

AUTOMATED OUT-OF-STATE RECORD CHECKS

Progress on Development Feasibility and Cost

A Report to the Virginia State Crime Commission



October 2025

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COMMONWEALTH OF VIRGINIA

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October 27, 2025

TO: The Honorable Charniele L. Herring
Chair of the Virginia State Crime Commission

Pursuant to House Bill 2113ER2 and Senate Bill 1339ER2, Chapter 542 Enactment Clause 11 of the 2021 Acts of Assembly, I am respectfully submitting herewith a report concerning the Department's progress on determining the feasibility and cost associated with automated out-of-state record checks.

Respectfully,

A handwritten signature in black ink, appearing to read "MDH", followed by a long horizontal line.

Superintendent

MDH/JMG/ajm

Enclosure

Preface

Chapter 542 enactment clause #11 of the 2021 Acts of Assembly directs the Department of State Police (the Department) to “determine the feasibility and cost of implementing an automated system to review out-of-state criminal history records and report to the Virginia State Crime Commission by November 1, 2021, and November 1 of each year thereafter until such determination has been made.” Pursuant to this requirement, the Department’s Criminal Justice Information Services Division has reviewed its current progress in determining the feasibility and cost associated with developing an automated system that will provide the query and review of out-of-state criminal history information.

Executive Summary

With an increase in pre-employment and licensing background checks, there has been a corresponding rise in demand for expunging criminal history record information. The Department has received, on average, over 4,000 expungement orders annually over the past four years. The expungement process, as initially developed, is manual in nature and requires Department personnel to review and process each petition and order received. The legislation passed during the 2021 Special Session has created an opportunity for individuals to expunge or seal criminal history record information retained by the Virginia State Police Central Criminal Records Exchange (CCRE), through both an automatic process and by petition.

This report provides an overview of the Department’s current expungement process, as well as the progress made toward developing a new Computerized Criminal History (CCH) System that will fulfill the requirements of an automatic expungement and sealing process. This report will also include an analysis of the requirement to query and review out-of-state criminal history record information to determine eligibility for sealing and expungement under this new legislation.

Background

The Department, through its Central Criminal Records Exchange (CCRE), is responsible for receiving, retaining, and reporting all reportable criminal history information.¹ Records contained within the CCRE are made available to criminal justice agencies for law enforcement purposes and non-criminal justice agencies. Non-criminal justice purposes can include pre-employment screening, school admissions, adoption, and many others, including general public requests. As of October 2025, the CCRE retains 12,824,876 individual offenses that have been applied to 2,663,185 individual computerized criminal history records. The Department’s CCRE section is the sole repository of criminal history record information within the Commonwealth of Virginia.

As the sole repository of criminal history record information, the CCRE was tasked with processing criminal history expungement petitions and orders received by the courts. With the increase in pre-employment, licensing, and educational program vetting that

¹ See Virginia Code § 19.2-390.

requires criminal history background checks, the demand for expunging criminal records has also increased. This increase in criminal history petitions and orders for expungement has resulted in increased demands on a manual and labor-intensive process.

Expungement Section Processes

Under the current criminal history expungement process, petitions for expungements are received in the CCRE by mail along with a complete set of the petitioner's fingerprints on an FD-258 Applicant Fingerprint Card. When the petition package is received, the fingerprint card is sent to the Biometric Records Section (BRS) to be used in identifying the petitioner's criminal history record and corresponding State Identification (SID) number. Once the criminal history record is identified, the fingerprint card and SID number are sent back to the Expungement Section for processing.

After receiving the fingerprint card and SID number from the BRS, the Expungement Section staff queries the Virginia Criminal Information Network (VCIN) to retrieve a copy of the petitioner's criminal history information. The criminal history information is reviewed to locate the offense and disposition information associated with the petition. The criminal history source documents are then located, either on microfilm or electronic images, and printed off to be included in the petition package.² Furthermore, any court disposition updates to the criminal history record that are needed prior to the petition package being sent will take place. Once the petition package is completed, the information is then sent back to the court for use in the expungement decision-making process.

