

PERFORMANCE AUDIT
OF THE
CRIMINAL JUSTICE INFORMATION CENTER
MICHIGAN DEPARTMENT OF STATE POLICE
February 2003



Michigan
Office of the Auditor General
REPORT SUMMARY

Performance Audit

Report Number:
 55-130-02

Criminal Justice Information Center

Michigan Department of State Police

Released:
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Effective October 1, 1999, the Michigan Department of State Police (MSP) renamed its Central Records Division to the Criminal Justice Information Center (CJIC). CJIC is committed to ensuring the accessibility and utility of criminal justice information for all users, while maintaining the integrity of all records through training and quality control.

Audit Objectives:

1. To determine the accuracy of criminal justice information maintained by CJIC and accessible through the Law Enforcement Information Network.
2. To assess the effectiveness and efficiency of selected CJIC functions.

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Audit Conclusions:

1. The accuracy of the criminal justice information maintained by CJIC needed improvement (Findings 1 through 5).
2. CJIC functions selected for review were generally effective and efficient.

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Noteworthy Accomplishments:

During 2000, CJIC, in conjunction with the State Court Administrative Office (SCAO), accomplished a major undertaking to reenter into the Injunctive Order Records System (IORS) approximately 12,000 mental health court orders that had been

erroneously removed prior to May 1999 based on a programmed expiration date for the orders. Also, CJIC developed a limited access system known as ICHAT (Internet Criminal History Access Tool) to improve user accessibility to criminal history records. ICHAT supports Web browser access to State criminal convictions to provide the ability to conduct criminal background searches on applicants. The use of ICHAT relieves the demand on CJIC staff for criminal background searches.

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Reportable Conditions:

1. Accuracy of Criminal Justice Information
 CJIC controls were not sufficient to ensure the accuracy of criminal justice information in the Criminal History Records System (CHRS) and the Injunctive Order Records System (IORS). Our assessment of the accuracy of criminal justice information disclosed significant percentages of criminal justice data related to felony and misdemeanor

arrests; court case dispositions; and court orders were not recorded in CHRS and IORS. In addition, CJIC did not possess all criminal justice records completed by arresting law enforcement agencies and courts. (Finding 1)

MSP and the State Court Administrative Office (SCAO) agree with the corresponding recommendation.

2. Reporting to the Department of Attorney General

CJIC did not report to the Department of Attorney General criminal justice agencies that were not submitting required criminal history records to CJIC (Finding 2).

MSP agrees with the corresponding recommendation.

3. Concealed Weapon (CCW) Statute

A conflict exists between the criminal justice records that are required by statute to be reported to CJIC and the criminal justice records that are necessary to accurately determine the qualifications of CCW license applicants. As a result, the potential exists for ineligible applicants to be granted CCW licenses. (Finding 3)

MSP agrees with the corresponding recommendation.

4. Timeliness of Warrant Entry

CJIC did not ensure that courts and local law enforcement agencies recorded warrants on a timely basis into the databases accessible through LEIN (Finding 4).

MSP and SCAO agree with the corresponding recommendation.

5. Audits of Criminal Justice Records

CJIC should improve its methodology for auditing criminal justice data by developing procedures to determine that all criminal justice data is included in CHRS (Finding 5).

MSP agrees with the corresponding recommendation.

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A copy of the full report can be obtained by calling 517.334.8050 or by visiting our Web site at: www.state.mi.us/audgen/



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February 26, 2003

The Honorable Maura D. Corrigan
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Lansing, Michigan
and
Mr. John D. Ferry, Jr.
State Court Administrator
Michigan Supreme Court
309 North Washington Square
Lansing, Michigan

Colonel Tadarial J. Sturdivant, Director
Michigan Department of State Police
714 South Harrison Road
East Lansing, Michigan

Dear Chief Justice Corrigan, Mr. Ferry, and Colonel Sturdivant:

This is our report on the performance audit of the Criminal Justice Information Center, Michigan Department of State Police.

This report contains our report summary; description of agency; audit objectives, scope, and methodology and agency responses and prior audit follow-up; comments, findings, recommendations, and agency preliminary responses; a description of survey and summary of survey responses, presented as supplemental information; and a glossary of acronyms and terms.

Our comments, findings, and recommendations are organized by audit objective. The agency preliminary responses were taken from the agency's responses subsequent to our audit fieldwork. The *Michigan Compiled Laws* and administrative procedures require that the audited agency develop a formal response within 60 days after release of the audit report.

We appreciate the courtesy and cooperation extended to us during this audit.

AUDITOR GENERAL

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Description of Agency

Effective October 1, 1999, the Michigan Department of State Police (MSP) renamed its Central Records Division. The new name, the Criminal Justice Information Center (CJIC), was selected to better reflect CJIC's true nature and mission*. No longer solely a record repository, CJIC is actively involved in turning criminal records into information. CJIC is committed to ensuring the accessibility and utility of data for all users, while maintaining the integrity of all records through training and quality control.

On August 6, 2000, MSP reorganized its Administrative and Information Services Bureau to enhance the delivery of services to better meet the needs of the criminal justice community throughout Michigan. This reorganization transferred to CJIC the Criminal Justice Information Systems Policy Unit, Automated Incident Capture System Section, Law Enforcement Information Network* (LEIN), and Automated Fingerprint Identification System.

CJIC is responsible for ensuring the quality of the data maintained in databases accessible through LEIN:

a. LEIN

LEIN provides authorized agencies with a Statewide integrated network of information for the administration of criminal justice. LEIN provides access to multiple MSP databases containing sensitive criminal and law enforcement information, which is accessible by remote terminals located throughout the State. Databases accessible through LEIN contain computerized indexes of documented criminal justice information concerning crimes and criminals of Statewide, as well as national, interest. In addition, LEIN provides access to the National Law Enforcement Telecommunications System*, the National Crime Information Center*, and various other State databases.

CJIC is responsible for access to and management of LEIN. CJIC manages LEIN in accordance with State statutes, promulgated rules, and the Federal Bureau of Investigation, U.S. Department of Justice.

* See glossary at end of report for definition.

b. Criminal History Records System (CHRS)

Section 28.242 of the *Michigan Compiled Laws* requires MSP to maintain centralized criminal history records*. CJIC maintains records of arrest information in its computerized CHRS. Section 28.243 of the *Michigan Compiled Laws* requires that immediately upon the arrest of a person for a felony* or for a misdemeanor* violation of State law or for a juvenile offense for which the maximum possible penalty exceeds 92 days' imprisonment or a fine of \$1,000, or both, the arresting law enforcement agency* in this State take the person's fingerprints in duplicate and forward the fingerprints to MSP within 72 hours after the arrest.

