



WEST VIRGINIA STATE POLICE
701 Jefferson Road
South Charleston, West Virginia 25309-1698
www.wvsp.gov

CHALLENGE OF CRIMINAL HISTORY RECORD

NAME: _____
(LAST) (FIRST) (MI)

ADDRESS _____
(CITY) (STATE) (ZIP)

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH _____
(MONTH) (DAY) (YEAR)

I have reviewed my criminal record at _____ (Agency) and find that certain entries originating in your agency are significantly inaccurate or incomplete in the following particulars:

Record now reads:

Record entry number: _____ Date: _____
Charge: _____ Date: _____
Disposition: _____ Date: _____

Record should read:

Record entry number: _____ Date: _____
Charge: _____ Date: _____
Disposition: _____ Date: _____

Basis for Challenge:

Note: A fingerprint based background check should have been completed prior to submission of this form.

I have attached and signed a(n) additional sheet(s) describing other claimed errors in my records originating in your agency.

(Signature)

(Date)

INSTRUCTIONS

In the event you are determined to not be qualified to work or volunteer based on your criminal history background check results you may start a personal review of your criminal record: Please remember; you were fingerprinted for the position and the Criminal Identification Bureau (CIB) of the West Virginia State Police (WVSP) has determined the fingerprints are identical to criminal fingerprints on file with the CIB and that a criminal charge exists which may be a barrier to employment or volunteering services. The West Virginia Repository is biometric (fingerprint) based and not name based only.

- 1) Complete the WVSP 136A Challenge of Criminal History Record Form.
- 2) Form may be downloaded from the WVSP website at www.wvsp.gov
- 3) Mail the form and a cashier's check and/or money order in the amount of \$20.00 (processing fee) made payable to: The Superintendent, West Virginia State Police to the following:
West Virginia State Police
Criminal History Section
701 Jefferson Road
South Charleston, WV 25309

If the discrepancies are found on your federal criminal history record you must address this with the FBI. Send a written challenge request to the FBI's CJIS Division.

Your written request should clearly identify the information that you feel is inaccurate or incomplete and should include copies of any available proof or supporting documentation to support your claim. For example, if your disposition information is incorrect or missing, you may submit documentation obtained from the court having control over the arrest or the office prosecuting the offense. The FBI will contact appropriate agencies in an attempt to verify or correct challenged entries for you. Upon receipt of an official communication from the agency with control over the data, the FBI will make appropriate changes and notify you of the outcome.

You may submit an Identity History Summary challenge to the FBI's CJIS Division by writing to the following address:

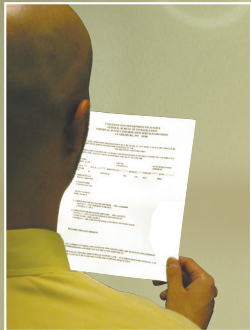
FBI CJIS Division
Attention: Criminal History Analysis Team 1
1000 Custer Hollow Road
Clarksburg, WV 26306

The instructions for a federal criminal history record challenge can also be found at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.



How to Challenge and How to Obtain Your FBI Identity History Summary

What is an FBI Identity History Summary?



An FBI Identity History Summary, often referred to as a “rap sheet,” is a listing of certain information taken from fingerprint submissions kept by the FBI. The information is related to arrests, and in some instances, the information is related to federal employment, naturalization, or military service. If the fingerprint submissions are related to an arrest, the Identity History Summary includes the name of the agency that submitted the fingerprints to the FBI,

the date of the arrest, the arrest charge, and the disposition of the arrest, if known. All arrest information included in an Identity History Summary is obtained from fingerprint submissions, disposition reports, and other information submitted by authorized criminal justice agencies.

How do I challenge my FBI Identity History Summary?

If you believe your Identity History Summary contains inaccurate or incomplete information, you may request a change or correction by contacting the agency or agencies that originally submitted the information to the FBI. However, most states require that changes to Identity History Summary information be processed through their respective state centralized agency (State Identification Bureau). You may contact the respective State Identification Bureau for assistance, and, if applicable, request they provide the FBI with updates to your Identity History Summary. For the State Identification Bureau listing, refer to: www.fbi.gov/checks.

