

1) Does your state currently provide a rap back service for noncriminal justice purposes?

	Yes	No
Alaska	X	
Arizona	X	
<p>AZ Comments: Arizona is using a rap back service for some applicants. The Arizona Department of Public Safety (AZDPS) has the statutory requirements to process applications for what our legislature calls “Fingerprint Clearance Cards.” By statute, certain classes of employees/volunteers/licenses are required to have a valid card. The classes of persons generally are those that provide direct services to minors, the elderly or the disabled. We process these applicant fingerprints through our state AFIS. These images are “flagged” and stored in the AFIS print database. Anytime any fingerprint is run through our AFIS, it is searched against the entire print database.</p> <p>If the new print “hits” on one of our flagged prints, that transaction comes out on a daily report. If the print event was for an arrest or registration as a sex offender, we then pull up the updated state criminal record and review the new arrest entry. If the arrest was for an offense that precludes holding a Fingerprint Clearance Card, we suspend the card. If the person registered as a sex offender, we also suspend the card. We then notify the state agency that has oversight authority for the program under which the applicant applied of the suspension and they in turn notify the employer of the person.</p>		
Arkansas	X	
California	X	
Colorado	X	
Florida	X	
Georgia		X
Hawaii		X
Idaho		X
Maine	X	
Maryland	X	
Massachusetts		X
Michigan	X	
Missouri		X
Montana		X
Nebraska		X
Nevada	X	
New Hampshire		X
New Jersey	X	
New Mexico		X
New York	X	
Oklahoma	X	
South Carolina	X	
Tennessee		X
Texas	X	
Utah	X	
Virginia	X	
Washington		X
West Virginia	X	
Wisconsin		X

2) Do you charge a separate fee for this service?			
	Yes	No	Fee
Alaska		X	
Arizona			
Arkansas		X	
California		X	
Colorado	X		\$1 over the base amount for fingerprint based background check
Florida	X		
Georgia			
Hawaii			
Idaho			
Maine	X		\$25 per year
Maryland		X	
Massachusetts			
Michigan		X	
Missouri			
Montana			
Nebraska			
Nevada		X	
New Hampshire			
New Jersey	X		\$10
New Mexico			
New York		X	
Oklahoma		X	
South Carolina			
Tennessee			
Texas		X	
Utah	X		\$5 initial enrollment fee only
Virginia	X		\$7
Washington			
West Virginia		X	
Wisconsin			

3) How many fingerprints were enrolled in your state program during 2009?

	Enrolled in 2009	N/A	Unknown
Alaska	15,782		
Arizona	82,000		
Arkansas			X
California	1.4 million		
Colorado	86,940		
Florida	284,536		
Georgia		X	
Hawaii			
Idaho			
Maine			X
Maryland	132,870		
Massachusetts		X	
Michigan	299,428		
Missouri		X	
Montana		X	
Nebraska		X	
Nevada	0		
New Hampshire			
New Jersey	216,000		
New Mexico		X	
New York	448,411		
Oklahoma	60,000		
South Carolina	95,459		
Tennessee		X	
Texas	548,880		
Utah	16,000		
Virginia			X
Washington			
West Virginia	30,000		
Wisconsin		X	

4) What is the total number of fingerprints enrolled in your state program?			
	Total Enrolled	N/A	Unknown
Alaska	38,522		
Arizona	1 million		
Arkansas			X
California			X
Colorado			X
CO Comments: The total number of fingerprint cards with flags for arrest notifications as of 6/10 is unable to be retrieved at this time. The total number of <i>civil</i> fingerprints in our database as of 3/10 is 1,347,413; the total number of <i>criminal</i> fingerprints in our database as of 3/10 is 1,465,546.			
Florida	1,307,450		
FL Comments: For question 4, used data from 7/1/04 through 4/30/10.			
Georgia		X	
Hawaii			
Idaho			
Maine			X
Maryland	1,842,593		
Massachusetts		X	
Michigan	1,267,120		
Missouri			X
Montana			X
Nebraska		X	
Nevada	0		
New Hampshire			
New Jersey			X
New Mexico		X	
New York	4.15 million		
Oklahoma			X
South Carolina	111,674		
SC Comments: We retain certified police applicant cards, concealed weapon permit applicant cards and applicant cards when the state statute specifies SLED can retain them.			
Tennessee			
Texas	2,782,588		
Utah	22,000		
Virginia	7,000		
Washington			
West Virginia	30,000		
Wisconsin		X	

5) Do you have a process for client agencies to validate that enrolled fingerprints remain of interest? Explain the process.

	N/A	Yes	No
Alaska			
Arizona			X
Arkansas		X	
AR Comments: We call them to verify the person is still licensed or employed.			
California		X	
CA Comments: Agencies are statutorily required to notify the California DOJ when an individual is no longer affiliated with the agency.			
Colorado			X
Florida		X	
<p>FL Comments: The validation process is one in the same with the deletion process. The current process is for FDLE to send preformed, controlled Excel files of persons with retained fingerprints to agencies on a CD. Each agency then reviews the retained fingerprint transactions and marks any applicable transactions as “delete” on the file. In the absence of such indication as delete, the transaction will remain retained by FDLE. Each agency returns the updated file to FDLE along with a signed form that authorizes FDLE to delete the transactions marked on the updated file. The authorization form outlines the conditions of deletions such as the marked transactions are for those persons they no longer have an interest as well as the permanency of deletions.</p> <p>Additionally, agencies are provided a supplemental form for additional deletions in situations where they are in-between CDs and deletions are necessary prior to an immediate billing cycle. FDLE deletes these type of transactions on an ad hoc basis. The CDs are sent out on a quarterly basis, upon the return of previous CDs, and the processing of those transactions marked for deletion. The planned long-term process is for agencies to have web-based access to the retention system and delete retained fingerprint transactions which they no longer have interest in from the system themselves.</p>			
Georgia	X		
Hawaii			
Idaho			
Maine			X
Maryland		X	
MD Comments: CJIS CR provides the agency a list of all employees with the understanding that the agency is responsible for providing updated information back to CJIS CR.			
Massachusetts	X		
Michigan		X	
MI Comments: Produce an annual report listing all rap back enrollees per agency. The report is sent to the agencies and they let us know if they no longer have an interest in the applicant.			
Missouri	X		
Montana	X		
Nebraska	X		
Nevada			X
New Hampshire	X		
New Jersey			X
NJ Comments: Subscribing agencies are responsible to monitor the statutory/regulatory applicability of their retained/flagged applicants. Subscribing agencies notify the NJSP SBI of persons to be deleted from their flag enrollment.			
New Mexico	X		

5) Do you have a process for client agencies to validate that enrolled fingerprints remain of interest? Explain the process. (Continued.)

