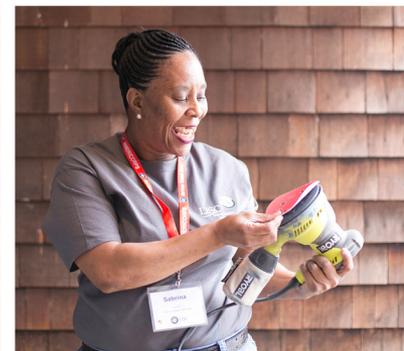




National Service Criminal History Checks: Monitoring and Advanced Topics

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AmeriCorps State and National Symposium

SEPTEMBER 18–20, 2019 | ARLINGTON, VA



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Welcome!

Agenda

- Why NSCHC?
- Monitoring NSCHC
- Monitoring Fieldprint
- Monitoring Truescreen
- Advanced Topics Q&A
- NSCHC Resources

Outcomes

- Understand how to monitor Fieldprint
- Understand how to monitor Truescreen
- Know who/where to go for resources
- Answer advanced NSCHC questions



Why National Service Criminal History Checks (NSCHC)?

- Protect Vulnerable Populations
 - Vulnerable populations are children age 17 years or younger, individuals age 60 or older, or individuals with disabilities
- Individuals who are ineligible to serve or work on CNCS grants are those who:
 - Refuse to consent to NSCHC
 - Make false statements in connection with their NSCHC
 - Are registered or required to be registered on a sex offender registry
 - Have been convicted of murder (18 USC § 1111)



NSCHC Compliance

Determine the following:

- Who is in a covered position?
 - Do they have recurring access to vulnerable populations?
 - When did they start service/work on the grant?
- What checks are required?
 - Murder Self-Certification
 - National Sex Offender Public Website (NSOPW) check
 - State (state of residence, state of service/work) check
 - FBI Fingerprint check
- When were the checks initiated/completed?
 - NSOPW: Adjudicated by grant recipient before start of service/work
 - FBI/State*: Initiated no later than the first day of the start of the service/work
 - *Truescreen checks must be completed (adjudicated by grant recipient) before applicant begins service/work

Please note: this may not be an exhaustive list of NSCHC compliance requirements; additional requirements may exist.

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NSCHC Compliance

- **Grant recipients must document the following:**
 - Applicant identity was verified against a government-issued photo identification
 - Applicant consented to checks
 - Applicant understood that selection is contingent on NSCHC eligibility
 - Applicant access to vulnerable populations (recurring or no/episodic)
 - NSOPW results were reviewed and considered before the candidate begins service/work
 - NSOPW check must be complete (all states, territories and Indian Country reporting)
 - Name-based checks match the first and last name of the government-issued photo identification
 - State(s)* and FBI checks were initiated no later than first day of the start of service/work
 - Initiation is defined
 - State of residence is identified
 - *Truescreen checks must be completed (adjudicated by grant recipient) before applicant begins service/work
 - State(s) and FBI results were reviewed and considered
 - Name-based checks match the first and last name of the government issued photo identification
 - NSOPW, State and FBI results must be maintained

Please note: this may not be an exhaustive list of NSCHC compliance requirements; additional requirements may exist.

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Truescreen and NFF Pre-Approved ASPs

- Use of Truescreen for NSOPW and/or State Checks Pre-Approved ASP
 - Truescreen checks must come from a CNCS-associated account
 - Truescreen checks must be completed (adjudicated by grantee) before the start of service/work
 - Truescreen checks not required for specific states/territories
 - Required: Truescreen NSOPW, Truescreen available state check, fingerprint FBI check
- National Fingerprint File (NFF) States Pre-Approved ASP
 - State checks are not required for states that participate in the NFF

More information can be found on the Knowledge Network:

