

# Policy Compliance Review

## Reference Manual



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Fingerprint Based Identification  
Non-Criminal Justice Purposes



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# Preface

The Missouri State Highway Patrol Criminal Justice Information Services (CJIS) Division developed the Policy Compliance Review (PCR) program in the fall 2008 following a requirement by the Federal Bureau of Investigation (FBI) and the National Crime Prevention and Privacy Compact Council (Compact). The PCR program is based on the same guiding principles used by the FBI's National Crime Information Center (NCIC) audit program and is designed to assess agency compliance pertaining to the receipt of criminal history record information obtained through fingerprint submission for non-criminal justice purposes. The CJIS Division conducted the first policy compliance reviews in March 2009 with Missouri state agencies.

The PCR manual provides guidelines for the receipt of criminal history record information obtained for employment or licensing purposes, or pursuant to other authorized use as authorized by state or federal law, for non-criminal justice purposes. The PCR pertains to fingerprint-based criminal history records derived from the systems of the Missouri State Highway Patrol and the United States Department of Justice. The PCR program establishes a quantitative assessment based on review of records and agency policy and procedures for use, dissemination, maintenance, security, and destruction of criminal history record information. The program also will provide concrete information to support developments in future criminal history record information training, program enhancements, management practices, and policy development.

The PCR program is managed by the CJIS Division of the Missouri State Highway Patrol. Programs and qualified entities that may be involved in the PCR process include, but are not limited to the following:

- Missouri Volunteer and Employee Criminal History Service (VECHS) program qualified entities,
- Missouri state agencies,
- Missouri courts,
- Missouri municipalities, and,
- Missouri law enforcement agencies.

The PCR will serve as a tool to verify the appropriate use, dissemination, maintenance, security, and destruction of state and national criminal history record information provided by the Missouri State Highway Patrol for compliance of applicable laws, policies, rules, and regulations set forth in Missouri statute, federal law, and the Generally Accepted Government Auditing Standards (GAGAS).

This manual outlines the PCR process before, during, and after an agency review of state and federal criminal history record information, and will provide a clear perspective on the tasks conducted by the auditors.



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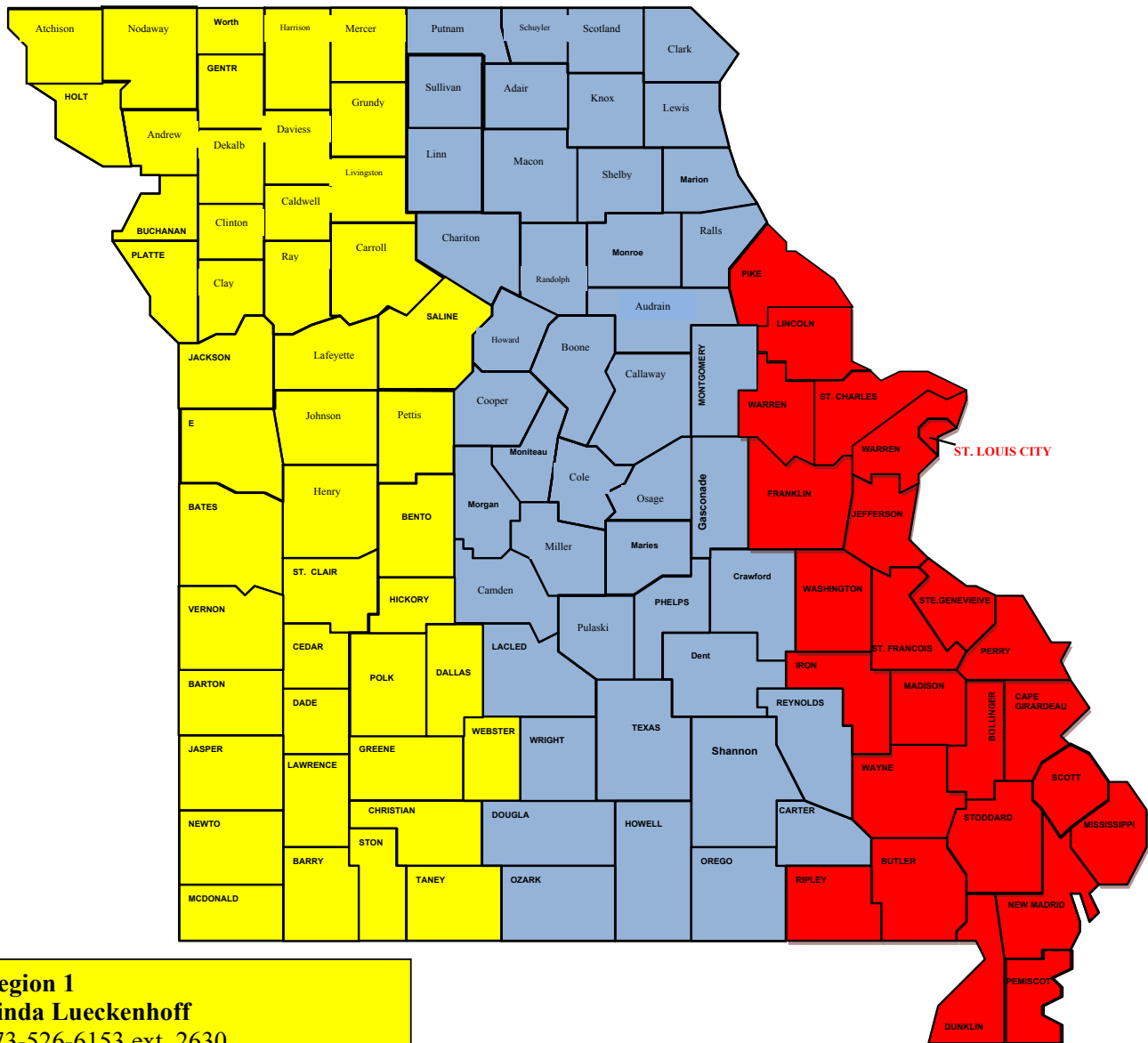
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## **Use Of Criminal History Information**

The use of criminal history record information derived from the systems of the Missouri State Highway Patrol and the United States Department of Justice is determined by state statute or federal legislation. Fingerprint submission is required for receipt of Missouri closed criminal history record information and for the receipt of federal criminal history record information.

Criminal history and identification records obtained from the Missouri State Highway Patrol and the Federal Bureau of Investigation (FBI) shall be used solely for the purpose for which they were obtained. A current record should be requested when needed for a subsequent authorized use; therefore eliminating the chance of using old or out-of-date record information for a new or current purpose.

Employers obtaining state and federal criminal history record information must notify the individuals fingerprinted that the fingerprints will be used to check criminal history record information obtained from the systems of the Missouri State Highway Patrol and the United States Department of Justice or FBI.

Applicants must be afforded the opportunity to complete or challenge the accuracy of the information contained in the record. The applicant also must be advised of procedures for obtaining a change, correction, or updating of a Missouri or federal identification record. If the record is a Missouri record, the applicant may contact the Missouri State Highway Patrol for assistance. If the record was reported by the FBI, guidelines are established in Title 28, Code of Federal Regulations (CFR) Sections 16.30-34. Generally, if the record was reported by the FBI, the applicant should contact the agency that reported the information. Specific procedures are outlined in Title 28 CFR, 16.34.

## **Dissemination Of Criminal History Record Information**

With all authorized dissemination, a dissemination log shall be maintained from the time of authorized dissemination until the agency receives a successful Policy Compliance Review. PCRs are conducted on a triennial basis; therefore, all dissemination logs shall be maintained from the time of the initial PCR until the next PCR cycle.

A dissemination log may be kept in different formats. Some of the general dissemination logs are maintained on a Microsoft Excel spreadsheet. However, a copy of the correspondence that accompanies the record dissemination also may serve as a dissemination log if kept in the applicant file or is accessible to the auditor upon request.

*The log should contain two forms of information for all authorized dissemination. The first part should identify the record being disseminated and should include:*

- The name of the subject of record (last, first, middle initial);
- The date of birth of the subject of record;
- The social security number (optional) of the subject of record;

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- The agency name (qualified entity) releasing the record; and,
  - The date released.

*The second part of the log should indicate to whom the record is being provided and should include:*

- The name of the person requesting the record;
- The requesting agency and address of the requesting agency;
- The purpose for the record request; and,
- Signature of the person signing for the record (if mailing the record, the name, title and address of the authorized recipient).

If the dissemination is for the subject of record, only the subject of record may pick up his/her record. A valid photo ID should be shown prior to release.

*Violations and associated penalties for misuse of dissemination practices are stated in Section 43.532 and Section 43.540 RSMo.*

## **Security Of Criminal History Record Information**

The criminal history record information shall be maintained in a secure records environment. A secure records environment can be a locked or secure area, free from public or unauthorized access. The records also may be kept in a locked file cabinet or safe. The important factor is to ensure limited and controlled access.

Based on a recommendation from the FBI, all personnel having access to criminal history record information should have a state and federal background check conducted prior to having access to confidential record information.

## **Maintenance (Retention) Of Criminal History Record Information**

Criminal history record information may be retained in hard copy format and electronic format. Criminal history record information needs to be retained only for the length of time it is needed. Pursuant to the CJIS Security Policy, the records shall be stored for extended periods of time only when they are key elements for the integrity and/or utility of case files. Therefore, if it is not an agency requirement, the hard copy record information may be destroyed.

