

**NATIONAL CRIME PREVENTION AND PRIVACY COMPACT
COMPACT COUNCIL MEETING
ALBUQUERQUE, NEW MEXICO
FEBRUARY 13, 2001
MINUTES**

The meeting of the Compact Council was called to order at 9:00 a.m. on February 13, 2001, in the Sheraton Albuquerque Uptown, Albuquerque, New Mexico, by Compact Council Chairman Wilbur Rehmann.

Chairman Rehmann called the roll of the Compact Council members. The following Compact Council members were in attendance:

State Compact Officers:

- Mr. Dennis DeBacco, Nevada Highway Patrol
- Mr. Paul Heppner, Georgia Bureau of Investigation
- Mr. Wilbur Rehmann, Montana Department of Justice
- Ms. Donna Uzzell, Florida Department of Law Enforcement
- Mr. Terrance Hoil, Iowa Division of Criminal Investigation
- Major Mark Huguley, South Carolina Law Enforcement Division
- Lt. Col. Marjorie Kolpa, Connecticut State Police
- Mr. Allan Stanley, Colorado Bureau of Investigation

Chief Administrator of Non-Compact State:

- Lt. Col. Jeffrey Harmon, Maine State Police

State/Local Non-Criminal Justice Agency Representative:

- Ms. Janet Jessup, New Mexico Gaming Control Board

State/Local Criminal Justice Agency Representative:

- Lt. Clifford Daimler, Oregon State Police

Federal Non-Criminal Justice Agency Representative:

- Ms. Kathy Dillaman, Office of Personnel Management

Federal Criminal Justice Agency Representative:

- Inspector John Swanson, U.S. Postal Inspection Service

Advisory Policy Board Representative:

- Mr. William Casey, Boston Police Department

Federal Bureau of Investigation Representative:

- Mr. David Loesch, FBI CJIS Division

Chairman Rehmann introduced the Assistant Attorney General from the state of Montana, Ms. Ali Sheppard, who accompanied him to provide legal council in the event the Council would have need of legal services. Also noted in attendance, the FBI Interim Compact Officer, Ms. Cathy Morrison and Programs Development Section Chief, SSA Tom Bush of the CJIS Division. Meeting attendees in the gallery were introduced. (See Attachment 1).

ii The facilitator's role in the meeting:

- _ Manage the process
- _ Keep the group on target
- _ Encourage participation
- _ Record ideas

Ms. Fails briefly outlined the following rules for the planning session discussion:

- _ All ideas are accepted
- _ Everyone participates
 - No one dominates
- _ Enough is enough
- _ Everyone must be willing to find common ground

Ms. Fails stated the following as anticipated outcomes for the meeting:

- _ Develop a working Mission Statement for the III Compact
- _ Identify short and long range goals (**2001- 2006**)
- _ Identify the next steps necessary in the process

Ms. Fails provided the group two chances during the meeting to answer the question "WHAT IS ON YOUR MIND?" Chairman Rehman offered the following as areas of concern: The need to determine how to function as an independent council; how to manage changes in personnel (***representatives from within the FBI - Mr. Emmet Rathbun and Mr. Dave Loesch***); and the definition of criminal justice.

Ms. Fails defined a "vision statement" as identifying what you want your organization to be. It conveys a picture of where you want to go and how you want to get there. The "mission statement" identifies clearly for all concerned - employees, customers, suppliers, and constituent groups - exactly for what the organization stands for and precisely why they should support it.

Ms. Fails coordinated a brainstorming exercise and listed areas of importance to the Compact Council members. The Council identified the following key elements as critical aspects to be included in the vision statement:

1. Independence - financial wherewithal;
2. National Recognition/Public Awareness;
3. Facilitating exchange of information;
4. Establishing partnership(s);
5. Responsive and proactive; and
6. Safety.

