# Everything You Need to Know About Live Scan

**Church HR Network**

Providing foundation for ministry

If your organization is like most, you have more than a few questions about how to comply with AB 506! The following information will guide you as you dive into the Live Scan requirements imposed by AB 506.

Read on! And if our team at Church HR Network can be of further assistance, don't hesitate to contact us at 888-807-2476.

## Setting Up For Live Scan – 4 Steps

### STEP 1 – Determine Authorization

The Department of Justice (DOJ) will only approve an organization for Live Scan background checks if it is authorized to do so by statute; in this case, that statute is California AB 506, which will specify the level of service you are authorized to receive (i.e., California criminal history information ONLY or California and Federal criminal history information).

We know "youth service organizations" are now required to conduct these background checks by AB 506. So now, proceed with step two – the application process.

### STEP 2  - Apply

You must apply with the Department of Justice (DOJ) to become an authorized applicant agency and receive an Originating Case Identifier (ORI) number.
Find the application for youth organizations here:
https://oag.ca.gov/system/files/media/crimrec-packet.pdf
The application itself will answer most of your questions about the process. It contains a good deal of information in addition to the actual application. In particular, the table of contents notes in red letters those portions of the app which must be submitted and in what order.
Here are some helpful tips for common questions on the application:

- The last question on page 4 says: "Please describe the services your organization provides and the reason criminal record background checks will be conducted pursuant to Penal Code Section 11105.3 in the square box below." An example of an appropriate response for your ministry is: *"Pursuant to AB 506, our [church/ministry/camp] is considered a youth*

*service organization due to the classes, events, programs, etc. we offer to minors. As such, we must submit our employees and regular volunteers to a Live Scan background check."*

o Here is a screenshot of page 5 with the answers marked as you are mostly likely to answer them. As you complete the app, read each question to be sure the most likely answers given in this example apply to you.

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**DEPARTMENT OF JUSTICE**
**REQUEST FOR AUTHORIZATION TO RECEIVE STATE SUMMARY CRIMINAL HISTORY**
**INFORMATION PURSUANT TO PENAL CODE SECTION 11105.3**
YOUTH ORGANIZATIONS - HUMAN RESOURCE AGENCIES

This application is to conduct background checks for (**you must check at least one**)

☐ Employees    ☐ Volunteers    ☒ Employees and Volunteers

Identify the recipients of your organization's services. **Please check all that apply.**

☒ Children    ☐ Elderly    ☐ Handicapped    ☐ Mentally Impaired

1. ☒ Yes ☐ No  Does your agency or organization provide direct services or use the services of volunteers/employees in positions that have immediate supervisory or disciplinary power over a minor or person under his or her care and are responsible for the care and security of these individuals?

2. ☒ Yes ☐ No  Is your organization/agency responsible for the conduct and determining the fitness of the volunteer/employee providing the services? If no please explain:
   _____

3. ☐ Yes ☒ No  Are the employees/volunteers referred by your agency/organization to other entities where they provide your services?
   ☐ Schools  ☐ Residential Homes  ☐ Care Centers  ☐ Other
   _____

4. ☒ Yes ☐ No  Does your agency/organization pay the employees? If other than your agency/organization please explain:
   
   _____

5. ☐ Yes ☒ No  Are the individuals you want to background subject to licensing where fingerprinting and a criminal background check are a requirement of a state or local agency? Example: Commission on Teachers Credentialing, Board of Nursing, Department of Social Service. If yes, please give name of licensing agency.
   _____

6. ☐ Yes ☒ No  Is your organization a non-public school or non-public agency that has an affidavit on file with the State Department of Education?

**I declare under penalty of perjury that the foregoing is accurate to the best of my knowledge.**

Signature: _____    Date: _____

Print Name: _____    Title: _____

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- At the top of page 6,  check the boxes to request both an ORI and electronic response mail code. Towards the bottom, check the box to indicate "We request that all responses be sent electronically to the same secure mailbox."
- You complete only the top portion of page 8. It will be sent back to you with your assigned information filled in the rest of the page.
- Complete page 11 so your organization can be billed for the Live Scan fee instead of the applicants you send paying for the Live Scan service themselves. At the top, check the box to indicate you are a non-profit organization.
- Page 21 is a Live Scan request for the person who will serve as your custodian of records. Don't turn this in with your application; rather, AFTER your application is approved by the DOJ, your custodian of records will take this with them to be Live Scanned.
- Complete page 23, which is for requesting to receive subsequent arrest notifications for those individuals you have Live Scanned. On the line requesting your ORI, put *"application submitted, not received yet."* See the next step for more info.
- Mail your completed application to California Department of Justice, Applicant Information and Certification Program, P.O. Box 903387, Sacramento, CA 94203-3870.

