

National Crime Prevention and Privacy Compact and Council Handbook

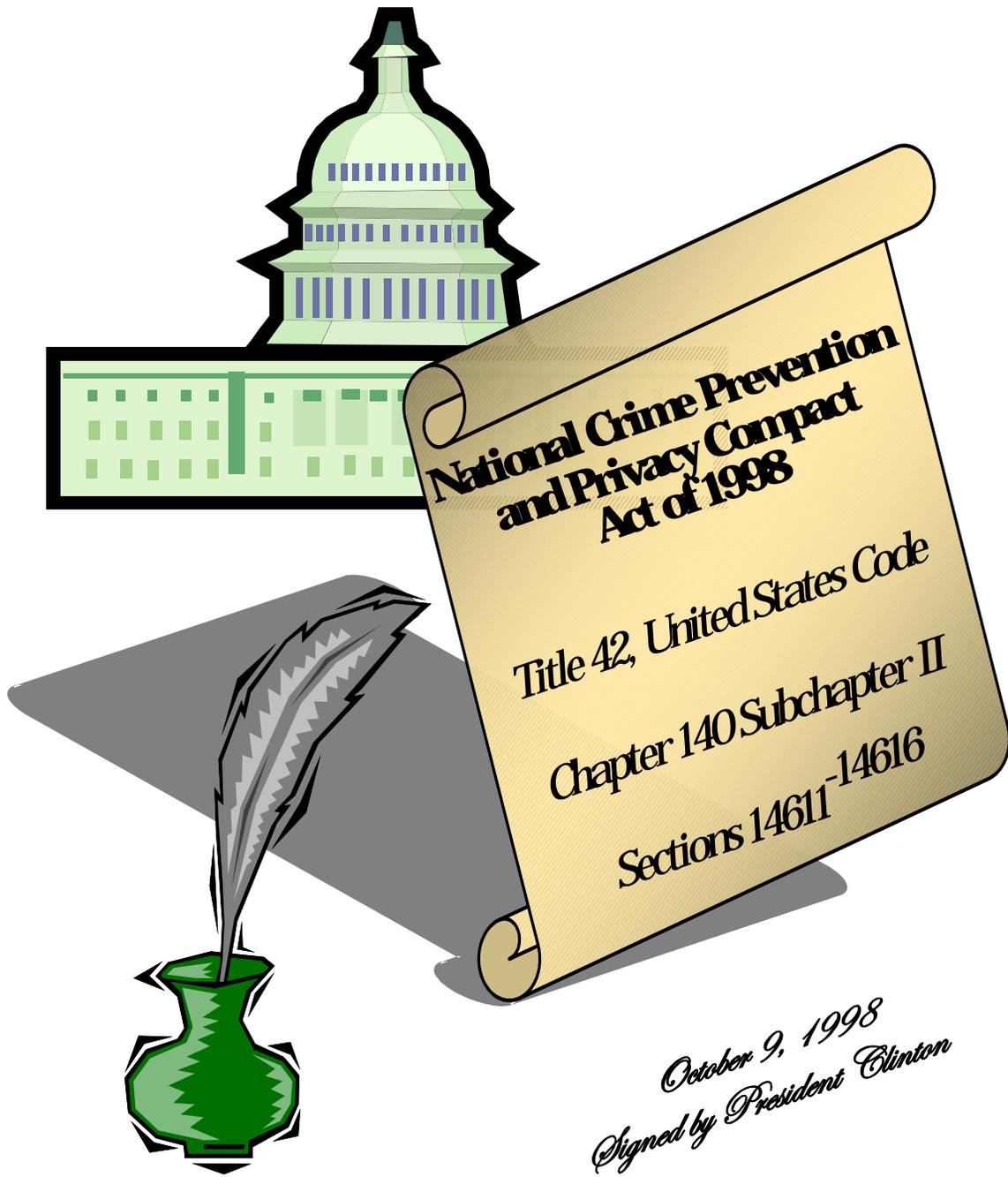


Table of Contents

History of the National Crime Prevention and Privacy Compact Act of 1998	3
The National Crime Prevention and Privacy Compact Council	4
Council Mission Statement	6
Compact Council Organization Chart	7
Council's Committees	8
Executive Committee	8
Dispute Adjudication Committee	8
Evaluation Committee	8
Policy And Planning Committee	9
Sanctions Committee	9
Standards Committee	9
Overview of the III and Importance of the Compact	10
Why do States Need the Compact?	11
Steps to Decentralization	12
Benefits of Participating in III and Ratifying the Compact	13
Compact Council Rulemaking Process	15
<u>Federal Register Publications</u>	16
FBI Travel Reimbursement Policy	17
Contact Information	19
Bibliography	20

History of the National Crime Prevention and Privacy Compact Act of 1998

It was determined in the late 1970s that state criminal history records were more accurate and complete in that the states may have additional arrest and disposition information from state files, such as District Attorney records and court records. Because states have varying statutes or policies that restrict the dissemination of records for noncriminal justice purposes, it was determined a Federal law, or Compact, was necessary to provide interstate criminal record dissemination authority. For this reason, landmark legislation was signed into law on October 9, 1998 - The National Crime Prevention and Privacy Compact (Compact). This legislation continues the dynamic movement toward decentralization of criminal history record information that began in 1978. The Compact became effective April 28, 1999, when ratified by two states, Montana and Georgia (See 42 U.S.C. Sections 14611-14616).

The Compact establishes an infrastructure to exchange criminal history records for noncriminal justice purposes according to the law of the requesting state, and it provides reciprocity among the states to share records without charging each other for the information. Requests for criminal history information include, but are not limited to, security clearances and background checks for licenses and for applicants in sensitive occupations such as child and senior care.

As other states ratify the Compact through their legislative process in the months ahead, there will be increasing use of records from state record systems and less reliance on FBI-maintained records.

The FBI will facilitate state criminal record exchange by providing national name and fingerprint indices. These indices provide a basis for positive identification of record subjects at the national level and an automated pointer system that provides a link between the criminal history records systems maintained within each state and the FBI.

