

## **FBI Rap Sheet**

To properly assess your client's case, you or your client must obtain a copy of the client's record for any and all arrests or convictions. In cases where a client has lived in many different locations, where a client is unsure of where or even if he or she was arrested or where it is difficult to obtain information from the local police departments or courts, with the client's permission, the representative should perhaps first request an identification record (or "rap sheet") from the FBI, which will include any arrest and conviction data in FBI files. In fact, to be safe, some practitioners insist as a matter of practice that an FBI record check be done before an application for a benefit is filed. As a general rule, practitioners should request a FBI rap sheet if a client displays any uncertainty about any type of interaction with the criminal justice system and should counsel a client to delay the filing of any application or travel abroad until the results are received and analyzed.

To obtain an FBI rap sheet, a written request must be submitted via U.S. mail to the following:

FBI CJIS Division — Record Request  
1000 Custer Hollow Road  
Clarksburg, West Virginia 26306

Information on requesting a FBI rap sheet can be found at <http://www.fbi.gov/hq/cjisd/fprequest.htm>. When requesting a rap sheet it is important **not** to indicate that this information is being sought for immigration purposes, or the request may be returned. If a representative wishes to request an FBI rap sheet on a client's behalf, the client must sign a notarized Privacy Waiver and this must be submitted with the request. All requests should be accompanied by satisfactory proof of identity, such as a copy of a drivers license or passport, and must include the requester's name, date and place of birth and a set of rolled-in-inked fingerprint impressions placed upon fingerprint cards or forms commonly used by law enforcement agencies. Each request must also be accompanied by a fee of \$18.00 in the form of a certified check or money order, payable to the "Treasury of the United States," or a credit card payment authorization using the appropriate form available on the website. It takes approximately six to eight weeks to receive a response to a request for a rap sheet.

While FBI rap sheets can at times be under inclusive (i.e. not showing an arrest your client is certain occurred), over inclusive (including arrests that do not pertain to your client) and incomplete (not showing final dispositions), they are still the most reliable method of getting a snapshot of your client's complete criminal history in the United States. Armed with the information contained in the rap sheet, a client or the practitioner should then be able to track down the relevant documents through the police departments or courts listed on the rap sheet.

If a client is certain of the arresting agency or the court where they appeared on any and all criminal matters and is certain of the name they were arrested or convicted under, a request for a FBI rap sheet might not be necessary. Many police departments will issue police clearance letters to clients, which will indicate whether the client was ever arrested, and if so, will indicate the case numbers for any misdemeanors or felonies and where the client can obtain a record of this information. Clerks of Courts offices also can provide a certified list of any cases that a client has had before their court along with the dispositions in such cases.

Armed with this general information on all arrests and convictions, the client or practitioner should then obtain a certified copy of the following documents from the Clerk of Court for each charge filed with a court:

- the charging document (usually the indictment or information),
- the bill of particulars
- the verdict or judgment
- the sentence
- the minute entries
- if there was a plea, any written plea
- if there was a trial, the jury instructions
- Presentence report, if applicable
- Probation report, if applicable
- Police report

All of these documents are public record unless the case was sealed and thus anyone can request copies of them. Contact the Clerk of Court to find out how to order such documents, as requirements vary from court to court. Not every criminal record will contain all of the above-listed documents.

If there was a plea, a transcript of the plea hearing should also be ordered if the statute is divisible. See discussion of divisible statutes and the record of conviction below. It is often necessary to order any plea transcript separately through the court reporter, whose name and contact information can be obtained from the Clerk of Court.

If a client was arrested but charges were dropped before they were filed with the court, the charging information should be obtainable from the police report and a police clearance letter should indicate the charge was dropped. If charges were dropped, or “nolle prossed” after being filed with the court, the Clerk of Court will be able to provide certified documents showing such an outcome.