

# Live Scan Fingerprinting

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**Background** Legislation was passed in late 1997 that the California Department of Justice (DOJ) developed an automated background check process that requires digitized fingerprints called Live Scan.

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**What is Live Scan** Live Scan is an inkless fingerprinting process. The fingerprints are electronically transmitted to the DOJ in a matter of seconds. Instead of the days required by the old hard cards through the mail.

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**Live Scan Technology** Live Scan technology replaces the process of recording an individual's fingerprint patterns through a rolling process using ink. Rolled ink became smudged through handling and mailing causing the prints to become illegible. This also slowed down the process of the criminal background clearance to a period of weeks or months. The Live Scan process gets results to the employer or licensing agency within days. The DOJ also coordinates forwarding the fingerprints to the FBI if required.

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**July 1, 2005** Effective July 1, 2005 the DOJ no longer accepts ink fingerprints for record requests. All requests must be submitted electronically (Via Live Scan).

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**Who Needs Live Scan** Anyone applying for employment as a Teacher, Daycare Employee, Home Day Care Provider, Foster Parents, Elder Care Givers, Nurses, Doctors, Coaches, Certified Nurse Assistants, Adoptive Parents, Security Guards.

Anyone applying for licensing as a Realtor, Notary, Stock Broker, Attorney, Pharmacist, Psychologist, MFT, LCSW, Driving Instructor, New and Used Salesperson, Vehicle Dealer or any other vehicle industry related occupation licensed by the DMV. Applicants for Law Enforcement and carrying firearms.

Others are Security Guard Companies, Volunteer Organizations, Schools and Financial Institutions. This is by no means a complete list. The industry and legislation is changing daily.

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## Live Scan Fingerprinting, Continued

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### Services Offered

- Live Scan Fingerprinting (Mobile and in office)
  - ORI Packets (Helping organizations to establish there own ORI & Billing Codes)
  - DOT Certified Drug Testing
  - Forensic Certified Drug Testing
  - BAT Certified Breath Alcohol Testing
  - TB Testing
  - Pre-Employment Physicals
  - Child Fingerprinting – Digital on a CD
  - County Criminal History Search
  - Credit Reporting
  - DMV Search
  - Education Verifications
  - Employment Verifications
  - Federal District History Search
  - Professional License Verifications
  - Social Security Traces
  - Statewide Searches
  - Wants & Warrants Search
  - Notary
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### How Does Livescan Work

The true identity of an individual can be established through the submission of fingerprints. Livescan technology replaces the manual process of recording and individual's fingerprint pattern using an inkless electronic process. Livescan digitizes the fingerprint characteristics that make fingerprints unique and enables the electronic transfer of the fingerprints and personal data to the Department of Justice (DOJ) in seconds.

Once the DOJ receives the fingerprints and data the Automated Fingerprint Identification System (AFIS) and National Transaction Management System (NATMS) process them. Most are processed electronically but the few that are not are forwarded to the DOJ's Applicant Response Unit for analysis.

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## Live Scan Fingerprinting, Continued

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### Child Fingerprinting

**Keeping your children safe is a top priority for parents and we want to help that happen.**

The last thing anyone wants to think about is a child missing. But unfortunately it happens every day. The data that the **Child ID Fingerprinting System** program provides can be of immense value to law enforcement officials in a time of need.

**Here is what it does:**

- Photographs the child.
- Important information about the child is entered into a database.
- Each of the child's fingers are scanned and the prints labeled and recorded.
- A printout of the information is given to the parent/guardian.
- A CD may also be recorded at this time.
- We capture 14 fingerprints.

Have total security and peace of mind knowing that you control your child's information and can update it regularly.

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## Live Scan Fingerprinting, Continued

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### **Background Information Being Released**

Penal Code Section 11105 and 13300 identifies who may have access to criminal history information and under what circumstances it may be released. Penal Code Section 13101 has a statutory provision relating to youth organizations providing limited information dissemination to convictions for specific offense. This includes arrest information for certain narcotic and sex crimes.