The goal is to make available the most complete and up-to-date records possible for noncriminal justice purposes.

The National Crime Prevention and Privacy Compact Council



The Compact established a 15-member Council whose members are appointed by the U.S. Attorney General. The Council is comprised of representatives from Federal and state criminal and noncriminal justice agencies. The Council monitors the operations of the Interstate Identification Index (III) System, a national system which facilitates the exchange of automated criminal history record information. The Council also promulgates rules and procedures for the effective and proper use of the III System for noncriminal justice purposes.

The Council shall meet at least once a year at the discretion of the Chairman. The Council shall provide public notice in the Federal Register prior to the meeting, including matters to be discussed at the meeting. Additionally, Council meetings are open to the public. The Council may establish committees as necessary and may prescribe their membership, responsibilities, and duration.

A majority of the Council or any Council committee constitutes a quorum for business. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote. All rules, procedures, or standards established by the Council are made available for public inspection and copying at the Compact Office.

The Council will exist as long as the Compact remains in effect and is located within the FBI for administrative purposes. The Attorney General appoints the 15-member Council as follows:

- * Nine members selected from Compact Officers of Party States based on the recommendation of the Compact Officers of all Party States. These members serve a two-year term.
- * Two at-large members nominated by the FBI Director which 1) represent criminal justice agencies of the Federal Government (not an FBI employee) and 2) represent noncriminal justice agencies of the Federal Government. These members serve a three-year term.
- * One member nominated by the FBI Director which is an employee of the FBI. This member serves a three-year term.
- * Two at-large members nominated by the Chairman of the Council: 1) representative of State

or local criminal justice agency; 2) representative of State and local noncriminal justice agency. These members serve a three-year term.

* One member who serves on the FBI's Advisory Policy Board (APB) on criminal justice information services. This member is nominated by the APB and serves a three-year term.

Each member may be reappointed by the Attorney General an infinite number of times.

