REDACTED]
CHARGE 1-FELONY THEFT

COURT-
02/14/84 DISPOSITION-
OFFENSE-FELONY THEFT
SENTENCE-
OTHER COURT PROVISIONS-DISMISSED SENTENCED ON ANOTHER CHARGE

5-ARRESTED OR RECEIVED 02/16/84
AGENCY-REC & DIAGNOSTIC CTR PLAINFIELD IN (IN032035C)
AGENCY CASE-14367-2 NAME USED-[REDACTED]
CHARGE 1-BURGLARY CLASS C

COURT-
DISPOSITION-CONVICTED
OFFENSE-BURGLARY CLASS C
SENTENCE-5Y CONFINEMENT

RECORD UPDATED 02/27/86

BASED ON FBI NUMBER ONLY

THIS RECORD MAY BE USED ONLY FOR CRIMINAL JUSTICE PURPOSES AS DEFINED
BY THE NCIC ADVISORY POLICY BOARD.
END



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20537

March 29, 1984

Letter to All Fingerprint Contributors

RE: INTERSTATE IDENTIFICATION INDEX (III)

Dear Contributor:

In my November 10, 1983, Letter to All Fingerprint Contributors, I wrote regarding the "Use of the NCIC Interstate Identification Index (III) for Record Requests." That article has generated numerous inquiries from contributors concerning the operation of the III. The III is an automated system which provides for the decentralized storage and interstate exchange of criminal history record information. It functions as a part of the National Crime Information Center (NCIC) and presently includes the personal identification data of over eight million individuals who have been arrested for serious crimes. At the present time, 14 states are participating in the III program whereby they are responsible for furnishing the criminal records for all new arrests and certain older arrests in their state when a record request is made via the III. Seven more states plan to begin similar participation in the near future. The III will increasingly serve users of criminal history records as their comments regarding the new system have been highly complimentary. Therefore, I want to take this opportunity to briefly explain its concept and operation and to request your cooperation in a study which is being conducted regarding the III.

The name index portion of the III is maintained in the NCIC computer. This index was initially established by using the identification data of records in the FBI's Automated Identification Division System (AIDS) and records previously included in the NCIC's Computerized Criminal History (CCH) File, now referred to as the "Federal Offender File." This identification data was compared with the automated arrest records of the 14 participating states to create the III name index representing over eight million individuals. About one half of the records are indexed for state dissemination, while the FBI is responsible for disseminating the other half. Records available via the III include: records on arrestees with years of birth of 1956 or later; records on persons arrested for the first time on or after July 1, 1974, regardless of their dates of birth; most persons with a Federal arrest since January 1, 1970; and some additional older arrest records which have been

FINGERPRINT CONTRIBUTOR LETTER 84-1

(Attachment 8)

automated because of the subjects' recent involvement with the law enforcement community. As new records are created in AIDS, corresponding index records are automatically added to the III. The number of records is increasing at the rate of over 16,000 a week.

Authorized criminal justice agencies in 49 states, the District of Columbia, and Puerto Rico, have "on-line" access to the III via their computer terminals. Inquiries are made based on names and numeric identifiers (i.e., date of birth, Social Security Number, FBI Number, etc.) to determine if criminal history records are available on the subjects of the inquiries. Upon receipt and review of the response(s), the inquiring agency can request the specific criminal record desired via its terminal. The actual criminal history information will be provided from the data bases identified as maintaining such information. As pointed out previously, 14 states are presently fully participating in the III in that they have taken on the responsibility for responding to requests for all new and selected older arrest data which originated in their state. Once a state has accepted this responsibility, the request for a record via the III results in an automatic notification to the state(s) which will respond directly to the requesting agency. The FBI is responsible for disseminating Federal arrest data and non-Federal arrest data not indexed to a participating state.

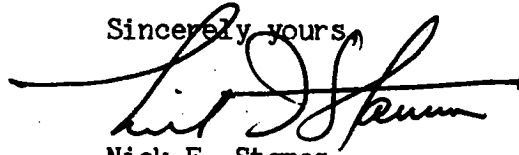
When an agency makes a III request for a record which is indexed to the AIDS File, the record is mailed to the requestor the following workday. However, by mid-summer 1984, the FBI will be furnishing AIDS records "on-line" over the NCIC telecommunications network. The Federal Offender File already provides "on-line" records, as do 12 of the 14 states. The states' records are returned to the requesting terminal via the National Law Enforcement Telecommunications System, Inc. (NLETS). The two remaining states advise the requestors via NLETS that the record is being placed in the mail. By the end of 1984, it is expected that all responses will be over telecommunication lines. Therefore, requesting agencies may receive portions of an individual's record from different sources in varying formats.

