

# CRD Newsletter

CRD NEWSLETTER

APRIL 2012

## Special points of interest:

- *CJIS Fee Reduces*
- *Ways to submit accurate CHRI*
- *Retrieve Collision Reports via the internet*

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## Alias Name vs. Master ('Real') Name Submitted by: Kimberly McParland

The Washington State Patrol (WSP) Identification and Criminal History Section is charged with the responsibility of being the central repository for criminal records for the state of Washington. All records contained in the repository are fingerprint based. The WSP collects other identifying details to assist with identification such as alias names used.

It is our practice when establishing WSP criminal history record information (CHRI) to use the name given on the first fingerprint card received by WSP as the master name. All subsequent names received are aliases. It is not uncommon for persons at the time of arrest to use a different name. Names used at the time of arrest are legitimate CHRI.

CHRI is used for many purposes including criminal justice investigations, public and private employment background checks, licensing background checks, proper sentencing of convicted felons and pre-sentence and post-sentence evaluations.

A conviction record includes CHRI related to an incident which has led to a conviction or other disposition adverse to the subject. A conviction record also includes identifying information including aliases used by the subject.

The Section includes alias information in a subject's conviction record for several reasons. Alias information is identifying information. Alias information assists law enforcement agencies and the general public to determine whether and individual has a conviction record. Alias information assists laws enforcement and criminal justice agencies to determine if the subject of the record has outstanding warrants based on the alias name.

A court ordered name and gender change does not change CHRI. The new court ordered information is added as alias information to CHRI.

If you have any questions regarding alias names, please contact Ms. Kimberly McParland, Criminal History Support Supervisor at (360) 534-2163 or [kimberly.mcparland@wsp.wa.gov](mailto:kimberly.mcparland@wsp.wa.gov).

## Washington Requests for Electronic Collision Reports (WRECR) Submitted By: Jim Morelli

The Washington State Patrol (WSP) Criminal Records Division (CRD) Collision Records Section completes approximately 50,000 requests for copies of collision reports annually. These requests come from individuals involved in a collision; parents or legal guardians of a minor driver, insurers, attorneys, other authorized representatives of a driver involved, or law firms doing research. The response to each

request has been a manual process of searching, redacting, and collecting fees averaging up to one hour of production time, each, to complete. Staff members were able to complete these requests within 21 days; however, this was directly related to the staffing level.

The WSP received federal funding through the Washington Traffic Safety Commission (WTSC)



## Helpful Hints Submitted By: Jennifer Perry

Below is information to assist agencies in submitting criminal history record information (CHRI). Since the Washington State Patrol is the repository of CHRI we want to ensure we are receiving all CHRI. This gives individuals receiving Washington State Patrol (WSP) RAPsheets the most accurate, complete CHRI. Individuals/law enforcement agencies might be using the RAPsheet to make a hiring decision, allow someone to get a concealed pistol license, or work with vulnerable adults – just to name a few reasons why people run background checks. The accuracy and completeness is crucial in making these important decisions.

Cite and Release – To have the most complete and accurate criminal history, be sure to submit fingerprint arrest cards instead of citing and releasing an individual without fingerprinting them. If an individual is cited and released without fingerprints, that arrest information will not be on their criminal history. When the court sends the State Patrol a disposition, it can't be added to the record because there isn't an arrest on file to attach the disposition to. The disposition then gets rejected back to the agency that cited and released the individual. If that agency cited and released the individual without fingerprinting, there won't be a fingerprint card to submit to WSP, so the information never gets added to the individual's record. If an individual has a background check ran on them to become a school bus driver and the individual was cited and released for a DUI (without fingerprints), the DUI would not show up on their criminal history and the individual could, therefore, be hired to be a school bus driver. This is not the kind of person that I would want driving my children to and from school.

Fail to Comply – It is recommended when an individual gets arrested for failure to comply, a fingerprint arrest card be submitted showing “fail to comply” as the charge, with the original charge in the comment field. Use the current date for the fail to comply and place the original date of the offense in the date of offense field. Since the fail to comply is a new arrest event, it is important for these to be submitted to the section in order to have the most complete and accurate criminal history. Do not use the same PCN as the original charge on the fail to comply. Because it is a new arrest event, it needs to have its own PCN.

Warrant Arrests – To ensure the most complete criminal history information, please submit fingerprint cards for warrant arrests. This shows the complete picture of the individual's criminal history.

