

**State of Alaska
FY2005 Governor's Operating Budget**

**Department of Public Safety
Alaska Criminal Records and Identification
Component Budget Summary**

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Component: Alaska Criminal Records and Identification**Contribution to Department's Mission**

To provide accurate criminal history and identification information to state and nationwide customers for criminal justice activities, licensing and employment screening, and other purposes authorized by law. This component also administers the Alaska Sex Offender Registry, Concealed Handgun Permit Program, and the licensing of security guards, security guard agencies, and process servers statewide.

Core Services

Serves as the state's central repository for criminal records, and maintains Alaska's criminal history, fingerprint, and photograph databases.

Provides direct services to federal, state and local police, courts, corrections, and prosecutors by verifying the identify of all newly arrested individuals through fingerprints, and making identification on latent crime scene fingerprints. Training in fingerprinting techniques is also provided to correctional booking officers and vendors around the state.

Provides criminal history background checks to authorized non-criminal justice employers, organizations, and individuals to screen candidates for work with children, vulnerable adults, or for other sensitive positions.

Provides Alaskan criminal justice agencies with access to the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunication System (NLETS) by serving as the Control Terminal Agency (CTA). CTA responsibilities include determination of agency access levels according to state and federal laws and policies via user agreements, and ensuring that all agencies comply with these laws, policies, and directives. An employee must audit each agency every two years to ensure this compliance, and maintain documentation files.

Provides system security for over 850 APSIN terminals, of which about 800 have NCIC/NLETS access, by distributing information about system updates, administering certification testing for over 2,500 operators, and establishing security profiles and access authority for users.

Assists in identification through DNA by maintaining a DNA flag in the Alaska Public Safety Information Network (APSIN) indicating those persons required to provide a DNA sample based on a criminal convictions, and those for whom a DNA sample and record is available through the state crime laboratory.

Represents the state as a member of the National Crime Prevention and Privacy Compact Council and a separate NCIC Western Region working group to address laws and policies involving national criminal background checks. Staff also represent the state as a member of the NLETS Operational Committee to address laws, policies, and communication networks involving criminal justice, law enforcement, and Homeland Security related issues; as a member of SEARCH (The National Consortium of Justice Research and Statistics); and participate in policy and procedural development at state, regional, and national levels. Employees also chair the administrative subgroup of the Criminal Justice Information Advisory Board.

Administers the Uniform Crime Reporting (UCR) program in Alaska. This includes collecting, compiling, and publishing of standardized crime data from across the state, maintaining UCR data, and responding to external requests for Alaska crime statistical information.

Maintains file of all Division of Motor Vehicle (DMV) issued driver's licenses and identification cards to be used by law enforcement investigators requiring photographic identification of suspects. This unit also receives booking photographs of arrested subjects. The three employees in this section maintain over 2,000,000 DMV photos and 300,000 booking photographs.

Maintains Alaska's central Sex Offender Registry (SOR) program. In March, 2003, the U.S. Supreme Court reversed the district court's and ninth circuit court's ruling that the Alaska Sex Offender Registration Act was punitive, and therefore violated the Ex Post Facto Clause of the U.S. Constitution. In January 2002, the department complied with the court order requiring the removal of some 2,900-sex offenders from the public access via the department's web site. Upon

notice that the ninth circuit court's ruling was overturned, the department notified all affected sex offenders, informing them of their duty to register, and began repopulating the Sex Offender Register web site. Currently, the information regarding approximately 4,600 sex offenders is available to the public.

Administers the licensing programs for civilian process servers, security guards, and security guard agencies. Currently licensed are 29 security guard agencies with approximately 1,325 active security guards – both armed and unarmed – and approximately 79 civilian process servers. Each application requires a background investigation and review of delinquent student loans before issuance of the license. Additionally, employees review state and federal criminal justice responses to every new application, and process an average of 65 civilian process server and 325 security guard actions per month, including complaints, transfers, status change requests, and insurance reviews, as well as weapons' qualifications for security guards only.