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### **Background Check Timing**

Livescan fingerprinted have to be submitted within 24 hours of being taken. Once the electronic submission has occurred from the provider to the Department of Justice receive this information within minutes. From this point the criminal background check is usually processed within 72 hours.

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### **Where Can You Be Printed**

You can be printed at **any** approved location by the Department of Justice.

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### **Livescan Requirements**

You need the following items to be fingerprinted.

1. Request for Livescan Form BCII 8016
  2. ORI Code
  3. Valid Photo ID (Expired identification is not accepted)
    - State Drivers License
    - State Identification Card
    - Passport / Immigration Documentation
  4. Submission fees for background check and rolling fee
  5. Valid Social Security Number or Worker Number
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## Live Scan Fingerprinting, Continued

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**Checking Status if Fingerprint Submission**

Allow a minimum of seven days before a status inquiry. After this period please contact the Department of Justices 24 hour automated telephone service center at 916.227.4557. You must have your ATI number which is located on the bottom of form BCII 8016, Request for Livescan Form. You will be promoted for the necessary information to complete this processes.

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**Custodian of Records**

The approved designated person to receive this information. You must go through the approval processes with the DOJ and or FBI. Complete the DOJ Livescan Non Profit & DOJ Live Scan Processing Packet and submit the designated fee. After they have received the necessary information the DOJ will forward you the necessary documents to get fingerprinted to proceed with the background checks. Once approved you must carry a one million dollar professional liability policy and Errors & Omissions Policy.

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**Authorized Access of Information**

(CORI) Criminal Offender Record Information shall only be accessible by the Records Custodian. Staff/ Volunteer with access CORI have received training and counseling on the handling of the CORI and have signed a statement form of acknowledgement and understanding of the criminal penalties for the misuse of CORI. Penal Code Section 502, 11142 and 11143. These individuals have also completed the necessary background check through the DOJ and FBI. Volunteers must be back grounded to pursuant to Section 45125. (I) of the Education Code. Background checks conducted pursuant to Penal Code Section 11105.03 does not meet the Education Code requirements for Volunteer Organizations or State and Local Agency requirements.

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**Sharing Information**

The sharing of information is strictly prohibited and infringes upon the right of privacy as defined in the California Constitutions as defined in Loder v. Municipal Court (1976) 17 Cal. 3d 859. This also precludes the DOJ to control dissemination of CORI as outlined in Section 11105 of the Penal Code.

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## Live Scan Fingerprinting, Continued

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### **Privacy of Information**

State summary criminal background information is officially known as Criminal Offender Record Information (CORI). The California constitution grants California citizens absolute rights to privacy, any individual or agencies violating these privacy rights by the unauthorized release of this information places themselves at both criminal and civil liability. Even when a criminal background checks produces a response that no criminal record exists. This information is confidential.

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### **No Longer Interested Notification**

Once the volunteer is no longer affiliated with the designated organization it is the responsibility of that organization to submit the No Longer Interested form to the DOJ and or FBI for processing. At this time the designated Request for Livescan Form BCII 8016 and corresponding background report must be cross shredded and disposed of per the guidelines of the DOJ and or FBI. This is including having the shredded paperwork destroyed by an approved vender.

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### **Storage of Information**

All record information that is retained by the applicant agency must be stored in a secure and confidential file. This person and area is subject to inspection and record reviews on as needed bases and or yearly by the Department of Justice. All this information shall be under lock and key and only accessible by the Custodian of Records.

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### **Notification**

After completion of being fingerprinted the applicant that does not pass the background check will receive a letter in the mail indicating why. The Custodian of Records will also receive a notice indicating that this individual did not pass the background check. The Custodian of Records will have to speak with the applicant in regards to the finding.

