

IOWA DIVISION OF CRIMINAL INVESTIGATION

RECORDS AND IDENTIFICATION UNIT – INFORMATIONAL NEWSLETTER

Volume 2 / Issue 2

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May 24, 2021



OVERVIEW OF RECORDS AND IDENTIFICATION UNIT

The Records and Identification Unit is the central criminal history repository for all Iowa criminal history records. The Records Team maintains the information and the integrity of the criminal history record while also educating law enforcement agencies throughout the State on the importance of fingerprints and criminal history records as a whole. The data maintained by the Records Team is always based on fingerprints and on the data that is provided at the time of booking/fingerprinting.

Criminal justice agencies utilize these records to assess potential danger for themselves and the public. Inaccurate and incomplete data could result in injury or making a decision that could have a negative result. Members of the public utilize this information in hiring employees, volunteers, others who have access to children/vulnerable populations, and for positions of authority and trust. Homeland Security utilizes this information as well in making decisions concerning national security. The accuracy, completeness, and timeliness has never been as important as it is now.

Who is the Records and Identification Unit?

The Records and Identification Team consists of a Supervisor, Criminal History Records Specialists, and Criminal History Auditors.

The Criminal History Records Specialists are in charge of the overall maintenance of Iowa criminal history records. They are responsible for making sure Iowa criminal histories are accurate, complete, and for preserving the integrity of those records by modifying, verifying, and analyzing criminal history data using various databases.

The Criminal History Auditors are the Team Members out on the front lines working with the law enforcement agencies. These positions are split into the Western Region, Central Region, and Eastern Region with each having thirty-three counties they are responsible for. The Auditors are the point of contact for all law enforcement agencies in their designated counties and are responsible for training/educating all law enforcement agencies on the importance of fingerprints and the importance of criminal history records as a whole. The Criminal History Auditor is also designated to verify compliance with the Code of Iowa, Chapter's 690, 692, and 232, by criminal justice agencies throughout the State pursuant to the Code of Iowa, Chapter 692.13.

New electronic final disposition report (green sheet)

The Records and Identification Unit will no longer be providing hard copies of the final disposition reports to law enforcement agencies needing them as a new electronic template has been created. The new electronic template will be implemented effective April 2021. Along with this new electronic template, each law enforcement agency needing final disposition reports and tracking numbers will receive a list/range of tracking numbers assigned to them. It will be up to the agency to find an area in their department to keep track of these tracking numbers that have been assigned. Another agency, already utilizing this new form, has imported all the tracking numbers assigned to them into an excel spreadsheet to easily and efficiently keep track of the offender that is given a tracking number upon fingerprints being taken and submitted.

Reminder: *A final disposition report should never be filled out and filed with the court pursuant to Iowa Code Chapter 692.15(3) until fingerprints have been taken and submitted to the Department of Public Safety. Also, not every charge needs a final disposition report / DPS Tracking Number. Only serious misdemeanors and above along with simple misdemeanors subject to an enhanced penalty.*

This new process has been implemented in an effort to become more electronic. Also, this affects those agencies ink-rolling only as livescan agencies should not be filling out manual final disposition reports unless their machine goes down.

Before the electronic final disposition report and new tracking numbers are sent out, the Records and Identification Team want to make sure that all hardcopies and current tracking numbers assigned have been used in your county. Once all hardcopies have been used, please reach out and the Records Team can start the new process by providing the new electronic final disposition report template and a list/range of tracking numbers.

What Iowa Code mandates Final Disposition Reports?

The Code of Iowa, Chapter 692.15(3) mandates that law enforcement agencies who make an arrest and secure fingerprints pursuant to 690.2 or secure fingerprints of juveniles pursuant to 232.148 shall fill out a final disposition report. The final disposition report shall be forwarded to the county attorney, or at the discretion of the county attorney, to the clerk of district court or to the juvenile court officer, whichever is deemed appropriate under the circumstances.

What Iowa Code mandates fingerprints to be taken?

The Code of Iowa, Chapter 690.2 requires the Sheriff and Chief of Police to submit fingerprint records and to submit those records within two working days after the fingerprints are taken, to the Department of Public Safety for inclusion in the central criminal history repository. Fingerprints shall be taken on all serious and above charges and may be taken on simple misdemeanor charges subject to an enhanced penalty.