The Council developed the abovementioned elements into a vision 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 non-criminal justice users in order to enhance public safety, welfare and security of Society while recognizing the importance of individual privacy rights. "

Ms. Fails asked the Council to next consider the development of a mission statement. She offered that most mission statements contain a " who, a what, a where, a when, and a how". After much discussion, the Council agreed that the vision statement created was indeed their mission statement.

The Council was tasked with revisiting goals to support the mission statement. Four goals were identified:

1. **Increase the public's awareness and acceptance of the Council's role as the**
2. **Achieve ratification of the Compact by all states;**
3. **Seek input from, anticipate the needs of, and address issues raised by all**
4. **Become an independently funded and fully staffed body.**

Ms. Uzzell offered the following goal and it was added by the Council as goal #5:

5. **Improve the accuracy, completeness and timeliness of criminal justice**

The Council broke into groups to discuss the five goals. For discussion, the goals were grouped together based on overlapping or joint interest. The following are the goals/objectives developed.

Objectives derived from discussion on -

Goals #1: Increase the public's awareness and acceptance of the Council's role as the

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Goal #2: Achieve ratification of the Compact by all states.

1. Educate Council Members about the purpose of the Council and the issues facing this group.
2. Take steps to bring to the attention of the Political leadership the advantages for a state to become a c
 - a. Ask the Attorney General for a letter to Governors in non compact states; the state Attorney General and the House/Senate leadership should also be copied on the letter.
3. Formalize the relationship with APB to enhance the exchange of information.

4. Educate and facilitate involvement of both provider and user groups through regional and national seminars
 - a. Create an annual conference or symposium
 - b. Public relations campaign to include articles/letters to educate the public of the Council's existence

- Submit a letter to the State & Provincial Planning Officers Section
- Publish article in the CJIS Newsletter

5. Create a slogan and mascot for the Compact Council

Objectives derived from discussion on -

Goal #4: Become an independently funded and fully staffed body

1. Work with the CJIS Division to establish a dedicated fund within the FBI for Council Activities (**ASAP**)
2. Explore creative funding ideas and Research the proper approach to Congress to establish the following:
 - budget for expenses for meetings
 - budget for staff (administrative)
 - budget for legal counsel
 - budget for outreach
 - ® - ratification by non compact states
 - ® - constituency user groups
 - liaison with policymakers

Objectives derived from discussion on -

Goals #3: Seek input from, anticipate the needs of, and address issues raised by all parties of interest

Goal #5: Improve the accuracy, completeness and timeliness of criminal justice

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1. Establish a mechanism for the Council to obtain and solicit input from criminal justice and non-criminal justice users to address issues and needs in regards to the sharing of criminal history record information (CHRI).
2. Work with the APB and other interested parties to improve data quality and to provide for a timely, accurate, and cost efficient means to access CHRI.
3. Develop a process to monitor the maintenance and the dissemination of criminal history records through the III system for non-criminal justice purposes in compact and non compact states.

The Council members agreed the next steps in the process were to develop a work plan for each goal, specify the operation associated with each goal, identify goals as short, medium, and long term, giving consideration to budget and human resources, and to establish the prioritization and time frame of the goals.

The Council requested that CJIS staff compile an outline of the goals and distribute to each member. Each group will (by teleconference, E-mail, etc.) coordinate the development of a

working plan to include short, medium, and long term strategies (action items) for each of goals. The results will be forwarded to Ms. Morrison to compile/summarize for the May 2001 Compact Council meeting. The Council will allocate time on the May 2001 agenda to review the goals outlined, prioritize them, and develop a strategic plan with action items listed along with the party responsible for accomplishing next year's goal. It was requested the Council revisit the vision statement at the May 2001 Council meeting.

TOPIC #3Discussion of an annual conference on the Compact and Non-Criminal Justice

Issues

- Joint Conference**
- One time or Annually**
- Funding Mechanism**

Further discussion on the details and time frame of holding an annual conference or symposium was postponed due to Mr. Gary Cooper's absence. Chairman Rehmann expressed that he had previously discussed with Mr. Cooper the possibility of holding an annual conference or symposium and the possibility of SEARCH assisting with the funding of the conference.

