

Arizona Board of Fingerprinting

Presentation to the Arizona Board of Appraisal
September 19, 2014

Overview

- Background
 - Fingerprinting v. fingerprint clearance cards
 - Precluding offenses
- Good Cause Exceptions
- Questions

Fingerprinting v. Fingerprint Clearance Cards

- “Regular” Fingerprinting
 - Agency receives criminal history record
 - Agency decides how to handle results
 - One-time check (can be repeated)
- Fingerprint Clearance Card (FCC)
 - DPS determines approval or denial
 - Suspensions (file stops and FBI “Rap Back”)
 - Six year period of validity
- Many Programs Require FCCs
 - E.g., nursing-care institutions, health-science students, teachers, real-estate agents
 - Card is portable

Precluding Offenses

- A.R.S. §§ 41–1758.03 (regular cards) and 41–1758.07 (level I cards)
- Subsection B offenses
 - Especially serious crimes
 - Absolutely prohibited from receiving FCC
- Subsection C offenses
 - Range from very serious to relatively minor crimes
 - Prohibited from receiving FCC without Board of Fingerprinting approval (good cause exception)

Good Cause Exceptions

- Is applicant rehabilitated and not a recidivist?
- A.R.S. § 41–619.55 requires Board to consider
 - The extent of the person's criminal record
 - The length of time that has elapsed since the offense was committed
 - The nature of the offense
 - Any applicable mitigating circumstances
 - The degree to which the person participated in the offense
 - The extent of the person's rehabilitation, including:
 - Completion of probation, parole or community supervision
 - Whether the person paid restitution or other compensation for the offense
 - Evidence of positive action to change criminal behavior, such as completion of a drug treatment program or counseling
 - Personal references attesting to the person's rehabilitation
- Board considers substantiated allegations of child or vulnerable-adult abuse or neglect
- Board considers professional-license disciplinary history

Process

- Applicant submits application
- Request criminal-history records from DPS
- Investigator review
- Expedited review (initial Board review)
 - Rehabilitation clear from documents submitted
 - Hearing necessary?
 - No one denied
- Hearing
 - Evidentiary hearing before administrative law judge (Article 6 proceeding)
 - Board hearing

Time (Fiscal Year 2014)

- Total
 - 33.48 days total
 - 19.73 days processing
- Expedited review (initial Board review)
 - 20-day time frame
 - 12.83 days processing (receipt to expedited review)
 - 99.69% within time frame
- Hearing
 - Evidentiary hearing
 - 45-day time frame
 - 34.54 days
 - 100% within time frame
 - Board hearing
 - 80-day time frame
 - 97.66% within time frame

Legal Issues and Differences from Licensure

Issue	Board Approach
<ul style="list-style-type: none">• Burden of proof	<ul style="list-style-type: none">• Must prove rehabilitation to the Board's satisfaction• Applicant rather than agency makes case
<ul style="list-style-type: none">• Voting requirement	<ul style="list-style-type: none">• Supermajority
<ul style="list-style-type: none">• Records	<ul style="list-style-type: none">• Applicant responsible for records• Criminal history and related records• CPS and APS records
<ul style="list-style-type: none">• Judgment	<ul style="list-style-type: none">• One-time assessment• No ongoing monitoring by Board• File stop (DPS)• Focus on crimes, not licensure
<ul style="list-style-type: none">• Crimes	<ul style="list-style-type: none">• No criteria• Explicitly listed in statute

Approval Rate for Fiscal Year 2014

- 2,697 applications received
- 2,714 cases closed
 - 203 closed administratively (7.48%)
 - 92 DPS issued card
 - 12 ineligible
 - 99 withdrew/dropped out
 - 58 denied (2.14%)
 - 2,453 approved (90.38%)

Contact Information

Arizona Board of Fingerprinting

Mail Code 185

PO Box 6129

Phoenix, AZ 85005-6129

info@fingerprint.az.gov

(602) 265-0135

Dennis Seavers

Executive Director

dennis.seavers@fingerprint.az.gov

(602) 265-3747