CHRS is a database accessible through LEIN that contains Statewide information on arrests, including fingerprints, reported by law enforcement agencies and the disposition of those arrests reported by local courts. CHRS provides arrest and disposition information to law enforcement agencies, courts, and other users. Courts enter criminal case dispositions into CHRS by an electronic data transfer or by mail for manual entry by CJIC personnel. CHRS involves input and access by local staff in nearly 700 law enforcement agencies; 239 circuit*, district*, and probate* courts; 83 county prosecuting attorneys; jails; and prisons. Law enforcement agencies use CHRS to perform their duties. Local courts use CHRS to make decisions on bonding, sentencing, and probation. Complete and current criminal records are critical for the State's network of criminal justice agencies* to be effective and efficient.

c. Injunctive Order Records System (IORS)

IORS, another database accessible through LEIN, includes injunctive orders* issued by courts. Sections 330.1464a, 600.2950, 600.2950(a), and 700.5107 of the *Michigan Compiled Laws* require individuals with specific court orders to be reported in IORS. These specific court orders are for individuals required to undergo involuntary hospitalization or treatment or a program of combined hospitalization and treatment (IC), individuals subject to a personal protection order (PPO), and individuals determined to be legally incapacitated (LII). Concurrently, Sections 28.422(3)(a) and 28.425b(7)(d) and (o) of the *Michigan Compiled Laws* disqualify individuals subject to any of these types of court orders from obtaining a

* See glossary at end of report for definition.

license to purchase, carry, or transport a pistol*, including a concealed pistol. In addition, Section 600.2950(1)(e) prohibits individuals subject to a PPO from possessing a firearm*. State statutes do not prohibit individuals subject to an IC or an LII court order from purchasing other types of firearms, such as a rifle or a shotgun. However, the federal Brady Handgun Violence Prevention Act requires firearms dealers to determine if a prospective purchaser is prohibited from possessing any type of firearm based on information in the National Instant Criminal Background Check System* (NICS).

PPO court orders are issued by circuit courts, and IC and LII court orders are issued primarily by probate courts. MSP post personnel enter most court orders into IORS. As of March 2002, IC, PPO, and LII court orders represented approximately 6.5% of court-generated information in IORS.

CJIC is responsible for ensuring that criminal justice data is submitted by local law enforcement agencies and the judicial branch:

a. Local Law Enforcement Agencies

Local law enforcement agencies include city, township, or village police departments and county sheriff's offices. Licenses to purchase, carry, or transport pistols are issued to qualified applicants by local law enforcement agencies. These agencies query LEIN to search the criminal history records as well as warrants*, injunctive orders, PPOs, and NICS for the administration of criminal justice, including potential reasons to deny a person a license to purchase, carry, or transport a pistol. In addition, local law enforcement agencies can deny the issuance of a pistol license if there is probable cause to believe that the applicant would be a threat to himself/herself or to other individuals or would commit an offense with the pistol that would violate a law of this State or another state.

Criminal justice data maintained in LEIN-accessible databases for which CJIC is responsible is the primary basis for the issuance of a license to carry a concealed weapon (CCW). Section 28.425b(6) of the *Michigan Compiled Laws* requires the county sheriff, on behalf of the county concealed weapon licensing board, to verify through LEIN that the CCW license applicant meets the statutory CCW licensing requirements.

* See glossary at end of report for definition.

Effective July 1, 2001, Section 28.421a of the *Michigan Compiled Laws* was amended to create a standardized system for issuing CCW licenses to prevent criminals and other violent individuals from obtaining a CCW license, to allow law abiding residents to obtain a CCW license, and to prescribe the rights and responsibilities of individuals who have obtained a CCW license. Applicants for a CCW license must meet specific criminal history qualifications, including never having been convicted of a felony offense in this State or elsewhere; not having been convicted of certain misdemeanor offenses for the eight years, or any misdemeanor offense for the three years, immediately prior to applying for a CCW license; never having been the subject of a not guilty by reason of insanity* (NGRI) case disposition or IC court order; and not being subject to a PPO or LII court order.

b. Judicial Branch

The judicial branch, established under Article VI of the State Constitution, is headed by the Michigan Supreme Court and includes the Michigan Court of Appeals and trial courts* (circuit, district, probate, and municipal courts). Several judicial agencies function under the Supreme Court, including the State Court Administrative Office (SCAO). The State Court Administrator is responsible for aiding the Supreme Court in administering the State's trial courts. Each of the different courts performs a certain role within the judicial branch according to the jurisdiction given to it by the State Constitution and by statute.

To implement the requirements in the *Michigan Compiled Laws*, the SCAO revised forms to include required information for reporting and issued instructions to courts for reporting the information to MSP. MSP issued instructions for recording court orders in IORS and for developing a process with the courts to obtain the court orders.

For the fiscal year ended September 30, 2001, CJIC expended approximately \$5.6 million in administering its responsibilities. As of March 31, 2002, CJIC had 115 full-time equated employees.

* See glossary at end of report for definition.

Audit Objectives, Scope, and Methodology and Agency Responses and Prior Audit Follow-Up

Audit Objectives

Our performance audit* of the Criminal Justice Information Center (CJIC), Michigan Department of State Police (MSP), had the following objectives:

1. To determine the accuracy of criminal justice information maintained by CJIC and accessible through the Law Enforcement Information Network.
2. To assess the effectiveness* and efficiency* of selected CJIC functions.

Audit Scope

Our audit scope was to examine the program and other records of the Criminal Justice Information Center. Our audit was conducted in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States and, accordingly, included such tests of the records and such other auditing procedures as we considered necessary in the circumstances.

Audit Methodology

Our audit procedures, performed during the period November 2001 through June 2002, included an examination of records and activities primarily for the period October 1, 1999 through March 31, 2002.

To accomplish our objectives, we reviewed applicable State statutes and MSP policies and procedures. Also, we interviewed CJIC and county court staff, county prosecuting attorneys, and law enforcement officials to gain an understanding of the processes developed to record and access criminal justice information in CJIC databases. In addition, we researched and obtained reports on similar criminal justice information functions in other states.

