
Chapter 7

**Use and Users of NCIC/CCH,
Ident, and State CCH Systems**

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Use and Users of NCIC/CCH, Ident, and State CCH Systems

Chapter Summary

The two primary categories of criminal justice information system users are Federal Government agencies and State and local agencies. Foreign countries represent a third category, and private organizations a fourth. For each of these categories, OTA reviewed available data on the uses of the National Crime Information Center (NCIC) computerized criminal history (CCH), Identification Division (Ident), and State CCH systems. Patterns of use are summarized in table 15.

Federal Government Users

NCIC/CCH: Federal agencies collectively represent about 12 percent of total CCH traf-

fic. The relatively high Federal usage rate in part reflects the fact that all Federal offenders are included in the CCH file. Federal agencies use CCH information primarily for criminal justice purposes.

Ident: All Federal agencies have access to Ident and account for one-third of Ident's total traffic—about 3 percent by Federal law enforcement and criminal justice agencies and 30 percent by Federal noncriminal justice users.

The large volume of Federal noncriminal justice use of Ident is attributed to several factors. First, Ident has a much more complete file than does CCH. Second, applicants for

Table 15.—Patterns of Use and Users: NCIC/CCH, Ident, and State CCH Systems

User agencies	15A —Criminal justice v. noncriminal justice use								
	NC IC/CCH			Ident			State CCH		
	CJ ^a	Non-CJ ^b	Totals	CJ	Non-CJ	Totals	CJ	Non-CJ	Totals
Federal	12 ^c %	(c)	12 ^c %	3%	30 ^d %	33 ^d %	(d)	3%	3 ⁰⁰
State	22 ^e %	(c)	22%	440/0	23 ⁰⁰	670/0	85 ⁰⁰	12%	97%
Local	66 ^e %	(c)	66%						
Totals	100 ^f %	(c)	100 ^f %	47 ^f %	53 ^f %	100%	850/0	15 ^f %	100 ^f %

User agencies	15B. — Law enforcement v. other criminal justice use								
	NC IC/CCH			Ident			State CCH		
	LE ^g	Other CJ ⁱ	Totals	LE	Other CJ	Totals	LE	Other CJ	Totals
Federal	800/0	20/0	100 ^f %	80/0	920/0	100%	(9)	(9)	—
State	480/0	520/0	100%	40%	600/0	100%	6670	34%	100%
Local	100 ^f %	0% ^h	100%						

^aCJ - Criminal justice use (e.g., police, courts, corrections)

^bNon-CJ = Noncriminal justice use (e.g., employment and licensing, security checks)

^c = Negligible

^d = Precise data unavailable, but percentage estimated to be very small

^eLE = Law enforcement use (e.g., Police, Sheriff)

^fOther CJ = Other criminal justice user (e.g., prosecuting attorney, courts, probation parole)

^gNot known

^hCounty agency use Included with State agency use

SOURCES NCIC/CCH use percentages based on data from the July-September 1981 pilot test of the Interstate Identification Index, data collected by FBI and Florida Department of Law Enforcement, analysis and calculations by OTA

Ident use percentages based on fiscal year 1981 data collected by the FBI with the exception of State/local law enforcement v other criminal Justice use data which are from U S Comptroller General *How Criminal Justice Agencies Use Criminal History Information*, U S General Accounting Office, Washington, D C Aug 1974, p 34

State CCH use percentages based on data from 1979 OTA 50 State survey, and 1982 followup

Federal positions, Federal contractors, military recruits, and national security personnel are routinely subjected to background investigations. Third, background investigations normally include fingerprint checks, which only Ident is equipped to process. The Department of Defense (DOD) and Office of Personnel Management (OPM) conduct over 95 percent of all background investigations.

State CCH: Federal agency access to State CCH systems varies widely depending on the interpretation of State statutes. Federal requests account for about 23 percent of State CCH noncriminal justice traffic (about 3 percent of total State CCH traffic).