Other Business

Lt. Col. Jeffrey Harmon presented an item brought to his attention by criminal and non-criminal justice users. The Compact Council's web site is only accessible through LEO and is not available from the FBI Home Page web site. Mr. Loesch stated the CJIS Division Home Page has been revised and will be available soon as a public web site. The FBI and all of it's functions, as well as the Compact Council, will be available. Ms. Morrison will disseminate the Compact portion of the Home Page for review and comment. Any comments/suggestions should be sent back to Ms. Morrison.

Chairman Rehmann circulated the final rule, including changes, on the emergency placement of children (Attachments 4-1 and 4-2). Mr. George Smith is working with Ms. Morrison on the process of publishing the rule, i.e., notice or final and how it should be forwarded to the Federal Register for publication. Mr. Loesch will also talk to Mr. Larry Parkinson to see if the FBI can pay for the publication of the rule with FBI funds if the Council submits the rule directly to the Federal Register as an independent body.

Compact Council Action:

Mr. Bill Casey made a motion that the Compact Council endorse these changes (see attachment 4) to the final rule on the emergency placement of children and move it forward as quickly as possible for publication. Mr. Dennis DeBacco seconded the motion. Motion carried.

Mr. Loesch shared with the Council the Office of General Counsel's (OGC) opinion of the rule. It is the OGC's view that the rule as proposed by the Compact Council does not comport with the provisions of the Compact. Specifically, the rule does not comply with 42 U.S.C. Section 14616, Article 5(b) and (c) because it allows direct access to the National Indices by entities

other than the FBI and state criminal history record repositories. However, OGC believes that such disclosure are legally unobjectionable under the authority of Public Law 92-544.

Mr. Danny Moye mentioned that OGC's statement is to inform the Council that OGC's staff doesn't agree with what has happened in the past but have arrived at a common goal. In the future, should the Council address analogous situations, OGC doesn't want the Council to be blind sided by OGC's opinion and comments.

Chairman Rehmann announced the Standards Committee would convene the following day at 8:30 A.M. The meeting was adjourned at 5:30 P.M. on February 13, 2001.

Others in attendance (in the Gallery):

Mr. Robert Armstrong - Colorado Bureau of Investigation, Identification Section
Ms. Paula Barron - FBI CJIS Division
Ms. Maria Fazalare - FBI CJIS Division
Ms. Grace George - Nevada Highway Patrol of Records and Identification Services
Mr. Jim Gray - FBI CJIS Division
Ms. Lori Kemp - FBI CJIS Division
Ms. Adrienne Leach - FBI CJIS Division
Mr. Tom Lehosit - FBI CJIS Division
Mr. Bob McKeever - Maryland Department of Public Safety
Mr. Danny Moye - FBI CJIS Division
Ms. Cindy Nielson - FBI CJIS Division
Ms. Ali Sheppard - Attorney General's Office of Montana
Mr. Cal Sieg - FBI CJIS Division
Ms. Barbara Wiles - FBI CJIS Division
Ms. Wendy Williams - FBI CJIS Division
Mr. Paul Woodard - SEARCH Group
Mr. Chris Yochim - FBI CJIS Division

February 1, 2001

Compact Council Planning Session Ideas SUGGESTIONS from the Chair--

Article II of Compact states: "...provide for the establishment of a Council to monitor the III System operations and to prescribe system rules and procedures for the effective and proper operation of the III System for non-criminal justice purposes; and to require the FBI and each Party State to adhere to III System standards concerning record dissemination and use, response times, system security, data quality, and other duly established standards, including those that enhance the accuracy and privacy of such records."

MISSION: The Compact Council shall establish itself as an independent, policy-making and enforcing body which shall seek its own independent legal counsel when interpreting the III Compact.

Goal 1: The Council shall become **the** body to resolve disputes relevant to non-criminal justice issues between individual states, the federal government and states, private sector businesses and non-profit organizations and state or federal government and the general public.

