



SEARCH Policy Statements

Public safety and the effective administration of justice rely upon making complete and accurate justice information available to decision-makers who enact, enforce and adjudicate our laws and protect the public.

To this end, SEARCH supports these eight principles:

	<i>SEARCH Values National Cooperative Information Sharing Efforts</i>	SEARCH values collective and cooperative efforts by State, Local, Tribal, Territorial, and Federal jurisdictions to share justice, public safety, and homeland security information.
	<i>SEARCH Values Positive Identification Via Biometrics</i>	SEARCH values use of biometric identification as a foundation for criminal and civil records exchange and criminal investigations.
	<i>SEARCH Values the Official Criminal History Record: A State and Federal Effort</i>	SEARCH values a nationwide, standardized, and user-governed approach to sharing criminal record information among the States and Federal agencies.
	<i>SEARCH Values a National Structure for Criminal Record Background Screening</i>	SEARCH values the legal, policy, and operational framework that the Congress and States have established to govern the exchange of criminal justice information for criminal record background screening.
	<i>SEARCH Values States' Responsibilities for Criminal Record Background Screening</i>	SEARCH values the ability and right for the States to establish criminal record background check policies, requirements, practices and fees, within the context of a nationwide approach.
	<i>SEARCH Values an Effective, Integrated Justice Enterprise</i>	SEARCH values the integration of justice information systems, across all levels of government, to enable the more effective and efficient administration of the justice system.
	<i>SEARCH Values Decision-Making Based on Evidence, Research, and Data</i>	SEARCH values the use of information and research to inform and improve policy and practice in the administration of justice.
	<i>SEARCH Values Protecting Privacy and Civil Liberties</i>	SEARCH values privacy and civil liberties protections as fundamental to effective justice information sharing.



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SEARCH Values National Cooperative Information Sharing Efforts

SEARCH values collective and cooperative efforts by State, Local, Tribal, Territorial, and Federal jurisdictions to share justice, public safety, and homeland security information.

What does this mean?

Justice agencies maintain records of people and events that they process within the scope of their responsibility. These records must be shared with other agencies, with appropriate privacy and civil liberties safeguards, to improve the delivery and administration of justice. Some of these records are components of the official “criminal history record,” and some are not—yet *all* are important to effectively administer justice and ensure public safety.

Collective and cooperative data-sharing efforts are important because they:

- make information available across boundaries
- ensure that policies and information safeguards are harmonized and mutually enforced
- enable linkages of records across systems and jurisdictions
- reinforce the importance of agreed-upon data standards.

Generally, information originally collected by an agency should remain under the control and stewardship of that agency, and made available to others as needed. The information must meet standards of quality, availability, accuracy, and timeliness. It must be accessible anywhere: at the bench, in the patrol car, to fire and emergency responders—or anywhere it is needed, on demand to the appropriately authorized personnel.

Why is it important?

SEARCH values this principle because—

- Preventing, investigating, and prosecuting criminal and terrorist activity, and protecting the public require that information and intelligence be available to decision-makers—in a manner that is responsible, seamless, and secure.
- The safety of officers and other justice practitioners requires situational awareness. That means immediate access to complete and accurate information about subjects, locations, and other environmental factors.
- Effectively managing convicted offenders (whether incarcerated or on probation) requires robust information about program participation, responsiveness to substance abuse and mental health treatments, and other initiatives aimed at reducing the likelihood of re-offending. Coordinated management of an offender’s rehabilitation is critical to reducing recidivism—and this is impossible without the effective cross-agency sharing of information.

Who does it affect?

The public and those being processed through the justice system have a vested stake in the thousands of criminal justice decisions and civil determinations made every day that rely on justice information. These decisions, directly or indirectly, affect the lives, safety, and well-being of all citizens. When jurisdictions maintain quality information, and cooperatively share it, everybody benefits.

How do we get there?

