

# Part 7: Criminal Charges and Data Sharing

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## Charge Tracking

Criminal charge tracking is a conundrum in the state courts for many reasons. First, it is complex because the criminal justice system is complex, possibly requiring reference to both state and local charges in a single case. And, second, because of the way that criminal history system rules work, the CCMS must have to continue communication and data sharing with justice partners.

Complexity comes in many forms. First, legislative statute coding should be stored and linked to the charges entered against defendants. Statute codes are often updated by subsequent legislative action to amend different aspects such as a change in associated penalties. So the CCMS should have beginning and ending effective dates associated with the statute code. And older statutes and penalty schedule must also be maintained intact that are applicable to crimes that allegedly occurred during a previous time period. (The same applies to municipal ordinances.) In addition, there are national charge codes that must be associated with the state statute codes for reporting purposes. These codes may or may not match how a state has organized its state statutory law. So some national codes may map to multiple legislative codes.

Second, statutes have penalties associated with them and may also have other associated factors, such as penalty class (Misdemeanor 1st degree, Felony 3rd degree, etc.), charge enhancers (such as when a gun is used), suspension of particular licenses, and specific surcharges that will be applied if found guilty.

Third, most often charges are associated with specific persons. However, corporations and other organizations may be criminally charged also. Therefore it is recommended that not only the three name “western convention” (first, middle, last) should be supplemented with a “full name” that is a long text field allowing for capture of other cultural name structures, such as “XYZ Corporation.” My favorite example of another cultural name structure is persons from Brazil ([Portuguese structure](#)) who often have five or more names with their surname highlighted in the middle, increasing the difficulty of identifying the best surname to be associated with the charge.

## Criminal History and Statistics

Criminal history database systems (separately at the local, state, and federal levels) will be provide many challenges to the CCMS. There are historical and technological reasons underlying these issues that are beyond the scope of this article. We can identify, however, some characteristics of charges in tracking them statistically.

First, charges in many jurisdictions that were originally alleged by law enforcement may not be the charges that are sent to the court by the prosecution. But courts need to be able either to receive

every charge that has ever been associated with the person for the case, or be able to back-connect to the charges in the partner justice agencies. If every charges received, the court needs to change the former charge status to “dismissed,” “not charged” , or some other status designation such as “superseded by grand jury indictment.” Those former charges would likely not be shown as part of the case record. In other words, they are for administrative and statistical purposes, such as connecting the arrest charges reported by law enforcement with the charges prosecuted by the prosecutor and with the charges convicted in court.

Second, the “lead charge” is often associated with statistical counting. Now, as you know, charges may change after law enforcement originates the charge, when the prosecutor files the charge with the court. The “lead charge” may also change after a plea bargain is agreed and the final conviction is recorded.

It is simply a messy situation that consumes a lot of time and effort by all members of the justice community.

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## **Coordination**

As stated in the NCSC Criminal Functional Standards

“As has become apparent in recent years, the criminal court cannot function in an information vacuum that excludes the criminal justice and non-justice agencies. Interfaces must exist with law enforcement, prosecution, public defense, and corrections, as well as with non-justice agencies that maintain records on such topics as criminal spousal and child abuse, sexual predators, fire arms ownership and usage, and victim information.

Case management systems center on the disposition as the primary indicator that a particular case has completed its journey through the court process, although there are variations indifferent jurisdictions. It is important to note, however, that the use of disposition information does not end when the courts dispose a case. Each state has or is developing state wide repositories of criminal history information. This collection of criminal history information contains information on the individual and their relationship to the criminal justice community including information on arrests, charges, and disposition of cases. Case management systems must be capable of passing case disposition information to these state repositories for the purpose of "clearing charges" on the information systems maintained by the law enforcement agency that performed the arrest and who provided the initial charges to the Prosecuting agency.”

