ARIZONA BOARD OF FINGERPRINTING

Good Cause Exception Application Form

Mail Code 185 • PO Box 6129 • Phoenix, Arizona 85005-6129
Telephone (602) 265-0135 • Fax (602) 265-6240
info@fingerprint.az.gov • www.fingerprint.az.gov

Do not write in this area

BEFORE YOU BEGIN

- **Please make sure you've downloaded the correct application.**
  - Are you applying to the Board because you did not clear a central registry background check? If so, this is the **wrong** application form. Please go to www.azbof.gov and download the Central Registry Exception Application Form.
  - Are you applying to the Board because your fingerprint clearance card was denied or suspended? If so, this is the **correct** application form.
- Send your completed application to the address at the top of this form.
- We want to be able to read and understand your application, so write as clearly as possible
- Please answer all questions. It's fine to attach additional pages.
- Please send copies, not originals, of court documents or police reports. After a certain period of time, we destroy documents, so we may not be able to return originals.
- To avoid a delay in the application process, please read the application instructions before completing this application package.
- If you intentionally provide false information, your application may be denied.

LETTER OF DENIAL OR SUSPENSION FROM DPS

Please include a copy of the denial or suspension letter you received from the Department of Public Safety (DPS). This letter is **required**. Please make sure that the letter came from DPS and not another agency. **Be sure to include all pages of the letter**.

The letter contains information we need to track down your criminal-history and application. You must provide us a copy of the letter. **Do not submit the application without the letter; otherwise, we will send it back to you.**

PERSONAL INFORMATION

1. **Name on fingerprint-clearance-card application.** Please provide the name that you submitted on your fingerprint-clearance-card application to the Department of Public Safety (DPS). This will be the same name that appears on your letter of denial or suspension from DPS. If the name does not match the one on the DPS letter, we may have difficulty processing your application. Please contact us if you have had a legal name change or the name on your denial or suspension letter is incorrect.

   Last: _____ First: _____ MI: _____

2. **Other names.** In the space below, please list any other names you go by or have gone by at any time in your adult life. You do not need to provide nicknames. Examples include aliases or maiden names.

   _____

3. **Date of birth.** _____

4. **Mailing address.** This is where we will send all correspondence, so please write the address where we can best reach you. Some of the information we send you is time-sensitive, so be sure to inform us of any change in address as soon as possible.

   Address: _____

   Address: _____

   City: _____ State: _____ ZIP: _____

5. **Telephone numbers.** Please provide telephone numbers, including area codes, where we can reach you, in order of preference for reaching you during the daytime. Please also the type of phone (such as home, work, or mobile). (You only need to provide one; the others are optional.)

   Phone 1: _____ Type: _____

   Phone 2: _____ Type: _____

   Phone 3: _____ Type: _____

CRIMINAL-HISTORY INFORMATION

6. You received a letter from the Department of Public Safety (DPS) that listed what charges caused your card to be denied or suspended. Other than those charges, are there any other criminal charges on your record (whether or not you were convicted)?

   [ ] Yes [ ] No

7. If you answered "Yes" to question 6, please list the charges and dates (approximate if necessary) below, using additional sheets if necessary.

   _____

   _____

   _____

8. **Police reports.** For every arrest or criminal charge (even if you weren't convicted) that occurred within five years before the date DPS denied or suspended your fingerprint clearance card, please submit a copy of the police report. If you don't have the police report, you should contact the police or sheriff's department and submit a request for the report. (It is your obligation to get the report; the Board staff won't get it for you.)

9. **Written explanations.** For every arrest or criminal charge in your adult life, you should submit a detailed explanation that describes what happened. Please refer to the enclosed guidelines on preparing written statements. Be sure to submit an explanation for each charge, even if you weren't convicted, even if the charge wasn't listed on the DPS letter of denial or suspension, and no matter how long ago the incident occurred.

10. **Court documents.** For every criminal conviction in your adult life, please provide documentation from the appropriate court showing that you completed your sentence or that a record is no longer available.
    - Please refer to the enclosed guidelines on submitting court documents.
    - Be sure to submit court documents no matter how long ago the charge occurred and even if the charge wasn't listed on the DPS letter of denial or suspension.
    - If your case is pending, or if you haven't completed your sentence, please provide a written statement that explains in detail the status of your case and when you expect your case or sentence to be completed.

11. **Disposition information**. If your letter from DPS stated that the disposition of charge (e.g., conviction, dismissal, or acquittal) could not be determined, you should contact the appropriate court and get a document that lists the disposition or states that a record could not be found. Please refer to the enclosed guidelines on submitting court documents.

OTHER INFORMATION

12. **Reference letters.** Please submit at least two reference letters using the enclosed forms. These two references MUST meet the following requirements:
    - One form must be completed by your current or former employer who has known you for at least one year or by someone who has known you for at least three years.
    - The other form must be completed by someone who has known you for at least one year.

    You may make copies of the reference forms if you'd like to submit more than the required two, or you can download a copy of the form from the Forms & Helpful Resources Page on the Board website located at www.fingerprint.az.gov. Also, you may submit other reference letters that don't use the reference forms, as long as you meet the requirements listed above.

13. **Child or Adult Protective Services (CPS or APS).** Have you ever had a substantiated allegation of neglect or abuse of a child or vulnerable adult made by CPS or APS (or comparable agencies in other states), even if children were not taken from you or criminal charges were not filed? (Remember that providing false information may cause your application be denied.)

    [ ] Yes [ ] No

    If you answered "Yes," you must provide a copy of the CPS or APS investigative report. If you don't have the report, you should contact CPS or APS to get it. You also should submit a written explanation that describes in detail your contact with CPS or APS.

14. **Professional license or certificate.** Have you ever had a professional license or certificate (such as a teaching certificate or nursing license) revoked or suspended? (Remember that providing false information may cause your application to be denied. You do not need to disclose revocation or suspension of a driver's license.)

    [ ] Yes [ ] No

    If you answered "Yes," you should submit a written explanation that describes in detail the reason for the revocation or suspension.

NOTARIZATION

Please have this section notarized by a notary public. If you're not sure where to go to have documents notarized, please consult a business directory like the Yellow Pages.

I solemnly affirm that the information in this application, including the attached explanations, is true and complete to the best of my knowledge.

_____ _____

(Signature of applicant; do not sign until you are before the notary public) (Date)

Subscribed and sworn before me this _____ day of _____, _____ (year).

My commission expires: _____

_____

(Notary Public)

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1. Letter of Reference for: _____

2. Written by: Name: _____
   Agency: _____
   Address: _____
   _____
   Phone: _____

3. Are you the applicant's employer?
   [ ] Yes [ ] No

4. Are you aware that the Arizona Department of Public Safety has denied or suspended a fingerprint clearance card for the individual requesting this letter?
   [ ] Yes [ ] No

5. Has this individual informed you of the reason(s) for the denial?
   [ ] Yes [ ] No

6. How long have you been acquainted with this individual? Please indicate the number of:
   _____ Years _____ Months

7. In what ways do you know this individual? (Please check only one.)
   [ ] Personally [ ] Professionally [ ] Both

8. Would you recommend that this individual be granted a fingerprint clearance card?
   [ ] Yes [ ] No [ ] Undecided

9. Please include any additional statements you would like regarding this individual, either below or on a separate sheet.

_____ _____
Signature Date

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EMAIL AUTHORIZATION FOR GOOD-CAUSE EXCEPTIONS

The Board staff understands that applicants often find email communication to be more convenient than contact by mail or telephone. We're happy to contact you by email, but we first want to make sure that you're aware of the issues described below. By signing this form, you acknowledge these issues and consent to having us contact you by email. Please note that we may still choose—and, in some cases, may be required—to contact you by mail.

If you ever want to revoke this authorization, please contact us immediately. Also, if you change your email address, please request another authorization form from us.

Identity. We want to make sure that when we send information by email, we're contacting you and not someone trying to get information about your case without authorization. Even if your email address contains your name, we can't be sure that someone else didn't create that email address pretending to be you. By providing your email address and signing this form, you improve our ability to verify that we are communicating with you.

Security. Email communication is not secure. The content of emails or any attachments could be viewed by a third party. You should only sign this form if you understand the security risks with email communication.

Email address: _____

Name: _____

Application number: _____

Signature: _____ Date: _____

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WRITTEN STATEMENTS FOR GOOD-CAUSE EXCEPTIONS

The written statement is an important part of the application package. It gives you a chance to put your criminal record in context, and it helps the Board understand what happened when you were charged. At the least, a written statement should do the following:

- Explain every criminal charge (whether or not it led to a conviction) on your record, no matter how long ago or how minor, even if the charge wasn't the basis for your fingerprint clearance card being denied or suspended;
- Describe any context for the charge, such as drug addiction, anger-management problems, youthful poor judgment, family tensions, financial crises, or anything else that may help explain how the incident arose;
- Identify steps you've taken to change criminal behavior, and describe how your life has changed. For example, have you attended therapy or drug treatment, did you go to anger-management classes, or has your life changed in any way?

Many applicants have trouble meeting the Board's requirement for written explanations of criminal charges or offenses. These instructions should help you write a statement that meets the application requirement.

There are two common problems with written statements.

First, applicants often don't address <u>every</u> criminal charge on the record. To avoid this problem, make sure your written statement addresses each criminal charge, no matter how long ago the incident occurred. You should explain the arrest or charge, even if you weren't convicted and even if the incident didn't appear on the letter you received from the Department of Public Safety denying or suspending your fingerprint clearance card.

