

DEPARTMENTAL PROCEDURES MEMORANDUM



DISCIPLINE	Division of Investigation
SUBJECT	CRIMINAL OFFENDER RECORD INFORMATION (CORI)
NUMBER	DPM DOI 15-01
SUPERSEDES	NEW
ISSUE DATE	March 22, 2016

PURPOSE

The Department of Consumer Affairs (“DCA” or “Department”) is authorized to receive Criminal Offender Record Information (CORI) from the Department of Justice (DOJ). CORI is information obtained through fingerprint submission to DOJ in response to a request for a criminal conviction review. DCA is required to obtain fingerprints and conduct a criminal conviction record review for all employees and candidates for employment for positions with access to CORI in order to maintain record security.

The Division of Investigation (DOI) shall act as the Evaluator for DCA and determine employee clearance to access CORI.

This Departmental Procedures Memorandum (DPM) stipulates the process for obtaining and reviewing CORI for affected personnel, as defined in this DPM.

APPLICABILITY

This DPM applies to all non-sworn employees, job applicants, government officials, contractors, consultants, and temporary staff of DCA who have or will have access to CORI in DCA’s offices, divisions, boards, bureaus, programs, commissions, committees, and other constituent agencies that receive CORI (hereafter CORI entities). Within this DPM, the terms “DCA” and “Department” apply to these entities.

AUTHORITY

- *DCA Access and Maintenance of Criminal Offender Record Information (CORI) Policy*
- California Constitution, Article 1, Section 1
- Title 11, California Code of Regulations, section 702
- Title 11, California Code of Regulations, section 703

- Title 11, California Code of Regulations, section 707
- California Penal Code section 11077 et seq.
- California Penal Code section 11105 et seq.
- California Penal Code section 13300-13301

DEFINITIONS

Access refers to the ability to view CORI electronically or on paper. Appointing Authorities determine which positions shall have access to CORI.

Affected personnel are current employees, job applicants, government officials, contractors, or consultants with the need to access CORI.

Clearance is the establishment or finding that the individual has no substantially related criminal conviction record.

Clearance report and non-clearance report are the Evaluator's reports establishing a clearance or non-clearance status of the affected personnel's CORI.

CORI Authority refers to positions which have authority to designate whether other positions require CORI clearance. CORI Authority positions include the Director and members of the Director's Executive Staff, Board Executive Officer, Registrar, Executive Director, Division Chief, Bureau Chief, or Commissioner.

Live Scan involves placing an individual's fingers on a glass scanning surface so a digital image can be scanned. The fingerprints are immediately transmitted to DOJ for completion of the criminal conviction record review. If the authorized personnel is unable to use the Live Scan device, DCA will arrange with DOJ for an alternative method of obtaining the record review.

Non-Clearance is the establishment or finding that an affected personnel has a substantially related criminal conviction record.

Substantially related conviction refers to criminal convictions that impact the affected personnel's ability to perform the duties and responsibilities of accessing CORI. Substantially related convictions include, but are not limited to, offenses of moral turpitude, dishonesty, fraud, and embezzlement. Factors considered in evaluating the affected personnel's criminal convictions and determining his/her suitability to access CORI may include the following:

- The circumstances and severity of the offense
- Time since the conviction
- Age of the affected personnel at the time of the offense
- The number of offenses
- Whether the affected personnel has pending charges
- Whether the affected personnel shows evidence of undergoing rehabilitation

- Any relevant information, including information submitted by the affected personnel or requested by the Evaluator

BACKGROUND

DCA obtains fingerprints and conducts criminal conviction record review, as required by DOJ, on all individuals who have access to CORI in the course of performing duties for the Department.

In accordance with DCA's *Access and Maintenance of Criminal Offender Record Information (CORI)* policy, DCA restricts CORI access to those who have a job-related need to access the information and who have been cleared by the Evaluator. DOI's Chief or his/her designee has delegated authority to act as DCA's CORI Evaluator and determine the affected personnel's eligibility to perform in a position with access to CORI.

PROCEDURES

Process for Affected Personnel

Employees in CORI access positions

Current employees who are in positions identified as CORI-access positions, and who have not already been processed and cleared, will be notified at least 60 days before CORI review begins.

