



Research Bulletin

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Criminal history record series

Sharing criminal history record information: the Interstate Identification Index

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FBI officials have estimated that two-thirds of arrest subjects nationwide have prior criminal records, and further, that 25 to 30 percent of state and federal offenders are “multi-state” offenders, meaning they have both federal and state records or records in more than one state.¹ Not only is interstate criminal history record information (CHRI) necessary for the administration of justice, federal

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law now requires it when determining eligibility for handgun purchases, certain sensitive employment positions, and many professional licenses.²

The FBI is charged with the responsibility of preserving identification and criminal records and has maintained duplicate criminal history records routinely submitted by the states — for felony and

serious misdemeanor offenses — on a voluntary basis since 1924.³ In the early 1980's, the FBI began the *Interstate Identification Index* (commonly called the “triple I”), an electronic index of names and personal identification information of arrested persons that allows federal, state, and local criminal justice agencies to conduct interstate criminal records searches directly, and gain almost immediate access to those records. This *Research Bulletin* provides an overview of the Interstate Identification Index, and also highlights Illinois' participation in this system for the last decade.

Access to criminal history records in other states

Illinois became the twenty-fifth state to participate in the Interstate Identification Index on August 8, 1993.⁴ By the end of 1993, there were 26 states providing



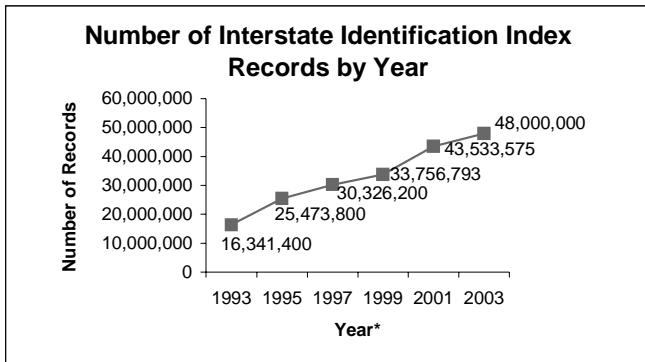
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*1993, 1995, 1997 and 2003 data are based upon estimates.⁷

For year 1999 and 2001, the data was provided from "Survey of State Criminal History Information Systems, 1999" and "Use and Management of Criminal History Information: A Comprehensive Report, 2001 Update" respectively.⁸

access to approximately 16,341,400 automated criminal history records.⁵ Of these records, approximately 12,449,700 (76 percent) were available directly from the participating state central CHRI repositories, while the remaining 3,891,700 records (24 percent) were available from the FBI. Since that time, the number of participants and available records has increased substantially. As of March 2003, there were 45 state repositories providing access to approximately 48 million automated criminal history records.⁶ The addition of 19 states to the Interstate Identification Index has increased the percentage of available interstate criminal history records by approximately 194 percent.

Current uses for the Interstate Identification Index information

Access to the Interstate Identification Index provides authorized users with criminal history information for a variety of purposes. At this time, the Interstate Identification Index is limited to authorized criminal justice purposes.⁹ This is due to the fact that all states allow virtually unrestricted access to criminal history records for criminal justice users, while state laws governing access to criminal history records for civil purposes (such as hiring in schools and day care facilities) are not standardized with regard to the types of information that can be collected or released. Thus, to avoid legal liability issues, the Interstate Identifica-

tion Index is not used for civil inquiries in Illinois.¹⁰ The following list provides categories of agencies and the purpose for which they are allowed access to criminal history records nationwide via the Interstate Identification Index, as specified in the Privacy Act of 1974:¹¹

- **Criminal justice agencies.** The Interstate Identification Index is used for official duties in connection with the administration of criminal justice for both federal and state criminal justice agencies.
- **Criminal justice employment.** Federal and state criminal justice agencies also access the Interstate Identification Index to inquire about the criminal history record information of those individuals applying for employment with a criminal justice agency.
- **Interstate-approved non-criminal justice agencies.** The Interstate Identification Index is used by approved federal, state, and local governmental agencies for non-criminal justice employment and/or licensing.¹²
- **Weapons-related checks.** The Interstate Identification Index is one of three FBI maintained national databases that is used to determine the eligibility of potential firearm purchasers under the National Instant Criminal Background Check System.¹³
- **Domestic violence and stalking.**¹⁴ The Interstate Identification Index is used by civil or criminal courts in domestic violence or stalking cases. Civil courts are only allowed access to criminal history record information for domestic violence and stalking information, they are not allowed to access record information for any other purpose.
- **Housing agencies.** The Interstate Identification Index is used under the authority of the Housing Opportunity Program Extension Act of 1996.¹⁵ The agencies within this category are only allowed to make an inquiry to determine the existence of a record.
- **Administrative file maintenance.** An authorized participating state agency can generate an Interstate Identification Index record for internal review. Responses are limited to the inquiring state's portion of

the record maintained by the FBI and may not be disseminated for any other reason.