To accomplish our first objective, we traced a sample of court case dispositions obtained during visits to circuit, district, and probate courts in 1 judgmentally and 9 randomly selected counties to CJIC databases. Also, we visited selected county prosecuting attorneys and local law enforcement officials to review their processing

* See glossary at end of report for definition.

procedures and obtain input on their experiences with recording and accessing criminal justice information on databases maintained by CJIC.

To accomplish our second objective, we evaluated CJIC's efforts to establish measurable goals* and objectives*. We reviewed CJIC's process for evaluating efforts to achieve its mission. We assessed the effectiveness and efficiency of selected functions within CJIC's Law Enforcement Information Network Field Services Section, Automated Fingerprint Identification and Live Scan Section, and Identification Section.

Agency Responses and Prior Audit Follow-Up

Our report includes 5 findings and recommendations. The Michigan Department of State Police's and State Court Administrative Office's responses stated that they agree with the recommendations that pertained to them and had initiated corrective action, where appropriate.

The agency preliminary response that follows each recommendation in our report was taken from the agency's written comments and oral discussion subsequent to our audit fieldwork. Section 18.1462 of the *Michigan Compiled Laws* and Department of Management and Budget Administrative Guide procedure 1280.02 require MSP to develop a formal response to our audit findings and recommendations within 60 days after release of the audit report.

CJIC had complied with 6 of the 9 prior audit recommendations included in the scope of this audit from three separate audit reports covering various CJIC responsibilities. The other 3 recommendations were rewritten for inclusion in this report.

* See glossary at end of report for definition.

COMMENTS, FINDINGS, RECOMMENDATIONS, AND AGENCY PRELIMINARY RESPONSES

ACCURACY OF CRIMINAL JUSTICE INFORMATION

COMMENT

Audit Objective: To determine the accuracy of criminal justice information maintained by the Criminal Justice Information Center (CJIC) and accessible through the Law Enforcement Information Network (LEIN).

Conclusion: We concluded that the accuracy of the criminal justice information maintained by CJIC needed improvement. Our audit disclosed two material conditions*. CJIC controls were not sufficient to ensure the accuracy of all criminal justice information in the Criminal History Records System (CHRS) and the Injunctive Order Records System (IORS) (Finding 1). Also, a conflict exists between the criminal justice records that are required by statute to be reported to CJIC and the criminal justice records that are necessary to accurately determine the qualifications of applicants for a license to carry a concealed weapon (CCW) (Finding 3). As a result, the potential exists for ineligible applicants to be granted CCW licenses.

Our audit also disclosed reportable conditions* related to reporting to the Department of Attorney General, timeliness of warrant entry, and audits of criminal justice records.

Noteworthy Accomplishments: During 2000, CJIC, in conjunction with the State Court Administrative Office (SCAO), accomplished a major undertaking to reenter into IORS approximately 12,000 mental health court orders that had been erroneously removed prior to May 1999 based on a programmed expiration date for the orders. Based on discussions between CJIC, SCAO, and the Department of Attorney General, the mental health court orders were not to be removed from IORS until a subsequent court order approved their removal. SCAO worked with all relevant courts in the implementation of their role, surveyed courts on their progress, and facilitated effective data transfer between the largest courts and CJIC.

* See glossary at end of report for definition.

Also, CJIC developed a limited access system known as ICHAT (Internet Criminal History Access Tool) to improve user accessibility to criminal history records. ICHAT supports Web browser access to State criminal convictions to provide the ability to conduct criminal background searches on applicants. The use of ICHAT relieves the demand on CJIC staff for criminal background searches.

In addition, CJIC informed us that it has made significant progress in the development of electronic criminal history record building. Since 1999, 13 counties have begun transmitting criminal arrest records electronically. Those 13 counties represent 32% of the overall records received for the six-month period May 1 through October 31, 2002. Further, from January 1 through November 30, 2002, 41% of court dispositions were entered into CHRS electronically. CJIC believes that this process will improve the overall timeliness, accuracy, and completeness of criminal history records.

As a result of previous audit findings, CJIC assigned an employee to find missing records from courts and law enforcement agencies. CJIC also instituted a training program for courts and local law enforcement agencies.

Further, SCAO informed us that it has taken a lead role in improving the transmission of electronic case dispositions as part of the electronic history record building through its Judicial Network Project (JNP). JNP uses both federal criminal history improvement funds and money from the State Judicial Technology Improvement Fund to enable courts to submit dispositions via the State Local Government Extranet. In its first phase, JNP will provide courts, which process approximately 96% of the adult felony caseload, with the technical capability to submit records electronically. The federal goal is for 95% of all felony dispositions to be reported in a complete, accurate, and timely manner. Additional efforts through JNP will focus on electronic submission of other criminal history and related justice system records.

FINDING

1. Accuracy of Criminal Justice Information

CJIC controls were not sufficient to ensure the accuracy of criminal justice information in CHRS and IORS.

CJIC maintains records of criminal arrest information in CHRS and court order information in IORS. Both systems are databases accessible through LEIN. Upon receipt by CJIC, court case dispositions are matched to corresponding arrest

records using a unique identifying number and entered into CHRS. Court case dispositions that cannot be linked to matching arrest information are not entered into CHRS. Unmatched court case dispositions are held in a pending file until CJIC receives the arrest records.

Our assessment of the accuracy of criminal justice information accessible through LEIN disclosed:

- a. Significant percentages of criminal justice data related to felony and misdemeanor arrests; court case dispositions; and court orders for individuals ordered to undergo involuntary hospitalization or treatment or a program of involuntary hospitalization or treatment (IC), individuals subject to a personal protection order (PPO), and individuals determined to be legally incapacitated (LII) were not recorded in CHRS and IORS.

Section 28.242 of the *Michigan Compiled Laws* requires the Michigan Department of State Police (MSP) to maintain centralized criminal history records. Section 28.243 of the *Michigan Compiled Laws* requires that, for crimes with penalties exceeding 92 days' imprisonment or a fine of \$1,000, or both, law enforcement agencies submit arrest information, including fingerprints as a positive method of identification, to CJIC within 72 hours after the arrest. Section 769.16a of the *Michigan Compiled Laws* requires the courts to immediately notify CJIC of the final disposition of felony or misdemeanor charges for which the maximum possible penalty exceeds 92 days' imprisonment. Sections 330.1464a, 600.2950 - 600.2950a, and 700.5107 of the *Michigan Compiled Laws* require the immediate recording of IC, PPO, and LII court orders.

