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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on
Regulations Relating to Passenger Carriers,
Ridesharing, and New Online-Enabled
Transportation Services.

Rulemaking 12-12-011
(Filed December 20, 2012)

**ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S
RULING REQUESTING COMMENT ON THE APPROPRIATE BACKGROUND
CHECK REQUIREMENTS FOR TRANSPORTATION NETWORK COMPANY
DRIVERS WHO TRANSPORT UNACCOMPANIED MINORS**

The assigned Commissioner and the assigned Administrative Law Judge request comments from the parties on the appropriate background check requirements for Transportation Network Company (TNC) drivers who transport unaccompanied minors.

1. Instructions

Parties who wish to submit comments must file and serve them on November 12, 2015, by the close of business.

Parties who wish to submit response comments must file and serve them on November 23, 2015, by the close of business.

2. Questions

Attached to this ruling as Appendix A is a background paper from the Commission's Safety and Enforcement Division regarding the Trustline registry process. We request that parties provide comments regarding the following questions:

1. Should the California Public Utilities Commission (Commission) require that any TNC intending to retain drivers to transport unaccompanied minors ensure that each driver successfully complete the Trustline Registry application and the Live Scan request forms in order to become a driver for that TNC?
2. Does the Trustline registry process provide sufficient background check information? Explain your response.
3. Should the Commission allow any TNC, who intends to retain drivers to transport unaccompanied minors, perform a background check protocol for each driver that is different from the Trustline registry process? If so:
 - a. Identify and describe with specificity the steps in an alternative proposed background check protocol, including but not limited to the databases reviewed, the individual history reviewed, the years for which review is conducted, and the confidentiality provisions of the protocol;
 - b. Identify which steps in an alternative proposed background check protocol would be performed by the entity licensed by the CPUC and which would be performed by a third-party provider of background check services;
 - c. Identify how, where a TNC entity seeks to use an alternative proposed background check protocol, a member of the public can access information about an individual either during the background check process or once the individual has become a driver transporting unaccompanied minors;

- d. Explain how the alternative proposed background check protocol meets or exceeds the information developed during the Trustline registry process;
 - e. Identify all jurisdictions and contexts where the alternative proposed background check protocol has been implemented to meet a regulatory requirement related to adults working with unaccompanied minors, and cite the regulatory requirement;
 - f. Identify the approximate cost and time required for the alternative background check protocol;
 - g. Explain how successful the alternative proposed background check protocol, where implemented has been in detecting applicants with criminal histories such that the entity did not permit them to engage in work with unaccompanied minors.
 - h. Explain how the Commission can review and enforce a licensed entity's compliance with an alternative proposed background check protocol, where some of the steps in the protocol are performed by a third-party non-public provider.
4. Should the Commission permit all licensed transportation entities, including TNCs, TCPs, and PSCs, that transport unaccompanied minors, to select between Trustline and a second background check protocol, if the Commission determines that a second protocol is sufficient to meet the Commission's requirements?

IT IS SO RULED.

Dated October 26, 2015, at San Francisco, California.

/s/ LIANE M. RANDOLPH

Liane M. Randolph
Assigned Commissioner

/s/ ROBERT M. MASON III

Robert M. Mason III
Administrative Law Judge

APPENDIX A

Summary of the Trustline registry process

1. Introduction

This paper has been prepared by staff of the Safety and Enforcement Division (SED) of the California Public Utilities Commission (CPUC). The purpose of the paper is to provide information about the California TrustLine registry (TrustLine), a component of the CPUC licensing requirements for passenger stage corporations (PSCs) primarily engaged in transporting unaccompanied minors and their parents, guardians and child care providers. Starting in 1997, the CPUC required PSC applicants, key personnel, drivers, and other employees transporting or coming into contact with unaccompanied minors to be registered in the TrustLine program.¹

2. TrustLine Program Background

The California Legislature established the Trustline registry in 1993, as a tool for parents seeking a way to review and verify the background of caregivers for their children.² Trustline is a database of individuals who provide child care and have cleared background checks in California.³ It is administered by the California Department of Social Services (CDSS) and the California Child Care

¹ D.97-07-063 and Public Utilities Code §5382. The Commission applied the same standard to charter-party carrier applicants and personnel, by requiring such carriers to apply for interim PSC authority. *See*, D.97-07-063 at 3.

