

NOTICE OF GUIDANCE DOCUMENT

Pursuant to Wis. Stat. § 227.112, the Wisconsin Department of Justice is hereby seeking comment on the following proposed guidance documents:

Background Check & Criminal History Information (website)

Single Name Record Request & Instructions

Multiple Name Record Request & Instructions

Online Record Check System Pamphlet

Interpreting Responses

Criminal Records, Questions & Answers Pamphlet

Non-Criminal Justice Access, Volunteers for Children Act

Volunteers for Children Act Pamphlet

Criminal History Challenge Form & Information

Instructions for Completing Record Removal Request

Removal of Arrest Information Pamphlet

Record Completeness or Accuracy Challenge Notice

PUBLIC COMMENT AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Justice until February 24, 2020, by emailing the agency contact person listed below.

AGENCY CONTACT PERSON

Anthony Russomanno
Assistant Attorney General
russomannoad@doj.state.wi.us

Wisconsin Department of Justice

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Background Check & Criminal History Information

The Wisconsin Department of Justice has implemented the use of a Wisconsin Unique Personal Identification Number (WiUPIN) that is assigned to individuals who have successfully challenged a criminal history record existing in the Wisconsin Criminal History Database. The WiUPIN may be included in the search data provided by a requestor and if included will be used in searching potential matching records, so that any arrest and/or conviction record successfully challenged will not be included in a public response. If someone has used your identity during an arrest, or if someone has a very similar name and date of birth as you, you can challenge the arrest and/or conviction record by completing and submitting the criminal history challenge form and checking the Mistaken Identity/False Match option. A set of fingerprints captured by a law enforcement agency must be submitted with your challenge for fingerprint comparison purposes. The Challenge Form can be downloaded from [here: https://www.doj.state.wi.us/dles/cib/background-check-criminal-history-information#challenge](https://www.doj.state.wi.us/dles/cib/background-check-criminal-history-information#challenge).

There is no charge from the Wisconsin Department of Justice for this service.

The Wisconsin Department of Justice Crime Information Bureau (CIB) manages the central fingerprint-based criminal history repository for Wisconsin. The centralized criminal history (CCH) database contains detailed information of arrests, arrest charges, prosecution, court findings, sentences, and state correctional system admissions and releases. The database is an accumulation of information submitted by Wisconsin law enforcement agencies, prosecutors, courts, and the Wisconsin Department of Corrections as required by applicable statutes.

All information in CIB's criminal history database is based on submission by police departments of arrest fingerprint cards. Wisconsin law enforcement agencies are required under §165.84(1) to submit arrest fingerprint cards for offenses designated in §165.83(2)(a). CIB is also required to accept any other arrest fingerprint cards taken at the discretion of law enforcement agencies for offenses other than those listed in §165.83(2)(a). Some criminal history information may be obtained from other sources, such as courts and or corrections. As of March 1st, 2018 1,586,652 ten-print fingerprint cards were stored in the WI Automated Fingerprint Identification System (AFIS).

Fingerprint-supported records can be used to confirm whether or not a criminal record in the file belongs to a particular individual. Arrests without supporting fingerprints or related dispositions are not included in the criminal history database.

Because name-based checks are quicker, cheaper, and easier than fingerprint-based searches, most background checks required in Wisconsin are name-based. In many

instances they are the only type of checks available to employers, landlords, and other individuals requesting a background check. Because name-based checks use non-unique identifying data, such as name and date of birth, they are less reliable than fingerprint-based checks. It is possible for multiple persons to share a name and date of birth. In some cases, a name-based check may pull up a criminal record that does not belong to the subject of the search. At the end of calendar 2017 the DOJ processed over 900,000 public background check requests.

CIB provides a process for clarifying a false match that may result from submission of a particular person's identifying data for a name-based criminal history background check. This process is initiated by submitting a [📄 Wisconsin Criminal History Challenge Form \(DJ-LE-247\)](#) [↗](#) and a full set of fingerprints.

Click these links for additional information on these topics:


- [Requesting a record check](#)
- [How to read a criminal record](#)
- [Notice to employers](#)
- [Mistaken identity or false match](#)
- [Incorrect charge information](#)
- [Removal of arrest information](#)
- [Missing or incorrect disposition information](#)
- [Challenging a criminal history record](#)
- [Contact us](#)

Requesting a Record Check

Before requesting a criminal history record check it is important that you carefully read ALL information contained in the following sections titled: [How to read a criminal record](#), [Notice to employers](#), [Challenging a criminal history record](#), and [Mistaken identity or false](#)

[match](#). It is recommended that you carefully read this entire page before requesting a criminal history record check.

By internet:

Visit the Wisconsin Online Record Check System (WORCS) [website](#)  to submit your request.

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How to read a criminal record

You must carefully read the entire explanation and the Wisconsin Criminal History Record response in order to determine whether the record pertains to the individual whose identifying information was submitted to be searched. The response is based on a search using the name, date of birth and any other identifying data provided in the search request. The identifying data provided in the search request will be included on the cover page accompanying the search response.

Each criminal history response will include important information about the response. You should thoroughly read the “How to read a criminal record” and the “[Notice to employers](#)” section provided with each criminal history record response to understand how the response relates to the identifying information submitted to be searched.

- ❗ **CIB cannot guarantee that the criminal history record returned pertains to the person whose identifying information was submitted to be searched.**
- ❗ **You must carefully read the entire Wisconsin criminal history record response in order to determine whether the record returned pertains to the**

person whose identifying information was submitted to be searched.

- ❖ **Do not just assume that a criminal history record pertains to the person whose identifying information was submitted to be searched.**
- ❖ **The response may not show all arrests for the person whose fingerprints are associated with the criminal history provided in the response. However, the criminal history response will contain all information that has been provided to the state criminal history database that may be released in response to a particular request.**
- ❖ **The results of a criminal history search are effective and current only up to the date of the particular search. A new search request should be submitted at a later time if an updated response is needed.**

The criminal history record response will include the date of the response, order number, and the identifying information that was submitted and used to conduct the search. Criminal history background search requests submitted in paper form (DJ-LE-250) will be returned by U.S. mail with a record attached or an indication of “no record found”.

The criminal history response is linked by fingerprints to the name appearing directly after the explanatory sections of the response, following the label “IDENTIFICATION”. That name is the name that was provided by the fingerprinted person the first time his or her fingerprints were submitted to CIB and is called the “Master Name” in the explanatory sections; it may or may not be the real name of the fingerprinted person.

Other names used by the person identified who is the “Master Name” are listed in the “Alias Names/Fraudulent Data” section of the criminal history response. It is not uncommon for criminal offenders to use alias or fraudulent names and false dates of birth, sometimes known as “identity theft”.



- ❖ **If the name you submitted to be searched is DIFFERENT from the “Master Name”, the Wisconsin criminal history record response may belong to someone other than the person whose name and other identifying data you submitted for searching. If an alias or fraudulent name used by the person who is the “Master Name” is similar to the name you submitted for searching, that does not mean that the person whose name you submitted for searching has a criminal history. It means that the person associated by fingerprints with the Wisconsin criminal history response has used a name similar to the name you submitted for searching.**
- ❖ **If the name you submitted to be searched is THE SAME as the “Master Name”, the Wisconsin criminal history record response may belong to someone other than the person whose name and other identifying data you submitted for searching. That is because the “Master Name” is the name attached to the initial fingerprint submission to CIB that is associated with the reported criminal history, and may have been an alias name.**

To determine whether the Wisconsin criminal history record response actually belongs to the person whose name and other identifying

information you submitted for searching, compare the information reported on the response to the other information you have obtained about that person. Inconsistencies may indicate that the criminal history response does not belong to the person whose name and other identifying information you submitted for searching. You may need to ask for clarification from the person whose name and other identifying information you submitted for searching.

Before you make a final decision adverse to a person based on a criminal history response, in addition to any other opportunity you offer the applicant to explain the criminal history record response, please notify the applicant of:

1. His or her right to challenge the accuracy and completeness of any information contained in a criminal history record
2. The process for submitting a challenge.
 1. The [challenging a criminal history record section](#) explains how someone can go about submitting a criminal history challenge for review by CIB.
 2. An individual may also contact CIB at (608) 266-7314 for additional assistance with this process.

 [CIB's Criminal Records](#)  brochure may be of further assistance.

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Notice to employers

It may be a violation of state law to discriminate against a job applicant because of an arrest or conviction record. Generally speaking, an employer may refuse to hire an applicant on the basis of a conviction record only if the circumstances of the offense for

which the applicant was convicted substantially relate to the circumstances of the particular job. For more information, see [Wisconsin Statute § 111.335](#) and the Department of Workforce Development's publication, [Arrest and Conviction Records Under the Law](#).

Before you make a final decision adverse to a person based on a criminal history response, in addition to any other opportunity you offer the applicant to explain the criminal history record response, please notify the applicant of:

1. His or her right to challenge the accuracy and completeness of any information contained in a criminal history record, and
2. The process for submitting a challenge.
 1. The [challenging a criminal history record section](#) explains how someone can go about submitting a criminal history challenge for review by CIB.
 2. An individual may also contact CIB at (608) 266-7314 for additional assistance with this process.

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Mistaken identity or false match

If someone uses a name similar to your name or gives it as an alias when arrested, that name will be entered in the Wisconsin criminal history database. You may have been a victim of identity theft or your name may be very similar to the name of a person who has a criminal record. If a background

check is requested on a name similar to your name, ALL names in the database, including aliases, are searched. The search response may return all of the convictions that belong to the person who used a name similar to your name.

To clarify that you are not the subject of the criminal history reported in response to a search request, you may submit a Wisconsin Criminal History Challenge Form. See the [“challenging a criminal history”](#) section below for more information.

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Incorrect charge information

Sometimes a criminal history report will list convictions inaccurately. To correct these errors or inaccuracies on a criminal history report requested for you, obtain a certified copy of the judgment of conviction for your case. You can obtain this from the court where you were convicted. Send the judgment to CIB along with a [Wisconsin Criminal History Challenge Form](#), explaining why you believe the record is incorrect or in error. If the documentation submitted supports your request, the record will be changed in the CIB criminal history database.

Each criminal history record cycle on a criminal history report may contain several sections: arrest, prosecutor, and court. The charges issued by the district attorney may not be the same as the original arrest charges reported by the arresting agency. This does not qualify the original arrest charges for removal from the criminal history database. It simply means the prosecutor chose to file charges different than those reported at the time of arrest. Likewise, the court disposition may involve charges other

than those in either the arrest or prosecutor sections.

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Removal of arrest information

Sometimes a criminal history report will contain expunged, dismissed, or not prosecuted charges. In most cases, state law does not permit the removal of arrest information. If an arrest on the record qualifies for removal, you must submit the [Fingerprint Record Removal Request \(DJ-LE-250B\)](#) to CIB.