<https://www.nationalservice.gov/ASPExemptionsGuidance>

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Truescreen Monitoring Steps

- Generate a monitoring report by date parameters and division (organization)
 - Commissions: Access to subs if mapped to your monitoring account in Truescreen
 - National Direct (ND): Access to operating sites/subs if mapped to your monitoring account in Truescreen
- Review the monitoring report
 - Verify
 - Identity was verified against government issued photo identification
 - First and Last name matches government issued photo identification
 - If the name checked does not match the ID uploaded, check with the organization monitored to determine if they have a government-issued photo ID for the individual that does match the name searched
 - If a secondary ID was uploaded into Truescreen, click on “Authorization” in the applicant's Investigation Information
 - Start Date
 - State of Service, State of Residence
 - Consent was signed
- Review noncompliant checks



Truescreen Mapping

- Monitoring and Order accounts must be separate
- Monitoring Accounts will never have access to the “rap sheet” but can see everything else
- Commission Monitoring Access
 - All Commissions who have opted for monitoring access should now have a monitoring account
- National Direct Monitoring Access
 - If you need monitoring access over subs/operating sites, email CHC@cns.gov
 - We will provide a spreadsheet to complete and send to Truescreen that will let up a monitoring account and map the appropriate organizations to your account
- If your Commission requires monitoring access to National Direct subs/operating sites/affiliates, the National Direct will need to:
 - Create a separate Truescreen account with an organizational name that is unique (ex: Teach for AmeriCorps TX)
 - Truescreen accounts with the same account name will not get access to monitoring reports until accounts are distinguishable (Do NOT use Teach for AmeriCorps DBA Teach for AmeriCorps TX)
 - After your account is active, email your Truescreen account manager for the process to transfer checks to that specific account and order checks for the correct account
 - Provide your Commission with your Division Number
 - Commissions: Email this Division Number to your Truescreen account manager with the request to map it to your account
 - Commissions will **not** get access to National Direct checks that are not associated with your Commission grant

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Truescreen Monitoring Report

mytrue.com
myHome myReports + myTools myAppStation myVendors

Welcome, Lic

Case Search

Search by:

- Last Name or Company Name
- First and Last Name
- First Name
- SSN/ID#Tax ID Number
- Billing Code
- Report Request Date
- Case Number
- Appstation Code

Submit

Recently Viewed Subjects

myManagement Reports

Report Configurator

To create your own custom report, click below to access the Management Report Configurator. This tool will allow you to configure a custom report and save it to your mySaved Reports list for convenient access.

VIEW REPORTS

View Report Library

Click below to view and run all of the available reports in the Management Report Library.

VIEW REPORTS

my Saved Reports

Report Name

- All Names Provided Report
- CNCS Monitoring Report**
- Credit Card Receipt Report

myFile Upload

mytrue.com
screen

Required fields are indicated by asterisks.*

CNCS Monitoring Report

Requested From Date [mm/dd/yyyy]

Requested To Date [mm/dd/yyyy]

Division (optional) Any

SUBMIT CANCEL

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Truescreen CNCS Monitoring Report

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	CNCS Monitoring Report																
2																	
3	Requested from 03/12/2019 to 04/9/2019																
4	Grant Number	State of Grantee Address	EIN	DUNS	CNCS Program	ACSN Direct Subrecipient	ACSN Commission Subrecipient	Vista Grantee	Project Title	Organization name	Staff	AmeriCorps	Volunteer	Individual First Name	Individual Last Name	Case Number	Division Number
5	19SFSGA123	GA	123456789	123456789	Foster Grandparent Grant Receipt	No	No	No	Foster Grandparent Program	Georgia Coalition	N	N	Y	John	Smith	6902888	947-258
6	19SFSGA123	GA	123456789	123456789	Foster Grandparent Grant Receipt	No	No	No	Foster Grandparent Program	Georgia Coalition	N	N	Y	Jane	Doe	6905709	947-258
7	19SFSGA123	GA	123456789	123456789	Foster Grandparent Grant Receipt	No	No	No	Foster Grandparent Program	Georgia Coalition	N	N	Y	Jim	Smith-Doe	6905711	947-258