Electronic storage of criminal history record information is allowed. For all electronic retained record information, the system which houses the records should be protected with a password or encryption, and with a tracking mechanism, and contain separate file folders within the system in order to prevent unauthorized access to the records.

## **Destruction Of Criminal History Record Information**

Criminal history record destruction should be completed in a manner to ensure that any and all

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confidential or identifying information is no longer attainable. Recommended methods of destruction include shredding or burning.

It is recommended that an agency conduct in-house shredding of criminal history record information or that agency personnel supervise the destruction of the records if an agency uses a contracted vendor. If criminal history record information is allowed outside the controls of the authorized agency, it becomes an outsourcing standard requirement.

**Example 1:** The agency has a contracted destruction service and provides locked bins for the housing of criminal history records to be destroyed. The contractor picks up the bins, and leaves new, empty bins. Is this acceptable? No. This would require an outsourcing standard.

**Example 2:** The agency has a contracted destruction service that provides locked bins for the housing of criminal history records for destruction. The contractor picks up the bins and shreds in view of agency personnel. Is this acceptable? Yes.

**Example 3:** The agency destroys all criminal history record information in-house. The agency keeps the shredded information in a bin for pick up by a contracted vendor. Is this acceptable? Yes.

## **Outsourcing**

Outsourcing incorporates the process of a third party to perform non-criminal justice administrative functions relating to the processing of criminal history record information (CHRI) maintained in the Interstate Identification Index (III), subject to appropriate controls, when acting as an agency for a governmental agency or other authorized recipient of CHRI.

The Compact Council published a Final Rule in the Federal Register regarding a Security and Management Control Outsourcing Standard, which became effective December 15, 2005. The goal of the Outsourcing Standard is to permit the outsourcing (delegation of non-core operations from internal production to an external entity specializing in the management of that operation) of non-criminal justice functions related to processing criminal history record information from III. The Outsourcing Standard permits a governmental agency or other authorized recipient of criminal history record information to select a private or governmental agency to perform these non-criminal justice administrative functions on behalf of the governmental or authorized agency, subject to appropriate controls.

The Outsourcing Standard establishes minimum standards to ensure that security and privacy requirements are satisfied when conducting FBI criminal history records checks for non-criminal justice purposes. The contracting parties may not reduce these minimum standards; however, they may adopt more strict standards than required. To ensure agencies follow these minimum standards, the Outsourcing Standard provides that contracts and agreements authorized by this rule “shall incorporate by reference a Security and Management Control Outsourcing Standard approved by the Compact Council after consultation with the United States Attorney General”. This document is for

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contractors having access to criminal history record information on behalf of an authorized recipient for non-criminal justice purposes as well as contractors that only pass or channel non-criminal justice criminal history record check requests and results between the authorized recipient and the FBI.

The Outsourcing Standard identifies duties and responsibilities for adequate security controls between the authorized recipient and the contractor in order to maintain the security, accuracy, and reliability of the III system and criminal history record information. Missouri governmental agencies that obtain national criminal history record checks for non-criminal justice purposes under an approved Public Law 92-544 statute may utilize the Compact Council's Outsourcing Standard to permit a contractor or contractors to perform the administration of non-criminal justice functions associated with national criminal history records on behalf of the authorized government recipient. This includes forwarding the FBI record to a third party subcontractor to determine employment or licensing eligibility at the lowest agency level.

For more information on the Outsourcing Standard, please contact the state compact officer at the following address: Captain Timothy P. McGrail, director, Criminal Justice Information Services Division, Missouri State Highway Patrol, 1510 E. Elm Street, P. O. Box 9500, Jefferson City, Missouri 65102.

### **Fingerprint Submission – Chain Of Custody**

The National Crime Prevention and Privacy Compact Council (Compact Council) is a 15-member body of local, state, and federal governmental officials, which prescribes system rules and procedures for the effective and proper operation of the Interstate Identification Index (III) for noncriminal justice purposes.

In recent years, the demand for fingerprint-based background checks for noncriminal justice purposes has increased. Fingerprinting agencies and contractors alike have expressed concern that applicants with a criminal history record may have someone pose as the applicant for fingerprinting purposes. Based on the Compact Council's Best Business Practice, it is recommended to request and obtain photographic identification when capturing an individual's fingerprints. Do not provide the fingerprint card to the applicant to submit, as the applicant could alter the card.

### **Primary And Secondary Identification**

Currently, most agencies request some type of photo identification card as one method for verifying an individual's identity. The Compact Council suggests agencies accept only current, valid, and unexpired picture identification documents. As a primary form of picture identification, an applicant may present a state-issued driver's license, which meets the requirements of Public Law 109-13, when being fingerprinted. However, in the absence of the driver's license, applicants may provide one or more secondary documents including:

- A State Identification Card (if the state's identification card standards are the same as for the driver's license);
- State Government Issued Certificate of Birth;

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- U.S. Active Duty/Retiree/Reservist Military Identification Card (000 10-2);
  - U.S. Passport;
  - Federal Government Personal Identity Verification Card (PIV);
  - Department of Defense Common Access Card;
  - U.S. Tribal or Bureau of Indian Affairs Identification Card;
  - Social Security Card;
  - Court Order for Name Change/Gender Change/Adoption/Divorce
  - Marriage Certificate (Government Certificate Issued);
  - U.S. Government Issued Consular Report of Birth Abroad;
  - Foreign Passport with Appropriate Immigration Document(s);
  - Certificate of Citizenship (N560);
  - Certificate of Naturalization (N550);
  - INS I-551 Resident Alien Card issued since 1997;
  - INS I-688 Temporary Resident Identification Card; or,
  - INS I-688B, I-766 Employment Authorization Card.

### **Secondary Identification Data Support Documents**

When validating the authenticity of secondary identification documents and forms, the data and information may be supported by at least two of the following:

- Utility bill (address),
- Jurisdictional Voter Registration Card,
- Vehicle Registration Card/Title,
- Paycheck stub with name/address,
- Jurisdictional Public Assistance Card,
- Spouse/Parent affidavit,
- Canceled check or bank statement, or,
- Mortgage documents.

When an agency has a reason to believe an applicant has presented fraudulent information, agency personnel should contact local law enforcement. No attempt should be made to detain or pursue the person.

### **Suggested Chain Of Custody Procedures**

An agency may employ a process to protect the integrity of the applicant's fingerprints when they are forwarded to the state's central repository. The following information provides a guide to developing a chain of custody process:

- Establish provisions for the agency to manage both manually and electronically captured fingerprints.
- Establish an agency tracking system (applicant log) using the employee's name or some other method for identifying the individual capturing the fingerprints and verifying the applicant's identity.

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- Establish procedure that documents the type of identification used by the applicant.
  - Establish procedures that use specially sealed envelopes, agency specific stamps, etc., for the agency to use when forwarding the applicant's manual fingerprint card.
  - Implement the use of forms, which may include the:
    1. Date of fingerprinting,
    2. Reason for fingerprinting,
    3. Printed name, signature, and/or identification number of the employee taking the fingerprints,
    4. Name of the employee's supervisor,
    5. Supervisor's signature,
    6. Address of agency to receive fingerprints,
    7. Name of agency and physical address where fingerprinting was performed,
    8. Type of fingerprint capture (i.e. ink, live scan) and,
    9. Applicant's disclosure information.

## **Recording Legible Fingerprints**

### **Introduction To Recording Legible Fingerprints**

The FBI's Integrated Automated Fingerprint Identification System (IAFIS) is the largest biometric database of criminals in the world. Clear, legible fingerprints form the foundation of the Fingerprinting Master File, which continues to grow by approximately 13,000 records each day. Agencies submitting fingerprints to the FBI should be aware of the proper procedures for recording fingerprints. The following information will assist agencies in obtaining fingerprints that meet FBI standards.

### **Fingerprint Impression Types**

#### **Type 4**

Rolled impressions are the 10 individually taken fingerprint images rolled from nail to nail. The plain impressions are used to verify the sequence and accuracy of the rolled impressions.

#### **Type 14**

Identification flat impressions are taken simultaneously without rolling. These are referred to as plain, slap, or flat impressions. The individual's right and left four fingers should be captured first, followed by the two thumbs (4-4-2 method). Instituting this finger capture method ensures the highest level of fingerprint sequence accuracy.

### **Basic Fingerprint Equipment**

Fingerprints can be recorded utilizing the following methods:



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**Standard Fingerprint Card (FD-249 and FD-258)** – Use ink to record fingerprint images on standard fingerprint cards.

**Live Scan** – Fingerprint images can be submitted electronically using a live scan device. Electronic fingerprinting equipment should be properly maintained at all times. For a list of certified devices, please refer to the FBI Certified Products List at [www.fbibiospecs.org](http://www.fbibiospecs.org).