Courts Responsibility:

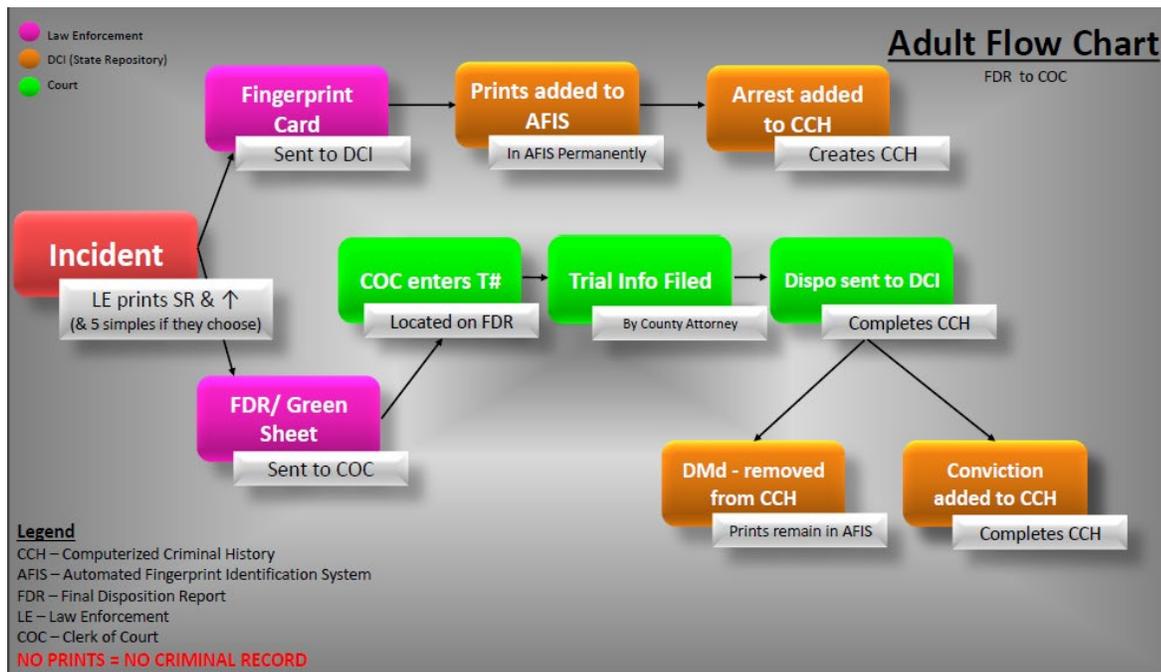
If a defendant is convicted by a court of this state of an offense which is a simple misdemeanor subject to an enhanced penalty for conviction of a second or subsequent offense, a serious misdemeanor, an aggravated misdemeanor, or a felony, the court shall determine whether such defendant has previously been fingerprinted in connection with the criminal proceedings leading to the conviction and, if not, shall order that the defendant be fingerprint and those prints submitted to the Department of Public Safety.

Why dispositions are important?

A complete and accurate criminal history record is both important to the criminal justice community as it is to the general public as a disposition provides that final data element to complete the criminal history record. As stated above, criminal justice agencies utilize these records to assess potential danger for themselves and the public. Inaccurate and incomplete data could result in injury or making a decision that could have a negative result. Members of the public utilize this information in hiring employees, volunteers, others who have access to children/vulnerable populations, and for positions of authority and trust. The court utilizes this information for sentencing determinations along with enhancing charges.

The FBI CJIS Division said it best “at the core of disposition reporting is the capture of fingerprints at any point in the arrest or adjudication process. Without criminal arrest fingerprints being submitted, there is no fingerprint backed record that an individual was ever arrested”. With no arrest record on a criminal history, enhancing charges could be difficult along with difficulties in other aspects of the criminal justice process.

Below is a flow chart of an adult who is arrested where fingerprints are taken.



Disposition Reporting

“The Survey of State Criminal History Information Systems, 2018 was conducted by SEARCH, The National Consortium for Justice Information and Statistics, with support of BJS, Office of Justice Programs, U.S. Department of Justice. As of its National Criminal History Improvement Program (NCHIP), BJS has supported these biennial surveys since 1989, together with substantial direct funding to states and territories to improve the quality, timeliness, and accessibility of criminal history and related records, and a host of other research, conferences, workshops, and technical assistance.”

Based on the results of the 2018 survey, SEARCH created blog posts to assist in examining and explaining some of the results within the survey. The blog post in the link below specifically explores state practices in receiving and processing final disposition information from courts and prosecutors as identified within the 2018 survey. In addition to the blog post link, you will also find a link to the 2018 survey itself.