Implement effective governance structures, laws, policies, standards and technology that promote cross-boundary information sharing. Promote the concept of information as a valuable *asset* not only to the agency that collects and maintains it, but also to justice partners. State, local, and Federal legislators should support and fund truly nationwide data-sharing initiatives.



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SEARCH Values Positive Identification Via Biometrics

SEARCH values use of biometric identification as a foundation for criminal and civil records exchange and criminal investigations.

What does this mean?

Biometric identifiers are the distinctive, measurable physiological characteristics used to uniquely identify individuals. Relying on positive personally identifying biometrics to match individuals with their criminal records provides both data integrity and privacy protection. With positive identification as the foundation, the States and the FBI are partners in a decentralized system that enables electronic sharing of information to rapidly construct a comprehensive national criminal history record.

The criminal history record is the lifeblood of decision-making throughout the criminal justice system, as well as for background screening of persons seeking to work with vulnerable populations, or employment in positions of trust and national security. Associating the right information with the right person is critical. It is a process that begins with the recording of fingerprints and other biometric information, and continues with the addition of other information linked to the fingerprint-based record.

Biometric technology also facilitates modern criminal investigations and enhances public safety (such as connecting a facial image to a warrant). Existing techniques include DNA analysis, latent fingerprint and palm print investigation, analysis of facial recognition, scar/mark/tattoo imagery, and iris scanning.

Why is it important?

SEARCH is committed to this principle because—

- Accurately identifying individuals is fundamental to the fair treatment and civil liberties of record subjects and to the effective and efficient functioning of the justice system.
- Accurately identifying individuals who are subject to background checks for employment, licensing, or other noncriminal justice purposes is critical to public safety and for national security, and to protect vulnerable populations.
- Biometric identification strengthens the integrity of criminal history records and improves the utility and reliability of records by ensuring that subsequent records (such as arrests, charges, and convictions) are linked to the proper individual.
- The States and Federal governments have made significant investments in modern investigative techniques, such as the FBI's Next Generation Identification (NGI) system. Many of these are effective and meaningful, while new techniques show promise.

Who does it affect?

Justice agencies, and the citizens they serve, want to know that the correct person is identified and arrested. Also affected are employers, who want to ensure the candidates they are seeking to hire are accurately identified. And all citizens are served when individual privacy and civil liberties are protected, including using biometrics to enhance the integrity of criminal investigations.

How do we get there?

States and other jurisdictions should continue to invest in technology that enables them to collect biometric identifiers of individuals, and use biometrics to aid in criminal investigations. Law- and policymakers should promote laws, policies, and practices in which background checks of individuals are supported by a biometric identifier—and support biometric-based initiatives that maximize investigative outcomes.



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SEARCH Values the Official Criminal History Record: A State and Federal Effort

SEARCH values a nationwide, standardized, and user-governed approach to sharing criminal record information among the States and Federal agencies.

What does this mean?

Government agencies make thousands of critical decisions each day that directly impact citizens' freedom, privacy, and rights. These decisions rely—in large part—on criminal record information that a vast system of State and Federal agencies collect, maintain, and share with each other on demand.

To be effective, this collective endeavor to share criminal record information must be user-governed and readily accessible to authorized users. Such a national capability is—

- **efficient** (a single request triggers a national search)
- **cost effective** (decentralized and streamlined to provide the right information, at the right time, to the right people, for the right purpose)
- **standards-based** (using national standards to ensure the information is of the highest quality: accurate, complete, up-to-date).

The records the States and Federal governments share is the premier record for decision-making: It is the official record, directly managed by the accountable State and Federal agencies, and is subject to high standards for accuracy, completeness, timeliness, and accessibility. These records benefit from fingerprint-based identity verification, initiatives to connect arrests with final case dispositions, and more.

Why is it important?

SEARCH is committed to this principle because—

- The demand for and use of criminal record information means justice agencies have a responsibility to collect, maintain, and provide high-quality, accurate, and complete data.
- Decisions based on this information affect people involved in the criminal justice system, but are also made for noncriminal justice purposes—employment, volunteering, homeland security, facility access, licensing, foster care, caring for vulnerable populations, and constitutional rights, such as firearms purchases.
- The official record is subject to the highest standards of identity verification and operational policies—making it highly superior to records from third-party providers. Such providers do not guarantee the accuracy and completeness of the records they sell; they are collectors only, and are not responsible for maintaining the records through user-governed policy and practice.

