



## How to Get Your Criminal Record

**This guide explains how to get 3 kinds of records (“rap sheets”):**

- 1) FBI Record
- 2) State Record
- 3) Local Court Record

These records will help your lawyer determine if you qualify for DACA.

**Warning!** If you believe you have an **outstanding warrant** for your arrest, take care of it before getting your criminal records. Contact a criminal defense attorney or your public defender’s office. Contact information for public defenders in all states is available at: [www.nlada.org/NLADA/Links/Links\\_Home#links\\_IndigentDefense](http://www.nlada.org/NLADA/Links/Links_Home#links_IndigentDefense)

### 1) Get your FBI Record<sup>1</sup>

#### Step 1- Fill out the form

- Complete the applicant information form at <https://forms.fbi.gov/departmental-order-website-questionnaire>
- Include your name, date of birth, mailing address, telephone number and e-mail address. Sign and date the form.
- Under “Purpose” or “Reason for request,” write “personal review” or “to review own record.” *Do not* write for “immigration purposes.”
- It is *optional* to provide information such as a Social Security Number and citizenship.

#### Step 2- Get your fingerprints taken

- *Never* go to a police department. Go to a non-profit legal service provider, private business or printing company to get your fingerprints taken for a small fee. **See “Where do you get your fingerprints taken?” section on page 3.**
- Fingerprints are taken on an original fingerprint card.



#### Step 3- Pay the fee

- Prepare a money order or cashier’s check for \$18 made payable to the “Treasury of the United States.” Or pay using a credit card by filling out the form at <http://www.fbi.gov/about->

<sup>1</sup> See additional information at: [www.fbi.gov/about-us/cjis/background-checks](http://www.fbi.gov/about-us/cjis/background-checks)

[us/cjis/criminal-history-summary-checks/credit-card-payment-form/view](http://www.fbi.gov/about-us/cjis/criminal-history-summary-checks/credit-card-payment-form/view). Cash and personal or business checks *will not* be accepted.

#### **Step 4- Review the checklist**

- Check that you have everything needed to process the request. See checklist at: <http://www.fbi.gov/about-us/cjis/criminal-history-summary-checks/criminal-history-summary-request-checklist>

#### **Step 5- Mail the required documents**

- Mail the signed form, fingerprint card, and payment to: FBI CJIS Division: Record Request, 1000 Custer Hollow Road, Clarksburg, WV 26306.
- The request takes approximately 5 to 6 weeks to process.

#### **Step 6- Receive your FBI record or “no record” response**

- If the FBI *does not* find a record, you will receive a “no record” response. If the FBI *does* find a record, you will receive it.
- The FBI sends the results to the person who requested the record and no one else.

---

## **2) Get your State Criminal Record**



### **Step 1- Find your State’s Criminal Record Repository**

- State courts and law enforcement agencies submit criminal records to the state criminal record repository. The agency responsible for keeping these records varies by state.
- If you have lived or been arrested in several states, search for the appropriate agency in each of those states by visiting these sites:
  - <http://hirenetwork.org/clearinghouse> (after clicking on the state, scroll down to “Criminal Record Repository”)
  - [http://publicrecords.searchsystems.net/Free\\_Public\\_Records\\_by\\_Type\\_of\\_Record/Criminal\\_Records/](http://publicrecords.searchsystems.net/Free_Public_Records_by_Type_of_Record/Criminal_Records/)
  - [http://www.publicrecordsinfo.com/criminal\\_records.htm](http://www.publicrecordsinfo.com/criminal_records.htm).
- Go to the state website for contact information on getting records, not a third-party site. A state website address contains the abbreviation for the state and the abbreviation for the United States (e.g. fl.us).

