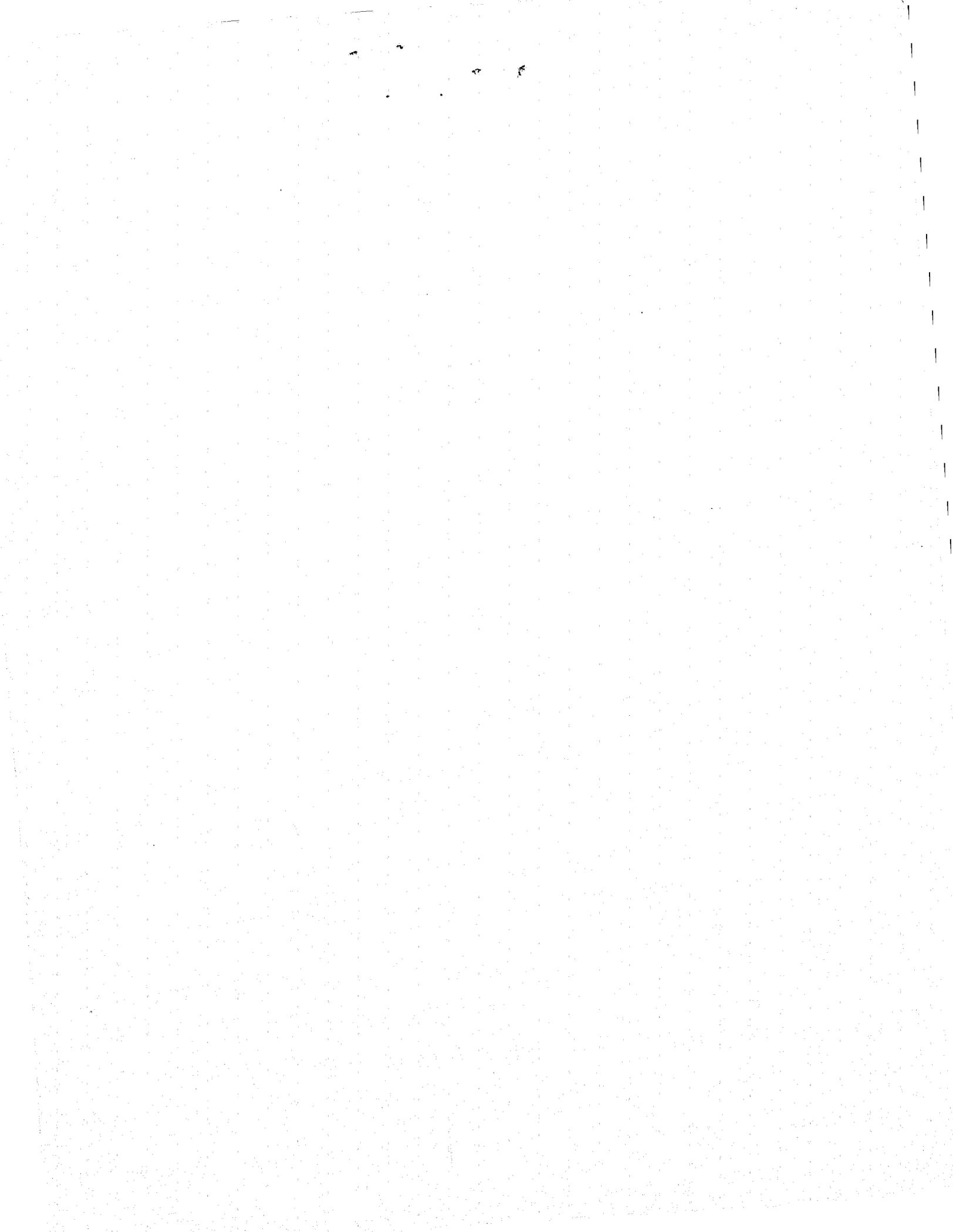


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# IMPLEMENTING THE FEDERAL PRIVACY AND SECURITY REGULATIONS

VOL. I: FINDINGS AND RECOMMENDATIONS  
OF AN EIGHTEEN STATE ASSESSMENT

METREK Division of The MITRE Corporation, MTR-7704



MITRE Technical Report MTR-7704

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ACQUISITIONS

# IMPLEMENTING THE FEDERAL PRIVACY AND SECURITY REGULATIONS

VOL. I: FINDINGS AND RECOMMENDATIONS  
OF AN EIGHTEEN STATE ASSESSMENT

by:

E.J. Albright, M.B. Fischel, F.C. Jordan, Jr., L.A. Otten

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## ABSTRACT

This report presents the results of MITRE/METREK's survey and assessment of the present level of state compliance with the Federal Regulations governing the privacy and security of criminal history record information (CHRI). The implementation progress and current status of 18 states which were visited form the basis of the report. Included are discussions of the general problems confronting states in their attempts to achieve compliance with the Regulations, the overall implementation environment, the collective progress of the states vis-a-vis the five generic areas of the Regulations, and recommendations to facilitate future progress toward compliance.

## ACKNOWLEDGEMENTS

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## EXECUTIVE SUMMARY

The overall objective of this project was to conduct a comprehensive survey and assessment of the present level of state compliance with the Federal Privacy and Security Regulations governing criminal history record information (CHRI) and to estimate, based on this assessment, the likely attainable level of compliance that could be expected by 31 December 1977. This assessment reflects the implementation progress and status of the 18 states which comprised the survey sample. The states visited were:

- Arizona
- Arkansas
- California
- Colorado
- Florida
- Iowa
- Kentucky
- Maine
- Massachusetts
- Minnesota
- Missouri
- New York
- Ohio
- Oregon
- Pennsylvania
- Texas
- Washington
- Wyoming

Included in this report are discussions of the general problems confronting states in their attempts to achieve compliance with the Regulations, the overall implementation environment, the collective progress of the states vis-a-vis each of the five generic areas of the Regulations (i.e., completeness and accuracy, individual access and review, limitations on dissemination, security, and audit) and recommendations for facilitating future progress toward compliance.

In the discussions of actual implementation activities states are not referred to by name; rather, they are grouped into three general compliance categories: substantial, medium and minimal, indicative of their compliance status vis-a-vis the Federal Regulations. These categories were arrived at by considering, as a whole, demonstrated and observed activities undertaken by the states to achieve compliance. The categories and the number of states perceived as having achieved the assigned compliance levels are given below:

- Substantial compliance--two states;
- Medium compliance--nine states; and
- Minimal compliance--seven states.

The four major findings of this assessment are:

- Long-term prior involvement with privacy and security implementation is a reliable indicator of successful compliance. However, commitment to improved privacy and security is also important, such that if this commitment has been present, even when the period of involvement has been of shorter duration, progress toward compliance appears significantly enhanced.
- Comprehensive legislation already in place appears to greatly facilitate compliance progress. Standard policies enacted with statewide impact militate against wide variations in procedures. Effective enabling legislation for central state repositories (CSRs) that is strongly relied upon can be utilized as a successful alternative to comprehensive legislation. In those states with aspect-specific legislation (i.e., legislation specific to the five generic areas of the Regulations mentioned above: completeness and accuracy, individual access and review, limitations on dissemination, security, and audit), more progress toward compliance has occurred than in those states with no legislation.
- States with highly specific mandates as to what their CSR file bases should contain and who have actively pursued these mandates have made adequate progress towards compliance. When mandates as to file content lack specificity, or are not stringently pursued, states fared less well in moving towards compliance.
- There are four factors: lack of sufficient resources, confusion as to interpretation of the Regulations, traditional practices inhibiting change, and tendencies to link compliance with proposed automated data systems, which appear also to directly relate to a state's capability to move its criminal justice information systems toward compliance. Any of these factors, either singly

or in concert, has impeded a state's rate of progress toward compliance. As the number and extent of these factors increase in states, their progress toward compliance appears to be more seriously hampered.

Generally, it is clear that most states will not have formal procedures in place to implement the Federal Regulations governing the privacy and security of criminal history information systems by 31 December 1977. The ability to be in overall compliance with the Regulations is dependent upon an ability to comply with each individual aspect of the Regulations. Based on the present assessment, the prime impediments to states' failure to comply in each of the five major areas have been:

- Completeness and Accuracy: the lack of a clear and effective mandate, funds and/or technical ability needed for a CSR to introduce or improve an arrest and disposition reporting system, and sufficient time in which to do so.
- Individual Access and Review: the lack of standardized, comprehensive policies, applicable to all impacted agencies in a state, which are supported by formalized procedures and the force of state law.
- Limitations on Dissemination: the lack of a statewide policy supported by formalized mechanisms and procedures, that is promulgated, pursued and enforced by some responsible agency.
- Security: the lack of specific, statewide security standards and the resources required for the full implementation of these standards.
- Audit: the lack of both a legislative mandate to conduct audits and of the resources these audits will require.

This report identifies several problems that impede a state's ability to comply with the Federal Regulations governing the privacy and security of CHRI. Furthermore, it appears that because of these problems, none of the states in this survey will achieve total compliance by the 31 December 1977 deadline. Thus, the major recommendation that can be made is:

- The 31 December 1977 deadline for compliance with the Regulations should be extended. Five phased deadlines, one for each aspect of the Regulations, should be established. Each deadline should be based upon the complexity and feasibility of achieving compliance in that area.

Our recommendations for aspect-specific deadlines and the related types of assistance which need to be provided are as follows:

- Phase I - 31 December 1978<sup>\*</sup> for Individual Access and Review. This compliance deadline could be met with the implementation of the following items:
  - the development and effective dissemination of detailed model procedures by the LEAA; and
  - the funding of a carefully-monitored, state-administered promulgation and training program.
- Phase II - 31 December 1979 for Limitations on Dissemination. This deadline could be met via:
  - the development by states of a specific and detailed dissemination policy with the needed support procedures, and the promulgation of both the policy and procedures.
- Phase III - 31 December 1980 for Security. This deadline is feasible if the following criteria are met:
  - the development of detailed model security standards and their promulgation by the LEAA;
  - limited funding support by the LEAA; and
  - adequate financial support from individual state and local governments.

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\* This deadline and all those subsequently proposed are predicated on the assumption that all implementation activities will be ongoing as of 1 January 1978.

- Phase IV - 31 December 1980 for Audit. The deadline for compliance with the annual audit requirement is dependent on:
  - the development and effective dissemination of detailed model procedures by the LEAA; and
  - the funding of a carefully-monitored, state-administered promulgation and training program.
- Phase V - 31 December 1982 for Completeness and Accuracy. The deadline for compliance with this aspect of the regulations is based upon the following:
  - the development and dissemination by the LEAA of model manual arrest and disposition reporting systems;
  - the provision of technical assistance and funding to states to facilitate the adoption of the model systems, as necessary;
  - a review of the current status of automated systems to assess how and to what degree compliance progress (on an interim basis, if need be) can be facilitated; and
  - the careful monitoring of all grants for information reporting systems, whether manual or automated, in terms of compliance with completeness and accuracy requirements.

In sum, due to the complexity of the problems each state must address in its attempts to develop the mandated procedures, even those few states that are now in substantial compliance with the LEAA objectives are still one to two years away from full compliance. As a consequence, it appears that five years from now would be the earliest point in time when all states can reasonably be expected to have complied with all aspects of the Federal Regulations governing criminal history record information. This, however, will require aggressive efforts by the LEAA:

1. to develop, promulgate and disseminate model
  - procedures for Individual Access and Review;
  - Security standards;

- procedures for Audit; and
  - manual arrest and disposition reporting systems to ensure Completeness and Accuracy;
2. to coordinate with the states on planning for legislation and policy (in particular, as regards security standards); and
  3. to aid (in the form of technical and financial assistance) on a substantiated need, case-by-case basis.

Achieving compliance with the Federal Regulations governing the privacy and security of criminal history record information via the schedule discussed in this report will thus necessitate certain actions on the part of the LEAA and state and local governments and agencies. Should any of these recommended steps not occur, the ability of states to achieve full compliance with the Regulations by the proposed deadlines will decrease significantly. Thus, while the projected overall compliance deadline is 31 December 1982, successful implementation of all requirements within this five-year time frame is dependent upon the achievement of each of the phased deadlines.

## 1.0 INTRODUCTION

The Department of Justice's (DOJ) Regulations on Criminal Justice Information Systems which relate to the privacy and security of criminal history record information were promulgated on 20 May 1975, and amended 19 March 1976. The Regulations required that all states submit to the Law Enforcement Assistance Administration (LEAA) a privacy and security plan by 16 March 1976. The plan was to describe operational procedures that would be developed to achieve compliance with the five aspects of the Regulations. These aspects are:

- completeness and accuracy;
- individual access and review;
- limitations on dissemination;
- security; and
- audit.

Final implementation of procedures is required by 31 December 1977.

The MITRE Corporation, METREK Division, under contract with the LEAA's National Criminal Justice Information and Statistics Service (NCJISS) has conducted a comprehensive survey and assessment of the present level of state compliance with the Federal privacy and security regulations, and has projected, based on the assessment of current status, the level of likely attainable compliance that can be expected by 31 December 1977. Additionally, MITRE/METREK's survey of the states' compliance activities has enabled it to identify some common problems that have arisen to date. This information provides the LEAA with a better basis for policy decisions regarding future implementation possibilities and requirements, and for formulating future technical assistance needs.

An important aspect of MITRE/METREK's privacy and security assessment was the identification of a set of 20 states for site visits. These states were to be adequately representative

of the nation in terms of a number of basic criteria.<sup>1</sup> Eighteen states were finally visited.<sup>2</sup> These states are:

- Arizona
- Arkansas
- California
- Colorado
- Florida
- Iowa
- Kentucky
- Maine
- Massachusetts
- Minnesota
- Missouri
- New York
- Ohio
- Oregon
- Pennsylvania
- Texas
- Washington
- Wyoming

This report assesses the implementation progress and status of the 18 states in the survey. The implementation status of these states was examined as closely as possible, given the time constraints necessitated by the 31 December deadline for this report, to form a base on which to develop a clearer overview of progress and experience, nationwide, in this area.

Included in this report are discussions of the general problems confronting states in their attempts to achieve compliance with the Regulations, the overall implementation environment, the collective progress of the states vis-a-vis each of the five generic areas of the Regulations, and recommendations for facilitating future progress

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<sup>1</sup>For a complete discussion of the selection criteria used, research issues addressed, and field survey approach undertaken, see Michael B. Fischel, Frank C. Jordan, Jr., and Laura A. Otten, "Work Plan: Privacy and Security Survey and Assessment," The MITRE Corporation, METREK Division, WP-12539, August 1977.

<sup>2</sup>Because of logistical and time constraints and in a common accord, NCJISS and METREK reluctantly decided to delete two states from the original sample of 20.

toward compliance. In no case in the discussions of actual implementation activities are states referred to by name; rather, they are grouped into general compliance categories.

It should be noted that all data presented and related assessments are based on reported or demonstrated accomplishments as of the time of MITRE/METREK's visits (15 August-2 December 1977) to the 18 states under discussion. The content of this report, therefore, cannot reflect those activities which may have occurred since the time of those visits.

Two other points must be borne in mind. First, the primary concern in selecting the sample was to ensure regional representation among the 20 states and at the same time to choose a sample that was approximately representative of the nation as a whole in terms of some basic selection criteria. Therefore, while states were essentially assessed and selected as they compared to other states within their LEAA Region, a major consideration was the degree to which the selection of a state would contribute to the make-up of the total sample. However, due to the unique characteristics of each state's criminal justice system and political environment, the difficulties of generalizing from this sample to the nation are recognized. Second, while the selection of the states comprising the survey sample was based on an objective process intended to provide a sample that would be representative of the nation, the same cannot be said of the local agencies visited in each state. In all cases, the choice of those local agencies visited by MITRE/METREK was dictated either by the fact that a limited number of agencies in a state were affected by the Regulations or by the selection processes of state-level officials based on unknown criteria. It is thus possible that atypical agencies (i.e., those most likely to be in compliance with some aspects of the Regulations) may have been chosen for MITRE/METREK's

visits. This of course brings into question how representative (for the state) those local jurisdictions may have been in terms of overall local-level compliance with the Federal Regulations. The general assessment presented here has taken these factors into account.

## 2.0 IMPLEMENTATION ENVIRONMENT: CURRENT STATUS

### 2.1 Overall Implementation Effort

For the purposes of this report, the 18 states visited have been divided into three categories (i.e., substantial, medium and minimal) indicative of their compliance status vis-a-vis the Federal Regulations governing the privacy and security of criminal history record information (CHRI). These categories were arrived at by considering in toto the activities undertaken by the states to achieve compliance.

Two states have been assessed as being in substantial compliance with the Federal Regulations. Both have comprehensive legislation and/or a long-term involvement in the privacy area, ongoing implementation activities, and well developed, formal procedures that have been uniformly pursued in all areas covered by the Federal Regulations. Nine states have been categorized as being in medium compliance with the Regulations. In these states some legislation has been enacted, procedures have been developed for implementing aspects of the Regulations, but the process of promulgation to impacted agencies and the public is still ongoing. The remaining seven states have been categorized as presently in minimal compliance as they are without enabling legislation and appear to have developed few procedures for bringing their criminal justice information systems into compliance with the Regulations.

Table I, below, reflects the overall implementation effort undertaken by the 18 states covered in this report. The table itself and the data contained within the categories (i.e., agency responsible for plan implementation, authority base, size/level of implementation effort, continuity of implementation effort, and level of promulgation) indicate the rate of progress toward compliance for those states visited. Although each category is important, the full impact

of each is understood only when they are analyzed in concert. Thus, although the agency responsible for and the authority base impacting plan implementation are key indicators of individual state efforts to date, these categories take on added significance in understanding the total implementation process only when combined with the degree (i.e., size/level/continuity of implementation effort) to which an agency has assumed its responsibility for plan implementation.

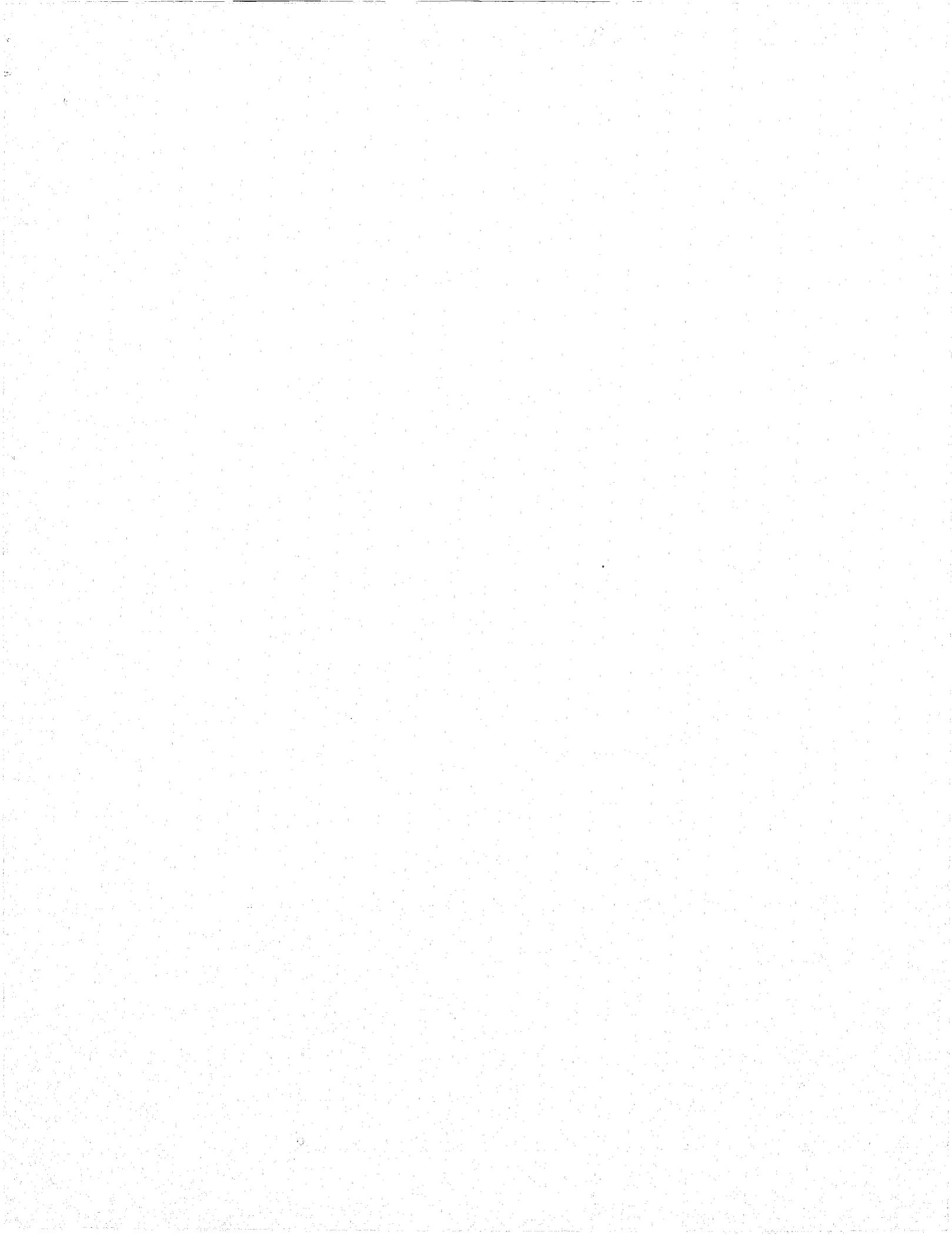
For those states in substantial compliance, activities in the area of privacy and security of CHRI have been an ongoing process, beginning prior to the promulgation of the Federal Regulations in May 1975. This prior involvement appears to be more important in a state's progress toward compliance than either the nature of the designation of responsibility (i.e., official or unofficial) or the concomitant base of authority. This conclusion is reinforced by the fact that, of the two states in substantial compliance, one has an officially designated implementing agency and the associated authority base, whereas the other does not. In both states, however, there has been a long-term, prior involvement in the privacy and security area and this appears to be the prime factor in their success.

