

United States Department of the Interior
Bureau of Indian Affairs
Division of Law Enforcement
Office of Law Enforcement/Security

PROCEDURES

THE CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT
P.L. 101-630
TRIBAL CHARACTER INVESTIGATIONS
PROCEUDRES FOR SUBMISSION OF FINGERPRINT CARDS
TO THE
BUREAU OF INDIAN AFFAIRS FOR PROCESSING
THROUGH THE FEDERAL BUREAU OF INVESTIGATION

- 1) Procedures
- 2) Sample/Guideline, Tribe and/or Tribal Organization
Applicant/Employee Background Investigation Checklist
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Child Protection and Family Violence Prevention Act”
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Procedures

THE CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT P.L. 101-630

TRIBAL CHARACTER INVESTIGATIONS PROCEUDRES FOR SUBMISSION OF FINGERPRINT CARDS

To the
Bureau Of Indian Affairs for Processing
through the Federal Bureau of Investigation

User Tribes:

1. Tribes may establish internal procedures or policies, i.e., tribal personnel regulations, Law and Order Codes or Ordinances regarding the requirement for background checks on those individuals in positions covered by Public Law 101-630, Indian Child Protection and Family Violence Prevention Act, Section 408, Character Investigations.
2. Tribes make initial contact with the Bureau of Indian Affairs, Division of Law Enforcement Services (DLES), (Kay Hayes, Security Specialist, Albuquerque, NM – 505-408-7937; Fax 505-408-7905) to establish themselves as a user tribe or tribal program of the Bureau of Indian Affairs (BIA)/Federal Bureau of Investigations (FBI) Fingerprint/Character investigation process. Make available to DLES the tribe's contact person, address and telephone number and number of pre-printed fingerprint cards needed.
3. Tribes may contact the local law enforcement personnel to make arrangements for them to take the fingerprints of the "Tribal Child Care Applicant" on the pre-printed fingerprint cards (Form Number FD 258) bearing ORI number "NM92BIA0Z." Law enforcement personnel must review photo identification to certify that the information recorded on the card is accurate.
4. Complete the "Reason Fingerprinted" block of all fingerprint cards to indicate "Tribal Child Care Applicant – P.L. 101-630."
5. Submit the complete fingerprint cards along with a check or money order made out to the Bureau of Indian Affairs in the amount of \$22.00 for each fingerprinted employee, volunteer or applicant. The completed package should be sent directly to the BIA – Division of Law Enforcement Services, ATTN: Security, PO Box 66, Albuquerque, NM 87103.
6. Name the designated tribal official (name, office and telephone number) that is to receive and be responsible for the results of the fingerprint checks. ALL PRECAUTION MUST BE TAKEN TO GUARANTEE CONFIDENTIALITY.

The Bureau of Indian Affairs:

1. Provide pre-printed fingerprint cards to tribes who have established themselves as user tribes. (Pre-printed Cards will contain Originating Agency Identifier (ORI) number NM92BIA0Z, the BIA's name and location). The pre-printed cards cannot be substituted or otherwise exchanged with other agencies. The pre-printed Originating Agency Identifier (ORI) information will be different.
2. Receive from user tribes the non-criminal justice applicant fingerprint cards (pre-printed) for review and process.
3. Verify that the fingerprint cards are being submitted under authority of Federal law, regulation, or Executive Order.
4. Review and stamp each card with identification from the Bureau of Indian Affairs (BIA), Division of Law Enforcement Services. Verify that a check or money order is included to cover the cost for the fingerprint check. Forward the fingerprint card to the Federal Bureau of Investigation (FBI) for processing.
5. Set up procedures with the Division of Accounting Management for the following: establishment of a cost account for the current \$22.00 fingerprint card charge, process for receipt and deposit of tribal checks and money orders and establish billing and payment procedure between BIA/FBI. Establish a records data base for tracking purposes.
6. Receive from the FBI the results of fingerprint checks.
7. Forward to the user tribe's designated Tribal Official the FBI results.

The Federal Bureau of Investigation

1. Provide the BIA pre-printed fingerprint cards which contain the Originating Agency Identifier number NM92BIA0Z, BIA's name and location information.
2. Upon request, provide training on the proper procedures for taking fingerprints.
3. Process the fingerprint cards and forward the results to BIA.
4. Bill the BIA on a monthly basis for those fingerprint cards received during the preceding or earlier months for which no prior voucher has been submitted.
5. Charge a \$22.00 fee based on the direct and indirect cost of providing the service. The FBI will conduct an annual review in order to determine the level of fees to be established for the following year. If the level of fees change, all user tribes will be notified timely and the changes will be incorporated in the next fiscal year agreement.
6. Ensure that the BIA is not charged for a second resubmission of illegible fingerprint cards, provided the tribes follow procedures outlined by the FBI for the resubmission of those fingerprint cards returned to the BIA as illegible.

RESUBMISSION OF ILLEGIBLE FINGERPRINT CARDS PROCEDURES

1. Fingerprint cards received at the FBI Criminal Justice Information Services Division (Division) bearing fingerprint impressions which cannot be classified are not capable of being searched by fingerprint characteristics in the Division's files. When these unclassifiable cards are received, the Division will conduct a name check based on the name and descriptive data provided on the fingerprint card.
2. If the name check produces a candidate, the fingerprints will be compared against the fingerprints of the candidate already in the FBI file.
3. If identical – a copy of the corresponding criminal history record will be furnished to the BIA.
4. If the name check is negative, the BIA will be notified and the fingerprint card will be returned to the BIA with notations as to the reason(s) the fingerprint were illegible. The BIA will then return this information to the tribe. A user-fee charge will be assessed on the first submission.
5. The FBI will ensure that the BIA is not charged for a second submission of illegible fingerprint cards provided – **WHEN TRIBES SUBMIT RETAKEN PRINTS, THEY STAPLE THE ILLEGIBLE CARD TO THE NEW CARD AND SUBMIT BOTH TO THE BIA, SECURITY SPECIALIST, DLES. BIA WILL FORWARD BOTH CARDS BACK TO THE FBI, CRIMINAL JUSTICE INFORMATION SERVICES DIVISION. THIS PROCEDURE WILL ENSURE NO ADDITIONAL CHARGE IS ADDED FOR A RESUBMITTED FINGERPRINT CARD.**