

Minutes of Special Meeting
ARIZONA BOARD OF FINGERPRINTING
January 31, 2002

The Arizona Board of Fingerprinting held a special meeting at the Board of Fingerprinting, 2222 West Encanto Blvd., Suite 350, Phoenix, Arizona. The meeting began at approximately 1:32 p.m.

MEMBERS PRESENT

Mike LeHew
Craig Emanuel, Alternate
Vernon Waite, Alternate
Cynthia Goertz

MEMBERS ABSENT

Kim Pipersburgh

CALL TO ORDER

ROLL CALL

MINUTES

BUSINESS REPORTS

GENERAL SESSION

The Board has been under-funded since its inception. With the financial difficulties facing the state, it appears unlikely that the Legislature will appropriate adequate funding for the Board in FY 2003. The following legislation is proposed to authorize the Board to establish a fee to support Board operations; to authorize the Department of Public Safety to collect the fee during the clearance card application process and to deposit the funds into the Board of Fingerprinting Fund; and to make the fund exempt from the provisions of Section 35-190 relating to lapsing appropriations. After discussion, Ms. Goertz made the motion to take the proposed legislation back to the individual agencies for review, and then to meet telephonically on

**DEVELOPMENT AND APPROVAL OF
NEW LEGISLATION AUTHORIZING THE
BOARD TO CHARGE FEES.**

Monday, February 4, 2002 at 9:30 am to vote
on the proposal. Motion passed 4-0, with one
member absent.

MOTION

CALL TO THE PUBLIC

Phil Case, Comptroller for DPS, and Becky Burkhardt, DHS, attended this meeting. Mr. Case spoke during the call to the public and thanked the Board for their activities. He stated that DPS is a stakeholder in this process and will support the Board in any way possible. He further stated that he believed the existing appropriations of \$97,200 would probably remain in the FY 2003 budget. If the fee is approved and promptly implemented, the \$97,200 should be adequate to support Board operations until the funds start coming in. He stated that DPS is supportive of this legislation and is willing to assist it through the legislative process.

ADJOURNMENT

Mr. LeHew adjourned the meeting at approximately 2:30 p.m.

Approved by the Board on the _____ day of _____, 2002.

Chair

AGENDA ITEM NO. I. A.

BOARD OF FINGERPRINTING MEETING DATE: January 31, 2001

SUBJECT: Consideration of Proposed Legislation Affecting the Board

SUBMITTED BY: Mr. LeHew

BACKGROUND INFORMATION:

The Board has been under-funded since its inception. With the financial difficulties facing the state, it appears unlikely that the Legislature will appropriate adequate funding for the Board in FY2003. Legislation is proposed to authorize the Board to establish a fee to support Board operations; to authorize the Department of Public Safety to collect the fee during the clearance card application process and deposit the funds into the Board of Fingerprinting Fund; and to make the fund exempt from the provisions of Section 35-190 relating to lapsing appropriations.

Attached are copies of the existing legislation and the proposed changes.

BOARD ACTION REQUESTED:
below)

Approve as submitted.

INFORMATION

ACTION (described

ATTACHMENTS:

YES

NO

Proposed Changes to Legislation

41-1750

J. The Director shall establish a fee in an amount necessary to cover the cost of federal noncriminal justice fingerprint processing for criminal history record information checks that are authorized by law for noncriminal justice employment, licensing or other lawful purposes. Additional fees may be charged by the department for state noncriminal justice fingerprint processing. EFFECTIVE JULY 1, 2002, THE DIRECTOR SHALL ADD TO THE ESTABLISHED FEE AN AMOUNT DETERMINED BY THE BOARD OF FINGERPRINTING TO COVER THE OPERATING COSTS OF THE BOARD. Fees submitted to the department for state noncriminal justice fingerprint processing AND THE BOARD are not refundable. THE AMOUNT COLLECTED FOR THE BOARD OF FINGERPRINTING SHALL BE TRANSFERRED INTO THE BOARD OF FINGERPRINTING FUND.

41-619.53

A.5. THE BOARD MAY ESTABLISH A REASONABLE FEE TO COVER THE OPERATING COSTS OF THE BOARD, NOT TO EXCEED \$10.00 PER FINGERPRINT CLEARANCE CARD APPLICANT.

