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**The Criminal Justice Center at Minnesota Planning** provides criminal and juvenile justice information, conducts research and maintains databases for policy development.

*Tracking Crime: Analyzing Minnesota Criminal History Records* was prepared by Ray Lewis of the Criminal Justice Center at Minnesota Planning, with assistance from staff members LaLonnie Erickson, Debra Hagel, Patricia Larson and Susan Roth.

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Upon request, *Tracking Crime: Analyzing Minnesota Criminal History Records* will be made available in an alternate format such as Braille, large print or audio tape. For TTY, contact Minnesota Relay at 651-297-5353 or 800-627-3529 and ask for Minnesota Planning.

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For additional information or copies of this report, contact:



658 Cedar St.  
St. Paul, MN 55155  
651-296-3985  
Fax 651-296-3698  
[www.mnplan.state.mn.us](http://www.mnplan.state.mn.us)

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# Tracking Crime: Analyzing Minnesota Criminal History Records

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# Glossary

**Accuracy** — as defined by 28 Code of Federal Regulations Section 20.21(a)(2), “no record containing criminal history record information shall contain erroneous information”

**Acquittal** — the setting free of a person charged with committing a crime because of a verdict of not guilty handed down by a jury or judicial officer

**Arrest** — the taking into custody of a person by law enforcement for the purpose of charging the person with committing a criminal offense

**Booking** — an administrative action that officially records an arrest and identifies the person, place and time of the arrest, arresting law enforcement agency and reason for the arrest

**Charge** — a formal complaint or indictment accusing a person of having committed one or more offenses

**Controlling agency** — the agency that is responsible for the case and forwards the arrest information to the Department of Public Safety’s Bureau of Criminal Apprehension. This is usually, but not always, the arresting law enforcement agency.

**Conviction** — the judgment of a court based on the verdict of a jury or judicial officer, or the guilty plea of a defendant stating that he or she committed the offense

**Counts** — the number of individual offenses included in an arrest report, formal criminal complaint or conviction. The Criminal Justice Center database includes only the five most serious offenses from each source.

**Crime level** — a categorization determined by the maximum punishment for the offense; the

Computerized Criminal History Records system includes felony, gross misdemeanor, misdemeanor, petty misdemeanor and traffic offenses

**Criminal justice agencies** — all state and local prosecution authorities and law enforcement agencies, the Minnesota Sentencing Guidelines Commission, the Bureau of Criminal Apprehension, the Department of Corrections and all probation officers who are not part of the judiciary

**Dismissal** — the termination of a criminal action or court proceeding for reasons other than acquittal, such as lack of probable cause to justify arrest or illegal search and seizure

**Disposition** — the formal resolution of a case by a court or other criminal justice agency signifying that a portion of the justice process is complete and jurisdiction of the offender is relinquished or transferred to another agency. A law enforcement disposition could be a referral of the case for prosecution; a prosecution disposition could include a decision not to prosecute, diversion or referral to a city attorney; and a court disposition could include acquittal, dismissal or conviction.

**Enhanced misdemeanor** — an offense, such as driving while intoxicated, in which a conviction can be used to enhance a subsequent offense to a gross misdemeanor

**Felony** — an offense for which a sentence of incarceration for more than one year may be imposed

**Gross misdemeanor** — an offense for which a sentence of up to one year of incarceration, a fine of up to \$3,000 or both may be imposed

**Incarceration** — the confinement of an offender in a state-operated prison or locally operated jail

**Interstate transfer** — the movement of an offender convicted of committing an offense in

another state to Minnesota to serve prison or jail time, probation or parole

**Minnesota offense codes** — detailed codes used to describe criminal offenses that provide information on the offense type (such as weapons offenses), criminal level of the offense (such as felony), criminal acts (such as illegal possession), weapon involvement (such as pistol) and characteristics of any victims or property items related to the incident

**Misdemeanor** — an offense, other than a traffic violation, for which a sentence of incarceration for up to 90 days, a fine of up to \$700 or both may be imposed

**Offense** — an act specifically prohibited by law and punishable upon conviction by various penalties, including incarceration

**Sentence** — the penalty, such as restitution, fine or incarceration, imposed by a court upon a person convicted of a crime

**Stayed sentence** — the halting of a judicial proceeding by a court order that may include a stay of adjudication, stay of execution or stay of imposition. A stayed sentence may be accomplished by either a stay of imposition or a stay of execution.

**Stay of adjudication** — The offender admits guilt, but the case is continued for dismissal of charges. This would result in a criminal history record showing no convictions if the conditions for the stay are met.

**Stay of execution** — The sentence is pronounced, but the transfer of offender to the custody of the commissioner of Corrections is delayed based on the offender complying with the conditions of the stay. If the offender complies, the case is discharged, but the record continues as a felony conviction.

**Stay of imposition** — The pronouncing of the sentence is delayed, provided the offender complies with the conditions set by the court. If the offender complies, the case is discharged, and for civil purposes such as employment or voting, the offender has a record of a misdemeanor rather than a felony conviction.

**Suspense file** — a database of court dispositions that cannot be matched to an offender's specific fingerprint card and arrest record, and therefore are not added to the Computerized Criminal History Records system

**Targeted misdemeanors** — the misdemeanor offenses of driving under the influence, violation of an order for protection, fifth-degree assault, domestic assault, interference with privacy (stalking), harassment or violation of a restraining order, and indecent exposure. Subsequent offenses carry enhanced charges and sanctions based on prior convictions or administrative driver's license revocation for driving under the influence.

# Summary

The Computerized Criminal History Records database at the Bureau of Criminal Apprehension is Minnesota's central repository of individual criminal history records linking arrest, prosecution, court and corrections data on individual offenders. This centralization allows for the sharing of critical information across jurisdictions and components of the criminal justice system. Since this online database is designed to receive, store and provide individual criminal history records, it is constantly changing and thus does not readily lend itself to research and policy analysis across groups of offenses or jurisdictions, or over time.

Law enforcement officers, prosecutors, and court and corrections personnel make a variety of decisions based on prior criminal history records. These decisions occur during the course of investigating crimes, charging, diversion, setting bail and bonding, negotiating pleas, sentencing, determining probation conditions and placing offenders in corrections facilities. As important as these functions are, the fastest growing use of the Computerized Criminal History Records database is for determining whether individuals can be licensed or employed in certain occupations, such as teacher or security guard.

The Criminal Justice Center at Minnesota Planning developed a process for downloading information from the Computerized Criminal History Records database and structuring it into a new database usable for research and analysis. The data can be analyzed for a variety of purposes, including describing outcomes and variations among particular groups of offenders by race or gender, tracking cases as they move from one component of the criminal justice system to the next, measuring the time between events to assess the efficiency of the system and studying the effects of legislative and policy changes on sentencing and incarceration patterns.

The analysis presented in *Tracking Crime: Analyzing Minnesota Criminal History Records* creates a picture of the processing of some offenders through the state's criminal justice system between 1992 and 1996. Four categories of criminal offenses were examined: domestic abuse, firearm and weapons offenses, criminal sexual conduct and abuse of vulnerable persons.

The key findings of this analysis include:

■ **Domestic abuse.** The outcomes for most of the 10,989 domestic abuse arrests reported in the Computerized Criminal History Records system are unknown because no information was added to the criminal history record after the arrest. Local operating procedures and information processing resources may affect the number of offenders who are fingerprinted for subsequent entry into the Computerized Criminal History Records system.

■ **Firearm and weapons offenses.** The annual number of arrests for firearm and weapons offenses in the Computerized Criminal History Records system increased from 2,566 in 1992 to 3,909 in 1996. Part of this increase may have been due to improvements in reporting, particularly by the Minneapolis Police Department, which showed an increase in the number of arrests from 443 in 1992 to 974 in 1996. This change is important because a significant portion of all arrests for firearm and weapons offenses occurred in that city. Between 1993 — when Minneapolis began sending all required fingerprint cards to the BCA rather than only those of individuals who were prosecuted — and 1996, Minneapolis accounted for 27 percent of arrests but only about 8 percent of the state's population.

■ **Criminal sexual conduct.** Nearly 100 percent of the 6,943 criminal sexual conduct arrests were felonies. Felony-level charges were somewhat lower, at 91 percent, while 81 percent of convictions were for felony-level offenses. The offender was sentenced to prison in half of the cases that resulted in a conviction. The length of

the median prison sentence fell from 2,534 days to 1,653 days between 1992 and 1996. Median jail sentences imposed also dropped from 268 days to 254 days after rising to 285 days in 1995. The lengths cited reflect only the sentence imposed, not the time actually served, and may be affected by the dropping of duplicate records.

■ **Vulnerable person abuse.** In general, the number of cases involving vulnerable adults is too small for detailed analysis. A total of 42 arrest records from 1992 to 1996 related to Minnesota statutes for mistreatment of persons confined, mistreatment of residents or patients, or fifth-degree assault by a care giver. Combining vulnerable adult and child abuse offenses resulted in 1,131 cases during that period. This category had the highest percentage of female offenders —

45 percent of the records — compared to other offense categories.

Arrest information without a fingerprint card to positively identify the person arrested will not be included in the Computerized Criminal History Records. Law enforcement agencies are not required to report all misdemeanor arrests, nor do courts report misdemeanor convictions to the BCA. If misdemeanor arrests and convictions for offenses that would disqualify individuals from working in certain occupations, such as providing care to children and other vulnerable people, are not reported to the BCA, then a background check would not reveal a criminal history. A false sense of confidence in the completeness of the reporting may heighten the risk of harm.

