



# BUDGET DEEP-DIVE: BUREAU OF CRIMINAL IDENTIFICATION (BCI)

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE  
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ISSUE BRIEF

## SUMMARY

This brief helps to answer four key questions about the operations and budget of the Bureau of Criminal Identification (BCI) within the Department of Public Safety. These questions are:

1. Why do we have a state entity dedicated to criminal identification and what is the State attempting to accomplish?
2. How is BCI organized?
3. What is the State buying with BCI?
4. How does the State pay for BCI?

This brief focuses primarily on BCI as a whole which include the ten major sections/functions within BCI which are: Administration, Applicant Background Checks (ABC) and Fingerprinting, Firearms, Brady, Records and Expungements, Automated Fingerprint Identification System (AFIS), Communications & Information Center (CIC), Field Services, and Support Services. Recommendations and options for legislative action are provided in the next section, followed by discussion and analysis.

## LEGISLATIVE ACTION

Based on the analysis provided in this brief, the Legislative Fiscal Analyst (LFA) recommends the Legislature consider the following recommendations and options:

### Recommendations:

- 1. In consultation with the LFA, direct BCI to develop and annually report on up to 3 key performance measures that better determine success toward desired outcomes.**
- 2. The Legislature consider how to pay for BCI functions/programs going forward and make changes accordingly (Under the "Options" section, please option #2).**
- 3. The Legislature direct BCI and CCJJ to maximize and better reflect NCHIP grant, specifically:**
  - a. In consultation with BCI, CCJJ improve grant process to ensure proper grant submission.**
  - b. In consultation with BCI, CCJJ ensure that they maximize NCHIP grant awards including the consideration of awards in other states (like-size and all other states).**
  - c. Move NCHIP Grant funding into the BCI program budget structure.**

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Options:

1. **Restructure BCI's Budget**
  - a. **Make BCI its own line item**
  - b. **Make a specific function/program within BCI its own line item**
  - c. **Consider moving BCI licensing functions to another part of the state budget such as the Division of Professional Licensing (DOPL).**
2. **BCI funding structure options:**
  - a. **Do nothing and keep/affirm current funding structure.**
  - b. **Charge a fee to those benefitting from BCI services such as law enforcement entities and (such as UCJIS) to cover the cost to provide that service where they are not charged currently. Depending on the fee structure, this could equate to up to \$1,155,400 in General Fund savings.**
  - c. **Increase certain fees to better align with projected costs such as**
    - i. **Law Enforcement Inquiries**
    - ii. **Bail Bondsman Licensing**
    - iii. **Private Investigator Licensing**
  - d. **Lower or eliminate fees and replace funding with more General Fund.**
  - e. **Use More Restricted Fund Revenue/Balances to offset projected costs, including General Fund costs**
  - f. **Eliminate BCI lower priority programs and funding such as the Suicide Prevention Education/Firearm Safety Program - \$94,800 from the Firearm Safety Account and \$24,800 ongoing and \$40,000 one-time from the General Fund.**
  - g. **Other/combination of the above options.**

**DISCUSSION AND ANALYSIS**

This section addresses the following questions:

1. Why do we have a state entity dedicated to criminal identification and what is the State attempting to accomplish?
2. How is BCI organized?
3. What is the State buying with BCI?
4. How does the State pay for BCI?

***1. Why do we have a state entity dedicated to criminal identification and what is the State attempting to accomplish?***

There are various reasons given as to why there is a state Bureau of Criminal Identification (BCI) which include advancing criminal justice, improving public safety, state mandates, helping to facilitate certain federal requirements, and more. According to the federal Bureau of Justice Statistics "All States have established a criminal record repository that maintains criminal records and identification data and

responds to law enforcement inquiries and inquiries for other purposes such as background checks and national security. Criminal records include data provided by all components of the criminal justice system: law enforcement, prosecution, courts, and corrections. Automated interfaces with courts and prosecutors are critical to ensuring that all criminal records include dispositions at each stage of the criminal process. Criminal records include records of protection orders, sex offender registries, and other records of contacts with the justice system.”

UCA 53-10-2 details the creation, duties, and outlines procedures of the Bureau of Criminal Identification. Statute cites among other responsibilities to:

1. Procure and file information relating to identification of certain individuals: e.g. fugitives, missing persons, etc.
2. Establish a statewide uniform crime reporting system.
3. Adopt systems of identification, including the fingerprint system, to be used by the division to facilitate law enforcement.
4. Check certain criminal records databases for certain required individuals.
5. Implement and manage the operation of firearm safety and suicide prevention education program.

In addition, BCI is the state interface/liaison with the federal government and other governmental entities as it relates to National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS) and other regional entities such as the Western Identification Network (WIN).

BCI submitted the following timeline that shows from 1990 of what key responsibilities were added over time either by the state or federal government.