41-619.56

A. The Board of Fingerprinting Fund is established consisting of monies appropriated by the legislature AND COLLECTED BY FEES PURSUANT TO 41-1750. ~~The Board shall administer the fund subject to legislative appropriation~~ MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE BOARD for the purposes provided in this article.

B. ~~Monies deposited in the fingerprinting fund are subject to section 35-190.~~ MONIES DEPOSITED IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

41-619.53. Board of fingerprinting; powers and duties; personnel; liability

A. The board of fingerprinting shall:

1. Determine good cause exceptions pursuant to section 41-619.55.
2. Adopt rules to implement this article, including rules to establish good cause exceptions for the issuance of class one and class two fingerprint clearance cards pursuant to section 41-1758.03. This rule making is exempt from the requirements of chapter 6 of this title.
3. Administer and enforce this article and rules adopted pursuant to this article.
4. Furnish a copy of its rules to all applicants who petition the board for a good cause exception pursuant to section 41-1758.03 and, on request, to licensees, contract providers and state agencies.

B. If the board members unanimously agree to grant a good cause exception, the board shall request in writing that the department of public safety issue a card to the applicant. If the board does not make a unanimous decision, a card shall not be issued to the applicant.

C. Each board member shall determine on behalf of the member's respective agency or division whether a person should be granted a good cause exception.

D. If a person is required to be fingerprinted as a condition of employment by more than one agency and the person would not serve a common population and no common good cause exception standard exists, each board member shall determine for the purposes of the member's agency alone whether a good cause exception should be granted and shall notify the department of public safety to issue the person a card. The board shall request in writing that the department of public safety designate on the fingerprint clearance card the agency or agencies that approve a good cause exception.

E. The board may employ clerical, professional and technical personnel subject to appropriated monies and shall prescribe their duties and determine their compensation.

F. Members of the board are not liable for acts done or actions taken by any board member if the members act in good faith following the requirements of this article.

41-619.56. Board of fingerprinting fund

(Eff. 7/1/99)

A. The board of fingerprinting fund is established consisting of monies appropriated by the legislature. The board shall administer the fund subject to legislative appropriation for the purposes provided in this article.

B. Monies deposited in the fingerprinting fund are subject to section 35-190.

41-1750. Central state repository; department of public safety; duties; funds; accounts; definitions

A. Notwithstanding section 41-2205, the department is responsible for the effective operation of the central state repository in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information. The department shall:

1. Procure from all criminal justice agencies in this state accurate and complete personal identification data, fingerprints, charges, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for a felony offense or an offense involving domestic violence as defined in section 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.
2. Collect information concerning the number and nature of offenses known to have been committed in this state and of the legal steps taken in connection with these offenses, such other information that is useful in the study of crime and in the administration of criminal justice and all other information deemed necessary to operate the statewide uniform crime reporting program and to cooperate with the federal government uniform crime reporting program.
3. Collect information concerning criminal offenses that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability.
4. Cooperate with the central state repositories in other states and with the appropriate agency of the federal government in the exchange of information pertinent to violators of the law.
5. Ensure the rapid exchange of information concerning the commission of crime and the detection of violators of the law among the criminal justice agencies of other states and of the federal government.
6. Furnish assistance to peace officers throughout this state in crime scene investigation for the detection of latent fingerprints and in the comparison of latent fingerprints.
7. Conduct periodic operational audits of the central state repository and of a representative sample of other agencies that contribute records to or receive criminal justice information from the central state repository or through the Arizona criminal justice information system.
8. Establish and enforce the necessary physical and system safeguards to ensure that the criminal justice information maintained and disseminated by the central state repository or through the Arizona criminal justice information system is appropriately protected from unauthorized inquiry, modification, destruction or dissemination as required by this section.
9. Aid and encourage coordination and cooperation among criminal justice agencies through the statewide and interstate exchange of criminal justice information.
10. Provide training and proficiency testing on the use of criminal justice information to agencies receiving information from the central state repository or through the Arizona criminal justice information system.
11. Operate and maintain the Arizona automated fingerprint identification system established pursuant to section 41-2411.
12. Provide criminal history record information to the fingerprinting division for the purpose of

screening applicants for fingerprint clearance cards.

B. The director may establish guidelines for the submission and retention of criminal justice information as deemed useful for the study or prevention of crime and for the administration of criminal justice.