**Tracking crime across components of the justice system identifies variations in outcomes**

	Arrests	Prosecuted		Court disposition			Outcome if convicted		
<b>Domestic Abuse</b>	10,989	5,082	46%	3,936	Convicted	77%	584	No incarceration	15%
				893	Dismissed	18%	3,189	Jail sentence	81%
				36	Acquitted	1%	163	Prison Sentence	4%
				217	Other	4%			
<b>Firearm offenses</b>	16,189	8,312	51%	6,878	Convicted	83%	1,983	No incarceration	29%
				1,123	Dismissed	14%	1,979	Jail sentence	29%
				119	Acquitted	1%	2,916	Prison sentence	42%
				192	Other	2%			
<b>Criminal sexual conduct</b>	6,943	4,263	61%	3,539	Convicted	83%	1,297	No incarceration	37%
				468	Dismissed	11%	458	Jail sentence	13%
				118	Acquitted	3%	1,784	Prison sentence	50%
				138	Other	3%			
<b>Vulnerable person abuse</b>	1,131	684	60%	536	Convicted	78%	233	No incarceration	43%
				91	Dismissed	13%	250	Jail sentence	47%
				11	Acquitted	2%	53	Prison sentence	10%
				46	Other	7%			

■ Criminal sexual conduct cases were the most likely to be prosecuted. A jail sentence of 365 days or less was the most likely outcome for domestic abuse convictions, while a prison sentence of more than a year was the most likely outcome for criminal sexual conduct.

Note: Percentages of dispositions are based on prosecuted cases, while outcomes are based on cases resulting in conviction.  
Source: Computerized Criminal History Records, Bureau of Criminal Apprehension

## Data limitations and information improvements

Several caveats should be observed in interpreting the data, such as the types of cases that are required to be reported, the length of time needed for information to be entered into the system and the completeness of reporting. For example, a law that became effective in August 1997 requires that seven specific misdemeanor offenses be reported to the BCA is not being fully implemented because of the volume of cases, which were almost 42,000 in 1997. Records of misdemeanor offenses will be manually entered by BCA staff only when a court disposition is attached to the fingerprint card containing the specific arrest data.

An audit of the Computerized Criminal History Records system by Arthur Anderson and Company in 1992 revealed several problems with data accuracy, completeness and timeliness. For example, it took more than 135 days for fingerprints and 400 days for district court disposition forms to be entered into the database in 1990. In addition, only 51 percent of final court dispositions were documented in the system.

In comparison, the Criminal Justice Center's database showed that even though the number of arrest records entered into the system rose annually from 30,139 in 1992 to 43,671 in 1996, the time from arrest to data entry dropped from an average of 76 days to 51. The time between a court disposition and data entry into the Computerized Criminal History Records system also fell during that time from 362 to 75 days.

A 1996 BCA study found that 37 percent of the final court disposition data received by the BCA could not be linked to arrest data and was held in a suspense file. Multiple counts can be disposed in a single record, so the 133,000 counts added between 1990 and 1994 do not represent individual offenders. By May 1998, the size of the suspense file was approaching 290,000 counts. This represents approximately 95,600 cases, based

on an estimated average of three separate counts for each court disposition record.

Since more than one-third of court dispositions were held in the suspense file and not included in the Computerized Criminal History Records database, the analyses of the four offense categories in this report focused mainly on arrest information, rather than the conviction and sentencing aspects. Given these data limitations, these findings should be viewed as a description of the information in the Computerized Criminal History Records system rather than as definitive statistics for criminal justice policy development.

Despite these caveats, the data offers extraordinary opportunities to examine the flow of people through the criminal justice system. Many important questions about court processing time, sentencing patterns, the charging of crimes, differences among counties or judicial districts, outcomes of trials, and differences owing to race, sex or age can be answered. National, state and local units of government and judicial districts now can use the Criminal Justice Center database for research and analysis.

## Introduction

Accurate and timely reporting, collection, analysis, management and sharing of offenders' criminal history information are critical for the effective functioning of the justice system. More than 15,000 criminal justice professionals in Minnesota carry out activities directly related to the detection, apprehension, detention, pre- and post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of accused individuals or convicted offenders. Making informed decisions in these activities requires the relevant information at the right time.

The Criminal Justice Center at Minnesota Planning developed a process for downloading information from the Computerized Criminal

History Records database at the Bureau of Criminal Apprehension and structured it into a new database usable for research and analysis. This database creates a snapshot of the Computerized Criminal History Records database at the moment at which the records are downloaded. The data can then be analyzed for a variety of national, state and local purposes, such as:

- Describing outcomes and variations among particular groups of offenders, such as arrests and convictions by race or gender
- Tracking cases as they move from one component of the criminal justice system to the next
- Measuring the time between events, such as arrest and sentencing or arrest and entry into the Computerized Criminal History Records system, to assess the efficiency of the system
- Studying the effects of legislative and policy changes on sentencing and incarceration patterns

The Criminal Justice Center had two major goals in undertaking this effort: to increase the accuracy of Minnesota's Computerized Criminal History Records data by identifying logical mistakes, such as the date of arrest being recorded as occurring after the date of sentencing; and to improve the usefulness of the data by making it available for various levels of analysis. *Tracking Crime: Analyzing Minnesota Criminal History Records* will be useful to members of the justice system who produce and use information contained in the Computerized Criminal History Records database.

## Overview of computerized criminal history records

A criminal history record contains an individual's record of felony, gross misdemeanor, enhanced misdemeanor and certain other misdemeanor arrests, as well as prosecutor, court and corrections actions resulting from those arrests. Criminal history records contain information on adults, juveniles certified as adults and "extended jurisdiction" juveniles. Information that goes into the record — and is ultimately stored in Minnesota's Computerized Criminal History Records system — comes from law enforcement agencies, prosecutors, courts and corrections agencies. These personnel also are the principle users of this information for a variety of criminal justice purposes.

Five reporting forms are used for recording and transmitting the information that results in a Minnesota criminal history record: the Minnesota fingerprint card, the arrest transmittal form, the uniform criminal complaint form, the State Judicial Information System final count disposition report form and the custodial status report form. These forms can be either paper or electronic.

The fingerprint card is completed by either the arresting law enforcement agency or a centralized agency such as a sheriff's office. The agency that provides the arrest information from the suspect's booking becomes the controlling agency for the information. The controlling agency is required to forward the information to the BCA within 24 hours of arrest. The booking officially records an arrest and identifies the person, place and time of arrest, arresting law enforcement agency and reason for the arrest. Fingerprints are used to establish positive identification of the individual arrested and to ensure that the arrest and subsequent information is attached to the correct record. Fingerprints also can be provided by different components of the justice system, such as courts or corrections.

Arrest information documented in the Computerized Criminal History Records system includes offender characteristics such as name, date of birth, sex, race and citizenship. At the time of an offender's first arrest, the BCA assigns a unique state identification number to that individual. This number should be used to record any subsequent arrests. Other information recorded that can help identify specific arrest records includes the controlling agency, the agency making the arrest if different than the controlling agency, arresting law enforcement agency case number, date of arrest and the number of offenses involved in the arrest. A separate statutory citation and Minnesota offense code is recorded for each offense.

The Bureau of Criminal Apprehension encourages arresting agencies to submit fingerprint cards on all misdemeanor offenses that have enhanced penalties for second or subsequent violations. Fingerprint cards for misdemeanor offenses, however, must include a final court disposition to be accepted and entered into the database by the BCA because the courts do not electronically transmit misdemeanor dispositions. Although a 1996 law requires that seven specific misdemeanor offenses be reported to the BCA after August 1997, the volume of cases — 41,968 in 1997 — has prevented full compliance. Electronic records are being developed for automatically transferring the dispositions for these seven targeted offenses: driving under the influence, violating an order for protection, fifth-degree assault, domestic assault, interference with privacy (stalking), harassment or violation of a restraining order, or indecent exposure.

Summary counts of arrests for less serious offenses are reported in a separate system and include misdemeanors and gross misdemeanors in addition to targeted misdemeanors. These reports use the FBI's uniform offense code categories for grouping offenses. After subtracting juvenile apprehensions, which are generally not included in the Computerized Criminal History Records, there were approximately 42,000 counts and

arrests for less serious offenses in 1997: 17,368 counts for other assaults, including fifth-degree and domestic assaults; an estimated 22,949 arrests of first-time offenders for driving under the influence; 846 counts for violations of an order for protection or restraining order, interference with privacy (stalking) or harassment offenses; and 805 counts for other sex offenses, including indecent exposure. The total counts include an unknown number of targeted misdemeanors.

The arrest transmittal form is supplied to the prosecuting authority with the necessary information when law enforcement agencies seek a gross misdemeanor or felony complaint. The data transmitted includes the offender's name, date of birth, law enforcement agency number and arrest number. Once the arrest data is received by the prosecutor, tracking of the defendant continues.

Prosecutors must notify the BCA via the arrest transmittal form if no charges against the offender are filed. If a case has a disposition of no prosecution, tracking of the arrest cycle information is complete once the form is sent to the BCA. If the case proceeds, the uniform criminal complaint form filled out by the prosecutor documents the charges to be filed in court. Along with the offender's name and date of birth, this form records the number of counts or charges, charging statutes for each count, offense code, law enforcement agency code and case number, date filed, case offense level and State Judicial Information System complaint number.

Once the case goes to court, personnel there provide the final disposition information for gross misdemeanor and felony offenses in electronic form daily to the Minnesota Supreme Court. The report form used for this includes final case dispositions as well as specific sentencing information regarding the number of days ordered incarcerated, the number of incarceration days that were stayed, the type of stay, probation time, fines and restitution amounts and other court provisions. The Supreme Court consolidates this

information from the judicial districts and electronically passes the court dispositions to the BCA daily. The final step in the documentation process involves submission of a report by the correctional authority that has custody or supervision of the convicted offender. Data is collected on the offender's demographics, identification, receipt and release dates from institutions, and final discharge from supervision.

The data that is captured by all agencies throughout the process and used to link an offender from one stage to another in the Computerized Criminal History Records system is the offender's name, date of birth, arresting agency and arrest control number. This linking data must match that on the fingerprint card, arrest transmittal form, uniform criminal complaint form and final court disposition report to connect the different reports in the Computerized Criminal History Records database. Arrest information without a fingerprint card to positively identify the person arrested will not be included in the computerized records.

If the court submits a case disposition that cannot be linked with a fingerprint card and a specific arrest to identify an offender, the court record will be held in an electronic suspense file; these records are not included in the Computerized Criminal History Records database. A fingerprint card submitted with arrest information will be linked to an offender's prior criminal history record, but a criminal conviction that is not supported by a fingerprint card will not appear on the offender's record.