Nine states have been categorized as being in medium compliance with the Federal Regulations. Of the nine, five states appear to be significantly closer to compliance than the remaining states in this group. Two states in the sub-group of five had an earlier plan submission date giving these states more lead time (six months) to implement the Regulations. In the other three states within this sub-group there has been an implementation effort ongoing since plan submission which has been significantly augmented by the presence of full-time staff exclusively assigned to the privacy and security area. In the remaining four states in the medium compliance group,



		AGENCY RESPONSIBLE FOR PLAN IMPLEMENTATION	AUTHORITY BASE FOR PLAN IMPLEMENTATION	SIZE/LEVEL OF IMPLEMENTATION EFFORT	CONTINUITY OF IMPLEMENTATION EFFORT <sup>1</sup>	FORMAL PROMULGATION ACTIVITIES
S U B S T A N T I A L	A	OFFICIAL DESIGNATION - DEPARTMENT OF JUSTICE	DESIGNATED BY GOVERNOR WITH CONCURRENCE OF ATTORNEY GENERAL	3 FULL-TIME STAFF AT CRSU, 1 FULL-TIME STAFF ON LOAN FROM SPA; EFFORT BEGAN PRIOR TO PROMULGATION OF FEDERAL REGULATIONS	CONTINUOUS EFFORT	INFORMATION PACKAGES AND SEMINARS
	B	ASSUMED LEAD ROLE - DEPARTMENT OF PUBLIC SAFETY	NONE	3 PART-TIME STAFF; EFFORT BEGAN PRIOR TO PROMULGATION OF FEDERAL REGULATIONS	CONTINUOUS EFFORT	INFORMATION PACKAGES AND SEMINARS
M E D I U M	C	UNOFFICIAL DESIGNATION - DEPARTMENT OF PUBLIC SAFETY	NONE	1 FULL-TIME STAFF, 1 PART-TIME STAFF SINCE 1976	CONTINUOUS EFFORT	INFORMATION PACKAGES AND SEMINARS
	D	UNOFFICIAL - NUMEROUS STATE AGENCIES	NONE	NOT KNOWN	CONTINUOUS EFFORT FOR CSR; NONE FOR OTHERS	INFORMATION PACKAGES AND SEMINARS
	E	OFFICIAL DESIGNATION - DEPARTMENT OF PUBLIC SAFETY	DESIGNATED BY GOVERNOR	1 PART-TIME STAFF; HAS VARIED IN PAST	CONTINUOUS SINCE 1973	INFORMATION PACKAGES, SEMINARS AND FIELD SERVICE STAFF ACTIVITIES
	F	UNOFFICIAL DESIGNATION - STATE PLANNING AGENCY	NONE	3 PART-TIME STAFF AS OF AUGUST 1977	EFFORT BEGAN AUGUST 1977	NONE
	G	OFFICIAL DESIGNATION - SPECIAL TASK FORCE	DESIGNATED BY GOVERNOR AND STATE STATUTE	2 FULL-TIME STAFF; 2 PART-TIME STAFF	CONTINUOUS SINCE 1973	INFORMATION PACKAGES AND FIELD SERVICE STAFF ACTIVITIES
	H	OFFICIAL DESIGNATION - STATE PLANNING AGENCY	DESIGNATED BY GOVERNOR	NOT KNOWN	CONTINUOUS EFFORT	NONE
	I	OFFICIAL DESIGNATION - STATE PLANNING AGENCY	DESIGNATED BY GOVERNOR	2 PART-TIME STAFF	CONTINUOUS SINCE 1976	INFORMATION PACKAGES
	J	OFFICIAL DESIGNATION - STATE PLANNING AGENCY	DESIGNATED BY GOVERNOR	NOT KNOWN	NONE	SEMINARS
	K	OFFICIAL DESIGNATION - STATE PLANNING AGENCY	STATE STATUTE	1 FULL-TIME STAFF; HAS VARIED IN PAST	CONTINUOUS EFFORT	INFORMATION PACKAGES AND SEMINARS
	L	UNOFFICIAL DESIGNATION - DEPARTMENT OF PUBLIC SAFETY	NONE	1 PART-TIME STAFF AS OF MAY 1977	NONE	NONE
M I N I M A L	M	OFFICIAL DESIGNATION - STATE PLANNING AGENCY	DESIGNATED BY GOVERNOR	NOT KNOWN	NONE	INFORMATION PACKAGES
	N	UNOFFICIAL DESIGNATION - STATE POLICE	NONE	1 PART-TIME STAFF	NONE	NONE
	O	OFFICIAL DESIGNATION - DEPARTMENT OF PUBLIC SAFETY	EXECUTIVE ORDER	1 FULL-TIME STAFF; HAS VARIED IN PAST	NONE	INFORMATION SEMINARS
	P	OFFICIAL DESIGNATION - SPECIAL TASK FORCE	EXECUTIVE ORDER	4 PART-TIME STAFF	NONE	INFORMATION PACKAGES AND SEMINARS
	Q	UNOFFICIAL DESIGNATION - STATE PLANNING AGENCY	NONE	2 PART-TIME STAFF	NONE	SEMINARS
	R	OFFICIAL DESIGNATION - OFFICE OF THE ATTORNEY GENERAL	DESIGNATED BY GOVERNOR	1 PART-TIME STAFF; HAS VARIED IN PAST	NONE	NONE

<sup>1</sup> MEASURED FROM THE TIME OF PLAN SUBMISSION.



despite a later start-up date for implementation efforts, commitment on the part of key individuals in lead agencies seems to have been a major factor in their progress toward plan implementation.

Of the seven states considered to be in minimal compliance with the Regulations, none has had a continuous implementation effort (e.g., no development of written, formal procedures, little interface with state and local agencies, and a low level of staff effort, etc.). In five states, attempts were made to draft comprehensive legislation. To date, however, these efforts either have been unsuccessful or have not been completed. In one of the remaining two states, legislation had been proposed prior to plan submission, and the actual passage was independent of efforts by the implementing agency. In the other state, no effort has been made to pass comprehensive legislation. In each of these states minimal effort has been made to bring its criminal justice information systems into compliance with the Federal Regulations.

In the area of promulgation of information relating to privacy and security, most (N=13) states appear to have engaged in some activities. These included the mailing of information packages (e.g., copies of the Federal Regulations, state plans, comprehensive legislation when enacted, model procedures, etc.), orientation and/or training seminars and information sessions. In a number of states where promulgation activities occurred, the efforts appear to represent only marginal involvement in the implementation process and cannot, therefore, be construed as significant, in and of themselves, in determining the level of progress toward compliance. In those cases where promulgation efforts have been followed-up by serious implementation activity, progress toward compliance has been greatly facilitated.

At this time, it appears that there are two major determinants of successful compliance:

- the total length of time involved in the privacy and security area; and
- the level of commitment on the part of plan implementors.

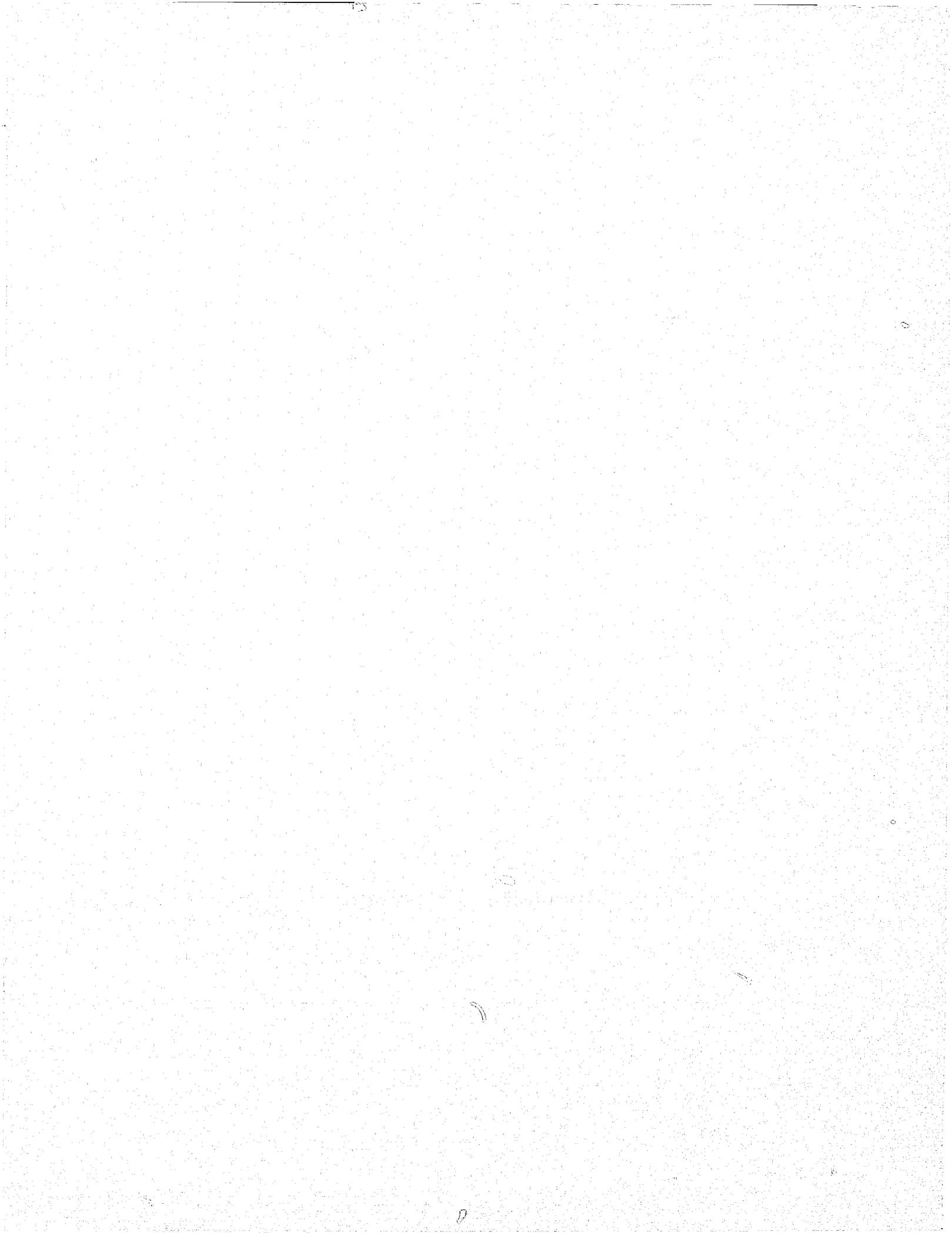
Where there has been long-term prior involvement with privacy and security implementation, this is a reliable indicator of successful compliance. When the period of involvement has been of a shorter duration but there has, nonetheless, been a serious commitment to the area, progress toward compliance appears to have been significantly enhanced.

## 2.2 Legislation

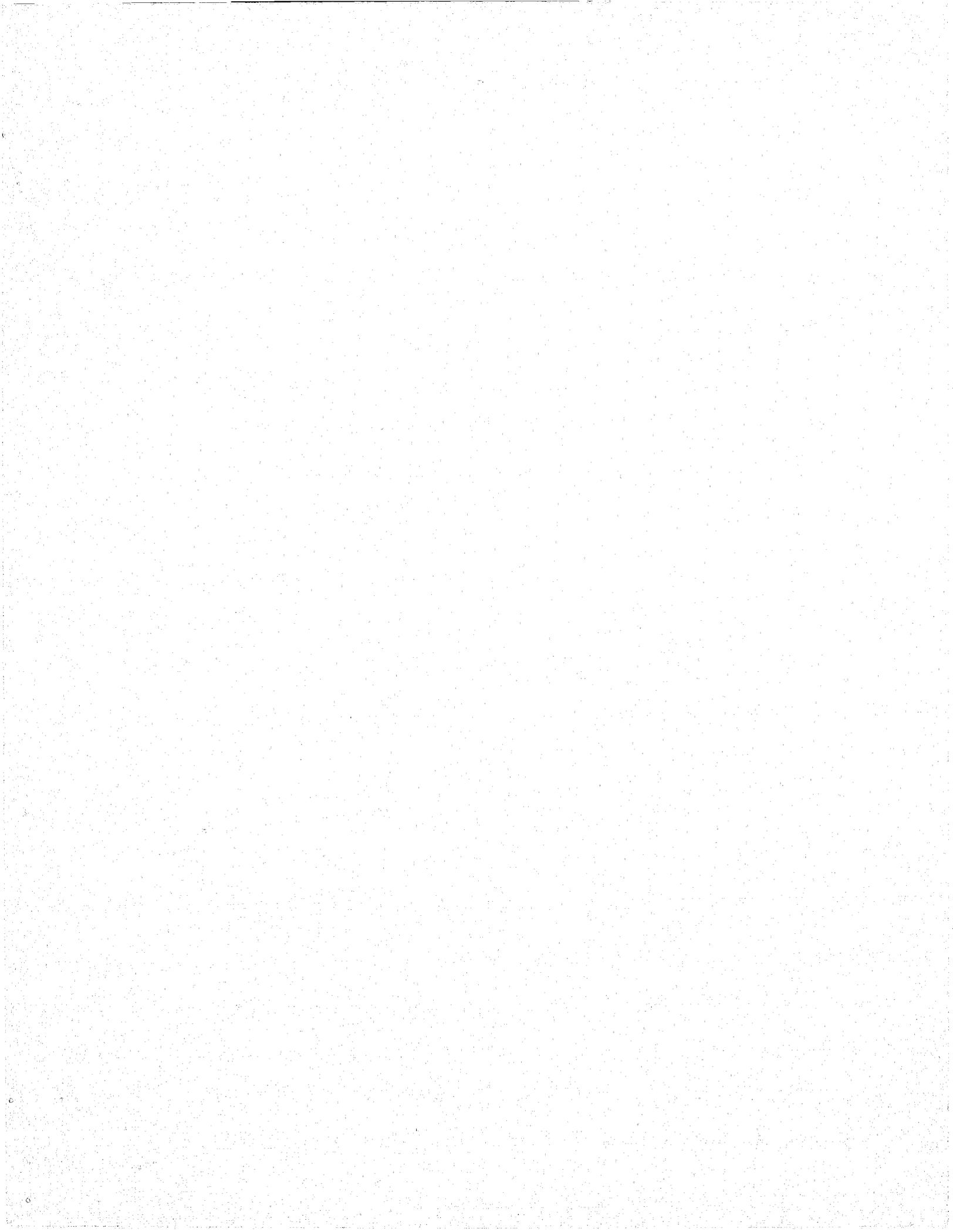
Another indicator of a state's progress toward compliance with the Federal Regulations governing the privacy and security of CHRI is the existence or nonexistence of privacy and security-related legislation. Table II, below, looks at legislation in terms of three criteria:

- a. legislation in existence prior to plan submission;
- b. legislation enacted since plan submission; and
- c. legislation that is either proposed or pending.

With the exception of only two of the 18 states, all had legislation in existence prior to plan submission that created a central state repository (CSR). In one of the two states there is no true central state repository; there are, however, three state-level agencies in this state designated to receive CHRI. Two of these agencies are authorized to do so by legislation. Legislation creating the CSR varies from state to state; however, in each case, the legislation appears to contain an authoritative base which mandates certain CSR activities that are in line with the Federal Regulations. Whether or not states chose to exercise this option appears to have been linked to the particular state involved. Thus, it seems that the



		LEGISLATION IN EXISTENCE PRIOR TO PLAN SUBMISSION	LEGISLATION ENACTED SINCE PLAN SUBMISSION	LEGISLATION PROPOSED OR PENDING
S U B S T A N T I A L	A	COMPREHENSIVE LEGISLATION	NONE	PENDING - SEVEN AMENDMENTS, EACH ASPECT-SPECIFIC
	B	LEGISLATION CREATING CSR; DATA PRIVACY ACT	NONE	PENDING - ASPECT-SPECIFIC
M E D I U M	C	LEGISLATION CREATING CSR	STATUTE ESTABLISHING COMPREHENSIVE DATA SYSTEM ADVISORY BOARD	NONE
	D	LEGISLATION CREATING CSR	LEGISLATION EFFECTIVE 31 DECEMBER 1977 - DEALS WITH ALL ASPECTS OF REGULATIONS EXCEPT AUDIT AND SECURITY	NONE
	E	LEGISLATION CREATING CSR; CRIMINAL HISTORY AND INTELLIGENCE DATA STATUTE	NONE	PENDING - AMENDMENTS TO CRIMINAL HISTORY STATUTE PARALLELS DISSEMINATION ASPECT OF FEDERAL REGULATIONS
	F	LEGISLATION CREATING CSR	ASPECT-SPECIFIC LEGISLATION (DEALS WITH APPEAL PROCEDURES FOR INDIVIDUAL ACCESS AND REVIEW)	NONE
	G	CRIMINAL OFFENDER RECORD ACT; PUBLIC RECORDS LAW	FAIR INFORMATION PRACTICES ACT (CONTAINS NEW DISSEMINATION CERTIFICATION PROCEDURES)	PENDING - ASPECT SPECIFIC (ALLOWS THE DISSEMINATION OF SUBJECT-IN-PROCESS DATA)
	H	LEGISLATION CREATING CSR; FREEDOM OF INFORMATION ACT - APPEARS NOT APPLICABLE TO CHRI	NONE	NONE
	I	LEGISLATION CREATING CSR; OPEN RECORDS LAW	NONE	PENDING - COMPREHENSIVE PRIVACY AND SECURITY ACT
	J	LEGISLATION CREATING CSR; POLICE REPORTING AND RECORDS STANDARD ACT; STATE POLICE ADMINISTRATION RULES FOR CRIMINAL OFFENDER INFORMATION	COMPREHENSIVE PRIVACY AND SECURITY ACT PASSED AND REPEALED; PARTS REPLACED BY EXECUTIVE ORDER	PROPOSED - LEGISLATION TO REPLACE REPEALED ACT AND EXECUTIVE ORDER
	K	LEGISLATION CREATING CSR; OPEN RECORDS LAW	COMPREHENSIVE LEGISLATION - EFFECTIVE 21 SEPTEMBER 1977	NONE
M I N I M A L	L	INFORMATION PRACTICES ACT - APPEARS NOT APPLICABLE TO CHRI	NONE	PROPOSED - COMPREHENSIVE, PARALLELS FEDERAL REGULATIONS
	M	LEGISLATION CREATING CSR; OPEN RECORDS LAW	NONE	PROPOSED - ASPECT SPECIFIC (REQUIRES DISPOSITION REPORTING)
	N	LEGISLATION CREATING CSR	STATE PUBLIC RECORDS LAW; REVISED CSR ENABLING LEGISLATION	NONE
	O	OPEN RECORDS LAW	NONE	NONE
	P	LEGISLATION CREATING CSR	NONE	PENDING - ASPECT-SPECIFIC
	Q	OPEN RECORDS LAW - APPEARS NOT APPLICABLE TO CHRI	NONE	NONE
	R	LEGISLATION CREATING CSR	NONE	PENDING - INFORMATION PRACTICES ACT - APPEARS NOT APPLICABLE TO CSR



enactment of other legislation more directly related to privacy and security is an important criterion for use in assessing a state's rate of progress toward compliance.

Both states viewed as having made substantial progress toward compliance had enacted, several years prior to the appearance of the Federal Regulations, state statutes that address all of the major requirements now mandated by the LEAA. In the case of one state, the statutory base is a comprehensive privacy and security bill, whereas in the other, it is a strong enabling statutory base for its CSR which the state has opted to rely upon rigorously. Moreover, both states have amendments pending which, when enacted into law, will provide the added legislative authority required to bring their criminal justice information systems into virtually full compliance with the Federal Regulations.

Of the nine states presently considered to be in medium compliance with the Federal Regulations governing CHRI, only two have been successful in enacting a comprehensive legislative package since plan submission. Of the two, one state within a very short time frame passed legislation, repealed it, and subsequently incorporated the significant aspects of this legislation in an executive order. Four other states in this category have passed legislation that is aspect-specific. The areas covered under these newly enacted laws range from amendments to existing public disclosure laws that are essentially in conflict with a number of privacy and security requirements to amendments that, item-by-item, address generic categories covered by the Regulations. Two of the three remaining states in this category have drafted legislation. In one of these states, this legislation is in committee; in the other, it is on the calendar for consideration during the next legislative session (January 1978).

The ninth state assigned to the medium compliance category has neither adopted nor drafted legislation since plan submission. In this state, however, its enabling CSR legislation provided the CSR with the authority to create agency regulations which, when approved by an internal committee, have the force of state law.

Of the seven remaining states in the sample, characterized as being in minimal overall compliance with the Federal Regulations, two had no legislation in existence prior to the submission of their plans, have failed to pass any legislation in the interim since plan submission, but do have aspect-specific legislation pending (i.e., a public disclosure law, a statute limiting dissemination, and a mandate for arrest reporting). This legislation is not, in all cases, aligned with the Federal Regulations. Three other states in minimal compliance status already had existing public disclosure laws; two of these laws appear not to apply to CHRI, while in the third state they appear to apply to all CHRI. Further, these states have made no attempt to enact legislation during the interim since the submission of their state plans. Significantly, one of these three states has in draft form legislation which parallels the Federal Regulations. The legislation is reported, however, to be nowhere near the stage where its passage by the legislature is considered imminent.

The sixth state in the overall minimal compliance category had no legislation prior to plan submission nor does it have any presently pending. During the interim since plan submission, however, this state has passed an amendment to its newly enacted public records law which exempts those records maintained at the CSR from public disclosure. The final state considered to be in minimal compliance status has a sunshine law that was enacted prior to the

submission of its state plan. This law is applicable to CHRI in that it includes requirements governing the closure and expungement of arrest records. This state has neither enacted more comprehensive legislation since plan submission, nor does it have legislation currently proposed or pending.

In the area of legislation, two factors appear to be of major importance in moving a state towards compliance. These are:

- the existence of comprehensive legislation; and
- a strong authoritative base for the central state repository.

Where a state has comprehensive legislation in place, the compliance process appears to be greatly facilitated. Standard policies enacted with statewide impact appear clearly to militate against wide variations in procedures practiced by impacted agencies. Moreover, when a CSR has effective enabling legislation, and it is strongly relied upon to further the implementation process, this can be utilized as a successful alternative to comprehensive legislation. Finally, in those states with aspect-specific legislation, considerably more progress toward compliance appears to have occurred than in those states with no legislation. This fact suggests that the presence of any privacy and security legislation, albeit non-comprehensive, becomes a fairly accurate indicator of a state's progress toward compliance. Where such legislation now exists, states have usually managed to move their criminal justice information systems toward at least medium compliance status; where none exists, states have remained at a virtual standstill. Because of the importance of legislation to the achievement of compliance and the complexity of the total legislative process, it is recommended that the LEAA, as a first step, actively encourage the passage of privacy and security-related legislation where none currently exists.