	N/A	Yes	No
New York		X	
NY Comments: Our agency periodically sends out lists to non-criminal justice agency contributors of individuals who are either employed or licensed by the non-criminal justice agency to validate that each individual continues to be employed or licensed. Unless the agency indicates that the individual is no longer employed or licensed by the agency, the fingerprints remain on file. Upon certification from the agency that the individual is no longer employed or licensed by the agency, the fingerprints that would trigger a hit notice (rap back service) would be deleted.			
Oklahoma			X
South Carolina			X
Tennessee	X		
Texas		X	
Utah		X	
UT Comments: It is a simple process, client agencies are to notify us when the enrolled fingerprints are no longer of interest.			
Virginia		X	
VA Comments: We send a listing of enrolled prints and a response date.			
Washington			
West Virginia			X
Wisconsin	X		

6) Do you have a process for deleting enrolled fingerprints at the request of a client agency? Explain the process.

	N/A	Yes	No
Alaska			
Arizona			X
Arkansas			X
AR Comments: We retain civil applicant prints whether they request rap back or not.			
California		X	
CA Comments: Agencies are statutorily required to notify the California DOJ when an individual is no longer affiliated with the agency.			
Colorado		X	
CO Comments: When an employee is no longer employed, the agency must notify the CBI by letter or email requesting removal of the employee.			
Florida		X	
Georgia	X		
Hawaii			
Idaho			
Maine		X	
ME Comments: If the agency requests that we delete them we will, based on formal letter requesting.			
Maryland		X	
MD Comments: CJIS CR provides the agency a list of all employees with the understanding that the agency is responsible for providing updated information back to CJIS CR.			
Massachusetts	X		
Michigan		X	
MI Comments: Produce an annual report listing all rap back enrollees per agency. The report is sent to the agencies and they let us know if they no longer have an interest in the applicant.			
Missouri	X		
Montana	X		
Nebraska	X		
Nevada			X
New Hampshire	X		
New Jersey		X	
NJ Comments: Subscribing agencies are responsible to monitor the statutory/regulatory applicability of their retained/flagged applicants. Subscribing agencies notify the NJSP SBI of persons to be deleted from their flag enrollment.			
New Mexico	X		
New York		X	
NY Comments: Our agency periodically sends out lists to non-criminal justice agency contributors of individuals who are either employed or licensed by the non-criminal justice agency to validate that each individual continues to be employed or licensed. Unless the agency indicates that the individual is no longer employed or licensed by the agency, the fingerprints remain on file. Upon certification from the agency that the individual is no longer employed or licensed by the agency, the fingerprints that would trigger a hit notice (rap back service) would be deleted.			
Oklahoma			X
South Carolina			X
Tennessee	X		

 **CURRENT PRACTICES**

6) Do you have a process for deleting enrolled fingerprints at the request of a client agency? Explain the process. (Continued.)

	N/A	Yes	No
Texas		X	
Utah		X	
UT Comments: The prints are manually deleted from our AFIS system and Integra Archive. The program used to track the processing of the request from enrollment to deletion is updated to reflect that the fingerprints are no longer enrolled. Other pertinent information is still maintained in this tracking program for historical purposes.			
Virginia			
VA Comments: During this validation or during the year, the agency responsible for the prints can request removal.			
Washington			
West Virginia			X
Wisconsin	X		

7) Do you have a process for deleting enrolled fingerprints at the request of an applicant? Explain the process.

	N/A	Yes	No
Alaska			
Arizona			X
Arkansas			X
AR Comments: Unless the law requires us to delete the civil fingerprints, we keep them.			
California			X
Colorado			X
CO Comments: The request must come from the agency that employed the individual.			
Florida			X
Georgia	X		
Hawaii			
Idaho			
Maine			X
Maryland		X	
MD Comments: We would take the request from the individual and contact the agency for confirmation.			
Massachusetts	X		
Michigan			X
Missouri	X		
Montana	X		
Nebraska	X		
Nevada			X
New Hampshire	X		
New Jersey			X
New Mexico	X		
New York			X
Oklahoma			X
South Carolina			X
Tennessee	X		
Texas			X
Utah			X
Virginia		X	
VA Comments: During this validation or during the year, the agency responsible for the prints can request removal.			
Washington			
West Virginia			
Wisconsin			

8) Will state legislative approval be needed before agencies can participate in the proposed FBI program?		
	Yes	No
Alaska		
Arizona		
Arkansas		X
California	X	
Colorado	X	
Florida		X
FL Comments: Approval is needed, but the 2010 legislature approved this language so it will be in place by 7/1/10.		
Georgia	X	
Hawaii	X	
HI Comments: It may be possible for us to get started on this by using the FBI waiver regardless if the state has authority to retain prints.		
Idaho	X	
Maine		X
Maryland		X
Massachusetts	X	
Michigan	X	
MI Comments: We require state legislation requiring participation in rap back before we set-up an agency in Michigan. Once they are set up, we would then request enrollment in the federal rap back on subsequent fingerprint submissions under that fingerprint reason code.		
Missouri		X
Montana	X	
Nebraska	X	
Nevada	X	
New Hampshire	X	
New Jersey	X	
New Mexico	X	
New York		X
Oklahoma	X	
South Carolina		X
Tennessee		
Texas		X
Utah	X	
Virginia		X
Washington	X	
West Virginia		X
Wisconsin		X