Current employees not previously fingerprinted and who do not want to be fingerprinted will be informed of vacant DCA positions that do not require criminal conviction record review.

An employee may request assistance from the Office of Human Resources (OHR) to identify methods of seeking employment with other State agencies. If an employee has not found a new position at the end of the 60 days, OHR will inform the employee of other alternatives available. All employees that do not receive approval to access CORI will have their duties restructured appropriate to their classification within their respective office, division, board, bureau, program, committee, or commission.

Live Scan Instructions

Live Scan for employees should be done on State time. Affected personnel shall undergo Live Scan in accordance with the following steps:

1. The CORI Authority or his/her designee shall provide the affected personnel with the following:
 - a. A Request for Live Scan Service Form (Attachment A),
 - b. Instructions for completing the Request for Live Scan Service Form (Attachments B and C), and

- c. Instructions for the obtainment of Live Scan Service. Locations for Live Scan Services are found on the DOJ Web site at:
<http://ag.ca.gov/fingerprints/publications/contact.php>

Note: Affected personnel shall be instructed to select a location designated on DOJ's Web site as accepting billing codes.

2. The affected personnel shall be provided with the DOJ-billing code he/she will indicate on the Request for Live Scan Service Form. DCA entities shall use their own respective DOJ-billing code for affected personnel's Live Scan services. DOJ-billing codes can be obtained from the CORI Authority or DCA's Accounting Office.
3. Affected personnel may encounter a processing fee at the Live Scan Service location. If the fee cannot be applied to the Billing Code, DCA employees and hired job applicants may file a subsequent travel claim with the DCA Accounting Office to obtain reimbursement. Non-DCA employees who are not cleared to access CORI and are not hired will not receive reimbursement.
4. Following his/her Live Scan appointment, the affected personnel shall provide a copy of the completed Request for Live Scan Service Form to the CORI Authority.
5. The CORI Authority shall provide a copy of the completed Request for Live Scan Service Form to DOI's Investigations and Services Team (IST).

CORI Review

1. CORI received from DOJ shall be reviewed by the Evaluator. The Evaluator creates a report that establishes either clearance or non-clearance for affected personnel to access CORI.

If there is a criminal conviction, the Evaluator shall consider whether the conviction is substantially related to accessing CORI. If a substantially related conviction is found, the Evaluator shall contact the affected personnel in writing at his/her home address via certified mail to verify the conviction information. If the affected personnel does not respond to the Evaluator, he/she will receive a non-clearance to access CORI.

However, if the evidence shows that no further action needs to be taken, a clearance shall be issued.

2. When a criminal conviction record review does not result in a clearance, the evaluator shall contact the CORI Authority to determine the appropriate action.
3. If the CORI Authority determines that a personnel action is necessary, he/she is responsible to inform the Personnel Officer or his/her designee.

Personnel Actions

When DCA acts upon “non-clearance” reports for employees already working in a program, the employees’ duties shall be restructured appropriate to their classification within their respective office, division, board, bureau, program, committee, or commission.

For open positions which have duties requiring CORI access, clearance must be a contingency for hire. Accordingly, if a report of non-clearance is issued for a job applicant for a CORI access position, he/she may not be hired for the position.

Roles and Responsibilities

Evaluator Responsibility

The Evaluator shall identify and evaluate all criminal conviction records detailed on an affected personnel’s CORI and determine if the conviction(s) is substantially related to accessing CORI as described in this DPM. For each criminal conviction record review, the Evaluator shall issue an appropriate report of clearance or non-clearance to the CORI Authority.

In addition, the Evaluator will maintain records of all clearance/non-clearance reports.

CORI Authority Responsibility

The CORI Authority shall:

- Identify all positions with access to CORI.
- Establish a Live Scan billing code(s) with DOJ and provide it to affected personnel who are undergoing Live Scan service.
- Collect the completed Request for Live Scan Service Form (Attachment A) with the “Live Scan transaction completed by” information noted at the bottom.
- Provide a copy of the completed Request for Live Scan Service Form to DOI.
- Retain a copy of the report of clearance/non-clearance for the duration of an employee’s employment.
- Inform affected personnel that while employed in the CORI-access position, DCA may be notified by DOJ of any subsequent arrests or criminal convictions.
- Send No Longer Interested (NLI) forms for affected personnel to DOJ along with a copy of the NLI to DOI when:
 - An employee vacates a CORI designated position,
 - An employee is no longer employed, or
 - When an applicant is not selected for employment.