State and Local Users

NCIC/CCH: CCH file traffic from State and local agencies accounts for about 88 percent of total CCH traffic. In general, the probability of State and local users achieving a hit is not high because such a small fraction of current criminal records are contained in the CCH file. States that are fully participating in CCH use it most frequently. During July-September 1981, most State and local messages (about 67 percent) were from the eight States fully participating in CCH. Fifteen States had no CCH message traffic at all, and with few exceptions the remaining 27 had very little.

Ident: State and local use accounts for about two-thirds of the total Ident workload—about 44 percent by State and local law enforcement and criminal justice agencies, and about 23 percent by State and local noncriminal justice users. In order to reduce the current backlog and response time, Ident has suspended services to most State and local employment and licensing authorities until October 1, 1982, at which time user fees will be instituted.

Ident does not maintain use statistics by originating agency. Interview results suggest, however, that criminal justice use is almost entirely in postarrest situations and that noncriminal justice use is primarily for employment and licensing purposes. Users are cautioned that Ident information is provided “for official use only” and “should only be used for

the purposes requested.” The number and types of agencies that can access Ident vary greatly from State to State.

State CCH: OTA found that about 85 percent of record requests were from criminal justice agencies and about 15 percent from noncriminal justice agencies. Of the 15 percent of CCH requests for noncriminal justice purposes, most were for State/local license applications, State/local employment checks, and Federal security checks.

International Users

NCIC: Canada is the only country permitted direct access to the NCIC hot files under a reciprocal assistance agreement between the Royal Canadian Mounted Police (RCMP) and NCIC. However, the RCMP cannot access the CCH file. Other foreign countries wishing to access NCIC must do so through the Drug Enforcement Administration (DEA), the official U.S. liaison with the International Police Organization (Interpol). The volume of international NCIC traffic apparently is quite small.

Ident: Foreign use of Ident is also very limited. During fiscal year 1981, 2,556 fingerprint cards were submitted to Ident through the National Central Bureau of Interpol and by foreign police agencies. Almost all foreign users of Ident involve individuals (U.S. citizens abroad or foreign nationals giving a U.S. address) who have been arrested for narcotics or smuggling violations. Ident information is provided for criminal offenses only, not for political, religious, and social violations or complaints.

Private Users

With the exception of federally chartered or insured banking institutions and the securities industry, private organizations are not authorized access to criminal history information contained in Ident or NCIC. But in a majority of States, private organizations can lawfully obtain conviction information (and frequently arrest information as well) from State criminal history record files.

Federal Government Users

NCIC/CCH File Use

Federal agencies, like all other agencies, must meet the following criteria used by the FBI¹ in authorizing access:

1. The agency must be a Government agency as required by title 28, U.S. Code, section 534.
2. The agency must meet the definition of a criminal justice agency as contained in the Department of Justice regulations on Criminal Justice Information Systems (title 28, Code of Federal Regulations, pt. 20, subpt. A). Section 20.3 of these regulations defines a criminal justice agency as: "courts, a government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice. The administration of criminal justice means performance of any of the following activities: detection, apprehension, detention, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage and dissemination of criminal history record information."
3. An agency not meeting the qualifications set out in (2) above must meet the definition of an agency under management control of a criminal justice agency as contained in the CCH program background, concept, and policy as approved by the NCIC Advisory Policy Board. Management control includes the authority to set and enforce priorities; standards for the selection, supervision, and termination of personnel; and policy governing the operation of computers used to process criminal history record information. Management control includes, but is not limited to, the supervision of equipment, systems design, programing,

and operating procedures. A noncriminal justice user agency must have a written agreement with the criminal justice agency that has management control.

Federal agencies must execute a CCH agreement with the FBI in order to access CCH. Federal users account for about 12 percent of the CCH file's message traffic, based on data from the July-September 1981 pilot test of the Interstate Identification Index (111).² Federal agencies directly accessing CCH during the test period included the U.S. Secret Service, U.S. Department of Justice, Bureau of Customs (which provides an interconnection with Treasury Enforcement Communication System (TECS)), U.S. Postal Service, and FBI.

Since all active Federal offenders are ultimately recorded in CCH, the file contains a disproportionate number of Federal as opposed to State offenders. For example, on August 31, 1981, Federal offenders accounted for 24.4 percent of the total records in the CCH file.³ The relatively high usage rate for Federal agencies is thus not surprising.

