

Instructions for Completing the "REQUEST FOR RELEASE OF CRIMINAL HISTORY INFORMATION"

Please note that this form should be completed ONLY after a background check has been completed and a "does not meet the criteria" or "may not meet the criteria" designation was assigned. The volunteer can use this form to request that the FBI send the full criminal record either to the mentoring program or to the volunteer. This is the only way to find out what triggered a negative fitness determination.

Instructions for the Mentoring Program:

Please ensure that all items on the form are filled out legibly. If the FBI cannot read the information, it will delay the record.

- Fill out the fields for Name and Address of local organization with your mentoring program's mailing address and your contact information.
- In the Originating Agency Case (OCA) Number field, write in the Volunteer ID number. This is the number assigned by the SafetyNET website when you logged the volunteer in. It also appears on the fitness determination letter, right underneath the volunteer's name.
- In the IAFIS Control Number (ICN) field, write in the 20-digit "tracking number" that appears on the fitness determination letter, right underneath the volunteer ID. The number begins with E and is followed by 19 digits.
- **If you do not fill in the OCA and ICN fields that the FBI will be unable to locate the criminal record and will return your request unprocessed.**
- Your volunteer must complete the rest of the form:
 - The volunteer should fill out the name, date of birth, and address fields
 - The volunteer must check box 1 to have the full criminal record sent to your mentoring program. If the volunteer checks box 2, the criminal record will only be sent to the volunteer and not to your mentoring program.
 - The volunteer must then sign the form in the presence of a notary public, who must notarize the form. This proves to the FBI that the volunteer has agreed to have their criminal record disseminated.
- Once the form is completed, keep a copy for your records. If for any reason the request is delayed at the FBI, the copy can be used to expedite the request.
- Send the form to MENTOR at:
 - MENTOR/National Mentoring Partnership
 - Attn: SafetyNET Pilot
 - 1600 Duke Street, Suite 300
 - Alexandria, VA 22314
- MENTOR will convey the release form to the FBI. The FBI will send the response directly to either your mentoring program or your volunteer, depending on what the volunteer indicated on the form.
- It takes approximately two to four weeks for the FBI to process and send out the responses for these requests. If you do not receive a response within a month, please contact MENTOR's SafetyNET pilot at 703-224-2266. We will follow up with the FBI for a status update on your request.

APPLICANT NOTICE AND FORM TO (1) OBTAIN CRIMINAL HISTORY RECORD INFORMATION AND/OR (2) RESOLVE FITNESS DETERMINATION

To the volunteer applicant:

On April 30, 2003, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (PROTECT Act), Public Law 108-21, was signed into law. Section 108 of the PROTECT Act authorizes a criminal history background check to determine the fitness of an volunteer associated with the Boys and Girls Clubs of America, MENTOR/National Mentoring Partnership, or the National Council of Youth Sports (and their local organizations). Consistent with the PROTECT Act, programs were developed to screen applicants and render fitness determinations.

Pursuant to the PROTECT Act, you previously submitted a set of fingerprints and an application to a local volunteer organization. A check was then performed on the criminal history information on file with the Federal Bureau of Investigation (FBI), the results of which were then sent to the National Center for Missing and Exploited Children (NCMEC) for review. Consistent with the PROTECT Act, the NCMEC applied criteria it established jointly with the three volunteer organizations and rendered a fitness determination. Information concerning the following crimes were used in rendering the fitness determination:

- . Any felony
- . Any lesser crime in which sexual relations is an element (including pornography)
- . Any lesser crime involving cruelty to animals
- . Any lesser crime involving controlled substances (including DUIs which may involve drugs)
- . Any lesser involving force or threat of force against a person

Results of the criminal background check fall into three categories. In most instances, an applicant does not have any record whatsoever, or has a conviction for a noncriteria offense (which is therefore considered irrelevant for screening purposes), and hence "meets" the criteria established pursuant to the PROTECT Act. In other instances, an applicant has been convicted of a criteria offense (as indicated on his/her criminal record) or is currently wanted for such an offense, and therefore "does not meet" the criteria established pursuant to the PROTECT Act. Lastly, in other instances, an applicant has been arrested for a criteria offense, but the criminal record appears incomplete and a final fitness determination cannot be made since he/she "may not meet" the criteria. In these three circumstances, the NCMEC merely informs the national volunteer organization (which, in turn, informs the local volunteer organization) that the applicant "meets," " does not meet," or "may not meet" the criteria.

