

National Service Criminal History Checks: CHC 101



AmeriCorps State and National 2015 Symposium



Corporation for
**NATIONAL &
COMMUNITY
SERVICE** 

Agenda

- Why Do They Matter?
- Your Responsibility: The Three D's of CHCs
- Eligibility
- The Checks
- Application: Who Needs What Checks?
- Resources, Alternatives, and Special Cases



Why do CHCs Matter?



SAFETY

AmeriCorps

Why Do NSCHCs Matter?

- Responsibility to protect vulnerable populations.
- Responsibility for taxpayer dollars.
- Uphold the requirements based in law.
- Cost disallowance & other consequences for noncompliance.

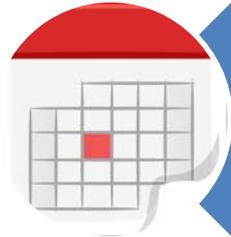


After the assessment period of fall 2014, all grantees were required to correct errors and establish strong controls over NSCHC policies and procedures.

Keys to Success: The Three D's of CHCs



1. DO the right checks.



2. Do them by the right DATE.



3. DOCUMENT your actions.

Ineligibility: Who Cannot Serve or Work?

Anyone who **refuses** to undergo the check is ineligible.

Anyone who makes a **false statement** in connection with a program's inquiry concerning their individual's criminal history is ineligible.

Anyone listed, or required to be listed, on a **sex offender** registry is ineligible.
(November 23, 2007)

Anyone convicted of **murder** as defined and described in 18 U.S.C. § 1111 is ineligible.*
(October 1, 2009)

Ineligibility: Who Cannot Serve or Work?

Anyone who **refuses** to undergo the check is ineligible.

Anyone who makes a **false statement** in connection with a program's inquiry concerning their individual's criminal history is ineligible.

Anyone listed, or required to be listed, on a **sex offender** registry is ineligible.
(November 23, 2007)

Anyone convicted of **murder** as defined and described in 18 U.S.C. § 1111 is ineligible.*
(October 1, 2009)

The Three D's of Consent and Identity

1. DO



- **DO** verify identity.
- **DO** obtain consent.
- **DO** clarify understanding of contingency of position.
- **DO** the required checks. (More to come...)

2. DATE



- **COMPLETE** NSOPW **BEFORE** start of hours.
- **INITIATE** State and/or FBI checks **NO LATER THAN THE FIRST DAY.**

3. DOCUMENT



- **DOCUMENT** government issued ID or key information.
- **DOCUMENT** consent.
- **DOCUMENT** understanding of contingency.

What Checks Are Required?



1. National Sex Offender
Public Website



2. State Checks



3. FBI Checks

The National Sex Offender Public Website

- Nationwide search from the U.S. D.O.J.
- Name-based check of public information.
- Must clear all “hits” on a name.
- Must obtain all states.

United States Department of Justice
3 Ways to Take a Screenshot

THE U.S. DEPARTMENT OF JUSTICE
NSOPW

SMART Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

HOME ABOUT SEARCH EDUCATION & PREVENTION REGISTRY SITES FAQ

National Sex Offender Quick Search *

Enter a first name and last name; then press search.

FIRST:

LAST:

SEARCH > OR [search by location](#)

* Registries for all 50 states, the District of Columbia, U.S. territories, and Indian Country.

NSOPW FAQs

-- Select One -- >

Public Registry Sites

-- Select One -- >

WELCOME TO THE Dru Sjodin National Sex Offender Public Website

EDUCATION & PREVENTION
Protect Your Child
Keep some secrets, even if

EDUCATION & PREVENTION
Protect Your Child
Educate everyone

The Dru Sjodin Story

The Three D's of the NSOPW

1. DO



- **DO** search the NSOPW for all covered individuals.
- **DO** clear all “hits.”
- **DO** include all States.

2. DATE



- **COMPLETE** before start of hours.

3. DOCUMENT



- **DOCUMENT** screenshot or printout of results.
- **DOCUMENT** that “hits” have been cleared.

