#7: States’ Participation in the National Systems and Programs that Facilitate Interstate Exchange of Criminal History Records

By Becki Goggins

This is the seventh in a series of blogs that explore the results of the Survey of State Criminal History Information Systems, 2016, a biennial national survey that represents the most current and detailed snapshot of the data, trends, policies, practices, and operations of criminal history records repositories nationwide. SEARCH, with support of the Bureau of Justice Statistics (BJS), U.S. Department of Justice, has conducted these surveys since 1989. BJS published the most recent edition of the survey in February 2018; it provides a snapshot of these systems as of December 31, 2016.

Since 1998, SEARCH has published information in its biennial survey of administrators of state criminal history records repositories regarding the level of state participation in three national systems and programs:

- the Interstate Identification Index
- the National Crime Prevention and Privacy Compact, and
- the National Fingerprint File.

**Interstate Identification Index (III)**

The Interstate Identification Index is a fingerprint-based “index-pointer” system that is administered by the FBI and in which all states and the District of Columbia participate. As an index, III enables the interstate identification and exchange of computerized criminal history record files of the FBI with the centralized state criminal history files maintained by each participating state in a national system. This system serves as the vehicle for data sharing and integration across the country. It includes arrest and disposition information for individuals charged with felonies and reportable misdemeanors under state or federal law.

Through an electronic inquiry of the Index, criminal justice agencies can determine if criminal history records pertaining to a subject are

Editor’s Note:
Learn more about the biennial national survey of state criminal history information systems, conducted by SEARCH and published by BJS

See our blog announcing the release of the 2016 survey

Access the 2016 survey

See other blogs in this series, which highlight key survey findings
available in other jurisdictions, and they can identify in which jurisdictions the records can be found. If a “hit” is made against the Index, detailed record requests are made using the subject’s State Identification Number (SID) or Universal Control Number (UCN); data are automatically retrieved from III and each state criminal history repository holding matching records on the individual; these data are then forwarded to the requesting agency. Users can search on a variety of identifiers such as name, date of birth, race, sex, UCNs, and SIDs.

**National Crime Prevention and Privacy Compact**

The *National Crime Prevention and Privacy Compact* was created to facilitate electronic information sharing among the federal government and the states. The Compact authorizes the exchange of criminal history data among states for noncriminal justice purposes when permitted by federal or state law. States that have ratified the Compact are authorized to use the III to retrieve an electronic copy of the record for noncriminal justice licensing, employment, and other regulatory purposes when the subject’s identity has been confirmed by a fingerprint match to the III record. Compact states must make all unsealed criminal history records available in response to authorized noncriminal justice requests.

For states that have not ratified the Compact, noncriminal justice inquiries sent to the FBI are handled by retrieving voluntarily contributed state arrest and disposition information from files maintained by the FBI. This requires the FBI to maintain duplicates of state records to meet the needs of parties that use III information for authorized noncriminal justice purposes, which includes states that do not participate in the Compact, as well as federal, state, and local noncriminal justice agencies, and private entities.

The *Compact* was signed into law in 1998 and became effective in 1999 when the first two state legislatures ratified the Compact. By July 1, 2017, 31 states had ratified the Compact. (See green-shaded states in the map.) Twelve other states and territories have signed Memoranda of Understanding (MOU) with the Compact as voluntary recognition.

![State and Territory Participation in the National Crime Prevention and Privacy Compact](image-url)
or affirmation of the Compact Council’s authority to promulgate rules, procedures, and standards for the noncriminal justice use of the III.\(^1\) (See blue-shaded states in the map.)

SEARCH, through its Membership Group and staff, has played an integral role in the Compact’s development and implementation nationally. SEARCH Members have actively participated as State Compact Officers (serving as the Compact’s sole point-of-contact in their respective states). They also have chaired the Compact Council and have participated in and chaired each of the Compact’s committees. In addition, SEARCH staff have regularly provided thought leadership and support to the Compact Council and its three standing committees (Planning and Outreach, Sanctions, and Standards and Policy).