Office of Human Resources Responsibility

The Personnel Officer or his/her designee shall:

- Receive a clearance report or non-clearance report from the Evaluator;
- Notify the affected Office of Human Resources (OHR) staff of the outcome; and

- Ensure the confidential destruction of the clearance or non-clearance report and the Request for Live Scan Service.

When notified by CORI Authority of CORI access positions, OHR shall ensure that the Examination Bulletin and the Vacant Position (VPOS) announcement have language which states:

“Title 11, Section 703(d) California Code of Regulations requires criminal record checks of all personnel who have access to Criminal Offender Record Information (CORI). Pursuant to this requirement, applicants for this position/examination will be required to submit fingerprints to the Department of Justice and be cleared before hiring.”

In addition, OHR shall ensure that duty statements for CORI access positions include the CORI language shown above and also state:

Confidentiality

“The [insert position] routinely works with sensitive and confidential issues and/or materials and is expected to maintain the privacy and confidentiality of documents and topics pertaining to individuals or to sensitive program matters at all times.”

Accounting Office Responsibility

The DCA Accounts Payable Unit shall establish DOJ billing code(s) for each program. These codes pertain to the program to be billed, not to the individual employee. When completing the employer portion of the Request for Live Scan Service Form (BCII-8016) (Attachment A), each program shall use its appropriate DOJ billing code(s).

DCA programs without existing DOJ billing code(s) shall contact the DCA Accounts Payable Unit at (916) 574-7100 to create a new code.

Record Security

CORI for DCA employees shall be maintained in a confidential manner by the Evaluator. Supervisors and managers shall not receive the details of CORI, only the clearance/non-clearance report.

To protect the privacy of employees, CORI shall be treated with strict confidentiality. Unauthorized or inappropriate disclosure of CORI is a misdemeanor and may violate the civil rights of the person concerned.

Appeal Process

Disputes regarding the application of this DPM or the designation of CORI positions shall be raised through the Complaint Process contained in the DCA *Departmental Grievance/ Complaint Procedures* DPM.

QUESTIONS

If you have any questions regarding this DPM, please contact the Division of Investigation at (916) 515-5111.

REFERENCE

- A. *Access and Maintenance of Criminal Offender Record Information (CORI) Policy (ISO 15-01)*
- B. *Departmental Grievance/ Complaint Procedures DPM*

Original signature on file

**David Chriss, Deputy Director
Division of Investigation and Enforcement Programs**

ATTACHMENT A - Request for Live Scan Service Form (BCII-8016)

ATTACHMENT B - Fingerprint Instruction Form

ATTACHMENT C - Guidelines for Completion of Request for Live Scan Service Form



STATE OF CALIFORNIA
BCII 8016
(orig. 4/01; rev. 6/09)

DEPARTMENT OF JUSTICE

REQUEST FOR LIVE SCAN SERVICE

Applicant Submission

ORI (Code assigned by DOJ) _____ **Authorized Applicant Type** _____

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned) _____

Contributing Agency Information:

Agency Authorized to Receive Criminal Record Information _____ Mail Code (five-digit code assigned by DOJ) _____

Street Address or P.O. Box _____ Contact Name (mandatory for all school submissions) _____

City _____ State _____ ZIP Code _____ Contact Telephone Number _____

Applicant Information:

Last Name _____ First Name _____ Middle Initial _____ Suffix _____

Other Name (AKA or Alias) Last _____ First _____ Suffix _____

Date of Birth _____ Sex Male Female

Driver's License Number _____

Height _____ Weight _____ Eye Color _____ Hair Color _____

Billing Number _____
(Agency Billing Number)

Place of Birth (State or Country) _____ Social Security Number _____

Misc. Number _____
(Other Identification Number)

Home Address Street Address or P.O. Box _____

City _____ State _____ ZIP Code _____

Your Number: _____
OCA Number (Agency Identifying Number)

Level of Service: DOJ FBI

If re-submission, list original ATI number:
(Must provide proof of rejection)

Original ATI Number _____

Employer (Additional response for agencies specified by statute):

