ARIZONA BOARD OF FINGERPRINTING

Mail Code 185 • Post Office Box 6129 • Phoenix, Arizona 85005-6129
Telephone (602) 265-0135 • Fax (602) 265-6240

Final Minutes for Public Meeting

Held March 11, 2010, at 1:30 p.m.
3839 North 3rd Street, Suite 107, Phoenix, Arizona

Board Members
Charles Easaw, Department of Education, Chair
Kim Pipersburgh, Department of Health Services, Vice Chair
Ellen Kirschbaum, Administrative Office of the Courts
Mike LeHew, Department of Economic Security
Arthur W. Baker, Department of Juvenile Corrections

Executive Director
Dennis Seavers

CALL TO ORDER AND ROLL CALL

Mr. Easaw called the meeting to order at 1:30 p.m. The following Board members were present: Charles Easaw, Kim Pipersburgh, Ellen Kirschbaum, Mike LeHew, and Arthur W. Baker. No Board members were absent.

Also in attendance was Dennis Seavers, Executive Director.

CALL TO THE PUBLIC

Mr. Easaw made a call to the public. There were no members of the public present.

APPROVAL OF MINUTES

Ms. Pipersburgh made a motion to approve the draft minutes from the February 5, 2010 meeting. Ms. Kirschbaum seconded the motion, which passed 5–0.

EXECUTIVE DIRECTOR'S REPORT

(Mr. Easaw decided to discuss the agenda item "Fiscal Year 2010 Budget and Application Requirements" after the agenda item "Executive Director's Report.")

Legislation

Mr. Seavers referred Board members to his March 2, 2010 memo on legislation (see Attachment 1). He added that there was an additional bill that would affect the Board but that was not listed in the memo. The bill would add allow athletic trainers seeking licensure with the Board of Athletic Training to substitute a fingerprint clearance card for that board's fingerprinting requirement. Based on his discussion with the executive director of the Board of Athletic Training, Mr. Seavers anticipated that the bill would have a negligible impact on the Board's finances and operations. The bill was intended to allow individuals who worked in school districts and already had fingerprint clearance cards to use those cards to meet the fingerprinting requirement for the Board of Athletic Training.

Mr. Baker expressed his concern with the addition of new populations to the fingerprint-clearance-card system, given the state's budget problems. Board members agreed on a formal position on bills that would increase the number of fingerprint-clearance-card applicants: although the Board should remain neutral on the bills that increase the number of fingerprint-clearance-card applicants, Mr. Seavers should share the Board's concerns about increases to the caseload and the negative impact on operations. Ms. Kirschbaum made a motion that the Board adopt this position, and Ms. Pipersburgh seconded. The motion passed, 4–1.

Ms. Kirschbaum asked about the impact of the proposed elimination of the Department of Juvenile Corrections (DJC) on the Board's membership. Mr. Seavers explained that if the proposal to eliminate DJC were adopted, DJC would no longer have a representative on the Board. He had been in contact with the Governor's Office to ensure that budget-reconciliation legislation would keep the Board membership at five members. Most likely, the governor would appoint the fifth member.

Operations

Mr. Seavers reported on the impact of a recent reduction in force (RIF) and a staff member's resignation on Board operations. He indicated that the Board should expect a backlog for expedited-review cases, since the Board would not have an investigator to process cases until a new investigator was hired. He estimated that it could take as long as two to three months for a case to have an expedited review and warned Board members that citizens may begin to

complain about the wait time. Mr. Seavers described operational steps he was taking to minimize the impact of the RIF and resignation.

Fiscal year 2010 strategic plan

Mr. Seavers referred Board members to his strategic-plan report (see Attachment 2). He said that the percent of applications that are complete on initial submission remains low, but that statistic did not reflect recent revisions to the Board's application form. These revisions should increase the percentage of initially complete applications.

FISCAL YEAR 2010 BUDGET AND APPLICATION REQUIREMENTS

Mr. Easaw asked the Board to consider whether the good-cause-exception application requirements should be changed to cope with the Board's reduction in force. He referred the Board to Mr. Seavers's February 25, 2010 memo on the topic (see Attachment 3).

Mr. Baker suggested that the Board alter its application requirements so that applicants would not need to provide court records or police reports for misdemeanor offenses, and Board members discussed this suggestion.