- **Case number:** Unique number assigned to the individual
- **Division number:** Unique number assigned to the grantee agreement (organization's number)
- **Entered by Grant Recipient during account set up:** State of Grantee Address, EIN, DUNS, CNCS program, grantee type (Subrecipient, VISTA, etc.) , project title, organization name
- **Entered by Grant Recipient during ordering:** Grant number(s)
- **Entered by Applicant:** Staff, AmeriCorps or Volunteer designation
- **Entered by Grant Recipient during ordering:** First and Last name

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Truescreen CNCS Monitoring Report

	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH
4	Anticipated start date	State of Service ordered	State of Residence	NSOPW Ordered?	Vulnerable Populations	Request Date	Date of Application Submittal	Date ID Was checked	Criminal History Delivered Pass/Review	NSOPW Pass/Review	Grantee Adjudication Decision	Adjudication Date	Last Adjudicated By	Pre-Adverse?	Date Pre-Adverse Letter Sent	Adverse?	Date Adverse Letter Sent
5	3/18/2019 12:00:00 AM	Georgia + NSOPW	Georgia	Y	YES	03/18/2019	03/21/2019		Pass	Pass	Pass	03/26/2019	mbarton	N		N	
6	3/19/2019 12:00:00 AM	Georgia + NSOPW	Georgia	Y	YES	03/19/2019	03/21/2019	3/21/2019	Pass	Pass	Review	03/24/2019		N		N	
7	3/20/2019 12:00:00 AM	Georgia + NSOPW	Louisiana	Y	YES	03/19/2019	03/21/2019	3/21/2019	Pass	Pass	Pass	3/24/2019	mbarton	N		N	

- **Entered by Grant Recipient during ordering:** Anticipated start date, type of checks ordered (state of service, state of residence, NSOPW)
- **Truescreen timestamps:** Request Date, Date of Application Submittal, Date ID was checked (blank if ID was not checked)
- **Criminal History Delivered Pass/Review:** Truescreen adjudication recommendation for State check(s); blank if no check ordered
- **NSOPW Pass/Review:** Truescreen adjudication recommendation for NSOPW check; blank if no check ordered
- **Grantee Adjudication Decision:** Grantee final decision, “review” if not adjudicated by grantee
- **Adjudication Date:** Date of last adjudication (Truescreen or grantee)
- **Last Adjudicated by:** The name of the adjudicator; blank if record was last adjudicated by Truescreen

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Documentation Requirements

To find the government issued photo identification and consent/understanding selection is based on NSCHC:

1. Click on the myAppStation Tab
2. Search for the individual
3. Click on the individual's name to access their documents (do not click submit!)

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Truescreen Adverse Process

- Ineligible or unsuitable applicant - adverse process
 - Requester selects “pre-adverse”
 - Truescreen gives applicants opportunity to challenge the factual accuracy of results, reports to requester. Truescreen notifies applicant of final rejection (if applicable)
 - If organization opts out of using Truescreen’s adverse process (did not provide letterhead/signature), must document that the process occurred.
 - Organizations must follow all FCRA and appropriate state laws
- Adverse process is documented in monitoring report and Investigation Information screen (“adjudication screen”)



Truescreen Common issues

- Grant recipient does not indicate verification of government-issued photo identification
- Grant recipient does not adjudicate check
- First and last name on government issued photo ID does not match check
- Incorrect check/state(s) ordered
- Grant number or other grant recipient information is not accurate



Monitoring Fieldprint checks

- Fieldprint provides an adjudication recommendation (“clear” or “not clear”)
- Grant recipient adjudication is done outside the Fieldprint system
- Grant recipients can provide screenshots to show process timestamps and the Fieldprint adjudication recommendation
- Grant recipient must document that results were reviewed and the applicant is cleared to serve
 - Fieldprint “not cleared” adjudication recommendation requires additional steps to be documented



