

N.C. STATE BUREAU OF INVESTIGATION



Right to Review Process

Instructions for Reviewing Your North Carolina Criminal History Record

SBI – Criminal Information and Identification Section

9/30/2009

This informational packet includes all the necessary documentation and requirements needed to obtain a copy of your North Carolina criminal history record. Packet also includes instruction for the local law enforcement agency to assist in this process.

RIGHT TO REVIEW PROCESS

The Right to Review Process offered by the N.C. State Bureau of Investigation affords an individual the opportunity to receive a copy of their North Carolina criminal history record. This record check consists of a search for previous arrest(s) and associated disposition(s), if available, for which the SBI received a fingerprint card from the arresting agency. This process does not include any criminal history information that may be maintained at the national level or by another state.

There is a \$14.00 fee charged for each Right to Review requested. This process consists of a biometric-based (fingerprint-based) search of the SBI's computerized criminal history file. Therefore, a complete set of legible fingerprints, including all ten fingers, is required to complete the Right to Review request. Exceptions are made for situations such as finger amputations and other deformities. If the fingerprints are of insufficient quality to conduct the search or if the fingerprint card is not completely and accurately filled out, the fingerprint card will be returned to the requestor and another set of fingerprints will be required to complete the process.

The result of the search will include a formal response letter on SBI letterhead indicating the findings of the Right to Review Process. If there is a criminal history record matching the fingerprints on the provided fingerprint card, a copy of that record will be provided as an attachment to the response letter.

The following documents are included in this packet in order to provide the necessary guidance and instruction for completing this process:

1. Right to Review Request Form
2. Legal Authorization for Right to Review
3. Instructions — Fingerprinting for Right to Review

Requests can only be accepted by the SBI through the mail and the results of the search can only be mailed back to the requestor via first-class mail. The SBI does not utilize shipping alternatives such as FedEx or UPS. Upon receipt of the results, the requestor may freely share this information with whoever they would like; however, the SBI is not legally authorized to provide the results of the search to a third party.



ROY COOPER
ATTORNEY GENERAL

NORTH CAROLINA
STATE BUREAU OF INVESTIGATION

DEPARTMENT OF JUSTICE

3320 GARNER ROAD
PO Box 29500
RALEIGH, NC 27626-0500
(919) 662-4500
FAX: (919) 662-4523



GREGORY S. MCLEOD
DIRECTOR

Right to Review Request Form

(PLEASE TYPE OR PRINT CLEARLY)

Applicant's Name: _____ Date: _____

Applicant's Address: _____

City: _____ State: _____ Zip: _____ Phone Number: _____

Reason for Request: _____

The following items are required for completion of your request:

- 1) Completed **Right to Review Request Form**. Please make a copy for personal records and submit original to the N.C. State Bureau of Investigation as indicated below.
- 2) A **complete set of fingerprints** on an FD-258 applicant fingerprint card. You can have a set of your fingerprints made at your local law enforcement agency (police department or sheriff's office). Further instructions for the law enforcement officer taking your fingerprints are provided on page 3.
- 3) There is a **\$14.00** fee for each Right to Review request. The fee must be in the form of a certified check or money order made payable to N.C. State Bureau of Investigation. **NO PERSONAL CHECKS WILL BE ACCEPTED.** Multiple requests may be submitted in one envelope.
- 4) Mail the above items to:
North Carolina State Bureau of Investigation
Criminal Information and Identification Section
Attention: Applicant Unit – Right to Review
3320 Garner Road
Post Office Box 29500
Raleigh, North Carolina 27626-0500

If any of the required items listed above are missing or incomplete, the request will be returned to you.

Requests will only be accepted by mail and we will only **return the response to the applicant** by first class mail. We do not utilize companies such as Federal Express – Overnight for returns. Please do not send a prepaid envelope as it will be returned to you with your request. We cannot send results to a third party.

