

## 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:

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“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.”