***LOOP***

*In a loop pattern, the ridges enter from either side, re-curve, and pass out or tend to pass out the same side they entered.*



***WHORL***

*In a whorl pattern, the ridges are usually circular.*



***ARCH***

*In an arch pattern, the ridges enter from one side, make a rise in the center, and exit generally on the opposite side.*

**Fingerprinting Process**

1. The recommended height for recording legible fingerprints is approximately 39 inches from the floor. This allows the forearm of an average adult to be parallel with the floor. This is the recommended position to record fingerprints.
  - a. Soap and water are preferred; however, rubbing alcohol may be substituted.
  - b. If hands are moist, wipe each finger with rubbing alcohol. If hands are dry or flaky use a small amount of hand lotion and wipe off any residue.
  - c. If capturing fingerprints electronically, ensure the live scan fingerprint device is properly calibrated and the platen is free of dust, dirt, and any residual fingerprint images.
2. The individual's hands should be cleaned prior to printing.
3. Instruct the individual to look away from the fingerprint device, not to assist in the fingerprint process, and to relax. Grasp the individual's right hand at the base of the thumb with your right hand. Cup your hand over the individual's fingers, tucking under those fingers not being printed. Guide the finger being printed with your left hand.
4. If using the ink and paper method, roll the finger on the inking plate or pad so the entire fingerprint pattern area is evenly covered with ink. The ink should cover from one edge of the nail to the other and from the crease of the first joint to the tip of the finger. Using the correct amount of ink is vital.

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5. When taking the rolled impression, the side of the finger bulb is placed upon the card or platen. The finger is then rolled to the other side until it faces the opposite direction. Care should be exercised so the bulb of each finger, from tip to below the first joint, is rolled evenly. Generally, the weight of the finger is the maximum pressure needed to clearly record a fingerprint. In order to take advantage of the natural movement of the forearm, the hand should be rotated from the more difficult position to the easiest position. This requires the thumbs be rolled toward and the fingers away from the center of the individual's body. Roll each finger from nail to nail in the appropriate space, taking care to lift each finger up after rolling to avoid smudging.
  6. When using the ink and paper method and a rolled impression is not acceptable, you may use an adhesive retab to cover the fingerprint in its space. (Only two retabs can be applied to each fingerprint block.) For live scan, the image should be deleted and retaken.
  7. For a Type 4, plain impressions are typically printed last. The technician simultaneously presses the individual's four fingers (of the right hand), keeping the fingers together on the surface of the card or live scan device (at a 45-degree angle) to capture all four fingers in the allotted space. Repeat this process for the left hand and then print both thumbs. Type 14 capture protocol requires the technician to simultaneously press the individual's four fingers on the surface of the live scan device at a 90-degree vertical angle. Care should be taken to capture all fingers in the allotted space. Repeat this process for the left hand and then print both thumbs simultaneously (4-4-2 method). Capturing all fingers and thumbs in a vertical position improves finger segmentation software accuracy.
  8. Complete all required textual information. It is important to enter the appropriate data in all fields when known.

### **Special Circumstances**

#### *Deformed or missing fingers:*

If the finger is deformed, every attempt should be made to record the fingerprint in both the rolled and plain impression blocks. A postmortem kit, which is more commonly known as a spoon, can be utilized to assist in recording these images. If unable to record the image, simply place a notation in the fingerprint block (deformed, webbed) or electronically apply the Unable to Print (UP) code in data field 2.084.

Missing fingers are fingers physically present but cannot be recorded at the time of capture due to injury. Each missing finger should be designated via a notation in the fingerprint block (bandaged, injured, crippled, paralyzed) or electronically apply the UP code in data field 2.084.

#### *Fully amputated fingers:*

An amputated finger occurs when the finger's first joint is no longer physically present. Amputated fingers should be designated via a notation in the fingerprint block (amp, missing at birth, severed) or electronically apply the amputated (XX) code in data field 2.084.



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### *Tip-amputated fingers:*

If a portion of the first joint is present, record the available fingerprint pattern area in both the rolled and plain impression blocks.

### *Extra fingers:*

When fingerprinting an individual with an extra finger, record only the thumb and the next four fingers. Do not record the extra finger as either a rolled or plain impression.

### *Scarred fingers:*

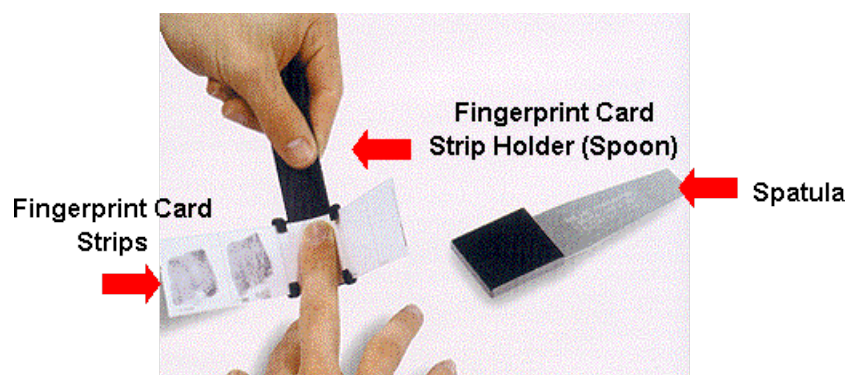
Record scarred fingers in both the rolled and plain impressions without a notation.

### *Worn fingerprints:*

An individual, by the nature of their work or age, may have very thin or worn ridges in the pattern area. Apply light pressure and use very little ink to record these types of fingerprint impressions. A technique known as “milking the finger” can be used to raise the fingerprint ridges prior to printing. This technique involves applying pressure or rubbing the fingers in a downward motion from palm to fingertip.

## **How To Use The Fingerprint Spoon**

1. Place a fingerprint card strip in the fingerprint card strip holder (spoon).
2. Using the spatula, ink the finger (starting with the right hand) and be sure to apply ink from nail to nail.
3. Place the inked finger on the fingerprint card strip holder (curved area) and press down. Do not roll the finger. The curved shape of the hold will serve the same purpose as rolling the finger.
4. Cut out the finger block from the card strip and paste in the corresponding block on the standard fingerprint card.
5. Repeat these steps for each of the remaining fingers. Be sure to record the correct finger in the correct finger block.



**Please note:** A strip of fingerprint retabs can be substituted for the fingerprint card strip.

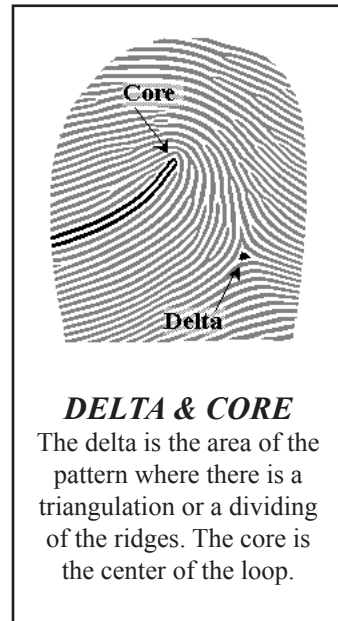
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## **Quality Checklist**

To verify that the fingerprint impressions meet the FBI's requirements, please use the following checklist:

1. Is there a fingerprint impression in each finger block? If there is a missing fingerprint impression, is there a reason noted in the finger block (amp, missing at birth, unable to print)?
2. Are the fingerprints rolled fully, from nail to nail?
3. If the fingerprint impression is a loop, are the delta and core present?
4. Are the fingerprint impressions clear and distinct?
5. Are the fingerprint impressions uniform in tone and not too dark or light?
6. Are the four finger impressions and a thumb impression in the plan impression block for each hand?
7. Are the rolled fingerprint impressions in the correct finger blocks when compared to the plain impressions?

**Please note:** If using live scan equipment to capture fingerprint impressions, it is important to clean the equipment regularly and calibrate routinely per the manufacturer's guidelines, to ensure the quality and integrity of the fingerprint images.



*For more information about recording legible fingerprints visit the FBI website at [www.fbi.gov/hq/cjisd/ident.htm](http://www.fbi.gov/hq/cjisd/ident.htm).*

## **MSHP Fingerprint Submission Procedures**

Fingerprint services for the public are available throughout Missouri primarily through law enforcement agencies. In addition to these agencies, Missouri has contracted with an independent vendor with electronic submission capabilities in order to expedite applicant requests. For best results and to minimize rejections of submitted fingerprints, it is recommended that one of the following agencies be contacted for assistance with fingerprinting needs.

- The MSHP Public Window is located at General Headquarters Annex Building, 1510 East Elm Street, in Jefferson City, Missouri, and is open to the public Monday through Friday from 8 a.m. to 5 p.m. daily. State and federal holidays are observed; therefore, record checks will not be available on those days. Requests submitted in person at the Patrol's Public Window for a Missouri state search based on personal identifiers (name-based) or fingerprints can be processed within approximately 30 minutes. In addition to the Patrol's Public Window for fingerprinting needs, there are nine MSHP troop locations that may assist with fingerprint needs for manual submission. Fingerprints must be taken on the FBI standardized applicant fingerprint card (FD-258).

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- County sheriff departments and local police departments throughout the state of Missouri may also assist the public with fingerprint needs. Although several law enforcement agencies have access to a live scan (electronic) devices, they are not permitted to transmit applicant background checks for the public, unless the request is for a conceal and carry endorsement or for a registration requirement of a convicted sex offender. The law enforcement agency may use the live scan device in lieu of ink fingerprinting to capture the required information; however, the card must be printed and the applicant must mail the card with appropriate fees to the MSHP.
  - Electronic Fingerprint Submission through the state contracted electronic fingerprint vendor. Please refer to the Missouri Applicant Processing Services “Applicant User Guide” for electronic submission procedures, located in the Appendix section in the back of this manual.

