



Resolution numbering:

The first two numbers refer to the year the Resolution was passed; the second two numbers refer to the chronological order of the Resolution.

Example:

Resolution 74-01 was passed in 1974, and it was the very first Resolution of SEARCH.

SEARCH Resolutions

- 74-01** National Computerized Criminal History System (December 13, 1974)
- 76-02** National Computerized Criminal History Program (May 23, 1976)
- 78-03** Reporting of Justice Statistics (April 27, 1978)
- 79-04** Essential Elements and Actions for Implementing a Nationwide Criminal History Program (May 21, 1979)
- 82-05** National Computerized Criminal History Program Based on the III Concept (May 13, 1982)
- 87-06** Reauthorization of BJS, BJA, NIJ and OJJDP (May 6, 1987)
- 87-07** Criminal Justice Information Improvement Act of 1987 (May 6, 1987)
- 91-08** Interstate and Federal-State Compact on the Exchange of Criminal History Records (July 18, 1991)
- 92-09** Interstate and Federal-State Compact of the Exchange of Criminal History Records (July 30, 1992)
- 93-10** Criminal Records Upgrade Resolution (July 14, 1993)
- 93-11** Juvenile Justice Record Information Systems (July 14, 1993)
- 93-12** Interstate and Federal-State Compact on the Exchange of Criminal History Records (July 14, 1993)
- 93-13** Criminal Justice Information Infrastructure (July 14, 1993)
- 93-14** Automated Incident-Based Reporting and Community-Based Policing (July 14, 1993)
- 94-15** Disposition Reporting Standards in the Brady Instant Check System (February 11, 1994)
- 94-16** Grant Program Authorized By the Brady Hand Gun Violence Prevention Act (February 11, 1994)

- 94-17** Mandated State Cooperation With the Immigration and Naturalization Service (February 11, 1994)
- 97-18** National Incident-Based Reporting System (January 14, 1997)
- 98-19** Fingerprinting Juveniles and Reporting Juvenile Record Information to State Central Repositories (February 5, 1998)
- 98-20** National Crime Prevention and Privacy Compact (February 5, 1998)
- 98-21** Criminal History Record Background Check Legislation for Non-Criminal Justice Purposes (February 5, 1998)
- 98-22** Enhanced Federal Justice Assistance for Criminal Justice Information and Identification Purposes (February 5, 1998)
- 99-23** Appropriations for the Crime Identification Technology Act (July 1999)
- 99-24** Enhancements to the Brady National Instant Criminal Background Check System (July 1999)
- 99-25** Funding to the FBI for Support of the III Compact Council (July 1999)
- 99-26** Juvenile Justice Recordkeeping and Information System Reforms (July 1999)
- 99-27** Procedures for Volunteers for Children Act Checks (August 1, 1999)
- 00-28** Appropriations for the Crime Identification Technology Act (January 2000)
- 00-29** Department of Defense Background Checks (July 29, 2000)
- 00-30** Funding for the National Criminal History Improvement Program Under the Crime Identification Technology Act (July 30, 2000)
- 01-31** Comprehensive Criminal Justice Integrated Systems Act of 2001 (January 7, 2001)
- 02-32** The Sharing of Criminal History Record Information Between the States and the Immigration and Naturalization Service (January 13, 2002)
- 02-33** Progress Toward the Decentralization of the Nation's Criminal History System (January 13, 2002)

- 02-34** Biometrics, Criminal History Record Information and Passenger Screening (January 13, 2002)
- 02-35** Biometrics, Criminal History Record Information, Homeland Security and Public Safety (January 2002)
- 02-36** State and Local Justice Information Systems and Homeland Security (July 21, 2002)
- 03-37** Criminal History Record Checks for Purposes Related to Homeland Security (January 2003)
- 03-38** National Child Protection Act Amendments (January 2003)
- 04-39** NICS Improvement Legislation (January 25, 2004)
- 04-40** State Participation in Security Threat Assessments for Hazardous Materials Endorsements (January 25, 2004)
- 04-41** Support of Privacy Protections for Criminal Justice Information Sharing Programs (July 25, 2004)
- 07-42** Enhancements to the Brady, National Instant Criminal Background Check System (February 14, 2007)
- 07-43** Support for the National Criminal Justice Record Infrastructure (July 19, 2007)
- 07-44** State Participation and Consultation (July 19, 2007)
- 07-45** Reaffirming Support for Returning the Criminal Record to the Requestor (July 19, 2007)
- 07-46** Improvements to the Brady, National Instant Criminal Background Check System (July 20, 2007)
- 07-47** Turnaround Time for Noncriminal Justice Record Checks (August 27, 2007)
- 07-48** The Role of Third-Party or Consumer Agencies (August 27, 2007)
- 07-49** Privacy Protections and Criminal History Background Checks (August 27, 2007)

- 07-50** Funding Issues Related to the Attorney General's Report on Criminal History Background Checks (August, 2007)
- 09-51** The National Criminal History Improvement Program (April 15, 2009)
- 09-52** National Child Protection Act Amendments (May 26, 2009)
- 09-53** Support for the Law Enforcement National Data Exchange (N-DEx) System as the National Information Sharing Repository for Law Enforcement (November 18, 2009)
- 09-54** The National Criminal Justice Commission Act (November 18, 2009)
- 09-55** The Managing Arson Through Criminal History (MATCH) Act (November 18, 2009)
- 10-56** Separate Security Background Checks for Transportation Security Cards (January 12, 2010)
- 10-57** NICS Improvement Amendments Act (NIAA) Funding (July 29, 2010)
- 11-58** Federal Legislation Authorizing Federal Noncriminal Justice Agencies to Obtain Access to State-based Criminal History Record Information (March 23, 2011)
- 11-59** Preserving the States' Rights to Establish Background Check Standards (July 21, 2011)

SEARCH Resolution 74-01

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

December 13, 1974

National Computerized Criminal History System

WHEREAS Project SEARCH was instrumental in the design and demonstration of a system for the interstate exchange of computerized criminal history records, and

WHEREAS the Project SEARCH CCH concept contemplated a national index and pointer to the state of record, and

WHEREAS the Project SEARCH-recommended CCH configuration is dependent on the capability to switch messages automatically among the participant states, and

WHEREAS SEARCH Group has endorsed the concept of a centrally held file of criminal records for multi-state offenders and state-held files for single-state offenders,

THEREFORE, BE IT RESOLVED that SEARCH Group reaffirms its support for a national CCH system based on the "pointer" concept supported by state-to-state computerized message switching, and requests of the FBI, LEAA, NLETS and other involved participants the opportunity to review plans and formal proposals that address the implementation of a national CCH system.

SEARCH Resolution 76-02

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

May 23, 1976

National Computerized Criminal History Program

WHEREAS Project SEARCH was instrumental in the design and demonstration of a system for the interstate exchange of computerized criminal history records, and

WHEREAS cooperation between state and federal agencies is necessary to implement an information network for the purpose of exchanging criminal history record information, and

WHEREAS a national index is a necessary tool for effective inter- and intrastate exchange of criminal history record information, and

WHEREAS state identification bureaus are the essence of an accurate, updated base of criminal history data, and

WHEREAS a substantial commitment of resources has been made to this program by both the federal and state governments in response to federal initiative to create an integrated criminal history network, and

WHEREAS continuation of this mutual effort should provide access to over 80% of active criminal history data in the country by the end of 1977, and

WHEREAS this program is basic to the mission of the entire criminal justice community,

NOW THEREFORE BE IT RESOLVED by the Membership Group of SEARCH Group, Inc., that any effort to interrupt, abandon or diminish federal involvement in the Computerized Criminal History program would be both premature and detrimental to nationally established and recognized goals and objectives for the criminal justice community, and

BE IT FURTHER RESOLVED that SEARCH Group, Inc. endorses the existing CCH program, basic to which are the following requirements:

- A national criminal history index,
- Using updated and verified data from state identification bureaus,
- Utilizing a communication vehicle (to include message switching) to allow transfer of criminal history record information,
- In reliance upon which the states are expending valuable and limited resources in support of a federally initiated program,
- As a part of the total national criminal justice effort; and

(More)

SEARCH Resolution 76-02, Continued

BE IT FURTHER RESOLVED that SEARCH Group, Inc. recognizes that all of the above criteria, as well as uninterrupted service, can only be satisfied at this time by FBI/NCIC/CCH, and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Attorney General Edward Levi, the Department of Justice Systems Policy Board, FBI Director Clarence Kelly, and LEAA Administrator Richard Velde.

SEARCH Resolution 78-03

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

April 27, 1978

Reporting of Justice Statistics

WHEREAS the federal government has proposed to establish a Bureau of Justice Statistics within the Department of Justice, and

WHEREAS the Bureau, in order to satisfy its requirements to compile, analyze and disseminate information about crime, criminality and the administration of justice, will make demands of state and local justice agencies, and

WHEREAS SEARCH Group, a consortium of the states, has been a leader in developing programs for the collection and utilization of information and statistics in the interest of a more effective justice system,

THEREFORE, BE IT RESOLVED that the Membership Group of SGI supports the concept of a single organization to consolidate existing national statistical series, to develop improved programs of the compilation of reporting of justice statistics, and to assist states in the collection and utilization of statistical information concerning crime and the administration of justice, provided that:

1. Such a Bureau initially limit its scope to (a) justice statistics that emanate from federal agencies and (b) those justice statistics derived from state and local agency operations for which no national series exists.
2. Existing series of national justice statistics be phased into Bureau operations only after the Bureau has demonstrated an ability to produce timely statistics that accurately reflect the functioning of those areas enumerated under number 1 above.
3. The Bureau accommodate to statistics derived as a by-product from operational information systems designed to meet the responsibilities and obligations of state and local agencies.

FURTHER BE IT RESOLVED that the federal government shall make no new demands of the states for statistical reporting without providing for commensurate assistance, and until the following conditions have been satisfied:

1. State and local representation be included in an advisory capacity to Bureau operations.
2. The Bureau establish proper relationships with existing state coordinating mechanisms, such as Statistical Analysis Centers.

FINALLY, BE IT RESOLVED that the Membership Group of SGI urges the federal government to plan carefully for the acceptance, screening and interpretation of justice statistics so as to assure high quality data, and to establish appropriate mechanisms for handling sensitive information where such information could identify individuals.

SEARCH Resolution 79-04

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

May 21, 1979

Essential Elements and Actions for Implementing a Nationwide Criminal History Program

WHEREAS the Federal government and the states have endeavored for more than ten years to create a centralized system for the interstate exchange of criminal history information; and

WHEREAS there is still no reliable mechanism through which a criminal justice agency in one state can expeditiously determine the nature and extend, if any, of an individual's past criminal activities in the other states, and

WHEREAS such information is vitally necessary to identify career criminals, reduce disparities in prosecution, sentencing, commitment, and parole decisions, and fit decisions and treatments to the individual criminal as well as to the crime, and

WHEREAS there is today an emerging consensus within the states and the Federal government as to an alternative approach to a workable nationwide program for the interstate exchange of criminal history information, and

WHEREAS SEARCH Group in its document *Essential Elements and Actions for Implementing a Nationwide Criminal History Program* (February 1979) has translated the conceptual foundations of that consensus into a set of specific actions capable of implementing a working program within less than one year, and

WHEREAS key actions must be initiated either by the Congress or by the United States Department of Justice,

THEREFORE BE IT RESOLVED that the Membership Group of SEARCH Group urges the Congress to establish such policy as will enable the creation of a nationwide criminal history program as delineated in the SEARCH Group policy paper and urges the Department of Justice to undertake appropriate administrative actions to facilitate that program.

SEARCH Resolution 82-05

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

May 13, 1982

National Computerized Criminal History Program Based on the Interstate Identification Index Concept

WHEREAS the criminal history record is a necessary tool for the administration of justice, used by law enforcement, courts, and corrections agencies at local, state, and federal levels of government;

WHEREAS the importance of the criminal history record is increasing as more and more laws require differentiation between first offenders and repeat offenders in conjunction with career criminal and violent offender programs;

WHEREAS interstate mobility of offenders requires that there be a workable national program for the interstate exchange of criminal history information;

WHEREAS there is a clear consensus within the criminal justice community that a national criminal history program should be decentralized and structured around the concept of the Interstate Identification Index (III); and,

WHEREAS a multistate test of the practicability of the III concept is nearing successful conclusion;

THEREFORE BE IT RESOLVED that the Membership Group of SEARCH urges Congress to endorse and support the creation and operation of a national criminal history program based upon the III concept; and,

BE IT FURTHER RESOLVED that the Membership of SEARCH urges the states to begin substantive planning for their participation in a national criminal history program based upon the III concept; and,

BE IT FURTHER RESOLVED that the Membership of SEARCH pledges its resources to the resolution of remaining policy, administrative, or technical issues affecting the implementation of the national criminal history program.

SEARCH Resolution 87-06

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

May 6, 1987

Reauthorization of BJS, BJA, NIJ and OJJDP

WHEREAS Public Law 96-157, the Justice System Improvement Act of 1979 (JSIA) amended the Omnibus Crime Control and Safe Streets Act of 1968 to create, within the Department of Justice, three distinct agencies, the Bureau of Justice Statistics (BJS), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Institute of Justice (NIJ); and

WHEREAS the JSIA assured the independence of each of these agencies by making the director of each agency a Presidential appointee, and by giving to each such director plenary power over the agency through the express grant of final authority to the director for all grants, cooperative agreements and contracts; and

WHEREAS Public Law 98-473, the Justice Assistance Act of 1984, amended the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize BJS, OJJDP and NIJ through September 30, 1988, to reaffirm the independence of these agencies, and to create, within the Department of Justice, the Bureau of Justice Assistance (BJA) to be headed by an Attorney General appointee with final authority for all grants, cooperative agreements and contracts, and to create, within the Department of Justice, the Office of Justice Programs, to be headed by an assistant attorney general and to, among other things, provide staff support to coordinate the activities of BJA, NIJ, BJS and OJJDP; and

WHEREAS in view of the expiration of the statutory authorization for BJS, BJA, NIJ and OJJDP in September of 1988, the Congress is expected, in 1987, to begin consideration of legislation to reauthorize these agencies; and

WHEREAS the independence enjoyed by these agencies is a necessary and critical element in their effective operation over the last eight years; and

WHEREAS SEARCH was officially on record in 1979 and in 1984 as supporting those provisions in the JSIA and in the Justice Assistance Act of 1984 which assure the independence of these agencies by making the directors Presidential appointees (except for BJA) and by giving those directors final authority for grants, cooperative agreements and contracts;

NOW THEREFORE BE IT RESOLVED that the Membership Group of SEARCH Group, Inc. hereby reaffirms SEARCH's support for the existing statutory language in the Omnibus Crime Control Act of 1968, as amended by the JSIA and the Justice Assistance Act of 1984, and calls upon the Congress to reauthorize BJS, BJA, NIJ and OJJDP through September 30, 1992, by readopting this language and thereby guaranteeing the independence and integrity of these agencies.

