

Virginia Rap Back Service: Policy and Procedures Manual

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Introduction

The Virginia Rap Back Service (VRBS) is a service that keeps authorized entities informed about important updates to a person's criminal history. Agencies enrolled in Rap Back service have a standing need to determine criminal history information for authorized individuals operating in a position of trust such as schoolteachers or day care workers, etc. While this information is collected at a particular point in time, it becomes stale and requires constant updating. Under VRBS, entities receive automatic notifications if new information is reported to the FBI, thereby eliminating the need for repeated background checks. Using fingerprint identification, VRBS' ongoing alerts keep both criminal justice and noncriminal justice organizations informed of any significant developments.

In July of 2025, the Virginia Department of State Police (VSP) implemented new functionality to its Consolidated Applicant Tracking System (CATS) that includes the Federal Bureau of Investigation (FBI) Next Generation Identification (NGI) Rap Back services for both criminal justice and non-criminal justice entities. The non-criminal justice Rap Back capability allows authorized subscribers to enroll employees as a part of the fingerprinting process required for pre-employment (or periodic post-employment) background check screening. Once a subscribing entity has enrolled someone in Rap Back, the entity will be notified every time a person's record is changed as a result of any notification event (e.g., criminal fingerprint submission [arrest], court case disposition, sex offender registry entry, etc.) that is applied to the enrollee's criminal history record.

Terminology

- **Criminal History Record Information (CHRI)** – A record that includes individual identifiers and describes an individual’s arrests, prosecutions, court dispositions, supervision status and incarcerations.
- **Federal Bureau of Investigation (FBI) Next Generation Identification (NGI) Rap Back Service** – A program that allows authorized government agencies to receive notification of subsequent activity on individuals who hold positions of trust.
- **Identity History Summary** – Often referred to as a criminal history record or a “rap sheet,” identity history summaries contain information supported by fingerprint submissions that is maintained by the states and FBI related to arrests, prosecutions, sex offender status and court-related activities (e.g., case dispositions, sentence details, issuance of a warrant, etc.)
- **Individual** – Any person who has submitted to a fingerprint-based background check in order to (i) care for (a) children, (b) the disabled, or (c) the elderly, or (ii) (a) be licensed, (b) be certified, (c) be employed, or (d) perform volunteer service with a participating entity and who has been enrolled by that participating entity in the VRBS.
- **Participating entity** – A governmental entity that requires a fingerprint-based background check as a condition of (i) caring for (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service and that has elected to enroll individuals in the Virginia Rap Back Service (VRBS).
- **Pre-notification** – A notification that is sent to the participating entity requesting verification that the entity still maintains an authorized relationship with the individual listed in the pre-notification (e.g., the person is still licensed, is still employed, or is still volunteering).
- **Subscribing Entity** – An organization that requests subscriptions to be notified when a person of interest has criminal history activity within and outside of Virginia. In the initial phase of Rap Back in Virginia, these will be the local boards of education. In most cases, the subscribing entity and participating entity are the same entity.
- **Submitting Entity** – The criminal justice organization that is responsible for brokering rap back transmissions with the FBI and overall management of the state Rap Back program. In Virginia, this will be the Virginia State Police (VSP).
- **Suitability Determination** – The act of deciding on the individual’s quality of being appropriate to (i) care for (a) children, (b) the disabled, or (c) the elderly or (ii) (a) be licensed, (b) be certified, (c) be employed, or (d) perform volunteer service with a participating entity.
- **Event Notification**– Specific types of criminal activity that, when they occur for an individual, will cause a notification to be sent to the subscribing entity. Example of events include arrests, criminal dispositions, sex offender entries, or death notifications.

Purpose of the Virginia Rap Back Service

The Virginia Rap Back Service (VRBS) is an extension of the fingerprint-based criminal history background check in that it allows participating entities the ability to proactively receive notifications of certain criminal justice events that are received by the FBI. The event notifications allow for subscribing entities to make timely suitability determinations on the individuals enrolled in the program.

The goal of the VRBS is to support the safety and wellbeing of vulnerable and at-risk populations and the general public by providing timely and accurate notifications to participating entities on their enrolled individuals. Without VRBS, employers depend on their employees to self-report criminal activity, or they may discover it as a result of re-fingerprinting at a later date. Since the evaluation is continuous, VRBS reduces the requirements and the need to re-fingerprint for the same position, saving time and money. The VRBS supports the protection of vulnerable populations served by coaches, teachers, law enforcement officers, and government employees.

The VRBS was developed and deployed to provide timely notification to criminal and non-criminal justice entities regarding relevant events that are reported to the FBI NGI regarding their applicants, employees, volunteers, licensees, etc. The Rap Back notifications received by the participating entities will be used to help evaluate continued employment, volunteering, licensing, etc., on the individuals interacting with the vulnerable and at-risk populations, and the general public.