Fieldprint Adjudication Recommendation

- Fieldprint provides “cleared” and “not cleared” adjudication recommendation
- Situations when someone eligible to work or serve would receive a "Not Cleared" recommendation:
 - The individual's FBI Criminal History Record Information may contain a factual error.
 - The individual may have been convicted of an offense that relates to a sex offense or a crime of neglect, cruelty or endangerment, but did not actually result in a requirement to register as a sex offender.
 - Fieldprint will make its best effort to return a "Not Cleared" recommendation for a broad array of crimes associated with sex offenses or crimes of neglect, cruelty or endangerment.
 - Individuals may receive a "Not Cleared" recommendation for any crime related to sex offenses or neglect, cruelty or endangerment, even though those offenses do not always result in a requirement to register as a sex offender.
 - The individual's FBI Criminal History Record Information may contain a charge for a potentially disqualifying offense without clearly indicating a conviction or final outcome.

Selecting organizations must provide applicants with a reasonable opportunity to review and challenge the factual accuracy of a result before taking any adverse action on the basis of a “Not Cleared” recommendation

(45 CFR 2540.205(d)).

Learn more about a “Not Cleared” recommendation on the Fieldprint CNCS FAQ site:
https://fieldprintcncs.com/SubPage_FullWidth.aspx?ChannelID=41

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Fieldprint

“Not Cleared” Recommendation

1. Verify that applicant had opportunity to challenge the factual accuracy of the results.
2. If an individual that has a “Not Cleared” adjudication but challenges the results, the following must be documented and maintained:
 1. Dated copies of the “Not Cleared” recommendation,
 2. The evidence used in making eligibility determination, and
 3. A contemporaneously dated memo to the file documenting determination of the individual’s eligibility.

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Fieldprint: Common Issues

- Grant recipient not documenting adjudication
- Grant recipient not documenting resolution of a “Not Cleared” adjudication recommendation



Advanced Topics

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NSCHC Goals

- Protect vulnerable populations
- Eliminate barriers to compliance
- Reduce NSCHC noncompliance
- Reduce the NSCHC monitoring burden on grant recipients and CNCS



CEO NSCHC Strategy

- First shared last November
- Included:
 - Identification of a vendor to complement FBI channeler to provide all three components of NSCHC
 - Additional funding for AmeriCorps State and National and Senior Corps grantees to use Truescreen and/or Fieldprint to obtain compliant checks on individuals serving or working in covered positions
 - An Exemption Period during which CNCS will not take administrative enforcement action for noncompliance for grantees that conduct rechecks of covered positions, using Truescreen and/or Fieldprint
 - Phase out most of the currently approved Alternative Search Procedures (ASPs) at the end of calendar year 2019
 - Implement a process where a manual hold may be placed on grant funds for grantees who are found to be noncompliant with the NSCHC requirement until grantees are able to obtain compliance using the agency's approved vendors
 - Implement a new cost-based disallowance structure to replace the current NSCHC Disallowance Matrix



NSCHC Enforcement Framework

- This new enforcement approach is designed to:
 - Better align the amount of disallowance associated with NSCHC noncompliance with the importance the agency places on this critical safety requirement
 - Make whole on the commitment CNCS made to Congress, in two congressional testimonies, that it would review and reconsider the efficacy of the NSCHC mitigation matrix



NSCHC Enforcement Framework

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 - Better align the amount of disallowance associated with NSCHC noncompliance with the importance the agency places on this critical safety requirement
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NSCHC Enforcement

What Remains the Same?

- The requirements for and components of a compliant check
- The regulation and statute
- CNCS requires all prime grantees to implement this guide for NSCHC disallowance



NSCHC Enforcement

What Has Changed?