Eligible for removal: To qualify for this type of removal, all of the charges listed on the arrest fingerprint submission must have been dismissed or not charged. Charges amended to a lesser offense do not qualify for removal.

- ❑ **Dismissed charges or charges not prosecuted.**
- ❑ **Released without charges being filed.**
- ❑ **Acquitted by a court.**

Not eligible for removal:

- ❑ **Individual charges that are part of an arrest event (All charges on an arrest fingerprint submission must be eligible for removal in order for your request to be processed).**
- ❑ **Custody transactions such as: warrants, probation violations, and extradition proceedings.**
- ❑ **Expungement of a case in court. This does not satisfy the statutory requirements for removal from the criminal record.**
- ❑ **Offenses resulting in a conviction with a stipulation that the record be**

expunged upon successful completion of the terms of the agreement. This results in the court record being expunged. This section does not require law enforcement agencies or prosecutors to destroy records relating to an expunged conviction, nor does it prohibit courts from considering the facts underlying an expunged conviction in sentencing in another case.

- Dispositions under first offender or youthful offender provisions also do not qualify unless the charge was dismissed by the court**

If you do not qualify for removal of arrest information under §165.84(1), another option may be to request Executive Clemency from the Governor. This will not remove the information from the criminal history record but may restore certain rights and will be noted on the record. Information on Executive Clemency may be found on the Governor's [website](#).

CIB's [Removal of Arrest Information](#) brochure may be of further assistance.

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Missing or incorrect disposition information

If you believe there is missing or incorrect disposition information in a criminal history report requested for you, you may submit a "Judgment of Conviction" or "Order for Dismissal" issued by the court that handled the case. You may also submit a letter from the office of the prosecutor that handled the case indicating the case was not prosecuted. Many courts have their case information available online at

<http://wcca.wicourts.gov> .

In most instances, state law does not permit the removal of disposition information. Instead, notations may be added to the disposition information in a criminal history search response for the following:

- ❑ **Special dispositions under §973.015.**
- ❑ **Conditional probations §961.47(1), 961.47(2) or §161.47.**
- ❑ **Court-ordered expungements for cases that did not result in dismissal of all charges.**
- ❑ **Governor's Pardon or Executive Clemency.**

In the following limited situations, a record may be removed in its entirety through a Department of Justice expungement. To qualify for this type of removal **all** of the charges listed on the arrest fingerprint submission must have been dismissed or not charged.

- ❑ **Dismissed charges or charges not prosecuted.**
- ❑ **Released without charges being filed.**
- ❑ **Acquitted by a court.**

If a charge is amended to a lesser offense resulting in a conviction it does not qualify for a DOJ expungement.

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Challenging a criminal history record

If you believe that the criminal history requested for you is actually about a different person, you can submit a criminal history challenge for review by CIB. To do so, you will have to submit a completed applicant fingerprint card (FD-258) ([📄 Example](#)).

The **minimum data** required for this submission includes: full name, sex, race, date of birth, reason fingerprinted (Criminal Record Challenge), and information regarding the official capturing the fingerprints. This fingerprint card will be submitted along with a completed [Wisconsin Criminal History Challenge Form \(DJ-LE-247\)](#) to the address listed on the challenge form. Fingerprint cards should not be folded for mailing. There is **no** fee to request a challenge.

CIB will compare your fingerprints with the fingerprints of the person who gave a name similar to your name in connection with an arrest reported to the criminal history database. If the fingerprints are not the same you will get a WiUPIN letter. You can use this letter to prove to prospective employers or others that the criminal history that shows up in response to a criminal history search request for a name similar to your name does not belong to you.

As part of the identity confirmation process, your fingerprints will be compared with other fingerprints on file at CIB. If a fingerprint comparison confirms that you are the subject of a criminal history record or unsolved crime, the information provided by you (including name and date of birth) may be added to the corresponding criminal history record and/or shared with other criminal justice agencies.

CIB can not remove conviction records belonging to someone else from a criminal history search result for a name similar to your name. Information submitted to the state criminal history repository is the property of the submitting entity and cannot be changed without permission of that entity. You may request the submitting

agency remove the information and have that agency notify CIB to make the change.

CIB's [📄 Removal of Arrest Information Brochure](#) [🔗](#) may be of further assistance.

CIB's [📄 Criminal Records Brochure](#) [🔗](#) may be of further assistance.

Additional forms, brochures and manuals may be found on the [CIB Forms](#) page

Contact us

For additional assistance or if you have any questions please call

Criminal History Unit (608) 266-7314

Criminal History Unit Supervisors (608)261-6267 or (608) 266-0872

You may also reach us via email for additional assistance or questions:

For Background Check related information use CIBRecordCheck@doj.state.wi.us

For Criminal History record related information use

CIBCriminalHistory@doj.state.wi.us

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Resources

- [Criminal Justice Coordinating Council](#)
- [File Consumer Complaint](#)
- [Wisconsin Amber Alert](#)
- [Missing and Exploited Children and Adults](#)
- [Wisconsin Alliance for Drug Endangered Children](#)
- [Wisconsin Crime Alert Network](#)
- [Wisconsin Department of Corrections](#)
- [Wisconsin Board of Commissioners of Public Lands](#)
- [Wisconsin Department of Transportation](#)
- [DOJ Media Archive](#)
- [Grants](#)

Contact the AG

Attorney General
PO Box 7857
Madison, WI 53707-7857

Phone: (608) 266-1221

Fax: (608) 267-2779

Connect with the DOJ



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STATE OF WISCONSIN DEPARTMENT OF JUSTICE

DJ-LE-250 (Rev. 7/11)

DIVISION OF LAW ENFORCEMENT SERVICES Crime Information Bureau Record Check Unit

PO Box 2688 Madison, WI 53701-2688 608/266-5764

WISCONSIN CRIMINAL HISTORY SINGLE NAME RECORD REQUEST

A self-addressed, postage-paid envelope must accompany every inquiry. Ensure sufficient postage is included. See reverse side for additional instructions and information. Please print legibly or type.

Requestor Type - Check Only One

- Government Agency \$12.00*
General Public \$12.00*
Nonprofit Org. \$12.00*
Public Defender (Fee Exempt) SPD #
Police Certificate \$20.00 (Must include fingerprint card)

Request Purpose - Check Only One

- General Information
Public Housing
Caregiver - General (*Add \$3 DHS fee)
Child Day Care - Caregiver (*Add \$3 DHS fee)
Provide either Facility # or Certifying Agency #

Payment Type - Check Only One

- Bill Account Number # (not available for police certificate)
Amount Enclosed \$

Search for a Record on: (Please type or print legibly)

* Name: (Last) / (First) / (Middle)

* Sex: * Race: * Date of Birth: (MM) / (DD) / (YYYY)

Other Identifying Data (Social Security Number, Maiden Name(s), Additional Names, etc.)

* Required Data

Return request to: (Include a self-addressed, postage-paid envelope)

Name: Attn:
Street: Phone:
City, State, FAX:
Zip: E-mail:

FOR CIB USE ONLY

Special Processing Instructions:

Four horizontal lines for special processing instructions.

General Instructions

Use form DJ-LE-250 to request a criminal background check on a single individual. Use form DJ-LE-250A to request background checks on multiple persons. Wisconsin Statutes 19.35(1) and 165.82 provide that any person or entity may request a criminal background check. The subject of the inquiry may be any person. Wisconsin adult criminal history data held by the Crime Information Bureau is public information. Wisconsin does not release juvenile information unless statutorily authorized.

The Wisconsin Criminal History Record Request must provide:

- (1) **Requestor Type.** Check the box for your requestor type. If you are a nonprofit organization, you must include a copy of your 501(c)3 ruling from the IRS. If you are a state public defender, you must include your SPD number.
- (2) **Request Purpose.** Check the "General Information" box unless you need the special processing described below. Requests received without a request purpose checked will be processed as "general information."

Caregiver Background Check processing should be used by entities or individuals required to do caregiver background checks under s. 50.065, and child care entities under s. 48.685. The caregiver background check includes a Wisconsin criminal background check, a license and registry check from the Wisconsin Department of Health and Family Services (DHFS) and a professional credential check from the Wisconsin Department of Regulation and Licensing (DRL). The results of the caregiver background check from DHFS/DRL are returned separately from the Wisconsin criminal history results. Child day care providers with day care facility numbers (assigned by the Division of Children and Family Services in DHFS) or with certifying agency numbers (assigned by the Wisconsin Department of Workforce Development(DWD)) must check the "Child Day Care" box and provide their facility or agency number. All other entities and individuals covered by the Caregiver legislation must check the "Caregiver Background Check – General" box.

- (3) **Payment Type.** Wisconsin s. 165.82 requires CIB to charge a fee for background checks. If appropriate, include DHFS Caregiver fee in Amount Enclosed. If you have an account and wish to be billed, enter your account number. Account customers will be billed monthly. A check or money order must accompany all other requests. Make checks payable to the Wisconsin Department of Justice.
- (4) **Enter the complete name, sex, race, and date of birth of the individual being checked.** Entry of social security number is optional, but please be aware that this number is one of the unique identifiers used by the Crime Information Bureau and by the Department of Health and Family Services. Social Security numbers help prevent incorrect matches.
- (5) **A self-addressed, postage-paid envelope must accompany every inquiry.** Ensure sufficient postage is included. This form will be returned and stamped "No Record" if there is no public criminal information on file at CIB. The form will be accompanied by public criminal history information if a record is found. Please allow 10 business days for the CIB record check and reasonable mailing time by the postal service. Do not provide an additional envelope for Caregiver results. General Caregiver results will be returned to the address specified in the "Return request to" section and Child Daycare results will be returned to the address on file at DHFS or DWD.
- (6) **Complete the "Return request to" section.**

Mail requests to: Crime Information Bureau Attn: Record Check Unit PO Box 2688 Madison, WI 53701-2688

165.82 CRIMINAL HISTORY SEARCH FEE. (1) Notwithstanding ss. 19.35(3) the Department of Justice shall impose the following fees, plus any surcharge required under sub. (1m), for criminal history searches for purposes unrelated to criminal justice:

- (a) For each record check, except a fingerprint card record check, requested by a nonprofit organization, \$7.00
- (ag) For each record check, except a fingerprint card record check, requested by a governmental agency, \$7.00.
- (ar) For each fingerprint card record check, \$15.
- (b) For each record check by any other requestor, \$7.00.

(1m) The department of justice shall impose a \$5 surcharge if a person requests a paper copy of the results of a criminal history search requested under sub. (1).

(2) The Department of Justice shall not impose fees for criminal history searches for purposes related to criminal justice.

1999 WISCONSIN ACT 9 This act authorizes the Department of Health Services to impose a fee for caregiver checks submitted to that agency. This fee has been set at \$3 and is effective April 1, 2000. The Department of Justice has agreed to collect this fee for DHS.

