

CRIMINAL RECORDS IN WEST VIRGINIA: ROLES AND RESPONSIBILITIES



2025 Edition

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Additional support for this manual was provided by the Supreme Court of Appeals of West Virginia and its Administrative Office. The recommendations and content expressed in this manual reflect the professional judgment of the Administrative Office of the Courts and the Criminal Identification Bureau of the West Virginia State Police. They do not represent the official opinions or policies of the U.S. Department of Justice.

Importantly, this manual is not intended to provide authoritative legal interpretations of rulings by the Supreme Court of Appeals of West Virginia.

Foreword and Purpose of Manual

Criminal Records in West Virginia: Roles and Responsibilities was developed as part of a long-term, on-going project initiated in 2012. This collaborative effort between the West Virginia State Police (WVSP) and the Supreme Court of Appeals of West Virginia aims to enhance public safety and security at both state and national levels by improving the quality, completeness, and accessibility of criminal history record information¹ in West Virginia. The Criminal Records Improvement Project focuses on modernizing systems and establishing objectives to ensure the timeliness, accuracy, and completeness of criminal history and related records.

West Virginia law enforcement agencies and courts bear the responsibility for accurately and promptly documenting all criminal arrests, dispositions, and subsequent modifications to maintain comprehensive criminal history records. To support collaboration among the various entities managing these records, the Supreme Court of Appeals of West Virginia created *Criminal Records in West Virginia: Roles and Responsibilities*.

This manual serves as a resource for law enforcement officers, judicial officers, court personnel, and criminal records specialists. Criminal records specialists, employed by the Supreme Court of Appeals of West Virginia and funded through federal grants, work exclusively on the Criminal Records Improvement Project across seven regions of the state (see [Appendix D: Criminal Records Specialists' Contact Information](#)). The accuracy of criminal dispositions also impacts prosecuting attorneys, defense counsel, correctional officers, treatment providers, and the public.

Accurate, current, and complete criminal history record information is crucial for [criminal justice agencies](#) and employers. These records promote offender accountability, enhance public safety, prevent the sale of firearms to individuals with criminal records, and ensure West Virginia's continued eligibility for Bureau of Justice Statistics grant funding. Criminal history records are regularly used to:

¹ According to 28 C.F.R. § 20.3(d), "criminal history record information" includes data collected by criminal justice agencies about individuals, such as details of arrests, detentions, indictments, formal charges, and their dispositions (e.g., acquittals, sentencing, correctional supervision, or release). It excludes identification details like fingerprints unless tied to an individual's involvement in the criminal justice system. Sociological data, such as drug use history, is also not considered part of criminal history records.

- Evaluate the eligibility of individuals working with vulnerable populations, such as children, the elderly, or people with disabilities (e.g., teachers, daycare providers, healthcare employees).
- Conduct background checks for employment, professional licensing, and national security purposes.
- Support law enforcement, courts, and other criminal justice agencies in investigations, prosecutions, sentencing, and decision-making.
- Identify individuals subject to protective orders, outstanding warrants, or convictions for stalking or domestic violence.

The overarching goal of the project is to provide the most accurate, complete, and up-to-date record of offenders' criminal and correctional histories, from arrest through parole or probation. Effective security strategies that rely on criminal history records depend on timely access to high-quality data. Streamlined and efficient record systems in West Virginia enhance the capabilities of law enforcement, courts, and criminal justice agencies, while also strengthening homeland security.

Criminal history information is governed by both federal and state laws and policies. The statutes, rules, and case law referenced in *Criminal Records in West Virginia: Roles and Responsibilities* are accurate and current as of 2025.

Administrative Office of the Courts

The Administrative Office of the Courts supports the Supreme Court of Appeals of West Virginia and the entire state court system. The Criminal Records Improvement Project aims to enhance the quality, completeness, and accessibility of criminal history records. This is achieved by increasing the submission of accurate, timely, and complete criminal dispositions to the [Criminal Identification Bureau \(CIB\)](#) and the [WVSP Automated Fingerprint Identification System \(AFIS\)](#). These entities, in turn, share the information with the [National Crime Information Center \(NCIC\)](#) and the [National Instant Criminal Background Check System \(NICS\)](#). The Supreme Court of Appeals of West Virginia facilitates this process by providing integrated systems and resources to agencies managing shared criminal history information.

WVSP Criminal Identification Bureau

The WVSP CIB serves as the central repository for comprehensive criminal history record information in West Virginia. Established to collect and maintain fingerprints, photographs, records, and other data related to criminal investigations and the apprehension of offenders, the CIB's role has since expanded through additional legislation. Clerks of the courts of record and magistrate courts are now required to report sentences and dispositions of criminal charges to the CIB monthly, as outlined in [WV Code § 15-2-24](#). This legislation also assigns the WVSP responsibility for maintaining criminal history records and overseeing the CIB. Since its creation, the CIB has followed procedures established by the Federal Bureau of Investigation's [Criminal Justice Information Services \(CJIS\) Division](#) to process and manage criminal history information. The CIB is in Charleston, West Virginia.

Chapter 1: Introduction

The WVSP's CIB is responsible for maintaining criminal history records. These records are specific to individuals and include detailed information about all offenses for which a person has been arrested and fingerprinted. A criminal history record contains basic demographic details, fingerprint and arrest data, and disposition² information associated with the individual. Additionally, it includes all prior arrest events, regardless of conviction, and flags indicating felony or misdemeanor charges, sex offender registry status, and weapons involvement. A criminal history record is considered complete once the required fingerprints, arrest details, demographic information, and a [Court Disposition Reporting \(CDR\)](#) form documenting the disposition of all charges are submitted to the CIB and recorded in the WV Computerized Criminal History System.

Significance of a Criminal History Record

West Virginia criminal history record information plays a vital role, as the federal government depends on the CIB to maintain and provide this data. Ensuring the completeness and accuracy of these records requires coordinated efforts among various West Virginia agencies and courts, which are responsible for documenting criminal arrests and dispositions in a timely and accurate manner. This manual was created to support and enhance collaboration among all contributing criminal justice agencies.

Once a completed CDR form is submitted to the CIB, the information is indexed and made accessible to authorized law enforcement agencies and other entities. Law enforcement agencies primarily access this data through NCIC requests, which include records from the FBI's [Interstate Identification Index System \(III System\)](#) and the [Fingerprint Identification Records System \(FIRS\)](#). Other authorized agencies can obtain the information by submitting fingerprints directly to the FBI.

² The FBI defines "disposition" as "an action regarded by the criminal justice system to be the final result of a committed offense." Under 28 C.F.R. § 20.3(i), "disposition" is defined more specifically as information indicating the conclusion of criminal proceedings and the nature of the termination. This includes scenarios such as police electing not to refer a matter to a prosecutor, a prosecutor deciding not to initiate proceedings, or proceedings being indefinitely postponed with reasons provided. Examples of dispositions include acquittals, guilty pleas, dismissed charges (e.g., due to insanity or mental incompetency), deferred dispositions, nolle prosequi, pardons, probation before conviction, and more.

Responsibilities of Criminal Justice Agencies

The responsibilities of entities involved in the criminal history records system are outlined in [WV Code § 15-2-24](#). While the code provides limited specific requirements for maintaining these records, it assigns the Superintendent of the WVSP authority to establish many of the detailed provisions.

Law Enforcement

Upon arrest for certain crimes, law enforcement officers are responsible for capturing fingerprints (electronically or manually) and other identifying information, submitting the fingerprints to the CIB, and initiating a CDR to forward to the appropriate court [WV Code § 15-2-24(g)]. This process begins the creation of a criminal history record. The CIB does not receive notice of an arrest until the fingerprints are accepted by the central repository.

1. **Statutory Requirement to Fingerprint:**

Under WV Code § 15-2-24(g), law enforcement officers, including WVSP, sheriffs, deputy sheriffs, and peace officers, must capture fingerprints and descriptions for any person arrested or detained on charges punishable by confinement in a correctional institution.³ This requirement also applies to individuals suspected of being fugitives or habitual criminals. Fingerprints must be submitted to the CIB electronically or in duplicate using forms approved by the WVSP Superintendent.

2. **Explanation of Statutory Language:**

WV Code § 15-2-24(g) does not mandate fingerprinting for all arrests. For example, fingerprints are not required for offenses where confinement is not a penalty or for civil contempt findings (e.g., body attachment orders from family court). Correctional institutions are required to submit a penal card to the CIB if a probation or parole violation occurs.

3. **Electronic Fingerprints Preferred:**

Electronic fingerprints, captured using IDEMIA LiveScan devices, are preferred because they are more accurate and have significantly lower rejection rates compared to the ink-and-roll method. LiveScan devices are available at all WVSP

³ The phrase “[C]harged with any crime or offense in this state, in which the penalty provided therefor is confinement in any penal or correctional institution” explicitly encompasses juveniles prosecuted as adults.

detachments, regional jails, some courthouses, and many law enforcement agencies (see [Appendix C: LiveScan Locations in WV](#)).

4. **No Arrest Event:**

In cases where a person is not arrested, law enforcement is responsible for obtaining fingerprints and initiating a CDR to create the criminal history record. For example, during an arraignment on a direct indictment, officers must obtain fingerprints and submit a CDR. Judges and magistrates are encouraged to order fingerprinting and processing even in the absence of an arrest.

Correctional Institutions

Under WV Code § 15-2-24(f), persons in charge of any penal or correctional institution, including city and county jails, must take or arrange for the taking of fingerprints and descriptions of all individuals lawfully committed or confined. These fingerprints must be submitted in duplicate to CIB using forms approved by the Department of Public Safety's superintendent.

Courts

Court personnel are responsible for completing the disposition and sentencing portions of the CDR and promptly forwarding the CDR to the CIB [WV Code § 15-2-24(g)]. Courts must ensure that this information is provided consistently and in a timely manner to maintain complete, accurate, and up-to-date criminal history records. Additionally, court clerks must submit any appeal or expungement information that modifies a previously submitted disposition to the CIB.

1. **Submit CDR to CIB Immediately Upon Disposition:**

CDRs should be submitted to the CIB immediately after the disposition is finalized, without waiting for the appeal period to elapse. If an appeal results in a post-disposition modification, court clerks must promptly send the order amending the disposition to the CIB, along with a copy of the updated CDR, to ensure the record is amended.

2. **Dispose Every Charge:**

Courts are responsible for ensuring that all charges listed on a CDR are resolved. Any charges not adjudicated must be dismissed through the entry of a proper order to ensure that every charge on the CDR reflects a final disposition.

Prosecuting Attorneys

Under WV Code § 15-2-24(g), prosecuting attorneys are required to report additional information to the CIB as needed. They play a critical role in ensuring case dispositions are accurately reflected in an offender's criminal history record by linking arrest and disposition data. This connection is essential for maintaining accurate and complete records and bridging law enforcement and court data.

Criminal Identification Bureau

The CIB is tasked with collecting and maintaining all arrest information, fingerprints, photographs, records, and dispositions. Additionally, the CIB is responsible for providing criminal record information to agencies, individuals, and organizations as required by law [WV Code § 15-2-24(a)-(e)].

Federally Recommended Time Standards

Each criminal justice agency contributing data to the III System and the FIRS is responsible for ensuring that records are complete, accurate, and current. Agencies must strive to include dispositions for all arrest data to the greatest extent feasible. According to 28 C.F.R. § 20.37, dispositions should be submitted within 120 days of the disposition's occurrence.

Fingerprints

In [*Guidance for the Improvement of Criminal Justice Records*](#) (U.S. Department of Justice, 1991), the Bureau of Justice Assistance (BJA) recommended the following standards for reporting fingerprints. Conflicting state guidance is noted under each BJA recommendation:

1. Submission of Fingerprints at Arrest:

- **BJA Standard:** Fingerprints taken at arrest should be submitted to the state repository within 24 hours.
- **State Guidance:** The CIB recommends submitting fingerprints as soon as possible. However, it acknowledges that law enforcement often bundles paper Fingerprint Forms to save time and money. Fingerprint Forms must be sent to the CIB no later than 10 days after the arrest.

2. Entry of Fingerprints by the CIB:

- **BJA Standard:** The CIB should enter fingerprint records into the system within 30 days for felony arrests and within 90 days for misdemeanors.

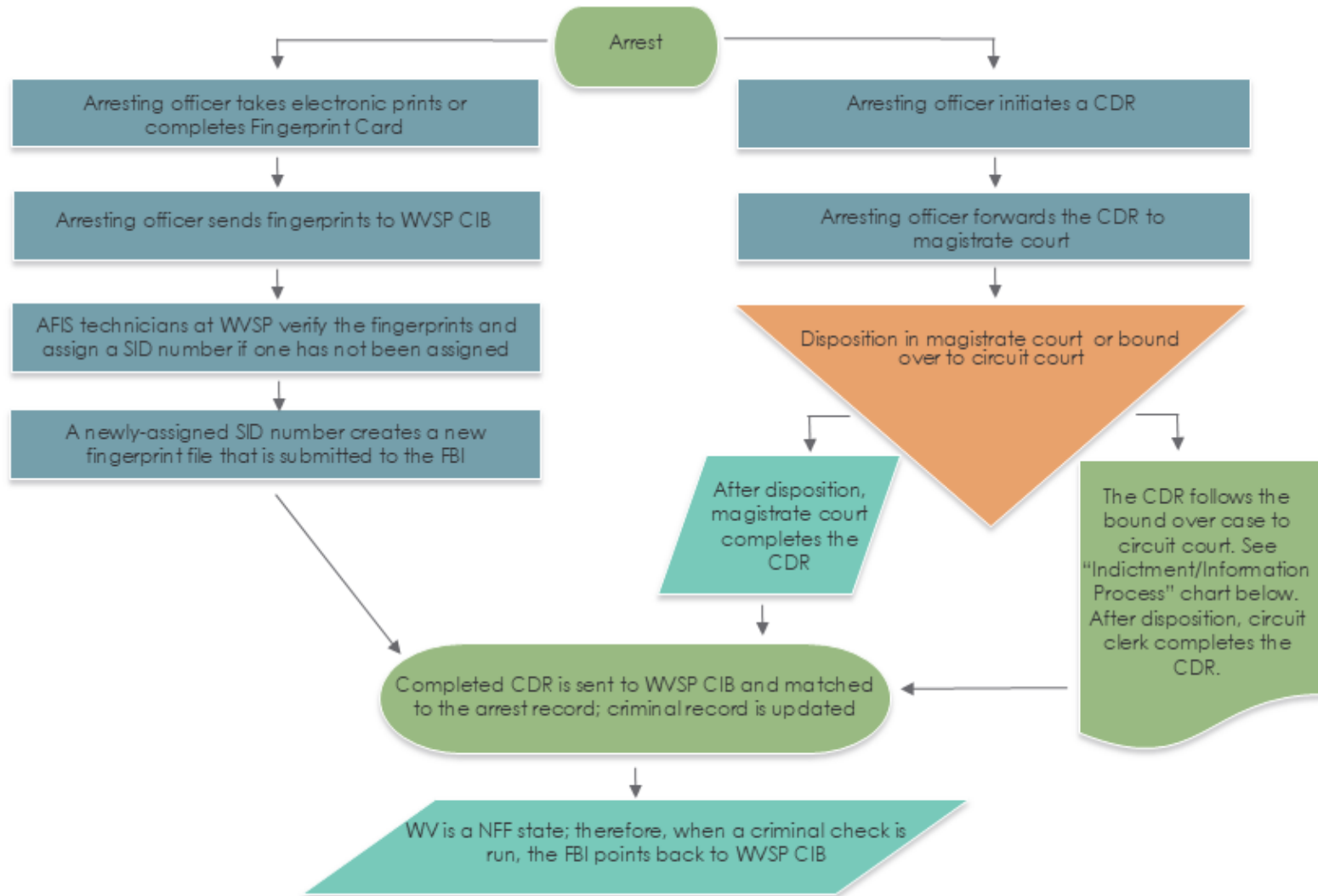
3. Submission to the FBI:

- **BJA Standard:** The CIB should send fingerprint records to the FBI within 14 days of receipt.

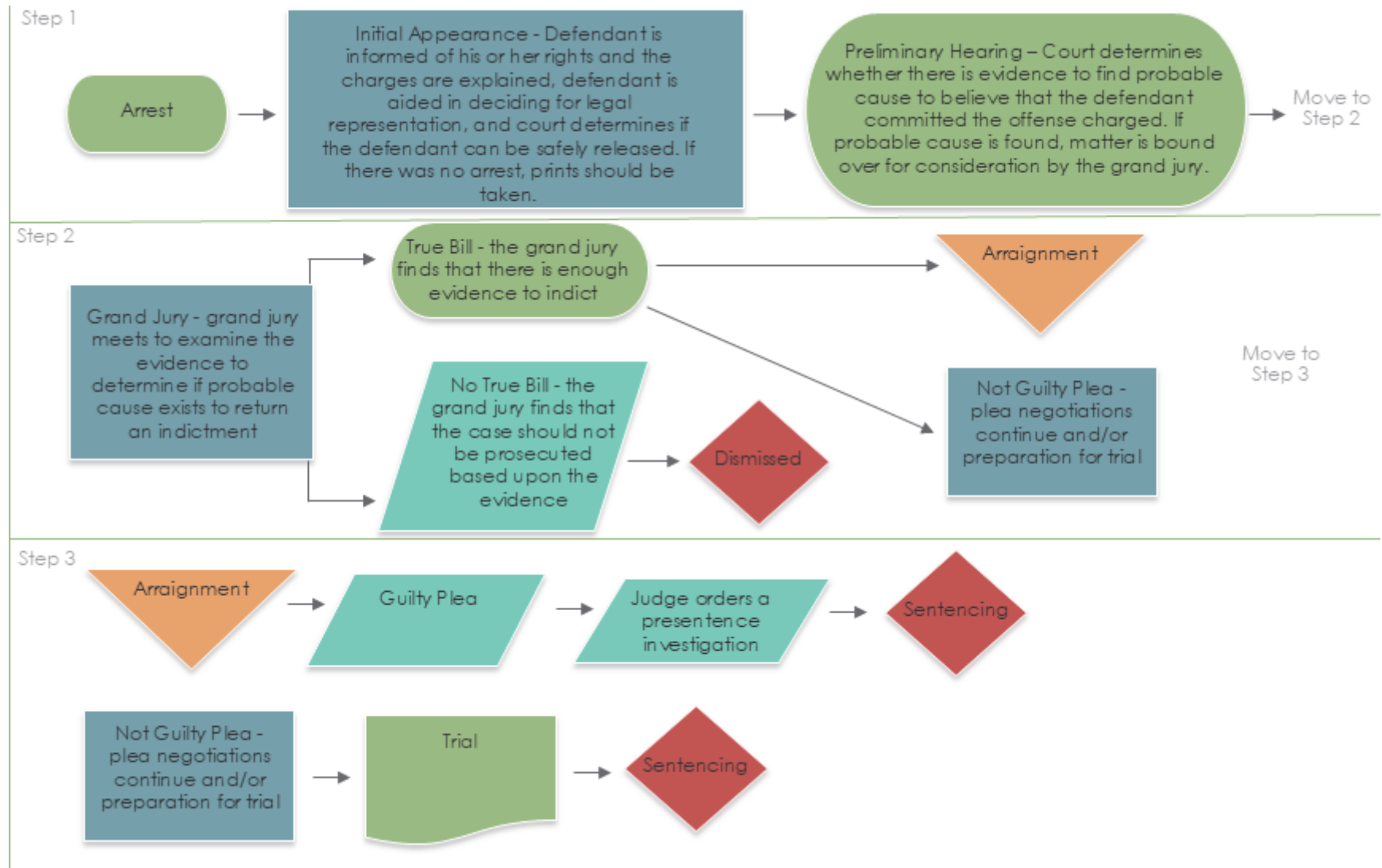
Dispositions

The CIB has 90 days to update a record after a disposition occurs. Clerks are encouraged to submit final dispositions to the CIB as quickly as possible, but no less frequently than once a month.

Chapter 2: Criminal Record Creation Process



Indictment/Information Process



Chapter 3: Fingerprints

Fingerprints are the foundation of criminal history records, providing a verifiable method of personal identification. Law enforcement officers are required to take “the fingerprints and description of all persons arrested or detained by them, charged with any crime or offense in this state, in which the penalty provided therefor is confinement in any penal or correctional institution, or of any person who they have reason to believe is a fugitive from justice or a habitual criminal,” and submit them in duplicate to the CIB on forms approved by the superintendent of the WVSP [WV Code § 15-2-24(g)]. To ensure the accuracy of criminal history records, fingerprints and arrest data must be submitted to the CIB promptly.

A CDR without corresponding usable fingerprints is of little value for criminal history purposes. Missing arrest records at the CIB—due to fingerprints not being taken or unusable fingerprints—pose significant challenges in maintaining accurate criminal history information. This section provides guidance to law enforcement officers on obtaining legible fingerprints.

Fingerprinting Methods

Fingerprints can be captured electronically using a LiveScan device or manually with ink and paper. A LiveScan device captures electronic fingerprint images and transmits them to the state repository in real time. These images are processed by AFIS at the CIB and then electronically submitted to the FBI.