Who does it affect?

Every citizen who is subject to a background check has a vested interest in the information provided being accurate. Background checks offered by third-party providers, particularly via the Internet, offer no assurance of quality—and put citizens' freedom, privileges, and privacy in danger.

How do we get there?

States and the Federal government should continue to support a standardized, user-governed approach to criminal record information sharing, as well as efforts to continue to improve record quality, availability, and timeliness.



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SEARCH Values a National Structure for Criminal Record Background Screening

SEARCH values the legal, policy, and operational framework that the Congress and States have established to govern the exchange of criminal justice information for criminal record background screening.

What does this mean?

Over the years, Congress and the States have established a framework of laws, policies, and operational procedures that governs how criminal records are exchanged among States—and between States and the Federal government—to screen the backgrounds of individuals. This framework applies both to screening for criminal justice purposes, *as well as for noncriminal justice decision-making.*

Demand for criminal justice information for noncriminal justice purposes is significant. Congress recognized the importance of this by establishing the National Crime Prevention and Privacy Compact—an infrastructure that enables the States and Federal government to cooperatively govern the exchange of criminal records for noncriminal justice purposes, such as for licensing, the protection of vulnerable populations, and other employment and volunteer positions.

High rates of criminal recidivism argue for scrutiny of an individual's past criminal activity as being essential to ensure public safety, protect vulnerable populations, safeguard the homeland, and mitigate economic risk to employers. Screening within this framework meets these goals, and recognizes the importance of individual privacy rights.

This collaboration, governed by State and Federal laws, brings together State and local justice agencies, courts, and the FBI—

- in a manner respectful of privacy rights
- in a process that supports *positive identification* of those being screened (via fingerprints)
- to share information drawn primarily from State criminal record databases
- in a process that strives for continuous improvement of record quality while meeting ever-growing demands for service.

Why is it important?

SEARCH is committed to this principle because of the significant investment States, the FBI, and the Congress have made, which include—

- developing technical and operational standards for information exchange
- investing in the technology infrastructure to enable the cooperative and collaborative exchange of information among the States and between the FBI and the States, and providing ongoing infrastructure support
- existing State rap back programs, whereby authorized agencies are notified of an individual's subsequent criminal activity
- the near-term introduction of a national rap back service by the FBI.

Who does it affect?

Every individual who is subject to background screening for either criminal justice or noncriminal justice purposes has a stake in record exchanges being properly governed. The public at large, States, and the Federal government benefit from a well-governed framework and technology infrastructure that supports positive identification background screening.

How do we get there?

The States and the FBI should continue to support and strengthen the partnership that provides for exchange of sensitive criminal record information, for both criminal justice purposes and noncriminal justice decision-making.



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SEARCH Values States' Responsibilities for Criminal Record Background Screening

SEARCH values the ability and right for the States to establish criminal record background check policies, requirements, practices and fees, within the context of a nationwide approach.

What does this mean?

Criminal history background checks are critical to protecting public safety—both Federal and State decision-makers determine the circumstances that warrant such checks, and for which populations those checks are required. Both rely on State criminal history record systems to provide decision-making information.

States are required by their constitutions to protect their citizens, and each faces unique challenges in doing so (such as determining an individual's access to vulnerable populations or sensitive venues). Therefore, States must determine their specific public safety needs, and then provide access to justice information for making critical decisions. In doing so, States establish their own background checks systems and the policies, practices, and fees to operate them. Those State systems, in turn, support each State's compliance with background screening requirements set by the Federal government. *As such, Federal statutes or regulations should not preempt State-authorized background checks, nor should the Federal government prescribe the processes States use and fees they charge to conduct those checks.*

In recognizing the value of this information, States commit to sharing their records with other States and the Federal government as part of a Federal-State cooperative effort. They adopt national standards for sharing and exchange that support this effort.

