

## 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."