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## **Live Scan Fingerprinting, Continued**

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### **STATEMENT REGARDING THE USE OF CRIMINAL JUSTICE INFORMATION**

**It may be necessary for you to have access to confidential criminal record information in making decisions. Access to such criminal record information is controlled by statute. Misuse of such information may adversely affect the civil rights of prospective volunteers and violates the law. Penal Code Section 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 1300 identify who I permitted access to criminal history information and under what circumstances information may be released. Penal Code Section 11140 – 11144 and 13301-13305 prescribes penalties for misuse of criminal history information. Government Code Section 6200 prescribes the felony penalties for misuse of public records and California Law Enforcement Telecommunications Systems (CLETS) information. Labor Code Section 432.7 prescribes penalties for misuses of certain criminal record information in volunteer decisions.**

**Penal Code Section 11142 and 13303 state:**

**Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.**

**Any volunteer who is responsible for such misuse of criminal record information may be subject to discipline up to and including immediate termination. Violation of this may also result in criminal and or civil action.**

**I HAVE READ AND UNDERSTAND THE ABOVE POLICY FOR CRIMINAL BACKGROUND CHECKS AND SECURING RECEIVED CRIMINAL HISTORY INFORMATION. I AM AWARE OF THE STATUES AND POLICIES PERTAINING TO THE MISUSE OF CRIMINAL RECORD INFORMATION.**

**The duration of this agreement is based valid per facility guild lines.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Typed / Printed Name**

\_\_\_\_\_  
**Date**

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## Live Scan Fingerprinting, Continued

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### **WHICH AGENCIES ARE REQUIRED TO OBTAIN BACKGROUND INFORMATION**

Education Code, Section 10911.5 and Public Resource Code 5164 clearly require agencies that operate recreational areas, programs or centers to obtain State summary criminal information on employees and volunteers, existing or new, who have specific contact with minors. Education Code, Section 10911.5 and Public Resource Code 5164 allow agencies that operate recreational areas, programs or centers to obtain State summary criminal information on independent contractors and their employees who have specific contact with minors.

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The State of California, Department of Justice has also established guidelines for any agency to obtain State summary criminal information on employees and volunteers other than those covered under Education Code Section 10911.5, Public Resource Code 5164 and Penal Code Section 11105.3. The following, also taken from the Penal Code, provides the basis for those guidelines.

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## Live Scan Fingerprinting, Continued

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**Must Be** The following table can be used as a guide by your agency to help determine which employees, volunteers, and/or applicants can, and must be fingerprinted.

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**Must Be  
Fingerprinted**

**Test:**  
Must Fingerprint

**Classifications:**

All who are, or will be, involved in the care and security of children, the elderly, or the handicapped or mentally impaired. Can be full or part-time; paid or volunteer; or independent contractors and their employees.

**Settings:**

Preschool  
School  
After School  
Camps  
Sports Centers  
Recreation Centers/Leagues  
Adult Centers  
Recreational Trips

**Types:**

Teachers  
Coaches  
Camp Staff  
Recreational Staff  
Senior Staff  
Chaperones  
Drivers  
Child Care Staff  
Volunteers  
Non-Licensed Staff

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## Live Scan Fingerprinting, Continued

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**Should Be**

**Test:**  
Should Fingerprint

**Classifications:**

Those who would be at sites, recreational centers or facilities, and do not have specific contact with children, the elderly, or the handicapped or mentally impaired.

**Settings:**

Schools  
Camps  
Pools  
Beaches and Lakes  
Sports Centers  
Recreation Centers  
Museums  
Adult Centers

**Types:**

Lifeguards  
Docents  
Other Volunteers  
Custodians  
Building Attendants  
Groundskeepers  
Special Events Staff

**Test:**

At Discretion of Agency (1)

**Classifications:**

Those who could be at sites, recreational centers or facilities, and do not have specific contact with children, the elderly, or the handicapped or mentally impaired.

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## Live Scan Fingerprinting, Continued

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**Settings:**

All

**Types:**

Office Staff

Equipment Distributors

Performers

Sports Officials

Adult-Only Events Staff

Adult-School Teachers

Adult-Sports Coaches

General Employees

General Volunteers

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**Note**

*(1) A Code, statute or regulation must exist, containing specific reference to, and include requirements and/or exclusions, expressly based upon specific criminal conduct. See Exhibit B for example of policy statement that meets this requirement.*

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