SEARCH Resolution 87-07

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

May 6, 1987

Criminal Justice Information Improvement Act of 1987

WHEREAS SEARCH has worked for improvements in the accuracy and completeness of criminal justice record information since 1969; and

WHEREAS the ongoing implementation of a national system for the exchange of criminal history record information operated by the Federal Bureau of Investigation and its Advisory Policy Board, and the enactment in 1985 of federal legislation mandating that state and local criminal justice agencies disclose criminal history record information to certain federal agencies for personnel security purposes and the decision of the United States Court of Appeals for the District of Columbia, in *Reporters' Committee for Freedom of the Press v. Department of Justice* opening federally-held criminal history record information to any person under the Freedom of Information Act, increases the urgency with which improvements in the accuracy and completeness of state and local criminal history records must be made and increases the federal stake in such improvements; and

WHEREAS it is therefore necessary and appropriate that federal funds be made available to improve the accuracy and completeness of state and local criminal history record information, wanted person information or stolen vehicle information; and

WHEREAS on November 6, 1985, SEARCH's Board of Directors adopted a resolution endorsing an earlier version of the Criminal Justice Information Improvement Act; and

WHEREAS SEARCH has worked with members of Congress and their staffs in drafting the Criminal Justice Information Improvement Act of 1987 which is currently being circulated in the form of a discussion draft as attached hereto ("May 1987 version of the Criminal Justice Improvement Act of 1987"); and

WHEREAS the May 1987 version of the Criminal Justice Improvement Act of 1987 will require the Director of the Bureau of Justice Statistics (BJS) to make grants to states and units of local government to improve the accuracy, timeliness or completeness of criminal history record information or wanted person or stolen vehicle information, provided that the funds from such grants are expended on the development, establishment or enhancement of certain enumerated programs including the development of uniform documents and procedures, verification systems, tracking systems, delinquent disposition monitoring systems, auditing programs, transaction log programs, automated systems, programs to facilitate communication between the courts and other parts of the criminal justice system, positive identification systems, and such

(More)

SEARCH Resolution 87-07, Continued

other programs as the Director of BJS determines can reasonably be expected to produce improvements in the accuracy, timeliness or completeness of criminal justice information, provided that the state or local agency conducts an audit at its own expense, provided that the grant application specifies a numeric goal of accuracy, timeliness or completeness that will be achieved as a result of the grant, provided that the grants made are in an amount equal to up to 75 percent of the cost of the activities, except that the state or local share shall be offset by any amount which the state or locality has spent in conducting an audit and except that up to 20 percent of the funds authorized in the legislation may be expended on grants of up to 100 percent;

NOW THEREFORE BE IT RESOLVED that SEARCH endorses and urges the enactment of the May 1987 version of the Criminal Justice Information Improvement Act of 1987.

SEARCH Resolution 91-08

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

July 18, 1991

Interstate and Federal-State Compact on the Exchange of Criminal History Records

WHEREAS, In 1969, Project SEARCH, the predecessor of SEARCH Group, the National Consortium for Justice Information and Statistics, ("SEARCH"), was established for the purpose of demonstrating the feasibility of a state based, decentralized national pointer system for the interstate and state-federal exchange of criminal history records;

WHEREAS, SEARCH has vigorously supported the development of and participation in the Interstate Identification Index, including the implementation of the full National Fingerprint File concept ("III") from the inception of the III concept;

WHEREAS, SEARCH has worked in cooperation with the National Crime Information Center Advisory Policy Board ("APB"), the Federal Bureau of Investigation ("FBI") and other federal and state organizations and agencies in promoting the development of III;

WHEREAS, in order to further promote the establishment of the III, the Membership Group of SEARCH on July 20, 1989, approved an Interstate and Federal-State compact on the Exchange of Criminal History Records for Non-criminal Justice Purposes ("SEARCH Compact");

WHEREAS, in order to further promote the establishment of the III, the APB on December 6, 1989, approved an Interstate and Federal-State Compact on the Exchange of Criminal History Records for Non-criminal Justice Purposes ("APB Compact");

WHEREAS, the differences between the SEARCH Compact and APB Compact, and particularly the fact that the APB Compact does not address the III's use for criminal justice purposes, caused SEARCH on February 16, 1990, to propose to the FBI Director that the FBI adopt the SEARCH Compact;

WHEREAS, the FBI Director on May 17, 1991, approved the APB Compact;

WHEREAS, the overriding goal of SEARCH continues to be to encourage maximum and uniform state participation in the III on the most comprehensive and stable basis that can be achieved; and

WHEREAS, the decision of the FBI Director means that adoption of the APB Compact now appears to offer the promise of furthering SEARCH's overriding goal of promoting the establishment of III.

NOW, THEREFORE, BE IT RESOLVED: That SEARCH hereby urges every state to adopt the APB Compact as promptly as possible so as to provide a legal framework for the interstate and federal-state exchange of criminal history records for noncriminal justice purposes.

SEARCH Resolution 92-09

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

July 30, 1992

Interstate and Federal-State Compact on the Exchange of Criminal History Records

WHEREAS, on July 18, 1991, SEARCH, The National Consortium for Justice Information and Statistics (SEARCH) approved a resolution endorsing the Interstate and Federal-State Compact on the Exchange of Criminal History Records for Noncriminal Justice Purposes approved by the National Crime Information Center Advisory Policy Board on December 6, 1989 (APB Compact); and

WHEREAS, the Advisory Policy Board and the Director of the Federal Bureau of Investigation have approved a revised version of the APB Compact incorporating changes necessary to ensure that the Compact complies with Article II of the U.S. Constitution; and

WHEREAS, SEARCH continues to believe that the APB Compact offers the promise of furthering SEARCH's overriding goal of promoting the establishment of the Interstate Identification Index System;

NOW, THEREFORE, BE IT RESOLVED: That SEARCH endorses the revised version of the APB Compact, dated June 4, 1992, and urges the U.S. Congress and every State to adopt it as promptly as possible so as to provide a legal framework for the interstate and Federal-State exchange of criminal history records for noncriminal justice purposes.

SEARCH Resolution 93-10

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

July 14, 1993

Criminal Records Upgrade Resolution

WHEREAS, it is well recognized that federal funding is needed in order to continue progress for the improvement of state criminal record information systems and infrastructure; and

WHEREAS, the President's 1993 State of the Union address proposes a "criminal records upgrade program to assist states in improving their criminal records infrastructure and links with the FBI's criminal information databases"; and

WHEREAS, the President's FY94 budget calls for twenty-five million dollars in new federal funding for this criminal records upgrade initiative; and

WHEREAS, the Brady Handgun Control Bill would require improvements in disposition reporting and other improvements in state and local criminal history record systems; and

WHEREAS, recent federal legislation including legislation for record checks for immigration, child care, national security and other purposes, and federal initiatives have put extraordinary demands upon state criminal record repositories for record and system improvement;

NOW, THEREFORE, BE IT RESOLVED, that the Congress is urged to support the criminal records upgrade program including funding at least at the twenty-five million dollar per year level to meet the goals of improving the accuracy, completeness and timeliness of the nation's criminal record infrastructure.

SEARCH Resolution 93-11

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

July 14, 1993

Juvenile Justice Record Information Systems

WHEREAS, Juvenile Justice Record Information Systems are an important criminal justice resource in light of the extent of juvenile crime, the serious nature of juvenile crime and chronically high recidivism rates;

WHEREAS, by comparison with the adult criminal record system, juvenile justice information systems remain in a developmental stage with respect to automation, telecommunications links, data quality and other material aspects of these systems;

WHEREAS, the linkage between adult and juvenile justice record systems and the usage of juvenile justice records outside of the juvenile justice system remains controversial;

NOW, THEREFORE, BE IT RESOLVED that the Office of Juvenile Justice and Delinquency Prevention should undertake a comprehensive assessment of juvenile justice record information systems and adopt a plan for the development, improvement and funding of juvenile justice record systems.

SEARCH Resolution 93-12

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

July 14, 1993

Interstate and Federal-State Compact on the Exchange of Criminal History Records

WHEREAS, from the inception of the Interstate Identification Index ("III") concept, SEARCH, The National Consortium for Justice Information and Statistics ("SEARCH"), has strongly supported implementation of the III System and full participation by the state central criminal record repositories, including participation in the National Fingerprint File; and

WHEREAS, SEARCH has also supported and participated in the development of a proposed interstate and federal-state compact to support an operational III System, and

WHEREAS, a draft compact recommended by the National Crime Information Center Advisory Policy Board and endorsed by SEARCH was approved by the FBI Director on June 4, 1992, and by the U.S. Attorney General on October 29, 1992; and

WHEREAS, ratification of a compact by the Congress and the states is a critical step in achieving implementation of an efficient and stable III System; and

WHEREAS, the ratification process may well be lengthy and difficult in many states and, for this reason, the process should commence as soon as possible in order for ratification by all participating parties to take place in a timely fashion.

NOW, THEREFORE, BE IT RESOLVED: That SEARCH urges the U.S. Department of Justice to forward the proposed Interstate and Federal-State Compact on the Exchange of Criminal History Records for Noncriminal Justice Purposes to the Congress as soon as possible, and further urges that Congressional action to review and ratify the compact be undertaken as soon as possible after receipt of the proposal so as to provide a legal framework for full implementation and operation of the III System.

SEARCH Resolution 93-13

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

July 14, 1993

Criminal Justice Information Infrastructure

WHEREAS, the President has called for the development of, "broadband interactive telecommunications networks linking the nation's businesses, schools, libraries, hospitals, governments and other"; and

WHEREAS, the President has called for the development of information superhighway initiatives and other information infrastructure initiatives, including comprehensive planning and funding, for the development of information systems in many sectors of the economy; and

WHEREAS, SEARCH and state and local criminal justice information agencies, in cooperation with federal criminal justice agencies, the FBI, the FBI's Advisory Policy Board and others, has worked to develop the information infrastructure for the criminal justice system; and

WHEREAS, further investment in this infrastructure, including the sharing of information and connectivity among criminal justice agencies are a primary challenge now facing criminal justice information management;

NOW, THEREFORE, BE IT RESOLVED, that the President, the Department of Justice and the Congress should make criminal justice information infrastructure a priority, including the development of a comprehensive plan and funding for the continued development of state-of-the-art, compatible and comprehensive criminal justice information systems and telecommunications linkages to improve the efficiency, cost effectiveness and the fairness of the criminal justice system.

SEARCH Resolution 93-14

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

July 14, 1993

Automated Incident-Based Reporting and Community-Based Policing

WHEREAS, the President has called for a national program of community-based policing;

WHEREAS, community-based policing has specific information needs and, in order to be effectively implemented, requires on-going research using incident-based offense and arrest data;

WHEREAS, automated, incident-based offense and arrest data have been, and continue to be, useful to local law enforcement agencies in conducting management and administrative research and have proven essential to effective decisionmaking;

WHEREAS, automated, incident-based offense and arrest data have been, and continue to be, useful to local law enforcement agencies in conducting detailed crime analysis which enables cost-efficient resource allocation and operationally effective interventions;

WHEREAS, automated, incident-based offense and arrest data properly reflect the inherently incident-based structure of police operations and recordkeeping practices;

WHEREAS, the data specifications of the National Incident-Based Reporting System (NIBRS), and of many State UCR/NIBRS reporting programs, represent a sub-set of the data that are generally captured in local automated, incident-based offense and arrest reporting systems;

WHEREAS, local law enforcement agencies throughout the nation need continuing research, training, technical assistance, financial support, and program development designed to demonstrate the utility and aid the implementation of automated, incident-based offense and arrest reporting systems;

WHEREAS, implementation by local law enforcement agencies of automated, incident-based offense and arrest reporting systems will also facilitate data collection at the State and Federal levels, as a by-product of operational law enforcement information systems;

NOW, THEREFORE, BE IT RESOLVED, that SEARCH, The National Consortium for Justice Information and Statistics, recommends that the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Federal Bureau of Investigation each make a commitment on a priority basis to undertake programs to:

(More)

- a) assist local law enforcement agencies in their acquisition and implementation of automated, incident-based records management systems that meet the operational needs of the local agency and are capable of reporting statistical data to State and Federal NIBRS reporting programs;
- b) document and demonstrate the benefits of automated, incident-based records management systems for law enforcement agencies, policy decisionmakers, researchers, and the general public;
- c) train local and state law enforcement administrators and researchers in a variety of research methodologies and analytic strategies that will demonstrate the administrative, management, community-based policing, and crime analytic capabilities of automated, incident-based offense and arrest data;
- d) support implementation, demonstration, technical assistance and research projects designed to expand the capabilities of incident-based offense and arrest reporting programs and better serve the needs of local, State and Federal users of the information; and
- e) facilitate continued coordination and communication among local law enforcement contributors and state and national reporting programs.

In the design of these programs, State and local law enforcement administrators, researchers, policy makers, and other users of the data should play an active role.