For each of 10 counties, we visited the circuit, the probate, and one district court. One of the counties was judgmentally selected and the other 9 counties were randomly selected. We obtained a sample of felony and misdemeanor court case dispositions, their related arrest records and IC, PPO, and LII court orders from the courts visited, all of which were required by statute to be recorded in either CHRS or IORS, and traced the dispositions and orders into CHRS or IORS. Not-guilty-by-reason-of-insanity (NGRI) cases, which are the subject of prior performance audit report entitled Legal Incapacitation, Involuntary Hospitalization or Treatment, and Not-Guilty-By-Reason-of-

Insanity Court Order Information Within the Law Enforcement Information Network, are shown separately from other court case dispositions.

CJIC has received federal grant funds to update and improve CHRS, and law enforcement agencies have received federal grant funds to improve their operations. The federal grant guidelines recommended that agencies ensure a minimum of 95% completeness and accuracy in reporting criminal history activity.

The following three tables show the results of our tests of arrest records, court case dispositions, and court orders:

<u>Court/Type of Arrest</u>	<u>Number of Reviewed Arrest Records</u>	<u>Number of Reviewed Arrest Records Not Recorded in CHRS</u>	<u>Percentage of Reviewed Arrest Records Not Recorded in CHRS</u>
<u>Circuit Court</u>			
Felonies/Misdemeanors	500	27	5%
NGRIs	28	4	14%

<u>District Court</u>			
Misdemeanors	499	113	23%

<u>Court/Type of Disposition</u>	<u>Number of Reviewed Dispositions</u>	<u>Number of Reviewed Dispositions Not Recorded in CHRS</u>	<u>Percentage of Reviewed Dispositions Not Recorded in CHRS</u>
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<u>Circuit Court</u>			
Felonies/Misdemeanors	589	40	7%
NGRIs	38*	12**	32%

<u>District Court</u>			
Misdemeanors	398	130	33%

* This number includes 3 dispositions that were recorded in IORS but not in CHRS. Only NGRI dispositions recorded in CHRS are included in the federal index of participating states' criminal history records. Because firearms dealers query only this federal index when a person is purchasing a firearm, such as a rifle or shotgun, NGRI dispositions missing from CHRS (such as the 3 dispositions noted above) would not be identified.

** This number includes 4 dispositions recorded in CHRS as "Found Not Guilty – Acquittal" rather than NGRI, which may lead the user of the information to an incorrect conclusion regarding the disposition of the court case.

<u>Court/Type of Order</u>	<u>Number of Reviewed Orders</u>	<u>Number of Reviewed Orders Not Recorded in IORS</u>	<u>Percentage of Reviewed Orders Not Recorded in IORS</u>
<u>Circuit Court</u>			
PPOs	238	23	10%
<u>Probate Court</u>			
ICs and LIIs	104	22	21%

A LEIN query provides only current information and does not provide an audit trail of court case dispositions or court orders entered into or removed from the applicable database. Therefore, we could determine only whether court case dispositions and court orders were accessible through LEIN as of March 2002. We could not determine whether missing court case dispositions and court orders were ever entered into CHRS or IORS, whether court case dispositions and court orders were entered and later removed, or the reason that court case dispositions and court orders were never entered or were removed from CHRS or IORS.

b. CJIC did not possess all criminal justice records completed by arresting law enforcement agencies and courts:

(1) Our review of 102 court cases with enhanced sentences obtained from the circuit courts visited disclosed that 48 (47%) were not recorded as felony convictions in CHRS. Various State statutes provide for enhancing the penalty of certain crimes under certain conditions. For example, Section 257.625(14) of the *Michigan Compiled Laws* provides for a prosecuting attorney to seek an enhanced sentence for individuals convicted of their third violation within 10 years of operating a vehicle under the influence of intoxicating liquor or controlled substance. Section 257.625(8) provides that in such cases the individual is guilty of a felony rather than a misdemeanor with correspondingly more severe penalties.

CJIC and SCAO officials believe, and we concur, that it is vital to include enhanced sentence information in CHRS to ensure the accuracy of criminal justice data maintained in CHRS.

- (2) As of April 1, 2002, CJIC records indicated that 142,005 court case dispositions had not been recorded in CHRS because CJIC did not possess the corresponding arrest records from the arresting law enforcement agencies. Arrest records contain the unique identifying number used to locate the court case disposition. Therefore, CJIC could not record the court case dispositions in CHRS until they were matched with corresponding arrest records. By summarizing the unrecorded court case dispositions by criminal offense code, we determined that 84,514 (60%) of the total 142,005 unrecorded dispositions were contained in 21 (2%) of the 1,100 criminal offense codes represented in the population and were required to be recorded in CHRS. The potential exists that some portion of the remaining dispositions were not required to be recorded in CHRS. From CJIC audits of criminal justice agencies* located in three counties completed since January 2002, CJIC records indicated that its audit staff had located 112 (50%) of the 223 missing arrest records for the counties audited.
- (3) We reviewed the status of arrests recorded during 1999 to determine whether court case dispositions were recorded in CHRS as of April 1, 2002. We selected this time period based on our understanding that arrests typically reach a disposition within a two-year period. We noted that 9,100 (7%) of the 131,858 Statewide arrests during 1999 did not have a disposition recorded in CHRS. In comparison, our prior audit of CJIC disclosed that 11,848 (11%) of the 106,174 Statewide arrests during 1993 did not have a disposition recorded in CHRS. SCAO officials informed us that they expected that some court cases might not reach a disposition within a two-year period, usually because the charged individual is either not currently in custody or is apprehended after a delay of many months. However, during CJIC audits of criminal justice agencies located in three counties completed since January 2002, CJIC records indicated that its audit staff had located 260 (87%) of the 299 missing court case dispositions from the total county population of the 9,100 arrests that did not have a disposition recorded in CHRS.

* See glossary at end of report for definition.

In our prior audit reports, we recommended that the Central Records Division strive to ensure that local law enforcement agencies and courts submit complete arrest and disposition information on a timely basis. MSP responded that it had provided courts with quarterly printouts of missing court dispositions and requested the courts to provide the missing information. Also, MSP had applied for and was granted federal funding to locate missing dispositions and arrest information through the National Criminal History Improvement Program* (NCHIP). Through NCHIP, the SCAO was to develop and implement a new system for electronically reporting court case dispositions and other information from Michigan's courts.

