



August 17, 2015

Date: 8.18.15
Submitted in TCT Committee
Council File No: 15-0899
Item No.: 2
Deputy: public

Honorable Bob Blumenfield, CHAIR
TRADE, COMMERCE AND TECHNOLOGY COMMITTEE
200 NORTH SPRING STREET,
LOS ANGELES, CA 90012

RE: Transportation Network Companies (TNCs):

Dear Hon. Blumenfield:

The Los Angeles Airport Peace Officer Association (LAAPOA) would like to take this opportunity to express our concerns and why a city ordinance requiring that TNC operators would only be allowed to operate at Los Angeles International Airport after implementation of at least the following three basic safety checks:

- Enrollment in a DMV Employer Pull Notice Program – which is a continuous driver's record check.
- Participation in fingerprint-based background check done by the California Department of Justice.
- Participation in a drug testing program.

In addition, all ride sharing drivers must register their car and display an identifying decal to ensure greater transparency and accountability.

The Los Angeles Airport Peace Officers' Association (LAAPOA) represents the sworn police officers and firefighters of the Los Angeles Airport Police Department assigned to protect and serve Los Angeles International Airport (LAX), LA/Ontario International Airport (ONT) and Van Nuys Airport (VNY).

It is inevitable that TNCs (Uber, Lyft, et al) will be permitted to operate at LAX. A coalition has been formed consisting of the following trade groups: Advocates for Fairness in Transportation, the Greater California Livery Association, the National Limousine Association, the Taxicab, Limousine & Paratransit Association, the Taxicab Paratransit Association of California and the Los Angeles Airport Peace Officers Association (LAAPOA).

Prohibit the Public Utilities Commission (PUC) from using or renewing a permit or certificate to a charter-party carrier of passengers unless the applicant, in addition to existing requirements, participates in the Department of Motor Vehicles pull-notice system, provides drug and alcohol testing for its drivers and requires a PUC decal to be displayed on TNC vehicles to allow for enforcement entities to recognize the vehicles.

Drug and alcohol testing should be a basic requirement for all drivers who transport people. It is currently the standard throughout the transportation industry required of most drivers who transport people or goods.

DMV pull notices alert the regulator and the business when a driver has been arrested for DUI or has had a moving violation. It is critical that drivers with violations be pulled from continuing to drive the public.

The public has a right to expect that when they hire a service the driver is eligible to be behind the wheel. Ensure that drivers transporting California's passengers are doing so safely.

To summarize:

If TNCs are to be permitted it should be under the following conditions:

1. 24/7 commercial liability insurance & law enforcement status verification
2. Finger-print based criminal background checks
3. Drug testing
4. Permanent vehicle markings
5. Automation of trip tickets for limo companies

The public has a right to expect that when they hire a service the driver is eligible to be behind the wheel. AB 24 will ensure that drivers transporting California's passengers are doing so safely. If you have any questions, please do not hesitate to contact me at (310) 242-5218.

Sincerely,

BOARD OF DIRECTORS
Los Angeles Airport Peace Officers Association



MARSHALL E. McCLAIN
President
(LAAPOA)

cc: Honorable Members, TRADE, COMMERCE AND TECHNOLOGY Committee
Board of Airport Commissioners



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Honorable Members of the
Trade, Commerce and Technology Committee
City Council of the
City of Los Angeles

Re: Fingerprint Checks of the FBI National Criminal History Record System

Dear Committee Members,

My name is Frank A. S. Campbell and I am the Founding Principal and CEO of Highland Strategies, LLC, a security consulting and background screening resource company based in Washington, D.C. I have been in this position since June 2008.

Prior to my current position, I served five years as an Assistant General Counsel of the Federal Bureau of Investigation (FBI) and nine years as a Deputy Assistant Attorney General and Senior Counsel for Legal Policy at the U.S. Department of Justice (DOJ). Throughout my 14 years at the FBI and DOJ, I had substantial responsibility for managing the legal and policy issues relating to background screening programs involving the FBI's national criminal history record information system. More information about my professional background and expertise in the area of background screening appears at the end of this letter.

