

## Arizona Department of Public Safety Central Repository of Criminal History Records

**Department and other criminal justice agencies share statutory responsibility for ensuring central repository includes accurate criminal history records, but incomplete records may potentially put public safety at risk**

### Audit purpose

To determine if the Department complied with its statutory responsibility to maintain a complete collection of criminal history offense and disposition records in the Arizona central repository and that the records maintained in the central repository were consistent with statutory requirements.

### Key findings

- The Department is statutorily required to collect, store, and disseminate complete and accurate criminal history records for any individual arrested and/or charged in Arizona with any felony offense or a misdemeanor offense only involving driving under the influence (DUI), a sexual offense, or domestic violence.
- Various criminal justice agencies in Arizona, other states, and the FBI rely on criminal history records in the central repository to help make decisions that impact public safety. For example:
  - Criminal justice agencies use criminal history records when making decisions that could help deter further offenses, such as decisions regarding plea bargains, and sentencing repeat offenders.
  - The Department uses criminal history records from the central repository, the FBI, and other states when determining to issue a fingerprint clearance card or when running a fingerprint-based criminal history records check.
- The Department and other criminal justice agencies share statutory responsibility for ensuring the central repository includes complete criminal history records, but the central repository is missing some fingerprint-based offense and disposition records and may be missing more records, which may potentially put public safety at risk. Specifically, 17 of 103, or approximately 17 percent, of felony offense records we reviewed from 4 law enforcement agencies in Arizona could not be found in the central repository. Four of the 17 felony offenses were for aggravated assault, including 1 aggravated assault with a deadly weapon and 2 aggravated assaults on a peace officer. Additionally, our review of a stratified random sample of 30 felony offense records in the central repository found that 12 offenses, or approximately 40 percent, had been adjudicated through the criminal justice process, but the disposition was missing from the central repository.
- The Department could unknowingly issue and has not suspended some fingerprint clearance cards because statutes do not require at least 28 misdemeanor offenses that would preclude an individual from obtaining a fingerprint clearance card to be reported to and included in the central repository.
- Despite not being expressly authorized by statute, the Department maintains thousands of misdemeanor offenses in the central repository and reported doing so for fingerprint clearance card, criminal justice, and employment purposes. However, inconsistently including these offenses may inequitably impact licensing and employment decisions.

### Key recommendations

- The Department should maintain a complete criminal history records repository that includes all statutorily required offense records and their associated dispositions by continuing to research, correct, and/or enter offense records it has received; developing and implementing a formal process for regularly requesting missing offense records; and periodically sending a list of offense records missing dispositions and requesting criminal justice agencies report any dispositions they have to the central repository.
- The Legislature should consider whether all fingerprint clearance card precluding offenses and any additional misdemeanor offenses should be reported to and included in the central repository and modify A.R.S. §41-1750 accordingly.