



Benefits of a **Rap Back** System

Does your agency or organization conduct fingerprint-based national background checks for volunteers, licensees, or employees in a position of trust? If so, your agency could benefit by enrolling in the FBI's Next Generation Identification (NGI) Noncriminal Justice **Rap Back** Service.

Rap Back Frequently Asked Questions

What is Rap Back?

The NGI Noncriminal Justice Rap Back Service is managed by the FBI's Criminal Justice Information Services Division. When an individual's fingerprints are submitted through an approved NGI connection and retained in the NGI system, they can be enrolled in the Rap Back service if authorized by law (Oregon Legislature passed HB 4122 (2024)). Once enrolled, the individual's fingerprints will be subject to future searches in the NGI System – essentially “live” searches if a future crime is alleged anywhere in the U.S. Rap Back triggers an electronic notification if, at any point, your applicant, employee, volunteer, or licensee is arrested, and fingerprints are taken and submitted to the NGI System. You will also be notified if any previously unreported criminal activity is updated to the individual's criminal history.

Why is Rap Back a necessary tool?

Without Rap Back, fingerprint-based background checks are a snapshot in time. This means that any fingerprint-based criminal charges brought against the person will not be known to the agency after the initial fingerprint-based background check. Without Rap Back, employers depend on their employees to self-report their arrests or have them discovered because of re-fingerprinting, possibly years later.

What are the benefits of Rap Back?

- Rap Back helps prevent the risk of continued employment of individuals with disqualifying convictions.
- When an individual has a new criminal history arrest, agencies will be notified promptly of potentially disqualifying offenses.

How do I know if my agency can participate in Rap Back?

- Your governmental agency must have current statutory authority to conduct fingerprint-based background checks to be eligible to participate in Rap Back.
- Please check with your legal counsel to determine if your participation in Rap Back is mandated by law and/or regulation.

How do I start the process of enrolling my agency in Rap Back?

From a state standpoint, HB 4122 requires an agency to submit an implementation plan meeting the requirements of ORS 181A.205(3) to the legislature's Interim Judiciary Committee by Dec. 31, 2024. The agency must consult with stakeholders, including impacted providers and employees, in preparing the plan. The plan must describe accessibility for fingerprinting, an estimated timeline for enrollment, an education and outreach plan, and projected costs to reduce barriers to fingerprinting. OSP will assist agencies in developing these plans.

From a federal standpoint, once FBI has approved the new law from HB 4122 Oregon State Police will need to send addendums for each agency that would like to enroll. Agencies can begin this process now by sending an email to OSPRapBack@osp.oregon.gov. Once OSP can submit addendums it could take up to two months for approval by FBI for individual agencies.

Rap Back Frequently Asked Questions, cont.

What is the cost of enrolling in a Rap Back service?

- As implementation advances, additional information and training will be made available.
- The cost of fingerprinting remains the same.
 - State fee \$33 and FBI fee \$13.25
 - *Note: there is no agency group rate or flat fee*
- Enrolling in Rap Back is free; however, there is an annual fee, and subscriptions last five years. The fee could be as low as \$25 per individual enrolled or as high as \$42. The annual fee will depend upon how many agencies enroll. The more agencies that enroll, the lower the cost for all agencies.
 - 100% of regulatory agency enrollment will be \$25 per year per individual subscription
 - 75% of regulatory agency enrollment will be \$26 per year per individual subscription
 - 50% of regulatory agency enrollment will be \$27 per year per individual subscription
 - 25% of regulatory agency enrollment will be \$31 per year per individual subscription
 - 10% of regulatory agency enrollment will be \$42 per year per individual subscription

Do fingerprints held in Rap Back have an expiration?

No, once an individual is fingerprinted under your agency ORI and enrolled in Rap Back, they will not need to be re-printed for your agency ORI again. Your agency must validate your populations before the subscriptions' expiration date, which also eliminates the need for re-checks.

What to consider for enrollment?

Agencies will need to select populations of employees to enroll. For example, if the Oregon Health Authority (OHA) decides to enroll nursing and physician staff, all employees in that selected population will be required to participate in Rap Back; however, OHA may elect to not enroll other populations such as janitorial staff, maintenance, office, HR, etc. Rap Back requires the complete enrollment of a selected population.

Prior to enrollment in NGI Rap Back, the agency must have a previously approved statute authorizing a state and nationwide fingerprint-based criminal records check. A statute granting the authority to perform a fingerprint-based background check must clearly identify the category of individuals that the agency wishes to enroll and also must clearly indicate that the fingerprints will be submitted to the FBI. Statutes authorizing a fingerprint-based background check should NOT include language stating that the fingerprints will not be retained or contain any other language that indicates that the fingerprints are to be used for a one-time criminal records check.

How will my agency manage Rap Back?

- Your agency's background administrators, usually located within Human Resources, will have access to an online system that maintains a roster of employees, licensees, and volunteers who are eligible for enrollment into Rap Back.
- The system will also allow the agency to set the subscriptions for Rap Back for their qualified employees, licensees, and volunteers.
- As implementation advances, additional information and training will be made available.

Where can agencies interested in participating in Rap Back send their employees and/or licensees to be fingerprinted?

Agencies can send employees and/or licensees to any Oregon-authorized fingerprinting provider.

When will Rap Back be implemented in Oregon?

Oregon is receiving FBI approval to participate in the Federal Rap Back program and completing system upgrades. Per HB4122, the Rap Back program is scheduled to begin for enrolled agencies on January 1, 2025.

Where can agencies find additional information and updates on Rap Back in Oregon?

Watch for updates at bit.ly/OSP_CJIS and navigate to the NGI Noncriminal Justice Rap Back Service tab.