



# National Service Criminal History Checks 101



## AmeriCorps State and National Symposium 2016



# Session Objectives

- **Understand** the NSCHC requirements
- Identify **resources** for implementation
- Build **confidence** for implementation
- Gather **feedback** and ideas

# What are the NSCHC Requirements?

# The Requirements in Brief

- Applies to individuals receiving a salary, stipend, living allowance or education award from a CNCS-funded program (covered positions).
- Individuals that refuse the process, provide false information, have been convicted of murder, or are required to register as sex offenders cannot serve in a covered position.
- All covered positions require a search of the National Sex Offender Public Website (NSOPW) and EITHER state OR FBI checks.
- Those with recurring access to vulnerable populations require a search of the NSOPW, state AND FBI checks.
- The NSOPW must be complete before the start of work or service. State and FBI checks must be initiated before the start of work or service.



# SAFETY

# Why Do They Matter?



Safety



Taxpayer  
\$



The  
Law



Time  
Sensitive



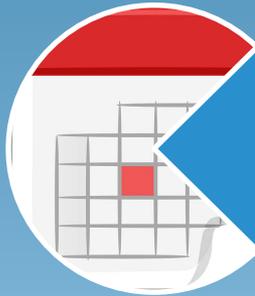
Conse-  
quences



# Keys to Success: The Three D's of NSCHCs



1. **DO** the right checks.



2. Do them by the right **DATE**.



3. **DOCUMENT** your actions.

# Eligibility: Who Cannot Serve or Work?

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

Anyone who makes a **false statement** is ineligible.

Anyone required to be listed on a **sex offender** registry is ineligible.

Anyone convicted of **murder** is ineligible.

# What About...

Drug Possession?

Petty Theft?

Driving Under the Influence?

Identity Theft?

Domestic Violence?

Drug Trafficking?

Insurance Fraud?

Aggravated Assault?

# Screening Criteria: What's Right for You?

## CNCS Statutory Minimums

- Refusing to undergo the process
- False statements
- Murder
- Sex offenses requiring registration

## Office of Juvenile Justice Delinquency and Prevention Guidelines

- Crimes involving children or dependent adults
- Crimes of violence within 10 years\*
- All other crimes discretionary based on position, circumstances, recency and other factors

## NCMEC Child Safety Program

- All felony convictions
- Lesser crimes of force
- Lesser crimes of a sexual nature
- Controlled substances
- Cruelty to animals

\* If utilized by a CNCS grantee, murder would render an individual ineligible regardless of the offenses' age, due to the statutory requirements of 45 USC 12645g.

## Steps in the Clearance Process:

1. Identify covered positions
2. Document identity, consent and awareness
3. Determine checks needed
4. Identify sources
5. NSOPW
6. State and/or FBI
7. Accompaniment
8. Clearance

## Keys to Success: The Three D's of CHCs



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### “Covered Position”

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

- All individuals in a “covered position” are subject to NSCHC requirements.
- Includes national service participants and grant-funded staff.
- Funds may come from federal share, matching dollars, or a mixture (except VISTA).
- Fixed Amount: Any individual performing activities described in the application.
- Contractors and Indirect Costs: **No**

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## Project Personnel Expenses

Project Personnel Expenses	CNCS Share	Grantee Share	Total	Excess Column
Project Director	\$50,000	\$0	\$50,000	\$0
Volunteer Coordinator	\$0	\$50,000	\$50,000	\$0
Fiscal Specialist	\$10,000	\$10,000	\$20,000	\$0
Fiscal Director	\$0	\$0	\$0	\$1000

Covered

Covered

Covered

Not Covered

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## DO

- Verify gov't-issued ID
- Obtain consent
- Clarify contingency



## DATE

- **BEFORE** start of work or service



## DOCUMENT

- Copy of ID or key info
- Written consent
- Contingency

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NSOPW



State Checks



FBI Checks

# Levels of Access

- **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.

