



Arizona Department of Public Safety

Central Repository of Criminal History Records

36-Month Followup of Report 21-110

The September 2021 Arizona Department of Public Safety (Department)—Central Repository of Criminal History Records performance audit was the first of 2 audit reports that we issued as part of the Department’s sunset review. The second audit provided responses to the statutory sunset factors and assessed whether the Department’s sex offender website included only required information.¹

Our September 2021 Arizona Department of Public Safety—Central Repository of Criminal History Records performance audit found that the 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.

We made **16** recommendations to the Department and **3** recommendations to the Legislature.

¹ For more information on the second performance audit we issued as part of the Department’s sunset review, including any applicable follow-up reports, see [Report 21-120](#).

Recommendation implementation statuses

Department's status in implementing 16 recommendations

Implementation status	Number of recommendations
 Implemented	10 recommendations
 Partially implemented in a different manner	1 recommendation
 In process in a different manner	1 recommendation
 Not yet applicable	1 recommendation
 No longer applicable	3 recommendations

Legislature's status in implementing 3 recommendations

Implementation status	Number of recommendations
 Implemented	2 recommendations
 Not implemented	1 recommendation

Given its progress and demonstrated commitment to continue working toward implementing our recommendations, unless otherwise directed by the Joint Legislative Audit Committee, this report concludes our follow-up work on the Department's efforts to implement the recommendations from the September 2021 report.

Recommendations to the Department

Finding 1: Department's incomplete criminal history records may potentially put public safety at risk

The Department should maintain a complete criminal history records repository that includes all applicable fingerprint-based offense records and their associated dispositions by:

1. Continuing its efforts to fill the 10 vacant full-time equivalent (FTE) positions in its criminal history records unit.

▶ Status: **Implemented at 36 months.**

The Department has continued its efforts to fill the vacant FTE positions in its criminal history records unit, including publishing job postings to fill vacancies. As reported in our September 2021 performance audit, the Department had 17 FTE and 10 vacancies in its criminal history records unit. As of February 2025 and according to Department documentation, the Department had 23 FTE and 7 vacancies in its criminal history records unit.² Additionally, according to Department documentation, as of February 24, 2025, 6 candidates were going through the interview and background check process for positions in its criminal history records unit.

2. Continuing to research, correct, and/or enter the backlogged offense and disposition records it has received.

▶ Status: **Implemented at 36 months.**

As noted in the audit report, in 2021, the Department estimated it had approximately 58,500 backlogged offense and disposition records that needed to be researched, corrected, and/or entered in the central repository. According to Department records and reports, it used 10 employees to reduce this backlog and as of May 2024, had eliminated the backlog of the 58,500 offense and disposition records. According to Department reports, as of February 2025, it did not have a backlog of offense and disposition records.

3. Developing and implementing a formal process for regularly requesting missing offense records, such as sending a letter to the criminal justice agencies that will be audited in a given year, to request the agency send any paper offense records to the Department to be entered into the central repository.

▶ Status: **Implemented at 36 months.**

The Department has developed procedures for annually requesting missing offense records, including records that do not have a recorded disposition, from all criminal justice agencies. The procedures include sending a standardized letter to each criminal justice agency informing those agencies of the requirement to provide the Department with all offense records, including missing arrest and charge records. Additionally, the letter identifies each agency's total percentage of charges/arrests submitted by that agency in the previous calendar year without a disposition recorded based on database reports run by the Department and requests that the agency submit any unreported dispositions. According to Department records, it sent the standardized letter to 212 criminal justice agencies in the State in calendar year 2024.

² The 7 vacancies consisted of 5 administrative assistant and 2 criminal record specialist positions.

4. Enhancing its audits of criminal justice agencies by establishing and implementing a process, policies, and procedures to:

a. Notify all criminal justice agencies at fault for not reporting a disposition record.

▶ Status: **Implemented at 36 months.**

See explanations for recommendations 3 and 4b.

b. Depending on the severity of missing disposition records, request that the prosecuting agencies and courts undertake a more comprehensive review of their disposition records to ensure they meet the statutory requirement to report disposition records to the central repository.

