

## SEARCH Resolution 07-44

Of the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics

July 19, 2007

### **State Participation and Consultation**

**WHEREAS**, *The Attorney General's Report on Criminal History Background Checks* includes recommendations to improve the accuracy and completeness of the criminal history records that will be used under the new authority envisioned by the report to access these records for noncriminal justice criminal record checks;

**WHEREAS**, among these recommendations are several that could significantly impact the States if implemented, including:

- Federal funding targeted at reaching national standards established by the Attorney General related to disposition reporting and record completeness and seeking uniformity in record improvements nationwide;
- Obligations instituted by Congress that would require State repositories to establish procedures meeting national standards to remedy the adverse affects on identity theft victims wrongly associated with criminal records;
- The development of a national criminal history record repository accreditation process to better ensure data quality by measuring repository performance against national standards; and
- Integration of the repository system so a single fingerprint check would return all information on an individual maintained by all States rather than the current process requiring separate fingerprint checks of all States to obtain the information;

**WHEREAS**, the nation's system for exchanging criminal history records, the Interstate Identification Index (III), is a partnership between the States and the Federal Bureau of Investigation (FBI) with 92 percent of the system's records having been provided by State and local law enforcement agencies through State criminal record repositories, and under the III concept, responsibility for 67 percent of indexed records has been assumed by State criminal record repositories;

**WHEREAS**, criminal records held by the State central repositories are generally understood to be more complete than the counterpart records held by the FBI; further, some States make these records available for national record checks through participation in the National Fingerprint File, and the majority of States respond to inquiries from the FBI and States under what is known as Purpose Code I for noncriminal justice screening purposes;

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**WHEREAS**, the SEARCH Membership Group strongly supports the record improvement goals of the Attorney General's report but is concerned that national standards, a fee-based funding structure, requirements and other demands on State criminal history record repositories could be developed and implemented without appropriate input from the States;

**NOW, THEREFORE, BE IT RESOLVED** by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that:

"SEARCH urges Congress to consider that any effort to improve the quality, completeness and accessibility of criminal history records based on recommendations in *The Attorney General's Report on Criminal History Background Checks* may have cost implications that impact the States, and any effort to integrate State records or to implement procedures for measuring or assessing State performance to support this goal, should be made with appropriate State input and recognition of the unique challenges that each State encounters when striving to meet demands for criminal history record information from both the criminal justice and noncriminal justice communities.

The SEARCH Membership further urges Congress to recognize that, if authorized, the following Attorney General's report recommendations should be implemented only after appropriate consultation with the States:

- Expanded access to criminal history record information at both the State and Federal levels (including consultation between the U.S. Attorney General, the FBI, the FBI's Criminal Justice Information Services Advisory Policy Board, the National Crime Prevention and Privacy Compact Council and the States).
- New standards, parameters, accreditation programs, methods or timeframes.
- New procedures to remedy the adverse effects of individuals wrongly associated with criminal records because of identity theft.
- Integration of the State criminal history repository system in ways that will allow the return of all criminal history record information maintained by the States on the search subject through a single fingerprint check."