9) Will state legislative approval be needed for the repository to collect the FBI's rap back service fee?		
	Yes	No
Alaska		
Arizona		
Arkansas		
California		X
Colorado	X	
Florida		X
Georgia		X
Hawaii	X	
Idaho	X	
Maine		X
Maryland		X
Massachusetts	X	
Michigan		X
Missouri		X
Montana		X
Nebraska	X	
Nevada		X
New Hampshire		X
New Jersey		X
New Mexico	X	
New York		X
Oklahoma	X	
South Carolina		X
Tennessee		
Texas		X
Utah	X	
Virginia		X
Washington	X	
West Virginia		X
Wisconsin	X	


PROPOSED RAP BACK PROGRAM ISSUES

9a) Can your state add any administrative costs to the FBI fee?		
	Yes	No
Alaska		
Arizona		
Arkansas		
California		
Colorado		X
Florida		X
Georgia		X
Hawaii	X	
Idaho	X	
Maine	X	
Maryland		X
Massachusetts		X
Michigan		X
MI Comments: Any changes to our current fees has to be done via the legislative process.		
Missouri		X
Montana		X
Nebraska	X	
Nevada	X	
New Hampshire	X	
New Jersey	X	
New Mexico	X	
New York	X	
Oklahoma		X
South Carolina		X
Tennessee	X	
Texas	X	
Utah	X	
Virginia		X
Washington	X	
West Virginia		X
Wisconsin		X

9b) Does your agency have the authority to set fees?		
	Yes	No
Alaska		
Arizona		
Arkansas		
California		
Colorado		X
Florida		X
Georgia	X	
Hawaii	X	
Idaho	X	
Maine	X	
Maryland		X
Massachusetts		X
Michigan		X
Missouri		X
Montana	X	
Nebraska		X
Nevada	X	
NV Comments: We could potentially tie the fees for rap back in with our applicant processing fees, so we do not believe we would need legislative approval for rap back. As far as adding administrative fees, we can set our fees but we have to have approval by the Governor's Office to increase any fees. Since rap back would be a new service, rather than an increase in fees for an existing service, we would anticipate that Governor's Office approval would be forthcoming, but we cannot say so with certainty.		
New Hampshire		X
New Jersey	X	
New Mexico	X	
New York	X	
Oklahoma		X
South Carolina		X
Tennessee	X	
Texas		X
Utah		X
Virginia	X	
Washington	X	
West Virginia	X	
Wisconsin		X


PROPOSED RAP BACK PROGRAM ISSUES

10a) Do you anticipate that enrollment in the national rap back program will occur when applicant fingerprints are submitted to the state?			
	Always	Never	Sometimes
Alaska			
Arizona			
Arkansas	X		
California			X
Colorado	X		
Florida			X
Georgia			X
Hawaii			X
Idaho			X
Maine			X
Maryland	X		
Massachusetts			X
Michigan	X		
Missouri	X		
Montana			X
Nebraska	X		
Nevada			
New Hampshire			X
New Jersey	X		
New Mexico	X		
New York		X	
Oklahoma	X		
South Carolina			X
Tennessee			X
Texas	X		
Utah	X		
Virginia			X
Washington			X
West Virginia	X		
Wisconsin		X	

10b) Do you anticipate that enrollment in the national rap back program will occur subsequent to state processing?			
	Always	Never	Sometimes
Alaska			
Arizona			
Arkansas		X	
California		X	
Colorado		X	
Florida			X
Georgia			X
Hawaii	X		
Idaho			X
Maine			
Maryland	X	X	
Massachusetts			X
Michigan		X	
Missouri	X		
Montana			X
Nebraska		X	
Nevada			
<p>NV Comments: We left these questions blank because we have some questions about the enrollment process. We believe we would have to enroll an applicant at the time the fingerprints are submitted. However, from an employer's standpoint, we think they would not want to enroll an applicant until his/her background comes back and the employer makes the hiring decision. We are unsure of a way to enroll an applicant after the fact, because the flag would have to be set to retain the individual's prints at the time of fingerprint submission. We need additional details from the FBI on how they anticipate handling this. We would want to mirror our process on the FBI's process.</p>			
New Hampshire			X
New Jersey			X
New Mexico	X		
New York	X		
Oklahoma		X	
South Carolina			X
Tennessee			X
Texas		X	
Utah	X		
Virginia			X
Washington			X
West Virginia			X
Wisconsin	X		


PROPOSED RAP BACK PROGRAM ISSUES

11) Will you handle the billing monthly as you currently do for the background checks through the FBI? If no, explain.		
	Yes	No
Alaska		
Arizona		
AZ Comments: No details are available at this time. This will be part of the needs assessment.		
Arkansas	X	
California	X	
Colorado	X	
Florida	X	X
FL Comments: FDLE's participation will be dependent on available funding for the processes required of the state, i.e., enrollment, validation, deletion, arrest hit notification. Given the demand of limited resources at the state level, if there is not a funding mechanism, FDLE will not be able to take on this additional workload. The bill sent to the state by the FBI will have to be validated and FDLE will have to ensure that funds have been collected from all of the applicants the FBI is billing us for.		
Georgia	X	
Hawaii	X	
Idaho	X	
Maine	X	
Maryland	X	
Massachusetts		X
MA Comments: Not sure at this point.		
Michigan		X
Missouri	X	
Montana	X	
Nebraska	X	
Nevada		
NV Comments: We could potentially tie the fees for rap back in with our applicant processing fees, so we do not believe we would need legislative approval for rap back. As far as adding administrative fees, we can set our fees but we have to have approval by the Governor's Office to increase any fees. Since rap back would be a new service, rather than an increase in fees for an existing service, we would anticipate that Governor's Office approval would be forthcoming, but we cannot say so with certainty.		
New Hampshire	X	
New Jersey	X	
New Mexico	X	
New York	X	
Oklahoma	X	
South Carolina	X	
Tennessee	X	
Texas	X	
Utah	X	
Virginia	X	
Washington	X	
West Virginia	X	
Wisconsin	X	