C. The chief officers of criminal justice agencies of this state or its political subdivisions shall provide to the central state repository fingerprints and information concerning personal identification data, descriptions, crimes for which persons are arrested, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as criminal defendants for felony offenses or offenses involving domestic violence as defined in section 13-3601 or violations of title 13, chapter 14 or title 28, chapter 4 that have occurred in this state.

D. The chief officers of law enforcement agencies of this state or its political subdivisions shall provide to the central state repository such information as necessary to operate the statewide uniform crime reporting program and to cooperate with the federal government uniform crime reporting program.

E. The chief officers of criminal justice agencies of this state or its political subdivisions shall comply with the training and proficiency testing guidelines as required by the department to comply with the federal national crime information center mandates.

F. The chief officers of criminal justice agencies of this state or its political subdivisions also shall provide to the criminal identification section information concerning crimes that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability.

G. The director shall authorize the exchange of criminal justice information between the central state repository, or through the Arizona criminal justice information system, whether directly or through any intermediary, only as follows:

1. With criminal justice agencies of the federal government, Indian tribes, this state or its political subdivisions and other states, upon request by the chief officers of such agencies or their designated representatives, specifically for the purposes of the administration of criminal justice and for evaluating the fitness of current and prospective criminal justice employees.
2. With any noncriminal justice agency pursuant to a statute, ordinance or executive order that specifically authorizes the noncriminal justice agency to receive criminal history record information for the purpose of evaluating the fitness of current or prospective licensees, employees, contract employees or volunteers, on submission of the subject's fingerprints and the prescribed fee. Each statute, ordinance, or executive order that authorizes noncriminal justice agencies to receive criminal history record information for these purposes shall identify the specific categories of licensees, employees, contract employees or volunteers, and shall require that fingerprints of the specified individuals be submitted in conjunction with such requests for criminal history record information.
3. With the board of fingerprinting for the purpose of conducting good cause exceptions pursuant to section 41-619.55.
4. With any individual for any lawful purpose on submission of the subject of record's fingerprints and the prescribed fee.
5. With the governor, if the governor elects to become actively involved in the investigation of criminal

activity or the administration of criminal justice in accordance with the governor's constitutional duty to ensure that the laws are faithfully executed or as needed to carry out the other responsibilities of the governor's office.

6. With regional computer centers that maintain authorized computer-to-computer interfaces with the department, that are criminal justice agencies or under the management control of a criminal justice agency and that are established by a statute, ordinance or executive order to provide automated data processing services to criminal justice agencies specifically for the purposes of the administration of criminal justice or evaluating the fitness of regional computer center employees who have access to the Arizona criminal justice information system and the national crime information center system.

7. With an individual who asserts a belief that criminal history record information relating to the individual is maintained by an agency or in an information system in this state that is subject to this section. On submission of fingerprints, the individual may review this information for the purpose of determining its accuracy and completeness by making application to the agency operating the system. Rules adopted under this section shall include provisions for administrative review and necessary correction of any inaccurate or incomplete information. The review and challenge process authorized by this paragraph is limited to criminal history record information.

8. With individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement if the agreement specifically authorizes access to data, limits the use of data to purposes for which given and ensures the security and confidentiality of the data consistent with the provisions of this section.

9. With individuals and agencies for the express purpose of research, evaluative or statistical activities pursuant to an agreement with a criminal justice agency if the agreement specifically authorizes access to data, limits the use of data to research, evaluative or statistical purposes and ensures the confidentiality and security of the data consistent with this section.

10. With the auditor general for audit purposes.

11. With central state repositories of other states for noncriminal justice purposes for dissemination in accordance with the laws of those states.

12. On submission of the fingerprint card, with the department of economic security to provide criminal history record information on prospective adoptive parents for the purpose of conducting the preadoption certification investigation under title 8, chapter 1, article 1 if the department of economic security is conducting the investigation, or with an agency or a person appointed by the court, if the agency or person is conducting the investigation. Information received under this paragraph shall only be used for the purposes of the preadoption certification investigation.

13. With the department of economic security and the superior court for the purpose of evaluating the fitness of custodians or prospective custodians of juveniles including parents, relatives and prospective guardians. Information received under this paragraph shall only be used for the purposes of that evaluation. The information shall be provided on submission of either:

(a) The fingerprint card.

