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Making the case for criminal records integration in Arizona

April 14, 2006, Phoenix, Ariz.—Each year, thousands of potential employees seeking public and private sector jobs in Arizona submit to a criminal background check. For many of these job seekers, passing a background check is required to obtain a professional license; in other cases, Arizonans must possess fingerprint clearance cards issued by the Arizona Department of Public Safety (DPS) in order to work with vulnerable populations such as children, the elderly and the disabled. Some private sector employers wishing to protect against potential liability lawsuits hire a private firm to conduct criminal background checks. But how thorough are these background checks?

When police arrest and book a suspect on criminal charges, his fingerprints are taken and entered into the Arizona Automated Fingerprint Identification System (AZAFIS) to ascertain the identity of the person in custody. The police also run the suspect's name, date of birth and fingerprints to check for criminal history. The suspect's criminal history information is used to determine what sort of risk he poses when he is considered for bail. A judge's ability to fairly determine the suspect's risk to the community is dependent upon the accuracy of the criminal history provided to the court. How accurate are the criminal history checks in Arizona?

In Arizona, all criminal background checks, including pre-employment checks, are conducted through the Arizona Department of Public Safety (DPS). DPS is the central repository for all state criminal arrest and disposition information, which is housed in the Arizona Computerized Criminal History (ACCH) database. This includes information for suspects who are arrested, convicted and sentenced as well as suspects who are acquitted.

The information contained in this system is used for a variety of critical business purposes throughout the criminal justice system. Prosecutors and judges make charging and sentencing decisions based on the information. Law enforcement officers make discretionary arrest and detention decisions based on it. Corrections officials make character assessments and parole and probation decisions based on the information from the system. And the private sector makes important business decisions based on information available to them from the ACCH. The decision to hire or fire a person may be made based upon information contained in the ACCH, the Criminal History Record Information (CHRI).

And companies that rely on background checks receive no better information than is available in this outdated system, no matter how reliable the third party criminal background investigators are. This leaves employers vulnerable to costly lawsuits, such as a recent lawsuit brought against Federal Express. The lawsuit accuses FedEx of hiring a sex offender who was later charged with molesting an eight-year-old boy while on the job. Per company policy, FedEx conducted a background check on the employee, but the background check did not turn up the criminal history.

It also leaves the public vulnerable. When families hire contractors, realtors, pest control applicators and other licensed professionals to come into their homes, they must be able to trust that a thorough background check has been conducted on the

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person before he or she was licensed. Parents want to know that their children's teachers, day care workers and school bus drivers have been adequately screened before being hired. In Arizona, these people have been checked against a system that is less than 60 percent accurate.

Because so many important decisions—potentially life and death decisions—are made based on this information, it is imperative that the information be as accurate as possible. Unfortunately, the information in Arizona's Computerized Criminal History (ACCH) system is woefully incomplete, ranging between 50-60 percent accurate over the past decade. For many years, much of the recording of criminal justice records was a manual process, and jurisdictions were not connected. (This remains status quo for many jurisdictions in Arizona.) Disposition reports were late getting logged, and in some cases, were never logged. It was clear that communication breakdown among the criminal justice agencies was a problem, particularly with regard to disposition report filing.

This problem is not unique to Arizona; many other states face similar problems with maintaining accurate criminal history information. The federal government recognized this as a problem in the early 1990s and mandated that states work to improve the quality of criminal history records. The Byrne Memorial Formula Grant Program was amended to require that states receiving Byrne funds improve criminal justice information systems to assist law enforcement, prosecution, courts and corrections organizations (including automated fingerprint identification systems).

Through federal grants, Arizona has made progress toward building an infrastructure that would allow for statewide integration of criminal history records. The Arizona Criminal Justice Commission has been the statewide agency responsible for strategic planning and coordinating among the local jurisdictions, working with stakeholders to assess, determine and develop implementation strategies for criminal history record improvement throughout the state.

As part of this effort, ACJC contracted with Northrup Grumman to prepare a project plan for an improved disposition reporting management (DRM) system. The DRM project was originally conceived and recommended in the *Arizona ICJIS Strategic Plan* (March 2002), which identified the need for improved accuracy and completeness of disposition reporting to the Arizona Computerized Criminal History system. Northrup Grumman delivered a DRM conceptual design document and a DRM system architecture design document in November 2004. Northrup Grumman determined that the cost to improve disposition reporting throughout the state would cost \$34 million.

Since 2003, the federal funds used for planning and creating an infrastructure have decreased 67 percent and ACJC has not been able to secure a funding source to carry out the criminal history project. Federal funding sources were never intended to fully fund the entire architecture of integrated justice records systems statewide. The need for improved records integration systems was identified as a critical budget item in the 2005 legislative budget cycle, but this was not recommended for funding. ACJC continues to work to educate state legislatures regarding the importance of this issue to public safety.

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