



Illinois Department of Corrections

Administrative Directive

Number: 01.07.820	Title: Criminal History Record Information	Effective: 6/1/2022
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Authorized by:	<i>[Original Authorized Copy on File]</i> Rob Jeffreys Director
Supersedes:	01.07.820 effective 4/1/2021

Authority: 20 ILCS 2635/8 and 730 ILCS 5/3-2-2 20 IAC 107, 1210 and 1510	Related ACA Standards: 5-ACI-1E-01, 04 and 05, 5-ACI-1F-01, 02 and 08
Referenced Policies:	Referenced Forms: DOC 0296 – Authorization for Payment FD-249 – FBI Fingerprint Card ISP 6-408 – Illinois State Police (ISP) Access and Review

I. POLICY

The Department shall afford individuals in custody the opportunity to access and review their criminal history information and to challenge any erroneous information contained therein.

II. PROCEDURE

A. Purpose

The purpose of this directive is to provide instructions to staff for providing individuals in custody with the opportunity to exercise their rights to access and review their criminal history information.

B. Applicability

This directive is applicable to all correctional facilities within the Department.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. General Provisions

1. In all facilities, excluding Transitional Security facilities, individuals in custody shall be advised to direct requests for access and review of criminal history record to the facility Bureau of Identification (B of I) office.
2. In Transitional Security facilities, individuals in custody shall be advised to contact their counselors for access and review of criminal history records. The counselor shall either be guided by this directive or make arrangements for the individual in custody to make his or her request at a local law enforcement agency or licensed fingerprint vendor or agency.
3. Facilities shall maintain a stock of the Illinois State Police (ISP) Access and Review, ISP 6-408, for use by individuals in custody in the event the Livescan Digital Fingerprint System is unable to electronically transmit individual in custody information.

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F. Illinois Criminal History Record Information

1. Request for Access and Review

An individual in custody requesting to review a copy of his or her criminal history record (transcript), including State or local criminal justice agency entries, is required by the ISP to file his or her request through the facility. B of I staff or the individual in custody's counselor, as applicable, shall:

- a. Inform the individual in custody of applicable processing fees, if any, and ensure that he or she submits an Authorization for Payment, DOC 0296, for same. If the individual in custody is without funds, the processing fee shall be taken from the individual in custody's funds as they become available.
- b. Schedule the individual in custody to be brought to the facility B of I office or other designated facility for fingerprinting unless:
 - (1) The individual in custody has recently requested and received a current copy of his or her transcript and no further charges or convictions have been processed; or
 - (2) The individual in custody is currently exercising his or her challenge and appeal rights.
- c. Forward the completed ISP 6-408 to the address indicated on the back of the form within five days of the date of the request and retain a photocopy of the form for facility records.
- d. Within two days of receipt of the transcript by the facility, release the transcript to the individual in custody. If the individual in custody does not retrieve the transcript within 45 days, it shall be destroyed.

NOTE: Effective July 15, 2015, redaction of personal identifying information shall not be required.

2. Record Challenge

When an individual in custody indicates that he or she believes the criminal history record information is incorrect, B of I staff or the individual in custody's counselor, as applicable, shall:

- a. Inform the individual in custody that he or she may challenge the record on the Record Challenge form provided by ISP with the transcript.
- b. Forward the completed Record Challenge form to ISP Bureau of Identification. A photocopy shall be retained for the facility's record and a photocopy shall be provided to the individual in custody.
- c. Within five days of receipt by the facility, provide the individual in custody with a copy of the notice that will indicate whether the corrections requested were approved or denied.
 - (1) All non-criminal justice agencies that have received copies of the record transcript will be notified of approved corrections. The individual in custody will be provided with a copy of a list of these agencies upon written request to the ISP Bureau of Identification.
 - (2) If corrections are denied, in whole or in part, the notice will provide a written explanation of the decision.

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3. Administrative Review

If the individual in custody is not satisfied with the explanation of requested corrections that have been denied, B of I staff or the individual in custody's counselor, as applicable, shall:

- a. Advise the individual in custody that he or she may request an administrative review of the decision.
- b. Forward the request to the ISP Bureau of Identification.
- c. Within five days of receipt, provide the individual in custody with a copy of the administrative review decision.

4. Administrative Appeal

If the individual in custody's administrative review decision is unfavorable, B of I staff or the individual in custody's counselor, as applicable, shall:

- a. Advise the individual in custody that he or she may, within 56 calendar days from the receipt of the administrative review decision, submit a letter requesting an Administrative Appeal. The individual in custody may also request to be present at a hearing before a representative of the Illinois Criminal Justice Information Authority.

NOTE: When the individual in custody requests to be present at the hearing, the Authority will make arrangements with the Chief Administrative Officer to conduct the hearing at the facility.

- b. Forward the request to the ISP Bureau of Identification, who shall forward to the Illinois Criminal Justice Information Authority.
- c. Within five days of receipt by the facility, provide the individual in custody with a copy of the Authority's decision.

G. Federal Bureau of Investigation (FBI) Record Transcript

Upon request, B of I staff or the individual in custody's counselor, as applicable, shall:

1. Advise the individual in custody that he or she may obtain a copy of his or her FBI record by corresponding directly with the FBI and that the following must be submitted with the request:

- a. Complete name, facility register number and, if known, FBI number.
- b. Date and place of birth.
- c. Fingerprints (a set shall be printed on the FBI Fingerprint Card, FD-249, by the facility B of I office or a designated facility).

NOTE: The FD-249 should be marked "F.O.I." (Freedom of Information), in the section for "Reason Fingerprinted."

- d. A certified check or money order in the amount of the current FBI fee, and any other applicable charges.
 - (1) The individual in custody may submit a DOC 0296 to approve a disbursement from his or her trust fund for the amount of the applicable fee.

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- (2) A copy of the individual in custody's trust fund balance may be submitted as proof of indigence, if applicable.
 - e. FBI Applicant Information Form.
 - 2. Forward the written request and all required information to:
 - Federal Bureau of Investigation
 - CJIS Division
 - Attn: SCU MOD D-2
 - 1000 Custer Hollow Road
 - Clarksburg, WV 26306
 - 3. If the individual in custody believes that the record is incorrect or incomplete, he or she may write directly to the agency or law enforcement unit that submitted the information for inclusion on the record to request that the correction be made. The FBI Identification Division will only make changes to the record upon request of the agency or law enforcement unit that initiated the original entry of the information into FBI records.
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