

March 7, 2000

Testimony on Raised Bill No. 553

<http://www.cga.state.ct.us/2000/tob/s/pdf/2000SB-00553-R00-SB.pdf>

An Act Concerning Adoption of the National Crime Prevention and Privacy Compact

This testimony is provided in support of Raised Bill No. 553. My name is Terry Schnure, from the Policy Development and Planning Division, Office of Policy and Management. On behalf of the Office of Policy and Management, I speak in favor the adoption of the National Crime Prevention and Privacy Compact.

The adoption of this federal-state compact is critical in the ability to administer our criminal history records and the increasing number of required background checks. Criminal history background checks are administered by the Department of Public Safety. The background checks are carried out in criminal investigations and arrests; background checks are carried out as part of employment application procedures and volunteer activities. (The volunteer background checks are enabled under the federal "Volunteers for Children Act" ("VCA").)

The number of background check requests is growing exponentially. At the end of 1999, the Department of Public Safety had criminal history records for 825,566 criminal offenders; in addition, the Department held approximately 700,000 records for employment applicants. Requests for volunteer background checks have essentially not yet begun. The Department of Public Safety holds about 1.5 million fingerprint records on criminal offenders and employment applicants. Only one set of fingerprints (fingerprint record) is maintained for each criminal offender or employment applicant in the Automated Fingerprint Identification System (AFIS) operated by the Department of Public Safety. Fingerprints are required for a National Fingerprint Background Check. Each of these records represents the processing of multiple fingerprint cards for each offender or applicant. Fingerprint cards are processed on the occasion of each arrest or background check request for employment.



The background checks are currently classified, for administrative purposes, into 24 categories. Last year for employment applicants, 50,245 new records were established as part of the AFIS identification procedures. Currently before the legislature and being heard today is Raised Bill No. 5842, An Act Concerning Fingerprinting Requirements for National Criminal Records Checks, that will add, to the list of administrative categories, employment in programs servicing the elderly, persons who have mental retardation, and persons with psychiatric disabilities. Federal law also authorizes background checks of employment involving children and the physically disabled. Background checks are authorized for volunteers under an amendment, the "VCA", to the National Child Protection Act of 1993. Furthermore, a number of bills before this committee would reduce or waive the fees in different situations for the background checks for volunteers.

The adoption of the National Crime Prevention and Privacy Compact will enable the State of Connecticut to implement more efficient and cost effective procedures to respond to the growing number of fingerprint based background checks. The Compact establishes procedures for the use of criminal Public Safety data for non-criminal Public Safety purposes, while maintaining privacy. Procedures are amended such that criminal history records are maintained only in the participating compact states and a pointer system is established in FBI to direct queries on criminal offenders, as in a background check, to the cognizant state(s). Uniform rap sheets are shared among states; fingerprints are maintained only in one location, that of the state in which the offense occurred. The Compact provides the State with more flexibility in managing its criminal history records.

This Bill provides for a delay in the implementation of the National Fingerprint File (NFF) provisions of the Compact. This period, though January 1, 2002, will provide time for the completion of an assessment of AFIS needs in the

Department of Public Safety and to implement recommended enhancements to the AFIS. As an NFF state, fingerprints are held only at the state, reducing duplicate and redundant fingerprint processing procedures. NFF procedures provide for the sharing of fingerprints among all participating Compact states.

Adoption of the National Crime Prevention and Privacy Compact will provide efficiency and savings in the processing of criminal offender and employment/volunteer records. It will also enable the implementation of State procedures to manage the processing of background checks. Privacy procedures are not compromised. Connecticut's laws governing criminal records, e.g., chapter 961a of the general statutes, are not affected or changed by this Compact.

Further information on the application of the National Crime Prevention and Privacy Compact in the State of Connecticut is provided in the following attachment.

