



Policy:

What is the fingerprinting process?

Potential employees of America's Finest Charter School are required to submit fingerprints to the Department of Justice (DOJ) for a background check and must be "cleared", and have turned in all required paperwork in order to start work.

To obtain and submit fingerprints, AFCS uses electronic fingerprinting, called **Applicant LiveScan or LiveScan Screening**. Special equipment in Fingerprinting Services is used to scan fingerprints, which are transmitted to the DOJ in Sacramento. After checking fingerprints, the DOJ sends results to the school.

Live Scan is a system for the electronic submission of applicant fingerprints and the subsequent automated background check and response. Live scan technology replaces the process of recording an individual's fingerprint patterns manually through a rolling process using ink and a standard 8" x 8" fingerprint card. Fingerprints can be digitalized through an electronic process (Live Scan), enabling the electronic transfer of the fingerprint image data, in combination with personal descriptor information, to central computers at the Department of Justice (DOJ). This transfer of information takes place in a matter of seconds, instead of the days required to send hard copy fingerprint cards through the U.S. mail. The applicant visits an Applicant Live Scan satellite location where the fingerprint images and related data are electronically transmitted to the DOJ. The recent, rapid expansion of the number of applicant live scan devices has resulted in an ever increasing volume of applicants availing themselves of live scan technology.

How Live Scan Is Used at AFCS:

With Live Scan, the AFCS applicant is provided with a "Request for Live Scan Service" form (BCII 8016). The applicant is also provided with a list of nearby live scan locations and must go to one of the specified locations to submit fingerprints. At these locations, a trained, certified operator enters the information from the BCII 8016 form into the live scan terminal and initiates the live scan fingerprinting process. After successful electronic capture of the fingerprint images and the accompanying data, the information is electronically transmitted to the DOJ.

Once the fingerprints and data are received by the Department of Justice (DOJ), they are electronically processed by the DOJ Global Transaction Controller (GTC).

Most live scan submissions that have no data or quality errors and do not result in possible criminal history matches are processed automatically and are responded to electronically.



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The AFCS Director shall designate an employee as Record Custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the Record Custodian.

Live scan transmissions requiring analysis of a criminal record are electronically sent to the Applicant Response Unit for analysis and dissemination. Live scan submissions are responded to by electronic mail, and/or U.S. mail when the electronic mail response is not available.

The DOJ will also coordinate other electronic processes resulting from the automated submissions of fingerprints, including forwarding the fingerprints to the FBI (if required) and coordinating the collection of associated fees.

How Results of Live Scan Are Kept:

Criminal Offender Record Information shall be accessible only to the Record Custodian and shall be kept in a locked file separate from other files. The contents of these records shall not be disclosed and shall not be reproduced.

The Record Custodian shall be fingerprinted and processed through the California Department of Justice. He/she shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

These records shall be used only for the purpose for which they were requested.

Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained.

Violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil prosecution.

The Record Custodian shall ensure that the school complies with destruction, storage, dissemination, auditing, back grounding and training requirements as set forth in 11 CCR 700-708 and the rules regarding use and security of these records as set forth in Penal Code 11077.

Interagency Agreements

Upon receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the designated school shall give notice to the Director or any participating school, or the person designated in writing by that Director, that the report is available for inspection on a confidential basis by the Director or the written designee. The report shall be made available at the office of the designated school for 30 days following the receipt of the notice.



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America's Finest Charter School shall not release a copy of that information to any participating school or any other person. In addition, AFCS shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating schools have had an opportunity to inspect it in accordance with law.

AFCS shall maintain a record of all persons to whom the information has been shown. This record shall be available to the Department of Justice.

AFCS shall submit an interagency agreement to the Department of Justice to establish authorization to submit and receive this information.

Procedure:

**SAMPLE EMPLOYEE STATEMENT FORM
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee of _____ School, you may have access to confidential criminal record information which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code 502 prescribes the penalties related to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code 11140-11144 and 13301-13305 prescribes penalties for misuse of criminal history information. Government Code 6200 prescribes the felony penalties for misuse of public record and CLETS (California Law Enforcement Telecommunication System) information. Penal Code 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 employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may also result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature: _____

Date: _____

All information received from the Department of Justice is confidential.

First Reading: 1/27/13

Second Reading:

Adopted: 1/27/13 *Diana Ford*