

## ATTACHMENT 1

### 2008 vs. 2010 Survey Questions: Modifications, Deletions, Additions by SECTION

#### SECTION I: REPOSITORY

##### **Deletion:**

##### Question 3 (2008):

3. (a) Does your state retain any non-criminal justice fingerprints?

Yes       No

(b) Non-criminal justice fingerprints represent \_\_\_\_\_ percent of the total fingerprints maintained by the state criminal history repository.

##### **Modifications:**

##### Question 5 (2008):

5 (a) Percentage of criminal prints submitted via livescan during 2008?

This question is moved to Section II 5 (c) in 2010

5 (b) Percentage of non-criminal prints submitted via livescan during 2008?

This question is moved to Section VII 6 (c) in 2010

## SECTION II: ARREST/FINGERPRINT REPORTING AND ENTRY

### **Modifications:**

#### Question 2 (2008):

How many non-criminal justice fingerprints were submitted to the repository via livescan during 2010?

This question is moved to Section VII 6 (a) in 2010. Section VII consolidates noncriminal justice purpose related questions that were previously spread across several survey sections.

#### Question 5 (2008):

5. Please indicate the number of livescan devices in use as of December 31, 2008:

- (a) Total number of livescan devices available for criminal justice purposes only:
- (b) Total number of livescan devices available for non-criminal justice purposes only:
- (c) Total number of livescan devices used for both criminal and non-criminal justice purposes:
- (d) Grand total of livescan devices in use:

Questions 5 (a) and (d) deleted.

Questions 5 (b) and (c) were moved to Section VII, and are now questions 6 (d) and 6 (e).

#### Question 6 (2008)

6. Please indicate:

- (a) Total number of agencies that submit criminal prints via livescan:
- (b) Total number of agencies that submit non-criminal prints via livescan:
- (c) Total number of agencies without livescan devices that receive livescan services from agencies that do have that equipment (e.g., a sheriff might submit arrest prints on behalf of 20 agencies):

Question 6 (a) is moved to Section II 5 (a) in 2010.

Question 6 (b) is moved to Section VII 6 (b) in 2010

Question 6 (c) is moved to Section II 5 (c) in 2010.

### SECTION III: DISPOSITIONS

#### New Question:

##### Question 1:

1. Are you a National Fingerprint File (NFF) state?

Yes       No

If yes, under NFF participation protocols, have you elected not to forward disposition information on second and subsequent arrests to the FBI?

Yes       No

The Congress legislated and 28 states have enacted legislation to participate in the National Crime Prevention and Privacy Compact. An element of the Compact is a commitment to eventually become a National Fingerprint File (NFF) participant. As an NFF participant a state is not expected to provide disposition information to the FBI (but may do so). While the Congress has repeatedly expressed concern about the level of disposition reporting to the FBI, no reasonable or accurate explanation can be developed without gaining a better understanding of which states have a statutory basis for not forwarding disposition information to the FBI.

## SECTION IV: COURT REPORTING

### Modification:

Question 2: *(Question was re-worded as follows)*

(a) As of December 31, 2010, was any court disposition information reported directly to the repository by your state's Administrative Office of the Courts (AOC)?

Yes       No

(b) What percentage of dispositions received was reported by the AOC?

\_\_\_\_\_ %

## SECTION V: CORRECTIONS REPORTING

### New Question:

Question 1: (The word 'admission' was added to the question and a checkbox was added to provide clarity.)

1. In 2010, what was the average time elapsed between receipt of corrections admission data by the repository and entry of that information into the criminal history record database?

\_\_\_\_\_ days

Not currently receiving corrections admission data

### New Question:

Question 2:

2. In 2010, what was the average time elapsed between receipt of corrections release data by the repository and entry of that information into the criminal history record database?

\_\_\_\_\_ days

Not currently receiving corrections release data

The addition of "admission" in Question 1 and a new Question 2 is intended to clarify what information is being collection and posted to the criminal history record. In past surveys this distinction could not be determined from the responses.