Attempt, Conspiracy, and Solicitation – It is important to click the appropriate enhancement boxes to accurately reflect the arrest offense(s). Certain criminal offenses will drop a classification when an anticipatory offense is involved. Under RCW 9A.28.020 (criminal attempt), RCW 9A.28.030 (criminal solicitation), and RCW 9A.28.040 (criminal conspiracy), it lists the criminal offenses that will not drop a classification. There is one criminal offense, attempt to elude (RCW 46.61.024-class c felony), that you will not need to click the attempt enhancement box. The word attempt is part of the literal for the offense. If you click the enhancement box for attempt on this offense it will drop the classification from a class c felony to a gross misdemeanor.

The codes for criminal attempt, criminal conspiracy, and criminal solicitation have been removed from the livescan table. These were removed because they are not stand alone crimes. They can be used in conjunction with a crime by clicking the enhancement boxes.

The civil offense crime code was removed

from the livescan table because WSP doesn't retain civil offenses, we only retain criminal records.

Crimes While Incarcerated – When an inmate commits a crime while incarcerated, it is considered a new arrest event and new fingerprints should be submitted for this offense. Please do not add the new charges on to an arrest already on file.

Commitment Cards – If an individual is returning to jail to serve time, do not submit the commitment card to the Washington State Patrol, unless the original fingerprint card is not on file. It is understandable that agencies print an individual when they arrive at jail to serve time. However, if commitment fingerprint cards are submitted to WSP it appears the individual was arrested two times for the same event when in actuality they were only arrested once.

Correction Notices – There is a change to how correction notices with multiple charges can be sent in. When adding/deleting multiple charges, one correction notice can be sent in with the multiple charges listed on the offense line, instead of sending in one correction notice per charge. This is only when the rest of the arrest information is the same. If the court case number, LID, originating agency, etc. is not the same, a correction notice needs to be sent for each separate charge. Please be sure the charges are very clear on the correction notice; they will be rejected for clarification if they are not. Also, be sure that the crime code and the literal are listed for each charge.

Names used – When an individual gets arrested and uses another person's name, do not send in a correction notice to change the name to their true name. The name stays on their criminal history record. If the booking officer entered the incorrect name, then a correction notice can be submitted to correct it.

# FBI Corner

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## FBI Notification Submitted by Lynette Brown

The Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) advised the Washington State Patrol (WSP) effective April 15, 2012, they will no longer accept hard copy fingerprint cards through the mail.

WSP is working to ensure an internal process is in place in order to fully implement this change prior to April 15, 2012. Your agency does not need to do anything different on how you submit your rejected FBI fingerprint cards to WSP.

More information will be provided if there will be specific WSP workflow changes that would impact your agency.

Agencies with questions about this notification, may contact Ms. Jo Williams, Background/Fingerprint Unit Manager at (360) 534-2165 or email [jo.williams@wsp.wa.gov](mailto:jo.williams@wsp.wa.gov).

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## FBI Special Processing Submitted by Jo Williams

The Federal Bureau of Investigation (FBI), Special Processing Center recently brought to the Washington State Patrol's (WSP) attention that they have received an increasing amount of fingerprint checks as a criminal inquiry or question of identity from Washington state law enforcement agencies.

The FBI is requesting criminal inquiry or question of identity be booked and submitted to the state identification bureau (WSP) first. For the month of February, our state alone had six agencies that submitted to the FBI directly. The Special Processing Center is still available for processing of emergency high profile and deceased prints.

We appreciate your attention and cooperation in this matter. If you have any questions, please contact Ms. Jo Williams, Fingerprint/Background Check Unit Manager, at (360) 534-2165 or [jo.williams@wsp.wa.gov](mailto:jo.williams@wsp.wa.gov).

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## FBI Fee Reduction Submitted by Lynette Brown

The Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division notified the Washington State Patrol (WSP) their fee will change effective March 19, 2012 for all FBI civil applicant electronic submissions from \$19.25 to \$16.50. All electronic volunteer submissions will change from \$15.25 to \$15.00. Any incorrect fees mailed to WSP after March 19, 2012 will be rejected for the correct fee.

If you have any questions, please contact Ms. Lynette Brown, Background Check Unit Supervisor, at (360) 534-2109 or [lynette.brown@wsp.wa.gov](mailto:lynette.brown@wsp.wa.gov).