Administers Alaska's Concealed Handgun Permit (CHP) program. Each applicant must pass a background investigation before issuance of the permit. In addition, employees review state and federal criminal responses to every new and renewal application. This component is also responsible for monitoring a monthly average of 135 domestic violence protective order notices and approximately 40 criminal history updates that could result in permit suspension or revocation.

End Results	Strategies to Achieve Results
<p>(1) Alaska's criminal records are maintained in a timely, accurate, and complete manner for use by criminal justice agencies.</p> <p><u>Target:</u> Alaska's criminal records are available for law enforcement use.</p> <p><u>Measure:</u> Number of law enforcement inquiries to Alaska's criminal records.</p> <p><u>Target:</u> Alaska's criminal records will be timely, accurate, and complete.</p> <p><u>Measure:</u> % of court dispositions supported by fingerprints.</p>	<p>(1) Maintain Alaska's central repository of criminal records in as timely, complete, and accurate a manner as practical.</p> <p><u>Target:</u> Maintain timely records of all arrests</p> <p><u>Measure:</u> Number of arrest records in the central repository.</p>

Major Activities to Advance Strategies	
<ul style="list-style-type: none"> • Develop and implement a structured training program in cooperation with Department of Corrections on inked and live scan fingerprint techniques • Interface between Department of Corrections' OTIS application and Public Safety's Store and Forward to compare bookings with fingerprint transmissions • Obtain funding to refresh and expand current live scan technology at correctional facility sites • Assure live scan systems require mandatory data be completed prior to transmission • Measure and address success on an on-going basis through routine audits • Coordinate with statewide prosecutors and courts to assure disposition information submitted to the repository is complete and accurate. • Identify individuals who are out of compliance with sex offender registration requirements • Coordinate with Division of Alaska State Troopers to locate out of compliance sex offender registrants 	<ul style="list-style-type: none"> • Obtain and update identifying data in the Sex Offender Registry with complete and accurate information (including photographs) • Coordinate with Division of Motor Vehicles to obtain digital copies of photographs obtained for Drivers Licenses and Identification Cards • Obtain and expand availability of digitally-obtained booking photographs • Develop secure access to digital images to assure access only to authorized agencies • Audit records within Permits and Licensing Unit to identify potential compliance violations • Audit records maintained by Security Guard Agencies to assess compliance with the law • Develop process for sanctions or cancellation of Security Guard or Permit Holder licenses and or permits

FY2005 Resources Allocated to Achieve Results

FY2005 Component Budget: \$4,406,000	Personnel:	
	Full time	35
	Part time	0
	Total	35

Performance Measure Detail

(1) Result: Alaska's criminal records are maintained in a timely, accurate, and complete manner for use by criminal justice agencies.

Target: Alaska's criminal records are available for law enforcement use.

Measure: Number of law enforcement inquiries to Alaska's criminal records.

Analysis of results and challenges: Alaska's central repository of criminal records is contained in the Alaska Public Safety Information Network (APSIN) which is a controlled access, automated information system. Law enforcement agencies submit APSIN inquiries (transactions) to determine the existence and content of a criminal record.

Target: Alaska's criminal records will be timely, accurate, and complete.

Measure: % of court dispositions supported by fingerprints.

(1) Strategy: Maintain Alaska's central repository of criminal records in as timely, complete, and accurate a manner as practical.

Target: Maintain timely records of all arrests

Measure: Number of arrest records in the central repository.

Analysis of results and challenges: Police departments and troopers make criminal arrests under provisions of local and state law; those arrested are typically booked into a state or local correctional facility and fingerprinted. Criminal fingerprint cards provide the positive ID needed as the basis for an individual's criminal record and subsequent disposition of the arrest charges.

Key Component Challenges

FINALIZE AUTOMATED INTERNAL WORKFLOW PROCESSING

The integration of the Automated Fingerprint Identification System (AFIS), the Alaska Public Safety Information Network (APSIN), NEC LS-21 live scan booking stations (located at the three most populated correctional facilities and the Anchorage courthouse), and the FBI Integrated Automated Fingerprint Identification System (IAFIS) will result in more rapid identification of criminals while also reducing manual intervention requirements. Integration of these systems is complex and critical. Final workflow automation is anticipated to be completed during FY 05.