Law enforcement officers, prosecutors, and court and corrections personnel make a variety of decisions based on offenders' prior criminal history records, ranging from the investigation of suspects and charging of offenders to the granting of bail and sentencing. As important as these functions are, the fastest growing use of the Computerized Criminal History Records database is to determine whether individuals can be licensed, employed or volunteer in certain

occupations, such as teacher, security guard or provider of care to children and vulnerable persons in a licensed facility.

When a conviction record is in the suspense file, the public criminal history record will not reflect the arrest that led to the conviction or disposition. Background checks that reveal a criminal history record with no arrests or convictions might provide a false sense of confidence in the thoroughness of the investigation and place the public at risk.

Data identifying an individual convicted of a crime and the offense in question, level of conviction, probation agency or place of confinement is public information for 15 years following discharge of the sentence. Private data, which includes all arrest data reported to the BCA that does not include a conviction for the offense, may be accessed only by the subject of the record, criminal justice agencies for criminal justice purposes, individuals and organizations that are mandated to conduct background checks and any individual who has a notarized informed consent form signed by the subject of the record granting consent to release private data.

The research department of the Minnesota House of Representatives in a 1998 report described the Minnesota statutes that require or authorize government agencies, employers or other entities to check the criminal records of current or prospective licensees, employees or volunteers. The statutes mandating background checks cover occupations and activities serving children; health and human services occupations; public safety occupations and miscellaneous others. In addition, landlords and others can obtain public criminal background information on job applicants, potential tenants or other individuals by mail or through the public computer terminal at the BCA office.

The usefulness of the information in the Computerized Criminal History Records database ultimately depends on the quality and

completeness of an offender’s criminal history record. Two of the more serious data issues are accuracy and missing data. Given the federal definition of accuracy — “no record containing criminal history record information shall contain erroneous information” — inaccurate information remains the overarching concern. Edit programs are used in different components of the information system to check for data integrity, consistency and accuracy before it is entered into Computerized Criminal History Records. In addition, errors that are detected within the database are flagged and corrected by the BCA. Missing arrest data presents a serious problem for justice system personnel and analysts. Missing information on cases that prosecutors do not charge and do not report to the BCA and the lack of useful corrections data prevent development of a full picture of offender characteristics and criminal justice case processing.

The extent of unreported or erroneous data is difficult to estimate. Arrest data is the most complete, but after the arrest stage, the tracking of a defendant is less certain for four major reasons:

- The law enforcement agency making the arrest releases the individual and does not refer the case for prosecution.
- The prosecutor decides not to prosecute or suggests diversion, and the decision is not reported to the BCA.
- There is a disposition for the case, but the result is placed in the suspense file because the arrest and court disposition cannot be positively linked due to miscoding of the linking information or other reasons.
- There is a stay of adjudication.

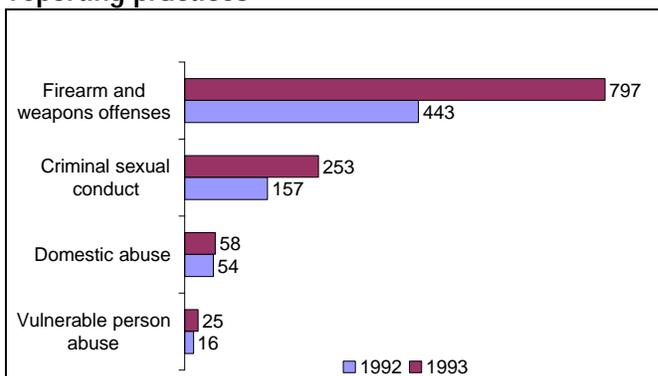
The consequence of not having information for the entire justice cycle — from arrest to prosecution to adjudication — is the absence of a complete picture of an individual’s past contacts with the justice system. An offender whose

previous arrests are not in the database may be identified as a first-time offender or may be released without sufficient conditions to protect the public. In addition, charging and sentencing could be based on a record that reflects local reporting practices rather than the offender’s actual criminality.

## Previous studies identified additional problems

An audit of the Computerized Criminal History Records system by Arthur Anderson and Company in 1992 revealed several problems with data accuracy, completeness and timeliness. For

### Minneapolis arrests may reflect changes in reporting practices



■ In 1992, the Minneapolis Police Department sent in fingerprint cards only if individuals were prosecuted. The number of arrests for all offenses increased 152 percent from 1992 to 1993. Firearm and weapons arrests peaked in 1995, with 1,171 reports.

Note: The vulnerable person abuse categories includes both child and vulnerable adult abuse.

Source: Computerized Criminal History Records, Bureau of Criminal Apprehension

example, in 1990 it took more than 135 days for fingerprints and 400 days for district court disposition forms to be entered into the database. In addition, the audit found that only 51 percent of the sampled counts from final court dispositions had been recorded in the system.

The audit also showed that mandated fingerprint records and felony and gross misdemeanor arrest data covered by Minnesota Statute 299C.10, which requires reporting this data within 24 hours, were sometimes not reported. The investigators found that the Minneapolis Police Department submitted fingerprint cards only for individuals who were going to be prosecuted. Because of this practice, improvements in reporting arrest data and fingerprints may result in larger numbers of criminal history records that could be misinterpreted as reflecting changes in underlying criminal activity.

A 1996 study of the suspense file by the Department of Public Safety found that 37 percent of court disposition data (159,000 separate counts) received by the BCA could not be linked to an arrest and was not added to the Computerized Criminal History Records database. Of these counts, 46 percent could not be linked to arrest data because no fingerprint card had been received, and another 47 percent for which an arrest was entered in the Computerized Criminal History Records system had either a law enforcement agency number or a case number in the disposition that did not match the corresponding characters in the arrest report.

Of the 133,900 separate offense counts added to the suspense file between 1990 and 1994, nearly 12 percent were from the broad categories defined using the FBI's uniform offense codes for assaults, criminal sexual conduct and other sex-related offenses, weapons and explosives, and abuse and abuse-related offenses. The 1996 study compared cases in the Computerized Criminal History Records database to those in the suspense file. It found that 37 percent of assault, 35 percent of weapons, 34 percent of sex-related and 42

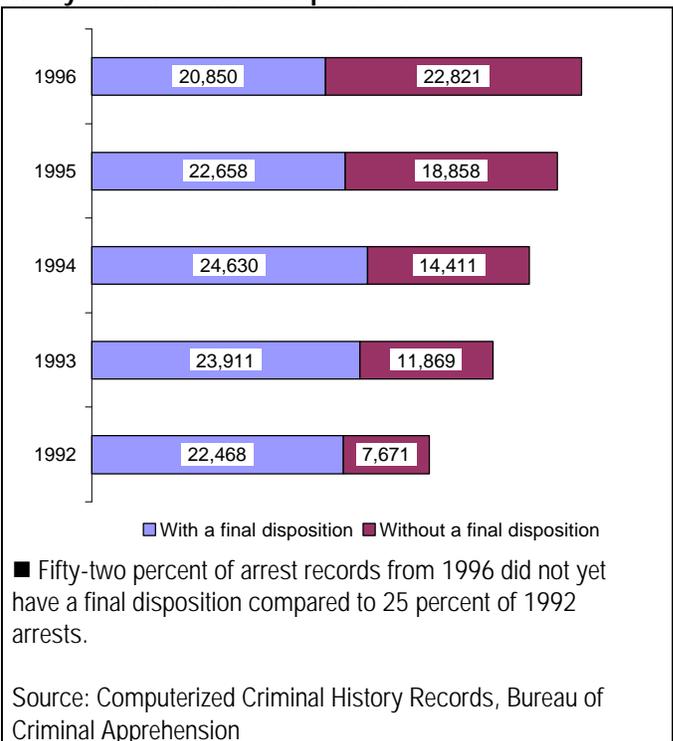
percent of abuse counts were not available in the Computerized Criminal History Records database because they could not be linked to an arrest.

A report by the Minnesota Legislative Auditor in 1997 found that half of the reviewed suspense file records for felons contained convictions. By May 1998, the size of the suspense file was approaching 290,000 counts. This represents about 95,600 cases based on an estimated average of three counts in a court disposition record.

## Improving criminal history data

Throughout the 1990s, efforts to improve criminal justice information systems were spurred by funding associated with the enactment of federal

### As more recent arrests are reported, they are less likely to have a final disposition



laws on firearm purchases, missing children and domestic violence. In Minnesota, two initial steps to identify and solve data problems were the 1992 audit of the Computerized Criminal History Records system — the first ever conducted — and the formation of a policy group.

In 1993, the Minnesota Legislature established the Criminal and Juvenile Justice Information Policy Group to advise it on efforts to improve the justice information system and initiatives needed to ensure continuing progress. Made up of the commissioners of Public Safety and Corrections, the state court administrator and the chair of the Sentencing Guidelines Commission, this group is assisted by a task force of criminal justice practitioners and public members in identifying critical issues, developing recommendations and implementing changes. A major advancement was the development of a criminal justice data model as a standard for all government agencies involved in creating, procuring or maintaining criminal justice information systems.

In 1994, an interagency group of eight trainers from the BCA, Sentencing Guidelines Commission, Department of Corrections and the Supreme Court was established to provide training, auditing and community education to ensure the quality and consistency of information throughout the criminal justice system. This team approach to training incorporates areas of specialization to bring the big picture of shared information into focus at the local level. Because information generated at the local level creates the larger statewide view, the reliability of the latter depends on the accuracy of local data. The different components of the criminal justice community rely on specialized information systems and often have little knowledge of the overlapping connections with other systems. This training approach helps individuals, agencies, components, jurisdictions and levels of government recognize their shared interest as providers and users of criminal history information.

These efforts to improve criminal history data have led to measurable improvements. For example, a data entry backlog of 110,000 cases identified in the 1992 audit was eliminated by January 1994. Timeliness also improved. Even though the number of arrest records entered into the system rose annually — 30,139 in 1992 to 43,671 in 1996 — through a combination of increases in the number of arrests and types of crimes required to be reported, the time from arrest to data entry into the Computerized Criminal History Records system dropped from an average of 76 days to 51. Law enforcement agencies also have steadily improved their reporting practices, with the result that more cases are being documented. Between 1992 and 1996, the time between a court disposition and data entry decreased from 365 to 75 days. Charging and court disposition data is now passed electronically from the Minnesota Supreme Court to the BCA daily.