Judging from CCH purpose codes entered by users for each message, essentially all Federal user requests for CCH information are for criminal justice purposes. Secondary dissemination for other uses beyond the terminal agency has not been measured and identified by OTA, except through anecdotal references. CCH purpose codes provide little insight into the actual recipients and end users of CCH information. All law enforcement and criminal justice use is grouped under the "C" Code

¹Federal Bureau of Investigation, *Interstate Identification Index: Background and Findings for July-September 1981 Phase I Pilot Project*, Dec. 4, 1981, pp. 146, 153, 158, 159. The percent of Federal use was calculated by adding the 407 matching inquiries ("hits," where an inquiry matched an Index entry) for Federal agencies without NLETS access to the approximate 982 matching inquiries (8.6 percent of 11,415) for Federal agencies with NLETS access, and dividing total Federal agency matching inquiries (1389) by total matching inquiries (11,415 + 410 = 11,825).

²NCIC staff paper prepared for Nov. 3-4, 1981, meeting of the NCIC Advisory Policy Board Subcommittee on the Interstate Identification Index, Topic x3, p. 7.

(Criminal Justice); thus, prosecutors, courts, probation, parole, and correctional institutions are included, along with police and law enforcement, within one general term. However, agencies requesting CCH information are identified by an Originating Agency Identifier. Statistics on type of requesting agency were maintained during the III pilot test. The results suggest that Federal law enforcement agencies accounted for about 80 percent of total Federal traffic on NCIC/CCH.³

The CCH file also serves some Federal agencies for noncriminal justice purposes (i.e., employment and security screening), but the volume of transactions for such purposes is very small. The bulk of Federal agency inquiries for noncriminal justice uses is directed to Ident.

Ident: Criminal Justice Use

While direct NCIC/CCH access is limited to a small number of Federal agencies, Ident may be used by *all* Federal agencies for either criminal justice or employment screening purposes. During fiscal year 1981, approximately 172,000 fingerprint cards were submitted to Ident by Federal law enforcement and criminal justice agencies, compared with 3.0 million cards from State and local criminal justice agencies and a total of about 6.8 million cards received by Ident from all sources.

Rap sheets are provided by Ident to Federal agencies "for the official use of" the receiving agency only. Section 534 of title 28 (U. S. C.) provides that the exchange of identification records is subject to cancellation if dissemination is made outside of the receiving department or related agencies. Each identification record contains a caveat stating that it is furnished "for official use only" and that it "should only be used for the purpose requested."

³FBI, 111 *Background and Findings*, op. cit. The percent of Federal law enforcement agency use was calculated by adding the 401 hits for Federal law enforcement agencies without NLETS access to the approximate 696 inquiries (6.1 percent of 11,415) for Federal law enforcement agencies with NLETS access, and dividing by total Federal agency hits as above.

A General Accounting Office (GAO) report on criminal history information provides one indicator of actual rap sheet use. According to the report, almost 95 percent of all fingerprint card submissions are intended to be used for postarrest purposes.⁴ This is entirely logical, since fingerprints are seldom obtained from individuals who are not already in custody. Moreover, the Ident "turnaround time" of several weeks precludes most prearrest and arrest uses of rap sheets, except in atypical situations (ongoing investigations, etc.).

Ident: Noncriminal Justice Use

In 1981, Ident processed a monthly average of 175,000 fingerprint requests for Federal employment, contractors, and security clearances. Noncriminal justice Federal users rely on Ident for several reasons: 1) direct access NCIC terminals are located only in law enforcement or criminal justice agencies, so noncriminal justice users cannot easily access NC IC/CCH files; 2) NCIC policy requires that any response to an employment or licensing inquiry be furnished only through a criminal justice agency; 3) employment background investigations are normally conducted through fingerprint checks, which only Ident is equipped to process; and 4) Ident has a much more complete file than does CCH.