Expungement order packages that are complete are processed by removing the criminal history information from the CCH system. The associated source documents are identified and sealed accordingly. Notification is made to the Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division, requesting the removal of expunged information from the federal criminal history report. In addition, a compliance request notification and a copy of the expungement order are sent to any agency that is involved with the information to be expunged (e.g., courts, law enforcement, probation, and parole). The agencies are requested to comply with the expungement order and notify the Expungement Section once compliance has been achieved. Once the Expungement Section receives all compliance notifications, a notification is sent to the court confirming that the expungement has been completed.

In addition to this process, an Expungement Section staff member will query the VCIN system to obtain contact information for those who have requested the individual's criminal history information within the past two years. Letters are then sent to the requestors, notifying them of the expungement and informing them to request a new criminal record if the information is still needed, as the criminal history information has been updated. As illustrated, the expungement process can be time-consuming due to the manual nature of the involved processes.

² Criminal history source documents are those documents received by the CCRE from the booking agency or court that supports the entry on the criminal history record.

Legislative Changes

In the 2021 Special Session, House Bill 2113ER2 and Senate Bill 1339ER2 established new sealing and expungement processes to streamline expungement procedures and expand the types of criminal history record information eligible for sealing in Virginia. For certain offenses to be eligible under the automatic sealing process outlined in these bills, the eligibility criteria requires that the individual has not been convicted of violating any law of the Commonwealth that requires reporting to the Central Criminal Records Exchange under subsection A of § 19.2-390 or any other state, the District of Columbia, the United States or any territory thereof, excluding traffic infractions under Title 46.2 during that time period. The time period for eligibility is seven years from the date of dismissal or conviction for the offense to be sealed.

In the automatic sealing process, the Department is required to determine, on at least a monthly basis, which offenses meet the criteria for automatic sealing. Once the list is compiled, it is electronically forwarded to the Executive Secretary of the Supreme Court of Virginia to be electronically distributed to each circuit court clerk in the jurisdiction where the case was finalized. The clerk of the circuit court then prepares a sealing order to be reviewed and entered by the chief judge, sealing the offense information. The order is then electronically sent back to the Department for the sealing process to take place. For this process to begin, the Department must first generate the list of eligible offense information to be sealed. This process will require the Department to verify the eligibility of each individual with a sealable offense, which can be a challenging task when requiring an out-of-state criminal history record check.

Out-of-State Records Checks

Currently, for criminal justice purposes, criminal history checks are conducted through the VCIN system. These types of criminal history checks can be for Virginia criminal history only, for both Virginia and out-of-state criminal history, or for out-of-state criminal history only. Criminal history information is queried by name, sex, race, date of birth, and social security number, if available. This identifying information is then electronically sent via VCIN to the FBI CJIS Division (NCIC) to be checked against the Interstate Identification Index (III) criminal history name file. If an indexed record is located on the III criminal history name file, the corresponding FBI and out-of-state SID number(s) are returned to the VCIN user.

Currently, the VCIN user queries the out-of-state SID number via VCIN to retrieve an electronic copy of the criminal history record from the III network. However, if the individual has a Virginia criminal history record retained in the CCRE, the corresponding Virginia SID number can be used to complete the out-of-state criminal history record retrieval from III. This is due to states having the ability to link criminal history SID numbers to one FBI CJIS Universal Control Number (UCN) and corresponding FBI national criminal history record. Once the Virginia SID number is queried in the III network, the

linked FBI national criminal history record and all linked out-of-state record information will be returned.