² Finally, a Better Way to Check Out Your Baby-Sitter's Past, Los Angeles Times, July 28, 1993, http://articles.latimes.com/1993-07-28/news/vw-17856_1_child-care-workers ; *see also*, Lawmakers Respond to a Mother's Mission, Los Angeles Times, September 26, 1999, <http://articles.latimes.com/1999/sep/26/news/mn-18763>

³ www.trustline.org/ .

Resource and Referral Network (CCCRN), a non-profit organization. The main purpose of the Trustline program is to provide information about caregivers that are not otherwise required to secure a license to provide child care services, or to otherwise submit their fingerprints for a criminal history background check.⁴

The core components of Trustline are: 1) access to and searches of State and Federal criminal databases not accessible to the general public, 2) provision of information to the public about the Trustline status of an individual through a toll-free number, and 3) maintenance and continual updating of the list of Trustline registered individuals.⁵ A TrustLine registered provider remains on the registry indefinitely unless and until his/her registration is revoked.

The Trustline program is codified in the California Health and Safety Code, Sections 1596.60 - 1596.68. The Health and Safety Code specifies that the CDSS shall contract with CCCRRN to perform specific duties relating to providing information to parents and the general public about caregivers who are not otherwise required to secure a license or otherwise submit fingerprints for a criminal history background check.⁶

Certain types of caregivers and child care providers are required to submit fingerprints for a criminal history background check as part of the licensing process,⁷ and parents receiving subsidies for childcare services are required to

⁴ Health and Safety Code § 1596.60(a)(3).

⁵ Health and Safety Code §1596.62.

⁶ Health and Safety Code § 1596.64(a) and § 1596.643

⁷ Health and Safety Code § 1596.871.

procure services from a Trustline registered provider.⁸ Unlicensed child care providers have no specific requirements regarding criminal history background checks, and parents that pay for such services without subsidies have the option to procure services from an unlicensed caregiver.

3. Trustline Application Process

To become a Trustline registered provider, an individual must complete the applicable Trustline Registry application and Live Scan request forms, and visit a Live Scan site to have their fingerprints scanned and transmitted to CDSS. The Live Scan device generates an applicant transaction identifier (ATI) number, which the Live Scan operator enters onto the applicant's forms. The operator also enters information from the applicant's Trustline Registry application to associate the fingerprints with that individual's Trustline Registry application, which the applicant sends to CDSS separately after being fingerprinted.

CDSS staff transmits the applicant's fingerprints to the California Department of Justice (CA DOJ), which uses the prints to search the State of California and Federal Bureau of Investigation (FBI) criminal history and child abuse information databases, as further discussed below. CA DOJ and FBI use the fingerprints to search their respective criminal history databases to determine whether an individual has a criminal record. CA DOJ uses the names to search the Child Abuse Central Index (CACI) and determine whether an individual has any substantiated reports of child abuse or neglect filed against that individual.⁹

⁸ Health and Safety Code § 1596.67.

⁹ The method of substantiation is explained in Section 4 below

CDSS also enters into the Trustline registry the applicant's name, identification card number, and an indicator that the applicant has submitted an application and fingerprints.¹⁰ Anyone with the name and identification card number of an individual can call the toll free number to verify whether the individual ever submitted an application and the individual's current status: - Registered, Pending, or Closed. If CDSS denied and closed the individual's application, Trustline informs the caller that the individual was denied and closed, but provides no specific information regarding the cause of denial. If CDSS closes an application for an administrative reason, such as a fingerprint reject, Trustline provides that information. If CDSS closes an application for other reasons related to criminal or child abuse history such as an arrest, Trustline informs the caller that the individual's status was closed (and/or revoked) because of a decision by Community Care Licensing at CDSS. Additionally, if CDSS revokes the Trustline registration of an individual and s/he is associated with an agency, then Trustline notifies the agency of the individual's revoked status.

4. Background Check Process

When the CA DOJ receives the applicant's fingerprints, it runs those prints against all other fingerprints in the California Automated Fingerprint Identification System (AFIS), accessible through the California Identification

¹⁰ There are several acceptable types of primary photo IDs, including but not limited to a California driver's license and identification card. See, Fingerprint Rolling Certification Program, Reference Handbook (May 2014), accessible at www.oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/handbook.pdf, at 5-6 (Individual's Responsibility - Validate Identification).