Goal 2: The Council shall be identified as **the** governmental entity with jurisdiction and/or interest in the non-criminal justice use of background checks.

Operational Requirements:

- . The Council must discuss and reach agreement on a definition of "non-criminal" justice versus criminal justice.

Compact states:

"Non-criminal justice purposes.—The term non-criminal justice purposes means uses of criminal history records for purposes authorized by Federal or State law other than purposes relating to criminal justice activities, including employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances."

Mark Huguley offers the following:

Criminal justice purpose means a matter in which a law enforcement or other criminal justice agency is an official party in interest, or such other matters as may be authorized to: 1) prevent crime, 2) maintain order, 3) enforce law, or 4) administer justice.

- . Make government agencies, private businesses, non-profit organizations and other organizations aware of its existence through public communication.

From the body of the compact flow certain activities that the Council must be involved in such as: standardized rap sheet design, transmission standards, dissemination issues, changes to standard 10-print rolled fingerprints for ID, setting of and enforcing sanctions.

In order to carry out its responsibilities the Council should consider the following process ideas:

1. Convene the Executive Committee one day prior to the Council meeting to discuss the status of agenda items pending Council review and any additional matters requiring immediate action. The meeting should include an invitation to the chairs of the Council's committees as necessary.

2. Identify Compact benefactors and create a plan to promote the Compact/Council among benefactors.

3. Identify a way to solicit topics from the non-criminal justice community - what interests or concerns are pending that the Council should consider.

4. Jointly develop a process with the APB for the APB/Council to identify and discuss issues/initiatives that impact both criminal justice and non-criminal justice e.g. the Web Check Initiative, Standardized Rap Sheet and others.

-end-

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MEMORANDUM

Date: Feb. 5, 2001
To: Wilbur Rehmman
From: Gary R. Cooper
Re: Compact Council Planning Session Ideas

I think the ideas set out in your e-mail message are all good ones. I have a couple of suggestions for additional discussion topics.

1. My first suggestion concerns the role of the Council in monitoring the use of the III System for noncriminal justice purposes. Prior to the effective date of the Compact and the creation of the Council, the monitoring role was played by the NFF Pilot Project Evaluation Group. At its meetings, the Evaluation Group reviewed operational reports from the FBI and the NFF state repositories that set out operational statistics and identified issues or concerns that needed to be addressed. If this practice were to be made a regular part of the Council's meetings, it would provide the Council with a way of monitoring III System operations on a continuing basis.
2. I also would like to see the Council assume a stronger role in promoting the Compact and seeking its ratification by additional states. One way to do this would be by periodically obtaining information from the FBI and NFF states concerning cost savings and other advantages realized through NFF participation and making this information available to other states. Another way would be to commission a study or analysis to show that the III decentralized system approach results in improved data quality for users. An analysis of the completeness of records available from III states for criminal justice purposes compared to state offender records available from the FBI should show that the quality of records made available for criminal justice purposes has improved substantially as a result of implementation of the III System. This improved record quality has not yet been realized by noncriminal justice users, however, because only four state repositories are participating as NFF states. Participation by more states will improve the quality of records available to noncriminal justice users all over the country.
3. I think the issue you raised concerning the definitions of "noncriminal justice purposes" and "administration of criminal justice" highlights an important issue that the Council must resolve--- its relationship with the FBI and the Advisory Policy Board. The dividing line between criminal justice purposes and noncriminal justice purposes marks the division of responsibility and authority between the FBI and the Compact Council. Ideally, issues concerning what purposes are criminal justice in nature (and within the purview of the FBI) and what purposes are noncriminal justice in nature (and within the purview of the Council) should be resolved by agreement between the FBI and the Council. Many other issues affect both criminal justice and noncriminal justice use of the III System, including issues concerning the standardized rap sheet, standards for 10-print rolled fingerprints for identification purposes and whether non-criterion offenses should be indexed in III. Hopefully, the Council and the FBI/APB will be able to work out an understanding concerning how issues of this type can be considered by both groups and resolved by mutual agreement. This would mean that some policies and even some regulations would be developed and promulgated jointly by the FBI and the Council.