### 2.3 Central State Repository Status

The concept of a central state repository is an integral part of the Federal Regulations. As such, it appears to be the focal point of privacy and security implementation activities in most states, and thus the status of a CSR should be a good indicator of compliance progress in a state. Table III, below, examines five factors which reflect both the general status and the level of effort undertaken by a CSR. These are:

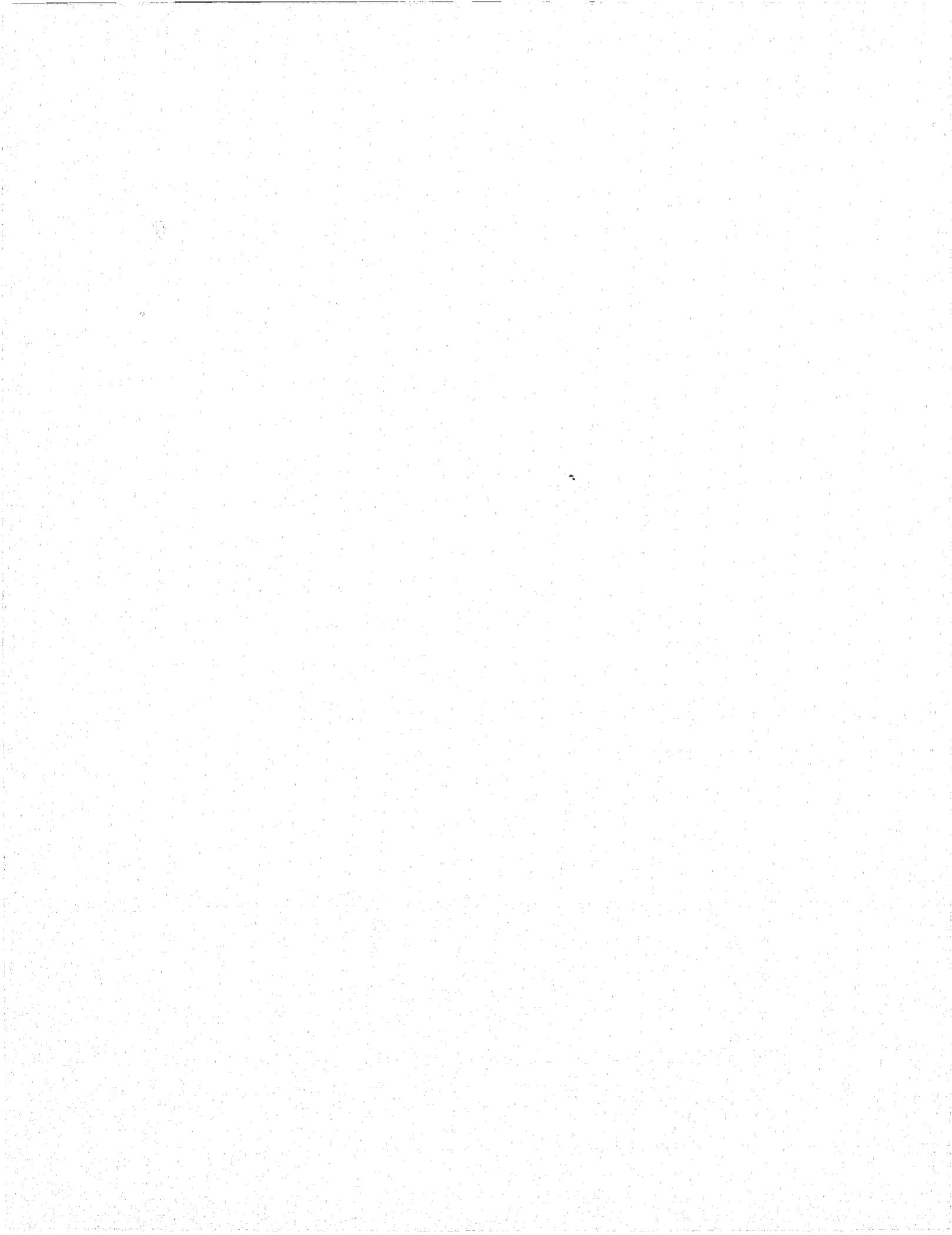
- a. the agency designated as the CSR;
- b. the CSR's authority base;
- c. the type of file system;
- d. the CSR's mandated CHRI file content; and
- e. the agencies directly covered by the Regulations.

All 18 states visited currently have organizations designated by statute as central state repositories. There is great variance in the ages of these repositories, ranging from 4 years to 63 years. There is also considerable variance among the agencies designated as the CSR in each state. Since younger and older repositories and different agencies functioning as the CSR appear side-by-side in each of the three compliance categories, neither of the aforesaid factors, when taken together or independently, appear related to the successful functioning capability of a CSR. Therefore, it seems that they alone indicate little about a state's ability to move along the compliance ladder. Other factors, however, taken in concert with these, appear to make considerable difference.

Of the two states in substantial compliance, one has a repository that is 50 years old, whereas the other is only five years old. Both states, however, consider all criminal justice agencies within their state covered by the Regulations, and have mandated and actively pursued the reporting of felony and serious misdemeanor arrest and



		DESIGNATED CENTRAL STATE REPOSITORY	AUTHORITY BASE	TYPE OF FILE SYSTEM	SPECIFICALLY MANDATED CHRI FILE CONTENT	CRIMINAL JUSTICE AGENCIES COVERED BY REGULATIONS
S U B S T A N T I A L	A	BUREAU OF IDENTIFICATION, DEPARTMENT OF JUSTICE	STATE STATUTE - 1972	DUAL SYSTEM - MANUAL/AUTOMATED	FELONY AND GROSS MISDEMEANOR; ARREST AND DISPOSITION INFORMATION	STATE TREATING ALL AGENCIES AS COVERED
	B	DEPARTMENT OF PUBLIC SAFETY	STATE STATUTE - 1927	AUTOMATED	FELONY AND SERIOUS MISDEMEANOR ARREST AND DISPOSITION INFORMATION	STATE TREATING ALL AGENCIES AS COVERED
M E D I U M	C	DEPARTMENT OF PUBLIC SAFETY	STATE STATUTE - 1968, REVISED 1972	DUAL SYSTEM - MANUAL/AUTOMATED	ARREST AND DISPOSITION INFORMATION FOR ALL OFFENSES WHICH ARE FINGERPRINTED OR RESULT IN INCARCERATION	8 AGENCIES IDENTIFIED AS DIRECTLY COVERED
	D	BUREAU OF INVESTIGATION	STATE STATUTE - 1971	AUTOMATED	NONE - VOLUNTARY SUBMISSION OF INFORMATION	STATE TREATING ALL AGENCIES AS COVERED
	E	BUREAU OF CRIMINAL INVESTIGATION	STATE STATUTE - 1939, REVISED 1973	MANUAL	FELONY AND CERTAIN INDICTABLE MISDEMEANOR ARREST AND DISPOSITION INFORMATION	43 AGENCIES IDENTIFIED AS DIRECTLY COVERED
	F	STATE POLICE	STATE STATUTE - 1939	MANUAL	ALL ARREST AND DISPOSITION INFORMATION	4 AGENCIES IDENTIFIED AS DIRECTLY COVERED; STATE TREATING ALL AGENCIES AS COVERED
	G	NO TRUE CSR - THREE PARTS: (1) DEPARTMENT OF PROBATION; (2) DEPARTMENT OF CORRECTIONS/PAROLE; AND (3) STATE POLICE	(1) STATE STATUTE - 1914 (2) NOT KNOWN (3) NOT KNOWN	(1) MANUAL (2) MANUAL (3) MANUAL	(1) ALL CRIMINAL AND JUVENILE COURT APPEARANCES (2) NOT KNOWN (3) NOT KNOWN	STATE TREATING ALL AGENCIES AS COVERED
	H	STATE PLANNING AGENCY	STATE STATUTE - 1972 (UNDER CURRENT AGENCY; ORIGINALLY CREATED IN DIFFERENT AGENCY BY STATE STATUTE - 1965)	DUAL SYSTEM - MANUAL/AUTOMATED	ALL ARREST (EXCEPT CITABLE OFFENSES) INFORMATION; DISPOSITIONS VOLUNTARY	STATE TREATING ALL AGENCIES AS COVERED
	I	STATE PLANNING AGENCY (MANUAL); STATE DATA CENTER (AUTOMATED)	STATE STATUTE	DUAL SYSTEM - MANUAL/AUTOMATED	ARRESTS AND DISPOSITIONS FOR ALL FELONIES; ALL CRITERION OFFENSES AS DEFINED BY NCIC	STATE TREATING ALL AGENCIES AS COVERED
	J	STATE POLICE	STATE STATUTE - 1941, REVISED 1963	AUTOMATED	FELONY AND SELECTED MISDEMEANOR ARREST AND DISPOSITION INFORMATION	DETERMINATION OF COVERAGE NOT MADE; STATE TREATING ALL AGENCIES AS COVERED
K	IDENTIFICATION SECTION, STATE PATROL	STATE STATUTE - 1972	DUAL SYSTEM - MANUAL/AUTOMATED	ALL FELONY AND GROSS MISDEMEANOR ARREST AND DISPOSITION INFORMATION	STATE TREATING ALL AGENCIES AS COVERED	
M I N I M A L	L	BIFURCATED REPOSITORY - TWO DIVISIONS OF DEPARTMENT OF PUBLIC SAFETY	BIFURCATED REPOSITORY - EACH BY STATE STATUTE AUTOMATED - 1971 MANUAL - 1945	BIFURCATED SYSTEM - A MANUAL REPOSITORY; AN AUTOMATED REPOSITORY	MANUAL CSR - NONE - VOLUNTARY SUBMISSION OF INFORMATION; AUTOMATED CSR - FELONY CONVICTION AND CORRECTION INFORMATION	15 AGENCIES IDENTIFIED AS DIRECTLY COVERED; STATE TREATING ALL AGENCIES AS COVERED
	M	STATE POLICE	STATE STATUTE - 1967, REVISED 1969 AND 1974	AUTOMATED	FELONY AND MISDEMEANOR ARREST INFORMATION (BY DEPARTMENT RULE)	DETERMINATION OF COVERAGE NOT MADE
	N	STATE POLICE	STATE STATUTE - 1958	MANUAL	FELONY ARREST AND DISPOSITION INFORMATION	12 AGENCIES IDENTIFIED AS DIRECTLY COVERED
	O	HIGHWAY PATROL	STATE STATUTE - 1959	MANUAL, AUTOMATED IN DEVELOPMENT	ARREST INFORMATION ONLY FOR SHERIFF'S OFFICE; OTHER INFORMATION	DETERMINATION OF COVERAGE NOT MADE
	P	STATE POLICE	STATE STATUTE - 1927	MANUAL	NONE - VOLUNTARY SUBMISSION OF INFORMATION	33 AGENCIES IDENTIFIED AS DIRECTLY COVERED; STATE TREATING ALL AGENCIES AS COVERED
	Q	DEPARTMENT OF PUBLIC SAFETY	STATE STATUTE - 1935	DUAL SYSTEM - MANUAL/AUTOMATED	NONE - VOLUNTARY SUBMISSION OF INFORMATION	400-500 AGENCIES IDENTIFIED AS DIRECTLY COVERED (EXACT NUMBER NOT KNOWN)
	R	DIVISION OF IDENTIFICATION, ATTORNEY GENERAL'S OFFICE	STATE STATUTE - 1973	MANUAL	ALL ARREST AND DISPOSITION INFORMATION	80 AGENCIES IDENTIFIED AS DIRECTLY COVERED



disposition information. Thus, it would appear that it is the degree to which the mandate to report required information is pursued that reflects most accurately the compliance status of a CSR and consequently, that of its contributing agencies. Both states rely essentially on automated systems, but these are augmented by well devised and established manual systems. Hence, it is not merely the presence of an automated capability which explains the successful compliance progress of these states; rather, it is the flow of information through established and rigorously enforced systems which appears to be a prime determinant of their success.

Of the nine states rated in the medium compliance category, there is also a wide range in the ages of the central repositories. Although the majority of these have been placed in a state police agency, there is some variety among the agencies assigned the role of CSR. All of the states in this category have mandates which require a measure of arrest and disposition reporting although they vary to some degree. It is the level of reporting made explicit by a state's statute (i.e., all arrest and disposition information, all felony and gross misdemeanor arrests and related dispositions, or information to perform the CSR's duties) which appears to be a somewhat reliable indicator of the status of the central state repository and its contributing agencies. Where the mandate is specific, and the CSR pursues the receipt of the required information with some degree of seriousness, most states (N=8) in this category appear to be making some efforts to move their systems into compliance. In the one state in this category with a rather loose mandate as to its CSR file content that mandate is not being actively pursued. In the future, this state's efforts to achieve compliance will be based upon a recently passed, though not yet effective, statute specifying the required content of the CSR files.

Among the nine states in this medium compliance category, seven have assumed that all criminal justice agencies in the state are directly covered; the remaining two states are treating only those agencies having received LEAA funding since July 1973 as directly covered. While it is interesting to note the extent of agency coverage within a given state, this factor does not appear to be a significant influence on a state's progress toward compliance.

Of the seven states in the minimal compliance category, all of the CSRs vary in age, a factor common to the other two classification groups as well. With the exception of one state, all are housed in a major state-level law enforcement agency.

The applications of the plan and the Regulations vary for each of the seven states in the minimal compliance group. For two of the seven states the plan applies to all agencies in the state. Where specific agencies have been designated as covered in a state, the state with the highest number of agencies designated covered is in this group of six states. There is, however, only one distinguishing feature that seems indicative of these states' ability to comply with the Regulations--the mandated content of the CSR. Six of the seven states assigned to the minimal compliance category have CSR statutes which fail to specify what the contents of their files should be. Instead, the legislation creating the CSRs merely states that agencies must collect all such data as is necessary to perform their roles. Because these mandates have been couched in language of a general nature, they allow for wide variance in interpretation by a CSR and its contributing agencies. What usually results is a less vigorous pursuit of those stipulations than that characterizing the CSR operations of states with specific legislative mandates. One state in this category has a bifurcated repository. The manual section has no specific mandate as to file content whereas the automated

section does. Because input to the automated repository is dependent upon information received by the manual repository, the automated mandate appears superfluous. The one state in minimal compliance that has a specific mandate as to its CSR file content is also the only state whose CSR is housed in a non-law enforcement agency. As law enforcement agencies appear to be the main contributors to a CSR, having a CSR in a non-law enforcement agency may contribute to a slower compliance rate.

Essentially, two elements appear to be prime indicators of a CSR's function/capability level and its concomitant rate of compliance progress. These are:

- the level of specificity of the mandated content of a CSR; and
- the degree to which this mandate is pursued.

Where an agency has a highly specific mandate as to what its CSR file base should contain, and this mandate is pursued effectively, states appear to be making adequate progress toward compliance. When either the mandate of the CSR file content is less specific or the fulfillment of a mandate is not stringently pursued, states fare less well in moving toward compliance. When there is no clear or specific mandate or no agency enforcement thereof, states appear to be making even slower progress toward compliance with the Regulations.

#### 2.4 Other Findings

There are several other elements which appear to relate to a state's ability to move toward compliance with the Federal Regulations but which are not directly associated with any of the previously discussed categories (i.e., the overall implementation effort, the existence or non-existence of legislation and the status of the central state repository). Rather, these elements are pervasive

impediments or obstacles to the efforts undertaken by states to implement and comply with the Federal Regulations.

Of the general findings in this group, one problem--the lack of sufficient resources (as measured by the need for additional personnel, equipment, etc.)--was universally cited by all states visited, regardless of the level of compliance presently attained. This lack of resources has caused a variety of problems and, in many instances, the question of insufficient resources appears to be an unresolvable one since the indications are that neither state nor local governments have the capability (or willingness) to provide adequate funds.

A second overall problem facing many state and local agencies is that of interpreting the Regulations. Many jurisdictions are still struggling with their inability to clearly and definitively arrive at an understanding of the Regulations, and consequently, what really needs to be addressed by their states in order to fully comply. In many cases, this general sense of confusion seems to have hampered implementation progress to such an extent that a variety of interpretations and practices are being followed within some states. Additionally, general confusion as to what is expected of state or local agencies has led many agencies simply to do nothing, as they wait for some definitive explanation and/or mandate as to what they should or should not do to achieve compliance.

This "waiting" phenomenon which results in delay or postponed action until answers are filtered down from a higher level, and which can occur in the case of a state awaiting word from the Federal-level, or a local agency awaiting word from the state-level, may be a result of one or more factors. On the one hand, it could be caused simply by the general confusion as to interpretations of the Regulations, noted above. On the other hand, the confusion itself could be

triggered by a general reluctance to alter practices and procedures which many agencies have been following for a number of years. In many agencies observed, there appears to be little motivation to change from traditional methods of operating, especially when the new mandate is couched in language perceived as ambiguous and open to wide variations of interpretation. This appears to have resulted in considerable "buck passing" (i.e., agencies waiting for someone else to make decisions, to come up with procedures and to hand down mandates that will altogether eliminate the possibility of confusion).

Finally, it appears that in those states where automated information systems are in the developmental stages, states are tending to link their eventual compliance with the Regulations to the full implementation of those systems. This strategy is being cited as a rationale for present inactivity, regardless of whether a planned system will be up and functioning in two, five or ten years. In the interim, relatively little is being done to implement privacy and security requirements in these states. While the full operationalization of a computerized data system may facilitate compliance with some areas of the Regulations (most notably, completeness and accuracy), it is unrealistic to rely on such a system for a full response to all the requirements of the Regulations. Thus, using a developing automated data system as the reason for not implementing interim measures to achieve higher levels of compliance does not seem to be based upon reasonable expectations of the extent to which such systems can actually help a state to achieve compliance with the Regulations. As a result, where states are placing their reliance upon future, automated systems, the rate of progress toward compliance with the Regulations appears to be greatly hampered.

In sum, four factors not discussed in previous sections appear to relate to a state's ability to move its criminal justice information systems toward compliance. These are:

- constraints on resources;
- general confusion in the interpretation of what the Regulations require;
- traditional practices inhibiting change; and
- a tendency to link compliance with proposed automated systems.

Any of these factors, either singly or in concert, can impede a state's rate of progress toward compliance. These factors are less prevalent in those states categorized as being in substantial compliance. As the number of these factors increases in states in the two other compliance groups, progress toward compliance appears to be more severely hampered.

## 2.5 Summary

It appears that few states visited are near substantial compliance with the Federal Regulations governing the privacy and security of criminal history record information, nor will they have moved their criminal justice information systems significantly nearer to compliance by the 31 December 1977 deadline. In general, there is enormous difficulty in applying standard criteria that are based on general assumptions to individual state systems that tend to be unique unto themselves. Nonetheless, it is possible to draw some common denominators typifying problems and collective situations that have surfaced and influenced the implementation progress in states. The major findings are presented below:

- Long-term prior involvement with privacy and security implementation is a reliable indicator of successful compliance. However, commitment to improved privacy and security is also important, such that if this commitment has been present, even when the period of involvement has been of shorter duration, progress toward compliance appears significantly enhanced.

- Comprehensive legislation already in place appears to greatly facilitate compliance progress. Standard policies enacted with statewide impact militate against wide variations in procedures. Effective enabling legislation for CSRs that is strongly relied upon can be utilized as a successful alternative to comprehensive legislation. In those states with aspect-specific legislation, more progress toward compliance has occurred than in those states with no legislation.
- States with highly specific mandates as to what their CSR file bases should contain and who have actively pursued these mandates have made adequate progress toward compliance. When mandates as to file content lack specificity, or are not stringently pursued, states fared less well in moving toward compliance.
- There are four factors (i.e., lack of sufficient resources, general confusion as to interpretation of the Regulations, traditional practices which inhibit change and tendencies to link compliance with proposed, automated data systems) which appear to also directly relate to a state's capability to move its criminal justice information systems toward compliance. Any of these factors, either singly or in concert, has impeded a state's rate of progress toward compliance. As the number and extent of these factors increase in states, their progress toward compliance appears to be more seriously hampered.

Generally, it appears that most states will not have formal procedures in place to implement the Federal Regulations governing the privacy and security of criminal history information systems by 31 December 1977. The major barriers to timely compliance have been: (a) the lack of comprehensive legislation which provides a state with carefully articulated policies that are accompanied by appropriate sanctions which support enforcement, and (b) the recency (less than 18 months) of entry by most states into the privacy and security area. Due to the complexity of the problems each state must address in its attempts to develop the mandated procedures, even those few states that are now in substantial compliance with

the LEAA objectives are still one to two years away from full compliance. As a consequence, it appears that five years from now would be the earliest point in time when all states can reasonably be expected to have complied with all five aspects of the Federal Regulations governing CHRI.

### 3.0 FEDERAL REGULATIONS: ASPECT-SPECIFIC COMPLIANCE STATUS

#### 3.1 Completeness and Accuracy

The requirement for completeness and accuracy is the most basic of the Federal Regulations. Ideally, through the establishment of a central state repository (CSR) of criminal history record information (CHRI), a state would "maintain complete criminal history files available to criminal justice agencies throughout the state."<sup>3</sup> To accomplish this goal the Regulations suggest that each state develop a system and set of procedures to obtain complete and prompt reporting of arrest and disposition information. Specifically required is:

- a unique method of tracking individuals from time of arrest to final discharge from the criminal justice system and linking disposition information to a specific arrest;
- a procedure to monitor the extent to which dispositions are reported within the specified time frame of 90 days;
- a quality control procedure, including an audit trial, to provide a method of ensuring that a maximum level of system accuracy is maintained at the CSR; and
- an established procedure whereby local criminal justice agencies query the CSR prior to the dissemination of CHRI to check its completeness and accuracy.

