
BACKGROUND CHECKS (# 3203)

Authority: Title 22, Chapter 6; the Health and Safety Code, Chapter 7, Section 1798.200; and Alameda County EMS Policy 3200.

- 1. BACKGROUND CHECK PROCESS** – The background check process is a Live Scan electronic fingerprint submission sent to the Department of Justice (DOJ) who does the background check and sends the results electronically to our EMS office.
 - 1.1 A Live Scan form and related instructions can be obtained at our office, by mail, or from our website (<http://acgov.org>, click on *Departments*, then *EMS*, and then on *EMT Certification or EMT Recertification*).
 - 1.2 Call a Live Scan agency to make an appointment and verify hours and payment method. Go to <http://ag.ca.gov/fingerprints/publications/contact/pdf> for Live Scan sites outside of Alameda County.
 - 1.3 Complete the application. If using a printed form from the website, be sure to make two extra copies (one for EMS and one for you).
 - 1.4 Submit part two of the Live Scan form with your EMT application.
 - 1.5 Because agencies cannot share Live Scan information, Live Scans done for other agencies can not be accepted by our agency.
 - 1.6 The Live Scan process provides background information to EMS on an ongoing basis, including subsequent arrests.
- 2. INITIAL CERTIFICATION** – All new EMT applicants must submit a Live Scan DOJ background check.
- 3. RECERTIFICATION** – All individuals applying for Alameda County recertification must submit a Live Scan DOJ background check if this is your first recertification:
 - 3.1 After September 1, 2002, or
 - 3.2 With Alameda County EMS.
- 4. EXCEPTIONS** – Employees of Alameda County Public Safety Agencies who had a background check as part of the hiring process are exempt from this requirement.
- 5. LIVE SCANS BACKGROUND CHECKS IN THE EMT-1 APPLICATION PROCESS** – Negative background checks will result in an EMT-1 card being issued. Positive background checks will require the following action:
 - 5.1 Any positive history, regardless of the infraction, will be investigated.
 - The applicant must submit a copy of the final court docket of the infraction(s) and a letter of explanation providing the EMS office with the details the infraction(s).
 - Additional materials that may be submitted include: letters of recommendations from current and past employers or instructors, and/or letters about the applicant's character.
 - 5.2 Because a positive history typically results in delays in the DOJ system, EMS will submit to the DOJ any materials provided by the applicant that could help finalize a DOJ decision.
- 6. IF YOU HAVE A CONVICTION HISTORY** – Conviction of a crime does not necessarily mean that an applicant will be denied certification or recertification.
 - 6.1 The appropriate EMS staff, along with the county legal department if appropriate, will review each individual case where the applicant has a criminal conviction. Decisions will be based on applicable state statutes and regulations, and a careful review of documentation.

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6.2 If an applicant is denied, he/she has the right to request a hearing. In addition to certification/recertification actions, an EMT-1 certificate may be suspended or revoked based on criminal history information.

7. GUIDELINES FOR HANDLING OF SUBSEQUENT ARRESTS – The EMS Agency is notified by the DOJ of subsequent arrests of individuals who have done Live Scans for their agency.

7.1 The EMS Agency may investigate the arrest through the police departments and courts.

7.2 If the offense is deemed severe, based on Section 8 below, the EMS Agency *may* suspend or revoke an EMT certification of an EMT certified through their agency.

8. GUIDELINES FOR DENIAL, SUSPENSION, OR REVOCATION OF EMT-1 CERTIFICATION AND RECERTIFICATION TO APPLICANTS WITH CRIMINAL HISTORIES

8.1 The EMS Agency *may* deny, suspend, or revoke an EMT certification if any of the following apply to the applicant:

- Has committed any sexually related offense specified under Section 290 of the Penal Code.
- Has been convicted of murder, attempted murder, or murder for hire.
- Has been convicted of two or more felonies.
- Is on parole or probation for any felony.
- Has been convicted and released from incarceration for said offense during the proceeding fifteen years for the crime of manslaughter or involuntary manslaughter.
- Has been convicted and released from incarceration of said offense during the proceeding *five* years for any offense punishable as a felony.
- Has been convicted of two misdemeanors within the previous five years relating to the use, sale, possession, or transportation of narcotics or dangerous drugs.
- Has been convicted of two misdemeanors within the proceeding five years for any offense relating to force, violence, threat, or intimidation.
- Has been convicted within the proceeding five years of any theft related misdemeanor.
- Has committed any act involving fraud or intentional dishonesty for personal gain within the proceeding seven years.

8.2 The EMS Agency *may* deny, suspend, or revoke an EMT certification to an applicant with a criminal conviction for any offense not specifically referenced above, which is substantially related to the qualifications, functions, and duties of pre-hospital care personnel. The decision to certify/not certify, suspend, or revoke will be made by the Agency Director and Medical Director based on information received from the applicant, the background check, court proceedings, parole or probation departments or any other sources deemed appropriate.

8.3 The EMS Agency will use appropriate state statutes and regulations in assisting with these determinations, including but not limited to:

- Title 13, Chapter 5, Article 1, Section 1101, California Code of Regulations.
- Title 22, Chapter 6, California Code of Regulations.
- California Health and Safety Code, Division 2.5, Chapter 7, Section 1798.200.
- The most current version of the Emergency Medical Services Authority document *Recommended Guidelines for Disciplinary Orders and Conditions of Probation*.

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8.4 All applicants receiving a certification denial, suspension, or revocation related to a criminal conviction will be given information on the option to request an Investigative Review Panel (IRP) hearing, as defined in "Emergency Medical Services Personnel Certification Review Process Guidelines" found in Chapter 6 of Division 9, Title 22, California Code of Regulations.

9. GUIDELINES FOR REMOVING INDIVIDUALS FROM THE EMS AGENCY DOJ DATABASE –

Your Live Scan application will be purged from the Alameda County EMS Live Scan database:

- ✓ If you apply for EMT certification and do not complete the process (next purge cycle, two years after your Live Scan completion date)
- ✓ If you are a certified Alameda County EMTs whose certificate has expired (next purge cycle, two years after your expiration date)

If you submit an application for certification at a later date, you will need to do another Live Scan.

10. PRIVACY GUARANTEE – Privacy and confidentiality of criminal history record information is the responsibility of the EMS Agency. Once a response is received from the DOJ we are obligated to destroy that information immediately once a decision is made on certification status. In addition, only preauthorized EMS Agency staff are permitted to review this information. All material submitted is held in strict confidence.