<u>**Attachment 1 – Crosswalk of Survey Changes 2018 to 2020**</u>

<u>**2018 to 2020 Survey Questions "Cross-walk"**</u>
Modifications, Deletions, New Questions by SECTION

- *New or modified content is shown in green text.*
- *Deleted content is shown as ~~red strikethrough text~~.*
- *Explanatory or clarifying comments are included*
- *Text deletions/additions have resulted in question number changes between 2018 and 2020.*

The average time required for each agency to complete the survey is estimated at ~~6.75~~ 6.5 hours.

OMB No. ~~1121-0312~~TBD: Approval Expires ~~03/31/2022~~TBD

Survey of State Criminal History Information Systems, ~~2018~~2020

Since 1989, the *Survey of State Criminal History Information Systems* has been used to collect the nation's most complete, comprehensive and relevant data on the number and status of state-maintained criminal history records and on the increasing number of operations and services involving noncriminal justice background checks provided by the state repositories. This data collection is supported by Cooperative Agreement No. ~~2015-RU-BX-K001~~2019-RU-BX-K001 awarded by the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. **Please note: Completion of the survey is voluntary; however, doing so is a special condition placed on all National Criminal History Improvement Program (NCHIP) and NICS Act Record Improvement Program (NARIP) awards.**

If you use the online survey tool, accessible at ~~http://www.search.org/surveys/repository/~~, http://www.searchgroup.org/surveys/repository/, to enter ~~2018~~2020 data, you can view previously submitted ~~2016~~2018 data for comparison purposes. Where applicable, your state's ~~2016~~2018 responses are displayed in color within each section of the online survey. It is hoped that this information will help you complete the survey more accurately and efficiently. **The cover letter provides the password to gain access to your state's online survey**. Direct your questions or comments to SEARCH staff Dennis DeBacco at 775-412-1950 or dennis@search.org.

If it is more convenient, you may request a PDF copy of the survey, complete it manually, and fax (916-392-8440) or e-mail it to the attention of Dennis DeBacco at dennis@search.org. **The deadline for survey submission is ~~June 14, 2019~~[date].**

The survey is divided into five sections. You may submit each section independently and not necessarily in the order presented. This is done so that different people on your repository's staff may submit the data for which they are responsible. **Repository directors are responsible to see that the survey is submitted in its entirety**. Please note the following:

1. All reported data should be for calendar year ~~2018~~2020, or as of December 31, ~~2018~~2020.
2. The term "felony" includes any crime classified as a felony under your state's laws. These offenses are generally

punishable by a term of incarceration in excess of one year. If your state's laws do not use the term "felony," please substitute functional equivalents, such as class 1, 2, 3 and 4 offenses in New Jersey and class A, B and C offenses in Maine.

3. Questions that seek responses based on a "legal requirement" refer *only* to a *state statute* or a *state administrative regulation having the force of law*.

4. If additional space is needed, please use the "Additional Comments" area at the end of each section.

5. Please use the "Additional Comments" area at the end of each section to provide explanatory notes for responses that require explanation or when "no data is available," and to describe significant changes between the current response and data reported in the ~~2016~~2018 survey.

6. If a question is not applicable to your repository, **please note the question number and indicate "NA" in the "Additional Comments" area at the end of each section**.

Burden Statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The survey will be sent to criminal history repositories in 56 jurisdictions, including the 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands. The average time required for each agency to complete the survey is estimated at ~~6.75~~ 6.5 hours. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington DC 20531. Do not send your completed form to this address.

SECTION I: REPOSITORY

This section completed by

Name _____   Title _____

Agency _____

Phone _____   Email _____

Date completed _____

The following questions relate to descriptions of your state's criminal history record information and master name index databases:

1. How many subjects (individual criminal offenders) were in your criminal history file as of December 31, ~~2018~~2020?

    (a)   Automated records   _____
    (include subjects whose records
    are partially automated)

    (b)   Manual records   _____

    (c)   Total records   _____   (a+b)

2. Fingerprints processed in ~~2018~~2020:

Purpose	Number	Percentage of ~~2018~~2020 volume	Totals
(a) Criminal (retained)	_____	_____%	
(b) Criminal (not retained)	_____%		(a+b) _____
(c) Noncriminal (retained)	_____	_____%	
(d) Noncriminal (not retained)	_____%		(c+d) _____

    (e)   What was the <u>total number</u> of fingerprint-based

background checks conducted during ~~2018~~2020?   (a+b+c+d)_____

3. (a) Do you have felony conviction flagging~~,~~ (i.e., does your criminal history record
        database include a data field or flag enabling you to quickly determine whether a
        given record subject has a felony conviction)?