SEARCH Resolution 94-15

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

February 11, 1994

Disposition Reporting Standards in the Brady Instant Check System

WHEREAS, the Brady Handgun Violence Prevention Act (Brady Act), requires that not later than six months after enactment the Attorney General shall adopt hardware and software and communications or telecommunications architecture for a National Instant Criminal Background Check System;

WHEREAS, the Brady Act requires the Justice Department to investigate each state's criminal record system and adopt a timetable by which states can provide criminal records on an on-line capacity basis to the national system;

WHEREAS, the Brady Act requires that not later than 60 months after enactment the Attorney General shall establish a National Instant Criminal Background Check System;

WHEREAS, Section 6213 of the Anti-Drug Abuse Act of 1988, P.L. 100-690, mandates that the Attorney General shall, "develop a system for the immediate and accurate identification of felons who attempt to purchase firearms...";

WHEREAS, any system intended to accurately and reliably identify felons must rely upon state-based criminal history record information that has a high level of disposition reporting;

WHEREAS, the National Instant Criminal Background Check System should maintain the highest felony disposition reporting standard achievable;

WHEREAS, the National Instant Criminal Background Check System should serve all states and therefore any disposition reporting standard should be calculated on a national average basis;

WHEREAS, the disposition reporting standard should not include arrests for which a final disposition has not occurred;

WHEREAS, the disposition reporting standard should address only felony dispositions;

WHEREAS, the disposition reporting standard should be calculated against all arrests for felony offenses occurring within a state within the five-year period and not just arrests reported to the repository; and

(More)

WHEREAS, the disposition reporting standard should define a final disposition so as to avoid confusion as to the meaning of that term;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, the National Consortium for Justice Information and Statistics, that: "The Attorney General is urged to adopt disposition reporting standards for a National Instant Criminal Background Check System which require that within five years from the date of enactment of the Brady Act, the National Instant Criminal Background Check System maintain, on a national average basis, the highest percentage achievable of available, final felony dispositions. A final disposition means a case termination by release without charging, by prosecution declination or by court adjudication."

SEARCH Resolution 94-16

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

February 11, 1994

Grant Program Authorized by the Brady Hand Gun Violence Prevention Act

WHEREAS, the state criminal justice agencies need federal assistance to participate in an effective and timely way in the National Instant Criminal Background System established by the Brady Hand Gun Violence Prevention Act (Brady Act);

WHEREAS, state criminal justice systems are in need of federal assistance to improve disposition reporting and otherwise improve the quality of criminal history records;

WHEREAS, the Brady Act establishes a federal grant program to be administered by the Bureau of Justice Statistics to make a grant to each state to be used for the establishment or improvement of computerized criminal history record systems and to improve a state's participation in the National Instant Background Check System;

WHEREAS, the Brady Act's legislative history states that: "The grant program is intended to be a flexible vehicle to permit the Justice Department through the Bureau of Justice Statistics to target funds as needed to establish a reliable instant check system. The legislation requires that a grant be made to each state during the life of the program, but does not require a grant to each state in each year." * * * We intend that courts can and should receive grant money to improve disposition reporting; ***

WHEREAS, the Bureau of Justice Statistics has legal authority to provide grants to and enter into contracts with not-for-profit organizations for purposes authorized by law and the Brady Act does not change this. Thus, Brady grants can be awarded to not-for-profits when this serves the purposes of the Brady Grant program, and not-for-profit organizations can provide technical assistance, training and can demonstrate and disseminate strategies for participating in the Instant Check System and can provide other support services that will be critical for the success of the National Instant Check System.

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "The Attorney General and the Bureau of Justice Statistics are urged to implement the Brady Act grant program so that the Director of the Bureau of Justice Statistics makes grants or enters into cooperative agreements or contracts with all components of the criminal justice system including central state repositories of criminal history records, courts, as well as with not-for-profit organizations for the purposes authorized by the Brady Act, including the automating of state criminal history record systems, participation in III, improving arrest and disposition reporting, flagging felonies, demonstration projects, replication of successful strategies, dissemination of information with respect to such strategies, training, technical assistance and other support services."

SEARCH Resolution 94-17

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

February 11, 1994

Mandated State Cooperation with the Immigration and Naturalization Service

WHEREAS, under existing federal law states are required to promptly report conviction record information about aliens to the Immigration and Naturalization Service (INS);

WHEREAS, state central repositories have an exemplary record of cooperating with the INS to meet INS information needs notwithstanding the administrative and financial burden on the state repositories;

WHEREAS, Section 5119 of the Violent Crime Control and Law Enforcement Act of 1993 (H.R. 3355) Crime Bill passed by the Senate on November 19, 1993, would require that notwithstanding any state law, ordinance or regulation all officials of any state or local government, upon request, by any INS officer, "shall provide information regarding the identification, location, arrest, prosecution, detention and deportation of any aliens who are not lawfully present in the United States;"

WHEREAS, not later than six months after the enactment of the Crime Bill the Attorney General must prepare a report on the extent of state and local cooperation and identify any state or local governments that have adopted laws, policies or practices of non-cooperation;

WHEREAS, any state or local government identified in the Attorney General's report are made ineligible for federal funds from appropriations made pursuant to the Crime Bill or an amendment to the Crime Bill;

WHEREAS, the "cooperation" requirement that would be imposed by the Crime Bill is open-ended, vague and undefined, subjective and represents an unfunded federal mandate contrary to state law;

NOW, THEREFORE, BE IT RESOLVED, that the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, "Urges that the Congress delete Section 5119 mandating state and local cooperation with the INS or alternatively that Section 5119 be amended to require that the Attorney General prepare a report on state cooperation with the INS on reporting criminal justice record information and that this report include a survey of the states regarding cooperation and that the report reflect fairly state views."

SEARCH Resolution 97-18

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

January 14, 1997

National Incident-Based Reporting System

WHEREAS, Existing law enforcement records management systems urgently need improvement and modernization for operational and statistical purposes;

WHEREAS, The National Incident-Based Reporting System (NIBRS) is designed to provide vital statistics for national policymaking including law enforcement and criminal justice;

WHEREAS, NIBRS has not been able to realize its full potential, in part, because of chronic under-funding of records management systems;

WHEREAS, A National commitment is needed to fund and develop operational records management systems for law enforcement with statistical generating capabilities for NIBRS;

NOW, THEREFORE, BE IT RESOLVED: That the Congress establish a law enforcement information systems justice assistance program to be administered by the Bureau of Justice Statistics (BJS), which will provide funding and leadership for the development and implementation of operational law enforcement record management systems with capabilities to participate effectively in the National Incident-Based Reporting System (NIBRS).

SEARCH Resolution 98-19

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

February 5, 1998

Fingerprinting Juveniles and Reporting Juvenile Record Information to State Central Repositories

WHEREAS, the severity, frequency and persistence of juvenile crime has led state legislatures, the Congress, and federal and state Executive Branch agencies to consider reforms for juvenile records which would improve capabilities to identify, acquire, retain and disseminate juvenile record information;

WHEREAS, fingerprinting juveniles to support juvenile justice record information improves the utility and reliability of juvenile justice records and facilitates matching juvenile justice records with any subsequent adult criminal history record and also provides protection for the record subject in that fingerprints assure that the records and individuals are correctly matched;

WHEREAS, existing systems for obtaining, retaining and disseminating juvenile justice record information are not always based upon fingerprints and do not always include a statewide or national capability for obtaining and disseminating juvenile justice record information;

WHEREAS, adult criminal history records available for a national search are fingerprint-supported;

WHEREAS, a system is in place for maintaining adult criminal history records on an automated, statewide basis and, through the Interstate Identification Index system, on a national basis;

WHEREAS, creating a stand-alone, automated, statewide and national juvenile justice record keeping system would result in unnecessary and excessive cost; and

WHEREAS, the cost of using the existing adult criminal history information system would be much less than a stand-alone juvenile justice information system and would be far more likely to facilitate the matching of juvenile record and subsequent adult record information;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "If the Congress determines that the nation's juvenile justice record keeping systems should be reformed to facilitate statewide and national checks, the following upgrades are recommended for information about detentions, arrests and adjudications for crimes, which if committed by an adult would be a felony or a serious misdemeanor:

(More)

- Upon arrest or detention, juveniles should be fingerprinted and the fingerprint record, along with other identifying information and the record of the arrest or detention, should be transmitted to the adult central repository.
- The adult central repository should maintain juvenile record information (whether integrated with adult records or in a subsystem) with the same safeguards and protections accorded to adult records.
- Each state should be permitted to set its own policy with respect to intra-state dissemination and use of this juvenile record information.
- The information should be reported to the FBI on the same basis as the repository reports adult criminal history record information.

These recommendations should not and, from a constitutional standpoint, probably cannot, be imposed by federal law upon states. Rather, if the Congress determines to reform the juvenile justice record keeping system to facilitate statewide and national checks, the Congress should create a new justice assistance program which makes funding at a rate of approximately 50 million dollars per year available to those states which choose to implement these reforms.”

SEARCH Resolution 98-20

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

February 5, 1998

National Crime Prevention and Privacy Compact

WHEREAS, the Criminal Justice Information Services Advisory Policy Board to the Federal Bureau of Investigation has developed the National Crime Prevention and Privacy Compact (Compact);

WHEREAS, on October 23, 1997, the United States Justice Department, with the support of the Clinton Administration, sent the Compact to the Congress seeking congressional approval and adoption;

WHEREAS, the SEARCH Membership Group and SEARCH staff have participated closely in the development of the Compact, and the SEARCH Membership Group has consistently supported the Compact because the Compact will permit the full implementation of the Interstate Identification Index as a decentralized, cost-effective and efficient system for the exchange of criminal history records for non-criminal justice purposes among the states and the federal government;

WHEREAS, it is critical for the Congress and for state legislatures to adopt the Compact in the exact form sent to the Congress on October 23, 1997, and to do so as soon as practicable;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "The Membership Group endorses and approves that version of the Compact entitled, "The National Crime Prevention and Privacy Compact", which was submitted to Congress by letter of October 23, 1997 from the Department of Justice. The Membership Group urges the Congress and every state legislature to enact and adopt the Compact in the form submitted to the Congress on October 23, 1997 without change and to take such other steps as may be necessary to participate fully in the III in accordance with the provisions of the Compact."

SEARCH Resolution 98-21

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

February 5, 1998

Criminal History Record Background Check Legislation for Non-Criminal Justice Purposes

WHEREAS, the Congress is actively considering numerous bills authorizing criminal history record information background checks for a wide range of critical and sensitive employment and licensing purposes;

WHEREAS, it is important that non-criminal justice background checks be fingerprint-supported in order to avoid the costs and delay which arise when name-only checks produce multiple potential matches and, more importantly, to avoid the highly adverse consequences that can arise when a name-only check fails to retrieve existing criminal history record information because the subject provides incorrect information or uses an alias;

WHEREAS, it is important that federal legislation authorizing criminal history record background checks for non-criminal justice purposes require (except for federal agencies, federal licensees, federal employment and other federal purposes) that the check be initiated through an appropriate government agency and directed to the state central repository so as to minimize costs and maximize the reliability and effectiveness of the background check; and

WHEREAS, federal legislation should not limit or otherwise prescribe the fees that a state can impose for non-criminal justice background checks because these checks involve state records, compiled at state expense, for state purposes and, therefore, state legislatures and state executive agencies are the appropriate decision makers to balance the affordability of the checks with the financial needs of the state and the state repository;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "The Congress of the United States is urged to include the following access and processing provisions in any non-criminal justice, criminal history record information background check legislation:

- 1) expressly provide that a criminal history record information request for a non-criminal justice purpose must be based upon positive identification (*e.g.*, fingerprints) of the individual who is the subject of the check; and
- 2) expressly provide that a national criminal history background check for a non-federal agency purpose must be forwarded to the state central repository for a statewide and, if appropriate, a national check."

In addition, the legislation should not prescribe fees or, if fees are addressed, should expressly provide that the states have discretion to set the amount and the nature of the fees to be charged for processing background checks for non-criminal justice purposes.

SEARCH Resolution 98-22

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

February 5, 1998

Enhanced Federal Justice Assistance for Criminal Justice Information and Identification Purposes

WHEREAS, it is recognized that there is a growing need for increased federal justice assistance funding for state and local criminal justice agencies for information and identification technologies and systems to upgrade criminal history and criminal justice record systems, including systems operated by law enforcement and courts; to improve criminal justice identification; to promote compatibility and integration of local, state or national systems for criminal justice purposes; for firearms eligibility determinations; for identification of sexual offenders; for identification of domestic violence offenders; for background checks for authorized non-criminal justice purposes; and to capture information for statistical and research purposes to improve the administration of criminal justice;

WHEREAS, the National Criminal History Improvement Program, funded by the Brady Handgun Violence Prevention Act and administered by the Bureau of Justice Statistics, has had extraordinary success in improving criminal history record information systems but will expire at the end of FY 98;

WHEREAS, the Byrne block and discretionary program administered by the Bureau of Justice Assistance has also had extraordinary success in improving criminal history record information systems;

WHEREAS, Federal Bureau of Investigation initiatives and, in particular, the Integrated Automated Fingerprint Identification System and National Crime Information Center 2000, require commensurate upgrades and enhancements at the state level if the states are to be able to effectively participate in these programs and if the programs are to operate effectively;

WHEREAS, providing federal justice assistance to the courts to improve judicial record systems and disposition reporting should be addressed; and

WHEREAS, federal leadership and financial assistance is needed to permit state and local criminal justice agencies to implement state-of-the-art information and identification technologies and systems;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "The Congress of the United States is urged to provide new funding in FY 1999 through 2003 in the form of grants to each state for use by state and local criminal justice agencies (including courts

(More)

and law enforcement) and grants to not-for-profit criminal justice support organizations at the rate of 250 million dollars per fiscal year which grant shall be made by the Attorney General through the Bureau of Justice Statistics, to establish, develop or upgrade an integrated approach to criminal justice information and identification programs and other technology-based programs including the following:

- State, centralized, automated criminal history record information systems, including arrest and disposition reporting.
- Automated fingerprint identification systems that are compatible with NIST standards and interoperate with the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation.
- Finger imaging, live scan and other automated systems to digitize fingerprints and to communicate prints in a manner that is compatible with NIST standards and interoperate with systems operated by the states and the Federal Bureau of Investigation.
- Systems to facilitate full participation in the Interstate Identification Index.
- Programs and systems to facilitate full participation in the Interstate Identification Index National Crime Prevention and Privacy Compact.
- Systems to facilitate full participation in the National Instant Criminal Background Check System for firearms eligibility determinations.
- Integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement, courts, prosecution and corrections and the development of state standards to support these activities.
- Non-criminal history record information systems relevant to firearms eligibility determinations for availability and accessibility to the National Instant Criminal Background Check System.
- Court-based criminal justice information systems to promote reporting of dispositions to central state repositories and to the Federal Bureau of Investigation and to promote the compatibility with, and integration of, court systems with other criminal justice information systems.
- Ballistics identification programs that are compatible and integrated with the ballistics programs of the Federal Bureau Investigation.
- Information, identification, automation and communications programs for forensic purposes.
- DNA programs for forensic and identification purposes.
- Sexual offender identification and registration systems.