Why is it important?

SEARCH is committed to this principle because—

- Each State has unique statutory authority governing its citizens and their safety. These statutes impact individual States in very specific ways. Setting policies, processes, and fees are not activities that can be generalized by a Federal decision.
- State information systems are designed to meet each State's specific needs. Therefore, States must have the flexibility to respond to their needs depending on the systems and processes they have in place. For example, States value standards that help them share information more broadly, while still maintaining their own operational practices.
- The information a State collects in support of public safety decision-making is that State's data and is collected and maintained at the State's expense. Being able to set their own fees allows the States to recoup their expenses and support their own infrastructure to manage, maintain, and protect the data and respond to requests for it. Ultimately, States are accountable to their citizens for the data and its use.

Who does it affect?

Citizens are subject to background checks every day—to obtain licenses, apply for a job, buy a firearm, or if they are involved with the criminal justice system. This issue affects us all.

How do we get there?

State legislatures will continue to make decisions about the safety of the public and the information needed. Federal decision-makers will also determine when criminal history background checks are warranted, allowing the State systems to fulfill those information requests. States should continue to establish and maintain their own background checks systems and operational policies and fees. This ability and right must be continued, with States placing a priority on the State-Federal cooperative information sharing effort.



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SEARCH Values an Effective, Integrated Justice Enterprise

SEARCH values the integration of justice information systems, across all levels of government, to enable the more effective and efficient administration of the justice system.

What does this mean?

Integrated justice information sharing is the ability to share critical information at key decision points throughout the justice enterprise. But “information sharing” should mean more than providing decision-makers with the information they need to make sound decisions. It is also about connecting workflows and business processes across agencies by integrating those agencies’ information systems.

In an integrated justice system, information is digitized once at the point of capture, transmitted securely to partner agencies as required, and made available for subsequent inquiry in accordance with legal and policy requirements. Justice agencies maintain their autonomy in an integrated system by exchanging information through standards-based interfaces, while retaining maximum freedom to choose their own technologies and establish their own policies.

System integration results in a more efficient, responsive justice system by—

- reducing the processing of paper documents and duplicate data entry
- improving data accuracy and timeliness
- streamlining justice practitioners’ access to information across agencies and jurisdictions
- proactively alerting practitioners about key information as it becomes available.

Why is it important?

SEARCH is committed to this principle because—

- Integration of justice systems saves money and raises productivity by reducing manual information sharing and automating business processes.
- Integration provides decision-makers with a holistic view of individuals, cases, and operations across agencies.
- A commitment to standards-based integration creates a more responsive and agile government, enabling innovation and accommodating the rapid pace of change in policy, society, and technology.

Who does it affect?

Justice agency executives, government budget officials, legislators, and the public will reap the benefits of higher productivity and cost savings resulting from integration. Justice practitioners, and the citizens they protect and serve, will benefit from streamlined access to more accurate and timely information, regardless of its source.

How do we get there?

Justice agencies at all levels of government should factor integration into their technology investments and planning, by favoring systems that provide standards-based interfaces to other agencies. Justice agency leaders, legislators, and Federal grant-making agencies should promote integration as a policy goal, fund the technology necessary to make it happen, and foster a culture of collaboration within and among jurisdictions.



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SEARCH Values Decision-Making Based on Evidence, Research, and Data

SEARCH values the use of information and research to inform and improve policy and practice in the administration of justice.

What does this mean?

Justice information is a critical resource for helping us improve the operational effectiveness of the justice system. For example, this information—

- Helps us understand what is effective at preventing crime and how to achieve better outcomes for offenders involved with the criminal justice system.
- Allows us to measure the operational performance of justice system processes, and to identify opportunities for efficiency improvements.
- Provides the evidence necessary to identify the programs, practices, and policies that improve public safety.

