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**CRIMINAL  
CLEARANCES-CLETS**

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**I. OVERVIEW**

Criminal clearances are vital to child abuse/neglect investigations and placement to ensure children are safe and protected wherever they may reside. In order to attain up-to-date and expeditious criminal records, Children and Family Services through WIC Section 16504.5 and CA. Penal Code Section 11105 has the authority to obtain background clearance through the California Law Enforcement Telecommunications Systems (CLETS). CLETS allows Social Workers the authorization to receive a full disclosure of state and local criminal history records that have been entered by law enforcement as part of a child abuse/neglect investigation as well as an assessment of the suitability of placing a detained or dependent child in an emergency into the home of a relative, non-relative extended family member (NREFM), or prospective legal guardian(s).

The CLETS system is administered by California Department of Justice (DOJ). Access to CLETS is permitted by full compliance of the state mandates that dictate its use. This manual section outlines policy and procedures for obtaining criminal history information through the California DOJ CLETS system.

**II. DEFINITIONS**

**A. EHSD Fraud Prevention Unit**

A law enforcement unit within EHSD whose primary function is to investigate suspected welfare fraud. The Fraud Prevention Unit (FPU) is authorized by DOJ and has direct access to the CLETS in order to request criminal history record clearances on a “need to know, right to know” basis when investigating cases of suspected welfare fraud. The FPU must file and maintain an agreement with DOJ in order to release state summary criminal history information from CLETS to CFS staff. CFS Clerical staff under the supervision of the FPU maintain all CFS staff CLETS certification and training records and processes all CFS requests for information from CLETS.

**B. Social Worker**

Assigned as the person(s) responsible for monitoring an open case or referral. A Social Worker can be either assigned as primary or secondary.

**C. CLETS- California Law Enforcement Telecommunications Systems**



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A system used by law enforcement personnel to access criminal information obtained from state computerized files using personal identifiers, such as name, birth date and social security number.

**D. DEPARTMENT OF JUSTICE**

The executive department of the federal government that is mainly responsible for supervising U.S. district attorneys, administering federal prisons, and representing the U.S. government in legal matters. DOJ manages and oversees CLETS operation, policies, service evaluation, and system discipline.

**E. CACI - CHILD ABUSE CENTRAL INDEX**

A central index of reports for substantiated allegations of abuse or severe neglect of a child administered by the Attorney General's Child Protection Program. Information on file includes names and personal identifiers of the suspects and victims; the agency that investigated the report, the name and number of the report assigned by the investigating agency and the findings of the investigation.

**F. LIVE SCAN**

A fingerprinting identification process used to provide a criminal clearance on applicants using criminal history record files maintained and provided by DOJ staff.

**G. FBI - FEDERAL BUREAU OF INVESTIGATION**

The principal investigative arm of the United States Department of Justice (DOJ) whose primary function is to investigate violations of federal criminal law. Information obtained from the FBI is sent to the California State DOJ. This applies to Live Scan results when an FBI clearance is required.

**III. CRIMINAL CLEARANCE METHOD**

Children and Family Services (CFS) utilizes two clearance methods for criminal history; CLETS and Live Scan. **W&I Code Section 309, 361.54 and 16504.5** governs the use of CLETS and Live Scan. The statute permits access to the criminal background information based on purpose and method of access. To this end, staff working with CLETS in any manner need to be properly certified based on the type of access needed to perform their job duties. Please see Appendix for CLETS Certification Levels.



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**A. CLETS**

CLETS accesses criminal history based on personal identifiers; name, DOB, Social Sec # of the subject of inquiry. CLETS permits the worker to gather criminal clearance of an adult in time-sensitive manner to comply with time constraints of a referral during an open investigation or during emergency placement of a child.

**B. Live Scan**

Live Scan matches fingerprint images to a fingerprint database and then to any associated criminal record files maintained by DOJ. These records may be similar, but not the same as those obtained through CLETS.

As the referral moves onto a case Live Scan is a more appropriate method to gather criminal clearance as this ensures the accuracy of the person whose history is being gathered.

**IV. POLICY**

**A. REQUESTING CLETS REPORTS**

During the investigation of a child abuse referral, SWs must initiate a criminal background check on all child abuse referrals when at least **one of the following is alleged**:

- Domestic violence
- Physical abuse
- Sexual abuse
- Substance abuse
- Exploitation
- Severe neglect

**NOTE-** For referrals alleging emotional abuse or general neglect, the SW must consult with the Social Work Supervisor (SWS) to determine if initiating a criminal background check is relevant and appropriate.