What is common across this process is the manual entry of identifying information, such as the Virginia SID number, to check and retrieve out-of-state criminal history information. Furthermore, a manual review of the out-of-state record will be required to determine if the individual qualifies to have the offense information sealed.³

Progress Towards Automated Out-of-State Record Checks

In April 2020, the Department began collecting high-level business requirements to develop a new computerized criminal history system, known as the Criminal and Rap Back Information System (CRIS). By October 2021, the CRIS project was posted in the Commonwealth of Virginia procurement system as a Request for Information (RFI). After several months of receiving approvals and contract negotiations, a contract was signed for the CRIS Project with the selected vendor, Voyatek (formerly GCOM), in July 2022. By September 2023, the Department had completed the knowledge transfer of legislative and systems requirements to Voyatek. From Fall 2024 through Spring 2025, the Department participated in pre-User Acceptance Testing on various features, including arrest and disposition, that will be vital to the expungement and sealing functionality. Formal User Acceptance testing began in April 2025. The Department also continued ongoing discussions with the Courts to identify data sets and electronic transmissions of orders. The goal of the new CRIS is to provide state-of-the-art technology capable of establishing, maintaining, disseminating, and removing Virginia criminal history record information, as well as background checks, civil commitment entries, and reporting in corresponding modules.

As part of the CRIS, functionality related to the expungement and sealing of criminal history information will be developed. It is anticipated that the CRIS will provide automated functionality to search for and create a list of offenses and individuals who qualify to have their eligible offense information sealed within the criminal history database, as illustrated in the automatic sealing process.

A known impediment to the development of an automated method for determining eligibility is the variability and availability of standardized criminal history record information among state criminal history repositories. State repositories vary significantly in the type of criminal history record information they disseminate or display. After consultation, the Department determined that using the Single Source indicator (SSO) or Multi-Source indicator (MSO) on the criminal history record may provide the most automated means of identifying records that contain out-of-state record information for review. The SSO indicates that the criminal history record only includes information from the state of Virginia. The MSO would indicate that there is criminal history record information in another state, or federal information, in addition to Virginia. Records with

³ A manual review of the out-of-state record to ensure no out-of-state convictions within the last seven years from date of dismissal or conviction of the offense that is to be sealed exist.

an MSO would need to be manually reviewed by an analyst to determine eligibility for sealing under the statute due to the variability among state repositories.

As more states transition to the Interstate Identification Index (III) - National Fingerprint File (NFF) and develop Extensible Markup Language (XML)- standardized rap sheets, this will improve the ease with which an automated process can be developed to determine eligibility for expungement and sealing under this new legislation. As of July 15, 2025, 27 states in the United States participate in the III-NFF. Additionally, 23 states are fully compliant with XML Standardization, while 29 states are in progress, as tracked by Nlets⁴. The Department intends to continue developing an automated, electronic method for reviewing these out-of-state records to determine sealing, as more states become compliant with the XML Standardization.

Conclusion

As described in this report, expunging and sealing criminal history information is a highly involved manual process. With the passage of new legislation in the 2021 legislative session, a new procedure has been introduced, providing an opportunity to automate manual processes and implement measures that enable the public to expunge or seal additional criminal history information. The new legislation has also provided the Department with an opportunity to examine its current CCH system to determine the information technology needed to upgrade and meet the newly established requirements for criminal history expungement and sealing.

In 2020, the Department began its journey to replace the current CCH system with a more modern and robust system capable of meeting the automated expungement and sealing requirements. The Department continued to work with Voyatek to implement the expungement and sealing features in CRIS, including the criteria for an automated process to query out-of-state records. However, during the initial implementation of the CRIS project, the Department determined that analysts would be needed to manually review the queried out-of-state records to meet the criteria required for sealing. As more states join the III-NFF and adopt standardized rap sheet formats, an automated method to achieve the outcome of reviewing out-of-state record information will likely become more apparent.

⁴ Nlets, the International Justice and Public Safety Network, is a not-for-profit computer-based message switching system that links together and supports every state, local, and federal law enforcement, justice, and public safety agency for the purposes of sharing and exchanging critical information.