State Checks

- Checks from official CNCS-designated sources (and **only** designated sources).
- **BOTH** State of Service and State of Residence required.
- List of designated sources at:
<http://www.nationalservice.gov/resources/criminal-history-check>



The Three D's of State Checks

1. DO



- **DO** State checks when required.
- **DO** establish if State of Residence is required.
- **DO** search States of Service and Residence.
- **DO** use CNCS-designated sources.

2. DATE



- **INITIATE** before start of service hours.

3. DOCUMENT



- **DOCUMENT** date initiated, date cleared, results, and source.
- **DOCUMENT** results of check were considered.

FBI Checks

- Fingerprint-based, nationwide check.
- **MUST** go through State repository.
- If State repository is not possible, alternative methods are available (“Departmental Orders”).



The Three D's of FBI Checks

1. DO



- **DO** FBI checks when required.
- **DO** first approach your State repository.
- **DO** consult CNCS if State repository is not feasible.

2. DATE



- **INITIATE** before start of service hours.

3. DOCUMENT



- **DOCUMENT** date initiated, date cleared, results, and source.
- **DOCUMENT** results of check were considered.

Accompaniment



ACCOMPANIMENT

- Accompaniment must be performed when individuals are in contact with **vulnerable populations** while State and FBI checks are pending.
- An individual is accompanied when he or she is in the **physical presence** of a person cleared for access to a vulnerable population.
- Accompaniment can cease when either a State **or** FBI check is cleared.

The Three D's of Accompaniment

1. DO



- **DO** know you can start work/service while checks are pending.
- **DO** identify individuals who can accompany.
- **DO** perform accompaniment while both checks are pending.

2. DATE



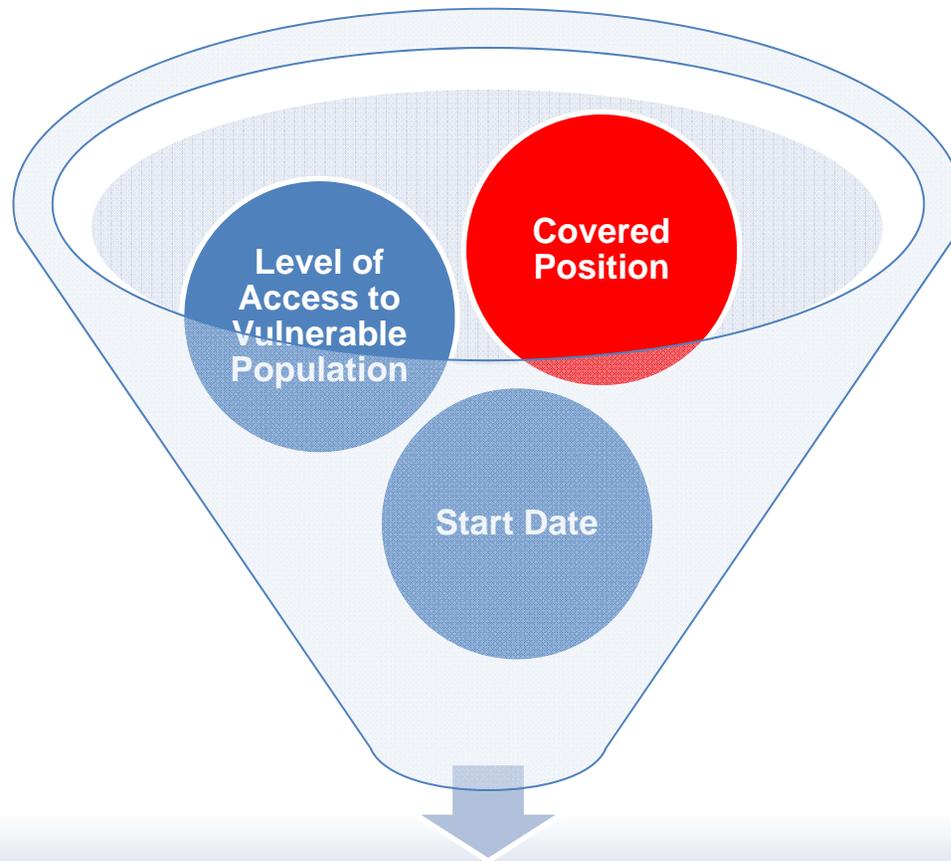
- **PERFORM WHENEVER** an individual is in contact with vulnerable populations and both checks are pending.