    ☐ Yes, all subjects with felony convictions

    ☐ Yes, some subjects with felony convictions

    ☐ No

    (b) Does your state's criminal history record employ flagging to indicate the following?
        (Check all that apply.)

    ❐ Sex offender registrant

    ❐ Violent offender

    ❐ Misdemeanor domestic violence conviction that would exclude someone from
        purchasing a firearm

    ☐ Active protection order on file with state justice information system and/or
        NCIC

    ☐ Active warrant on file with state justice information system and/or NCIC

    ☐ Mental health adjudication

    ☐ DNA available

    ☐ IFFS, indicating ineligible for firearms purchase under federal law

    ☐ IFFS, indicating ineligible for firearms purchase under state law

    ☐ Other (*describe*) _____

    (c) Does your state's criminal history repository employ an Interstate Identification Index
        (III) multi-state record indicator flag?

    ❐ Yes   ❐ No

    (d) If yes, as of December 31, 2020, how many subjects in your state's criminal history
        records database have out-of-state records? _____

The following questions refer to repository administration, procedures and practices.

4. (a) As of December 31, ~~2018~~2020, did your repository conduct "lights out" processing of
        fingerprints (an identification decision is made without fingerprint technician
        intervention)? *If no, skip to question 5.*

    ❐ Yes   ❐ No

(b) What percentage of fingerprints was
handled with "lights out" processing? _____ %

(c) What percentage of <u>criminal</u> fingerprints
was handled with "lights out" processing? _____ %

(d) What percentage of <u>noncriminal applicant</u>
fingerprints was handled with "lights out" processing? _____ %

5. (a) Does your state maintain a protection order file? *If no, skip to question 6.*

☐ Yes ☐ No

~~(b) Which agency(s) enter protection orders onto the state file?~~
~~*(Check all that apply.)*~~

~~☐ Law enforcement~~

~~Courts~~

~~Other (*describe*)~~

(~~e~~b) How many active records were in the state protection order record database as of
December 31, ~~2018~~2020?

_____ records

(~~d~~c) In ~~2018~~2020, what was the average time elapsed between the <u>issuance</u> of a
protection order and <u>entry</u> of the information into the state protection order file?

☐ 1 day or less

☐ 2–7 days

☐ 8–30 days

☐ More than 30 days

(~~e~~d) Are protection orders entered onto the FBI-NCIC Protection Order File? *If no,
skip to question 6.*

☐ Yes ☐ No

~~(f) Which agency(s) enter protection order information to the FBI-NCIC Protection~~
~~Order File? *(Check all that apply.)*~~

~~Law enforcement~~

~~Courts~~

~~Other (describe)~~

(~~g~~e) In ~~2018~~2020, what was the average time elapsed between the <u>issuance</u> of a protection order and <u>entry</u> of the information into the FBI-NCIC Protection Order File?

☐ 1 day or less

☐ 2–7 days

☐ 8–30 days

☐ More than 30 days

6. (a) Does your state maintain a warrant file? *If no, skip to question 7.*

☐ Yes ☐ No

~~(b) Which agency(s) enter warrants onto the state file? (*Check all that apply.*)~~

~~☐ Law enforcement~~

~~☐ Courts~~

☐ ~~Other (*describe*) _____~~

(~~e~~b) In ~~2018~~2020, what was the average time elapsed between the <u>issuance</u> of a warrant and <u>entry</u> of the information into the state warrant file?

☐ 1 day or less

☐ 2–7 days

☐ 8–30 days

☐ More than 30 days

☐ N/A – State does not maintain a warrant file

(~~d~~c) How many records were in the state warrant database as of December 31, ~~2018~~2020?

_____ records

(~~e~~d) Of this total, indicate the number of:

Felony warrants _____

Misdemeanor warrants _____

Other (*explain*) _____

~~(f) Which agency(s) enter warrant information to the FBI-NCIC Wanted Person File? (*Check all that apply.*)~~

~~Law enforcement~~

~~Courts~~

~~Other (*describe*)~~

(~~g~~e)   In ~~2018~~2020, what was the average time elapsed between the <u>issuance</u> of a warrant and <u>entry</u> of the information into the FBI-NCIC Wanted Person file?

