

# **ACIC REPORT OF FINDINGS PURSUANT TO**

## **ACT 1503 OF 2013**

Act 1503 of 2013 required the Arkansas Crime Information Center, in conjunction with the Prosecutor Coordinator, the Administrative Office of the Courts and the Arkansas Sentencing Commission, to study the development and implementation of a public website containing information on persons convicted of a crime pertaining to child abuse and neglect. This is to serve as the final report of that study.

### **PUBLIC WEBSITE**

In order for ACIC to create, operate and maintain a new public website similar to the current sex offender website there will need to be an expenditure of funds for development and programming as well as authorization for the addition of additional staffing at ACIC.

ACIC estimates that we will need to hire a contract programmer for one year to develop the necessary programming on ACIC's side to send information to INA which is the entity that would actually maintain the operational function of the website itself. The cost for a contract programmer for one year is \$124,080.00. Additionally, ACIC estimates it will need 2 additional employees to oversee and administer the data being sent to the website. A C109 employee with the total annual salary and benefits of \$31,638.00 and a C117 employee with a total annual salary and benefits of \$44,396.00 will be needed. That is a total current annual salary expense of \$76,034.00.

INA estimates that the initial cost to build the website will be \$28,000.00 with annual maintenance costs expected to be \$6,000.00.

The Administrative Office of the Courts (AOC) estimates the cost on its end to develop the necessary programming to assure that the necessary

specialized conviction information is electronically transmitted to ACIC for inclusion on the new website to be \$135,900.00.

The total costs to develop and implement such a website is \$287,080.00. The total annual costs to operate and maintain such a web site are estimated to be \$82,034.00. It is estimated that it will take from 9 months to a year to develop and implement the website.

The development of such a website, however, is more than just the financial obligations that will be required. There will need to be several policy decisions made as to what will be included on the website. Policy questions that must be addressed prior to the development and implementation of such a website include but are not limited to the following:

- a) What crimes will be used to determine crimes pertaining to child abuse and neglect?;
- b) How is victim information to be collected to determine if the crime is one of child abuse and neglect?;
- c) How long would someone be required to be on the website?;
- d) What information is to be displayed on the website?;
- e) How is that information to be gathered – Will persons be required to register like sex offenders or what other way will obtain any necessary information?;
- f) Will it take a court order or requirement to be placed on the website?;
- g) Will the court have any discretion as to placing persons on the website?;
- h) Will juveniles convicted of the named crimes be required to be on the website?;
- i) What will be the identifying information on the website to assure someone looking up a person is actually looking at the right person – will it be a social security number, date of birth, photo, etc?;
- j) How would someone get removed from the website?;

Until all of the policy questions have been determined and answered it is impossible to currently ascertain the cost of amending the form or forms used by the prosecuting attorneys to collect the needed information as well as the cost of changes necessary to any sentencing forms.

## **A SECOND OPTION**

A second, and far less expensive option for consideration would be to make all criminal history records available to anyone who wants to see them. This would make Arkansas an open records state. Currently, about half of all of the sates are open record states. This allows anyone to request the criminal history information of anyone without their written consent as is currently required under Arkansas law. This would also serve a secondary purpose of limiting the current problem of people seeking criminal history information from web based companies that notoriously provide inaccurate information.

In order to make this a viable option the request for criminal history information can't be for free and can't be subject to FOI requests in order to get them for free. Currently, money spent to obtain official Arkansas background checks is split evenly between the Arkansas State Police and ACIC. The State Police use their funds to maintain and update the Automated Fingerprint Identification System that supplies fingerprint information to ACIC and the FBI. ACIC uses it portions of the funds to maintain and update the state's criminal history records. If access to background check information were to be suddenly at no cost it will necessarily reduce the funds currently available from fees to operate these systems and require more general funs appropriations to offset the loss.

## **A THIRD OPTION**

If the prospect of becoming an open records state is not the policy direction wanted, access to the criminal records is still available. As mentioned previously, access is currently available with a signed written permission from the person whose record is being checked. While this is not a web site and it would require the person seeking to get a background check done on a prospective babysitter or other person performing child care to pay a fee that could be a reduced fee different from the current employment background fee.

This would require legislation that determined what specific crimes could be checked for this purpose, what the fee would be and requiring the prospective babysitter or other child care provider to have to sign a consent to search form.

## **A FOURTH OPTION**

The Administrative Office of the Courts is in the process of getting all of the state's courts onto its Public Court Connect system. It is estimated that this will be completed in a year as to all of the Circuit courts. It will take longer to get all of the District courts on line. Once fully operational a person will be able to search a name in the system to find any convictions. However, the system doesn't provide much specificity such as addresses. AOC advises that they could make any necessary programming changes to display any required conviction information. The caveat is that access to court records is governed by Administrative Order 19 which could impact any legislative determination about what government entity is responsible for "publishing" the information.

If any additional information is required or if there are any questions about this report please feel free to contact

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