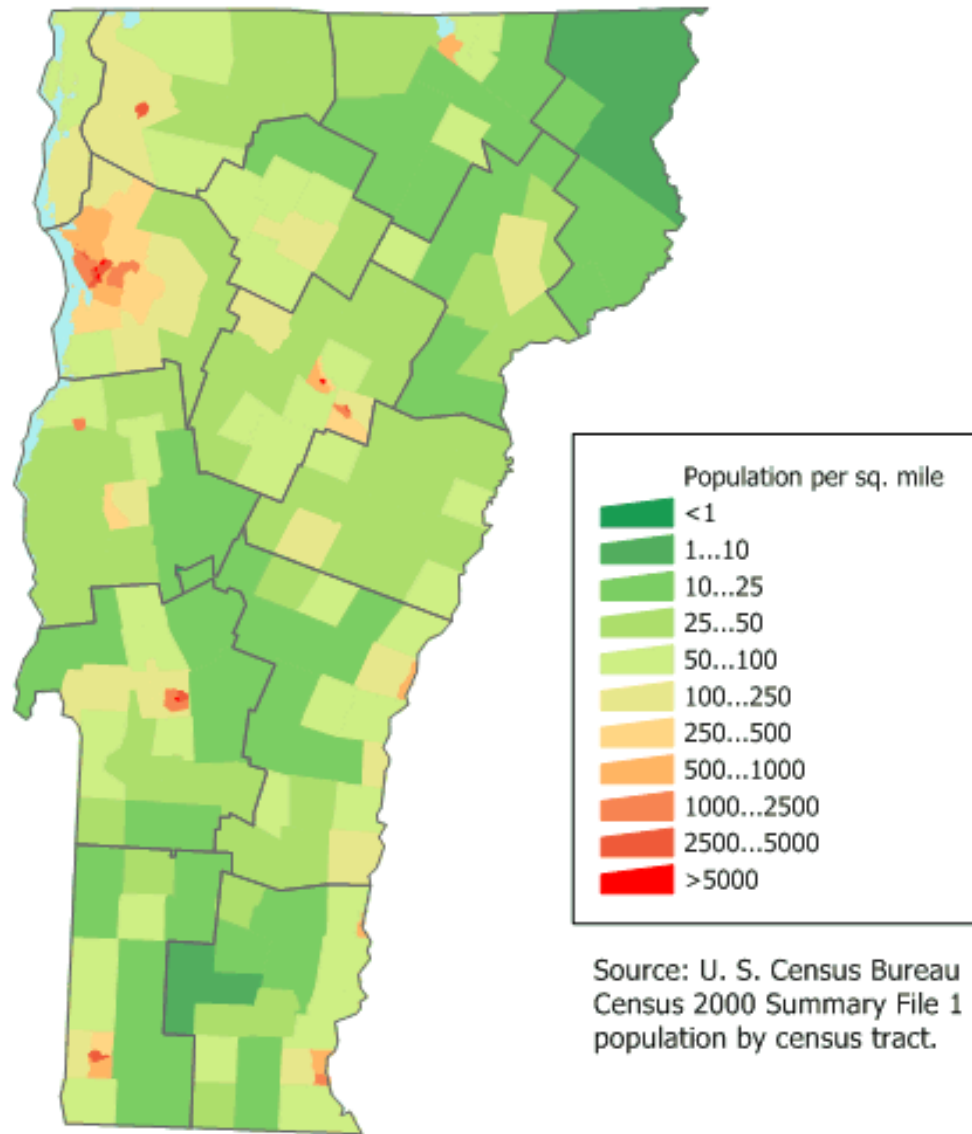


# Accessing Out of State Criminal Histories for Research

Robin Joy JD, PhD  
Director of Research





Source: U. S. Census Bureau  
Census 2000 Summary File 1  
population by census tract.



# First Project 2012-2014

- 2012- VT Legislature passed a law requiring the SAC to conduct a race in sentencing analysis including out of state criminal histories
  - 2012 –SJS funding awarded to conduct the analysis
  - 2012- IRB filed with FBI. VT DPS agrees to be our sponsor
  - And then we waited
-



And Waited...



**And waited...**





We waited all of 2013. BJS gave us a no cost extension

2013 – Senator Patrick Leahy, then Chair of Senate Judiciary Committee, made a call on our behalf

Spring of 2014 we finally get the data!!!!!!

In the form of a pdf with 10K  
pages





# What we found in that study

- Out of State Criminal Histories drove the sentences
  - They were “worse” than traditional Vermont criminal histories:
    - More felonies
    - More felony assaults
  - The presence of an out of state criminal history was uniform across crime types
-



# Presence of Out of State Histories by Race Category

	Out of State	In State	Both	Out of State Only
White Defendant s	14.8%	46.0%	7.7%	7%
Non-White Defendant s	30.2%	45%	15.8%	15.4%





# We try again

- Offender Characteristics
    - started the process in 2019 – got FBI IRB approval, never heard back from the CJIS unit, project closes without the histories.
  - National Criminal Justice Reform Project /SJS Funds
    - FBI IRB approval in 2019
    - CJILU follow up questions and then ....
-



# Access to NLETS

- FBI says we can't use the NLETS process
    - Congress granted BJS access to NLETS for their process, but not the states
    - But! There's a guy named Jim somewhere in the FBI who was trying to make this work.
  - Eventually it works. It took Jim from the FBI, SEARCH, NLETS and many conversations trying to strategize/comply with statutes/regulations, etc. In early 2022 we get permission.
-





# NLETS Process

- BJS has a specific NLETS report run- and that was not what we wanted. We didn't want them to do the analysis.
    - We wanted raw data in xml form.
  - NLETS writes us a new report
  - We started with our own criminal histories and got the FBI numbers from those histories. The FBI numbers were submitted to NLETS in July 2022.
  - NLETS returns the rap sheets to us in xml form on 9/18/2022.
-