For more details, go to https://oag.ca.gov/fingerprints/agencies and scroll down to the section entitled GETTING AUTHORIZED.

## STEP 3  - Subsequent Arrests

Applicant agencies (like your organization) may apply to receive subsequent arrest notifications for your organization's employees and volunteers. Good news - the associated fee is waived for non-profit organizations! If someone you have Live Scanned is arrested in the state of California after you had them Live Scanned, you will receive notification of their arrest from the DOJ. If you do not receive subsequent arrest notifications, you must re-Live Scan your people every seven years.

Note: if your organization is already approved for Live Scan but you have not applied for subsequent arrest notification, you may submit that application separately here:
https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/subarr.pdf

## STEP 4  - Wait

This is the easy part… sort of. You can't send anyone for Live Scanning until you get your approval. Wait for a written response from the DOJ issuing your ORI. Ordinarily the process takes 4-6 weeks, but the sudden influx of applications due to AB 506 has slowed response time. We recommend

following up on your app by emailing appagencyquestions@doj.ca.gov if you haven't received a response after 8 weeks.

## Fingerprinting – 3 Steps

Once you have been approved and receive your ORI, you may begin sending applicants, employees, and volunteers to be fingerprinted.

### STEP 1 - Send an individual to get Live Scanned

A list of local Live Scan operators can be found at https://oag.ca.gov/fingerprints/locations
Send them with a completed Form BCIA 8016, which can be found at https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/BCIA_8016.pdf. You fill out most of the form; the individual only fills out the middle section called "Applicant Information."

### STEP 2 – Retrieve the results

Once the applicant's fingerprints are received and processed, the DOJ will respond to you either electronically via a Secure Mail Server or via U.S. mail. While most applicant agencies **should** receive results of background checks electronically from the California DOJ, some must receive reports by U.S. mail in a process that can take a minimum of seven days. As such, please allow a minimum of seven days before making a status inquiry, which may be made by email at appagencyquestions@doj.ca.gov.

### STEP 3 - Remit the appropriate fees

California and federal background checks are processed for a fee. Some agencies pay the processing fees and others require the applicant to pay at the time they are fingerprinted. If your agency pays these processing fees, you have the option of (1) paying the fees directly to the Live Scan operator, or (2) establishing a billing account at the time of your initial authorization application (see above; step 2 in first section "Setting Up For Live Scan"), in which case the DOJ will invoice your agency for the processing fees.

For more information on electronic payments, visit https://oag.ca.gov/fingerprints/agencies and scroll down to the section titled "Remit the appropriate fees."

## Want to do your own Live Scanning?

Ministries can become Private Service Providers, which allows them to become Live Scan Operators. Operators are required by the Department of Justice to pass a criminal record background check and obtain a fingerprint rolling certificate. For more information, visit

https://oag.ca.gov/fingerprints/finger_cert. The application for fingerprint rolling certification may be found at: https://oag.ca.gov/fingerprints/finger_cert.

- o   It is important to note the contact person and all fingerprint rollers must be certified to roll fingerprints **prior** to approval of your application.
- o   The process will take 90 to 120 days from the receipt of a complete and accurate application. This time frame does not include obtaining your fingerprint roller certificate.

## Want to buy your own Live Scan machine?

You must become a Private Service Provider and certified Live Scan Operator **before** you buy your Live Scan machine.

The DOJ will only accept prints submitted on equipment from approved Live Scan vendors. Live Scan Machines must be DOJ Compliant. Companies that other ministries are using:

- o   **Biometrics4all**  https://www.biometrics4all.com/
- o   **Certifix**  https://www.certifixlivescan.com/

Check with the DOJ to ensure your machine/vendor is approved before you buy!

## Have questions? Need help?

Contact us at Church HR Network at 888.807.CHRN (2476) or support@churchHRnetwork.com.

For further assistance in compliance with AB 506, we can work with you to develop a custom comprehensive child protection program that is tailored to your ministry. For information on this service and more, visit our website at churchHRnetwork.com



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