Electronic submission of additional data to the Computerized Criminal History Records system is being implemented to improve the accuracy, completeness and timeliness of the data. Efforts in this area include developing the capability of the BCA repository to receive and process arrest and court-generated data electronically. Equipment for capturing and transmitting fingerprints electronically will be provided to some local law enforcement agencies, high-volume courts and the intake unit of the state prison facilities. The Supreme Court's computer hardware and software systems are being enhanced to relay electronic disposition data for seven targeted serious misdemeanor offenses, felony and gross misdemeanor juvenile offenses, and violations of restraining orders for protection.

Through electronic fingerprinting and data transmission, arrest data now can be relayed to the Computerized Criminal History Records system within minutes of fingerprinting, allowing quicker positive identification and more informed decisions on whether to hold or release a suspect. Anoka County courts and Hennepin, Ramsey,

Dakota, Carver, Washington and St. Louis county sheriffs are using these systems. Electronic fingerprinting is accurate up to 99 percent of the time, whereas prints taken in the traditional ink-and-paper method have a 33 percent failure rate. Electronic submission reduces redundant data entry along with the opportunity for mistakes and has the potential to decrease the problem of dispositions not being applied to criminal history records because of missing fingerprints or inaccurate or incomplete reporting.

It should be noted that not all offenders are fingerprinted at the time of arrest. If a suspect is not booked and fingerprinted at the time of arrest, such as in a situation involving driving under the influence or when the individual is issued a ticket that requires a court date instead of the prosecutor filing a gross misdemeanor or felony complaint, the fingerprints need to be taken at a later stage in the justice system process. Other situations in which an individual may be charged with a crime without an arrest include those in which a grand jury hands down an indictment or a prosecutor brings charges based on reports from the Attorney General's Office or a human services agency.

One of the BCA's highest priorities is to link a substantial number of court dispositions held in the suspense file to the active records in the Computerized Criminal History Records system. This will be accomplished by using less-stringent editing criteria to link the data. For example, instead of allowing a link between arrest and court data only if the same law enforcement agency is identified in both, a link could be made if the controlling and arresting agencies are in the same county. To keep the number of dispositions in the suspense file from growing due to fingerprints not being submitted, it may be necessary to review these records to identify where this step was overlooked.

#### **Analysis looked at four offense categories**

A case was included in one of four offense categories in the Criminal Justice Center's analysis of arrests if any of the defining criminal statutes or subdivisions were cited in any of up to five different arrest counts in a record. The offense categories were:

■ **Domestic abuse**, which includes different degrees of assault, criminal sexual conduct or terroristic threats committed against the victim who is a family or household member. A family or household member is defined as a spouse, former spouse, parent, child, person related by blood, person who resides or has resided with the offender, person who has a child in common with the offender, or person involved in a significant romantic or sexual relationship. This category also includes first-degree murder while committing domestic abuse, second-degree murder in violation of an order for protection and violation of a restraining order.

■ **Firearm and weapons offenses**. This category includes both possession offenses, such as possession by a felon, and licensing violations, such as carrying a firearm without a permit or in a public place, as well as firearm or weapon involvement in other crimes such as drug-related offenses or robbery. Weapons offenses also can include possession of silencers; possession of weapons in schools, courthouses or state buildings; furnishing dangerous weapons to minors; and terroristic threats.

■ **Criminal sexual conduct**, which includes all degrees of criminal sexual conduct. Elements that determine degree include sexual contact or penetration, resulting injuries, force or coercion used, the relationship of the victim and the offender, and the victim's age and mental capacity.

■ **Vulnerable person abuse**. This category is a combination of child and vulnerable adult abuse statutes. Child abuse statutes cover such behaviors as malicious punishment, neglect or endangerment and terroristic threats against a minor. Vulnerable adult statutes cover fifth-degree assault by a care giver, as well as mistreatment, abuse, neglect or financial exploitation of residents or patients, failure of a mandated reporter to report mistreatment, and mistreatment of confined persons and vulnerable adults, including individuals who have physical, mental or emotional dysfunctions that impair their ability to live independently.

# Creating the Criminal Justice Center database

As part of the National Criminal History Improvement Program, Minnesota Planning developed a database for analyzing criminal history data. The analysis of the database was limited to arrests that occurred from 1992 to 1996 because a full year of 1997 arrests was not available. Cases were selected for analysis based on whether they involved violations of specific statutes and were then grouped into four primary offense categories: domestic abuse, firearm and weapons offenses, criminal sexual conduct and abuse of vulnerable persons, including children.

When the Computerized Criminal History Records data was downloaded, the names of criminal defendants were removed and replaced with an encrypted identification number, thus protecting the privacy of the individual. Criminal justice data is public information at the agency of origin: arrest data from the law enforcement agency, conviction data from the district court and corrections data from the supervising authority. But the total criminal history record — created when this individual-based information is linked at the Bureau of Criminal Apprehension — traditionally has been deemed private data for use by criminal justice system professionals only.

In using the Computerized Criminal History Records data, the Criminal Justice Center identified several problems, including mistakes in data entry. The entire set of downloaded records from the BCA database was examined for inaccuracies. Out of the 215,192 records for all arrests made from 1992 to late 1997, 146 had a date of birth recorded as occurring after the date of arrest. In some of these cases, the date of birth of individuals born in the early 1900s was coded as if they had been born in the early 2000s.

Investigation into these anomalies revealed possible problems with the transfer and conversion of Computerized Criminal History Records data to the Criminal Justice Center database.

Another 17 records had a date of arrest that came after the date of the court disposition for the particular offense. These were often cases in which the controlling agency, or the agency that sends the updated information, was a correctional facility. If a prison or jail updated information for an individual, indicating it had custody of the offender, the arrest date information would not be included if the date was passed to it from the courts. In these cases, the BCA creates a dummy arrest date based on the date of conviction to place the record in the Computerized Criminal History Records system. For the Criminal Justice Center's database, this results in a number of cases showing a conviction date on the same day or the day after the arrest. In the 17 cases noted here, the date the data was entered, rather than the conviction and sentencing date, evidently was entered. Since the age of offenders is calculated by subtracting the recorded date of birth from the date of arrest, some inaccuracies may be due to data entry.

A second complication discovered in the downloaded data was reporting delay. Several months can pass between an arrest and a disposition, thus a case could not be tracked through its full justice system cycle if the disposition data was entered after the Computerized Criminal History Records data was downloaded. Another problem is that fingerprints may not be submitted in a timely manner, as required by law, and their quality may be unacceptable. About one-third of all fingerprints submitted — most of which are taken with paper and ink — are returned to law enforcement agencies because they are unreadable. Because a full case cycle from arrest to disposition often involves data submitted in different years, arrests occurring in 1997 were excluded from the analysis.

Another constraint on this analysis of downloaded Computerized Criminal History data is the lack of criminal history information for crimes that offenders committed before 1992. The computer program that selected records from the Computerized Criminal History Records data was designed to choose arrests that occurred between 1992 and 1997, but it did not link this information with earlier arrest records. This limitation makes it difficult to evaluate recidivism or the differential sentencing patterns of offenders that may be in part based on their criminal history.

The inclusion of information from several sources creates another complication for record completeness. When information is submitted by law enforcement agencies, prosecutors, corrections facilities, court and probation services, the BCA policy is to include as much of it as possible in the offender's criminal history record for the sake of completeness. This practice, however, makes the resulting criminal history record difficult to read and interpret if separate records are created from updated information. The lack of arrest transmittal forms from prosecutors to close cases not prosecuted adds to the difficulty in interpreting criminal history records.

Accurate analysis also is complicated by the existence of duplicate records for the same offender based on the same case. All records from 1992 to 1996 in the Criminal Justice Center database were examined for duplicates by matching records that had the same offender identification number and law enforcement case number. A different arrest date in a record, however, can make it appear to be another arrest. Consequently, 9,466 records, or 5 percent of all cases, were identified as being duplicates and dropped from further analysis.

Law enforcement agencies were listed as the agencies submitting the arrest and fingerprint cards for 20 percent of the duplicate cases dropped. Most of the duplicate records generated by law enforcement agencies likely were based on warrants or violations of conditions of release. A

small number of these multiple arrest records, however, may have been for different offenses for which the arresting agency case number was entered incorrectly. These records also could include instances in which a single agency updated the arrest record by adding additional counts after further investigation.

Seventy-eight percent of the dropped duplicate cases listed the controlling agency as a prison or jail, which indicates that a correctional facility sent updated information. The Department of Corrections fingerprints each individual upon his or her arrival in the prison system, including offenders who are returned to incarceration for violating the conditions of release or committing a new crime while on release; thus, duplicate records may be created. In addition, Corrections also will modify or update the criminal history record when one sentence expires or a new sentence is received from the courts. Firearm and weapons, and criminal sexual conduct offenses had a larger percentage of duplicate records than did the offenses of domestic abuse or vulnerable person abuse.

Problems with record completeness also arise in the transfer into Minnesota of offenders arrested in other states. Minnesota law requires the commissioner of Corrections to establish procedures for obtaining and forwarding to the BCA fingerprints for all offenders transferring into the state. Offenders transferred into the prison system are fingerprinted, but the statewide level of compliance with this requirement by probation or parole field services with other offenders is unknown. Without the criminal history data from the originating state, a Minnesota-only criminal history query — rather than a national query through the FBI — would find no record of an offender released to Minnesota. In addition, the record of an offender with a prior Minnesota criminal history record might not show a more serious offense committed in another state. Up to 5,000 interstate transfers, including to probation and parole field services, occur each year. Another issue is that offenses committed by

offenders who are incarcerated often are prosecuted without booking. If no fingerprint card is created, the new offenses will not be included in the Computerized Criminal History Records system.

## Methods and caveats for this analysis

Each of the four offense categories examined in this study contains a description of the data found in the Computerized Criminal History Records database and additional analysis using the Criminal Justice Center's database. Included is a brief description of the selection criteria, number of records in the category and percentage of cases from the center's database of arrests leading to computerized criminal history records.

