

## 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;

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**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.”