    ☐ 1 day or less

    ☐ 2–7 days

    ☐ 8–30 days

    ☐ More than 30 days

7. In addition to criminal history information, to what other records does your state's repository provide access? *(Check all that apply.)*

    ☐ Sex offender registry

    ☐ Orders of protection

    ☐ Wanted persons/warrants

    ☐ Retained applicant prints

    ☐ Firearm registration

    ☐ Domestic violence incident reports

    ☐ Other (*specify*) _____

~~8. (a) When were each of the following systems last replaced or significantly upgraded?~~

    ~~☐ Computerized Criminal History (CCH)_____~~

    ~~☐ Automated Fingerprint Identification System (AFIS)_____~~

    ~~☐ Message Switch_____~~

~~(b) Does your state have plans to replace any of the following due to systems that are at or nearing the end of their lifecycle? (Check all that apply and indicate project status.)~~

    ~~☐ Computerized Criminal History (CCH)~~

    ~~If applicable, what is the status of your CCH replacement project?~~

    ~~o Planning~~

    ~~o Reviewing bids/proposals~~

    ~~o Implementation and testing~~

    ~~o~~

    ~~☐ Automated Fingerprint Identification System (AFIS)~~

    ~~If applicable, what is the status of your AFIS replacement project?~~

    ~~o Planning~~

    ~~o Reviewing bids/proposals~~

8. (a) Does your repository conduct routine <u>internal</u> data quality audits? *If no, skip to question ~~15~~9.*

        ☐ Yes   ☐ No

    (b) How frequently?
        ☐ More than once per year
        ☐ Annually
        ☐ Every 2 years
        ☐ Every 3 years
        ☐ Other (*briefly describe*) _____

9. (a) Does your repository conduct routine <u>external</u> data quality audits of contributing agencies? (E.g., inspecting samples of records maintained to determine if they have been submitted to the repository and/or checking to see if the information housed by the repository matches that maintained by contributing agencies.) *If no, skip to question ~~16~~10.*

❷ Yes ❷ No

(b) How frequently?

☐ More than once per year

☐ Annually

☐ Every 2 years

☐ Every 3 years

❷ Other (*briefly describe*) _____

~~14. Does your state have a law or administrative rule that specifies retention periods for the following? *(Check all that apply and provide information where applicable.)*~~

~~❷ Felony arrest records~~
~~o Retention period _____~~
~~o Citation URL _____~~

~~❷ Misdemeanor arrest records~~
~~o Retention period _____~~
~~o Citation URL _____~~

~~❷ Felony court disposition records~~
~~o Retention period _____~~
~~o Citation URL _____~~

~~❷ Misdemeanor court disposition records~~
~~o Retention period _____~~
o ~~Citation URL _____~~

10. (a) Does your agency have any CCH performance reporting tools (dashboards, reports, etc.) that enable you and your staff to regularly monitor submissions by contributing agencies (e.g., courts, prosecutors and corrections)?

❷ Yes ❷ No

(b) If yes, which metrics do you monitor? (*Check all that apply.*)

❷ Number of arrests reported by agency

❷ Arrests that are missing dispositions

❷ Time from arrest to disposition

❷ Number of dispositions reported by law enforcement agencies

- ❒ Number of dispositions reported by prosecutors
- ❒ Number of dispositions reported by courts
- ❒ Dispositions that cannot be linked to a corresponding arrest
- ❒ Date of disposition to when it is reported to the state repository

11. (a) Does your agency send reports of missing arrests and/or dispositions to contributing agencies? (*Check all that apply.*)

   ❒ Yes   ❒ No

   (b) If yes, which agencies? (*Check all that apply.*)

   - ❒ Law enforcement agencies
   - ❒ Prosecutors
   - ❒ Courts
   - ❒ Other (*briefly describe*) _____

12. (a) Does your agency make data quality metrics available to contributing agencies (e.g., dashboards showing missing arrests and dispositions, number of records submitted and rejected, etc.? (*Check all that apply.)*

   ❒ Yes   ❒ No

   (b) If yes, which agencies? (*Check all that apply.*)

   - ❒ Law enforcement agencies
   - ❒ Prosecutors
   - ❒ Courts
   - ❒ Other (*briefly describe*) _____

ADDITIONAL COMMENTS:

SECTION II: ARREST/FINGERPRINT REPORTING, ~~AND~~ RECORD ENTRY AND REMOVAL

This section completed by

Name _____   Title _____

Agency _____

Phone _____   Email _____

Date completed _____

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1. How many felony arrests were reported to your repository during calendar year ~~2018~~2020?