Offender demographics include race, sex and age. The level of the crime at the times of arrest, prosecution and conviction might indicate plea negotiations in individual cases, but this is difficult to interpret from a statewide viewpoint. Information on the percent of arrests that are charged within the four categories may not account for local diversion practices. The timing from arrest to court disposition may be influenced by dummy arrest dates entered in some updated records.

Other factors used in the analysis are based on the manipulation of the information submitted by law enforcement agencies or the courts. For example, whether the charge or conviction was a felony, gross misdemeanor or misdemeanor is determined by using the sentence imposed: an incarceration sentence of a year or more signifies a felony conviction. The crime level for the most serious offense for the arrest was based on the level

indicated by the second digit of the Minnesota offense code.

The prosecution and court outcomes include a final disposition for the arrest, if one was recorded. Dispositions include dismissals, acquittals and convictions. The percentages of arrests resulting in the offender being charged, convicted and incarcerated are provided, as well as the percentages of charges resulting in convictions and of convictions resulting in incarceration.

Sentencing data for the four offense categories includes the median probation, fine, restitution, and jail and prison incarceration sentence imposed. A jail sentence is for 365 days or less, while a prison sentence is for 366 days or more. The portion of the sentences that are stayed and the conditions of probation are not captured in the Criminal Justice Center's database.

Full Minnesota offense codes are used to describe arrests in the domestic abuse category. This was done, despite questions about the consistency and accuracy of the codes, to illustrate the level of detail available from the codes. Only the first two characters of the codes are used in other categories. The use of the Minnesota offense codes is not required by the BCA for Computerized Criminal History Records, and the number of arrests without these codes may prevent an accurate description of the offenses. For example, the Minneapolis Police Department did not list offense codes for 11 percent of arrests reported in 1993 and 37 percent of arrests in 1996. Minneapolis accounted for 20 percent of all 1993 arrests in the database and 14 percent of the 1996 total.

For each offense category, the number and percent of total offenses in the center's database accounted for by offenders in each category and type of most frequent offense also are described. Each of the categories concludes with the number of duplicate records dropped from analysis.

Information on offenders' race at arrest and analysis of charges and convictions within the categories by race is highlighted across all four categories. Within each category, specific findings are presented to illustrate uses for the Criminal Justice Center database: the number and geographic distribution of domestic abuse arrests by controlling agencies are mapped by county; firearm and weapons involvement in different types of offenses is examined using the FBI's uniform offense codes; and arrests for sex offenses other than criminal sexual conduct in the center's database are considered briefly, as are misdemeanor offenses for which a conviction would disqualify an individual from employment at facilities that require a Minnesota Health Department license under Minnesota Statute 245A.

Since more than one-third of court dispositions are held in the suspense file and not included in the Computerized Criminal History Records database, the analyses of the four offense categories in this report focused mainly on arrest information, rather than on conviction, sentencing or incarceration.

The Criminal Justice Center database included details on up to five different arrest counts for each record, so if any of the statutes used to select the four categories were cited in any of the five counts, the record was included for analysis. The four categories for this report were selected by statutes, which may result in overlap in some cases. A record based on a domestic assault that involved a firearm would be included in both categories.

The analysis is based on the most serious offense at arrest, charge and conviction, with the ranking of offenses based on the FBI's hierarchy for Uniform Crime Record criteria. For example, a homicide involving criminal sexual assault may not be included in the criminal sexual conduct category because homicide is ranked as the more serious offense. One of the arrest counts in this

case must cite a criminal sexual assault offense for the offense to be included in the category.

Prison sentences in Minnesota are based on guidelines that weigh the frequency and severity of prior criminal behavior as well as the current offense. The analysis, however, cannot accurately account for some of the sentencing variations that may be due to criminal activity before 1992 or the number of misdemeanor offenses that were not recorded in the Computerized Criminal History Records system. No further information on the reason for dismissals was available, nor did the center's database include data that could describe local diversion practices.

Sentences are described in terms of the median sentence, or the midpoint in the distribution for a particular sanction. Among offenders who were sentenced to probation, jail or prison, half received shorter than the average sentence and half received longer. For fines and restitution to victims, the median sentence reflects that half were ordered to pay more and half to pay less. This statistic was chosen to reduce the impact of exceptionally different sentences, such as the maximum allowable fines or incarceration periods for a small group of offenders. Median sentences were calculated for only those who received the sanction, and the median fine was based on only those who were ordered to pay fines, not all offenders convicted. Dropping duplicate records from corrections agencies likely reduced the median sentence because these records had updated sentencing information.

The data on incarceration sentences, fines or victim restitution resulting from convictions does not reflect whether any portion of the sentence was stayed. Information on whether the imposition or execution of a sentence was stayed is captured as text from a comment box on the reporting form and therefore does not lend itself readily to analysis. No information was available in the center's database on the conditions of the stay, such as chemical dependency treatment, or whether the conditions were violated.

In addition, the incarceration time imposed does not reflect either credit for time served before sentencing or one-third credit for good behavior during incarceration for offenses committed before August 1, 1993. Sentences for felony offenses committed after that date have two parts: two-thirds of the sentence is a term of imprisonment to be served, and one-third is a period of supervised release.

The Minnesota Conference of Chief Judges has articulated a goal of 90 percent of gross misdemeanor and felonies being disposed within four months of when the charges are filed, 97 percent within six months and 99 percent within a year. These objectives, adopted in 1989, correspond to the American Bar Association's trial court time standards. Because the date charges were filed is not included in the Criminal Justice Center's database, the analysis measured the time between arrest and the final court disposition. This finding, however, may need further refinement since a portion of cases have a disposition before, on the same day or on the day after the arrest date because a dummy arrest date was entered. The analysis of timing from arrest to final court disposition did not include cases that did not have a disposition to match to an arrest or that had an arrest date before, on the same day or within a day of the disposition.

The Criminal Justice Center's database should not be used for current individual investigations because no information has been added since the records were downloaded. Other temporal issues limit the use of this database by local agencies, including the length of time needed for downloading the information from the BCA, restructuring the data, checking the data for errors and analyzing the records.

The center's database is a tool that can track changes in the type or flow of cases in the criminal justice system but by itself does not explain why things changed. Interpreting trends requires weighing the relative impacts of changes

in laws, policies or priorities; improvements in the information system; and the prevalence of crime and resulting justice system actions. Analyzing the effect of specific legislative changes is difficult because multiple factors influence the quantity and quality of data available for analysis. An increase in child abuse cases, for example, may reflect changes in reporting practices rather than in the incidence of abuse.

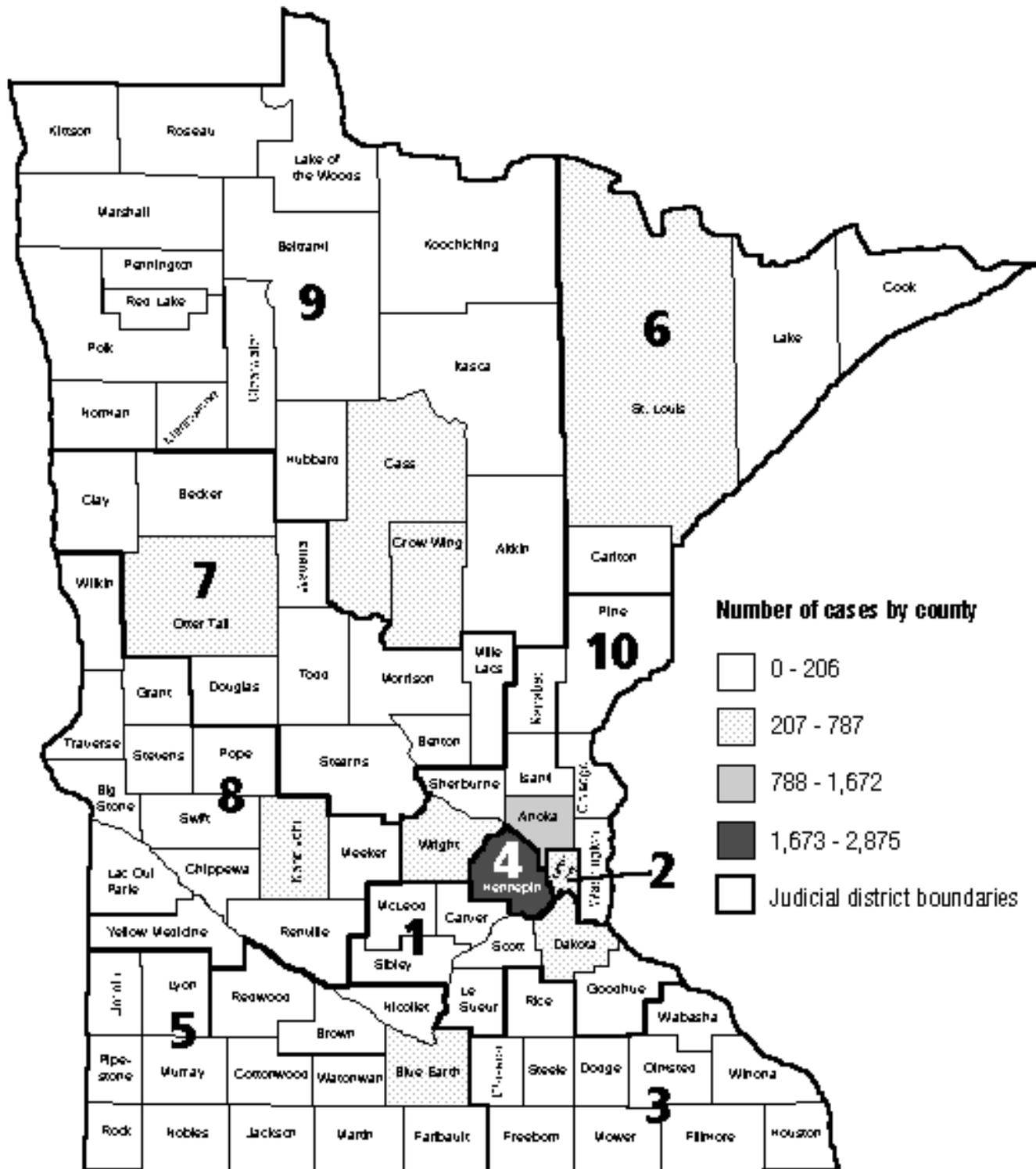
## Looking at four offense categories

The four offense categories — domestic abuse, criminal sexual conduct, firearm and weapons offenses and abuse of vulnerable persons including children — were chosen for this analysis because of the importance of accurately and quickly identifying people who are ineligible to purchase a firearm; ensuring that individuals who seek employment in caring for children, the elderly or the disabled do not have disqualifying criminal records; and reducing the level of criminal sexual conduct and domestic violence.