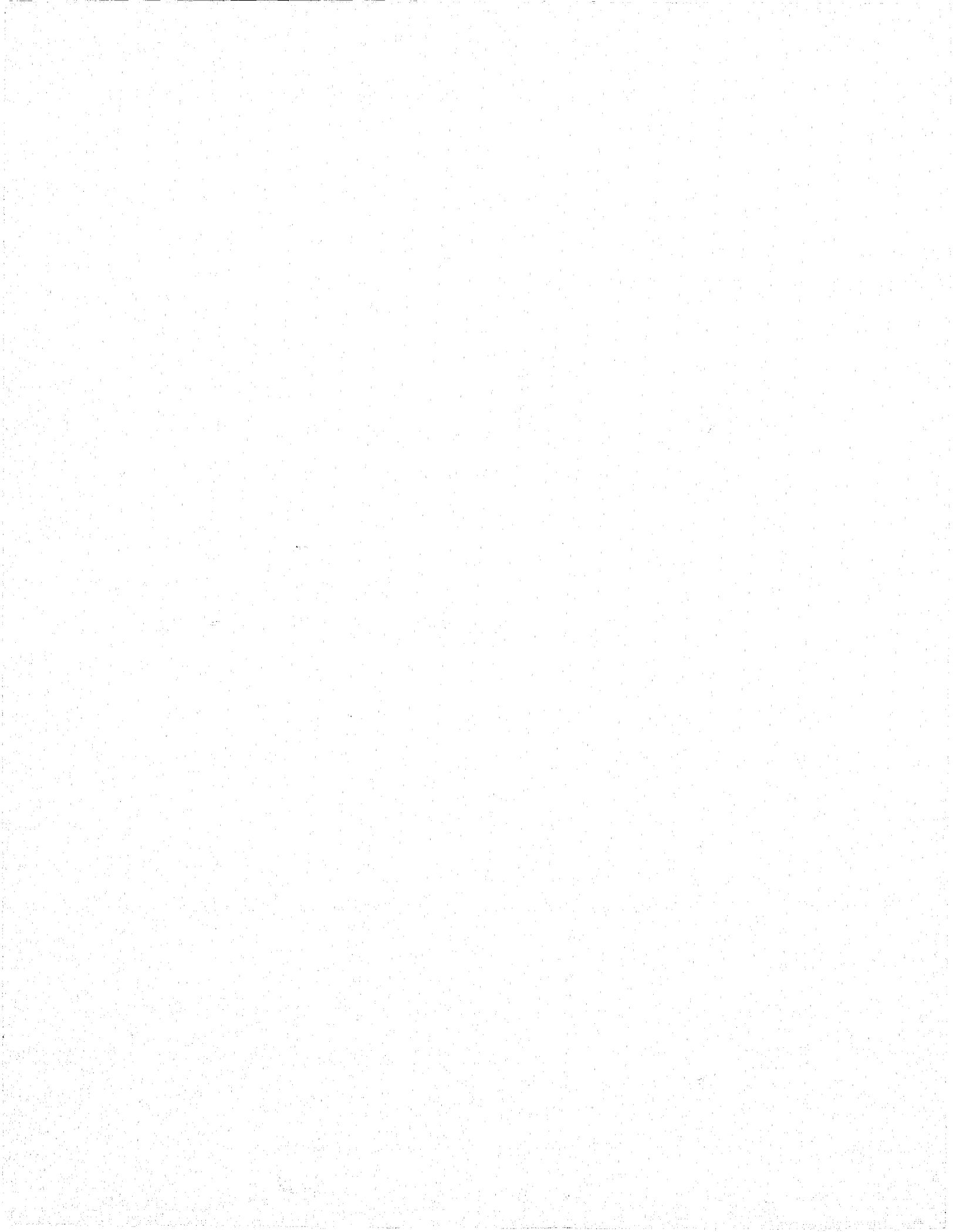
Table IV, below, is a summary of the status of the 18 states in terms of the completeness and accuracy requirement for CHRI maintained at CSRs. It contains the following categories as mandated for CSRs:

- a. the level of arrest reporting;
- b. the level of disposition reporting;
- c. the nature of the disposition reporting system;
- d. the method of tracking;
- e. the use of formal delinquent disposition monitoring procedures; and
- f. the use of formal quality control procedures.

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<sup>3</sup>"Privacy and Security Planning Instructions - Criminal Justice Information Systems," U.S. Department of Justice, Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, April 1976, p. 21.

		LEVEL OF ARREST REPORTING	LEVEL OF DISPOSITION REPORTING	NATURE OF DISPOSITION REPORTING SYSTEM	METHOD OF TRACKING	FORMAL DELINQUENT DISPOSITION MONITORING PROCEDURES	FORMAL QUALITY CONTROL PROCEDURES
S U B S T A N T I A L	A	ESTIMATED AT 99%	ESTIMATED AT 85%	FORMAL - MANDATED BY STATE LAW	FORMAL - UNIQUE TRACKING NUMBER AND FINGERPRINTS	YES (AUTOMATED)	YES
	B	ESTIMATED OVER 95%	ESTIMATED OVER 90%	FORMAL	FORMAL - UNIQUE TRACKING NUMBER	YES (AUTOMATED)	YES
M E D I U M	C	ESTIMATED OVER 90%	INCOMPLETE - SPECIFIC LEVEL NOT KNOWN	INFORMAL - MOSTLY FROM LAW ENFORCEMENT AND COURTS	INFORMAL - NAME, FINGERPRINTS, AND AVAILABLE AGENCY IDENTIFIERS	NONE - QUERIES MADE PRIOR TO DISSEMINATION	NO
	D	ESTIMATED LESS THAN 50%	ESTIMATED AT 50%	INFORMAL - FROM LAW ENFORCEMENT; FORMAL - FROM STATE JUDICIAL DEPARTMENT	FORMAL - TRACKING NUMBER NOT FULLY OPERATIONAL OR USED	NONE	YES
	E	ESTIMATED OVER 95%	ESTIMATED AT 70%	FORMAL	INFORMAL - NAME AND OTHER IDENTIFIERS	YES	NO
	F	ESTIMATED AT 99%	ESTIMATED LESS THAN 70%	INFORMAL - FROM LAW ENFORCEMENT AND COURTS	INFORMAL - NAME AND FINGERPRINTS	NONE - QUERIES OCCASIONALLY MADE PRIOR TO DISSEMINATION	NO
	G	ESTIMATED AT 100% FOR PROBATION FILE; ESTIMATED AT 60% TO 70% FOR STATE POLICE	ESTIMATED AT 100% FOR PROBATION FILE; ESTIMATED AT LESS THAN 10% FOR STATE POLICE	FORMAL	INFORMAL - NAME AND OTHER IDENTIFIERS	NO	NO
	H	ESTIMATED AT 75%	ESTIMATED AT 75%	FORMAL	FORMAL - UNIQUE TRACKING NUMBER	NONE	YES
	I	ESTIMATED AT 95%	ESTIMATED AT 85%	FORMAL	FORMAL - FINGERPRINT FOR MANUAL SYSTEM	YES (AUTOMATED)	YES (AUTOMATED)
	J	ESTIMATED AT 100%	ESTIMATED TO BE HIGH - SPECIFIC LEVEL NOT KNOWN	FORMAL	FORMAL - FINGERPRINTS	YES (AUTOMATED)	YES
M I N I M A L	K	ESTIMATED AT 95%	INCOMPLETE - SPECIFIC LEVEL NOT KNOWN	FORMAL	FORMAL - UNIQUE TRACKING NUMBER AND FINGERPRINTS	YES (AUTOMATED)	YES
	L	ESTIMATED AROUND 10%	ESTIMATED AT 50%	INFORMAL - MOSTLY FROM LAW ENFORCEMENT	INFORMAL - NAME AND FINGERPRINTS	NONE	NO
	M	ESTIMATED AT 90%	ESTIMATED AT 50%	INFORMAL - MOSTLY FROM LAW ENFORCEMENT	INFORMAL - NAME AND OTHER IDENTIFIERS	YES	YES
	N	ESTIMATED AT 95%	INCOMPLETE - SPECIFIC LEVEL NOT KNOWN	INFORMAL - FROM LAW ENFORCEMENT AND COURTS	INFORMAL - NAME, FINGERPRINTS, SIN OR FBI NUMBER	NONE	NO
	O	ESTIMATED AT 90%	ESTIMATED AT 60%	INFORMAL - FROM LAW ENFORCEMENT AND CORRECTIONS	INFORMAL - NAME AND FINGERPRINTS	NONE	NO
	P	ESTIMATED AT 50%	ESTIMATED AT 30%	INFORMAL - MOSTLY FROM LAW ENFORCEMENT AND COURTS	INFORMAL - UNIQUE TRACKING NUMBER, NAME AND FINGERPRINTS	NONE - QUERIES OCCASIONALLY MADE PRIOR TO DISSEMINATION	YES
	Q	ESTIMATED AT 80%	ESTIMATED LESS THAN 30%	INFORMAL - MOSTLY FROM LAW ENFORCEMENT	INFORMAL - NAME AND FINGERPRINTS	NONE - QUERIES MADE PRIOR TO DISSEMINATION	NO
R	ESTIMATED AT 75%	ESTIMATED LESS THAN 10%	INFORMAL - ALMOST NON-EXISTENT	INFORMAL - NAME AND OTHER IDENTIFIERS	NONE	NO	



In general, states have not achieved the level of information reporting required by the Federal Regulations. Arrest reporting to the CSR by local law enforcement agencies is substantially higher than the reporting of dispositions. Many states (N=12) estimated that their CSRs contain most (90 percent or more) reportable arrest information. Formal disposition reporting systems exist only in seven states; in these states, disposition reporting levels are estimated to be high, generally over 75 percent.<sup>4</sup> In states without formal systems for the reporting of dispositions, the level of reporting is considerably lower (estimates ranged from 10 percent to 70 percent). For these states, the reporting of dispositions from the various component agencies of the criminal justice system is fragmented, typically uncoordinated, and reflects primarily isolated local initiatives. In several states with informal reporting systems, the CSR merely provides disposition reporting forms for use by local agencies. Often these forms are only sporadically used.

Thus, most states have not achieved a level of arrest and/or disposition reporting needed to support the completeness and accuracy requirement of the Regulations. States (N=7) with formal reporting systems and relatively high levels of arrest and disposition reporting have typically also taken numerous steps to implement the other provisions (i.e., unique tracking numbers, delinquent disposition monitoring, quality control procedures, and formal query before dissemination procedures) of the Regulations. States (N=11) with a low level of both arrest and disposition reporting have taken only minimal steps to implement these other provisions. Thus, most states have not made significant progress towards compliance with the completeness and accuracy requirement of the Regulations.

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<sup>4</sup>All estimates are tenuous, as CSRs often have not determined the level of disposition reporting that would reflect the Regulations' definition of "disposition"--a formal conclusion at each stage of a case.

### 3.1.1 Central State Repositories

The two states in overall substantial compliance with the Federal Regulations have the most complete and accurate central state repository (CSR) records. In these states, arrest reporting is above the 95 percent<sup>5</sup> level. Disposition reporting for these arrests in both states is estimated above 85 percent. The success that these states have achieved in terms of reporting appears to be the direct result of the existence of a formal, statewide disposition reporting system. These formal systems, existing in both states prior to the Federal Regulations, and developed over a 5-10 year time frame, have been successful in coordinating and ensuring substantially uniform and prompt reporting from most agencies in the state. Clear-cut directives to reporting agencies regarding the format and nature of information to be reported and a program of assistance to these agencies have occurred in both of these states.

The existence of a unique tracking number is a key element for ensuring the completeness of CHRI at the CSR. A system of disposition reporting which also provides the capability to uniquely track individuals from arrest through final disposition greatly facilitates the CSR's ability to link dispositions to specific arrests. Significantly, this capability exists in both states assessed to be in overall substantial compliance with the Federal Regulations. Naturally, these states have been more successful in making the linkage between arrests and dispositions as information is received at the CSR.

Formal procedures exist in the two states assessed in overall substantial compliance for monitoring the CHRI file base at the CSRs

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<sup>5</sup>What is reported depends upon an individual state's mandated CSR file content or traditional practices. This, as noted in Section 2.3, does vary.

for dispositions which have not been received within an allotted time period. In one of these states, the procedure is automated; in the other, it is done manually, despite the existence of an automated CHRI file base. Both states have formal procedures to follow up arrests with the originating agency when a disposition is judged delinquent. Finally, formal quality control procedures similar to those suggested by the Federal Regulations are practiced at the CSRs in states in the overall substantial compliance category. In these states, specific procedures exist for double-checking and performing systematic audits of the CHRI file base to ensure its accuracy.

Of the nine states in the overall medium compliance category, seven estimate a level of arrest reporting in excess of 90 percent. Arrest reporting in all seven of these states is specifically mandated by state statute. In one of the two remaining states in the overall medium compliance category, there is also a mandate to report arrests; however, arrest reporting in this state has been problematic because of coordination problems among agencies; it is estimated that reporting occurs for only 75 percent of the required offenses. In the last state in this group, the lack of a specific mandate to report arrests to the CSR accounts for a significantly lower level of arrest reporting (estimated at 50 percent).

There is wide variance in the level of disposition reporting to the CSRs in the states in the overall medium compliance group. In general, disposition reporting in states with formal reporting systems is higher than in states with informal disposition reporting mechanisms. For those states (N=6) with formal systems, disposition reporting averages at the 80 percent level. In two of these six states, disposition reporting to the CSR is significantly higher. In both of these states,

the reporting systems have been in place for a number of years, allowing for the elimination of many of the coordination problems which impede successful operations of newer systems. In the other four states, disposition reporting systems are generally newer and continue to have implementation problems. The remaining three states in the overall medium compliance group estimate disposition reporting to the CSR to be less than 70 percent and as low as 50 percent. In these states, because there is not a formal disposition reporting system, disposition information reported to a CSR is not necessarily from all participating jurisdictions and agencies. Submission of disposition information seems to reflect local initiative, rather than coordinated efforts on the part of a state. The extent of state involvement in many of the states without a formal reporting system is simply the provision of disposition reporting forms by the CSR to local agencies. Actual use of that form as a case moves from one stage of the criminal justice system to another depends on reporting practices of local agencies.

A formal method of tracking offenders through the criminal justice system is a key element found only in four of the nine states in the medium compliance group. All four of these states are also characterized by having a formal disposition reporting system. The five other states in this group do not currently utilize a statewide tracking number, however, two of these states do have a formal disposition reporting system. In all the states within the medium compliance group that do not use a statewide tracking number, the dispositions that are received by their CSRs from agencies throughout the state are more difficult to link to specific arrests contained in the CHRI file base. In these states, dispositions are manually posted to the CHRI file base by matching on the basis of a name, fingerprints, and/or local identifiers. Because this process can be time-consuming,

dispositions are not always posted promptly (if at all). In some cases, resources available to the CSRs appear to be insufficient to support this type of operation.

Formal delinquent disposition monitoring procedures exist in four of the nine states in the overall medium compliance group. In these states, CHRI file bases are routinely searched for arrests not showing dispositions. Lists of missing dispositions are compiled by this search and provided to appropriate agencies to obtain the information. It is this procedure to which many states' CSRs partially attribute their steadily increasing level of disposition reporting.

Finally, formal quality control procedures are common to the majority of states in the overall medium compliance group. Six of the nine states in this group utilize a set of formal procedures for reviewing their CSR file base content for accuracy. In most cases, when erroneous information is identified in the file base, formal mechanisms exist for notifying prior recipients of the corrected information.

States assessed as being in overall minimal compliance (N=7) with the Federal Regulations are consistently behind with regard to the requirements which lead to a complete and accurate CSR. With the exception of one state, however, the arrest reporting in these states is above the 50 percent level indicating that even in these states there is a strong precedent for arrest reporting.

Disposition reporting, on the other hand, continues to be the major obstacle to the completeness of records at the CSRs in the states in the overall minimal compliance group. In five (of seven) states where estimates were provided, three states reported the level of dispositions to be less than 30 percent; in the other two states reporting levels of 50 and 60 percent were estimated.

None of the states in the overall minimal compliance group have a formal disposition reporting system or a formal method of tracking to facilitate the linking of arrests and dispositions at their CSR. Furthermore, none have instituted a method of tracking--an element that appears critical to a successful CSR. Formal delinquent disposition reporting procedures exist in only one state. In the other states in this compliance group it is not uncommon for personnel in a CSR to check the accuracy and completeness of CHRI prior to dissemination.<sup>6</sup> Such a procedure is, however, rarely formalized and occurs as a matter of individual practice.

Finally, in only two of the seven states in the overall minimal compliance group have formal quality control procedures been established. It appears that in the remaining five states, all without formal disposition reporting systems, quality control procedures similar to those suggested by the Federal Regulations generally are not perceived as a high priority. Many states appear to believe that existing practices (i.e., typically routine clerical procedures and general first-line supervision of those checking and posting CHRI) suffice as a check on the accuracy of data. For many CSRs additional procedures, especially those which will require more time and personnel, are of low priority and will likely remain so until such time as a system of routine reporting to their CSR is formalized.

In sum, it is not surprising to find that states which have been assessed to be in substantial compliance overall with the Federal Regulations are also those states that currently have the most complete and accurate CHRI at their CSRs. These CSRs have for some time been operating with:

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<sup>6</sup>The likelihood of this occurring varies according to the individual method, and the urgency associated with a dissemination request.

- formal systems of disposition reporting;
- a unique number to link arrests and dispositions; and
- a set of specific procedures to monitor the completeness, promptness and accuracy of CHRI.

Despite differences among states, some common factors can be identified that have impeded many states (save those in substantial compliance) from gaining compliance with the completeness and accuracy requirement of the Regulations. These are:

- an insufficient time frame within which to progress;
- the lack of a clear and effective mandate, funds and/or technical ability needed for a CSR to introduce or improve an arrest and disposition reporting system;
- no effective promulgation of the need to improve a current reporting system, and hence, no designation of individuals as responsible for doing so;
- a reliance on yet-to-be-functioning automated systems (many funded through the Comprehensive Data System program) as the answer to incomplete reporting; and
- a low level of care and commitment to improving/ implementing a reporting system.

Significantly, states assessed to be closest to achieving full compliance with the completeness and accuracy requirement of the Regulations are those assessed in substantial compliance overall. These states have achieved this status over an extended time frame (5-10 years), and this status reflects their ability to sustain a commitment to CHRI improvements through legislation, appropriations, specific delegation of management and implementation responsibilities, and the ability to work within traditional political, jurisdictional, and interagency constraints. For those states judged to be in overall medium or minimal compliance, sufficient time has not elapsed to allow states to establish or further develop a commitment to CHRI

improvements. Thus, it appears unreasonable to expect that these states will even approach a substantial level of compliance by 31 December 1977.

### 3.1.2 Local Repositories

The requirements of the Regulations reflect the premise that criminal history record information maintained at a central state repository be complete and accurate. The Regulations suggest a system where CHRI disseminations by local agencies would be preceded by a query to the CSR to ensure that a complete account of all state arrests and dispositions statewide, relating to a particular individual, would be available prior to dissemination.

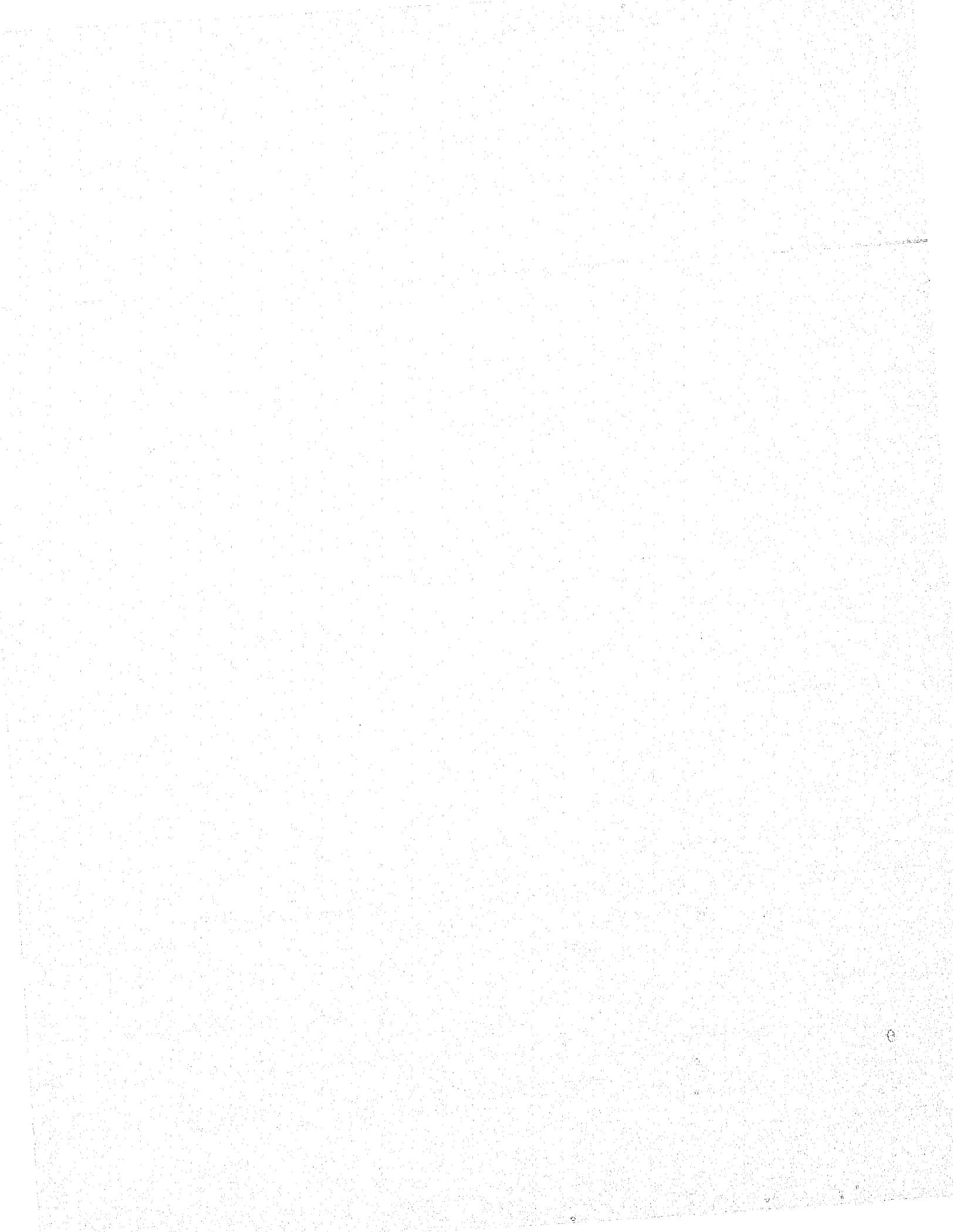
Local repositories continue, in most states, to disseminate CHRI, particularly that which pertains to events occurring in their respective jurisdictions. The Regulations indicate that when this occurs, these repositories are subject to the general requirement that CHRI be kept complete and accurate. Since there is little indication that local repositories are phasing out their record systems, the requirement for complete and accurate local repositories becomes significant.