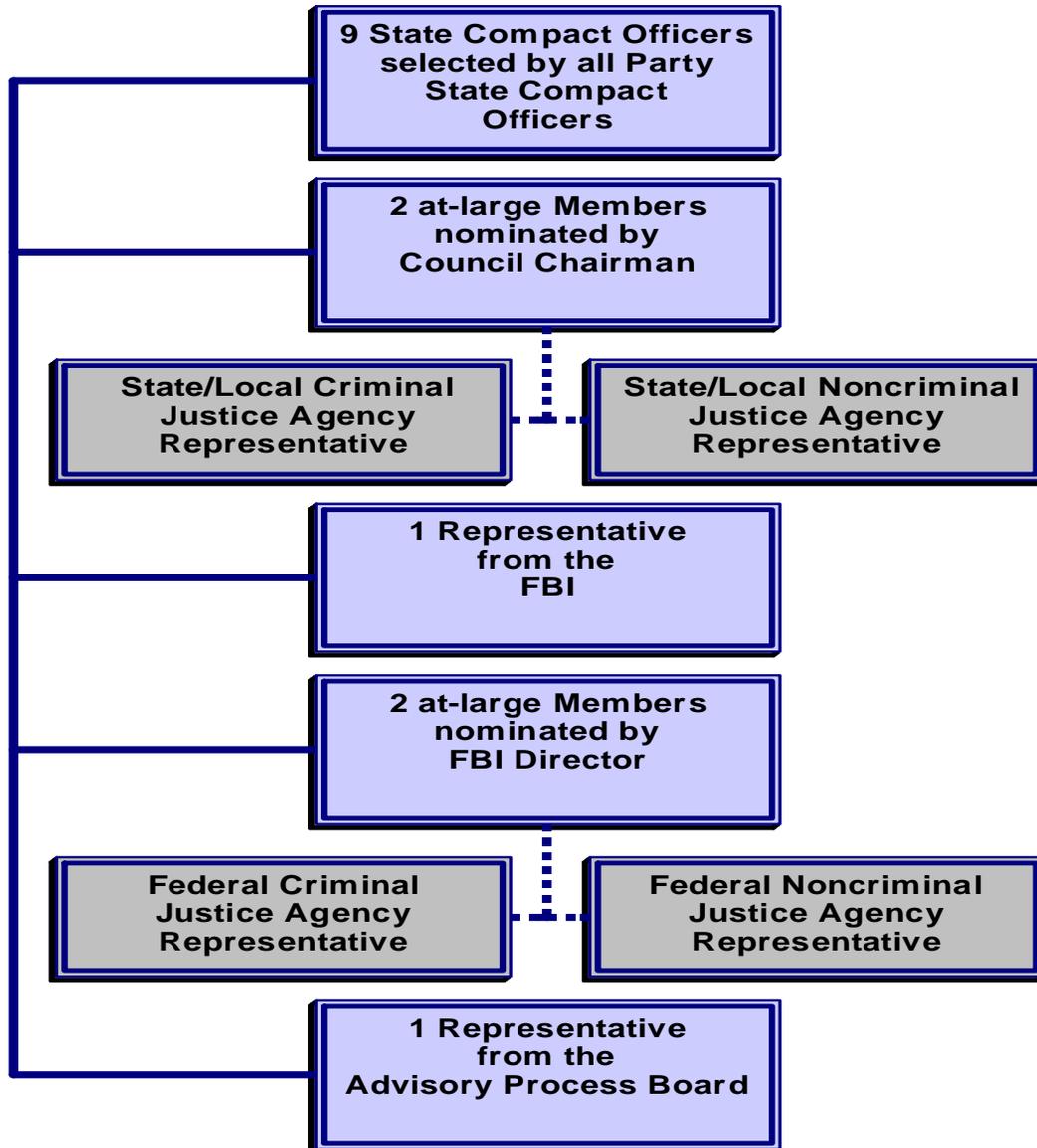
The Chairman and Vice Chairman are elected by the Council. Both Chairman and Vice Chairman are Compact Officers unless there is no Compact Officer on the Council who is willing to serve, in which case the Chairman may be an at-large member. The Chairman and Vice Chairman serve a two-year term and may be reelected to only one additional two-year term.