    _____ arrests

2. How many arrest fingerprints were submitted to your repository during ~~2018~~2020? (a+b+c = d)

    (a)   _____   via livescan

    (b)   _____   via cardscan

    (c)   _____   hard copy fingerprints

    (d)   _____   = total arrest fingerprints

3. (a) As of December 31, ~~2018~~2020, was there a backlog of arrest fingerprint cards to be entered into the AFIS database (i.e., not entered within 48 hours of receipt at repository)? *If no, skip to question 4.*

    ❐ Yes   ❐ No

    (b) How many arrest fingerprint cards were backlogged? _____

    ☐ Size of arrest fingerprint card backlog as of December 31, ~~2018~~2020, is not available

    (c) What is the age of the backlogged arrest information?

    ☐ 1 month or less

11

☐ 2–6 months

☐ 7–12 months

☐ More than 1 year

4. For the year ending on December 31, ~~2018~~2020, what percentage of arrest fingerprint records received by the repository were rejected for poor quality? _____ %

5. Mobile technology

(a) Are agencies in your state using mobile technology to transmit fingerprints for identification purposes?

☐ Yes   ☐ No

(b) Are agencies in your state using mobile technology to transmit fingerprints for booking purposes?

☐ Yes   ☐ No

(c) Do you have plans to implement mobile technology that captures non-fingerprint biometric information?

☐ Yes   ☐ No

Question 5(d) addresses Rapid ID technology, which enables authorized users to instantly search local, state and federal AFIS databases to confirm the identity of a person via fingerprints captured using mobile or tethered fingerprint devices, and to query various criminal justice databases for additional information about the individual. Rapid ID searches, for example, can include criminal history record information, outstanding warrants, sex offender status, probation and parole supervision status, caution indicators, and mugshots.

(d) Does your state employ Rapid ID? *If no, skip to question 6.*

☐ Yes   ☐ No

☐ Number of searches conducted in ~~2018~~2020 _____

☐ Number of hits in ~~2018~~2020 _____

6. Law enforcement agency submissions

(a) Number of law enforcement agencies that submit arrest prints via livescan (including agencies without livescan devices that receive livescan services from agencies that do have that equipment, such as a sheriff that provides booking services for multiple local police departments) _____

(b) Number of agencies that submit arrest fingerprints via cardscan _____

(c) Number of agencies that submit hard copy arrest fingerprint cards _____

(d) Percentage of arrest prints submitted via livescan during ~~2018~~2020 _____ %

7. Do local law enforcement agencies in your state routinely cite and release individuals without fingerprinting? This includes issuance of a notice to appear when a person is charged with a crime, but is not fingerprinted prior to a court appearance.

> ☐ Yes, only for violations
>
> ☐ Yes, for both violations and misdemeanors
>
> ☐ Yes, for all criminal offenses, including felonies
>
> ☐ No *(skip to question 9)*

8. If local law enforcement agencies in your state routinely cite and release individuals without fingerprinting, is there a law or policy requiring the courts to order persons who have not been fingerprinted to do so prior to or after an initial court hearing?

> ☐ Yes, by law *(~~e~~Check all that apply~~.~~)*
> o   only for violations
>
> o   for both violations and misdemeanors
>
> o   for all criminal offenses, including felonies
>
> ☐ Yes, by policy or administrative rule *(~~e~~Check all that apply~~.~~)*
> o   only for violations
>
> o   for both violations and misdemeanors
>
> o   for all criminal offenses, including felonies
>
> ☐ No

9. Does your state have a statewide criminal citation file? *(Note: this does not include traffic citation files.)*

> ☐ Yes
>
> > **o** Number of criminal citations contained in file as of December 31, ~~2018~~2020 _____
> >
> > **o** Number of citation records added to file during ~~2018~~2020 _____
>
> ☐ No

10. (a) Upon receiving a Death Certificate from an authorized source, does your repository remove a decedent's criminal history record from your state's criminal history file?
> ☐   Yes   ☐   No

    (b) If yes, how many deceased persons records were removed from your state's criminal history records database in 2020?

