

An Overview of Maine's Criminal History Record Information System

State Bureau of Identification



The State Bureau of Identification:

Purpose

- SBI is the State's official repository for criminal history (not police reports or court filings).
- SBI maintains (collects, preserves, files) and disseminates (distributes) criminal history.
- Tri-State AFIS
- Maine Sex Offender Registry

Maintain ≠ Disseminate

- SBI maintains criminal history and juvenile history.
- Criminal history is of two types—public and confidential.
- Juvenile history can be public or confidential.
- SBI disseminates public criminal history to the public.
- Dissemination of confidential criminal history is limited by statute.

What events make up criminal history?

- Points along the criminal process that connect an identifiable person to formal involvement with the criminal justice system.
- Some examples:
 - Arrest or summons
 - Complaint or decision not to prosecute
 - Indictment or no bill (GJ declines to indict)
 - Acquittal, dismissal or conviction
 - Adjudication (juveniles)
 - Sentence

What is disseminated to the public?

- SBI collects and maintains criminal history, which starts with an arrest or summons, but not everyone can see it. Not all criminal history is public. Some examples:
 - Acquittals
 - No bills (GJ declines to indict)
 - Most types of dismissals
 - Unconditional (full and free) pardons
 - Pending matters that are inactive for one year without disposition
 - Juvenile history pertaining to Class D and E-level offenses (through 10/18/21; this is now more restrictive)

Some Examples of Public Criminal History

- Adult convictions
- Sentences
- Some juvenile adjudications (significant changes as of 10/18/21)
- Pending charges, if active and within one year

SBI maintains criminal and juvenile history about most, but not all crimes. What types of crimes are maintained?

- Any offense that by statute is labeled “criminal” except certain Title 12 (Fish and Game) and Title 29-A (MV) crimes
- Title 12 and 29-A crimes involving drugs or alcohol after 09/01/00
- Any felony-level Title 29-A offense after 09/01/00
- Juvenile adjudications after 09/01/00

What types of information are NOT maintained by SBI?

- Bail conditions
- Police reports
- Protection from abuse/harassment orders
- Warrant information
- Civil violations ,traffic infractions, local ordinance violations, civil possession of marijuana, most Title 12.

Arrest Tracking Number/Charge Tracking Number (ATN/CTN)

- Cornerstone of Maine's Criminal History Record Information System
- Unique identifier among multiple agencies
- Allows information from one incident to be linked together from arrest through disposition and corrections

When do I need an ATN/CTN?

- Any criminal offense
- Any Title 12 or 29-A offense involving drugs or alcohol (after 9/1/00)
- Any felony Title 29-A offense after (9/1/00)
- Any juvenile criminal offense after (9/1/00)

