



## Using Live Scan Fingerprinting to Meet CCDF Criminal Background Check Requirements

The accuracy and length of time it takes to complete a criminal background check largely depends on the quality of the fingerprint images. This brief is part of an ongoing effort with the Administration for Children and Families, Office of Child Care (OCC) to provide guidance to the Child Care and Development Fund (CCDF) Lead Agencies concerning the implementation of criminal background check requirements. It discusses the benefits of using Live Scan fingerprint images instead of rolled ink fingerprints, addresses some of the key issues Lead Agencies should consider when determining how to proceed, and provides a listing of helpful resources.

### CCDF Comprehensive Criminal Background Checks

A primary objective of the CCDBG Act of 2014 was to increase the health and safety protections for children in care. The law and regulations require state, territory and tribal Lead Agencies to conduct comprehensive criminal background checks for child care staff members and prospective staff members. A child care staff member is someone (other than an individual who is related to all children for whom child care services are provided) who is employed by the child care provider for compensation or whose activities involve the care and supervision of children or unsupervised access to children cared for by the child care provider. This not only includes caregivers, teachers, and directors, but also janitors, cooks, and other employees of the child care provider whose placement at the facility gives them the opportunity for unsupervised access to children. It also includes contracted and self-employed individuals, as well as individuals residing in a family child care home, age 18 or older.

Under CCDF, a required comprehensive criminal background check is comprised of eight separate components—two national, three in-state and three interstate background checks. Of the eight components, national FBI criminal history checks and in-state criminal history checks must be completed with the use of fingerprints.

#### National

1. National FBI criminal history check, with fingerprint
2. National Crime Information Center (NCIC) National sex offender registry (NSOR) check

#### In-State

3. In-state criminal history check, with fingerprint
4. In-state sex offender registry check
5. In-state child abuse and neglect registry check

#### Interstate

6. Inter-state criminal history check, with fingerprints optional
7. Inter-state sex offender registry check
8. Inter-state child abuse and neglect registry check

## Why is it Important to Capture Quality Fingerprints?

If the quality of the fingerprint images submitted for either a national or in-state criminal history record background check is too low, the background check cannot be completed.<sup>1</sup> Ensuring that fingerprint images are of high quality helps to:

- **Mitigate potential risks:** Low quality fingerprints may fail to correctly identify a criminal record. In such a scenario, vulnerable populations may be put at an unnecessary risk.
- **Get results quicker and with less administrative burden:** Fingerprints need to be retaken if a background check is rejected because the fingerprint quality is too low. This increases the administrative burden, possibly the costs, and may result in longer wait times before the individual can work without supervision.
- **Reduce inconvenience related to Rap Back Service:** For states that subscribe to Rap Back services, enrolling an applicant in the FBI Next Generation Identification (NGI) Noncriminal Justice Rap Back Service requires the applicant's fingerprints to be retained in the FBI's NGI system. The Rap Back Service notifies authorized entities when a person who has fingerprints within the FBI's Next Generation Identification system is arrested or has criminal activity against those fingerprints. States can request the FBI to conduct a name only criminal background check if the fingerprints submitted are rejected twice due to low quality. However, there will be no fingerprints on file to establish the Rap Back subscription.

## The Benefits of Using Live Scan Fingerprinting for Completing CCDF Criminal Background Checks



Fingerprinting is a critical part of the CCDF-required comprehensive background check process. Live Scan is an inkless, electronic means of capturing fingerprints in a digitized format and transmitting them to the state criminal justice agencies and the FBI. Prior to the development of Live Scan biometric technology, fingerprints were taken by applying ink to each finger, then rolling each finger on a fingerprint card. The quality of rolled ink fingerprints varies widely. It is not uncommon for rejection rates to average near 30 percent, and rejection rates of up to 60 percent have been reported. The process needs to be repeated if the FBI rejects the fingerprints due to low quality. This results in increased administrative burden and costs, and delays lasting weeks or months.