Mr. Seavers noted that there were a few changes that he believed Board members could easily make that wouldn't affect the requirements on applicants but would save time for the staff. He said that the staff could stop providing narrative summaries of certain charges or offenses, since those descriptions often take the investigator the most time to prepare. Instead, for certain charges or offenses, the investigator would only provide the date of the offense, the charges, the disposition of the charges, and the sentencing terms (if relevant). The Board could set criteria—such as length of time or designation of offense—for the offenses that would require a narrative summary. That way, the investigator would not have to describe what happened in an old, minor offense, such as a 1960 shoplifting, but would describe a serious or recent offense. Board members discussed this option and various criteria for offenses. Mr. LeHew indicated that these proposed changes should be temporary and not permanent changes to the sort of information that the staff provides to the Board.

Bonnie Richter, the Board's investigator, appeared before the Board to answer questions about possible changes to the summaries that investigators provide. She believed that eliminating some of the narratives from the summaries would save a substantial amount of work time. Board members asked Ms. Richter about changes to application requirements that could save time. She suggested that eliminating the requirement to get rid of certain court records for older offenses would save time. Mr. Seavers noted that if the Board adopted that suggestion, it should still have the requirement for cases subject to SB 1049 and the Adam Walsh Act because the disposition of an offense could affect a person's eligibility for a Level I fingerprint clearance card.

After discussion, Board members agreed that the application requirements would remain the same, but the investigator would provide less information to the Board. Specifically, the

investigator would not report on sentencing requirements (or completion of those requirements) and would not provide a narrative summary for the following:

- Misdemeanor offenses more than two years old;
- Misdemeanor charges that did not yield a conviction within the past two years, but not including pending charges.

Therefore, the investigator would only report those items for felony charges, misdemeanor convictions within the past two years, or pending misdemeanor charges. However, if there were any red flags that would cause the investigator concern (and which would be subject to the investigator's judgment), the investigator would report that information, even if that information normally wouldn't be required under the new guidelines. If the applicant failed to provide information that would not have to be reported by the investigator (e.g., if the applicant didn't provide an explanation of or sentencing documents for a misdemeanor conviction from 10 years ago), the investigator would still present the case to the Board but would note the deficiency. Ms. Kirschbaum made a motion to adopt the new guidelines, and Ms. Pipersburgh seconded. Mr. Easaw asked for a roll-call vote.

Board member	Vote
Mr. Easaw	Yes
Ms. Pipersburgh	Yes
Ms. Kirschbaum	Yes
Mr. LeHew	Yes
Mr. Baker	Yes

The motion passed, 5–0. Board members informally indicated that they would revisit the new guidelines in a few months.

ADJOURNMENT

Mr. LeHew made a motion to adjourn the meeting, and Ms. Kirschbaum seconded. The motion passed, 5–0. Mr. Easaw adjourned the meeting at 3:14 p.m.

Minutes approved on August 19, 2010

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Dennis Seavers, Executive Director

Arizona Board of Fingerprinting
Memo

TO: Board members

FROM: Dennis Seavers

C:

Date: March 2, 2010

SUBJECT Legislative update

This memo summarizes the content and status of significant legislation that would affect the Board of Fingerprinting.

HB 2446 (alarm businesses and agents). Status: moving forward

- This bill establishes a licensing requirement for businesses that sell alarm systems. The controllers of the businesses and the alarm agents must have valid fingerprint clearance cards.
- As a result of this bill, the Board should expect an increase of about 25 good-cause-exception applications each year, or about a 1.25% increase in caseload. (This projection is based on estimates from the Arizona Department of Fire, Building, and Life Safety.)
- The impact on Board finances and operations should be negligible.
- The bill has cleared all House committees and is awaiting floor action.

HB 2696 (in-home personal care services agencies). Status: likely dead

- This bill would regulate in-home caregiver agencies and employees. A condition of licensure would be that all employees have valid fingerprint clearance cards.
- As a result of the bill, the Board should expect a substantial increase in caseload. However, the caregiver industry has not provided adequate estimates of the number of people who would be required to get fingerprint clearance cards. Estimates have varied significantly, ranging from 20,000 to 40,000 new fingerprint-clearance-card applicants. If these numbers, which may not be reliable, are correct, then the Board would expect a caseload increase of about 500 to 1,000 good-cause-exception applications each year, or about a 25%-50% increase in caseload. (This projection is based on estimates in previous years

from the Arizona Department of Health Safety and the Arizona Association for Home Care.)
- The impact on Board finances and operations would be significant, and any legislation would need to address those issues.
- The bill did not receive a hearing in any of the House committees it was assigned to, and the deadline for hearings has passed. It is highly likely that this bill will not pass this year.