System (Cal-ID), the automated system maintained by CA DOJ to retain fingerprint files and identify latent fingerprints.¹¹ If the fingerprint search in Cal-ID / AFIS results in a match, the record(s) for those fingerprints is retrieved from the Automated Criminal History System (ACHS), a centralized, automated system containing criminal history summary information on persons arrested and fingerprinted in California, via the Criminal Identification and Information number associated with the matched fingerprints.¹²

CA DOJ also performs a search, by name, of the Child Abuse Central Index (CACI), which includes substantiated cases of physical abuse, sexual abuse, mental/emotional abuse, and severe neglect of a child. Information on file in the CACI includes the names and personal descriptors of the suspects and victims listed on the reports; the reporting agency that investigated the incident; and the type(s) of abuse investigated. An agency (police and sheriff's departments, county probation departments, or county welfare departments) in each of the state's 58 counties is required to report to CA DOJ every investigation of known or suspected child abuse or severe neglect that is determined to be substantiated.¹³

¹¹ Penal Code §11112.1(a). From the CA DOJ's Directory of Services (2005), accessible at www.oag.ca.gov/sites/all/files/agweb/pdfs/publications/directory2005.pdf, at 22: "The Bureau of Criminal Identification and Information maintains a central repository of fingerprints and administers the statewide Cal-ID Automated Fingerprint Identification System (AFIS) through which positive identification of individuals can be determined. Fingerprints submitted by law enforcement, employment, and state regulatory agencies are classified, searched, verified, and indexed in the AFIS and manual files. The Bureau maintains the central site for the AFIS and the Integrated Image Controller data bases."

¹² See, California Department of Justice Law Enforcement Policy & Procedures Manual, March 2015, accessible through the Office of the Attorney General website: www.oag.ca.gov.

¹³ Penal Code §§ 11165.9 and 11169.

Footnote continued on next page

The temporal extent of state database searches depends on when those databases / systems first became operational. Different systems became operational at different times, with the most recent being Cal-ID in 1985.¹⁴ California laws regarding the release of criminal offender record information are based on the “right-to-know” and “need-to-know” principles, meaning that only those agencies (primarily governmental) authorized by law (“right-to-know”) shall gain access to criminal offender record information, and only those entities (also primarily governmental) with a compelling reason to request the information (“need-to-know”) may gain access to criminal offender record information. This applies to both state summary criminal history information and local (i.e., county-level) summary criminal history information.¹⁵ Juvenile court records (if any) are not included in an individual’s criminal history record unless the juvenile was tried as an adult.¹⁶

If no fingerprints match the applicant’s fingerprints, the transaction is generally processed electronically without CA DOJ technician intervention within 48 to 72 hours. If an applicant’s fingerprints match fingerprints in the database, the associated records of arrest and prosecution (RAP sheet) must be reviewed by a CA DOJ technician. This is a manual process that can take an indeterminate amount of time.

¹⁴ For CACI (1965), see www.oag.ca.gov/childabuse ; for Cal-ID (1985) see Penal Code §11112.1; for criminal offender record information (maintained in the Automated Criminal History System), see Penal Code § 13100.

¹⁵ Penal Code §11105(b) and (c); §13300(b) and (c). See also the Attorney General’s webpage on Frequently Asked Questions: www.oag.ca.gov/fingerprints/faq.

¹⁶ Welfare and Institutions Code § 827; see also Penal Code § 851.7(d).