(b) The name, date of birth and social security number of the person.

14. On submission of a fingerprint card, provide criminal history record information to the superior court for the purpose of evaluating the fitness of investigators appointed under section 14-5303 or 14-5407, or guardians appointed under section 14-5206.
 15. With the supreme court to provide criminal history record information on prospective private fiduciaries pursuant to section 14-5651.
 16. With the department of juvenile corrections to provide criminal history record information pursuant to section 41-2814.
 17. On submission of the fingerprint card, provide criminal history record information to the Arizona peace officer standards and training board or a board certified law enforcement academy to evaluate the fitness of prospective cadets.
 18. With the internet sex offender web site database established pursuant to section 13-3827.
 19. With the state board of education for the purpose of evaluating the fitness of a certificated teacher or administrator or an applicant for a teaching or an administrative certificate provided that the state board of education or its employees or agents have reasonable suspicion that the certificated person engaged in conduct that would be a criminal violation of the laws of this state or was involved in immoral or unprofessional conduct or that the applicant engaged in conduct that would warrant disciplinary action if the applicant were certificated at the time of the alleged conduct. The information shall be provided on the submission of either:
 - (a) The fingerprint card.
 - (b) The name, date of birth and social security number of the person.
- H. The director shall adopt rules necessary to execute the provisions of this section.
- I. The director, in the manner prescribed by law, shall remove and destroy records that the director determines are no longer of value in the detection or prevention of crime.
- J. The director shall establish a fee in an amount necessary to cover the cost of federal noncriminal justice fingerprint processing for criminal history record information checks that are authorized by law for noncriminal justice employment, licensing or other lawful purposes. An additional fee may be charged by the department for state noncriminal justice fingerprint processing. Fees submitted to the department for state noncriminal justice fingerprint processing are not refundable.
- K. The director shall establish a fee in an amount necessary to cover the cost of processing copies of department reports, eight by ten inch black and white photographs or eight by ten inch color photographs of traffic accident scenes.
- L. Except as provided in subsection O of this section, each agency authorized by this section may charge a fee, in addition to any other fees prescribed by law, in an amount necessary to cover the cost of state and federal noncriminal justice fingerprint processing for criminal history record information checks that are authorized by law for noncriminal justice employment, licensing or other lawful purposes.
- M. A fingerprint account within the records processing fund is established for the purpose of separately accounting for the collection and payment of fees for noncriminal justice fingerprint processing by the

department. Monies collected for this purpose shall be credited to the account, and payments by the department to the United States for federal noncriminal justice fingerprint processing shall be charged against the account. Monies in the account not required for payment to the United States shall be used by the department in support of the department's noncriminal justice fingerprint processing duties. At the end of each fiscal year, any balance in the account not required for payment to the United States or to support the department's noncriminal justice fingerprint processing duties reverts to the state general fund.

N. A records processing fund is established for the purpose of separately accounting for the collection and payment of fees for department reports and photographs of traffic accident scenes processed by the department. Monies collected for this purpose shall be credited to the fund and shall be used by the department in support of functions related to providing copies of department reports and photographs. At the end of each fiscal year, any balance in the fund not required for support of the functions related to providing copies of department reports and photographs reverts to the state general fund.

O. The department of economic security may pay from appropriated monies the cost of federal fingerprint processing or federal criminal history record information checks that are authorized by law for employees and volunteers of the department, guardians pursuant to section 46-134, subsection A, paragraph 15, the licensing of foster parents or the certification of adoptive parents.

P. The director shall adopt rules that provide for:

1. The collection and disposition of fees pursuant to this section.
2. The refusal of service to those agencies that are delinquent in paying these fees.

Q. The director shall ensure that the following limitations are observed regarding dissemination of criminal justice information obtained from the central state repository or through the Arizona criminal justice information system:

1. Any criminal justice agency that obtains criminal justice information from the central state repository or through the Arizona criminal justice information system assumes responsibility for the security of the information and shall not secondarily disseminate this information to any individual or agency not authorized to receive this information directly from the central state repository or originating agency.
2. Dissemination to an authorized agency or individual may be accomplished by a criminal justice agency only if the dissemination is for criminal justice purposes in connection with the prescribed duties of the agency and not in violation of this section.
3. Criminal history record information disseminated to noncriminal justice agencies or to individuals shall be used only for the purposes for which it was given. Secondary dissemination is prohibited unless otherwise authorized by law.
4. The existence or nonexistence of criminal history record information shall not be confirmed to any individual or agency not authorized to receive the information itself.
5. Criminal history record information to be released for noncriminal justice purposes to agencies of other states shall only be released to the central state repositories of those states for dissemination in accordance with the laws of those states.