- **1990:** Automated Fingerprint Identification System (AFIS) installed as a part of the Western Identification Network (WIN)
- **1995:** Concealed Firearm Program issuance moved to BCI from Regulatory Licensing
- **1994:** Brady checks for handguns
- **1998 (November) to present:** Point of Contact (POC) state for Brady firearms checks
- **Post-1998 to present:** use of the Utah CFP (alternate permit) in lieu of the full background check for firearm purchases. Authorized by the ATF shortly after BCI became the POC for Utah.
- **Pre-1999:** Non-criminal fingerprint cards were submitted to the FBI via the US Mail
- **1999:** Interface with the FBI's Integrated Automated Fingerprint Identification System (IAFIS)
- **1999 to present:** ability to submit electronic transactions for both criminal (to add to the FBI database) and non-criminal fingerprint-based (to check for existing criminal history records on the FBI level). Non-criminal fingerprint-based checks are processed through the WIN database to the FBI for the check of the FBI's database. All entities who have authorizing statute may take advantage of the electronic submission and check.
- **Mid-2000s:** ability to enroll non-criminal fingerprint cards in the WIN system for notification of subsequent criminal history changes
- **2012:** FBI no longer accepts mailed in fingerprint cards (criminal or non-criminal)
- **2014:** Suicide Prevention Gun Locks and Pamphlets

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- **2015:** enroll non-criminal fingerprint cards in the FBI's Next Generation Identification (NGI) system for notification of subsequent criminal history changes
  - **2016:** Suicide Education

## **2. How is BCI organized?**

This section will discuss the organization and performance of BCI.

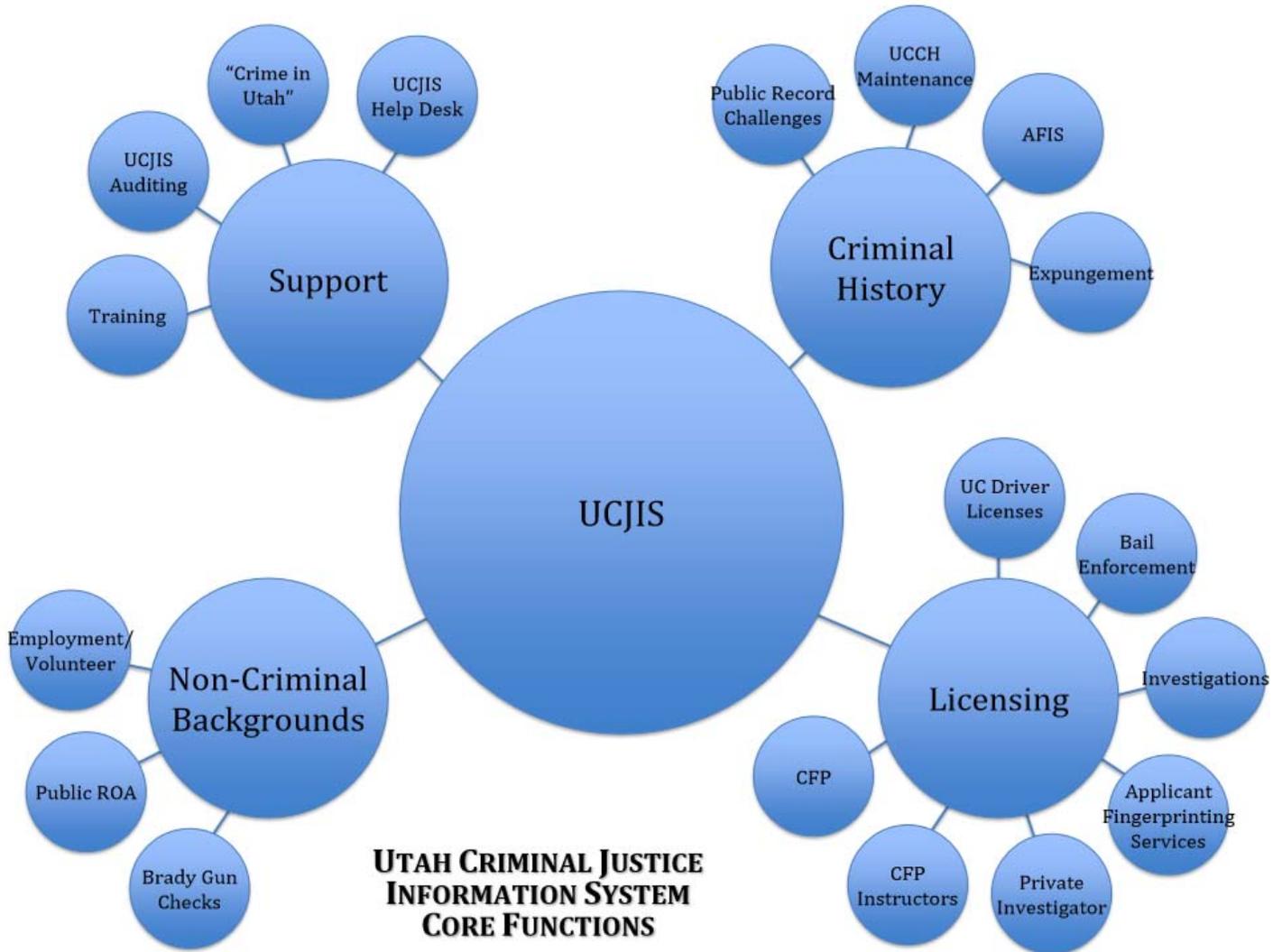
**Organization/Structure** The Bureau of Criminal Identification (BCI) was established in 1927. Over time some responsibilities were added such as recently the firearm safety and suicide prevention education program (passed in the 2014 General Session and is scheduled to sunset in July 1, 2018).

