



Pro Bono Publico

SEARCH Winter 2023 Meeting

92-544 Update

TRUSTWORTHY PROFESSIONAL HONEST RELENTLESS COMMITTED DEPENDABLE

92-544 Issue Recap

- Significant lag for 92-544 approval
- Removal of previous statutory approval
- Pre-approval, then denied
- SEARCH letter sent to FBI OGC 5/25/2022



LESLIE MOORE Chair
DAVID J. ROBERTS Executive Director

May 25, 2022

Mr. Jason A. Jones
General Counsel
Federal Bureau of Investigation
FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Dear Mr. Jones:

My name is Leslie Moore, and I am the Director of Information Services for the Kansas Bureau of Investigation in Topeka, Kansas. I also serve as the Chair of the Board of Directors of SEARCH, the National Consortium for Justice Information and Statistics, and Chair of the Compact Council.

I write to you today to voice concerns expressed by SEARCH Members regarding the ability of states to obtain P.L. 92-544 approval from the FBI's Criminal Justice Information Law Unit (CJILU) for submitting fingerprint-based, noncriminal justice licensing, employment, and regulatory background checks. My goal in contacting you on this matter is to understand what hurdles CJILU faces in the administration of this critical program and to offer our support in collaborating to find solutions that improve the approval process for all parties involved.

SEARCH was established in 1969 and serves as a Membership consortium of Governor-appointed state representatives responsible for administering the nation's criminal history record repositories—the agencies that create, maintain, and disseminate state criminal history records, or rap sheets, to statutorily authorized requestors. Our principal focus is providing support to our Membership Group and partners, conducting research, identifying best practices for improving criminal history record quality, and helping to build information sharing capabilities among agencies. SEARCH Members also serve and actively participate in the FBI's CJIS Advisory Process, serving on the CJIS Advisory Policy Board, various Regional Working Groups and, for those Member states who have ratified the National Crime Prevention and Privacy Compact, serving on the 15-Member Compact Council. SEARCH Members also

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TRUSTWORTHY PROFESSIONAL HONEST RELENTLESS COMMITTED DEPENDABLE

92-544 Current Status

- Reduced approval times
- Additional FBI OGC Staff
- Any improvement in oldest pending?



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TRUSTWORTHY PROFESSIONAL HONEST RELENTLESS COMMITTED DEPENDABLE

92-544 Most Common Denials

- DENIED – Too Broad
 - Ensure category is defined and specific
- DENIED – Not Legislatively Enacted
 - Constitutional amendments by vote do not count
- DENIED – No Statutory Definitions
 - Relies on regulations developed by the state agency
 - *Compacts are also an issue



92-544 Do's and Don'ts

• Utilize the CSO Letter

1. Draft versus enacted bill/statute
 2. Provide PDF
 3. Identify page/section numbers
 4. List specific categories, section
 5. Proposed 'reason fingerprinted' field, or RFP
 6. Identify receiving agency
 7. ORI – agency name
 8. Prior bill with outcome
- Provide concise info to review
 - Have state legal review
 - Educate CSO/SIBs
 - More information is better
 - Context of statute @ state level
 - OGC review prior to passage



92-544 Do's and Don'ts Con't

- Don't send just a link
- Don't send 200 page docs
- Don't forget the CSO letter
- Don't make Dawson cry



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TRUSTWORTHY PROFESSIONAL HONEST RELENTLESS COMMITTED DEPENDABLE

92-544 Building Relationships

- Continued partnership
- Turnover and staffing issues
- States can improve odds of success
- Thank you to SEARCH
- Thank you to the FBI
- OGC needs more resources! 4-5 people can't handle this volume



Thank you!

Jeff Avey

Nebraska State Patrol

Director – Criminal Identification Division

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