► **National security.** The Interstate Identification Index is used by agencies authorized under the authority of the Security Clearance Information Act¹⁶ in the investigation of individuals that have access to classified information or assignment in sensitive national security duties.

► **Visa applicants.** The Interstate Identification Index is used by the U.S. Department of State for the purpose of determining eligibility for visa applications. The U.S. Department of State is only allowed to make an inquiry to determine the existence of a record.

How the Interstate Identification Index works¹⁷

The Interstate Identification Index utilizes an “index-pointer” system that guides a request for criminal history record information, based on name and personal identifying information, to the computerized files of the FBI and to one or more state repositories, called “participating states,” from which the record or records of a specific individual may be obtained. The FBI maintains computerized criminal history record information for individuals arrested by a federal agency, arrest information voluntarily sent from states not participating in the Interstate Identification Index program, and any arrest information that Interstate Identification Index participating states are unable to provide. Participating states provide computerized criminal history record information from their own state repository upon the receipt of a notification for request from the Interstate Identification Index computer.

Local and state criminal justice agencies in Illinois begin an inquiry for criminal history record information via the Interstate Identification Index by submitting the name and relevant personal identifiers — such as gender, date of birth, social security number, assigned FBI number, or State Identification (SID) number — to the state central repository maintained by the Illinois State Police (ISP), by means of the state telecommunications network. (For more information about the creation of a criminal history record in Illinois, see the box.) The state repository then forwards the initial inquiry to the Interstate Identification Index computer through the FBI’s National Crime

Information Center (NCIC) network, a national information system that uses computers and telecommunication technology for the exchange and sharing of criminal justice information among federal, state, and local agencies. The Interstate Identification Index system will then search the records made available by the FBI and participating state agencies to determine the existence of a criminal record matching the inquiry.

A response is received back by means of the NCIC network — the Law Enforcement Agencies Data System (LEADS) in Illinois — and is seen as an entry on the LEADS terminal. In cases where an officer in the field without a mobile data terminal has requested the information, the radio dispatcher will typically

Creating an individual criminal history record in Illinois

When an individual is taken into custody, the arresting agency captures the arrest charge(s), fingerprints, and personal identifiers of the individual. As mandated by the Criminal Identification Act (20 ILCS 2630/0.01 et seq.):

- All arresting agencies are required to submit felony and class A and B misdemeanor arrest fingerprint cards to the state central repository of CHRI – the Illinois State Police (ISP) – within 24 hours of the arrest event;
- State’s Attorneys are mandated to report dispositions (i.e., charges filed or not filed) within 30 days of the decision;
- Court dispositions are mandated to be reported within 30 days of the decision; and
- Custodial dispositions are mandated to be reported within 30 days of the decision.

As ISP receives arrest, disposition, and custodial submissions, the information is systematically entered into the Illinois’ Computerized Criminal History (CCH) database. The CCH database is a large computer system that facilitates the entry and retrieval of CHRI so that the submitted information can be shared with authorized users of the information. Most importantly, the CCH database creates a criminal *history* record (commonly called a rapsheet), which links together any and all arrests, prosecution filing decisions, circuit clerk dispositions, and custodial dispositions for a specific individual, by means of fingerprints and unique identifying numbers, so that the information can be made available for further criminal justice decision-making purposes.

make the request via LEADS and communicate the response back to the officer over police channels. A positive response can mean one of three things. First, a positive response can indicate that both the FBI and one or more state repositories maintain the criminal history record information on the individual. Second, a positive response can indicate that only the FBI maintains the criminal history record information. Finally, a positive response can indicate that only one or more state repositories maintain the criminal history record information.

Any positive Interstate Identification Index response will provide the inquirer with five types of information. The response will contain additional identifying information – such as aliases, additional dates of birth, height, weight, race, fingerprint and/or pattern of classification, and tattoos — to associate the criminal history record with the individual in question. The response will also include the location of the database(s) maintaining the criminal history record information (via FBI number and/or SID); the means to be used for obtaining the record(s); registered sex offender information,¹⁸ when applicable; and firearm purchase disqualifying information,¹⁹ when applicable.