Requestor Type Category Definitions

Nonprofit Organization – An organization in which no part of the income is distributable to its members, directors or officers. Record check requests submitted to the Crime Information Bureau by nonprofit organizations must include a copy of the organization's 501(c)(3) ruling from the Internal Revenue Service].

Governmental Agency – A federal, state, county or municipal governing body created by constitution, state, code, charter, ordinance, rule or order and any formally constituted subunit or agency thereof. This category includes public school districts.

Any Other Requestor – Includes any individual, agency or organization that does not meet the definition of governmental agency, nonprofit organization or a criminal justice agency involved in the administration of criminal justice.

Police Certificate – A fingerprint-based criminal history search most commonly needed for purposes of immigration or adoption. This search is of Wisconsin criminal history records only. Searches for other states must be performed through each state or the FBI. Please indicate any special processing instructions in the space provided.



STATE OF WISCONSIN DEPARTMENT OF JUSTICE

DJ-LE-250A (Rev. 7/11)

DIVISION OF LAW ENFORCEMENT SERVICES Crime Information Bureau Record Check Unit

WISCONSIN CRIMINAL HISTORY MULTIPLE NAME RECORD REQUEST

PO Box 2688 Madison, WI 53701-2688 608/266-5764

A self-addressed, postage-paid envelope must accompany every inquiry. Ensure sufficient postage is included. See reverse side for more information/instructions. Return request

To: _____ Attn: _____ Phone: _____

Street: _____ FAX: _____

City, State, _____

Zip: _____ E-mail: _____

Requestor Type - Check One
Request Purpose - Check One
Total Number of Requests Submitted
Payment Type - Check One

Multiply the Search Fee (including DHS fee) times the Number of Requests to determine the amount to enclose

Table with columns: * Last Name, * First Name, Middle, * Sex, * Race, * Date of Birth, Other Identifying Data, ** CIB Use Only

* Required Data - Please type or print legibly
** CIB will indicate "No Record" or will record the State Identification Number of the corresponding record in this column. The record(s) will be attached to this form and returned.

General Instructions

Use form DJ-LE-250A to request criminal background checks on more than one individual. Use form DJ-LE-250 to request background checks on a single individual. Wisconsin Statutes 19.35(1) and 165.82 provide that any person or entity may request a criminal background check. The subject of the inquiry may be any person. Wisconsin adult criminal history data held by the Crime Information Bureau is public information. Wisconsin does not release juvenile information unless statutorily authorized.

The Wisconsin Criminal History Record Request **must** provide:

- (1) **Complete the "Return request to" section.**
- (2) **Requestor Type.** Check the box for your requestor type. Nonprofit organizations must include a copy of your 501(c)3 from the IRS. Public defenders must include your SPD number.
- (3) **Request Purpose.** Check the "General Information" box unless you need the special processing described below. Requests received without a purpose checked will be processed as General. Caregiver Background Check processing should be used by entities or individuals required to do caregiver background checks under s. 50.065, and child care entities under s. 48.685. The caregiver background check includes a Wisconsin criminal background check, a license and registry check from the Wisconsin Department of Health and Family Services (DHFS) and a professional credential check from the Wisconsin Department of Regulation and Licensing (DRL). The results of the caregiver background check from DHFS/DRL are returned separately from the Wisconsin criminal history results. Child day care providers with day care facility numbers (assigned by the Division of Children and Family Services in DHFS) or with certifying agency numbers (assigned by the Wisconsin Department of Workforce Development (DWD)) must check the "Child Day Care" box and provide their facility or agency number. All other entities and individuals covered by the Caregiver legislation must check the "Caregiver Background Check—General" box.
- (4) **Enter the number of requests.**
- (5) **Payment Type.** Wisconsin s. 165.82 requires CIB to charge a fee for background checks. If you have an account and wish to be billed, enter your account number. Account customers will be billed monthly. **A check or money order must accompany all other requests.** Multiply the fee amount times the number of requests to determine the amount to enclose. If appropriate, include DHFS Caregiver fee in Amount Enclosed. Make checks payable to the **Wisconsin Department of Justice**.
- (6) **Enter the complete name, sex, race, and date of birth for each individual being checked.** Entry of social security number is optional, but please be aware that this number is one of the unique identifiers used by the Crime Information Bureau and by the Department of Health and Family Services. Social Security numbers help prevent incorrect matches.
- (7) **A self-addressed, postage-paid envelope must accompany every inquiry. Ensure sufficient postage is included.** This form will be returned and stamped "No Record" if there is no public criminal information on file at CIB. The form will be accompanied by public criminal history information if a record is found. Please allow 10 business days for the CIB record check and reasonable mailing time by the postal service. Do not provide an additional envelope for Caregiver results. General Caregiver results will be returned to the address specified in the "Return request to" section and Child Daycare results will be returned to the address on file at DHFS or DWD.

Mail requests to: Crime Information Bureau, Attn: Record Check Unit, PO Box 2688, Madison, WI 53701-2688

165.82 CRIMINAL HISTORY SEARCH FEE. (1) Notwithstanding ss. 19.35(3) the Department of Justice shall impose the following fees, plus any surcharge required under sub. (1m), for criminal history searches for purposes unrelated to criminal justice:

- (a) For each record check, except a fingerprint card record check, requested by a nonprofit organization, \$7.00.
- (ag) For each record check, except a fingerprint card record check, requested by a governmental agency, \$7.00.
- (ar) For each fingerprint card record check requested by a governmental agency, \$15.
- (b) For each record check by any other requestor, \$7.00.

(1m) The Department of Justice shall impose a \$5 surcharge if a person requests a paper copy of a criminal history search requested under sub. (1).

(2) The Department of Justice shall not impose fees for criminal history searches for purposes related to criminal justice.

1999 WISCONSIN ACT 9 This act authorizes the Department of Health Services to impose a fee for caregiver checks submitted to that agency. This fee has been set at \$3 and is effective May 1, 2000. The Department of Justice has agreed to collect this fee for DHS.

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Governmental Agency – A federal, state, county or municipal governing body created by constitution, state, code, charter, ordinance, rule or order and any formally constituted subunit or agency thereof. This category includes public school districts.

Any Other Requestor – Includes the general public, and individual, agency or organization that does not meet the definition of governmental agency, nonprofit organization or a criminal justice agency involved in the administration of criminal justice.

Do online background checks cost more?

The cost of the check is less if done online. A \$5.00 surcharge is legislatively mandated for background checks requested by mail.

Fees for online background checks are:

DOJ General Requests

- \$7 for non-profit organizations
- \$7 for government organizations
- \$7 for general public requests

Caregiver or Daycare Requests *

- \$10 for non-profit organizations
- \$10 for government organizations
- \$10 for general public requests

* Includes \$3 fee for the Department of Health Services. These background checks will include responses from DHS which are required for Wisconsin caregiver and daycare providers. This fee will be included in your monthly statement from the Department of Justice. Payments for both fees should be made to the Department of Justice.



Wisconsin Background Checks Available Online

To access this information online, you must have the following:

- An up-to-date browser (Chrome, Firefox, Internet Explorer 11+, or Safari)
- An active WORCS account or a credit card, debit card, or checking account
- Our URL: recordcheck.doj.wi.gov

If you do not have an account, you may first create a user account and then apply for a billing account, following the instructions on the website.

Forms to request criminal background checks by mail may also be found at the website:

www.doj.state.wi.us/dles/cib/cib-forms

If you have questions, contact:

DOJ Crime Information Bureau:	608-266-7314
DCF Child Care Caregiver Background Unit	608-422-7400
DCF Bureau of Early Care and Regulation	608-421-7550
DHS Caregiver Background Unit	608-261-8319

Wisconsin Department of Justice



Crime Information Bureau
Criminal History Unit
Mailing Address: P.O. Box 2688
Madison, WI 53701-2688

Phone: 608-266-7314
Fax: 608-267-4558

Email: CIBRecordCheck@doj.state.wi.us



Wisconsin Online Record Check System

JOSH KAUL

Attorney General

Wisconsin Department of Justice

You can find FAQs and Training Documentation at our website:

recordcheck.doj.wi.gov

What information can be accessed over the Internet?

Adult criminal history information is considered part of the public record in the State of Wisconsin. Anyone may obtain this information provided they pay the fee established by the Wisconsin Legislature.

Access to juvenile information is restricted by state and federal law, and is not included in a standard background check.

Inquiries done online are available for 6 months from the date of request.

Can Caregiver and Daycare Checks be done online?

Yes. All agencies, the Department of Justice, the Departments of Health Services, Children and Families, and Safety and Professional Services will respond online. Which agencies respond and which databases are searched depends on the type of request. Check with your licensing agency to see what you need to run.

Do I qualify for fingerprint-based background checks under the VCA?

The Volunteers for Children Act allows Qualified Entities to receive criminal history information from the FBI when fingerprint cards are submitted. Most agencies that work with any type of protected population qualify for these national checks.

The fee for these checks is \$29.75 for employees or \$28.50 for volunteers. Add \$3 if you need a caregiver or daycare response.

Forms to register as a Qualified Entity may be found at www.doj.state.wi.us/dles/cib/cib-forms.

Department of Justice Wisconsin Online Record Check System



Do I need an account to run a background check?

Anyone can submit a background request on WORCS from the Public Access tab. Make sure to write down your Order Reference Number, which is used to retrieve your results.

If you conduct frequent background checks, you may wish to register for a user account, allowing you to log in and view your previous 6 months of background checks, as well as letting you upload a batch of requests at once.

Organizations may wish to apply for a billing account, which allows for monthly payments and a number of other features.

What's different between a user account and a billing account?

Authorized Users are able to log in with an email address and password and view the last 6 months of previous requests. Each background check is paid for at that time.

Billing accounts allow organizations to receive monthly billing statements rather than paying as they go. Multiple users can be added to a billing account with different permissions. Authorized users can also review past statements and run reports such as user activity. Billing accounts are required for some types of organizations, such as law enforcement or daycare; anyone needing results based on fingerprints must have an authorized billing account.

How can I get criminal records from other states?

Release of criminal history information from other states are governed by the laws of each state. Some states release information similar to Wisconsin, some states release no information, and other states may fall somewhere in between.