PROPOSED RAP BACK PROGRAM ISSUES

12) Will your state have to set up flags to track those applicants that are signed up for the rap back service? Explain the process.		
	Yes	No
Alaska		
Arizona		
AZ Comments: No details are available at this time. This will be part of the needs assessment.		
Arkansas		X
California	X	
Colorado	X	
CO Comments: The current state process includes setting a flag to initiate the subsequent arrest notification at the time the initial fingerprint card is received, and is removed when notified by the agency of employment.		
Florida	X	
FL Comments: We are currently presuming the state will have to take responsibility for the records maintained at the FBI. Given this, flagging of records as they go up, as they are deleted, etc. will be required.		
Georgia		
GA Comments: Flags may be required for allowing indirect enrollment and/or to perform validations. Georgia's preference is that we would not be required to establish flags, and that indirect enrollments, deletions, and validations will occur via special transaction submissions developed by the FBI. Georgia would then only need to program to recognize, receive and route such transactions.		
Hawaii	X	
HI Comments: We do not have a similar service currently set up in Hawaii, and we will need a means to identify enrolled fingerprints to send hit confirmations and to validate an agency's continuing interest.		
Idaho	X	
ID Comments: I will need to know for accountability of the prints in our AFIS.		
Maine	X	
ME Comments: Based on applicant agency type.		
Maryland	X	
MD Comments: I would assume we would need to so that we could provide information for customer service issues and satisfy inquiries received from individuals or agencies.		
Massachusetts	X	
MA Comments: This is anticipated based on search/enrollment categories (schools, hospitals, etc.) set by Massachusetts law. Still need discussion and planning.		
Michigan		X
MI Comments: We already have a rap back flag in place in our system.		
Missouri	X	
MO Comments: Missouri is developing a rap back service and hopes to have it implemented by 7/11. Our intention is to set up the service similar to FBI/CJIS rap back service.		
Montana	X	
Nebraska	X	
NE Comments: No flags in place currently.		
Nevada	X	
NV Comments: We would anticipate having to set flags in order to track those agencies/individuals who are signed up for the rap back service.		

 **PROPOSED RAP BACK PROGRAM ISSUES**

12) Will your state have to set up flags to track those applicants that are signed up for the rap back service? Explain the process. (Continued.)		
	Yes	No
New Hampshire	X	
NH Comments: A software application to existing accountability (statistical) software will need to be incorporated.		
New Jersey	X	
NJ Comments: New Jersey presently sets flag for NJ CCH activity. There will need to be discussion on who will be responsible for the federal flag tracking.		
New Mexico	X	
New York		X
Oklahoma		X
South Carolina	X	
SC Comments: If the state statute does not allow SLED to retain the applicant fingerprint card, we would need a way to differentiate those submissions from the ones that will participate in this program.		
Tennessee	X	
TN Comments: Our AFIS already retains civil fingerprints, and has a “rap-back” feature, though currently we do not make the service available. We will need to make a minor modification on our back-end (TAPS) system.		
Texas	X	
TX Comments: We will need to create a flag to set on the ORI to note how to set the retention flag in the record going to the FBI.		
Utah	X	
Virginia		X
Washington	X	
WA Comments: This will be needed for monitoring in our criminal history database.		
West Virginia	X	
WV Comments: New field to be created in the CCH.		
Wisconsin		X

 **PROPOSED RAP BACK PROGRAM ISSUES**

13) Will your state have to modify your systems to track those applicants that are signed up for the rap back service? Explain the process.		
	Yes	No
Alaska		
Arizona		
AZ Comments: No details are available at this time. This will be part of the needs assessment.		
Arkansas		X
California	X	
Colorado	X	
CO Comments: If the FBI CJIS decides to move toward confirmation of employment prior to placing the rap back in place, rather than placing rap backs on all fingerprints that are received at the CBI, this will require at minimum modifications to our operational procedures, and result in added administrative works for the CBI.		
Florida	X	
FL Comments: If the states have the responsibility for all retained fingerprints for the customers within the state, FDLE will have to know which agencies and which applicants are retained at the FBI in order to properly validate, send arrest notices, etc.		
Georgia	X	
GA Comments: Possibly, for same reasons indicated in item 12. However, even if flags are not required, Georgia still anticipates a need to retain transaction information, again preferably only as "audit trail" type of information.		
Hawaii	X	
HI Comments: We do not have a similar service currently set up in Hawaii, and we will need a means to identify enrolled fingerprints to send hit confirmations and to validate an agency's continuing interest.		
Idaho	X	
ID Comments: I think some modification will need to occur. I am not sure how it will work at this time.		
Maine	X	
ME Comments: Possible if we have to expand this service to other agencies.		
Maryland	X	
MD Comments: This will require a change in programming to capture and track the information.		
Massachusetts	X	
MA Comments: Consideration being given as we move towards new AFIS and CCH.		
Michigan		X
MI Comments: We already have a rap back flag in place in our system.		
Missouri	X	
MO Comments: Same response as question 12. Also, Missouri is implementing a new CCH to coincide with the rap back service and NFF compliance.		
Montana	X	
Nebraska	X	
NE Comments: Nothing currently in place.		

