

Statutory Authority

Participation in the Rap Back programs requires statutory authority. The statute must include the submission of the applicant's fingerprints to the state and the FBI. Section 43.540 RSMo defines the Missouri Rap Back program and affords the Patrol the authority to provide automatic notification to a qualified agency in the event an applicant is arrested for a reported criminal offense in Missouri. This state law also provides authority for enrollment into the national Rap Back program, which enables the automatic notification by the FBI, via the Patrol, to the qualified agency in response to an arrest occurring outside of the state of Missouri. The statute must include the submission of fingerprints to the FBI, which are retained by the FBI and a searched against unsolved latent prints.

History

- In Missouri, the state Rap Back program has been available since July 2016. At that time, the program was limited to the Department of Elementary and Secondary Education and public schools (Section 168.133 RSMo).
- On the national level, Rap Back services became operational in 2014 with Next Generation Identification (NGI) and required specific states have legislation.
- On August 28, 2018, Section 43.540 RSMo allowed Missouri to offer both state and national Rap Back participation to all authorized agencies.
- With the passage of HB 1350, which became Section 43.540 RSMo, Missouri became the third participating state in the national Rap Back program through the NGI system.



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Missouri Rap Back Program



Missouri State Highway Patrol
Criminal Justice Information
Services Division

What Is Rap Back?

The Missouri Rap Back program provides updated Missouri and national fingerprint-based criminal arrest information for individuals licensed, employed with, or otherwise under the purview of an authorized agency. The voluntary program enables enrolled agencies to receive up-to-date criminal history information when an individual is fingerprinted for a criminal offense. Notification occurs automatically for agencies enrolled in the Rap Back program after the process of arrest has been completed. The individual is retained in Rap Back while the applicant is subscribed by their agency. Agencies have the option of enrolling in only the Missouri Rap Back program or the Missouri and national Rap Back programs.

How It Works

An authorized agency enrolls in the Rap Back program(s). Once enrolled, the authorized agency's current licensed personnel, employees, and future applicants will be fingerprinted. These fingerprints are retained and routinely matched against fingerprints submitted for criminal offenses. If the agency is enrolled in Missouri only, the fingerprints will match only against offenses committed in the state. If the agency is enrolled in both Missouri and national Rap Back, the fingerprints will match against offenses committed nationwide.

A Rap Back notification is initiated once a retained set of criminal fingerprints matches against fingerprints belonging to an individual subscribed in Rap Back. This notification is sent to the agency, and further information concerning

the alert may be requested at that time.

Rap Back sends notification for a variety of criminal charges and offenses. For example, notifications are made for all felony offenses, class A misdemeanors, all driving while intoxicated (drug/alcohol), any offense that can be enhanced to a class A misdemeanor or higher for subsequent violations, and ordinance violations comparable to class A misdemeanors or felony offenses (pursuant to Sections 43.503 and 43.506 RSMo). The notification remains active until the individual is unenrolled in Rap Back by the agency. Participating agencies are required to validate Rap Back subscriptions every three years. This validation requirement ensures the individuals enrolled in Rap Back are still under the agency's purview.

Why Rap Back?

Prior to the program's enactment, a background check was conducted only once, occurring at the time of employment. Thus, criminal offenses occurring after licensure/employment began could remain unknown to an organization or agency. This "gap" in information between a licensee/employee's criminal behavior and an employer's knowledge of it could potentially place vulnerable individuals at risk. Consequently, some agencies had to rely on self-reporting by employees or volunteers regarding criminal activity occurring after employment.

The Rap Back program was developed in response to concerns from state and federal agencies regarding the one-time criminal history response for background checks on individuals in positions of trust. The program bridges the gap between current risk and potential risk by providing ongoing propriety checks of those who are entrusted to serve Missouri's most vulnerable populations. Rap Back also alleviates the need to routinely fingerprint applicants/employees if an agency has a requirement to re-fingerprint. Once someone is fingerprinted for an agency, any new arrests will generate an automatic notification. [Section 43.540.6(2)].

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Health care agencies, public and private school personnel, bus drivers, day care and elder care providers, volunteers, licensees, state agencies, and law enforcement agencies are a few entities that are eligible for Rap Back.



John Doe is fingerprinted for a criminal offense.



Criminal fingerprints are matched against applicant fingerprints in Rap Back.



Rap Back Activity Notification on John Doe is generated.



Notification is sent to the appropriate agency or organization.