

## Report Highlights

### An Examination of State Agency Use of Electronic Fingerprinting to Process Noncriminal Justice Background Checks

House Resolution 174 of 2007 directed the LB&FC to examine the methods and procedures used by Pennsylvania state government agencies to process federal fingerprint-based background checks for noncriminal justice purposes. The study was also to evaluate the feasibility and potential benefits of expanding the use of LiveScan (digitized electronic) fingerprinting.

#### Summary of Study Findings:

**1. A Growing Demand for Fingerprint-Based Background Checks.** There is a widespread and growing demand for access to criminal history record information for noncriminal justice purposes (e.g., to screen a person's suitability for employment, licensing, or placement in positions of trust, especially with "vulnerable populations" such as children, the elderly, and the disabled).

**2. Fingerprinting Methods.** While fingerprinting has historically been a hard-copy manual process, LiveScan (inkless electronic fingerprinting) has now become the standard.

**3. Involved PA State Agencies.** In addition to the PA State Police (PSP), the state's single point of contact with the FBI, nine other state agencies are involved in processing requests for federal fingerprint-based noncriminal justice background checks. In CY 2007, the PSP transmitted in excess of 202,000 such checks to the FBI, up from 29,622 just two years before.

**4. Hard-Copy Versus LiveScan in PA State Government.** PA state agencies (notably the Departments of Education and Public Welfare) recently expanded their use of LiveScan, but the state lacks a uniform and consolidated system. Some agencies use both LiveScan and hard-copy methods, and some use hard-copy only.

**5. Feasibility and Benefits of a Consolidated LiveScan System.** A statewide consolidated LiveScan system, operated in conjunction with a contract vendor, has been established in a number of other states. Such a system is feasible and could benefit the Commonwealth, background check applicants, prospective employers and regulatory agencies because LiveScan: (a) enables agencies to more efficiently process request volumes that would overwhelm a manual ink-card system; (b) requires fewer agency staff; (c) relieves workload at PSP field locations; (d)

provides for a more uniform fee structure with fee reductions possible; (e) simplifies and streamlines the process for applicants; (f) results in a more comprehensive records check than the hard-copy method; (g) produces faster turnaround times, thereby reducing potential delays in hiring decisions, placements, adoption and foster parent decisions, and other regulatory actions.

**6. The Statutory "Redaction Provision."** Under existing PA law, law enforcement agencies must "redact" (i.e., remove) certain information from criminal history records before providing the records to most noncriminal justice agencies. Unless the redaction provision is removed or additional agencies are exempted, full implementation of a consolidated background check system will not be possible.

**7. Prohibitive Criminal Offenses.** There appear to be omissions and inconsistencies in statutory lists of offenses that are to prohibit the hiring/placement of persons into positions where they have contact with "vulnerable populations."

#### Recommendations:

**1. The PSP should:** (a) take the lead in establishing a task force to develop a proposal for a single consolidated electronic statewide noncriminal justice background check system (the "Commonwealth Applicant Processing System") and present it to pertinent legislative committees by March 31, 2009; (b) advise the Legislature on the operational status and staffing/technology upgrades needed for the state's automated fingerprint I.D. system (AFIS).

**2. The Legislature should consider:** (a) amending the state's Criminal History Record Information Act to facilitate expanded use of electronic fingerprinting, and (b) updating and expanding pertinent lists of prohibitive criminal offenses.

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