Finally, the NCMEC, jointly with the three NPOs, decided that a "may not meet" fitness determination should be rendered in any situation in which a criminal history indicates that the applicant has been charged with a crime against a child for which (1) no disposition or (2) a disposition favorable to the applicant is reflected on the criminal history.

Of course, the fitness determination is only one part of an organization's applicant review and the absence of a criminal record does not insure that a volunteer will be considered acceptable by the organization.

Under the PROTECT Act, you are entitled to (a) obtain a copy of your criminal history information and (b) challenge the accuracy and completeness of the criminal history information. These challenges are of two types:

1. In some instances, the local volunteer organization *may* attempt to resolve an incomplete record or revisit a fitness determination. If an applicant desires to avail himself/herself of that opportunity, the FBI will provide the criminal history information to the local volunteer organization (without charge) upon receipt of the attached notarized form signed by the applicant. In such instance, the local organization will provide a copy of the record to the applicant and inquire about the record with the applicant and government agencies (such as courts or police departments) having relevant information to resolve the uncertainty of an incomplete record.

2. Alternatively, the PROTECT Act provides that "[e]ach volunteer who is the subject of a criminal history background check . . . is entitled to contact the Attorney General to initiate procedures to (1) obtain a copy of their criminal history record report; and (2) challenge the accuracy and completeness of the criminal history record information in the report." Subject to the Privacy Act, 5 U.S.C. §552a, the FBI typically provides criminal history information to the record subject for the purpose of correcting an erroneous record upon the payment of an appropriate fee and the submission of fingerprints. 28 C.F.R. Part 16. In implementing the PROTECT Act, the FBI will release to the record subject (without charge) a copy of the criminal history information it previously disseminated to the NCMEC upon receipt of the attached notarized form signed by the applicant.

In either situation, requests for a copy of the applicant's criminal record by submission of the attached form should be addressed as follows:

MENTOR/National Mentoring Partnership
Attn: SafetyNET Pilot
1600 Duke Street, Suite 300
Alexandria, VA 22314

If, upon receipt, the record subject believes that the record on file with the FBI is inaccurate or incomplete, a challenge concerning such record should be made in writing to the FBI at the address above. The record subject should indicate the nature of the perceived error or requested amendment and provide his/her copy of the record and any relevant supporting information.

Since most criminal records maintained by the FBI originate with state or local agencies, and it is the originating agency which is authorized to alter or amend its record, the FBI will forward such request (with attachments) to the appropriate agency. Upon official notification of the amendment or correction of the record, the FBI will revise its record and inform the record subject of the amendment.

Lastly, criminal history record information is unclassified but sensitive information. Requests by an unauthorized person or for an unauthorized purpose, or misuse of the results of a criminal history check by redissemination to an unauthorized recipient or for another purpose, may subject an offender to federal criminal penalties pursuant to Titles 5 and 18 of the United States Code, as well as state criminal and civil liability.

By signing this Request, I acknowledge that I have been provided with a copy of this form. I have read and understood the foregoing and swear or affirm that my certification is true and correct to the best of my knowledge and belief.

Date: _____ Signature: _____

State of _____
County of _____

I, _____, a Notary Public in and for the aforesaid State and County, hereby affirm that _____ appeared before me on the ___ day of _____, 200_, and provided an identification document issued by a government agency (and bearing his/her likeness), and executed this form in my presence.

Signature: _____
Print: _____
Notary Public in and for the County
of _____,
State of _____ .

(Seal)

Send this request to: MENTOR/National Mentoring Partnership
Attn: SafetyNET Pilot
1600 Duke Street, Suite 300
Alexandria, VA 22314