Analysis of each of these categories considers such factors as arrest and court information, sentencing outcomes and offender characteristics, including age, sex and race. Race data is recorded based on the categories used in the U.S. Census, where Hispanic ethnicity can be of any race. The determination of an offender's race often is made through observation by law enforcement personnel and can be updated by the courts with verification by the offender.

The overrepresentation of minorities in comparison to their proportion of the population is evident in both the totals of all arrests in the Computerized Criminal History Records and across the four categories of offenses. The largest disparity in the Criminal Justice Center's database is among firearm and weapons offenses. Whites accounted for 49 percent of the 16,189 records in

The 4th Judicial District had the largest number of domestic abuse arrests



■ Number of domestic abuse arrests varied by county from 1992 to 1996.

Source: Computerized Criminal History Record System, Bureau of Criminal Apprehension

this category, African Americans 42 percent, American Indians 6 percent and Asians 2 percent. According to the Census Bureau, whites accounted for 94 percent of Minnesota's population between 1992 and 1996, while African Americans made up almost 3 percent, Asian 2 percent and American Indians 1 percent.

Racial data must be treated with caution because of the varying circumstances under which such information is recorded or reported. Observation or self-identification may be used to record race. Racial descriptions may reflect social custom rather than hereditary origin. Moreover, existing research on crime has generally shown that racial identity is not predictive of criminal behavior within data that has been controlled for social or economic factors, such as education levels, family status, income, housing density and residential mobility.

## Domestic abuse offenses

Difficulty arises in defining domestic abuse, specifically in determining which offenses are involved, since offenders may be arrested, charged and convicted of a variety of violations arising out of a domestic dispute. Records for the domestic abuse category were selected using first-degree murder while committing domestic abuse, second-degree murder in violation of an order for protection, fifth-degree assault and violation of a restraining order. While this category captures many domestic abuse cases, it must be assumed that it does not get them all if domestic abuse arrests were made in connection with other types of offenses. The majority of records in this category were based on arrests for fifth-degree assault, which may not all be domestic assaults.

Between 1992 and 1996, there were 10,989 arrest records in the domestic abuse category, accounting for 6 percent of the 190,147 total records in the database. The geographical distribution of 10,989 domestic abuse records by

city and county shows some interesting findings. The largest number of domestic abuse cases originated in Hennepin County. However, the variation in arrests reported among law enforcement agencies within the county is difficult to interpret. Of the domestic abuse records, the Brooklyn Park Police Department submitted the most, with 1,519 cases, followed by St. Paul, with 559 records. The Willmar Police Department, with 298 cases, had one more case than the Minneapolis Police Department.

Those arrested for these domestic abuse offenses were predominantly white (73 percent), male (89 percent) and averaged 31 years of age. African Americans accounted for 20 percent of these arrests, American Indians 6 percent, and Asians 1 percent. Convictions for these arrests reflected the same general racial distribution.

Ten percent of the most serious offenses were felonies, 28 percent were gross misdemeanors, and 63 percent were misdemeanors. Only eight of the 10,989 arrests were for violations of an order for protection under the Domestic Abuse Act. The number of arrests for this offense likely will increase, however, because it is one of the targeted misdemeanors that, as of August 1997, must be reported to the BCA. Statewide information on orders for protection against domestic abuse is captured through court information systems and made available to law enforcement agencies in the same manner as information on warrants.

Of the 5,082 domestic abuse arrests that were prosecuted, 10 percent were filed as felonies, 33 percent as gross misdemeanors and 57 percent as misdemeanors. Analysis of the Criminal Justice Center database indicates that 7 percent of the 3,936 convictions were for felonies, 37 percent for gross misdemeanors and 50 percent for misdemeanors. The level of the crime for which the offender was convicted was unknown in 6 percent of the cases, most likely because the final court disposition did not include this information.

Sixty-five percent of domestic abuse cases involving a felony or gross misdemeanor-level offense were disposed within four months of arrest, 81 percent within six months and 95 percent within a year.

**Outcomes** — the final dispositions of the arrest, charging or court process — are unknown for almost half of domestic abuse cases reported to the BCA because, in most cases, no information was added to the record after the arrest. This may have occurred for one of several reasons: The police did not forward the arrest file to the prosecutor, the prosecutor declined to press charges but did not notify the BCA, or the court disposition may be in the suspense file. Another possible explanation is that domestic abuse cases are more likely than cases in the other three categories to have a stay of adjudication where

charges are dismissed if the conditions for the stay are met. Only two-tenths of 1 percent of the records, however, indicated a disposition of probation with no verdict.

A final disposition was known for almost half of the arrests for domestic abuse offenses. The proportion of dismissals among the cases in which domestic abuse charges were filed was 18 percent, exceeding that in any of the other categories of firearm and weapons, criminal sexual conduct or vulnerable person abuse offenses.

Overall, 36 percent of the 10,989 domestic abuse arrests from 1992 to 1996 resulted in a conviction, and 31 percent resulted in incarceration. Of those cases in which charges were filed, 77 percent had a conviction, and 85 percent of those with convictions had a sentence of incarceration.

### More than half of arrest records indicate an offense was charged

Arrested	Domestic abuse		Firearm and weapons offenses		Criminal sexual conduct		Vulnerable person abuse		All records 1992-1996	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
White	8,010	73%	7,927	49%	4,958	71%	710	63%	129,262	68%
African American	2,230	20%	6,874	42%	1,516	22%	324	29%	49,046	26%
American Indian	612	6%	989	6%	302	4%	75	7%	9,088	5%
Asian	116	1%	376	2%	148	2%	20	2%	2,472	1%
Unknown race	21	0%	23	0%	19	0%	2	0%	279	0%
<b>Total</b>	<b>10,989</b>	<b>100%</b>	<b>16,189</b>	<b>99%</b>	<b>6,943</b>	<b>99%</b>	<b>1,131</b>	<b>101%</b>	<b>190,147</b>	<b>100%</b>
<b>Charged</b>										
White	3,688	73%	4,501	54%	3,216	75%	439	64%	77,493	74%
African American	1,054	21%	3,128	38%	760	18%	189	28%	21,297	20%
American Indian	291	6%	501	6%	182	4%	42	6%	4,926	5%
Asian	48	1%	170	2%	95	2%	13	2%	1,204	1%
Unknown race	1	0%	12	0%	10	0%	1	0%	128	0%
<b>Total</b>	<b>5,082</b>	<b>101%</b>	<b>8,312</b>	<b>100%</b>	<b>4,263</b>	<b>99%</b>	<b>684</b>	<b>100%</b>	<b>105,048</b>	<b>100%</b>
<b>Convicted</b>										
White	2,905	74%	3,822	56%	2,701	76%	336	63%	64,843	75%
African American	759	19%	2,502	36%	597	17%	153	29%	16,104	19%
American Indian	235	6%	408	6%	152	4%	35	7%	4,131	5%
Asian	36	1%	138	2%	82	2%	11	2%	922	1%
Unknown race	1	0%	8	0%	7	0%	1	0%	96	0%
<b>Total</b>	<b>3,936</b>	<b>100%</b>	<b>6,878</b>	<b>100%</b>	<b>3,539</b>	<b>99%</b>	<b>536</b>	<b>101%</b>	<b>86,096</b>	<b>100%</b>

■ Minorities accounted for 32 percent of Computerized Criminal History Records for arrests, 26 percent of charges and 25 percent of convictions.

Note: Totals may not add to 100 due to rounding.  
Source: Computerized Criminal History Records, Bureau of Criminal Apprehension

Sentence medians for this category were computed by selecting cases involving offenders who were convicted and determining the median sentence received. For example, among the 3,936 records indicating a conviction, 77 percent of the offenders were placed on probation, and half of these received more and half less than the median sentence of 720 days. A median fine of \$300 was imposed on 63 percent of those ordered to pay a fine. Two percent of those convicted were ordered to pay a median restitution of \$359 to the victim.

For domestic abusers who were sentenced to jail, the median sentence imposed remained at 90 days from 1992 through 1995, then increased to 95 days in 1996. The number of convictions resulting in a jail sentence rose from 709 in 1992 to 800 in 1994 before falling to 442 in 1996. Imposed prison time dropped from 903 days in 1992 to 450 days in 1996. The number of records indicating a prison sentence increased from 18 in 1992 to 43 in 1996, which may account in part for the drop in the pronounced term of imprisonment. The growth in the number of offenders who are sentenced to shorter prison terms may be due to courts sending offenders to prison who in the past would have gone to jail for the same offense. Also influencing the median sentence was the dropping of duplicate records from corrections agencies; these records likely had updated sentencing information.

Minnesota offense codes have five characters, each of which represents a different aspect or element of the crime. The first of the five characters is an alphabetical key that describes 26 general crime types; the second indicates the level of offense; the third is the specific act; the fourth, the weapon used; and the fifth, the type of victim and relationship to the offender. All five levels of information included within the code used to analyze domestic assault will be described for the two most frequently used categories of crime, as defined in the coding system. Ninety-nine percent of the 10,989 records classified as domestic abuse for this analysis were included in these two

groupings: assault and crimes against the administration of justice.

Ninety-two percent, or 10,131, of the domestic abuse arrests had a code in which the first character was an “A”, which categorized them as assaults. The second character of the offense code covers 21 different crime levels and degrees. Most — 63 percent — of this group of arrests were for misdemeanor fifth-degree assault, followed by gross misdemeanor and felony fifth-degree assaults at 22 and 9 percent, respectively. Only 5 percent of arrest records listed misdemeanor, gross misdemeanor or felony domestic assault as the most serious offense.