At the time of our current audit, CJIC was providing courts with quarterly printouts of missing court case dispositions. However, CJIC had not analyzed the effect that these printouts had on reducing the occurrence of dispositions not being submitted by the courts.

Subsequent to our prior audit, CJIC used a portion of the NCHIP grant to fund an effort to locate missing arrest records. CJIC administrators informed us that during 1998 they identified approximately 10,000 court case dispositions submitted by courts for felony convictions from 1991 to 1993 that were not recorded in CHRS. During the following 18 months, CJIC contacted the appropriate criminal justice agencies and satisfactorily located the missing arrest information. Also, CJIC used a portion of the grant to revise the computer system used by criminal justice agencies to submit arrest records. This revision was to help ensure more consistent recording of arrest records and court case dispositions in CHRS. However, at the time of our audit, CJIC did not expect to implement the revision until 2003. In addition, the SCAO informed us that, through NCHIP, it was in the process of developing and implementing a new system for electronically reporting case dispositions and other information from Michigan's courts. The key component of this initiative is the implementation of an electronic network for on-line transmission of data, a process requiring significant interagency coordination in establishing State telecommunication connections efficiently in each jurisdiction. The SCAO reports that soon courts handling 96% of the adult felony case load will have the technical capability to submit dispositions electronically.

* See glossary at end of report for definition.

Despite CJIC's continuing efforts in working with criminal justice agencies to ensure the submission of required criminal justice data, our audit indicated that the occurrence of missing arrest information and court case dispositions still exists.

Section 28.422 of the *Michigan Compiled Laws* disqualifies individuals convicted of certain felony offenses or subject to pending felony offenses; NGRI case dispositions; and IC, PPO, and LII court orders from obtaining a license to purchase, carry, or transport a pistol. Section 28.425b of the *Michigan Compiled Laws* disqualifies from obtaining a license to carry a concealed weapon those individuals who have ever been convicted of a felony offense in this State or elsewhere; have been convicted of certain misdemeanor offenses for the eight years, or any misdemeanor offense for the three years, immediately prior to applying for a CCW license; have ever been the subject of an NGRI case disposition or an IC court order; or are subject to a PPO or LII court order at the time of applying for a CCW license. The county sheriff determines compliance with these requirements by using LEIN to research the applicant's criminal history and court order records. Thus, the presence of accurate criminal justice information accessible through LEIN decreases the risk that ineligible individuals receive licenses to purchase, carry, or transport a pistol, including carrying a concealed weapon.

Further, governmental agencies use LEIN to check the backgrounds of applicants for a variety of licenses, such as those necessary to operate day care and foster care homes. Employers periodically request information on the criminal backgrounds of prospective employees and, most recently, criminal history information is used as a tool to assess the security risk of prospective student pilots as required by State statute.

The complete and timely submission of criminal history records helps ensure that LEIN queries provide complete and accurate criminal history records and that criminal justice agencies have complete and accurate information available when making arrest, prosecution, and sentencing decisions. Criminal history records are key factors in determining how to prosecute cases, the severity of the sentence imposed, and institutional placement by the Department of Corrections.

RECOMMENDATION

We recommend that MSP, in conjunction with the SCAO and other relevant agencies, develop sufficient controls to ensure the accuracy of criminal justice information in CHRS and IORS.

AGENCY PRELIMINARY RESPONSE

MSP and the SCAO agree that it is important to maintain the accuracy of criminal justice information required to be in CHRS and IORS. Understanding that the criminal history reporting system has many steps, MSP and the SCAO will collaborate with all relevant agencies, including prosecutors and local law enforcement, to improve the system.

MSP and the SCAO informed us that they are currently working on several initiatives aimed at improving the criminal history reporting system. First, MSP continues to pursue the Criminal History Record Enhancement Project, which is a transition from the current mainframe-based CHRS to a server-based system. This new system will allow for greater flexibility in electronic submissions from law enforcement and courts, for enhanced status monitoring, and for separate electronic submission of sentence enhancements. Second, the SCAO, using federal NCHIP funds made available through MSP, continues to develop JNP, which will enable courts to submit disposition and other information electronically. Third, MSP and local law enforcement continue to promote the use of live scan to electronically capture fingerprint and arrest data. Fourth, the SCAO continues to monitor courts' compliance with reporting requirements and to assist courts with compliance, employing, among other things, training and the development of court-specific case disposition checklists. Fifth, MSP continues to provide courts with quarterly printouts of missing court case dispositions, noting that the printouts have proven effective, with 70% of courts reporting missing data. Sixth, MSP and SCAO will work together to better coordinate the various State initiatives to improve the criminal history records system, including the Criminal Justice Records Improvement Task Force and the Criminal Justice Information Systems Policy Council's Integration Committee. MSP and the SCAO believe that these initiatives will lead to more timely, accurate, and complete criminal justice records.

FINDING

2. Reporting to the Department of Attorney General

CJIC did not report to the Department of Attorney General criminal justice agencies that were not submitting required criminal history records to CJIC.

Section 28.243 of the *Michigan Compiled Laws* requires that, for crimes with penalties exceeding 92 days' imprisonment or a fine of \$1,000, or both, law enforcement agencies submit arrest information, including fingerprints as a positive method of identification, to CJIC within 72 hours after the arrest. Section 769.16a of the *Michigan Compiled Laws* requires the courts to immediately notify CJIC of the final disposition of felony or misdemeanor charges for which the maximum possible penalty exceeds 92 days' imprisonment.

Effective June 1, 1988, Section 28.245a of the *Michigan Compiled Laws* states that MSP may perform random performance audits of criminal and juvenile history information. Section 28.245a requires MSP to report to the Attorney General when, during a performance audit of the criminal or juvenile history information, MSP finds that required information regarding sexually motivated criminal or juvenile history records is not being supplied. Although not specifically required by statute, based on the various statutes requiring the reporting of criminal history records, we believe that CJIC should report all instances of nonreporting to the Department of Attorney General. Department of Attorney General representatives informed us that if notified by MSP that criminal justice agencies were not submitting criminal history records as required, they would attempt to achieve a resolution or seek a court order directing compliance.