After determining the existence of an Interstate Identification Indexed record, a request for the actual criminal history record transcript can be made. To obtain a specific criminal history record via the Interstate Identification Index, a request must contain either the FBI number or SID obtained during the initial inquiry process or from other sources available to the inquiring agency, such as the local investigative file. Requests made via the Interstate Identification Index generate an automatic notification message to the record holders — the FBI or one or more state repositories — along with sufficient information enabling each holder to respond to the request. If the FBI maintains the criminal history record alone, the

The Interstate Identification Index is predominantly a name-based, descriptor system, designed originally to provide law enforcement officers in the field a “quick and dirty” mechanism for determining suspects’ identity in situations where no fingerprint or positive identification alternatives are available.

requested record will be automatically returned online via the NCIC network to the inquiring agency.

If the record is maintained by one or more states participating in the Interstate Identification Index record exchange, the state or states will respond to the request via the National Law Enforcement Telecommunications System (NLETS).²⁰ This requested record will be sent either immediately or an acknowledgement will be sent via NLETS with a notice of when the record will be provided. In cases where both the FBI and at least one participating state hold

a specific criminal history record, the requesting agency will receive multiple online responses. Here the FBI will furnish the federal and/or nonparticipating state criminal history record information *and* any participating states will furnish criminal record information they hold on a requested individual.

The entire process, from the initial inquiry to the request and receipt of criminal history record information, takes less than a minute. This is despite the fact that the entire NCIC network (of which the Interstate Identification Index is but one of 17 components) averaged 2.8 million transactions per day in 2002.²¹ Before the advent of computerized CHRI systems, FBI responses sent through the mail could take as long as two weeks to be received by the inquiring agency.²²

Name-based search

The Interstate Identification Index is predominantly a name-based, descriptor system, designed originally to provide law enforcement officers in the field a “quick and dirty” mechanism for determining suspects’ identity in situations where no fingerprint or positive identification alternatives are available.²³ For criminal justice purposes, this name-based approach is based on the understanding that law enforcement officers have the training and experience to correctly evaluate whether the suspect in question and the subject of the

criminal history record notification received through an Interstate Identification Index inquiry are one and the same.²⁴ To further minimize the many “false negatives” (in which a criminal is not identified) and “false positives” (in which an individual without a criminal record is incorrectly identified as having one) that may occur, upgrades were made to the entire NCIC system in 1999. These include enhanced name search software, which will return phonetically similar names and derivations of common names (such as William, Willie, Bill), as well as improved matches on the date of birth. The new system will allow the year of birth to fall within three years of the given date, if the month and day match exactly.²⁵ Illinois is currently working to upgrade the state’s telecommunications system to establish a link with the enhanced NCIC system to take advantage of these new features.

For uses of the Interstate Identification Index other than “in the field,” positive verification of identification, based on the SID number, or alternately, the FBI number, (which are each linked to the individual’s fingerprints) is critical. The SID and the FBI number are requested in the initial search for an offender’s criminal history record and are required in the process of requesting a specific criminal history record transcript from one or more state repository. Local agencies are encouraged to maintain SIDs of apprehended individuals in order to have that information more readily available for Interstate Identification Index searches. The 2003 Audit conducted by the Illinois Criminal Justice Information Authority (ICJIA) revealed that the SID was missing from 21 percent of arrest cards audited, an indication that this key identifier may not be readily available to local agencies.

Interstate criminal history record information on Illinois rapsheets

The criminal history information provided by the other 44 participating states have another, direct impact on the information contained within Illinois criminal history record transcripts (commonly called rapsheets). While details of arrests and convictions in other states do not appear on the rapsheet, that information is used to determine whether, overall, the subject is a convicted offender. Specifically, Illinois rapsheets include a section known as the Conviction

Key years in the FBI’s maintenance and sharing of criminal history record information

1924 – The FBI is mandated by 28 USC 534 to acquire, collect, classify, and preserve, among other things, identification and criminal records.

1967 – The FBI establishes the National Crime Information Center (NCIC) – a national information system that uses computers and telecommunication technology for the exchange and sharing of criminal justice information among federal, state, and local agencies. The NCIC made information about stolen vehicles, stolen license plates, stolen or missing firearms, other identifiable stolen articles, and wanted persons available to state and local agencies.

1971 – The FBI added the Computerized Criminal History (CCH) system, a centralized computer database of full criminal history records based upon the records voluntarily provided by federal, state, and local agencies, to the NCIC. State and local agencies now had instant access to criminal history records in addition to the original information provided by the NCIC.