### **Fingerprint Card (FD-258) And Fees**

- State Fee, pursuant to Section 43.530 RSMo is currently \$20.00 per applicant submission.
- FBI Fee, pursuant to Federal Register, is currently \$16.50 per applicant submission or \$15.00 if the applicant is a volunteer. FBI criminal history obtained through the MSHP is restricted to authorized recipients.
- Electronic Fingerprint Vendor Fee: \$8:30.
- If using the electronic fingerprint vendor, the personal information and fingerprints are captured electronically and transmitted to the MSHP for processing. The vendor charges a service fee of \$8.30 for each applicant submission. Therefore, for a state only search the fee will be \$28.30. For a search of both the state and FBI criminal history records the fee is \$44.80 or \$43.30 if the applicant is a volunteer. All fees are payable to the vendor. A valid photo ID is required at the time of fingerprinting.
- If using the Patrol’s Public Window, the personal information and fingerprints are captured electronically. For a state only search, the fee is \$20 and for a search of both the state and FBI the fee is \$36.50 or \$35.00 if the applicant is a volunteer. The Patrol does not charge the applicant for fingerprinting services. All fees are payable at the time of fingerprinting unless prior billing arrangements have been made. Valid photo identification is required at the time of fingerprinting.
- If mailing fingerprints to the MSHP, the standard fingerprint card (FD-258) must be completed. The personal identifying information on the upper portion of the card may be typed or written legibly. Rolled impressions of all 10 fingerprints and impressions of all 10 fingerprints taken simultaneously (these are sometimes referred to as plain or flat impressions) are placed on the lower portion of the card. If possible, the fingerprints should be taken by a fingerprinting technician or by law enforcement personnel trained in the proper techniques of taking legible fingerprints. Mailed fingerprint cards should be sent to: MSHP, CJIS Division, P.O. Box 9500, Jefferson City, MO 65102-9500. Check or money order is required, payable to the “Criminal Record System Fund”. The Patrol’s Public Window will also accept credit or debit cards; however, cash is not accepted.
- The federal (FBI) background check, along with the Missouri (state) background check, is only authorized by qualified entities. The reason fingerprinted (authorization) must be clearly stated in the “reason fingerprinted” section of the fingerprint card. If the applicant is a volunteer, the word “volunteer” must be included next to the appropriate reason fingerprinted. Generally, the

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reason fingerprinted will reference a Missouri state statute or for Missouri VECHS entities, it will reference federal legislation, i.e., NCPA/VCA, Adam Walsh Act or Serve America Act.

## **State And Federal Regulations Regarding The Use Of Criminal History Record Information (CHRI)**

The non-criminal justice use of criminal history record information PCR is based on the following **federal** guidelines, where applicable:

- Title 5, United States Code (U.S.C.), Section 552, the Freedom of Information Act, requires the records to be accurate, complete, timely, and relevant.
- Title 28, U.S.C., Section 534, authorizes dissemination of CHRI, and provides that access to CHRI is subject to cancellation if dissemination is made outside of the authorized recipient.
- Title 5, U.S.C., Section 552a, the Privacy Act, requires that agencies maintain a system of records which establish appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of records.
- Title 42, U.S.C., Chapter 140, Subchapter II, Section 14616, the National Crime Prevention and Privacy Compact (Compact), established the Compact Council, which is authorized to establish rules, procedures, and standards for the use of Interstate Identification Index (III) for non-criminal justice purposes. Determining compliance includes, but is not limited to, assessing participation requirements, the continual maintenance, and the security of CHRI.
- Title 28, Code of Federal Regulations (CFR), 20.30, cites the administration of criminal justice shall include criminal identification activities, and the collection, storage, and dissemination of CHRI.
- Title 28, CFR, 20.33 (a)(2), authorizes the dissemination of CHRI contained in the III to federal agencies authorized to receive it pursuant to federal statute or Executive Order (E.O.)
- Title 28, CFR, 20.33 (a)(3), authorizes the dissemination of CHRI contained in the III for use in connection with licensing or employment, pursuant to Public Law (Pub.L.) 92-544, 86 Stat. 1115, or other federal legislation, and for other uses for which dissemination is authorized by federal law.
- Title 28, CFR, 20.33(d), cites that criminal history records received from the III System or the FIRS shall be used only for the purpose requested and a current record should be requested when needed for a subsequent authorized use.
- Title 28, CFR, 50.12 (b), references the exchange of FBI identification records obtained under this authority may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.
- Title 28, CFR, 50.12 (b), references that officials at the governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI.
- Title 28, CFR, 50.12 (b), references that the officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record. These officials also must advise the applicants that procedures for obtaining a change, correction, or updating of an

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FBI identification record are set forth in Title 28, CFR, 16.34. Officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so.

- Title 28, CFR, Part 906, Outsourcing of Non-criminal Justice Administrative Functions, amends the dissemination restrictions of 28 CFR 50.12 (b), by permitting the outsourcing of non-criminal justice criminal history record checks to either another governmental agency or a private contractor acting as an agent for the authorized receiving agency. Published as a final rule on December 15, 2005, this rule also established the standards, entitled the Security and Management Control Outsourcing Standard (Outsourcing Standard), that must be followed for an agency to outsource these functions.
- Title 28, CFR, Part 906, the Outsourcing Standard, requires contractors to maintain a security program consistent with federal and state laws, regulations, and standards, as well as, rules, procedures, and standards established by the Compact Council and the United States Attorney General. The Outsourcing Standard identifies the duties and responsibilities with respect to adequate internal controls within the contractual relationship, so that the security and integrity of the III System and criminal history information are not compromised. The security program shall include consideration of site security, dissemination restrictions, personnel security, system security, and data security.
- Title 28, CFR, Section 16.34, if, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections, or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.
- Title 42, U.S.C., Section 14611-14616, Congress finds that -- (1) both the Federal Bureau of Investigation and state criminal history record repositories maintain fingerprint-based criminal history records; (2) these criminal history records are shared and exchanged for criminal justice purposes through a federal-state program known as the Interstate Identification Index System; (3) although these records also are exchanged for legally authorized, noncriminal justice uses, such as governmental licensing and employment background checks, the purposes for and procedures by which they are exchanged vary widely from state to state; (4) an interstate and federal-state compact is necessary to facilitate authorized interstate criminal history record exchanges for noncriminal justice purposes on a uniform basis, while permitting each state to effectuate its own dissemination policy within its own borders; and (5) such a compact will allow federal and state records to be provided expeditiously to governmental and nongovernmental agencies that use such records in accordance with pertinent federal and state law, while simultaneously enhancing the accuracy of the records and safeguarding the information contained therein from unauthorized disclosure or use.



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The non-criminal justice use of criminal history record information PCR is based on the following Missouri Revised Statutes' (RSMo.) guidelines, where applicable:

- Sections 43.530, 43.532, 43.535, 43.540, 43.543, 43.546, and 43.547 RSMo. (Highway Patrol, State);
- Section 67.1818 RSMo. (Political Subdivisions, Miscellaneous Powers);
- Section 168.133 RSMo. (Personnel, Teachers, and Others);
- Sections 210.025, 210.482, 210.487 RSMo. (Child Protection and Reformation);
- Sections 313.220, 313.810 RSMo. (Licensed Gaming Activities);
- Section 571.101 RSMo. (Weapons Offenses);
- Section 590.060 RSMo. (Peace Officers, Selection, Training, and Discipline); and,
- Section 621.045 RSMo. (Administrative Hearing Commission).

### **Public Law (Pub.L.) 92-544**

Pursuant to Public Law (Pub.L.) 92-544, the FBI is empowered to exchange identification records with officials of state and local governments for purposes of licensing and employment if authorized by a state statute which has been approved by the Attorney General of the United States. The Attorney General's approval authority is delegated to the FBI by Title 28, CFR, Section 0.85(j). The standards employed by the FBI in approving Pub. L. 92-544 purposes have been established by a series of memoranda issued by the Department of Justice (DOJ), Office of the General Counsel (OGC), Access Integrity Unit (AIU). The standards are:

- The authorization must exist as the result of legislative enactment or its functional equivalent;
- The authorization must require fingerprinting of the applicant;
- The authorization must, expressly or by implication, authorize use of FBI records for screening of the applicant;
- The authorization must not be against public policy; and,
- The authorization must not be overly broad in its scope and must identify the specific category of applicants and/or licensees.

*Additionally,*

- The fingerprint submission must be channeled through the State Identification Bureau (SIB) for forwarding to the FBI (in Missouri, this is the Missouri State Highway Patrol);
- The states must designate a governmental agency to be responsible for receiving and screening the results of the record check to determine an applicant's suitability for employment and/or licensing;
- The results of the record check cannot be released outside the receiving governmental department or related governmental agency; and,
- Processing fees are either by direct payment or billed to the SIB (Missouri State Highway Patrol) depending on arrangements made between the FBI and the SIB, such as the execution of a Memorandum of Understanding (MOU) for billing.