During 2000, CJIC developed and implemented an audit process to verify that criminal history data entered into CHRS and IORS is accurate and supported by documentation at the originating criminal justice agency. As a part of the audit process, CJIC administrators informed us that, beginning in 2002, they included a search for arrest information that would correspond to court case dispositions that had already been reported. During CJIC audits of criminal justice agencies located in three counties completed since January 2002, CJIC audit staff had located 112 (50%) of 223 missing arrest records for the counties audited. Also, during a review of arrest records for which there were no corresponding court case dispositions, CJIC audit staff had located 260 (87%) of 299 missing court dispositions during the audits performed of the criminal justice agencies in those same three counties.

Examples of missing criminal history records that CJIC identified but did not report to the Department of Attorney General included domestic violence, controlled substance violations, assault, and criminal sexual conduct. Because CJIC audits did not assess the original point of submission for entry into CHRS (Finding 5), CJIC was unable to determine the reason for the missing criminal history records.

We have reported in two prior audit reports that criminal justice records were missing from CHRS. In our prior audit, CJIC administrators informed us that they had not reported the issue of missing criminal history records to the Department of Attorney General because they had not conducted a study to determine why the records were missing from CHRS. However, CJIC administrators informed us that they did not perform a study but rather chose to work with criminal justice agencies to improve the recording of criminal history records.

The timely submission of criminal history records helps ensure that criminal justice agencies have the most complete and accurate criminal history records available to perform their duties.

RECOMMENDATION

We recommend that CJIC report to the Department of Attorney General criminal justice agencies that are not submitting required criminal history records to CJIC.

AGENCY PRELIMINARY RESPONSE

MSP agrees with this finding. MSP informed us that it understands the reason criminal justice agencies may not submit all records is because of a lack of staff and resources. Therefore, MSP informed us that it has chosen to encourage, and partner with, courts and law enforcement agencies to find ways to automate its submissions to CJIC, rather than expend resources on reporting failures. However, MSP will develop an audit procedure in order to report nonreporting agencies to the Department of Attorney General.

FINDING

3. CCW Statute

A conflict exists between the criminal justice records that are required by statute to be reported to CJIC and the criminal justice records that are necessary to

accurately determine the qualifications of CCW license applicants. As a result, the potential exists for ineligible applicants to be granted CCW licenses.

Section 28.243 of the *Michigan Compiled Laws* requires that, upon the arrest of a person for a crime for which the maximum possible penalty exceeds 92 days' imprisonment and/or a fine of \$1,000, the arresting law enforcement agency forward the arrest records to CJIC within 72 hours after the arrest for recording in CHRS. Section 769.16a of the *Michigan Compiled Laws* requires courts to report to CJIC for recording in CHRS the final disposition of felony or misdemeanor charges for which the maximum possible penalty exceeds 92 days' imprisonment.

As of April 2002, Section 28.243(5) of the *Michigan Compiled Laws* was amended to allow for misdemeanors that have a maximum penalty of 93 days' imprisonment or a fine of less than \$1,000 to be submitted to CJIC for entry into CHRS. However, State statutes do not require that these misdemeanors be reported to CJIC although many are disqualifying factors for obtaining a CCW license. For instance, Section 28.425b(7)(h) of the *Michigan Compiled Laws* lists 36 specific offenses that a CCW license applicant cannot have been convicted of for the eight years immediately prior to applying for a CCW license. However, 19 of the 36 offenses have maximum penalties of less than 93 days' imprisonment and/or \$1,000 fine and, therefore, are not required to be submitted to CJIC for recording in CHRS. Additionally, although not within the scope of this audit, Section 28.425b of the *Michigan Compiled Laws* disqualifies individuals with diagnosed mental illnesses at the time of application from obtaining a CCW license. However, because diagnoses of mental illnesses are not criminal court case dispositions or court orders, State statutes do not require that they be reported to CJIC or be recorded in CHRS or IORS.

As of April 2002, 41,010 individuals had been granted CCW licenses, 596 CCW applications had been denied, and 12,765 CCW applications were pending approval. In addition, 13 CCW licenses had been revoked and 16 CCW licenses had been suspended for offenses committed subsequent to the licenses being granted. Access to a database containing all necessary information is critical to accurately determine the qualifications of CCW license applicants.

RECOMMENDATION

We recommend that CJIC, after consulting with other affected agencies, seek amendatory legislation to resolve the conflict that exists between the criminal justice records that are required by statute to be reported to CJIC and the criminal justice records that are necessary to accurately determine the qualifications of CCW license applicants.

AGENCY PRELIMINARY RESPONSE

MSP agrees with this finding. MSP is developing a new procedure involving pre-printed fingerprint cards with a tracking number so that criminal justice agencies can more easily submit information on these cases to CHRS. MSP is also exploring the possibility of amendatory legislation concerning the differences in reportable and nonreportable offenses for obtaining a CCW license.

FINDING

4. Timeliness of Warrant Entry

CJIC did not ensure that courts and local law enforcement agencies recorded warrants on a timely basis into the databases accessible through LEIN.

Warrants for wanted persons issued by courts are recorded in a database accessible through LEIN directly by the issuing court or by the local law enforcement agency that requested the court to issue the warrant. *Michigan Administrative Code R 28.5402* requires a law enforcement user agency to record a warrant as soon as possible after the investigating agency obtains the warrant but, in no case, shall this time be more than 12 hours after the law enforcement user agency determines that it has reason to believe that a person should be arrested. SCAO officials informed us that it was their interpretation that courts are not "law enforcement user agencies" and therefore not subject to R28.5402 timelines.

Our review of the timeliness of recording warrants disclosed that warrants were not always recorded in a timely manner. The SCAO informed us that it is aware of some instances in which courts, through a law enforcement agency request, intentionally kept warrants out of LEIN-accessible databases for a period of time. Perhaps the most typical cases are when the investigating officer does not wish an ongoing investigation or other information-gathering phase to be disrupted through

an arrest by another agency. We reviewed the recording date for 12,819 outstanding warrants as of May 3, 2002 that were related to crimes against a person, such as assault (11,648), rape (499), and robbery (346). We determined that 9,331 (73%) of the warrants were recorded more than 1 day after issuance and that 4,350 (34%) of the warrants were recorded 15 or more days after issuance. The following table indicates the breakdown of warrants by entering agency:

Entering Agency	Outstanding Warrants as of May 3, 2002	Warrants Entered More Than 1 Day After Issuance	Percentage Entered More Than 1 Day After Issuance	Warrants Entered 15 or More Days After Issuance	Percentage Entered More Than 15 Days After Issuance
Local law enforcement agencies	9,599	8,169	85%	3,869	40%
Courts	<u>3,220</u>	<u>1,162</u>	36%	<u>481</u>	15%
Total	<u>12,819</u>	<u>9,331</u>	73%	<u>4,350</u>	34%

The SCAO informed us that delays in recording warrants may occur for several reasons, e.g., because a court did not provide the local law enforcement agency with the warrant issued in a timely manner, because the agency failed to obtain the warrant from the court, or because the local law enforcement agency did not commit sufficient resources to record warrants.

