Now, Therefore, Be It Resolved

A SEARCH RESOLUTION PRIMER

AUGUST 2012
The resolution is a valuable tool SEARCH has used consistently to inform, to educate, and to advocate. Whether its purpose is to support or oppose a given effort or to improve pending legislation, the resolution is a powerful and effective means used to make a collective statement by SEARCH on behalf of the States. It allows the Membership Group to go on record as taking a stand on an issue.

The resolution is a well-thought-out, well-crafted example of SEARCH at its best. It is a voice of SEARCH, studied and debated by the entire Membership Group. Each word is carefully considered before a vote is taken. The opportunity to express an opinion or concern is welcomed. And the opportunity to withhold support is equally understood.

To date, SEARCH has adopted 60 resolutions. The very first resolution came on the heels of the incorporation of SEARCH in 1974 and reaffirmed support for a national computerized criminal history system. Three other resolutions since have continued in this vein, expressing support for the concept of the Interstate Identification Index (III), followed by efforts to urge every state to adopt the National Crime Prevention and Privacy Compact, thus providing a legal framework for the interstate and federal-state exchange of criminal history records for noncriminal justice purposes. The latest resolution passed regarding III urged Congress to provide funding for the continuation of the system.

For a list off all of the resolutions SEARCH has adopted, see page 11.
Nearly 75 percent of the resolutions SEARCH has adopted through the years have been aimed at Congress. These resolutions are usually a response to pending legislation and come with specific suggestions for lawmakers to consider. These suggestions speak to the concerns the Membership Group has regarding the legislation, and offer constructive insight. Oftentimes, pending legislation contains language that would ultimately put extraordinary demands on state and local agencies. Passing a resolution pointing this out to Congress is an effort to perhaps prevent burdensome mandates from being imposed.

Resolutions can have their genesis from a variety of sources; many have been initiated by the Executive Director or by the SEARCH General Counsel. For many years SEARCH has benefitted from the watchful eye of General Counsel Robert R. Belair, who monitors Congressional legislation on behalf of the Membership Group. Mr. Belair watches closely for pending legislation that might include issues that would affect justice at the state and local level. If he thinks an action might be warranted, he brings this to the attention of SEARCH staff.

After a resolution has been drafted, it is disseminated to the Membership Group and the discussion and consideration process begins—this usually happens at the Membership Group meetings. Members are given background information as to the purpose of the resolution, and then the debate begins. This is where anyone who has something to say is invited to weigh in. Once the debate is over and all the words are in place, a vote is taken to adopt the resolution.

Have an Idea for a Resolution?

If you have a topic that you think has universal application and impact across the nation and is something the Membership Group should address, you are encouraged to share it with SEARCH leadership.
Separate Security Background Checks for Transportation Security Cards

In June 2009, Rep. Kathy Castor (D-FL) introduced House Amendment 164 to House Resolution 2200, the Transportation Security Administration Authorization Act. The Amendment directs the Secretary of Homeland Security to prohibit states from requiring separate security background checks for transportation security cards, and waives application of the prohibition if a compelling homeland security reason necessitates a separate background check. SEARCH sought to prevent the elimination of the State background check by stating 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).’

At the November 2009 Membership Group meeting in Washington, D.C., Florida Member Donna Uzzell played a key role in educating Members on issues surrounding the Castor Amendment. Coming from a state that has numerous seaports and miles and miles of coastal borders and that relies heavily on tourism as its major economy, she admitted that Florida does have a vested interest in this issue. But she pointed out that other states could also be affected by this legislation, and therefore it wasn’t just a Florida issue. Before she began talking specifically about the Castor Amendment, she spoke to the notion that SEARCH resolutions are indeed a reflection of the entire organization:

“…I also want to ask you, after you hear my comments … I really feel that you need to make your comments. I’m almost hesitant, to be quite honest, to say everything I want to say. Because I’m afraid if I say it, you won’t. And then if I say it and you don’t, then Ron [Hawley] only hears from me and a couple of others. [And] that’s not a SEARCH issue. So if I say it, and you believe it, I’m going to ask you guys to repeat it. For Ron’s benefit and for Bob’s [Belair] benefit so that they understand this is not just Donna Uzzell in Florida, but this is an issue that you will all be interested in. And so I think in this case redundancy is good and duplication is worth it and we’re having discussion.”
Donna’s argument against the Castor Amendment was that public safety and state governments require that states must be able to protect its citizens based on various needs and vulnerabilities and in doing such must retain the right to authorize criminal history and other types of background checks. It’s not about the process, she argued, and it’s not about states wanting to retain the right to do background checks. States want to retain the right to protect their citizens and the way they do that is by a background check.

The discussion on this resolution lasted well over an hour over a two-day period. Ultimately, the decision was made to have the General Counsel fine-tune the language a bit more after doing some additional fact-checking and then send the resolution to the Membership for a final vote. That electronic vote took place on January 12, 2010, resulting in adoption of the resolution.

