South Dakota Division of Criminal Investigation

Identification Section

School Business Managers Meeting

April 26, 2017
South Dakota State Statute (SDCL) for Association of School Boards:

13-10-12. Criminal background investigation of prospective employees, technical institute instructors, and student teachers—Temporary employment pending results. Each person over eighteen years of age hired by a school district shall submit to a criminal background investigation, by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of Investigation. The school district shall submit completed fingerprint cards to the Division of Criminal Investigation before the prospective new employee enters into service. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Division of Criminal Investigation to the Federal Bureau of Investigation for a national criminal history record check. Any person whose employment is subject to the requirements of this section may enter into service on a temporary basis pending receipt of results of the criminal background investigation. The employing school district may, without liability, withdraw its offer of employment or terminate the temporary employment without notice if the report reveals a disqualifying record. The employing school district may pay any fees charged for the cost of fingerprinting or the criminal background investigation for any person whose employment is subject to the requirements of this section. Any person hired to officiate, judge, adjudicate, or referee a public event sponsored by a school district is not required to submit to a criminal background investigation as required in this section. In addition, any instructor employed by a postsecondary technical institute is required to submit to a criminal background investigation as required in this section at the time of initial employment.

The criminal investigation required by this section with respect to a student teacher completing requirements for teacher certification shall be conducted by the school district. A criminal background investigation, of a student teacher, conducted by a school district may be provided to any other school in which the student engages in student teaching. The school district conducting the criminal background investigation of a student teacher may rely upon the results of that investigation for employment of that person as an employee of the district.

Source: SL 2000, ch 76, § 1; SL 2001, ch 74, § 1; SL 2003, ch 95, § 1; SL 2011, ch 87, § 1; SL 2012, ch 92, § 1; SL 2016, ch 84, § 1.
TO WHOM IT MAY CONCERN:

FROM: SD Division of Criminal Investigation (DCI)

SUBJECT: Procedures for Record Checks in Compliance with SDCL

South Dakota Requirements for State and FBI Background checks:

This type of background requires legislation and includes but is not limited to school employment (SDCL13-10-12), Board of Nursing (SDCL 36-9-97), Board of Bar Examiners (SDCL 16-16-2.6), Division of Banking and Municipalities, etc.

1. A special FBI applicant fingerprint card and a state applicant fingerprint card, are both required for a background and are obtained from the requesting agency. The FBI fingerprint card will have a preprinted ORI, which has been assigned by the FBI and will be found in the contributor block on the card. The reason for fingerprinting should indicate that the search is for employment per its SDCL.

2. These fingerprint cards must be taken to the individual's local law enforcement agency (Police Department or Sheriff's Office) to be printed. There may be an additional charge by these agencies to cover the cost of fingerprinting.

3. All necessary information including name, date of birth, gender and social security must be provided on both fingerprint cards as the minimum requirements. On the back of the DCI card is an authorization and release form. This must be completed and signed for the fingerprint cards to be processed. Incomplete requests will be returned to requestor.

4. Total payment of $43.25 check or money order must be submitted with each request to cover the costs of both the state and federal background check.

5. Upon receipt of all necessary information, fingerprints, signed authorization and release and the required fee, the DCI will forward the request to the FBI and conduct a state criminal history search. All components must be sent in together in order to process. If no record is found based on the fingerprint, name and date of birth search, a response sheet will be returned. If the search reveals a match with an arrest record in the FBI files or state search, a copy of the criminal history record will be returned. Fingerprint cards will be destroyed and will not be returned with the responses.
AUTHORIZATION AND RELEASE

I, Jane Doe, hereby authorize the Division of Criminal Investigation for the State of South Dakota to release to Pierre School District any information concerning me contained in the criminal history record files of the Division. I understand that the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilty (i.e. dismissed charges, or charges that resulted in a not guilty finding). I further understand that the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged under SDCL 23A-27-17. I acknowledge that this type of information may be released, even though this record is designated as "nonpublic" under the provisions of 23A-27-17.

In consideration for the Division of Criminal Investigation releasing any information concerning me contained within its criminal history record files to Pierre School District, I, Jane Doe, on behalf of myself, my spouse, legal representatives, heirs, and assigns, hereby release, waive, discharge and agree to hold harmless the Division of Criminal Investigation, its officers and employees, from all liability for any claim or damages resulting from the release of this information.

Date: 4/26/2017

Signature: Jane Doe

Witness: ___________________________ [Not Required]

Mail Response To: Pierre School District
All South Poplar Ave
Pierre, SD 57501
ERRT

BookingID: 05012345678
Date: 20170417
ORI: SD920050Z
Error: L0008 - The quality of the characteristics is too low to be used. Candida
TCN: E2017107000000102043

REJECTED
**Why Biometrics? The Use of IAFIS**

**Biometrics:** the measurement and analysis of unique physical or behavioral characteristics (as fingerprint or voice patterns) especially as a means of verifying personal identity.