To assist you in keeping up with procedures in all states, information regarding other states may be found at:

www.brtpub.com/free-public-records

Other Sources of Information

Disposition Information (if not submitted)

- Circuit Court Automation Program
wcca.wicourts.gov
- Arresting Law Enforcement Agency
wilenet.org/html/directory/agency.pdf
- Prosecuting District Attorney
wilenet.org/html/directory/agency.pdf
- Circuit Court in which complaint is filed
www.wicourts.gov/contact/directories.htm

DHS Caregiver Information

- General Information
www.dhs.wisconsin.gov/caregiver/index.htm
- Misconduct Registry
www.dhs.wisconsin.gov/caregiver/misconduct.htm
- Prohibited Offense List
docs.legis.wisconsin.gov/code/admin_code/dhs/001/12

DSPS Credential/License Search

app.wi.gov/LicenseSearch/

Use of Arrest and Conviction Records

dwd.wisconsin.gov/er/civil_rights/discrimination/arrest_conviction.htm

Wisconsin Statutes Online

<http://docs.legis.wisconsin.gov/statutes>

Interpreting Responses

No Criminal History

DEPARTMENT OF JUSTICE CRIME INFORMATION BUREAU
08/16/2000

Order Number	10581
Name	JOANNA Q. CITIZEN
Date of Birth	11/11/1966
Sex	FEMALE
SSN	888-88-8888
Race	UNKNOWN
Alias	

The response is based on a search using the identification data supplied. Searches based solely on name and non-unique identifiers are not fully reliable. The CIB cannot guarantee that the information furnished pertains to the individual you are interested in.

No criminal history found.

Based on the information submitted, no match was found in the database.

All inquires and matches are based on the information you submitted. If the person has a record under a maiden name and you did not include the other name(s) with your inquiry, a match may not be made unless there is another unique identifier match, such as social security number. No returned records are based solely on matching social security numbers without other corroborating information.

****Note that all colored text and connecting arrows are for demonstration purposes in this instructional document. Criminal information returned from the database is sent as normal black-on-white text. No graphics connect identification information sent to identification data returned, or arrest charges to disposition data.**

Review CIB Record

Exact Match

DEPARTMENT OF JUSTICE CRIME INFORMATION BUREAU
08/16/2000

Order Number 10582
Name JOSEPHINE Q. CITIZEN
Date of Birth 03/06/1968
Sex FEMALE
SSN 988-98-9898
Race WHITE
Alias

The response is based on a search using identification data supplied. Searches based solely on name and non-unique identifiers are not fully reliable. CIB cannot guarantee that the information furnished pertains to the individual you are interested in.

Report Date: August 16, 2000

Public Access

WISCONSIN IDENTIFICATION DATA

Name:

JOSEPHINE Q. CITIZEN

Sex:

FEMALE

Race:

WHITE

Date Of Birth:

March 6, 1968

Height:

5 FT. 1 IN.

Weight:

105 LBS.

Hair:

BLONDE

Eyes:

HAZEL

Scars, Marks, Tattoos, Amputations

Place Of Birth:

WISCONSIN

Citizenship:

USA

Fingerprint Class:

NOT AVAILABLE

State Ident No.:

WI 999999

FBI No.:

555555AA5

Social Security No.:

988989898

Based on the information you submitted, the subject of this record matches the person on whom your inquiry was based. Note the matches in the record returned on the lower portion of the page to the information entered in the inquiry on the top.

However, you need to carefully compare the information you entered against the information in the record. You should examine name, date of birth, social security number and other identifiers in making your comparison.

If this does not appear to be the subject of your inquiry, please carefully check all the information returned. If the last name does not match, but first and middle names, along with date of birth and social security number do match, the record was probably submitted under a maiden or alias name. To verify, you should ask the individual if they ever went by the name on the record. Any maiden or alias names reported on arrest fingerprint cards will be included in the response and used in the search.

Non-Exact Match

DEPARTMENT OF JUSTICE CRIME INFORMATION BUREAU
08/16/2000

Order Number 10581
 Name JOHN Q. CITIZEN
 Date of Birth 03/31/1963
 Sex MALE
 SSN 999-99-9999
 Race UNKNOWN
 Alias

Based on the above descriptors, no exact match can be found in CIBs computerized criminal history database. Some criminals are known to use a variety of alias names, dates of birth and social security numbers. Also, normal data collection and keying processes lead to variation in subject descriptors. The following record is within the known range of variation and is available to you for your review. Be aware, however, that this record may not belong to the subject of your inquiry.

Report Date: August 16, 2000

Public Access

WISCONSIN IDENTIFICATION DATA

Name:

 JOHN QUINCY CITIZEN

Sex: MALE Race: BLACK

Date Of Birth: March 31, 1962 Height: 5 FT. 09 IN.

Weight: 182 LBS. Hair: BLACK Eyes: BROWN Scars, Marks, Tattoos, Amputations: -----

State Ident No.: WI 999998 FBI No.: 444333DD4 Social Security No.: [REDACTED]

****Note the different caveat following the information entered and the record returned.**

Based on the information you submitted, the subject of this record may be the person on whom your inquiry was based. There may be slight variation between the information you entered and the information in this record.

It is imperative that you compare the information you entered against the information in the record. You should examine name, date of birth, social security number and other identifiers in making your comparison.

In this case, the year of birth differs by one year. This may be a typographical error on the information submitted to the Department of Justice, or erroneous information submitted at the time of arrest. The record contains a middle name while the inquiry only had a middle initial. The inquiry used a race code of unknown while the record indicates a race. No social security number was submitted with the arrest fingerprint card, while one was included with the inquiry.

Some responses returned may contain matches on first and middle name, date of birth and social security. This may indicate the record is maintained under a maiden name that was not included in your inquiry.

Many records have multiple names, dates of birth and social security numbers included. This may be to known alias names being submitted by the arresting agency, or multiple arrest fingerprint cards being submitted with different information on each. If that is the case, the fingerprints have been positively identified as belonging to the same person, even if submitted under different names.

Verifying a Match

Confirmation of Match Through Fingerprints

All arrest information received by the Department of Justice and forwarded to the Federal Bureau of Investigation is based on the submission of an arrest fingerprint card.

Upon receipt of an arrest fingerprint card, the fingerprints are compared to those on file, both at the state and federal level, to see if the person already has a file in either database. If there is a previous record, the new arrest information is added to the existing record. If there is no match, a new file is created based on the information on the fingerprint card.

Although the name search is quite accurate, the only certain means of determining if the information returned on the name search is subject of the record is by the comparison of fingerprints.

If the person the background check is conducted on states that the criminal history information returned is not theirs, a fingerprint comparison can be done. You must submit the *Wisconsin Criminal History Single Name Record Request*. Included on this request must be a rolled impression of the right index finger. Any local law enforcement agency should be able to help your subject in obtaining this impression. If for some reason, such as injury or amputation the right index finger cannot be used, another finger may be substituted. Please indicate which finger was used on the form.

There is no fee for this fingerprint comparison as long as it is requested within six months of the initial inquiry. If not requested within that time period, the normal background check fees apply.

Fingerprint searches will not be performed as the initial means of searching the database unless Wisconsin statutes allow fingerprint-based background checks for the background check required for your submission type.

The *Wisconsin Criminal History Single Name Record Request* form may be found on our website, www.doj.state.wi.us/dles/cib/forms .

Reading a Criminal Record

Identification Segment

DEPARTMENT OF JUSTICE CRIME INFORMATION BUREAU

07/11/2001

Order Number	169481
Name	JOHN Q. CITIZEN
Date of Birth	01/01/1950
Sex	MALE
SSN	
Race	WHITE
Alias	

Based on the above descriptors, no exact match can be found in CIBs computerized criminal history database. Some criminals are known to use a variety of alias names, dates of birth, and social security numbers. Also, normal data collection and keying processes lead to variation in subject descriptors. The following record is within the known range of variation and is available to you for your review. Be aware, however, that this record may not belong to the subject of your inquiry.

Report Date: July 11, 2001

Public Access

*** FELONY OFFENDER ***

*** REGISTERED SEX OFFENDER ***

WISCONSIN IDENTIFICATION DATA

Name:

JOHN QUINCY CITIZEN

Aliases:

JOHN Q. CITIZEN

QUINCY CITIZEN

ALFRED G. NORTHWIND

Sex: **Race:** **Date Of Birth:** **Height:**

MALE WHITE January 1, 1951 6 FT.00IN.
January 8, 1951

Weight: **Hair:** **Eyes:** **Scars, Marks, Tattoos, Amputations:**

157 LBS. BROWN BROWN

SCAR EAR,LEFT
TATTOO ARM,LEFT (NON-SPECIFIC)
TATTOO ARM,RIGHT
TATTOO ARM,LEFT UPPER
TATTOO CHEST
TATTOO FOREARM,LEFT
TATTOO FOREARM,RIGHT
TATTOO SHOULDER,RIGHT
TATTOO WRIST,LEFT

Place Of Birth: **Citizenship:** **Fingerprint Class:**

WISCONSIN USA PO6312PO13PI6911CI13

State Ident No.: **FBI No.:** **Social Security No.:**

WI 38176 553622R7 399600444

Driver License No.: **AFIS Class:** **Miscellaneous Numbers:**

WI P2503865800805

Palm Print Taken: **Photo At CIB:**

NO YES

Occupation:

SALESMAN

Employer:

FULLER BRUSH COMPANY

Residence:

1401 WEST MAIN ST, ANYTOWN WI, -

Miscellaneous Comments:

Criminal Justice Summary Data

First Adult Arrest Date: January 21, 1976
Last Adult Arrest Date: November 20, 1993
Total Adult Arrests: 3
Total Custodies: 5

In this record, John Quincy Citizen has used several names and dates of birth when arrested on different occasions. This is not an exact match due to the date of birth returned not matching the date of birth submitted with the request.

Citizen's first adult arrest was 01/21/76 and his last 11/20/93. The file contains 3 arrest events and 5 custody events. The record also displays both a felony offender and registered sex offender flag.

Record Flags and Notations

Felony Offender

This record notation indicates the subject of the record has been convicted of a felony offense in the State of Wisconsin.

Registered Sex Offender

Certain convicted persons, based on the circumstances of their offense are required to register with the state as sex offenders. This registration is required for certain convictions and may be ordered in other convictions if the sentencing court determines the underlying conduct was sexually motivated and the best interests of the public are served by requiring the person to register.

However, there may be circumstances under which a registered sex offender residing in the state does not have a criminal record with the State of Wisconsin. The sex offender may have been convicted in another state and moved to Wisconsin without transferring their registration; the underlying offense may have occurred prior to 1971 when all arrests were reported directly to the FBI and not the state; or, an arrest fingerprint card for the subject was never submitted.

A complete background check should always include a search of the sex offender website maintained by the Wisconsin Department of Corrections at <http://offender.doc.state.wi.us/public>.

DNA Sample Has Been Taken For Subject

Any person convicted of a felony in Wisconsin is required to provide a sample of their DNA for the state's DNA database. This notation indicates that requirement has been satisfied.

This is a State of Wisconsin Triple I Record

Triple I or III, is the Interstate Identification Index or national criminal history database maintained by the Federal Bureau of Investigation. This notation indicates that there is a record for this subject in the FBI database, but that record consists only of information submitted by the State of Wisconsin and no information from any other state.