6. Criminal history record information shall be released to noncriminal justice agencies of the federal government pursuant to the terms of the federal security clearance information act (P.L. 99-169).

R. This section and the rules adopted under this section apply to all agencies and individuals collecting, storing or disseminating criminal justice information processed by manual or automated operations if the collection, storage or dissemination is funded in whole or in part with monies made available by the law enforcement assistance administration after July 1, 1973, pursuant to title I of the crime control act of 1973, and to all agencies that interact with or receive criminal justice information from or through the central state repository and through the Arizona criminal justice information system.

S. This section does not apply to criminal history record information contained in:

1. Posters, arrest warrants, announcements or lists for identifying or apprehending fugitives or wanted persons.

2. Original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long-standing custom to be made public if these records are organized on a chronological basis.

3. Transcripts or records of judicial proceedings if released by a court or legislative or administrative proceedings.

4. Announcements of executive clemency or pardon.

5. Computer databases, other than the Arizona criminal justice information system, that are specifically designed for community notification of an offender's presence in the community pursuant to section 13-3825 or for public informational purposes authorized by section 13-3827.

T. Nothing in this section prevents a criminal justice agency from disclosing to the public criminal history record information that is reasonably contemporaneous to the event for which an individual is currently within the criminal justice system, including information noted on traffic accident reports concerning citations, blood alcohol tests, intoxilyzer tests or arrests made in connection with the traffic accident being investigated.

U. In order to ensure that complete and accurate criminal history record information is maintained and disseminated by the central state repository:

1. The arresting authority shall take legible fingerprints of all persons arrested for offenses specified in subsection C of this section and, within ten days of the arrest, the arresting authority shall forward the fingerprints to the department in the manner or form required by the department. On the issuance and service of a summons for a defendant who is charged with a felony offense, a violation of title 13, chapter 14 or title 28, chapter 4 or a domestic violence offense as defined in section 13-3601, the court shall order that the defendant be fingerprinted by the appropriate law enforcement agency and that the defendant appear at a designated time and place for fingerprinting. At the initial appearance or on the arraignment of a summoned defendant who is charged with a felony offense, a violation of title 13, chapter 14 or title 28, chapter 4 or a domestic violence offense as defined in section 13-3601, the court shall order that the defendant be fingerprinted at a designated time and place by the appropriate law enforcement agency if the court has reasonable cause to believe that the defendant was not previously fingerprinted.

2. In every criminal case in which the defendant is incarcerated or fingerprinted as a result of the charge, an originating law enforcement agency or prosecutor, within forty days of the disposition, shall advise the central state repository of all dispositions concerning the termination of criminal proceedings against an individual arrested for an offense specified in subsection C of this section. This information shall be submitted on a form or in a manner required by the department.

3. Dispositions resulting from formal proceedings in a court having jurisdiction in a criminal action against an individual who is arrested for an offense specified in subsection C of this section or section 8-341, subsection R shall be reported to the central state repository within forty days of the date of the disposition. This information shall be submitted on a form or in a manner specified by rules approved by the supreme court.

4. The state department of corrections or the department of juvenile corrections, within forty days, shall advise the central state repository that it has assumed supervision of a person convicted of an offense specified in subsection C of this section or section 8-341, subsection R. The state department of corrections or the department of juvenile corrections shall also report dispositions that occur thereafter to the central state repository within forty days of the date of the dispositions. This information shall be submitted on a form or in a manner required by the department of public safety.

5. Each criminal justice agency shall query the central state repository before dissemination of any criminal history record information to ensure the completeness of the information. Inquiries shall be made before any dissemination except in those cases in which time is of the essence and the repository is technically incapable of responding within the necessary time period. If time is of the essence, the inquiry shall still be made and the response shall be provided as soon as possible.

V. The director shall adopt rules specifying that any agency that collects, stores or disseminates criminal justice information that is subject to this section shall establish effective security measures to protect the information from unauthorized access, disclosure, modification or dissemination. The rules shall include reasonable safeguards to protect the affected information systems from fire, flood, wind, theft, sabotage or other natural or man-made hazards or disasters.