- [SEARCH | Survey Insights Blog Series #5: 2018 Survey Gauges Level of Disposition Reporting by Courts and Local Prosecutors](#)
- [Survey of State Criminal History Information Systems, 2018 \(ojp.gov\)](#)

What are the unintended consequences of Cite and Release?

- Fingerprints and photographs are typically not obtained.
- Without a complete set of fingerprints, few state criminal history record repositories (including Iowa) and the FBI create or update criminal history records based on citation information.
 - Fingerprints are needed to create an Iowa criminal history record.
- Inability to link court disposition information to arrests.
- Increased failure to appear rate.
- Incomplete and inaccurate rap sheets.

Cite and release policies are handled and created at the local level.

The Code of Iowa, Chapter 805.1(4) states that the issuance of a citation in lieu of arrest or in lieu of continued custody does not affect the officer's authority to conduct an otherwise lawful search. The issuance of a citation in lieu of arrest shall be deemed an arrest for the purpose of the speedy indictment requirements of rule of criminal procedure 2.33(2)(a).

- The Code of Iowa, Chapter 690.2 would still apply requiring the Sheriff and Chief of Police to fingerprint all persons who are taken into custody for the commission of a serious and above crime if given a cite and release citation.

Reminder: *If fingerprints are not taken upon being taken into custody, fingerprints shall be taken upon conviction pursuant to Iowa Code Chapter 690.2 for serious and above charges and simple misdemeanors subject to an enhanced penalty.*

Deferred Judgment and Completed Deferred Judgment

Court criminal records involving deferred judgments are covered by rules and statutes that are specific to court records while criminal history records are subject to different statutes and rules.

Pursuant to the Code of Iowa, Chapter 692.2(4), the Iowa Division of Criminal Investigation can provide deferred judgment and completed deferred judgment information to the person who is the subject of the criminal history data or the person's attorney, or to another person with a signed release from the person who is the subject of the criminal history data authorizing the requesting person access to the criminal history data.

The Code of Iowa, Chapter 907.9 refers to the expungement of deferred judgments by the court. These cases are expunged/sealed at the court level. Once the Records and Identification Unit receives the order (electronically through ICIS/JBIT) showing successful completion of the conditions of the deferred judgment, the charge is flagged as 'discharged from deferred judgment' and shows as a 'non-conviction' on the criminal history record.

Criminal History Background Check's?

For individuals seeking a criminal history background check through the DCI, please have them go to the Iowa Department of Public Safety's website (link below) or call the Dissemination Unit at 515-725-6066 for additional information.

[Criminal History Record Check Information | Iowa Department of Public Safety](#)

Training?

Training is available for both criminal history records and fingerprinting requirements. Training, assistance, and educational meetings are at no-cost to your agency and are designed to assist the agency with any questions, recommendations, best practices, learning the ropes of the cardscan/livescan machines, while also hitting on the importance of criminal history records as a whole and the role fingerprints play.

- **Types of training conducted by the Criminal History Auditor:**
 - Mock Arrest Training
 - Informal Q and A sessions
 - Formal presentation on criminal history records and fingerprinting
 - Rap sheet overview and how to read an Iowa rap sheet

To schedule a training conducted by the Criminal History Auditor, please contact the Criminal History Auditor assigned to your region or the Records and Identification Supervisor. All contact information is below on contact sheet of this newsletter.

What is a compliance review?

The Code of Iowa, Chapter 692.13, gives authority to the Commissioner of the Department of Public Safety, the responsibility of periodically verifying the compliance of Chapter's 690, 692, and 232 by criminal justice agencies throughout the State of Iowa. The purpose of the review conducted is not to impose criticism or penalties, but to assist in improving efficiency and to identify problems within the agency's fingerprints and disposition reporting process. In turn, this will ensure the agencies understand the importance of their submitted information in regards to the criminal and noncriminal background check systems as well as creating accurate and complete criminal history records.

***Reminder:** The results of all compliance reviews are considered public information and will be posted on the Department of Public Safety's website in the near future.*

State Court Administrator Responsibility:

The State Court Administrator shall develop a policy to ensure that court personnel understand and comply with the fingerprinting and disposition requirements and shall also develop sanctions for court personnel who fail to comply with the requirements.

Why an informational newsletter?