Attachment 3

4. Finally, I suggest that the Council should set as a priority goal the development and promulgation of a comprehensive set of regulations governing the use of the III System for noncriminal justice purposes. Thus far, the Council has approved rules on a piecemeal basis as particular issues have arisen, such as the rule on delayed submission of fingerprints for emergency child placement purposes. It has not undertaken the development of comprehensive rules governing all aspects of noncriminal justice use of the III System, including procedures relating to such things as the submission of search requests, the processing of search requests by the FBI and state repositories, response times, the transmission of record responses, screening and editing requirements, limitations on use, security requirements and data quality standards. Some of these matters are dealt with by existing DOJ Title 28 regulations and others are based on policies developed and implemented by the FBI, some of which are set out in the III Program Operational and Technical Manual (Parts 6 and 7). Finally, the NFF Qualification Requirements approved by the Council deal with some of these issues. However, these requirements are applicable only to NFF states. There is no single comprehensive set of rules or regulations governing all aspects of noncriminal justice uses of the III System. The Council has the authority (and the responsibility) to develop such comprehensive rules and they should be applicable to uses in noncompact states as well as compact states. Rules governing such things as how requests are submitted, how record responses are transmitted, screening and editing requirements, limitations on use and security requirements should apply consistently to all states.

A review needs to be conducted of the Title 28 DOJ regulations, the III Operational and Technical Manual, the NFF Qualification Requirements and other sources to identify existing rules and policies that affect the use of the III System for noncriminal justice purposes. These policies need to be combined and augmented as necessary to produce a comprehensive set of rules that would be promulgated by the Council to govern the use of the III System for noncriminal justice purposes nationwide.

BILLING CODE: 4410-02

DRAFT 2-7-01

**COMPACT COUNCIL
NATIONAL CRIME PREVENTION AND PRIVACY COMPACT**

28 CFR Part 20

AGENCY: Compact Council.

ACTION: Final rule.

SUMMARY: The Compact Council, established pursuant to the National Crime Prevention and Privacy Compact (Compact), is publishing a rule interpreting the Compact's fingerprint-submission requirements as they relate to the use of the Interstate Identification Index (III) for noncriminal justice record checks during an emergency situation when the health and safety of a specified group may be endangered. The Council also is publishing a notice in the Federal Register that, pursuant to the rule, it has approved a proposal authorizing the delayed submission of fingerprints in connection with criminal history records searches conducted for the purpose of the emergency placement of children with temporary custodians.

NOTICE OF THE EFFECTIVE DATE: These procedures are effective immediately.

FOR FURTHER INFORMATION CONTACT: Mr. Wilbur Rehmann, Compact Council Chairman, Montana Department of Justice, 303 North Roberts, 4th Floor, Post Office Box 201406, Helena, Montana 59620-1406, telephone number (406) 444-6194.

SUPPLEMENTARY

The National Crime Prevention and Privacy Compact establishes uniform standards and processes for the interstate and federal-state exchange of criminal history records for noncriminal justice purposes. The Compact was approved by the Congress on October 28, 1998, and became effective on April 28, 1999 when ratified by the second state.

The Compact Council is composed of 15 members (with a minimum of 11 state and local governmental representatives), and is authorized by the Compact to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes. Such rules and procedures are required by the Compact to be published in the Federal Register. See 42 U.S.C. §14616, Articles II(4) and VI(e). This publication complies with that directive.

Background:

The Compact requires that search subject's fingerprints or other approved forms of positive identification "shall be submitted with all requests for criminal history record checks for noncriminal justice purposes." See 42 U.S.C. § 14616, Article V (a). The Compact Council recognizes the extreme reliability of fingerprint-based identifications and believes that the above quoted provision requires that, whenever feasible, fingerprints should be submitted contemporaneously with search requests.