PROPOSED RAP BACK PROGRAM ISSUES

13) Will your state have to modify your systems to track those applicants that are signed up for the rap back service? Explain the process. (Continued.)		
	Yes	No
Nevada	X	
NV Comments: Yes, we would definitely have to modify our systems to track those applicants that are signed up for the rap back service. We are aware that many states use the same series for criminal and civil SIDs, but Nevada does not. After receiving legislative approval to retain civil applicant prints, a whole new civil SID series would have to be created, which would be a very large project for our IT staff or for a vendor. This will take additional IT resources and funding, which we do not have at this time. In addition, we still receive a large percentage of our applicant cards manually. We need to have a fix put into place to be able to scan those cards and convert them to a NIST format in order for enrollment in rap back to occur. That also is a large IT project that will take additional funding and IT resources, which we do not have at our disposal at this time. Finally, we would need modifications to the interface between our civil applicant processing system and our accounting system to handle the billing for rap back, which is yet another IT project that we have neither the funding nor the IT resources for at this time.		
New Hampshire	X	
NH Comments: Will require ability to flag rap back participants; also capability to periodically validate those participants.		
New Jersey	X	
NJ Comments: Programming will need to be conducted to set appropriate flags and account for additional fees.		
New Mexico	X	
New York	X	
Oklahoma	X	
South Carolina	X	
SC Comments: Some program changes may be necessary.		
Tennessee	X	
TN Comments: Our AFIS already retains civil fingerprints, and has a "rap-back" feature, though currently we do not make the service available. We will need to make a minor modification on our back-end (TAPS) system.		
Texas		X
Utah	X	
UT Comments: We will need to modify our tracking program to indicate enrollment in the FBI rap back service.		
Virginia		X
Washington	X	
West Virginia	X	
Wisconsin	X	
WI Comments: Wisconsin currently has no plans to implement rap back at the state level so any tracking of rap back at the FBI will require programming changes.		

14) It is anticipated that agencies will need to validate their continuing interest in an enrolled fingerprint at least as frequently as every two years. Please explain how you anticipate handling that.	
Alaska	
Arizona	Procedures and/or administrative rules will be needed to describe process, roles and responsibilities. This will be part of the needs assessment.
Arkansas	We retain civil fingerprints whether they are enrolled in rap back or not so there is no need for review.
California	System to system synchronization.
Colorado	This will greatly impact the administrative work with the CBI. Currently, the CBI places a flag/subsequent arrest on each fingerprint card that is received with PL 92-544 requirements. The removal of this flag only occurs at the time the agency notifies the CBI that the employee was not hired, or is no longer employed.
Florida	Our current and planned processes in Q. 5 will continue.
Georgia	How the state handles will depend on how the validation information is provided by the FBI. Preferably, there would be a validation file/notice provided by FBI that the state can forward directly to the enrolling agency.
Hawaii	We may develop a tracking system that will send an email to the enrolled agency and also notification to the Data Center staff.
Idaho	I anticipate sending the agencies a validation list with a due date. Those whom they want deleted should be done so at that time. We will also have a process for them to delete prints they are no longer interested in between validations.
Maine	Haven't reviewed how this expansion of the program will affect us.
Maryland	If the expectation is that this will be the states' responsibility then a validation process with the states will need to be flushed out. The FBI will need to indicate who is flagged and CJIS-CRs will serve as a pass through to the agency for a request to update the information and then that will need to be passed up to the FBI.
Massachusetts	Not sure at this point.
Michigan	We will use the same process as we do today, with the added step of notifying the FBI if an agency asks us to set the rap back flag to NO.
Missouri	The intention would be to set up a biennial validation process and may include it in with part of the non-criminal justice audit process. Additionally, the qualified entity or agency will receive a pre-notification on a rap back hit and if the QE or agency no longer has an interest in the person, then the respondent would be requested to request removal of the flag on the particular person.
Montana	Active unenrollment unless enrollment is re-confirmed by requesting entity.
Nebraska	Unsure.
Nevada	We would probably send letters to each enrolled agency with a list of their applicants and then ask them to add/change/delete any names every two years. However, if another state has come up with a better process we would be more than willing to adopt that state's process if it could apply in Nevada.
New Hampshire	The Repository will be responsible for periodic validation and update.
New Jersey	Subscribing agencies are responsible to monitor the statutory/regulatory applicability of their retained/flagged applicants. The question would be, how does the FBI plan on addressing this issue.
New Mexico	We suspect it will be STN (state tracking number) or State ID Number (SID) based -- the STN and SID are assigned by our system upon entry into the system. Agencies wanting rap-back will have to track and provide us those STNs or SIDs.

 **PROPOSED RAP BACK PROGRAM ISSUES**

14) It is anticipated that agencies will need to validate their continuing interest in an enrolled fingerprint at least as frequently as every two years. Please explain how you anticipate handling that. (Continued.)

New York	DCJS will handle the validation similiarly to the way our state "rap back" validation is handled. (See answer for question #5.)
Oklahoma	We will request validation from agencies by providing an electronic list of current enrollees. We will require the electronic list be returned within a certain amount of time, then we will remove the enrollees who have been removed from the list and send a message (hopefully) to the FBI to remove the enrollee from the national system.
South Carolina	At this time, we do not have an anticipated procedure.
Tennessee	We would send the agency point-of-contact their list of individuals they have enrolled in the rap-back service. This would be in the form of a report, and most could download it from the secure website where (most of) them receive their initial background check results. They would make the appropriate modifications to the report and submit it back to us.
Texas	Send an automatic notification based off enrollment date to the authorized entity/agency to find out if they have continued interest.
Utah	Require that these agencies provide a list of those records that are no longer of interest. This will probably be done on a yearly basis.
Virginia	We will send a list to the ORI/Agency to indicate which prints they desire to leave in the system or remove.
Washington	Unknown at this time.
West Virginia	Unknown as the process details are not final within our state.
Wisconsin	As Wisconsin has no plans to implement a state rap back service we do not anticipate being involved in any FBI validation process.