BCI is divided into ten sections/functions. They are:

1. Administration,
2. Applicant Background Checks (ABC) and Fingerprinting,
3. Firearms,
4. Brady Criminal History Background Check Program,
5. Records,
6. Expungements,
7. Automated Fingerprint Identification System (AFIS),
8. Communications & Information Center (CIC),
9. Field Services, and
10. Support Services.

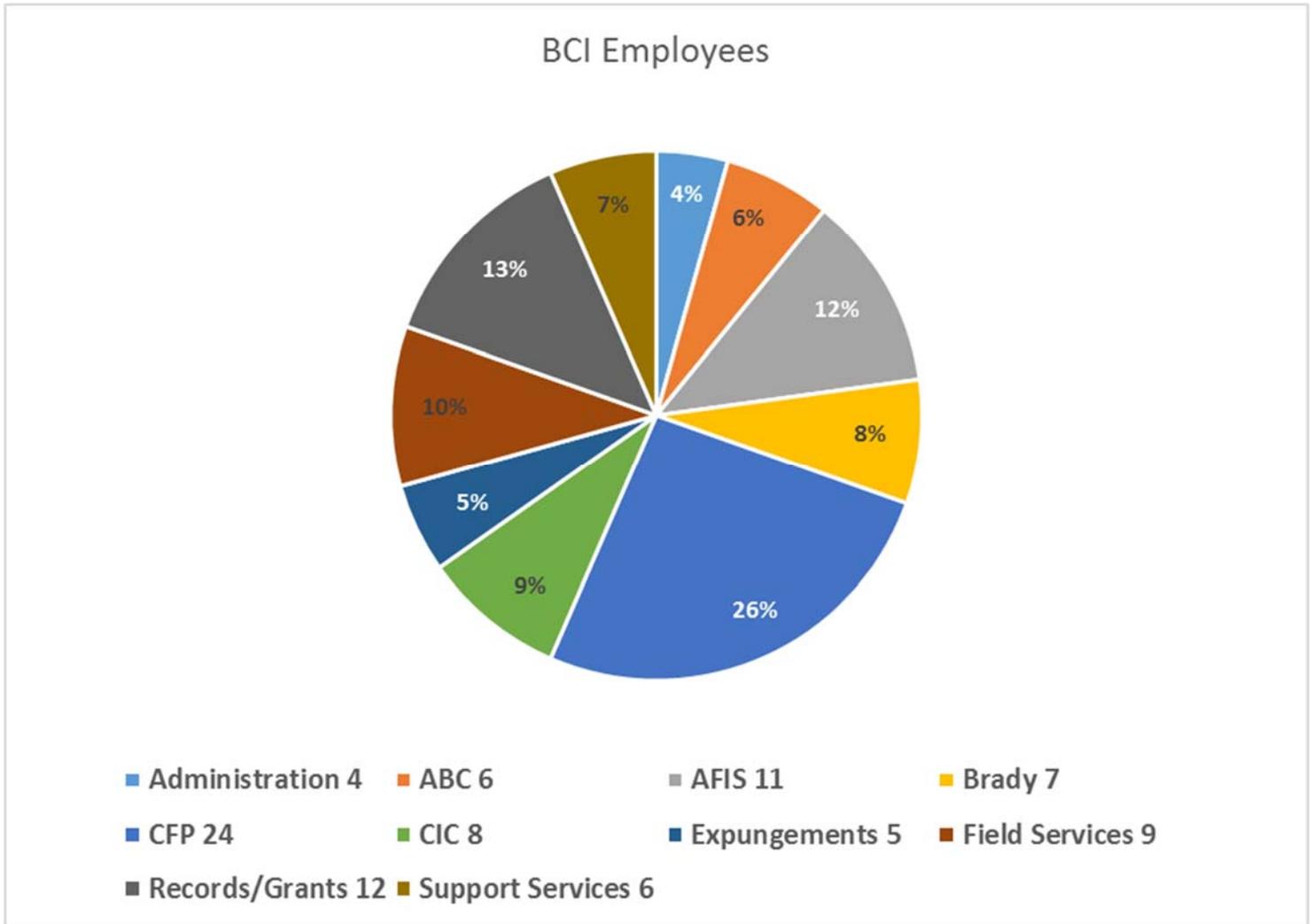
The mission of the Bureau of Criminal Identification (BCI) is "... to provide public safety agencies and the general public: technical services, expertise, training, criminal justice information, permits, and related resources." They submit that the desired outcomes are "Complete, accurate, and timely criminal history information and other information for law enforcement, criminal justice agencies, qualified entities, and the general public." Presumably BCI is structured so they advance this mission. In addition, they report that "Appropriations are structured to cover the cost of creating and maintaining the Utah Criminal Justice Information System (UCJIS) which includes auditing agency (both criminal and non-criminal justice) use of the information. Shortfall in the appropriated general fund is supplemented with collection of fees for services provided by BCI."

Below is a diagram of BCI's core function as submitted by BCI. BCI considers the UCJIS system as their core function. BCI considers other functions such as licensing, non-criminal background checks, and expungements secondary to this central function.



