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Introduction

I am Kelly Harbitter, Programs and Policy Advisor for SEARCH. Thank you, Mr. Chairman and members of the Subcommittee, for the opportunity to speak to you today on the Department of Justice (DOJ) funding to be provided for in the FY13 Commerce, Justice, Science, and Related Agencies appropriations bill. SEARCH recommends that the National Criminal History Improvement Program (NCHIP) receive appropriations of \$25 million.

SEARCH is a state criminal justice support organization created by the states and comprised of governors' appointees from each state. Each state pays dues annually. SEARCH's mission is to promote the effective use of information and identification technology by justice agencies nationwide. SEARCH has a long-standing partnership with DOJ to promote information sharing, as well as to protect personal privacy within the criminal justice community. It is from this perspective – and on behalf of these state partners – that I would like to address the level of NCHIP funding as set forth in the President's proposed budget released on February 13, 2012.

As you know, NCHIP received an allocation of \$5 million in the recent budget proposal. SEARCH recognizes that these are difficult budgetary times, and as such, the states have been judicious in their investment in criminal history improvement over the past several years. But the demand for accurate, complete and timely criminal records continues to grow at a rapid pace, and there should be a priority placed on NCHIP funding. Indeed, despite the single digit budget allocations, state applications for NCHIP funding over the last several years have been nearly five times the budgeted amounts. SEARCH recommends that NCHIP receive appropriations at a level considerably higher than the President's proposal, at \$25 million rather than \$5 million. This level of funding reflects the state's identified needs and will enable states and territories to continue to improve the quality, timeliness, and accessibility of criminal history records.

National Criminal History Improvement Program

The NCHIP program was first initiated in 1995, and has been extraordinarily successful in helping states to improve the accuracy, reliability and completeness of their automated, criminal history record systems.

DOJ administers NCHIP through the Bureau of Justice Statistics (BJS) in DOJ's Office of Justice Programs (OJP). NCHIP responds to a DOJ objective to enhance the criminal justice capabilities of state governments by improving the accuracy, completeness and timeliness of criminal history records. These state systems support federal records systems, including the Federal Bureau of Investigation (FBI) Interstate Identification Index (III).¹ Seventy percent (70%) of all III records are maintained by the states and thirty percent (30%) are maintained by the FBI.²

BJS, with limited funding, has been widely recognized for its extraordinary efficiency, effectiveness and accomplishments in the NCHIP program. The last two Government Accountability Office (GAO) reports on NCHIP (in 2004 and 2008) highlighted the program's continued success in meeting its goals and the significant progress states made toward automating state criminal history records and making them accessible nationally.³ The reports also noted BJS' adherence and enforcement to the important oversight issues Congress is concerned with regarding grant programs today. Indeed, the states – including the state repositories – have devoted massive efforts and resources over many years toward building automated, criminal history record databases that are accurate, complete and reliable. Notwithstanding the efforts of BJS and the states, there continue to be significant shortfalls in arrest reporting; in disposition reporting; and in accuracy and data quality. Most significantly, approximately one half of arrest records contained in the FBI III database are missing dispositions.⁴

NCHIP Funding

The President's FY13 budget would provide \$5 million dollars for NCHIP. This is not a sufficient amount to promote the program's success.

Despite NCHIP's noted success, this gradual reduction in funding has adversely affected the program. NCHIP has been so significantly under-funded that some states no longer receive any allocation from the NCHIP grants. A pattern of underfunding state efforts to maintain effective criminal history records reverberates across the entire criminal justice system, not only in the individual states. Because state criminal history records are the primary source for the FBI III database, any constraints on the states weakens the ability of many federal programs to identify threats and keep our nation safe.

In fact, the accuracy, completeness and reliability of the nation's criminal history record system has a more important and comprehensive impact today than ever before, including for law enforcement investigations; for officer safety; for sentencing and other criminal justice

¹ The Interstate Identification Index is the national system designed to provide automated criminal history record information. The III stores the criminal history records of federal offenders and records of offenders submitted by all states and territories.

² Survey of State Criminal History Information Systems 2010, Bureau of Justice Statistics, U.S. Department of Justice, Office of Justice Programs (November 2011) (available at: <https://www.ncjrs.gov/pdffiles1/bjs/grants/237253.pdf>)

³ See GAO reports (available at: <http://www.gao.gov/new.items/d04364.pdf>; <http://www.gao.gov/new.items/d08898r.pdf>).

⁴ The Attorney General's Report on Criminal History Background Checks, United States Department of Justice, Section III.6, p. 18 (June 2006) (available at: http://www.justice.gov/olp/ag_bgchecks_report.pdf).

purposes; for expungement and other reentry strategies; for homeland security and anti-terrorism purposes; for public non-criminal justice purposes, including security clearances and employment suitability; for private sector risk management purposes; and for research and statistical programs that provide critical guidance for justice assistance decisions and for shaping law and policy. Without an adequate level of funding for the states, the quality of criminal records available nationwide will be negatively impacted.