SB 1219 (real estate licensees). Status: moving forward

- This bill would require real-estate licensees to have a valid fingerprint clearance card (assuming that the bill is amended in the House to address technical issues). Currently, the Arizona Department of Real Estate (ADRE) requires fingerprinting (but not fingerprint clearance cards) and examines criminal records internally. ADRE states that the purpose of the bill is to eliminate the administrative burden and cost of internal fingerprinting checks and instead to require applicants to have a fingerprint clearance card.
- ADRE claims that the bill would not require licensees to renew the fingerprint clearance cards when they expire after six years. Instead, license applicants would only need to present the fingerprint clearance card on initial application.
- As a result of the bill, the Board should expect an increase of about 150 good-cause-exception applications each year, or about a 7.5% increase in caseload. (This projection is based on estimates from ADRE.)
- The impact on the Board's finances and operations should be discernible but sufficiently minor for the Board to absorb.
- The bill has cleared the Senate and has been transmitted to the House.

SB 1391 (criminal clearance cards; authorized company). Status: possibly dead

- This bill would make numerous changes to the existing fingerprint-clearance-card process.
    - It would allow criminal-background investigation companies (companies) authorized by the Arizona Department of Administration (ADOA) to conduct criminal-history background checks.
    - It would replace the term "fingerprint clearance card" with "criminal clearance card."
    - Cards would expire after two years (rather than the current six years).
- Based on a February 23, 2010 legislative hearing (at which I testified against the current form of the bill), it appeared that the stakeholders who have pushed the bill intended to create a parallel process to the current fingerprint-clearance-card system. Under this process, agencies or providers that require fingerprint clearance cards could choose to require employees to have either a fingerprint clearance card or a criminal clearance card. A fingerprint-clearance-card application would be processed in the current manner by DPS and would be good for six years. A criminal-clearance-card application would be processed by the companies, would be valid for two years, and would not include a check of

FBI criminal-history records. (The advocates of the bill state that the companies have access to databases that in some ways are superior to the FBI database. They claim that there are advantages that the companies' background check would have over the DPS check, and agencies or providers could weigh the advantages and disadvantages of these two checks when deciding whether to require fingerprint clearance cards or criminal clearance cards.)

- If the bill were to be revived, there are a number of logistical issues that would need to be addressed, such as ensuring that the Board of Fingerprinting gets access to the companies' criminal-history data if the criminal-clearance-card applicant applies for a good cause exception. If the bill is revived and these issues are addressed, the bill may not pose a significant problem for the Board, although the Board would need to discuss its position on the bill.
- The bill may not have a caseload impact on the Board, but it would have other effects on Board operations.
- The bill failed by a 4–5 vote in the Senate Appropriations committee. It is therefore dead. However, there are some ways that the bill could be revived, if the sponsor (Senator Russell Pearce) is motivated to pass the bill.

Arizona Board of Fingerprinting
Fiscal Year 2010 Strategic Plan
July 1 to December 31, 2009

Legend for progress

✓	Progress or consistency in performance since previous quarter
✘	Decline in performance since previous quarter
	Notable progress made since previous quarter (only for outcome measures)
	Performance declined since previous quarter, but this decline is not a concern (only for outcome measures)
	Performance declined since previous quarter, and this decline warrants attention (only for outcome measures)

Goal 1. To make fair and consistent determinations on good cause exceptions

Performance Measure	FY10 Estimate	FY10 Actual					
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Progress	YTD
Percent of investigator recommendations for expedited reviews accepted	93.00%	95.82%	95.58%			✘	95.71%
Percent of applications approved	90.00%	89.75%	90.61%			N/A	90.20%
Percent of approvals by expedited review	75.00%	90.74%	84.87%			N/A	87.67%
Percent of approvals by administrative hearing	25.00%	9.26%	15.13%			N/A	12.33%

Goal 2: To provide applicants with timely decisions on their good-cause-exception applications