(c) Are fingerprints of the decedent required before a record can be removed?

❒ Yes   ❒ No

11. (a) Does your state repository purge its criminal history database of records when the subject of the record reaches a certain age (e.g., 99 years old)?

❒ Yes   ❒ No

(b) If yes, at what age? _____

(c) Is there a requirement to determine if an age-qualified subject has had new information recently posted to his/her criminal history record that would cause the record to remain on file regardless of the record subject's age? (E.g., new information posted within 1 year, 5 years, 10 years, etc.)

❒ Yes   ❒ No

(d) How many records of age-qualified subjects were purged from your criminal history file in 2020? _____

ADDITIONAL COMMENTS:

SECTION III: DISPOSITIONS

This section completed by

Name _____   Title _____

Agency _____

Phone _____   Email _____

Date completed _____

The following questions seek to determine to what extent the records in your criminal history record database contain final case disposition information. ("Final case disposition" is defined as the formal or informal conclusion of an arrest or charge at whatever stage it occurs in the criminal justice process. *(E.g., release by police after arrest without charging; decline to proceed by prosecutor; or final trial court disposition.)*

1. Does your state collect <u>charge tracking</u> information (sometimes referred to as "interim disposition information") on the criminal history record showing the status of a case as it moves through the justice system? (E.g., reporting of an indictment, charges filed that are different than arrest charges, etc.)

      ❐ Yes   ❐ No

2. (a) How many final case dispositions
      did your repository receive during ~~2018~~2020?   _____ dispositions

   (b) Of those, how many were sent to the FBI?   _____ dispositions

   Of the dispositions forwarded to the FBI:

   (c) What percentage was sent by Machine Readable
      Data (MRD), such as tape/CD/DVD?   _____ %

   (d) What percentage was sent via hard copy/paper?   _____ %

(e)   What percentage was sent by Interstate
   Identification Index (III) message key?   _____ %

(f)   What percentage was sent via a secure web portal?
          _____ %

Note: When calculating the percentage of arrests with final dispositions

*recorded, some states consider an arrest to have a disposition if **any** final disposition can be associated with an arrest cycle. This is commonly referred to as "cycle matching." Other states do not consider an arrest to have a final disposition until **all** arrest charges are linked to a final disposition. This is commonly referred to as "charge matching."*

3. Does your state perform cycle or charge matching to calculate the percentage of arrests in the criminal history database with final dispositions?

☐ Cycle matching

☐ Charge matching

4. What percentage of all arrests in the criminal history database have <u>final case dispositions recorded</u>?

(a) Arrests entered within past 5 years _____ %

(b) Arrests in the entire database _____ %

(c) Felony charges _____ %

5. (a) Of the dispositions received at the repository during ~~2018~~2020, what percentage could not be linked to a specific arrest record, either because of failed matching criteria or the arrest had not been reported to the repository? _____ %

(b) When a disposition cannot be matched to an arrest, the following action(s) is taken: *(Check all that apply.)*

❑ Placed in a suspense file (no further action)

❑ Placed in a suspense file for further investigation

❑ Disposition information is rejected

❑ Follow-up actions are taken by repository staff

❑ Court is contacted

❑ Court-provided charge(s) and corresponding disposition is posted to the beginning or end of record

❑ Other _____

~~(c) Is a vendor used to assist your state's repository in identifying or locating missing dispositions?~~

~~❑ Yes   ❑ No~~

6. (a) As of December 31, ~~2018~~2020, was any court disposition data reported directly to the repository by automated means? *(Note: "automated" refers to a method by which data is transmitted by the court to the repository where it is matched against criminal history records and entered on the criminal history record, usually without manual intervention. This does not include dispositions received via fax or email, which require manual activity for criminal history record matching and data entry.)*

    ❑ Yes   ❑ No *(skip to question 6d)*

(b) How many court disposition records were:

    ❑ Received via automated means through a centralized (statewide) court case management system _____

    ❑ Received via the local courts' case management systems _____

(c) What percentage of dispositions was reported in ~~2018~~2020 by automated means?