However, the Council acknowledges that there are exigent circumstances in which time is a critical factor in decision making and in which the immediate fingerprinting of search subjects is not feasible. In such emergency circumstances, the Council believes that the Compact permits preliminary name searches of the III system to be conducted for noncriminal justice purposes, provided that search subject's fingerprints are obtained and submitted at the earliest time feasible. This procedure allows access to criminal history record information in a timely manner in exigent circumstances with follow-up positive identification assured by fingerprint submissions.

The rule published herein authorizes state criminal history record repositories and the FBI, upon approval by the Compact Council, to grant access to the III system in emergency situations on a delayed-fingerprint submission basis, predicated upon a ~~federal statute or executive order or a~~ state statute approved by the U.S. Attorney General pursuant to P.L. 92-544 and Article III of the Compact. Access authorized by the rule shall adhere to both the Criminal Justice Information Services Security Policy and applicable state security policies. A noncriminal justice agency granted access to the III must adhere to the audit protocols applicable to federal and state policy. Violation and/or misuse of the authorized access granted will result in sanctions from the Compact Council which may include the

discontinuance of services.

Proposals to the Compact Council for granting of delayed-fingerprint submission access under the rule should be sent to the Compact Council Chairman at the address set out above. Such proposals should include information sufficient to fully describe the emergency nature of the situations in which delayed-submission authority is being sought, the risk to the health or safety of the individuals involved and the reasons why the submission of fingerprints contemporaneously with the search request is not feasible.

The rule (Sec. 20.52) provides that once a proposal from any state has been approved by the Compact Council, other states may apply for delayed-submission authority consistent with that approved proposal through application to the FBI's ~~Access Integrity Unit~~ **Compact Officer**.

~~PURPOSE:~~

~~The purpose of this rule is to interpret the Compact, U.S.C. Title 42, as it applies to the required submission of fingerprints, along with requests for III records by agencies authorized to access and receive criminal history records under Public Law 92-544.~~

For the reasons stated above, by direction of the Compact Council, 28 CFR Part 20 is amended by adding a new Subpart D to read as follows:

PART 20 -- CRIMINAL JUSTICE INFORMATION

Subpart D -- National Crime Prevention and Privacy Compact

Council Regulations

Sec.

20.50 Purpose and authority.

20.51 Interpretation of fingerprint requirement.

20.52 Approval of delayed submission requests.

~~20.53 Notice of Approval of Proposal.~~

Subpart D -- National Crime Prevention and Privacy Compact

Council Regulations

§20.50 Purpose and authority.

The purpose of Subpart D is to interpret the Compact, U.S.C. Title 42, as it applies to the required submission of fingerprints, along with requests for III records by agencies authorized to access and receive criminal history records under Public Law 92-544, **and to establish protocols and procedures applicable to the Interstate Identification Index and its use for noncriminal justice purposes. The Compact Council is established pursuant to the National Crime Prevention and Privacy Compact (Compact), Title 42, U.S.C., Chapter 140, Subchapter II, Section 14616.**

§ 20.51 Interpretation of fingerprint requirement.

(a) Article V of the Compact requires the submission of fingerprints or other approved forms of positive identification

with requests for criminal history record checks for noncriminal justice purposes. The Compact Council finds that the requirement for positive identification may be satisfied in two ways:

- (1) The means of positive identification should be submitted contemporaneously with the request for Criminal History Information, or
- (2) For purposes approved by the Compact Council, a delayed submission of the positive means of identification may be permissible under exigent circumstances.

(b) The Compact Council further finds that a preliminary III name based check may be made pending the receipt of the positive means of identification upon which the delayed submission is made. The state repository may authorize terminal access to authorized agencies designated by the state, to enable them to conduct such checks. Such access must be made pursuant to the security policy set forth by the state's Control Terminal Agency.

§ 20.52 Approval of Delayed Submission Request

Once a specific proposal has been approved by the Compact Council, another state may apply for delayed submission consistent with that proposal **provided the state has a related 92-544 approved state statute.** The state should submit the application to the FBI's ~~Access-Integrity Unit~~ **Compact Officer.**

In evaluating requests for delayed submissions, the Compact Council must utilize the following criteria:

- 1) the risk to health and safety; and
- 2) the emergency nature of the request.