Table V is a summary of the status of local repositories<sup>7</sup> in the 18 states in terms of:

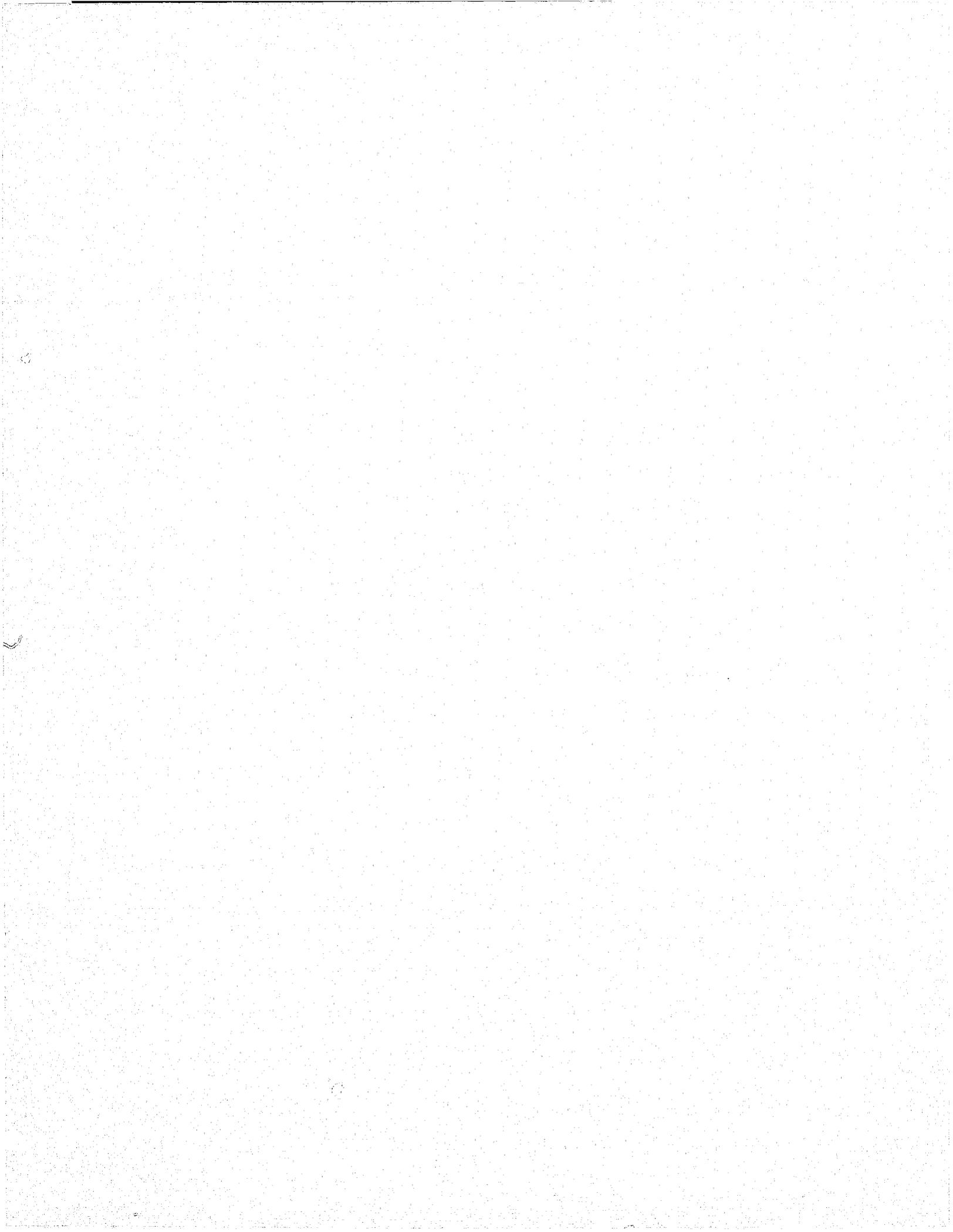
- a. the level of dispositions maintained for local arrest information;
- b. the nature of the disposition reporting system;
- c. the method of tracking;

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<sup>7</sup> Most of these repositories appear to be directly covered by the Federal Regulations.



		LEVELS OF DISPOSITIONS MAINTAINED FOR LOCAL ARREST INFORMATION	NATURE OF DISPOSITION REPORTING SYSTEM	METHOD OF TRACKING	FORMAL DELINQUENT DISPOSITION MONITORING PROCEDURES	FORMAL QUALITY CONTROL PROCEDURES
S U B S T A N T I A L	A	ESTIMATED AT 85%	FORMAL	MANUAL SYSTEM - NAME AND FINGERPRINTS; AUTOMATED SYSTEM - UNIQUE IDENTIFIER	INFORMAL	NONE
	B	HIGH	FORMAL - COURT LIAISON SYSTEM	STATE - UNIQUE TRACKING NUMBER	IN MOST AGENCIES	YES
M E D I U M	C	VARIES	INFORMAL - LOCAL PRACTICES VARY	IF DONE - NAME AND/OR LOCAL ARREST NUMBER	ESTABLISHED PROCEDURES THE EXCEPTION	ESTABLISHED PROCEDURES THE EXCEPTION
	D	VARIES	INFORMAL - LOCAL PRACTICES VARY	NAME	NONE	NONE
	E	VARIES	INFORMAL - LOCAL PRACTICES VARY	NAME AND LOCAL CASE IDENTIFIERS	ESTABLISHED PROCEDURES THE EXCEPTION	NONE
	F	VARIES	INFORMAL - LOCAL PRACTICES VARY	IF DONE - NAME AND/OR FINGERPRINTS	NONE	ESTABLISHED PROCEDURES THE EXCEPTION
	G	VARIES	INFORMAL - LOCAL PRACTICES VARY	NONE	NONE	NONE
	H	VARIES	FORMAL	NAME AND/OR STATE ID NUMBER	NONE	ESTABLISHED PROCEDURES THE EXCEPTION
	I	VARIES	INFORMAL - LOCAL PRACTICES VARY	UNIQUE TRACKING NUMBER	NONE	NONE
	J	VARIES	INFORMAL - LOCAL PRACTICES VARY	NAME AND/OR SYSTEM NUMBER	NONE	NONE
M I N I M A L	K	VARIES - ESTIMATED TO BE LOW	INFORMAL - LOCAL PRACTICES VARY	FINGERPRINTS AND NAME	YES - FOLLOWS STATE PROCEDURES	YES
	L	VARIES - ESTIMATED TO BE LOW	INFORMAL - LOCAL PRACTICES VARY	IF DONE - NAME AND/OR FINGERPRINTS	NONE	NONE
	M	VARIES	INFORMAL - LOCAL PRACTICES VARY	NAME AND OTHER IDENTIFIERS	NONE	NONE
	N	ESTIMATED TO BE LOW	INFORMAL - LOCAL PRACTICES VARY	NAME, FINGERPRINTS AND/OR LOCAL CASE IDENTIFIER	NONE	NONE
	O	VARIES	INFORMAL - LOCAL PRACTICES VARY	NAME AND/OR FINGERPRINTS	NONE	ESTABLISHED PROCEDURES THE EXCEPTION
	P	VARIES	INFORMAL - LOCAL PRACTICES VARY	NAME AND/OR TRACKING NUMBER	ESTABLISHED PROCEDURES THE EXCEPTION	ESTABLISHED PROCEDURES THE EXCEPTION
	Q	VARIES	INFORMAL - LOCAL PRACTICES VARY	IF DONE - NAME OR LOCAL IDENTIFIERS	NONE	NONE
R	ESTIMATED TO BE LOW	INFORMAL - LOCAL PRACTICES VARY	NOT USUALLY DONE	NONE	NONE	



- d. the use of formal delinquent disposition monitoring procedures; and
- e. the use of formal quality control procedures.

Table V shows the status of local repositories in those two states rated in overall substantial compliance to be characterized by:

- a high level of dispositions for local arrests;
- a formal disposition reporting system; and
- procedures in place for monitoring delinquent dispositions and ensuring the accuracy (quality control) of the local CHRI file base.

It is not surprising to find that the two states assessed to be in overall substantial compliance with the Federal Regulations have the most complete and accurate local repositories. A prerequisite to establishing a complete and accurate CSR is a network in which local agencies collect their own data on arrests and dispositions and report this to their CSR.

The status of local repositories in states assessed to be in medium or minimal compliance with the Regulations varied within each state. For both groups, in general, however:

- the level of completeness of many local repositories (particularly the larger ones) tends to exceed that of the CSR;
- acquisition of dispositions for local arrests tends to be informal; success depends on local commitment and priorities, adequate resources, and the quality of inter-agency relationships among local components of the criminal justice system;
- dispositions often are not routinely posted to arrest records; when they are, it is typically done manually on the basis of name, fingerprints, and/or other local identifiers; and
- formal delinquent disposition monitoring and quality control procedures for local CHRI files appear to be the exception.

For the most part, in those states assessed to be in the overall medium or minimal compliance categories, progress by local repositories toward compliance with the completeness and accuracy requirement of the Regulations has been the result of isolated, local initiatives. When this progress has occurred, it appears to be due to a long-standing local tradition of complete and accurate record-keeping. In only a few cases have steps been taken in direct response to the Federal Regulations. State government agencies appear to have had little involvement in directly assisting local repositories. Furthermore, compliance by local repositories is hindered by many other problems: lack of technical ability, insufficient resources, no delegation of responsibility, poor interagency cooperation, and a low priority for CHRI improvements.

In sum, the disparity in the compliance status of the CSR and local repositories between: (a) the two states in overall substantial compliance and (b) the remaining states, raises the question as to whether a full-functioning CSR can be operationalized in the implementation period allowed by the Regulations. In the two states that have achieved substantial compliance, the current level of functioning of their CSRs and local repositories is a reflection of long-term involvement and a strong tradition of cooperation between state and local governments. The compliance level of other states' CSRs and their local repositories is lower and may reflect an insufficient time period or a lack of endorsement/understanding of the CSR concept. This is especially true where a tradition of highly independent local governments is most entrenched.

Again, except in isolated cases, the local repositories in those states rated as being in substantial compliance are more complete and accurate than local repositories in the remaining states. It seems that local repositories operating in states having a demonstrated

commitment to maintaining complete and accurate records, achieve a higher level of completeness and accuracy than in other states. Thus, in those states able to endorse a CSR or the systems of recordkeeping and information reporting that it implies, not only is the completeness and accuracy of records at the state level improved, but so is the completeness and accuracy of records maintained locally.

Significant progress toward compliance with the completeness and accuracy aspect of the Regulations appears unlikely, without a strong state commitment to this goal. Expectations regarding compliance should take into account the complexity of asking states and localities to make basic changes in practices developed over many years.

### 3.2 Individual Access and Review

The Federal Regulations governing the privacy and security of criminal history information systems define the right of an individual to access and review his or her CHRI stored within either a state or local repository. The implementation of this requirement is based upon the following mandate:

...an individual who believes that criminal history information concerning him contained in an automated system<sup>8</sup> is inaccurate, incomplete

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<sup>8</sup>In the Appendix to the Federal Regulations Subpart B, Section 20.20(a), it is stated that in the hearings on the Regulations, there were a number of challenges to the LEAA's authority to promulgate regulations for manual systems under Section 524(b) of the Act governing CHRI in automated systems. It was determined that the intent of Section 524(b) would be subverted by only regulating automated systems since any agency wishing to circumvent the Regulations could create duplicate manual files. The regulation of manual systems, therefore, is considered duly authorized by Section 524(b) when coupled with Section 501 of the Act which authorizes the Administration to establish rules and regulations "necessary to the exercise of its functions..."

or maintained in violation of this title shall, upon satisfactory verification of his identity be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.<sup>9</sup>

The Regulations required each state to have access and review procedures completely operational upon plan submission.

Under the Federal statutes, certain elements were mandated as essential for inclusion in the procedures to be developed, although latitude was left to the states to devise other procedures that would best fit their systems. Table VI, below, charts the progress of the 18 states at the state and local levels in six categories.

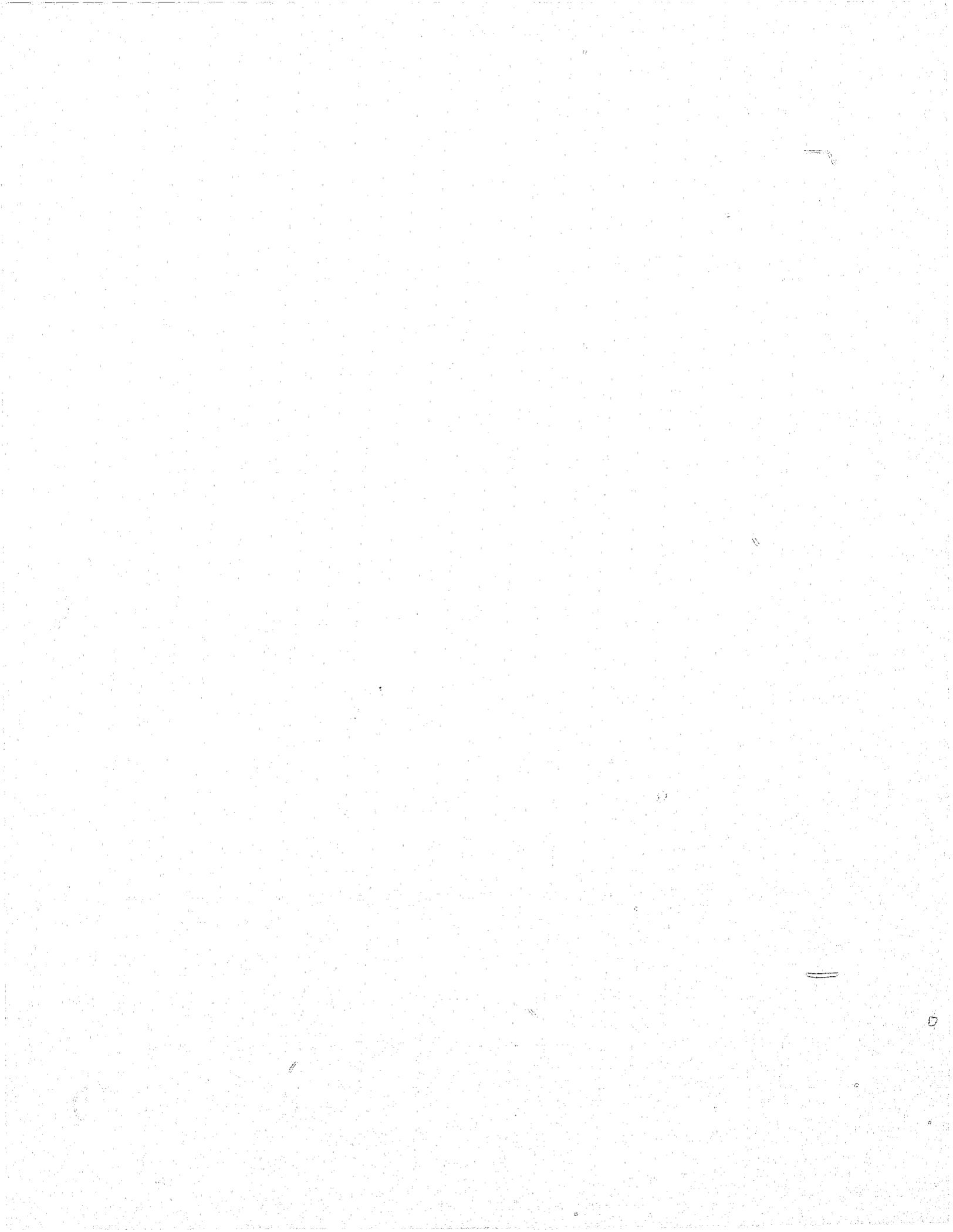
These are:

- a. procedures in place for access and review;
- b. procedures in place for challenge;
- c. procedures in place for appeal;
- d. procedures in place for correcting erroneous information;
- e. promulgation to the public of the individual's right to access and review; and
- f. frequency of reviews and challenges.

In general, it appears that most states (N=15) visited have policies which allow individual access and review; some states have modified their policies to be more in line with the "no undue burden" clause of the Regulations to allow access at locations more convenient to the individual requestor and for time periods that are deemed more reasonable. Moreover, even where states have no policy treating this aspect of the Regulations, local jurisdictions usually allow individuals

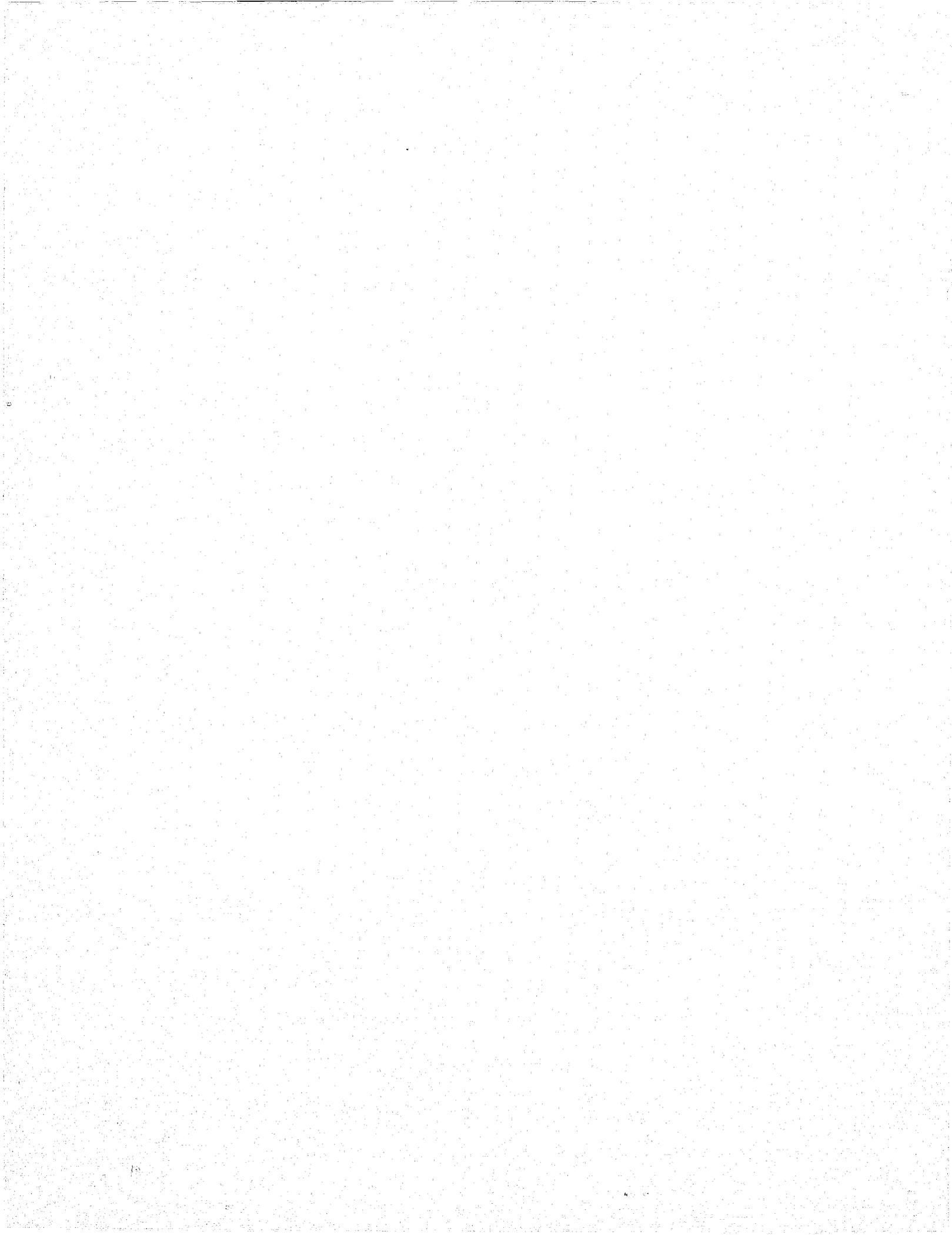
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<sup>9</sup>Title 28, CFR Part 20, Section 524(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.



		PROCEDURES IN PLACE FOR ACCESS AND REVIEW		PROCEDURES IN PLACE FOR CHALLENGE		PROCEDURES IN PLACE FOR APPEAL		PROCEDURES IN PLACE FOR CORRECTING ERRONEOUS INFORMATION		PROHIBITION TO PUBLIC OF INDIVIDUAL RIGHT TO ACCESS AND REVIEW		FREQUENCY OF REVIEWS/CHALLENGES	
		STATE	LOCAL	STATE	LOCAL	STATE	LOCAL	STATE	LOCAL	STATE	LOCAL	STATE	LOCAL
S U B S T A N T I A L	A	YES	YES	YES	NO	YES	NO	YES	NO	YES	NO	FREQUENT/RARE	ZERO/ZERO
	B	YES	YES - VARIES AND FORMAL	YES	YES - INFORMAL	YES	YES - PRACTICES VARY	YES	YES - VARIES	NO	NO	FEW/ZERO	FEW/FEW
M E D I U M	C	YES	YES - VARIES USUALLY NOT FORMAL	YES	YES - VARIES AND INFORMAL	YES	YES - PRACTICES VARY	YES	YES - VARIES	NO	YES	FREQUENT/ZERO	RARE/ZERO
	D	YES	YES - VARIES AND INFORMAL	YES	YES - VARIES AND INFORMAL	YES	YES - PRACTICES VARY	YES	YES - VARIES AND INFORMAL	YES	NO	FREQUENT/RARE	RARE/ZERO
	E	YES - PROCEDURES ESTABLISHED BY LEGISLATION	YES - USUALLY INFORMAL	YES - PROCEDURES ESTABLISHED BY LEGISLATION	NO	YES	NO	YES	NO	NO	NO	FEW/RARE	RARE/RARE
	F	NO - LEGISLATION ENACTED	YES - INFORMAL	NO - LEGISLATION ENACTED	NO - LEGISLATION ENACTED	NO - LEGISLATION ENACTED	NO - LEGISLATION ENACTED	NO - LEGISLATION ENACTED	NO - LEGISLATION ENACTED	NO	NO	RARE/ZERO	RARE/ZERO
	G	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	FEW/ZERO	FEW/ZERO
	H	YES	YES - VARIES	YES	YES - VARIES	YES	YES - PRACTICES VARY	YES	YES - VARIES	NO	NO	RARE/RARE	RARE/ZERO
	I	YES	YES	NO	NO	NO	NO	NO	YES - FORMAL	NO	NO	ZERO/ZERO	FEW/ZERO
	J	YES	YES - USUALLY FORMAL	YES	YES - VARIES	YES	YES	NO	NO	YES	VARIES	FEW/ZERO	FEW/FEW
M I N I M A L	K	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	ZERO/ZERO	FREQUENT/ZERO
	L	YES - PROCEDURES ESTABLISHED; NO LEGISLATION	YES - VARIES AND INFORMAL	YES	YES - VARIES AND INFORMAL	YES	YES - PRACTICES VARY	YES - POLICY EXISTS	NO	NO	NO	RARE/ZERO	RARE/RARE
	M	YES	YES - USUALLY INFORMAL	YES	YES - VARIES AND INFORMAL	NO	NO	NO	YES - VARIES AND INFORMAL	NO	NO	RARE/ZERO	RARE/ZERO
	N	YES - PROCEDURES ESTABLISHED; NO LEGISLATION	YES - VARIES AND INFORMAL	YES	YES - VARIES AND INFORMAL	YES	NO	YES	YES	NO	NO	RARE/ZERO	RARE/ZERO
	O	YES - PROCEDURES ESTABLISHED; NO LEGISLATION	NO	NO	NO	NO	NO	YES - POLICY EXISTS	NO	NO	NO	RARE/ZERO	RARE/ZERO
	P	NO	YES - USUALLY INFORMAL	NO	NO	NO	NO	NO	NO	NO	NO	RARE/ZERO	RARE/ZERO
	Q	YES - PROCEDURES ESTABLISHED; NO LEGISLATION	YES - INFORMAL	YES	YES - VARIES AND INFORMAL	NO	NO	NO	YES - VARIES AND INFORMAL	NO	NO	RARE/ZERO	RARE/ZERO
R	NO	YES - INFORMAL (IN LARGER AGENCIES)	NO	NO	NO	NO	NO	NO	NO	NO	NO	ZERO/ZERO	ZERO/ZERO

TABLE VI  
INDIVIDUAL ACCESS  
AND REVIEW



the right to access and review their own records. Consequently, in 17 out of 18 states visited, local agencies had some policy governing individual access and review.