For assault crimes, the third character of the code describes the criminal act perpetrated by the offender using 15 different levels of harm. Eighty-four percent of the assault cases had codes indicating that the offender inflicted or attempted to inflict bodily harm on the victim. Three other types of acts — creating fear of bodily harm with no injury, threats of crimes of violence and threats to inflict bodily harm — together accounted for 6 percent of the acts. Nine percent were coded as unknown or not applicable.

The weapon code in three-quarters of the assault cases indicated hands, fists or feet were involved, followed by 21 percent in which no weapon was cited. Firearms or replica firearms, whether possessed or used, were indicated in 152, or less than 2 percent, of the 10,131 cases.

The victim character of the offense code uses 16 separate identifiers to describe the victim and his or her relationship to the offender. The most frequently indicated victim relationship was adult-acquaintance at 41 percent of the cases, followed by adult-family at 36 percent. Assaults on firefighter, police officer, correctional employee, emergency medical personnel or public official combined accounted for 9 percent of the cases, with cases involving firefighters being the largest share, at 8 percent. In 5 percent of the cases, the victim was coded as unknown. Four percent of the

assault cases listed children as the victims. Of the 366 cases that specified a perpetrator for domestic abuse where a child was a victim, nearly half involved family members, compared to 39 percent with acquaintances and 4 percent with strangers.

The other 8 percent of the domestic abuse arrests had an offense code that began not with an “A” but with an “X”, which was the proper coding for fifth-degree assault in pre-1992 versions of the Minnesota offense codes but is used erroneously now. The most serious offense in these 841 records was coded as crimes against the administration of justice. No victim-offender relationship or weapon information was available from cases coded with an “X”. Brooklyn Park, Fridley, St. Paul, Coon Rapids, Blaine, Anoka and Minneapolis police departments and the Anoka County Sheriff’s Office were the sources of more than half of the outdated offense codes for domestic assault.

Some offenders in the domestic abuse category also had arrests for other offenses. Offenders in this group had a total of 19,011 arrests, including domestic assault and other types of offenses. Sixty-three percent of the total arrests of these offenders were for aggravated or simple assault; 11 percent were for driving under the influence or dangerous drugs. Including these arrests for all types of offenses, those classified as domestic abusers for this analysis accounted for 10 percent of all arrests in the Computerized Criminal History Records system between 1992 and 1996.

The 103 domestic abuse cases dropped from this analysis were 1 percent of all domestic abuse cases from 1992 to 1996. About 78 percent of dropped records came from 39 law enforcement agencies and 22 percent from corrections agencies.

## Firearm and weapons offenses

Because not all firearm and weapons offenses are coded as weapons offenses, this category of offenses required linking offense codes with statutes. The 36,119 separate Minnesota offense codes were searched to find those that listed firearms or weapons in the description of the offense. These 2,394 codes were then linked to 190 different statutes, the statutes compared with the arrest counts on the Computerized Criminal History Records file, and the resulting matches checked against the FBI’s uniform offense code. Of these, the ones indicating no involvement of firearms or weapons were deleted from the analysis. Between 1992 and 1996, 16,189 records, or 9 percent of all records in the center’s database, matched the selection criteria for the firearm and weapons offense category.

### Aggravated assault offenses were the most likely to involve firearms and weapons

	Firearms and weapons
Homicide	890
Kidnapping	205
Sexual assault	224
Robbery	1,965
Aggravated assault	8,399
Dangerous drugs	260
Weapon offenses	4,033
Other offenses	213
Total	16,189

■ Three quarters of the other offenses were simple assault, burglary, stolen vehicles, larceny and stolen property.

Notes: Offenses are ranked in order of severity. The FBI’s uniform offense codes do not distinguish between firearms and weapons for sexual assaults. Weapons offenses include possession, licensing and illegal weapons offenses.

Source: Computerized Criminal History Records, Bureau of Criminal Apprehension

Ninety percent of the offenders in this category were male, and the average age was 28. A larger percentage of African Americans were arrested for firearm and weapons offenses than for offenses in the other categories examined in this report. Whites accounted for 49 percent of firearm and weapons arrests, African Americans for 42 percent, American Indians for 6 percent and Asians for 2 percent. The proportions of whites and African Americans changed when arrests, charges and convictions for these offenses were considered. Whites accounted for 54 percent of the cases charged and 56 percent of the convictions, while African Americans made up 38 percent and 36 percent, respectively.

This group of offenders had a total of 31,860 arrest records, or 17 percent of all of the records in the center's database when all offenses, including firearms and weapons, are combined. Aggravated assault, weapons offenses, dangerous drugs and robbery accounted for 58 percent of the records for this group.

Of the 16,189 arrests for firearm and weapons offenses, 76 percent were coded as felonies, 14 percent as gross misdemeanors and 9 percent as misdemeanors. Of the 8,312 cases that were charged, 67 percent were felonies, 17 percent gross misdemeanors and 15 percent misdemeanors. Convictions were recorded in 6,878 cases — 61 percent for felonies, 19 percent for gross misdemeanors and 20 percent for misdemeanors.

Where charges were filed and had a recorded disposition, only 49 percent of felony and gross misdemeanor cases had a court disposition within four months of the arrest; 71 percent were completed in six months and 90 percent within a year.

Sixty percent of the firearm and weapons arrest records contained a final disposition. Prosecution was the most likely outcome of firearm and weapons offenses: 51 percent of arrests resulted in a charge being filed. Of the cases prosecuted, 14

percent had a court disposition showing that charges were dismissed. One percent of the cases with court dispositions had acquittals.

Overall, more than 42 percent of the 16,189 arrests for these offenses from 1992 to 1996 resulted in a conviction. Eighty-three percent of those charged were convicted, and 71 percent of those convicted were sentenced to incarceration.

Of the 6,878 convicted offenders, 67 percent received a median probation sentence of 1,095 days; 38 percent were fined, with the median fine being \$500; and 3 percent were ordered to pay restitution, with the median being \$544.

The median jail sentence for convicted offenders doubled during the period studied, from around 90 days in 1992 through 1994 to 120 days in 1995 and 180 days in 1996. At the same time, the length of the median prison sentence pronounced fell from 1,080 days in 1992 to 780 days in 1996. The number of arrest records showing an incarceration sentence peaked in 1993, with 442 sentenced to jail and 670 sentenced to prison. The decline in 1996 to 348 sentenced to jail and 370 to prison might be due to delays in reporting and recording dispositions or to court dispositions being held in the suspense file. Another factor in this decrease may have been the dropping of duplicate records from corrections agencies that had updated sentencing information.

The two largest groupings of crimes that were likely to involve firearms and other weapons, based on the Minnesota offense codes, were assaults and weapons offenses. Assaults made up 49 percent, or 7,951, of the arrests in this category, while weapons offenses accounted for 25 percent, or 4,033. Sixty percent of the assault-related arrests were for felony second-degree assaults and 22 percent for felony third-degree assaults. Twenty-one percent of the arrests involving weapons offenses were for felony-level offenses, 41 percent for gross misdemeanors and 33 percent for misdemeanors.

The number of arrests for firearm and weapons offenses in the Computerized Criminal History Records system increased from 2,464 in 1992 to 3,527 in 1996. Part of this increase may have been due to improvements in reporting, particularly by the Minneapolis Police Department. This change is important because a significant portion of arrests for these offenses occurred in that city. The reported number of arrests for these offenses more than doubled in Minneapolis — from 443 in 1992 to 797 in 1993 to 1,171 in 1995. Between 1993 — when Minneapolis began sending all required fingerprint cards to the BCA rather than only those for individuals who were prosecuted — and 1996, the city accounted for 27 percent of all arrests but only about 8 percent of the state’s population.

The 1,498 firearm and weapons cases from 1992 to 1996 that were judged as duplicates and dropped from further analysis amounted to nearly 9 percent of the firearm and weapons category. Offenses more likely to result in prison sentences — firearm and weapons and criminal sexual conduct — had a larger percentage of duplicate records than did domestic abuse or vulnerable person abuse offenses.

## Criminal sexual conduct

The statutes used to define this category include all degrees of criminal sexual conduct. The different elements that determine degrees of offense include whether there was sexual contact or penetration, whether injuries resulted, whether force or coercion was used, the relationship of victim and offender and the victim’s mental capacity. All records that had an arrest for any subdivision of the criminal sexual conduct statutes also were put in this category.

Between 1992 and 1996, 6,943 arrests in this category were recorded. This group of offenses made up 4 percent of all Criminal Justice Center database records. The average age of individuals

arrested for criminal sexual conduct was 32. Males were 98 percent of the offenders — the largest percentage in any of the four categories in this analysis. The majority of offenders — 71 percent — were white, while African Americans accounted for 22 percent, American Indians 4 percent and Asians 2 percent. The ratios for whites and African Americans changed slightly when charges and convictions for criminal sexual conduct were considered. Whites accounted for 75 percent of cases that were charged and 76 percent of cases that resulted in a conviction. African Americans, on the other hand, accounted for 18 percent of cases charged and 17 percent of convictions.

Nearly 100 percent of the 6,943 criminal sexual conduct arrests were felonies. Felony-level charges and convictions were somewhat lower, at 91 percent and 79 percent, respectively. Gross misdemeanors accounted for 12 percent of convictions, while 7 percent were misdemeanors.

Thirty-one percent of the arrests for criminal sexual conduct involving a gross misdemeanor- or felony-level offense were disposed within four months of arrest, 71 percent within six months and 90 percent within a year. Criminal sexual conduct cases as a group were farthest from the disposition timing goal set by the Minnesota Conference of Chief Judges.

Sixty-five percent of criminal sexual conduct cases had a final disposition. Prosecution was the most likely outcome for criminal sexual conduct offenses arrests: 61 percent had a charge filed, while 11 percent were dismissed and 3 percent resulted in acquittal. Eighty-three percent of those charged were convicted, and 63 percent of those convicted were sentenced to incarceration. Thirty-two percent of the total 6,943 criminal sexual conduct arrests from 1992 to 1996 resulted in a sentence of incarceration.