▶ Status: **Implementation in process in a different manner.**

The Department has revised its process for auditing criminal justice agencies that have access to the Arizona Criminal Justice Information System to request that these agencies review their disposition records to ensure they meet the statutory requirement to report disposition records to the central repository. Specifically, the Department has developed and implemented policies and procedures for providing a list of missing dispositions, including offense records that do not have a disposition, during its routine triennial audits of all criminal justice agencies and requesting that these agencies conduct a comprehensive review of their disposition records in collaboration with city and county prosecutors, courts, and arresting/booking agencies, to ensure all disposition records have been reported to the central repository. Our review of a random sample of 5 criminal justice agency audits the Department completed between September 2023 and February 2024 found all 5 audited agencies received a missing disposition list and indicated they had read and agreed to comply with performing a comprehensive review of their missing dispositions. Although the Department reported that criminal justice agencies are submitting an increased number of disposition records to the central repository since it revised its policies and procedures, it did not provide requested documentation showing this increase.

Additionally, as reported in our initial followup, some criminal justice agencies, such as city and municipal courts, may be responsible for reporting disposition records that are not included in the list of Department-audited agencies and therefore would not be included in the Department's process for notifying agencies of missing records. The Department reported it relies on the Arizona Supreme Court, Administrative Office of the Courts (AOC), to communicate missing disposition records to each of these entities when AOC conducts audits, and the AOC has agreed to contact the Department when AOC initiates its audits so the Department can provide AOC with lists of open dispositions to send to each of these agencies. Finally, the Department has developed procedures for its staff to fulfill these AOC requests and provided us with an example of an email it sent to AOC in May 2023 requesting disposition records from agencies AOC was auditing.

5. Developing and implementing a process to periodically send all criminal justice agencies a list of offense records from their agency that do not have a disposition and request the criminal justice agency to report any dispositions they have to the central repository.

▶ Status: **Implemented at 36 months.**

See explanation for recommendation 3.

6. Developing and implementing a risk-based approach using calculated disposition reporting rates to identify criminal justice agencies that have the highest rate of missing dispositions and working with these criminal justice agencies to improve the completeness of the central repository by providing focused training and guidance to address gaps.

▶ Status: **Partially implemented in a different manner at 36 months.**

During our initial followup, we reported that the Department was analyzing data to calculate criminal justice agencies' missing disposition rates and that it would use this information to provide focused training and assistance to those criminal justice agencies with the highest missing disposition rates. Based on its analysis, the Department determined it should not exclusively focus its training efforts on agencies with higher percentages of missing dispositions because some larger agencies with a lower percentage of missing dispositions may actually have higher total numbers of missing dispositions. As a result, the Department decided not to develop a risk-based approach to identify criminal justice agencies it would work with to improve the completeness of the central repository by providing focused training and guidance to address gaps.

Alternatively, the Department began providing monthly and annual trainings that cover criminal justice agency responsibilities and processes for completing missing and final disposition records and compliance with State and federal standards related to various criminal justice reporting systems. In calendar year 2024, the Department sent a letter to criminal justice agencies in all Arizona counties, informing them of and inviting them to attend in-person, county-based, and virtual trainings. Specifically, between January and September 2024, the Department conducted 24 training sessions attended by staff from various criminal justice agencies. For example, during 2 trainings held in July and September 2024, more than 50 attendees representing at least 19 agencies attended a virtual training that included topics related to arrest fingerprint and final disposition records.

Additionally, as discussed in recommendation 3, the Department notifies each criminal justice agency about charges/arrests the agency submitted in the previous calendar year without a disposition recorded. Within this letter, the Department extends an invitation to work with the agency to provide hands-on, detailed training that includes a review of the agency's processes and guidance to assist the agency with timely submissions of final dispositions. According to the Department, in response to these letters, more than 85 agencies reached out to the Department to request a full list of their missing dispositions, disposition reporting training, or informal meetings in calendar years 2023 and 2024. Finally, the Department reported that since our September 2021 performance audit, it has worked with criminal justice agencies to help them transition from submitting paper dispositions to the Department, which

Department staff would then need to enter into the central repository, to submitting dispositions electronically to the central repository. As of February 2025, the Department reported helping 76 criminal justice agencies transition to electronically submitting offense and disposition records directly to the central repository.

Finding 2: Department could unknowingly issue and has not suspended fingerprint clearance cards of ineligible individuals due to statutory omission

The Legislature should:

- 7.** Consider whether all fingerprint clearance card precluding offenses should be required to be reported to and included in the central repository to ensure the Department considers all statutorily specified precluding offenses when it issues fingerprint clearance cards and suspends the fingerprint clearance cards of cardholders who are no longer eligible and modify A.R.S. §41-1750, accordingly.

▶ Status: **Implemented at 12 months.**

Laws 2022, Ch. 163, §1, amended A.R.S. §41-1750, effective December 31, 2022, to require all fingerprint clearance card precluding offenses to be reported to and included in the central repository.