Recording warrants in a timely manner is necessary to ensure that the information is available to law enforcement personnel as soon as possible.

In our prior audit report, we recommended that MSP expand its communication efforts with court administrators to ensure the timely entry of warrants. MSP responded that it would work with the courts and local law enforcement agencies to bring attention to this problem. Also, MSP stated that it would conduct a review of the timeliness issue with users and develop a plan to correct the problem by October 1, 1998. However, CJIC administrators stated that they were unaware of any review conducted concerning the timeliness of recording warrants or a plan to correct this problem.

At the time of our current audit, CJIC had been working to persuade courts to record all warrants; however, CJIC had not addressed the issue of court resources needed to accomplish this task. CJIC stated that having courts record all warrants

would help eliminate delays incurred when warrants are forwarded to local law enforcement agencies for recording. As of January 2001, Criminal Justice Information Systems Policy Council minutes indicated that courts were recording 64% of the warrants.

RECOMMENDATION

We recommend that CJIC work with the SCAO and local law enforcement agencies to develop controls that will help ensure the timely recording of warrants into the databases accessible through LEIN.

AGENCY PRELIMINARY RESPONSE

MSP and the SCAO agree that the timely entry of warrants is important. MSP and the SCAO will work with courts, MSP posts, and local law enforcement to develop initiatives towards improving the timeliness of warrant entry. Given that many courts have voluntarily taken on law enforcement warrant entry responsibilities, the SCAO will also develop warrant entry standards for those courts choosing to enter warrants directly.

FINDING

5. Audits of Criminal Justice Records

CJIC should improve its methodology for auditing criminal justice data by developing procedures to determine that all criminal justice data is included in CHRS.

During November 2000, CJIC began auditing criminal justice data in CHRS to determine whether the data was accurate and sufficiently supported. As part of CJIC's audit process, CJIC auditors selected a sample of CHRS data and traced the data to the originating criminal justice agency. CJIC auditors generally found that the information in CHRS was accurate and supported. However, CJIC did not perform audit tests to assess the completeness of the data in CHRS.

CJIC auditors had planned to test the completeness of CHRS data by obtaining the population of all data originating from each county from a coordinating agency for all county prosecuting attorney offices. However, the coordinating agency was unable to provide CJIC auditors with the population of all of the data originating from each county. Therefore, CJIC auditors did not perform the portion of their

audit process designed to determine whether all criminal justice data was properly included in CHRS. Our review of a sample of CHRS data generated by criminal justice agencies indicated that significant percentages of the data were not recorded in CHRS (Finding 1).

CJIC appropriately recognized the need to determine whether all criminal justice data was properly included in CHRS but had not developed alternative audit procedures to accomplish the objective when it could not obtain criminal justice data populations from external sources. Determining whether all criminal justice data is included in CHRS would help ensure the reliability of information used by criminal justice agencies to perform their responsibilities.

RECOMMENDATION

We recommend that CJIC improve its methodology for auditing criminal justice data by developing procedures to determine whether all criminal justice data is included in CHRS.

AGENCY PRELIMINARY RESPONSE

MSP agrees with this finding and will update its audit process to determine if all criminal justice data is included in CHRS. In addition, MSP informed us that it is committed to continuing auditing and working with local agencies to ensure the accuracy, timeliness, and completeness of CHRS.

EFFECTIVENESS AND EFFICIENCY OF SELECTED CJIC FUNCTIONS

COMMENT

Audit Objective: To assess the effectiveness and efficiency of selected CJIC functions.

Conclusion: We concluded that the CJIC functions selected for review were generally effective and efficient.

SUPPLEMENTAL INFORMATION

Description of Survey

We developed a survey to assist in our audit of the Criminal Justice Information Center (CJIC).

We mailed 100 surveys to a variety of Law Enforcement Information Network (LEIN) users seeking information regarding the effectiveness of CJIC training, LEIN controls, and the overall reliability of the information accessed through LEIN. We provided surveys to State departments (Department of State, Department of Attorney General, and Michigan Department of State Police), courts (circuit, district, and probate), and local law enforcement agencies. We received a total of 67 responses to our survey, which are summarized in the summary of survey responses. The survey responses indicated that most LEIN users were satisfied with the CJIC training they received and that most users considered LEIN information to be very accurate.

CRIMINAL JUSTICE INFORMATION CENTER (CJIC)

Michigan Department of State Police

Summary of Survey Responses

Surveys distributed	100
Number of responses	67
Response rate	67%

The total number of responses for each item may not agree with the number of responses noted above because some respondents provided more than one response to an item and other respondents did not answer all items.

Agency Information

1. Please indicate how your agency submits data to the Law Enforcement Information Network (LEIN). Please select all that apply.

<u>53</u>	LEIN terminal on site
<u>6</u>	State police LEIN terminal
<u>3</u>	County sheriff LEIN terminal
<u>12</u>	Other

2. How often does your agency enter information into LEIN?

<u>17</u>	Daily
<u>4</u>	Weekly
<u>1</u>	Monthly
<u>2</u>	Other

Training

3. How satisfied were you with the content of LEIN training provided by CJIC?

<u>22</u>	Very satisfied
<u>36</u>	Satisfied
<u>3</u>	Dissatisfied
<u>0</u>	Very dissatisfied
<u>2</u>	No opinion

4. How satisfied were you with the material covered in LEIN training?

<u>22</u>	Very satisfied
<u>37</u>	Satisfied
<u>3</u>	Dissatisfied
<u>0</u>	Very dissatisfied
<u>1</u>	No opinion

Controls Over LEIN Access

5. Has CJIC provided self-evaluation checklists or other tools that your agency can use to monitor and evaluate controls over LEIN access?