3. DOCUMENT



- **DOCUMENT** date, time, and accompanier.
- **DOCUMENT** appropriateness of accompanier.

Who Needs What Checks?



Required Checks



Covered Positions

COVERED POSITION

Any position receiving a salary, stipend, living allowance, and/or education award from a CNCS-funded grant.

- All individuals in a “covered position” are subject to NSCHC requirements.
- Includes program/grantee staff.
- Funds may come from federal share, matching dollars, or a mixture.
- Fixed Amount: Any individual performing activities described in the grant application.
- SIF and VGF: Contractors are “covered” when performing program activities.

Who's Covered?



Armand

Role: Executive Director
Funding: Matching funds
Start Date: May 2011
CNCS Grant Starts: April 2012

COVERED
(2012)



Belen

Role: Teacher's Aide
Funding: CNCS funds
Start Date: 2015

COVERED



Mina

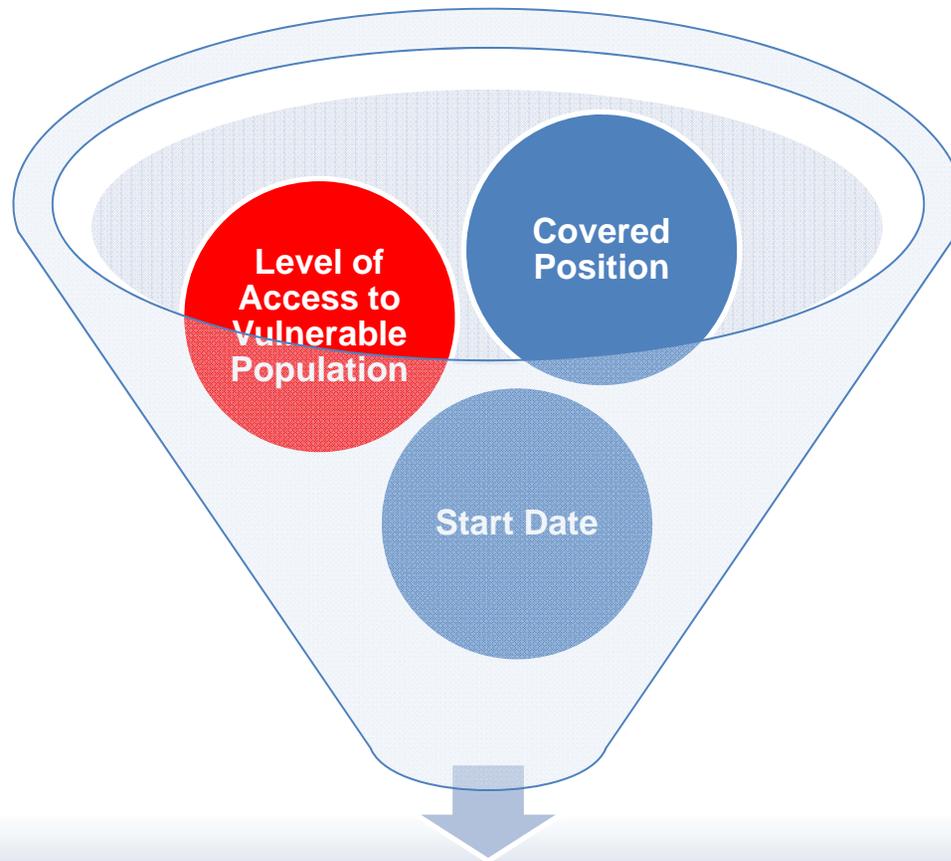
Role: Office Administration
Funding: Neither CNCS nor
Matching
Start Date: 2014

COVERED

Fixed Amount
Grant



Who Needs What Checks?