Other States Voiced Their Concerns

“…The ability of the states to go ahead and do another background check, I think, is paramount. Liane [Moriyama] mentioned it, and Dawn [Peck] also talked about it before – this is just a slippery slope. If we’re going to allow the Congress to bypass the states, make it convenient to have a single check at the national level… Finances are not the biggest issues. It’s the safety of the folks that we’re trying to protect by these checks that really needs to be brought to the front.”

—Mike Lesko
SEARCH Texas Member

“…We do share those concerns. Donna mentioned river boats. It’s not really what you’d think about when you talk about these TWIC checks, but that involves 17,000 employees of casinos in Missouri that currently undergo relatively close background checks. It’s not only the background check. The interview associated with that background check is done by a police officer before issuing the license, and that eliminates a lot of these people. So it’d be a hardship for us to see that go away.”

—Major Robert Bloomberg
SEARCH Missouri Member

“…Vermont doesn’t have any seaports, so I can’t weigh in on that… I must continue to echo the concerns around the preemption of state law and the slippery slope we may be going down. It’s got to be a concern to all of us that may not have a direct seaport connection….”

—Francis X. Aumand, III
SEARCH Chair and Member from Vermont
Anatomy of a Resolution

THE NUMBER
The numbering system quickly puts the resolution's place in history into perspective. Take Resolution 78-03, for example. The first two numbers indicate the last two numbers of the year it was passed (in this case, 1978); and the second two numbers indicate the chronology and immediately tracks the total number of SEARCH resolutions (in this case, this is the third resolution passed).

THE DATE
This is the actual date the resolution was passed.

THE TITLE
This designation gives the reader an understanding of the focus of the resolution.

THE ‘WHEREAS’ CLAUSES
This is where we lay out the background of who we are, plus give succinct statements to build our case. Each fact of a ‘whereas’ clause is checked and double-checked. If it can't be verified, it isn't included. The Membership Group is highly aware that its credibility is on the line and therefore they take great pains to avoid making erroneous or false statements.

SEARCH Resolution 78-03
Of the Membership Group of SEARCH, The National Council
April 27, 1978

Reporting of Justice Statistics

WHEREAS the federal government has Statistics within the Department of Justice, a
WHEREAS the Bureau, in order to satisfy disseminate information about crime, crime make demands of state and local justice agencies
WHEREAS SEARCH Group, a consortium developing programs for the collection and use interest of a more effective justice system,

THEFORE, BE IT RESOLVED that the concept of a single organization to consolidate develop improved programs of the compilation of assist states in the collection and utilization and the administration of justice, provided that
1. Such a Bureau initially limit its scope to federal agencies and (b) those justice agency operations for which no nation
2. Existing series of national justice statistics after the Bureau has demonstrated an accurately reflect the functioning of the above.
3. The Bureau accommodate to statistics information systems designed to meet and local agencies.

FURTHER BE IT RESOLVED that the federal demands of the states for statistical reporting assistance, and until the following conditions
1. State and local representation be included in operations.
2. The Bureau establish proper relationship mechanisms, such as Statistical Analysis

FINALLY, BE IT RESOLVED that the Nogovernment to plan carefully for the accept statistics so as to assure high quality data, a handling sensitive information where such
THE ‘NOW, THEREFORE, BE IT RESOLVED’ PART
This is where we drive home our point and offer suggestions as to what actions we think should be taken regarding this issue. Or, in some cases, we go on record as taking a particular position.

SEARCH witnessed the dawning of BJS, and with Resolution 78-03 urged the Federal government to do two things that are common pleas in many of its resolutions:
1. Don’t make new demands on the States without providing appropriate funding.
2. Protect the privacy of individuals.
Resolutions can also be suggested by SEARCH Staff, Members, or, in some cases, parties from outside of SEARCH. An example of this is the resolution the Membership Group adopted in November 2009 supporting the FBI’s Law Enforcement National Data Exchange (N-DEx) initiative, shown on page 9.

The International Association of Chiefs of Police (IACP) has an outreach program to educate their members and all law enforcement agencies nationwide on the benefits of using N-DEx to share justice information. Three N-DEx Outreach Specialists and Project Consultants to IACP gave a presentation on N-DEx at the November Membership Group meeting and asked the Members to adopt a resolution supporting N-DEx as the national information sharing repository for law enforcement. After a briefing and discussion, the resolution was adopted and now serves as a public statement for SEARCH’s stand on N-DEx.

According to Mr. David Gavin, one of the N-DEx Project Consultants who spoke at the meeting, having a SEARCH resolution supporting N-DEx is very helpful. “I have used this resolution in discussions many times now, and I find it helps me immensely in getting my point across,” he said. “The people I’m talking to know SEARCH, and value the opinion of this organization and know that this resolution is speaking for the States. I would like to thank the Membership Group of SEARCH for their support in this effort.”
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.’
Privacy—An Essential Element

Privacy protection, a cornerstone to the foundation of SEARCH, is often an element included in resolutions.