Second, the explanations of criminal charges often lack sufficient detail. Below are made-up samples of written statements to help you understand what to do and what not to do. Please note that most explanations will need to be longer than the examples below to fully explain the charges.

Good Written Statement #1

"On January 1, 2004, I was charged with shoplifting. At the time of the offense, I was addicted to methamphetamine, which I used at least three times a day. My drug-using friends and I didn't have any money, so we decided we would shoplifting from a Wal-Mart. We would then sell the merchandise to someone I knew who would buy the goods from us and fence them. Then we'd have money to buy drugs. I concealed three packaged cell phones in my coat and tried to leave the store without paying. As I walked outside, security from the store stopped me and brought me back inside. The security officer said that I was observed taking the cell phones. He called the police, who arrested me after asking some questions.

"After I was arrested, I began attending Narcotics Anonymous. I have not used methamphetamine or any other drug or alcohol since the arrest. I attend NA twice weekly and communicate regularly with my sponsor. I enrolled in nursing school to pursue my dream of becoming a nurse, and my GPA average is 3.4. I have maintained the same job for three years without any negative incident."

This is a good statement because the applicant explains, in detail, what she did and why she did it. She also explains how she addressed the drug addiction that was the root of her criminal behavior. Finally, she pointed out that she has a good grade-point average and steady employment, which she probably wouldn't have if she still were using drugs.

Good Written Statement #2

"From January 1, 1979, to March 12, 1992, I was a heavy drinker. Unfortunately, because of my alcoholism, I often blacked out. I don't remember a lot of the charges that occurred during that time. I'm not saying that they didn't happen, but I just don't remember them because of my alcohol abuse. I understand from my record that I was involved in domestic violence. I'm sure that's true. When I drank, I became violent, and my wife—now my ex-wife—often suffered the consequences.

"On March 12, 1992, my father, who was also an alcoholic, died of liver cirrhosis. That was a wake-up call for me because I saw where I was heading. I checked into a rehab facility and spent 30 days in the inpatient clinic. I moved to a halfway house for six months. Even today, I attend Alcoholics Anonymous at least three times a week. You'll see that once I stopped drinking, I no longer committed offenses. I'm proud of the improvements I've made in my life since I quit drinking. Although I lost my wife through divorce, we've become friends."

This statement is good, given that the applicant suffered blackouts and couldn't remember the charges. But be careful: the Board is skeptical when applicants claim they don't remember criminal charges. See the examples of bad written statements.

This statement is also good because the applicant describes what changes he made in his life since the most recent charge.

Two Examples of Bad Written Statements

#1. "This charge occurred 22 years ago. I don't remember that far back. I was cleared for a nursing license, and I don't understand why I have to go through this process."

#2. "I was having difficulties with my husband at the time. We were fighting a lot. I got mad at him one night, and I did something that I regret. The police were called, and I was arrested."

Statement #1 is bad because the applicant claims that she can't remember the charge. The Board believes that a criminal charge is a significant event in a person's life—one that the person should remember, even if it was a long time ago. It's almost always a bad idea to claim that you can't remember a charge. If you do make that claim, you should explain why you can't remember. Also, by state law, you have the burden of proof that you're rehabilitated. So if you don't give enough information, the Board won't have a basis for granting your application.

Statement #2 is bad because it doesn't explain what happened. Basically, it just says that she "did something." But what did she do? The more detail you provide, the less likely it is that the Board's investigator will write to ask you for more information.

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COURT DOCUMENTS FOR GOOD-CAUSE EXCEPTIONS

Supplying complete and correct court documents is one of the more challenging—but also one of the more important—application requirements. The challenge lies in knowing what to provide and where to get it from. These instructions should help you understand what the Board is looking for. In addition, we've attached examples of the kinds of court documents you might have to submit.

Court documents show the Board one of two things. First, they show the disposition of certain charges. Second, they show whether you completed your sentence, if you were convicted.

> "Disposition" means what finally happened after you were arrested or charged. Examples are conviction, acquittal, dismissal, or dropped charges.

Ask yourself the following questions <u>for each of your criminal charges</u> when deciding what documents to submit.

- *Were you convicted (found guilty or pleaded no contest)?* If you were convicted, you must provide court documents that show whether you completed your sentence, even if the sentence was minor and even if the offense occurred a long time ago.
- *In its letter denying or suspending your fingerprint clearance card, did the Department of Public Safety (DPS) say that it could not determine the disposition of a charge?* If so, you must provide court documents showing the disposition; if you were convicted, you must also provide documents that show whether you completed your sentence. (Normally, the DPS letter says something like, "The Department was unable to determine the disposition within the statutorily prescribed time frame.")

