

### Council's Role in Setting III System Policy

States need the assurance of a policy voice sufficient to protect their interests as the III System evolves. Since the criminal history records available through the III System will be predominantly state-maintained records, the states need assurance that the use of these records will be consistent with state concerns in areas such as privacy, system security, and data quality.

The Compact provides for the establishment of a Council that shall have the authority to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes. The Council is composed of 15 members appointed by the U.S. Attorney General. The membership composition and terms specified under Article VI of the Compact requires nine of the fifteen Council members to be state Compact Officers or state repository administrators.

The Chairman of the Council may establish committees as necessary to carry out the Compact. Three noteworthy committees have been established. The Standards Committee's charter is to assess technical and performance standards, and set procedures and rules regarding the use of III for noncriminal justice purposes. The Sanctions Committee's charter is to assess compliance with the Compact provisions and Council rules, procedures, and standards, and recommend remedial action should noncompliance occur. The Policy and Planning Committee's charter is to update and monitor the Council's strategic plan and bylaws, assist states with compact ratification, and formulate policies governing the use of III for noncriminal justice purposes.

### *Current Compact States*

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Montana	March 31, 1999
Georgia	April 28, 1999
Nevada	May 14, 1999
Florida	June 8, 1999
Colorado	March 10, 2000
Iowa	April 7, 2000
Connecticut	June 1, 2000
South Carolina	June 22, 2000
Arkansas	February 21, 2001
Kansas	April 10, 2001
Oklahoma	May 24, 2001
Maine	June 8, 2001
Alaska	June 25, 2001
New Jersey	January 5, 2002
Minnesota	March 25, 2002
Arizona	April 29, 2002
Tennessee	May 28, 2003
North Carolina	June 19, 2003
New Hampshire	June 30, 2003
Missouri	August 23, 2003
Ohio	January 7, 2004
Wyoming	February 17, 2005
Idaho	March 21, 2005
Maryland	May 26, 2005
Oregon	July 7, 2005
West Virginia	March 10, 2006
Hawaii	May 8, 2006

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February 20, 2008



### **National Crime Prevention and Privacy Compact 42 U.S.C. 14611-16**

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[www.fbi.gov/hq/cjisd/web%20page/cc.htm](http://www.fbi.gov/hq/cjisd/web%20page/cc.htm)

## *The Compact Act*

On October 9, 1998, President Clinton signed into law the National Crime Prevention and Privacy Compact Act of 1998 (Compact), allowing party states to disseminate their criminal history record information to other states for noncriminal justice purposes in accordance with the laws of the receiving state. This landmark legislation continues the dynamic movement toward decentralization of criminal history records that began in 1978 with the Interstate Identification Index (III) project.

The III System is an index pointer system that ties computerized criminal history record files of the FBI and the centralized files maintained by each III participating state into a national system. This system serves as the vehicle for data sharing and integration across the country. Eventually, when all of the states become full participants in this system, the FBI's centralized files of state offender records will be discontinued and all users of criminal history records, for both criminal justice and authorized noncriminal justice purposes, will obtain those records directly from the states' central computerized files.

The Compact was necessary to facilitate record sharing as it supersedes any conflicting laws in states where it is adopted and provides a uniform dissemination standard among states. The Compact serves as the final critical element toward complete decentralization of criminal history records.

The passage of the Compact legislation required considerable effort among the states and the FBI for more than twenty years. The Compact became effective, by its terms, when ratified by the second state, on April 28, 1999.

### *A Standard for Uniform Criminal History Record Dissemination*

Ratification of the Compact will establish a uniform, nationwide standard governing the interstate dissemination of criminal history records for noncriminal justice purposes.

This will ensure the Federal agencies will continue to receive the state criminal records needed to screen persons for employment in sensitive positions and for other authorized purposes. In addition, authorized state agencies will continue to receive the out-of-state records needed to screen state employees and licensees.