The justice community is making progress in implementing evidence-based programs, practices, and policies. From crime prevention programs that reduce crime (and prove to be cost effective), to risk assessments that enhance correctional supervision strategies, to “problem-solving courts” that address underlying causes of crime (such as substance abuse or mental illness), to evidence-based tools used by judges to make bail/release decisions, there is widespread recognition of the power of research findings to improve the administration of justice.

Researchers should continue to use justice information to gain a deeper understanding of operations and to evaluate programs and practices. Policy makers and funders at all levels of government should incorporate research findings in their strategic decisions about justice system operations, policy, and practice. Meanwhile, researchers should ensure any personally identifying information associated with research subjects or operational records is removed.

Why is it important?

SEARCH is committed to this principle because—

- Effective crime prevention programs result in fewer crime victims and ease the burden on the criminal justice system.
- Rehabilitating individuals so they can be productive contributors to society has always been, and should continue to be, a goal of the justice system.
- Reducing offender recidivism is an important component of good government. The States collectively spend tens of billions annually per year on corrections and probation services. Reducing this amount can have a significant positive impact on their overall fiscal health.
- Citizens expect their government—at all levels—to operate efficiently. Using data and research about operations can improve productivity and responsiveness.

Who does it affect?

This issue affects policymakers, legislators, and elected executive and judicial officials who are responsible for justice system funding and strategic decisions. It affects citizens who expect government to work efficiently and protect them from victimization. And it affects individuals who have been convicted of crimes and served sentences who rely on programs to assist their reentry to society.

How do we get there?

Stakeholders must recognize that operational data and criminal history records are an asset that can be leveraged for strategic *and* tactical decision-making. Legislators and grant-making entities should support programs and practices that evidence and research have shown to be effective. Finally, we must invest in tools and practices that produce accurate and complete operational data, and that support research and analysis.



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SEARCH Values Protecting Privacy and Civil Liberties

SEARCH values privacy and civil liberties protections as fundamental to effective justice information sharing.

What does this mean?

Justice data systems maintain and share sensitive personally identifying information (PII) on millions of citizens. The sensitive nature of justice information—and the harm its inappropriate use can cause to the individual, the community, and to the effectiveness and reputation of the agency holding the information—requires that privacy and civil liberty protections be in place and enforced.

The confidentiality of PII is legally protected, whether by constitutional provision, statute, or regulation. These fundamental privacy protections prevent PII from being inappropriately collected, used, maintained, or disclosed. SEARCH, among others, recognizes that the confidentiality of PII may be balanced against public safety and other broad societal needs. We support the notion that this “balance” can be viewed through the prism of exigent need.

Civil liberties, on the other hand, are *inviolable* individual rights guaranteed by the Federal and State constitutions. They protect individuals from intrusive, improper, or arbitrary government action or interference. SEARCH recognizes that civil liberties protections are fundamental to the fair and relevant use of PII in local, State, and Federal justice information sharing systems.

Why is it important?

SEARCH is committed to this principle. Additionally—

- Privacy and civil liberties protections are embedded in State and Federal Constitutions, statutes, regulations, and policies.
- These protections are “operationalized” in the policies and technology that support local and State justice information sharing. In particular, agency privacy policies typically include provisions that protect against unlawful intrusion or dissemination. These go hand-in-hand with information and system security.
- States have agreed to comply with the dictates of the National Crime Prevention and Privacy Compact, which lays out rules for handling criminal history record information for noncriminal justice purposes, such as licensing, firearm checks, etc.
- State and local agencies comply with Federal Privacy Act requirements when they contribute information to a Federal database. This means the information is subject to the Act’s “system of records” protections.

Who does it affect?

Privacy and civil liberties protections affect all citizens—everybody is subject to having their personally identifying information held and shared by justice data systems.

How do we get there?

Agencies should continue to operationalize privacy and civil liberties protections or risk losing the ability to collect and use valuable information or open themselves to liability. Legislators should see that justice information is collected and used in ways that protect citizens in adherence with an individual’s privacy and civil rights.