This is a portion of a multi-state record

This notation indicates that the subject of your search also has arrest information on file with the FBI from states other than Wisconsin.

Under most circumstances information from the FBI record is not available. In order to obtain information from the FBI, fingerprints must be submitted under a federal law or a Wisconsin statute approved by the United States Attorney General.

If a Wisconsin Record does not contain either notation, it does not necessarily mean that no other record exists for the subject. It merely means that any Wisconsin record has not been automatically linked to a record at the FBI.

Arrest Transactions

Disposition Reported

Cycle No. 7

=====

Arrest/Charge Data

Name Used: JOHN QUINCY CITIZEN
Date Of Birth: January 1, 1951
Date Of Arrest: August 28, 1989
Arrest Type: ADULT ONLY
Arrest Tracking No.:
Arresting Agency: WI0790100 ANYTOWN POLICE DEPARTMENT
Arrest Case Number: 89-1354
Local ID Number: 5704
Contributing Agency: WI0790000 ANYWHERE SHERIFFS DEPARTMENT
Booking Case Number: 1-22692
Local Photo: YES
Local Palm Print: NO

Arrest Charges:

01 940.225(2)(A) 2ND DEGREE SEXUAL ASSAULT/USE OF FORCE
NCIC 1199 Counts: 1 Felony August 28, 1989
02 940.19(1) BATTERY
NCIC 1315 Counts: 1 Unspecified August 28, 1989

Court Data

Court: WI079000J ANYWHERE CO CIRCUIT COURT
Court Case Number: 98-CF-137
Prosecuting Agency: WI079000A ANYWHERE CO DISTRICT ATTY
DA Case Number:
Arrest Tracking No.:

Charges Disposed Of:

01 940.225(2)(A) 2ND DEGREE SEXUAL ASSAULT/USE OF FORCE
NCIC 1199 Counts: 1 Felony
January 22, 1990 CONVICTED
Sentence: January 22, 1990
PRISON
Begin Date: January 22, 1990
Length: 10 YEARS
02 940.19(3)(A) BATTERY TO ELDERLY PERSON
NCIC 1399 Counts: 1 Unspecified
January 22, 1990 CONVICTED
Sentence: January 22, 1990
PRISON
Begin Date: January 22, 1990
Length: 2 YEARS
Remark: CONSECUTIVE



03

943.10(1)A
NCIC 2299
January 22, 1990

COUNTS: 1

BURGLARY-BUILDING OR DWELLING
Felony
CONVICTED

Sentence: January 22, 1990
PRISON
Begin Date: January 22, 1990
Length: 10 YEARS
Remarks: CONSECUTIVE

In cycle 7 of Citizen's record, he was arrested by Anytown Police Department and booked by Anywhere County Sheriff's Department on August 28, 1989. He was charged with Second Degree Sexual Assault with the Use of Force, a felony. In addition, Citizen was also charged with Battery for which the submitting agency did not specify the severity. These offenses are numbered 01 and 02.

In the Disposition segment, dated 01/22/90 submitted by Anywhere County Circuit Court, Citizen was convicted of the offense of Second Degree Sexual Assault by Use of Force as charged in offense 01. The sentence was 10 years in prison.

On offense 02, rather than being convicted of Battery [ss940.19(1)] as charged by the arresting agency, Citizen was convicted of Battery to an Elderly Person [ss940.19(3)(A)] as charged by the District Attorney. Upon his conviction, Citizen was sentenced to 2 years in prison consecutive to any other sentence.

In addition, the District Attorney also charged Citizen with a third offense (03) of Burglary to a Building or Dwelling. Citizen was convicted of this felony count and sentenced to 10 years in prison consecutive to any other sentence.

On multiple offenses, use the charge number to connect the charge to the disposition. If a single offense charge results in more than one count of that offense being charged, there may be multiple dispositions for that charge.

No Disposition Reported

Cycle No. 4

=====

Arrest/Charge Data

Name Used: QUINCY CITIZEN
Date Of Birth: January 1, 1951
Date Of Arrest: March 6, 1981
Arrest Type: ADULT ONLY
Arrest Tracking No.:
Arresting Agency: WI0790000 ANYWHERE COUNTY SHERIFF
Arrest Case Number:
Local ID Number:
Contributing Agency: WI0790000 ANYWHERE COUNTY SHERIFF
Booking Case Number: 224-81
Local Photo: YES
Local Palm Print: NO

Arrest Charges:

01	940.30		FALSE IMPRISONMENT	
	NCIC 1099	Counts: 1	Unspecified	March 6, 1981
02	943.23		OPERATE VEHICLE WITHOUT CONSENT	
	NCIC 2411	Counts: 1	Unspecified	March 6, 1981
03	943.13		CRIMINAL TRESPASS LAND	
	NCIC 5707	Counts: 1	Unspecified	March 6, 1981

This cycle indicates three arrest charges but no dispositions have been reported. In order to obtain dispositions in cases such as these, you may wish to contact the Clerk of Court for the county in which the offense occurred, the arresting agency or, for more recent cases, you may check the CCAP website.

No Prosecution

Cycle No. 6

=====

Arrest/Charge Data

Name Used: JOHN Q. CITIZEN
Date Of Birth: January 1, 1951
Date Of Arrest: January 15, 1989
Arrest Type: ADULT ONLY
Arrest Tracking No.:
Arresting Agency: WI0790100 ANYTOWN POLICE DEPARTMENT
Arrest Case Number:
Local ID Number:
Contributing Agency: WI0790100 ANYTOWN POLICE DEPARTMENT
Booking Case Number: 491-89
Local Photo: YES
Local Palm Print: NO

Arrest Charges:

→ 01 947.01 DISORDERLY CONDUCT
939.62 HABITUAL CRIMINALITY
NCIC 5311 Counts: 1 Misdemeanor January 15, 1989

Court Data

Court:
Court Case Number:
Prosecuting Agency: WI079000A ANYWHERE CO DISTRICT ATTY
DA Case Number:
Arrest Tracking No.:

Charges Disposed Of:

→ 01 947.01 DISORDERLY CONDUCT
939.62 HABITUAL CRIMINALITY
NCIC 5311 Counts: 1 Misdemeanor
January 23, 1989 NO PROSECUTION

On this arrest for Disorderly Conduct with an enhancer for a Habitual Criminal, the Anywhere County District Attorney's office decided not to prosecute the offense and no conviction resulted.

Reasons to prosecute may vary. The prosecutor may determine there is insufficient evidence to convict. However, the prosecutor may also have entered into an informal deferred prosecution agreement with the subject. If the subject completes the terms of the agreement, the prosecutor does not prosecute.

Multiple Dispositions

Cycle No. 1
=====

Arrest/Charge Data

Name Used: JOHN Q. CITIZEN
Date Of Birth: January 1, 1951
Date Of Arrest: October 21, 1979
Arrest Type: ADULT ONLY
Arrest Tracking No.:
Arresting Agency: WI0790100 ANYTOWN PD
Arrest Case Number:
Local ID Number:
Contributing Agency: WI0790100 ANYTOWN PD
Booking Case Number: L6648
Local Photo: YES
Local Palm Print: NO

Arrest Charges:

01	947.01 NCIC 5311	Counts: 1	DISORDERLY CONDUCT Unspecified	October 21, 1979
02	943.14 NCIC 5707	Counts: 1	CRIMINAL TRESPASS TO DWELLING Unspecified	October 21, 1979
03	940.225(3M) NCIC 1117	Counts: 1	4TH DEGREE SEXUAL ASSAULT Unspecified	October 21, 1979

Court Data

Court: WI079000J ANYWHERE CO CIRCUIT COURT
Court Case Number:
Prosecuting Agency:
DA Case Number:
Arrest Tracking No.:

Charges Disposed Of:

01	947.01 NCIC 5311 January 13, 1980	Counts: 1	DISORDERLY CONDUCT Unspecified DISMISSED
02	943.14 NCIC 5707 January 13, 1980	Counts: 1	CRIMINAL TRESPASS TO DWELLING Unspecified NO PROSECUTION
03	947.01 NCIC 5311 February 9, 1980	Counts: 1	DISORDERLY CONDUCT Unspecified CONVICTED

Sentence: February 9, 1980
PROBATION
Begin Date: February 9, 1980
Length: 6 MONTHS

In this arrest of October 21, 1979, John Q. Citizen was arrested by the Anytown Police Department. The police department indicates the arrest charges are:

01. Disorderly Conduct
02. Criminal Trespass to Dwelling
03. 4th Degree Sexual Assault

The disposition for these offenses, as reported by Anywhere County Circuit Court showing a disposition date of January 13, 1980 are:

01. Disorderly Conduct - Dismissed
02. Criminal Trespass to Dwelling - No Prosecution
03. 4th Degree Sexual Assault - Convicted of Disorderly Conduct

On the conviction, Citizen was sentenced to six months on probation.

Custody Transactions

Prison Custody

Cycle No. 8

=====

Prison Intake

Received Date: January 25, 1990
Arresting Agency: WI0780100 WAUPUN CORRECTIONAL INSTITUTION
Agency: WI0780100 WAUPUN CORRECTIONAL INSTITUTION
Inmate Name: JOHN QUINCY CITIZEN
Date Of Birth: January 1, 1951
Inmate ID No.:
Booking Case Number: 11111-A
Arrest Tracking No.:
Date Of Custody: January 25, 1990
Local Photo: YES
Remarks: 06/23/00 MANDATORY RELEASE
11/01/00 RETURN TO DODGE CORRECTIONAL INSTITUTION

Custody Charges:

01 SEX ASSAULT SECOND DEGREE
Unspecified
Counts: 1 CONFINED
Sentence: January 25, 1990
PRISON
Length: 10 YEARS

02 BATTERY
Unspecified
Counts: 1 CONFINED
Sentence: January 25, 1990
PRISON
Length: 2 YEARS
Remarks: CONSECUTIVE, CONCURRENT

03 BURGLARY
Unspecified
Counts: 1 CONFINED
Sentence: January 25, 1990
PRISON
Length: 10 YEARS

This cycle reflects Citizen's prison reception and custody at the Waupun Correctional Institution for the offenses reflected in cycle 7 under the Disposition Reported section for Arrest Transactions.

Hold for other Jurisdiction

Cycle No. 5

=====

Held Over

Received Date: November 3, 1982
Arresting Agency: WI0810000 SOMEWHERE COUNTY SHERIFF
Agency: WI0810000 SOMEWHERE COUNTY SHERIFF
Inmate Name: JOHN Q. CITIZEN
Date Of Birth: January 1, 1951
Inmate ID No.:
Booking Case Number: 48196
Arrest Tracking No.:
Date Of Custody: November 3, 1982
Local Photo: YES

Custody Charges:

01 FAILURE TO APPEAR
Non-criminal
Counts: 2 TURNED OVER TO COURT

On Cycle 5, Citizen was picked and held by the Somewhere County Sheriff's Department on 2 counts of Failure to Appear. The disposition on this custody transaction is simply Turned over to Court.