During fiscal year 1981, Ident received about 2.1 million fingerprint card inquiries from Federal noncriminal justice users. This accounts for roughly 30 percent of all of Ident's traffic. The large volume of Federal noncriminal justice use may be attributed to several factors. All applicants for Federal positions, as well as many persons who are employed under Federal contracts, are routinely subjected to background investigations. Likewise, DOD uses Ident services when conducting security investigations related to personnel occupying "sensitive positions," and for background checks of all military recruits. The

⁴U.S. Comptroller General, How *Criminal Justice Agencies Use Criminal History Information*, U.S. General Accounting Office, Washington, D. C., August 1974, p. 34.

Immigration and Naturalization Service also accounts for a significant volume of traffic to Ident. Table 16 summarizes the volume of fingerprint card submissions to Ident by all Federal noncriminal justice users in fiscal 1981.

The largest type of noncriminal justice use among Federal agencies involves background and security investigations of Federal applicants, employees, and contractors. Although DOD and OPM account for over 95 percent of all background investigations, a few other agencies operate internal suitability and security programs. The FBI, Treasury Department, Department of State (DOS), and Central Intelligence Agency (CIA) are the most notable. The FBI is responsible for investigating the background of its own employees, as well as White House personnel, Presidential appointees, employees of the U.S. Attorney's Office, and certain applicants of the Nuclear Regulatory Commission. DOS conducts background investigations of Foreign Service and Office of the Secretary of State employees and applicants. Additionally, DOS performs overseas investigations for OPM and DOD, and

conducts limited checks of visa and passport applicants. The Treasury Department conducts suitability and security investigations for many of its own employees, especially those working for the Internal Revenue Service, U.S. Secret Service, and Bureau of Alcohol, Tobacco and Firearms. CIA conducts special background investigations of all its own employees.

State CCH Systems Use

Executive Order No. 10450 specifically states that the processing of all applicants for Federal jobs must include "written inquiries to local law enforcement agencies." Pursuant to this requirement, all employment-related investigations conducted by Federal agencies include written and/or personal contacts with State and/or local law enforcement authorities. In each of these investigations, Federal investigators must attempt to access criminal history record information contained in State and local files. Moreover, military recruiters routinely verify or investigate the background information provided by applicants for military service.

Despite the obvious importance of State and local criminal history information to Federal suitability investigations, Federal agencies frequently encounter difficulties in accessing non-Federal files. Access to State and local criminal history records is governed by many varying (and conflicting) statutes, procedures, and interpretations that make it virtually impossible for Federal agencies to obtain certain records. Federal officials cite the Privacy Act of 1974 and Law Enforcement Assistance Administration (LEAA) regulations as two causes of the inconsistent practices and procedures that govern Federal agency access to State and local criminal history files. In addition, access policies in some States do not specifically apply to local criminal history records. Furthermore, in States that have enacted statutes governing access, the interpretation is frequently left to local jurisdictions. One consequence has been a tendency for access to be harder for OPM and easier for DOD. Many jurisdictions deny OPM access on the basis

Table 16.—Noncriminal Justice Use of Ident by Federal Agencies, Fiscal Year 1981

Purpose of use	Fingerprint cards submitted
<i>Federal employment</i>	
Army	210,145
Air Force	105,791
Navy	111,924
Marine Corps	52,066
Coast Guard	19,557
Office of Personnel Management	334,941
Miscellaneous Federal agencies	38,605
Subtotal	873,029 (41.4%)
<i>Federally related employment (contractors, security clearances)</i>	
Department of Energy	5,605
Defense Investigative Service	331,641
Department of Transportation	1,105
Other Federal agencies	73,450
Subtotal	411,801 (19.60%)
<i>Nonemployment users</i>	
Veterans Administration (establishing entitlements to benefits)	1,269
Immigration and Naturalization Service (persons applying for naturalization, citizens applying for adoption of foreign-born children, etc.)	820,742
Subtotal	822,011 (39%)
Total Federal noncriminal justice fingerprint cards submitted	2,106,841

SOURCE: Federal Bureau of Investigation

that State laws (or LEAA regulations) only permit access for criminal justice agencies, and OPM is not a criminal justice agency. On the other hand, many jurisdictions have used their discretion to define certain DOD units as criminal justice agencies, thus permitting access.⁵

The 1979 OTA survey of 50 States indicated that Federal security checks (including mili-

⁵See SEARCH Group, Inc., *Federal Access to State and Local Criminal Justice information*, Sacramento, Calif., March 1979.

tary) accounted for about 23 percent of non-criminal justice requests in States with CCH systems, and about 35 percent in those with manual systems.⁶ Federal noncriminal justice use accounts for about 3 percent of total State CCH use.*

⁶OTA 50-State Survey conducted in 1979-80. See appendix B for list of State officials responding.