[SEARCH Resolution 98-22, Continued](#)

- Domestic violence offender identification and information systems.
- Programs for fingerprint-supported background checks for non-criminal justice purposes including youth service employees and volunteers, private security officers and other individuals in positions of trust, if authorized by federal or state law and administered by a government agency.
- Criminal justice information systems with a capacity to provide statistical and research products including incident-based reporting systems which are compliant with the National Incident-Based Reporting System, state incident-based reporting systems and uniform crime reports.
- Online and other state-of-the-art communications technologies and programs.”

SEARCH Resolution 99-23

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

July 1999

Appropriations for the Crime Identification Technology Act

WHEREAS, on October 9, 1998 the President signed into law S. 2022, the Crime Identification Technology Act of 1998 ("CITA"), Pub. L. No. 105-251;

WHEREAS, CITA creates a comprehensive approach and vision for federal justice assistance for state and local criminal justice information, identification and communications technologies, emphasizing the integration of these technologies, and for forensics; and

WHEREAS, CITA and S. 254, the Violent and Repeat Juvenile Accountability and Rehabilitation Act of 1999, authorize federal funding of 350 million dollars per year for five years beginning with Fiscal Year 00;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "The Congress of the United States is urged to appropriate monies beginning in FY 00 for the purposes set forth in CITA and pursuant to the procedures set forth in CITA at the authorization level of 350 million dollars."

SEARCH Resolution 99-24

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

July 1999

Enhancements to the Brady National Instant Criminal Background Check System

WHEREAS, SEARCH has provided technical expertise and assistance to the Congress and to the Department of Justice regarding the establishment, implementation and operation of the Brady National Instant Criminal Background Check System ("NICS");

WHEREAS, many SEARCH members, through the state central repositories or other state agencies, have been partners with or otherwise contributed to the development, implementation and operation of the NICS;

WHEREAS, SEARCH supports efforts to improve the comprehensiveness, reliability, timeliness and privacy qualities of the NICS; and

WHEREAS, on May 20, 1999, the Senate passed S. 254, the Violent and Repeat Juvenile Accountability and Rehabilitation Act of 1999, which provides for improvements in the NICS including federal justice assistance money to the states to operate as points of contact;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, the National Consortium for Justice Information and Statistics, that: "The Congress of the United States is urged to adopt improvements and enhancements to the NICS, consistent with the approach in S. 254, which would:

- Provide for payments to those states that act as points of contacts for access to the NICS in an aggregate amount not less than \$ 40,000,000.
- Provide for grants to all states to improve disposition reporting in relationship to the NICS in an aggregate amount not less than \$ 25,000,000.
- Provide for a study of the feasibility of developing a single fingerprint, convicted offender database which could be accessed by licensed firearms dealers in connection with the NICS.
- Provide for the development of procedures for the collection of data identifying all persons that are prohibited from possessing firearms by Section 922 (g) of Title 18 of the United States Code including, in particular, persons adjudicated as a mental defective, persons committed to mental institutions and persons subject to domestic violence restraining orders and other persons who are prohibited from possessing firearms on the basis of criteria other than conviction of a felony."

SEARCH Resolution 99-25

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

July 1999

Funding to the FBI for Support of the III Compact Council

WHEREAS, Title 2 of Public Law No. 105-251, the Crime Identification Technology Act of 1998, enacted into law the National Crime Prevention and Privacy Compact, made the Federal government a party to the Compact, and consented to the entry into the Compact by the states;

WHEREAS, four states have subsequently ratified the Compact and, therefore, the Compact is now in effect;

WHEREAS, under Article VI of the Compact, there is established a Compact Council comprised of 15 members, nine of whom are compact officers of states which have ratified the Compact or the directors of state criminal history record repositories in states that have not yet ratified the compact;

WHEREAS, the Compact Council is authorized to promulgate rules and procedures governing the use of the Interstate Identification Index System for non-criminal justice purposes;

WHEREAS, the membership structure of the Compact Council ensures that the interests and concerns of state and local criminal history record officials and record users will be considered by the Compact Council and reflected in its rulemaking activities;

WHEREAS, state and local criminal history record officials and record users have a keen interest in ensuring that the Compact Council is provided with adequate funding and other resources to ensure that it can operate effectively; and

WHEREAS, under Article VI of the Compact, the Council is to be located, for administrative purposes, within the FBI and is authorized to call upon the FBI for such reports, studies and other information or materials as may be necessary to facilitate the Council's operation;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "The Congress of the United States is urged to appropriate adequate funding beginning in FY 00 specifically allocated to the FBI for the support of the Compact Council, including travel to Compact Council meetings by members of the Compact and other funding necessary to facilitate appropriate meetings; funding for adequate staff support for the Council; and such other monies as the FBI may request and/or may be needed for the appropriate and effective operation of the Council."

SEARCH Resolution 99-26

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

July 1999

Juvenile Justice Recordkeeping and Information System Reforms

WHEREAS, on May 20, 1999, the Senate passed S. 254, the Violent and Repeat Juvenile Accountability and Rehabilitation Act of 1999;

WHEREAS, the Senate bill authorizes 75 million dollars in federal funding to the states for juvenile criminal history record upgrades, as set forth in S. 254;

WHEREAS, those upgrades are voluntary and provide that a state will be eligible to seek funds from the 75 million dollar juvenile upgrade fund if the state provides assurances that, within three years from the time that their application for funding is submitted, the state will:

- Maintain at the adult central repository a fingerprint-supported record of adjudications of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute an offense of murder, armed robbery, rape (except statutory rape) or a felony offense involving sexual molestation of a child that is equivalent to and maintained and disseminated in the same manner and for the same purposes as an adult criminal history record for the same offenses.
- Maintain at the adult central repository a fingerprint-supported record of adjudications of delinquency of any juvenile who commits an act that, if committed by an adult, would be a felony (other than the felonies described above) that is equivalent to and maintained and disseminated in the same manner for any criminal justice purpose as an adult criminal history record for the same offense.
- Establish procedures by which school officials, in the appropriate circumstances, may gain access to these records.

WHEREAS, states that have implemented juvenile record reforms which provide for more comprehensive fingerprinting or more expansive dissemination than provided for in S. 254, will also be eligible for juvenile criminal history grants; and

WHEREAS, on June 17, 1999, the House enacted H.R. 1501, which also includes juvenile justice record keeping and information systems reforms which are related to the Senate reforms but which penalize states which fail to adopt these reforms and which fails to distinguish between violent offenses and nonviolent offenses;

(More)

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, the National Consortium for Justice Information and Statistics, that: "The Congress of the United States is urged to adopt the juvenile justice information system and record keeping reforms consistent with the approach taken by the Senate in S. 254, the Violent and Repeat Juvenile Accountability and Rehabilitation Act of 1999."

SEARCH Resolution 99-27

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

August 1, 1999

Procedures for Volunteers for Children Act Checks

WHEREAS, on October 9, 1998, the President signed into law S. 2022, the Crime Identification Technology Act of 1998 (“CITA”), Pub. L. No. 105-251;

WHEREAS, Subtitle B of Title 2 of CITA is the Volunteers for Children Act (“VCA”);

WHEREAS, VCA amends the National Child Protection Act (“NCPA”) to provide that if a state has not adopted procedures (by statute or regulation) to require organizations providing care to children, the elderly or the disabled (“Qualified Entities”) to contact authorized state agencies to request a national background check of applicants or employees of Qualified Entities, then the state may still process such a request based on the VCA;

WHEREAS, Qualified Entities and authorized state agencies have raised numerous questions about the interplay of the VCA and NCPA including:

- Whether authorized state agencies must conduct research to resolve any missing dispositions prior to making the results of the background check available to a Qualified Entity;
- Whether authorized state agencies must make a determination as to whether the applicant or employee has been convicted of, or is under pending indictment, for a crime that bears upon the applicant or the employee’s fitness for the safety or well-being of children, the elderly or the disabled and convey that determination to the Qualified Entity; or
- Whether authorized state agencies can make the entire results of a national background check search available to a Qualified Entity and, if so, pursuant to what, if any, restrictions.

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: federal legislation and/or other initiatives should enable, but not require, states to conduct background checks under the VCA which would —

- Permit authorized state agencies to provide the entire criminal history record obtained from a national search directly to Qualified Entities;
- Conduct background checks on applicants, employees, and volunteers of Qualified Entities;
- Require that Qualified Entities obtain the written consent of applicants, employees, or volunteers before conducting a background check;

(More)

[SEARCH Resolution 99-27, Continued](#)

- Require that Qualified Entities provide a copy of the background check results to the applicant, employee, or volunteer for review and/or dispute prior to making a decision regarding the status of the individual; and
- Require that Qualified Entities adhere to the same privacy, security, and other safeguards as governmental entities in the state adhere to when they receive the results of national criminal history record checks.

SEARCH Resolution 00-28

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

January 20, 2000

Appropriations for the Crime Identification Technology Act

WHEREAS, on October 9, 1998 the President signed into law S. 2022, the *Crime Identification Technology Act of 1998* ("CITA"), Pub. L. No. 105-251;

WHEREAS, CITA creates a comprehensive approach and vision for federal justice assistance for state and local criminal justice information, identification and communications technologies, emphasizing the integration of these technologies, and for forensics;

WHEREAS, CITA and S. 254, the Violent and Repeat Juvenile Accountability and Rehabilitation Act of 1999, authorize federal funding of 350 million dollars per year for five years beginning with Fiscal Year 00; and

WHEREAS, the Congress funded CITA at 130 million dollars for Fiscal Year 00;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "The Congress of the United States is urged to appropriate monies for FY 01 for the purposes set forth in CITA and pursuant to the procedures set forth in CITA at the full authorization level of 350 million dollars."

SEARCH Resolution 00-29

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

July 29, 2000

Department of Defense Background Checks

WHEREAS, the Senate Department of Defense Authorization Act for FY 01, S. 2550, includes a provision (Section 1057) which would require state and local agencies to provide criminal history record information in response to a "name-only" request from specified federal agencies including the Department of Defense for security clearances, assignment to sensitive national security duties, assignments in the Armed Forces and assignments to positions of public trust in government service or as a contractor to the government;

WHEREAS, SEARCH has a long standing record of support for access to criminal history record information for background checks for national security purposes and other sensitive, governmental, non-criminal justice purposes;

WHEREAS, SEARCH also has a long standing record of support for these background checks being conducted on the basis of fingerprints, so as to avoid the risk of false positives and false negatives and the resulting burden arising from false positive and the resulting risks arising from false negatives;

WHEREAS, SEARCH has a long standing record of support for the principle that the dissemination and processing of criminal history records originated and maintained by the states should be governed by state law rather than federal law;

WHEREAS, many states have adopted statutes which expressly require that non-criminal justice background checks, including the type of background checks covered in Section 1057 of S. 2550, be conducted only pursuant to the submission of fingerprints; and

WHEREAS, Title 2 of the Crime Identification Technology Act of 1998, the Interstate Identification Index National Compact, requires that all non-criminal justice background checks be conducted pursuant to the submission of fingerprints.

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "The Congress of the United States should reject Section 1057 of S. 2550 and should continue to support only fingerprint-based background checks for non-criminal justice purposes."

SEARCH Resolution 00-30

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

July 30, 2000

Funding for the National Criminal History Improvement Program (NCHIP) Under the Crime Identification Technology Act (CITA)

WHEREAS, Public Law 105-251, the Crime Identification Technology Act of 1998 (CITA), provides that the Office of Justice Programs (OJP), relying principally on the expertise of the Bureau of Justice Statistics (BJS), will make a grant to each state to upgrade criminal history record systems for law enforcement, courts, the National Instant Background Check System (NICS) and other criminal justice and non-criminal justice purposes, to improve identification systems, to promote the integration of national, state and local criminal justice information systems and to capture information for statistical and researches purposes to improve the administration of criminal justice;

WHEREAS, CITA requires each state seeking a grant to submit a plan for using CITA funds for upgrading criminal history record information and information systems and for promoting integration;

WHEREAS, the Commerce, Justice, State appropriation for FY 01, adopted by the House of Representatives, calls for the states to submit plans to OJP describing how the states intend to establish or upgrade integrated, statewide approaches to information and identification technologies and systems (Integrated Systems Plans);

WHEREAS, submitting a National Criminal History Improvement Plan (NCHIP Plan), in addition to an Integrated Systems Plan, would help to assure that the states continue to give priority to improving criminal history records and record systems;

WHEREAS, requiring states to submit an Integrated Systems Plan and a separate NCHIP Plan is consistent with CITA, in that most of the authorized grant activities under CITA are for the purpose of improving criminal history records and record systems; and

WHEREAS, an approach requiring the submission of separate Integrated Systems Plans and NCHIP Plans will help to assure a continued key role for BJS which has unique expertise and experience in operating a criminal history improvement program.

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "Inasmuch as one of the principal purposes of the Crime Identification Technology Act (CITA) is to upgrade criminal history records and record systems, the Congress is urged to include in appropriations for CITA priority funding for National Criminal History Improvement Program (NCHIP) activities to be administered by the Bureau of Justice Statistics."