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*Emergency III Name-based Background Checks Approved By The Compact Council (Non-User Fee)*

- Officials of state or local governmental with a child-placement statute approved under Pub. L. 92-544 and officials of a federal law enforcement agency for a federal agency responsible for the placement of children to conduct background checks on the temporary custodian with whom a child is being placed and all adults residing in the home of the custodian. (The III name-based checks must be followed by non-criminal justice user-fee fingerprint submissions within a time frame specified by the Compact Council.) [Pub. L. 92-544; Title 28, U.S.C., Section 534, Note; the Compact, Title 42, U.S.C., Section 14611-14616; Title 28, CFR, Part 901]
- Officials of the DHS, Federal Emergency Management Agency (FEMA) to conduct pre-employment background checks on emergency workers hired by FEMA to assist in recovery efforts as a result of national disasters or other catastrophic emergencies. (The III name-based checks must be followed by non-criminal justice user-fee fingerprint submissions within a time frame specified by the Compact Council.) [Title 28, U.S.C., Section 534; E.O. 10450; The Compact, Title 42, U.S.C., Section 14611-14616; Title 28, CFR, Part 901]

### **Privacy Statement**

The responsibility of notification (authority to collect and potential use of the information) lies with the agency collecting the fingerprints. Civil information is often collected on FBI applicant cards (FD-258), which are provided to authorized agencies in support of federal criminal history checks. The FD-258 fingerprint card is generally used for civil purposes, and the Privacy Act statement on the back of the card has been updated (June 2, 2010) as follows:

**Authority:** The FBI's acquisition, preservation, and exchange of information requested by this form is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include numerous federal statutes, hundreds of state statutes pursuant to Pub.L. 92-544, presidential executive orders, regulations, and/or orders of the attorney general of the United States, or other authorized authorities. Examples include, but are not limited to: 5 U.S.C. 9101; Pub.L. 94-29; Pub.L. 101-604; and Executive Orders 10450 and 12968. Providing the requested information is voluntary; however, failure to furnish the information may affect timely completion or approval of your application.

**Social Security Account Number (SSAN):** Your SSAN is needed to keep records accurate, because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks federal agencies to use this number to help identify individuals in agency records.

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**Principal Purpose:** Certain determinations, such as employment, security, licensing, and adoption, may be predicated on fingerprint-based checks. Your fingerprints and other information contained on (and along with) this form may be submitted to the requesting agency, the agency conducting the application investigation, and/or the FBI for the purpose of comparing the submitted information to available records in order to identify other information that may be pertinent to the application. During the processing of this application, and for as long hereafter as may be relevant to the activity for which this application is being submitted, the FBI may disclose any potentially pertinent information to the requesting agency and/or to the agency conducting the investigation. The FBI may also retain the submitted information in the FBI's permanent collection of fingerprints and related information, where it will be subject to comparisons against other submissions received by the FBI. Depending on the nature of your application, the requesting agency and/or the agency conducting the application investigation also may retain the fingerprints and other submitted information for other authorized purposes of such agency(ies).

**Routine Uses:** The fingerprints and information reported on this form may be disclosed pursuant to your consent, and also may be disclosed by the FBI without your consent as permitted by the Federal Privacy Act of 1974 (5 USC 552a(b)) and all applicable routine uses as may be published at any time in the Federal Register, including the routine uses for the FBI Fingerprint Identification Records System (Justice/FBI-009) and the FBI's Blanket Routine Uses (Justice/FBI-BRU). Routine uses include, but are not limited to, disclosures to: appropriate governmental authorities responsible for civil or criminal law enforcement, counterintelligence, national security, or public safety matters to which the information may be relevant; to state and local governmental agencies and nongovernmental entities for application processing as authorized by federal and state legislation, executive order, or regulation, including employment, security, licensing, and adoption checks; and as otherwise authorized by law, treaty, executive order, regulation, or other lawful authority. If other agencies are involved in processing this application, they may have additional routine uses.

**Additional Information:** The requesting agency and/or the agency conducting the application investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the federal executive branch also has published notice in the Federal Register describing any system(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).

### **Related Agency Doctrine**

The CJIS Security Policy defines "Related Agency Doctrine" as "a legal principal providing for the re-dissemination of criminal history record information by an authorized recipient. The doctrine applies to agencies or qualified entities that have a commonality of purpose and (typically) congruent responsibility, authorized by federal statute or executive order, or approved state statute pursuant to Pub. L. 92-544. Qualified entities authorized to receive the criminal history record information



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can exchange that information with each other for the authorized purpose originally requested.” The agencies must have a unity of purpose and, typically, concurrent regulatory responsibility.

## **Penalties For Unauthorized Disclosure**

Title 28, U.S.C., Section 534, Pub. L. 92-544 and Title 28, CFR, 20.33(b), provide that the exchange of records and information is subject to CANCELLATION if dissemination is made outside the receiving departments or related agencies. Furthermore, depending upon the nature of the offense and the identity of the offender, federal or state crimes may be charged for the willful, unauthorized disclosure of CHRI. Depending on the authority to which the CHRI was authorized for dissemination, penalties may be different according to the authority.

Section 43.540 RSMo., makes reference that all criminal history record information is confidential and any person who discloses the information beyond the scope allowed is guilty of a Class A misdemeanor.

## **Agency PCR Preparation**

An auditor with the CJIS Division will be assigned to oversee the agency review process and is the point of contact (POC) between the MSHP and the agency during the current review cycle.

A notification letter along with a questionnaire will be mailed to the agency approximately 45 - 60 days prior to the estimated on-site PCR. The agency should review, complete, and return the questionnaire to the CJIS Division in a timely manner. The information provided from the completed questionnaire will assist the auditor in ascertaining the internal processes of the agency regarding the use, dissemination, maintenance, destruction, and security of the criminal history record information provided to the entity. Upon receipt of the questionnaire, the auditor reviews and contacts the agency POC to schedule an on-site PCR. It is important to note that any specific areas that an agency may wish to address during the PCR process should be conveyed to the auditor during this time. The auditor has the flexibility to alter the process at this point in order to address various CHRI-related concerns and/or questions from the agency.

## **Agency Administrative Interview (On-Site Visit)**

During the administrative interview, the auditor will meet with the agency POC and review the responses provided on the questionnaire. Generally, any concerns or points of interest that the auditor may need addressed will be covered during this time.

The following topics are discussed during the PCR:

1. Point of Contact
2. Use of criminal history information
  - Legal authority;
  - Fingerprint submission information;

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3. Dissemination of criminal history record information
    - Outsourcing;
    - User Agreement, if applicable;
    - Waiver Agreement and Statement, if applicable.
  4. Security of criminal history record information.
    - Physical security
    - Personnel (personnel having access to CHRI)
  5. Maintenance of criminal history record information
  6. Destruction process, if applicable, of criminal history records

### **Agency Criminal History Record Review**

The auditor reviews a predetermined random number of CHRI received by an agency based on a statistical sampling method. The auditor will document each discrepancy found during the CHRI quality review, if any, using a standard record form.

*Examples of error types include:*

1. *Unauthorized* — CHRI should not have been requested and/or received — no substantiating documentation as to employment or volunteer status, dissemination error, disseminated or shared with unauthorized entities.
2. *Unsecured* — CHRI filed or maintained in a non-secure location.
3. *Undocumented* — CHRI missing, dissemination log missing, waiver missing.

### **Agency Exit Briefing**

The purpose of the exit briefing is to present a summary of findings to the agency at the conclusion of the PCR. The agency POC or other designated agency representative must be present for the exit briefing. The summary will be an overview of the general findings of the review and should not be considered the official outcome of the PCR. Any communications between the agency POC and auditor during the summary exit briefing will be well documented for inclusion into the official findings.

The official findings and recommendations will be compiled upon the auditor's return. Generally, the final PCR results will be mailed to the agency POC within 30 days after the on-site visit. All discrepancies noted by the auditor, along with cumulative and discrepancy totals, will be included. The agency will have an opportunity to review the audit findings and either agree or disagree.

Each agency satisfying the state compliance standards will be scheduled for future PCRs on a triennial basis.

If an agency has failed compliance standards, a follow up PCR will be conducted within 30 to 90 days of the initial PCR. The follow up PCR will include a new sampling of records and will generally address the previous areas of non-compliance.

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## **PCR Survey Form**

Along with the final report, the agency will receive a PCR survey form. The survey form provides the agency with the opportunity to rate the PCR process and provide any suggestions or comments. The completion of the survey will assist the CJIS Division in accomplishing the following goals:

- Obtain information and/or opinions from the evaluated agency of the PCR process.
- Establish and maintain a line of communication between MSHP and non-criminal justice entities/agencies regarding CHRI.
- Identify areas in the PCR process that may need improvement.



# ACRONYMS

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CFR	Code of Federal Regulations
CHRI	Criminal History Record Information
CJIS	Criminal Justice Information Services
FBI	Federal Bureau of Investigation
FIRS	Fingerprint Identification Record System
GAGAS	Generally Accepted Government Auditing Standards
IAFIS	Integrated Automated Fingerprint Identification System
III	Interstate Identification Index
MSHP	Missouri State Highway Patrol
MOAPS	Missouri Applicant Processing Service
MOVECHS	Missouri Volunteer and Employee Criminal History Service
MULES	Missouri Uniform Law Enforcement System
NCIC	National Crime Information Center
NCPA	National Child Protection Act
NGE	NonGovernmental Entity
OCA	Originating Case Agency
ORI	Originating Agency Routing Identifier
PCR	Policy Compliance Review
POC	Point Of Contact
QE	Qualified Entity
RSMo	Revised Statutes of Missouri
USC	United States Code
VCA	Volunteers for Children Act



# APPENDIX

SHP-175B 04/11

## MISSOURI STATE HIGHWAY PATROL POLICY COMPLIANCE REVIEW AGENCY QUESTIONNAIRE

DATE	ORI AND / OR OCA
AGENCY NAME	
MAILING ADDRESS	
<b>CONTACT INFORMATION</b>	
NAME OF AGENCY POINT OF CONTACT (POC)	PHONE NUMBER
TITLE	E-MAIL ADDRESS
NAME OF PERSON RESPONSIBLE FOR THE ADMINISTRATIVE AUTHORITY OVERSIGHT / MANAGEMENT OF AGENCY	
TITLE	
NAME OF PERSON RESPONSIBLE FOR THE DAILY OPERATIONS OF THE AGENCY	
TITLE	
<b>USE OF CRIMINAL HISTORY INFORMATION</b>	
1. Under what authority does your agency access state and national criminal history record information? (For example: state and / or federal legislation)	
2. Are fingerprints taken directly by your agency? <input type="checkbox"/> YES <input type="checkbox"/> NO	If NO, what agency or private contractor takes the fingerprints?
3. Does your agency or other agency require photographic or other personal identification prior to taking fingerprints? <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, how does your agency or other agency determine the individual fingerprinted is the same individual applying for job / license and / or benefit?	
4. If another agency takes fingerprints for your agency, who sends the fingerprint submission to the Missouri State Highway Patrol (MSHP)?	
5. Does your agency ensure state and national criminal history information is only used for the official purpose of the request? <input type="checkbox"/> YES <input type="checkbox"/> NO Please explain your answer.	