I am writing to provide information about the FBI's national criminal history record information system to the Los Angeles City Council, Trade, Commerce and Technology Committee, as your Committee considers whether to require fingerprint-based background checks of the FBI system for drivers for Transportation Network Companies (TNCs) serving Los Angeles International Airport (LAX).

Summary

A fingerprint check of the FBI national criminal history record system provides several major advantages over name checks of individual jurisdictions for the following reasons:

1) **The FBI check is nationwide in scope and efficiently accesses criminal records from all 50 states and territories and all 3,000 counties in the United States.**

- The FBI Master Criminal File has fingerprint supported criminal history on more than 70 million unique individuals and is the world's largest biometric database.
- Commercial background checks are limited to name checks of individual court systems or privately aggregated databases that do not cover all states or jurisdictions.
- The average response time for a civil FBI fingerprint check is 3 hours and 32 minutes.
- With an average "hit rate" of between 8 and 12 percent, the FBI check quickly returns between 88 and 92 percent of checks quickly with a "no record" response.
- The FBI fee for licensing and employment checks is currently set at \$12.75.
- The FBI system now has a "Rap-back" Service that can notify licensing agencies of criminal history activity involving a licensee occurring after the initial fingerprint check.

2) **DOJ and FBI studies confirm the weaknesses and vulnerabilities of name checks, showing a false negative rate of 11.7 percent.**

- The FBI check provides the most accurate matching of criminal history records to an applicant based on the positive identification of fingerprints.
- Name-based checks of criminal history present the security risk of false negatives (records missed because of incorrect biographical information) and the privacy harm of false positives (incorrect matching to another person's record).
- The name check studies revealed the intentional use of false names to avoid discovery of records.
- The FBI's recently upgraded fingerprint system has an accuracy rate of 99.6% in matching a person to their record, regardless of name and other identifiers used on an application or at the time of booking.

3) **FBI Fingerprint Checks Promote Public Safety**

- Not all employers can, even if they want to, access FBI fingerprint checks for employment; but current access authorities allow the City of Los Angeles to require FBI checks for TNC drivers operating at LAX, just as it has for taxi drivers, in order to protect the public when customers get into the vehicle driven by a stranger.

The FBI Criminal History Record System

A leading source of criminal history record information in the United States is the criminal justice information repositories maintained by state governments and the FBI. Fingerprints and the Interstate Identification Index (III), a cooperatively maintained registry of state and FBI held criminal records, are the foundation of this system.¹

The state criminal records are maintained by state central repositories that obtain records from law enforcement agencies in all jurisdictions within a state.² The records are typically supported by fingerprints obtained from the individual at the time of arrest. As of December 31, 2012, fifty states, American Samoa, Guam and Puerto Rico had nearly 100.6 million persons in their criminal history files (individual offenders may have records in more than one state), of which 94.4 million were automated.³

The FBI's national system is a repository of fingerprint-supported criminal records submitted by all state repositories and federal law enforcement agencies.⁴ The FBI's system is the world's largest biometric database, currently containing fingerprint files on 70 million unique individuals.⁵ It is the most comprehensive single source for criminal history data in the United States. The FBI's system also retrieves criminal records at the state level that have not been entered at the national level.⁶ The FBI criminal history record includes fingerprint-supported information from agencies with criminal justice responsibilities, including the name of the submitting agency; descriptions and dates of arrests, detentions, informations, or other formal criminal charges; and any dispositions of the charges, such as dismissal, acquittal, conviction, sentencing, correctional supervision, release, and expungement and sealing orders.⁷ The information submitted to the FBI relates primarily to felonies or serious misdemeanors.

The FBI's automated biometric identification system is known as the Next Generation Identification (NGI).⁸ NGI is the largest database of biometrically supported criminal history

¹ Office of the Attorney General, the Attorney General's Report On Criminal History Background Checks at 13-14 (June 2006), http://www.bis.gov/content/pub/pdf/ag_bkchecks_report.pdf [hereinafter Attorney General's Report].