This informational newsletter is to keep our local stakeholders informed of the importance of criminal history records, the importance of fingerprinting, the role criminal history records play in our day to day lives, law and code changes, among other items of importance. The goal is to keep everyone informed and to share consistent information.

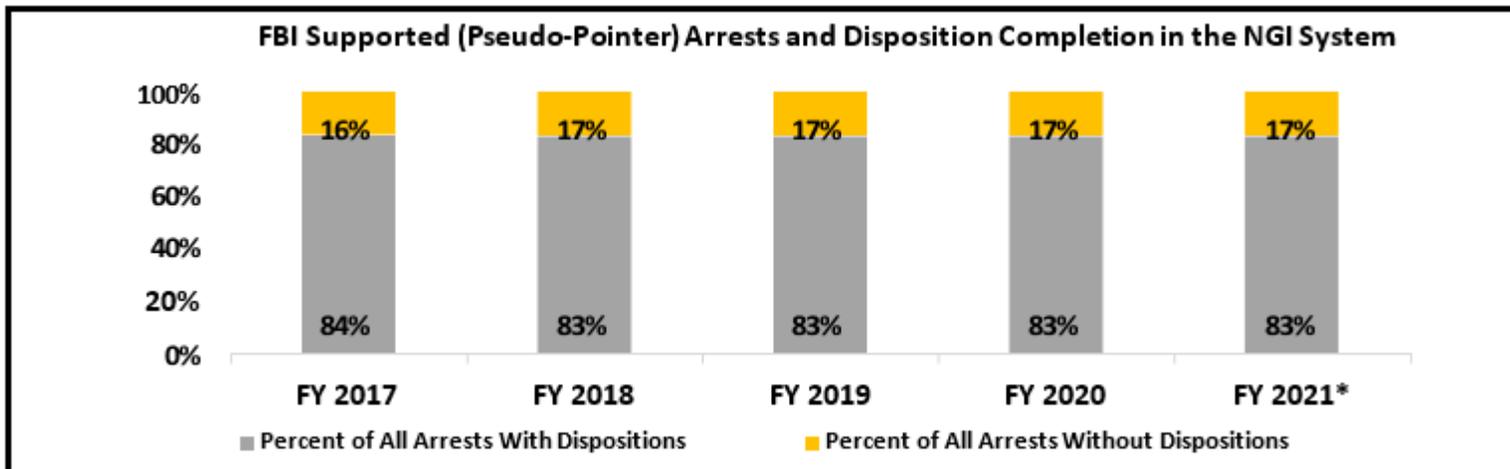
Please reach out to us if there is anything specific you would like to see in future issues of this informational newsletter.

IOWA QUARTERLY DASHBOARD VIA FBI CJIS DIVISION

NFF Program Participant as of 3/2021
Unclassified//LES

FBI Supported (Pseudo-Pointer) Arrests and Disposition Completion in the NGI System					
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021*
All Arrests With Dispositions	537,326	534,399	531,311	525,496	520,479
All Arrests Without Dispositions	106,060	108,329	109,955	109,478	107,669
Percent of All Arrests With Dispositions	84%	83%	83%	83%	83%
Percent of All Arrests Without Dispositions	16%	17%	17%	17%	17%
Total of All Arrests	643,386	642,728	641,266	634,974	628,148

*Disposition Completeness and Percentage Rate (High Rate 83% / Low Rate 34%) Compared to other States for All State Supported and FBI Pseudo-Pointer Supported Arrests in the NGI System.



**FBI and State Supported Records					
	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
State Supported (SID) Records	487,119	507,611	526,625	542,420	553,120
FBI Supported (Pseudo-Pointer) Records	263,126	262,194	260,937	258,926	254,383
Percent of State Supported (SID) Records	65%	66%	67%	64%	68%
Percent of FBI Supported (Pseudo-Pointer) Records	35%	34%	33%	36%	32%
Total Number Records	750,245	769,805	787,562	801,346	807,503

**Please note this statistical information is based on the number of pointers (SID or pseudo-pointer) not arrests in the NGI System. Each criminal history record maintained in the III includes the III pointer data, which identifies the state and/or federal agencies that contribute information to an individual's record and indicates whether the contributor or the FBI is responsible for disseminating the various portions of the record. If a III state is responsible for disseminating its record for a subject, the pointer will be a State supported record with a SID in the III. If the FBI is responsible for disseminating the record for a subject in a state or territory not participating in the III or for a III participant that has not assumed responsibility for that particular record, the III pointer will be an FBI supported record (pseudo-pointer).

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