

Criminal History Records



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Introduction

- ▶ The importance of accurate and complete criminal history records cannot be overstated. These records are critical to decision making at virtually every juncture in the criminal justice system.
- ▶ Criminal justice professionals including police officers, prosecutors, judges, court officials, corrections officers, and probation and parole officers depend on timely, complete and accurate criminal history information. Criminal history records are increasingly being accessed for official purposes outside the criminal justice system, including establishing qualifications for employment, volunteer programs, concealed firearm permits, and professional licensing.

Criminal History Records Act

- ▶ **§ 7-19-107. Central repository; information to be submitted; audits; interstate exchanges.**
- ▶ **(a)** The division of criminal investigation within the office of the attorney general is designated as the central repository for criminal history record information.
- ▶ **(b)** For the purpose of maintaining complete and accurate criminal history record information at the central repository, all city, county and state law enforcement agencies, district courts, courts of limited jurisdiction, district attorneys, the department of corrections, state juvenile correctional institutions and local probation and parole agencies shall submit the criminal history record information required under this section for which they are responsible to the division for filing at the earliest time possible following the occurrence of the reportable event. Reports shall be submitted on uniform forms approved and provided by the division.
- ▶ **(e)** All district attorneys and clerks of the district courts and courts of limited jurisdiction shall furnish the division with information concerning final dispositions in criminal cases covered by this act. The information shall include, for each charge:
 - ▶ **(i)** All judgments of not guilty, discharges and dismissals in the trial courts;
 - ▶ **(ii)** All court orders filed in the case which reverse or remand a reported conviction or vacate, modify or annul a sentence or conviction;
 - ▶ **(iii)** All judgments terminating or revoking a sentence to probation, supervision or conditional discharge and any order relating to resentencing after the termination or revocation.

Creation of Criminal History Records

- ▶ Starts with arrest fingerprint cards submitted to DCI
- ▶ A new set of fingerprints must be submitted for each arrest
- ▶ Without a fingerprint card, a criminal history record cannot be created for the offense
- ▶ DCI maintains the following offenses:
 - All felonies
 - All high misdemeanors

- Other offenses at DCI's discretion, such as DWUI's

How Wyoming's Criminal Records Get Updated at FBI

- ▶ FBI criminal history information on Wyoming arrests is supplied by DCI

Criminal Disposition Forms

- ▶ Each month DCI's Criminal Disposition form is printed
 - ORI determines who receives the form
 - Audit Disposition forms are printed for five years back on records that have no disposition information
 - ORI determines who receives the form

Disposition Forms

- ▶ No Records Found
 - Indicate if no records were found in your court
 - Indicate if records have been archived
 - Indicate if no charges were filed
 - Always write your agency's name on the disposition form
- ▶ Warrants
 - Indicate if a warrant was filed
- ▶ Deferrals
 - Enter the verdict code of "5" for deferrals

- Provide documentation when the deferral is either dismissed or when an adjudication of guilt is entered
- Provide the docket number and date the deferral was issued
- ▶ Sentence Reductions
- ▶ Sentence Modifications
- ▶ Added charges
 - Provide disposition information if more charges were filed than what is stated on DCI's disposition form, even if they were dismissed
- ▶ Amended charges
 - Indicate if any charges were amended
 - ▶ Ex: Arrested for DWUI and the charge was filed or amended to reckless driving
 - If a defendant was arrested on a trackable charge that was ultimately amended to a non-trackable charge, DCI will maintain the non-trackable charge
- ▶ Some reasons why the arrest date on the disposition form does not match the court's arrest/offense/citation date:
 - Cite and Release
 - Fingerprinted when they went to serve sentence
 - Fingerprinted when they were picked up on a warrant

Criminal Records

- ▶ Deceased defendants
 - We mark the state and FBI record as deceased
 - DCI still needs disposition information
- ▶ Criminal histories last forever

- Never purged
- All arrest charges DCI has a fingerprint card for are maintained despite the verdict
 - Dismissals, No charges filed, Acquittals, Bond forfeitures, Etc.

Expungements

- ▶ Expungements are available for criminal justice purposes only
- ▶ DCI only updates the verdict code for expungements
- ▶ Defendants must seek legal counsel on questions pertaining to expungements
- ▶ Expungement Statutes
 - 14-6-241
 - 7-13-1401
 - 7-13-1501
 - 7-13-1502