² Bureau of Justice Statistics, U.S. Dep't of Justice, Survey of State Criminal History Information Systems, 2012, at viii (Jan. 2014) [hereinafter BJS State Survey].

³ BJS State Survey at 3.

⁴ The authority for the FBI's system is found at 28 U.S.C.A. §534, which provides that the Attorney General shall "acquire, collect, classify, and preserve identification, criminal identification, crime and other records." *id.* at §534(a). The law also requires the Attorney General to "exchange such records and information with, and for the official use of, authorized officials of the federal government, including the United States Sentencing Commission, the States, cities, and penal institutions." 28 U.S.C.A. §534(a).

⁵ See Next Generation Identification (NGI) Monthly Fact Sheet, December 2014 Monthly Statistics 2, http://www.fbi.gov/about-us/cjis/fingerprints_biometrics/next-generation-identification-fact-sheet [hereafter NGI Monthly Fact Sheet, Dec. 2014 Statistics].

⁶ See discussion of the National Fingerprint File, Attorney General's Report at 16.

⁷ Attorney General's Report at 13; see also 28 CFR 20.3(d).

⁸ NGI replaced the Integrated Automated Fingerprint Identification System (IAFIS) at the end of fiscal year 2014.

Over its 4 years of development, NGI made many enhancements to IAFIS, increasing the speed and accuracy of the system's fingerprint identification and adding the capability to accept and search other biometrics, such as palm

information in the world, currently housing the fingerprints and criminal histories of over 70 million persons in its Master Criminal File and providing automated fingerprint matching that is accurate 99.6 percent of the time.⁹ NGI's fiscal year 2014 average response times were 5 minutes and 47 seconds for criminal fingerprint submissions and 3 hours and 32 minutes for civil fingerprint submissions.¹⁰

In FY 2015, the FBI is receiving non-criminal justice fingerprint background checks at a rate that will total more than 33 million by the end of the fiscal year.¹¹ Depending on the population being checked, the FBI average "hit rate" for fingerprints (*i.e.*, when a record is found matching the person whose fingerprints were submitted) ranges between 8 and 12 percent.¹² This means between 88 percent and 92 percent of checks quickly return a "no record" response.

The Interstate Identification Index (III) is the part of NGI that provides an "index pointer" system for the exchange of automated criminal history information.¹³ The III includes identification information, such as name, birth date, race, and sex. Searches of the III can be made through name-based or fingerprint-based searches: name-based searches, however, are limited to those conducted for criminal justice purposes.¹⁴ If a hit is made against the III, information is automatically retrieved from each repository holding records on the individual and forwarded to the requesting agency.¹⁵ As of October 5, 2008, all fifty states and the District of Columbia participated in the III.¹⁶ Over 79.3 million criminal history records are accessible through the III, with the states maintaining 70% of III records and the FBI maintaining 30%.¹⁷

The FBI CJIS Division now offers an additional criminal history information service to non-criminal justice users through NGI known as "Rap-back." The service became available in 2014 and will allow authorized agencies to receive notification of subsequent criminal activity reported to NGI on individuals holding positions of trust.¹⁸

prints, facial images and iris images. See Criminal Justice Info. Servs. Div., FBI, CJIS Annual Report 2014 at 14, <http://www.fbi.gov/about-us/cjis/annual-report-2014> [hereinafter CJIS Annual Report 2014]. See also the NGI page on the FBI's website available at http://www.fbi.gov/about-us/cjis/fingerprints_biometrics/ngi.

⁹ CJIS Annual Report 2014 at 14.

¹⁰ NGI Monthly Fact Sheet, Dec. 2014 Statistics at 2.

¹¹ NGI Monthly Fact Sheet, Dec. 2014 Statistics at 2.

¹² Attorney General's Report at 107.

¹³ Attorney General's Report at 15.

¹⁴ Attorney General's Report at 16.

¹⁵ BJS State Survey at v-vi.

¹⁶ BJS State Survey at vi.

¹⁷ BJS Survey at 4.