Performance Measure	FY10 Estimate	FY10 Actual					
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Progress	YTD
Number of applications received	2,365	534	365			N/A	899
Number of applications disposed	2,365	489	516			N/A	1,005
Ratio of cases opened to cases closed	1:1	1:.92	1:1.41			N/A	1:1.12
Average number of days to dispose	120.00	88.46	94.53			✘	91.53
Average number of days spent processing applications	90.00	39.81	39.69			✓	39.75
Average number of days spent processing application from receipt to expedited review	22.00	20.82	19.35			✓	20.08
Average days from expedited review to hearing	40.00	38.95	40.31			✘	39.56
Percent of applications with an expedited review within 20 days of receipt of a complete application*	100.00%	100.00%	99.45%			✘	99.72%
Percent of applications with an administrative hearing within 45 days of an expedited review*	100.00%	100.00%	100.00%			✓	100.00%
Percent of applications decided within 80 days of an administrative hearing*	100.00%	100.00%	93.22%			✘	96.61%

*Applies only to applications received after September 18, 2007.

Goal 3. To develop fair and comprehensible rules, policies, and procedures for determining good cause exceptions

Performance Measure	FY10 Estimate	FY10 Actual					
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Progress	YTD
Number of requests received	3,616	743	733			N/A	1,476
Ratio of requests for good cause exceptions to applications submitted	1:.60	1:.72	1:.49			N/A	1:.61
Percent of applications complete on initial submission	40.00%	26.11%	25.96%			✘	26.03%

Arizona Board of Fingerprinting
Memo

TO: Board members

FROM: Dennis Seavers

C:

Date: February 25, 2010

SUBJECT Application requirements

At its February 5, 2010 public meeting, the Board discussed the impact of its reduction in force (RIF). In particular, the Board discussed possible changes to its application requirements that might help avoid a backlog. This memo summarizes issues that the Board discussed or might consider. These issues are not exhaustive but should give the Board a sense of what directions it could take to mitigate the impact of the RIF.

BACKGROUND

Laws 2009 (5th Special Session, SB 1001), Chapter 1, §2(A)(1) mandates that the Board transfer $42,000 from the Board of Fingerprinting Fund to the General Fund. As a result of this and previous fund sweeps, the Board would have faced a grave cash-flow problem in July 2010. Therefore, I requested and Department of Administration approved a RIF for an administrative assistant and an investigator, effective February 5, 2010.

Currently, the Board has 4.75 FTEs, which includes only one investigator to process all applications. The Board will not be able to comply with requirement of A.R.S. § 41–619.55(A) to conduct expedited reviews within 20 days, and the Board probably would not be able to comply with this requirement even with changes to the application requirements. (I have submitted a request to the Governor's Office to propose repealing the time frame in a budget-reconciliation bill.) At the February 5, 2010 and previous meetings, the Board discussed possible business-process changes, including alterations to the application requirements, to help avoid lengthy processing times or a backlog.

STATUTORY REQUIREMENTS

Under A.R.S. § 41–619.55(C) and (E), before granting a good cause exception, the Board *must* consider the following criteria.

- The extent of the person's criminal record;
- The length of time that has elapsed since the offense was committed;
- The nature of the offense;
- Any applicable mitigating circumstances;
- The degree to which the person participated in the offense;
- The extent of the person's rehabilitation, including (but not limited to):
    - Completion of probation, parole, or community supervision;
    - Whether the person paid restitution or other compensation for the offense;
    - Evidence of positive action to change criminal behavior, such as completion of a drug-treatment program or counseling;
    - Personal references attesting to the person's rehabilitation.

The Board *must* also verify that the applicant was not convicted of a crime listed in A.R.S. §§ 41–1758.03(B) or –1758.07(B). These crimes absolutely preclude issuance of a fingerprint clearance card, making the applicant ineligible for a good cause exception. Examples of the crimes in A.R.S. § 41–1758.03(B) include murder, rape, child abuse, and sexual abuse of a child. The crimes in A.R.S. § 41–1758.07(B) include all of the crimes in A.R.S. § 41–1758.03(B), plus additional offenses such as felony drug- or alcohol-related crimes (if committed within five years before the date of applying for a Level I fingerprint clearance card), felony domestic violence, and manslaughter. For individuals subject to the new law that established Level I fingerprint clearance cards, the Board *must* verify that the applicant is eligible for a Level I fingerprint clearance card, even if the Board grants a good cause exception.

The Board *may*, but is not required to, consider evidence of substantiated allegations of child abuse or neglect when deciding whether an applicant is rehabilitated.