*Calculated by multiplying the Federal percentage of State CCH noncriminal justice use (23 percent) by the noncriminal justice percentage of total State CCH use (15 percent).

State and Local Users

NCIC/CCH Use

The possibility of State and local users achieving a hit on NCIC/CCH files is generally low because such a small fraction of current criminal records are contained in the CCH file. For fiscal year 1981, the eight States fully participating in (submitting records to) NCIC/CCH accounted for only about 24 percent of all criminal fingerprint cards submitted to Ident in that year.⁷ Based on data from the III pilot test, State agency users account for about 22 percent of CCH message traffic and local agencies about 66 percent. Most of these State and local messages (about 67 percent) were from the eight States fully participating in CCH at that time. Fifteen States had no CCH messages at all during the test period, and most of the remaining 27 States (with the notable exceptions of Oregon, Illinois, and California) had very few.⁸

Most requests (about 94 percent during the test period⁹) were for summary online criminal history records. Summary records were provided within 30 minutes 77 percent of the time and within 15 minutes 64 percent of the time.¹⁰

⁷Ident received 2,914,911 criminal fingerprint cards from States in fiscal year 1981. Of that total, 708,149 cards (or 24.3 percent) were received from the eight States fully participating in NCIC/CCH: Florida (272,400 fingerprint cards); Iowa (18,730); Michigan (55,727); Nebraska (8,259); North Carolina (48,800); South Carolina (83,560); Texas (156,804); and Virginia (63,869). Data from FBI, *III Background and Findings*, op. cit.

⁸Ibid.,

⁹Ibid., p. 145.

¹⁰Ibid., p. 162.

Statistics maintained for the III pilot test indicated that State agency requests were split about evenly between law enforcement and other criminal justice agencies (prosecuting attorneys, courts, corrections), but that local inquiries were almost entirely from law enforcement agencies.¹¹

Like their Federal counterparts, and essentially for the same reasons, State and local noncriminal justice users rely almost entirely on Ident to provide centralized criminal history record information for licensing and employment purposes.

Ident: Criminal Justice Use

For States lacking a well-developed centralized criminal history file, Ident provides a central repository and clearinghouse for criminal history record information. Even for States with a more sophisticated central repository, Ident provides a national repository for the criminal history records of multi-State and Federal offenders.

During fiscal year 1981, about 3 million criminal fingerprint cards submitted by State and local agencies were processed. Ident does not maintain use statistics by originating agency because of the vast number (over 20,000) of organizations authorized to submit fingerprints and other criminal history infor-

¹¹Ibid., p. 158. However, county level agencies were counted as State rather than local users.

mation. Results of interviews conducted for this study tended to confirm the earlier GAO findings that about 94 percent of fingerprint record use by State and local criminal justice agencies is for postarrest purposes, and about 40 percent of criminal justice use is by law enforcement agencies—with the other 60 percent accounted for by prosecutorial, judicial, probation-parole, and correctional agencies.¹²

Ident: Noncriminal Justice Use

Noncriminal justice use of Ident by State and local agencies and other authorized users* accounted for about 23 percent of its total workload during fiscal year 1981, when about 1.6 million fingerprint cards were received from these sources. On October 1, 1981, due to a large backlog of unprocessed cards (400,000 as of September 1981) and increasing processing time (up to 27 workdays in September 1981), Ident suspended services to federally chartered or insured banking institutions and State and local employment and licensing authorities. Ident plans to restore these services on October 1, 1982, charging a user fee of \$12 per fingerprint card processed to cover costs.¹³

Ident does not maintain separate figures for licensing and employment fingerprint card submissions because both types of record checks are performed pursuant to the same authority (Public Law 92-544). In addition, since 1957, the division has not retained the fingerprint cards submitted by State and local employment and licensing users.