**Name Only Search in South Dakota Criminal History:** 100+ results for “Angela Smith”

**IAFIS:** Integrated Automated Fingerprint Identification System

IAFIS provides three major services to its customers. First, it is a repository of criminal history information, fingerprints, criminal subject photographs, as well as information regarding military and civilian federal employees and other individuals as authorized by Congress. Second, it provides positive identification of individuals based on fingerprint submissions (both through ten-print fingerprints and latent fingerprints). Third, it provides tentative identification of individuals based on descriptive information such as a name, date of birth, distinctive body markings, and identification numbers.
Fingerprinting Process

- The recommended height for recording legible fingerprints is approximately 39 inches from the floor. This allows the forearm of an average adult to be parallel with the floor. This is the recommended position to record fingerprints.
  - Soap and water are preferred; however, rubbing alcohol may be substituted.
  - If hands are moist, wipe each finger with rubbing alcohol. If hands are dry or flaky use a small amount of hand lotion and wipe off any residue.
  - If capturing fingerprints electronically, ensure the live scan fingerprint device is properly calibrated and the platen is free of dust, dirt, and any residual fingerprint images.
- The individual's hands should be cleaned prior to printing:
- Instruct the individual to look away from the fingerprint device, not to assist in the fingerprint process, and to relax. Grasp the individual's right hand at the base of the thumb with your right hand. Cup your hand over the individual's fingers, tucking under those fingers not being printed. Guide the finger being printed with your left hand.
- If using the ink and paper method, roll the finger on the inking plate or pad so the entire fingerprint pattern area is evenly covered with ink. The ink should cover from one edge of the nail to the other and from the crease of the first joint to the tip of the finger. Using the correct amount of ink is vital.
- When taking the rolled impression, the side of the finger bulb is placed upon the card or platen. The finger is then rolled to the other side until it faces the opposite direction. Care should be exercised so the bulb of each finger, from tip to below the first joint, is rolled evenly. Generally, the weight of the finger is the maximum pressure needed to clearly record a fingerprint. In order to take advantage of the natural movement of the forearm, the hand should be rotated from the more difficult position to the easiest position. This requires the thumbs be rolled toward and the fingers away from the center of the individual's body. Roll each finger from nail to nail in the appropriate space, taking care to lift each finger up after rolling to avoid smudging.
- When using the ink and paper method and a rolled impression is not acceptable, you may use an adhesive retab to cover the fingerprint in its space. (Only two retabs can be applied to each fingerprint block.) For live scan, the image should be deleted and retaken.
- For a Type-4, plain impressions are typically printed last. The technician simultaneously presses the individual's four fingers (of the right hand), keeping the fingers together on the surface of the card or live scan device (at a 45-degree angle) to capture all four fingers in the allotted space. Repeat this process for the left hand and then print both thumbs. Type-14 capture protocol requires the technician to simultaneously press the individual's four fingers on the surface of the live scan device at a 90-degree vertical angle. Care should be taken to capture all fingers in the allotted space. Repeat this process for the left hand and then print both thumbs simultaneously (4-4-2 method). Capturing all fingers and thumbs in a vertical position improves finger segmentation software accuracy.
- Complete all required textual information. It is important to enter the appropriate data in all fields when known.
Special Circumstances

Deformed or missing fingers:

If the finger is deformed, every attempt should be made to record the fingerprint in both the rolled and plain impression blocks. A postmortem kit, which is more commonly known as a spoon, can be utilized to assist in recording these images. If unable to record the image, simply place a notation in the fingerprint block (e.g., deformed, webbed) or electronically apply the Unable to Print (UP) code in data field 2.084.

Missing fingers are fingers physically present but cannot be recorded at the time of capture due to injury. Each missing finger should be designated via a notation in the fingerprint block (e.g., bandaged, injured, crippled, paralyzed) or electronically apply the UP code in data field 2.084.

Fully amputated fingers:

An amputated finger occurs when the finger's first joint is no longer physically present. Amputated fingers should be designated via a notation in the fingerprint block (e.g., amp, missing at birth, severed) or electronically apply the Amputated (XX) code in data field 2.084.

Tip-amputated fingers:

If a portion of the first joint is present, record the available fingerprint pattern area in both the rolled and plain impression blocks.

Extra fingers:

When fingerprinting an individual with an extra finger, record only the thumb and the next four fingers. Do not record the extra finger as either a rolled or plain impression.

Scarred fingers:

Record scarred fingers in both the rolled and plain impressions without a notation.