Electronic fingerprints are preferred because LiveScan devices provide more accurate results than the ink-and-roll method and have significantly lower rejection rates. IDEMIA is the WVSP-approved LiveScan vendor, and LiveScan devices are available at all WVSP detachments (see [Appendix C: LiveScan Locations in WV](#)).




When electronic fingerprints are submitted to the CIB, it is unnecessary to submit Fingerprint Forms. However, if access to a LiveScan device is unavailable, ink fingerprints on Fingerprint Forms are an acceptable alternative. WVSP recommends that law enforcement officers complete three Fingerprint Forms: two copies should be sent to the CIB (to ensure the best quality set is processed), and the third copy should be retained by the arresting agency for its records.

Good Fingerprinting Techniques


1. Ensure the subject's hands are **clean and dry**. If fingers are moist, wipe them with rubbing alcohol. For dry or flaky fingers, apply a small amount of hand lotion and wipe off any residue.
2. Apply a **thin, even coat of proper fingerprinting ink**.
3. Help the subject **stay relaxed** throughout the process.
4. **Positioning:**
 - Stand to the **left** of the subject when printing their right hand.
 - Stand to the **right** of the subject when printing their left hand.
5. Hold each finger securely by the **tip (under the nail)** and at the **base (third joint)**.
6. Roll each finger **from nail-to-nail** and down to the **crease of the first joint**, using firm but gentle pressure for even results.
7. Roll the **fingers away** from the subject's body and the **thumbs toward** the subject's body for easier maneuvering.
8. Align prints **vertically** in the center of the fingerprint block—avoid slanted or misaligned prints.
9. Produce **clear, legible impressions** with no smudges, slips, or uneven ink (not too light or too dark).
10. Maintain the fingerprinting surface at a **recommended height of 39 inches** from the floor for optimal positioning.
11. If using a fingerprint machine:
 - Ensure the device is properly calibrated.
 - Confirm the glass platen is **clean and free of dust, dirt, or residual fingerprint images**. (see [How to Clean and Calibrate the LiveScan for Optimal Use](#)).
12. **Note irregularities** such as deformed, missing, amputated, scarred, or worn fingers, and document these on the form.
13. Avoid **folding the Fingerprint Form** to preserve its quality.

Fingerprint Examples

Examples of Bad Fingerprints

| | |
|---|--|
|  | <p>The skin is too rough and/or dry. Rub on some hand lotion and then wipe off any residue.</p> |
|  | <p>The fingerprint is not rolled from nail-to-nail.</p> |
|  | <p>The fingerprint is smudged. Use proper fingerprinting ink and firm pressure to prevent the fingers from slipping.</p> |

Examples of Good Fingerprints

| | |
|---|---|
|  | <p>The fingerprint shows details, is rolled from nail-to-nail, and is in the correct vertical position.</p> |
|---|---|



The finger has been properly cleaned and the correct amount of pressure has been applied.



The fingerprints show the appropriate amount of the fingers and are positioned at an appropriate angle.

Chapter 4: Fingerprint Form

The Fingerprint Form (FBI CJIS Form FD-249) is a two-sided card. This chapter provides law enforcement officers with step-by-step guidance for preparing the form.

- **Completing the Form:**

Enter data in all fields. Any required field left blank will result in the rejection of the form without processing. Ensure all entries are typed or legibly printed in blue or black ink and that the data does not exceed the boundaries of the designated fields.

- **Submission Requirements:**

The WVSP recommends that law enforcement officers complete three copies of the Fingerprint Form:

1. **Two copies** should be sent to the CIB, allowing the WVSP to use the best quality set.
2. **One copy** should be retained by the arresting law enforcement agency for its records.

Fingerprint Forms must be sent to the CIB as soon as possible, but no later than 10 days after the arrest. Delays or omissions in submitting arrest information negatively impact the overall quality of an offender's criminal history record. Missing fingerprint and arrest data can result in:

- The inability to match dispositions to the offender.
- Difficulties verifying the offender's identity.
- Incomplete records in the CIB's central repository and the individual's criminal history.

The following pages include detailed instructions for completing a Fingerprint Form.

The top right corner of the card features the arresting agency's [Originating Agency Identifier \(ORI\)](#).

| FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION, CLARKSBURG, WV 26306 | | | |
|---|--|---|--|
| <small>PRIVACY ACT OF 1974 (P.L. 93-502) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.</small> | | | |
| JUVENILE FINGERPRINT SUBMISSION YES <input type="checkbox"/> | | DATE OF ARREST MM DD YY | |
| TREAT AS ADULT YES <input type="checkbox"/> | | OR CONTRIBUTOR ADDRESS WVSP [REDACTED] SPOL CRIM ID BU S CHARLESTON, WV | |
| SEND COPY TO (ENTER ORI) | | DATE OF OFFENSE MM DD YY | |
| MISCELLANEOUS NUMBERS | | SCARS, MARKS, TATTOOS, AND AMPUTATIONS | |
| OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER) | | LOCAL IDENTIFICATION/REFERENCE | |
| EMPLOYER: IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO. | | OCCUPATION | |
| CHARGE/CITATION 1. | | DISPOSITION 1. | |
| 2. | | 2. | |
| 3. | | 3. | |
| ADDITIONAL | | ADDITIONAL | |
| ADDITIONAL INFORMATION/BASIS FOR CAUTION | | STATE BUREAU STAMP | |
| <small>FD-309 (REV. 5-11-99) GPO U.S. GOVERNMENT PRINTING OFFICE: 2006-300-398/0106</small> | | | |

The back of the card has boxes for the individual's fingerprints and identifying information. When submitting ink fingerprints, the arresting law enforcement officer must place the corresponding CDR Number in the "State Usage" box, located near the top left corner.

| | | | | | | | | | | | |
|--|--|--|--|--|--|-------------------|------|---|--------|------|------|
| LEAVE BLANK | | CRIMINAL | | (STAPLE HERE) | | | | LEAVE BLANK | | | |
| STATE USAGE | | OFF SECOND | | SUBMISSION | | APPROXIMATE CLASS | | AMPLUTATION | | SCAR | |
| STATE USAGE | | LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX | | | | | | | | | |
| SIGNATURE OF PERSON FINGERPRINTED | | | | SOCIAL SECURITY NO. | | | | LEAVE BLANK | | | |
| ALIAS/MAIDEN | | | | LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX | | | | | | | |
| FBI NO. | | STATE IDENTIFICATION NO. | | DATE OF BIRTH MM DD YY | | SEX | FACE | HEIGHT | WEIGHT | EYES | HAIR |
| 1. R. THUMB | | 2. R. INDEX | | 3. R. MIDDLE | | 4. R. RING | | 5. R. LITTLE | | | |
| 6. L. THUMB | | 7. L. INDEX | | 8. L. MIDDLE | | 9. L. RING | | 10. L. LITTLE | | | |
| LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY | | | | L. THUMB | | R. THUMB | | RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY | | | |

CDR number

Instructions for Completing Fingerprint Form

The following instructions guide law enforcement officers on accurately completing the Fingerprint Form to ensure it is processed without delay. Fields marked as “Leave blank” will be completed by CIB staff. Begin by entering the individual’s name. Complete the fingerprinting process before filling out the rest of the card to avoid wasting time if fingerprints need to be retaken.

This image shows the top portion of a fingerprint form. It is divided into three main sections. The first section, labeled 'JUVENILE FINGERPRINT', contains two rows of checkboxes: 'SUBMISSION' and 'TREAT AS ADULT', each with a 'YES' checkbox and a 'NO' checkbox. A red circle with the number '1' is placed to the left of the 'SUBMISSION' row. The second section, labeled 'DATE OF ARREST', contains the text 'MM DD YY' with a red circle and the number '2' below it. The third section, labeled 'ORI', contains the text 'CONTRIBUTOR' and 'ADDRESS' followed by the pre-printed text 'WVWSP [redacted] SPOL CRIM ID BU S CHARLESTON, WV'. A red circle with the number '3' is placed to the right of the pre-printed text. Below the 'ORI' section is a 'REPLY DESIRED?' checkbox with a 'YES' label.

1. **Juvenile Fingerprint:** Skip No. 1 for adults. Check the first “YES” box if the individual is a juvenile. Generally, juvenile fingerprints should not be submitted to the CIB unless the juvenile is being charged as an adult, in which case both “YES” boxes should be checked.
2. **Date of Arrest:** Use the format MM/DD/YY. For prisons or jails, enter the date received.
3. **ORI:** Enter the arresting agency’s ORI, name, and address. If the preprinted ORI is incorrect, cross it out and enter the correct one. If a reply is desired, check “YES.”

This image shows the middle portion of a fingerprint form, divided into four columns. The first column is labeled 'SEND COPY TO: (ENTER ORI)' with a red circle and the number '4' below it. The second column is labeled 'DATE OF OFFENSE' with 'MM DD YY' and a red circle and the number '5' below it. The third column is labeled 'PLACE OF BIRTH (STATE OR COUNTRY)' with a red circle and the number '6' below it. The fourth column is labeled 'COUNTRY OF CITIZENSHIP' with a red circle and the number '7' below it.

4. **Additional ORIs:** Enter ORIs for additional agencies requesting a copy of the reply. Do not repeat the arresting agency’s ORI here.
5. **Date of Offense:** Use MM/DD/YY. Leave blank if unknown.
6. **Place of Birth:** Use state, province (Canada), or country abbreviations (see [NCIC Code Manual](#)). For U.S. births, enter “U.S.”
7. **Country of Citizenship:** Enter “U.S.” for U.S. citizens or the appropriate country abbreviation.

This image shows the bottom portion of a fingerprint form, divided into four columns. The first column is labeled 'MISCELLANEOUS NUMBERS' with a red circle and the number '8' below it. The second column is labeled 'SCARS, MARKS, TATTOOS, AND AMPUTATIONS' with a red circle and the number '9' below it. The third column is labeled 'RESIDENCE/COMPLETE ADDRESS' with a red circle and the number '10' below it. The fourth column is split into two sub-columns: 'CITY' with a red circle and the number '11' below it, and 'STATE' with a red circle and the number '12' below it.

8. **Miscellaneous Numbers (MNUs):** Enter the prefix code, a hyphen, and the MNU (e.g., passport or military service number). See [Guidelines for Preparation of Fingerprint Cards and Associated Criminal History Information](#).
9. **Scars, Marks, Tattoos, and Amputations:** Provide detailed descriptions, including body location, using approved abbreviations (see [NCIC Code Manual](#)).
10. **Residence/Complete Address:** Enter the individual’s full, up-to-date address.
11. **City:** Enter the city where the individual resides.
12. **State:** Enter the state where the individual resides.


| | | |
|--|---|---|
| <small>OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER)</small> <div style="text-align: center; border: 1px solid black; border-radius: 50%; width: 30px; height: 30px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">13</div> | <small>LOCAL IDENTIFICATION/REFERENCE</small> <div style="text-align: center; border: 1px solid black; border-radius: 50%; width: 30px; height: 30px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">14</div> | <small>PHOTO AVAILABLE? YES <input type="checkbox"/></small> <div style="text-align: center; border: 1px solid black; border-radius: 50%; width: 30px; height: 30px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">15</div> <small>PALM PRINTS TAKEN? YES <input type="checkbox"/></small> |
|--|---|---|

13. **Official Taking Fingerprints:** Enter the name or number of the officer taking the fingerprints.
14. **Local Identification/Reference:** Include the arresting agency’s identification or case number, if available.
15. **Photo Availability:** If the individual’s photo was taken, check the first “YES” box. If the individual’s palm prints were taken, check the second “YES” box.

| | |
|---|---|
| <small>EMPLOYER: IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY. IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.</small> <div style="text-align: center; border: 1px solid black; border-radius: 50%; width: 30px; height: 30px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">16</div> | <small>OCCUPATION</small> <div style="text-align: center; border: 1px solid black; border-radius: 50%; width: 30px; height: 30px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">17</div> |
|---|---|

16. **Employer:** Enter the name of the individual’s employer. If the individual’s employer is the U.S. government, indicate the specific agency. If the individual’s employer is the military, list the specific branch of service and military serial number. Otherwise, indicate the company or agency where the individual is employed.
17. **Occupation:** Enter the individual’s occupation.

| | |
|---|---|
| <p>CHARGE/CITATION</p> <p>1. 18</p> <p>2.</p> <p>3.</p> <p>ADDITIONAL</p> | <p>DISPOSITION</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>ADDITIONAL</p> |
| <p>ADDITIONAL INFORMATION/BASIS FOR CAUTION</p> <p>19</p> | <p>STATE BUREAU STAMP</p> <p>20</p> |

FD-248 (REV. 5-11-99)  U.S. GOVERNMENT PRINTING OFFICE: 2006-320-308/90106

18. Charge/Citation: Enter all charges on which the individual was arrested in literal terms (e.g., murder, rape, robbery, assault, etc.) and the WV Code citations, when known.⁴ Place one charge in each space provided. If there are more than four charges, continue numbering and place additional charges in the “Additional Information/Basis for Caution” block (No. 19).

- a. Note: Disposition information will probably not be available before the person completing the Fingerprint Form forwards the card to the CIB. It is not necessary to list “disposition not available,” “not yet disposed,” or any similar phrase.

19. Additional Information/Basis for Caution: Enter any other relevant information that did not fit in the blocks provided, including additional charges. See No. 18. This block may also contain reasons for caution that could be expected to continue when dealing with the individual, such as escape risk, armed and dangerous, martial arts, etc.

20. State Bureau Stamp: Leave blank. CIB staff will complete.

BACKSIDE OF FINGERPRINT FORM

| | | | |
|--|----------|--|--|
| LEAVE BLANK | CRIMINAL | (STAPLE HERE) | LEAVE BLANK |
| 21 | | <p>STATE USAGE <input type="checkbox"/></p> <p>MPF SECOND <input type="checkbox"/> 21 <input type="checkbox"/></p> <p>SUBMISSION APPROXIMATE CLASS AMPUTATION SCAR</p> | 21 |

⁴ Charge literals are important for those using the Criminal History Record for licensing, employment suitability determinations, and for agencies that do not have access to all citation numbers that may be used.

21. Leave blank. CIB staff will complete.

| | |
|-------------------|--|
| STATE USAGE 22 | LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX 23 |
|-------------------|--|

22. When submitting ink fingerprints, the arresting law enforcement officer must place the corresponding CDR Number in the “State Usage” box.

23. Enter the full name of the individual. Use the format *Last Name, First Name and Middle Name(s), Suffix*. Do not obstruct this area by using stamps, labels, holes, or staples where the name has been printed.

| | | |
|--|---------------------------|-------------------|
| SIGNATURE OF PERSON FINGERPRINTED 24 | SOCIAL SECURITY NO. 25 | LEAVE BLANK 21 |
| ALIASES/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX 26 | | |

24. Obtain the signature of the individual in blue or black ink.

25. Enter the individual’s social security number. Additional social security numbers used by the individual may be entered in the “Additional Information/Basis for Caution” block (No. 19).

26. Enter any names used by the individual that are different from the name entered in the “Name” block (No. 23), including the signature name, any maiden names, previous married names, or other aliases the individual uses. Use the format *Last Name, First Name and Middle Name(s), Suffix*. If more space is needed, use the “Additional Information/Basis for Caution” block (No. 19).

| | | | | | | | | |
|---------------|--------------------------------|------------------------------|-----------|------------|--------------|--------------|------------|------------|
| FBI NO. 27 | STATE IDENTIFICATION NO. 28 | DATE OF BIRTH MM DD YY 29 | SEX 30 | RACE 31 | HEIGHT 32 | WEIGHT 33 | EYES 34 | HAIR 35 |
|---------------|--------------------------------|------------------------------|-----------|------------|--------------|--------------|------------|------------|

27. Leave blank. CIB staff will complete.

28. Leave blank. CIB staff will complete.

29. Enter individual’s date of birth. Use the format *MM/DD/YY*. If a complete date of birth is not known, enter the individual’s approximate age followed by the statement “years of age.”

30. Enter the individual's sex using the appropriate code listed in the "Sex Code Table" on Page 37 of [Guidelines for Preparation of Fingerprint Cards and Associated Criminal History Information](#).
31. Enter the individual's race using the appropriate code listed in the "Race Code Table" on Page 39 of [Guidelines for Preparation of Fingerprint Cards and Associated Criminal History Information](#).
32. Enter the individual's height in feet and inches. Fractions of an inch should be rounded to the nearest inch.
33. Enter the individual's weight in pounds. Fractions of pounds should be rounded to the nearest pound.
34. Enter the individual's eye color using the appropriate code listed in the "Eye Color Code Table" on Page 37 of [Guidelines for Preparation of Fingerprint Cards and Associated Criminal History Information](#).
35. Enter the individual's hair color using the appropriate code listed in the "Hair Code Table" on Page 38 of [Guidelines for Preparation of Fingerprint Cards and Associated Criminal History Information](#).



For fingerprint techniques, see [Chapter 3: Fingerprints](#).

36. Right thumb.
37. Right index finger.
38. Right middle finger.
39. Right ring finger.
40. Right little finger.



41. Left thumb.

42. Left index finger.

43. Left middle finger.

44. Left ring finger.

45. Left little finger.



46. Left four fingers taken simultaneously should look something like this:



47. Left thumb.

48. Right thumb.

49. Right four fingers taken simultaneously should look something like this:



Important Notes:

- Use blue or black ink for all handwritten entries.
- Ensure data does not exceed the boundaries of each block.
- Retain one copy of the Fingerprint Form for agency records.
- Submit fingerprints to the CIB within 10 days of the arrest.
- For additional guidance, refer to the [NCIC Code Manual](#) and [Guidelines for Preparation of Fingerprint Cards and Associated Criminal History Information](#).

Chapter 5: IDEMIA LiveScan Fingerprint Devices

LiveScan devices use advanced technology to capture electronic fingerprint impressions and demographic data, enabling law enforcement to submit criminal arrest bookings and perform rapid identification in real time. These devices create a virtual Fingerprint Form, allowing officers to instantly capture, process, check, and store flat or rolled fingerprints and full palm prints in the AFIS system.

LiveScan systems are highly efficient, transmitting demographics, photos, and fingerprint data to the CIB within minutes. Rigorous AFIS quality checks ensure high-quality fingerprint images, reducing the likelihood of illegible prints and lowering rejection rates.

The LiveScan camera can capture fine details. Always use the provided lighting and backdrop, and ensure the camera is positioned at eye level with the subject to maintain consistency and clarity for identification and investigative purposes.

Additional Functionality:

With the appropriate software and a printer, LiveScan devices can also function as applicant processors. This allows agencies and companies to capture and print applicant fingerprints that meet or exceed FBI quality standards for employment and background checks.

Law Enforcement: Instructions for LiveScan Fingerprinting

1. Start the Workflow Program:

- Select the “Criminal Arrest” segment on the LiveScan device to open the workflow program.
- A 12-digit case ID number (transaction control number) is automatically generated.
 - **Note (Corresponding CDR):** Write the case ID number in the designated boxes near the top right corner of the CDR to ensure the CIB can match the CDR to the corresponding fingerprints.

2. Enter Demographic Information:

- Press “Next” to move to the demographic section.

- **Mandatory Fields:** Complete all highlighted fields (required). Non-highlighted fields are optional but recommended to capture additional information about the individual.
- Once the fields are complete, press “Next.”
- **Important Note (Date and ORI):**
 - If processing an individual due to an **indictment**, the law enforcement officer must:
 - Change the **date** to reflect the original arrest date.
 - Update the **ORI** to that of the agency that made the original arrest and filed the complaint.
 - Failure to update the date and ORI can result in duplicative entries and prevent the originating law enforcement agency from accessing the entry in the [WVSP Virtual Office](#).

3. Capture Photos:

- Take **three mandatory photos**:
 - Frontal view with head straight
 - 90 degree left profile
 - 90 degree right profile
- Utilize the **seven additional photo slots** for capturing scars, marks, tattoos, or other identifying features.
- **Positioning and Appearance Guidelines** (see [Appendix H: Mug Shot Reference Guide](#))
 - Subjects should maintain a neutral facial expression and keep their mouths closed.

- Hats, sunglasses, headphones, bandanas and other items that obstruct the face should be removed, unless worn for religious or medical reasons.
- Hair should be pulled back to expose the ears, particularly for profile shots.
- The head should occupy approximately 70% of the image width.



4. Capture Fingerprints and Palm Prints:

- Fingerprints are taken in the following order:
 1. Both thumb slaps
 2. Right finger slaps
 3. Right thumb
 4. Right index, middle, ring, and little fingers
 5. Left finger slaps
 6. Left thumb
 7. Left index, middle, ring, and little fingers
- Palm prints are scanned in the following order:
 1. Right upper palm
 2. Right lower palm
 3. Right writer's palm
 4. Left upper palm
 5. Left lower palm
 6. Left writer's palm

5. Capture Signature:

- Have the individual sign the signature pad to complete the signature process.

6. Review and Correct:

- Use the **case summary screen** to review all captured data.

- Make any necessary corrections or provide omitted information before finalizing the submission.

7. Submit the Case:

- Click “Finish” to process the case and submit the data to the CIB.