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1. CLETS can only be requested by a CLETS certified Social Worker **one time per referral** for the following purposes only:
  - a. **To conduct an investigation of suspected child abuse or neglect:**
    - 1) A new referral involving a child in which the child is alleged to come within the jurisdiction of the juvenile court.
    - 2) A referral on an active case alleging risk to a detained or a dependent child in a relative or Non-Related Extended Family Member (NREFM) family member's home.
  - b. **To assess the appropriateness and safety of placing a child who has been detained or is a dependent of the court**, in the home of a relative assessed or in the home of a non-relative extended family member (NREFM) during an **Emergency** (the child is threatened with imminent bodily harm, emotional harm, or psychological harm). When placing a child in the home of a relative or the home of any prospective guardian or other person who is not a licensed or certified Resource Parent the CLETS check should be conducted on all persons over 18 years of age living in the home.

**NOTE-** LIVE SCAN **must be** initiated within 10 calendar days of a CLETS check on ALL emergency CLETS for placement. [See DM 31-801.2 for further instruction.](#)
  - c. **To attempt to locate a parent or guardian of a child** subject to dependency court proceedings.
  - d. **To assess whether it is appropriate to place a non-minor in foster care** or other placement setting with minor dependent children when that NMD has petitioned to re-enter foster care under subdivision (e) of Section 388.

**B. WHEN NOT TO REQUEST CRIMINAL RECORD CHECKS**

1. When recommending or arranging unsupervised visits for the parent/legal guardian/relative or NREFM.



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2. When transferring a referral or a case. Social Workers are to ensure CLETS and Live Scan results are included in all transferred cases when transferring from Emergency Response to Court/Continuing up until the Disposition hearing.
3. When a new adult moves into the home of a parent/legal guardian or into a relative/NREFM caretaker's home where a child is placed.

**C. RECEIPT OF CLETS RESULTS**

When the SW requests a CLETS report the CLETS Clerk will send the report through facsimile to the number provided on the SIU CWS 2E. **SW's must ensure receipt of the CLETS report when it is faxed.** Duplicate and second requests will not be processed without appropriate justification.

1. If the CLETS response indicates there is a "hit" on a parent, relative or NREFM on the results of a criminal history check, **Emergency Placements CANNOT be made, regardless of the type of "hit" until you receive Director Approval.** Please follow steps below AND refer to the [RFA ER Request Form](#) for specifics on the process of emergency placement approval.
  - a. Confirm any hits by contacting the local or arresting agency.
  - b. Verify the record by contacting the CLETS Command Center at (916) 227-3244 and asking about the specifics on the "hit." Not all "hits" at DOJ indicate criminal activity. It could be on an application such as for employment purposes or licensing rather than a criminal history, and may be reported as a "hit".
  - c. Complete [RFA ER Request Form](#) indicating hit(s) and rational for exemption request. Send to Social Work Supervisor for signature and Director for approval.

**D. MAINTAINING CLETS REPORTS**

1. CLETS should be maintained in the referral/case file until either:
  - a. **The referral is closed.**
  - b. **The case has reached the Disposition Hearing in Court.**



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2. CLETS should be destroyed when:
  - a. **The referral is closed.**
  - b. **The case reaches Disposition.**
  - c. For Relative and NREFM placements, destroy CLETS when:
    - 1) The LIVE SCAN is received.
    - 2) The emergency placement resource is not used

**E. CRIMINAL HISTORY IN COURT REPORTS**

1. Criminal history on individuals is confidential. We must **only include history that is pertinent to the allegations, overall investigation, and safety concerns** of the child.

**NOTE-** Per WIC Statute, CFS staff are not permitted to process a request of a criminal background for the court OR provide a copy of a criminal history/CLETS report to the court or bench officer.

2. Below is the approved format when including criminal history in specific court reports. This is subject to change.

**a. Investigative Narrative, Detention/Juris, Disposition Report**

- 1) If there is no criminal history, write, "None."
- 2) If there is criminal history account for it by providing a summary of:
  - a. Arrests by time period using a statement (eg. John Doe has a history of arrests from October 2012 to July 2015.)

**NOTE-** If any arrest history relates to the current allegation(s) please include further details about the arrest by stating the date of arrest and the charge with reference to penal code (PC) and/or health & safety code (HS) violation.



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For example, if there is an allegation of neglect based on substance abuse; include, full details of any arrest history and charges of substance abuse/possession or related drug charges (e.g. John Doe was arrested on 12/16/2002 for possession and sales of narcotics PC1170, HS11351)

- b. Convictions by date, police jurisdiction, charge/offense and disposition by completing the grid within the report. See example below.