<u>49</u>	Yes
<u>10</u>	No

6. Has your agency developed written procedures to follow for approving access to LEIN?

<u>52</u>	Yes
<u>9</u>	No

7. How often are there unexpected interruptions on your LEIN terminal?

<u>28</u>	Rarely
<u>3</u>	Daily
<u>14</u>	Weekly
<u>5</u>	Monthly

Reliability/Satisfaction

8. Please rate the accuracy of LEIN information:

<u>58</u>	Very accurate
<u>6</u>	Somewhat accurate
<u>0</u>	Somewhat inaccurate
<u>1</u>	Very inaccurate

9. Does your agency conduct:

Second party checks?

<u>38</u>	Yes
<u>22</u>	No

Monthly record validations?

<u>42</u>	Yes
<u>16</u>	No

10. If you are a police agency, do you generally have a backlog of information that has not been entered into LEIN for the following categories? If you answered yes, how long are the backlogs?

	<u>Yes</u>	<u>No</u>	<u>1-3 Days</u>	<u>4-7 Days</u>	<u>8-14 Days</u>	<u>Over 14 Days</u>
Warrants	12	29	7	1	0	1
Missing persons	0	40				
Stolen vehicles	0	40				

11. How does CJIC notify your agency of data entry errors on LEIN?

<u>2</u>	E-mail
<u>25</u>	Mail
<u>5</u>	Telephone
<u>12</u>	Other (please identify)

Glossary of Acronyms and Terms

CCW	carrying a concealed weapon.
CHRS	Criminal History Records System.
circuit court	The court that has original jurisdiction in all civil cases involving more than \$25,000 (increased from \$10,000 effective January 1, 1998); in all felony criminal cases; in certain serious misdemeanors; and in all family-related cases (including divorce, paternity, child support, juvenile delinquency, abuse and neglect, and adoption). Circuit courts also hear cases appealed from lower courts.
CJIC	Criminal Justice Information Center.
criminal history records	Records maintained, by individual, of criminal activities committed in the State.
criminal justice agencies	Law enforcement agencies, prosecutors' offices, and courts.
district court	The court that has exclusive jurisdiction over all civil litigation up to \$25,000 and handles garnishments, eviction proceedings, land contract and mortgage foreclosures, all civil infraction violations, and other proceedings. In addition, district courts also handle both preliminary examinations in felony cases and all misdemeanors for which punishment does not exceed one year in jail. District courts include small claims divisions.
effectiveness	Program success in achieving mission and goals.
efficiency	Achieving the most outputs and outcomes practical with the minimum amount of resources.

felony	A violation of a penal law of this State for which the offender may be punished by imprisonment for more than one year or an offense expressly designated by law to be a felony.
firearm	A weapon from which a dangerous projectile may be propelled by an explosive or by gas or air. A "firearm" does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, BB's not exceeding .177 caliber.
goals	The agency's intended outcomes or impacts for a program to accomplish its mission.
IC	Individuals required to undergo involuntarily hospitalization or treatment or a program of combined hospitalization and treatment.
ICHAT	Internet Criminal History Access Tool.
injunctive order	A court order prohibiting someone from doing some specified act or commanding someone to undo some wrong or injury.
IORS	Injunctive Order Records System.
JNP	Judicial Network Project.
law enforcement agency	A city, township, or village police department; a county sheriff's office; or a federal or State policing organization.
Law Enforcement Information Network (LEIN)	The computer system and the series of computer terminal locations that allow criminal justice agencies to enter and access data.
LII	Individuals determined to be legally incapacitated.
material condition	A reportable condition that could impair the ability of management to operate a program in an effective and

efficient manner and/or could adversely affect the opinion of an interested person concerning the effectiveness and efficiency of the program.

misdemeanor

A violation of a penal law of this State that is not a felony or a violation of an order, a rule, or a regulation of a State agency that is punishable by imprisonment or a fine that is not a civil fine.

mission

The agency's main purpose or the reason that the agency was established.

MSP

Michigan Department of State Police.

**National Crime
Information Center
(NCIC)**

The computer system at the Federal Bureau of Investigation's national headquarters that provides out-of-state criminal justice information files to all local, state, and federal agencies. Through NCIC, LEIN users are able to receive out-of-State criminal justice information files.

**National Criminal
History Improvement
Program (NCHIP)**

Initiated in 1995, NCHIP provides grants to all states to upgrade the quality and accessibility of criminal records, including records of protection orders, domestic violence, and sex offender registries. NCHIP is closely coordinated with the Federal Bureau of Investigation and assists states to develop record systems that interface with the Federal Bureau of Investigation's National Instant Criminal Background Check System, the Federal Bureau of Investigation's National Protection Order File, and the National Sex Offender Registry.

**National Instant
Criminal Background
Check System (NICS)**

A computer system established in November 1998 as mandated by the Brady Handgun Violence Protection Act to provide information to gun dealers within 30 seconds on whether a transfer to a non-licensee of any firearm would violate federal or state law.

National Law Enforcement Telecommunications System (NLETS)	The message switching computer link between Michigan LEIN users and other states. Through NLETS, LEIN users are able to communicate with out-of-State criminal justice agencies and to access motor vehicle and driver record files.
not guilty by reason of insanity (NGRI)	A criminal case disposition in which the defendant was adjudged not guilty by reason of insanity.
objectives	Specific outcomes that a program seeks to achieve its goals.
performance audit	An economy and efficiency audit or a program audit that is designed to provide an independent assessment of the performance of a governmental entity, program, activity, or function to improve public accountability and to facilitate decision making by parties responsible for overseeing or initiating corrective action.
pistol	A loaded or unloaded firearm that is 30 inches or less in length or a loaded or unloaded firearm that by its construction and appearance conceals it as a firearm.
PPO	personal protection order.
probate court	A court that hears cases pertaining to guardianships, conservatorships, the commitment for hospital care of the mentally ill, and the administration of estates and trusts for minors and adults. As of January 1, 1998, the family divisions of circuit courts were created and jurisdiction for juvenile delinquency, abuse and neglect, adoptions, and other family matter cases was moved from the probate court to the circuit court.
reportable condition	A matter that, in the auditor's judgment, represents either an opportunity for improvement or a significant deficiency in management's ability to operate a program in an effective and efficient manner.

SCAO

State Court Administrative Office.

trial court

A court with jurisdiction over cases where evidence is first received and considered. Trial courts in Michigan include circuit, district, probate, and municipal courts.

warrant

An official order authorizing a specific act, such as the arrest of an individual.