Of the 3,539 convicted criminal sexual conduct offenders, 67 percent received a median probation sentence of 3,650 days; 45 percent were fined,

with the median being \$500; and 10 percent were ordered to pay a median of \$400 in restitution to the victim.

The offender was sent to prison in half of the criminal sexual conduct cases that resulted in a conviction. The median length of the prison sentence decreased from 1,440 days to 1,098 days between 1992 and 1996. Arrests that resulted in a prison sentence being imposed rose from 387 for 1992 cases to 457 for 1993, then fell to 191 for 1996 cases. This decline in both length and number may be in part influenced by three factors. Some of the later arrests may not yet have dispositions because the offenders may have chosen to go to trial rather than enter a guilty plea at an earlier stage in the adjudication. At the same time, those offenders who pleaded guilty earlier may have done so to lesser charges, thereby receiving shorter sentences. Jail sentences imposed remained the same for all five years — 365 days — based on 100 records in 1992 and 74 in 1996. In addition, the dropping of duplicate records from corrections agencies likely reduced both the number and median length of prison sentences in this analysis because these records had sentencing information not included with the original arrest records.

The 6,943 offenders in this group were involved in a total of 11,140 arrests, including criminal sexual conduct and other offenses, or nearly 6 percent of all 190,147 records. The largest set of all offenses, nearly 57 percent, were for sexual assault, followed by aggravated assault and other sex offenses at 4 percent each. Dangerous drugs and driving under the influence combined to account for 7 percent of arrests for this group of offenders.

While only criminal sexual conduct offenses were selected into this category for analysis, reports for other sex offenses also are included in the Computerized Criminal History Records system. Among the 190,147 records downloaded from that system, 417, or two-tenths of 1 percent, had a sex offense other than criminal sexual conduct. For

the 6,943 records that were categorized as criminal sexual conduct offenses for this analysis, only 33, or one-half of 1 percent, had any other sex offense crimes listed. The other sex offenses by statute include murder involving criminal sexual conduct, failure to register as a predatory offender, sexually abusing a vulnerable or confined person, prostitution, disorderly house, soliciting children and other prohibited acts.

Of all four categories, the criminal sexual conduct category had the largest percentage of cases — 14 percent — dropped because of duplicate records. A total of 8,046 records were originally in this category, but 1,103 records that had the same encrypted identification number and law enforcement case number were dropped from the analysis. More serious categories of offenses such as criminal sexual conduct are likely to have duplicate information because these offenders are more apt to serve prison sentences and thus be fingerprinted by the Department of Corrections, thereby creating the potential for a duplicate record.

## Vulnerable person abuse

The vulnerable person abuse category was selected from a combination of child abuse statutes, such as malicious punishment or neglect or endangerment of a child, and vulnerable adult statutes, including fifth-degree assault by a care giver and mistreatment, abuse, neglect and financial exploitation. A total of 42 arrest records were listed for mistreatment of persons confined or mistreatment of residents or patients or assault in the fifth degree by a care giver. Because of the small number of cases of vulnerable adult abuse in the Computerized Criminal History Records system, this group was combined with child abuse offenses. Records were not included that reflected different levels of assault where children were victims but could not be identified by specific statutes.

Between 1992 and 1996, there were 1,131 arrests for vulnerable person abuse, or 1 percent of the 190,147 records in the Criminal Justice Center's database. This category had the highest percentage of female offenders, with 45 percent. Those arrested in this category were predominantly white (63 percent) and had an average age of 31. African Americans accounted for 29 percent of these arrests, American Indians for 7 percent and Asians for 2 percent. Criminal charges and convictions within this category followed the same racial pattern.

Twenty-one percent of the arrests were felonies, 77 percent for gross misdemeanors and 2 percent for misdemeanors. Of the 684 arrests that were prosecuted, 22 percent were filed as felonies, 62 percent as gross misdemeanors and 15 percent as misdemeanors or petty misdemeanors. Nineteen percent of the 536 convictions were for felonies, 52 percent for gross misdemeanors and 28 percent for misdemeanors.

A final disposition was known for 66 percent of the arrests for vulnerable person abuse offenses. Sixty percent of the 1,131 cases were prosecuted, with 78 percent of those charges resulting in a conviction, 13 percent in a dismissal and 2 percent in an acquittal. Overall, 49 percent of the 1,131 arrests resulted in a conviction and 27 percent in incarceration.

Sixty-five percent of the arrests for felony or gross misdemeanor vulnerable person abuse were disposed within four months of arrest, 70 percent within six months and 92 percent within a year.

Of those convicted of these offenses, 94 percent received probation, with a median length of 730 days; 44 percent were fined the median amount of \$700; and 3 percent were ordered to pay a median of \$462 in restitution. The length of the median jail sentence imposed for vulnerable person abuse increased from 360 days in 1992 to 365 days in 1996; prison time decreased from 732 days in 1992 to 590 days in 1996. Year-to-year fluctuations in the median prison sentence

imposed appeared to be affected by a small number of cases, between seven and 13 annually, in this category, while the median jail sentence is based on between 35 to 62 cases per year. In addition, the dropping of duplicate records from corrections agencies likely reduced the median sentence because these records had updated sentencing information.

A misdemeanor conviction within seven years for the following offenses would disqualify potential employees seeking work in licensed facilities. However, law enforcement agencies are not required to report misdemeanor arrests, nor do the courts report misdemeanor convictions electronically. The Health Department licensing requirement for background criminal history checks may not lead to the identification of criminals by their records if arrests for these offenses are not reported.

- Obscene or harassing phone calls (Minnesota Statute 609.79)
- Opening a letter, telegram or package; harassment (Minnesota Statute 609.795)
- Assault of an unborn child in the third degree (Minnesota Statute 609.2672)
- Disseminating and displaying to minors prohibited harmful materials (Minnesota Statute 617.293)
- Dangerous weapons (Minnesota Statute 609.66)
- Financial exploitation of a vulnerable adult (Minnesota Statute 609.2335)
- Failure to report maltreatment of a vulnerable adult (Minnesota Statute 609.234)
- Theft (Minnesota Statute 609.52)
- Coercion (Minnesota Statute 609.27)

Nearly 4 percent of the total vulnerable person cases from 1992 to 1996 were dropped from the analysis because they were duplicate records.

The individuals in this group had a total of 1,811 arrest records for these and all other types of offenses. Fifty-two percent of the total arrests for all offenses committed by offenders in this category were for family offenses. Dangerous drugs and driving under the influence accounted for 6 percent and 5 percent, respectively. Including arrests for all types of offenses, vulnerable person abusers accounted for 1 percent of all arrests in the Computerized Criminal History Records system between 1992 and 1996.

## Computerized criminal history research survey

The prevalence and accuracy of use of the Minnesota offense codes varies across components of the criminal justice system. For the codes to be used effectively, law enforcement agencies, prosecutors and courts need to assign a code to every offense transaction completed. That does not always happen, however. According to the Criminal Justice Center's database, for example, the Minneapolis Police Department did not list offense codes for 11 percent of arrests reported in 1993 and 37 percent of arrests in 1996. Because the Bureau of Criminal Apprehension does not directly use Minnesota offense code data in its role as the state's central data repository, it does not emphasize training for consistently and accurately entering these codes.

The Minnesota offense codes have varying levels of detail about offense elements across different types of crimes. For example, offense data for some of the 26 crime groups can be examined by different attributes such as victim-offender relationships, victim age or weapon use, but not all groups have the same elements. While this

level of detail broadens the codes' descriptive possibilities — such as being able to identify juvenile female victims across different crimes — each character having a different meaning often increases data entry problems and decreases the ability to provide accurate analysis.

Another problem is that changes in offense codes make it difficult for researchers to analyze data spanning multiple years and for justice professionals to know which codes to enter. The same offense may be coded differently in different years due to changes in statutes that change crime levels or expand elements of an offense. The maintenance of the electronic code conversion table, which includes Minnesota statutes, FBI uniform offense codes and the literal description of the offense, requires much work when criminal statutes change. The volume and inconsistent application of offense codes across the criminal justice system prohibit efforts to validate the code accuracy for all record transactions.

In an attempt to ascertain the level of confidence in the Computerized Criminal History Records system and the use of the Minnesota offense codes, the Criminal Justice Center asked law enforcement agencies, probation and court services departments to answer a survey that asked:

- Their confidence in Computerized Criminal History Records data provided by the BCA
- Their confidence in the Minnesota offense code data they submit
- Their confidence in the Minnesota offense code data submitted by all agencies
- Whether their agency would use the database created by the Criminal Justice Center

Respondents also were asked to identify possible uses of the Center's database at the local level and other limitations in analyzing Computerized Criminal History Records data.

About 650 agencies that had cases in the BCA system were sent the survey. The survey was also sent to members of the Criminal and Juvenile Justice Information Task Force and the eight interagency trainers. A total of 178 responses were received, giving a response rate of 26 percent. Three-quarters were from police departments and sheriff's offices. The remainder included probation departments, Department of Corrections facilities and other justice professionals.

Overall, confidence in Computerized Criminal History Records system and Minnesota offense code data provided by both the BCA and respondents' agencies was rated a 7 on a scale of 1 to 10 that ranged from "not confident" to "fully confident." Overall, 71 percent responded that they would use the center's criminal history data for a variety of reasons.

The eight respondents in the "other" group, made up of the trainers and members of the Criminal and Juvenile Justice Information Task Force, indicated somewhat lower confidence in the coded data in the Computerized Criminal History

Records system, giving it a rating of 6. However, 85 percent thought they could use the center's data primarily for training purposes, such as interagency presentations and prosecutor training. They felt that the center's database also could provide a check of court dispositions records passed to the BCA for the Computerized Criminal History Records system.

Based on the responses to the survey, it appears that if local agencies have confidence in how their data is submitted, entered into the Computerized Criminal History Records system and distributed, they can use the summary data at the local level for describing the frequency of different types of cases, the efficiency of the system as they forward cases for prosecution and the outcomes of sentencing.

Inconsistent use of the offense codes across jurisdictions and over time, however, may limit the accuracy of statewide analysis because of missing or inaccurate data. Drawing attention to this issue may increase the consistency and accuracy of how the codes are determined and entered into the database.

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