Date	Police Jurisdiction	Charge/Offense	Disposition
12/16/2012	Concord PD	HS 11350 - Use, under the influence of controlled substance	Felony
4/14/2013	Contra Costa Sheriff	PC1320(a) - Failure to Appear	Misdemeanor
11/25/2015	Richmond PD	PC 243 - Battery	Misdemeanor

b. **Status Review, Interim Review, \*.26 Report**

- 1) If there is no criminal history, write, "None."
- 2) If there is criminal history, write, "See Dispositional Report."

**\*NOTE-** Please consult your direct Social Worker Supervisor for use of criminal history in .26 reports as it may be appropriate to include criminal history on specific cases.

- 3) If there is any new criminal activity after Disposition that the SW is made aware of, including arrests and convictions, then include the full details under the Criminal History heading.
- 4) If an Absent Parent Search was completed and included in the case plan after Disposition please insert any criminal history per aforementioned guidelines one time and then refer to Disposition Report for future reports.

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**F. SECURITY AND RETENTION OF CRIMINAL RECORD INFORMATION**

1. The use of criminal record information is restricted to the sole purpose for which it was requested.
2. Retention of record information is permissible until CFS determines that the information is no longer needed and if the Department has a legitimate business need for the information and there are no statutory requirements to destroy such information. Any record information that is retained by the Department must be stored in a secure and confidential file.
3. When the information is no longer needed, the information shall be securely disposed by cross-cut shredding by a CLETS certified employee at their office location. CLETS information is never to be placed in the secured confidential shred boxes located in the offices. All shredded CLETS information should be bagged and kept secure until it is picked up by authorized personnel responsible for the secure confidential shred boxes. The shredded CLETS information is then securely transported and destroyed by incineration.

**V. PROCEDURES**

**A. CLETS REQUESTS**

**1. SOCIAL WORKER:**

- a. Ensure CLETS request meets one of the criteria under IIIA 2 a-d.
- b. Then complete Part A of the **Children's Services Criminal Information Request (CSCI)** ([SIU CWS 2E](#)) form.
  - 1) Use one SIU CWS 2E form per person.
  - 2) All information should be complete and legible

**NOTE-** Every effort should be made to obtain all identifying information, without a Social Security Number and DOB responses received may not be complete or accurate

- 3) Any unknown information needs to be reflected as 'UNK'.

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- c. Email a copy of the completed CSCI Request ([SIU CWS 2E](#)) to the Fraud Prevention Clerk at EHSD [CLETSclerk@ehsd.cccounty.us](mailto:CLETSclerk@ehsd.cccounty.us) or Fax to (925) 602-4114.

**NOTE-** voice messages will not be left on the workers voice mail regarding the outcome of the CLETS clearance.

- d. The Fraud Prevention CLETS Clerk will contact the SW by phone to notify them that the CLETS response is ready to be sent via Fax. A voicemail message will be left if the worker is not available.
- e. **In order to receive the report**, the SW must confirm through a phone call to the Fraud Prevention CLETS Clerk **(925) 602-4116** that they are in the office and ready to receive the CLETS information.

**NOTE-** SW must make every attempt to go to the facsimile to receive the CLETS report after it has been confirmed it is being sent. A CLETS report may not be re-faxed if already sent.

**2. ER/AFTER HOURS SOCIAL WORKER:**

- a. **Contact DOJ (916) 227-3244**, then the worker will be asked to provide an identification number to identify themselves as a Social Worker employed with Contra Costa County EHSD. Please see a SWS or Division Manager to receive this identification number or contact the FPU to obtain this identification number from them.

**NOTE-** If there is no record, the after-hours worker should indicate this by documenting this within a CWS/CMS contact.

- b. **Provide all available identifying information** to the DOJ for the parent/relative/NREFM that needs to be criminally cleared.
- c. **DOJ will provide verbal report via telephone or secure email** by informing the SW if there are any hits for the requested adult.



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**NOTE-** If the clearance is regarding placement of a child with a relative/NREFM and there are no hits please proceed with [Emergency RFA Placement Desk Guide](#).

- d. If there are hits, placement cannot occur. Refer to [Emergency Placement Flow Chart](#) and [ER Request Form](#) for more information.
- e. **SW then must complete and Fax** completed CACI form to DOJ after receiving verbal hit results from CLETS.
- f. SW must also follow-up with screening on need for Live Scan referral for adult if CLETS request was for emergency placement.

3. **THE SCREENING UNIT:**

- a. Document the CLETS hit report in the CWS/CMS Client Services Notebook Contact Log.
- b. Electronically send the referral to the District office.