Council Mission Statement

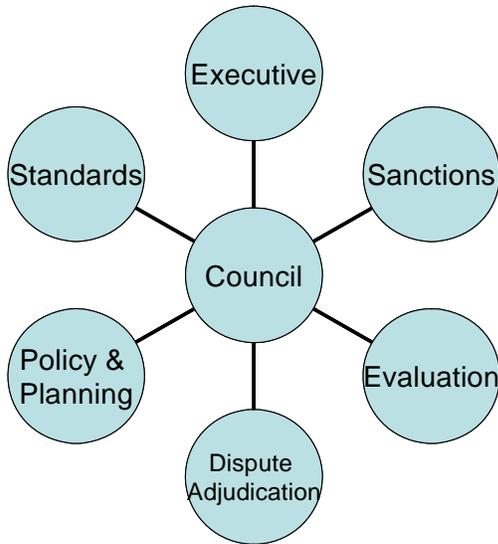
THE COMPACT COUNCIL

as a national independent authority, works in partnership with criminal history record custodians, end users, and policy makers to regulate and facilitate the sharing of complete, accurate and timely criminal history record information to noncriminal justice users in order to enhance public safety, welfare and security of Society while recognizing the importance of individual privacy rights.

Compact Council Organization Chart



Council's Committees



The Council Chairman may establish committees as necessary to carry out the Compact and may prescribe their membership, responsibilities, and duration. Committees may be composed of both Council members and individuals who are subject matter specialists but are not Council members.

Due to the unique working knowledge of Council members who shall be appointed to serve on Council committees, the members are expected to attend committee meetings whenever possible. If it becomes necessary to send a proxy, the committee member should ensure that the proxy has the appropriate subject matter expertise.

An FBI representative shall attend all committee meetings and provide administrative support.

Executive Committee

The Executive Committee handles matters that arise between meetings of the Compact Council.

Dispute Adjudication Committee

The Adjudication Committee performs preliminary duties that might be necessary prior to an actual hearing. The committee also works on questions of interpretation of the Compact and prepare responses to inquiries about rules and standards established by the Compact Council.

Evaluation Committee

The Evaluation Committee evaluates rules, procedures, and standards implemented by states for conformance.

Policy And Planning Committee

The Policy and Planning Committee updates and monitors the Council's strategic plan and bylaws, assists states with Compact ratification, and formulates policies governing the use of the III System for noncriminal justice purposes.

Sanctions Committee

The Sanctions Committee's charter assesses compliance with Compact provisions and Council rules, procedures, and standards prescribed by the Council; and recommends remedial action for noncompliance.

Standards Committee

The Standards Committee assesses technical and performance standards, and sets procedures and rules regarding the use of the III System for noncriminal justice purposes.

Overview of the III and Importance of the Compact

The III System is an index pointer system that ties computerized criminal history record files of the FBI and the centralized files maintained by each III participating state into a national system. This system serves as the vehicle for data sharing and integration across the country. Eventually, when all of the states become full participants in this system, the FBI's centralized files of state offender records will be discontinued and all users of criminal history records, for both criminal justice and authorized noncriminal justice purposes, will obtain those records directly from the states' central computerized files.

The FBI also maintains the **National Fingerprint File (NFF)** which contains fingerprints of all the individuals in the index. The NFF provides a means of positive identification of subjects in the index and can be searched to identify individuals who give false names to police or employers in an attempt to hide their criminal pasts.

Three Reasons Why Ratification of the Compact Is Crucial in the Success of Implementation of the Decentralization Phase of the III System

Assured Record Availability

The FBI loses its ability to ensure that records will be available to the many agencies, including large Federal agencies, as the FBI's files of State criminal history records are decentralized. These agencies will become dependent on the State repositories, and there needs to be a way of assuring that these records will remain available for all authorized III users and purposes.

Uniform Interstate Dissemination Policy

The Compact supersedes conflicting state laws; thus, ratification of the Compact by the states will have the effect of amending some of their record dissemination laws. The Compact amends the dissemination laws to the extent necessary to overcome existing restrictions that keep most State repositories from being able to participate in the III System as providers of records for noncriminal justice purposes. Further, after ratifying the Compact, no state will be able to reinstitute any such restrictions by legislation because any such statute would be in conflict with the Compact and thus void.