OFFICE OF POLICY AND MANAGEMENT

Testimony on Raised Bill No. 553

An Act Concerning Adoption of the National Crime Prevention  
and Privacy Compact

**Application  
of the  
National Crime Prevention and Privacy Compact  
in the  
State of Connecticut**

Background

The State of Connecticut currently participates in the federal Interstate Identification Index (III or Triple I) system by submitting fingerprint cards to the FBI. Every time a law enforcement officer arrests someone in Connecticut, at least two fingerprint cards are printed; one is kept in the criminal history repository maintained by the Connecticut Department of Public Safety and the duplicate is sent to the FBI central repository.

Whenever an arrest results in a sentence, the record of the court's disposition is duplicated. Again, one copy remains with the Connecticut Department of Public Safety and the other is sent to the FBI central repository to accurately complete both sets of files.

Compact Provisions

The Compact authorizes Connecticut to participate in an interstate arrangement that would allow Connecticut to share criminal history records directly with other states that are members of the Compact. This would make Connecticut the sole repository for records of crimes committed in Connecticut. States would no longer have to rely on FBI records, which often are not as current or accurate as the records of the originating state law enforcement agencies. This Compact would essentially eliminate the FBI as the "middleman" for maintaining criminal history records information. All inquiries for Connecticut criminal history record information would be directed to the Connecticut Department of Public Safety criminal history repository.

Participation in the compact changes only how information is maintained at the federal level and released to other states, not what information is released or how it is released in Connecticut. Connecticut law makes public all conviction records. Connecticut's laws governing the release and dissemination of criminal history information are not affected or changed in any way.

Page two

## Benefits

Law enforcement agencies would benefit in a number of ways:

**Increased record quality:** The records made available by the states for both criminal justice and non-criminal justice purposes will be more complete, because records maintained in the state repositories are more up-to-date than the FBI's files. Also, many of the states maintain records of some misdemeanor offenses that have not been submitted to the FBI.

**Faster response times:** Some non-criminal justice users will enjoy faster response times because they will receive electronic responses rather than mailed responses from the FBI. In addition, the states will improve their automated technology before participating in the compact.

**Increased system security:** All agencies using the system will be required to sign agreements governing authorized access, transaction logging, and the record validation by record providers.

**Elimination of duplication:** The states will be relieved of the burden and cost of submitting arrest fingerprints and charge/disposition data to the FBI for all arrests for felonies and serious misdemeanors. Instead, they will submit only fingerprints and textual identification data for each person's first arrest, to update the "Triple I" automated index and the National Fingerprint File (NFF). Meanwhile, the FBI will no longer have to maintain records on state offenders or receive and process fingerprint cards for state arrests. Instead, it will maintain the "Triple I" automated index, the NFF, and full criminal records of federal offenders.

**Uniform dissemination standard:** The compact will establish a uniform nationwide standard governing the interstate dissemination of criminal history records for non-criminal justice purposes. These standards will ensure that federal agencies continue to receive the state records they need to screen people for employment in sensitive positions and for other authorized purposes, and that authorized state agencies continue to receive the out-of-state records they need to screen employees and licensees under state law.

## Information Released Under the Compact

Each state, in accordance with state and federal law, will determine what criminal history record information is released within its borders for non-criminal justice purposes. Under federal law, out-of-state criminal records may not be released for a non-criminal justice purpose unless state or federal law authorizes fingerprint-based background checks for that purpose.

The U.S. Department of Justice reviews the laws of each state to make sure records are only released if the state law authorizes a fingerprint-based background check for the non-criminal justice purpose for which it is requested. For example, current Connecticut law provides for background checks for employment and/or licensure of public safety and correction officers, private investigators and security guards, public education, special revenue, children and youth, public service operators, and casinos.

Dissemination of criminal records not authorized by federal law will continue to be controlled by the laws of the states that participate in the Compact. Federal law currently authorizes businesses or organizations that provide care, treatment, education, training, instruction, supervision, or recreation for children, the elderly, or individuals with disabilities and other health care employers to obtain fingerprint-based background checks even if not expressly required by state law. Connecticut's obligations under this law are the same whether or not the state participates in the Compact.