4. **THE DISTRICT ER WORKER ASSIGNED THE REFERRAL:**

- a. If a CLETS request has already been made via After Hours and documented by Screening then ER Worker will complete the preprinted **[BCIA 8016 Request For Live Scan Service Form](#)**. If the After Hours Worker has not completed the request, complete the [SIU CWS 2E](#) Children's Services Criminal Information Request form.
- b. Send or fax the SIU CWS 2E form to the CLETS clerk who will expedite the CLETS clearance information for the district ER worker to review. This process ensures the follow-up clearance matches the original clearance by ER/AH staff.
- c. Complete the preprinted **[BCIA 8016 Request For Live Scan Service Form](#)**.
- d. Give the emergency care provider the information about making an appointment for fingerprinting (LIVE SCAN).

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- f. Advise the care provider that the LIVE SCAN appointment must be initiated *within ten calendar days* of the CLETS criminal background clearance.
- g. Document in CWS that the request for LIVE SCAN has been completed to comply with the mandate of initiating the referral within ten calendar days or why it was not completed ; ie. Adult refused to comply, unable to locate, etc...

**NOTE-** Please refer to policy [DM 31-801.2](#) for further details.

**VI. REFERENCES**

W& I Code 361.4 & 16504.5  
Health and Safety Code Section 1522.06  
ACL 03-55  
Penal Code Sections 667.5(5); 11170(a)  
DOJ Information Bulletin #01-03-BCIA  
Emergency RFA Placement Desk Guide

**CONTACT PERSON:** First line Supervisors and above may contact the Program Analyst with any questions regarding this Department Manual Section.

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Access to CLETS is based on legal statute, and a “Need to Know, Right to Know” basis. All CFS staff are required to attend within 6 months of hire then biennially an initial Security Awareness training as well as a CLETS training that includes an overview of CLETS policy, practices and procedures. In addition, workers and staff must maintain a designated level of CLETS recertification every two years.

CFS has different classes of workers who have both indirect and direct access to CLETS. Their level of certification should reflect this access.

CLETS Certification Levels

**Full Access** - Any operator who has a CLETS User ID and password and who makes inquiries into the system, and or performs update functions. Highest level of access.

**Less Than Full Access**- Any operator who has a CLETS User ID and password and only makes inquiries into the system. Second highest level of access. This is the Fraud Prevention CLETS Clerk who process the requests from the Social Worker.

**Practitioners**- Any person who has ongoing access to CLETS provided information. This person is not a CLETS terminal operator. Staff who require direct access to CLETS transcripts in order to perform their duties. They are authorized to receive and review CLETS transcripts. Typically, these are Social Workers and Social Work Supervisors.

**Security Awareness Certification**- Not a level of access. SA training certification is required by the Federal Bureau of Investigation for **ALL** staff including administration, IT, and clerical support who may have direct or indirect access to CLETS equipment, transcripts, or information.

**NOTE:** Only those who are CLETS certified may request and receive CLETS results. The level of certification is dependent on the type of access that is needed to perform job duties. The Fraud Prevention Unit retains a list of employee’s level of certification and date of renewal.

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CLETS LIVE SCAN CHART

CLETS	LIVE SCAN
<b>To conduct an investigation</b> of suspected child abuse or neglect.	
<b>To conduct an investigation</b> involving a child in which the child is alleged to come within the jurisdiction of the juvenile court.	
<b>*To assess the appropriateness and safety of placing a child</b> who has been detained or is a dependent of the court, in the home of a relative assessed or in the home of a non-relative extended family member assessed during an <b>EMERGENCY</b> situation.	*Must schedule Live Scan for any adult in the home within ten days of CLETS request.
	<b>To assess the appropriateness and safety of placing a child</b> in the home of a relative assessed or in the home of a nonrelative extended family member assessed during a <b>NONEMERGENCY</b> situation.
<b>To attempt to locate a parent or guardian</b> of a child subject to dependency court proceedings.	
<b>To assess whether it is appropriate to place a non-minor</b> in foster care or other placement setting with minor dependent children.	
	<b>**To determine whether or not to reunite a dependent child subject to the jurisdiction of the juvenile court with their parents or legal guardians (as long as the parent or legal guardian agree to submit fingerprints as part of the case plan.)</b>

\*NOTE-For all criminal history record checks initiated for this purpose, Live Scan must be initiated within 10 calendar days of the CLETS check unless the subjects whereabouts are unknown or the subject of the check refuses to submit to the fingerprint check.

\*\*NOTE- It is not appropriate for CFS staff to request CLETS at the request of court or to provide CLETS to the court even at their request as CFS staff's access to CLETS for this purpose is not authorized by the statute.