Worn fingerprints:

An individual, by the nature of their work or age, may have very thin or worn ridges in the pattern area. Apply light pressure and use very little ink to record these types of fingerprint impressions. A technique known as "milking the finger" can be used to raise the fingerprint ridges prior to printing. This technique involves applying pressure or rubbing the fingers in a downward motion from palm to fingertip.

Video How-To:

https://www.youtube.com/watch?v=d7N-4UNAzw
ACME SCHOOL DISTRICT
123 MAIN STREET
ACME, SD 55555

Dear Sir or Madam:

We have conducted a search of the Division of Criminal Investigation files for John Doe, with no South Dakota criminal history found.

We are enclosing a copy of the South Dakota criminal history which was revealed on search for Jane Doe.

Also enclosed please find the response(s) from the Federal Bureau of Investigation indicating the results of the national criminal history record check. Please be advised, if this contains an FBI rejected card please re-submit a second rolled FBI fingerprint card to DCI. Please also include the FBI's rejection notice and original rejected fingerprint card. DCI will use the FBI's billing transaction number listed on the FBI rejection notice to avoid additional fees to you and/or your agency.

The Division of Criminal Investigation has received payment of the $43.25 processing fee per individual and this letter serves as your receipt. Please contact us if we can be of further assistance.

Sincerely,

BRYAN GORTMAKER, DIRECTOR

By: Angela Smith

Identification Specialist

Enc.
STATE OF SOUTH DAKOTA  
DIVISION OF CRIMINAL INVESTIGATION  
GEORGE S MICKelson BUILDING  
1302 EAST HIGHWAY 14  
Pierre SOUTH DAKOTA 57501-8505  

DATEd: 04/20/17  
TELEPHONE: (605) 773-3331

INFORMATION SHOWN ON THIS IDENTIFICATION RECORD REPRESENTS DATA FURNISHED BY FINGERPRINT CONTRIBUTORS. WHEN AN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT CONTRIBUTED THE FINGERPRINTS.

SIoux FALLS SCHOOL DISTRICT  
SIoux FALLS SD 57105-  

ATTN:  
HUMAN RESOURCES

NAME  
DOB: SID: 420233A9 JACKET: NO
POB: IA  
SOC  
HENRY FPC:

NCIC FPC:

** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** **
1) ARRESTED: 07/15/2013  PROCESS CONTROL #: 105527819
CONTRIBUTING AGENCY: SIoux FALLS POLICE DEPARTMENT  ORI: SD0490200
CHARGE: TRAFFIC-DUI ALCOHOL  COUNTS: 1

COURT: DOCKET-49CRI13004323 MINNEHAHA CO CIRCUIT  SENT/DISP: 10/01/2013

DRIVING UNDER INFLUENCE-2ND OF, SDCL 32-23-3  
DISPOSITION: JUDGMENT PLEA OF GUILTY, CLASS-MISD 1
$191.00 FINE
250 DAYS JAIL LOC/REGNL, 250 DAYS SUSP

CASE LEVEL: COSTS

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ABOVE DATA BASED SOLELY UPON SOUTH DAKOTA CRIMINAL HISTORY FILES MAINTAINED BY DCI. THIS DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF RECORDS IN OTHER STATES OR FBI FILES. THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL USE ONLY AND SHALL ONLY BE USED FOR THE PURPOSE REQUESTED.

*** ENd OF DATA ***
CJIS NAME SEARCH REQUEST FORM

ORI of State/Federal/Regulatory Agency:

Your agency’s Point of Contact (POC) for response: SD Division of Criminal Investigation (DCI) SDDCI0000- Angela Smith

Phone number of POC: (605) 773-2629

Fax number of POC: (605) 773-2235

Address of requesting agency: DCI, 1302 E. Hwy. 14, Pierre, SD 57501 - PLEASE FAX RESULTS

Date: April 26, 2017

SUBJECT OF NAME CHECK

TRANSACTION CONTROL NUMBER (TCN) OF SUBJECT’S FINGERPRINT SUBMISSION #: E20170000000001123456

NAME: Doe, John ALIAS: Doe, Johnny

DATE OF BIRTH: 1990/01/01 PLACE OF BIRTH: SD

SEX: Male RACE: Caucasian

SOCIAL SECURITY NUMBER: 123-45-6789

NO RECORD BASED ON DESCRIPTIVE DATA
Statistics and DCI Retention

Total Civilian Fingerprint Submissions for 2016: 28,547

School District Employee Fingerprint Submissions for 2016: 7,545

DCI Retention Policy:

- School letters are kept in storage for one year.
- School Fingerprint cards are kept in storage for one year.
- After the one year retention, both letters and fingerprint cards are shredded.
- DCI is able to retrieve and provide copies of results to School Districts only if the original request was processed within the last three months. Why? Increased volume of background check submissions. Also, liability. DCI wants to ensure the most up to date and accurate results possible.