W. The department shall make available to agencies that contribute to, or receive criminal justice information from, the central state repository or through the Arizona criminal justice information system a continuing training program in the proper methods for collecting, storing and disseminating information in compliance with this section.

X. Nothing in this section creates a cause of action or a right to bring an action including an action based on discrimination due to sexual orientation.

Y. For purposes of this section:

1. "Administration of criminal justice" means performance of the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of criminal offenders. Administration of criminal justice includes enforcement of criminal traffic offenses and civil traffic violations, including parking violations, when performed by a criminal justice agency. Administration of criminal justice also includes criminal identification activities and the collection, storage and dissemination of criminal history record information.

2. "Administrative records" means records that contain adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and that

are designed to furnish information to protect the rights of this state and of persons directly affected by the agency's activities.

3. "Arizona criminal justice information system" or "system" means the statewide information system managed by the director for the collection, processing, preservation, dissemination and exchange of criminal justice information and includes the electronic equipment, facilities, procedures and agreements necessary to exchange this information.

4. "Central state repository" means the central location within the department for the collection, storage and dissemination of Arizona criminal history records and related criminal justice information.

5. "Criminal history record information" and "criminal history record" means information that is collected by criminal justice agencies on individuals and that consists of identifiable descriptions and notations of arrests, detentions, indictments and other formal criminal charges, and any disposition arising from those actions, sentencing, formal correctional supervisory action and release. Criminal history record information and criminal history record do not include identification information to the extent that the information does not indicate involvement of the individual in the criminal justice system or information relating to juveniles unless they have been adjudicated as adults.

6. "Criminal justice agency" means either:

(a) A court at any governmental level with criminal or equivalent jurisdiction, including courts of any foreign sovereignty duly recognized by the federal government.

(b) A government agency or subunit of a government agency that is specifically authorized to perform as its principal function the administration of criminal justice pursuant to a statute, ordinance or executive order and that allocates more than fifty per cent of its annual budget to the administration of criminal justice. This subdivision includes agencies of any foreign sovereignty duly recognized by the federal government.

7. "Criminal justice information" means information that is collected by criminal justice agencies and that is needed for the performance of their legally authorized and required functions, such as criminal history record information, citation information, stolen property information, traffic accident reports and wanted persons information. Criminal justice information does not include the administrative records of a criminal justice agency.

8. "Disposition" means information disclosing that a decision has been made not to bring criminal charges or that criminal proceedings have been concluded or information relating to sentencing, correctional supervision, release from correctional supervision, the outcome of an appellate review of criminal proceedings or executive clemency.

9. "Dissemination" means the written, oral or electronic communication or transfer of criminal justice information to individuals and agencies other than the criminal justice agency that maintains the information. Dissemination includes the act of confirming the existence or nonexistence of criminal justice information.

10. "Management control":

(a) Means the authority to set and enforce:

(i) Priorities regarding development and operation of criminal justice information systems and programs.

(ii) Standards for the selection, supervision and termination of personnel involved in the development of criminal justice information systems and programs and in the collection, maintenance, analysis and dissemination of criminal justice information.

(iii) Policies governing the operation of computers, circuits and telecommunications terminals used to process criminal justice information to the extent that the equipment is used to process, store or transmit criminal justice information.

(b) Includes the supervision of equipment, systems design, programming and operating procedures necessary for the development and implementation of automated criminal justice information systems.

11. "Process control number" means the Arizona automated fingerprint identification system number that attaches to each arrest event at the time of fingerprinting and that is assigned to the arrest fingerprint card, disposition form and other pertinent documents.

12. "Secondary dissemination" means the dissemination of criminal justice information from an individual or agency that originally obtained the information from the central state repository or through the Arizona criminal justice information system to another individual or agency.

13. "Sexual orientation" means consensual homosexuality or heterosexuality.

14. "Subject of record" means the person who is the primary subject of a criminal justice record.