CONTINUE TO MONITOR, ASSESS, RECOMMEND, AND ADOPT STRATEGIES TO ADDRESS NATIONAL INITIATIVES

In light of September 11, 2001, new laws such as the USA PATRIOT Act have required constant monitoring, assessment, and implementation activities. The Transportation Security Administration continues to work on developing a process to comply with the Act's requirement to conduct criminal history background checks on commercial drivers license holders with a hazardous material handling endorsement. Until the process is developed and implemented, it is

impossible to determine the impact of the implementation of the process on this component. Possible impacts range from an increase in requests for disposition information (with no additional revenue to fund these requests) to an increase of at least 300 fingerprint-based background checks per month (with additional revenue to support this effort). Current proposed implementation of the Hazardous Materials portion of the USA PATRIOT ACT will occur over a five-year period. Additionally, laws such as the Brady National Instant Check System (NICS), Violence Against Women Act (VAWA), state and federal Sex Offender Registration Acts, and numerous other state and federal laws require constant monitoring to assure compliance and public safety.

EVALUATE EFFECT OF 62 SLA 2003 ON ALASKA CONCEALED HANDGUN PERMIT PROGRAM

Effective September 9, 2003, changes to AS 11.61.220(a) effectively repeal the requirement to obtain a concealed handgun permit before carrying a concealed handgun, although a citizen may still apply for and renew an Alaska Concealed Handgun Permit. Applications for new permits have declined considerably since July 2003, thereby significantly decreasing receipt services revenue. Requests for permits and renewals will need to be closely monitored to determine staffing requirements and funding needs.

IMPROVE TRAINING AND AUDIT CAPABILITY

This component is responsible for training and auditing of statewide agencies use and access to the Alaska Public Safety Information Network (APSIN) and the National Crime Information Center (NCIC). Over the last two years, the auditor has seen a significant increase in non-compliance issues. For example, at the Anchorage Police Department the error rate for wanted person, stolen vehicles and property, and missing people entries in APSIN has risen from 5 percent in 2001 to 13 percent in 2003. The error rate for the same type of files at the Alaska State Trooper Emergency Operations Center has increased, alarmingly, from 9 percent in 2001 to 21 percent in 2003. This is due, in part, to generalized increased workload without staffing increases in state and local law enforcement agencies, as well as confusion and misunderstanding on the part of APSIN users on issues relating to matters of Homeland Security. Additional training and follow up targeted audits is the only solution to this problem. This is not possible without additional staffing dedicated to this purpose.

Significant Changes in Results to be Delivered in FY2005

As laws are passed that require criminal background checks on employees and as part of Homeland Security initiatives, demand for this service increases. However, for the first time in over seven years one agency (Department of Community and Economic Development Department, Division of Insurance) has significantly reduced the number of requests for criminal history background checks pursuant to AS 21.27.010. The Records and Identification component projected inter-agency receipt revenue of almost \$400.0 for conducting the background checks on all insurance agents and brokers in FY2004, and took appropriate action to assure sufficient receipt authority. However, recent policy changes at the Division of Insurance have resulted in a new estimate of only \$27.0 for FY2004. The repository will strive to maintain or reduce the time required to produce a full fingerprint-based criminal history report, but loss of revenue due to decreased demand by one agency may impact this response time, due to an increase in other non-revenue generating responsibilities. For example, implementation of the provisions of the PATRIOT Act that require the charging of reduced fees for background checks on volunteers in positions of responsibility over children may reduce revenue while increasing demand.

Major Component Accomplishments in 2003

Criminal Justice Information Audits

A Byrne federal sub-grant award was used to administer the department's criminal justice information audit system in compliance with AS 12.62.150 and federal laws and policies. An annual report of criminal repository audits and statistics was published. The component applied for and received another grant award to continue these activities during FY2004.