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According to BCI, FTEs are distributed as follows among their various functions:

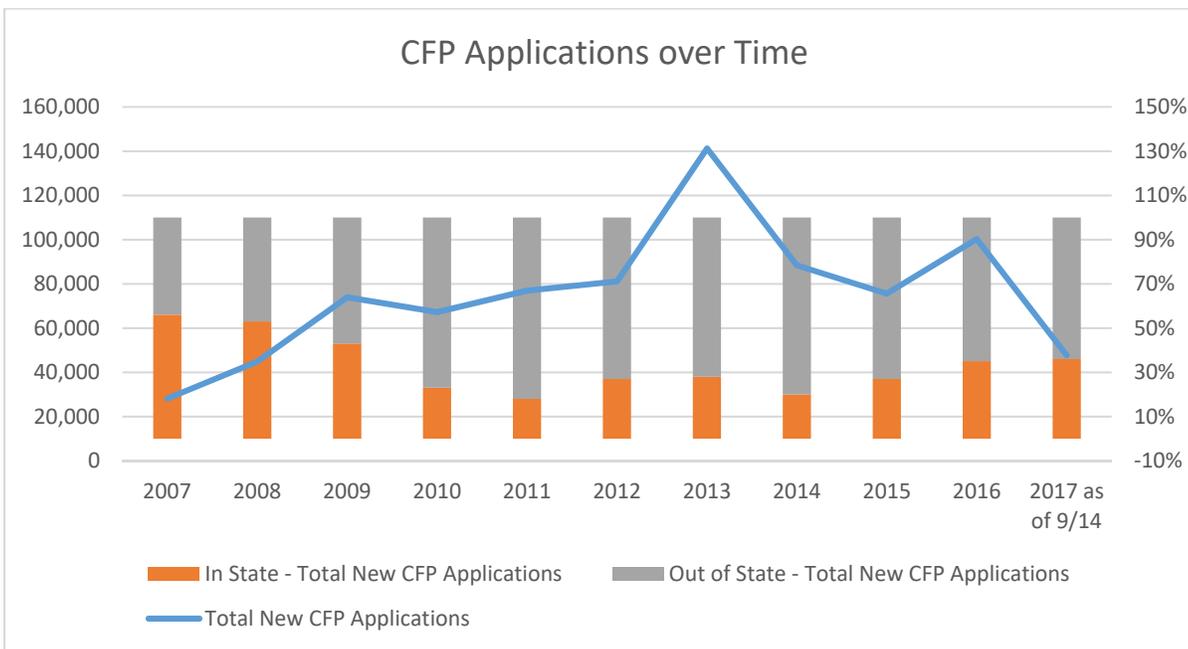


The Concealed Firearm Permits section is the largest with 24 FTEs and their smallest is Administration with 4 FTEs.

**Budget Structure** In regard to the budget structure of BCI in the appropriations act, it is currently a single program within DPS' Programs and Operations line item. Because it is one program among others within in a single line item, this allows for more flexibility for DPS to manage resources among programs and make determinations based on various factors such as need, workload, priorities, etc. The Legislature determines budget structure and may create line items to help ensure that certain funds are spent on certain functions.

One option is for the Legislature to create a separate line item for BCI. Recently there was attention given to the Concealed Firearm Permit Program and how funds were expended. Another option is to make the Concealed Firearm Permit Program its own line item to better ensure that Concealed Firearm Permit Program funds are only spent on this function. The disadvantage is that this could limit BCI's flexibility and may be less able to respond to caseload changes over time.

Calendar Year	Total New CFP Applications	In State - Total New CFP Applications	In State - Total New CFP Applications	Out of State - Total New CFP Applications	Out of State - Total New CFP Applications	Number of Renewal Applications
2007	28,153	15,766	56%	12,387	44%	5,409
2008	44,891	23,792	53%	21,099	47%	11,300
2009	73,925	31,788	43%	42,137	57%	17,917
2010	67,263	15,470	23%	51,793	77%	15,123
2011	76,943	13,850	18%	63,093	82%	13,971
2012	81,122	21,903	27%	59,219	73%	23,190
2013	141,257	39,552	28%	101,705	72%	34,880
2014	88,430	17,686	20%	70,744	80%	58,215
2015	75,631	20,420	27%	55,211	73%	47,281
2016	100,293	35,103	35%	65,190	65%	48,970
2017 as of 9/14	47,704	17,173	36%	30,531	64%	41,304



**Performance/Outcomes** The Department reports using both internal and submitted metrics for use of the Legislature and the public that help monitor status and progress. While they use various measures, the Analyst recommends BCI work with the LFA to formulate measures that help indicate whether BCI is achieving the presumed desired outcomes of improved public safety and other goals.

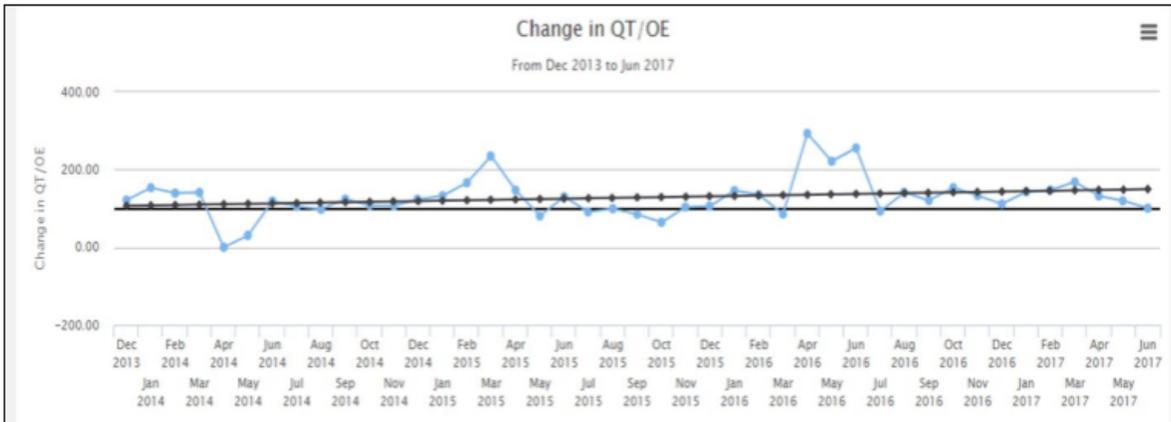
Upon considering the performance, desired outcomes, and level of success of a given entity, it is important to consider the variables that affect costs and subsequently influence these results. For BCI, the main variables are the number of transactions which include CFP applications, criminal history records checks for non-criminal justice purposes, background checks for firearm purchases, etc. The higher the amount of transactions the higher the workload, and vice versa.

