

## Attachment 2 – Additions to the 2018 Survey for 2020

### SECTION I: REPOSITORY

3. (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? \_\_\_\_\_
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)?
- Yes     No
- (b) If yes, which metrics do you monitor? (*Check all that apply*)
- Number of arrests reported by agency
  - Arrests that are missing dispositions
  - Time from arrest to disposition
  - 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*) \_\_\_\_\_

## **SECTION II: ARREST/FINGERPRINT REPORTING AND ENTRY**

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? \_\_\_\_\_

## **SECTION IV: NONCRIMINAL BACKGROUND CHECKS**

### **BULK SALE OF CRIMINAL HISTORY DATA**

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*) \_\_\_\_\_

## **SECTION V: RECORD SEALING AND EXPUNGEMENTS**

*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 received in 2020?

- Yes
- No

(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 approved 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 denied 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? \_\_\_\_\_