The Department should:

- 8.** Provide information to the Legislature related to legislative recommendation 1, including information regarding statutorily specified precluding offenses for fingerprint clearance cards it should consider when assessing whether to modify A.R.S. §41-1750.

▶ Status: **Implemented at 12 months.**

- 9.** Continue to monitor proposed legislation that may impact what fingerprint clearance card precluding offenses are required to be reported to and included in the central repository and work with the Legislature as necessary to ensure the Department considers all statutorily specified precluding offenses when it issues fingerprint clearance cards and suspends the fingerprint clearance cards of cardholders who are no longer eligible.

▶ Status: **Implemented at 12 months.**

- 10.** If the Legislature modifies A.R.S. §41-1750 to require all fingerprint clearance card precluding offenses to be reported to and included in the central repository:

- a.** Modify its practice to ensure all fingerprint clearance card precluding offenses are reported to and included in the central repository.

▶ Status: **Implemented at 36 months.**

Effective December 31, 2022, Laws 2022, Ch. 163, §1, requires criminal justice agencies to report all offenses precluding an individual from obtaining a fingerprint clearance card to the central repository. Subsequently, the Department notified criminal justice agencies of the changes, provided opportunities for criminal justice agency staff to receive training on the new requirements, and established standard

procedures for sending letters to criminal justice agencies informing them of their statutory responsibilities for reporting offenses to the central repository, including fingerprint clearance card precluding offenses.

- b.** Notify its troopers and criminal justice agency liaisons of any changes to the fingerprint clearance card precluding offenses that are required to be reported to and included in the central repository.

▶ Status: **Implemented at 12 months.**

Finding 3: Central repository contains misdemeanor offenses not expressly authorized by statute to be included, which provides additional criminal history information but increases risk of inequitable employment or licensure denials

The Legislature should:

- 11.** Consider whether additional misdemeanor offenses should be reported to and included in the central repository and modify A.R.S. §41-1750 accordingly.

▶ Status: **Implemented at 12 months.**

Laws 2022, Ch. 163, §1, amended A.R.S. §41-1750 to give criminal justice agencies the discretion to report criminal history records and related criminal justice information for violations that are not explicitly listed in A.R.S. §41-1750, and for the Department to include them in the central repository.

The Department should:

- 12.** Provide information to the Legislature related to legislative recommendation 2, including information regarding additional misdemeanor offenses it should consider when assessing whether to modify A.R.S. §41-1750.

▶ Status: **Implemented at 12 months.**

- 13.** The Department should:

- a.** Modify its practice to include in the central repository only offenses expressly authorized by A.R.S. §41-1750, including any changes the Legislature makes as proposed in legislative recommendation 2.

▶ Status: **No longer applicable.**

Laws 2022, Ch. 163, §1, amended A.R.S. §41-1750 to allow the Department to include in the central repository criminal history records and related criminal justice information for violations that are not explicitly listed in A.R.S. §41-1750. As a result, the Department may include any offense in the central repository and no longer needs to modify its practices.

- b.** Update its training so that criminal justice agencies are required to report only what is expressly authorized in statute.
 - ▶ Status: **No longer applicable.**
See explanation for Recommendation 13a.
- c.** Notify its troopers and criminal justice agency liaisons of the change in which offenses will be reported to and included in the central repository.
 - ▶ Status: **No longer applicable.**
See explanation for Recommendation 13a.

Finding 4: Some statutorily classified felony offenses were reduced to misdemeanor offenses and not reported to central repository, which increases risk of ineligible individuals receiving fingerprint clearance card, license, or employment

- 14.** The Legislature should consider revising A.R.S. §41-1750 to require law enforcement agencies to report to the central repository offense records for statutorily classified felonies that are reduced to misdemeanors at the time of arrest or citation.
 - ▶ Status: **Not implemented.**
The Arizona Legislature has not revised A.R.S. §41-1750 to require law enforcement agencies to report to the central state repository offense records for statutorily classified felonies that are reduced to misdemeanors at the time of arrest or citation.
- 15.** If statute is revised, the Department should communicate the statutory changes to its troopers and criminal justice agency liaisons.
 - ▶ Status: **Not yet applicable.**
As described in the explanation for Recommendation 14, statute was not revised to require law enforcement agencies to report to the central repository offense records for statutorily classified felonies that are reduced to misdemeanors at the time of arrest or citation. As such, this recommendation is not yet applicable.