



The Virginia Rap Back Program:

**A presentation to the
Virginia Commission on Youth**

10/19/2022

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Rap Back

- Record of Arrest and Prosecution (Rap) Back
- An optional Federal Bureau of Investigation (FBI) service that allows authorized government agencies to receive notifications based on changes in criminal history record information on individuals who hold positions of trust or who are under criminal justice monitoring.
- School teachers, daycare workers, police officers, state employees, etc.
- Those under statutory or court-ordered monitoring or under active criminal investigation.



What Problem Does Rap Back Solve?

- Criminal histories provided by the Virginia State Police (VSP) are a snapshot in time. They are current as of the moment they are produced.
- The employer of a person that has a change to their criminal history one second after the VSP runs the criminal history must:
 - Rely on the arrested individual to self-report any changes,
 - Rely on outside entities to make notifications,
 - Repeat another snapshot background check, or
 - Come to the information through other means (i.e., a news story).
- Rap Back provides for the continuous vetting of enrolled individuals.



Proposed Definitions

- Participating Entity - a governmental entity that requires a fingerprint based background check as a condition of caring for children, the disabled, or the elderly, or licensure, certification, employment, or volunteer service, and that has elected to enroll Individuals in the Virginia Rap Back Service.
- Individual - any person who has submitted to a fingerprint based background check in order to care for children, the disabled, or the elderly, or be licensed, certified, employed, or to perform volunteer service with a Participating Entity and that Participating Entity has enrolled the person in the Virginia Rap Back Service.



Our Process

- Participating Entities will request a NEW fingerprint-based background check on Individuals. Enrollment can occur simultaneous with the new check or subsequent thereto (After background check results have been reviewed by the Participating Entity).
- The FBI will then monitor their database for a triggering event affecting the criminal history record of any enrolled Individual.
- If a triggering event occurs, VSP will receive a Rap Back pre-notification from the FBI.



Our Process, Continued

- VSP will contact the Participating Entity that enrolled the Individual and confirm that the Participating Entity still has a valid interest in the Individual (i.e., the Individual still works for the Participating Entity, is still licensed by the Participating Entity, etc.).
- If the Participating Entity confirms their interest in the Individual, a Rap Back notification will be made.
- If no valid interest exists, no notification will be made.

Triggering Events

- Criminal Fingerprint Submission (Arrest)
- Disposition (Subsequent to arrest)
- Want Addition (Arrest Warrant Issued)
- Want Deletion
- Want Modification
- Sex Offender Registry (SOR) Addition
- SOR Deletion
- SOR Modification
- Death Notices (With & Without Fingerprints)



Privacy Safeguards

- At enrollment, Individuals will be required to sign a privacy notice. The Privacy Notice will state the terms and duration of enrollment.
- VSP will not release Rap Back notifications until Participating Entities have confirmed their current interest in an Individual.
- Participating Entities will contract with VSP that they will remove Individuals from Rap Back immediately once they no longer have a valid interest.
- Participating Entities will be required to confirm their valid interest in all enrolled Individuals on an annual basis.





Implementation Timeline

2019 – VSP initiated requirements gathering for a new Criminal History/Rap Back system.

2020 – VSP dedicates a full-time team of business analysts and technical staff to deliver the Criminal and Rap Back Information Systems project. VSP and OES began a joint data quality effort as a predicate to successfully transitioning to a new system.

2021 – Funding appropriated. RFI/RFP completed. Vendor demonstrations and selection.

2022 – Contract awarded. Design/build commenced.

2023 – General Assembly Session: Pursue amendment to Rap Back authorization statute to comply with current FBI requirements.

July 2024 – Core system replacement expected delivery.

July 2025 – Rap Back functionality incorporated.



Conclusion

- Questions/Additional Information
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