Cycles such as these normally refer back to other offenses that are already in the database. In this case, Citizen failed to appear for court on an earlier arrest reported in a previous cycle. Other custody transactions include failure to pay a previously ordered fine or arrest for a detention order from the subject's probation or parole agent.

Routine dispositions reported in custody transaction are HOLD FOR or TURNED OVER TO (TOT) followed by the agency the subject is being held for or turned over to. Examples are:

- Hold for Anywhere County Sheriff
- Hold for Probation & Parole
- TOT Probation Agent

How Can Information Be Removed?

Qualifying information may be removed from a state criminal history record by submitting a *Fingerprint Record Removal Request* form to the Crime Information Bureau. The form is available online at:

<https://doj.state.wi.us/dles/cib/cib-forms>

Any associated information maintained at the federal level will also be removed.

Court files may be expunged under three situations: 1) misdemeanors or certain felonies committed by a person under the age of 25 when ordered at sentencing and upon successful completion of the sentence for an offense where the maximum period of imprisonment is 6 years or less; 2) a juvenile adjudicated delinquent upon request once the juvenile reaches the age of 17; 3) if convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect for a violation of s. 944.30 Wis. Stats. if the person was a victim of human trafficking for the purposes of commercial sex. Court-ordered expungement does not qualify the information for removal from the criminal history record.

Information from law enforcement or prosecutor files are not removed upon either court expungement or removal from the state record.

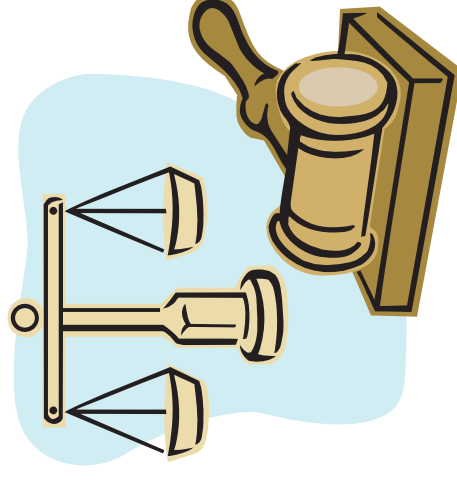
Is What's On My Criminal Record Important?

Today, many employers are required to conduct criminal background checks on potential employees. Some offenses may automatically disqualify you for certain regulated occupations. Other offenses may disqualify you if they are substantially related to the position you are applying for.

Only conviction information may be considered when making these determinations. Use of arrest and conviction information for employment is regulated by Wisconsin's Fair Employment Law.

Criminal Records

Questions & Answers



Crime Information Bureau
17 West Main Street
P. O. Box 2718
Madison, WI 53701-2718
Phone: 608-266-7314
Fax: 608-267-1338

Wisconsin Department
of Justice

JOSH KAUL
Attorney General

Where May Criminal Records Be Found?

Records associated with arrest and conviction information are routinely maintained by the following entities:

- Arresting law enforcement agency
- Prosecuting agency
- Court having jurisdiction
- State Criminal History Repository
- Federal Criminal History Repository

What Causes The Creation Of A Criminal Record?

Law Enforcement Agency - when a person is arrested, cited or confined for a violation of the law.

Prosecuting Agency - when copies of an arrest report are forwarded for review or prosecution. May be a municipal attorney or a district attorney.

Court Having Jurisdiction - when a citation or complaint is filed with the court. Courts having original jurisdiction in Wisconsin are normally municipal, tribal or circuit courts.

State Criminal History Repository - when an arrest fingerprint card is submitted by a law enforcement agency. Courts also report disposition information. In Wisconsin the state repository is the Wisconsin Department of Justice, Crime Information Bureau.

Federal Criminal History Repository - when an arrest fingerprint card is forwarded by the state criminal history repository. The federal repository is the Federal Bureau of Investigation.

Who Can Access Criminal History Information & How?

In Wisconsin, adult criminal history information is considered public record and may be accessed by anyone making a request. Fees may be imposed to cover the costs of reproducing copies of police reports and court documents. Under certain circumstances access to police and prosecutor's files may be denied or delayed. Requests for information must be made directly to each agency from which information is requested.

Circuit court information for most Wisconsin counties is available online free of charge. Fees may be charged for copies of case information by both municipal and circuit courts and requests must be made directly to each court from which information is sought.

State adult criminal history files are also public record and available to the public. The Legislature has established fees for obtaining criminal history information based on requestor type. Requests for information may be made by mail or online for customers using a credit card or having an account.

Public access to federal criminal history information is limited to those authorized by federal law or a state statute approved by the United States Attorney General. These public requests are processed only when a fingerprint card is submitted for comparison along with the appropriate fee.

I Was Not Convicted, Is The Arrest Information Removed From My Record?

Wisconsin law allows for the removal of arrest information from the state criminal his-

tory record only when the person arrested is not charged or all charges are dismissed by the court. This removal is not automatic and the person is required to submit a written request along with a single fingerprint used to verify identity. Any record removed at the state level for which a federal criminal history record exists is forwarded to the FBI for removal there. No information is removed unless requested by the subject of the record.

Request for removal at state repository do not require removal of any information from the law enforcement agency, prosecutor or court records.

Is A Charge Automatically Removed From My State Record When The Offense Is Expunged By A Court?

No. Information may only be removed upon request if all charges resulted in no conviction. Courts may expunge records that do not qualify for removal from the state criminal history repository. Certain dispositions may be expunged by the court but may not be removed from the state record. The state record is noted to reflect that the court record was expunged.

I Was Pardonned. Will The Charge Be Removed From My Record?

No. A pardon will not remove the information. The criminal history record will reflect the fact that a pardon was granted. That notation should negate use of the arrest information for a variety of purposes.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Division of Law Enforcement Services
Crime Information Bureau

17 West Main Street
P.O. Box 2718
Madison, WI 53701-2718
608/266-7314
TTY 1-800-947-3529

TO: CRIMINAL HISTORY RECORD CHECK REQUESTORS

SUBJECT: Non-Criminal Justice Access to Crime Information Bureau and FBI Criminal Records per the "Volunteers for Children Act".

Information: On October 9, 1998, the Volunteers for Children Act was signed into law by President Clinton as Public Law 105-251. Organizations and businesses dealing with children, elderly, and the disabled may now use national fingerprint-based criminal history checks to screen out volunteers and employees with relevant criminal records.

A "Qualified Entity" now has the ability to request national fingerprint-based checks of volunteers and employees.

A "Qualified Entity" is any Wisconsin business or organization that provides care, treatment, education, training, instruction, supervision, or recreation for children, the elderly, or individuals with disabilities, -- whether public, private, for-profit, not-for-profit, or voluntary is eligible to apply for criminal history check. The purpose of this criminal history check will be to determine if the entity's prospective or current employee or volunteer has been convicted of a crime that affects fitness to have responsibility for safety and well-being of children, the elderly, or individuals with disabilities.

Instructions: If your business or organization meets the criteria of a "Qualified Entity" as described above contact the Wisconsin Department of Justice, Crime Information Bureau to obtain application forms for *Qualified Entity & Account Customer* at the following address:

ATTN: Criminal History Unit
17 West Main Street
P.O. Box 2688
Madison, Wisconsin 53701-2688

Qualified Entity Application/Questionnaire: The "Qualified Entity Application/Questionnaire" form (see attached) should be returned to the above address upon completion. The Crime Information Bureau will then decide if the entity meets the qualifications that were set under the Volunteers for Children Act. The local group, or "Qualified Entity", should **not** contact the FBI directly, but will contact the Criminal History Unit of the Crime Information Bureau, who will in turn contact the FBI. Once the determination is made that the entity is qualified to do a record check under the Volunteers for Children Act, further information, to include account number, instructions, and preprinted fingerprint cards will be furnished.

Customer Account Application: A “Wisconsin Criminal History Customer Account Application” (see attached) must also be completed, signed and returned to the above address. If you are tax exempt you must provide an attached copy of your *Federal 501(C3) Certification* from the United States Treasurer’s Office.

No group or organization can request a check unless one set of fingerprints are obtained from the employee or volunteer. Only fingerprint cards preprinted to include the Crime Information Bureau’s **ORI# WI013315Y, NCPA/VCA, Customer Account Number** and other essential information listed will be processed. Each fingerprint submission must clearly be marked *Volunteer* or *Employee* next to the letters *NCPA/VCA* to best describe the person that is being fingerprinted in order to be processed. This information needs to appear in the box marked “Reason Fingerprinted” on the front of the FBI blue applicant fingerprint card. The fingerprint card should also include the complete name, sex, race, height, weight, eye color, hair color, date of birth, place of birth, citizenship, social security number, and signature of the individual being checked. Wisconsin also accepts Live Scan fingerprints from an approved Wisconsin vendor, Field Print. <http://www.fieldprintwisconsin.com>

Fingerprints: Fingerprints may be obtained by going to your local law enforcement agency. Inked fingerprint impressions must be taken carefully to ensure that an accurate fingerprint classification can be obtained. It is necessary to have fingerprint impressions of all ten digits and these impressions must be clear and distinct. If there is missing or inaccurate information, the fingerprint cards will be returned to you for correction which will delay your obtaining the requested criminal history information. Field Print is an approved Wisconsin vendor that provides electronic fingerprint submissions for the purpose of background checks for VCA qualified applicants. <http://www.fieldprintwisconsin.com>

Fees: There is a state processing fee of \$15 plus a federal processing fee of \$14.75 for employees and \$13.50 for volunteers. There is an additional fee of \$3 for the caregiver check through the Wisconsin Department of Health and Family Services if this check is required. The Wisconsin Department of Justice will bill your account for each record check transaction made.

Findings: The National Child Protection Act requires the Crime Information Bureau and the FBI to make a reasonable effort to return your criminal history information within 15 business days. Any errors on the fingerprint cards that relate to the descriptors and fingerprint images will cause the materials to be returned to you for correction.

All requesting organizations will receive either a complete “rap sheet” on known adult records or a “No Record” response.

What fees are involved ?

FBI fees vary based on type of person the background check is requested for. The FBI fee is \$15.00 for volunteers and \$16.50 for employees. The CIB fee is \$15 for all fingerprint cards processed under VCA. If you need a caregiver or daycare check in addition to the fingerprint check, add the \$3.00 fee for the Department of Health and Family Services.

	general caregiver/daycare	
Volunteer	\$30.00	\$33.00
Employee	\$31.50	\$34.50



National fingerprint-based background checks now available from the FBI for volunteers or employees working with children, the elderly, the disabled or any other protected population.