15) Please identify the specific challenges that you envision for your state to participate in the proposed FBI rap back service.	
Alaska	
Arizona	No details are available at this time. It will be part of the needs assessment.
Arkansas	
California	FBI searching all databases with the prints.
Colorado	Please see question 14.
Florida	<ul style="list-style-type: none"> • Availability of staff to coordinate state and federal systems, answer questions from Florida customers (both agencies and individuals), researching problems and discrepancies, etc. Additionally, we anticipate we would receive questions from out-of-state customers about arrest hit notifications that they receive on Florida arrests. Each of these calls and related research can be time consuming so that even a few calls can demand significant personnel resources. • Providing expertise to develop system compatibility between state and federal retention systems and creating workable options that provide needed functionality. • Funding of computer programmers to develop and maintain the system.
Georgia	There are potential challenges with statutory changes to allow the retention of prints by the FBI. Since GBI does not plan to retain prints at the State level but only serve as a pass-through, the required statutory language may need to exist within each of the 30+ approved 92-544 statues active in Georgia. While GBI has authority to set fees to cover the direct and indirect costs associated with providing state criminal history record check services, and no statutory authority is required to collect the FBI's fingerprint record check fee, I do not believe we will be able to add administrative costs to the FBI fee. It will be incumbent upon the FBI to provide the State a portion of the collected rap back fee to cover our costs for serving as the central collection/invoicing entity - just as with the current practice for FBI fingerprint background checks. Other challenges may exist depending on how the rap back service is designed with regards to indirect enrollment and validation, and how Georgia can best incorporate into our normal process.
Hawaii	Getting legislation passed to retain fingerprints may be a challenge, but it is something we have long wanted to do and this will be the impetus to start this process.
Idaho	I think the challenges will be on the beginning. Once the system is set up, it should run fairly smoothly. There will be administrative costs associated with entry of the prints into the RAP back program, the processing of the validations and the collection of the fees.
Maine	Cost, technical changes, agency awareness of service.
Maryland	Challenges include: modification of the Livescan, modification of the paper fingerprint cards, programming resources for the changes in the state systems, as well as the state AFIS. Also, state participation will require reporting vehicles, second customer exposure that currently does not exist and billing review/ reconciliation. There will be a need for increased resources in our customer service area to handle inquiries related to this, increased resources in our finance area for managing all the fiscal issues, as well as increased repository resources to set and remove the indicators, interface with the agencies, and deal with the noncompliant agencies.
Massachusetts	Legislative mandate. Currently, Massachusetts does not participate in civil fingerprinting except for Adam Walsh (foster parents) and firearms licensing.

15) Please identify the specific challenges that you envision for your state to participate in the proposed FBI rap back service. (Continued.)

New York	<ul style="list-style-type: none"> • Coordination of state and federal criminal histories to keep them synchronized relative to the applicant's current employment and licensing status; • Determining whether this will be an optional or mandatory service for all qualified non-criminal justice agencies since an additional fee will be involved; • Determining how the charge back process will work regarding the fees; • Determining how to get buy-in from our customers who currently are not charged for New York's rap back processing.
Oklahoma	Small resource issue...but manageable. The program itself is such a benefit to our customers that we will work hard to overcome any obstacles.
South Carolina	We need to have the FBI administrative fee (currently \$2.00 per check) increased to cover the costs of the state administration of federal rap back.
Tennessee	The learning process of dealing with a new way of business will be the biggest challenge.
Texas	Possible fee for national rap back service.
Utah	Additional programming that will need to be done to enroll, track, and ultimately unenroll the prints in the service. This may be costly and will possibly have to build the programming before fees can be collected. Also, tracking the agencies to assure that they are notifying of prints that are no longer of interest.
Virginia	None.
Washington	Cost to update our criminal history database to allow the new functionality and tracking. One agency specifically has it in their statute that the state or FBI may not retain their applicant fingerprints.
West Virginia	Costs associated with the state system modification.
Wisconsin	The majority of background checks performed in Wisconsin that require periodic re-checks are state-only name-based checks. The proposed FBI rap back program does not benefit the requestors of these checks. Only those entities performing fingerprint checks under federal legislation or Public Law 92-544 checks may potentially benefit from rap back.


PROPOSED RAP BACK PROGRAM ISSUES

16) Will your state experience one-time start-up costs to participate in the proposed rap back program (e.g., personnel, budgetary, hardware, software, hit notifications, etc.) that would need to be overcome for your state to participate in the proposed rap back service?

	Yes	No
Alaska		
Arizona		
Arkansas		
California	X	
Colorado		
Florida	X	
Georgia	X	
Hawaii		
Idaho	X	
Maine	X	
Maryland	X	
Massachusetts	X	
Michigan	X	
Missouri		X
Montana	X	
Nebraska	X	
Nevada	X	
New Hampshire	X	
New Jersey	X	
New Mexico	X	
New York	X	
Oklahoma	X	
South Carolina	X	
Tennessee	X	
Texas	X	
Utah	X	
Virginia		X
Washington	X	
West Virginia	X	
Wisconsin	X	

PROPOSED RAP BACK PROGRAM ISSUES

17) Please identify any ongoing/recurring resource issues (e.g., personnel, budgetary, hardware, software, hit notifications, etc.) that would need to be overcome for your state to participate in the proposed FBI rap back service.	
Alaska	
Arizona	No details are available at this time. It will be part of the needs assessment.
Arkansas	We would need to ensure that proper authorities are notified which will be done through the use of personnel to begin and may expand to electronic as needs dictate.
California	
Colorado	Question 17 has not yet been identified, but administrative costs will be certain.
Florida	FDLE will have personnel costs. Florida customers are numerous and will be calling FDLE for assistance, not the FBI. FDLE staff will have responsibility for ensuring the correct applicants are loaded and maintained at the FBI. All of the arrest hit notifications are expected to be sent to FDLE and staff will need to ensure they are routed to the correct entity. In addition, our billing system will have to be updated to accommodate the new fee; FDLE will be responsible for all aspects of fee collection. At this point, there is not enough information provided by the FBI to determine if new hardware will be needed. New software will definitely have to be developed to allow FDLE systems to interface with the FBI retained fingerprint system.
Georgia	Anticipated on-going costs for personnel resources associated with invoicing/collection as well as training, validations and audits. There may be other hardware/software resource requirements, depending on how the FBI program is designed - some will be one-time costs, others may be recurring depending on the level of interaction required by the state.
Hawaii	Our on-going/recurring resource issues would be in the areas of personnel and budget which would, however, be clarified and better quantified once we start up the program.
Idaho	As I see it, the fee collection will not change from what it is today; there will be just be a RAP BACK fee added. The entry of the prints into the program, usually after the check, will involve added work, as will the validation program. There will also be the handling of the notifications on hits. All of these will require the creation of new processes within our existing infrastructure. We will need to make programming changes to flag the records, incorporate these added steps and routing/processing validations and hit notifications.
Maine	Cost, technical changes, timeliness of hardcard entry in relation to responses. Many agencies don't want a rap back especially if there is an additional cost. Some don't even want fingerprint-based checks.
Maryland	Probable personnel resource issues include the need to maintain current file management and resource person(s) to handle calls and validations, billing, etc.
Massachusetts	Legislative mandate, hardware/software enhancements, establish new business process with workflow, training, auditing.
Michigan	Programming as indicated in question 15, and we will have to monitor and evaluate the impact on staff.
Missouri	Again, Missouri is developing a rap back service, so I don't anticipate major adjustment to incorporate the FBI service.
Montana	All of the above.
Nebraska	Personnel, budgetary, hardware, software, programming, system modifications and synchronization, policy and procedure re-writes.