BOARD OF FINGERPRINTING
Budget Estimate for Fiscal Year 2002/2003

2/13/02

Personal Services	(5 FTE's)	\$	216,000.00
ERE		\$	42,800.00
Professional/Outside Services		\$	16,000.00
In-State Travel		\$	500.00
Out-of-State Travel		\$	-
Other Operating		\$	72,700.00
Capital Equipment		\$	<u>-</u>
	TOTAL	\$	348,000.00

DPS is estimating approximately 81,000 applications for fingerprint clearance cards in FY2003. A **\$4.00 fee** would be required to fund the Board if the \$97,900 is still appropriated to the Board. If the appropriation is dropped, a **\$5.00 fee** is recommended.

The operating costs for the first two months of the fiscal year will be \$78,400. (This is because our Risk Management sweep and 12-month lease are paid up front. Also, there are five pay periods between June 22, 2002 and August 31, 2002.)

Approximately **\$15,700** would be needed from each agency. Again, however, DPS is willing to front the initial months' expenses if the original Board appropriations do not change.

ARIZONA BOARD OF FINGERPRINTING

TENTATIVE SCHEDULES

FOR MEETINGS & HEARINGS IN 2001/2002

Revised 1/31/02

AGENDA ITEMS DUE	INFO TO MEMBERS	BOARD MEETING
October 17, 2001	October 10, 2001	October 17, 2001
January 2, 2002	January 9, 2002	January 16, 2002
April 3, 2002	April 10, 2002	April 17, 2002
July 3, 2002	July 10, 2002	July 17, 2002

(Meetings held at BOF, 2222 W. Encanto Blvd, #350. Hearings held at DPS, 2nd Floor Conference Room, 2102 West Encanto Blvd.)

BOARD HEARINGS

February 6, 2002	February 20, 2002
March 13, 2002 (VA)	March 27, 2002
April 10, 2002	April 24, 2002
May 15, 2002	
June 12, 2002	June 26, 2002
June 12, 2002	June 26, 2002
July 10, 2002	July 24, 2002
August 14, 2002	August 28, 2002
September 11, 2002	September 25, 2002
October 9, 2002	October 23, 2002
November 13, 2002	November 27, 2002
December 11, 2002	

BOARD OF FINGERPRINTING
Budget Estimate for Fiscal Year 2002/2003

2/13/02

Personal Services	(3 FTE's)	\$	136,000.00
ERE		\$	26,700.00
Professional/Outside Services		\$	1,000.00
In-State Travel		\$	500.00
Out-of-State Travel		\$	-
Other Operating		\$	52,000.00
Capital Equipment		\$	-
	TOTAL	\$	216,200.00

DPS is estimating approximately 81,000 applications for fingerprint clearance cards in FY2003. A **\$3.00 fee** would be required to fund the Board.

The operating costs for the first two months of the fiscal year will be \$54,500. (This is because our Risk Management sweep and 12-month lease are paid up front. Also, there are five pay periods between June 22, 2002 and August 31, 2002.)

Approximately **\$11,000** would be needed from each agency. DPS indicates that if the \$97,900 appropriated to the Board in FY 2003 doesn't change, they would be willing to front the first couple of months operating costs for the Board and be reimbursed as the fees are deposited.



JANE DEE HULL
GOVERNOR

J. ELLIOTT HIBBS
DIRECTOR

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MEMORANDUM

TO: Directors
Chief Financial Officers
Accounting Supervisors
Payroll Managers
Technical Bulletin Administrators
Users of the State of Arizona Accounting Manual (SAAM)
Of All Agencies

FROM: *for* *D. Clark Partridge*
Robert Rocha
State Comptroller

DATE: February 8, 2002

SUBJECT: Policy Distribution and Communication by way of the GAO Website

As you know, Technical Bulletin 01-3, "Electronic Distribution of Notifications, Accounting Forms & Policy Documents," formally introduced the GAO's automated e-mail system for the statewide dissemination of policy and procedure statements. We are pleased to announce that this system now has more than six hundred registrants and that reactions to this new service have been overwhelmingly positive. Our thanks to all those who, by their registration, have made this system a success.

To make sure that each of our customers is getting the information they need, we have attached a "GAO Website Registration Survey." Please fill out this form and, using the response information on the form, return it to our office by March 8, 2002. We will correlate these responses with the lists we formerly used for the paper distribution of documents.

We would ask that you make copies of this memorandum and the attached survey and see that they get into the hands of *HRMS User's Guide* users as well as anyone else who would benefit by receiving electronic policy notifications from the GAO but may not have been included in this distribution.