You may also send a written challenge request to the FBI’s CJIS Division. Your written request should clearly identify the information that you feel is inaccurate or incomplete and should include copies of any available proof or supporting documentation that validates your claim. For example, if your

disposition information is incorrect or missing, you may submit documentation obtained from the court having control over the arrest or the office prosecuting the offense. The FBI will contact the appropriate agencies in an attempt to verify or correct challenged entries for you. Upon receipt of an official communication from the agency with control over the data, the FBI will make appropriate changes and notify you of the outcome. Updating your FBI Identity History Summary can include having final disposition data entered, cases expunged, pardons entered, a conviction level changed, or rights restored. Once you have been notified of the outcome of your challenge, you may choose to obtain a copy of your Identity History Summary. Please see “How do I obtain a copy of my FBI Identity History Summary for personal review” in this brochure.

You may submit an Identity History Summary Challenge to the FBI’s CJIS Division by writing to the following address:

**FBI CJIS Division
Attention: Criminal History Analysis Team I
1000 Custer Hollow Road
Clarksburg, WV 26306**

Summary challenges submitted to the FBI are processed in the order in which they are received.

How do I obtain a copy of my FBI Identity History Summary for personal review?

If you would like a copy of your Identity History Summary, you may submit a request to the FBI. The FBI offers two methods for requesting your summary or proof that a summary does not exist.

Option 1: Submit your request directly to the FBI by sending it to:

**FBI CJIS Division - Summary Request
1000 Custer Hollow Road
Clarksburg, WV 26306**



You are required to provide the following:

- 1) A completed Applicant Information Form
- 2) Payment for the \$18 processing fee, either by certified check or money order made payable to the Treasury of the United States, or by a credit card. For credit card payment form and information, refer to: www.fbi.gov/checks.
- 3) A current fingerprint card bearing your name and date of birth. You must include rolled impressions of all 10 fingerprints and impressions of all 10 fingerprints taken at the same time (these are sometimes referred to as plain or flat impressions). If possible, have your fingerprints taken by a fingerprinting technician. Previously processed cards or copies will not be accepted.

Option 2: Submit through an FBI-approved Channeler, which is a private business that has contracted with the FBI to submit your request on your behalf. The Channeler will then receive the electronic summary check results for dissemination to the individual. For a listing of FBI-approved Channelers, refer to: www.fbi.gov/checks.

Due to provisions within the Privacy Act of 1974, the FBI cannot provide Identity History Summary information via the telephone or facsimile.

What will I receive?

If we do not find an Identity History Summary on file, you will receive a response indicating that you have no prior arrest data on file at the FBI. If you do have an Identity History Summary on file, you will receive your Identity History Summary or “rap sheet.”

Frequently Asked Questions

What is the processing time?

The FBI processes requests as quickly as possible; however, please allow several weeks for processing. You may obtain an estimate of the current processing time on our website; refer to www.fbi.gov/checks.

Can the FBI send the results to someone (or an agency) other than myself?

Under the U.S. Department of Justice Order 556-73, the results will be returned to the requestor or his/her designated representative. A signed release to return the results to the representative must accompany such a request.

Where can I get my fingerprints taken?

Local, county, or state law enforcement agencies may take your fingerprints for a fee. Also, some private companies offer this service. Check the business listings in your telephone book or search online. If using the Channeler option, please contact the FBI-approved Channeler for additional information.

Why was I told there was a problem with my Identity History Summary when I received a letter indicating that a search of the fingerprints I provided revealed no prior arrest data at the FBI?

There are several instances in which this might occur, such as:

- 1) Removal of arrest information may have been authorized since you were advised of the summary problem.
- 2) A previous search was conducted with a name and physical description only, and the descriptive data you provided matched or was very similar to that contained in another individual’s summary. Positive identifications are made by fingerprint comparisons.
- 3) The arresting agency may not have supplied the information to the FBI. You will need to contact the state repository of the state in which the arrest occurred.

For additional information concerning an FBI Identity History Summary request and for recent updates to the procedures outlined in this brochure, please refer to:

www.fbi.gov/checks

Additional Concerns

Firearm Background Checks

The Criminal History Analysis Team 1 cannot access the National Instant Criminal Background Check System (NICS) information or comment on firearm-related issues. The NICS Customer Service can be reached at (877) 324-6427 for firearm issues only or visit their Web site at:

www.fbi.gov/about-us/cjis/nics

Licensing and Employment Background Checks

Certain background checks for licensing and employment must be conducted through specific state and federal channeling agencies. Contact the agency requiring the background check for correct procedures.