How to Correct a LiveScan Submission

If a LiveScan submission contains errors (e.g., incorrect charges, overlooked charges, misspelled names, or incorrect birthdates), follow these steps to ensure the record is corrected promptly:

1. Complete the [Arrest/Correction/Addition/Deletion Form](#):

- The E-version is available in the Virtual Office.
- If the Virtual Office is unavailable, email CIB@WVSP.gov and request the form.

2. Complete and Submit to:

- CIB@WVSP.gov

3. Act Quickly:

- Submit corrections as soon as possible to minimize delays or inaccuracies in the record.

Note: Corrections to an arrest can only be made by the arresting agency.

How to Clean and Calibrate the LiveScan for Optimal Use

Cleaning the Fingerprint Machine (LiveScan) Platen

For scanner glass platen cleaning, lightly mist a soft cloth—such as cotton or microfiber—with water and wipe the platen free of dust, dirt, and residual fingerprint smudges. For tougher dirt or grime, use a prepackaged towelette or a cleaning spray designed for eyeglasses.

Avoid using soap or detergent, as product variations could lead to improper cleaning. Also, **do not use alcohol or any alcohol-based solutions**, as they can damage the surface.

Power Cycling Your Livescan Scanner and Camera

Follow these steps to reset your Livescan scanner and camera, resolving issues like lockups, lines on the screen, error messages, and initialization failures. This process is not a simple computer reboot; it ensures a full power reset of the system.

Requirements: Access to the inside of the cabinet is necessary.

Steps:

1. Log in to the LiveScan system. If a workflow screen is open, click Finish (or Cancel, then Finish if already logged in).
2. Shut down the computer completely via the Windows Start button. Do not select Restart.
3. Unlock the cabinet and locate the power strip, which should be connected to a UPS battery backup.
4. Turn off the power strip and wait 30 seconds to ensure power is fully cut to all components, including the scanner and camera. **Note:** Simply unplugging the cabinet from the wall will not work, as the UPS battery backup will keep it powered.
5. Turn the power strip back on.
6. Listen for the scanner's beep, confirming it has booted successfully.
7. Power on the computer using the front Power button.

Troubleshooting

If the scanner is still not working after completing these steps, reboot the computer. This issue may occur if the scanner did not fully boot before the computer was powered back on.

It is best practice to power cycle/recalibrate the LiveScan device monthly. If problems persist, contact the [IDEMIA LiveScan 24-Hour Customer Center](#).

Chapter 6: Court Disposition Reporting Form

In addition to taking fingerprints, the arresting law enforcement officer must also initiate a Criminal Disposition Reporting Form (CDR) for all persons arrested or detained for any crime in which the penalty under state law includes confinement in a penal or correctional institution. The function of the CDR is to provide the disposition of charges from the court of jurisdiction to the CIB. Law enforcement and court personnel are required to complete certain portions of the form.

Electronic CDR – Instructions for Law Enforcement Officers

The electronic version of the CDR is available on the [WVSP website](#) and on the [Virtual Office Portal](#).

Note: The paper version of the CDR is no longer printed. If you are using a paper version, write legibly and ensure print on the duplicate pages is viewable.

You can print the electronic CDR and **fill it out by hand**; just remember to include the **Case ID number** at the top right.

Getting Started

1. **Access the Form** via the Virtual Office Portal or the WVSP website.
2. **Open the CDR Form** by double-clicking its name.

Navigating the Form

- Use the **TAB key** or a mouse to move forward.
- Press **SHIFT + TAB** to move backward.
- Green boxes are **guidance only**—they will not print.

Case ID Selection

- Default focus starts on **Clear CDR Form** (gray button at top).
- Hit **TAB twice** to get to the “Live Scan” checkbox:
 - **Using Live Scan?** Check the box and enter the **12-digit Case ID** from Live Scan unit.

Use tab key and shift-tab to navigate

Clear CDR Form

Print CDR - 3 Copies

| | | |
|--------------------------------------|--|--|
| | State of West Virginia COURT DISPOSITION REPORTING | <input checked="" type="checkbox"/> Live Scan <input type="checkbox"/> Non Live Scan |
| Filled out by Court personnel | TYPE OR PRINT LEGIBLY | 906809809809 |
| WVSP Form 29 Electronic Version 3 | COMPLETED BY ARRESTING OFFICER WITH FINGERPRINTS AS REQUIRED BY LAW | CASE ID NUMBER |

- **Manual (Non Live Scan)?**
- Check “Non Live Scan” box.
- Hit TAB twice → Form will auto-generate an ID with an **E** prefix.

Important Note: If the LiveScan Case ID or E-CDR number is missing, the law enforcement officer **will be contacted** to complete the form. This unique number links the arrest to the fingerprints taken.

Use tab key and shift-tab to navigate

Clear CDR Form

Print CDR - 3 Copies

| | | |
|--------------------------------------|--|--|
| | State of West Virginia COURT DISPOSITION REPORTING | <input type="checkbox"/> Live Scan <input checked="" type="checkbox"/> Non Live Scan |
| Filled out by Court personnel | TYPE OR PRINT LEGIBLY | E-751973078253 |
| WVSP Form 29 Electronic Version 3 | COMPLETED BY ARRESTING OFFICER WITH FINGERPRINTS AS REQUIRED BY LAW | CASE ID NUMBER |

Entering Personal Details

- Use TAB to fill in:
- **Full Name, Alias, Address**
- Check “Juvenile charged as adult” box if applicable
- **ZIP Code, Weight (lbs.), Height (feet + inches)**
- **Date of Birth and Arrest Date** (select from dropdowns)
 - **Note:** The arrest date on the CDR must match the date on the corresponding Fingerprint Form(s) or LiveScan submission.
- **SSN** (3-part entry), **Sex**, and **Race** (from dropdowns)
- **Your Name and Local PID Number**
- **Agency ORI Number** → Choose from list by typing first letter and scrolling

[Guidelines for Preparation of Fingerprint Cards and Associated Criminal History Information.](#)

Use tab key and shift-tab to navigate

Clear CDR Form

Print CDR - 3 Copies

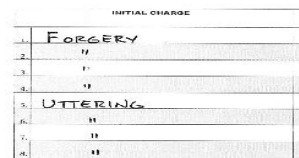
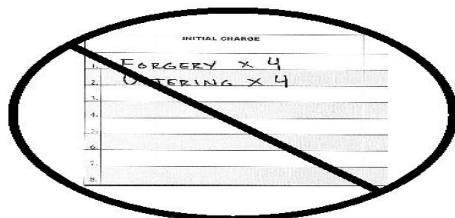
| | | | | | | | |
|--|--|--|------------|--|--------|--|-----------------------------------|
| | | State of West Virginia COURT DISPOSITION REPORTING | | | | <input type="checkbox"/> Live Scan <input checked="" type="checkbox"/> Non Live Scan | |
| Filled out by Court personnel | | | | | | E-751973078253 | |
| WVSP Form 29 Electronic Version 3 | | TYPE OR PRINT LEGIBLY | | | | CASE ID NUMBER | |
| COMPLETED BY ARRESTING OFFICER WITH FINGERPRINTS AS REQUIRED BY LAW | | | | | | | |
| FULL NAME | | Last Name | First Name | Middle Name | Alias | | Juv. charged as adult |
| | | Jones | Joe | L | Junior | | <input type="checkbox"/> |
| Address | | Street | City | State | Zip | +4 | Weight |
| | | 584 Maple Street | Anywhere | West Virginia | 00223 | 2530 | 185 |
| | | 6 | ft. | 4 | | | in. |
| Date of Arrest | | Date of Birth | | Social Security Number | | Sex | Race |
| Mo / Da / Yr | | Mo / Da / Yr | | - - - | | Male | White |
| 07 / 10 / 2022 | | 08 / 01 / 2068 | | 111 - 11 - 1111 | | | |
| Arresting Officer | | Officer ID/PID | | Law Enforcement Agency | | | |
| Smith | | 123 | | GARY PD--WV | | | |
| Court of Jurisdiction: | | COUNTY OF ADJUDICATION | | ADDRESS OF COURT: | | | |
| <input type="checkbox"/> MUNICIPAL <input checked="" type="checkbox"/> MAGISTRATE <input type="checkbox"/> CIRCUIT | | Braxton | | 307 Main Street Suite 205 Sutton, WV 26601 | | | |
| TO BE COMPLETED BY OFFICER | | | | TO BE COMPLETED BY COURT OF JURISDICTION | | | |
| INITIAL CHARGE Filled out by Officer | | | | Charge Changed/Reduced To | | FELONY (Check box) | Date of Disposition MM/DD/YYYY |
| 1. Arson 61-3-1 | | | | | | <input checked="" type="checkbox"/> | Mo Da Yr |
| | | | | | | <input type="checkbox"/> | Mo Da Yr |

Court & Jurisdiction Information

- Select the **court type** (Municipal, Circuit, Magistrate).
- Pick the **county** of adjudication.
- If **Municipal or Circuit**, manually add court address'.
- If **Magistrate** court is chosen the address will autofill after hitting TAB.

Adding Charges

- Enter **Charge Description and Code Section**.
- List each charge **separately**.



- If there are more than eight charges, continue listing them on Page 2. All demographic and court information will be transferred automatically.

- Below is a screenshot of page 2 of the E-CDR. Notice that the E-CDR captures the page number and Case ID number on every page.

Page 2 -- E- 751973078253 Use tab key and shift-tab to navigate

| | | | | | | | |
|---|--|--|------------|--|--------|---|-----------------------------------|
| Court Case Number | | State of West Virginia COURT DISPOSITION REPORTING | | | | <input type="checkbox"/> Live Scan <input type="checkbox"/> Non Live Scan | |
| WVSP Form 29 Electronic Version 3 | | TYPE OR PRINT LEGIBLY | | | | E- 751973078253 CASE ID NUMBER | |
| COMPLETED BY ARRESTING OFFICER WITH FINGERPRINTS AS REQUIRED BY LAW | | | | | | | |
| FULL NAME | | Last Name | First Name | Middle Name | Alias | | Juv. charged as adult |
| | | Jones | Joe | L | Junior | | <input type="checkbox"/> |
| Address | | Street | City | State | Zip | +4 | Weight |
| | | 564 Maple Street | Anywhere | West Virginia | 00223 | 2530 | 185 |
| | | | | | | | Height |
| | | | | | | | 6 ft. 4 in. |
| Date of Arrest | | Date of Birth | | Social Security Number | | Sex | Race |
| Mo Da Yr | | Mo Da Yr | | - - | | Male | White |
| 0 7 / 1 0 / 2 0 2 2 | | 0 8 / 0 1 / 2 0 6 8 | | 1 1 1 - 1 1 - 1 1 1 1 | | | |
| Arresting Officer | | Officer ID/PID | | Law Enforcement Agency | | | |
| Smith | | 123 | | GARY PD--WV0240500 | | | |
| Court of Jurisdiction: | | COUNTY OF ADJUDICATION | | ADDRESS OF COURT | | | |
| <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> MAGISTRATE <input type="checkbox"/> CIRCUIT | | Braxton | | 307 Main Street Suite 205 Sutton, WV 26601 | | | |
| TO BE COMPLETED BY OFFICER | | | | TO BE COMPLETED BY COURT OF JURISDICTION | | | |
| INITIAL CHARGE Filled out by Officer | | | | Charge Changed/Reduced To | | FELONY (Check box) | Date of Disposition MM/DD/YYYY |
| | | | | | | <input type="checkbox"/> | Mo Da Yr |
| 9. | | | | | | | |

Finalizing & Printing

- Return to Page 1.
- Click **PRINT CDR – 3 copies will print unless you select something else.**

Start Over If Needed

- Click **Clear CDR Form** on Page 1 to reset everything.

Submitting the Electronic CDR

- Law enforcement officers will submit a paper E-CDR promptly to the appropriate court.

Saving the Form for Easy Access

- The electronic CDR can be saved as an icon on your desktop for quick access.
- Important Note:** The desktop version will not update automatically. Please check regularly to ensure you have the latest version from the WVSP website.

CDR Form – Instructions for Court Personnel

Below are detailed instructions for court personnel on how to complete and submit the CDR. In certain cases, the prosecuting attorney may also need to report additional information to the CIB, as required by WV Code § 15-2-24(g).

Getting Started

Enter all court case numbers.

19-M56F-02626, 19-M56M-011667
 CC-56-2020-B-546, CC-56-2021-F-844
 Filled out by Court personnel
 WVSP Form 29
 Electronic Version 3
 State of West Virginia
COURT DISPOSITION REPORTING
 TYPE OR PRINT LEGIBLY
 Live Scan Non Live Scan
E-751973078253
 CASE ID NUMBER
 Click CDR type above -- Non Live Scan with population and has an E print
COMPLETED BY ARRESTING OFFICER WITH FINGERPRINTS AS REQUIRED BY LAW

1. Ensure the LiveScan Case ID is documented. If it has been left blank, contact the officer that took prints and have this portion completed.

Review

- **Review** for mistakes and missing information in the demographic section.
- **Strike through mistakes** (do not use white out) and write the correction nearby.
- **Fill in** missing information if known.

| | | | | | |
|----------------|----------------------------|-----------------------------|------------------------|-----------------|---|
| FULL NAME | Last Name Jones | First Name Joe | Middle Name L | Alias Junior | Juv. charged as adult <input type="checkbox"/> |
| Address | Street 564 Maple Street | City Anywhere | State West Virginia | Zip 00223 | Weight 185 |
| Date of Arrest | Date of Birth | Social Security Number | | Sex | Race |
| 07 / 10 / 2022 | 08 / 01 / 1968 | 111 | 11 | 1111 | Male |
| | | | | | White |

Court & Jurisdiction Information

- Make sure the **court of jurisdiction(s)** (Municipal, Circuit, Magistrate) box is checked.
- Make sure the **county of adjudication** is correct.

“Charge Changed/Reduced” Section

- If you're unclear which **bound-over** charge(s) on the CDR were **changed or reduced** during the grand jury proceedings, **the prosecutor can clarify**. It can be difficult, or even impossible, to tell by looking at the indictment.

- Keep in mind that the grand jury has the authority to modify and **add charges** to the arrest event and the **CDR must reflect these changes**.

| TO BE COMPLETED BY OFFICER | | TO BE COMPLETED BY COURT OF JURISDICTION | | |
|---|---|--|-------------------------------------|-----------------------------------|
| INITIAL CHARGE Filled out by Officer | | Charge Changed/Reduced To | FELONY (Check box) | Date of Disposition MM/DD/YYYY |
| 1. | Original Felony Charge | Write changed charge & code here | <input checked="" type="checkbox"/> | Mo Da Yr |
| 2. | Original Felony Charge | Write reduced to Misd. charge here | <input checked="" type="checkbox"/> | Mo Da Yr |
| I | 3. write charges added at indictment here | | <input type="checkbox"/> | Mo Da Yr |
| I | 4. write charge added at indictment here | | <input checked="" type="checkbox"/> | Mo Da Yr |
| | 5. write charge added at indictment here | | <input type="checkbox"/> | Mo Da Yr |
| | 6. | | <input type="checkbox"/> | Mo Da Yr |

- If charges are added at indictment, write each on the original CDR below the initial arrest charges, as shown above.
- Place a letter "I" (for indictment) to the left of each added charge.

Date of Disposition:

- The date of disposition can be **different** for each charge.
- **All** charges must have a date of disposition.
See [Chapter 7](#) for additional guidance regarding what qualifies as a disposition.

Sentence Imposed Section:

| C H A R G E | IF COURT ACTION IS TO BIND OFFENDER TO A HIGHER COURT, THEN THE CDR FORM SHALL BE FORWARDED TO THE HIGHER COURT FOR FURTHER ACTION. | | | | | SENTENCE IMPOSED Provide additional details about the disposition here. * |
|----------------------------|---|----------------|--------------|------------------|---------------------|---|
| | NO CONTEST | PLEA OF GUILTY | FOUND GUILTY | FOUND NOT GUILTY | DISMISSED PER STATE | |
| 1. | <input checked="" type="checkbox"/> | | | | | |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |

- Mark if the individual enters a **plea of no contest**. "No contest" includes *nolo contendere* and Kennedy pleas.
- Mark if the individual enters a **plea of guilty**.
- Mark if the individual is **found guilty**.
- Mark if the individual is **found not guilty**.

- Mark if the charge is **dismissed**. An explanation for the dismissal is not needed.
- Mark if the individual is assessed a **fine and/or cost**. The CDR should not be held until the individual has paid the fine and/or cost.
- Mark if no probable cause is found.
- Mark if the individual is a fugitive from justice.
- Provide any **additional details** about the disposition, including jail sentences, probation, or community service. Specify the duration (hours, days, months, or years).
- If only court costs and fines were ordered, write "none."
- **Note:** Do not include credit for time served on the CDR.

Important Note: The courts should not accept a CDR that lists “warrant” or “summons” or a case number in the “Initial Charge” section of the CDR. The officer must be aware of the specific charges to take fingerprints and complete the CDR form.

Distribution and Submission of CDR

Ensuring All Charges Are Properly Disposed:

- **Courts and prosecutors** must ensure all charges on the Court Disposition Report (CDR) have corresponding dispositions before submitting them to the Criminal Identification Bureau (CIB).
- If any charges on the bound-over CDR are **not presented** to the grand jury, notify the prosecutor so a proper order can be entered.

Forward to the CIB:

- Circuit and Magistrate Clerks will fill out the disposition details and send them to the Criminal Identification Bureau (CIB) at the West Virginia State Police Headquarters. The mailing address is:
 West Virginia State Police Headquarters
 CIB Division
 725 Jefferson Road
 South Charleston, WV 2530
- Additionally, the court should keep a copy of the CDR for its own records.

Chapter 7: Guidance Regarding Specific Procedures and Proceedings for Law Enforcement and Court Personnel

During implementation of the Criminal Records Improvement Project, several questions and issues were identified as needing further explanation. This chapter provides guidance on several of those topics.

Law Enforcement: Arrest Warrant or Summons

Upon arrest for certain crimes, law enforcement officers are responsible for capturing fingerprints (electronically or manually) and other identifying information, submitting the fingerprints to the CIB, and initiating a CDR to forward to the appropriate court.

Warrant

- A **warrant** is a court order that allows law enforcement to act and bring an individual before the court.
- Law enforcement collects fingerprints and **list all charges** associated with the warrant on the CDR form.

Summons

- A **summons** is a court order that is mailed to a person, providing instructions to appear in court voluntarily.
- If the charge(s) on the **summons** (or warrant) carries a penalty for confinement in a penal or correctional institution, law enforcement will fingerprint the individual like they would if an officer brings them in for a warrant. [Refer to WV §15-2-24\(f\)](#).

The diagram illustrates three examples of the 'INITIAL CHARGE' field on a form, each labeled 'INITIAL CHARGE Filled out by Officer'. The first two examples are crossed out with a diagonal line, while the third is circled in blue.

| Field Label | Content | Status |
|-------------|--------------------------------|-----------------|
| 1. | Breaking and Entering §61-3-11 | Crossed out |
| 2. | Fleeing in a vehicle §61-5-17 | Crossed out |
| 1. | Warrant | Crossed out |
| 2. | | Crossed out |
| 1. | 14-M56F-000785 | Circled in blue |
| 2. | 14-M56M-002356 | Circled in blue |

Important Note: The courts should not accept a CDR that lists “warrant” or “summons” or a case number in the “Initial Charge” section of the CDR. The officer must be aware of the specific charges to take fingerprints and complete the CDR form.

Law Enforcement: Warrants Originating in Multiple Counties

A law enforcement officer executing a warrant outside of their designated county is responsible for taking fingerprints and completing the CDR form.

If warrants originate from multiple counties, the arresting officer must prepare a **separate** CDR for each county. Each CDR should list only the charges relevant to that specific county.

Example:

If John Doe is pulled over in Barbour County and 3 warrants from 3 different counties have been issued for worthless checks:

- **Berkeley County:** List the three charges on one CDR.
 - **Berkeley County would be the county of adjudication.**
- **Boone County:** List the four charges on a second CDR.
 - **Boone County would be the county of adjudication.**
- **Braxton County:** List the five charges on a third CDR.
 - **Braxton County would be the county of adjudication.**

Reflecting Proper Court Jurisdiction:

- When a person is arrested on a warrant from another county, they are brought before a magistrate. The CDR should reflect the magistrate court in the county where the case will be handled.

Submission of CDRs and Case Materials:

- The officer submits the CDRs, warrants, and criminal complaints to the presiding magistrate during the arraignment.

Law Enforcement: Capias or Bench Warrant

An arrest under a capias or bench warrant **does not require a new CDR**, as there are no new charges or court dispositions to report.

However, **fingerprints are required** to ensure that the arrest is documented on the criminal record.

Fingerprints and Comments:

- If fingerprints are taken on a LiveScan or on paper:
 - Select/write the **“capias/warrant”** option.
 - List the specific charges related to the capias or bench warrant in the **comments section**.

Validity of a Warrant/Capias WV Code § 62-1C-17b(I):

- When a defendant appears in the county where the indictment or charge is pending and a capias has been issued:
 - The court must provide written notice to the sheriff for dissemination to all appropriate law enforcement agencies.
 - The notice must confirm that the warrant or capias is no longer active.
 - The court must order the warrant or capias to be immediately removed from all databases.