PROPOSED RAP BACK PROGRAM ISSUES

17) Please identify any ongoing/recurring resource issues (e.g., personnel, budgetary, hardware, software, hit notifications, etc.) that would need to be overcome for your state to participate in the proposed FBI rap back service. (Continued.)	
Nevada	We anticipate all of these will be an issue and will have to be overcome in order for our state to participate in the proposed FBI rap back service. The largest issue will not necessarily be funding but will be reserving the dedicated IT staff to make the necessary changes—in competition with other requests for their time from other IT users within our department and statewide.
New Hampshire	Ongoing salary/benefits for additional personnel to process enrollment, validate, and hit notifications.
New Jersey	Programming (budgetary) and federal requirements that would be over and above what New Jersey is presently enforcing.
New Mexico	Personnel—hiring freeze, no growth. Budget—frozen. Software—reprogramming cost (see no budget).
New York	<ul style="list-style-type: none"> • Coordination of state and federal criminal histories to keep them synchronized relative to the applicant's current employment and licensing status; • Determining whether this will be an optional or mandatory service for all qualified non-criminal justice agencies since an additional fee will be involved; • Determining how the charge back process will work regarding the fees; • Determining how to get buy-in from our customers who currently are not charged for New York's rap back processing.
Oklahoma	None known at this time.
South Carolina	We will have to devote resources to administer federal rap back. We have not identified these specific resources.
Tennessee	
Texas	No new resources will be anticipated.
Utah	All of the above. With current budgets, lack of personnel resources, and the cost of changing the existing programs to accommodate the changes, it will be a challenge to get it done when funds may not be available until after the fact when the fees are collected at enrollment.
Virginia	None.
Washington	Personnel to track agencies and to respond to questions received; personnel to continue to maintain and monitor the criminal history database to ensure system continues to work properly. Possibly will need to increase AFIS storage and network capacity.
West Virginia	Modifications to existing system and maintaining the enrollment audit process.
Wisconsin	Due to staffing and budgetary constrictions, all information technology projects must be prioritized. The highest priority is given to legislative mandates and department priorities. Processes for the FBI rap back program, such as registration, fee collection, validation and hit notification, will be low on any priority list for IT projects.



PROPOSED RAP BACK PROGRAM ISSUES

Other comments:	
Arizona	For questions 8-17: A needs assessment to determine the impact of the Rap Back Program is needed in order to provide a response to many of the questions. Ms. Rene Wilson was recently named the Arizona Compact Officer and will be conducting this assessment.
Colorado	The validation of rap back billing and setting the flag after the confirmation the employee has been hired will be problematic for the CBI, and will require substantial administrative costs and operational changes to procedure. Our current process is to set the flag at the time the fingerprint card is received, and removed when notified the employee has separated from employment. Also, in regard to question #4, the CBI is unable to obtain this information due to the programming staff being utilized to follow up with the implementation of the message switch, which occurred in May 2010. This information may be able to be retrieved at a later date, if necessary.
Florida	<p>In regard to questions 10a/b: Not all of our customers will enroll at the national level; for those that do, enrollment will typically occur when the fingerprints are submitted to the FBI at the original state and national check. It is yet to be determined if there will be an effort to enroll fingerprints retained by FDLE before the rap back program is in place. FL representatives believe the most straightforward approach to providing funds for states to participate in the federal rap back program is for a state portion to be included with each fee assessed. The FBI currently includes with each criminal history record check of \$24 a \$2 fee for the states to invoice the customers. Similarly, a fee could be assessed for the states' rap back activities that we will be performing to implement the federal program. These activities will include validation, deletion, arrest notifications, billing and customer service. As the state invoices the customer, the assessment would be included and retained by the state.</p> <p>The question has been asked why the states don't just add this fee. For most states, the legislature would have to provide such authority. Obtaining authority this way can encounter numerous obstacles whereas it appears that the FBI has authority to supplement their fee to reimburse the states for the work they are doing on behalf of the FBI on the rap back system. Another question is whether the state legislatures can even assess a fee for the rap back service because it is not a state service, it is an FBI service. A state fee is assessed for state processes and services. The FBI is imposing requirements on the states for the FBI rap back program so the fees should be FBI fees. The FBI, in essence, is trying to contract with the states to provide services they need to make the rap back program viable. As a part of the contract, states should be able to state what the cost will be and add that to the contract. Rather than work out this contract state by state, it would make sense to have a national standard.</p>
Maryland	<p>What authority does the FBI have to release this CHRI in the future? How will this fit with a 'closed record' state, such as Maryland, that is governed by regulations that establish that only statutory authority allows future release? Is the vision to allow all requestors this service or will it be limited to 92-544 customers? Maryland is a state that has had this type of service in place for years and the biggest issue we struggle with is the noncompliance with the validation process. Agencies refuse to get back to us to let us know when an individual leaves employment and so there is risk on our side of a release of CHRI to an agency who since employment has ended is not entitled to this information. (In Maryland, an unauthorized release of CHRI.) We have tried multiple avenues to try to address this and—short of cutting them off, which is in direct contrast to the point—we cannot get our 300 applicant agencies on board.</p> <p>We are currently looking for some streamlined automated options to try to address this but I would strongly suggest that you give this issue a lot of consideration and build in an automatic cut off at the validation stage if you have this type of noncompliance. In our state the problem with this solution is that most of our RAP Backs are set by statutory authority and it obligates us to the flag or notification to be in place. This validation process on the side of the FBI Rap Back vision would be a huge issue for Maryland to consider upon any affirmative option to opt into this program. I would further suggest that the validation process be something that the FBI look into as a possible "vendor out" service—this would decrease the burden on the states and ultimately get more compliance to the program nationally.</p> <p>Additionally, this will be an arbitrary program, meaning any agency that pays the fee can get the RAP Back; and if that is so, it appears to conflict with the current provisions of the 92-544 statutes and the premise that there must be "authority" to give the information to an agency in the first place. How would Maryland implement that?</p>