    _____%

(d) How are records matched between the court system and the repository? *(Check all that apply.)*

    ❑ Process Control Number (PCN) or Transaction Control Number (TCN) assigned when fingerprints were taken at time of arrest/booking

    ❑ PCN or TCN assigned subsequent to arrest/booking

    ❑ State Identification Number

    ❑ Arrest Number

    ❑ Name

    ❑ Date of birth

    ❑ Charges

    ❑ Other (please explain)_____

7. In ~~2018~~2020, what was the average time elapsed between the <u>occurrence</u> of final felony court case dispositions and <u>receipt</u> of information concerning such dispositions by the repository?

    ❑ 1 day or less

    ❑ 2–7 days

    ❑ 8–90 days

    ❑ 91–180 days

    ❑ 181–365 days

    ❑ More than 1 year

8. In ~~2018~~2020, what was the average time elapsed between <u>receipt</u> of final felony court disposition information by the repository and <u>entry</u> of that information into the criminal history record database?

☐ 1 day or less

☐ 2–7 days

☐ 8–30 days

☐ 31–90 days

☐ 91–180 days

☐ 181–365 days

☐ More than 1 year

9.   (a) As of December 31, ~~2018~~2020, was your state using any livescan devices in courtrooms/courthouses to link positive identifications with dispositions? *If no, skip to question 10.*

☐ Yes   ☐ No

(b) How many livescan devices are in courtrooms/courthouses?

_____ ~~D~~devices

10.   (a) As of December 31, ~~2018~~2020, was there a backlog of court disposition data to be entered into the criminal history record database (i.e., not entered within 48 hours of receipt at repository, including dispositions that could not be matched to a criminal history record within 48 hours of receipt at the repository)? *If no, skip to question 11.*

☐ Yes   ☐ No

(b) How many <u>unprocessed</u> or <u>partially processed</u> court case dispositions did you have?

11.   (a) Does the repository receive any final case disposition information (e.g., decline to proceed) from local prosecutors? *If no, skip to question 11c.*

☐ Yes   ☐ No

(b) This information is: *(Check all that apply.)*

☐ Received via automated means through a centralized (statewide) prosecutors' case management system

☐ Received via the local prosecutors' case management system

☐ Paper-based

☐ A mix of automated and paper-based

(c) How are records matched between prosecutors and the repository? *(Check all that apply.)*

❒ Process Control Number (PCN) or Transaction Control Number (TCN) assigned when fingerprints were taken at time of arrest/booking

❒ PCN or TCN assigned subsequent to arrest/booking

❒ State Identification Number

❒ Arrest Number

❒ Name

❒ Date of birth

❒ Charges

❒ Other (please explain)_____

12. Does your state post indictment information to the criminal history record?

❒ Yes ❒ No

ADDITIONAL COMMENTS:

SECTION IV: NONCRIMINAL BACKGROUND CHECKS

This section completed by

Name _____   Title _____

Agency _____

Phone _____   Email _____

Date completed _____

BACKGROUND CHECKS

1. (a) Does your state charge a fee to conduct a search of the criminal history record
        database for noncriminal justice purposes? *If no, skip to question 2.*

        ☐ Yes   ☐ No

    (b) 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   _____

2. Please indicate which of the following background checks are performed by your state
    pursuant to law. *(Check all that apply.)*

	National check	State check only
Daycare providers		
Caregivers–residential facilities		
School teachers		
Non-teaching school personnel (including volunteers)		
Volunteers working with children		
Prospective foster care parents		
Prospective adoptive parents		
Relative caregivers		
Nurses/Elder caregivers		
Legal guardians		

Hazardous materials licensees		
Medical marijuana (dispensers, caregivers)		

FINGERPRINT-BASED SEARCHES

3. (a) Has your state privatized the taking of fingerprints for noncriminal justice purposes?
   If no, skip to question 4.

   ❒ Yes   ❒ No

   (b) Is this service provided by?

   ❒ A single vendor   ❒ Multiple vendors

   (c) Does the vendor(s) assess a fee above what the state charges to perform the background check?

   ❒ Yes, Fee $ _____   ❒ No

   (d) Does the vendor provide any additional services besides the fingerprint capture? (E.g., evaluating responses for the requestor, sending responses back to the requestor, etc.)