Each state will determine what criminal history record information is disseminated within its borders for noncriminal justice purposes. States will continue to apply their own dissemination laws to in-state use of their own records, and will screen out-of-state records received through the III System pursuant to their own laws.

States will participate as an integral part of the national criminal history record system, establishing technology standards, supporting consistency and uniformity, thereby increasing the utility of data sharing and integration.

### *Increased Record Quality*

There will be an increase in the completeness of records made available on an interstate basis for both criminal justice and noncriminal justice purposes. As a result, records maintained at the state repositories may contain additional arrest disposition information than the FBI's files. Also, many of the states maintain records of some misdemeanor offenses that have not been submitted to the FBI.

### *Cost Avoidance*

Duplicate maintenance of criminal history records by the states and the FBI, and attendant costs, will be eliminated. The states will be relieved of the burden and cost of submitting all arrest fingerprints and charge/disposition data to the FBI. Instead, the states will submit to the FBI, only fingerprints and textual identification data for each person's first arrest and update the FBI's index and National Fingerprint File.



## What is the COMPACT?

It was determined in the late 1970s that state criminal history records were more accurate and complete, in that the states may have additional arrest and disposition information from state files such as District Attorney records and court records. Because states have varying statutes or policies that restrict the dissemination of records for noncriminal justice purposes, it was determined a federal law, or Compact, was necessary to provide interstate criminal record dissemination authority. For this reason, landmark legislation was signed into law on October 9, 1998 - The National Crime Prevention and Privacy Compact (Compact). This legislation continues the dynamic movement toward decentralization of criminal history record information that began in 1978. The Compact became effective April 28, 1999 when ratified by two states, (See 42 U.S.C.§14611-14616).

### Creation of the COMPACT COUNCIL

The Compact established a 15-member Council whose members are appointed by the U.S. Attorney General. The Council is comprised of representatives from federal and state criminal and noncriminal justice agencies. The Council monitors the operations of the Interstate Identification Index (III), a national system which facilitates the exchange of automated criminal history record information. The Council also promulgates rules and

procedures for the effective and proper use of the III System for noncriminal justice purposes.

### Why do we need the COMPACT?

State laws and policies regarding the dissemination of criminal history record information for noncriminal justice purposes vary widely. Ratification of the Compact enables a state to become an "open record" state by permitting the interstate exchange of criminal history records for noncriminal justice purposes.

National background checks are deemed necessary in today's transient society in order to protect our nation's most vulnerable assets - the elderly, disabled, and children. Hence, there is an ever increasing need to evaluate or determine eligibility for various employment and volunteer positions. The demand for background checks for employment and volunteer purposes has more than doubled in recent years.



## STEPS TO DECENTRALIZATION

### 1) States participate in the Interstate Identification Index (III)

The state's centralized criminal history record repository agrees to make its III indexed records available in response to requests from federal and out of state criminal justice agencies for criminal justice purposes. The FBI maintains a duplicate record to meet the needs of Federal, state, and local noncriminal justice agencies and private entities that use III information for authorized noncriminal justice purposes.

### 2) States ratify the National Crime Prevention and Privacy Compact Act of 1998

States must make all unsealed criminal history record information available in response to authorized noncriminal justice requests. The Compact, when signed by a state, supersedes any conflicting state laws, and this allows for uniform dissemination among states, while ensuring that each state will participate in the National Fingerprint File (NFF) program.

### 3) State participation in the NFF

The NFF concept places the management and responsibility for the effective control, collection, maintenance, and dissemination of state record files solely with the state. NFF states respond to record requests for all authorized purposes, and the FBI ceases to maintain duplicate records.

## COMPACT COUNCIL MISSION

The Compact Council as a national independent authority, works in partnership with criminal history record custodians, end users, and policy makers to regulate and facilitate the sharing of complete, accurate, and timely criminal history record information to noncriminal justice users in order to enhance public safety, welfare, and security of Society while recognizing the importance of individual privacy rights.

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