Resolution 07-49

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

...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...

...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...

Resolution 99-24

Enhancements to the Brady National Instant Criminal Background Check System

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

Resolution 99-27

Procedures for Volunteers for Children Act Checks

...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.

Resolution 09-54

National Criminal Justice Commission Act

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 Resolutions

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>74-01</td>
<td>National Computerized Criminal History System (December 13, 1974)</td>
</tr>
<tr>
<td>76-02</td>
<td>National Computerized Criminal History Program (May 23, 1976)</td>
</tr>
<tr>
<td>78-03</td>
<td>Reporting of Justice Statistics (April 27, 1978)</td>
</tr>
<tr>
<td>79-04</td>
<td>Essential Elements and Actions for Implementing a Nationwide Criminal History Program (May 21, 1979)</td>
</tr>
<tr>
<td>82-05</td>
<td>National Computerized Criminal History Program Based on the III Concept (May 13, 1982)</td>
</tr>
<tr>
<td>87-06</td>
<td>Reauthorization of BJS, BJA, NIJ and OJJDP (May 6, 1987)</td>
</tr>
<tr>
<td>87-07</td>
<td>Criminal Justice Information Improvement Act of 1987 (May 6, 1987)</td>
</tr>
<tr>
<td>91-08</td>
<td>Interstate and Federal-State Compact on the Exchange of Criminal History Records (July 18, 1991)</td>
</tr>
<tr>
<td>92-09</td>
<td>Interstate and Federal-State Compact on the Exchange of Criminal History Records (July 30, 1992)</td>
</tr>
<tr>
<td>93-10</td>
<td>Criminal Records Upgrade Resolution (July 14, 1993)</td>
</tr>
<tr>
<td>93-11</td>
<td>Juvenile Justice Record Information Systems (July 14, 1993)</td>
</tr>
<tr>
<td>93-12</td>
<td>Interstate and Federal-State Compact on the Exchange of Criminal History Records (July 14, 1993)</td>
</tr>
<tr>
<td>93-13</td>
<td>Criminal Justice Information Infrastructure (July 14, 1993)</td>
</tr>
<tr>
<td>93-14</td>
<td>Automated Incident-Based Reporting and Community-Based Policing (July 14, 1993)</td>
</tr>
<tr>
<td>94-15</td>
<td>Disposition Reporting Standards in the Brady Instant Check System (February 11, 1994)</td>
</tr>
<tr>
<td>94-16</td>
<td>Grant Program Authorized By the Brady Hand Gun Violence Prevention Act (February 11, 1994)</td>
</tr>
<tr>
<td>94-17</td>
<td>Mandated State Cooperation With the Immigration and Naturalization Service (February 11, 1994)</td>
</tr>
<tr>
<td>97-18</td>
<td>National Incident-Based Reporting System (January 14, 1997)</td>
</tr>
<tr>
<td>98-19</td>
<td>Fingerprinting Juveniles and Reporting Juvenile Record Information to State Central Repositories (February 5, 1998)</td>
</tr>
<tr>
<td>98-20</td>
<td>National Crime Prevention and Privacy Compact (February 5, 1998)</td>
</tr>
<tr>
<td>98-21</td>
<td>Criminal History Record Background Check Legislation for Non-Criminal Justice Purposes (February 5, 1998)</td>
</tr>
<tr>
<td>99-23</td>
<td>Appropriations for the Crime Identification Technology Act (July 1999)</td>
</tr>
<tr>
<td>99-24</td>
<td>Enhancements to the Brady National Instant Criminal Background Check System (July 1999)</td>
</tr>
<tr>
<td>99-25</td>
<td>Funding to the FBI for Support of the III Compact Council (July 1999)</td>
</tr>
<tr>
<td>99-26</td>
<td>Juvenile Justice Recordkeeping and Information System Reforms (July 1999)</td>
</tr>
<tr>
<td>99-27</td>
<td>Procedures for Volunteers for Children Act Checks (August 1, 1999)</td>
</tr>
<tr>
<td>00-28</td>
<td>Appropriations for the Crime Identification Technology Act (January 2000)</td>
</tr>
<tr>
<td>00-29</td>
<td>Department of Defense Background Checks (July 29, 2000)</td>
</tr>
</tbody>
</table>

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**They’re on the Web!**

A PDF containing all SEARCH resolutions can be found at [http://www.search.org/publications/search/default.asp](http://www.search.org/publications/search/default.asp).
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)


04-41 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)


11-59 Preserving the States' Rights to Establish Background Check Standards (July 21, 2011)

12-60 92-544 Amendments (July 18, 2012)