- The way disallowance is calculated (no matrix, disallowance cap is different)
- Standardized overview of enforcement remedies based on the nature of noncompliance
- Expansion of scope definition has changed
- Self-reporting is no longer available
- Separate procedural guide



NSCHC Enforcement: New Guide

Calculation of Disallowance:

- Cost of disallowance will not exceed six months
- Unless the period of work or service is less than six months, or the period of noncompliance is less than six months. In those cases, the cost will be adjusted to coincide with the period of service, work, or period of noncompliance.
 - **NOTE:** CNCS may disallow costs for more than six months, if facts and circumstances further CNCS's compliance objectives.
- **Disallowance calculations:**
 - Cost Reimbursement: Salary/Stipend/Living Allowance and FICA for period of noncompliance/six months
 - Fixed Amount Grants: Share of the cost/MSY proportional to the period of noncompliance/six months – will not exceed the value of the federal awarded amount



NSCHC Enforcement: New Guide

Other Remedies:

- In addition to the cost of disallowance, other enforcement actions and remedies may/could apply including:
 - Manual holds
 - Restriction of funds
 - Grant suspension
 - Grant termination
 - Required use of the vendors
 - Impact on future awards



NSCHC Enforcement: New Guide

Nature of Noncompliance	Enforcement Action and Remedy (as applicable)
<p>Missing NSCHC component (NSOPW, State(s), and/or FBI);</p> <p>Name-based NSCHC conducted on a name other than the government-issued photo identification</p> <p>Noncompliant NSCHC source</p> <p>NSOPW incomplete (missing state, territory, or Indian country)</p> <p>Individuals requiring accompaniment were not accompanied as required</p>	<ul style="list-style-type: none"> • Corrective action to cure deficiency and ascertain eligibility; • Cost-based disallowance; • Accompaniment until NSCHC delinquency cured; • Manual hold review or restriction of funds pending completion of corrective action; • Required use of CNCS-approved contract with Truescreen and Fieldprint (if not already used) for rechecks of all NSCHCs and for remainder of grant period. If vendors already used, rechecks required for noncompliance other than lateness.
<p>Late NSCHC component (NSOPW, State(s), and/or FBI)</p> <p>Grant recipient did not review results and document the individual is cleared to serve (NSOPW, State(s), and/or FBI)</p>	<ul style="list-style-type: none"> • Corrective action to cure deficiency and ascertain eligibility; • Cost-based disallowance; • Required use of CNCS-approved contract with Truescreen and Fieldprint (if not already used) for rechecks of all NSCHCs and for remainder of grant period. If vendors already used, rechecks required for noncompliance other than lateness.
<p>Missing documentation of consent from the candidate to conduct State and FBI checks and share results</p> <p>Missing documentation of understanding from the candidate that the national service position is contingent upon the organization's review of the individual's NSCHC component results, if any</p> <p>Missing documentation that the candidate understands his or her ability to review and challenge the factual accuracy of the result before action is taken to exclude the candidate from the position</p>	<ul style="list-style-type: none"> • Corrective action to cure deficiency; • Manual hold review or restriction of funds pending completion of corrective action; • Required use of CNCS-approved contract with Truescreen and Fieldprint (if not already used) for rechecks of all NSCHCs and for remainder of grant period. If vendors already used, rechecks required for noncompliance other than lateness.



Ineligibility vs. Noncompliance

Ineligible to serve/work on CNCS grant	Eligible to serve/work
<ul style="list-style-type: none">• Refuses to undergo check• Makes false statement in connection with a criminal history check• Convicted Murderer (18 U.S.C. § 1111)• Registered or required to be registered on a sex offender list <p>Report confirmed ineligible individuals to CHC@cns.gov with a cc to your PO and GO.</p>	<ul style="list-style-type: none">• Convicted of crimes others than murder and sex offenses that require registration• False statements not related to criminal history checks <p>Eligible and Noncompliant NSCHC:</p> <ul style="list-style-type: none">• Late criminal history check component• Missing criminal history check component• Criminal history check from no approved source• Missing documentation• Missing accompaniment documentation• Criminal history check not adjudicated