**DISSEMINATION OF NATIONAL CRIMINAL HISTORY INFORMATION**

1. Does your agency outsource criminal history record information to another agency?

☐ YES ☐ NO

If YES, what portion(s) of the criminal history information is outsourced? (For example, criminal history record screening, destruction, retention / maintenance)

If YES, please list agency(s) to which criminal history information is outsourced, under what authority granted and duties performed.

2. Does your agency have a signed copy of User Agreement on file?

☐ YES ☐ NO ☐ N/A

3. Is criminal history disseminated to a non-related agency?

☐ YES ☐ NO ☐ N/A

If YES, to whom?

4. Is criminal history disseminated to the subject of record?

☐ YES ☐ NO ☐ N/A

If YES, is positive identification required before record is released?

☐ YES ☐ NO

5. Does your agency log the dissemination (secondary dissemination) of national criminal history record information?

☐ YES ☐ NO

If a log is not maintained, how is the dissemination tracked?

6. How is criminal history record information disseminated to the subject of record or to a related governmental or authorized entity?

☐ Standard Mail ☐ Courier Service ☐ Electronic Mail ☐ Facsimile ☐ Hand Carried ☐ Internet

7. What security methods are in place for the physical transfer of the criminal history information?

**MAINTENANCE OF CRIMINAL HISTORY RECORD INFORMATION**

1. Does your agency retain a hard copy of criminal history information?

☐ YES ☐ NO ☐ N/A

If YES, where are the criminal history record information hard copy printouts maintained?

If YES, how long retained?

If YES, where retained?

If YES, who has access?

2. Does your agency retain criminal history record information data in an electronic format?

☐ YES ☐ NO ☐ N/A

If YES, is the information retained in a secure manner? (Password protected, separate from other computer systems, etc.)

If YES, does the electronic format contain the:

- Identity of the subject / provider?

☐ YES ☐ NO ☐ N/A

- Information such as dates of birth and FBI numbers?

☐ YES ☐ NO ☐ N/A

If YES, does the system maintain an audit trail of the dissemination of the records?

☐ YES ☐ NO ☐ N/A



3. How is the electronic information used?

4. Is the electronic format monitored to prevent unauthorized access?

5. Does your agency have procedures regarding:

Record Storage? ☐ YES ☐ NO ☐ N/A

Explain procedures / policy:

Retention of Records? ☐ YES ☐ NO ☐ N/A

Explain procedures / policy:

Disposal / Destruction of the Records? ☐ YES ☐ NO ☐ N/A

Explain procedures / policy:

## SECURITY OF CRIMINAL HISTORY RECORD INFORMATION

### PHYSICAL SECURITY

1. Name of person responsible for physical security of the criminal history record information.

Title

2. When retention of criminal history record information is no longer required, what is the method of disposal? (shredded, burned, etc.)

2a. What personnel are responsible for III (FBI) record disposal?

Agency \_\_\_\_\_ ☐ YES ☐ NO ☐ N/A

Contract \_\_\_\_\_ ☐ YES ☐ NO ☐ N/A

Other (list) \_\_\_\_\_ ☐ YES ☐ NO ☐ N/A

2b. If contract personnel are responsible for record disposal, is disposal accomplished under the immediate supervision of agency personnel?

☐ YES ☐ NO ☐ N/A

3. If criminal history record information is maintained in an electronic format, does your agency ensure all data (diskettes, tape cartridges, ribbons, etc.) are destroyed when no longer needed?

☐ YES ☐ NO ☐ N/A

4. How is physical access to criminal history information controlled?

### PERSONNEL SECURITY

1. Does your agency ensure the disclosure of a record only to employees that need to review / research the records in the performance of their duties?

☐ YES ☐ NO ☐ N/A Please explain your answer.

2. What type of personnel screening is conducted prior to access to criminal history information?

3. What does the screening include?

4. If there is no screening, how does the agency determine personnel access to criminal history information?

5. Does your agency have a written policy regarding disciplinary action for misuse of criminal history information?

☐ YES ☐ NO ☐ N/A

If YES, what are the disciplinary actions?

If NO, what safeguards has the agency adopted to ensure security and confidentiality of records?

### WAIVER AGREEMENT AND STATEMENT (MOVECHS and Adam Walsh Program Agencies)

Does your agency retain a hard copy of the waiver agreement and statement on each request for criminal history record information on a potential and/or current employee or volunteer?

☐ YES ☐ NO ☐ N/A

If YES, where is the waiver hard copy maintained?

If YES, how long retained?

If YES, who has access?

### TRAINING

1. Has your agency received any type of training on the use, dissemination, maintenance, and security of criminal history record information?

☐ YES ☐ NO ☐ N/A

2. Describe any training programs made available to your agency.

3. If you have any questions about criminal history information, whom do you contact for clarification and assistance?

### AUDIT

1. Has the state (MSHP) audited your agency for its use of criminal history record information?

☐ YES ☐ NO ☐ N/A

If YES, when was the last audit performed?

2. Does your agency have a copy of the audit results?

☐ YES ☐ NO ☐ N/A

3. If an area of concern was discovered, did the state follow-up?

☐ YES ☐ NO ☐ N/A

If YES, explain the area of concern and if it was resolved.

4. Does the MSHP audit personnel offer an open line of communication for questions and assistance?

☐ YES ☐ NO ☐ N/A

If NO, explain why.

5. Is your agency made aware of new or pending information that may affect the use of criminal history record information?

☐ YES ☐ NO ☐ N/A

6. Within your agency, how do you ensure that appropriate persons are familiar with relevant information?

Please return completed questionnaire to: Missouri State Highway Patrol, Criminal Justice Information Services Division, Attn: Program Support Services Section, P. O. Box 9500, Jefferson City, MO 65102-9500 or fax to: (573) 526-6290.

<b>APPLICANT</b>	LEAVE BLANK	TYPE OR PRINT ALL INFORMATION IN BLACK				FBI	LEAVE BLANK
		LAST NAME <u>NAM</u>	FIRST NAME	MIDDLE NAME			
SIGNATURE OF PERSON FINGERPRINTED		ALIASES <u>AKA</u>	O R I	<u>DC000000Z</u> <u>CJIS-WV-SCU-D2</u> <u>CLARKSBURG, WV</u>			
RESIDENCE OF PERSON FINGERPRINTED							
DATE		CITIZENSHIP <u>CTZ</u>	SEX	RACE	HGT.	WGT.	EYES
SIGNATURE OF OFFICIAL TAKING FINGERPRINTS		YOUR NO. <u>OCA</u>	HAIR	PLACE OF BIRTH <u>POB</u>			
EMPLOYER AND ADDRESS		FBI NO. <u>FBI</u>	LEAVE BLANK				
REASON FINGERPRINTED		ARMED FORCES NO. <u>MNU</u>	CLASS _____				
		SOCIAL SECURITY NO. <u>SOC</u>	REF. _____				
		MISCELLANEOUS NO. <u>MNU</u>					

1. R. THUMB	2. R. INDEX	3. R. MIDDLE	4. R. RING	5. R. LITTLE
6. L. THUMB	7. L. INDEX	8. L. MIDDLE	9. L. RING	10. L. LITTLE

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

L. THUMB

R. THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

The FBI Criminal Justice Information Services Division will accept the downloaded paper fingerprint card only for the purposes of requesting an FBI Identification Record through Departmental Order 556-73. If you go to a law enforcement agency or private fingerprinting agency to be fingerprinted, they may prefer to use a fingerprint card on standard card stock. You may use the fingerprint card provided by the fingerprinting agency.