Strong State Role

States need the assurance of a policy voice sufficient to protect their interests as the III System evolves. Since the criminal history records available through the III System will be predominantly state-maintained records, the states need assurance that the use of these records will be consistent with state concerns in areas such as privacy, system security, and data quality.

Why do States Need the Compact?

State laws and policies regarding the dissemination of criminal history record information for noncriminal justice purposes vary widely. Ratification of the Compact enables a state to become an "open record" state by permitting the interstate exchange of criminal history records for noncriminal justice purposes.

National background checks are deemed necessary in today's transient society in order to protect our nation's most vulnerable assets - the elderly, disabled, and children. Hence, there is an ever increasing need to evaluate or determine eligibility for various employment and volunteer positions. The demand for background checks for employment and volunteer purposes has more than doubled in recent years.



Steps to Decentralization

1) States participate in the III

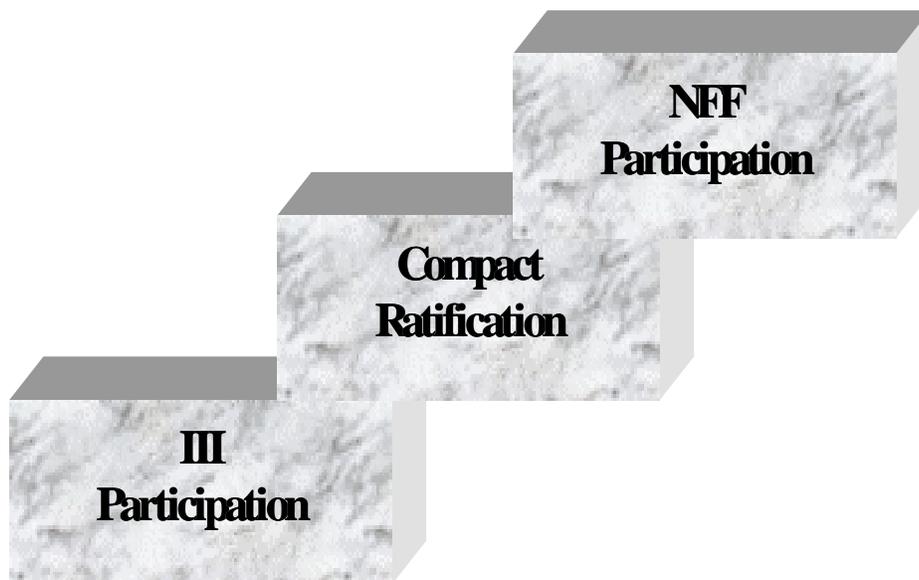
The state's centralized criminal history record repository agrees to make its III indexed records available in response to requests from Federal and out-of-state criminal justice agencies for criminal justice purposes. The FBI maintains a duplicate record to meet the needs of Federal, state, and local noncriminal justice agencies and private entities that use III information for authorized noncriminal justice purposes.

2) States ratify the Compact

States must make all unsealed criminal history record information available in response to authorized noncriminal justice requests. The Compact, when signed by a state, supersedes any conflicting state laws, and this allows for uniform dissemination among states, while ensuring that each state will participate in the NFF program.

3) State participation in the NFF

The NFF concept places the management and responsibility for the effective control, collection, maintenance, and dissemination of state record files solely with the state. NFF states respond to record requests for all authorized purposes, and the FBI ceases to maintain duplicate records.



Benefits of Participating in III and Ratifying the Compact

A Standard for Uniform Criminal History Record Dissemination

Ratification of the Compact will establish a uniform, nationwide standard governing the interstate dissemination of criminal history records for noncriminal justice purposes.

This will ensure Federal agencies will continue to receive the state criminal records needed to screen persons for employment in sensitive positions and for other authorized purposes. In addition, authorized state agencies will continue to receive the out-of-state records needed to screen state employees and licensees.