State Successes with NCHIP Funding

Virginia

With NCHIP funds, the Virginia State Police personnel provide electronic access to criminal history records on-site at gun shows. This ensures rapid response to the National Instant Criminal Background Check System (NICS) and prevents the transfer of firearms to prohibited persons.

NCHIP funds have also furthered efforts in Virginia to improve the completeness and accuracy of Computerized Criminal History files and the Court Automated Information System. Between October 2010 and December 2011, the completion rate for missing dispositions reached approximately ninety-five percent (95%). Virginia plans to use NCHIP funds to achieve additional goals to research, resolve, and enter as many missing final court dispositions associated with Virginia criminal history records as possible, as well as assist with the ever-increasing problem of juvenile arrests and dispositions.

California

The California Department of Justice (CA DOJ) has received NCHIP grant awards annually since the program's inception. NCHIP funding has assisted CA DOJ significantly in its efforts to improve the accuracy and accessibility of the state's criminal history records. For example, NCHIP funds help support a system that provides the state and its local agencies more flexibility in performing detailed analysis, plotting trends, and the ability to make better criminal justice decisions in a timely manner. Meanwhile, NCHIP-funded enhancements to disposition processing made it possible to update approximately ninety percent (90%) of electronic dispositions submitted to the CA DOJ without costly manual intervention. More broadly, NCHIP-funded technical enhancements have allowed for maximum interoperability for sharing criminal history information in all of California's local and state entities and with the federal government. And finally, California intends to lead the effort in the development of a standardized rap sheet to promote criminal history information sharing in real time between other states. NCHIP funding will assist in this exchange effort.

New York

New York has used NCHIP funds since the beginning of the program to support major initiatives to modernize and vastly improve the ability to provide critical information services to New York's state and local criminal justice agencies. One of the most important achievements has been to solve the problem of missing dispositions in the criminal history repository. Working with the courts, the state repository agency identified system and database problems that contributed to unresolved arrest events. The attention to these problems resulted in a completion rate for missing dispositions of greater than ninety-two percent (92%).

NCHIP funds also supported enhancements to domestic incident reporting practices in New York. Law enforcement officers, preparing to execute a warrant at a suspect's home, benefit from knowing if the suspect has any criminal history in domestic violence. These funds were also used to develop the New York State Integrated Justice portal, a single access point for public safety practitioners to access the state's justice systems and data.

Nevada

The Nevada Department of Public Safety was able to clear a backlog of over 300,000 court dispositions with NCHIP funding. The Department says this monumental task could not have been completed without NCHIP funding.

Georgia

Georgia has actively used NCHIP to improve the quality, completeness and accessibility of criminal history information available to criminal justice agencies. NCHIP funding has served as a catalyst in ensuring that the most current criminal history data is available and accessible for criminal justice needs, as well as to the general public where applicable. Since the program's inception, Georgia has implemented: live scan fingerprint devices across the state, mugshot imaging transmission, both temporary and permanent protection order registries, the Sexually Violent Offender Registry project, electronic rap sheets, an electronic prosecutor interface, and many other systems enhancements.

Alaska

Alaska has used NCHIP funding since 1996 for: independent repository audits; implementing automated interfaces and charge tracking systems; developing uniform offense citations table; addressing missing dispositions critical to NICS, recidivism studies and the repository; implementing Live Scan stations, (which raised compliance rates from fifty-six percent (56%) to over ninety percent (90%) for mandatory fingerprinting at the Anchorage courthouse during the two year pilot project); the electronic sharing of automated court criminal records and more. Undertaking these projects would not have been possible without the help from NCHIP.

Hawaii

In Hawaii, NCHIP funding has been indispensable to laying the foundation for the state's fully integrated justice information sharing system. The Hawaii Integrated Justice Information Sharing (HIJIS) was designed to build statewide information sharing capabilities across the whole of the justice and public safety enterprise, to facilitate information exchange with federal, state, county agencies, and to leverage national information sharing standards and best practices. In addition, among the many activities that Hawaii's NCHIP funding has allowed the state to accomplish are the following:

- Design, develop, and implement CJIS-Hawaii, the enhanced statewide criminal history record information system;
- Partnership with the state court system to share real-time disposition and court status data;
- Enable CJIS-Hawaii to share information with the national NCIC Protection Order and National Sex Offender Registry systems;

- Implement a statewide integrated booking and mugshot system;
- Deploy livescans at all county police departments and Sheriff's Offices, accomplishing a paperless and electronic process end to end; and
- Design, develop, and implement a "lights out" automated identification process for the state so that response times are instantaneous and based on positive identification.

Conclusion

Congressional support through the NCHIP program to the state criminal history repositories is vital. The federal investment can be leveraged many times over by contributing to the ability of state and local criminal justice agencies to provide timely, accurate and compatible information to federal programs such as III.

On behalf of SEARCH, its governors' appointees, and the thousands of criminal justice officials who participate in the SEARCH network and who benefit from SEARCH's efforts, I thank you for your time. It has been a pleasure appearing here today.