

# Criminal History Records

## Criminal History Records Act

- In 1987, the Wyoming legislature passed the Wyoming Criminal History Record Act. In addition to the existing duties to establish and maintain a system for the identification of criminals, the Act delegated to the division, authority to promulgate rules and regulations concerning access and dissemination of criminal history information, audit practices, and sanctions. The Act also stipulated those agencies required to report to the division. In 1988, rules and regulations governing the Wyoming Criminal History Act were published.
- **§ 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.
- (c) All criminal justice agencies making arrests for offenses covered by this act shall furnish the division with information concerning the charges and description of all persons arrested and shall furnish their fingerprints. Each agency shall also notify the division of any decision not to refer an arrest for prosecution. An agency making arrests covered by this subsection may enter into arrangements with other agencies for the purpose of furnishing required information to the division on its behalf.
- (d) All district attorneys shall notify the division of all final disposition information in cases covered by this act including charges not filed in criminal cases for which the division has a record of an arrest.
- (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.
- (f) After the court pronounces sentence in any case covered by this act, including an order of probation, parole or suspended sentence, the sheriff shall fingerprint any convicted defendant who has not previously been fingerprinted for the same case or whose fingerprints for the same case were rejected as unreadable. The sheriff shall submit the fingerprints to the division.

### **Creation of Criminal History Records**

- Starts with arrest fingerprint cards submitted to DCI
- If DCI does not receive a FPC, that arrest will not be in their criminal history
- DCI is fingerprint based only.
- Cannot add an arrest with a court document
- A new set of fingerprints must be submitted for each arrest
  - DCI cannot maintain an arrest if the prints are a duplicate
  - If a subject has been printed before, those prints cannot be used again for a new arrest
  - Ex: was printed yesterday for DWUI and then arrested again today for DWUI
  - A unique TCN needs to be established for each arrest
  - TCN: transaction control number
- DCI maintains the following offenses:
  - All felonies
  - All high misdemeanors
  - Other offenses at DCI's discretion such as DUI's

- DCI's records analysts do two separate verifications on all FPC's submitted to DCI
  - They call agencies on for any questions or discrepancies

### **How Records Get Updated at FBI**

- Once the fingerprint examiners work a FPC, the prints and biographical information systematically goes to FBI
- FBI then returns or assigns a FBI when the prints are classifiable
- If the prints are unclassifiable, no FBI number will be assigned to that arrest
  - If there are previous or subsequent arrests that were classifiable, the subject will have a FBI number assigned
- DCI's fingerprint examiners will call the detention facility when prints are unclassifiable or have errors in order to get the subject reprinted
  - Bad prints, prints in wrong place, old prints submitted for new charges, same bio data is submitted for 2 different prints

### **Updates and Maintenance of Criminal History Records**

- DCI's criminal disposition forms are printed and mailed out to each county monthly
- DCI also mails out criminal audit disposition forms monthly
  - Criminal audit disposition forms are generated for arrests without a verdict code dating 5 years back
- Criminal histories are updated once DCI receives the disposition forms back
  - The forms are either filled out or the court documents are attached to the form
- Audits are performed on criminal history records to ensure accurate and complete records are maintained

## **Wyoming Department of Corrections**

- DCI maintains custody intake records from the Wyoming's State Penitentiary, Wyoming's Medium Correctional Institution, and Wyoming's Women's Center
  - If we don't receive a FPC, there will be no record through DCI
- Custody intake records contain as much disposition information as an arrest
  - Intake date, sentencing date, correctional intake #, county charge is out of, docket #, offense, confinement term