SEARCH Resolution 01-31

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

January 7, 2001

Comprehensive Criminal Justice Integrated Systems Act of 2001

WHEREAS, on October 9, 1998, the President signed into law S. 2022, The Crime Identification Technology Act of 1998 ("CITA"), Pub. L. No. 105-251;

WHEREAS, CITA creates a comprehensive approach for federal justice assistance for state and local criminal justice information, identification and communications technologies, emphasizing the integration of these technologies, and for forensics;

WHEREAS, although the authorization for appropriation for CITA is 250 million dollars per year through Fiscal Year 2003, the actual appropriation for CITA has been 130 million dollars in each of the last two fiscal years;

WHEREAS, this reduced appropriation has been divided among integrated systems initiatives, criminal history record improvement initiatives, forensics initiatives and specific earmarks for various criminal justice programs;

WHEREAS, the 106th Congress has just enacted S. 3045, the Paul Coverdell National Forensic Science Improvement Act of 2000 which, among other things, provides an authorization for appropriations for forensics grants to laboratories operated by the states or units of local government for improving the quality and timeliness of forensic science and medical examiner services in an amount just over 480 million dollars through Fiscal Year 2006;

WHEREAS, the balkanization of CITA's reduced appropriation has meant that criminal history improvement initiatives and integrated systems initiations are underfunded;

WHEREAS, CITA's authorization is targeted primarily for criminal history record improvement, including state centralized, automated, adult and juvenile criminal history information systems, and arrest and disposition reporting, automated fingerprint identification systems, participation in the Interstate Identification Index, participation in the National Crime Prevention and Privacy Compact, participation in the National Instant Criminal Background Check System, enhancement of sexual offender identification registration, enhancement of court-based criminal justice information systems, enhancement of domestic violence offender identification and information systems, enhancement of non-criminal justice criminal history background checks for youth service employees and volunteers, and statistical and research compatible with the National Incident-Based Reporting System; and

(More)

SEARCH Resolution 01-31, Continued

WHEREAS, there is a critical need for new, comprehensive legislation authorizing appropriations exclusively for integrated system development which encourages, facilitates and assists states and localities in developing and implementing integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement, courts, prosecutors and corrections agencies;

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that: "The Congress of the United States is urged to enact comprehensive, criminal justice integrated systems legislation to be administered by the Office of Justice Programs in the Department of Justice and to authorize for appropriations grants to the states in an amount of one billion dollars per year, for each of the next five fiscal years, to be used to develop and/or enhance integrated, statewide approaches for criminal justice information systems serving units of local government, state and local courts and state agencies, and all components of the criminal justice system."

SEARCH Resolution 02-32

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

January 13, 2002

The Sharing of Criminal History Record Information Between the States and the Immigration and Naturalization Service

“WHEREAS, the events of September 11, 2001 make it imperative that state criminal justice information and identification resources be made available to the Immigration and Naturalization Service (INS) on a priority and enhanced basis and that these resources be used effectively by INS;

WHEREAS, the events of September 11, 2001 also make it imperative that INS and state criminal justice agencies take the steps necessary to improve INS’ access to state held criminal history record information on a real time, fingerprint-supported and cost efficient basis, in order to assist INS in making determinations about eligibility for participation in various INS programs or statuses;

WHEREAS, the events of September 11, 2001 make it imperative that systems be put into place and/or enhanced to facilitate the ability of state and local criminal justice agencies to obtain information from INS about individuals’ immigration status and, conversely, to inform the INS, when appropriate, that particular individuals have had contact with the criminal justice system; and

WHEREAS, these priorities and initiatives may require changes in law, establishment of or enhancements to systems and technologies and additional federal funding;

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

The Congress of the United States is urged to:

1. Examine existing immigration, criminal justice and privacy laws in order to amend these laws, where appropriate, to facilitate the sharing of criminal history record information between state and local criminal justice agencies and the INS;
2. The Congress, the Executive Branch and the states should establish and enhance systems, processes and technologies to facilitate the sharing of criminal history information between INS and the states; and
3. The Congress should provide requisite funding to support these initiatives.”

SEARCH Resolution 02-33

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

January 13, 2002

Progress Toward the Decentralization of the Nation's Criminal History System

WHEREAS, the National Crime Prevention and Privacy Compact was enacted by the Federal government as Title II of the Crime Identification Technology Act of 1998 and became effective after ratification by the second state on April 28, 1999;

WHEREAS, 13 states have now adopted the Compact;

WHEREAS, the Compact Council created by the Compact is now operational and, thus, together, the Compact and the Compact Council create a legal framework for non-criminal justice use of the Interstate Identification Index (III) System;

WHEREAS, because the criminal justice and non-criminal justice components of the III System are now in place, the time is now appropriate for states to participate in the National Fingerprint File (NFF);

WHEREAS, under NFF, participating states send fingerprint and biographic information to the Federal Bureau of Investigation (FBI)/III in connection with an individual's first arrest in the state for a serious offense and, thereafter, the states retain full criminal history record information (CHRI) on the individual at the state level and do not report subsequent events to the FBI/III;

WHEREAS, the recent NFF Pilot Project was successful in demonstrating the practicability and efficacy of the NFF program;

WHEREAS, NFF implementation provides numerous benefits, including decentralization, cost savings, improvements in CHRI accuracy and completeness and enhanced disaster recovery capabilities; and

WHEREAS, some states which have adopted the Compact are now ready, able and willing to assume NFF status;

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

1. The FBI is urged to take those steps necessary to resolve any technical or funding problems associated with increasing the number of states that are NFF participants;
2. States that have already adopted the Compact are urged to participate in the activities of the Compact Council and are urged to strengthen their ongoing efforts to support and promote NFF and, as soon as possible, to obtain NFF status;

(More)

SEARCH Resolution 02-33, Continued

3. Those states that have not yet adopted the Compact are urged to do so as promptly as possible;
4. The Congress is urged to provide funding to assist the FBI and the states to fully implement the III System by supporting the Compact Council and by supporting state efforts to obtain NFF status; and
5. The Compact Council is urged to continue its support to promote the NFF program.”

SEARCH Resolution 02-34

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

January 13, 2002

Biometrics, Criminal History Record Information and Passenger Screening

WHEREAS, in the aftermath of the events of September 11, 2001 there are many proposals for the implementation of airline passenger screening systems;

WHEREAS, many of these proposals would require the use of a biometric to validate the identity of individuals participating in a passenger screening program;

WHEREAS, many of these proposals would require a criminal history record check as a part of a background check to help determine eligibility for enrollment in a passenger screening program; and

WHEREAS, many of these proposals call for a system in which individuals would become ineligible to participate in the system if, subsequent to their enrollment in this system, they had contact with the criminal justice system;

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

"The Congress, the Executive Branch and the airline industry is urged, if a passenger screening system is developed and if this system includes a national criminal history record check, which should include a biometric for identification purposes, that this biometric be a fingerprint so as to create a forensics functionality and so as to interface with existing criminal justice automated fingerprint identification systems containing digitized fingerprint information relating to millions of individuals; that, where feasible, enrollment in any passenger screening system that is created require a state initiated, fingerprint-supported criminal history record check; and, if a passenger screening system is developed, that the system interface with criminal justice in order to support post-enrollment reporting of participants' contact with the criminal justice system. The Congress, the Executive Branch and the airline industry is urged to recognize the anticipated increase in record checks will require upgrades to existing justice systems and will require funding assistance at state and local levels."

SEARCH Resolution 02-35

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

January 2002

Biometrics, Criminal History Record Information, Homeland Security and Public Safety

WHEREAS, in the aftermath of the events of September 11, 2001 there are many proposals for the implementation of screening systems and background checks to increase homeland security and public safety;

WHEREAS, many of these proposals would require the use of a biometric to validate the identity of individuals;

WHEREAS, many of these proposals would require a criminal history record check as a part of a background check to help determine eligibility for enrollment in screening programs, access to secure areas or resources or eligibility for sensitive employment or licenses; and

WHEREAS, many of these proposals call for a system in which individuals would become ineligible to participate in the system if, subsequent to their enrollment in this system, they had contact with the criminal justice system;

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

The Congress and the Executive Branch are urged, in their development of new programs to increase homeland security and public safety, that, if these programs include a biometric for identification purposes, this biometric be a fingerprint so as to create a forensics functionality and so as to interface with existing criminal justice automated fingerprint identification systems containing digitized fingerprint information relating to millions of individuals;

That, where feasible and where state resources permit, enrollment in any screening system require a state initiated, fingerprint-supported criminal history record check;

That, if a screening system is developed, the system interface with criminal justice in order to support post-enrollment reporting of participants' contact with the criminal justice system;

That the Congress and the Executive Branch are urged to provide sustained financial assistance to the states to supplement current funding for criminal history and justice integration to assist the states in upgrading, staffing and supporting their technologies and systems to enhance their ability to capture and process fingerprint-based criminal history background checks and to interface with relevant FBI systems;

(More)

[SEARCH Resolution 02-35, Continued](#)

That the Congress and the Executive Branch are urged to assist in the appropriate acquisition and support of "live scan" units to assist in the online, digitized capture of fingerprints and the processing of fingerprint-based background checks; and

That, in providing federal financial assistance for biometric initiatives and upgrades, the Congress and the Executive Branch provide sustained funding for staffing, maintenance and other ongoing support so as to assure the effective and permanent deployment and use of biometric technologies."

SEARCH Resolution 02-36

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

July 21, 2002

State and Local Justice Information Systems and Homeland Security

WHEREAS, State and local justice information systems and the State central repositories possess comprehensive and important resources for use in the War on Terrorism;

WHEREAS, these resources include criminal history records, fingerprint and other positive identification capabilities, wants and warrants records, mug shot records, firearms records, domestic violence records, sex offender records, investigative records, communications networks and other communications resources; and expertise in the development, operation and use of the all of the above;

WHEREAS, these State and local resources can be combined with and coordinated with complementary resources provided by the Federal Bureau of Investigation, the State and Federal intelligence community, the first responder community, and state Homeland Security offices and offices responsible for physical and cyber security; and

WHEREAS, the State central repositories and other State and local justice agencies and Federal and State agencies responsible for homeland security should work in partnership to apply these resources to the War on Terrorism;

WHEREAS, these resources are presently used primarily to prevent crime and mitigate risk and can be used to effectively aid in disaster recovery and first responder efforts.

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

“State and Federal agencies responsible for homeland security are urged to use State and local justice agency and State central repository expertise, networks and information, identification and communications resources to establish strategies and programs for use in the War on Terrorism; and that State and Federal agencies responsible for homeland security use these existing resources in order to avoid the unnecessary delay and expense of developing new and redundant systems; and that homeland security agencies, State legislatures and the Congress provide funding and other support for the continued development of the criminal justice information infrastructure, interoperability and integrated systems necessary to provide the tools to combat terrorism; and, further, that Federal agencies responsible for homeland security, publicize, encourage and promote the availability of these resources for use by State homeland security agencies and other agencies in the War on Terrorism.”

SEARCH Resolution 03-37

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

January 2003

Criminal History Record Checks for Purposes Related to Homeland Security

WHEREAS, the SEARCH Membership Group recognizes the vital importance of effective and efficient background screening of persons who have access to secured areas or who have jobs in which they could pose national security, including homeland security, threats;

WHEREAS, SEARCH believes that criminal history checks conducted for such employment screening purposes are noncriminal justice searches governed by the National Crime Prevention and Privacy Compact; and

WHEREAS, SEARCH believes that employee screening in exigent situations related to homeland security can be effectively and efficiently accomplished under the approach of the Compact Council rule providing for delayed fingerprint submissions in exigent situations.

NOW, THEREFORE, BE IT RESOLVED by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that SEARCH urges the National Crime Prevention and Privacy Compact Council to approve a proposal pursuant to the delayed fingerprint submission rule specifically authorizing the delayed submission of fingerprints (and interim III name checks) in exigent background check situations arising from homeland security needs. The proposal should be applicable to federal, state and local agencies with duties or responsibilities relating to homeland security. The circumstances in which delayed fingerprint submissions by particular agencies may be permitted and the time frame for fingerprint submissions in such circumstances shall be approved by the FBI Compact Officer.

SEARCH Resolution 03-38

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

January 2003

National Child Protection Act Amendments

WHEREAS, in 1993 the National Child Protection Act (NCPA) became law;

WHEREAS, in 1998 the Volunteers for Children Act amended the NCPA;

WHEREAS, on August 1, 1999, the SEARCH Membership Group unanimously adopted a Resolution calling for further amendments to the NCPA;

WHEREAS, in the period since August 1, 1999, numerous bills have been introduced in the Congress to further amend the NCPA; and

WHEREAS, it is widely recognized that the NCPA should be amended to assure that background checks for volunteers and employees providing services to children, the elderly and the handicapped are comprehensive, reliable, inexpensive and processed in a brief time frame.

NOW, THEREFORE, BE IT RESOLVED, by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that any legislation to amend the NCPA should be consistent with the following:

- NCPA checks must be based on positive identification by fingerprint comparison;
- The highest quality checks embody an initial state check followed by a national check if the state check does not reveal a record that disqualifies the volunteer or employee. Accordingly, all NCPA checks, whenever possible, should be initiated through the state central criminal history record repositories;
- In states which fail to establish programs to process appropriate requests from legitimate Qualified Entities, the Qualified Entities should be authorized to go directly to the FBI for the processing of NCPA checks;
- States may (but should not be required to) return the entire criminal history record to the requesting Qualified Entity and, in order to be in compliance with the NCPA, states need not designate an authorized agency to process NCPA checks or to make fitness determinations under the NCPA;
- States (and the FBI, if a national check is conducted) must make a reasonable effort to meet a total response time of 20 business days from the date that the request, along with readable prints, is received by the state central repository;

(More)

[SEARCH Resolution 03-38, Continued](#)

- The amount of fees charged by the states and by the FBI for volunteer processing must be at the lowest reasonable cost, so as not to discourage Qualified Entities from requiring volunteers to submit to background checks and fees for employees of Qualified Entities must be at cost;
- NCPA background screening is for a non-criminal justice purpose and, thus, this screening is subject to the National Crime Prevention and Privacy Compact (Compact) and § 215(b) of the Crime Identification Technology Act should be interpreted to be consistent with this;
- At the national level, no new agency, organization or entity should be created or authorized to process or facilitate NCPA checks or to set standards for such checks;
- States which opt, wholly or partly, not to process NCPA checks from legitimate Qualified Entities should not suffer any diminishment in federal justice assistance or other funding or suffer any other type of penalty;
- The amended NCPA should create a grant program for the states to support the introduction and use of live-scan fingerprint technology; to offset the states' costs of researching missing dispositions or correcting other criminal history record deficiencies; and to offset the costs of capturing prints by local police departments or others;
- The amended NCPA should include language that requires Qualified Entities to obtain the written consent or authorization of applicants, employees or volunteers before conducting a background check;
- The amended NCPA should require that Qualified Entities receiving all or part of a criminal history record provide, upon request, a copy of the criminal history information to the applicant, employee or volunteer for review or dispute prior to making a final decision regarding the status of the individual;
- The amended NCPA should require that Qualified Entities obtaining all or part of a criminal history record under the NCPA adhere to the same privacy, security and other safeguards as governmental entities in that state adhere to when they handle or process information obtained from national criminal history record checks; and
- To the extent possible, States will make reasonable effort to retrieve missing dispositions given the limits of available resources.