The authorized agency may conduct a III name check pending submission of the positive means of identification.

The positive means of identification must be submitted within the time frame specified by the proposal as approved by the Compact Council.

~~§20.53 Notice of Approval of Proposal.~~

~~Pursuant to 28 CFR Subpart D, the Compact Council established by the National Crime Prevention and Privacy Compact has approved a proposal from the State of Florida authorizing access to the III system on a delayed-submission basis for conducting criminal history record checks in connection with the placement of children with temporary custodians on an emergency basis. In approving the proposal, the Compact Council took note of the recommendation of the Criminal Justice Information Services Advisory Policy Board to allow governmental agencies authorized by the state statute to conduct "preliminary III name checks" for all persons occupying the residence at the time when children are placed in such residences on an emergency basis.~~

~~The approved proposal authorizes III access on a delayed-submission basis by the Florida Department of Families and Children which is authorized to make emergency placements~~

~~of children by a Florida statute which has been approved by the U.S. Attorney General pursuant to P.L. 92-544.~~

~~Pursuant to the approved proposal, fingerprints are to be submitted as a follow-up to the III name-based check within five working days from such time name checks are conducted. For the purposes of the proposal, working day is defined as a day when a governmental agency is open for business.~~

~~— Pursuant to Section 20.52 of 28 CFR, Subpart D, other states may apply to the FBI's Access Integrity Unit for authority to grant delayed-submission access to governmental agencies authorized by approved state statutes to make emergency child placements. Such application must explain why the submission of fingerprints contemporaneously with search requests is not feasible and must justify the length of the requested delay in the submission of such fingerprints.~~

~~— Proposals should be sent to the FBI's Access Integrity Unit at Criminal Justice Information Services, Att: Access Integrity Unit, 1000 Custer Hollow Road, Clarksburg, WV, 26306.~~

Dated: _____

Wilbur Rehmann

Compact

Council Chairman

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Draft 2-7-01

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

COMPACT COUNCIL
NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

AGENCY: COMPACT COUNCIL

ACTION: NOTICE OF APPROVAL OF FLORIDA PROPOSAL

SUMMARY: Pursuant to 28 CFR Subpart D, the Compact Council established by the National Crime Prevention and Privacy Compact has approved a proposal from the State of Florida authorizing access to the Interstate Identification Index (III) system on a delayed fingerprint submission basis for conducting criminal history record checks in connection with the placement of children with temporary custodians on an emergency basis. In approving the proposal, the Compact Council took note of the recommendation of the Criminal Justice Information Services Advisory Policy Board to allow governmental agencies authorized by the state statute to conduct "preliminary III name checks" for all persons occupying the residence at the time when children are placed in such residences on an emergency basis.

The approved proposal authorizes III access on a delayed fingerprint submission basis by the Florida Department of Children and Family Services which is authorized to make emergency placements of children by a Florida statute which has

Attachment 4-2

been approved by the U.S. Attorney General pursuant to P.L. 92-544.

Pursuant to the approved proposal, fingerprints are to be submitted as a follow-up to the III name-based check within five working days from such time name checks are conducted. For the purposes of the proposal, working day is defined as a day when a governmental agency is open for business.

Pursuant to Section 20.52 of 28 CFR, Subpart D, other states may apply to the FBI's Compact Officer for authority to grant delayed fingerprint submission access to governmental agencies authorized by approved state statutes to make emergency child placements. Such application must explain why the submission of fingerprints contemporaneously with search requests is not feasible and must justify the length of the requested delay in the submission of such fingerprints.

Proposals should be sent to the FBI's Compact Officer at Criminal Justice Information Services, Att: FBI Compact Officer, 1000 Custer Hollow Road, Clarksburg, WV 26306.

Dated: _____
Wilbur Rehmann
Chairman
Compact Council