¹⁸ See Fingerprints & Other Biometrics, Next Generation Identification, Federal Bureau of Investigation, http://www.fbi.gov/about-us/cjis/fingerprints_biometrics/ngi, and Criminal Justice Info. Servs. Div., FBI CJIS Annual Report 2014 at 16, <http://www.fbi.gov/about-us/cjis-annual-report-2014>.

The FBI charges a fee for non-criminal justice fingerprint checks currently set at \$12.75 (\$11.50 for checks on volunteers), when fingerprints are submitted and results are returned electronically.¹⁹ FBI fees cover the cost of providing the service and include a surcharge added to support refreshment of the system's technology.²⁰

The Value of National Fingerprint Checks

The FBI check is widely considered the most thorough and accurate criminal history check available because of two key characteristics – (1) it accesses tens of millions of fingerprint-supported criminal records going back decades from all 50 states and the U.S. territories and (2) it matches records in the system to the person being checked based on the positive identification of fingerprints.

Nationwide Coverage

As noted above, the FBI's criminal history record system maintains or draws upon criminal records from all 50 states and U.S. territories – and all jurisdictions within the states and territories. While there is no one complete source of criminal history information in the United States, the FBI's system is clearly the most comprehensive source in existence. This is what motivates the passage of laws to require the nationwide coverage of FBI checks when a sufficient case is made for the importance of such checks for the sake of public safety or national security.

Commercial data vendors and background screening companies provide services using applicants' names, dates of birth, and other biographical information, such as social security numbers, to retrieve criminal history information from court record systems or private databases aggregated from public sources.²¹ Typically, court record checks are limited to jurisdiction-by-jurisdiction searches in places of known current or past residence or employment self-reported by the applicant or found through credit checks.²² These commercial screening services are regulated by federal and state fair credit reporting laws.²³

The current scheme for access to the FBI criminal record system for non-criminal justice purposes (also referred to as "civil checks") requires separate laws authorizing such checks.²⁴ Individual states and municipalities can pass such laws pursuant to United States Public Law 92-544. Nationwide access for an industry or category of individuals requires the enactment of a federal law. The primary reason Congress requested the Attorney General's Report on Criminal History Background Checks was the fact that many bills are introduced in Congress each year seeking access to FBI checks for narrow categories of employers or specific

¹⁹ 79 Fed. Reg. 63943 (Oct. 27, 2014). The FBI's civil fingerprint authority is set forth at 28 CFR 20.31(e).

²⁰ See Pub. L. 92-544 (1972).

²¹ See Attorney General's Report at 53-54.

²² See Attorney General's Report at 40-43.

²³ See Attorney General's Report at 43-46.

²⁴ See generally *Employer Access to Criminal Background Checks: The Need for Efficiency and Accuracy: Hearing Before the Subcomm. On Crime, Terrorism, and Homeland Security of the H. Comm. of the Judiciary*, 110th Cong. 6 (2007) (testimony of Frank A. S. Campbell, United States Dep't of Justice).

industries. The employers and industries supporting the bills believe that their lack of access to the FBI system leaves them with less than adequate information for efficient and accurate criminal history checks.²⁵

For example, the private security guard industry has sought ways to obtain uniform access to FBI fingerprint checks for private security guards in all 50 states. At a hearing in 2008 before the House of Representatives regarding a bill to achieve such uniformity, representatives of the security guard industry expressed the reservations typically felt by employers seeking access to FBI data at being left with only commercial screening solutions. Former Acting Director of the FBI, Floyd Clark, then an executive with Allied Barton Security, testified that commercial solutions check only the counties in which the applicant says they recently lived and worked and there is no practical way to check the court records in all 3,000 counties in the United States. Mr. Clark stated that this results in a dangerous gap in screening because it can leave the employer blind to criminal history in states in which the applicant failed to disclose contacts. Mr. Clark also observed that commercially aggregated databases of criminal records do not obtain records from all 50 states and are updated only periodically and therefore "are not an adequate substitute for screening against the FBI database."²⁶

In addition, testimony at the same hearing noted that empirical evidence showed that FBI checks frequently identify disqualifying history outside of the licensing state. The Executive Director of the National Association of Security Companies stated that when the state of California implemented their FBI checks for security guards in 2003, nearly 15% of guard applicants were denied licenses based on criminal convictions for sex related offenses, burglary, robbery, and battery outside of the state; he also indicated that experience in other states substantiate these figures.²⁷

While arrest records in the FBI and state systems frequently are missing information about the final disposition of the charges, the majority of records available through the FBI system do have disposition information (particularly records at the state level). Significantly, arrest records without a disposition in the FBI system still provide leads to finding relevant conviction information that might otherwise be missed by a non-national check.