Of the 15 states with statewide policies governing access and review, 13 of these have some state-level procedures in place to handle challenges. With the exception of two states, however, these procedures are not based on comprehensively written legislation. Consequently there is wide variance in the manner in which most local jurisdictions handle challenges. Additionally, most challenges encountered to date have been handled informally at the local level where these challenges originated.

Eleven of the thirteen states with procedures in place for challenges at the state level also have some appellate procedures in place, although fewer states (N=8) have procedures in place at the local level to handle appeals. Ten of the 11 states with procedures in place for challenges also have procedures in place for correcting erroneous CHRI at the state level. In addition, one state<sup>10</sup> without procedures in place for statewide challenges and appeals does not have procedures established for correcting erroneous data at the state level. Thus, eleven states have procedures in place for correcting erroneous CHRI at the state level, and seven of these also have procedures at the local level.

Seven of the 18 states have engaged in some activities promulgating the access and review requirements. Three of these states have engaged in promulgation activities at both the state and local

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<sup>10</sup>No challenges have occurred in this state; however, the capability for handling corrections is in place because there was a perceived need for this at the local level.

level. A fourth state's activities have all occurred at the state level; in the remaining three states promulgation activities have only occurred at the local level.

### 3.2.1 States in Substantial Compliance

Two states have been assessed to be in overall substantial compliance. Both have statewide policies governing access and review. In one state, procedures governing local agencies have only recently been enacted and will not become effective until July 1978; in the other state all local agencies visited have procedures in place allowing individual access and review, but the actual procedural steps vary from agency to agency.

Both states also have formal procedures in place for handling challenges at the state level. In one of these states, the penal code is being amended to allow local challenges to occur; in the other state, challenge procedures are in place at the local level, although these have not necessarily been formalized.

Appeal procedures in one of these two states closely parallel those mandated by the Federal Regulations. In the other state, appeal procedures have been implemented using less than comprehensive legislation as an authority base. Nonetheless, these procedures appear to be reasonably complete. Significantly, this state has a better than ten-year history in the privacy area. Evidently, sufficient time to allow state-generated procedures to filter down to local jurisdictions is prerequisite to the achievement of compliance where a state has legislation that is less than comprehensive in nature.

Both states have formal state policies and procedures for correcting CHRI and these state-generated guidelines were in operation

for several years before the Federal Regulations were enacted. Local agencies in one of the states are not, by law, presently mandated to correct CHRI at the local agency level. There is, however, an amendment to the state's penal code, which will allow for local correction of erroneous data when it has been detected. Local agencies in the second state viewed as being in substantial compliance do have procedures in place for correcting locally maintained CHRI, although the manner in which these procedures occur tend to vary among impacted agencies.

In terms of reviews and challenges, both states categorized as being in substantial compliance report frequent-to-few reviews of CHRI by subject individuals at the state level and rare-to-no challenges at the local level. Since all reviews and challenges in one state in substantial compliance are presently mandated to be handled only by the state, there are no instances where reviews and challenges have taken place at the local level.

Finally, in the area of promulgation, both states in overall substantial compliance have engaged in some activities. One state has, in large part, utilized the news media for promulgation purposes, relying on press releases and media coverage of privacy and security legislation. This state has not, in the past, made use of most of the methods (e.g., pamphlets, posters, announcements, etc.) suggested by the Federal planning instructions, nor does it intend to do so in the future. All access and review activities presently taking place routinely in this state are those mandated by state statute and carried out under the general direction of the plan's implementors. Consequently, local agencies are not presently engaging in any promulgation activities separate and apart from those occurring at the state level.

The second state in overall substantial compliance has engaged in promulgation activities only at the local agency level. These activities are reported to be both informal in nature and internal to the agencies themselves.

### 3.2.2 States in Medium Compliance

Nine states have been assessed to be in overall medium compliance with the Federal Regulations. Each has a state policy governing individual access and review, and procedures in place to allow access and review by affected individuals. Local jurisdictions visited within these states all have procedures in place which allow individual access and review. In all cases, however, practices are internal to the agencies themselves and may be either formal or informal.

Six of the nine states in medium overall compliance have state and local policies and procedures in place to allow for challenges. In these states, local practices vary from state to state and are in no way meant to be construed as formal procedures. Since most local jurisdictions in these states encounter challenges only to information in their own record systems, erroneous data are routinely corrected when discovered. In a number of agencies visited, it was stated that the individual reviewing his own record often correctly identifies errors, and when these are verified, corrections are routinely made. In the seventh state, legislation exists which allows for challenges at the state level only. In the remaining two states in the overall medium compliance group, no procedures exist for challenges at either the state or local level. However, one of these states does have aspect-specific legislation in place which can be used as a basis for developing the required procedures.

Four of the nine states in overall medium compliance have appeal procedures in place which parallel the Federal Regulations. Four other

states in this compliance group have implemented appellate procedures using less than comprehensive legislation as an authority base. As a result, appellate procedures are largely informal in nature and practices vary for jurisdictions and agencies within each state. The ninth state has no appeal procedures.

Five of the nine states in overall medium compliance have state and local procedures in place for correcting erroneous CHRI. In each instance, local practices within these states vary from agency to agency. Two of the remaining states in the medium compliance category have no formal, written procedures in place at either the state or local level for correcting erroneous CHRI. One of the states, however has aspect-specific legislation enacted to allow for the development of the required procedures. Of the final two states in the medium compliance category, one has implemented procedures at only the state level, while the other has procedures in place only at the local level.

Four states in overall medium compliance have engaged in promulgation activities. Two of these states have developed promulgation tools (i.e., posters for placement in impacted agencies and other strategic locations) more in keeping with the suggestions of the Federal instructions. In both states, local jurisdictions are engaged in promulgation activities. In one of these states, however, some law enforcement agencies have devised announcements of their own which contain the essential data required by the Federal instructions. The third state in this compliance group has engaged in promulgation activities only at the local level. These are reported to be informal in nature and to have occurred at only one agency in the entire state. In the fourth state in this compliance group, promulgation activities have occurred primarily at the state level while activities at the local level have varied from agency to agency.

Finally, only two states within the medium overall compliance group report frequent reviews at the state level while five other states in this group report that reviews of CHRI at the state level occur rarely. The remaining states in the medium compliance group report no reviews at the state level. Six of the medium compliance states have declared that no challenges have occurred in their states, while the remaining three states have indicated that challenges at the state level have been rare. One of the nine states in this group reports frequent reviews of CHRI at the local level; three report few reviews; four states maintain that local reviews rarely occur. The ninth state in this compliance group indicates that reviews have never occurred. With the exception of two states in the medium compliance category, no challenges have occurred at the local level. In those states where challenges have occurred, estimates of their frequency ranged from few to rare.

### 3.2.3 States in Minimal Compliance

Only one of seven states presently in minimal overall compliance has procedures in place at both the state and local levels for correcting erroneous CHRI. Two other states within this category have procedures in place at the state level for correcting erroneous CHRI but none at the local level. Two additional states have no procedures for correcting erroneous data at the state level although some local agencies do have operational procedures in place. In every case, these procedures were developed by the agencies themselves and are informal in nature. The two remaining states in this compliance group have no procedures in place at either the state or local level for correcting erroneous CHRI. Moreover, no state assessed to be in minimal compliance has engaged in any promulgation activities to date.

Six of the seven states in the minimal compliance category report that state-level reviews occur rarely while the seventh state reports that no state-level reviews have occurred in the state to date. All seven states indicate that no challenges have occurred at the state level. At the local level, six states have indicated that reviews occur rarely, and the seventh state has reported that no local reviews have thus far occurred. One state in the minimal compliance category reports that challenges have occurred rarely on the local level while the remaining six states indicate that no challenges have occurred at all.

#### 3.2.4 Summary

In sum, a majority of states visited to date have developed some procedures for implementing the individual access and review requirements of the Federal Regulations governing the privacy and security of CHRI. With but few exceptions, these procedures have been largely informal in nature, allowing for widespread variance in access and review practices at the local level in particular. Significantly, few states have engaged in bona fide promulgation activities. This appears to further reflect the informal, random process from which most access and review activities have evolved. The major obstacle to obtaining a more acceptable level of compliance with the individual access and review requirement appears to be:

- the lack of standardized comprehensive policies that apply to all agencies throughout a given state and which are supported by the force of state law.

This lack of formal statewide standards will likely continue to be a major barrier to full compliance with the individual access and review requirements on the part of many states.

### 3.3 Limitations on Dissemination

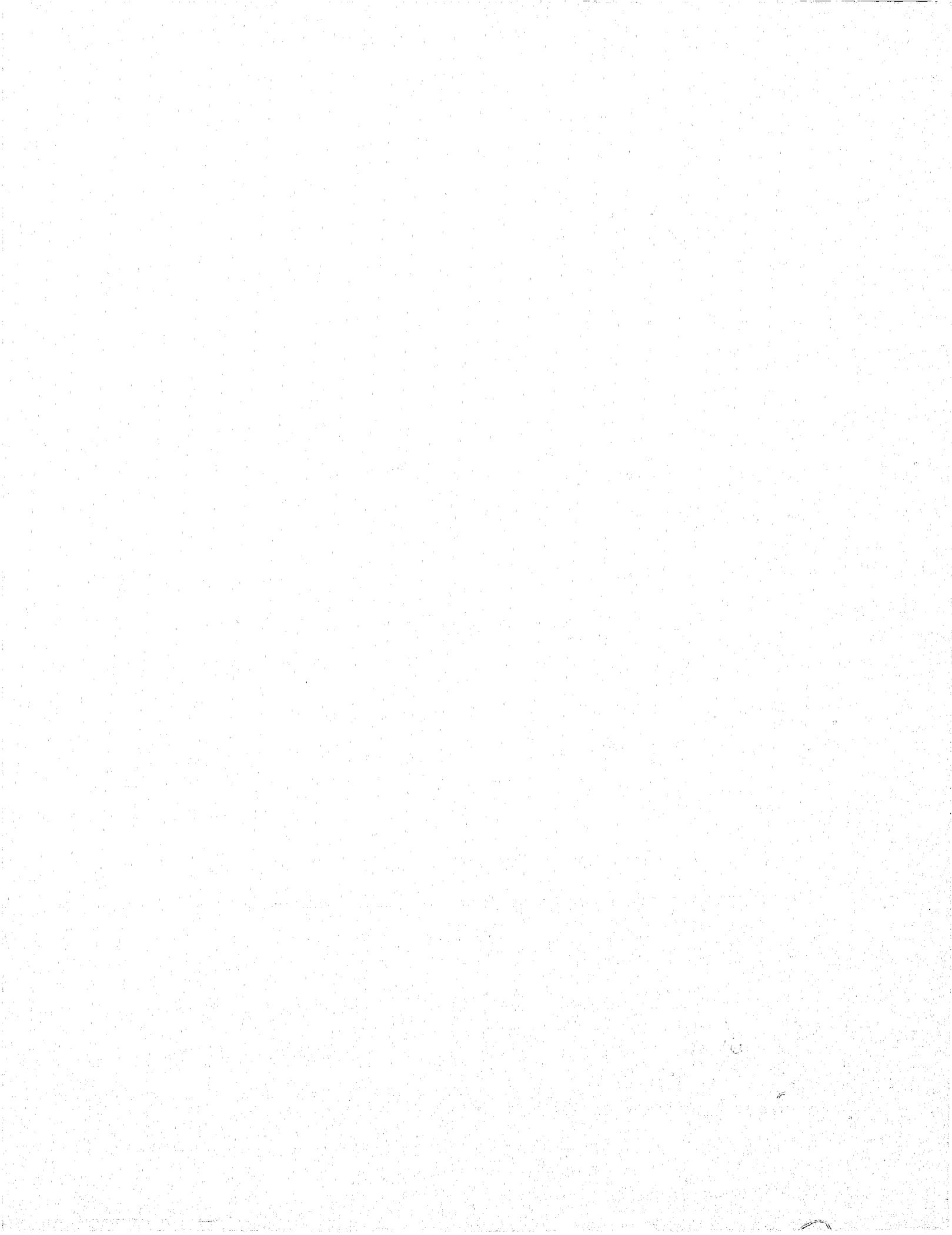
Under the Federal Regulations governing the privacy and security of criminal history record information, dissemination of non-conviction data is to be controlled as to both user and use through policies consistent with state or federal statute, executive order or court rule or decision. It is intended that this policy not hinder the administration of criminal justice; rather a state's policy should regulate the dissemination of such information to prevent its being used for harmful or non-essential purposes.

Table VII, below, delineates the major elements contributing to an effective policy directing the dissemination of criminal history record information. These are:

- a. a policy's authority base;
- b. the scope of applicability of a policy;
- c. the use of dissemination logs;
- d. the procedures for validating a requestor's authority to receive information;
- e. the use of Users Agreements;
- f. the restrictions on secondary dissemination of data;  
and
- g. sanctions for non-compliance.

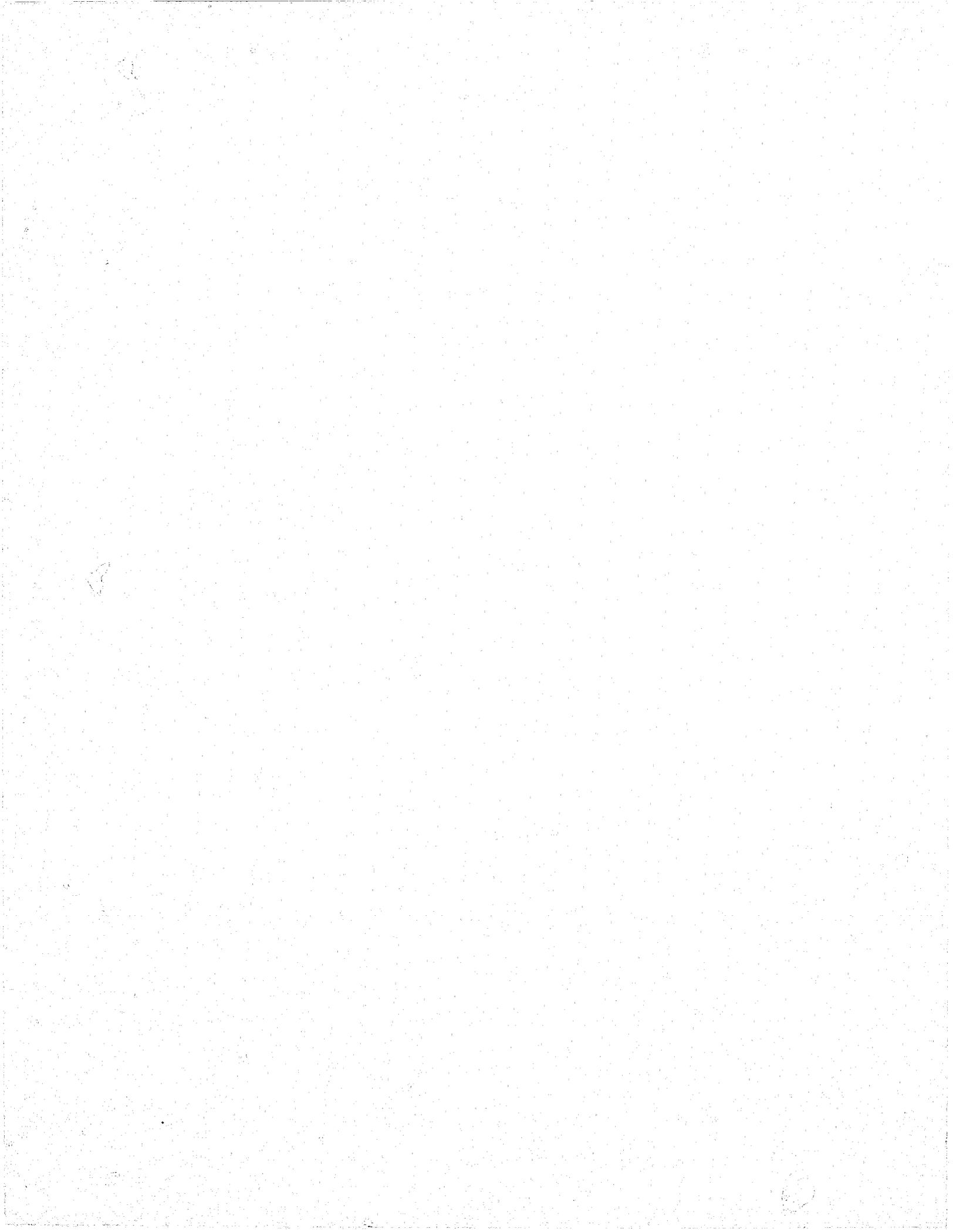
It would seem that as these elements are incorporated and followed, the capability of a state to be in compliance with its policy (and the Regulations to the extent the policy and the Regulations are parallel) increases.

In Table VII, the notations under "Applicability," "Restrictions for Secondary Dissemination" and "Sanctions for Non-Compliance" reflect the ideal, and not necessarily the reality. For example, where indications are that a policy is applicable statewide, it does not necessarily mean that all agencies in the state follow it.



		AUTHORITY BASE	APPLICABILITY	DISSEMINATION LOGS	VALIDATION OF REQUESTOR'S AUTHORITY BASE	USER AGREEMENTS	RESTRICTIONS FOR SECONDARY DISSEMINATION	SANCTIONS FOR NON-COMPLIANCE	STATE AGENCIES IN COMPLIANCE WITH DISSEMINATION POLICY
SUBSTANTIAL	A	STATE STATUTES	CSR; ALL OTHER AGENCIES WITH AUTHORIZED ACCESS	YES	FORMAL PROCEDURE	YES	YES	YES - MANDATED BY STATE LAW AND ENFORCED	YES
	B	CSR AGENCY POLICY	CSR - SUGGESTED TO CONTRIBUTORS	YES	FORMAL PROCEDURE	YES	YES - HIGHLY FORMALIZED	YES	YES
MEDIUM	C	STATE STATUTE AND STATE SECURITY AND PRIVACY MANUAL	CSR AND COVERED LOCAL AGENCIES	YES	FORMAL PROCEDURE	YES - FOR NCIC/CCH USERS ONLY; OTHERS IN DEVELOPMENT	IMPLIED BY LEGISLATION	YES - LEGISLATED	PARTIALLY
	D	STATE STATUTE (TAKES EFFECT 31 DECEMBER 1977)	STATEWIDE	YES	FORMAL PROCEDURE	YES - FOR AGENCIES WITH TERMINALS ONLY	YES	NO	YES
	E	STATE STATUTE	CSR INFORMATION ONLY	YES	FORMAL PROCEDURE	NO - (IN DEVELOPMENT)	YES - BY STATE	YES - LEGISLATED AND ENFORCED	PARTIALLY
	F	STATE STATUTE	STATEWIDE	YES	INFORMAL PRACTICE	IN DEVELOPMENT	LEGISLATED FOR NON-CRIMINAL JUSTICE AGENCIES; IMPLIED FOR CRIMINAL JUSTICE AGENCIES	YES - LEGISLATED	YES
	G	STATE STATUTE	STATEWIDE	YES	FORMAL PROCEDURE	YES - FOR RESEARCHERS ONLY	YES	YES	YES
	H	CSR ENABLING LEGISLATION	CSR ONLY	YES	FORMAL PROCEDURE	YES	NO	YES - ENFORCED	YES
	I	PUBLIC RECORDS LAW	STATEWIDE	NO	FORMAL PROCEDURE	NO - IN DEVELOPMENT	YES (AUTOMATED SYSTEM)	YES	PARTIALLY
	J	STATE STATUTE; EXECUTIVE ORDER; STATE POLICE ADMINISTRATIVE PROCEDURES	CSR ONLY	NO	FORMAL PROCEDURE	YES	YES	YES - ENFORCED	YES
K	STATE STATUTE (TAKES EFFECT 31 DECEMBER 1977)	CSR ONLY	YES	FORMAL PROCEDURE	YES - FOR RESEARCHERS	YES	YES - MANDATED BY STATE LAW	NO	
MINIMAL	L	MANUAL CSR - NONE; AUTOMATED CSR - AGENCY POLICY	MANUAL - N/A; AUTOMATED - CONTRIBUTORS ONLY	NO	INFORMAL PRACTICE	MANUAL CSR - NO; AUTOMATED CSR - YES	NO	YES - AUTOMATED; CSR POLICY	NOT KNOWN
	M	OPEN RECORDS LAW	STATEWIDE	YES	INFORMAL PRACTICE	YES - FOR FCIC/NCIC USERS ONLY	NONE	NONE	PARTIALLY
	N	OPEN RECORDS LAW; STATE STATUTE	STATEWIDE	YES	INFORMAL PRACTICE	NO	NO	NO	NO
	O	CSR AGENCY POLICY	CSR ONLY	YES	INFORMAL PRACTICE	YES - FOR NCIC USERS	NO	NO	YES
	P	CSR AGENCY POLICY	CSR ONLY	YES	FORMAL PROCEDURE	YES - FOR NCIC USERS	NO	NO	YES
	Q	OPEN RECORDS LAW	STATEWIDE	YES	INFORMAL PRACTICE	YES - FOR NCIC USERS ONLY	NO	NO	YES
	R	STATE STATUTES; EXECUTIVE ORDERS	STATEWIDE	NO	FORMAL PROCEDURE	YES - FOR NCIC/CCH USERS ONLY	YES	YES	NO

TABLE VII  
LIMITATIONS ON DISSEMINATION: STATE POLICIES



When restrictions or sanctions do exist these are not necessarily enforced; when enforcement appears to be the exception, this is what has been noted.