Common Compliance Findings

Time

- Failure to perform the search of individuals on the national sex offender public website BEFORE service begins;
- Failure to initiate State/FBI checks on time

Documentation

- Failure to document their own review of check results and grantee suitability considerations, as necessary.
- Failure to document the initiation of State/FBI checks;
- Failure to retain results of State/FBI checks

Understanding

- Failure to assess and hire vendors who can perform fully compliant checks;
- Lack of awareness that checks are required for their own staff;
- Lack of compliance with accompaniment requirements (staff who work with vulnerable populations and whose checks are pending must be accompanied by a clear individual until the check is complete);
- Inability to update grantee specific NSCHC policies to coincide with the revised CNCS regulations



Alternative Search Procedures (ASPs)

- Most Alternative Search Procedures (ASPs) will expire at the end of calendar year 2019
- Purpose of ASPs- allow a pathway for compliance when the statutory and/or regulatory requirements for NSCHC could not be met
- Remaining ASPs:
 - Using Truescreen
 - Recognizing National Fingerprint File (NFF) program
 - Disability Accommodation for FBI Fingerprint Checks



Expiring Pre-Approved ASPs: 12/31/19

- **Ceasing Accompaniment**
 - A grantee may cease accompaniment of the individual when it has received results clearing the individual through either:
 - BOTH of the State checks (State or residence AND State of service checks) OR
 - The fingerprint-based FBI check. An organization does not need to receive State AND FBI checks before ceasing accompaniment.
- **Maintaining Clearance Letters in Lieu of Actual NSCHC Results**
 - Partner with another organization that conducts some or all of the components, but not permitted to review the results
 - Maintain Clearance Letter by entering into a written agreement with the organization conducting the checks.



Expiring Pre-Approved ASPs: 12/31/19

- Prohibited by State Law from Maintaining Results or Sharing Results
 - If State law prohibits your organization from maintaining or sharing results of the state or FBI checks,:
 - You must document that you are prohibited by State law from maintaining results and/or prohibited from sharing those results.
 - You must maintain a memo in the individual's file
- Unreadable Fingerprint Rejected during Department Order FBI Checks
 - If your organization has an ASP for the Departmental Orders" (DO) method, you may cease attempting to conduct a fingerprint-based check after two separate unsuccessful attempts due to unreadable fingerprints.



Pre-Approved ASPs

- Disability Accommodation
 - CNCS will exempt the fingerprint FBI check requirement for individuals in covered positions (who have recurring access to vulnerable populations) if conducting a fingerprint check is a physical impossibility as a result of disability, such as the absence of limbs.
 - The grantee is still required to conduct NSOPW and name-based state check(s) on the individual.



NSCHC Resources

- Truescreen: MyLearning Center on the myHome tab:
 - Ordering Manual, Applicant Manual, Training video (also in the account confirmation email)
- Truescreen Customer Service:
 - Phone: 800-803-9042, dial 0
 - Email: CNCShelp@Truescreen.com
- CNCS Truescreen Account Managers
 - Mike Carnation - Account Manager
 - Phone: (888) 276-8518 ext. 3480, Email: mcarnation@truescreen.com
 - Susan Landgrebe - Senior Account Manager
 - Phone: (888) 276-8518 ext. 224, Email: slandgrebe@truescreen.com
- Fieldprint FAQs: <https://fieldprintcncs.com>
- Fieldprint Customer Service
 - Phone: 877-614-4364
 - Email: customerservice@fieldprint.com
- CNCS NSCHC Knowledge Network: <https://www.nationalservice.gov/resources/criminal-history-check>
 - NSCHC Using Fieldprint and Truescreen Manual
- CNCS NSCHC Email: CHC@cns.gov

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