Employer Name _____ Mail Code (five digit code assigned by DOJ) _____

Street Address or P.O. Box _____

City _____ State _____ Zip _____ Telephone Number (optional) _____

Live Scan Transaction Completed By:

Name of Operator _____ Date _____

Transmitting Agency _____ LSID _____ ATI Number _____ Amount Collected/Billed _____

ORIGINAL - Live Scan Operator

SECOND COPY - Applicant

THIRD COPY (if needed) - Requesting Agency



FINGERPRINT INSTRUCTION FORM

As part of the background investigation process you are required to submit fingerprints via live scan service. Live scan technology enables the immediate electronic transfer of fingerprint image data and personal descriptor information to the California Department of Justice (DOJ), significantly reducing process and response times.

- Fingerprints can only be taken by a California Department of Justice applicant live scan agency. Refer to the Attorney General's web page at <http://ag.ca.gov/fingerprints/publications/contact.php> for a complete listing of live scan locations throughout the state. Please contact the agency you select in advance to determine if an appointment time is necessary.
- Please refer to the attached Guideline sheet for directions on completing the Request for Live Scan Service form. Complete the first four boxes (items #1-7 on the Guidelines sheet) on the Request for Live Scan Service form. It is crucial that you complete the form correctly and completely to prevent delays.
- Take photo identification (e.g., DMV Driver License or Identification Card, Passport, Military Card) as the live scan operator must confirm your identity prior to fingerprinting. When your fingerprints are taken the live scan operator will complete the last box on the Request for Live Scan Service form (item #9 on Guidelines sheet).
- Immediately forward a copy of the "completed" Request for Live Scan Service form to the Division of Investigation, Investigations and Services Team. Keep a copy for your records.
- **NOTE:** The Department of Consumer Affairs will be billed for all live scan processing fees. **However, you may have to pay the rolling fee at the time of your appointment - the cost varies depending on the agency.** Please contact your hiring Supervisor/Board/Bureau for instructions on the refund process. Documentation is required for reimbursement, so retain your receipt for the live scan service.

GUIDELINES FOR COMPLETION OF REQUEST FOR LIVE SCAN SERVICE FORM

PRINT all entries CLEARLY.

- (1) **ORI:** CA0341000 (Division of Investigation's Agency Identifier).
- (2) **Type of Application:** Enter "Employment"
- (3) **Job Title or Type of License, Certification or Permit:** Current Employees enter your Civil Service Classification. Prospective Employees enter the classification for which you applied and were interviewed (e.g., *Inspector*). Note: Applicants for Sworn positions must enter their classification and write "*Peace Officer*".
- (4) **Agency Address:** Division of Investigation, 1747 North Market Blvd., Suite 160, Sacramento, CA 95834.
Mail Code: 06131
Contact Name: Theresa Morazzini
Contact Telephone: (916) 515-5111
- (5) **Name of Applicant:** Enter requested data
AKA's: Other names (aliases) used by applicant.
CDL No: Your California Driver License Number.
Misc. No. BIL: Current employees enter your agency's DOJ billing number. Prospective employees enter your prospective hiring agency's DOJ billing number.
Misc No: If applicable, provide other identifying numbers (e.g., other state driver license number).
Home Address: Do not complete (only applies to Youth Organizations, Human Resource Agency or Public Utility applicants).
- (6) **Your Number:** Enter name of board/program/bureau/commission or its acronym. This information is important in assisting the DOI, Investigations and Services Team, in determining where the employee or prospective employee works or is anticipated working.
Level of Service: Check both boxes, **DOJ and FBI**
- (7) **If resubmission, list Original ATI No:** If resubmitting fingerprints because originals were rejected, enter the ATI Number found on the bottom line of the original Request for Live Scan Service form. Providing this information will avoid an additional processing fee (rolling fee may still be incurred).
- (8) **Employer:** DO NOT COMPLETE THIS SECTION (only listed agencies must complete).
- (9) **Live Scan Transaction Completed by:** DO NOT COMPLETE THIS SECTION. (The live scan operator will complete this section.)

Please return a copy of the Request for Live Scan Form to:

**Theresa Morazzini
Division of Investigation
Investigations & Services Team
1747 North Market Blvd., Suite 160
Sacramento, CA 95834**