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The grant ended on 9/30/2022





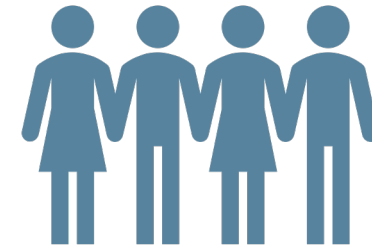
# What we got

- We received one xml file for each person's rap sheet in each state
  - We extracted them into state-based files in R
  - Massachusetts, Oklahoma, New Jersey, Virginia, Montana, Alaska, and Nebraska didn't parse.
  - Elements/Structures across states are not uniform
  - So much free text
-

# Rap Sheets



Rap sheets came back from all  
50 states and the Federal  
Government



42% of the cohort had an out of  
state rap sheet

# Top 10 Jurisdictions

Jurisdiction	N	Percent
Federal Government	581	23%
New Hampshire	438	17%
New York	421	16%
Massachusetts	196	7%
Florida	181	7%
Connecticut	80	3%
New Jersey	56	2%
California	44	2%
Virginia	44	2%
North Carolina	39	2%



# Data Quality/Concerns

Of the 2,521 out of state rap sheets we scored, only 53 had an obvious failure to appear on their rap sheets.

In several states, there were cases that appeared to have been filed but hadn't been disposed of in 20 years.

Massachusetts, for example, reported many prior arrests for the 196 people in our cohort, but only 20 people had a reported a prior conviction.

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# What is needed for the NLETS process to be really good

Fix parsing issues  
with affected states

Each state will need  
its own code to read  
in the data. Different  
organization of data  
(e.g., parole  
violations)

Data dictionaries for  
each state on  
disposition types

String manipulation  
to turn words into  
meaningful analysis

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# Equity and Fairness Considerations



Length of  
histories

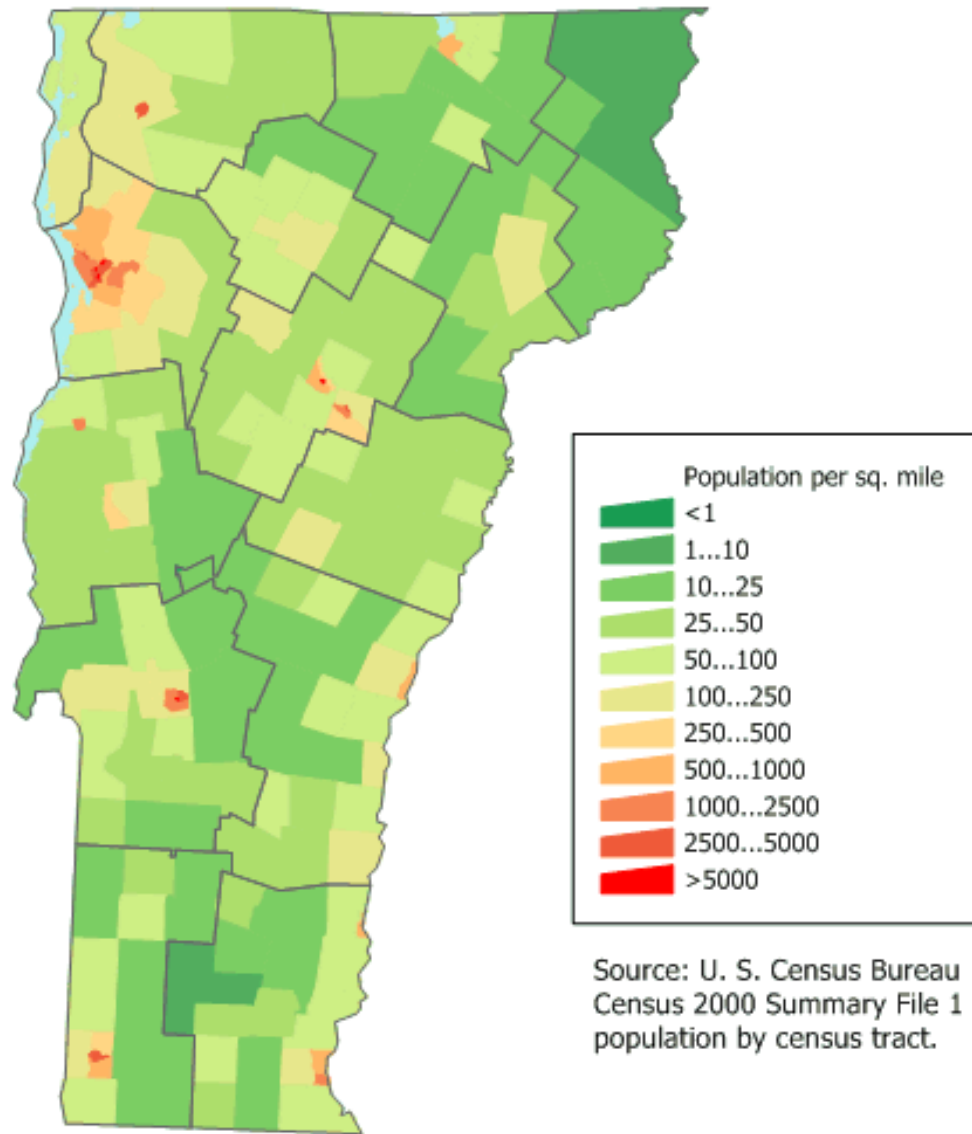
Pay or Stay

Compounding  
Racism

The quality of  
records and use  
in predictive  
modeling

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Source: U. S. Census Bureau  
Census 2000 Summary File 1  
population by census tract.