Required Checks



Types of Coverage

- **No Access or Episodic Access:** Access that is not a regular, scheduled, and anticipated component of an individual's position.
- **Recurring Access:** The ability on more than one occasion to approach, observe, or communicate with an individual, through physical proximity or other means, including but not limited to, electronic or telephonic communication.



Children 17 and under



Individuals 60 and Over



Individuals with Disabilities

Types of Coverage



Armand

Role: Executive Director
Funding: Matching funds
Start Date: May 2011

RECURRING
ACCESS



Belen

Role: Teacher's Aide
Funding: CNCS funds
Start Date: 2015

RECURRING
ACCESS



Mina

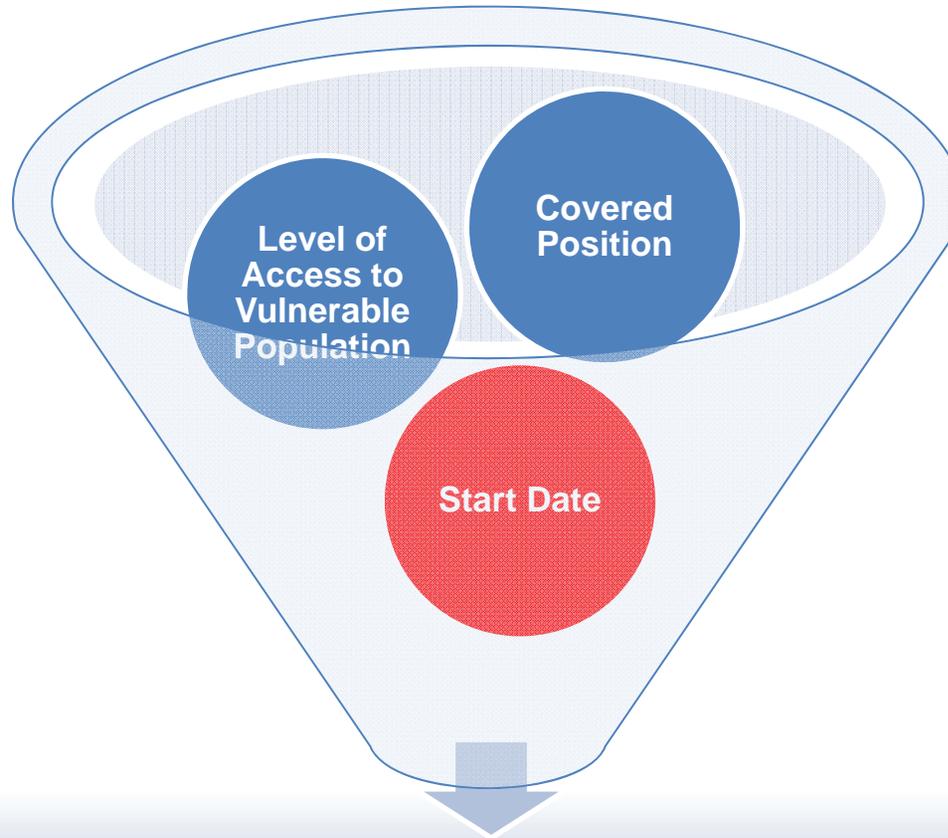
Role: Office Administration
Funding: Neither CNCS nor
Matching
Start Date: 2014

NO ACCESS

Fixed Amount
Grant



Who Needs What Checks?



Required Checks



Effective Dates



Start Date	11/23/2007 and earlier	11/24/2007 - 9/30/2009	10/01/2009 - 4/20/2011	4/21/2011 - present
No Access to Vulnerable Populations	1.NSOPW 2.Murder self-certification	1.NSOPW 2.Murder self-certification	1.NSOPW 2.State Check OR FBI Check	1.NSOPW 2.State Check OR FBI Check
Recurring Access to Vulnerable Populations		1.NSOPW 2.FBI Check OR State Check		1.NSOPW 2.State Check AND 3.FBI Check



Breaks in Service



AmeriCorps

Corporation for
**NATIONAL &
COMMUNITY
SERVICE** ★★ ★



The Three D's of Application

1. DO



- **DO** know who in your organization is covered.
- **DO** specify levels of access to vulnerable groups in PDs.
- **DO** monitor for breaks in service and supplemental checks.

