

Fingerprint-Based Criminal History Record Checks

Introduction

The Arizona Department of Public Safety (DPS) is designated as the central state repository for the state of Arizona and disseminates criminal history record information in accordance with Arizona Revised Statutes §41-1750. Criminal history record information is not public record and is subject to federal and state laws and regulations regarding its use.

The criminal history record check process is not the same process as the clearance card process. For those who are eligible for or required to obtain a **fingerprint clearance card**, an individual application is submitted with a fingerprint card. Then the individual's state and federal criminal history is checked by DPS and compared to the precluding offenses in state law to see if the person will be issued the plastic fingerprint clearance card. In the **criminal history record check process**, the agency submits the fingerprints for the applicant and the agency receives the applicant's criminal history for review; it is NOT reviewed by DPS. The type of process used depends on the position/license for which the individual is applying.

Eligibility for access to noncriminal justice fingerprint criminal history is limited to specific purposes defined by law. Under current law, the following types of agencies are eligible to receive fingerprint-based criminal history checks in Arizona:

- Public agencies, pursuant to a specific purpose defined in an approved statute, ordinance, or executive order. Examples of these types of agencies are public district schools, charter schools, cities, counties, fire districts, state licensing agencies, and courts. Private schools are not eligible unless they are also non-profit (see below).
- Non-profit agencies which interact with children and/or vulnerable adults. These agencies are eligible for Arizona criminal history only.
- Private adoption agencies appointed by court order to conduct pre-adoption investigations or appointed as "officers of the court" for the purpose of pre-adoption investigations. These agencies are eligible for Arizona criminal history only.

Basic Criminal History Record Check process

In the criminal history record check process, the agency submits the applicants fingerprint cards, associated inventory sheets, and the payment to the DPS Applicant Team. The DPS Applicant Team processes the card and runs the criminal history check.

- If the agency is eligible to receive Arizona and federal criminal history:
The charge for submitting a fingerprint card is \$22 for paid employees/licensees. The charge is usually \$20 for volunteers. The results returned to the agency will contain

Arizona criminal history, FBI criminal history, any Arizona warrants, and any Arizona Sex Offender registration.

- If the agency is eligible to receive Arizona criminal history only:
The charge for submitting a fingerprint card is \$5 for both paid employees and volunteers. The results of the check will contain Arizona criminal history, any Arizona warrants, and any Arizona Sex Offender registration.

Opening Access to Fingerprint-Based Criminal History Record Checks

An agency that wishes to submit fingerprints for criminal history record checks must do the following:

1. Submit an application citing the agency's authorization under law to submit fingerprints and receive criminal history. Eligibility for access to noncriminal justice fingerprint criminal history is limited to specific purposes defined by law. The application will normally be reviewed within 24-48 hours, excluding weekends and holidays.
2. Once the application is approved, sign a user agreement agreeing to the terms and conditions of information exchange with DPS. The user agreement is due within 60 days of application approval.
3. Submit a Noncriminal Justice Agency Information Form identifying a liaison with DPS for the information exchange. DPS refers to the liaison with DPS as the Agency Security Contact.
4. Attend Initial Access Training. Training should be completed within 90 days of application approval.
5. Submit and maintain an Authorized Personnel List; this is a list of agency personnel who are authorized to view and handle criminal history. The Authorized Personnel List is due within 90 days of application approval.
6. Participate in the Arizona Noncriminal Justice Fingerprint Compliance Program administered by DPS which is designed to monitor and audit agency compliance with state and federal rules regarding criminal history record information.

Additional Information Available

More information on the compliance program as well as application forms can be found online at www.azdps.gov/Services/NCJA/. (Go to www.azdps.gov, click on Services at the top of the page, then click on NCJA Fingerprint Compliance.) An application can also be obtained by emailing NCJA@azdps.gov or calling the Access Integrity Unit at (602) 223-2720 or (602) 223-2327.