

Department of Public Safety Criminal Information Services Bureau, Access Integrity Unit, and Fingerprint Identification Bureau (Report Highlights)

October 1, 2001

The Department of Public Safety (DPS) serves as the central repository of criminal history records and related criminal justice information in Arizona. DPS maintains a computerized system of databases that contain different types of criminal justice information, such as criminal history records for offenders arrested in Arizona and fingerprints from arrest records. DPS oversees criminal justice agencies' input of information into the system and their use of the information.

Our Conclusions:

Because DPS is responsible for the State's criminal history information, it needs to do more to ensure that records in the system are complete. Further, DPS needs to find ways to expedite and improve fingerprint background checks.

Almost One-Half of Criminal History Records Are Incomplete

DPS is responsible for ensuring that criminal justice agencies, such as the police, county attorneys, and the courts, accurately record an individual's criminal history information. The criminal history record is complete when DPS has information about the outcome, or disposition, of each arrest charge.

Criminal history information important—

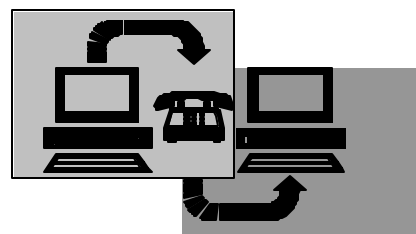
Complete and accurate records are important for criminal justice and non-criminal justice purposes. For example, they are used to:

- Ensure that judges make appropriate sentencing decisions.
- Prevent people who have committed certain offenses from purchasing handguns or working with children.

Some past problems corrected—In 1990, auditors found problems with untimely and inaccurate data entry. For example, DPS had a backlog of 100,000 forms awaiting data entry. DPS has since corrected these problems. DPS now:

- Checks the accuracy of entries against paper records; and
- Enters data within 30 days of receipt.

DPS has also made it easier for criminal justice agencies to submit criminal information. For example, DPS helped fund electronic fingerprinting equipment in all the sheriffs' offices. As a result, DPS now receives 93 percent of fingerprints electronically.



Incomplete records remain a problem—

The 1990 report also found that many records did not have final dispositions. This problem still exists:

- Forty-six percent (839,000) of charges dating between 1995 and 1999 have no record of disposition.
- Arizona is 1 of 12 states with less than 50 percent of records containing final dispositions.

Records lack dispositions and other important information largely because other agencies do not report needed information even though the law requires them to do so. For example, in one county:

- The sheriff's office has failed on numerous occasions to report all charges in arresting officers' reports; and
- In many of the cases where the county attorney dropped the charges, it was not reported to DPS.

In 1999, DPS began a program to review, on a county-by-county basis, the reporting of criminal history information. These reviews help DPS to:

- Evaluate the accuracy and completeness of criminal history records; and
- Correct identified problems through training.

Although DPS completed reviews in four rural counties, a grant used to fund the program ended. This grant had funded three staff positions. Currently, DPS only has one staff member to perform these reviews.

DPS should:

- ✓ Develop a plan for regular reviews in all counties.
- ✓ Request funding for necessary staff.
- ✓ Ensure that the reviews' recommendations and training address the reasons why problems occur.

DPS Should Expedite and Improve Background Checks

DPS performs two types of background checks for employment or licensing purposes. In many cases, state law requires these checks for persons that work with children or vulnerable adults. Depending on the type, the background checks take from approximately five weeks up to nearly three months to complete. The two types of checks are:

Clearance card checks:

- Required by Departments of Education, Economic Security, and Health Services for persons who work with children and vulnerable adults.
- DPS and FBI's searches are fingerprint-based.
- DPS determines eligibility for the clearance cards. These cards are valid for three years but can be suspended if a person commits a disqualifying offense.
- In 2000, the majority of checks were completed within 83 days.
- Over 45,000 checks were conducted in 2000.

General employment/licensing checks:

- Required by agencies such as Gaming, Insurance, and Nursing Board.
- DPS' search is based on applicant's name, DOB, and social security number.
- FBI's search is fingerprint-based.
- Requesting agency determines eligibility for employment or license.
- Typically takes about 36 days to complete check.
- Approximately 140,000 checks were conducted in 2000.

Computer upgrades could improve process—Computer upgrades could help DPS speed up the background checks and do a more thorough job. With better technology:

- The FBI portion of background checks could be completed in 24 hours or less if DPS could send fingerprints to the FBI electronically.
- DPS could do fingerprint searches, rather than just name searches, on the 140,000 annual general employment/licensing background checks.

In 1999, DPS estimated it would cost \$2.8 million for the first year for the computer upgrades and \$950,000 annually for ongoing staffing and maintenance costs to



1) submit fingerprints electronically to the FBI, and 2) to perform fingerprint-based searches for all applicants. Some of the costs could be covered by a small fee increase. For example, a \$4 increase in the current background check fees would generate more than \$1 million annually. These fees now range from \$18 to \$44 depending on the type of check. However, several factors have changed since 1999, so DPS should update its cost estimates.

Join an interstate compact—DPS should also continue efforts to join the National Crime Prevention and Privacy Compact. The Compact was established to help participating states exchange criminal history information for purposes such as background checks. Joining will allow DPS to:

- Conduct its own national background searches if an applicant has a criminal record in Arizona.
- Receive more comprehensive criminal history records more quickly.

Although the Governor ratified the Compact by Executive Order in August 2001, the other 13 participating states had their legislatures ratify the Compact in order to join it. Other ratifying states are also working with the FBI to make changes to their data systems and processes to become full participants. However, the states we spoke to reported little or no start-up costs were required.

DPS should:

- ✓ Revise its estimates and separate costs for:
 - Electronically exchanging fingerprint information with the FBI; and
 - Completing fingerprint-based searches for all applicants.

While both of these are important, they could be pursued separately.

- ✓ Raise fees as necessary to support the upgraded system's maintenance and personnel costs if the program is to remain self-funded.

- ✓ Seek legislative approval of the Compact.
- ✓ Work with the FBI to make changes to its data system and processes to fully participate in the Compact.

To Obtain More Information

- A copy of the full report can be obtained by calling (602) 553-0333 or by visiting our Web site at:

www.auditorgen.state.az.us

- The contact person for this report is ***Dot Reinhard***.