CURRENT APPLICATION REQUIREMENTS

The list below summarizes what applicants currently must submit to the Board under A.A.C. R13-11-104(A). The listings include brief explanations of why the Board requests this information.

- A notarized good-cause-exception form.
    - The application form is available on the Board's Web site (www.azbof.gov), in case you wish to review it.
    - Apart from requesting personal information (such as contact information), the application form requires the applicant to disclose all criminal charges and indicate whether he or she has had substantiated allegations of child or vulnerable-adult abuse or neglect.

    - The notarization requires the applicant to swear that the applicant has provided accurate information in the personal statements and in other responses by the applicant.
- Reference-letter form.
    - A.R.S. § 41–619.55(E)(6) requires the Board to consider the extent of the applicant's rehabilitation, including personal references. The Board uses reference forms to consider this criterion.
    - The form is standardized to make sure that individuals submitting the references are aware of the applicant's criminal history and the reason(s) for the fingerprint-clearance-card denial or suspension.
    - The Board requires two completed forms, both of which are from individuals who have known the applicant for at least one year and one of which must either be (1) from the applicant's current or former employer or (2) from an individual who has known the applicant for at least three years.
- Court documents for convictions
    - A.R.S. § 41–619.55(E)(6) requires the Board to consider the extent of the applicant's rehabilitation, including completion of probation, parole, or community supervision and whether the applicant has paid restitution or other compensation for the offense. The Board has adopted a more general approach of requiring applicants to show that they completed their sentences.
    - The applicants must submit either (1) documentation from the appropriate court showing that they completed their sentence or (2) documentation from the appropriate court showing that records of the charge no longer exist or have been purged. The latter documentation indirectly shows that the applicant completed the sentence because the court should still have the record if the matter has not been resolved.
    - The Board requires court documents for all offenses, not just precluding offenses.
    - There are no time limits on the convictions for which the applicant must submit court documents, so the applicant must meet this requirement even if the offense occurred a long time ago.
- Court documents for charges with no disposition or that occurred within five years of the card being denied or suspended
    - If the DPS denial letter indicated that DPS could not determine the disposition (i.e., the ultimate outcome of a charge, such as acquittal, conviction, dismissal, etc.), we require the applicant to submit documents from the appropriate court showing either (1) the disposition or the charge or (2) that the court does not have a record of the charge. The latter documentation, if from the appropriate court, would show that the applicant either was not convicted or did not have a criminal complaint filed against him or her.
    - Disposition information is important if the applicant was not actually convicted of charge and may be able to get the fingerprint clearance card administratively.

  - If the applicant was convicted, he or she would have to provide appropriate documentation (see the bullet "Court documents for convictions" above).
  - If the charge was within five years of the date of the card being denied or suspended, the applicant must provide court documents showing the disposition of the charge and, if appropriate, showing completion of the sentence. Without this requirement, if the charge was not for a precluding offense (such as disorderly conduct *not* involving domestic violence), and the applicant was not convicted, the applicant would normally not have to submit court documents. Problems can arise when applicants erroneously think they were not convicted—for example, they had their charge set aside, wrongly thinking that the set-aside eliminates the conviction; or they mistakenly think that just because an offense occurred more than seven years ago, it is automatically purged from their record and thus is no longer a conviction. Since the Board relies heavily on the information that applicants give to us, the Board has developed this five-year time frame for looking more closely at certain charges to verify that there was not a conviction and to rely less on an applicant's claim about what happened to the charges.
- Police reports
  - A.R.S. § 41–619.55(E)(3) requires the Board to consider the nature of the offense. The statute could be interpreted to refer exclusively to whether the offense is a misdemeanor or felony. But this interpretation is not required, and the Board has not historically understood "nature of the offense" to refer solely to whether the offense is a misdemeanor or felony. The Board has developed two application requirements—police reports and personal statements (see below)—to find out the details of a charge. These details allow the Board to judge the nature of the offense. (To a limited extent, the police report for a charge that was dismissed may allow the Board to find patterns of behavior underlying the charge. However, in some cases there may be legal restrictions on considering this information.) Police reports serve as a confirmation of the applicant's version of events or as a contrary or more detailed account of the events.
  - Applicants must submit police reports only if the charge occurred within five years of the date DPS denied or suspended the card. In setting this time frame, the Board has determined that recent charges require more scrutiny. Conversely, the Board has determined that charges older than the five-year time frame do not require as much scrutiny, and the applicant's explanation of what happened, although sometimes incomplete or unreliable, is sufficient.
  - Applicants must submit police reports regardless of whether the charge was for a precluding offense and regardless of the disposition of the charge. Therefore, applicants must submit police reports not only for offenses but also for charges that have been dismissed or for which the applicant was acquitted.