The Health and Safety Code, with reference to the Penal Code, specifies the grounds for denial of an individual's application to be a Trustline registered provider. These grounds for denial include:

Conviction(s) of a crime other than for a minor traffic violation, unless an exemption is granted.¹⁷ An exemption may be granted "if the director has substantial and convincing evidence to support a reasonable belief that the applicant and the person convicted of the crime, if other than the applicant, are of good character."¹⁸ Specific offenses, including those involving rape and other forms of sexual abuse and sexual assault, are "non-exemptible."¹⁹

Arrests for sexual assault, assault with a deadly weapon, assault of a child under 8 years of age, domestic abuse, child abuse, and all non-exemptible crimes, if the Trustline applicant "may pose a risk to the health and safety of any person who is or may become a client."²⁰ Such records require an investigation and the securing of admissible evidence in order to serve as grounds for denial of an application to be a Trustline registered provider.²¹

Substantiated complaints of child abuse and neglect.²²

¹⁷ Health and Safety Code § 1596.607(a)(1)

¹⁸ Health and Safety Code § 1596.871(f)

¹⁹ Health and Safety Code § 1596.871(f)(1)

²⁰ Health and Safety Code § 1596.607(a)(2), § 1596.871(a)(1) and Penal Code § 290(c), §245, § 273ab, § 273.5, § 273a(b), § 273a(2) prior to 1/1/94

²¹ Health and Safety Code § 1596.871(e)

²² Health and Safety Code § 1596.607(a)(3), § 1596.877

Revocation of a CDSS-issued license or certificate to become a certified family home care provider held by the applicant, or CDSS exclusion of the applicant from a licensed facility.²³

Prior CDSS denial of the applicant's application for a license or certificate of approval to be a certified family home care provider.²⁴

A CA DOJ technician reviews the RAP sheet for information that may constitute grounds for denial. For any arrest that lacks a disposition, the CA DOJ is mandated by statute and case law to perform a "genuine effort" to determine the disposition of each such arrest.²⁵ This "genuine effort" process is labor-intensive and relies heavily on the capacity of local law enforcement agencies, district attorneys' offices, courts and probation departments to provide the CA DOJ with the requested information. Once the "genuine effort" is fulfilled, the CA DOJ updates the criminal history record, reviews the RAP sheet again, and prepares the background check response for CDSS.²⁶

Concurrent with its own review, the CA DOJ also forwards fingerprints to the FBI. Similar to the CA DOJ process, the FBI uses the fingerprints to search for matches in the Integrated Automated Fingerprint Identification System (IAFIS), which then retrieves criminal history records from the National Crime Information Center (NCIC) via an identification number specific to the individual being searched. Like the CA DOJ's search of state summary criminal

²³ Health and Safety Code § 1596.607(a)(4)

²⁴ Health and Safety Code § 1596.607(a)(5)

²⁵ Penal Code § 11105(m)(2)(C).

²⁶ See www.oag.ca.gov/fingerprints

history information, the FBI's identity history summary check extends as far back in time as the systems / databases became operational.²⁷

Both the state and federal systems/databases used to search for criminal history information rely on local (for state systems/databases) and state (for federal systems/databases) agencies' diligence in transmitting their records in a timely manner and in an acceptable form. In California, the CA DOJ is required to accept electronic fingerprint images and related information to process criminal offender record information requests for employment, licensing, certification, custodial child placement, or adoption purposes.²⁸ CA DOJ transmits most criminal offender record information to the FBI.

If the applicant's fingerprints match fingerprints in the national criminal history database, the FBI sends the CA DOJ a cumulative RAP sheet that contains criminal history information from any states or federal agencies that reported the information to the FBI. Every out-of-state or federal arrest must be matched with a disposition of the arrest; otherwise, the CA DOJ is again mandated by statute to perform a "genuine effort" to obtain the missing disposition information, just as with California arrests missing disposition information. Once the "genuine effort" is fulfilled, a CA DOJ technician reviews the updated RAP sheet and prepares the background check response for CDSS.

²⁷ For IAFIS (1999) and its predecessors (1980 for first use of computers, 1924 for manual processing of fingerprint submissions), see www.fbi.gov/about-us/cjis/fingerprints_biometrics/iafis ; for identity history summary checks through the National Crime Information Center see www.fbi.gov/about-us/cjis/identity-history-summary-checks/order .

²⁸ Penal Code § 11077.1.

When the CDSS receives the background check response from CA DOJ, it reviews the information for potential grounds for denial. Most such records, as previously mentioned, require further review and analysis, as they may be exempted (such as in the case of a conviction for any exemptible offense), or they may require evidence that is admissible in an administrative hearing to establish conduct by the person that may pose a risk to the health and safety of any person who is or may become a client (such as arrests for sexual assault, assault with a deadly weapon, assault of a child under 8 years of age, domestic abuse, child abuse, and all non-exemptible crimes).²⁹ Ultimately, if the CDSS concludes that an applicant's criminal history record includes grounds for denial of their application to be a Trustline registered provider, the CDSS will deny placement on the Trustline registry and notify the individual. CDSS will also advise the individual of the right to appeal the determination through the CDSS hearing process.