- (d) **Additional service fees:**            \$\_\_\_\_\_ mailed fingerprint cards/forms  
     \$\_\_\_\_\_ “no resubmission of prints” for  
     repeat applicant  
     \$\_\_\_\_\_ retained service  
     \$\_\_\_\_\_ rap back service

2. How are fees allocated?

- All fees go to the state general fund, with repository funded by general fund allotment
  - A percentage of fees go to support repository operations: \_\_\_\_\_ %
  - All fees go to support repository operations
  - Other
- 

Questions 1 and 2 were moved from SECTION VI in the 2008 survey to SECTION VII in 2010.

The following was deleted from Question 1(c) and moved to Question 17(a)

URL for citizen access to purchase criminal history information, if available:

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**New Questions:**

New Question 2 (which is a modification of 2008 Question 4)

2. (a) Does your state maintain a protection order file?

- Yes             No

(b) If no, does law enforcement or courts enter protection order information directly to the FBI-NCIC Protective Order File?

- Yes             No

(c) If yes, how many records are in the state protection order record database as of December 31, 2010?

\_\_\_\_\_ records  
State reporting of orders of protection remains of interest to the Congress as evidenced by legislation such as the NICS Improvement Amendments Act. The Attorney General has delegated certain responsibilities relating to the reporting and verification of reporting of Orders of Protection to the Bureau of Justice Statistics.

**New Question:**

Question 3:

Does your repository maintain the sex offender registry?

Yes       No

If no, what agency in your state is responsible for the maintenance of the sex offender registry?

Department of Corrections

Other \_\_\_\_\_

Past surveys implied that state record repositories maintained the sex offender registry in all states. This new question recognizes that is not true in all instances and seeks to determine which other agencies are carrying out this responsibility.

**Deletion:**

This is former Question 9 in SECTION VI, 2008 Survey:

What is the percentage of registered sex offenders  
on your publicly available state registry? \_\_\_\_\_%

Section VI question 7 & 8 moved to Section VI questions 4 & 5 in 2010.

**Modification:**

Question 6: "Other" checkbox added to the question that captures information about hours of operation.

**New Questions:**

Questions 8-11:

8. (a) In 2010, did the repository perform compliance audits of agencies who contributed information to the repository?

Yes       No



(b) In 2010, did the repository perform compliance audits of agencies who received information from the repository?

- Yes     No

Compliance audits are an important means of both improving quality of information and assuring that information is being disseminated and processed to comply with governing agreements, policies and statutes.

9. (a) Has your state implemented a GJXDM or NIEM-compliant standardized rap sheet?

- Yes     No

(b) If yes, please describe your implementation status. Check all that apply.

- Testing  
 Operational, limited transmissions  
 Operational, all transmissions  
 Other. Please describe: \_\_\_\_\_

(c) What issues or challenges might delay your state's implementation of the standardized rap sheet?

- Funding  
 Need to upgrade/replace message switch  
 Limited internal resources  
 Need for technical assistance  
 Other. Please describe: \_\_\_\_\_

The standardized rap sheet represents a meaningful quality improvement for all users of criminal history information. BJS has funded and continues to fund an initiative to facilitate adoption of the standardized rap sheet. These questions will provide BJS with status information and information for establishing future funding priorities.

10. (a) Which of the following best describes your criminal history system platform?

- Built in-house on Windows or .NET framework  
 Built in-house on Open Source (e.g., JAVA platform)  
 Built in-house utilizing mainframe services  
 Vendor supplied on Window or .NET framework  
 Vendor supplied on Open Source framework  
 Vendor supplied on Mainframe environment  
 Combinations  
 Other. Please describe: \_\_\_\_\_  
\_\_\_\_\_

(b) Does your state have plans to migrate to web services?

- Yes       No

(c) If yes, when do you anticipate your state will migrate to web services?

2011

2012

Other. Please explain: \_\_\_\_\_

\_\_\_\_\_

Questions 9 and 10 focus on the current and future use of technology to enhance repository services. They provide information useful for setting future funding priorities.

11. Does your state currently capture and produce statistics on the following for budgeting or other reporting?

- Criminal history transactions  
 Hits versus no-hits  
 Purpose codes

Question 11 will help BJS determine the availability of certain transaction volumes and performance indicators.