   _____

   _____

4. (a) Total <u>number</u> of noncriminal justice fingerprints submitted to the repository via <u>livescan</u> during ~~2018~~2020   _____

   (b) Total <u>number</u> of noncriminal justice fingerprints submitted to the repository via <u>cardscan</u> during ~~2018~~2020   _____

   (c) <u>Percentage</u> of noncriminal justice fingerprints submitted via <u>livescan</u> during ~~2018~~2020   _____%

   (d) <u>Percentage</u> of noncriminal justice fingerprints submitted via <u>cardscan</u> during ~~2018~~2020   _____%

   (e) ~~Total number of livescan devices available for noncriminal justice purposes only~~   _____

   (f) ~~Total number of cardscan devices available for noncriminal justice purposes only~~   _____

   (g) ~~Total number of livescan devices used for both criminal and noncriminal justice purposes~~   _____

   (h) ~~Total number of cardscan devices used for both criminal and noncriminal justice purposes~~   _____

5. What information is contained in the results for fingerprint-based noncriminal justice background checks? *(Check all that apply.)*

   ❒ Full record

☐ Convictions only

☐ Juvenile records

☐ Arrests without disposition–over 1 year old

☐ Other _____

6. What percentage of fingerprint-based noncriminal justice transactions are identified against arrest fingerprints?

_____ %

7. Does the repository attempt to locate missing disposition information before responding to a fingerprint-based noncriminal justice inquiry?

☐ Yes   ☐ No

NAME-BASED SEARCHES

8. How many name-based noncriminal justice background checks did your repository perform in 2018? (a+b+c+d = e)

(a)   Received via Internet   _____

(b)   Received via mail   _____

(c)   Received via telephone   _____

(d)   Other   _____

(e)   Total   _____

INTERNET ACCESS

9. Does your repository provide web-based noncriminal justice background checks to the public?

☐ Yes   ☐ No

10. Are fees involved for Internet access for the general public (not including any registration or account fees)?

☐ Yes, Fee $ _____   ☐ No

BULK SALE OF CRIMINAL HISTORY DATA

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11. (a) Do you provide bulk copies of criminal history records to private background check companies?

     ❐ Yes   ❐ No

(b) If so, how are data provided? *(Check all that apply.)*

     ❐ One-time data extractions
     ❐ Subscriptions
     ❐ Other (*briefly describe*) _____

(c) If a subscription service is offered, how frequently are subscriptions updated/validated?

     ❐ Annual updates
     ❐ Monthly updates
     ❐ Weekly Updated
     ❐ Other (*briefly describe*) _____

12. How are private background check companies notified if records have been sealed/expunged or are otherwise no longer considered public records? *(Check all that apply.)*

     ❐ Email
     ❐ Website
     ❐ Mail
     ❐ Other (*briefly describe*) _____

13. What are the legal obligations on the part of private background check companies to update records received from the state CCH repository?

     ❐ Updates must be made within 7 days
     ❐ Updates must be made with 30 days
     ❐ Updates must be made quarterly
     ❐ Other (*briefly describe*) _____

ADDITIONAL COMMENTS:

SECTION V:
~~IN-STATE RAP BACK SERVICES~~ Record Sealing and Expungements

---

This section completed by

Name _____   Title _____

Agency _____

Phone _____   Email _____

Date completed _____

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1. ~~Does your state currently provide an in-state criminal justice rap back service? *If no, skip to question 4.*~~

   ~~☐ Yes   ☐ No~~

2. ~~What are the purposes for which criminal justice agencies can be notified of a subsequent inquiry and/or record posting via your in-state criminal justice rap back service? *(Check all that apply.)*~~

   ~~☐ Error correction/record management update~~

   ~~☐ Investigative lead~~

   ~~☐ Sex offender~~

   ~~☐ Parolee~~

   ~~☐ Probationer~~

   ~~☐ Permit/privileged license revocation (i.e., CCW permit, gaming work card, etc.)~~

   ~~☐ Noncriminal justice purpose fingerprint search~~

   ~~☐ Other (describe) _____~~

3. ~~In 2018, how many in-state criminal justice rap back notifications were made to agencies for criminal justice purposes? _____~~

4. ~~Do you currently participate in the FBI's Next Generation Identification (NGI) rap back service for criminal justice purposes?~~

   ~~☐ Yes~~

   ~~☐ No~~

   ~~☐ Not currently, but my state has passed legislation to authorize participation~~

☐ No, but my state is considering legislation to authorize participation

5. Does your state currently provide an in-state noncriminal justice rap back service? *If no, skip to question 8.*

    ☐ Yes   ☐ No

6. (a) Is your in-state noncriminal justice rap back service authorized by state law or administrative regulation? *If no, skip to question 7.*

    ☐ Yes   ☐ No

   (b) Does the state law or administrative regulation specify the purposes in which noncriminal justice agencies can be notified of a subsequent inquiry and/or record posting?