No ATN/CTN or fingerprints = Incomplete
or NO criminal history

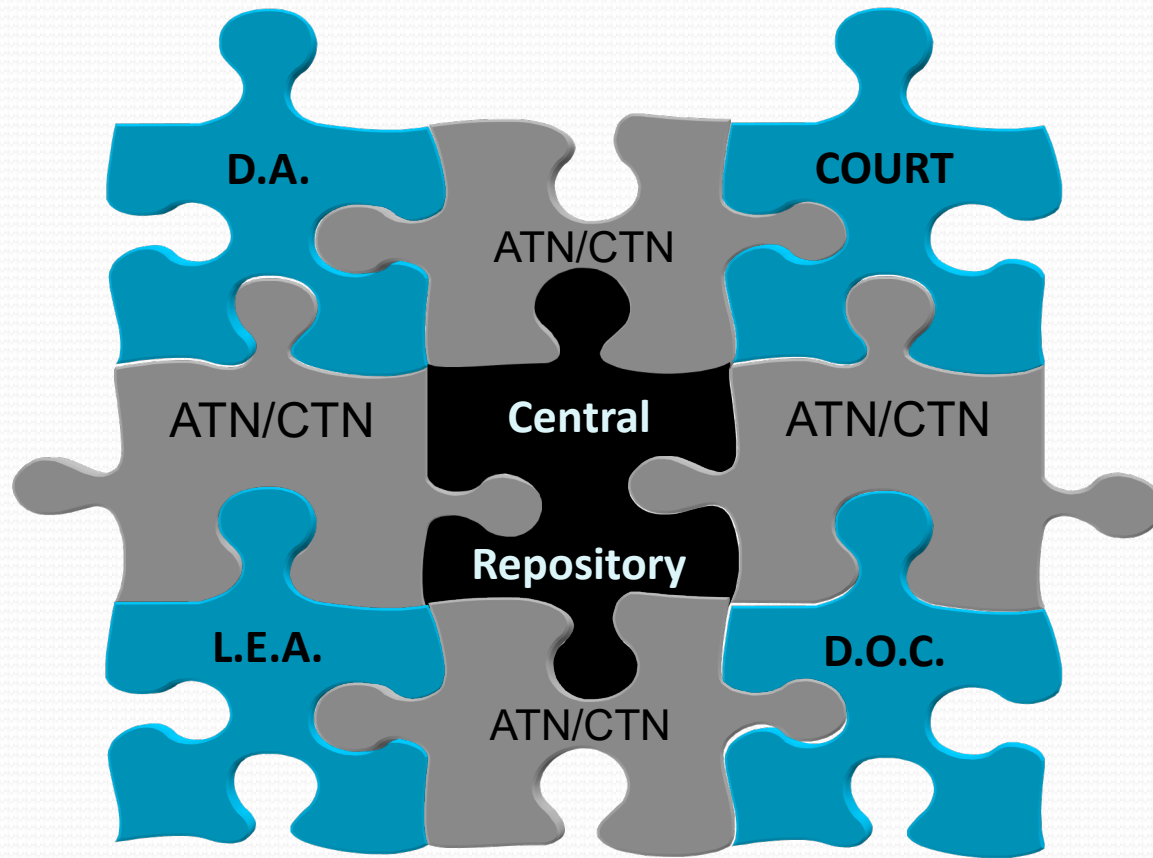


What happens if I don't get an ATN/CTN?

- There is no record of the incident.
- Officer safety may be jeopardized.
- The community is placed at risk.
- Criminal justice agencies, and public consumers cannot make sound judgments based on incomplete criminal history information.



Connecting Together...





Rapsheet attachment

How are the Feds involved?

- Maine submits criminal history information to the FBI for inclusion/use by law enforcement nationwide.
- Information is only accepted if supported by a biometric.
- Information is available for law enforcement purposes.
- Federally maintained criminal history is accessible for certain licensing and certification purposes with appropriate state legislative approval as found in (federal PL. 92-544).

Name and DOB vs. Print based

- Everyone has access with our online service to Name and DOB searches, including licensing boards and employers.
 - Hundreds of thousands of checks are done each year.
 - Many of these checks are done because we don't have approved statutes allowing fingerprint based checks.
- Fingerprint-based checks can be done for licensing/certification or positions trust if authorized by state statute, which is federally approved.
- Federal law requires thousands of Mainers to have fingerprint based checks based upon federal requirements (E.g., hazmat drivers, port and mass transit access, federal employment, military employment/or access, banking, international travel, care of vulnerable populations, security guards, child care)

Protecting the public information

- Fingerprint based checks provide positive ID.
- We are routinely audited by the state and Feds.
- There is a requirement to have an approved state statute for a specific purpose.
- The National Compact Council is made up of representatives from each state, rules are set up governing an applicants rights, and limits the use of the information.
- The state determines if information is maintained or destroyed after a response is provided.
- Applicants must be provided with information on their rights, sign a waiver allowing the check to be done and that the results will be shared with a third party, and have a right to review and challenge inaccuracies or incomplete records.

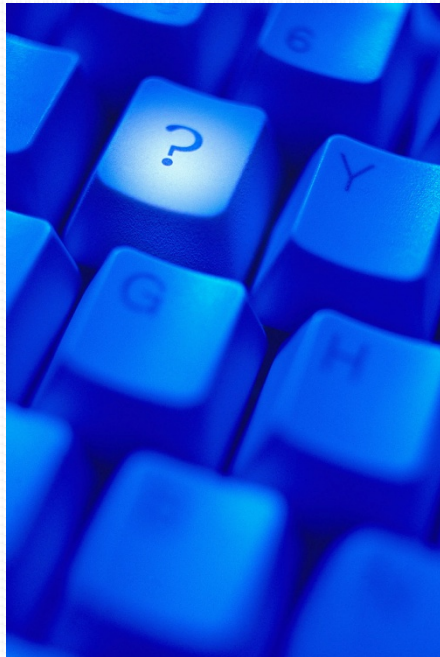
Importance of maintaining this information.

- Vital for law enforcement, but the needs of the public have grown exponentially over the last 10 years.
- The state has the most complete record and needs to be available to the public, or decisions are made with incomplete information.

Importance of maintaining this information.

- If we don't provide the information "others" will on our behalf, but it will never be as complete as our records. Failure to provide timely, accurate, complete records negatively impacts users/consumers/business. (Inability to get licenses/certifications, impact on reciprocity agreements for certain jobs, liability, delays in international travel, prohibits federal reimbursements in some cases, impacts public safety).
- Unable to do important research on criminal justice trends.

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