Some of these variables are linked to a fee (for example CFP applications, FBI background checks, etc.) which generate additional revenue to BCI or the General Fund, presumably to better operate and/or administer that respective BCI program/function. The Background Check and Concealed Firearm Permit functions are examples of BCI functions that are fee-based.

Other variables may have a cost but no corresponding fee such as law enforcement inquiries against the UCJIS system. When these specific variables increase, costs increase with no additional fee revenue to better manage these functions. In these cases where there is no fee associated with the workload, costs may emerge in the form of longer processing time, decreased quality, or other the elimination of lower priority functions. The UCJIS system is an example of a BCI function that is not fee-based.

Currently the Department reports certain measures that help determine how efficient BCI is at specific functions but these do not indicate whether improved public safety is achieved. In addition, they only include certain functions but not all core functions of BCI. Below are the submitted measures that relate to Concealed Firearm Fingerprinting:

**Concealed Firearm Fingerprint Card--SUCCESS**



Metric	Metric Definition	Annual Target	Most Recent Value (Q2 2017)	Previous Value (CY 2016)	Previous Value (CY 2015)
Concealed Firearm fingerprint card--SUCCESS	% of system improvement for concealed firearm fingerprint card processing. SUCCESS model QT/OE measurement used.	25.0%	49.5%	43.4%	31.2%
Criminal LiveScan fingerprint cards	% of criminal LiveScan fingerprint card data entered into the Utah Computerized Criminal History (UCCH) and Automated Fingerprint Identification System (AFIS) databases, or deleted from the queue, within 5 working days	100.0%	100.0%	100.0%	100.0%
Mailed-in criminal fingerprint cards	% of mailed-in criminal fingerprint cards entered into the CardScan system, UCCH and AFIS databases within 30 working days	100.0%	100.0%	100.0%	100.0%
Right of Access requests	% of mailed-in Right of Access requests responded to within 5 working days	100.0%	100.0%	100.0%	100.0%
Concealed Firearm Permits	% of Concealed Firearm Permits issued within 60 days	100.0%	99.3%	98.2%	98.8%

While these measures are useful, they do not directly help the Legislature determine whether the program is successful in overall increased public safety. Some examples of measures (suggested by the Center for

Society, Law and Justice; Texas State University) that could better indicate how these programs are achieving desired outcomes are:

1. Number of arrests/detentions made possible by a respective program.
2. Number of gun sales denied through use of instant check system.
3. Number of warrant arrests by local law enforcement resulting from notification by gun check personnel.
4. Number of background checks for sensitive employment positions that result in identification of convicted felons.

If similar measures are adopted and reported regularly, the Legislature will be better equipped to determine progress toward the goal of improved public safety and thus the success of the program. In addition, BCI submits that certain programming changes would allow for better reporting and measuring of performance.

*Recommendation - Outcome measures* – In consultation with the LFA, direct BCI to develop and annually report on up to 3 key performance measures that better determine success toward desired outcomes.

In addition to changes to what is measured, the Legislature could consider changing BCI’s budget structure to (1) reflect the Legislature’s desired balance of flexibility and accountability; and (2) house current licensing functions at BCI at the Department of Professional Licensing (DOPL).

For example, if the Legislature believes there is too much budget flexibility within BCI in terms of revenue collection and expenditures, the Legislature could structure the budget to limit this flexibility by specifically making BCI its own line item and/or a specific function/program within BCI its own line item. This could allow for more precise and greater detail on revenue and expenditures for BCI as a whole or for specific program and functions.

Another consideration is to house current licensing functions at BCI within DOPL. Because DOPL’s primary responsibility is to process most state-issued licenses, licensing functions at BCI might be better suited if they were housed there as BCI submits that while this is of many important duties, they do not consider it their highest or primary responsibility.