    ☐ Yes   ☐ No

7. Does your in-state noncriminal justice rap back service have a subscription validation process similar to that required for NGI rap back participation, as described in the *NGI Rap Back Noncriminal Justice Policy and Implementation Guide*?

    ☐ Yes, for all subscription populations

    ☐ Yes, for some subscription populations

    ☐ No

8. What are the occupational groups in which noncriminal justice agencies can be notified of a subsequent record posting? *(Check all that apply.)*

    ☐ Individuals working with children

    ☐ Individuals working with the elderly

    ☐ Individuals providing healthcare

    ☐ Security guards

    ☐ Police, fire, public safety

    ☐ Other (describe) _____

9. In 2018, how many in-state noncriminal justice rap back notifications did your repository make to agencies for noncriminal justice purposes? _____

10. Does your in-state noncriminal justice rap back service impose a fee to enroll a subject's fingerprints for a prescribed period of time?

    ☐ Yes $ _____

    ☐ No

11. Does your in-state noncriminal justice rap back service impose a fee for noncriminal justice rap back notifications?

~~☐ Yes $_____~~
~~☐ No~~

Record sealing and record expungement definitions and practices vary widely across the states. For the purpose of answering questions in this section, the following definitions apply:

Sealed Record: Record is restricted from public access (if such access is available in your state) and is generally unavailable for employment and licensing purposes. Sealed records may be accessed on a limited basis – e.g., criminal justice employment, law enforcement investigations, research purposes, etc.

Expunged Record: All hard copy and electronic information about the arrest is destroyed/ obliterated. No information about the arrest or disposition is retained, and it is therefore unavailable for any purpose once expunged.

Since all states have some degree of automatic sealing or expungement of juvenile records, the following questions only apply to adult criminal history records.

1. Do you have statutes and/or policies that define procedures for criminal history record sealing and/or expungement?

    ☐ Yes, sealing only

    ☐ Yes, expungement only

    ☐ Yes, both sealing and expungement

    ☐ No

2. If a record is sealed, is it still accessible for research purposes?

    ☐ Yes   ☐ No

3. How are requests to seal/expunge records received? *(Check all that apply.)*

    ☐ In-person

    ☐ Mail

    ☐ Fax

    ☐ Online Portal/Website

    ☐ System-to-system request (e.g., courts submit requests from their RMS to the repository)

    ☐ Other (describe) _____

4. (a) Does your repository track the number of sealing/expungement requests it <u>received</u> in 2020?

    ☐ Yes   ☐ No

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(b) If yes, how many requests to seal records were received in 2020? _____

(c) If yes, how many requests to expunge records were received in 2020? _____

5. (a) Does your repository track the number of sealing/expungement requests it <u>approved</u> in 2020?

       ❑ Yes   ❑ No

(b) If yes, how many records were sealed in 2020? _____

(c) If yes, how many records were expunged in 2020? _____

6. (a) Does your repository track the number of sealing/expungement requests it <u>denied</u> in 2020?

       ❑ Yes   ❑ No

(b) If yes, how many requests to seal records were denied in 2020? _____

(c) If yes, how many requests to expunge records were denied in 2020? _____

7. What are the most common reasons that requests to seal/expunge records are denied? *(Check all that apply.)*

    ❑ Offense/crime for which the request is made is not eligible for sealing or expungement

    ❑ Individual's criminal history makes him/her ineligible

    ❑ Outstanding fines, fees, restitution, etc.

    ❑ Insufficient time has passed since the offense/conviction occurred

    ❑ Failure to provide necessary documentation to support the request

    ❑ Other (describe) _____

AUTOMATIC SEALING AND EXPUNGEMENT

Some states have adopted laws and/or policies to automatically seal/expunge records — i.e., where the subject of the record does not have to file a petition to have the record sealed or expunged. Questions 8–10 are only concerned with automatic sealing and expungements.

8. In 2020, were any records automatically sealed/expunged in your state?

    ❑ Yes, sealing only

    ❑ Yes, expungement only

    ❑ Yes, both sealing and expungement

    ❑ No

9. How many adult records were automatically sealed in 2020? _____

10. How many adult records were automatically expunged in 2020? _____

ADDITIONAL COMMENTS: