LIVE SCAN FINGERPRINTING TECHNOLOGY
A PRIMER FOR CHILD WELFARE AGENCIES
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This primer addresses questions about Live Scan fingerprint technology and how it can help child welfare agencies streamline the process for conducting criminal background checks. Agencies using Live Scan have found that it can help them conduct faster emergency placements with relatives who have stepped forward to care for children, and make the background check process less onerous when licensing or certifying both relatives and non-relatives. The following provides some background on Live Scan, differing state rules for accessing the technology, and other key considerations for child welfare agencies.

What is Live Scan?
Live Scan refers to both the technique and technology to capture fingerprints electronically without the need for the more traditional method of ink and paper. There are many manufacturers of Live Scan hardware and software, and many vendors of the systems.

What is a Live Scan “system”?
A Live Scan “system” refers to the hardware, software, and implementation services (software installation, configuration, testing, and training), all of which are necessary when considering the purchase and use of Live Scan.

How are Live Scan fingerprints transmitted to law enforcement authorities?
There are two types of Live Scan transmissions to law enforcement authorities who conduct the background checks:

Electronic transmission
An “electronic transmission” is a secure Internet transmission of scanned fingerprints to the FBI and other specified state law enforcement agencies. Results from the FBI can take a matter of minutes, while results from state databases can take much longer. However, result times are still significantly less than print-to-card or traditional ink and paper methods.

Print-to-card
Print-to-card involves electronic scanning of fingerprints using a Live Scan system and then printing onto federal fingerprinting cards using a printer that is approved by the FBI Integrated Automated Fingerprint Identification System (IAFIS). The cards are mailed to the FBI and any state law enforcement agencies. Results from the FBI can take 1 to 2 months, whereas results from state agencies can take much longer.

How can Live Scan help child welfare agencies?
There are several benefits to the use of Live Scan:

• The use of Live Scan technology speeds up the background check process dramatically for both types of transmission methods.
• Live Scan eliminates the mess, hassle, and potential delays of traditional ink and paper. Ink and paper fingerprints are often smudged or done incorrectly, and returned to the agency for redoing, which further slows the process.

• The whole Live Scan process can be mobile and completed at the home or office of the kinship caregiver and/or prospective foster parent. This mobility can facilitate the emergency placement of a child. Some agencies credit Live Scan mobile technology and electronic transmission of fingerprints with helping them place children with relatives within hours of removal.

**How do states regulate the use of Live Scan?**

Each state has its own certification process for the use of Live Scan technology. The federal government authorizes states to have procedures established in state statute or regulation and its own designated agency to request nationwide background checks (42 U.S.C. § 5119a). Consequently, as a first step, you must find out your state’s rules regarding fingerprinting and Live Scan technology.

**Do the rules differ from state to state?**

Yes, state rules concerning fingerprinting and Live Scan systems are complicated and vary dramatically. Some states require both electronic and print-to-card submissions, whereas others only allow one type of transmission and/or restrict types of transmissions depending on the business or agency. For example, Colorado allows schools and law enforcement agencies to submit fingerprints electronically, but severely restricts submissions from other types of businesses or agencies. California allows everyone to submit electronically, but the business or agency has to go through the fingerprint rolling certification program and can only use a Live Scan system certified by the California Department of Justice. Furthermore, many states have sole source providers for all Live Scan purposes.

**Where can I find my state’s rules?**

The typical place to look for the rules concerning the use of Live Scan is in the statutes and regulations for a state’s law enforcement agency. The agency can have many names depending on your state:

- **State Police** (example: Virginia State Police)
- **Department of Public Safety** (example: Texas Department of Public Safety or TXDPS)
- **Bureau of Investigation** (example: Colorado Bureau of Investigation or CBI)
- **Department of Law Enforcement** (example: Florida Department of Law Enforcement or FDLE)
- **Department of Justice** (example: California Department of Justice or CalDoJ)

**Are the rules for the use of Live Scan different for private agencies?**

Whether and how the rules differ for private versus public entities depends on the state. For example, one state’s public child welfare agency reports that they cannot release FBI reports to their private providers. So, after the public agency runs FBI and state criminal background checks, they redact all the FBI results and only share the state database results with the private providers. This process can be very cumbersome and result in further delays. This is not a federal requirement. States have a great deal of discretion in how they handle these checks.
**How do my state’s family foster home licensing standards impact my agency’s use of Live Scan?**

Some state standards are consistent with the federal Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. § 671(a)(20)(A)), which only requires fingerprint-based checks of a national crime database. Other state standards go beyond federal law and require fingerprint-based checks of state databases as well, which can create lag times in getting back results.

**What if my state rules are consistent with the Adam Walsh Act and only require a fingerprint-based check of a national crime database?**

If your licensing standards require only a fingerprint-based check of the national FBI database, which is a compilation of fingerprints submitted by the states, then you may be able to purchase and use a Live Scan system from any vendor that offers a system that supports electronic submission through an FBI “channeler.” An FBI channeler is basically a company or agency that handles the logistics. FBI channeled submissions do not need to go through the state.

**What if my state rules also require fingerprint-based checks of state crime databases?**

If your state requires fingerprint-based checks of state databases too, then you must first check with your state about the following:

- Which vendors’ systems are certified in my state?
- Is my agency allowed to submit fingerprint transactions electronically?
- If my agency is not allowed to submit electronically, would we be allowed to submit fingerprint cards that are generated using a Live Scan system?

To speed the processing of state and local criminal background checks, you could also ask if your agency can purchase a system for direct use at the state law enforcement office responsible for processing those checks. Some child welfare agencies have also funded clerical assistance to help conduct those checks at the state law enforcement office.

**What if my state requires the use of a sole source provider?**

Some sole source providers for Live Scan systems require customers to go to a specific provider location. If this is the case, you would not be able to use your own Live Scan technology for electronic transmissions and it may or may not be more accessible for foster parent applicants. You may still be able to purchase and use a print-to-card system, but, as noted above, those results take more time.

**Who can I contact for some help finding my state’s requirements?**

If you need some guidance on what is possible in your state, you may contact Kathleen Erickson at WoVo Identity Solutions, a woman and veteran-owned small business and vendor of Live Scan systems, at [kathleen@wovois.com](mailto:kathleen@wovois.com). She has offered to help find out what your state requires free of charge. While child welfare agencies should still look into all the options available, contacting Kathleen can be a useful first step. Kathleen was very helpful in the process of gathering information for this primer.

**Who are some of the other vendors of Live Scan systems?**

There are a couple of large vendors of Live Scan systems, both of whom have sole source provider contracts with various states:

- **3M Cogent** – Alabama, Arkansas, Connecticut, Georgia, Florida, Minnesota, Missouri, New Mexico and Pennsylvania all use this vendor, but some agencies may be allowed to use other vendors. See [http://www.cogentid.com/index.htm](http://www.cogentid.com/index.htm)
Morpho Trust — New Jersey, New York, Oklahoma, South Carolina, Tennessee, and Texas have exclusives with this company. For other states that use this company too, see http://www.identogo.com/

There are also many smaller vendors, including WoVo Identity Solutions. See www.wovois.com

What are some of the questions I should ask a system vendor before purchasing a Live Scan system?

- Is your system FBI Integrated Automated Fingerprint Identification System (IAFIS)-approved?
- Is your system certified for electronic submission to my state and/or to the FBI through an FBI Channeler? If needed, does it support printing to federal fingerprinting cards?
- Does your system use new hardware? There are reports of selling used and defective scanners online.
- What kind of customer support do you provide after I purchase the technology, including updates on new products or upgrades?
- Can you provide on-site training and implementation services?
- Can one system be licensed for multiple users or do I need to license each user individually?
- Do you provide image quality checks?

How much do these Live Scan systems cost?
Live Scan systems can range in price from $6,000 per system to well over $15,000 per system, depending upon the system configuration (components) and vendor. Some vendors require that the complete system be purchased from them, while others are more flexible, allowing you to provide some of the system components, like the computer.

How much training would our agency staff need in order to use Live Scan?
Live Scan systems should not require significant training times, although state rules must be consulted. Online training, for example, can be sufficient, again depending on the state in which it will be used and whether the user has past experience with fingerprinting. That said, staff who will be using Live Scan should have enough training to ensure useable prints so they are not returned for smearing and other quality issues.

How do vendors license users?
Once trained, the vendor will “license” users. The number of users is typically not limited by the states. Some vendors will license the computer so multiple users can access the system. Other vendors may work differently and require a license per user. The licensing method, along with the cost, depends on the vendor.

Can you provide an example of a Live Scan system in action?
For an idea of one system and how easy it can be to use, here is a 5 minute video: https://www.youtube.com/watch?v=L8ms9ByUJM0

This primer was researched and written by Ana Beltran, J.D. We thank her for her continued partnership and advocacy for kinship families.