MISSOURI STATE HIGHWAY PATROL		DATE OF SECONDARY DISSEMINATION	
<b>CHRI SECONDARY DISSEMINATION RECORD</b>			
<b>INSTRUCTIONS</b>			
<p><b>MEMBERS:</b> Submit completed report to headquarters which originally provided CHRI, whenever CHRI is released to an official outside the Patrol, such as a prosecuting attorney or sheriff. <b>CHRI MAY BE DISSEMINATED ONLY TO CRIMINAL JUSTICE AGENCIES OR OFFICIALS.</b> If the CHRI will be copied and disseminated to more than one officer or agency, this form should be copied, completed, and submitted on <b>EACH</b> secondary dissemination.</p> <p><b>TROOP HQ:</b> File reports by the date of the secondary dissemination shown in the top right corner. Reports may be destroyed after 13 months.</p>			
<b>INFORMATION ABOUT ORIGINAL CHRI REQUEST</b>			
MEMBER'S NAME (LAST, FIRST, MI)	TROOP	DATE REQUESTED	
SUBJECT'S NAME (LAST, FIRST, MI)	DOB	SID # (OR FBI # IF NO MO SID #)	
<b>INFORMATION ABOUT SECONDARY CHRI DISSEMINATION</b>			
PERSON RECEIVING CHRI (LAST, FIRST, MI)	PURPOSE		
AGENCY NAME	SIGNATURE OF MEMBER RELEASING CHRI  <b>X</b>		
AGENCY ADDRESS			

SHP-432 6/91

**NOTE:** This form is provided as a sample which may be used "as is" to document any secondary dissemination made by your agency. A copy is to be retained in the agency file until the agency has received a successful Policy Compliance Review from The MSHP.

***Violations and associated penalties for misuse of dissemination practices are stated in Section 43.532 RSMo. and Title 18, United States Code.***

**MISSOURI STATE HIGHWAY PATROL**  
**POLICY COMPLIANCE REVIEW**  
**(Non-Criminal Justice Use of State and National CHRI)**  
**AGENCY SURVEY**

DATE	AGENCY NAME
Please use the following scale to rate each statement below and check the most appropriate response: 5 = Strongly Agree 4 = Agree 3 = Neither Agree or Disagree 2 = Disagree 1 = Strongly Disagree	
<b>PRE-REVIEW PREPARATION</b>	
1. The initial contact call to your agency conveyed what to expect during the review and gave you an understanding of the policy compliance review process.	
<input type="checkbox"/> 5 <input type="checkbox"/> 4 <input type="checkbox"/> 3 <input type="checkbox"/> 2 <input type="checkbox"/> 1	
<b>ADMINISTRATIVE INTERVIEW</b>	
2. The information obtained during the administrative interview was appropriate in attaining an understanding of your agency's compliance.	
<input type="checkbox"/> 5 <input type="checkbox"/> 4 <input type="checkbox"/> 3 <input type="checkbox"/> 2 <input type="checkbox"/> 1	
3. The auditor effectively communicated with your staff and offered guidance, where necessary, throughout the review process.	
<input type="checkbox"/> 5 <input type="checkbox"/> 4 <input type="checkbox"/> 3 <input type="checkbox"/> 2 <input type="checkbox"/> 1	
<b>CRIMINAL HISTORY RECORD INFORMATION (CHRI) QUALITY REVIEW</b>	
4. The Criminal History Record Information (CHRI) review assisted your agency in identifying proper methods of receipt, retention and dissemination of criminal history record information.	
<input type="checkbox"/> 5 <input type="checkbox"/> 4 <input type="checkbox"/> 3 <input type="checkbox"/> 2 <input type="checkbox"/> 1	
5. The CHRI review assisted your agency in identifying areas of consideration for training.	
<input type="checkbox"/> 5 <input type="checkbox"/> 4 <input type="checkbox"/> 3 <input type="checkbox"/> 2 <input type="checkbox"/> 1	
<b>EXIT BRIEFING AND POST REVIEW</b>	
6. The auditor demonstrated courtesy, flexibility, professionalism, and a constructive and positive approach.	
<input type="checkbox"/> 5 <input type="checkbox"/> 4 <input type="checkbox"/> 3 <input type="checkbox"/> 2 <input type="checkbox"/> 1	
7. The auditor effectively addressed any discrepancies identified during the review and also discussed areas of exceptional work with the agency.	
<input type="checkbox"/> 5 <input type="checkbox"/> 4 <input type="checkbox"/> 3 <input type="checkbox"/> 2 <input type="checkbox"/> 1	
<b>ADDITIONAL INFORMATION</b>	
8. What part of the Policy Compliance Review was <u>most</u> beneficial for your agency?	
9. What part of the Policy Compliance Review was <u>least</u> beneficial for your agency?	
<b>ADDITIONAL COMMENTS</b>	
<b>Please fax or return survey to:</b> <b>Missouri State Highway Patrol</b> <b>Criminal Justice Information Services Division</b> <b>Attn: Program Support Services Section</b> <b>P.O. Box 9500</b> <b>Jefferson City, MO 65102-9500</b> <b>Fax: (573) 526-6290</b>	

## AGENCY REQUIREMENTS FOR NONCRIMINAL JUSTICE APPLICANTS

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as a job or license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy.

- Officials must provide to the applicant written notice<sup>1</sup> that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the job, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- Officials should not deny the job, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.<sup>2</sup>

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

If you need additional information or assistance, contact the CJIS Audit Unit, Missouri State Highway Patrol CJIS Division, at (573) 526-6153 extensions 2630, 2625 or 2655.

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<sup>1</sup> Written notification includes electronic notification, but excludes oral notification.

<sup>2</sup> See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).

## NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification<sup>1</sup> that your fingerprints will be used to check the criminal history record of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license, or other benefit based on information in the criminal history record.<sup>2</sup>

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.<sup>3</sup>

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/about-us/cjis/background-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

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<sup>1</sup> Written notification includes electronic notification, but excludes oral notification.

<sup>2</sup> See 28 CFR 50.12(b).

<sup>3</sup> See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV9c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).



# Missouri Applicant Processing Services Applicant User Guide for State Agency and MOVECHS Fingerprint Search Requests



Changes Effective July 1, 2012



## Welcome 3M/Cogent

### Missouri's New Fingerprint Services Vendor

3M/Cogent Corp. has won the contract to be Missouri's new fingerprint services vendor. They will be taking the place of L-1 Identity Solutions effective July 1, 2012.

The new contract with 3M/Cogent has many benefits over the old contract including a lower cost, an expanded number of fingerprint services sites and expanded hours of operation to include evening and weekends.

3M/Cogent Fee Schedule:

Fingerprinting Fee	\$8.30
State Fee	\$20.00 (\$14.00 if fingerprinted for foster care pursuant to Section 210.487 RSMo.)
FBI Fee	\$16.50 (\$15.00 for volunteers)
Notarized Letter Fee	\$2.00 (if requested)

**Note: The combined fee for applicants needing a standard State and FBI search is \$44.80 unless you qualify for one of the exceptions above. Your fee will be automatically calculated based on the 4 digit registration number that you provide.**

### The Missouri Automated Criminal History Site

#### MACHS

If you need to be fingerprinted through 3M/Cogent you must first register with the Missouri Automated Criminal History Site (MACHS).

MACHS is located at: [www.machs.mo.gov](http://www.machs.mo.gov)

Individuals without access to the Internet may contact 3M/Cogent directly at **1-877-862-2425** to have a Fingerprint Services Representative conduct this registration on their behalf.

### 4 Digit Registration Number

To register with MACHS for a fingerprint search that includes a check of FBI files your employer/licensing agency must have provided you with a 4 digit registration number. This number ties all agency identifying information together to ensure that your background check response is returned to the correct agency in a timely manner.

### Notarized Letters

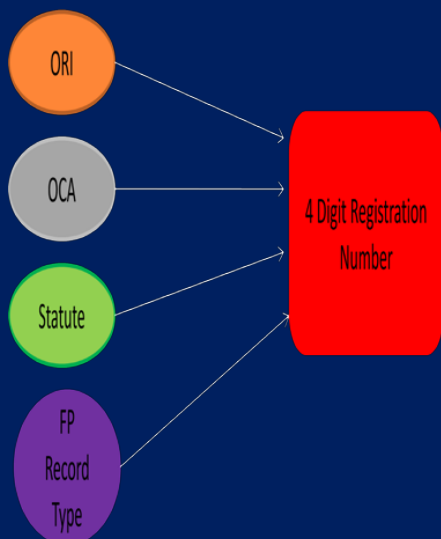
Depending on the purpose of your background check you may have the option to request that notarized clearance letters accompany the final results. There is a \$2.00 surcharge if notarized letters are requested.

## Missouri Applicant Processing Services

## Why do I need a Registration Number?

Under the previous contract applicants were required to provide an eight digit Agency ORI Code and another OCA code in order to be fingerprinted for an FBI search. In some cases applicants were required to know a statute for reason fingerprinted as well. To simplify the process, all of the above information has been combined into a simple, easy to remember 4 digit code.

The use of this 4 digit code ensures that you will be conducting the correct type of fingerprint search and that your response is returned to the correct agency in a timely manner. If you do not have a 4 digit code you should contact your employer/licensing agency.



## Registering with MACHS

To begin the registration process with MACHS go to [www.machs.mo.gov](http://www.machs.mo.gov) and click the icon to access the MACHS Fingerprint Portal.

## Reason for Request

Select the option requiring the 4 digit registration number to begin your registration process.

A screenshot of the Missouri State Highway Patrol's MACHS (Missouri Automated Criminal History Site) portal. The page header includes the Missouri State Highway Patrol logo and the text "Missouri State Highway Patrol Criminal Justice Information Services Division Missouri Automated Criminal History Site". Below the header is a navigation bar with links: Home, About MACHS, Contact Us, FAQ, and Related Links. The main content area is titled "Getting Started" and contains the instruction: "Please select the Option below that best applies to your reason for visiting this site. If none of these options applies to you or you have further questions please call us at: 1-573-526-6312". There are three radio button options: 1. "I have a 4 digit Registration Number that was provided by my employer or licensing agency." (This option is selected). Below this option is a blue button labeled "You will be forwarded to a form to fill out once you click 'Begin' below." 2. "I am an individual needing a fingerprint based search to be returned to myself -- Or -- My employer or licensing agency did not provide me with a 4 digit Registration Number." 3. "I previously scheduled an appointment through MACHS to be fingerprinted and need to re-schedule my appointment." At the bottom of the form are "Begin" and "Clear" buttons. The footer of the page shows logos for W3C XHTML 3.0 and W3C CSS.