Get FBI Background Checks

Non-Criminal Justice Access to Crime Information Bureau and FBI Criminal Records per the *National Child Protection Act/Volunteers for Children Act*.

On October 9, 1998, the Volunteers for Children Act was signed into law by President Clinton as Public Law 105-251. Organizations and businesses dealing with children, elderly, and the disabled may now use national fingerprint-based criminal history checks to screen out volunteers and employees with relevant criminal records.

Wisconsin Department of Justice
 Josh Kaul
 Attorney General



Division of Law
 Enforcement Services
 Crime Information Bureau
 17 West Main Street
 Mailing Address: P.O. Box 2718
 Madison, WI 53701-2718
 Phone: 608-266-7314
 Fax: 608-267-1338

National Background Checks under the Volunteers for Children Act



Wisconsin Department of Justice
 JOSH KAUL
 Attorney General

What is the Volunteers for Children Act?

On October 9, 1998, this act was signed into law by President Clinton as Public Law 105-251. This law now allows organizations and businesses dealing with children, elderly, and the disabled to use national fingerprint-based criminal history checks to screen out volunteers and employees with relevant criminal records.

A “Qualified Entity” now has the ability to request national fingerprint-based checks of volunteers and employees. If your business or organization meets the criteria of a “Qualified Entity” as described above contact the Wisconsin Department of Justice, Crime Information Bureau to obtain application forms for *Qualified Entity & Account Customer* at the following address:

Record Check Unit
P. O. Box 2688
Madison, WI 53701-2688

Or application forms may be found on our website at:

www.doj.state.wi.us/dles/cib/cib-forms

The “Qualified Entity Application/Questionnaire” form should be returned to the above address upon completion. The Crime Information Bureau will then decide if the entity meets the qualifications that were set under the Volunteers for Children Act. The local group, or “Qualified Entity”, should **not** contact the FBI directly, but will contact the Record Check Unit of the Crime Information Bureau, who will in turn contact the FBI. Once the determination is made that the entity is qualified to do a

record check under the Volunteers for Children Act, further information, to include account number, instructions, and preprinted fingerprint cards will be furnished.

A “Wisconsin Criminal History Customer Account Application” must also be completed, signed and returned to the above address if you do not already have an account. If you are tax exempt you must provide an attached copy of your *Wisconsin Tax Exempt Status* from the Wisconsin Department of Revenue and/or your *Federal 501(c)(3) Certification* from the United States Treasurer’s Office.

No group or organization can request a check unless a set of fingerprints are obtained from the employee or volunteer. Entities must also receive a signed waiver from the subject of the inquiry before submitting.

What is a Qualified Entity?

A “Qualified Entity” is any business or organization that provides care, treatment, education, training, instruction, supervision, or recreation for children, the elderly, or individuals with disabilities -- whether public, private, for-profit, not-for-profit, or voluntary is eligible to apply for criminal history check. The purpose of this criminal history check will be to determine if a prospective or current employee or volunteer has been convicted of a crime that affects fitness to be responsible for safety and well-being of children, the elderly, individuals with disabilities or other protected individuals.

Where can fingerprints be obtained?

Fingerprints may be obtained by going to your local law enforcement agency. Inked fingerprint impressions must be taken carefully to ensure that an accurate fingerprint classification can be obtained. It is necessary to have fingerprint impressions of all ten digits and these impressions must be clear and distinct. If there is missing or inaccurate information, the fingerprint cards will be returned to you for correction which will delay your obtaining the requested criminal history information.

While the Crime Information Bureau will conduct a name check if the fingerprints are not of sufficient quality to identify, the FBI will only process the request if the fingerprints are of good quality. Therefore it is vital that good quality fingerprints be submitted or your request cannot be processed.

How do I receive results?

The Crime Information Bureau (CIB) will respond directly to a governmental qualified entity submitting the request. Replies to non-governmental entities must be screened and then a reply returned. The FBI will respond to CIB and CIB will then notify the qualified entity of the results of the FBI background check.



WISCONSIN DEPARTMENT OF JUSTICE WISCONSIN CRIMINAL HISTORY CHALLENGE

Submit forms to: Crime Information Bureau
P.O. Box 2718
Madison, WI 53701-2718

Requester Name (Last, First, Middle, Suffix)		Subject's Name (If different from requester; Last, First, Middle, Suffix)		
Requester's Street Address		Subject's Maiden/Alias Names		
Requester's City, State, Zip Code		WiUPIN (If available)		
Requester's Phone Number	Subject's Sex	Subject's Race	Date of Birth (mm/dd/yy)	Social Security Number
Requester's Email		Subject's Driver License Number & State		
If challenge is due to results of a criminal background check, approximate date of check		Party who requested background check		
Signature of Requester		Date		

What is the problem with your criminal history? Be specific; use another sheet of paper to explain if necessary. Attach court documents or other supporting documents, if available.

- INCORRECT CHARGE INFORMATION:**
I was the person arrested but the record lists an incorrect charge or charge severity (felony, misdemeanor or non-criminal). Please include the Date of Arrest and original charge information in the space below.
- MISSING DISPOSITION INFORMATION:**
You must provide the disposition documents provided by the prosecutor or court (Judgment of Conviction, Order for Dismissal, etc.).
- INCORRECT DISPOSITION INFORMATION:**
You must provide supporting disposition documents provided by the prosecutor or court. (Judgment of Conviction, Order for Dismissal, etc.).

- IDENTITY THEFT:**
My personal information was used by another individual when arrested.
**** (Must submit fingerprint card with challenge form and complete information in the right column.)**
- MISTAKEN IDENTITY/FALSE MATCH:**
I am not the person whose record was returned.
**** (Must submit fingerprint card with challenge form and complete information in right column)**

Record being challenged:		
WI SID	Name	
Sex/Race	DOB	SSN
Have you successfully challenged a record before?		

- OTHER:**
Explanation: (Attach another sheet of paper to explain , if necessary)

INFORMATION CONCERNING THE PROCESS OF CHALLENGING A CRIMINAL RECORD

Wisconsin statutes permit access to criminal history information based on non-unique identifiers such as name and date of birth. Criminal history records returned based on non-unique identifiers are not guaranteed to be the subject of the inquiry. Several individuals may have the same name and date of birth. All arrest information in the Wisconsin criminal history database is based on the submission of arrest fingerprint cards and can be positively matched using fingerprints.

- If you have undergone a background check by an agency that has received a criminal record from CIB, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Crime Information Bureau, P.O. Box 2718, Madison, WI 53701-2718 or go to <https://recordcheck.doj.wi.gov/>.
- CIB charges \$7 fee to provide an individual with a copy of his/her criminal record via the website using your Master Card or Visa. If your request is by mail, the fee is \$12.
- Upon receipt, review the record. Due to the fluid nature of criminal history records, any challenge should be made within 6 months of receipt of the criminal history record. You should submit a copy of the record with your challenge and indicate the information you believe to be incorrect.
- State law does not permit the removal of arrest or disposition information but notations are added to the disposition information for the following:
 - Special dispositions under 973.015, 961.47 or 161.47 Wis. Stats.
 - Court-ordered expungements for cases that did not result in dismissal of all charges.
 - Governor's Pardon or Executive Clemency.
- If you believe that a case is open on your record that should be closed, please submit the Judgment of Conviction or Order for Dismissal issued by the court. You may also submit a letter from the prosecutor indicating the case was not prosecuted. These documents must be obtained from the court having jurisdiction or the office prosecuting the offense.
- If you believe that a disposition is incorrect, contact the court having jurisdiction to obtain a Judgment of Conviction or Order for Dismissal to submit with your request. Many courts have their case information available online at <http://wcca.wicourts.gov>. Challenges to online court records (<http://wcca.wicourts.gov>) must be directed to the court having jurisdiction.
- Challenges to FBI records not based on a Wisconsin arrest must be directed to the FBI or the state submitting the information to the FBI.
- If you believe someone has stolen or improperly used your identity, were arrested or arraigned on criminal charges under your name, or due to the similarities in names, their criminal record was returned on your background check, contact the Crime Information Bureau. In these situations you will need to submit fingerprints for comparison with your challenge. It is required that you contact a law enforcement agency to obtain fingerprints to make sure they are legible. Illegible fingerprints will cause your challenge to be returned. An FBI applicant fingerprint card (form FD-258) can be used for this purpose.

As part of the identity confirmation process, your fingerprints will be compared with other fingerprints on file at CIB. If fingerprint comparison confirms that you are the subject of a criminal history record, or unsolved crime, information provided by you, including name and date of birth, may be added to the corresponding criminal history record and/or shared with other criminal justice agencies.

- The Wisconsin Department of Justice has implemented the use of a Wisconsin Unique Personal Identification Number (WiUPIN) that will be assigned to individuals that have successfully challenged a criminal history record existing in the criminal history database.
- CIB will retain copies of the fingerprint cards, and any other documentation, that were submitted with identity challenges that were successful, along with the other documentation received. This documentation could be used for identification purposes, in the event that there is another identity challenge in the future.
- If there is a warrant currently outstanding against you, you need to contact the court and ask that the warrant be vacated or corrected. This procedure may vary and may or may not require your appearance.
- If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact CIB for assistance at (608) 266-7314.
- The time required for the challenge process depends on the information provided with your request. If you cannot provide documentation supporting your request, CIB will contact the submitting agency and wait for their reply. Identity challenges require the comparison of fingerprints. That process cannot be expedited and will take a minimum of 2 weeks from receipt.

Including a copy of your photo driver license with the request provides another means of comparison to the criminal record on file.

CIB is not authorized to remove information from arrest records without consent of the submitting entity. Similar results may be returned on a future name search. Challenge results and WiUPINs should be retained and presented to a potential employer when a future name-based background check is anticipated.



INSTRUCTIONS FOR COMPLETING A WISCONSIN FINGERPRINT RECORD REMOVAL REQUEST

All fingerprint record removals will be in compliance with Wisconsin State Statute 165.84 (1). The use of this form is intended to safeguard the rights of the signatory and to ensure proper removal of the record. Legible inked fingerprint impressions are mandatory to verify the identity of the requester with the record, should one exist. Any law enforcement agency can assist in obtaining the inked, rolled fingerprint impression. If either finger is injured, provide the impression of another finger, but clearly designate which fingers were used for the rolled impression.