5. Removal from the Trustline Registry

As mentioned previously, a TrustLine registered provider remains on the registry indefinitely unless and until their registration is subsequently revoked.

If an individual's criminal history information does not include any offenses that constitute grounds for denial, that individual may remain on the Trustline registry as a registered provider. If CDSS determines that an individual qualifies as a registered Trustline provider, and CDSS has not yet received a response from the FBI regarding that individual, CDSS may register that individual if s/he signs and submits a statement that s/he has never been

²⁹ Health and Safety Code § 1596.871(e)(1).

convicted of a crime in the United States, other than a traffic infraction. CDSS will suspend and/or revoke that person's Trustline registration if it subsequently finds that s/he has a criminal record that includes grounds for denial.³⁰

As mentioned previously, state law requires state and local agencies to report criminal activities and associated fingerprints to the CA DOJ. Thus, the CA DOJ receives a continuous supply of subsequent criminal record information, and provides those updates to CDSS through a "rap back" service, which enables CDSS to maintain current information on Trustline registered providers and determine whether to revoke an individual's Trustline registration due to newly-reported criminal records.³¹ After conducting a hearing, CDSS may revoke an individual's Trustline registration for any of the following:

- Procuring Trustline registration by fraud or misrepresentation.
- Knowingly making or giving any false statement or information in conjunction with the application for Trustline registration.
- Criminal conviction, unless an exemption is granted.
- Incident of child abuse or neglect or other conduct that poses a threat to the health and safety of any person who is or may become a client.³²

³⁰ Health and Safety Code § 1522(a)(4)(E). See also CDSS's Reference Material for Background Check Procedures, publication number 12RM-02, May 2012, www.cclid.ca.gov/res/pdf/BackgroundCheckProcedures.pdf, Section 7-1110 Criminal Record Statement (LIC 508).

³¹ Penal Code § 11105.2, Health and Safety Code § 1596.62. See also, CDSS's Reference Material for Background Check Procedures, publication number 12RM-02, May 2012, www.cclid.ca.gov/res/pdf/BackgroundCheckProcedures.pdf, Sections 7-1800 State Licensing: Arrests and 7-1820 State Licensing: Convictions – Subsequent to Clearance or Exemption.

³² Health and Safety Code § 1596.608(a).

CDSS transmits its current version of the Trustline registry to CCCRRN three times weekly so that CCCRRN maintains up-to-date records to perform its duties.

Finally, CCCRRN maintains a toll-free number that the public can call to find out the Trustline status of an individual. By calling CCCRRN, the public can learn whether the individual ever submitted an application and his/her current status: Registered, Pending, or Closed.

- Registered – the individual achieved Trustline registration and may transport minors.
- Pending – CDSS received the application.
- Closed – application denied or registration revoked.

If CDSS denies the individual's application, the caller learns of the denial itself, but not the specific cause of denial. If CDSS closes an application for an administrative reason, such as a fingerprint reject, Trustline would also share that information. Finally, if CDSS denied or revoked (closed) the individual for other reasons related to criminal or child abuse history such as an arrest, Trustline would inform the caller would that the individual was closed (and/or revoked) because of a decision by Community Care Licensing at CDSS.

Relevant Laws

California Health and Safety Code

- DIVISION 2. LICENSING PROVISIONS [1200 - 1796.63] (*Division 2 enacted by Stats. 1939, Ch. 60.*)
 - CHAPTER 3.35. Child Care Provider Registration [1596.60 - 1596.68] (*Chapter 3.35 added by Stats. 1997, Ch. 843, Sec. 4.*)
http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=2.&title=&part=&chapter=3.35.&article=
 - CHAPTER 3.4. California Child Day Care Act [1596.70 - 1596.895] (*Chapter 3.4 added by Stats. 1984, Ch. 1615, Sec. 9.*)
 - ARTICLE 2. Administration of Child Day Care Licensing [1596.80 - 1596.879] (*Article 2 added by Stats. 1984, Ch. 1615, Sec. 9.*)
[http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=2.&title=&part=&chapter=3.4.&article=2.](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=2.&title=&part=&chapter=3.4.&article=2)