SEARCH Resolution 04-39

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

January 25, 2004

NICS Improvement Legislation

WHEREAS, SEARCH has provided technical expertise and assistance to the Congress and to the Department of Justice regarding the establishment and operation of the Brady National Instant Criminal Background Check System (NICS);

WHEREAS, many SEARCH Members, through the state and central repositories, through Points of Contact (POCs) or through other state agencies, have been partners with or otherwise contributed to the development and implementation of the NICS;

WHEREAS, SEARCH supports efforts to improve the comprehensiveness, reliability and timeliness of the NICS;

WHEREAS, some NICS reporting responsibilities, including mental health information reporting, are outside the purview of the state criminal justice community;

WHEREAS, on October 2, 2003, Senators Charles E. Schumer (D-NY) and Larry Craig (R-ID) introduced S. 1706, the NICS Improvement Act of 2003, which has, as its goal, improving the operation of the NICS program;

WHEREAS, on October 2, 2003, Representatives Carolyn McCarthy (D-NY) and John Dingell (D-MI) introduced H.R. 3237, an identical bill to S. 1706;

WHEREAS, these bills would make states eligible for a waiver at the 10% match requirement under the National Criminal History Improvement Program if 3 years after enactment, a state electronically provides or makes available to NICS, 90% of the information held by states relevant to disqualification to possess or receive a firearm;

WHEREAS, these bills would also authorize the Attorney General to penalize the state by withholding a percentage of a state's justice assistance funding if by the dates specified in the legislation, a state fails to electronically provide or make available a specified percentage of information relevant to disqualification to possess or receive a firearm; and

WHEREAS, few, if any, states will be able to qualify for the match waiver and most, if not all, states will be subject to the penalties because the reporting requirements relate, in part, to information such as mental health information, which is not the responsibility of state criminal justice agencies;

(More)

WHEREAS, the Bureau of Justice Statistics has been instrumental in developing the systems associated with the NICS.

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

“The Congress of the United States is urged to adopt improvements and enhancements to the NICS consistent with the following recommendations:

- 1) Congress should provide for research and studies to provide incentives for the mental health community to make mental health information available to the NICS;
- 2) Congress should provide for research and studies to support ongoing state criminal justice agency efforts to provide incentives for making relevant criminal history and domestic violence protection orders available to the NICS;
- 3) Congress should provide funding to law enforcement, courts, mental health and other providers of information to NICS to assist in providing and, where necessary, researching, correcting and updating information and should include a set-aside for technical assistance to support efforts to collect and provide relevant information to NICS;
- 4) Congress should not penalize state criminal justice agencies by reducing federal Justice Assistance funding based upon a state’s inability to provide mental health information, or other relevant information, to the NICS;
- 5) Congress should review and revise the definitions related to mental health disqualifiers; and
- 6) The Bureau of Justice Statistics should be designated specifically and explicitly as the agency to administer any grants under any NICS improvement legislation.”

SEARCH Resolution 04-40

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

January 25, 2004

State Participation in Security Threat Assessments for Hazardous Materials Endorsements

WHEREAS, on May 5, 2003, the Transportation Security Administration (TSA) issued an interim final rule implementing section 1012 of the USA Patriot Act addressing security threat assessments on individuals who currently hold or apply to hold a Hazardous Materials Endorsement (HME) on a Commercial Drivers License (CDL);

WHEREAS, effective November 3, 2003, TSA issued an amendment to the interim final rule to provide that TSA will not authorize a state to issue an HME on or after April 1, 2004, unless the state has in place procedures for collecting biographical and criminal history information, as well as fingerprints, on individuals who currently hold or apply to hold an HME, but providing further that a state may seek an extension until December 1, 2004;

WHEREAS, the TSA amendment stated that TSA would “shortly” publish a notice of proposed rulemaking to establish requirements concerning the state background check process;

WHEREAS, SEARCH supports background checks for HMEs and SEARCH wishes to support TSA in TSA’s initial and continuing efforts to conduct HME security threat assessments;

WHEREAS, in the absence of TSA policies and procedures to be promulgated in the promised, but now delayed TSA HME background check rulemaking, it is impossible for the organizations represented by SEARCH Members and other relevant state agencies to assist in providing HME background checks within the timeframe set out in the amended interim final rule;

WHEREAS, because of TSA delays it is not possible for relevant state agencies to provide individuals seeking to renew or obtain HMEs with a 180-day notice period regarding April 1, 2004, fingerprint requirements and other new requirements as presented in the May 5, 2003, interim final rule; and

WHEREAS, SEARCH Members believe it is an urgent and critical national security issue and imperative that TSA, as soon as practicable, issue a background check rule.

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

(More)

“TSA should, as soon as practicable and consistent with the sensitivity and complexity of the effort, publish a proposed, comprehensive background check rule addressing the concerns and incorporating the information previously provided to TSA by SEARCH and by the Compact Council, and including:

- 1) The process states should use to obtain fingerprints;
- 2) A process to authenticate the identity of the HME applicant from whom prints are obtained;
- 3) The criminal history background check process consistent with the Compact Council’s rules for noncriminal justice checks; and
- 4) Consistent with flexibility for the states in the way in which they conduct (or choose not to conduct) a state check;
- 5) Adjudication and appeal criteria, including relevant time periods for criterion offenses;
- 6) A TSA process for appeal and correction of records, consistent with state standards and processes;
- 7) The process for collecting fees to fully reimburse the states for all of their costs;
- 8) A plan for frequent communication with all appropriate state entities, including SEARCH, SEARCH Members, other law enforcement and criminal justice entities, the American Association of Motor Vehicle Administrators (AAMVA) and AAMVA members, so that these entities may comment and respond to the TSA and, thereby, fully and effectively assist TSA in TSA’s obligation to conduct HME security threat assessments;
- 9) The role of private vendors, if any, in the HME background check process, including specifying standards to protect privacy; and
- 10) The relationship of the HME rule to the background check process and criteria for screening drivers and other individuals given access to secure areas at airports, seaports and other sensitive facilities to assure that this screening is robust and consistent with the emerging HME screening process.”

SEARCH Resolution 04-41

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

July 25, 2004

Support of Privacy Protections for Criminal Justice Information Sharing Programs

WHEREAS, national criminal justice data linkage and information sharing programs, such as the Law Enforcement National Data Exchange (N-DEx), can make important contributions to public safety and homeland security; and

WHEREAS, in order to be effective, appropriate and publicly acceptable, these information sharing programs should incorporate comprehensive privacy standards and best practices;

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

“Information sharing programs should incorporate privacy policy at the beginning stages of system design; specifically but not limited to

- The definition, mission, and statement of purpose must be clearly defined
- Privacy interests and threats must be identified
- Privacy policy and system design must be vetted through traditional and nontraditional stakeholders
- Detailed and appropriate privacy standards and practices should be in place at the earliest practicable time prior to the initial deployment of these systems.”

SEARCH Resolution 07-42

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

February 14, 2007

Enhancements to the Brady, National Instant Criminal Background Check System

WHEREAS, on January 25, 2004, the SEARCH Membership Group adopted a Resolution that comprehensively addresses the enhancement of the National Instant Criminal Background Check System (NICS);

WHEREAS, SEARCH staff and members have worked with Representative Carolyn McCarthy (D-NY) and her staff to provide input to her NICS improvement legislation and, further, regarding SEARCH's commitment to improve NICS and SEARCH's concerns regarding the reporting of disposition and mental health information;

WHEREAS, the SEARCH Membership Group wants to continue to be supportive of the Congress' efforts to improve the NICS;

WHEREAS, the funding for the National Criminal History Improvement Program (NCHIP) has been reduced since 2003; and

WHEREAS, NCHIP funding has been so severely reduced that some states no longer receive NCHIP grants;

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

"The SEARCH Membership Group reaffirms its Resolution of January 25, 2004, (attached) with the following additions:

- The states should not be required to report mental health information to NICS, unless an adjudicatory order relating to an individual's mental health status has been entered; and
- Congress should restore NCHIP funding at least to the 2003 level."

SEARCH Resolution 07-43

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

July 19, 2007

Support for the National Criminal Justice Record Infrastructure

WHEREAS, the nation's system for exchanging criminal history records, the Interstate Identification Index (III), is administered by the Federal Bureau of Investigation (FBI);

WHEREAS, the use of III data for noncriminal justice purposes is under the auspices of the National Crime Prevention and Privacy Compact;

WHEREAS, III is a successful partnership between the States and the FBI that provides vital services and information to support a multitude of public safety needs, including criminal justice, noncriminal justice background checks, homeland security, immigration, and other services;

WHEREAS, 92 percent of the system's records have been provided by State and local law enforcement agencies through State criminal record repositories, and under the III concept, responsibility for 67 percent of indexed record has been assumed by State criminal record repositories;

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

WHEREAS, this national criminal history record exchange system has reached its high level of capability through significant funding at both the State and Federal levels, along with the hard work and dedication of countless criminal justice professionals at State agencies and the FBI;

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

"SEARCH recognizes and supports the successful and irreplaceable partnership between the States and the FBI and the many valuable contributions it has made to public safety in the United States.

(More)

[SEARCH Resolution 07-43, Continued](#)

BE IT FURTHER RESOLVED by the SEARCH Membership Group that:

Congress is urged to provide requisite and appropriate funding for both State agencies and the FBI to continue this essential partnership and to maintain and expand the critical national criminal history record exchange system during a time when unprecedented demands are being placed upon this system.”

SEARCH Resolution 07-44

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

July 19, 2007

State Participation and Consultation

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

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

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

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

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

(More)

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

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

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

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

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

SEARCH Resolution 07-45

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

July 19, 2007

Reaffirming Support for Returning the Criminal Record to the Requestor

WHEREAS, the majority of States responding to a SEARCH survey in 2004 reported that the absence of optional authority for State repositories to provide Federal Bureau of Investigation (FBI) criminal record check results directly to qualified requestors presented a significant obstacle to greater participation in national background check initiatives;

WHEREAS, the same survey found that 38 States provided noncriminal justice requestors with the results of in-State fingerprint-based criminal history record background checks;

WHEREAS, the SEARCH Membership Group has endorsed in resolutions the concept of providing the results of FBI criminal record check results to qualified noncriminal justice requestors so they can make their own suitability determinations;

WHEREAS, *The Attorney General's Report on Criminal History Background Checks* recommends that State criminal history repositories and the FBI be authorized to disseminate FBI-maintained criminal history records directly to employers and other entities that met certain conditions;

WHEREAS, the Attorney General's report also recommends that Congress consider whether employers that have a suitability determination made by a government agency under Public Law 92-544 should have the option of seeking the record;

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

"SEARCH reaffirms its support for giving the State the option of returning the results of noncriminal justice criminal record checks conducted through the FBI directly to requestors, so that they may make their own suitability determinations as may be consistent with State laws and with appropriate privacy and security protections,

The Membership Group further supports providing the FBI record check results directly to any entity afforded access to FBI records under Public Law 92-544 so that they may also make their own suitability determinations as may be consistent with State laws and again with appropriate privacy and security protections."

SEARCH Resolution 07-46

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

July 20, 2007

Improvements to the Brady, National Instant Criminal Background Check System

WHEREAS, the SEARCH Membership Group has been a longstanding and steadfast supporter of the National Instant Criminal Background Check System (NICS);

WHEREAS, the SEARCH Membership Group supports the strengthening of the NICS to include all relevant and appropriate records, including conviction records relating to a crime punishable by imprisonment for a term exceeding one year and records of persons adjudicated mentally defective or committed to a mental institution and records of persons who are unlawful users of, or addicted to, a controlled substance as demonstrated by arrests, convictions or adjudications; and

WHEREAS, the SEARCH Membership Group supports the establishment of a Federal justice assistance program to provide grants to the States to assist States in acquiring and reporting appropriate records;

NOW, THEREFORE BE IT RESOLVED by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, on July 20, 2007, that:

“The Membership of SEARCH Group urges the Congress to enact NICS improvement legislation that includes the following elements:

- Include a definition of disqualifying records which, insofar as possible, involve convictions or adjudications and, insofar as possible, are electronically available;
- Include mental health records represented by adjudications or involuntary commitments;
- Involve compliance incentives and penalties, should Congress feel that penalties are appropriate, for the States that take into account a State’s reporting of all relevant records giving proportionate weight to the number of records in each reporting category;
- Provide Federal grant funds to the States to assist the States in strengthening their NICS participation in an amount of at least 400 million dollars annually; and
- If Congress chooses to provide for penalties for noncompliance, those penalties should be imposed on a non-complying State incrementally over a ten-year period; involve an aggregate reporting rate at the end of the ten-year period not to exceed 90%; do not exceed 5% of a State’s Federal justice assistance annual award; and which may be waived by the Attorney General for States that are found to be making a good faith effort at compliance.”

SEARCH Resolution 07-47

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

August 27, 2007

Turnaround Time for Noncriminal Justice Record Checks

WHEREAS, in January 2003, the SEARCH Membership Group approved a resolution, titled 'National Child Protection Act Amendments,' that included a clause establishing a total response time of 20 days as a desirable turn-around period for State-only or national noncriminal justice criminal record checks;

WHEREAS, subsequent developments, including expanded use of livescan devices, technology upgrades, growing familiarity with the criminal record check process, public expectations and other factors have combined to drastically reduce the amount of time necessary to conduct a noncriminal justice check;

WHEREAS, in light of this reduction, the SEARCH Membership Group recognizes the need to act upon the January 2003 resolution to establish as its position a more realistic time frame in which noncriminal justice criminal record checks should be conducted;

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

"SEARCH hereby rescinds the portion of its resolution of January 2003, titled "National Child Protection Act Amendments," which establishes an appropriate response time of 20 days for the processing of noncriminal justice criminal record checks, and now establishes three days as the acceptable limit for responding to fingerprint-based end-to-end electronic criminal record queries from authorized requestors whether the check is processed at the State repository and returned to the requestor or is forwarded to the Federal Bureau of Investigation (FBI).