Several overall generalizations can be drawn to indicate the compliance status of the 18-state sample with regard to the limitations on dissemination. With the exception of two states<sup>11</sup>, all have some statewide legislation that imposes limits on the dissemination of CHRI. This legislation may take several forms. It may be an open records law that does or does not apply to CHRI. Or, it may be legislation specifically addressing the dissemination of CHRI; in these cases, the legislation may or may not differentiate between conviction and non-conviction data. In more cases than not, and particularly at local agencies, policies are not supported by formalized procedures facilitating implementation and compliance with the policy.

### 3.3.1 State-Level Policies

Of the two states in overall substantial compliance, one has a legislated policy applicable to the CSR and its contributors that limits the dissemination of both non-conviction and conviction data, as the dissemination of either is viewed as potentially damaging. The other has a CSR agency policy (supplemented by a ruling by the state's Department of Administration) that discusses the limitations of non-conviction data and is applicable to the CSR and its contributors. Each has a formalized procedure for validating a requestor's legitimacy--ranging from an on-line query to see if a user agreement has been signed to checking for statutory authority to receive information. Both have formalized restrictions on secondary disseminations. Both states have enforceable sanctions (i.e., a criminal offense and/or

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<sup>11</sup>One of these states will have a statewide policy as of 31 December 1977.

the withdrawal of CSR services) for violators, and both appear to monitor this. Significantly, user agreements<sup>12</sup> have been signed with all of the contributing agencies and authorized users for both CSRs.

It appears that the compelling factor behind those states in overall substantial compliance is not only the existence of a formalized policy governing the limitations on dissemination (though the authority base differs) but the agency force behind and pursuing that policy. Further, each policy is rigorously backed by specific steps and procedures for implementation purposes.

Seven of the nine states rated as being in overall medium compliance have a state statute or the equivalent<sup>13</sup> defining the limits of their dissemination policy. The remaining two states have a state statute outlining, among other things, a dissemination policy that takes effect in January 1978. Four of the nine policies have statewide applicability or the equivalent (in one state the Regulations only affect a limited number of agencies and thus the dissemination policy is only applicable to those agencies). In three other states, the policies are applicable only to the information stored at the central state repository. For the two states with dissemination policies that become effective in January 1978, one is applicable to all agencies in the state while the other applies only to information at the CSR.

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<sup>12</sup>In all cases where user agreements have been implemented, regardless of the state or its compliance rating, the agreements appear fairly standard, stating restrictions on use, the need to comply with state and Federal policy and regulations and the need to secure the information received.

<sup>13</sup>In the case of one state, it is a CSR policy; however, under their enabling legislation, CSR policy and regulations have the force of state law (if needed). In one other state the policy is based on an Executive Order.

Actual policies do vary. In six states, state policies are very specific and appear supported by formalized procedures--keeping dissemination logs, establishing routes for validating a requestor's legitimacy, having restrictions on secondary disseminations and legislated sanctions for policy violators. In the seventh state in the overall medium compliance category the policy is not supported, to the extent noted above, by formalized procedures to ensure compliance. In the remaining two states, one has a public records law which makes all CHRI open with the exception of that maintained by the CSR; the other state has a dissemination policy that takes effect 1 January 1978. The latter state will have an open records law, placing a few restrictions on information items not open to non-subject individuals; consequently, there appears no need for formalized, support mechanisms. In this state, current practice is highly individualized, tending to be more restrictive than the newly adopted policy. Of the nine states in overall medium compliance, this last state will have the only policy not accompanied by sanctions for violators.

The use of user agreements by CSRs in states of medium compliance varies. Only four states have such agreements signed with agencies housing terminals and/or regular users of CSR services. In two states, user agreements have been developed for researchers only; in the remaining three states they are in the process of being developed. Obviously, user agreements are a means (though somewhat limited) of monitoring activities of other agencies.

With the exception of one state,<sup>14</sup> all states rated as being in overall minimal compliance with the Regulations are guided by a policy

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<sup>14</sup>In one state having a bifurcated CSR, its automated CSR has a policy governing the limitations on dissemination; its manual repository does not.

of some form, on the dissemination of CHRI. In three instances, guidance is provided by a CSR policy; in two cases, it is a state statute or executive order. For the final two states in this category, the only direction given on the dissemination of CHRI is via a state public records law.

In all states in this group, the policies vary, ranging from policies dealing only with the dissemination of non-conviction data to having open records laws as the dissemination regulator. In one of two cases where the policy appears more controlled than those of the other states in minimal compliance, the policy is for the CSR only, and is not followed beyond that point.

In those states rated in overall minimal compliance, policies tend not to be supported by formal mechanisms that would facilitate implementation of a state's policy. This is true to a much lesser extent for states in the other compliance groups. Two of the states in minimal compliance have formal mechanisms for validating a requestor's legitimacy to receive information. Only one state has formal restrictions on secondary dissemination and mandated sanctions<sup>15</sup> for policy violators. Five states do, however, have user agreements in restricted use, signed only with agencies housing terminals or participating in the NCIC network.

In general, at the state level, agencies appear to be in compliance with their state policies or to follow routinely established patterns regulating dissemination. These policies, however, tend to be concerned only with limiting dissemination of non-conviction data or are public record laws.

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<sup>15</sup>The automated section of the state with a bifurcated CSR has sanctions as well.

Several factors appear to facilitate actual compliance with the limitations on dissemination aspects of the Regulations. These are:

- an explicit statewide policy (the authority base of which seems secondary) that is pursued and enforced by some responsible agency;
- formalized mechanisms and procedures that support the implementation of a state policy; and
- the signing of user agreements with all agencies/agents receiving CHRI.

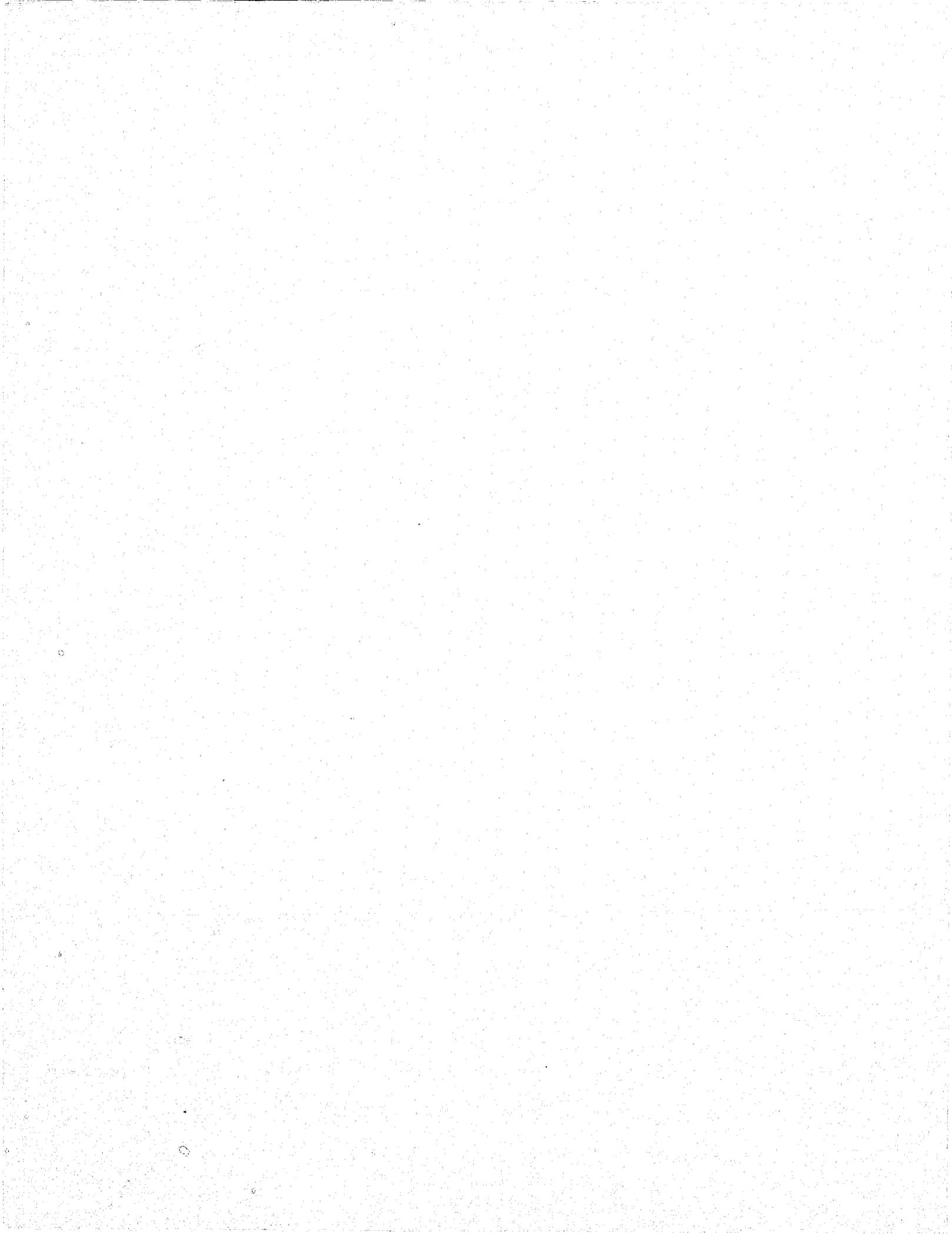
Where a state has a specifically mandated policy, regardless of its source of authority, and it is supplemented by formalized procedures to carry out the policy's intent, a greater level of compliance and consistency can be obtained. The signing of user agreements supports this process. As the level of specificity of a policy, its needed support procedures and the ability to monitor compliance via user agreements decline, so does a state's ability to comply with its dissemination policy.

Thus, for many states, compliance with this aspect of the Regulations can only be expected after substantial restructuring of the current policy and practices directing dissemination of CHRI. This will unquestionably take time and guidance.

### 3.3.2 Local Policies

Ideally, in order to best regulate and standardize a dissemination policy governing CHRI, there should be a statewide policy that is applicable to all agencies authorized to release criminal history record information. As noted previously, the existence of such a policy (i.e., applicable to all disseminating agencies in a state) is the exception. Consequently, in assessing policy and practices of local agencies, it is not surprising to find, in most cases, a wide variety of practices directing the limitations on dissemination of CHRI. Local policies are characterized in Table VIII, below. The categories are the same as Table VII (see page 55).

		AUTHORITY BASE	DISSEMINATION LOGS	VALIDATION OF REQUESTOR'S AUTHORITY BASE	RESTRICTIONS ON SECONDARY DISSEMINATION
S U B S T A N T I A L	A	STATE STATUTE	MANDATED FOR LOCAL AGENCIES	FORMAL	YES - FORMAL
	B	NONE	YES	FORMAL	NONE
M E D I U M	C	SECURITY AND PRIVACY USER'S MANUAL (FOR COVERED AGENCIES ONLY)	VARIES	VARIES	NONE
	D	NONE	APPEARS TO BE THE EXCEPTION	VARIES - INFORMAL	NONE
	E	NONE	VARIES	VARIES - INFORMAL	NONE
	F	STATE STATUTE	NO	VARIES - INFORMAL	STATE POLICY APPLIES
	G	STATE STATUTE	YES	NOT APPLICABLE	NOT APPLICABLE
	H	NONE	VARIES	VARIES - INFORMAL	NONE
	I	STATE STATUTE	VARIES	VARIES	YES (AUTOMATED) NONE (MANUAL)
	J	STATE STATUTE; EXECUTIVE ORDER	VARIES	VARIES - INFORMAL	NONE
K	STATE STATUTE	VARIES	INFORMAL	NONE	
M I N I M A L	L	NONE	NO	VARIES - INFORMAL	NONE
	M	PUBLIC RECORDS LAW	VARIES	VARIES	NONE
	N	NONE	APPEARS TO BE THE EXCEPTION	VARIES - INFORMAL	NONE
	O	NONE	APPEARS TO BE THE EXCEPTION	VARIES - INFORMAL	NONE
	P	NONE	VARIES	VARIES - INFORMAL	NONE
	Q	NONE	VARIES	VARIES - INFORMAL	NONE
	R	NONE	NO	VARIES - INFORMAL	NONE



Of the two states rated in substantial compliance, one has a state statute that does, in fact, create a statewide, highly specific policy applicable to all agencies in the state that disseminate CHRI. Consequently, and this is the exceptional case, what is the practice at the state level is the practice at the local level. The policy directing state-level dissemination for the other state in this category is not based on a state statute, but rather CSR agency policy. Due to the strong and centralized role that the CSR has played, local agencies have opted to conform to state policy. Thus, they are following its formalized methods for validating a user's legitimacy, maintaining dissemination logs and destroying copies after use. While there may be exceptions to this (some local-level agencies have not received the same exempt status from the state's public records law as the CSR has and may be required to disclose items that are contrary to the CSR's policy) the general practice followed is that of the state policy. In both states, all users have signed agreements with their CSR and are consequently bound to follow certain stipulations.

In the case of dissemination policies and practices for local agencies, it is possible to group those states in overall medium and minimal compliance together, and speak of them as one group. Thus, of a possible 16 states, only five states have a state level policy specifically addressing restrictions on the limitations of dissemination of CHRI (i.e., not public records law). The practices of local agencies in four of these states, however, do not appear to conform to state practices, tending to be individualized by each agency. Support practices for the policies (i.e., dissemination logs, validation of a requestor's legitimacy and restrictions on secondary dissemination) tend to be informal. Thus, while practices may resemble those of the state in terms of who receives what information, there is generally a more lax interpretation. The fifth state in

this compliance group has a formal dissemination policy. This policy is uniformly applied at the local level and has formal mechanisms to support it. In all five states with a state level policy, however, agencies are only disseminating CHRI that has originated within their respective jurisdictions.

For the remaining 11 states, local practices are highly idiosyncratic, and tend to be less restrictive than the policies practiced by their respective state-level agencies. In most cases, information is given out to a wider range of agencies and individuals, particularly if a request to receive information is accompanied by a signed waiver from the subject individual. As could be expected for local agencies in these states, support mechanisms such as dissemination logs, routes for querying the CSR prior to dissemination, validation of a requestor's legitimacy or restrictions on secondary dissemination, are not routinely formalized or used, and in some cases, do not exist beyond a concept. While current practices are not in accord with the intent of the Regulations, indications are that some local agencies have tightened dissemination practices in response to their own interpretations of the Regulations.

In sum, the element most affecting a local agency's ability to comply with the stipulations of the limitations on dissemination section of the Regulations appears to be:

- the establishment of a carefully delineated policy, applicable statewide, and supported by formalized mechanisms that facilitate compliance with and enforcement of the policy.

It is unlikely that this will occur without the active participation of a state agency (be it the CSR or some other responsible agency) in promulgation and assistance. In those cases where state support has been given to local agencies responding to a statewide, specific

dissemination policy, significant progress in compliance with this area of the Regulations has been made. When this has not occurred, little has happened to change entrenched, idiosyncratic modes of operation.

### 3.4 Security

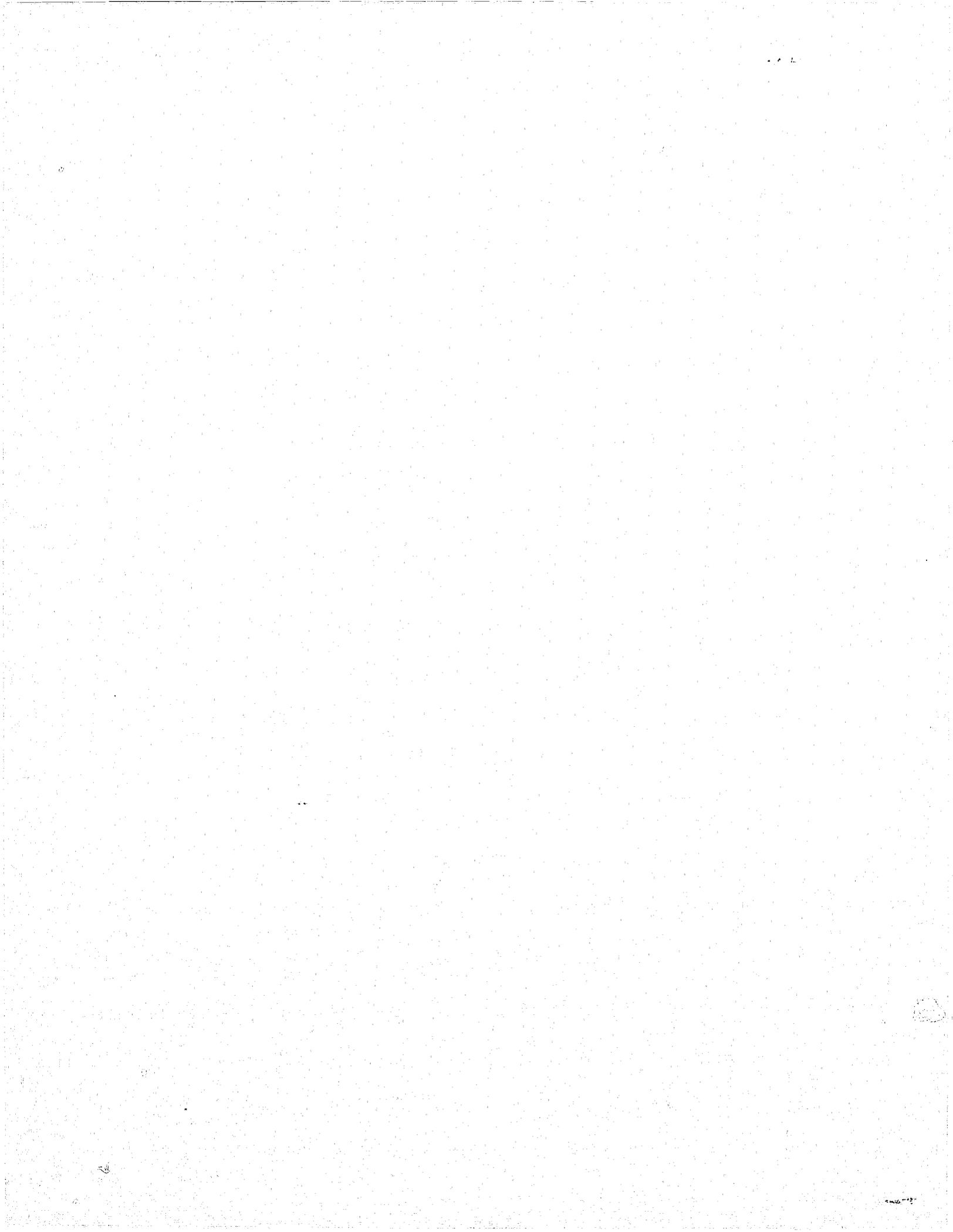
The Regulations governing the privacy and security of CHRI specify a number of requirements to ensure the confidentiality and security of CHRI. These requirements direct states to adopt procedures to restrict access and provide for the physical security of CHRI stored in both manual and automated systems and to adopt related personnel practices; they are to be implemented by security standards established by each state.

States' compliance with the security provisions are summarized in Table IX. A state's compliance status is assessed in four areas:

- a. the existence of statewide security standards;
- b. the sophistication of security techniques for manual CHRI systems;
- c. the sophistication of security techniques for automated CHRI systems; and
- d. the personnel practices of state and local agencies.

The level of sophistication of both manual and automated systems is rated as high, medium or low (see Table IX for keys). Personnel practices related to security are rated as either comprehensive or non-comprehensive (see Table IX for key). Ratings are based primarily on agencies visited at both state and local levels.

Only one of the 18 states visited is in substantial compliance with the security aspect of the Federal Regulations. Several general observations in the security area, however, appear applicable for all states regardless of their overall compliance classification. Even in those states with statewide security standards, security practices



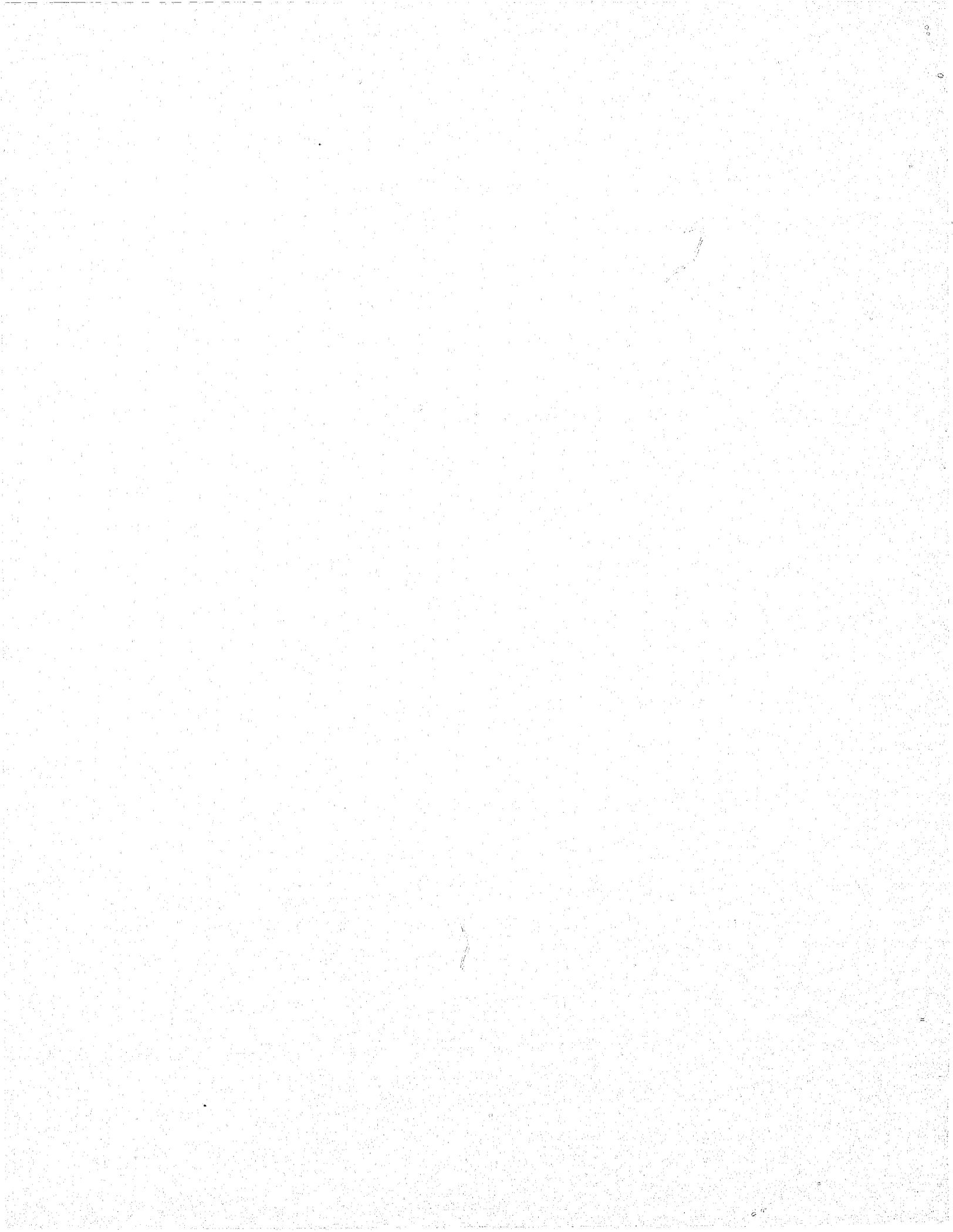
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**1 OF 2**

### 3.4.1 State and Local Practices

It is noteworthy that the two states rated substantially in compliance overall have statewide security standards and comprehensive personnel practices at both state and local agencies. The sophistication of security techniques varies, however (see Table IX). Of these two states, only one is in substantial compliance with the security provisions of the Regulations. Its CSR, as the implementing agency, has developed and promulgated comprehensive statewide security standards for both manual and automated systems. These standards are specific and cover all aspects of the security section of the Regulations. While the second state has state statutes requiring some security measures for CHRI, modification or amendments need to be made to clarify what is expected. Once again, it appears that in both cases, current practices are reflective of a long-term involvement in this area.