## SECTION VII: NON-CRIMINAL BACKGROUND CHECKS

### Modifications:

Question 3: (Note: this was Question 1 in the 2008 survey)

- “Residents of home daycare providers’ homes” was changed to “Caregivers – residential facilities”
- “Non-teaching school employees” was changed to “Non-teaching school personnel, including volunteers”
- “Non-teaching school personnel” was removed

### Modification:

Question 5: (Note: this was Question 18 in the 2008 survey)

- (a) Has your state privatized the taking of fingerprints for non-criminal justice purposes?  
 Yes       No
- (b) If yes, does the vendor assess a fee above what the state charges to perform the background check?  
 Yes, Fee \$ \_\_\_\_\_       No
- (c) Does the vendor provide any additional services besides the fingerprint capture (e.g. evaluating responses for the requestor, sending responses back to the requestor)?

Note: Question 5(c) was previously Question 18(d) in the 2008 survey because Question 5(b) now includes Question 18(b) and (c) from the 2008.

### Modification:

Question 6: (Note: this question is the result of grouping non-criminal justice questions that previously existed elsewhere in the 2008 survey.)

6. (a) Total number of non-criminal justice fingerprints submitted to the repository via livescan during 2010:  
  
(b) Total number of law enforcement agencies that submit non-criminal justice fingerprints via livescan:  
  
(c) Percentage of non-criminal justice fingerprints submitted via livescan during 2010:

(d) Total number of livescan devices available for non-criminal justice purposes only:

(e) Total number of livescan devices used for both criminal and non-criminal justice purposes:

Question 10: (new checkbox added to list)

All non-criminal justice purpose fingerprints may be retained at the option of the contributor

Question 11: ('Matched' changed to 'Searched' and new checkbox added to list)

1. If your state does retain non-criminal justice fingerprints for any purpose, how are the fingerprints utilized? Check all that apply.

- ~~Matched~~ Searched against existing criminal history database
- ~~Matched~~ Searched against latent fingerprint database
- ~~Matched~~ Searched against subsequent criminal fingerprint submissions
- Searched against subsequent latent fingerprint submissions (*new checkbox*)
- Other \_\_\_\_\_

**Deleted the following 2008 survey Question 9(a-c):**

(a) What identifiers are required for a name-based search? Check all that apply:

- First name
- Last name
- Date of birth
- Year of birth
- Gender
- Social Security Number
- Race
- Addresses
- Hair color
- Eye color

(b) What are the minimum identifiers that have to "hit" before a response is returned?

Check all that apply:

- First name

- Last name
- Date of birth
- Year of birth
- Gender
- Social Security Number
- Race
- Addresses
- Hair color
- Eye color

(c) Does your name-based background check offer any of the following?

- Phonetic-assisted spelling features
- “Loose” spelling features (first name abbreviations, Jr./Sr. assistance, etc.)
- Interchangeable first/last name

**SECTION VIII: INDIAN COUNTRY INFORMATION (NEW SECTION)**

**New Questions 1-6:**

1. (a) Do you have any federally recognized Tribes in your state?

Yes       No

If yes, please complete the following:

(b) How many Tribes do you have? \_\_\_\_\_

2. (a) Do Tribes in your state submit arrest fingerprints to your state repository?

Yes       No

(b) If yes, how many Tribes reported in 2010? \_\_\_\_\_

(c) How many arrests did the Tribes report in 2010? \_\_\_\_\_

(d) How were the records reported?

Electronically       Hard Copy       Other. Please explain: \_\_\_\_\_

3. Does the repository receive protection order information from Tribes in your state?

Yes       No

4. (a) Does the repository provide sex offender registry services for any Tribes in your state?

Yes       No

(b) If yes, how many Tribes submitted sex offender registration information to the repository-maintained state registry in 2010?

5. (a) Do Tribes in your state submit fingerprints for non-criminal justice background checks?

Yes, Fee \$ \_\_\_\_\_       No

(b) If yes, how many fingerprint-based non-criminal justice background checks did Tribes submit in 2010?

\_\_\_\_\_

6. (a) Do Tribes in your state submit name-based non-criminal justice background checks?

Yes, Fee \$ \_\_\_\_\_       No

(b) If yes, how many name-based non-criminal justice background checks did Tribes submit in 2010?

\_\_\_\_\_

This is a new section in the bi-annual survey. Indian Country, and particularly justice and public safety have received increasing attention by the Administration and the Congress. BJS is administering several funding programs that are directed towards Indian Country. These questions will assist BJS is establishing baseline information.