To get the court documents, you must go to the court that would have dealt with your criminal case. Under state law, you have the burden of proving that you're rehabilitated or, if DPS could not determine the disposition of the charge, that you were not convicted. That means it's your responsibility to contact the court and get the documents. The Board staff will not do that for you. If the court is out of state or far away, you usually can call or write to the court and get the appropriate documents.

> Applicants sometimes say that they don't remember which court they appeared in. Although that might be true in a few cases, be careful: the Board is very skeptical when applicants make this claim. The Board usually assumes that a criminal proceeding would be a memorable event, even if it occurred a long time ago, so the applicant should remember what court he or she appeared in.

If your offense or charge occurred a long time ago, the appropriate court may not have a record anymore. Courts often get rid of their records to save archive space, so the court may not have a record of your proceedings anymore. If the court doesn't have a record, you should ask the court for documentation that it searched its records and could not find your case. Courts won't purge a record unless it has been closed, so a statement from the court that it could not find a record for you shows the Board either (1) that you were not convicted or (2) if you were convicted, you completed your sentence.

City of Phoenix Court Management System
[redacted] Defendant Pending/Concluded Information

09/20/07 12:22PM
Page # 1

[redacted] [redacted] DOB [redacted]

Sex [redacted] Wt [redacted] Ht [redacted] Eyes [redacted] Hair [redacted] Origin [redacted] Lang

Total Due	Warrants	VT Defaults	Boot & Tow	Drivers License	User ID
$	$ 0.00	$	$0.00		RECORDS

Comments:

CONCLUDED CASES
V
Case: [redacted] CR Hearing: NSA [redacted] Ctrm: J1 Loc: RECC

Charge	Viol	Viol Date	Stat	Find	AOC	Conc Dt	SA	Drug	Acc
[redacted]	13-1502A1 TRESPASS	[redacted]	CONC	G	[redacted]				
	13-2904A3 DISORDLY		CONC	D					
	4-244.9 MNR POSS		CONC	D					

EXPLANATION OF CODES:
Stat CONC CONCLUDED

Find G Guilty By Plea
D Dismiss Without Prejudice

****END OF REPORT****

EXAMPLE

RECEIVED
SEP 27 2007

IN THE IOWA DISTRICT COURT FOR Story COUNTY

THE STATE OF IOWA, Plaintiff vs. [redacted] Defendant	Cause #: [redacted] **ORDER OF DISCHARGE FROM PROBATION IMPOSED FOR:** **D Felony**

Defendant has heretofore received a suspended sentence of imprisonment and was placed on formal probation to the Second Judicial District Department of Correctional Services for a period of three (3) years. Defendant's probation officer has reported to the Court that since being placed on probation, Defendant has satisfactorily complied with the conditions of supervision. The probation officer recommends that probation be discharged and the County Attorney does not resist the recommendation.

In view of the foregoing, the Court

FINDS

That the purposes of probation have been fulfilled and Defendant should be discharged from probation.

It is **THEREFORE ORDERED:** That the Defendant is hereby granted a final discharge from the probation imposed herein.

It is **FURTHER ORDERED:** That the Clerk of Court enter a Civil Judgment against the Defendant for the restitution balance, if any, owed by the Defendant to the victim(s) of the crime. The defendant is ordered to make payments DIRECTLY to the Clerk of Court of this county in the amount previously ordered in the Plan of Payment. Failure of the Defendant to comply with the Plan of Payment shall constitute Contempt of Court.

It is **FURTHER RECOMMENDED:** That the **CITIZENSHIP RIGHTS** of the Defe[redacted]

X be restored.

____ not be restored.

____ does not apply (Serious Misdem[redacted]

Signed this [redacted] day of [redacted], 2005.

[redacted]

Judge of the 2nd Judicial District

[redacted]

CLERK TO FURNISH COPIES TO:
County Attorney
Defendant
Defendant's Attorney
Department of Correctional Services, 509 Main, Ames, IA 50010

EXAMPLE

Mesa Municipal Court 245 West 2nd Street Mesa, AZ 85201
(480) 644-2255 or WWW.CityofMesa.org

STATE OF ARIZONA)
Plaintiff,)
VS)
[redacted])
Litigant)

MESA MUNICIPAL COURT
DOES NOT HAVE RECORD
OF THE REQUESTED INFORMATION

Litigant's Name: [redacted]

Litigant's Date of Birth: [redacted]

Case Number: Unknown

Complaint Number: Unknown

Date of Hearing: Unknown

Judge: Unknown

Courtroom: Unknown

The Mesa Municipal Court received your request for records on the above referenced matter. Court staff have researched the information you have provided and are unable to locate any records.

Enclosed is the request for records you submitted.

You may contact the Records Management Center for the Mesa Municipal Court at (480) 644-3811, if you have any questions.

Court Clerk: [redacted]

ID Number: [redacted]

REC'D FEB 06 2008

EXAMPLE