Unlike NCIC/CCH, Ident provides criminal history information directly to noncriminal justice users; previously approved mailing addresses are used to furnish responses. Such users are cautioned that the information is provided “for official use only” and “should only be used for purposes requested.” Redis-

¹²U. S. Comptroller General, *Criminal History Information*, op. cit., pp. 12-14.

*Other authorized users include primarily federally chartered or insured banking institutions and the securities industry.

“See Sept. 1 and Oct. 1, 1981, letters to all fingerprint contributors from Nick Stames, Assistant Director, FBI Identification Division. The suspension does not apply to employment in criminal justice agencies or to the securities industry.

semination of criminal records provided by Ident is not permitted unless the requesting agency is already authorized to receive such records. However, once information becomes part of a State or local file it can be difficult to identify the information as having originally been provided by Ident, and limitations on dissemination are difficult to enforce.

The number and types of State or local agencies permitted access to criminal history data vary greatly from State to State.¹⁴ Some States permit a wide variety of licensing authorities to use criminal history records (e.g., real estate commissions, alcoholic beverage boards, parimutuel racing commissions, licensing boards for such occupational groups as barbers, cosmetologists, psychologists, insurance agents, polygraph examiners, and adoption authorities). Other States forbid access to all agencies except those authorized by Federal statute (banking and securities industries). Also, State laws control the classification of “peace officers,” not all of whom are directly involved in conventional law enforcement duties.

State CCH Systems Use

The extent to which in-State criminal histories satisfy the needs of State criminal justice agencies varies from one State to another. For example, some States do not require centralized reporting of fingerprint cards on criminal offenders. In addition, local police agencies in the State are not always consistent in notifying the State repository of arrests and dispositions. Consequently, some State criminal history files contain only a fraction of all known criminal offenders in the State. Given these constraints, law enforcement and criminal justice users in these States depend to a greater extent on the FBI even for in-State criminal history information.¹⁵

“See in general Steven W. Hays, et al., *An Assessment of the Uses of Information in the National Crime Information Center and Computerized Criminal History Program*, Bureau of Governmental Research and Service, University of South Carolina, October 1979, sees. 11, III, and IV, and especially app. B, “State Repository Site Visits,” pp. 172-322, which included California, Florida, Mississippi, South Carolina, and Texas.
“ibid.

In contrast, California's criminal history file is estimated to be approximately 78-99 percent "complete;" i.e., about 78 percent of all reportable arrests and about 99 percent of all adult arrests in the State are included in the State's repository. Thus, California users of criminal history records rely on the FBI primarily for out-of-State information.¹⁶

The 1982 OTA 50-State survey followup found that about 85 percent of all requests to State CCH repositories were from criminal justice agencies, and about 15 percent were from noncriminal justice agencies. Based on 1979

¹⁶Ibid., California site visit, pp. 272-282; personal communication with Nell Hutchinson, California Department of Justice, Aug. 30, 1982.

data, about 66 percent of requests from criminal justice agencies were from law enforcement agencies and about 34 percent from other criminal justice agencies (primarily courts, prosecutors, probation-parole, and corrections). Of the requests from noncriminal justice agencies, about 49 percent were for license applications, 24 percent for employment checks, and 4 percent for State and local security checks. As noted earlier, about 23 percent of the requests from State CCH systems were for Federal security checks, whereas the comparable figure for manual systems was about 35 percent.¹⁷

¹⁷OTA 50-State Survey conducted in 1979-80.

International Users

Under certain conditions, information from NCIC hot files and from Ident is made available to government authorities in foreign countries. Canada is the only foreign country permitted to access the NCIC data base directly. Under a reciprocal assistance agreement, the RCMP have a terminal in their central headquarters and NCIC has access to the Canadian Police Information Center in Ottawa. The RCMP cannot access the CCH file.

Other foreign countries wishing to access NCIC must do so through DEA, which is the official U.S. liaison with Interpol. DEA is responsible for determining whether or not Interpol requests are consistent with existing treaties and Federal legislation. Since Interpol inquiries are lumped together with Department of Justice message traffic, it is not possible to identify the exact volume of international NCIC traffic. However, FBI officials note that the volume of traffic is very low.