The nationwide scope of the FBI criminal history record system is, therefore, one of the prime advantages of the FBI fingerprint check for licensing or employment screens.

Positive Identification of Fingerprints

Professional background screening firms are limited to name checks of non-national commercial databases and/or court records in individual jurisdictions. In contrast, fingerprint checks of the FBI national system cover all jurisdictions in the United States and provide the

²⁵ *Id.* at 1.

²⁶ *H.R. 2703, Private Security Officer Employment Authorization Act of 2007: Hearing Before the Subcomm. On Health, Employment, Labor, and Pensions, H. Comm. On Education and Labor*, 110th Cong. (2008) (testimony of Floyd I. Clark, member of the board of managers, Allied Barton Holdings).

²⁷ *Id.* (testimony of Joseph Ricci, CAE, executive director, National Association of Security Companies (NASCO)).

positive identification of fingerprints, reducing the security risk of “false negatives” and the privacy harm of “false positives” that result from name check-only screening. False positives occur when individuals are incorrectly matched to criminal records of other individuals with similar name and other identifiers. False negatives occur when name checks fail to find the criminal records of individuals who provide inaccurate identification information either at the time of arrest or when applying for a job. False negatives can also occur due to misspellings and other data entry errors.

The Name Check Efficacy Study

In 1998, a DOJ-funded study was conducted to determine the accuracy of identification resulting from name checks of the FBI’s III system compared to identifications from fingerprint-based searches of the FBI’s criminal history files.²⁸ The study was conducted because of pressure from users of FBI criminal history information to permit name checks for certain non-criminal justice uses because they are cheap and fast as compared to fingerprint checks.

High Rates of False Positives and False Negatives

The results of the study strongly confirmed the weaknesses and vulnerabilities of name checks. The study was based upon data developed by parallel name checks (using non-unique personal identifiers such as names and other information submitted by the applicant, such as date of birth, sex, race, and social security number²⁹) and fingerprint checks on approximately 93,000 applicants for public housing in the State of Florida. The Task Force found that based on name checks alone, 5.5 percent of the checks produced false positives and 11.7 percent resulted in false negatives (*i.e.*, 11.7% of those with fingerprint verified criminal history records were indicated by III name checks *not* to have records).³⁰

Intentional Use of False Names

It is significant to note that the individuals involved in the study who provided the incorrect name data did so knowing that they were also providing fingerprints. Such intentional use of false names to avoid discovery of records was identified by other studies by the FBI. In testimony to Congress in May 2000, the FBI shared the results of an analysis of the 6.9 million fingerprints submitted for employment and licensing purposes in Fiscal Year 1997. According to the FBI, 8.7 percent or just over 600,000 of the prints produced “hits;” and 11.7 percent of the “hits,” or 70,200 civil fingerprint cards, reflected names different than those listed in the applicants’ criminal history records. These individuals would have been

²⁸ *Interstate Identification Index Name Check Efficacy: Report of the National Task Force to the U.S. Attorney General, July 1999*, available at http://www.search.org/files/pdf/III_Name_Check.pdf.

²⁹ The study noted that: “Social Security Numbers are supposed to be unique to individuals, but mistakes do occur in their issuance resulting in the same number being issued to more than one person. Also, it is not difficult for individuals to obtain Social Security numbers fraudulently.” *Id.* at Appendix B, p. 1, note 2.

