



California Department of Justice (DOJ) is mandated to maintain the statewide criminal record repository for the State of California. In the past few years there has been a heightened awareness of the availability of criminal background checks to aid in regulatory hiring decisions. Consequently, the number of requests for criminal background checks continues to increase exponentially.

Purpose of Background Checks

Securing a criminal background check **prior to employment**, licensure, or certification provides a hiring or licensing authority an important resource, which aids in the evaluation of the applicant. It is vital for the hiring or licensing authority to be aware of specified active arrests or convictions. *Entrusting applicants with the responsibility of the position prior to a criminal background check potentially jeopardizes the safety and integrity of the workplace and may leave some individuals exposed to unnecessary harm.*

The Background Check Process

1. The background check process begins when an applicant agency provides an applicant with a **BCIA 8016, REQUEST FOR LIVE SCAN SERVICE** form.
2. The applicant completes the form with his/her personal information and takes the form to a live scan operator where the applicant must provide the appropriate identification. ***In California, fingerprinting must be performed by a certified fingerprint roller or qualified law enforcement personnel.***
3. The live scan operator checks the applicant's identification, inputs the applicant's personal descriptor information, captures the applicant's fingerprints electronically, and transmits the data to the DOJ. At the conclusion of the session, the applicant should be provided an applicant transaction identifier (ATI) number, a number used to identify the transaction. The assignment of an ATI number, generated by the live scan device, does not necessarily mean the fingerprint images and personal information was submitted to the DOJ. Although the fingerprint images and personal information are to be transmitted to the DOJ within 24 hours, the actual transmission of the information to the DOJ is at the control of the live scan operator; and varies in timeliness.
4. Once the transaction is received by the DOJ, the fingerprint images are used to automatically search against all other fingerprint images in the fingerprint database.
 - a) If there are no fingerprints matching the applicant's fingerprints, the transaction is generally processed electronically without technician intervention within 48 to 72 hours.

- b) If an applicant's fingerprints match fingerprints in the database, the associated RAP sheet must be reviewed by a technician. ***This is a manual process that can take an indeterminate amount of time.*** The applicant agency is automatically sent a delay notice response. Questions or status inquiries related to a delayed transaction cannot be responded to, as there is no pertinent information that can be statutorily provided until the manual review of the transaction is complete. The next communiqué the applicant agency will receive is the **completed response**.
5. A DOJ technician first reviews the RAP sheet to determine if there is a corresponding disposition for each arrest. If there is, the technician applies the dissemination criterion statutorily mandated for the applicant type, e.g., the type of employment, certification, or license, and prepares a background check response for the applicant agency pursuant to Penal Code section 11105 (k-p). The response may be sent electronically or via hard copy mail, depending on how the applicant agency requested to receive their responses.
6. If there is not a matching disposition for every arrest, the DOJ is mandated by statute and case law to perform a "genuine effort" to determine the disposition of each arrest that does not have a corresponding disposition. To fulfill this "genuine effort," the DOJ must contact the booking police or sheriff's department to determine who affected the arrest, and then the arresting agency is contacted to determine if the arrest was a "release detention only" encounter. Depending on what the technician learns, the DOJ may contact the District Attorney's office to determine if the arrest was referred for review or action and to determine if any action was taken or if the District Attorney's office declined to prosecute on the arrest. If there is no information available from the District Attorney's office, the DOJ will contact the court to determine if this arrest event was handled in their court and if there is a disposition of that arrest event. The probation department may also be contacted to gather any missing information.
7. Each contact is accomplished via telephone call or fax request. The research is labor intensive on the part of these agencies contacted, and as such, sometimes they limit the number of information requests the DOJ may make to them each day. Once the "genuine effort" is fulfilled, the criminal history record is updated, the RAP sheet is reviewed again, the dissemination criterion applied, and the background check response is prepared and sent to the applicant agency.
8. In addition to fingerprints matching CORI in the criminal history database, delays can be caused for a variety of other reasons; some of which occur before the transaction ever reaches the DOJ. For example, poor fingerprint quality or incorrect data in the electronic transaction can cause a delay.
 - a) Poor fingerprint quality means the fingerprint image is not as clear as it should be, which impacts the system's ability to confirm or dismiss a potential fingerprint match. When the ambiguity is identified, the potential match or matches must be manually (visually) compared and verified before the transaction can be processed.
 - b) Incorrect data entries can be prevented by making sure the live scan operator has entered all the information provided on the **BCIA 8016, REQUEST FOR LIVE SCAN SERVICE** and that the information has been entered correctly.

- c) The applicant agency must also ensure they have provided complete and accurate information, specifically the applicant agency ORI (a unique code assigned by the DOJ), the name of the agency authorized to receive the CORI, mail code (a five-digit code assigned by the DOJ), the authorized type of applicant, and a description of the type of license, certification, or permit; also referred to as the working title of the applicant. If the description of the type of license, certification, or permit was assigned by the DOJ, it *must* be included in the submission exactly as it was assigned.
- d) Fingerprint images can be rejected by the DOJ. Fingerprints that are rejected twice by the DOJ due to poor print quality will be processed by the DOJ using the applicant's name to check the criminal history database for any existing criminal history.

The results of background checks are sent to the agency (the agency who requested the criminal background check,) except where statutorily mandated.

The Applicant Background Check Status is located at: <https://applicantstatus.doj.ca.gov/>.

The ATI Number and Date of Birth are required to perform a search.

An applicant may otherwise request a status of their fingerprint background check only with the agency that requested their background check. Questions regarding the background check process will only be responded to if submitted by the agency's designated point-of-contact, referred to as their Custodian of Records.

DISCREPANCIES: If you believe there is a discrepancy in your criminal history record, you can obtain a copy of your California criminal history record by completing the form **BCIA 8016RR, REQUEST FOR LIVE SCAN SERVICE**. The form is available online by clicking on the link, [Criminal Records - Request Your Own](#).

After you receive the copy of your own criminal history record, you should review it, identify any incomplete, inaccurate, or missing court information, and follow up with the court where your case was held to request the court submit any corrected information to the DOJ Bureau of Criminal Information and Analysis (BCIA). You should also follow the instructions in the letter included with your copy of your criminal history record for disputing inaccuracies. If you choose, you may designate your legal counsel to receive a copy of your criminal history record (pursuant to Penal Code section 11124.)

Live Scan Information

[Public Live Scan Sites](#)

[Live Scan Operators](#)