### **Step 2- Learn about the Cost and Process for Getting Your State Records**

Contact the state agency and ask about the following:

- **Fees-** Check the amount, payment method, and whether a fee waiver is available.
- **Record Request Process-** Some states require you go in person to make the request. Others process written requests on a form by mail or online.
- **Type of Record Search-** Some states require the submission of fingerprints, others only require a name and date of birth to search for your records.
- **Access-** Some states restrict who can review the records of the individual, but you, as the subject of the criminal records, have access to your own records.

### **Step 3- Request State Criminal Records**

- Submit the request for records for each state where you have lived or been arrested.

### **Step 4- Receive the State Record**

- State records show arrests, convictions, and other dispositions (outcomes) you received in the state where you request the record. However, these records may be incomplete or incorrect. The amount of information on the arrests differs by state.

---

## **3) Get Local Court Records**



Local court records have the most complete and accurate information. The details in these records will help your legal service provider assess your risks in applying for DACA.

### **Step 1: Contact the Legal Representative who Worked on your Case**

- If a criminal defense attorney or a public defender worked on your criminal case, ask him or her about getting copies of your criminal record.

### **Step 2: Find and Contact the Local Court Where the Case Happened**

- Contact the court in each county where you were arrested. If you have your FBI rap sheet, look for the name of the agency that provided the arrest information, and search for the agency online. The records division of the court will have your criminal records.
- Call the court clerk ahead of time to learn the process and costs involved in requesting criminal records. You may be able to access your entire record online or by fax.
- Some courts require you to mail in a request form or to submit one online. If necessary, see if another person can request the records on your behalf.

### **Step 3: Get the Complete Court Record**

- Get the complete court record for each arrest. Make sure the court certifies the records.
- What should I do if the court cannot find any record?
  - If you were arrested, but no charges were filed, request a document from the court clerk stating that there is no record.
  - Often the court destroys its records after a certain period of time. If the court has destroyed your records, get a letter from the court clerk stating so.

## Where do you get your fingerprints taken?

**Warning!** Some states require you go in person to a law enforcement agency to submit your fingerprints. Undocumented immigrants and others who may have outstanding warrants should *not* go to a law enforcement agency (e.g., Police or Sheriff's Department) to get their fingerprints taken. They could be arrested and/or referred to ICE. Look into the options below.

The list of websites below will help you search for fingerprinting services places near you:

- Non-profit legal service providers (e.g. Catholic Charities in Chicago provides fingerprinting services) <http://www.weownthedream.org/legalhelp/>
- Printing companies (e.g. UPS in CA and FL) and private businesses <http://www.theupsstorelocal.com/4509/fingerprinting>
- FBI Approved Channelers process FBI record requests only for US citizens and Lawful Permanent Residents (LPR). However, some of the channelers provide a “print and go” option available to non- citizens and non-LPRs. See the FBI Approved Channelers below:
  - <http://www.identogo.com/>
  - [http://www.ameritekid.com/fbi\\_ink\\_fingerprintcards.htm#cardfees](http://www.ameritekid.com/fbi_ink_fingerprintcards.htm#cardfees)

Call to inquire about the specific service the place provides, the cost, hours (whether they have appointments or walk-in hours), and the identification documents they require you bring.

- Type of service you are requesting: Fingerprinting on an FBI paper card
- Reason for fingerprinting: Personal review

Once you have been fingerprinted, directly submit your request to the FBI per the instructions above.

## Juvenile Records

State and local laws may not allow you to get your own juvenile records. Ask your juvenile defender if you can legally get your records. If your juvenile records have been sealed, speak to an Own the Dream contact or an immigration attorney before trying to get the record. USCIS, in most cases, does not require you to submit juvenile records that have been sealed.

## Next Steps

Now that you have your criminal records, weigh the risks of applying for DACA with your legal service provider. If you decide to apply, your legal service provider will help you select what documents to submit with your application.

## Remember

If you have had any contact with law enforcement authorities, do not apply for DACA or submit any criminal records to USCIS without first consulting a legal service provider (immigration attorney or BIA Accredited Representative). Find legal help at: <http://www.weownthedream.org/legalhelp/>