³⁰ *Id.* at 7.

missed entirely by name-only background checks.³¹

In addition, a 1997 report by the FBI's CJIS Division titled "Civil Fingerprint Card 'Hit' Survey," profiled and analyzed one year's worth of civil fingerprint cards and the corresponding "rap sheet" being returned and found:

- 14% of child care applicants found to have a criminal record used a name on the application different than listed in their criminal history; and
- 11% of school system related applicants found to have a criminal record used a name on the application different than listed in their criminal history.³²

Fingerprint Accuracy Rate of Close to 100 Percent

As noted above, the FBI fingerprint matching system has an accuracy rate of 99.6%. The fingerprint check will identify a subject's record in the FBI system regardless of the name or other identifying information that is entered in the record at the time of booking (the average "Rap Sheet" for an individual contains more than one name) or that is submitted by the individual with his or her application. Thus, the positive identification of fingerprints yields accuracy and integrity in record matching that name-based searches can never equal. This accuracy in record matching through positive identification is the other major advantage offered by the FBI criminal history record check.

Use of the FBI System for Licensing and Employment

Access to the FBI's national repository for noncriminal justice purposes is limited to uses authorized by federal and state laws. The existing access scheme also generally limits access to FBI records to government agencies that perform suitability reviews under the authorizing statute.³³

While most private sector employment screens do not have access to FBI fingerprint checks, states and localities, such as the City of Los Angeles, have the authority to pass laws authorizing FBI checks under federal Public Law 92-544. In fact, Los Angeles currently requires FBI fingerprint checks of taxi drivers as part of their licensing process. There are currently over 2,800 such Public Law 92-544 statutes in the United States. These laws typically require FBI national fingerprint checks when the interests of public safety or the protection of vulnerable populations call for an especially thorough and reliable criminal history check to determine whether applicants seeking positions of trust serving their

³¹ See *Hearing on H.R. 3410, Volunteer Organization Safety Act of 1999, Before the House Judiciary Comm., Subcommittee on Crime, 106th Cong. (May 18, 2000)* (Testimony of Mr. David Loesch, Assistant Director in Charge of the Criminal Justice Information Services Division of the Federal Bureau of Investigation), available at <http://judiciary.house.gov/legacy/loesch0518.htm>.

³² Criminal Justice Information Services Division, Federal Bureau of Investigation, U.S. Dep't of Justice. *Civil Fingerprint Card Hit Survey, Part I. Executive Summary and Part II. Methodology and Analysis, April 1997*. Data for the survey were compiled for the 12-month period from November, 1996 through October, 1997.

³³ Public Law 92-544. Federally insured financial institutions are among the few private entities authorized by federal law to receive the result of fingerprint checks directly from the FBI.

communities have a criminal history that suggests future risk. Examples include individuals employed as civil servants, day care, school, or nursing home workers, taxi drivers, private security guards, or members of regulated professions.

The results of the FBI checks under these laws are provided to a government entity, frequently a state or local licensing authority, that reviews the record, seeks out additional information needed to complete its review (such as missing dispositions on relevant arrest charges), and adjudicates the individual's eligibility under established disqualification criteria. Individuals are given the right to appeal and correct the accuracy or completeness of the information in the FBI record.³⁴

When the Congress mandates criminal history background checks in the interest of public safety or national security, it requires fingerprint checks of the FBI's national system.³⁵ While the number of such checks has increased substantially over the last ten years due largely to new federal screening programs relating to the prevention of terrorism, the vast majority of private sector employers still cannot access the FBI system as a source for criminal history background checks. The interest in such access, however, is strong. For many years, bills have been introduced in Congress proposing new authority to request fingerprint checks of the FBI's national criminal history system in a wide variety of employment and volunteer contexts.

Jurisdictions across the country require FBI fingerprint checks when a job involves regular contact with the public in a position of trust. Taxi cab drivers and other drivers for hire are a common category of state or local public safety licensing requiring FBI fingerprint checks because of the vulnerability of customers who get into a vehicle driven by a stranger. As noted above, taxi drivers in Los Angeles are currently screened using an FBI fingerprint check. Providing consistent protection to the public means requiring FBI fingerprint checks of Transportation Network Company drivers who take persons into their vehicles at the airport.