Interpol receives significant criminal information assistance through TECS. However, Interpol's interface with TECS does not allow it to access NCIC indirectly nor to access State and local criminal information files through the National Law Enforcement Telecommunications System (NLETS).

The use of Ident data base by foreign countries is also very limited. During fiscal year 1981, 2,556 fingerprint cards were submitted to Ident under the International Exchange Program. The largest number of fingerprint card submissions (952) was received from foreign contributors through the National Central Bureau of Interpol. The largest number of direct submissions from foreign police agencies came from Canada (1,160) and Great Britain (355). In 1981, 47 different countries submitted fingerprints to Ident and an additional 30 countries were entitled to do so.

Ident notes that in almost every case the fingerprint cards that are submitted involve U.S. citizens arrested in a foreign country, or foreign nationals arrested in a foreign country who, in the judgment of the contributing agency, would be of interest to U.S. authorities, usually because they give an address in the United States at the time of arrest. Almost all of these cases involve individuals who have been arrested for narcotics or smuggling violations. Records provided to international users are manually reviewed before distribution, and carry the caveat that the record is provided "for official use only" and "should only be used for purpose requested." Information is

provided only if there is a legitimate criminal offense involved. Political, religious, or other social violations or complaints are not honored by Ident. In cases where the requesting coun-

try is not a member of the International Exchange Program, DOS is asked to make a final determination as to whether or not criminal history information should be released.

Private Users

With the exception of federally chartered or insured banking institutions and the securities industry, private organizations are not authorized access to criminal history information contained in Ident or NCIC. * But in a majority of States, private organizations can lawfully obtain conviction information (and frequently arrest information as well) from State criminal history record files. For example, as of mid-1981, 10 States plus the Virgin Islands provided statutory authority for private employers to obtain both conviction and nonconviction arrest data.¹⁸ In addition, many State statutes regulate only the central State repository or records disseminated by the repository. A recent SEARCH study concluded that “in most States, even some of those with comprehensive criminal record statutes, local police agencies are still free-absent a local ordinance—to release to private employers whatever arrest or conviction data they choose to.”¹⁹

In Florida, the State’s Public Records Statute permits private access to criminal history files. As of June 1979, the following private organizations were among those listed as secondary users of the Florida Crime Information Center: Commercial Carrier Corp.; General Telephone Co.; Jack’s Cookie Co.; Ryder Truck Lines, Inc.; United Parcel Service; Winn Dixie Stores, Inc.; Rinker Materials Corp.; and

Hughes Refrigerated Express, Inc.²⁰ This list did not include “ad hoc” requests from private individuals and organizations. According to Florida officials, the list of private sector secondary users has grown substantially in recent years. During fiscal year 1981, about 37,000 private sector record checks were processed. This represented about 25 percent of all applicant record checks for that year.²¹

In South Carolina, the State’s Freedom of Information Act permits private access to conviction information. As of mid-1979, officials of the South Carolina Law Enforcement Division (SLED) estimated that the primary non-criminal justice users of conviction information were large companies for the purpose of employment screening. There was no easy way for SLED to determine specifically who had access to such information once it was released to local agencies.”

In Florida, NCIC/CCH out-of-State information is exempted from the Public Records Statute and disseminated only in accordance with laws of the State originating the information. In South Carolina, NCIC/CCH out-of-State information is not maintained in the State CCH file, other than to note that such information is available from Ident.

²⁰Hays, *Assessment of Uses*, op. cit., Florida Site Visit, p. 290-291; site visit conducted June 26, 1979.

²¹Ibid., p. 293. Fiscal year 1981 data from FBI, *III Background and Findings*, op. cit., p. 77.

²²Hays, *Assessment of Uses*, op. cit., South Carolina site visit, p. 310; site visit conducted May 28 and June 4 and 12, 1979.

*See ch. 6.

¹⁸SEARCH Group, Inc., *Privacy and the Private Employer*, September 1981 draft, p. 33.

¹⁹Ibid., pp. 34-35.