California Penal Code

- PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] (*Part 4 added by Stats. 1953, Ch. 1385.*)
- TITLE 1. INVESTIGATION AND CONTROL OF CRIMES AND CRIMINALS [11006 - 11460] (*Title 1 added by Stats. 1953, Ch. 1385.*)
 - CHAPTER 1. Investigation, Identification, and Information Responsibilities of the Department of Justice [11006 - 11144] (*Heading of Chapter 1 amended by Stats. 1972, Ch. 1377.*)
 - **ARTICLE 3. Criminal Identification and Statistics [11100 - 11112]** (*Article 3 added by Stats. 1953, Ch. 1385.*)
[http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=1.&article=3.](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=1.&article=3)
 - **ARTICLE 4. Criminal Records [11115 - 11117]** (*Article 4 added by Stats. 1961, Ch. 1025.*)
[http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=1.&article=4.](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=1.&part=4.&chapter=1.&article=4)

Relevant websites

Trustline

Website: <http://trustline.org/>

California Department of Social Services

Trustline webpage: www.cclid.ca.gov/PG407.htm

Reference Material for Background Check Procedures (May 2012):

<http://cclid.ca.gov/res/pdf/BackgroundCheckProcedures.pdf>

Forms associated with the Trustline process:

- Trustline Registry - "The California Registry Of In-Home Child Care Providers" - In-Home/License Exempt Child Care Provider Application ([TLR 2](#))
- Trustline Registry Criminal Record Statement ([TLR 508](#))
- Request For Live Scan Service for TrustLine Registry Applicants ([TLR 9163A](#))

California Department of Justice

Fingerprint Background Checks webpage: <https://oag.ca.gov/fingerprints>

California Child Care Resource & Referral Network (CCCRN)

Website: www.rnetwork.org/

Federal Bureau of Investigation (FBI)

Webpage regarding Identity History Summary Checks for non-criminal justice purposes: www.fbi.gov/about-us/cjis/identity-history-summary-checks/backgroundchk

Next Generation Identification (NGI), which replaced the Integrated Automated Fingerprint Identification System in September 2014: www.fbi.gov/about-us/cjis/fingerprints_biometrics/ngi/ngi2

- **Criminal Justice Information Services (CJIS) website**
Information Sharing Environment webpage: www.ise.gov/law-enforcement-information-sharing

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Additional information regarding criminal history background checks through the Federal Bureau of Investigation (FBI) and the California Department of Justice

Sources of Shared Information

FBI's **Criminal Justice Information Services (CJIS)** Division currently serves more than one million users in 18,000 organizations. CJIS exchanges information with its partners through state-of-the-art technologies and statistical services that span the criminal justice community—from automated fingerprint systems to crime statistics; from secure communications to gun purchase background checks. CJIS services include:

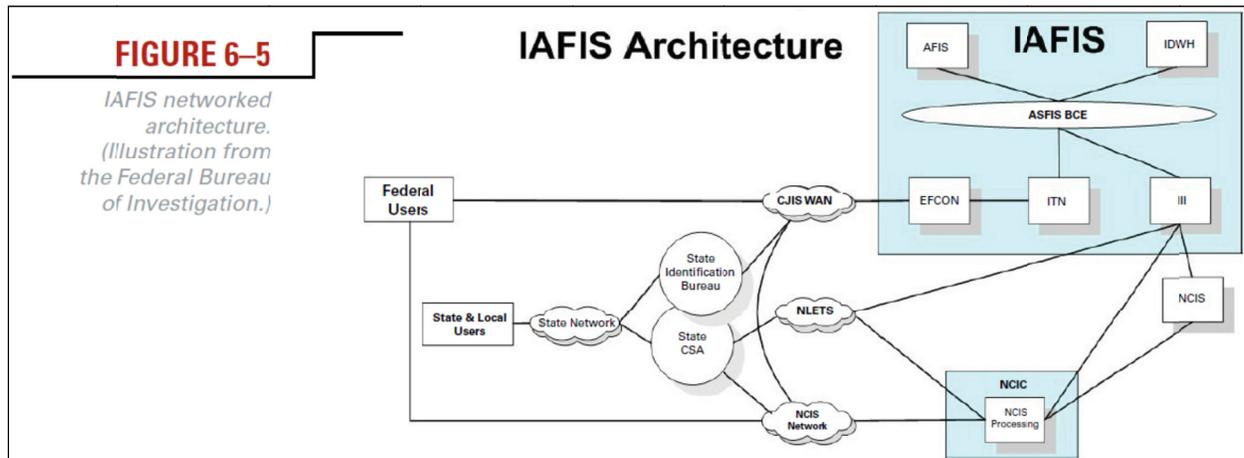
- **Law Enforcement On-line (LEO)** – FBI's LEO system has provided a protected means for sharing information with regional law enforcement agency partners through a project originally known as Regional Data Exchange (R-DEx) and subsequently adopted by DOJ for all of its components and renamed OneDOJ. LEO provides access to several secure, Internet communication and transport services such as the National Alert System, Virtual Command Center, and e-Guardian.
- **National Crime Information Center**
- **Integrated Automated Fingerprint Identification System (IAFIS)**, the U.S. criminal fingerprint identification system;
- **Uniform Crime Reporting Program**, which has developed and provided statistics describing crime rates across the U.S. since 1930.

Selected CJIS System Performance Statistics

System	Number of Records	Transactions Per Day	Average Response Time	System Availability
NCIC	15 million	6.7 million	0.06 seconds	99.8 percent
IAFIS	84 million	288,697	16.25 minutes for criminal	99.2 percent
NICS	—*	39,468	Two minutes (92% of the time)	99.9 percent

*A typical NICS background check searches more than 74 million records in multiple databases.

[The Fingerprint Sourcebook](#), published by the National Institute of Justice (U.S. Department of Justice Office of Justice Programs). Chapter 6: Automated Fingerprint Identification System (AFIS) discusses the AFIS program in-depth and includes a diagram showing the relationship between and among different components of the IAFIS architecture (Figure 6-5, on page 6-14)



[The CJIS Advisory Process: A Shared Management Concept](#): Describes the CJIS advisory process

[FBI Information Sharing & Safeguarding Report 2012](#): From the Executive Summary:

“In 2012 the President signed the National Strategy for Information Sharing and Safeguarding (NSISS), setting the stage for implementation of significant new initiatives and the continued structural, technical, and cultural advancements across the U.S. Government to further enhance national security. The FBI provided significant input to the strategy, and participated throughout 2012 in the coordination of the strategy’s implementation guidance soon to be published.”

[Law Enforcement Records Management Systems as They Pertain to FBI Programs and Systems](#) (replaces FBI’s Manual of Law Enforcement Records, 1984)

What this document provides

More than ever, the FBI is committed to helping law enforcement meet its ongoing need for immediate, accurate, and reliable information. One small way to achieve that goal is to provide in one document the information that agencies need to know about records management systems (RMSs) as they pertain to the

programs and services that the FBI provides. This manual, *Law Enforcement RMSs (as They Pertain to FBI Programs and Systems)*, provides that guidance. The information in this publication addresses law enforcement record requirements for the FBI's:

Integrated Automated Fingerprint Identification System (IAFIS)
Next Generation Identification (NGI)
Interstate Identification Index (III)
National Crime Information Center (NCIC)
The Law Enforcement National Data Exchange (N-DEX)
National Instant Criminal Background Check System (NICS)
Uniform Crime Reporting (UCR) Program
Summary Reporting System
National Incident-Based Reporting System (NIBRS)
Law Enforcement Officers Killed and Assaulted (LEOKA) Program
Hate Crime Statistics Program

California Department of Justice (CA DOJ)

[Criminal Statistics Reporting Requirements](#) (April 2014) From the Introduction:

“The Department of Justice (DOJ), Bureau of Criminal Information and Analysis (BCIA), Criminal Justice Statistics Center (CJSC) collects, analyzes, and develops statistical reports and information which provide valid measures of crime and the criminal justice process in California, as required by the Penal Code Sections outlined in this publication, *DOJ’s Data Collection and Reporting Responsibility*. The goal of the CJSC is to provide accurate, complete, and timely criminal statistical information to the public, local government, criminal justice administrators and planners, the legislature, the Attorney General, the Governor, state agencies, federal agencies, and criminal justice researchers through a variety of publications and services. To provide these services and publications, the CJSC collects and compiles data from more than 1,000 city, county, and state criminal justice agencies in California.

