

Fire Departments - Plan for Access to Criminal History Data Revised December, 2010

[Minnesota Statutes §299F.035](#) grants fire departments authority to access criminal history information on prospective job applicants and existing employees. A plan for providing this access was developed in January 1990 stipulating that record checks would be conducted by the Bureau of Criminal Apprehension. The original plan was later modified to permit easier access to Minnesota criminal history records. (See “Equivalent Background Checks” below.)

When Permitted

[Minnesota Statutes §364.021](#) prohibits a public employer from inquiring or considering the criminal record or history of an applicant for public employment until the applicant has been selected for an interview.

[Minnesota Statutes §299F.035](#) permits fire departments to access criminal history data on existing employees.

Procedures

In order to obtain a background check conducted the the Bureau of Criminal Apprehension:

1. The hiring fire department must obtain a signed informed consent form from the prospective employee.
2. The fire department must submit the following to the Bureau of Criminal Apprehension, Criminal Justice Information Systems-CHA, 1430 Maryland Ave. E., St Paul, MN 55106:
 - The signed informed consent form for each job applicant being investigated
 - A stamped envelope with the address of the fire chief
 - A fifteen (\$15.00) Dollar payment for each background check requested, which may be in the form of a personal check, certified check, money order, city or county check, or a check from the fire department. The check may be for the entire amount, covering all applicants being investigated.
3. The Bureau of Criminal Apprehension will perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. The bureau will notify the fire chief in writing of the results of the background check.
4. If the job applicant has resided in Minnesota for less than five years, or upon request of the fire chief, the bureau will also conduct a search of the national criminal records repository. To obtain a federal criminal record check, the fire chief must submit to the bureau:
 - A completed blue FBI applicant fingerprint card. In the fingerprint field entitled “Reason Fingerprinted” use the statute citation 299F.035.
 - A \$24.25 (\$20.25 for Volunteer) payment for each applicant being investigated. Checks for federal criminal history investigations should be made payable to the BCA. The check may be for the entire amount, covering all applicants being investigated.\
 - The FBI will return the record response to the bureau. The bureau will then forward (via US mail) the response to the agency that originally submitted the request.

Equivalent Background Check

1. A fire department may obtain a background check from a local law enforcement agency rather than the Bureau if:
 - The scope of the background check provided by the local law enforcement agency is at least as broad as that of a background check performed by the Bureau, and
 - The response to the background check request occurs within a reasonable time not to exceed ten working days after receiving the signed consent form.
2. Local law enforcement agencies may access the criminal justice data network to perform the background check using message keys QHM/QRM and purpose code M, which will provide access only to Minnesota criminal history records.
3. Local law enforcement agencies may not use the criminal justice data network to access federal records for this purpose. If a federal background check of the applicant is required, the fire chief must submit a blue applicant FBI fingerprint card to the BCA with the appropriate payment, as described above.
4. Local law enforcement agencies providing background checks must use a notification form similar to the form attached, except that the notification form must indicate that the background check will be performed by the local law enforcement agency using records of the Bureau and other data sources.