Maintained Service Quality Despite Increased Workload

Criminal and applicant fingerprint processing routines have been streamlined. Fingerprint submissions for employment/licensing purposes have increased over 155 percent over the past 5 years.

During the same time period, the Records and Identification Section has realized a greater than 100 percent increase in the number of individuals requesting copies of their own criminal history record.

Additional efficiencies are not likely without additional system integration and possibly increased staff levels.

Reduced Data Entry Backlogs

The repository continued to reduce the backlog of court dispositions awaiting data entry, eliminating the backlog for felony cases, and reduced the misdemeanor backlog.

Eliminated Backlog of Fingerprint-based Criminal History Report Requests for Employment/Licensing Purposes.

The repository utilized short-term, non-permanent clerical staff and effectively eliminated the backlog of requests for fingerprint-based criminal history report requests. The net effect was the ability to provide state and national criminal history records to qualified individuals and agencies within three weeks. Prior to the elimination of this backlog, results were often delayed as long as six weeks or more. It must be noted, however, that additional reductions in turnaround time are dependent on staffing levels and the implementation of the integrated workflow programming efforts currently in the testing phase.

Statutory and Regulatory Authority

Session Law	Effective	AK STATUTE	AAC	SHORT TITLE
63 SLA 2001	07/01/01	AS 04.11.295		Criminal Background Check - Alcohol License
		AS 08.08.137		Criminal Background Check - Alaska Bar Association
65 SLA 1998	09/01/98	AS 08.24.120	12 AAC 02.160	Criminal Background Check - Collection Agency
		AS 09.25.510		Electronic Signatures
		AS 12.61.		Victim & Witness Confidentiality
118 SLA 1994	07/01/95	AS 12.62.	13 AAC 25	Criminal Justice Information Systems Security & Privacy Act
53 SLA 2001	09/01/01	AS 12.62.		Criminal Justice Information Systems Security & Privacy Act
41 SLA 1994	08/10/94	AS 12.63	13 AAC 9	Sex Offender Registration
81 SLA 1998	06/11/98	AS 12.63.	13 AAC 9	Sex Offender Registration
106 SLA 1998	01/01/99	AS 12.63.	13 AAC 9	Sex Offender Registration
54 SLA 1999	06/05/99	AS 12.63.	13 AAC 9	Sex Offender Registration
53 SLA 2001	09/01/01	AS 12.64.	13 AAC 68	National Crime Prevention & Privacy Compact
54 SLA 1994	08/22/94	AS 12.80.060	13 AAC 68.120	Fingerprinting in Criminal Cases
		AS 14.20.020	4 AAC 12.001	Criminal Background Check - Teaching License
37 SLA 1999	06/02/99	AS 17.37.010		Medical Marijuana Registry - Accessible to Peace Officers
35 SLA 1996	08/22/96	AS 18.20.302		Criminal Background Check - Nursing Facilities
94 SLA 2000	08/29/00	AS 18.65.	13 AAC 30	Concealed Handgun Permit
		AS 18.65.050		Central Information on Crime Evidence
106 SLA 1998	01/01/99	AS 18.65.087	13 AAC 9	Central Registry of Sex Offenders
		AS 18.65.410	13 AAC 60	Criminal Background Check - Security Guard License
64 SLA 1996	see SLA	AS 18.65.540		Central Registry of Protective Orders
		AS 18.65.600		Missing Persons Clearinghouse
67 SLA 1994	10/01/94	AS 18.65.700	13 AAC 30	Criminal Background Check - Concealed Handgun Permit
1 SLA 1998	04/14/98	AS 18.65.700	13 AAC 30	Criminal Background Check - Concealed Handgun Permit
17 SLA 2002	08/01/02	AS 18.65.748		Concealed Handgun Permit

