

Dixon Soccer Club Livescan Fingerprinting Policy

What is Livescan? Livescan fingerprinting systems capture your fingerprints optically and electronically without the use of ink or paper forms. Effective July 1, 2005 Penal Code Section 11077 mandates the Department of Justice to only accept electronically transmitted images from regulatory entities.

Who Has to Get Livescanned? The Dixon Soccer Club falls under the guidelines of volunteers and working with minors. The State of California, Department of Justice has also established guidelines for any agency to obtain State summary criminal information for volunteers other than those covered under the Education Code Section 109115.5 Public Resource Code 5164 and Penal Code 11105.3. Under these regulation we fall under the category of must be fingerprinted due to the classification “all those who are involved in the care, security of children or contact with children” “volunteer or coaches”.

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 a specific offense. This includes arrest information for certain narcotic and sex crimes.

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.

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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**Checking
Status of
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.

**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.

**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.

**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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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.

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.

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.

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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STATEMENT REGARDING THE USE OF CRIMINAL JUSTICE INFORMATION

As the Registrar of the Dixon Soccer Club, 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 AND DIXON SOCCER CLUB 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 board year. This agreement expires after the election of a new board even though the person may retain the same position.

Signature

Typed / Printed Name

Date

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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.

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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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.

**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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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.

Settings:

All

Types:

Office Staff
Equipment Distributors
Performers
Sports Officials
Adult-Only Events Staff
Adult-School Teachers
Adult-Sports Coaches
General Employees
General Volunteers

⁽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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