1978 – Amid concerns about the feasibility, cost, and wisdom of establishing a national criminal history record system, the U.S. Department of Justice and state officials approve the concept of an Interstate Identification Index – a decentralized “index pointer” system that relies on the records provided by state repositories.

1980 – The FBI and selected states began phased testing and implementation of the Interstate Identification Index.

1983 – Interstate Identification Index is added to the NCIC, replacing the CCH system.

1993 – Illinois becomes the twenty-fifth state to participate in the Interstate Identification Index on August 8 of this year.

1998 – The National Crime Prevention and Privacy Compact was signed into law (Public Law 105-251) in an effort to alleviate the varied and conflicting state and federal rules for the exchange of criminal history records for non-criminal justice purposes.

1999 – The FBI completes a major upgrade to the entire NCIC information system developed in 1967. The new NCIC 2000 contains expanded information services and enhanced search capabilities.

Status Indicator (Indicator), created in response to certain federal initiatives such as the Brady Handgun Violence Prevention Act,²⁶ to enable authorized users to quickly identify individuals with prior convictions.

Using the individual's FBI or SID number to link the information from the Interstate Identification Index to any existing Illinois record, the Indicator on the Illinois rapsheet is updated to reflect one of four values:

- 1) Felony Conviction;
- 2) Misdemeanor Conviction;
- 3) No Conviction; or
- 4) "Pending or Unknown" (for records where disposition information on the current and/or previous offense has not been included on the rapsheet as yet).

In this way, the Indicator found on Illinois rapsheets is not limited to conviction information from Illinois alone, but can be from any of the Interstate Identification Index participating states, as well. Details of the actual conviction that occurred in another state, or in federal court, will not be seen, but the Indicator will at least alert the transcript user that the subject has been previously convicted in some criminal matter.

Summary

The Interstate Identification Index provides the criminal justice community in Illinois with almost instant access to a wealth of criminal history record information from across the nation, for a wide range of public safety purposes. Over the decade of its participation in the Interstate Identification Index program, Illinois has experienced a substantial increase in the number of interstate records available for criminal justice decision-making in the state, including the availability of interstate information for indicating conviction status on state criminal history transcripts.

NOTES

¹ Bureau of Justice Statistics. (December 2001). *Use and Management of Criminal History Record Information: A Comprehensive Report, 2001 Update*. Washington, DC: U.S. Department of Justice, 73.

² The Brady Handgun Violence Prevention Act (Public Law 103-159), The National Child Protection Act of 1993 (Public Law 103-129).

³ Under Title 28, United States Code, Section 534, the FBI is required to acquire, collect, classify, and preserve, among other things, identification and criminal records. More information about the history of the FBI's development of an Identification Division is available at <http://www.fbi.gov/libref/historic/history/lawless.htm>.

⁴ In order for a state to become an Interstate Identification Index participant, the state and specifically its repository must meet minimum standards of participation including, but not limited to, fingerprint identification matters, record content and maintenance, record response, and accountability. More information about the minimum standards of participation can be found in Federal Bureau of Investigation. (1 August 1994). *Interstate Identification Index Program Operational and Technical Manual*. Washington DC: U.S. Department of Justice.

⁵ Bureau of Justice Statistics. (1994). *Survey of Criminal History Information Systems, 1994 with Supplementary Information on Presale Firearm Checks, 1994*. Washington DC: U.S. Department of Justice.

⁶ SEARCH, The National Consortium for Justice Information and Statistics. (Accessed 16 April 2003). *Interstate Identification Index*. Available at <http://www.search.org/policy/iii/interstate.asp>.

⁷ 1993 data provided from: Bureau of Justice Statistics, *Survey of State Criminal History Information Systems, 1993 with Supplementary Information on Presale Firearm Checks, 1994*. 1995 data provided from: Bureau of Justice Statistics. (1997). *Survey of State Criminal History Information Systems, 1995*. Washington, DC: U.S. Department of Justice. 1997 data provided from: Bureau of Justice Statistics. (April 1999). *Survey of State Criminal History Information Systems, 1997*. Washington, DC: U.S. Department of Justice. 2003 data provided from: SEARCH, The National Consortium for Justice Information and Statistics, *Interstate Identification Index*.

⁸ 1999 data provided from: Bureau of Justice Statistics. (August 2000). *Survey of State Criminal History Information Systems, 1999*. Washington, DC: U.S. Department of Justice. 2001 data provided from: Bureau of Justice Statistics, *Use and Management of Criminal History Record Information: A Comprehensive Report, 2001 Update*.