81 SLA 2001	07/04/01	AS 21.27.040		Criminal Background Check - Insurance License
		AS 22.20.130	13 AAC 67.030	Criminal Background Check - Process Server
87 SLA 1997	see SLA	AS 25.25.310		Access to Law Enforcement Records for CSED
47 SLA 2000	06/01/00	AS 28.10.505		DMV Records - Personal Information
63 SLA 2002	7/1/2002	AS 28.15.		Driver's License
		AS 28.15.046	13 AAC 08.015	Criminal Background Check - School Bus Driver
		AS 28.17.041	13 AAC 25	Criminal Background Check - Driving Instructor
61 SLA 2002	10/17/02	AS 33.36.110		Adult Supervision Compact
36 SLA 2002	06/07/02	AS 40.25.120		Public Records; Exceptions
101 SLA 1962		AS 40.25.120.		Public Records; Exceptions
46 SLA 1996	08/07/96	AS 43.23.		PFD Ineligibility/Criminal History
92 SLA 2001	07/06/01	AS 43.23.005		PFD Ineligibility/Criminal History
		AS 44.41.020		Criminal Justice Info Systems - Agreements with Local, Federal Agencies
		AS 44.41.025		Automated Fingerprint System
10 SLA 1995	01/01/96	AS 44.41.035		DNA Identification System
44 SLA 2000	05/12/00	AS 44.41.035		DNA Identification System
49 SLA 2001	09/23/01	AS 44.41.035		DNA Identification System
		AS 44.62.310-312		Public Meetings
		AS 45.55.040	3 AAC 8	Criminal Background Check - Alaska Securities Act Registration
9 SLA 1998	07/07/98	AS 47.12.030		Juvenile Waiver to Adult Status
		AS 47.12.210		Juvenile Fingerprinting
		AS 47.14.100		Criminal Background Check - Foster Care, Placement with Relative
107 SLA 1998	07/01/98	AS 47.15.010		Juvenile Rendition Agreement
99 SLA 1998	09/14/98	AS 47.17.033		Access to Criminal Records to Investigate Child Abuse/Neglect
99 SLA 1998	09/14/98	AS 47.17.035		Access to Criminal Records to Investigate Child Abuse/Neglect/Domestic Violence
35 SLA 1996	08/22/96	AS 47.33.100	7 AAC 75.220	Criminal Background Check - Assisted Living Homes
143 SLA 2002	07/01/02	AS 47.35.		Child Service Providers
99 SLA 1998	09/14/98	AS 47.35.017	7 AAC 50.210	Criminal Background Check - Child Care Facilities
		AS 47.35.023		Criminal Background Check - Foster Care License, Provisional

United States Code	Federal Regulations	Description
5 USC 9101	5 CFR 911	Security Clearance Information Act (SCIA)
7 USC 21(b)(4)(E)	28 CFR 50.12	Exchange of FBI Records -Registered Futures Associations
10 USC 520a		Military Services Enlistment - Criminal Background Checks
15 USC 78q(f)(2)		Partners, Directors, Officers and Employees of National Securities Exchange Members, Brokers, Dealers, Registered Transfer Agents, and Registered Clearing Agencies
15 USC 78q	28 CFR 50.12	Exchange of FBI Records - Securities Industry
18 USC 2265		Safe Streets for Women Act of 1994

18 USC	922		Gun Control Act of 1968, Brady Handgun Violence Prevention Act and National Instant Background Check System (NICS)
25 USC	4138		Native American Housing Assistance and Self-Determination Act
28 USC	534	28 CFR 20	Acquisition, Preservation, and Exchange of Identification Records and Information
42 USC	561		Welfare Reform
42 USC	1437(d)		Multi-Family Housing Act - Availability of Criminal Records for Screening and Eviction
42 USC	2169	28 CFR 50.12	Exchange of FBI Records - Nuclear Power Plants
42 USC	3753(a)(11)		Bureau of Justice Assistance Grant Programs, Drug Control and System Improvement Program
42 USC	5101		Volunteers for Children Act
42 USC	5119		National Child Protection Act (NCPA)
42 USC	13041		Childcare Worker Employee Background Checks
42 USC	14071		Violent Crime Control and Law Enforcement Act of 1994 - Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act
42 USC	14071(d)		Violent Crime Control and Law Enforcement Act of 1994 (Amendment: Megan's Law)
42 USC	14072		Sex Offender Registration - FBI Database
42 USC	14611-16		National Crime Prevention and Privacy Compact Act of 1998
49 USC	44936		Airport Security Improvement Act