Live Scan fingerprinting avoids many of the problems associated with rolled ink fingerprints, such as smudging and smearing that lead to fingerprints that are not readable. The scanning software contains integrated quality controls that help to ensure the image quality is acceptable prior to submission. The rejection rate for Live Scan fingerprints is generally less than 1 percent. Imaged fingerprints can be transmitted to criminal justice agencies within seconds while rolled ink fingerprint cards are submitted by mail. Another major benefit is that the FBI returns the background check results to the state within 24 to 72 hours. This is an important benefit to child care providers who depend on Lead Agencies to establish efficient processes that will allow new employees to work without supervision as soon as possible.

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<sup>1</sup> <https://www.fbi.gov/file-repository/civil-fingerprint-image-quality-flyer.pdf/view>

## Certified Live Scan Devices

There are many types of Live Scan devices (e.g., single or multiple fingers and mobile) that have different capabilities and image quality. The FBI established Integrated Automated Fingerprint Identification System (IAFIS) image quality standards that must be met for scanning equipment to be certified. These standards ensure consistency of quality and usability, and that the system works with other information systems (interoperability). There are two standards currently in use—Personal Identify Verification (PIV) single finger and IAFIS IQS Appendix F. PIV is a lower standard designed to support one-to-one fingerprint verification for federal employees and contractors.

Appendix F has stringent image quality standards. An Appendix F certification assures that the Live Scan system meets or exceeds the minimum FBI interoperability standards and that it will work with the NGI system. These standards ensure that images are high quality and support completion of all aspects of the identification process. In most cases, state criminal justice agencies are responsible for submitting background checks to the FBI for licensing and employment purposes. Lead Agencies considering the purchase of Live Scan devices should consult with their criminal justice agencies for additional information.

## Live Scan Costs

Live Scan fingerprinting does not affect the fee the FBI charges for completing a criminal history check. The cost is in the the Live Scan system and equipment needed to establish a secure network connection to the state criminal justice agency/repository. A 2013 market study conducted for the U.S. Department of Homeland Security found that the cost of certified Live Scan devices generally ranged between \$2,000 and \$48,000. The FBI's website has a searchable Certified Product List of live scan systems that comply with the IAFIS IQS Appendix F standards (refer to [FBI Certified Products List](#)).

It is important to note that the Consolidated Appropriations Act of 2018, which became law on March 23, 2018, increased the Discretionary amount of CCDF funding by \$2.37 billion for fiscal year 2018, in part to support the full implementation of the CCDBG Act of 2014. This increased funding level was maintained in FY 2019. The increased funding presents an opportunity for infrastructure investments needed to comply with the criminal background check requirements. This could include fingerprinting equipment and other IT investments that do not count against the administrative cost cap under 45 CFR 98.54(b) of the CCDF regulations.<sup>2</sup> Lead Agencies have until September 30, 2019 to obligate funds and September 30, 2020, to liquidate the funds.

## Considerations for Purchasing Live Scan Devices

A first step is to determine how existing Live Scan devices are used and if opportunities exist to leverage these devices before deciding to purchase additional equipment. Most states own and operate certified Live Scan devices, including criminal justice and education agencies. However, the existing infrastructure may not provide adequate coverage statewide or have the capacity to process the additional volume of criminal background check requests. There are a large number of private live scan vendors with whom Lead Agencies may consider contracting.

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<sup>2</sup> Child Care and Development Block Grant, Child Care and Development Fund (CCDF), Consolidated Appropriations Act of 2018: [CCDF-ACF-IM-2018-03](#).

Lead Agencies should conduct a thorough evaluation to determine the most practical, efficient, and least costly option for implementing Live Scan fingerprinting. The National Crime Prevention and Privacy Compact Council, in collaboration with the FBI, developed a Civil Fingerprint Image Quality Strategy Guide. The Guide is a resource for assisting states in making programmatic decisions to improve civil fingerprint image quality. It contains information that is useful in helping states to assess their options. A web link to the Guide is contained in the Other Resources listing below.