³⁴ The FBI imposes "use-and-challenge requirements" on officials making licensing and employment suitability determinations by mandating that applicants be given the "opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record." See 28 CFR 50.12(b). The policy states that "[o]fficials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so." See 28 CFR 50.12(b).

³⁵ See, e.g., the list of federal statutes authorizing fingerprint checks for non-criminal justice purposes, Attorney General's Report at 137, Appendix 1.

Professional Background

From 1994 through 1999, I was Assistant General Counsel in the Office of the General Counsel of the Federal Bureau of Investigation (FBI); and from 1999 through 2008, I served as a Deputy Assistant Attorney General and Senior Counsel for the Office of Legal Policy (OLP) in the United States Department of Justice (DOJ).

Throughout my 14 years of service at the FBI and DOJ, I was responsible for policy and legal issues relating to the management and use of the criminal history record information maintained by the FBI in the national criminal justice information systems managed by the FBI's Criminal Justice Information Services Division (CJIS). Through that work I became familiar with the nature of the record systems managed by CJIS and its use for non-criminal justice purposes, such as occupational licensing and employment screening.

My involvement with CJIS systems included, from 1995-2008, the design, implementation, and oversight of the FBI's National Instant Criminal Background System (NICS), the system that does background checks on persons who buy firearms from Federal Firearms Licensees. I was also, from 2001-2008, the DOJ advisor to the National Crime Prevention and Privacy Compact Council, the body responsible for establishing rules governing access to and use of FBI-maintained criminal history record information for licensing and employment checks. I authored the *Attorney General's Report on Criminal History Background Checks (June 2006)*, a report to Congress responding to frustration expressed by Congress and members of the critical infrastructure sectors about the existing inconsistent and piecemeal approach to authorizing access to FBI-maintained criminal history record information for non-criminal justice licensing and employment purposes. The report made detailed recommendations for federal law reforms to improve, standardize, and consolidate existing authorities, programs, and procedures in order to broaden and make more consistent private sector access to FBI criminal history record checks for non-criminal justice purposes. I testified twice before Congress on the subject of criminal history background checks using the FBI system.³⁶

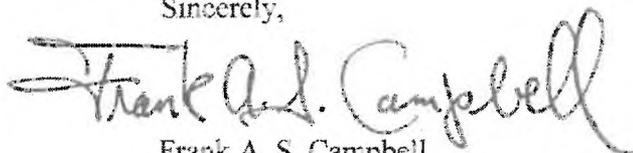
Since leaving DOJ in 2008, I have consulted for companies and industry representatives concerning background screening and fingerprinting in connection with criminal history checks using the FBI system. I continue to attend professional meetings relating to background screening and the use of the FBI systems, including meetings of the National Crime Prevention and Privacy Compact Council, the FBI Advisory Policy Board (APB), and SEARCH (the National Consortium of Justice Information and Statistics – an organization with governor-appointed representatives from all 50 states involved with the state criminal history record repositories). I keep up with literature in this field and authored a chapter section titled "Proposals to Improve Criminal History Background Checks Through New

³⁶ See *Employer Access to Criminal Background Checks: The Need for Efficiency and Accuracy: Hearing Before the Subcomm. On Crime, Terrorism, and Homeland Security of the H. Comm. of the Judiciary, 110th Cong. 6 (2007)* (testimony of Frank A. S. Campbell, United States Dep't of Justice); and *H.R. 2703, Private Security Officer Employment Authorization Act of 2007: Hearing Before the Subcomm. On Health, Employment, Labor, and Pensions, H. Comm. On Education and Labor, 110th Cong. (2008)* (testimony of Frank A. S. Campbell, United States Dep't of Justice).

Rules of Access to Criminal Justice Information Repositories," in the Thomson Reuters WestLaw/NACDL Press treatise *Collateral Consequences of Criminal Convictions: Law, Policy and Practice*, 310-341 (2013).

I believe the information provided above about the FBI national criminal history record system is current and up-to-date.

Sincerely,

A handwritten signature in black ink that reads "Frank A. S. Campbell". The signature is written in a cursive style with a large, sweeping "C" at the end.

Frank A. S. Campbell

CEO

Highland Strategies, LLC