Each state will determine what criminal history record information is disseminated within its borders for noncriminal justice purposes. States will continue to apply their own dissemination laws to in-state use of their own records, and will screen out-of-state records received through the III System pursuant to their own laws.

Elimination of Duplication and Cost Avoidance

Duplicate maintenance of criminal history records by the states and the FBI, and attendant costs, will be eliminated. The states will be relieved of the burden and cost of submitting all arrest fingerprints and charge/disposition data to the FBI. Instead, the states will submit to the FBI only fingerprints and textual identification data for each person's first arrest and update the FBI's index and NFF.

The FBI will be relieved of the burden and cost of 1) maintaining records on state offenders and 2) receiving and processing fingerprint cards for all state arrests.

Increased Record Quality

There will be an increase in the completeness of records made available on an interstate basis for both criminal justice and noncriminal justice purposes. As a result, records maintained at the state repositories may contain additional arrest disposition information than at the FBI's files. Also, many of the states maintain records of some misdemeanor offenses that have not been submitted to the FBI.

Increased System Security

Written agreements will be developed covering authorized access, transaction logs, and record validation by record providers.

Faster Response Times

Some noncriminal justice users will receive faster response times through electronic responses rather than mailed responses from the FBI.

Cost Savings

Full participation in the III should result in no significant new burdens and probably result in an overall cost savings. Additionally, NFF evaluations have confirmed that start-up costs are reasonable and the FBI and participating states have experienced cost savings. Cost savings are being realized at the local level because fingerprint cards are no longer sent to the FBI for second and subsequent arrests.

Compact Council Rulemaking Process

Approved at January 8-9, 2002, Compact Council meeting.

1. Council drafts a proposed rule, with the support of CJIS staff and FBI Office of the General Counsel (OGC) Access Integrity Unit (AIU).
2. FBI forwards draft proposed rule to FBI Headquarters OGC and to the Department of Justice (DOJ) for review and comment by the Office of Legal Policy (OLP) and the Office of Legal Counsel (OLC).
3. Council approves the Proposed Rule for publication in the Federal Register and direct circulation to interested parties identified by the Council (e.g. Control Terminal Officers, CJIS APB), specifying a deadline for submitting comments.
4. Council reviews comments received and drafts Final Rule, with support from CJIS staff and OGC's AIU.
5. FBI forwards draft Final Rule to DOJ for review and comment by OLP and OLC.
6. Council publishes Final Rule.

Federal Register Publications
12/15/2005

Part 901 - Fingerprint Submission Requirements

1. 09/13/2005 - Notice of Approval of FEMA Proposal
2. 06/22/2005 - Final Amended Rule
3. 12/05/2003 - Proposed Amendments to the Rule
4. 09/19/2003 - Notice of Approval of TSA Proposal
5. 08/08/2003 - Notice of Approval of Amended Florida Proposal
6. 05/21/2001 - Notice of Approval of Florida Proposal
7. 05/21/2001 - Final Rule

Part 902 - Dispute Adjudication Procedures

1. 11/26/2003 - Final Rule
2. 11/25/2002 - Proposed Rule

Part 903 - Skipped

Part 904 - Record Screening

1. 06/22/2005 - Final Rule
2. 02/17/2005 - Proposed Rule

Part 905 - National Fingerprint File Qualification Requirements

1. 06/22/2005 - Proposed Rule
2. 06/22/2005 - Notice of Approval
3. 12/13/2005 - Final Rule

Part 906 - Noncriminal Justice Outsourcing

1. 12/16/2004 - Interim Final Rule
2. 12/16/2004 - Notice of Security and Management Control Outsourcing Standards
3. 02/27/2003 - Notice of Intent to Publish a Rule Permitting the Privatization of Noncriminal Justice Criminal History Record Check Functions
4. 12/15/2005 - Final Rule
5. 12/15/2005 - Notice of Combined Security and Management Control Outsourcing Standard

Part 907 - Sanctions

1. 02/17/2005 - Proposed Rule
2. 11/18/2005 - Final Rule

Miscellaneous

1. 06/22/2005 - Notice of Two Accepted Methods for Determining Positive Identification for Exchanging Criminal History Record Information for Noncriminal Justice Purposes