1. All record removal requests must be made by the requesting candidate using the Wisconsin Fingerprint Record Removal Request Form (DJ-LE-250B), and sent to the Crime Information Bureau, Attn: Criminal History Unit, P.O. Box 2718, Madison, WI 53701-2718. This form may not be submitted by fax.
2. The form must be completed fully, including all identifying information, two fingerprints and candidate's signature.
 - a. Conviction information must include court case number and charge. This information may be found on CCAP (Wisconsin Circuit Court Access) <http://wcca.wicourts.gov/index.xml> or through the Municipal Court for ordinance offenses.
 - b. If the request is subsequent to a conviction, finding, or an adjudication, supporting documentation must be provided, which shall include a certified copy of the court order reversing, setting aside, or vacating the conviction.
3. One of the following parameters must be met before arrest fingerprints can be removed:
 - a. All offenses reported on the arrest fingerprint card must have resulted in you being released without charge (or not prosecuted) or you being cleared of all offenses through court proceedings. Dismissal of only some of the offenses but convictions on others precludes the removal of the record. Convictions on lesser offenses also precludes removal of the record.
 - b. Completion of a first offender program (deferred prosecution) which results in no prosecution or dismissal qualifies for removal, providing documentation is provided showing successful completion along with proof of dismissal or no prosecution. **Supporting documentation must accompany this request.**
 - c. If the request is for removal of juvenile arrest information (under 18 prior to 01/01/1996 and under 17 after 01/01/1996 for state charges and 07/01/1996 for ordinance charges), documentation of the dismissal or no prosecution MUST accompany the request.
4. A court ordered expungement under s. 973.015 Wis. Stats. does not qualify for expungement from the state criminal history record since the case resulted in a conviction. Court ordered expungements or sentencing under a youthful offender provision still results in a conviction and would preclude the removal of the fingerprint record. Court ordered expungement seals the court files but has no effect on files maintained by the Wisconsin Department of Justice. Removal of arrest information from the Department of Justice files has no effect on the availability of the same information from court files or police records. *State v. Leitner*, 2002 WI 77, 253 Wis. 2d 449, 646 N.W.2d 341, 00-1718.
5. Not all offenses are reported to the Department of Justice. If you were not fingerprinted for the requested offense, the Department of Justice will not have a record of that offense and it will not appear on your state criminal history record.
6. Successful requests will result in either the return of the arrest fingerprint card or deletion of the electronically stored document. If the fingerprint record being removed from the Department of Justice record was reported to the Federal Bureau of Investigation (FBI), the Department of Justice will notify the FBI to remove that information from the FBI file.
7. Time to process a request varies. If your request qualifies and the disposition has been reported to the Department of Justice your request will be processed promptly. If the disposition has not been submitted by the court, prosecutor or arresting agency, staff will need to obtain the disposition, make sure the disposition qualifies the removal of the record, update the criminal history and then process the request. If you have documentation regarding the dismissal of the offense(s) involved in your request, you should include copies with the request to speed processing.



WISCONSIN FINGERPRINT RECORD REMOVAL REQUEST

I hereby request that the Crime Information Bureau, Division of Law Enforcement Services of the Wisconsin Department of Justice, remove the following described fingerprint record, if it exists, pursuant to Wisconsin Statute 165.84 (1). The information provided below must match the information furnished by the arresting agency at

DJ-LE-250B 02/23/2017 the time of the arrest.

Person Submitting the Request (Print or Type)		
LAST NAME:	FIRST NAME:	FULL MIDDLE NAME:
STREET ADDRESS:		APARTMENT NUMBER:
CITY:	STATE:	ZIP:

Subject of the Record and Arrest to be Removed (Print or Type)		
LAST NAME:	FIRST NAME:	FULL MIDDLE NAME:
GENDER: <input type="checkbox"/> Male <input type="checkbox"/> Female	RACE:	DATE OF BIRTH (mm/dd/yyyy): ____/____/____

DATE OF ARREST:	ARRESTING AGENCY:	ARRESTING AGENCY CASE #:
DATE OF CONVICTION OR ADJUDICATION :	NAME OF COURT:	CHARGE & DISPOSITION:
DATE OF ARREST:	ARRESTING AGENCY:	ARRESTING AGENCY CASE #:
DATE OF CONVICTION OR ADJUDICATION :	NAME OF COURT:	CHARGE & DISPOSITION:
DATE OF ARREST:	ARRESTING AGENCY:	ARRESTING AGENCY CASE #:
DATE OF CONVICTION OR ADJUDICATION :	NAME OF COURT:	CHARGE & DISPOSITION:

If necessary to proceed with your fingerprint record removal request, the signature below also represents a request to expunge your DNA Databank Record at the Wisconsin State Crime Laboratory.

I attest that all the information provided is accurate and true to the best of my knowledge.

Signature of Requester:

Date:

FINGERPRINTS

Place one fingerprint from each of the subject's index fingers in the boxes to the right. This fingerprint will be used to confirm the identity of the subject.



LEFT INDEX FINGER



RIGHT INDEX FINGER

DO NOT WRITE BELOW THIS LINE

Request Number:

(For DLES Use Only)

The Court ordered my record expunged.

Why is this arrest still on my criminal history?

Wisconsin law permits courts to expunge records in which adjudication of guilt is made. Those circumstances are limited to misdemeanors and certain felonies committed by a person under the age of 25 upon successful completion of the sentence or a juvenile upon reaching the age of 17 and making a request.

The Wisconsin criminal history repository maintained by the Wisconsin Department of Justice operates under rules set by the Wisconsin Legislature in section 165.84 of the Wisconsin Statutes. These rules state *“Any person arrested or taken into custody and subsequently released without charge, or cleared of the offense through court proceedings, shall have any fingerprint record taken in conjunction therewith returned upon request.”*

Any record of a conviction ordered to be expunged by a court cannot be removed from the Wisconsin criminal history repository because the conviction disqualifies that arrest for removal.

How can I challenge the accuracy of the information in my criminal history record?

Wisconsin has established a process for individuals to challenge the information contained in their criminal history record. Information on this process may be found at :

www.doj.state.wis.us/dles/cib/crime-information-bureau

Other Websites:

Wisconsin Circuit Courts:

<https://wcca.wicourts.gov/index.xsl>

Pardons & Executive Clemency:

<http://wilawlibrary.gov/topics/justice/crimlaw/pardons.php>

Background Checks:

<https://recordcheck.doj.wi.gov>

Copy of your FBI Record:

<https://www.fbi.gov/services/records-management/foipa/requesting-fbi-records>



Removal of Arrest Information

How can arrest information be removed from my criminal record?



Josh Kaul
Attorney General
Wisconsin Department of Justice

Crime Information Bureau
17 West Main Street
Mailing Address: P.O. Box 2718
Madison, WI 53701-2718

Phone: 608-266-7314
Fax: 608-267-1338
<http://www.doj.state.wi.us>

What information can be removed?

All arrest information in Wisconsin criminal history records maintained by the Wisconsin Department of Justice must be accompanied by an arrest fingerprint card.

Wisconsin law allows removal of an arrest fingerprint card when the person arrested is subsequently released without charge or cleared of the offense through court proceedings on all charges for that arrest event.

If you were arrested and 1) found to be not guilty, 2) the charges were dismissed by the court or prosecutor, or 3) no charges were filed by the prosecutor, you may qualify for removal of this arrest information from your record.

To have a fingerprint record removed, all of the above criteria must be met. Any previous criminal history records will still be maintained.

What about information at the FBI?

If the arrest information being removed from your Wisconsin criminal history record was forwarded to the FBI, the FBI will be contacted to remove the information from their record.

What can I do if I was convicted?

Information must remain in a criminal history record unless no conviction resulted. If you were convicted, the information does not qualify for removal even if the court record was expunged.

Courts do not possess the statutory authority to reopen and dismiss cases. Courts may expunge convictions in two situations:

- Misdemeanors or certain felonies committed by persons under the age of 25 when provided at sentencing and successfully completing any sentence, (s. 973.015 Wis. Stats.)
- Juvenile delinquency adjudications upon request once the subject reaches the age of 17.

If the case was not dismissed, the information must remain on your record. You may contact the Governor's office to investigate a pardon. While a pardon will not remove the arrest from your record, the disposition will show that a Governor's pardon has been issued and restore certain rights. Information on pardons may be found at <http://wiflawlibrary.gov/topics/justice/crimlaw/pardons.php>

Is there a fee?

There is no fee required for removal of arrest information from your record.

Why is a fingerprint required?

All identification in the criminal history repository is based on fingerprint comparison. The fingerprint on the form you submit will be compared to the arrest fingerprints on file to make sure the information is removed from the proper record.



A fingerprint must accompany your request.

How can I remove information?

You must submit a completed form DJ-LE-250B. If you have documentation showing dismissal or no prosecution of the offenses on the arrest card, submitting copies will speed the removal process. The form may be found at:

<https://www.doj.state.wi.us/dles/cib/cib-forms> or call to request a form.

A sample of a Wisconsin Circuit Court Access form, showing fields for Case Number, Defendant Name, and other case details.

Send copies of any information showing dismissal or no prosecution.

RECORD COMPLETENESS OR ACCURACY CHALLENGE NOTICE

FBI Record: This record is subject to the following use and dissemination restrictions:

Under provisions set forth in Title 28, Code of Federal Regulations (CFR), Section 50.12, both governmental and nongovernmental entities authorized to submit fingerprints and receive FBI identification records must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. Identification Records obtained from the BRI may be used solely for the purpose requested and may not be disseminated outside the receiving department, related agency or other authorized entity.

The official making the determination of suitability for licensing or employment shall provide the applicant the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record. The deciding official should not deny the license of employment based on the information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

An individual should be presumed not guilty of any charge/arrest for which there is no final disposition stated on the record or otherwise determined. If the applicant wishes to correct the record as it appears in the FBI's CJIS Division Records System, the applicant should be advised that the procedures to change, correct or update the record are set forth in Title 28, CFR, Section 16.34.

The CJIS Division is not the source of the data appearing on identification records. All data is obtained from fingerprint submissions or related identification forms submitted to the FBI by local, state, and federal agencies. As a result, the responsibility for authentication and correction of such data rests upon the contributing agency (i.e., police department, county court, etc.). Please contact this agency or the central repository in the state where the arrest occurred to request a change, correction, or update. The FBI is not authorized to modify the record without written notification from the appropriate criminal justice agency.

Wisconsin Record:

Subject to 111.33 to 111.36, Section 111.321 of the Wisconsin Statutes prohibits act of employment discrimination based on arrest and conviction records. Applicants should be notified of their right to challenge the accuracy and completeness of any information contained in a criminal record before any final determination is made. Challenges should be submitted to the Crime Information Bureau on form DJ-LE-247 and may include a request for fingerprint comparison.

Form DJ-LE-247 and information on the Wisconsin challenge process may be found online at <https://www.doj.state.wi.us/dles/cib/background-check-criminal-history-information>

Other State's Record: Contact the state holding or contributing the record being challenged.

CERTIFICATION OF PROPOSED GUIDANCE DOCUMENT

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

On behalf of the Attorney General

A handwritten signature in blue ink, appearing to read 'Charlotte Gibson', is written over a horizontal line.

CHARLOTTE GIBSON

Division of Legal Services Administrator