A "National Fingerprint File (NFF)" maintained by the FBI's Identification Division (ID) is included in the ultimate concept for the III. Pending the implementation of the NFF, the ID continues to provide criminal records in response to all fingerprint card submissions for both criminal justice and authorized licensing and employment purposes. The NFF would receive and maintain only the initial criminal fingerprint card from each state wherein an individual is arrested. Any subsequent fingerprint card(s) on the individual generated within the same state would be stopped at the State Bureau of Identification. The NFF, as it relates to the states, would provide the national fingerprint index on all persons represented in the III System; and, through its technical fingerprint searching capability, furnish positive identifications or nonidentifications based on searches of this File. Thus, only those criminal fingerprint cards which the states could not identify, i.e., "nonidents," would be submitted to the ID. The ID would no longer maintain the entire criminal records for these individuals since their records would be available from the states via the III. The ID would continue to maintain and provide records concerning persons arrested by Federal agencies. In addition, the ID would receive and retain all criminal fingerprint cards for states not fully participating in the III.

The use of the III is currently limited to criminal justice agencies for criminal justice purposes. This includes criminal justice employment. A study is ongoing to examine the ramifications it will have upon present users of criminal history record information for employment and licensing purposes, and on whether these users can be accommodated in the new III environment. A contract has been awarded to SEARCH Group Incorporated (SGI) to study state and local noncriminal justice users' access to criminal history record information, and a similar contract has been awarded to Mr. Raymond J. Young, a Virginia attorney who is a retired Special Agent with many years experience in the NCIC system, to study the Federal noncriminal justice users' access to criminal history record information. It is anticipated that these studies will be finished during early September 1984. The results will then be evaluated and a course of action decided upon.

I hope this brief description of the III has been informative and request you give the above-mentioned contractors your complete cooperation. Your input to the study will be helpful in ensuring a national criminal history record information system that will serve the needs of all authorized users.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Nick F. Stanes", with a long horizontal flourish extending to the left.

Nick F. Stanes
Assistant Director
Identification Division



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20537

March 17, 1986

Letter to All Fingerprint Contributors

RE: FBI IDENTIFICATION DIVISION SERVICES

Dear Contributor:

Since this is my first "Letter to All Fingerprint Contributors" as the Assistant Director in Charge of the Identification Division, I want to emphasize that the Division's main goal will be to continue providing the best possible service to all contributors. To provide this service, we must have complete records on file. Complete means not just having final dispositions for the arrests shown on the record, but having the record show all the serious and/or significant arrests and corresponding final dispositions associated with a particular person.

Our identification records are based entirely on voluntary contributions of arrest fingerprint cards and final disposition reports from more than 22,000 criminal justice agencies worldwide. There is no Federal law that mandates reporting by local, state, and Federal law enforcement agencies and penal institutions. Law enforcement agencies and penal institutions forward information to us for their mutual benefit and the benefit of others authorized to check the criminal records in our system. I am aware of only one major law enforcement agency (Metropolitan Police Department in Washington, D. C.) that is not routinely forwarding arrest fingerprint cards at this time.

We now have criminal records on more than 23 million individuals. About ten million of these records are stored in our Automated Identification Division System (AIDS), and are indexed in the National Crime Information Center's (NCIC) Interstate Identification Index (III). By combining the resources of AIDS, NCIC, and the 17 state agencies fully participating in the III program, criminal records on the most active offenders have been placed at the investigator's fingertips. Records available via the III include: records on arrestees with years of birth of 1956 or later; records on persons arrested for the first time on or after July 1, 1974, regardless of their dates of birth; and many selected older arrest records which have been automated because of the subject's recent involvement with the law enforcement community.

All criminal justice agencies may use III to obtain criminal records for criminal justice purposes (includes employment with a criminal justice agency). When a criminal record is needed for a criminal justice

FINGERPRINT CONTRIBUTOR LETTER 86-1

(Attachment 9)

purpose, the use of III is encouraged to reduce the number of requests mailed to us. An NCIC inquiry should be made regardless of the age of the individual. If there is no matching record on file in III, a follow-up written request should be made only when (1) the person was born prior to 1956, or (2) you have fingerprints that can be searched through our files to possibly locate a criminal record established under a different name. For a more detailed explanation of how III works, refer to Fingerprint Contributor Letter 84-1, dated March 29, 1984.