The SEARCH Membership Group further resolves to encourage criminal record repositories to continue to take action to meet the three-day response time for end-to-end electronic submissions as measured from time of fingerprint receipt at the repository through transmission of the processing result, and acknowledges and agrees with entities such as the National Crime Prevention and Privacy Compact Council, the FBI Criminal Justice Information Services (CJIS) Division and the CJIS Advisory Policy Board to continue to work toward a more expeditious response and support standard."

SEARCH Resolution 07-48

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

August 27, 2007

The Role of Third-Party or Consumer Agencies

WHEREAS, the SEARCH Membership Group recognizes the value of private sector entities serving as providers of noncriminal justice administrative services and, in some instances, supplemental criminal history information;

WHEREAS, the SEARCH Membership Group also supports the role of private sector vendors as providers of value-added services such as capturing fingerprints, obtaining consent, managing accounts for large-volume customers and other services as described in the *Report of the National Task Force on the Criminal Backgrounding of America*;

WHEREAS, the SEARCH Membership Group therefore supports the outsourcing of noncriminal justice administrative functions under certain conditions, including those for which the National Crime Prevention and Privacy Compact Council exercises its authority for the control and management of the outsourcing of noncriminal justice purpose administrative functions;

WHEREAS, the SEARCH Membership Group does not support the use of private sector criminal history databases in a national system used to provide expanded access to criminal history records as envisioned by *The Attorney General's Report on Criminal History Background Checks* or in any other national criminal record check initiatives, other than as supplemental information;

WHEREAS, records used by commercial suppliers of criminal record check services are not based on fingerprint identification and therefore cannot be positively linked to the record subject;

WHEREAS, criminal history information maintained by private vendors is not as complete as official records, which is populated with information from all segments of the criminal justice process from arrest, trial, adjudication and correctional activity; in contrast, private vendors generally do not have direct access to source data provided to the State repository;

WHEREAS, records that are sealed or expunged from official databases may be accessible in commercial databases, interfering with public policy efforts that would allow former offenders to rebuild their lives;

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

(More)

“SEARCH supports the outsourcing of noncriminal justice administrative functions involving access to criminal history record information, as defined in the National Crime Prevention and Privacy Compact Council’s Outsourcing of Noncriminal Justice Administration Functions rule (28 CFR 906.2) and in concert with state law.

The Membership Group further recognizes that commercial criminal history databases serve as supplements to official criminal history record checks and providers of other services, but cautions that such databases should not be considered part of a national criminal history record system, given the absence of positive identification of the record subjects through biometrics, matching of information issues, questions that arise as to the sources of the information contained in the databases, prevalence of identity theft, potential use of sealed or expunged information, and the unintentional interference with public policy efforts to address re-entry issues. and other issues raised by this resolution.”

SEARCH Resolution 07-49

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

August 27, 2007

Privacy Protections and Criminal History Background Checks

WHEREAS, SEARCH, The National Consortium for Justice Information and Statistics, a membership organization of State Governor appointees, has long recognized and advocated privacy protections and civil liberties in the conduct of criminal justice information sharing;

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

WHEREAS, every State criminal records repository has established and makes available the opportunity to review an individual's criminal record to enable identification and correction of inaccuracies;

WHEREAS, *The Attorney General's Report on Criminal History Background Checks*, released to the Congress in June 2006, sets forth several privacy protection recommendations;

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

"Privacy protections must be a fundamental consideration in the promulgation of any expansion of criminal history background checks.

- To the extent that such privacy protections rely on the provision of services by State criminal record repositories, they should be formulated with the advice of the States but not require a reengineering of state-level processing.
- Authorized employers and consumer reporting agencies seeking access to criminal history information for background screening purposes should be required to enroll under the program and enter into agreements concerning conditions and requirements, including auditing procedures and adequate sanctions for misuse of information, for access to FBI-maintained criminal history record information, including:

(More)

[SEARCH Resolution 07-49, Continued](#)

- Certifying that the information obtained from the FBI and State record repositories will be used solely for purposes of determining an individual's suitability for employment or placement in a position of trust, or another authorized purpose.
- Provisions for adequate identification and verification of employers, consumer reporting agencies and individuals subject to the background check are essential to any set of privacy protections."

SEARCH Resolution 07-50

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

August 2007

Funding Issues Related to the Attorney General's Report on Criminal History Background Checks

WHEREAS, a significant amount of the cost of producing and maintaining criminal history records used in national records checks is borne by the States;

WHEREAS, *The Attorney General's Report on Criminal History Background Checks* advocates an ambitious program of expanded access to both Federal Bureau of Investigation (FBI)- and State-maintained criminal history records for noncriminal justice criminal background checks;

WHEREAS, the Attorney General's report envisions a system based on user fees to fund the added workload, necessary infrastructure improvements, compensation for State contributions to the criminal record check process for which they may not be remunerated, and other demands that expanded access will bring;

WHEREAS, the Attorney General's report also identifies 'establishing greater consistency in the State fees charged for [background] checks' as one goal of the fee-based system;

WHEREAS, the criminal history databases that are searched for noncriminal justice background checks are the same databases that were originally established to support the criminal justice system and remain indispensable for critical decision making throughout the criminal justice system;

WHEREAS, the nation's system for exchanging criminal history records, the Interstate Identification Index, is a partnership between the States and the FBI with 92 percent of the system's records having been provided by State and local law enforcement agencies through State criminal record repositories;

WHEREAS, the fees that States collect for noncriminal justice criminal record checks are a vital source of revenue for State criminal history repositories, providing critical funding to support the functions of the State criminal history repositories and their data contributions to the FBI-maintained criminal history database;

WHEREAS, the fees that each State collects for noncriminal justice criminal record checks reflect the unique needs of the particular State;

WHEREAS, State criminal history repositories are generally self-sufficient through funding provided by the processing of noncriminal justice background checks, and States frequently maintain a level of operations based on anticipated funds from such checks;

(More)

WHEREAS, the SEARCH Membership Group throughout its history has consistently advocated for Federal funding to support Federal initiatives that involve use of State-maintained criminal history records;

WHEREAS, Congress has played a significant role in bringing the national criminal record exchange system to its current level of high capability through funding programs such as the National Criminal History Improvement Program and others;

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

“SEARCH urges Congress to consider that any legislation to fund expanded access to criminal history record information for noncriminal justice criminal record checks based on recommendations in *The Attorney General’s Report on Criminal History Background Checks* recognize the following:

- States must be consulted, and State needs must be effectively assessed, before any process is established to compensate the States for their efforts in support of FBI-processed background check requests as envisioned by the Attorney General’s report.
- Congress should be aware that concerns exist over whether the fee-based system as described by the Attorney General’s report for funding expanded access to publicly maintained criminal history record information can provide appropriate funding to support program objectives, including expanded record access, appropriate infrastructure support and expansion, and reduced fees.
- It is essential that State discretion in establishing fees for State noncriminal justice criminal record checks be maintained as fee-based revenues provide critical funding to support the functions of the state criminal history repositories and their contributions to the FBI-maintained national criminal record system.
- Congress should provide requisite funding at both the State and Federal levels to support the goals stated in the Attorney General’s report to improve accuracy, completeness, standardization of rap sheets, and integration of national criminal history records.”

SEARCH Resolution 09-51

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

April 15, 2009

The National Criminal History Improvement Program

WHEREAS, the National Criminal History Improvement Program (NCHIP), operated by the Bureau of Justice Statistics (BJS), has compiled a record of extraordinary success in helping States to improve the accuracy, reliability and completeness of their automated, criminal history record systems;

WHEREAS, the Bureau of Justice Statistics, with limited funding, has been widely recognized for its extraordinary efficiency, effectiveness and accomplishments in the NCHIP program;

WHEREAS, the States, including the state repositories, have devoted massive efforts and resources over many years toward building automated, criminal history record databases that are accurate, complete and reliable;

WHEREAS, notwithstanding the efforts of BJS and the States, there continue to be significant shortfalls in arrest reporting; in disposition reporting; and, as well, in accuracy and data quality;

WHEREAS, the accuracy, completeness and reliability of the nation's criminal history record system has a more important and comprehensive impact today than ever before, including for law enforcement investigations; for officer safety; for sentencing and other criminal justice purposes; for expungement and other reentry strategies; for homeland security and anti-terrorism purposes; for public non-criminal justice purposes, including security clearances and employment suitability; for private sector risk management purposes; and for research and statistical programs that provide critical guidance for justice assistance decisions and for shaping law and policy; and

WHEREAS, in recent years the NCHIP program has been significantly under-funded, to the point that continued under-funding is likely to have an adverse impact on the accuracy, completeness and reliability of records in the nation's criminal history record system;

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

"The Administration and the Congress are urged to give added priority to the Bureau of Justice Statistics for the operation of the National Criminal History Improvement Program and that the Administration, the Department of Justice and the Congress work together to restore NCHIP funding to at least the level of FY '05 appropriations."

SEARCH Resolution 09-52

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

May 26, 2009

National Child Protection Act Amendments

WHEREAS, in 1993, the Membership Group supported the enactment of the National Child Protection Act (NCPA);

WHEREAS, in 1999, the Membership Group supported the enactment of the Volunteers for Children Act, amending the NCPA;

WHEREAS, in the period since 1999, the Congress has considered numerous bills to further amend the NCPA;

WHEREAS, in August, 1999 and in January, 2003, the SEARCH Membership Group adopted Resolutions calling for further amendments to the NCPA;

WHEREAS, the 1999 and 2003 SEARCH Resolutions called for the following changes, among others, to the NCPA;

- A recognition that the highest quality checks are initiated through the State in which a covered entity is located;
- A recommendation that States may (but should not be required to) return the entire criminal history record to the requesting covered entity;
- A recommendation that fees charged by the States and the FBI for volunteer processing must be at the lowest reasonable amount, so as not to discourage covered entities from requiring volunteers to be subject to background checks;
- A recommendation that fees for employees of covered entities should be at cost;
- A recognition that NCPA background screening is for non-criminal justice purposes and, thus, should be subject to rules issued by the National Crime Prevention and Privacy Compact Council;
- A recommendation that, at the national level, no new agency, organization or entity should be created or authorized to process or facilitate NCPA checks or to set standards for these checks;
- A recommendation that States which opt, wholly or partly, not to process NCPA checks should not suffer any diminishment in federal justice assistance or suffer any other type of penalty; and
- A recommendation that the Department of Justice should create a grant program for the States to support fingerprinting for NCPA checks; to offset the States' cost of researching missing dispositions or correcting other record deficiencies; and to offset other costs;

(More)

WHEREAS, SEARCH supports a Compact Council rule that outsources to private sector, approved channeling agents the authority to submit prints and non-criminal justice background check requests through the Interstate Identification Index;

WHEREAS, in 2008 the 110th Congress actively worked on legislation to comprehensively amend the NCPA;

WHEREAS, the 111th Congress is expected to again take up comprehensive NCPA reform;

WHEREAS, the SEARCH Membership Group continues to find that entities covered by the NCPA can obtain a record of a prospective volunteer's or employee's criminal history record from various commercial and other sources, but these checks are name-based and are not as comprehensive or reliable;

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

- A. SEARCH continues to support amending the NCPA to assure that background checks for volunteers and employees providing services to children are comprehensive, reliable, affordable and processed as expeditiously as practicable;
- B. SEARCH supports NCPA enhancement legislation which would require the obtaining and submission of fingerprints; consent by covered individuals; appropriate privacy and security safeguards for criminal history records; and providing covered individuals with appeal and correction rights;
- C. SEARCH recognizes that it is appropriate, as a predicate to requiring the initiation of the check through the State, that the States meet reasonable and appropriate criteria for the fees to be charged for conducting the check, provided that the criteria are flexible and permit states to recover their costs, and, for time periods to be met in returning the check, provided that compliance requirements are based on a "pattern and practice" of on-time compliance;
- D. SEARCH supports language in NCPA enhancement legislation which gives states which operate "qualified programs" (i.e., programs which meet financial and time frame requirements) full discretion to operate the program in accordance with state law and other state requirements, while making covered entities in these states ineligible to participate in the national program;

(More)

- E. SEARCH recognizes that it is reasonable for NCPA enhancement legislation to permit covered entities to obtain checks directly from the FBI if they are located in States which do not, or cannot, process requests from legitimate covered entities within reasonable time frames or at reasonable cost;
- F. SEARCH supports NCPA enhancement legislation that would provide that, in evaluating State performance and otherwise operating the nationwide NCPA background check program, the Attorney General is made legally responsible for all such duties;
- G. SEARCH urges the Congress to assure that NCPA enhancement legislation permits legitimate covered entities to obtain the entire, available criminal history record where they desire to do so and where they meet appropriate privacy and security standards; and
- H. SEARCH urges the Congress to avoid the creation of unfunded mandates on the States in fulfilling requirements under the NCPA and to provide, through fees and/or grants or other means, adequate financial resources for the States to participate in any revised NCPA background check program.

SEARCH Resolution 09-53

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

November 18, 2009

Support for the Law Enforcement National Data Exchange (N-DEx) System as the National Information Sharing Repository for Law Enforcement

WHEREAS, the entire United States (U.S.) criminal justice community has articulated the need for a methodology and system to collect and share incident, arrest, booking, and other justice information necessary to help correlate suspects with crimes, increase the potential for improving case clearance rates, and other purposes of the justice system;

WHEREAS, this need has resulted in the development of the N-DEx System by the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division;

WHEREAS, the International Association of Chiefs of Police (IACP) recognizes that the FBI CJIS Division has developed N-DEx, in collaboration with state and local agencies, to serve as a national information sharing system;

WHEREAS, the IACP CJIS Committee, the FBI CJIS Division Advisory Policy Board (APB) and the Global Justice Criminal Intelligence Coordinating Council (CICC) have all approved and promoted the use of the N-DEx IEPD as the national standard for sharing incident, arrest, booking, and other justice information;

WHEREAS, N-DEx is governed by the CJIS ABP;

WHEREAS, SEARCH has a long history of advocating for information sharing to improve justice decision making;

WHEREAS, SEARCH helped to formulate the concept of N-DEx by being involved from the project inception; and

WHEREAS, N-DEx is being developed with guiding principles such as data ownership remaining with the data providers, clearly articulated data-use controls, data quality and privacy values that are consistent with SEARCH positions on these topics;

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

'SEARCH endorses N-DEx as the national incident data sharing mechanism and encourages justice agencies to participate both in the use of the system and the contribution of their data.'