Note: This ensures that law enforcement agencies are aware that the warrant is no longer valid, preventing potential wrongful arrest or detention.

Law Enforcement: Civil Arrest

If the accused is charged with a civil charge, the law enforcement officer **does not** take fingerprints and complete a CDR.

Submitting prints in a civil case incorrectly establishes a criminal history or adds a criminal event to an individual’s record.

To determine if a case is civil, look for the following indicators:

- The capias typically originates from **Family Court**.

- A civil case will have a “C” case type, such as 16-C-124.
- A criminal case will have a “F” case type, such as 19-F-132.
- The capias form will indicate “Civil Action.”
- The form will also state, “CDR and fingerprint shall not be completed.”

IN THE FAMILY COURT OF COUNTY, WEST VIRGINIA

IN RE: THE MATTER OF: Civil Action No.

Petitioner:

v.

Respondent:

FAMILY COURT CAPIAS

CDR and fingerprinting shall not be completed.

To Any Law Enforcement Officer:

This capias has been issued by , Judge of
this Court, against the Petitioner / Respondent,

Law Enforcement: Fugitive from Justice

WV Code § 62-14A-2 outlines the procedures for arresting and extraditing individuals charged with crimes in another state or imprisoned or awaiting trial there. The state where the crime occurred is referred to as the “demanding state.”

Governor’s Warrant of Arrest and Initial Complaint:

- WV Code § 62-14A-3 provides for the issuance of a “Governor’s warrant of arrest.”
- Typically, fugitive cases begin in magistrate court when a law enforcement officer files a criminal complaint alleging the person is a fugitive from justice. The demanding state contacts law enforcement in the asylum state to initiate this process.
- A fugitive warrant, authorized under WV Code § 62-14A-4(d), allows the arresting officer to detain the fugitive and bring them before a judge or magistrate. A certified copy of the sworn charge or complaint and affidavit must accompany the warrant.

Arrest Without a Warrant:

- A fugitive may also be arrested without a warrant if they are identified during unrelated detainment.
 - When this occurs, WV Code § 62-14A-4(e) requires the officer to promptly bring the fugitive before a magistrate, file a sworn complaint, and proceed as though the fugitive was arrested on a warrant.
-

Fingerprinting and CDR Requirements:

- All individuals arrested or detained as fugitives must be fingerprinted, per WV Code § 15-2-24(g). The fingerprint record must be submitted to the CIB.
 - The CDR must include:
 - The name of the authority (municipality, county, or state) that took custody of the fugitive.
 - The date the fugitive was turned over or released by the jail.
 - The “Initial Charge” section should specify the state and county where the charges originated.
 - Attach orders for clarification if applicable.
-

Return of Fugitives to West Virginia:

The process for returning a fugitive to West Virginia is governed by WV Code § 62-14A-5.

Court Personnel: Felony Refiled as Misdemeanor in Magistrate Court

One CDR will be used to track a felony charge, its dismissal, and any subsequent misdemeanor charge re-filed from the same arrest event. Although the misdemeanor charge is a separate case, it can be included in the original felony CDR.

Here is an example of a CDR that shows how the dismissal and re-filing process is documented.

The felony and misdemeanor case number are documented on the CDR.

| | | | | | |
|----------------------|-------------------|---|---------------|--|--------------------------|
| 15-M56F-375 | | State of West Virginia | | <input type="checkbox"/> Live Scan <input checked="" type="checkbox"/> Non Live Scan | |
| 15-M56M-681 | | COURT DISPOSITION REPORTING | | E- 752664423736 | |
| Court Case Number | | | | CASE ID NUMBER | |
| WVSP Form 29 | | TYPE OR PRINT LEGIBLY | | | |
| Electronic Version 3 | | COMPLETED BY ARRESTING OFFICER WITH FINGERPRINTS AS REQUIRED BY LAW | | | |
| FULL NAME | Last Name | First Name | Middle Name | Alias | Juv. charged as adult |
| | Good | Johnny | B | Junior | <input type="checkbox"/> |
| Address | Street | City | State | Zip | Weight |
| | 123 Walnut Street | Treversville | West Virginia | 22334 | 185 |
| | | | | +4 3333 | Height |
| | | | | | 6 ft. 1 in. |
| Date of Arrest | Date of Birth | Social Security Number | | Sex | Race |

The re-filed misdemeanor should be documented under the felony but in the right column.

| TO BE COMPLETED BY OFFICER | | TO BE COMPLETED BY COURT OF JURISDICTION | | |
|---|----------------------------|--|-------------------------------------|-----------------------------------|
| INITIAL CHARGE Filled out by Officer | | Charge Changed/Reduced To | FELONY (Check box) | Date of Disposition MM/DD/YYYY |
| 1. | Poss. W/Intent to Del. C/S | Poss. C.S. Less than 15g | <input checked="" type="checkbox"/> | Mo Da Yr 11 15 24 |
| 2. | | | <input type="checkbox"/> | Mo Da Yr 11 15 24 |
| 3. | | | <input type="checkbox"/> | Mo Da Yr |
| | | | <input type="checkbox"/> | Mo Da Yr |

Dispositions for the felony and misdemeanor charge are documented.

| C H A R G E | NO CONTEST PLEA OF GUILTY FOUND GUILTY FOUND NOT GUILTY DISMISSED PER STATE ASSESSED FINE & COST NO PROBABLE CAUSE FUGITIVE FROM JUSTICE | | | | | | | IF COURT ACTION IS TO BIND OFFENDER TO A HIGHER COURT, THEN THE CDR FORM SHALL BE FORWARDED TO THE HIGHER COURT FOR FURTHER ACTION. |
|----------------------------|---|--|---|--|--|--|--|---|
| | SENTENCE IMPOSED | | | | | | | |
| 1. | | | | | | | | None |
| 2. | X | | X | | | | | 6 months jail, suspended, 12 months probation |

Important Note: This change only impacts the CDR, not how the court documents felony and misdemeanor cases in the case management system.

Preliminary Hearing Outcomes

- **No Probable Cause Found:**
 - If no probable cause is found, the magistrate must dismiss the complaint and discharge the defendant [WV R. Cr. P. 5.1(b)].
 - “No Probable Cause” box on the **CDR** must be checked.
 - CDR must be sent to CIB immediately.
- **Probable Cause Found:**
 - The case is **bound over to circuit court**.
 - Charges **must not be dismissed** when transferred to Circuit Court.

Magistrate Responsibilities (when binding over):

- **Complete and Forward Case Documents:**
 - Circle “Magistrate” in the “**Court of Jurisdiction**” box on the CDR.
 - Forward the following to the circuit court:
 - CDR
 - Criminal case history sheet
 - Bail orders
 - Justifications of surety
 - Notices of bond encumbrance
 - Electronic recording of the preliminary hearing (if available) [WV R. Cr. P. 5.1(c)(2)].
- **Notify the Prosecuting Attorney:**
 - Transmit a copy of the criminal case history sheet to the prosecuting attorney.
- **Handle Bond Funds:**
 - Send posted bond funds **to the circuit clerk.**
 - Get a receipt to confirm the transfer.

Circuit Court Responsibilities:

Once the case is bound over:

- Jurisdiction:
 - Circuit court assumes authority over the case.
- Case Records:
 - Until indictment or information, records should be kept in the **bound-over case file.**

Procedural Reference:

- For detailed procedures related to bound-over cases, see § 11.1 of the *West Virginia Circuit Clerk Procedural Manual* (5/19 ed.).

Court Personnel: Bound over Cases

When Cases Stall after Magistrate Court

- If no action is taken **within 1 year** (no grand jury indictment or information filed), charges must be **dismissed**.
- A grand jury can return a “**no true bill**”—meaning not enough evidence.
- A bound over case will be dismissed when there is a plea to an information.
- The completed CDR should be sent immediately to CIB.

Case Disposition and Record Keeping

- Only some charges might be addressed.
- Prosecutors must **formally dispose of all original charges**, not just the ones in the plea.
 - The clerk may need to notify the prosecutor to dismiss unused charges.
- Court clerks should work with the prosecutor and complete a disposition for **each charge**.

Court Personnel: Deferrals, Diversions & Criminal Disposition Reporting

A deferral or diversion is not considered a disposition, and a CDR should not be completed **until the court has taken final action on the matter**.

Common Deferral/Diversion Examples

- **Specialty Courts:** Drug Court, Mental Health Court, Veterans’ Treatment Court
- **Anthony Correctional Center** placement

Eligible First-Offense Misdemeanors:

- Possession of a controlled substance – *WV Code § 60A-4-407*
- Manufacture/possession of Salvia divinorum – *WV Code § 60A-4-413(b)*
- Driving under the influence – *WV Code § 17C-5-2b*
- Underage alcohol consumption – *WV Code § 60-6-26*

WV Code § 61-11-22a – Deferred Adjudication

- Allows **felony or misdemeanor offenders** to enter a **provisional guilty plea**.
- Court may **defer adjudication**:
 - Up to **3 years** for felonies
 - Up to **2 years** for misdemeanors
- Final disposition must be reported **only after**:
 - Completion of deferral period
 - Court action (dismissal, conviction, or other outcome)
- Courts, prosecutors, and defense counsel should track and close these cases properly.

Court Personnel: Direct Indictment and Information

Important Note: Law enforcement must be notified when a direct indictment or information is filed. These are original arrest events and will always require fingerprints and a CDR.

- Clerks may have to remind the judge and the prosecutor.

Fingerprints and CDR Required

- For an indictment or formal criminal charge to result in an official criminal history record, both fingerprints and a CDR must be submitted to the CIB.
- **Missing Fingerprints? No Record:** If fingerprints are not included, the CIB returns the documents to the agency, and no criminal record is created.

Court Personnel: Probation Revocation

- **Probation is considered a final disposition.** If probation is revoked, the court is not required to provide additional information to the Criminal Identification Bureau (CIB).
- If probation is revoked, **the correctional institution will submit a penal card** to the CIB, informing the CIB that there has been a change in the individual's status. A CDR is not necessary.

Court Personnel: Post-Disposition Modifications and Appeals

Before the Appeal Period:

- **Do not hold on** to the CDR until the appeal period ends.
- Send the CDR to CIB right away.

If a court changes the original disposition after the CDR was sent:

- The clerk will send the amended order to the CIB as soon as possible.
 - Include the original CDR.

Supreme Court Reversals:

- If the Supreme Court of Appeals of West Virginia reverses and remands a decision, the lower court must ensure the CIB is notified about the updated disposition.

Death of Defendant

When a defendant dies with an active case, the prosecuting attorney seeks a dismissal, and the judge signs the order dismissing the case. The appropriate court clerk shall mark that the case has been dismissed on the CDR and send the CDR and a copy of the order to the CIB.

Chapter 8: Access to Criminal Records

WV Code § 51-4-2 provides that the public has the right to inspect and obtain copies of records and papers maintained by every court unless access is expressly limited. Additionally, the Freedom of Information Act (FOIA), WV Code §§ 29B-1-1, et seq., grants the public the right to inspect and copy any public record of a public body in this state unless the records are exempt from disclosure (WV Code § 29B-1-3).

WV Code § 29B-1-3(c) requires court clerks, who are custodians of public records, to “furnish proper and reasonable opportunities for inspection and examination of the records in his or her office and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. The custodian of the records may make reasonable rules and regulations necessary for the protection of the records and to prevent interference with the regular discharge of his or her duties. If the records requested exist in magnetic, electronic or computer form, the custodian of the records shall make copies available on magnetic or electronic media, if so requested.”

Rule 10.04 of the Trial Court Rules reiterates the general FOIA provisions concerning access to court records. Court records are presumed open to public inspection unless a specific statute or court order limits access. To maintain transparency, courts are required to record the names of persons or agencies to whom information is disseminated and the date of dissemination. However, dissemination logs are not required for “no record” responses. 28 C.F.R. § 20.21(e) expands on this by requiring states to conduct annual audits of a representative sample of state and local criminal justice agencies to verify compliance with information dissemination regulations. These audits must include records documenting the names of recipients of disseminated information and the dates of dissemination. Notably, the reporting of criminal justice transactions to state, local, or federal repositories is not considered a dissemination of information under this regulation.

A court clerk is required to respond to a FOIA request as soon as practicable but within a maximum of five days, not including weekends or legal holidays. WV Code § 29B-1-3(d), T.C.R. 10.04(a) (imposing duty on court employees to promptly respond to FOIA requests).

If a court clerk, including a deputy clerk, is found by a court to have willfully violated the provisions of the FOIA, WV Code §§ 29B-1-1, et seq., (s)he is guilty of a misdemeanor (WV Code § 29B-1-6).

Chapter 9: Expungement

Expungement is the legal process of removing or “sealing” a single arrest event or an entire criminal history so that it is no longer accessible to the public. Sealing restricts access to specific agencies or individuals and removes public availability of the records. WV Code § 61-11-26(p)(2) defines expungement as the “removal from all public records, other than those specifically exempted therefrom by the provisions of this section and §61-11-26a of this code, all evidence that a person has been charged or convicted of a crime.” This process applies to both court and police records, ensuring confidentiality is maintained across all relevant entities.

Expungement is a complex legal procedure. This chapter provides an overview of the applicable WV Code sections and outlines the basic requirements for each. The legal standards vary depending on whether a petition seeks to expunge charges that were dismissed (e.g., as part of a plea agreement or following a not guilty verdict) or to expunge criminal convictions.

Only state convictions are eligible for expungement in West Virginia. Federal convictions are not eligible under state law. Typically, individuals request expungement to gain access to educational services, secure employment, maintain housing, or meet military eligibility requirements.

Although expungement is connected to earlier criminal cases, the action itself is a civil matter. In circuit court, petitions for expungement are assigned a miscellaneous civil proceeding petition number. Once an expungement is granted, the court forwards a copy of the expungement order to the CIB. The CIB is responsible for submitting the updated information to the NCIC and the NICS. However, the CIB cannot act to remove a charge or conviction without a detailed and properly-issued expungement order from a court with jurisdiction.

To streamline the expungement process and ensure legal compliance, courts are strongly encouraged to use the form orders approved by the Supreme Court of Appeals of West Virginia, which can be accessed by clicking [here](#). Upon expungement, the law provides that the proceedings in the matter are deemed never to have occurred.

Crimes Excluded from Expungement

WV Code § 61-11-26(c) outlines the offenses excluded from expungement. These include felony offenses of violence against the person; misdemeanors involving the intentional

infliction of physical injury to a minor or law enforcement officer; felonies where the victim was a minor, such as soliciting a minor via a computer, morality offenses, distributing obscene matter to minors, using minors to film sexually explicit conduct, and child abuse; sexual offenses, including sexual assault and sexual abuse; offenses involving the use of a deadly weapon or dangerous instrument; domestic violence, domestic assault, and domestic battery; abuse or neglect of an incapacitated adult; driving under the influence of alcohol or a controlled substance;⁵ driving on a suspended license; incest; cruelty to animals; harassment; burglary; convictions with a written finding that the offense was sexually motivated; motor vehicle offenses where the offender holds a commercial driver's license (CDL); conspiracy; and attempts to commit excluded felonies.

Additionally, petitioners with pending charges are not eligible for expungement. If a conviction does not meet the criteria for expungement, the only alternative to sealing the record is obtaining a full and unconditional pardon from the governor. However, if a petitioner was found not guilty of any offense, that offense is eligible for expungement within the applicable time frame.

Forms

Expungement forms approved by the Supreme Court of Appeals of West Virginia and additional resources can be found at [Court Forms | West Virginia Judiciary](#). Expungement instructions are located at [SCA-C900 - Instructions for Expungement of Records Petition](#).

If applicable, a petitioner is also required to provide documentation of graduation from a West Virginia Department of Education-approved job readiness adult training course or documentation of their medical history of substance abuse and successful compliance with an approved substance abuse treatment and recovery/counseling program.

Fees and Costs

There are fees and costs associated with expungement. The court filing fee is \$200; however, a fee waiver is available for eligible petitioners. Certain code sections

⁵ A DUI conviction cannot be expunged; however, other eligible felony convictions may still qualify for expungement, as specified in WV Code § 61-11-26(c)(15). This restriction applies exclusively to DUI convictions and does not affect other offenses listed as ineligible for expungement. West Virginia law does, however, provide exceptions for members of the military who participate in the Motor Vehicle Test and Lock Program under WV Code § 62-16-5(b)(7). Additionally, individuals convicted of a first-offense misdemeanor DUI may qualify for expungement if they complete the Motor Vehicle Test and Lock Program, as outlined in WV Code § 17C-5-2b.

specifically state that filing fees are not to be assessed and collected. When a petitioner was found not guilty, when the matter was dismissed without a plea agreement, or when the petitioner has participated in approved substance abuse treatment or completed an approved adult training program, there is no filing fee for the expungement petition [WV Code § 61-11-25(g)]. In addition, all fines, fees, and costs should be paid before an expungement is granted, particularly for misdemeanor offenses.

Petitioners may also have to pay to serve the paperwork on individuals and entities required to receive the petition under state law. If the expungement is approved, the petitioner will have to pay a \$100 processing fee directly to the WVSP by certified check or money order. The petitioner must submit the fee in person or mail it to WVSP CIB at:

West Virginia State Police
Attn: Criminal Records Section
701 Jefferson Road
South Charleston, WV 25309-1698

The payment **must** note the name of the petitioner and the petition number. This fee may only be waived if the expungement is granted because the individual has participated in approved substance abuse treatment or completed an approved adult training program. Information about approved Jobs & Hope programs can be found [here](#).

Types of Expungements

Pardon from the Governor

When a person receives a full and unconditional pardon from the governor, that person may file a petition seeking expungement with the circuit court in the county where they were convicted. A person is not eligible for expungement under this statutory provision until one year after having been pardoned and five years after the discharge of their sentence. Convictions of first-degree murder, treason, kidnapping, and certain sexual offenses may not be expunged under this section (WV Code § 5-1-16a). For more information, see [Appendix I: Expungement – Pardon by the Governor Flowchart](#).

Dismissals/Acquittals

WV Code § 61-11-25 outlines the procedure for expunging criminal records when charges have been dismissed or the person has been found not guilty. However, this section imposes specific eligibility restrictions. Records are not eligible for expungement if the petitioner has a prior felony conviction, if the charges were dismissed as part of a plea

agreement for another offense, or if the person was found not guilty by reason of mental illness, mental retardation, or addiction. Additionally, a petitioner with pending charges related to the matter for which expungement is sought is ineligible [WV Code §§ 61-11-25(a), (d)].

Effective June 7, 2024, amendments to WV Code § 61-11-25 expand eligibility to include individuals who successfully complete a pre-trial diversion program under WV Code § 61-11-22 or a deferred adjudication process under WV Code § 61-11-22a. These individuals may file a civil petition for expungement in the circuit court where the dismissed charges were originally filed.

Petitioners may file for expungement 60 days after the entry of the acquittal or dismissal order [WV Code § 61-11-25(b)]. Notably, the statute prohibits charging filing fees or assessing costs for actions brought under this section [WV Code § 61-11-25(g)]. For more information, see [Appendix J: Expungement – Dismissal/Acquittal Flowchart](#).

Qualifying Misdemeanors

Expungement of a **single misdemeanor conviction** and associated records is allowed **one year** after the completion of any sentence of incarceration and/or any period of supervision, whichever is later in time. Expungement of **multiple misdemeanor convictions** and associated records is allowed **two years** after the last conviction and completion of any sentence of incarceration and/or any period of supervision, whichever is later in time (WV Code § 61-11-26). A person may petition the circuit court in the county where the conviction(s) occurred, and the petitioner cannot have pending criminal charges when filing for an expungement. A person can only request expungement of criminal records once under §§ 61-11-26 and 61-11-26a. For an expungement to be granted on a misdemeanor offense, all court costs and fees must be paid by the petitioner. For more information, see [Appendix K: Expungement – Qualifying Misdemeanors Flowchart](#).

Non-Violent Felonies

Under WV Code § 61-11-26(p)(5), felony expungements are restricted to non-violent felonies that satisfy specific requirements. For a felony to qualify for expungement:

- The offense must not involve the intentional infliction of serious bodily injury.
- The circuit court must find that the facts and circumstances surrounding the offense align with the purposes of the expungement statute.

- The offense must not involve violence or the potential for violence against another person or the public.
- The offense must not fall under the list of excluded offenses.

West Virginia law also limits the number of times a person may seek expungement. Under §§ 61-11-26 and 61-11-26a, a person may only request expungement of criminal records once.

For felony convictions that are not on the excluded offense list, a petition for expungement may be filed five years after completing any sentence of incarceration and any period of supervision, whichever is later. Additionally, individuals are eligible to seek expungement of multiple felony convictions if the violations arose from the same transaction or a series of related transactions. For more information, see [Appendix L: Expungement – Non Violent Felonies Flowchart](#).

Expungement for Possession of Controlled Substance, First Offense DUI, and Underage Consumption

Certain first-offense misdemeanor cases may qualify for deferral of conviction and eventual expungement, with these proceedings typically handled in magistrate court.

WV Code § 60A-4-407 permits the expungement of criminal records for first-offense misdemeanor possession of a controlled substance. Similarly, WV Code § 60A-4-413(b) provides for the dismissal of first-offense possession of *Salvia divinorum* under the conditions outlined in § 60A-4-407. Eligibility for expungement requires that all associated costs and fees be paid to the magistrate court.

Magistrate courts may also grant expungement for other specific first-offense misdemeanors. For instance, under WV Code § 17C-5-2b, individuals convicted of a first-offense DUI may be eligible for expungement after successfully completing the Motor Vehicle Alcohol Test and Lock Program. However, it is important to note that records maintained by the Division of Motor Vehicles are not eligible for expungement [WV Code §§ 17C-5-2b(g)(1); 61-11-25(a)].

Additionally, criminal records related to the underage purchase, consumption, or possession of nonintoxicating alcohol may be eligible for expungement pursuant to WV Code § 60-6-26(e).

Accelerated Expungement Under the Jobs & Hope Program

WV Code § 61-11-26a provides an accelerated expungement process for individuals with a medically documented history of substance abuse who complete certain approved treatment, recovery, or counseling programs. This process is also available to graduates of approved job readiness adult training courses. A list of eligible programs is available [here](#).

For misdemeanor convictions, the standard waiting periods are significantly reduced:

- For a single misdemeanor conviction, the one-year waiting period is reduced to 90 days upon certification of compliance with or completion of an approved program.
- For multiple misdemeanor convictions, the two-year waiting period is reduced to one year.

For felony convictions, the waiting period for expungement is also reduced:

- For a single felony conviction, the five-year waiting period is reduced to three years upon certification of program compliance or completion.

No court filing fee or WVSP processing fee is required for expungement petitions filed under this section.

Procedure During Pendency of Petition for Expungement

During the pendency of a petition for expungement, the criminal and expungement files remain open for public inspection. “Pendency of petition” is the period during which a legal petition is actively being considered, reviewed, or awaiting a decision by the relevant court. The duration of the pendency of the petition can vary based on factors such as the complexity of the case and the workload of the court.

Procedure When Expungement Granted

When an expungement is granted, the court clerk must forward the expungement order to the arresting law enforcement agency and the WVSP’s CIB at the following address:

West Virginia State Police
Attn: Criminal Records Section
701 Jefferson Road
South Charleston, WV 25309-1698

Required Information for Expungement

To expunge criminal records, the CIB requires the following information:

- The individual's identifying details (e.g., name, social security number, date of birth).
- Date of arrest and conviction.
- Specific charges to be expunged.
- The arresting agency.

If the expungement order lacks necessary identifiers, the court clerk must include one of the following supporting documents:

- Verification page from the expungement packet.
- Copy of the criminal complaint.
- Case history sheet.
- Copy of the CDR form, if available.

After the CIB receives the court order and all required information, the record is expunged. The CIB will send a confirmation of expungement to the submitting court clerk's office. The clerk should file this confirmation letter within the expungement file. Additionally, the WVSP forwards a copy of the expungement to the FBI.

If the CIB cannot process the expungement due to missing information or the absence of a record in their system, the WVSP will notify the court clerk with an explanation or a request for additional information.

Sealing Records in Court Systems

Upon entry of the expungement order, the court clerk must immediately restrict public access to records in both the expungement petition file and the related criminal file.

- **For Electronic Records:**
 - In systems like CourtPLUS, the clerk should follow the procedures outlined in the Clerk Training Manual available at <http://www.courtswv.gov/e-file/clerkTraining.html>.
 - All electronic data and records must be hidden from public view.
- **For Paper Records (Digitization Available):**

- Digitize the paper file and upload it into the case management system.
- Hide all electronic data and records from public view, then destroy the paper file.
- **For Paper Records (Digitization Unavailable):**
 - Remove paper files from public access.
 - After receiving confirmation from the WVSP that all necessary information has been processed, seal the files by taping them, placing them in an envelope marked “expunged,” and noting the case number on the outside.
 - Store sealed files in a locked, secure location.
- **For Magistrate Legacy System:**
 - Print and scan all relevant pages into the Unified Judicial Application system.
 - Hide electronic data and records, including the expungement petition and order, from public access.

Any references to expunged cases in index books must be redacted. Expungement orders, including those enforcing expungement procedures, should be stored securely with other expungement-related orders.

Notification and Agency Compliance

The expungement order directs all relevant agencies to expunge their records and certify to the court that the process is complete [WV Code § 61-11-26(k)]. Court clerks must ensure that:

- A copy of the expungement order is provided to all agencies and jurisdictions with records impacted by the expungement.
- Certifications from agencies confirming the expungement are filed securely within the expungement file.

If additional actions are required by the expungement order, the court clerk must ensure those are carried out as directed.

Legal Effect of Expungement

Once an expungement is granted, the proceedings are deemed never to have occurred. For any inquiries about the expunged records, the court and agencies must respond that no record exists [WV Code § 61-11-25(e)].

Procedure When an Expunged Case Involves a Co-Defendant

If the petitioner had co-defendants listed in the original arrest event or in the indictment associated with the expunged case, the court clerk must review the case files of all co-defendants. This review includes cases of all types in both magistrate and circuit courts, including bound-over cases.

When processing these cases, clerks should adhere to the case management system's guidelines for redacting documents, ensuring that all relevant references to the expunged case are appropriately redacted.

Disclosure Requirements

If a criminal record has been expunged, access to the records is permitted only in limited circumstances. In general, expunged criminal information must not be disclosed on applications for employment, credit, housing, or other purposes. However, statutory exceptions allow access to specific information in certain situations to support necessary services or enhance public safety.

An individual applying for a position involving the prevention, detection, investigation, prosecution, or incarceration of individuals for violations of the law must disclose all convictions to the prospective employer, including expunged convictions. Additionally, individuals required by state or federal law to obtain a criminal history background check for a prospective employee fall under this exception [WV Code § 61-11-26(l)(3)]. Information under these exceptions will not be released without a review of the request to certify that the requestor is statutorily entitled to the information. The affidavit for requesting criminal background history can be accessed [here](#).

WV Code §§ 61-11-25(f) and 61-11-26(m) provide that a person whose record has been expunged, or a prosecuting attorney demonstrating the necessity of the records for a criminal investigation or prosecution, may obtain a court order permitting inspection of the records. Similarly, a federal official presenting a valid federal subpoena is entitled to review expunged records and may also request copies of the documents.

Under the Supremacy Clause of the United States Constitution, federal judicial power supersedes state law that restricts access to expunged records. Relevant case law, such as *E.E.O.C. v. Ill. Dept. of Empl. Sec.*, 995 F.2d 106 (7th Cir. 1993), and *In re Grand Jury*

Subpoena, 198 F.Supp.2d 1113 (D. Alaska 2002), affirms this principle. When a federal subpoena or court order grants access to expunged records, the court clerk's office must retain a copy of the subpoena or court order on file and record the type of access allowed. In CourtPLUS, the subpoena or court order should be scanned into the expunged case file with its security level set to "Expunged."

For additional information, *see also* Legal Aid of West Virginia's self-help "Resources" page, which can be accessed by clicking [here](#).

Chapter 10: Sex Offender Registration

The West Virginia Sex Offender Registration Act (SORA), WV § 15-12-1 et seq., is a regulatory act intended to promote public safety. The WVSP maintains the West Virginia Sex Offender Registry (“Sex Offender Registry”) and oversees the release of information involving sex offenders. Under the SORA, sex offenders are required to report to their local WVSP detachment and provide certain information, including their current address.

Registration Requirements – Who, Where, and When

Persons Convicted in West Virginia of Certain Offenses

Sex offender registration is mandatory under West Virginia law and applies to individuals convicted of qualifying offenses, including attempts of those qualifying offenses, or those found not guilty by reason of mental illness, mental retardation, or addiction. This requirement extends to convictions under West Virginia law, the laws of another state, the United States Code, or the Uniform Code of Military Justice (WV Code § 15-12-2). Additionally, registration is required when a sentencing judge provides a written finding that the offense was sexually motivated [WV Code § 15-12-2(c)].

The qualifying offenses that necessitate registration in West Virginia include, but are not limited to:

1. Offenses under WV Code § 61-8A-1 et seq. (preparation, distribution, or exhibition of obscene matter to minors).
2. Offenses under WV Code § 61-8B-1 et seq. (sexual offenses), including sexual assault of a spouse under former WV Code § 61-8B-6.
3. Offenses under WV Code § 61-8C-1 et seq. (filming sexually explicit conduct of minors).
4. Offenses under WV Code §§ 61-8D-5 and 61-8D-6 (sexual offenses against a child by a parent, guardian, or custodian; material depicting a child engaged in sexually explicit conduct).
5. Kidnapping under WV Code § 61-2-14(a).
6. Detention of a person in a place of prostitution under WV Code § 61-8-6.
7. Procuring for a house of prostitution under WV Code § 61-8-7.

8. Incest under WV Code § 61-8-12.
9. Soliciting a minor via computer under WV Code § 61-3C-14b [as it relates to offenses listed in WV Code § 15-12-2(b)].
10. Human trafficking involving sexual servitude under WV Code § 61-14-2.
11. Sexual servitude under § 61-14-5.
12. Patronizing a victim of sexual servitude under § 61-14-6.

Individuals in West Virginia must register upon conviction in person at the State Police detachment in their county of residence. For individuals incarcerated at the time of conviction, registration must occur within 3 business days of release. This process ensures accurate record-keeping and compliance with statutory requirements.

Any person required to register under SORA is required to register yearly in the month of their birth, even if there have been no changes in their information, except those individuals who have been determined to be sexually violent predators. Sexually violent predators are required to register quarterly during the months of January, April, July, and October. All changes in registerable information must be updated with the WVSP detachment in the offender's county of residence within 10 business days of the change.

Any person required to register under SORA is required to re-register with the WVSP detachment in their county of residence within 3 business days of their release from incarceration for ANY reason.

[Sex Offenders from Another State Moving to West Virginia](#)

If a person is required to register as a sex offender under the laws of another state or is convicted of a violation in that state, federal or military jurisdiction that is similar to a violation of a West Virginia qualified offense contained in WV Code §15-12-2 and moves to West Virginia, the sex offender, within 10 business days of the change of address, must physically appear at the WVSP detachment in the county where they reside or intend to reside and provide the information necessary to complete the registration procedure.

[Sex Offenders from Another State Entering West Virginia to Work, Attend School, Visit, or Own/Lease Habitable Real Property](#)

All persons who are required to register as a sex offender in the state where they reside or is convicted of a violation in that state, federal or military jurisdiction that is similar to a violation of a West Virginia qualified offense contained in WV Code §15-12-2 must

register within 3 business days of the start of their work, school enrollment, visit (more than 15 continuous days), or ownership or lease of habitable real property that he/she regularly visits.

To register, the person must physically appear at a WVSP detachment in the county or counties where the person will work, attend school, visit, own/lease property and provide all necessary information to comply with the registration procedure.

Juveniles

SORA does not specifically require juveniles who are convicted or found delinquent of a sexual offense in West Virginia or some other jurisdiction to register. The broad language used in the SORA can be read to include those juveniles who are transferred to a circuit court's adult criminal jurisdiction and are convicted or found not guilty by reason of mental illness, mental retardation, or addiction of a qualifying offense specified in WV Code § 15-12-2(b) and to those juveniles who are required to register under the laws of another jurisdiction.

Annual Registration Fees

A person required to register for the **Sex Offender Registry** shall pay an annual fee of \$125. This annual fee is to be paid to the circuit clerk of the circuit court in the county where the registrant currently resides. The payment shall be made between January 1 and June 30 of each year. The registrant has 10 days from the date of payment to provide proof of payment to the State Police detachment that monitors the registrant. W. Va. Code §15-12-2(o).

Failure to pay the annual fee, or provide proof of payment of the annual fee, may not be considered a violation of the person's supervised release. However, if payment is not made, the State Police can provide notice to the last address provided by the registrant stating that payment has not been paid. If payment is not made within 30 days of receipt of the notice, the State Police may record the notice in the office of the county clerk. The notice will then have the effect of a judgment and shall be recorded by the county clerk in the judgment lien docket. This judgment lien is released by the State Police when payment is made. W. Va. Code § 15-12-2(o).

By virtue of being required to register for the **Sex Offender Registry**, a person is also placed on the **Central Abuse Registry**. According to West Virginia Code § 15-2C-3(b), it is the responsibility of the prosecuting attorney to report the conviction to the **Central**

Abuse Registry. A person placed on the **Central Abuse Registry** shall pay an annual fee of \$125. This annual fee is to be paid to the circuit clerk of the circuit court in the county where the registrant currently resides. The payment shall be made between January 1 and January 30 of each year. The registrant has 10 days from the date of payment to provide proof of payment to the State Police detachment that monitors the registrant. W. Va. Code § 15-2C-2(d).

Failure to pay the annual fee, or provide proof of payment of the annual fee, may not be considered a violation of the person's supervised release. However, if payment is not made, the State Police can provide notice to the last address provided by the registrant stating that payment has not been paid. If payment is not made within 30 days of receipt of the notice, the State Police may record the notice in the office of the county clerk. The notice will then have the effect of a judgment and shall be recorded by the county clerk in the judgment lien docket. This judgment lien is released by the State Police when payment is made. W. Va. Code § 15-2C-2(d).

What Information is an Offender Required to Provide to the WVSP?

Persons required to register under the Sex Offender Registration Act (SORA) must appear in person at the WVSP detachment in their county of residence. WV Code § 15-12-2 and WV Code of State Rules § 81-14-8.3.a provide a comprehensive list of required information. At a minimum, registrants must provide the following:

1. Full name, including aliases and nicknames.
2. Residential address or intended address of residence.
3. Name and address of the registrant's place of employment, training facility, or school.
4. Social security number.
5. A full-face photograph of the registrant.
6. A brief description of the crime(s) for which the registrant was convicted.
7. Information on any motor vehicle, trailer, or motor home owned or regularly operated by the registrant, including the make, model, color, and license plate number.

8. Details of any Internet accounts used by the registrant, including screen names, usernames, or aliases.
9. Telephone numbers for residential, work, and mobile devices, as well as electronic paging device numbers.
10. A photocopy of a valid driver's license or government-issued identification.
11. A photocopy of any passport and immigration documents.
12. A photocopy of any professional licenses held by the registrant.
13. Information regarding any unmanned aerial vehicle (drone) owned or operated by the registrant.

Additional Requirements for Sexually Violent Predators

Individuals designated as sexually violent predators must provide additional information, including:

- Identifying factors, such as physical characteristics.
- History of the offense.
- Documentation of any treatment received for a mental abnormality or personality disorder (WV Code § 15-12-2(f); WV C.S.R. § 81-14-8.3.a.13).

Duration of Registration Requirements

A person required to register under the Sex Offender Registration Act (SORA) must comply with registration rules, except during periods of incarceration, until one of the following conditions is met under [WV Code § 15-12-4](#):

A. Ten-Year Registration Period

A registrant must continue to comply with the registration requirements for 10 years from either:

1. The date the registrant was released from prison, jail, or a mental health facility;
or
2. The date the registrant was placed on probation, parole, supervised release, or conditional release.

B. Lifetime Registration

Registrants must comply with SORA requirements for life if they meet any of the following criteria:

1. The registrant has one or more prior convictions or has previously been found not guilty by reason of mental illness, mental retardation, or addiction for a qualifying offense.
2. The registrant has been convicted or found not guilty by reason of mental illness, mental retardation, or addiction for a qualifying offense, and, upon motion of the prosecuting attorney, the court finds by clear and convincing evidence that the qualifying offense involved multiple victims or multiple violations.
3. The registrant has been convicted or found not guilty by reason of mental illness, mental retardation, or addiction for a sexually violent offense.
4. The registrant has been determined to be a sexually violent predator under WV Code § 15-12-2a.
5. The registrant has been convicted or found not guilty by reason of mental illness, mental retardation, or addiction for a qualifying offense involving a minor or a person the registrant believed or perceived to be a minor.

Petition for Removal from Registry

A person whose conviction for the offense requiring registration is overturned may petition the court to have their name removed from the registry.

Distribution and Disclosure of Sex Offender Registry Information

Mandatory Distribution

The WVSP detachment in the county or counties where an offender is registered is responsible for distributing the offender's notification statement. Within 5 business days⁶ of receiving the notification statement, the WVSP detachment must distribute a copy to the following:

⁶ For the purposes of the SORA, "business days" means "days exclusive of Saturdays, Sundays and legal holidays" listed in WV Code § 2-2-1 and WV Code § 15-12-2(n).

1. Law enforcement agencies, including county, municipal, and campus police departments.
2. The county superintendent of schools.
3. The county Department of Human Services (DoHS) - Child Protective Services division.
4. Community and religious organizations that regularly provide services to youths.
5. Individuals and organizations that provide daycare services for youths or supportive services (e.g., daycare, residential care, respite care, etc.) for mentally or physically incapacitated or infirm persons.
6. The FBI National Sex Offender Registry.
7. Affected WVSP detachments. (WV Code § 15-12-5; WV C.S.R. §§ 81-14-13.9, 15.5, 15.6)

An offender's notification statement contains all the information required by WV Code § 15-12-2(d). Because the statement may include information not disclosed to the public, the WVSP may require recipients to sign a nondisclosure statement.

B. Additional Notification for Sexually Violent Predators

If an offender has been classified as a sexually violent predator, the WVSP detachment must notify the prosecuting attorney in the county or counties where the offender is registered. Together, the WVSP and the prosecuting attorney must conduct a community notification program. This program should include publication of the following:

- The offender's name.
- A recent photograph.
- The offender's current address.
- The location of any property the offender owns, leases, or regularly visits.
- The offender's county of employment.
- The place where the offender attends school or a training facility.
- Information about the legal rights and obligations of both the offender and the community [WV Code § 15-12-5(b)(1)].

C. Access to Offender Records

The WVSP may request records compiled in relation to the offender's sexual offense, including records of investigation, prosecution, adjudication, incarceration, probation, parole, or presentence reviews. Agencies holding these records are required to provide copies to the WVSP upon request (WV Code § 15-12-6a).

Disclosure to the Public

The West Virginia Legislature has determined that disclosing certain information about individuals convicted of sexual offenses is necessary to protect public safety and welfare [WV Code § 15-12-1a(b)]. The WVSP is required to maintain an internet website (which can be accessed [here](#)) that provides information on all offenders required to register for life under the Sex Offender Registration Act (SORA) (WV Code § 15-12-2(h); WV C.S.R. § 81-14-15.4).

Information Included on the Website

The WVSP's website generally includes the following information about registered offenders:

- Name and photograph.
- Physical location of the offender's residence(s).
- Physical characteristics of the offender.
- Municipality or general location of the offender's place of employment, training, or school.
- Address of any real property the offender owns or leases.
- General description of the crime and victim(s).

The website also allows the public to verify whether a specific email address or username is associated with a registered sex offender. However, state rules prohibit the release of certain information online, including:

- Telephone numbers or electronic paging device numbers used by the registrant.
- The name of the offender's employer, training facility, or school (WV Code § 15-12-2(h); WV C.S.R. § 81-14-15.4.a).

Additional Information Requests

Residents of a county may petition the circuit court to obtain additional information about a registered offender that is not available on the WVSP's website. For example, a

petitioner may request more detailed information about where an offender is employed or attends school.

To file a petition, the resident must specify the information sought. The court will evaluate whether the requested information is relevant to public safety and whether its relevance outweighs the offender's privacy interests. If the court grants the petition, it may also impose restrictions to prevent the petitioner from sharing the information with others.

Importantly, information that could identify the victim of the offense cannot be disclosed under any circumstances [WV Code § 15-12-5(b)(3)].

Chapter 11: Criminal Case Mental Health Submissions to the West Virginia Central State Mental Health Registry and NICS

This chapter provides basic information regarding criminal case mental health submissions to the West Virginia Central State Mental Health Registry (WV CSMHR) and NICS. If you have any questions or would like additional information regarding the submission process, please contact the Division of Circuit and Family Court Services (see [Appendix E: Additional Contact Information](#)).

What Criminal Cases Are Submitted?

A **CRIM-MH 1** order is created and uploaded only when a circuit court adjudicates a defendant as a mental defective. This process differs from involuntary hospitalization and adult guardianship/conservatorship cases.

For involuntary hospitalization and guardianship/conservatorship cases, the following commitment and appointment orders are uploaded to the WV CSMHR:

- **Commitment Orders:** Forms INV 13, 15, 19, 24, and 33.
- **Appointment Orders:** Form GC 12.

The database electronically evaluates whether a record is prohibitive and, if so, forwards those prohibitive records to the WV CSMHR and the NICS.

What Constitutes a Mental Defective?

Under WV Code § 61-7A-2(1), a "person adjudicated as a mental defective" includes any individual determined by a duly authorized court, tribunal, board, or other entity to be mentally ill to the extent that they:

- Have been found incompetent to stand trial due to mental illness or insanity,
- Have been found not guilty in a criminal proceeding by reason of mental illness or insanity, or

- Have been determined to be unable to manage their own affairs due to mental illness or insanity.

Findings of Incompetency to Stand Trial

WV Code §§ 27-6A-2 and 27-6A-3 govern the determination of a defendant's competency to stand trial. Competency findings are made by a court of record after evaluation by one or more qualified forensic psychiatrists or psychologists. The process involves:

1. An initial preliminary finding by the court, which becomes a final order unless a hearing is requested or ordered within 20 days.
2. A post-hearing finding, if applicable, based on a preponderance of the evidence regarding the defendant's competency.

Competency to stand trial is defined as the defendant's ability to:

- Consult with his or her lawyer with a reasonable degree of rational understanding, and
- Possess a rational and factual understanding of the proceedings against him or her [WV Code § 27-6A-3(c)].

Triggering the Reporting Requirement

An order finding a defendant incompetent to stand trial due to mental illness or insanity triggers the reporting requirement to the WV CSMHR and the NICS. This reporting is required regardless of whether the defendant later regains or is restored to competency.

The reporting requirement is triggered:

- After the court's final order, either by expiration of the 20-day statutory period to request or order a hearing or after a hearing is held.
- When the incompetency order is based on mental illness or insanity.

Vacated Incompetency Orders

If an incompetency order is vacated due to fraud or mistake, the reporting requirement does not apply, as the vacated order has no legal effect. If the order has already been reported, an attested copy of the order vacating the incompetency finding must be sent to the Division of Circuit and Family Court Services to remove the entry from the WV CSMHR and NICS.

Subsequent Competency Proceedings

- A defendant found incompetent to stand trial may petition the court at any time for a hearing on competency [WV Code § 27-6A-3(k)].
- Reporting of subsequent findings of incompetency in the same criminal case is not required if the initial finding has already been reported.
- A later finding of competency does not affect the reporting of a prior incompetency order.

Observation Period for Uncooperative Defendants

An uncooperative defendant may be ordered to undergo an observation period of up to 15 days in a mental health facility to determine competency. This circumstance does not require reporting, as no formal finding of incompetency to stand trial has been made by the court.

Findings of Not Guilty by Reason of Mental Illness or Insanity

WV Code § 27-6A-4 controls determinations of criminal responsibility. The issue of criminal responsibility focuses on the defendant's state of mind at the time of the alleged offense. For purposes of completing the CDR, when a defendant is found not guilty by reason of mental illness or insanity, mark "Found Not Guilty" in the "Charge" section of the CDR. The reporting trigger to the WV CSMHR and NICS is the verdict in a criminal trial of a judgment of not guilty by reason of mental illness [WV Code § 27-6A-4(e)]. The verdict can be achieved via jury or bench trial.

Findings in pre-verdict observation periods or post-verdict evaluations or hearings, such as for dangerousness or release to a less restrictive environment, have no impact on the reporting requirement at the time of the verdict.

Time Period in which Criminal Cases are Submitted

RE: Findings of Incompetency to Stand Trial

If the preliminary order of incompetency to stand trial becomes a final order upon the expiration of the 20-day window to request or order a hearing, reporting should be completed within 3 days after the date on which the preliminary order became a final

order. If the final order was entered post-hearing on the matter, reporting should occur within 3 days after the date of entry of the incompetency hearing order.

RE: Not Guilty by Reason of Mental Illness or Insanity

Submission to the WV CSMHR and NICS should be completed within 3 days of entry of the order of not guilty by reason of mental illness or insanity.

How to Submit

The Administrative Office of the Courts supplies mental health registry software to allow electronic upload of records to the WV CSMHR and NICS. A judge, judicial secretary, law clerk, designated magistrate, or mental hygiene commissioner may be trained in the use of the software and provided software permissions to upload to the active state and federal mental health registries. Interested court personnel should contact the Division of Court Services for training and access. Technical information on use of the software can be found in the *West Virginia Central State Mental Health Registry (CSMHR) – Data Entry User Guide and the Mental Health Registry Form Guide*, which can be obtained from the Division of Circuit and Family Court Services (see [Appendix E: Additional Contact Information](#)).

Appendix A: WV Code § 15-2-24

§15-2-24. Criminal Identification Bureau; establishment; supervision; purpose; fingerprints, photographs, records and other information; reports by courts and prosecuting attorneys; offenses and penalties.

(a) The superintendent of the department shall establish, equip and maintain at the departmental headquarters a Criminal Identification Bureau, for the purpose of receiving and filing fingerprints, photographs, records and other information pertaining to the investigation of crime and the apprehension of criminals, as hereinafter provided. The superintendent shall appoint or designate a supervisor to be in charge of the Criminal Identification Bureau and such supervisor shall be responsible to the superintendent for the affairs of the bureau. Members of the department assigned to the Criminal Identification Bureau shall carry out their duties and assignments in accordance with internal management rules and regulations pertaining thereto promulgated by the superintendent.

(b) The Criminal Identification Bureau shall cooperate with identification bureaus of other states and of the United States to develop and carry on a complete interstate, national and international system of criminal identification.

(c) The Criminal Identification Bureau may furnish fingerprints, photographs, records or other information to authorized law-enforcement and governmental agencies of the United States and its territories, of foreign countries duly authorized to receive the same, of other states within the United States and of the State of West Virginia upon proper request stating that the fingerprints, photographs, records or other information requested are necessary in the interest of and will be used solely in the administration of official duties and the criminal laws.

(d) The Criminal Identification Bureau may furnish, with the approval of the superintendent, fingerprints, photographs, records or other information to any private or public agency, person, firm, association, corporation or other organization, other than a law-enforcement or governmental agency as to which the provisions of subsection (c) of this section shall govern and control, but all requests under the provisions of this subsection for such fingerprints, photographs, records or other information must be accompanied by a written authorization signed and acknowledged by the person whose fingerprints, photographs, records or other information is to be released.

(e) The Criminal Identification Bureau may furnish fingerprints, photographs, records and other information of persons arrested or sought to be arrested in this state to the identification bureau of the United States government and to other states for the purpose of aiding law enforcement.

(f) Persons in charge of any penal or correctional institution, including any city or county jail in this state, shall take, or cause to be taken, the fingerprints and description of all persons lawfully committed thereto or confined therein and furnish the same in duplicate to the Criminal Identification Bureau, Department of Public Safety.⁷ Such fingerprints shall be taken on forms approved by the superintendent of the Department of Public Safety. All such officials as herein named may, when possible to do so, furnish photographs to the Criminal Identification Bureau of such persons so fingerprinted.

(g) Members of the Department of Public Safety, and all other state law-enforcement officials, sheriffs, deputy sheriffs and each and every peace officer in this state, shall take or cause to be taken the fingerprints and description of all persons arrested or detained by them, charged with any crime or offense in this state, in which the penalty provided therefor is confinement in any penal or correctional institution, or of any person who they have reason to believe is a fugitive from justice or a habitual criminal, and furnish the same in duplicate to the Criminal Identification Bureau of the Department of Public Safety on forms approved by the superintendent of said department. All such officials as herein named may, when possible to do so, furnish to the Criminal Identification Bureau photographs of such persons so fingerprinted. For the purpose of obtaining data for the preparation and submission to the Governor and the Legislature by the Department of Public Safety of an annual statistical report on crime conditions in the state, the clerk of any court of record, the magistrate of any magistrate court and the mayor or clerk of any municipal court before which a person appears on any criminal charge shall report to the Criminal Identification Bureau the sentence of the court or other disposition of the charge and the prosecuting attorney of every county shall report to the Criminal Identification Bureau such additional information as the bureau may require for such purpose, and all such reports shall be on forms prepared and distributed by the Department of Public Safety, shall be submitted monthly and shall cover the period of the preceding month.

(h) All persons arrested or detained pursuant to the requirements of this article shall give fingerprints and information required by subsections (f) and (g) of this section. Any person who has been fingerprinted or photographed in accordance with the provisions

⁷ In 2000, the West Virginia Legislature designated the "Department of Public Safety" as the West Virginia State Police (WV Code § 15-2-2).

of this section who is acquitted of the charges upon which he or she was arrested and who has no previous criminal record may, upon the presentation of satisfactory proof to the department, have such fingerprints or photographs, or both, returned to them.

(i) All state, county and municipal law-enforcement agencies shall submit to the bureau uniform crime reports setting forth their activities in connection with law enforcement. It shall be the duty of the bureau to adopt and promulgate rules and regulations prescribing the form, general content, time and manner of submission of such uniform crime reports. Willful or repeated failure by any state, county or municipal law-enforcement official to submit the uniform crime reports required by this article shall constitute neglect of duty in public office. The bureau shall correlate the reports submitted to it and shall compile and submit to the Governor and the Legislature semiannual reports based on such reports. A copy of such reports shall be furnished to all prosecuting attorneys and law-enforcement agencies.

(j) Neglect or refusal of any person mentioned in this section to make the report required herein, or to do or perform any act on his or her part to be done or performed in connection with the operation of this section, shall constitute a misdemeanor and such person shall, upon conviction thereof, be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail for a period of not more than sixty days, or both. Such neglect shall constitute misfeasance in office and subject such persons to removal from office. Any person who willfully removes, destroys or mutilates any of the fingerprints, photographs, records or other information of the Department of Public Safety shall be guilty of a misdemeanor and such person shall, upon conviction thereof, be punished by a fine of not more than \$100, or by imprisonment in the county jail for a period of not more than six months, or both.

(k) The Criminal Identification Bureau (CIB) and the Federal Bureau of Investigation (FBI) shall retain applicant fingerprints for the purpose of participating in the Rap Back Program to determine suitability or fitness for a permit, license or employment. Agencies participating in the program shall notify applicants and employees subject to a criminal history check that their fingerprint shall be retained by the CIB and the FBI. Notification shall also be given to the applicant and employee subject to the Rap Back Program.

(l) The State Police may assess a fee to applicants, covered providers or covered contractors for conducting the criminal background check and for collecting and retaining fingerprints for Rap Back as authorized under article forty-nine, chapter sixteen of this code. The assessment shall be deposited into a nonappropriated special revenue account within the State Treasurer's office to be known as the WVSP Criminal History Account.

Expenditures from this account shall be made by the superintendent for purposes set forth in this article and are authorized from collections. The account shall be administered by the superintendent and may not be deemed a part of the general revenue of the state.

Appendix B: Acronyms and Definitions

Integrated Automated Fingerprint Identification System (AFIS or IAFIS)

A national fingerprint and criminal history system that operates 24/7 to assist local, state, and federal partners in solving and preventing crime, as well as apprehending criminals and terrorists. It provides automated fingerprint search capabilities, latent search capability, electronic image storage, and electronic exchange of fingerprints and responses. LiveScan devices, which capture fingerprint images at booking for AFIS transmission, are not technically part of AFIS, but are often associated with it.

Criminal Identification Bureau (CIB)

The central repository for comprehensive criminal history record information in West Virginia. WV Code § 15-2-24 assigns the WVSP responsibility for maintaining these records and establishing the CIB.

Court Disposition Reporting (CDR)

WVSP Form 29, initiated when an arrest is made, is used solely to provide criminal dispositions to the CIB.

Criminal Justice Agency

Defined by 28 C.F.R. § 20.3(g) as

1. Courts
2. A governmental agency or subunit that performs the administration of criminal justice pursuant to a statute or executive order and allocates a substantial part of its budget to criminal justice. This includes state and federal inspector general offices.

Criminal Justice Information Services (CJIS) Division

A division of the FBI that provides identification services based on fingerprint submissions. The CJIS Division addresses common fingerprint processing issues to prevent delays or rejections.

Fingerprint Identification Records System (FIRS)

The FBI's system for managing criminal fingerprints and related criminal justice information, as defined in 28 C.F.R. § 20.3(l), encompasses criminal fingerprints, civil fingerprints, identification records (such as "rap sheets"), and a name index for individuals whose fingerprints are maintained in the FIRS.

Interstate Identification Index System (III System or "Triple I" System)

The Interstate Identification Index (III) System, as defined in 28 C.F.R. § 20.3(m), is a cooperative federal-state system for exchanging criminal history records. It includes the National Identification Index, the [National Fingerprint File \(NFF\)](#), and repositories maintained by the states and the FBI. As of 2008, all 50 states and the District of Columbia participate in the III System.

Law Enforcement Online (LEO)

An FBI-administered information resource available through the Law Enforcement Enterprise Portal (LEEP), accessible only to authorized users.

National Crime Information Center (NCIC)

A computerized network that links local, state, tribal, federal, and international criminal justice agencies for the exchange of NCIC-related information. It includes telecommunications lines, message-switching facilities, and data from the Interstate Identification Index (III) System, as defined in 28 C.F.R. § 20.3(n).

National Fingerprint File (NFF)

A database of fingerprints and uniquely identifying information managed by the FBI. It provides positive identification of record subjects in the III System and ensures access to the most complete criminal history information available. West Virginia became a NFF state in September 2012.

National Instant Criminal Background Check System (NICS)

A computerized system used by Federal Firearms Licensees (FFLs) under the Brady Handgun Violence Prevention Act of 1993 to determine whether a person is eligible to receive or possess a firearm. It searches NCIC, the III System, and other resources.

Originating Agency Identifier (ORI)

A unique code assigned to each agency with fingerprinting capabilities.

State Identification Number (SID)

A unique 6-to-7-digit number randomly assigned to an individual when their criminal record is first submitted to the CIB. It remains the same for all subsequent interactions with the WV records repository.

Virtual Office

An information system created and maintained by the WVSP, providing interconnected access to criminal justice systems across the state. It includes the WV Computerized Criminal History System (CCH), fingerprint-based background checks (AFIS), LiveScan

results, the WV Statewide License Plate Recognition System (LPR), WV Intelligence eXchange (WVIX), and NCIC and Nlets queries via the WV message switch.

Virtual Private Network (VPN)

A secure network that creates private remote sessions over public networks, allowing devices to send and receive data as if directly connected to a private network, while maintaining security and management policies.

Appendix C: LiveScan Locations in WV

Correctional Centers

| Facility | Nodename | Address | City | State | Zip |
|-----------------------------------|----------|--|-----------------------|-------|-------|
| Anthony Correctional Center | WVLSS514 | 313 Anthony Center Drive | White Sulphur Springs | WV | 24986 |
| Beckley Correctional Center | WVLSS513 | 111 S. Eisenhower Drive | Beckley | WV | 25801 |
| Charleston Correctional Center | WVLSS506 | 1356 Hansford Street | Charleston | WV | 25301 |
| DCR Central Office | WVLSS507 | 1409 Greenbrier Street | Charleston | WV | 25311 |
| Denmar Correctional Center | WVLSS512 | 4319 Denmar Rd | Hillsboro | WV | 24946 |
| Huttonsville Correctional Center | WVLSS504 | 109 HCC Blvd | Huttonsville | WV | 26273 |
| Lakin Correctional Center | WVLSS502 | 11264 Ohio River Road | West Columbia | WV | 25287 |
| Martinsburg Correctional Center | WVLSS505 | 38 Grapevine Road | Martinsburg | WV | 25401 |
| McDowell Correctional Center | WVLSS509 | 795 Virginia Ave | Welch | WV | 24801 |
| Mt Olive Corrections | WVLSS500 | 1 Mountainside Way | Mt. Olive | WV | 25185 |
| Northern Correctional Facility | WVLSS510 | 112 Northern Regional Correctional Drive | Moundsville | WV | 26041 |
| Ohio County Correctional Facility | WVLSS511 | 1501 Eoff Street | Wheeling | WV | 26003 |
| Parkersburg Correctional Facility | WVLSS508 | 225 Holiday Hills Drive | Parkersburg | WV | 26104 |
| Pruntytown Correctional Center | WVLSS509 | 2006 Trap Springs Road | Grafton | WV | 26354 |
| Salem Correctional Center | WVLSS501 | 7 Industrial Blvd. | Industrial | WV | 26426 |
| St Marys Correctional Center | WVLSS503 | 2880 N. Pleasants Highway | St. Marys | WV | 26170 |

Regional Jails

| Facility | Nodename | Address | City | State | Zip |
|---------------------------------|----------|--|-------------|-------|-------|
| Central Regional Jail | WVLSS520 | 1255 Dyer Hill Road | Sutton | WV | 26601 |
| Eastern Regional Jail | WVLSS521 | 94 Grapevine Road | Martinsburg | WV | 25405 |
| North Central Regional Jail | WVLSS522 | 1 Lois Lane | Greenwood | WV | 26415 |
| Northern Regional Jail | WVLSS523 | 112 Northern Regional Correction Drive | Moundsville | WV | 26041 |
| Potomac Highlands Regional Jail | WVLSS524 | 355 Dolan Drive | Augusta | WV | 26704 |

| | | | | | |
|-----------------------------|----------|----------------------------|---------------|----|-------|
| South Central Regional Jail | WVLSS525 | 1001 Centre Way | Charleston | WV | 25309 |
| Southern Regional Jail | WVLSS526 | 1200 Airport Road | Beaver | WV | 25813 |
| Southwestern Regional Jail | WVLSS527 | 1300 Gaston Caperton Drive | Holden | WV | 25625 |
| Tygart Regional Jail | WVLSS528 | 400 Abbey Road | Belington | WV | 26250 |
| Western Regional Jail | WVLSS529 | One O'Hanlon Place | Barboursville | WV | 25504 |

WVSP Livescans

| Facility | Nodename | Address | City | State | Zip |
|----------------------------|----------|------------------------------------|------------------|-------|-------|
| WVSP - Turnpike North | | 4124 Kanawha Turnpike | South Charleston | WV | 25309 |
| Academy | WVLSS102 | 135 Academy Drive - - Building PDC | Dunbar | WV | 25064 |
| Beckley | WVLSS110 | 105 Pinecrest Drive | Beckley | WV | 25801 |
| Beckley Turnpike | WVLSS167 | 201 Pikeview Drive | Beckley | WV | 25801 |
| Berkeley Springs | WVLSS141 | 1750 Valley Rd | Berkeley Springs | WV | 25411 |
| Bridgeport | WVLSS118 | 2350 Murphys Run Rd | Bridgeport | WV | 26330 |
| Buckhannon | WVLSS152 | 20 B-U Dr | Buckhannon | WV | 26201 |
| Charles Town | WVLSS123 | 409 Industrial Blvd | Kearneysville | WV | 25430 |
| Clay | WVLSS135 | 5650 Big Otter Highway | Clay | WV | 25043 |
| Wirt County Court House | WVLSS225 | 19 Washington Street | Elizabeth | WV | 26143 |
| Elkins | WVLSS122 | 5190 Beverly Pike | Beverly | WV | 26253 |
| Fairmont | WVLSS130 | 320 Lafayette Street | Fairmont | WV | 26554 |
| Franklin | WVLSS165 | 3823 Blue Gray Trail | Franklin | WV | 26807 |
| Gauley Bridge | WVLSS136 | 10365 Midland Trail | Gauley Bridge | WV | 25085 |
| Capitol Complex/Gilbert | WVLSS217 | 1900 Kanawha Blvd East | Charleston | WV | 25305 |
| Glenville | WVLSS156 | 4640 WV Highway 5E | Glenville | WV | 26351 |
| Grafton | WVLSS157 | 45 Mill Street | Grafton | WV | 26354 |
| Grantsville | WVLSS224 | 363 Main Street | Grantsville | WV | 26147 |
| Hamlin | WVLSS106 | 8152 Court Ave | Hamlin | WV | 25523 |
| Harrisville | WVLSS158 | 581 Ford St | Harrisville | WV | 26362 |
| Hinton | WVLSS143 | 46 Hinton Bypass | Hinton | WV | 25951 |
| WVSP - Hundred/Wirt County | WVLSS225 | 4124 Kanawha Turnpike | South Charleston | WV | 25309 |
| Huntington | WVLSS103 | 3339 US Route 60 E | Huntington | WV | 25705 |
| Jesse | WVLSS132 | 7712 Appalachian Highway | Jesse | WV | 24849 |
| Keyser | WVLSS164 | 7300 Fort Ashby Rd | Keyser | WV | 26726 |

| | | | | | |
|------------------|----------|-------------------------|------------------|----|-------|
| Kingwood | WVLSS162 | 50 JT Brammer Lane | Kingwood | WV | 26537 |
| Lewisburg | WVLSS133 | 381 Greenbrier Rd | Lewisburg | WV | 24901 |
| Logan | WVLSS109 | 8040 Old Logan Rd | Chapmanville | WV | 25508 |
| Madison | WVLSS112 | 347 Kenmore Dr Suite 2A | Danville | WV | 25053 |
| Marlinton | WVLSS113 | 16212 Seneca Trail | Buckeye | WV | 24924 |
| Martinsburg | WVLSS124 | 14 Trooper Drive | Martinsburg | WV | 25401 |
| Mason County | WVLSS140 | 11344 Ohio River Rd | West Columbia | WV | 25287 |
| Moorefield | WVLSS166 | 5153 US 220 S | Moorefield | WV | 26836 |
| Morgantown | WVLSS116 | 3453 Monongahela Blvd | Morgantown | WV | 26505 |
| Moundsville | WVLSS119 | 1700 S Lafayette Ave | Moundsville | WV | 26041 |
| New Cumberland | WVLSS146 | 32 Rockyside Rd | New Cumberland | WV | 26047 |
| Oak Hill | WVLSS114 | 3057 Main St | Oak Hill | WV | 25901 |
| Paden City | WVLSS150 | 7223 Veterans Highway | New Martinsville | WV | 26155 |
| Parkersburg | WVLSS117 | 3828 Staunton Turnpike | Parkersburg | WV | 26104 |
| Parsons | WVLSS155 | 9105 Seneca Trail | Hambleton | WV | 26269 |
| Philippi | WVLSS160 | 17 Bear Run Rd | Philippi | WV | 26416 |
| Princeton | WVLSS111 | 910 Oakvale Rd | Princeton | WV | 24740 |
| Quincy | WVLSS105 | 2700 E DuPont Ave | Belle | WV | 25015 |
| Rainelle | WVLSS144 | 354 John Raine Dr | Rainelle | WV | 25962 |
| Richwood | WVLSS153 | 12 White Ave | Richwood | WV | 26261 |
| Ripley | WVLSS138 | 1700 Ripley Rd | Ripley | WV | 25271 |
| Romney | WVLSS121 | 525 Depot St | Romney | WV | 26757 |
| South Charleston | WVLSS100 | 711 Jefferson Rd | South Charleston | WV | 25309 |
| Spencer | WVLSS139 | 100 Triplett Rd | Spencer | WV | 25276 |
| St Marys | WVLSS151 | 1313 Second St | St Marys | WV | 26170 |
| Summersville | WVLSS115 | 100 Service Rd | Summersville | WV | 26651 |
| Sutton | WVLSS120 | 1259 Dyer Hill Rd | Sutton | WV | 26601 |
| Union | WVLSS134 | 55 Middle Street | Union | WV | 24983 |
| Wayne | WVLSS104 | 300 Sansom Ave | Wayne | WV | 25570 |
| Webster Springs | WVLSS154 | 5525 Webster Rd | Upper Glade | WV | 26266 |
| Welch | WVLSS131 | 850 Virginia Ave | Welch | WV | 24801 |
| Wellsburg | WVLSS147 | 1315 Commerce Ave | Wellsburg | WV | 26070 |
| West Union | WVLSS159 | #2 Lois Lane | Greenwood | WV | 26415 |

| | | | | | |
|----------|----------|----------------|----------|----|-------|
| Weston | WVLSS161 | 86 Gladly Fork | Weston | WV | 26452 |
| Wheeling | WVLSS145 | 2600 Eoff St | Wheeling | WV | 26003 |

Livescans at WVSP HQ

| Facility | Nodename | Address | City | State | Zip |
|--------------------------|----------|-------------------|------------------|-------|-------|
| Information Building LSS | WVLSS125 | 701 Jefferson Rd. | South Charleston | WV | 25309 |
| Criminal Portable | WVLSS126 | 701 Jefferson Rd. | South Charleston | WV | 25309 |
| WVSP Batmobile South | WVLSS183 | 701 Jefferson Rd. | South Charleston | WV | 25309 |
| WVSP Batmobile North | WVLSS184 | 701 Jefferson Rd. | South Charleston | WV | 25309 |

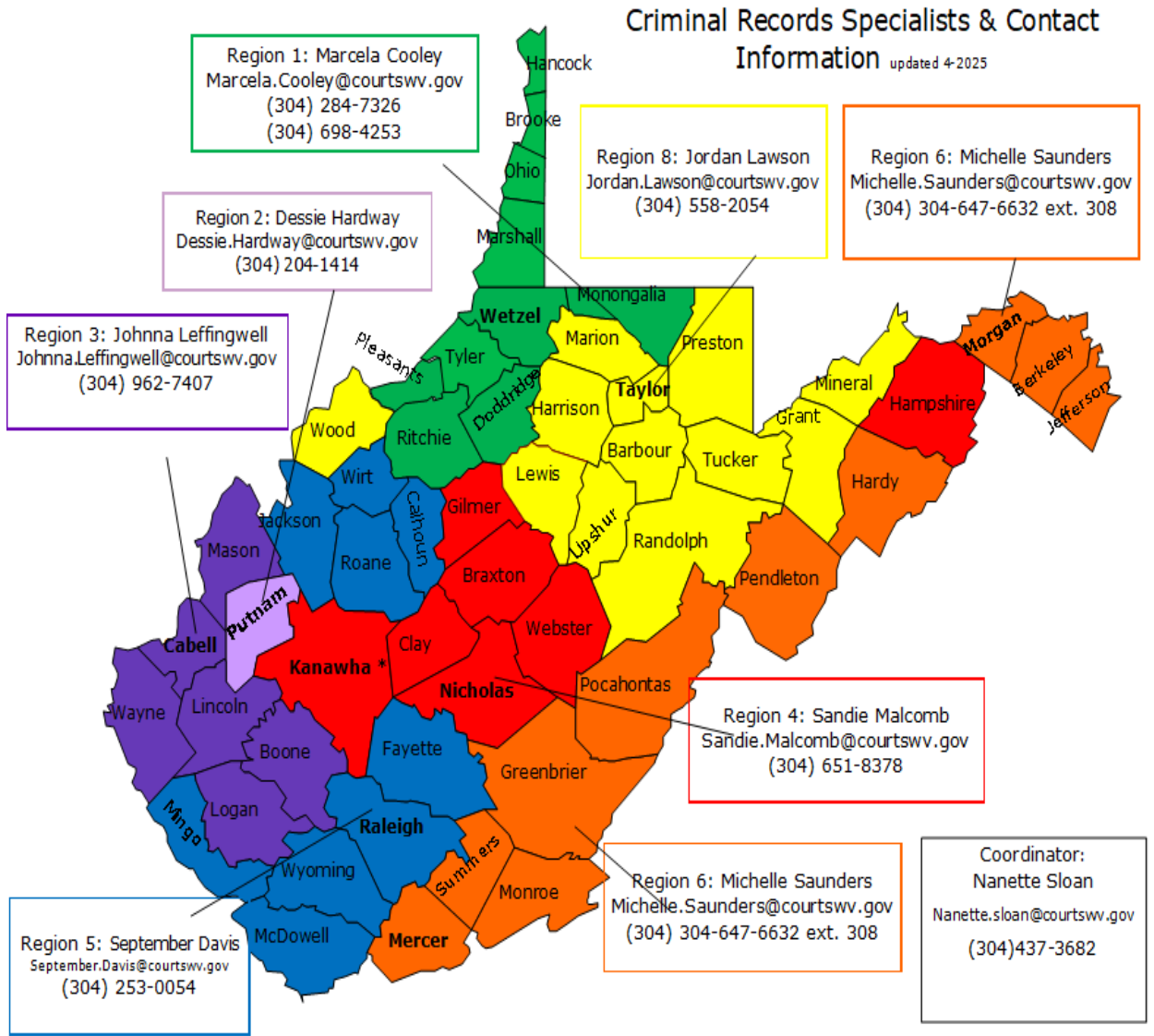
External WV Livescans

| Agency | Nodename | Address | City | State | Zip |
|------------------------------|----------|----------------------------|-------------|-------|-------|
| Beckley Police Department | WVLSS172 | 501 Neville St. | Beckley | WV | 25801 |
| Berkeley County SO | WVLSS235 | 400 West Stephens Street | Martinsburg | WV | 25401 |
| Bluefield PD | WVLSS218 | 200 Rogers St. | Bluefield | WV | 24701 |
| Bridgeport PD | WVLSS221 | 515 West Main Street | Bridgeport | WV | 26330 |
| Cabell County Courthouse | WVLSS209 | 750 Fifth Ave. | Huntington | WV | 25701 |
| Charleston PD | WVLSS170 | 501 Virginia Street East | Charleston | WV | 25301 |
| Charleston PD | WVLSS201 | 501 Virginia Street East | Charleston | WV | 25301 |
| Charleston Police Department | WVLSS203 | 501 Virginia Street Easy | Charleston | WV | 25305 |
| Clarksburg PD | WVLSS214 | 222 W. Main Street | Clarksburg | WV | 26301 |
| DHHR Berkley County | WVLSS174 | 433 Mid-Atlantic Parkway | Martinsburg | WV | 25404 |
| DHHR Cabell County | WVLSS175 | 2699 Park Avenue Suite 100 | Huntington | WV | 25704 |
| DHHR Kanawha County | WVLSS176 | 4190 W. Washington Street | Charleston | WV | 25313 |
| DHHR Marion County | WVLSS177 | 9083 Middletown Mall | Fairmont | WV | 26554 |
| DHHR Raleigh County | WVLSS178 | 407 Neville Street | Beckley | WV | 25801 |
| DHHR Randolph County | WVLSS179 | 1027 North Randolph Avenue | Elkins | WV | 26241 |
| DHHR Wood County | WVLSS180 | 400 5th Street | Parkersburg | WV | 25601 |
| Doddridge | WVLSS229 | 1117 WV Rt 18N | West Union | WV | 26456 |
| Fairmont Police Department | WVLSS173 | PO Box 1428 | Fairmont | WV | 26554 |
| Granville PD | WVLSS222 | 1245 Main Street | Granville | WV | 26534 |
| Greenbrier County Courthouse | WVLSS207 | 206 N. Court St. | Lewisburg | WV | 24901 |

| | | | | | |
|---------------------------------------|----------|--------------------------------------|------------------|----|-------|
| Hampshire County Judicial Center | WVLSS248 | 50 S. High St. | Romney | WV | 26757 |
| Hancock County SO | WVLSS234 | 102 North Court St. | New Cumberland | WV | 26047 |
| Hardy County Courthouse | WVLSS257 | 204 Washington St | Moorefield | WV | 26836 |
| Harrison County | WVLSS230 | 301 W Main Street | Clarksburg | WV | 26301 |
| Huntington PD | WVLSS227 | 675 10th Street | Huntington | WV | 25701 |
| Jackson County SO | WVLSS213 | 98 North Maple St. | Ripley | WV | 25271 |
| Kanawha County Sheriff Office | WVLSS169 | 407 Virginia Street East Basement | Charleston | WV | 25309 |
| KCSO Courthouse | WVLSS233 | 111 Court St. | Charleston | WV | 25301 |
| Marshall County SO | WVLSS215 | 601 7th Street | Moundsville | WV | 26041 |
| Marshall County SO | WVLSS216 | 601 7th Street | Moundsville | WV | 26041 |
| Martinsburg PD | WVLSS200 | 232 North Queen Street | Martinsburg | WV | 25401 |
| McDowell County SO | WVLSS219 | 90 Wyoming Street | Welch | WV | 24081 |
| Mercer County | WVLSS228 | 1501 West Main Street Suite 31 | Princeton | WV | 24740 |
| Mineral County Sheriff's Office | WVLL250 | 100 East St. | Keyser | WV | 26726 |
| Monongalia County Sheriff Office | WVLSS202 | 116 Walnut Street | Morgantown | WV | 26505 |
| Monongalia County Courthouse | WVLSS223 | 116 Walnut Street | Morgantown | WV | 26505 |
| Morgan County Courthouse | WVLSS208 | 111 Fairfax St. | Berkeley Springs | WV | 25411 |
| Morgan County Sheriff's Office | WVLSS208 | 77 Fairfax St. | Berkeley Springs | WV | 25411 |
| Morgantown PD | WVLSS168 | 300 Spruce Street | Morgantown | WV | 26505 |
| Nicholas County Courthouse | WVLSS211 | 700 Main St. | Summersville | WV | 26651 |
| Nitro PD | WVLSS232 | 2009 20th St. | Nitro | WV | 25143 |
| Oak Hill Police Department | WVLSS260 | 691 Virginia Street | Oak Hill | WV | 25901 |
| Ohio County Courthouse | WVLSS239 | 51 16th St. | Wheeling | WV | 26003 |
| Parkersburg PD | WVLSS212 | One Government Square | Parkersburg | WV | 26101 |
| Pleasants County Sheriff's Department | WVLSS241 | 301 Court Lane | Saint Mary's | WV | 26170 |
| Preston County Sheriff | WVLSS226 | 103 West Main St | Kingwood | WV | 26537 |
| Princeton Police Department | WVLSS181 | 100 Courthouse Road | Princeton | WV | 24740 |
| Putnam County Courthouse | WVLSS204 | 3389 Winfield Rd. | Winfield | WV | 25213 |
| Raleigh County Courthouse | WVLSS206 | 222 Main St. | Beckley | WV | 25801 |

| | | | | | |
|-------------------------------|----------|---------------------------|-------------|----|-------|
| Raleigh County SO | WVLSS205 | 201 S. Eisenhower Dr. | Beckley | WV | 25801 |
| Ritchie County Court House | WVLSS242 | 115 East Main Street | Harrisville | WV | 26362 |
| Taylor County Courthouse | WVLSS210 | 214 West Main St. | Grafton | WV | 26354 |
| Upshur County Sheriff's | WVLSS251 | 38 W. Main Street, Rm 103 | Buckhannon | WV | 26201 |
| Wayne County Sheriff's Office | WVLSS236 | 700 Hendricks Street | Wayne | WV | 25570 |
| Weirton Police Department | WVLSS171 | 200 Municipal Plaza | Weirton | WV | 26062 |
| Wheeling PD | WVLSS231 | 1500 Chapline St. | Wheeling | WV | 26003 |
| Wood County Sheriff's Office | WVLSS237 | 401 Second Street | Parkersburg | WV | 26101 |
| WVU PD | WVLSS182 | 3040 University Avenue | Morgantown | WV | 26506 |
| WVU PD - Old Livescan | WVLSS220 | WVU Football Stadium | Morgantown | WV | 26505 |

Appendix D: Criminal Records Specialists' Contact Information



Appendix E: Additional Contact Information

Supreme Court of Appeals of West Virginia

Administrative Office

Building One, Room E-100
1900 Kanawha Boulevard, E.
Charleston, WV 25305-0830

- IT Service Desk: 304-340-2957 | servicedesk@courtswv.gov
- Criminal Records Coordinator: Nanette Sloan | 304-340-4311 | nanette.sloan@courtswv.gov

Division of Circuit and Family Court Services

The Division of Circuit & Family Court Services oversees circuit and family courts throughout the state, as well as numerous projects to improve the court system, including mental hygiene services, and Access to Justice., and judicial education, which includes training programs for all judicial officers and court staff, mandatory and continuing judicial legal education credits, college/graduate school education benefits for court staff, and general conference information. It also works to provide access for all in the court system through language access and sign language interpreters. The Division is also responsible for all court forms and court reporters.

- Director: Lisa Tackett, Esq. | 304-558-6831 | lisa.tackett@courtswv.gov
- Deputy Director: Virginia Grottendieck, Esq. | 304-558-6831 | virginia.grottendieck@courtswv.gov
- Access to Justice questions: Pepper Arrowood | 304-558-6831 | pepper.arrowood@courtswv.gov

*Please direct all questions regarding mental hygiene services to Virginia Grottendieck.

Division of Magistrate Court Services

The Division of Magistrate Court Services provides administrative support for magistrate courts, magistrates, clerks, and assistants.

- Director: Nicole Cofer, Esq. | 304-340-2915 | nicole.cofer@courtswv.gov

Division of Probation Services

The Division of Probation Services deals with policy development, provides general oversight of circuit court probation services, and administers Interstate Compact for

Juveniles. The division also oversees the treatment court programs, including adult, juvenile, and family drug treatment court programs.

- Director: Stephanie Bond | 304-558-6835 | stephanie.bond@courtswv.gov

Division of Children's Services

The Division of Children's Services assists with the Court's initiatives to improve outcomes for children and families involved in abuse and neglect, child welfare, and juvenile justice systems. The Court Improvement Program and the Juvenile Justice Commission are housed in this department.

- Director: Cindy Largent-Hill | 304-558-6847 | cindy.hill@courtswv.gov
-

West Virginia State Police – Criminal Identification Bureau

701 Jefferson Road

South Charleston, WV 25309

- Phone: 304-746-2100
- Fax: 304-746-2402 or 304-746-2403
- Director of Criminal Records: First Sgt. Jaclyn McClung | 304-746-2100 | lori.j.mcclung@wvsp.gov
- Director of Information Services: Chris Behre | 304-746-2489 | christopher.j.behre@wvsp.gov
- UCR Supervisor: Marilla Amburgey | 304-746-2100 | marilla.amburgey@wvsp.gov
- Sex Offender/Child Abuser supervisor: Hope Childers | 304-746-2100 | hope.m.childers@wvsp.gov
- Criminal History/Concealed Weapons Permit: James Cochran | 304-746-2192 | james.e.cochran@wvsp.gov
- Biometrics Supervisor: Jennifer Yanak | 304-746-2236 | jennifer.l.yanak@wvsp.gov
- Non-Criminal Applicant Background/Expungements/CI Reports: Marilla Amburgey | 304-746-2236 | marilla.amburgey@wvsp.gov

IDEMIA LiveScan Series Technical Support

24-Hour Customer Support Center: 1-800-734-6241

- Senior Customer Support Engineer: Mark Roberts | 1-800-734-6241 or 304-533-9501 | mark.roberts@us.idemia.com
-

Federal Bureau of Investigation – Criminal Justice Information Services

1000 Custer Hollow Road
Clarksburg, WV 26306

- Phone: 304-625-2000
- Website: <https://www.fbi.gov/services/cjis>
- CJIS Control Services Officer (CSO): Jaclyn McClung | 304-746-2100 | lori.j.mcclung@wvsp.gov
- Information Security Officer (ISO): Chris Behre | 304-746-2489 | christopher.j.behre@wvsp.gov

West Virginia CJIS Complex Switchboard

- Phone: 304-625-2000

IAFIS User Support (Helpdesk)

Handles centralized problem reporting, tracking, and monitoring.

- Phone: 304-625-4357

Special Processing Center

Processes criminal expedite fingerprint and special record services requests. Operates 24/7.

- Phone: 304-625-5584
- Fax: 304-625-5587

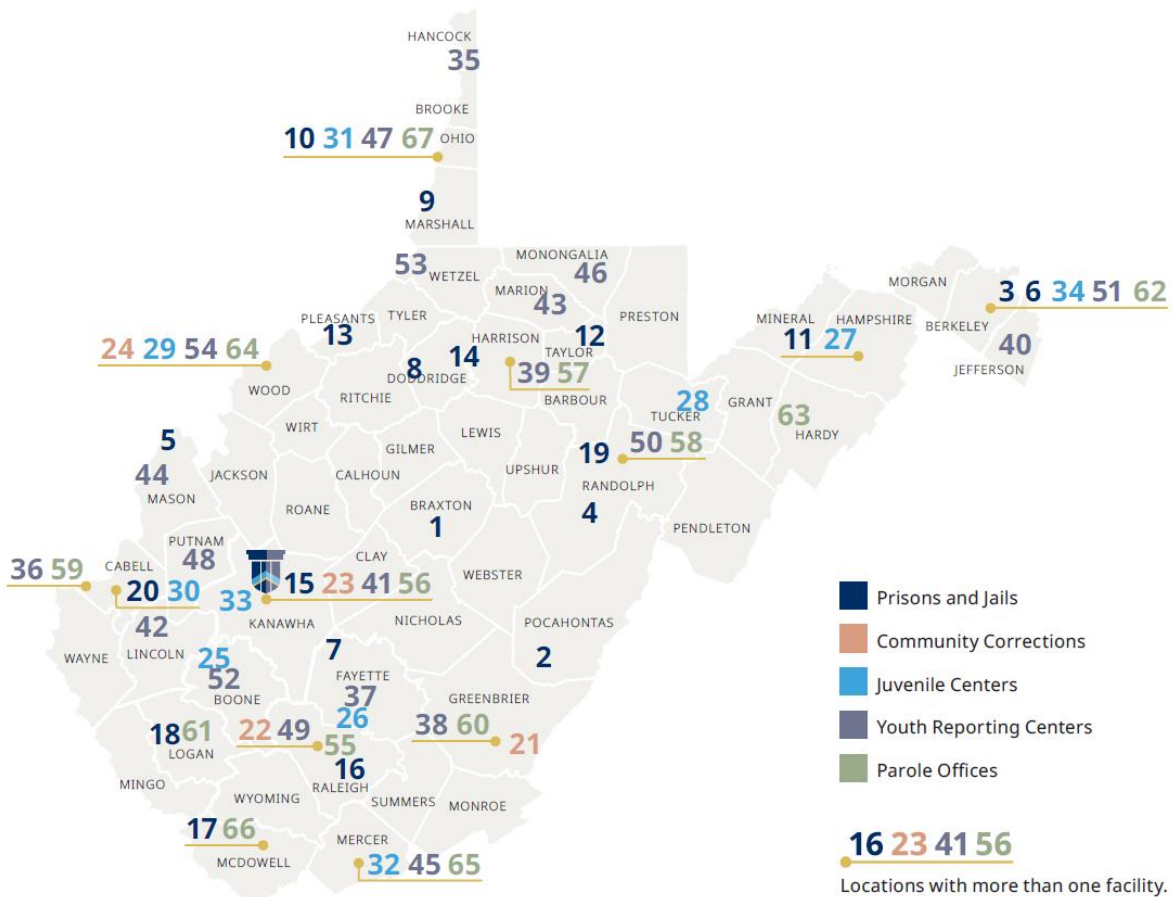
Customer Service Group

Serves law enforcement agencies and private citizens with complex matters regarding fingerprint submissions. Provides FBI policy and procedure explanations.

- Phone: 304-625-5590
- Fax: 304-625-3571

Appendix F: Division of Corrections & Rehabilitation Facility Map and Contact Information

The West Virginia Division of Corrections and Rehabilitation operates in 67 different locations around the state.



Facility Key and Contact Information

1. Central Regional Jail and Correctional Facility (CRJ)

Address: 1255 Dyer Hill Road, Sutton, WV 26601

County: Braxton

Phone: (304) 765-7904

Description: Detention for pre-trial felons and misdemeanors, as well as sentenced felons and misdemeanors in Braxton, Gilmer, Calhoun, Nicholas, Lewis, Roane, Webster, and Clay Counties.

- 2. Denmar Correctional Center and Jail (DCC)**
Address: 4319 Denmar Road, Hillsboro, WV 24946
County: Pocahontas
Phone: (304) 653-4201
Description: Medium security prison, housing levels 1-3. Includes correctional industries worksite and supervised outside work crews.
- 3. Eastern Regional Jail and Correctional Facility (ERJ)**
Address: 94 Grapevine Road, Martinsburg, WV 25405
County: Berkeley
Phone: (304) 267-0045
Description: Detention for pre-trial felons and misdemeanors, sentenced felons and misdemeanors for Berkeley, Morgan, and Jefferson Counties.
- 4. Huttonsville Correctional Center and Jail (HCC)**
Address: P.O. Box 1, Huttonsville, WV 26273
County: Randolph
Phone: (304) 335-2291
Description: Medium security prison with housing levels 1-5, segregation, RSAT unit, geriatric unit, correctional industries work site, and a work camp.
- 5. Lakin Correctional Center and Jail (LCC)**
Address: 11264 Ohio River Road, West Columbia, WV 25287
County: Mason
Phone: (304) 674-2440
Description: All-female maximum-security facility with various units including intake, diagnostic, and behavioral health.
- 6. Martinsburg Correctional Center (MCC)**
Address: 38 Grapevine Road, Martinsburg, WV 25405
County: Berkeley
Phone: (304) 267-0156
Description: Facility focused on intake and diagnostic services for male inmates.
- 7. Mount Olive Correctional Complex (MOCC)**
Address: 1 Mountainside Way, Mt. Olive, WV 25185
County: Fayette
Phone: (304) 442-7213
Description: Maximum security prison housing levels 1-5 and providing RSAT, correctional industries, and other programs.

- 8. North Central Regional Jail and Correctional Facility (NCRJ)**
Address: 1 Lois Lane, Greenwood, WV 26415
County: Doddridge
Phone: (304) 873-1384
Description: Provides detention for pre-trial felons and misdemeanors, as well as sentenced felons and misdemeanors from multiple northern counties, including Harrison, Marion, and Monongalia.
- 9. Northern Regional Jail and Correctional Facility (NRJ)**
Address: 112 Northern Regional Correction Drive, Moundsville, WV 26041
County: Marshall
Phone: (304) 843-4067
Description: Detention for pre-trial felons and misdemeanors, as well as sentenced inmates from multiple northern counties.
- 10. Ohio County Correctional Center (OCCC)**
Address: 1501 Eoff Street, Wheeling, WV 26003
County: Ohio
Phone: (304) 238-1007
Description: Reentry facility for male inmates nearing parole or release.
- 11. Potomac Highlands Regional Jail and Correctional Facility (PHRJ)**
Address: 13 Dolin Drive, Augusta, WV 26704
County: Hampshire
Phone: (304) 496-1275
Description: Serves pre-trial detainees and sentenced inmates from several counties in the Potomac Highlands region.
- 12. Pruntytown Correctional Center and Jail (PCC)**
Address: 2006 Trap Springs Road, Grafton, WV 26354
County: Taylor
Phone: (304) 265-6111
Description: Minimum-to-medium security facility with vocational training programs.
- 13. Saint Mary's Correctional Center and Jail (SMCC)**
Address: 2880 N. Pleasants Highway, St. Marys, WV 26170
County: Pleasants
Phone: (304) 684-5500

Description: Medium security prison housing adult males with work release and educational opportunities.

14. Salem Correctional Center and Jail (SCC)

Address: 7 Industrial Blvd, Industrial, WV 26426

County: Harrison

Phone: (304) 782-2371

Description: Medium security prison housing adult males, including intake and diagnostic services and substance abuse treatment programs.

15. South Central Regional Jail and Correctional Facility (SCRJ)

Address: 1001 Centre Way, Charleston, WV 25309

County: Kanawha

Phone: (304) 558-1336

Description: Provides detention for pre-trial felons and misdemeanors, as well as sentenced inmates from multiple counties, including Boone, Clay, Jackson, Kanawha, and Roane.

16. Southern Regional Jail and Correctional Facility (SRJ)

Address: 1200 Airport Road, Beaver, WV 25813

County: Raleigh

Phone: (304) 256-6726

Description: Serves pre-trial and sentenced inmates from Raleigh and surrounding counties.

17. Stevens Correctional Center (SCC)

Address: 795 Virginia Avenue, Welch, WV 24801

County: McDowell

Phone: (304) 436-8530

Description: Medium security prison housing adult male inmates with reentry and educational opportunities.

18. Southwestern Regional Jail and Correctional Facility (SWRJ)

Address: 13 Gaston Caperton Drive, Holden, WV 25625

County: Logan

Phone: (304) 239-3032

Description: Detains pre-trial and sentenced inmates from multiple counties in southwestern WV.

19. Tygart Valley Regional Jail and Correctional Facility (TVRJ)

Address: 400 Abbey Road, Belington, WV 26250

County: Barbour

Phone: (304) 637-0382

Description: Regional facility housing pre-trial and sentenced inmates from the surrounding region.

20. Western Regional Jail and Correctional Facility (WRJ)

Address: One O'Hanlon Place, Barboursville, WV 25504

County: Cabell

Phone: (304) 733-6821

Description: Provides detention for pre-trial and sentenced inmates from counties in western WV.

21. Anthony Correctional Center (ACC)

Address: HC 70, Box 15A, White Sulphur Springs, WV 24986

County: Greenbrier

Phone: (304) 536-3911

Description: Residential facility providing structured programs for young adult male and female offenders, focusing on education, treatment, and life skills.

22. Beckley Correctional Center and Jail (BCC)

Address: 111 S. Eisenhower Drive, Beckley, WV 25801

County: Raleigh

Phone: (304) 256-6726

Description: Minimum-security facility housing adult males and females, including work-release and community service programs.

23. Charleston Correctional Center and Jail (CCC)

Address: 1356 Hansford Street, Charleston, WV 25301

County: Kanawha

Phone: (304) 340-6921

Description: Minimum-security facility housing adult males and females with work-release and community reintegration programs.

24. Parkersburg Correctional Center and Jail (PCC)

Address: 225 Holiday Hills Drive, Parkersburg, WV 26104

County: Wood

Phone: (304) 420-2443

Description: Minimum-security facility housing adult male inmates with work-release, education, and substance abuse treatment programs.

Appendix G: Arrest Correction, Addition, and Deletion Form



WEST VIRGINIA STATE POLICE
INFORMATION SERVICES CENTER
CRIMINAL RECORDS SECTION
701 Jefferson Road
South Charleston, West Virginia 25309-1698

Colonel J. L. Mitchell
Superintendent

ARREST CORRECTION, ADDITION, DELETION FORM

Arresting Agency: _____

Subjects Name: _____

DOB: ____/____/____

SSN: ____/____/____

Date of Arrest: ____/____/____

Date of Offense: ____/____/____

TCN (LIVESCAN #) _____

CORRECTION ADDITION DELETION

Incorrect Charges: _____

Correct Charges: _____

Incorrect Arresting Agency: _____

Correct Arresting Agency: _____

Incorrect Date of Arrest: ____/____/____ Correct Date of Arrest: ____/____/____

OTHER (Please explain what is incorrect and what is correct): _____

Arresting Officer: _____ Fingerprinting Officer: _____

Agency Official Requesting Correction: _____ Date: _____

Corrections to an arrest can only be made by the arresting agency. Please return completed form to CIB@wvsp.gov

Questions? Please call (304) 746-2430


Integrity Fairness Respect Honesty Courage Compassion
www.wvsp.gov

[Arrest Correction, Add-Del Form.pdf](#)

Appendix H: Mug Shot Reference Guide













Your Mug Shots Should Look Much Like This

1. Face Straight On
2. Properly Lighted
3. Properly Composed





IMPORTANT

Your primary photo should be without glasses.

| | | | | | |
|----|------------------------------|--|---|--|--|
| 1. | Face Not Straight On |  Side to side tilt |  Front to back tilt |  Side to side rotation |  Smile or grimace, mouth open |
| 2. | Not Properly Lighted |  Too light |  Too dark |  Unevenly lit |  Shadows on background |
| 3. | Not Properly Composed |  Too loose |  Too tight |  Texture or objects in background |  Obstructions to face hair, glasses, piercings, dirt, blood, excessive make-up |

When possible, long hair should be tied back or at least tucked behind ears.

Head coverings should be removed unless they serve a religious or medical purpose.

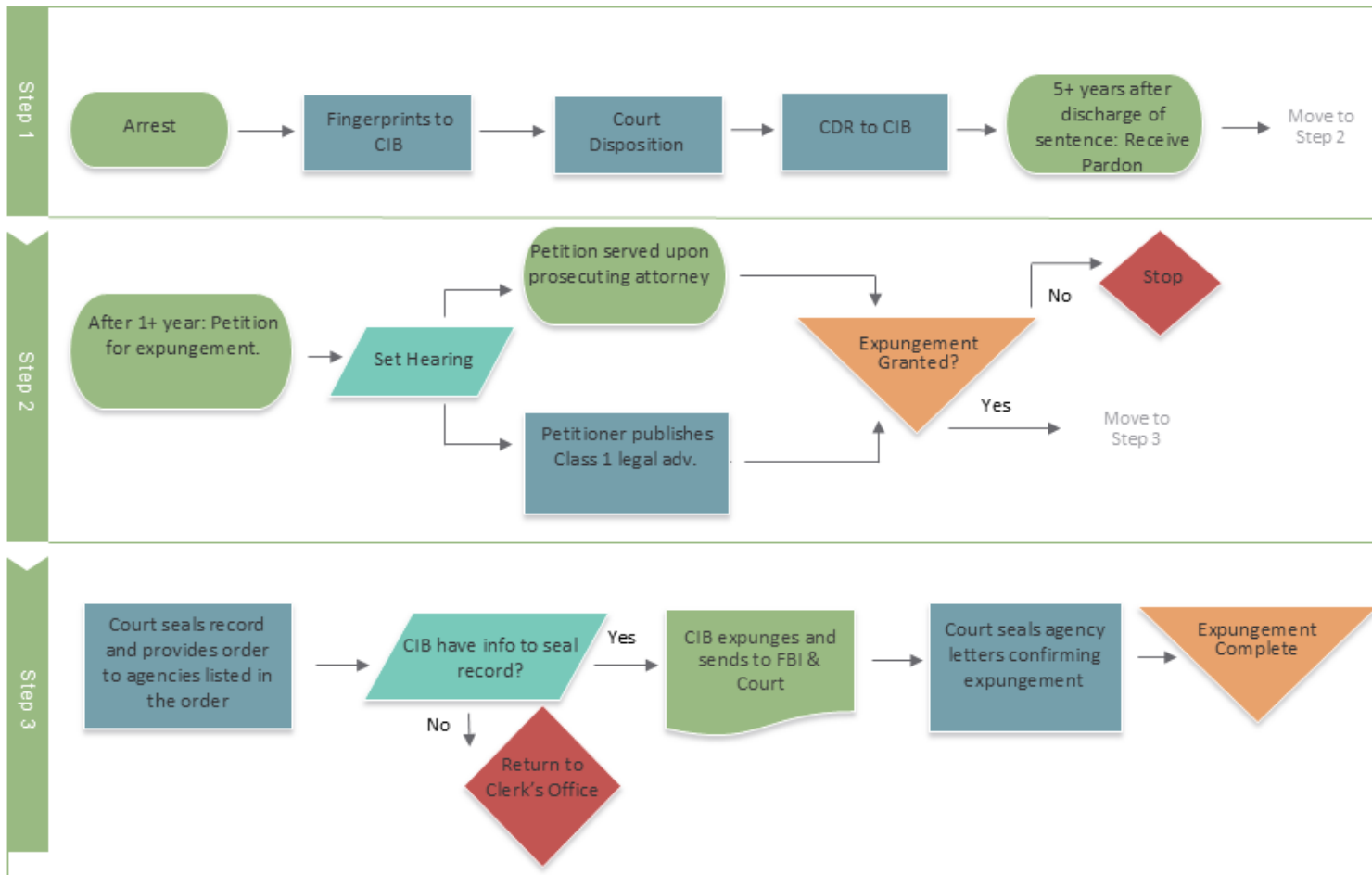
* These photographs are not for training purposes and the person depicted herein has no criminal history. They are being used for educational and training purposes only.

Revised 4/25/2013

[CJIS Link Photo Finish: Your Mug Shots Should Look Much Like This — FBI](#)

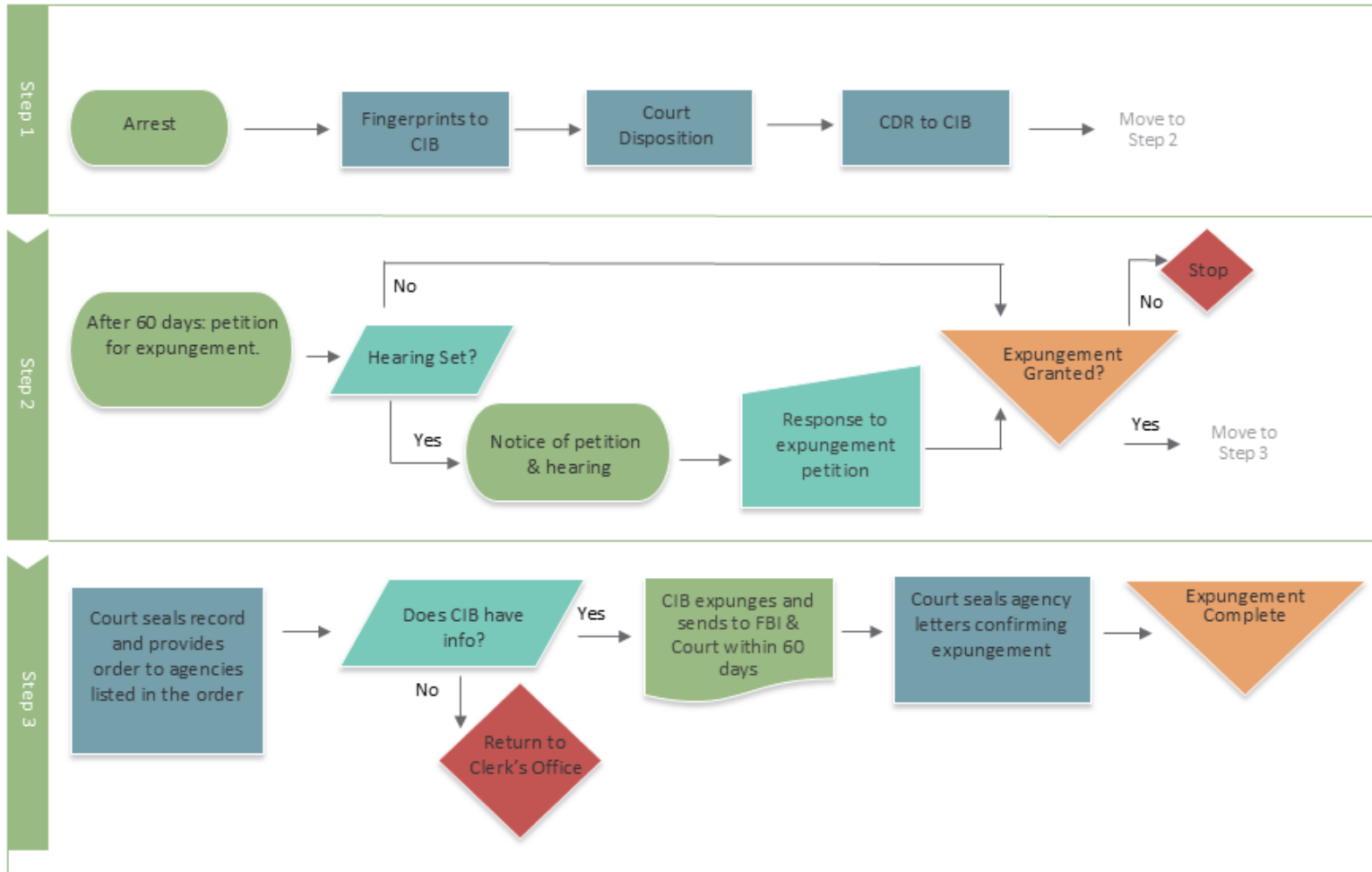
Appendix I: Expungement – Pardon by the Governor Flowchart

W.Va. Code 5-1-16a



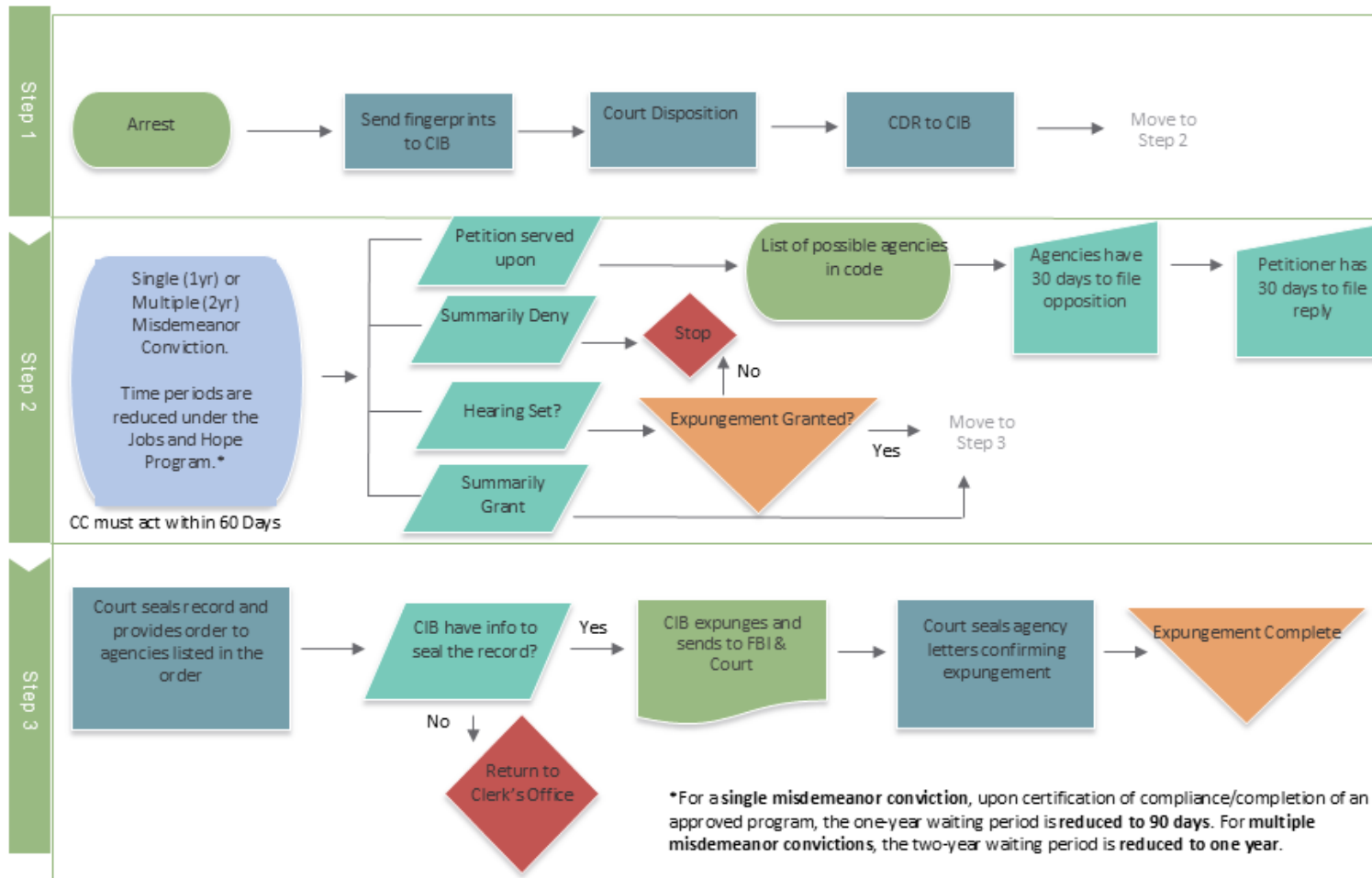
Appendix J: Expungement – Dismissal/Acquittal Flowchart

W.Va. Code 61-11-25 (Any charge dismissed in exchange for a guilty plea to another offense is not eligible for expungement)



Appendix K: Expungement – Qualifying Misdemeanors Flowchart

W.Va. Code 61-11-26 & 61-11-26a



Appendix L: Expungement – Non-Violent Felonies Flowchart

W.Va. Code 61-11-26 & 61-11-26a