2. DATE



- Required checks are based on **start dates**.

3. DOCUMENT



- **DOCUMENT** access to vulnerable populations in PDs.
- **DOCUMENT** when supplemental checks are required.
- **DOCUMENT** completion of supplemental checks.

Alternatives and Special Cases

- Possible to submit Alternative Search Procedures (ASPs) and requests for FBI exemptions.
- “Blanket ASPs”
- Visit CNCS website for more information.

Blanket ASPs as of August 2015 address the following situations:

Organizations that receive clearance letters from partners, in lieu of actual results

Unreadable fingerprints

Prohibited by State law from sharing or maintaining results

Use of Departmental Orders checks when State Repository denies request for check

Using a vendor for NSOPW results

Vendors

It is the grantee's duty to ensure that their vendor complies with NSCHC requirements.

For which CHC **component** will you use the vendor?

Will the vendor use the **correct source**?

Does the vendor **limit data** to 7 years?

Does the vendor maintain the **results**?

Vendor products may address all or some of the components of the National Service Criminal History Check. If the vendor's product deviates from the National Service Criminal History Check procedures, an ASP is required. Many vendors also offer more comprehensive searches than CNCS requires. You may use these for additional screenings at your own discretion.

Resources



**What is the best
resource for questions
and special cases?**



Resources



Your Program Officer

AmeriCorps

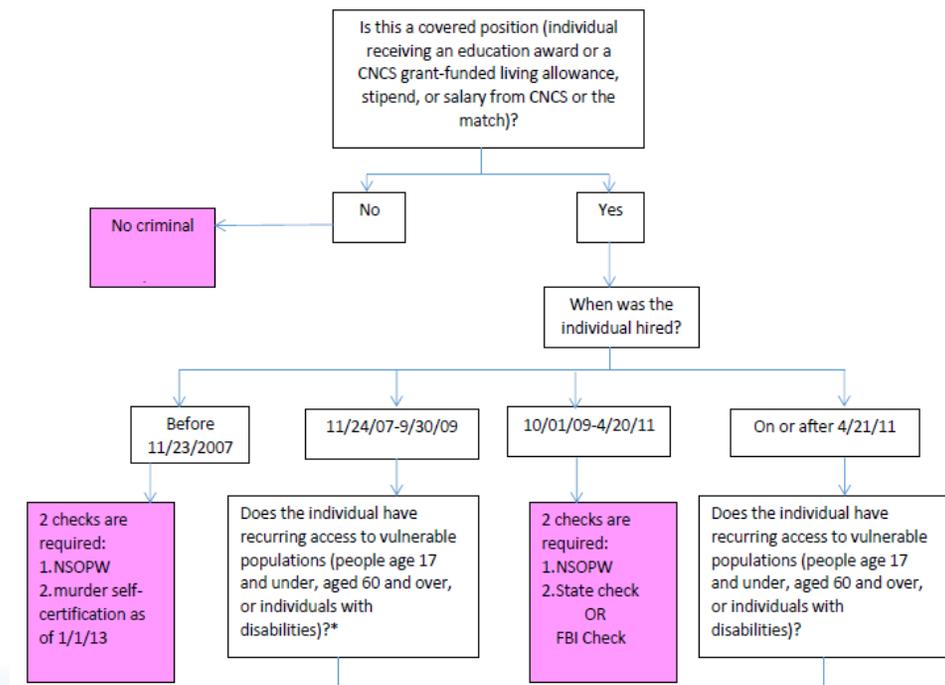
Corporation for
**NATIONAL &
COMMUNITY
SERVICE** ★★ ★



CNCS Resources

<http://www.nationalservice.gov/resources/criminal-history-check>

- Regulations
- FAQs
- Guidance
- Checklists and Flowcharts
- Online Training



Questions