## State Examples

The **Alabama** Department of Human Resources (DHR) contracted with a vendor to complete the national and in-state criminal registry checks. Child care staff register online through the contract vendor's website. A link to the contract vendors' website is on the [Lead Agency website](#). The website includes registration information, frequently asked questions, location of Live Scan fingerprint sites, and other information to help child care staff understand the process. The staff members can visit any fingerprint location in Alabama and submit fingerprint images electronically using a Live Scan device.

The **Kentucky** Cabinet for Health and Family Services (CHFS/Cabinet), Department for Community Based Services (DCBS) requires child care staff members (current employees as well as new hires) to enroll in the National Background Check Program (NBCP) Kentucky Applicant Registry and Employment Screening background check program ([KARES\) Web Portal](#). The KARES Web portal, developed with grant support from the U.S. Department of Health and Human Services' Children's Bureau and the Centers for Medicare and Medicaid Services (CMS), is accessed through a secured gateway called the Kentucky Online Gateway (KOG). Each user needs to create a KOG user account to access the KARES system. Once the applicant's or staff member's information is entered, the state's sex offender and child abuse and neglect registries check for any information on the applicant. Once the applicant is cleared, the system generates paperwork for the applicant to take to one of the 80 Live Scan locations across the state.

The **Ohio** Attorney General's Bureau of Criminal Investigation (BCI) processes 1 million background checks annually for schools, hospitals, daycare centers, and other employers. Approximately 50 contracted WebCheck agencies transmit Live Scan fingerprints background check request data electronically to BCI. BCI sends the results directly to the [Ohio Department of Job and Family Services](#) (ODJFS). Child care staff members also submit a request to ODJFS to have the remaining background checks completed.

The **North Carolina** Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE) requires all licensed and regulated child care providers and household members over the age of 15 years old complete criminal background checks. Child care employees and prospective employees must obtain Live Scan fingerprints. DHHS implemented an electronic [Criminal Background Check Portal](#) for individuals to apply for their criminal background check. The portal alerts applicants to get their fingerprints completed.

The **Utah** Department of Health, [Child Care Licensing \(CCL\)](#) allows individuals to submit fingerprints to more than sixty-five Live Scan fingerprint scanners in the state. CCL placed a Live Scan machine at five of the six CCR&R agencies in the state where individuals involved with child care can have their fingerprints scanned electronically at no cost. Utah uses the Rap Back system which allows CCL to receive daily reports from the FBI on all individuals in the system about any criminal charges. Fingerprints are also used for an in-state criminal registry check through the UT Department of Public Safety.

## Other Resources

Lead Agencies may be interested in the following resources to consider the use of Live Scan fingerprinting in meeting the CCDF comprehensive criminal background check requirements.:

- ✚ National Crime Prevention and Privacy Compact Council. *Civil Fingerprint Image Quality Strategy Guide*: <https://www.fbi.gov/file-repository/civil-fingerprint-image-quality-strategy-guide.pdf/view>
- ✚ Federal Bureau of Investigation, *Civil Fingerprint Image Quality Flyer*: <https://www.fbi.gov/file-repository/civil-fingerprint-image-quality-flyer.pdf/view>
- ✚ FBI Biometric Specifications, *Certified Products List*: <https://www.fbibiospecs.cjis.gov/Certifications>
- ✚ FBI Next Generation Identification (NGI), *Rap Back Service*: <https://www.fbi.gov/file-repository/pia-ngi-rap-back-service.pdf/view>
- ✚ Department of Homeland Security, *Live Scan Fingerprint Systems Market Survey Report 2013*: [https://www.dhs.gov/sites/default/files/publications/LSFP-Sys-MSR\\_0913-508\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/LSFP-Sys-MSR_0913-508_0.pdf)
- ✚ List of FBI-Approved Channelers for Departmental Order Submissions: <https://www.fbi.gov/services/cjis/identity-history-summary-checks/list-of-fbi-approved-channelers-for-departmental-order-submissions>