Should you have any questions, please call Clark Partridge (602.542.2122) or Greg Vokoun (602.542.6223).

Once again, thank you for your continuing cooperation.

RR:GV:hs

THE ARIZONA BOARD OF FINGERPRINTING - OVERVIEW

The Board of Fingerprinting was established in 1999 to conduct good cause exception hearings for the issuance of class one and class two fingerprint clearance cards. The Board reviews requests for good cause exceptions from eligible people who require a fingerprint clearance card and who have been denied a clearance by the Department of Public Safety (DPS.) Last year, legislation authorized the Board to also review requests for good cause exceptions from eligible people who have been denied by DPS and who wish to work in a residential care facility, a nursing care institution or a home health agency. (During the last legislative session, the elder care population was incorporated into the fingerprint clearance card area.)

The Board consists of five members, representing the five agencies that require fingerprint clearance cards. These agencies are the Departments of Economic Security, Juvenile Corrections, Education/State Board of Education, Health Services, and the Administrative Office of the Courts. Board members are appointed by their respective agency head for a one-year term, but may be re-appointed indefinitely. Board members work for their agency in various capacities – representation on the Board is considered an ancillary assignment.

In addition to *hearings*, the Board is required by statute to hold a minimum of one board *meeting* per quarter that is governed by the Open Meeting Laws. Board hearings are exempt from the Open Meeting Laws and by statute are not open to the public. However, board hearings must comply with the Administrative Hearing Procedures: such as notifying the applicant twenty-one days in advance of a hearing; swearing in the applicant; taping the proceedings; providing a copy of the findings of facts/conclusions of law to the applicant following the hearing; etc.

Board members typically spend a full day reviewing cases for every hearing day. Thus, when one hearing is held per week, Board members actually spend two days per week on Board activities. While Board members have committed to holding one hearing per week, Board *staff* is insufficient to meet this weekly schedule. At least five FTE's are needed to meet a weekly hearing schedule. The Board is currently funded for one FTE. (Actually, the Board was approved sufficient funding for five FTE's in FY2002, but it was in second trigger funding and was never received.)

The Board of Fingerprinting is an important feature of the fingerprint clearance card process and provides a valuable service to the State. But the original scope of the program was poorly conceived and Board responsibilities have increased in every legislative session since its inception. Further, it has been under-funded from the beginning. From the beginning, DPS has been more than generous in providing staff, workspace, furniture, equipment, and other operating funds to support Board activities. This support ceases June 30, 2002. With the huge demands on state appropriations, it may be more appropriate to fund the Board through a fee surcharge to the applicants of fingerprint clearance cards. This would require an addition ~~\$5~~00 per applicant.

FY2000 Appropriations = \$ 60,000

FY2001 Appropriations = \$101,700

FY2002 Appropriations = \$ 97,200

FY 2003 Projected Need = \$345,000

ARIZONA BOARD OF FINGERPRINTING

as of 12/31/01

For Calendar Year 2001, DPS:

ACCT Completed: 51,604

Approved Class 1: 47,714

Approved Class 2: 1,191

Total 48,905 95%

Denied Class 1&2: 2,699 5%

VA Completed: 6,187

Approved: 5,714

92%

Denied: 473 8%

For Calendar Year 2001, BOF:

Vulnerable Adults: (Appeal Rate = 50%)

Total Number of Appeals 235

Total Number of Closed 347

Total Number of Pending 17

% of Total Approvals 43%

% of Total Denials 57%

ACCT: (Appeal Rate = 55%)

Total Number of Appeals 1,497

Total Number of Closed 1,404

Total Number of Pending 548

% of Total Approvals 48.0%

% of Total Denials 52.0%

Closed Due to Board Action: 207

Approvals 146

Denials 61

% of Approvals due to Board Action 71%

% of Denials due to Board Action 29%

Closed Due to Board Action: 686

Approvals 571

Class 1 471

Class 1 R 4

Class 2 89

Class 2 R 7

Denials 115

% of Approvals due to Board Action 83%

% of Denials due to Board Action 17%

NOTE: The total closed includes all applicants who applied but either never returned their applications, were ineligible to appeal, or were denied because they failed to show up at their hearing. It also includes those who were subsequently issued a letter of approval by DPS after Board staff helped them obtain more information.