This document provides general guidelines to law enforcement agencies, District Attorneys, Public Defenders, and Probation Departments regarding their requirements to report to the CJSC. For each reporting requirement there is a brief description of what data are collected (introduction), which agencies are required to report the data (who), the statutory code section(s) that require reporting (why), the due date of the report (when), and the form or alternative method required to be used to report the data (how).”

<http://www.search.org/> SEARCH, The National Consortium for Justice Information and Statistics – the website states they are “premier resource for collecting, sharing, and analyzing innovative and timely knowledge, information, best practices, services and solutions for justice information sharing.”

[Report on the National Task Force on the Commercial Sale of Criminal Justice Record Information](#) (2005) – prepared by SEARCH; excerpt from the Executive Summary:

“This report is the first-ever comprehensive look at the role that commercial background screening companies play in the collection, maintenance, sale, and dissemination of criminal history record information for employment screening and other important risk management purposes.”

[Report of the National Task Force on the Criminal Backgrounding of America](#) (2005) – prepared by SEARCH; excerpt from Introduction:

Scope of this Report

This report is intended to provide law- and policymakers with recommendations and discussion on criminal backgrounding for noncriminal justice purposes, and it describes the Task Force’s vision for such backgrounding based on values identified during its meetings. Recommendations, which begin on page 8, are organized into the following subsections: Appropriate Levels of Access; Privacy and Social Safeguards; Complete and Accurate Records; and Miscellaneous. The Task Force hopes that this report will be a positive and important contribution to the continuing debate surrounding criminal backgrounding for noncriminal justice purposes.

[Survey of State Criminal History Information Systems, 2012](#) (published in Jan. 2014) – also prepared by SEARCH. Excerpt from the Introduction:

“This report is based upon the results from a survey conducted of the administrators of the state criminal history record repositories in February– May 2013. SEARCH surveyed 56 jurisdictions... This report presents a snapshot as of December 31, 2012.

...

In addition, the Federal Bureau of Investigation (FBI) was the source for some of the information relating to criminal history records, including state participation in the Interstate Identification Index (III) system (the national criminal records exchange system) and the number of Interstate Identification Index records maintained by the FBI on behalf of the states; the number of records in the wanted person file; the protection order file; and the number of sex offender records in the FBI National Crime Information Center (NCIC) files.”

Some of the major findings:

“ · Fifty states, American Samoa, Guam, and Puerto Rico report the total number of persons in their criminal history files as 100,596,300, of which 94,434,600 are automated records. (An individual offender may have records in more than one state.)

· Thirty states, Guam, and Puerto Rico have fully automated criminal history files.

· Eighteen states, representing 42% of the individual offenders in the Nation's criminal history records, report that 80% or more arrests within the past 5 years in the criminal history database have final dispositions recorded."

[Presentation](#) by [Linda Denly](#) on the California Department of Justice's "Information Sharing Initiative" - some discussion on trends in fingerprinting, the reality of budget constraints, identification of risks and other strategic planning - types of questions. Includes a number of charts related to arrests missing a disposition and vice versa.

[California's Criminal Justice System - A Primer](#) (Jan 2013), published by the Legislative Analyst's Office. Mainly the chart on page 34 is useful in terms of breaking out the number of adult felony arrests in terms of disposition.

[Study on Criminal Record Hits on Record Searches Performed by PRRN Members](#), published by the Public Record Retriever Network (PRRN). The [PRRN](#) is "one of the largest U.S. trade organizations representing professionals in the public record industry. With more than 500 members in 45+ states who retrieve documents from local government agencies in over 2,000 counties nationwide, PRRN Members are recognized as the nation's leaders in local public record searching and document retrieval." Website also states they are a founding member of NAPBS, described below.

[National Association of Professional Background Screeners \(NAPBS\)](#) website.