---

\(^1\) A state may enter into a MOU with the Council, thereby indicating the state’s support of the Compact and Council rules, procedures, and policies relating to the noncriminal justice use of the III without actually ratifying Compact legislation. The approval process for signing an MOU is quicker than the process of ratifying the Compact. An MOU signatory can support all III System purpose codes to exchange criminal history record information in the same manner as Compact signatories. An MOU signatory state does not have a voice in the Council process and may not fully implement the Compact until ratification. (Source: Compact Council FAQ’s, Version 5.2, January 2018)
National Fingerprint File (NFF)

The National Fingerprint File is a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual. The FBI maintains the NFF to provide positive identification of record subjects indexed in the III system. States that participate in the NFF are only required to send arrest card images to the FBI—all dispositions are maintained at the state level, where they may be accessed directly for both criminal and authorized noncriminal justice purposes. By focusing only on arrests, the NFF:

- reduces the amount of processing required by the FBI associated with maintaining duplicate dispositions, and
- eliminates disposition synchronization errors in which records held in the state repository no longer match those maintained by the FBI.

Non-NFF states have the increased burden of ensuring records between the two systems stay synchronized by correcting (often manually) error listings periodically provided by the FBI. Additionally, participation in the NFF allows states to automatically provide the most accurate and complete information in response to all inquiries.

By year-end 2016, 20 states participated in the NFF. (See green-shaded states in map.) Program participation is the final stage of III implementation and the decentralization of criminal history records. Each participating state becomes the sole maintainer and provider of its criminal history records.

State Participation in the National Fingerprint File
Conclusion

States are making steady and significant progress in improving criminal history records data quality and accessibility. They are upgrading their Computerized Criminal History (CCH) and Automated Fingerprint Identification Systems (AFIS) in response to increasing demand, largely driven by noncriminal justice background checks. Repositories are also assuming greater responsibility for maintaining their own criminal history record information (CHRI) rather than relying on the FBI—moving the country closer to realizing the ultimate vision of III as a truly federated system of record. States are also making consistent progress in maintaining their own protection order and warrant files and entering these records in the National Crime Information Center (NCIC) database when appropriate.

Most states have now also implemented in-state Rap Back services, which allow employers and criminal justice officials to receive notifications when there is new activity on an enrollee’s criminal history record. Rap Back eliminates the need to conduct repeated background checks on persons in positions of public trust and helps ensure that employees serving vulnerable populations remain fit to serve. Rap Back also alerts probation officers and other justice and law enforcement personnel when a person under supervision or investigation is arrested or has other encounters with the criminal justice system.

The value and use of criminal history records continues to evolve; and the technology, policy, and operations needed to sustain these automated records in a safe, secure, and accessible manner mean new challenges for repositories. In this series of blogs, we have only scratched the surface of the information contained in the 2016 survey, but we have tried to highlight key issues that are of practical concern to state criminal history repositories. Additionally, we have attempted to explain the findings in a manner that makes the data meaningful to a wider audience, including many who are consumers of CHRI data who may be unfamiliar with repository operations.

SEARCH staff continue to analyze the results of the 2016 Survey with the intention of making the data more accessible by creating dashboards and interactive displays. If you have suggestions for topics you would like to see highlighted, or if you have specific questions about survey findings, please contact Becki Goggins (becki@search.org) or Dennis DeBacco (dennis@search.org).

About the Author

Ms. Becki Goggins is Director of Law and Policy at SEARCH. She oversees our work in the areas of criminal history records, development of laws and policies concerning the use of justice information and protection of privacy, implementation of evidence-based practices, and the use of technology to improve justice information sharing. As an organization, SEARCH was originally founded to facilitate the exchange of criminal history record information (CHRI) between the states. Learn more about SEARCH’s work with criminal history records and the surveys we conduct on CHRI issues.