Authority to Participate in the Virginia Rap Back Service

§ 52-46 Code of Virginia (2024)¹ provides the authority for authorized entities to participate in the VRBS. The authority also allows for subscribing entities to receive Rap Back event notifications from the FBI. § 52-46 Code of Virginia authorizes VSP to utilize the FBI NGI Rap Back service to submit fingerprints and accompanying records to the FBI to be retained in and advised through the FBI's NGI Rap Back Service when an enrolled individual is subject to a Rap Back notification event. This would include being arrested and fingerprinted for, or convicted of, a criminal offense.

Applicant Privacy and Notice of Access

Each individual who submits fingerprints for a background check may be enrolled as a subscription in the FBI NGI Rap Back service. The individual will be provided with a Privacy Act Statement that includes a 28 CFR § 50.12 notice prior to being enrolled in Rap Back. Each individual enrolled in Rap Back will sign, either electronically or in-person, an acceptance of the Privacy Act Statement with the 28 CFR § 50.12 notice. All subscribers are required to have their applicants sign the Privacy Act Statement with the 28 CFR § 50.12 notice prior to being fingerprinted.

¹ <https://law.lis.virginia.gov/vacode/title52/chapter10/section52-46/>

Participating Entity Enrollment

Participating Entity enrollment into the VRBS requires several steps to ensure compliance with the FBI and VRBS policies. These steps include the establishment of a VSP Civil and Applicant Records Exchange (CARE) account, training on the Rap Back policies, and training on the Rap Back Event Pre-notification and Rap Back Event Notification process.

- A. Each agency that qualifies as a participating entity will have the opportunity to enroll individuals in the VRBS.
- B. Each participating entity shall have a VSP CARE account that allows access to the VRBS and establishes the billing and user accounts.
- C. Prior to granting a participating entity access to the VRBS, the participating entity shall have a process in place to ensure that each individual reviews and acknowledges the Privacy Act Statement and completes all related applicant background check documents prior to their enrollment.
- D. Prior to enrolling individuals in a VRBS account, employees responsible for receiving Event Notification information must complete training on how to receive and review the Rap Back Event Pre-notification and Rap Back Event Notification.

Individual Enrollment

Prior to fingerprinting the individual for a criminal background check and enrollment into the VRBS, the participating entity shall provide the individual with the Virginia Privacy Act Statement including the 28 CFR § 50.12 notice for review and signature. A completed copy of the Virginia Privacy Act Statement with the 28 CFR § 50.12 notice shall be provided to the individual once it has been reviewed and signed by the individual. In addition, the participating entity will retain a copy of the completed form for auditing purposes.

Once the required forms including all related applicant background check documents have been completed by the individual, fingerprinting and submission of the fingerprints for the background check and enrollment into the VRBS may proceed. Upon receiving the fingerprint information on the individual who is eligible to be enrolled into the VRBS, a criminal background check will be completed, and the individual will be enrolled into the VRBS at that time.

- A. Procedure for enrollment of individuals in the VRBS:
 1. Prior to fingerprinting the individual, the participating entity shall provide the individual with all required forms for review, completion, and signature.
 2. The participating entity or agency live scan service will submit to VSP the individual's fingerprints and identifying information for a state and national criminal history record check.

3. Once received, the individual's fingerprints and identifying information will be searched within the state criminal history repository for criminal history information. In addition, the individual's fingerprints and identifying information shall be searched within the FBI's Criminal Justice Information Services Division's national criminal history repository. During this process, the individual will be enrolled in the VRBS, and an enrollment confirmation will be electronically forwarded to the participating entity.
4. VSP will electronically forward the results of the state and national criminal history record check to the participating entity. Only criminal history record check results for which the participating entity is entitled to receive pursuant to the Code of Virginia and/or United States Code shall be sent.
5. The participating entity will review the results of the criminal history record check information and make a suitability determination on the individual. If the individual is found not suitable, the participating entity shall remove the individual from the VRBS within 5 business days of the decision. The participating entity will be billed for the criminal history record check and the initial VRBS enrollment fee.

Rap Back Notifications

The VRBS includes a pre-notification system. Rap Back alerts received from the FBI will first go to VSP. VSP will then electronically contact the participating entity for confirmation that the participating entity is still eligible, based on the enrolled individuals continuing position of trust, to receive the Rap Back notification. Only after receiving the required confirmation will VSP release the notification information.

Procedure for receiving and reviewing VRBS event notifications:

- A. The participating entity will receive a pre-notification on their enrolled individual prior to an event notification. The participating entity will review the pre-notification information within 3 business days and determine if the participating entity still meets the eligibility requirements to receive the enrolled individual's event notification information.
- B. The participating entity will electronically indicate their eligibility to receive the event notification information. If the participating entity indicates 'Yes' as to their eligibility, the event notification information will be available for review. If the participating entity indicates 'No' as to their eligibility, the individual will be removed from the VRBS.
- C. If the participating entity finds that the individual is no longer suitable for the position, the participating entity shall remove the individual from the VRBS within 5 business days.