- Personal statements
    - Personal statements allow the applicants to describe their charges. As indicated above, the personal statements allow the Board to consider the nature of the incident or, to a lesser extent, patterns of behavior.
    - Applicants must submit personal statements for all charges, regardless of whether the charges yielded a conviction and regardless of the length of time since the charge.
    - Personal statements may (but are not required to) include discussions of efforts toward rehabilitation. The application instructions encourage applicants to provide this information.

Some of these requirements have exceptions that arise from the experience of the Board staff and members. For example, applicants often cannot get police or investigative reports from federal law-enforcement agencies such as the DEA. We don't require court records from applicants who were convicted in New Orleans jurisdictions prior to 2006 because of hurricane destruction. Applicants sometimes have trouble getting court documents from certain jurisdictions, and the Board staff may simply take note of the applicants' good-faith efforts to acquire the documents. For all of these exceptions, the guiding principle is that we overlook application deficiencies if the applicant could not have met the requirements using reasonable diligence.

QUESTIONS TO CONSIDER WHEN ALTERING APPLICATION REQUIREMENTS

The Board may want to consider questions like the following when reviewing the application requirements.

- Will you be able meet your statutory obligation to consider the factors in A.R.S. § 41–619.55(E) if you eliminate the application requirement?
- Is the information provided by the requirement of sufficient usefulness to justify the burden on the applicant and on the Board and its staff? If the applicant were to refuse to meet the application requirement, would you still be inclined to approve the application? If so, is the application element necessary? For example, if the applicant failed to provide evidence that he paid the fine from a 1960 shoplifting offense, and you believed the applicant should nonetheless be approved, why have this requirement?
- If you eliminate the application requirement, will you feel like you don't have sufficient information to assess the applicant's rehabilitation? If you eliminate an application requirement and the applicant does not provide the information voluntarily, will you be inclined to refer the applicant to a hearing because you are not sure whether they are rehabilitated? If you had the information, would you have felt comfortable granting the application?
- Will eliminating the application requirement pose a risk to vulnerable citizens?

OPTION DISCUSSED IN FEBRUARY 5, 2010 BOARD MEETING

At its February 5, 2010 meeting, a Board member presented one option for consideration. This option would eliminate some of the Board's current application requirements. Please note that this is one option among many that the Board could consider. The Board asked that I prepare a summary of the option and an explanation of how the option would differ from the current requirements. (The Board should not infer from my analysis below that I am advocating for or opposed to this option.)

Under the option discussed, the Board's would:

- Consider only those charges that led to convictions;
- Focus on (1) felonies and (2) misdemeanors within the past two years.

Below is a table that compares the current application requirements and a set of possible application requirements that would be consistent with the option discussed at the February 5 meeting. Please note that there are various ways of altering the application requirements that would be consistent with the option, and the following is one example.

Current application requirements	Revised application requirements
• Notarized application form, including the requirement that applicants disclose evidence of substantiated allegations of child or vulnerable-adult abuse or neglect	• Unchanged from current requirements
• Reference-letter forms	• Unchanged from current requirements
• Court documents for convictions	• Court documents only for (1) felony convictions or (2) misdemeanor convictions for offenses that occurred within the past two years
• Court documents for charges with no disposition; and • Court documents for charges that occurred within five years of the card being denied or suspended	• Court documents for charges with no disposition only if the charge led to a conviction that was (1) a felony or (2) a misdemeanor that occurred within the past two years
• Police reports for all charges within five years of the date of the DPS denial or suspension	• Police reports only for charges that led to convictions for (1) a felony that occurred within the past five years or (2) a misdemeanor that occurred within the past two years
• Personal statement for all charges	• Personal statement only for charges that led to convictions for (1) a felony or (2) a misdemeanor that occurred within the past two years.

Since A.R.S. § 41–619.55(E)(1) requires the Board to consider the extent of the criminal record, I assume that under this option, the Board staff would prepare summaries that list all charges. However, the charges that are not listed under the revised requirements in the table above would simply be noted and would contain no comments from the investigator and have no information about compliance with the sentence.