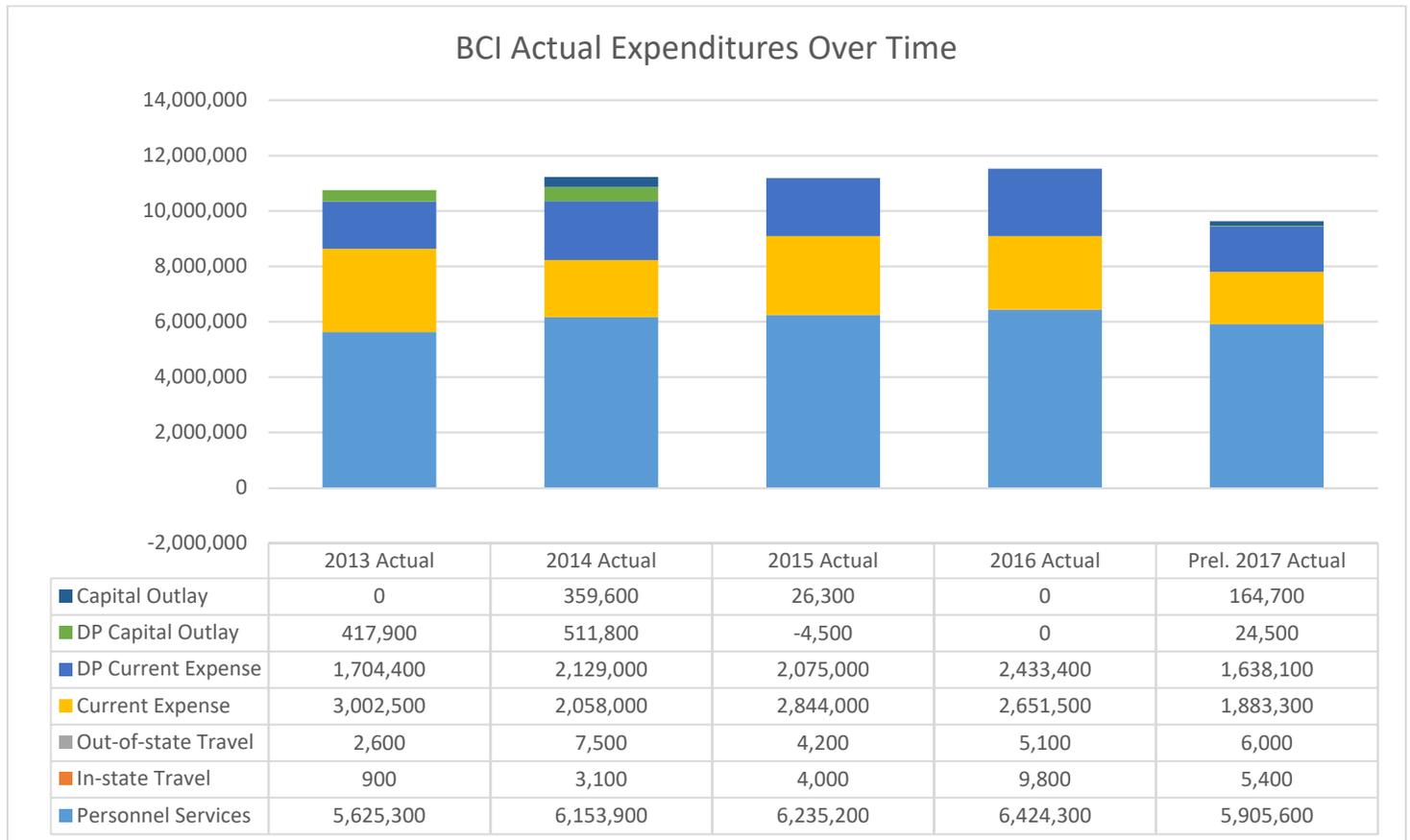
Depending on the desired level of flexibility and accountability and housing certain BCI functions, the Legislature could take the following action:

*Options*

1. *Restructure BCI Budget*
  - a. Make BCI its own line item
  - b. Make a specific function/program within BCI its own line item
  - c. Consider moving BCI licensing functions to another part of the state budget such as the Division of Professional Licensing (DOPL).

## 2. What is the State buying with BCI?

Below are Actual BCI Expenditures over time. In 2017, the largest expenditure category is personnel at \$5.9 million, followed by current expense at \$1.9 million and Data Processing Current Expense at \$1.6 million. Personnel expenditures typically account for more than 50% of total expenditures. From FY 2013 to FY 2016, expenditures increased annually and leveled off in FY 2016, followed by a significant drop in FY 2017. BCI reports that personnel costs make up the majority of total expenditures due to the labor-intensive nature of their work, this includes fingerprinting, processing concealed firearms permits, etc.



DPS gave further insight as to BCI actual expenditures over time:

*These expenditures have remained relatively constant with only increases coming from legislative authorized increases. With the exception of FY 2017 where due to the legislature approving targeted increases of 6.5% for all BCI employees with only 10 percent of the costs coming from General Fund, the decision was made to not replace people when a position became vacant resulting in 15 positions not being filled. This is necessary to try and mitigate these budget expenses in FY 2018. As a result, expenses are less in FY 2017 and will be less in FY 2018 also. Involvement by trained personnel is essential in each of the functions BCI does and cannot be automated. This involves processing fingerprints, analysis of criminal background records to ensure accuracy, field audits, investigations, denials, challenges, phone interaction, help desk with UCJIS issues, etc.*

*In the past, overtime was authorized when the demand for services increased beyond the capacity of the current staff and when funding was available. Changes in the number of authorized full-time employees has remained relatively constant over the past couple of years.*