Rap Back Annual Validation

Each individual enrolled in the VRBS will be active in the program for one year from the enrollment date and may be extended yearly based on an annual enrollment validation review by the participating entity.

Each participating entity will verify their current enrollments annually to ensure that the enrolled individual is still eligible to be enrolled in the VRBS. The participating entity will receive an enrollment verification reminder approximately 10 days prior to an individual's enrollment expiration date.

Rap Back Enrollment Maintenance

It will be the responsibility of the participating entity to keep all enrollment information on enrolled individuals up-to-date and accurate. Once the criminal background check information is received and reviewed, if the individual is found not suitable, the participating entity must remove the individual from the VRBS within 5 business days of the suitability decision.

Throughout the year, if the individual is no longer qualified to be enrolled in the VRBS (e.g., no longer employed, licensed, volunteering, etc., or is deceased) the participating entity shall cancel the individual's Rap Back enrollment within 5 business days from the participating entity's final determination of the individual's ineligibility to be enrolled in the VRBS. However, if the individual is canceled erroneously, the participating entity may reestablish the enrollment within 60 days of the cancellation.

Rap Back Removal

The participating entity shall incorporate the removal of an individual from the VRBS in their employee or volunteer exit, termination, separation, or equivalent process. For agencies that use the VRBS for licensing or certification monitoring, the individual shall be removed from the Rap Back Service if licensing or certification registration or monitoring is no longer required. In both circumstances, this removal will take place within 5 business days.

VSP will remove an individual from the VRBS if the individual is not eligible or no longer eligible to be enrolled (e.g., VSP receives a death notice on the individual) or if the participating entity does not pay the required fees for the VRBS.

Rap Back Enrollment Costs and Billing

The participating non-criminal justice entity shall incur an initial enrollment fee of \$12.00 for each individual enrolled in the VRBS. The enrollment fee is in addition to any fee associated with a fingerprint-based criminal background check (e.g., \$27.00 agency submission, \$20.00 for volunteers, \$37.00 for VSP fingerprinting and submission, etc.).

- Billing for the initial enrollment fee will take place on the first day of the month that follows the enrollment date. Participating non-criminal justice entities that remove an individual from the VRBS prior to being billed for the initial enrollment will not receive a prorated fee and will be responsible for the full cost of the initial enrollment.
- Each participating non-criminal justice entity will incur an annual enrollment fee of \$12.00 for each active individual that the participating non-criminal justice entity has enrolled in the VRBS. The annual billing for the VRBS will take place on or about the first month after the individual's enrollment anniversary date.
- Participating non-criminal justice entities that remove an individual from the VRBS after being billed the annual enrollment fee will not receive a prorated refund.
- Participating non-criminal justice entities that fail to pay their initial VRBS enrollment and/or annual enrollment fee(s) will be subject to, in accordance with the Code of Virginia § 2.2-4805 and § 6.2-302, a late payment penalty fee of 10% that will be applied to any outstanding balance after the invoice due date. In addition, a 0.5% interest will be accrued and assessed every 30 days on any unpaid invoice balance exceeding 60 days past the due date. A handling fee of \$50 will be charged for any returned payments or dishonored credit card transactions.
- VSP reserves the right to suspend or terminate accounts and access to the VRBS for noncompliance with the VRBS or FBI NGI Rap Back policy and procedures, or for actions deemed to be a violation of the laws within the Commonwealth of Virginia.
- All payment and billing associated with the VRBS shall be conducted by an electronic method.

Rap Back Training and Auditing

Prior to a participating entity enrolling individuals into the VRBS, the participating entity's personnel responsible for establishing and maintaining enrollments shall complete training regarding the VRBS and FBI NGI Rap Back policies and procedures. Training on the VRBS and FBI NGI Rap Back policies and procedures shall be provided by VSP or approved vendor.

VSP, or approved vendor, will provide VRBS and FBI NGI Rap Back policies and procedures training throughout the year, as needed, to the participating entity's personnel responsible for establishing and maintaining VRBS enrollments.

VSP and the participating entity will maintain a record of completed training on all personnel that have completed the VRBS and FBI NGI Rap Back policies and procedures training. Records of completed training that are maintained by the participating entity shall be made available to VSP upon request.

The participating entity may be audited by VSP to ensure compliance with the VRBS and FBI NGI Rap Back policies and procedures. In addition, the participating entity may be audited by the FBI, Criminal Justice Information Services Division, to ensure compliance with the FBI NGI Rap Back policies and procedures.