For the nine states assessed to be in the medium compliance group, two have both statewide security standards and comprehensive personnel practices at state and local agencies. For one of these states the administrative code is currently being developed, thus, statewide standards have not yet been detailed. Apparently, all aspects of the security provisions will be covered and additional funding for implementing the standards will be requested. Of the remaining seven states in the medium compliance category, only one has statewide security standards; however, in this state these standards are applicable only to its automated system. Three of the seven states in the medium compliance category have comprehensive personnel practices in place both at the state and local level; two other states have practices in place at the state level only; the remaining two states have practices at both levels that are generally non-comprehensive in nature.



SUBSTANTIAL	A	SOPHISTICATION OF TECHNIQUES FOR MANUAL SYSTEMS				SOPHISTICATION OF TECHNIQUES FOR AUTOMATED SYSTEMS			PERSONNEL PRACTICES	
		STATEWIDE STANDARDS	CENTRAL STATE REPOSITORY	OTHER STATE AGENCIES	LOCAL AGENCIES	CENTRAL STATE REPOSITORY	OTHER STATE AGENCIES	LOCAL AGENCIES	STATE	LOCAL
		YES - STATE STATUTE	HIGH	NOT KNOWN	LOW TO HIGH	HIGH	HIGH	HIGH	COMPREHENSIVE	COMPREHENSIVE
B	YES - CSR POLICY	MEDIUM	LOW	LOW TO MEDIUM	HIGH	NOT KNOWN	HIGH	COMPREHENSIVE	COMPREHENSIVE	
MEDIUH	C	NONE	MEDIUM	MEDIUM	MEDIUM	HIGH	NOT KNOWN	MEDIUM TO HIGH	NON-COMPREHENSIVE	COMPREHENSIVE THE EXCEPTION
	D	NONE	LOW	NOT KNOWN	LOW	MEDIUM	NOT KNOWN	LOW TO MEDIUM	COMPREHENSIVE	NON-COMPREHENSIVE
	E	NONE	MEDIUM	LOW	LOW TO HIGH	N/A	N/A	HIGH	COMPREHENSIVE	COMPREHENSIVE
	F	NONE	LOW	LOW	LOW TO MEDIUM	N/A	N/A	N/A	NON-COMPREHENSIVE	NON-COMPREHENSIVE
	G	NONE	(1) PROBATION CENTRAL FILE - MEDIUM; (2) CORRECTIONS/PAROLE - MEDIUM; AND (3) STATE POLICE - HIGH	NOT KNOWN	LOW TO HIGH	N/A	N/A	HIGH	COMPREHENSIVE	COMPREHENSIVE
	H	NONE	LOW	LOW	LOW TO MEDIUM	MEDIUM	LOW	LOW TO MEDIUM	COMPREHENSIVE	NON-COMPREHENSIVE
	I	YES - CRIMINAL HISTORY SYSTEMS BOARD - AUTOMATED SYSTEM NONE - MANUAL SYSTEM	AUTOMATED - HIGH MANUAL - MEDIUM	NOT KNOWN	LOW TO MEDIUM	HIGH	NOT KNOWN	HIGH	COMPREHENSIVE	COMPREHENSIVE
	J	YES - STATE POLICE ADMINISTRATIVE RULES	MEDIUM	NOT KNOWN	MEDIUM	HIGH	NOT KNOWN	LOW	COMPREHENSIVE	COMPREHENSIVE
K	YES - STATE STATUTE	HIGH	LOW TO MEDIUM	LOW TO MEDIUM	HIGH	HIGH	MEDIUM TO HIGH	COMPREHENSIVE	COMPREHENSIVE	
MINIMAL	L	NONE	LOW	MEDIUM	LOW TO MEDIUM	DATA INPUT AREA - LOW; COMPUTER CENTER - HIGH	N/A	LOW	NON-COMPREHENSIVE	NON-COMPREHENSIVE
	M	NONE	MEDIUM	LOW	LOW TO MEDIUM	MEDIUM	LOW	LOW TO MEDIUM	COMPREHENSIVE	COMPREHENSIVE THE EXCEPTION
	N	NONE	MEDIUM	LOW	LOW TO MEDIUM	N/A	N/A	N/A	NON-COMPREHENSIVE	NON-COMPREHENSIVE
	O	NONE	MEDIUM	NOT KNOWN	LOW TO HIGH	MEDIUM	MEDIUM	LOW TO HIGH	NON-COMPREHENSIVE	NON-COMPREHENSIVE
	P	NONE	MEDIUM	LOW TO MEDIUM	LOW TO MEDIUM	N/A	NOT KNOWN	LOW TO MEDIUM	NON-COMPREHENSIVE	NON-COMPREHENSIVE
	Q	NONE	LOW	LOW TO MEDIUM	LOW TO HIGH	MEDIUM	N/A	MEDIUM	NON-COMPREHENSIVE	NON-COMPREHENSIVE
	R	NONE	HIGH	LOW	LOW TO HIGH	N/A	N/A	N/A	NON-COMPREHENSIVE	NON-COMPREHENSIVE

KEY:

PHYSICAL SECURITY:

MANUAL (MINIMAL PHYSICAL SECURITY ASSUMED)  
AUTOMATED (SOFTWARE AND HARDWARE SECURITY ASSUMED)

MEDIUM  
RESTRICTED ACCESS

FEW PEOPLE HAVE ACCESS; AGENCY AND INDIVIDUAL CODE; RESTRICTED AREA (COMPUTER OR DISPATCH ROOM).

PERSONNEL PRACTICES:

LOW

NON-RESTRICTED ACCESS  
LARGE NUMBER OF PEOPLE HAVE ACCESS; AGENCY CODE; NON-RESTRICTED AREA (MULTI-PURPOSE ROOM).

HIGH

CONTROLLED ENTRY (SIGN-IN, BADGE, ETC.)  
FEW PEOPLE HAVE ACCESS; AGENCY AND INDIVIDUAL CODE; CONTROLLED AREA; FORMAL AGREEMENT DEFINING USAGE; EXTENSIVE TRAINING.

COMPREHENSIVE

BACKGROUND CHECK WITH PRINTING; TRAINING INCLUDES PRIVACY AND SECURITY; REMOVAL OR TRANSFER FOR VIOLATIONS.

NON-COMPREHENSIVE

ANYTHING LESS.



vary from agency to agency. The existence of formalized, written procedures for CHRI security are rare; when they exist, applications tend to be individualized. Overall, security techniques appear to be better in state agencies, especially for the central state repositories (CSRs)<sup>16</sup>, than in local agencies. Also, law enforcement agencies tend to have better security provisions than prosecutors' offices, courts, probation, parole, and correction agencies. Traditionally, law enforcement agencies have placed a greater emphasis on security than other criminal justice agencies because of the higher visibility and greater use of their files. Within law enforcement, large agencies typically have better security than small agencies, probably due to the availability of more resources as well as a greater perceived need for security.

Furthermore, security of CHRI is generally better for automated systems than for manual systems. For one, NCIC has set a standard that contributors are required to follow, eliminating confusion to some extent. Additionally, software and hardware packages are normally an integral part of the design of automated systems, and user's manuals including security requirements are promulgated at the local level. At local agencies, terminals are typically located in a special (for example, dispatch) area, while manual CHRI are located in the records area. It seems that, overall, concern for protecting automated CHRI is greater than concern for protecting manual CHRI. The introduction of security measures is often a key part in implementing an automated system. For manual records systems, on the other hand, established practices can be difficult to change.

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<sup>16</sup> All of the CSRs are covered by the Regulations except for one which has cooperated voluntarily.

For the seven states in the minimal compliance group, none has statewide standards or comprehensive personnel practices at either state or local agencies. In two of these seven states, security techniques generally appear to be higher than in the remaining five, but again there is wide variation among agencies.

In general, the security aspect of the Regulations has received little attention, in most states, beyond the CSR. Overall, however, it appears that many improvements at the CSR were implemented prior to the promulgation of the Regulations and in response to NCIC requirements established in 1971 and/or as part of a conversion to automation.

The implementation of requirements in the area of security appears to be one of the most costly parts of the Regulations and is perceived as such by state and local agencies. The difficulty of establishing standards, of estimating the costs of implementation and of obtaining the necessary funds has hindered compliance in the security area. Due to the lack of progress by states, the development of model security standards by the LEAA may be an important option to consider.

Two factors appear of primary importance in enabling a state to comply with the security provision of the Federal Regulations. These are:

- the existence of statewide, security standards that are specific and detailed; and
- the availability of funds for these purposes.

Until such time as standards are developed and promulgated and appropriations are allocated, little progress in this area can be anticipated.

### 3.5 Audit

The Federal Regulations require that states perform an audit<sup>17</sup> of their criminal history record repositories. The annual audit is intended to be an examination of the extent to which repositories or users of such repositories are complying with the Regulations. It is expected that the audit will be conducted by a designated agency of a sample of criminal justice agencies. The agency designated to perform the annual audit is required to review CHRI repositories for record completeness and accuracy, the effectiveness of the systematic audit procedures, evidence of dissemination limitations, security provisions, and the individual's right of access.

Table X examines the status of the 18 states in terms of the key issues of the annual audit requirement:

- a. the assignment of responsibility for the conduct of the audit ("designated agency");
- b. the legislative or executive authority to conduct such an audit ("authority base");
- c. the availability of resources to conduct the audit ("capability"); and
- d. the development of specific auditing procedures, including a method for ensuring a statistically significant sample group ("audit plan").

Only in the two states assessed to be in substantial compliance overall with the Federal Regulations have these four issues been

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<sup>17</sup> The Regulations require two different forms of audit--systematic and annual. The systematic audit requirement pertains to procedures for repositories of CHRI as a means of guaranteeing the completeness and accuracy of information. Thus, the requirements of the systematic audit--delinquent disposition monitoring, quality control procedures, and dissemination logs, are discussed under "Completeness and Accuracy" (Sections 3.1.1 and 3.1.2) and "Dissemination" (Sections 3.3.1 and 3.3.2) in this report. This section will address the annual audit requirements only.

		DESIGNATED AGENCY	AUTHORITY BASE	CAPABILITY (STAFF/FUNDS)	AUDIT PLAN
S U B S T A N T I A L	A	OFFICIAL DESIGNATION - CRIMINAL RECORDS SECURITY UNIT (CRSU), DIVISION OF LAW ENFORCEMENT, DEPART- MENT OF JUSTICE (OAG)	STATE STATUTE	YES - NOT COMPLETELY ADEQUATE	YES
	B	OFFICIAL - BUREAU OF CRIMINAL APPREHENSION (LAW ENFORCEMENT AGENCIES ONLY)	STATE STATUTE	YES - NOT COMPLETELY ADEQUATE	YES
M E D I U M	C	UNOFFICIAL - DEPARTMENT OF PUBLIC SAFETY	NONE	NO	NO
	D	OFFICIAL - ATTORNEY GENERAL'S OFFICE	STATE STATUTE (EFFECTIVE 31 DECEMBER 1977)	NO	NO
	E	UNOFFICIAL - DEPARTMENT OF PUBLIC SAFETY	NONE	NO	NO
	F	NONE	NO	NO	NO
	G	OFFICIAL - SECURITY AND PRIVACY COUNCIL	CRIMINAL HISTORY SYSTEMS BOARD REGULATIONS	PARTIAL STAFF AND VOLUNTEER WORKERS	NO
	H	OFFICIAL - DIVISION OF CRIMINAL JUSTICE SERVICES (CONTRIBUTORS ONLY)	ENABLING CSR STATUTE AND USER AGREEMENTS	NO	NO
	I	OFFICIAL - BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION; STATE DATA CENTER AND HIGHWAY PATROL	AUDIT TASK FORCE	NO	NO
	J	OFFICIAL - LAW ENFORCE- MENT DATA SYSTEM (LEDS) (TERMINALS ONLY); NONE FOR OTHER SYSTEMS	STATE STATUTE	NOT ADEQUATE	LEDS - YES
K	OFFICIAL - LAW AND CRIMINAL JUSTICE PLANNING DIVISION	STATE STATUTE	NO	YES	
M I N I M A L	L	NONE	NONE	NO	NO
	M	NONE	NONE	NO	NO
	N	UNOFFICIAL - BUREAU OF STATE POLICE	NO	NO	NO
	O	NONE	NONE	NO	NO
	P	NONE	NONE	NO	NO
	Q	NONE	NONE	NO	NO
	R	NONE	NONE	NO	NO



resolved: there is a legislative mandate to perform an audit; a specific organization in each state is identified; and resources (though somewhat limited) do exist and an audit plan is in place to carry out the audit.

Five other states, all considered to be in medium compliance with the Regulations, also have organizations officially mandated by statute to perform audits for manual as well as automated records systems. In two of these five states, however, resources are not available, and in four of the five complete audit plans have not been developed.

In the remaining states in the sample of 18 states, compliance with the annual audit requirement has been marginal. In these states, no organization has been given a clear mandate to carry out the audit responsibility.<sup>18</sup> Legislation will probably be required in many of these states before significant efforts toward compliance will be made.

In sum it appears that there are two important indicators of a state's ability to comply with the annual audit aspect of the Federal Regulations. These are:

- the existence of a legislative mandate for performing the audit function; and
- the provision/availability of resources to conduct audits.

The existence of comprehensive state legislation which parallels the Federal Regulations has facilitated the audit process in those two states where compliance with the audit requirement has been substantial. Since only one other state has either a legislative mandate or audit mechanism in place, it would appear that this mandate is

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<sup>18</sup>In one state an agency has been given authority to audit terminal users; however, procedures for these audits are not as comprehensive as those required by the Federal Regulations.

necessary for compliance. Indications are, that in some cases, user agreements may be a substitute for legislation establishing the audit authority, giving the CSR authority to audit agencies that have signed such agreements.

### 3.6 Summary

In sum, the level of compliance currently achieved by states varies greatly and, for all but two states, the status achieved thus far does not approach the requirements of the Federal Regulations. As might be expected, generally, the level of compliance attained in each aspect of the Regulations parallels the level of compliance achieved overall in a state.

Currently, with the exception of the two states in substantial compliance, few states have a routinely utilized arrest and disposition reporting system--a prerequisite for a complete and accurate CHRI at a CSR. The prime obstacle to achieving complete and accurate records appears to be:

- the lack of a clear and effective mandate, insufficient funds and/or technical ability needed for a CSR to introduce or improve an arrest and disposition reporting system and the sufficient time to do so.

The complexity of this task indicates that a long-term time frame (3-10 years) is needed for achieving compliance. Consequently, significant progress cannot be expected in this area between now and the 31 December 1977 compliance deadline.

To date, a majority of states visited have developed some procedures for implementing the individual access and review requirement; however, these procedures have been largely informal and inadequately promulgated. The major obstacle to attaining compliance with the individual access and review requirement appears to be:

- the lack of standardized, comprehensive policies, applicable to all impacted agencies in a state, which are supported by formalized procedures and the force of state law.

It would appear that once such a policy and its support procedures are developed, compliance with this area of the Regulations could occur within a year. Consequently, significant change in current operational practices cannot be expected by 31 December 1977.

In most states, the content of state and local policies governing the limitations on dissemination varies and tends both to exert less control than the intent of the Regulations and to be non-specific, resulting in practices that are idiosyncratic to an agency. This appears to be the result of:

- the lack of a statewide policy supported by formalized mechanisms and procedures, that is promulgated, pursued and enforced by some responsible agency.

It would appear that once a policy and the necessary support procedures have been developed, compliance in this area could occur within a year. Thus, in most states, little change in current practices can be expected by the end of 1977.

Only one state is in substantial compliance with the security provisions of the Regulations. For all states, security practices vary significantly among agencies. The prime hindrance of compliance in this area appears to be:

- the lack of specific, statewide security standards and the resources the full implementation of these standards will require.

Due to the difficulty in obtaining funding support, the expected time frame for compliance with the security requirements of the Federal Regulations is two to three years, and little, if any change, can be expected by the 31 December 1977 deadline.

With the exception of two states, the mechanisms for conducting annual audits of state and local agencies are not in place. The major impediment for compliance in the audit area appears to be:

- the lack of a legislative mandate to conduct audits and the resources these audits will require.

Once legislative mandates have been enacted, an additional one to two years will be required before states are in a position to conduct audits. No changes in the current status can be expected by the compliance deadline.

In sum, the date for achieving overall compliance with the Regulations will vary from state to state. For those states already in substantial compliance, full compliance can be expected in one to two years. For the remaining states, while some may obtain full compliance with the Regulations in three years, for the majority, five years appears a more realistic target date.

#### 4.0 RECOMMENDATIONS

This report has identified several problems that impede the progress of the states in complying with the Federal Regulations governing the privacy and security of CHRI. Furthermore, it appears that because of these problems, none of the states in this survey will achieve total compliance by the 31 December 1977 deadline. Because many states have limited capability to address their problems, it will be necessary for the LEAA to provide assistance to states if full compliance is desired. It is both the need for assistance and the degree to which states are currently not in compliance with the Regulations that form the basis for the following major recommendations:

- The 31 December 1977 deadline for compliance with the Regulations should be extended. Five phased deadlines, one for each aspect of the Regulations, should be established. Each deadline should be based upon the complexity of a specific aspect and the feasibility of achieving compliance in that area.

These phased deadlines are being recommended with full cognizance that complete and accurate records are the baseline upon which all the other requirements are built. In terms of complexity, however, it will be the most difficult to obtain and is therefore being recommended for a later deadline. In the interim, it appears that significant benefits could be achieved by implementing the other, more self-contained aspects of the Regulations. Our recommendations as to deadlines for each aspect of the Regulations coupled with the types of assistance which appear to be needed are as follows:

- Phase 1 - 31 December 1978<sup>19</sup> for Individual Access and Review. This deadline could be met with the implementation of the following items:

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<sup>19</sup>This deadline and all those subsequently proposed are predicated on the assumption that all implementation activities will be ongoing as of 1 January 1978.

- the development and effective dissemination of detailed model procedures by the LEAA; and
- the funding of a carefully-monitored state-administered promulgation and training program.
- Phase II - 31 December 1979 for Limitations on Dissemination. This deadline could be met via:
  - the development by states of a specific and detailed dissemination policy with the needed support procedures, and the promulgation of both the policy and procedures.
- Phase III - 31 December 1980 for Security. This deadline is feasible if the following criteria are met:
  - the development of detailed model security standards and their promulgation by the LEAA;
  - limited funding support by the LEAA; and
  - adequate financial support from individual state and local governments.
- Phase IV - 31 December 1980 for Audit. The deadline for compliance with the annual audit requirement is dependent upon:
  - the development and effective dissemination of detailed model procedures by the LEAA; and
  - the funding of a carefully-monitored, state-administered promulgation and training program.
- Phase V - 31 December 1982 for Completeness and Accuracy. The deadline for compliance, with this aspect of the Regulations is based upon the following:
  - the development and dissemination by the LEAA of model manual arrest and disposition reporting systems;
  - the provision of technical assistance and funding to states to facilitate the adoption of these systems, as necessary;
  - a review of the current status of automated systems to assess how and to what degree compliance progress (on an interim basis, if need be) can be facilitated; and
  - the careful monitoring of all grants for CHRI-related information systems, whether manual or automated.

In sum, due to the complexity of the problems each state must address in its attempts to develop the mandated procedures, even those few states that are now in substantial compliance with the LEAA objectives are still one to two years away from full compliance. As a consequence, it appears that five years from now would be the earliest point in time when all states can reasonably be expected to have complied with all aspects of the Federal Regulations governing criminal history record information. This, however, will require aggressive efforts by the LEAA:

- a. to develop, promulgate and disseminate model
  - procedures for Individual Access and Review,
  - Security standards,
  - procedures for Audit, and
  - manual arrest and disposition reporting systems to ensure Completeness and Accuracy;
- b. to coordinate with the states on planning for legislation and policy (in particular, as regards security standards); and
- c. to aid (in the form of technical and financial assistance) on a substantiated need, case-by-case basis.

Achieving compliance with the Federal Regulations governing the privacy and security of criminal history record information via the schedule discussed in this report will necessitate certain actions on the part of the LEAA and state and local governments and agencies. Should any of these recommended steps not occur, the ability of states to achieve full compliance with the Regulations by the proposed deadlines will decrease significantly. Thus, while the projected overall compliance deadline is 31 December 1982, successful implementation of all requirements within this five-year time frame is dependent upon the achievement of each of the phased deadlines.

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**END**