* For further questions, please call the SBI at (919) 662-4509, extension 6266. *



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LEGAL AUTHORIZATION FOR RIGHT TO REVIEW

**N.C. Administrative Code
Title 12
Chapter 4
Subchapter F.0404**

INDIVIDUAL'S RIGHT TO REVIEW HIS OR HER OWN CRIMINAL HISTORY RECORD

(a) An individual may obtain a copy of his or her own criminal history record by submitting a written request to the **North Carolina State Bureau of Investigation, Criminal Information and Identification Section, Attention: Applicant Unit – Right To Review, 3320 Garner Road, Post Office Box 29500, Raleigh, North Carolina 27626-0500**. The written request must be accompanied by a **certified check or money order in the amount of \$14.00 payable to the North Carolina State Bureau of Investigation**, and must contain proof of identity to include:

1. Complete name and address
2. Race
3. Sex
4. Date of birth
5. Social security number — Optional*
6. Set of rolled-inked fingerprint impressions

This procedure guarantees positive identification and insures that the individual receives a copy of his or her own record as currently maintained in the SBI Computerized Criminal History files.

(b) The accuracy and completeness of an individual's record may be challenged by submitting the "Written Exceptions" form available from the SBI.

(c) Upon receipt of the Written Exceptions form, the Criminal Information and Identification Section shall initiate an internal record audit of the challenger's record to determine its accuracy. If any inaccuracies or omissions are discovered, the Criminal Information and Identification Section will make the appropriate additions, deletions or alterations to the record. Notice of any changes made will be given to the challenger, and to any agency to which the inaccurate or incomplete information has been disseminated. The challenger shall be informed in writing of the results of the audit.

(d) If the audit fails to disclose any inaccuracies, or if the challenger wishes to contest the results of the audit, he is entitled to an administrative hearing pursuant to G.S. 150B-23.

*Disclosure of social security number is entirely voluntary and not required. If disclosed, the social security number will be utilized to assist with accurate identification/exclusion of possible criminal history records.

History Note: Statutory Authority G.S. 114-10; 114-10.1; 114-19.1

Effective: November 1, 1991

FINGERPRINTING FOR THE PURPOSES OF A RIGHT TO REVIEW

Instructions for Law Enforcement Officer Taking Fingerprints

The bearer of this letter is seeking to obtain a copy of their criminal history record information through the Right to Review Process. Authorization for this process can be found in 12 NCAC 4F .0404 of the N.C. Administrative Code. In order to complete the Right to Review Process, the requestor must be fingerprinted by a law enforcement official and then provide those fingerprints to the North Carolina State Bureau of Investigation. The following are the necessary steps to be followed by the law enforcement officer:

Step 1 – Identity Verification

Verify the identity of the bearer of this letter by requesting a driver's license or another government-issued picture identification card. Ensure the identifying data on the ID card corresponds to the identifying data provided by the requestor.

Step 2 – Completing Fingerprint Process

The fingerprints must be collected using an FD-258 applicant fingerprint card.

The following is required information to be included on the fingerprint card:

1. Name of person requesting the Right to Review.
Include all married and maiden names if the requestor is a female.
2. Race, Sex, and Date of Birth
3. Date, address and signature requestor
4. Reason Fingerprinted — "Right to Review"
5. Date and signature of the official taking the fingerprints. The law officer's signature is an indication that he/she has verified the proof of identity of the bearer of this letter.
6. Social Security Number — Optional*

*Disclosure of social security number is entirely voluntary and not required. If disclosed, the social security number will be utilized to assist with accurate identification/exclusion of possible criminal history records.

Step 3 – Provide Copy of Fingerprint Card

Upon completion of the fingerprinting process, provide individual with the completed fingerprint card. The requestor must forward the fingerprints and other required documentation to the North Carolina State Bureau of Investigation.

Thank you for your assistance in this matter.

For further questions or clarification, contact the SBI at (919) 662-4509, extension 6266.