⁹ National Conference of State Legislatures. (Accessed 25 April 2003). *The Questions About Criminal Background Checks*. Available at <http://www.ncsl.org/programs/pubs/599crime.htm>.

¹⁰ The exception to this are those states that have ratified participation in the civil access program of the Interstate Identification Index, known as the National Crime Prevention and Privacy Compact (Compact). To date, sixteen states have ratified the Compact, they include: Montana, Georgia, Nevada, Florida, Colorado, Iowa, Connecticut, South Carolina, Arkansas, Kansas, Alaska, Oklahoma, Maine, New Jersey, Minnesota, and Arizona. SEARCH, The National Consortium for Justice Information and Statistics. (Accessed 05 May 2003). *National Crime Prevention and Privacy Compact*. Available at <http://www.search.org/policy/compact/privacy.asp>.

¹¹ Federal Bureau of Investigation. (December 1999). *National Crime Information Center 2000 Operating Manual*. Washington DC: U.S. Department of Justice. Available at <http://www.state.oh.us/ohiostatepatrol/office/otis/WELCOME.pdf>.

¹² The National Child Protection Act of 1993 (Public Law 103-209) mandated background checks to ensure that individuals caring for children, elders, and the disabled do not have disqualifying criminal histories. As discussed (see section entitled “Current Uses for the Interstate Identification Index”), the exchange of criminal history record information for non-criminal justice purposes is currently not available via the Interstate Identification Index. The National Crime Prevention and Privacy Compact has been established as a means to facilitate such an exchange of criminal history record information.

¹³ The Brady Handgun Violence Prevention Act (Public Law 103-159). The passage of the Act provided for the

establishment of the National Instant Criminal Background Check System (NICS), which is a system used to determine the eligibility of potential firearm purchasers. The NICS utilizes three FBI maintained national databases: The Interstate Identification Index, the National Crime Information Center (NCIC) 2000, and the NICS Index. More information about the NICS is available at <http://www.fbi.gov/hq/cjisd/nics.htm> and Statement for the Record of Laurie E. Ekstrand, Director Administration of Justice Issues, United States General Accounting Office, on Improving the National Instant Criminal Background Check System, 21 June 2000. Available at www.gao.gov/new.items/gg00163t.pdf.

¹⁴ The Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) mandated states to improve access to protection orders and records of individuals wanted for stalking and domestic violence, which are disqualifying conditions for handgun purchases.

¹⁵ Public Law 104-120.

¹⁶ 5 U.S.C. 9101.

¹⁷ Information provided from: Bureau of Justice Statistics, *Use and Management of Criminal History Record Information: A Comprehensive Report, 2001 Update*; and Federal Bureau of Investigation, *National Crime Information Center 2000 Operating Manual*.

¹⁸ The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 USC 14071), The Pam Lyncher Sexual Offender Tracking and Identification Act of 1996 (42 USC 14072), and the Federal version of “Megan’s Law,” enacted in 1996 to amend the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 104-145) are the mandated directives to develop or improve sex offender registries and to contribute data to a national sex offender registry.

¹⁹ Brady Handgun Violence Prevention Act, Public Law 103-159.

²⁰ The National Law Enforcement Telecommunications System (NLETS) is a high-speed message switching or

routing computer system for the criminal justice community. States are not limited to replying solely through NLETS. States can also respond to requests by mail or telephone in cases, for example, where an inquiring agency desires only a portion of a full criminal history record or in situations that lack time constraints.

²¹ FBI Press Release 2002 – New Record for National Crime Center Transactions, 23 March 2002. Available at <http://www.fbi.gov/perssrel/pressrel02/ncic032302.htm>.

²² United States Congress, Office of Technology Assessment. (December 1978). *A Preliminary Assessment of the National Crime Information Center and the Computerized Criminal History System*. Washington, DC: U.S. Congress. Available at <http://>

www.wws.princeton.edu/cgi-bin/byteserv.prl/~ota/disk3/1978/7814/7814.PDF.

²³ Statement for the Record of David R. Loesch, Assistant Director in Charge of Criminal Justice Information Services Division, Federal Bureau of Investigation, on Crime Regarding HR 3410 and Name Check Efficacy, 18 May 2000. Available at <http://www.fbi.gov/congress/congress00/loesch.htm>

²⁴ Ibid.

²⁵ Technology Talk, Police Chief, April 1998; CJIS Division Homepage, NCIC

²⁶ Brady Handgun Violence Prevention Act, Public Law 103-159.



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