

# PROCEDURES FOR CONDUCTING NAME-BASED CHECK OF THE NATIONAL CRIMINAL INFORMATION DATABASE

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In some limited cases, an individual's fingerprints may not be obtainable as a result of a disability or low quality due to factors such as age and occupation. In order to determine if fingerprinting should be discontinued and a name check requested, the following procedures should be followed.

## I. Initial Steps

- A. Each agency should require that each applicant be fingerprinted.
- B. When the agency has been notified that the applicant's fingerprints have been rejected, the agency should maintain factual information concerning how many times a print or re-print has been submitted.

**NOTE:** Criminal background checks are completed by both the state police and the FBI. It is possible that one set of fingerprints are classifiable (acceptable) for the state police but are rejected by the FBI and vice versa. This happens because the two law enforcement agencies use different equipment to read the prints. It is important to note which law enforcement agency is rejecting the prints. In some instances both law enforcement agencies may reject the fingerprints.

- C. Each agency should follow all procedures to obtain good prints from an individual. **A different person should take any additional sets of prints from the applicant.**
- D. Fingerprints must be submitted on individuals even when all fingers cannot be printed. If the individual has a disability, the person taking the finger prints must note on the fingerprint card that the applicant has a disability or condition preventing fingerprinting or that the individual does not have finger (tips). (Please note that if an individual cannot be printed at all due to a severe disability or handicap please contact OBI for instructions on how to proceed with this scenario).

## II. Steps to Obtain a Name Search

- A. A request can be submitted if the applicant's fingerprints have been rejected as follows:
  - Three times by the Virginia state police or
  - If Virginia State Police processed the prints but the FBI rejected the prints, then only two rejections are needed.
  - Two different officials /individuals must have attempted to take the prints

- B. The agency can then complete the "Request to Discontinue Reprints/Name Check" Form. The form can be mailed or faxed to OBI.
- C. OBI will verify that the information regarding reprinting is correct.
- D. If the information is not correct then OBI will return the form to the agency denying permission to discontinue reprinting. The rationale for the denial will be included on the form. The agency should obtain another set of prints from the applicant following any guidelines received from OBI.
- E. If the information on the form is correct, OBI will forward the request to either the FBI or State Police in order to begin the name check. Name checks for the FBI take approximately 2-3 weeks. Name checks for the Virginia State Police can take approximately a month before being returned to OBI.
- F. Once the name check has been received, OBI will screen the results from the name check and return a letter to the agency indicating if the applicant is eligible or not eligible to provide services according to the results received. If the results of the name check are inconclusive an "adequate information is not available/unable to determine" will be sent to the agency.
- G. The agency should retain the Request to Discontinue Fingerprinting form and the name check results screening letter in their records.
- H. The background investigation is not complete until the name search screening letter is received.