Contact Information

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**Alaska Criminal Records and Identification
Component Financial Summary**

All dollars shown in thousands

	FY2003 Actuals	FY2004 Authorized	FY2005 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,549.9	1,718.8	1,858.5
72000 Travel	55.2	58.8	58.8
73000 Contractual	1,700.6	2,224.1	2,205.4
74000 Supplies	82.2	59.8	75.2
75000 Equipment	155.1	208.1	208.1
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	3,543.0	4,269.6	4,406.0
Funding Sources:			
1002 Federal Receipts	877.0	999.7	999.7
1004 General Fund Receipts	960.3	827.7	874.4
1007 Inter-Agency Receipts	569.4	1,114.4	1,001.4
1156 Receipt Supported Services	1,136.3	1,327.8	1,530.5
Funding Totals	3,543.0	4,269.6	4,406.0

Estimated Revenue Collections

Description	Master Revenue Account	FY2003 Actuals	FY2004 Authorized	FY2005 Governor
Unrestricted Revenues				
None.		0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0
Restricted Revenues				
Federal Receipts	51010	877.0	999.7	999.7
Interagency Receipts	51015	569.4	1,114.4	1,001.4
Receipt Supported Services	51073	1,136.3	1,327.8	1,530.5
Restricted Total		2,582.7	3,441.9	3,531.6
Total Estimated Revenues		2,582.7	3,441.9	3,531.6

**Summary of Component Budget Changes
From FY2004 Authorized to FY2005 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2004 Authorized	827.7	999.7	2,442.2	4,269.6
Adjustments which will continue current level of service:				
-Transfer IA from R&I to Administrative Services-ADN 1240089	0.0	0.0	-117.0	-117.0
-Transfer GF to APSIN for Statewide Services Division Director Shared Costs - ADN 1240090	-47.0	0.0	0.0	-47.0
-Transfer GF to Laboratory Services for Statewide Services Division Director Shared Costs - ADN 1240091	-23.0	0.0	0.0	-23.0
-Transfer Sex Offender Registry, Concealed Handgun, & Security Guard Licensing programs from AST	57.9	0.0	174.4	232.3
-Transfer Secretary from FWP Director's Office to Records and ID	31.1	0.0	0.0	31.1
-Changes to Retirement and Other Personal Services Rates	27.7	0.0	32.3	60.0
FY2005 Governor	874.4	999.7	2,531.9	4,406.0

**Alaska Criminal Records and Identification
Personal Services Information**

Authorized Positions		Personal Services Costs		
	FY2004 Authorized	FY2005 Governor		
Full-time	32	35	Annual Salaries	1,228,438
Part-time	0	0	Premium Pay	18,631
Nonpermanent	0	0	Annual Benefits	673,543
			<i>Less 3.23% Vacancy Factor</i>	(62,112)
			Lump Sum Premium Pay	0
Totals	32	35	Total Personal Services	1,858,500

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
AAFIS Operator II	1	0	0	0	1
Administrative Clerk I	2	0	0	0	2
Administrative Clerk II	8	0	0	0	8
Administrative Clerk III	8	0	0	0	8
Administrative Supervisor	1	0	1	0	2
AK Auto FP ID Sys Op I	3	0	0	0	3
Chief, Crim Rec & Id Bureau	1	0	0	0	1
Criminal Justice Planner	1	0	0	0	1
Criminal Justice Technician I	3	0	0	0	3
Criminal Justice Technician II	1	0	0	0	1
Division Director	1	0	0	0	1
Project Asst	1	1	0	0	2
Project Coord	1	0	0	0	1
Secretary	1	0	0	0	1
Totals	33	1	1	0	35