SEARCH Resolution 09-54

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

November 18, 2009

National Criminal Justice Commission Act

WHEREAS, Senator Jim Webb (D-VA) has introduced a bill (S. 714) to establish a National Criminal Justice Commission (NCJC) and this would be the nation's first comprehensive, criminal justice commission created since 1967;

WHEREAS, the NCJC would be tasked with undertaking a comprehensive review of the criminal justice system; making findings related to current Federal, State, local, and tribal criminal justice policies and practices; and making reform recommendations for the President, Congress, State, local, and tribal governments to improve public safety, cost-effectiveness, and fairness in the implementation of the Nation's criminal justice system;

WHEREAS, over approximately the last 40 years, one of the most significant changes that has impacted criminal justice policy and practice has been the application of information sharing and identification technologies;

WHEREAS, SEARCH's primary objective for the past 40 years has been to identify and help solve the information management problems of state and local justice agencies confronted with the need to exchange information with other local agencies, state agencies, agencies in other states, or with the federal government;

WHEREAS, based on input from SEARCH staff, the version of S. 714 to be presented before the Senate Judiciary Committee now includes language that would require the NCJC to make findings, as appropriate, concerning:

an examination of the impact of justice information and identification technologies including the challenges and benefits of integrated information sharing systems, interoperability, and the sharing of information and identification infrastructure among and between criminal justice agencies and other first responder agencies;

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

'SEARCH applauds the efforts by Senator Webb and the Senate Judiciary Committee, and SEARCH is supportive of the establishment of a commission that would review the nation's criminal justice system in a holistic manner;

SEARCH believes that this bill would be improved by broadening the scope to look comprehensively at criminal justice policy and process;

(More)

SEARCH recommends that the bill include language to specifically address issues associated with the funding and governance of information technology and sharing practices, including, but not limited to, the following suggested language:

- An examination of the impact of justice information and identification technologies including the challenges and benefits of integrated information sharing systems; interoperability; the sharing of information and identification infrastructure among and between criminal justice agencies and other first responder agencies (including those receiving funding from homeland security appropriations);
- An examination of the impact, benefits and operational implications of broader information sharing, primarily with regards to enabling effective decision-making while properly securing information to protect privacy and civil rights and liberties;
- An examination of the impact and benefits of justice assistance, including the proportion of justice assistance expenditures for formula grants versus discretionary grants; the impact of, and need for, the National Criminal History Improvement program; the role of justice assistance in encouraging and facilitating state participation in national criminal history information systems and registries;
- An examination of the impact of the availability of criminal history record information, including purging and sealing, on re-entry and recidivism; and
- An examination of the importance of preserving state authority to authorize criminal history background checks and the importance of using state criminal history record repositories for criminal and non-criminal justice background checks, including the contribution that such checks make to the reliability and utility of background screening and the financial resources available to the states.

SEARCH recommends that the appointment process for membership on the NCJC be entirely nonpartisan and that at least one member of the NCJC be an individual with a distinguished reputation for expertise, knowledge and experience in criminal justice information and identification technology, interoperability and privacy and security.'

SEARCH Resolution 09-55

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

November 18, 2009

The Managing Arson Through Criminal History (MATCH) Act

WHEREAS, SEARCH, the National Consortium for Justice Information and Statistics, a membership organization of State Governor appointees, has expertise in public policy issues associated with national criminal history automated information systems, including the National Instant Criminal History Background Check System (NICS) under the Brady Act and the sex offender registries created under the Sex Offender Registry and Notification Act (SORNA);

WHEREAS, on September 30, 2009, the House passed the Managing Arson Through Criminal History (MATCH) Act to require each State to establish and maintain an arsonist and bomber registry (H.R. 1727) and a similar bill is pending in the Senate (S. 1684);

WHEREAS, the legislation requires the Attorney General to establish a national criminal arsonist and criminal bomber registry to be operated by the Bureau of Alcohol, Tobacco and Firearms;

WHEREAS, the MATCH Act would impose numerous challenging and costly responsibilities on every State;

WHEREAS, the MATCH Act would also have the effect of imposing numerous challenging and costly responsibilities on local criminal justice agencies;

WHEREAS, States which fail to comply with registration requirements could lose up to ten percent of their Byrne block grant funding;

WHEREAS, SEARCH recognizes the public policy goals that could be achieved through the establishment of a federal arson and bomber registry;

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

- 'SEARCH recommends that, if an arson and bomber registry is established, the FBI CJIS infrastructure and processes should be used for the registry and that this will encourage the effective and efficient implementation of the registry and that the ATF should partner with the FBI to implement the registry;

(More)

- If the registry is established, states must be given sufficient time, no less than three years from the date that the Department of Justice adopts final regulations, to come into compliance with the Act. The Justice Department regulations should reflect “lessons learned” from SORNA implementation and should include the opportunity for extensions of time for compliance where needed by a state;
- The definition of a “criminal bomber” should be clarified to focus on individuals using bombs for criminal or terrorist purposes;
- A state’s failure to comply with the requirements in the MATCH Act should trigger potential forfeiture of eligibility for participation in the grant program established under the MATCH Act, but should not involve any potential risk of reduction of Byrne program funding;
- State requirements should not go into effect unless, and until, the grant program authorized in the MATCH Act has received appropriations in an amount sufficient to offset all state costs and to avoid any unfunded state mandates’.”

SEARCH Resolution 10-56

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

January 12, 2010

Separate Security Background Checks for Transportation Security Cards (H. Amdt. 169 to H.R. 2200 / H. Amdt. 464 to H.R. 3619)

WHEREAS, SEARCH, the National Consortium for Justice Information and Statistics, is governed by a Membership Group comprised of one gubernatorial appointee from each of the 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, as well as eight at-large appointees selected by SEARCH's Chair;

WHEREAS, the SEARCH Members are state justice officials responsible for operational decisions and policymaking concerning the management of criminal justice information, particularly criminal history information;

WHEREAS, SEARCH has a long history of leadership on criminal history record information policy, including non-criminal justice background checks;

WHEREAS, the U.S. Department of Justice has concluded that the Federal Bureau of Investigation (FBI) criminal history record repository is missing final disposition information for approximately 50 percent of its records;

WHEREAS, state-maintained databases contain arrest information and dispositions of arrest charges that may not be included in the FBI's files;

WHEREAS, the House has passed two bills in the 111th Congress that would preempt state authorized criminal history background checks (H.R. 2200 / H.R. 3619) for individuals requiring unescorted access into ports if these individuals have been issued a Transportation Worker Identification Card (TWIC):

WHEREAS, the criminal history background check performed prior to issuing a TWIC relies on an FBI criminal history record repository check and does not include checking directly with the states;

WHEREAS, each state has state specific needs, vulnerabilities and values associated with the qualifications for obtaining unescorted access into sensitive facilities located in their state;

WHEREAS, the qualification criteria for a TWIC could permit individuals convicted of manslaughter, carjacking and burglary, and other crimes, to obtain a TWIC;

(More)

WHEREAS, many individuals can obtain a TWIC through a background check waiver as over 40 percent of waiver requests were granted in 2009, which may include individuals with convictions for drug offenses, firearms offenses, smuggling, arson, and even kidnapping;

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

‘Public safety and state sovereignty require that each state must retain the right to establish their own qualification standards and retain the right to authorize and conduct their own criminal history and other types of background checks for individuals seeking unescorted access to ports, other transportation venues and other sensitive venues located in their states, and these state authorized checks must not be preempted by federal statute or regulation, or by “one size fits all” programs, such as the Transportation Worker Identification Card (TWIC).’

SEARCH Resolution 10-57

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

July 29, 2010

NICS Improvement Amendments Act (NIAA) Funding

WHEREAS, in 1993, the Congress, through the Brady Handgun Violence Prevention Act, Pub. L. 103-159, established the National Instant Criminal Background Check System (NICS) to facilitate the ability of retailers to determine whether a prospective buyer is eligible to purchase a firearm;

WHEREAS, the NICS system, operated by the FBI CJIS division, relies heavily on the states' participation to supply disqualifying information, including criminal history records, domestic protection and restraining orders, warrants, misdemeanor crimes of domestic violence and mental health determinations and, in some states, to respond directly to retailer requests;

WHEREAS, in the wake of the Virginia Tech shooting in 2007, the Congress enacted the NICS Improvement Amendments Act of 2007, Pub. L. 110-80, to promote the reporting of mental health information and improvement in the reporting of all categories of information that are disqualifying for firearms purchases, as well as establishing a program to provide relief from a determination that the person is disabled from purchasing a firearm if it is determined that the person is not likely to act in a manner dangerous to public safety;

WHEREAS, the NIAA authorizes \$125 million to the states to support their enhanced participation in the NICS in FY '09; \$250 million in FY '10; \$250 million in FY '11; \$125 million in FY '12; and \$125 million in FY '13;

WHEREAS, the actual appropriations by the Congress to the state NIAA funding has been only a small fraction of these amounts and, specifically, 0 dollars for FY '08; \$10 million for FY '09; and \$20 million for FY '10;

WHEREAS, these appropriated funding levels are inadequate to reimburse the states for the costs of providing mental health, criminal history and other disqualifying information to the NICS and inadequate to establish and operate required relief programs and the state repositories do not have state funding sufficient to make up for this shortfall;

WHEREAS, NICS funding is essential not only to promoting effective and appropriate firearms purchase eligibility decisions, but this funding also contributes importantly to the quality of criminal history record information used for other critical public safety and risk management decisions; and

WHEREAS, state compliance with NIAA requirements has lagged because of inadequate federal funding and other factors and therefore the NIAA's inclusion of a 10 percent Byrne funding reduction as a penalty for noncompliance is particularly inappropriate.

(More)

SEARCH Resolution 10-57, Continued

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

“Congress should appropriate for FY ‘11, FY ‘12 and FY ‘13 monies to the states at the full NIAA authorization level and Congress should reauthorize the NIAA for FY ‘14-17 for at least \$125 million dollars each year and should, in each of those years, appropriate state funding support at the authorization levels, so that the states can achieve targeted mental health and disposition reporting levels and otherwise comply with the NIAA requirements. Congress should further amend the NIAA to strike Byrne funding penalties and to provide that NIAA grant funding may be used by the states to come into full compliance with Relief from Disabilities program requirements.”

SEARCH Resolution 11-58

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

March 23, 2011

Federal Legislation Authorizing Federal Noncriminal Justice Agencies to Obtain Access to State-based Criminal History Record Information

WHEREAS, SEARCH, the National Consortium for Justice Information and Statistics, is governed by a Membership Group comprised of one governor's appointee from each of the 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands and several At-Large appointees;

WHEREAS, SEARCH members include state justice officials with operational and/or policy responsibilities for state criminal justice record information, including state criminal history records; identification records, including fingerprint records; warrant information; and missing persons information; ("criminal justice record information");

WHEREAS, SEARCH, for more than 40 years, has been a leader in the formulation and execution of criminal justice record policy including the use of this information for noncriminal justice, civil and administrative purposes, including licensing and employment background checks;

WHEREAS, SEARCH supports access to state-held criminal justice record information by federal, noncriminal justice agencies for homeland security, public safety and other important civil and administrative purposes, including licensing and employment background screening;

WHEREAS, the 112th Congress has considered legislation to give the Federal Aviation Administration ("FAA") "direct" access for "civil and administrative purposes" to criminal justice record systems maintained by the Department of Justice and/or by any state; and

WHEREAS, the 112th Congress is currently considering amendatory language which would require that the FAA's purpose in seeking access to criminal justice record information be limited to FAA licensing purposes only; be limited to criminal history record information only; require the FAA to submit positive identification to respective federal and state fingerprint-based repositories; and require that the FAA, in submitting these searches, be subject to the same conditions and procedures established by DOJ, the National Crime Prevention and Privacy Compact Council and/or a state for other government agencies conducting background checks for noncriminal justice purposes.

(More)

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

“SEARCH urges the Congress to support the amendatory language because this language is based upon core principles for noncriminal justice access to state criminal justice record information repositories, which principles have long been championed by SEARCH; and are reflected in existing law and policy.

These policies include the following:

- Federal agencies should have access to criminal history record information for licensing purposes, employment screening purposes and for other legitimate, noncriminal justice purposes;
- The National Crime Prevention and Privacy Compact Council, in consultation with the Department of Justice and pursuant to applicable state law should be permitted to set the rules for access to and use of criminal history information for noncriminal justice purposes;
- Insofar as practicable, these noncriminal justice searches should be supported by fingerprints so as to maximize the reliability of search results and minimize potential threats to the privacy of individuals; and,
- Fingerprints facilitate access to state-held criminal history records, and state-held criminal history records provide a basis for the most comprehensive and accurate background checks available.”

SEARCH Resolution 11-59

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

July 21, 2011

Preserving the States' Rights to Establish Background Check Standards

WHEREAS, the Tenth Amendment of the Constitution of the United States preserves to the states the power to take measures to protect the public safety, health, morals and general welfare of its citizens;

WHEREAS, existing federal credentialing processes are intended to protect homeland security interests (i.e., Transportation Worker Identification Credential, hazmat certification, and various security threat assessments);

WHEREAS, a security threat assessment seeking to identify an individual's risk to homeland security may not be sufficient to identify individuals who may pose a threat to public safety;

WHEREAS, state repository-held criminal history record information is generally more accurate and complete than criminal history record information maintained by the Federal Bureau of Investigation, which the Attorney General has acknowledged may be missing up to fifty percent of dispositions; and

WHEREAS, each state has the right to establish its own standards for protecting public safety, based upon specific needs, vulnerabilities and values;

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

"Congress should not enact legislation that preempts states' rights to authorize by law criminal history background checks for the protection of its citizens. As a matter of constitutional law, tradition, and appropriate public policy, all states retain the right to establish laws, regulations, and policies to promote public safety within their borders."