PROPOSED RAP BACK PROGRAM ISSUES

Missouri	I hope the FBI rap back service is flexible to state needs/requirements. I can see the importance of FIS TOT submissions for NFF states with the implementation of rap back and not sure how the process for notification due to final disposition for NFF states (since NFF states no longer send dispositions to FBI). Question - will there be an alert from an NFF state to FBI when a final disposition is added to an individual's criminal history record?
Nevada	For Questions 1 - 7, we have a minimal rap back service right now for the Nevada Department of Education, so "enrolled" is really too strong of a term for what we're doing. We are mandated by state statute to retain the fingerprints and provide a rap back service to the Department of Education for anyone applying to the State Superintendent of Public Instruction for a license to teach in a public or private elementary or secondary school in Nevada. It has taken several years, but we have recently worked out a process with the Department of Education to provide this service. Because we are mandated to do so by statute, we are not charging a fee. We just started the process in April 2010, so we have no fingerprints enrolled in 2009. Protocols have not been worked out yet to "un-enroll" applicants, but that may be worked out as we gain experience with providing this service. If the SEARCH Membership wants additional details about our minimal rap back service, I would be happy to put them in touch with my staff.
South Carolina	I am unsure of the answers to questions 8 and 9. Before we can answer these two questions, further review, including legal, is required. The key to getting the states to participate in federal rap back is to adequately fund the state repositories for administering the program for the FBI. There needs to be a state component of the FBI's proposed rap back fee. Our agency, like many others, does not have the authority to set fees. We must get legislative authorization for fees. However, the FBI could increase their current administrative fee (currently \$2.00 per check) to cover the costs of the state administration of federal rap back.
Washington	Personnel to track agencies and to respond to questions received; personnel to continue to maintain and monitor the criminal history database to ensure system continues to work properly. Possibly will need to increase AFIS storage and network capacity.
West Virginia	Modifications to existing system and maintaining the enrollment audit process.
Wisconsin	Due to staffing and budgetary constrictions, all information technology projects must be prioritized. The highest priority is given to legislative mandates and department priorities. Processes for the FBI rap back program, such as registration, fee collection, validation and hit notification, will be low on any priority list for IT projects.

Please return this questionnaire by close of business
Monday, June 7, 2010

Email it to dennis@search.org, or fax it to (916) 392-8440

QUESTIONNAIRE COMPLETED BY:

Name _____

Agency _____

Telephone _____ Email _____

NOTES:

- This form can be filled out using Microsoft Word. Explanation fields will expand to accommodate all text entered.
- If you have any questions regarding the questions asked on this questionnaire, please contact New Hampshire Member Jeff Kellett at jkellet@state.nh.us or (603) 271-2500.

CURRENT PRACTICES

1. Does your state currently provide a rap back service for noncriminal justice purposes?

- Yes
 No

2. Do you charge a separate fee for this service?

- Yes Fee \$ _____
 No

3. How many fingerprints were enrolled in your state program during 2009?

- N/A
 Unknown
_____ Fingerprints

4. What is the total number of fingerprints enrolled in your state program?

- N/A
 Unknown
_____ Fingerprints

State Issues Survey — Proposed National Rap Back Program

5. Do you have a process for client agencies to validate that enrolled fingerprints remain of interest?

- N/A
 Yes
 No

If yes, please explain the process: _____

6. Do you have a process for deleting enrolled fingerprints at the request of a client agency?

- N/A
 Yes
 No

If yes, please explain the process: _____

7. Do you have a process for deleting enrolled fingerprints at the request of the applicant?

- N/A
 Yes
 No

If yes, please explain the process: _____

PROPOSED RAP BACK PROGRAM ISSUES

8. Will state legislative approval be needed before agencies can participate in the proposed FBI program?

- Yes
 No

9. Will state legislative approval be needed for the repository to collect the FBI's rap back service fee?

- Yes
 No

State Issues Survey — Proposed National Rap Back Program

(a) Can your state add any administrative costs to the FBI fee?

- Yes
- No

(b) Does your agency have the authority to set fees?

- Yes
- No

10. Do you anticipate that enrollment in the national rap back program will occur when applicant fingerprints are submitted to the state? May occur subsequent to state processing?

(a) Enrollment will occur when fingerprints are submitted to the state:

- Always
- Never
- Sometimes

(b) Enrollment will occur subsequent to state processing:

- Always
- Never
- Sometimes

11. Will you handle the billing monthly as you currently do for the background checks through the FBI?

- Yes
- No

If no, please explain: _____

12. Will your state have to set up flags to track those applicants that are signed up for the rap back service?

- Yes
- No

If yes, please explain: _____

State Issues Survey — Proposed National Rap Back Program

13. Will your state have to modify your systems to track those applicants that are signed up for the rap back service?

- Yes
- No

If yes, please explain: _____

14. It is anticipated that agencies will need to validate their continuing interest in an enrolled fingerprint at least as frequently as every two years. Please explain how you anticipate handling that.

15. Please identify the specific challenges that you envision for your state to participate in the proposed FBI rap back service.

16. Will your state experience one-time start-up costs to participate in the proposed rap back program (e.g. infrastructure enhancement)?

- Yes
- No

17. Please identify any ongoing/recurring resource issues (e.g., personnel, budgetary, hardware, software, hit notifications, etc.) that would need to be overcome for your state to participate in the proposed FBI rap back service.

Other Comments: _____