## MACHS Applicant Registration

At the top of the registration page you should enter your 4 digit registration number in the space provided. Clicking “Populate” will automatically return a message displaying the name and identifying information of the agency for which you are registering. If the agency that populates is incorrect, please contact your employer/licensing agency to verify that you are using the correct registration number.

The screenshot shows the Missouri State Highway Patrol Criminal Justice Information Services Division Missouri Automated Criminal History Site. The form includes a navigation bar with links: Home, About MACHS, Contact Us, FAQ, and Related Links. A purple box displays the Transaction Control Number (TCN) as MH123456. The form is divided into sections: Contact Information, Personal Information, and Notarized Letter. The Contact Information section includes fields for First Name, Middle Name, Last Name, Suffix, Alias First Name, Alias Middle Name, Alias Last Name, Alias Suffix, Street Address, Apt. Number, City, State, Zip Code, Home Phone, Mobile Phone, and E-mail Address. The Personal Information section includes fields for Date of Birth, Gender, Height, Weight, Hair, Eye, Race, Place of Birth, SSN, and Country of Citizenship. The Notarized Letter section includes a checkbox for 'Will/Won't Mail Notarized Results' and a checkbox for 'For International Use or Not'. At the bottom, there are buttons for 'Schedule Fingerprinting', 'Edit Information', and 'Cancel'. Logos for WSC, XNTL, and CBS are visible at the bottom right.

Once you have verified your agency information you may begin entering your personal demographic data into the spaces provided. Mandatory fields are marked by a red \*. When you are finished click “Register”.

At the top of the verification page an 8 digit Transaction Control Number (TCN) will be highlighted. This number will be used to track your fingerprints through the background check process.

Once you have verified that the information that you have entered is correct, click “Schedule Fingerprinting” to schedule an appointment with 3M/Cogent.

## Volunteers

During registration you will be asked if your background check is being conducted for a position as a volunteer. Be sure to answer this question correctly so that MACHS can use the correct search type and fee for your purpose.

## Payment

Before an appointment may be scheduled, you will need to make payment arrangements. You will have the option to pay for your fingerprint search online or at the time of your appointment.

## Missouri Applicant Processing Services

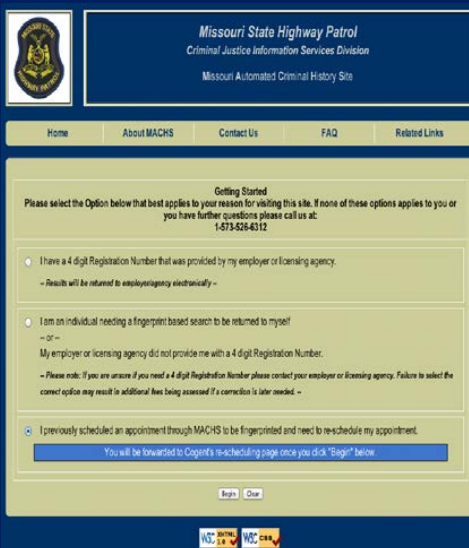
The screenshot shows the Cogent Applicant Fingerprinting Online Services Step 3 - Credit Card Payment form. The form includes a navigation bar with links: Home, About MACHS, Contact Us, FAQ, and Related Links. A purple box displays the Transaction Control Number (TCN) as MH123456. The form is divided into sections: Registration Information, Credit Card Information, Billing Address, and Payment. The Registration Information section includes fields for TCN, Transaction Type, and Transaction Fee. The Credit Card Information section includes fields for Credit Card Type, Card Number, Card Verification Code (CVV2), Expiration Date, and Name As It Appears On Card. The Billing Address section includes fields for Street Address, City, State, Zip Code, Daytime Phone Number, and Email Address. At the bottom, there is a 'Pay' button.

## Fingerprint Rejections

3M/Cogent and the Missouri State Highway Patrol will make every effort to ensure that your fingerprints are processed and returned to your employer/licensing agency in a timely manner. Unfortunately there are times where individual fingerprint submissions do not have adequate detail to be processed successfully. If your fingerprint submission is rejected for any reason, 3M/Cogent will contact you directly to schedule a new appointment.

## Re-scheduling Appointments

Should you need to re-schedule your fingerprinting appointment due to a schedule conflict you may do so via the MACHS Fingerprint Portal by selecting the option to re-schedule.



Missouri State Highway Patrol  
Criminal Justice Information Services Division  
Missouri Automated Criminal History Site

Home About MACHS Contact Us FAQ Related Links

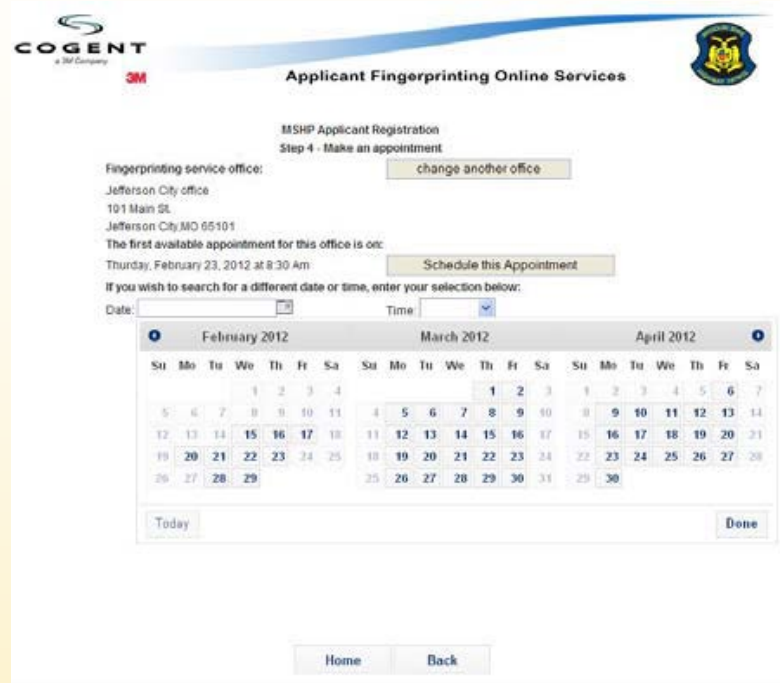
Getting Started  
Please select the Option below that best applies to your reason for visiting this site. If none of these options applies to you or you have further questions please call us at: 1-873-826-4312

- ☐ I have a 4 digit Registration Number that was provided by my employer or licensing agency.  
→ Results will be returned to employer/licensing agency electronically →
- ☐ I am an individual needing a fingerprint based search to be returned to myself  
→ or →  
My employer or licensing agency did not provide me with a 4 digit Registration Number.  
→ Please note: If you are unsure if you need a 4 digit Registration Number please contact your employer or licensing agency. Failure to select the correct option may result in additional fees being assessed if a correction is later needed. →
- ☒ I previously scheduled an appointment through MACHS to be fingerprinted and need to re-schedule my appointment.  
You will be forwarded to Cogent's rescheduling page once you click "Sign" below

Sign Out

## Appointment Scheduling

Once payment arrangements have been completed, you will be required to schedule an appointment at a Cogent fingerprint services site.



COGENT  
a 3M Company

Applicant Fingerprinting Online Services

MSHP Applicant Registration  
Step 4 - Make an appointment

Fingerprinting service office: [change another office](#)  
Jefferson City office  
101 Main St  
Jefferson City MO 65101

The first available appointment for this office is on:  
Thursday, February 23, 2012 at 8:30 Am [Schedule this Appointment](#)

If you wish to search for a different date or time, enter your selection below:

Date:  Time:

February 2012 March 2012 April 2012

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	8	9	10	11	4	5	6	7	8	9	10	11	12	13	14	15	16	17
12	13	14	15	16	17	18	11	12	13	14	15	16	17	18	19	20	21	22	23	24
19	20	21	22	23	24	25	18	19	20	21	22	23	24	25	26	27	28	29	30	31
26	27	28	29				25	26	27	28	29	30	31	29	30					

Today Done

Home Back

After you confirm your appointment you will be provided a receipt that provides your unique transaction control number (TCN) and all appointment information. If possible you should print this page for your records.

## Thank You For Using MACHS

Both the Missouri State Highway Patrol and 3M/Cogent strive to ensure that your entire fingerprinting process is as convenient and hassle-free as possible.

Questions about the fingerprinting process may be directed to:

3M/Cogent: 1-877-862-2425

Or

The Missouri State Highway Patrol: 573-526-6312

## Missouri Applicant Processing Services



# BIBLIOGRAPHY

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Missouri Department of Social Services, Children's Division, Purpose Code X Request, May 2010.







Questions pertaining to the Missouri PCR program or comments regarding the information contained within this document may be directed to:

**Missouri State Highway Patrol**  
***Criminal Justice Information Services Division***  
**1510 E. Elm Street**  
**P. O. Box 9500**  
**Jefferson City, MO 65102-9500**  
**Telephone Number: (573) 526-6345**  
**Fax Number: (573) 751-9382**