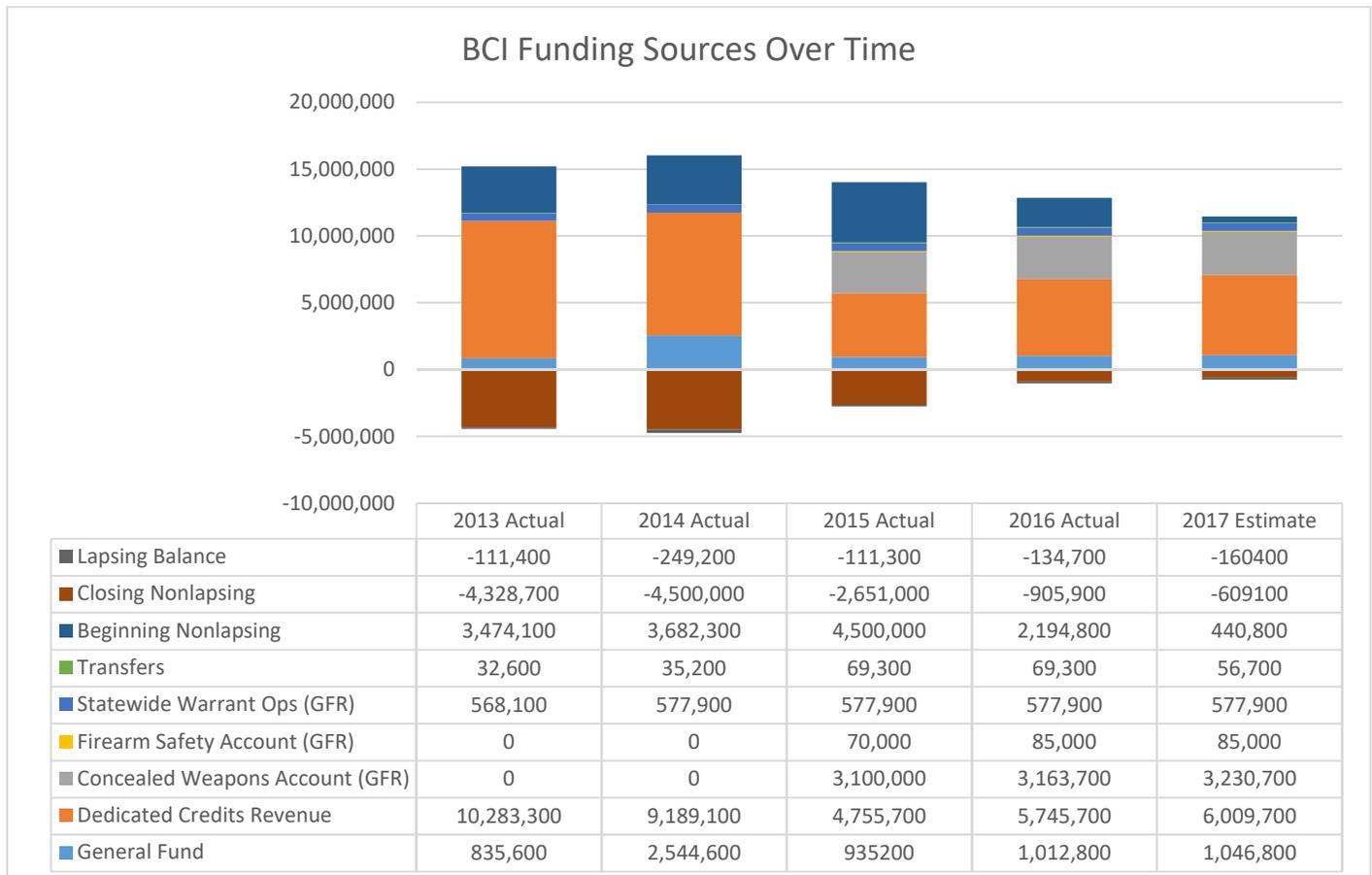
Over this same time period, FTEs reflect BCI’s statements regarding personnel expenditures over time. Personnel expenditures gradually increase and drop in FY 2017.

	2013 Actual	2014 Actual	2015 Actual	2016 Actual	2017 Actual
FTE	100	104	104	106	98

The five largest expenditure categories demonstrated a drop in 2017 of expenditures in response to the funding levels but also in workload such as fewer background checks.

**4. How does the State pay for BCI?**

Below are Actual BCI Funding levels over time. In 2017, the largest funding categories are largely fee-based in the form of Dedicated Credits or restricted funding. Dedicated Credits was the largest category of funding at about \$6.0 million in FY 2017. The Concealed Weapons Restricted Account was the next largest at \$3.2 million followed by the General Fund at approximately \$1.0 million.



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This chart demonstrates that BCI is mostly funded through fees with some fixed funding which raises important questions:

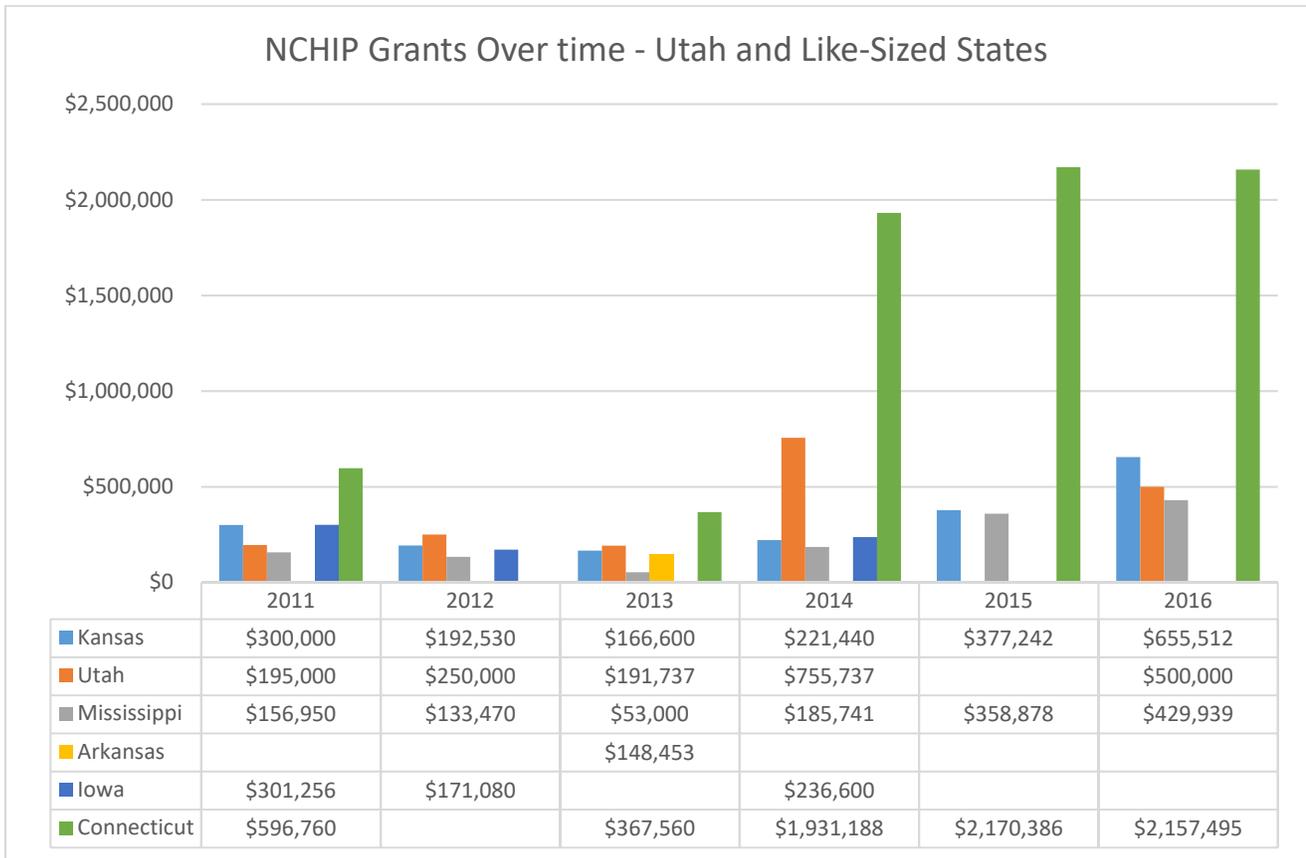
- Is this the right funding mix for BCI?
- If not, what should the funding mix be going forward? For instance, should BCI be more fee-based or more fixed funding (and conversely lower the fees for service)? Similarly, should the Legislature fund BCI with more General Fund and reduce or eliminate fees?
- Should the cost to those benefitting directly from BCI services fees change?

*Recommendation - How to pay for BCI?* The Analyst recommends the Legislature consider how to pay for BCI going forward and make changes accordingly.

*Options - Paying for BCI* - The Legislature could consider the following options:

1. BCI funding structure options:
  - a. Do nothing and keep/affirm current funding structure.
  - b. Charge a fee to those benefitting from BCI services such as law enforcement entities and (such as UCJIS) to cover the cost to provide that service where they are not charged currently. Depending on the fee structure, this could equate to up to \$1,155,400 in General Fund savings.
  - c. Increase certain fees to better align with projected costs such as
    - i. Law Enforcement Inquiries
    - ii. Bail Bondsman Licensing
    - iii. Private Investigator Licensing
  - d. Lower or eliminate fees and replace funding with more General Fund.
  - e. Use More Restricted Fund Revenue/Balances to offset projected costs, including General Fund costs
  - f. Eliminate BCI lower priority programs and funding such as the Suicide Prevention Education/Firearm Safety Program - \$94,800 from the Firearm Safety Account and \$24,800 ongoing and \$40,000 one-time from the General Fund.
  - g. Other/combination of the above options.

*NCHIP Grant* - BCI receives some federal grant awards as part of the National Criminal History Improvement Program (NCHIP) which supports “technical assistance to states and localities to improve the quality, timeliness, and immediate accessibility of criminal history records and related information.” The following chart shows the NCHIP grant history of Utah and other similar sized states:



Regarding this particular federal grant, there are a few issues to consider. First, Utah did not receive any award in 2015. This was a result of improper grant submission. Also, in some cases, the like-sized states listed received more than the State of Utah for this particular federal grant program. Lastly, this grant is reflected in another part of the greater DPS budget structure and would be better reflected within the BCI program.

*Recommendation – Maximize and better reflect NCHIP grant* - Considering these factors above, the Analyst recommends that relevant state entities (BCI and CCJJ) maximize and better reflect NCHIP grant as part of the BCI program. Specifically, the Analyst recommends that:

1. *In consultation with BCI, CCJJ improve grant process to ensure proper grant submission.*
2. *In consultation with BCI, CCJJ ensure that they maximize NCHIP grant awards, including the consideration of grant awards given in other states (like-size and all others).*
3. *Move NCHIP Grant funds related to BCI into the BCI budget structure.*