

## ***FINGERPRINTING QUESTIONS & ANSWERS***



Q: *Who should be fingerprinted?*

A: All paid and unpaid staff (i.e. employees and volunteers) who have supervisory or disciplinary authority over children.

Q: *How does a church know which staff members are in a “supervisory or disciplinary” role?*

A: The Department of Justice (DOJ) makes the final determination of which positions have “supervisory or disciplinary” authority based on the description that the church offers of the position in its application to obtain the criminal background record. Once the church demonstrates that a position has “supervisory or disciplinary power over a minor,” the DOJ should fulfill their request for criminal background information.

Q: *What is the cost of fingerprinting?*

A: DOJ will process the fingerprints for FREE because churches are non-profits. However, costs vary to have certified fingerprints made via Live Scan (usually less than \$20 per set), which electronically submits digital fingerprint images to DOJ (Fingerprints are rarely rolled anymore.)

Q: *What does the church do with an individual’s criminal background record once it’s received?*

A: DOJ provides some guidance on what to do with criminal records the church receives. A church must keep the information obtained confidential and filed away in a locked cabinet (the church signs a DOJ statement acknowledging confidentiality of records). They cannot share criminal background information with anyone, not even other churches or non-profits who would like to work with that same person. (Therefore fingerprinting done by school districts are not applicable to church settings.)

Q: *What types of criminal history will the background check reveal?*

A: The criminal records check through DOJ reveals violent personal crimes, which includes:

- most sex offenses, prosecuted in California.
- violent crime convictions where a gun was used within the last ten years.
- felony drug crimes, as well as drug-related misdemeanor convictions if three or more appear on a person’s record.

For additional questions, revisions, updates, or clarification, contact DOJ.

Q: *Who decides whether or not to utilize an employee or volunteer based on the results of a criminal background check?*

A: The church.

Q: *What is Megan’s Law?*

A: Megan’s Law permits greater freedom for law enforcement personnel to distribute information on registered sex offenders. Any individual can go to [www.Meganslaw.ca.gov](http://www.Meganslaw.ca.gov) and determine if a person is among California’s 57,000 registered sex offenders.

- Any church member can be screened without formal permission given by the member.
- The information gained only applies to convictions in California.