Non-Federal law enforcement agencies and penal institutions in 31 states are presently required to submit FBI arrest fingerprint cards to us through their respective state identification bureaus. This method of submission can be mutually beneficial to both the states and the FBI. It helps to ensure that the criminal records in our systems are compatible. State identification bureaus add information to the cards to assist us in processing them, e.g., FBI number, state identification number, etc. These same state bureaus have the benefit of the FBI card for classification purposes or they can make a copy of the state card available to the FBI, when necessary, to assist us with fingerprint classification. For our criminal record systems to function effectively, it is essential that both a state and an FBI arrest fingerprint card be submitted for each arrest that meets Federal retention criteria. A list of nonserious offenses not retainable by the FBI has previously been furnished to your state identification bureau for distribution. If you are unsure about the offenses that cannot be kept by us, copies of the list are available upon request.

The key to having an effective criminal record system starts with the officer making the arrest. At least two good sets of fingerprints should be taken -- one for your state bureau and one for the FBI. The FBI card will be used to establish the arrestee's record unless a prior criminal record exists, get him/her assigned an FBI number, and get the record indexed in III so it is immediately available to all criminal justice agencies. These procedures result in an effective system for law enforcement use. However, the Identification Division must still process approximately three million noncriminal justice applicant fingerprint cards submitted to us annually. Since III can only be used for criminal justice purposes, our identification record must be used to respond to noncriminal justice requests. Therefore, our record should contain all of the individual's criterion arrests. An arrest entry is added to our record only after an arrest fingerprint card is received and processed through our system, as all arrest entries must be supported by fingerprints. It is also extremely important to follow the arrest card with a final disposition report, since arrest information over one year old lacking a disposition cannot be provided for noncriminal justice purposes. I have recently implemented a disposition follow-up program; however, this program is limited by resources. Your cooperation in furnishing final dispositions is certainly appreciated. These additional procedures make the system equally effective for our noncriminal justice contributors.

Mutual cooperation reaps mutual benefits, thereby making it possible to provide the best service to all contributors.

HELPFUL HINTS TO IMPROVE THE PROCESSING OF YOUR DOCUMENTS

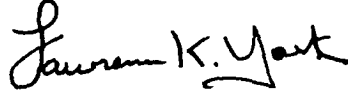
- Include the subject's date of birth or approximate age on all fingerprint card/correspondence submissions. This is especially important for deceased individuals.
- Never submit a folded fingerprint card -- use a larger envelope.
- Include the Originating Agency Identifier Number (ORI#) for all agencies designated to receive copies of records from the FBI. This is especially important in the "Send Copy To" block on the fingerprint card.
- Do not lend your preaddressed fingerprint card to another agency unless you change all of the information in the "Contributor" block first.
- If your new "+4 Zip Code" is not shown in the address block of this letter, furnish it to us (Attention: Recording Section), as it expedites mail delivery. Our "+4 Zip Code" is 20537-9700.
- Do not submit a follow-up expungement request for at least 120 days, as it takes that long to process your initial request.
- Use the standard "Personal Identification" card (FD-353) when fingerprinting a child.
- Use the standard "FBI Criminal Fingerprint" card (FD-249) when fingerprinting a deceased person.
- Include the literal or narrative charge, not penal code citation in the "Charge" block of the criminal card.
- Forward final dispositions.

UNLAWFUL FLIGHT TO AVOID PROSECUTION OR CONFINEMENT (UFAP/UFAC) CHARGES

When local/state/Federal law enforcement agencies arrest an individual, they are strongly encouraged to show both the substantive charge(s), e.g., burglary, bank robbery, theft, etc., and any UFAP/UFAC charge, if such Federal process is outstanding at the time of arrest, in the "Charge" block on the criminal fingerprint card. Even though the

UFAP/UFAC charge is usually routinely dismissed, having this information on the criminal's record can be extremely beneficial for law enforcement officers investigating/apprehending this subject at a later date. The UFAP/UFAC charge information may help to identify someone who is a bond default or escape risk.

Sincerely yours,



Lawrence K. York
Assistant Director in Charge
Identification Division

U.S. Department of Justice
Federal Bureau of Investigation

Washington, D.C. 20537-9700

Official Business
Penalty for Private Use \$300



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