FBI Travel Reimbursement Policy

U.S. Government-Issued Airline Tickets

The U.S. Government enters into contracts with the commercial airlines to provide transportation for individuals traveling on U.S. Government business. These Government-rate airline tickets are available between most cities. In some instances more than one carrier will enter into a contract with the U.S. Government to provide transportation between two cities or city-pairs. To reduce the overall cost of meetings to the U.S. Government, the FBI purchases these refundable Government-rate airline tickets for travel to all Compact related meetings. All airline tickets are issued through Electronic Ticketing. Paper tickets will only be issued where Electronic Ticketing is not available. Airline passenger receipts must be provided to the FBI for reimbursement.

Changes to FBI-Purchased Airline Tickets



Should the traveler wish to change flights, the FBI will make these changes as long as there is no additional expense incurred by the Government. If a flight change results in additional expense, the change can be made only if the traveler wishes to assume responsibility for the payment of the additional expense. This additional expense will not be reimbursed by the FBI.

Driving a Personally-Owned Vehicle

If the traveler wishes to use a personally-owned vehicle to drive to the meeting, the FBI will reimburse the lesser of (a) the actual mileage times the prevailing reimbursement rate, or (b) the amount of a Government-rate airline ticket between the two points of travel.



Rental Cars

All rental car usage must have FBI headquarters preapproval prior to reimbursement being issued to a Council/Committee member or proxy. The use of rental cars is approved on a very limited bases. It is recommended that alternative forms of public transportation be utilized. Any fuel charges billed by the rental car agency **will not be reimbursed.**

Taxi Fares

Any taxi fare over the amount of \$25.00 requires a receipt for voucher

reimbursement. It is requested that a receipt be obtained for any taxi services regardless of the amount involved. This will ensure that adequate reimbursement may be approved.

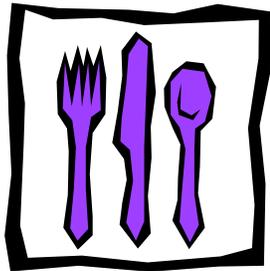


Per Diem Allowances

For each full calendar day that the Advisory Process member is in a travel status and lodging is required, the member shall be reimbursed the prescribed Federal lodging rate for the locality plus the applicable meal and incidental expense (M & IE) rate.



The M & IE rate payable for the first and last days of travel is three-fourths of the applicable M & IE rate prescribed for the meeting locality. The Council/Committee member or proxy shall be reimbursed the full M & IE rate for each full calendar day he/she is in travel status.



Travel Vouchers and Reimbursement

The Advisory Groups Management Unit (AGMU) will distribute travel vouchers during the meetings. Each Council/Committee member or proxy should complete the cover sheet, sign the actual travel voucher, and return these forms, along with necessary receipts, to the AGMU for processing.

Reimbursement checks are usually mailed within one month of the date the travel voucher is mailed to the FBI.

Travel reimbursement checks can only be made payable to the traveler and not to the

traveler's office/organization.



Contact Information

The Compact Council's Office is located
within the FBI's Criminal Justice Information Services Division
in Clarksburg, WV

For more information contact the:

Compact Council Office
1000 Custer Hollow Road
Clarksburg, WV 26306
(304) 625-2803

www.fbi.gov/hq/cjisd/web%20page/cc.htm

Points of Contact:

FBI Compact Officer
Mr. Gary S. Barron
Telephone: 304-625-2803
email: gary.barron@leo.gov

Council Chairman
Ms. Liane M. Moriyama
Telephone: 808-587-3110
email: lmoriyam@hcjdc.hawaii.gov

Bibliography

SEARCH, The National Consortium for Justice Information and Statistics, U.S.
Department of Justice, Office of Justice Programs, *National Crime Prevention and
Privacy Compact: Resources Materials*, Washington, D.C., 1998.

Advisory Groups Management Unit (AGMU), FBI, CJIS Division, *Advisory Process
Information Handbook*, Clarksburg, WV, 1998.