## Vulnerable Populations



Children 17 and under



Individuals 60 and Over

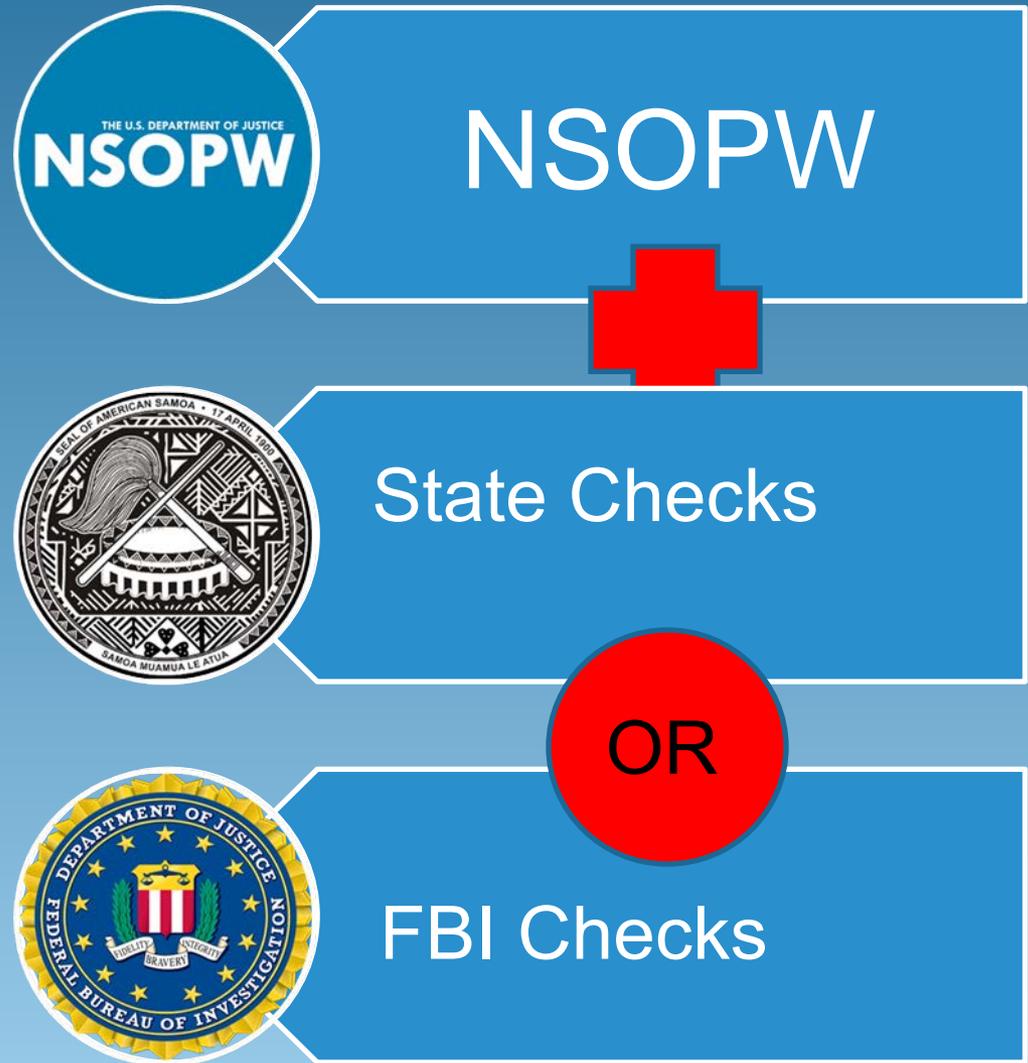


Individuals with Disabilities

# Steps in the Clearance Process:

1. Identify covered positions
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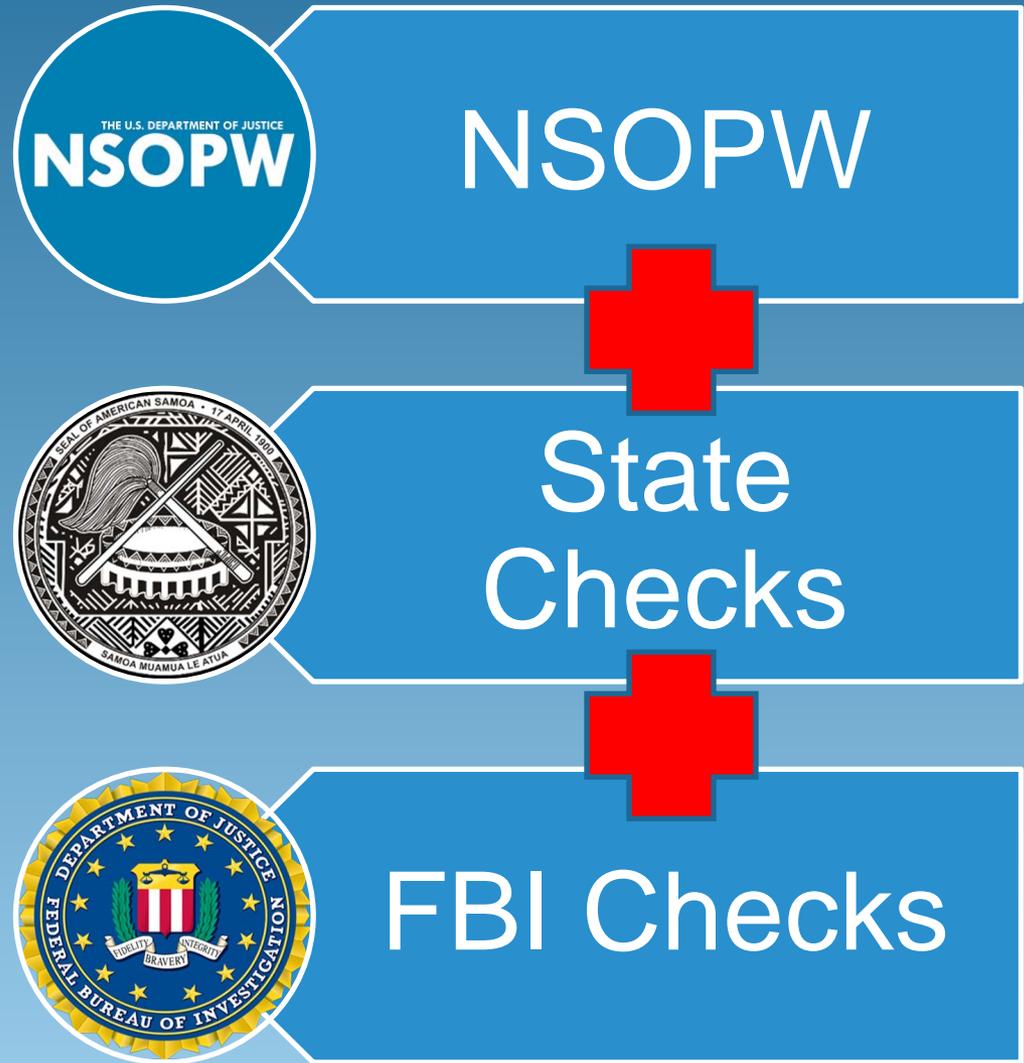
## No/Episodic Access



# Steps in the Clearance Process:

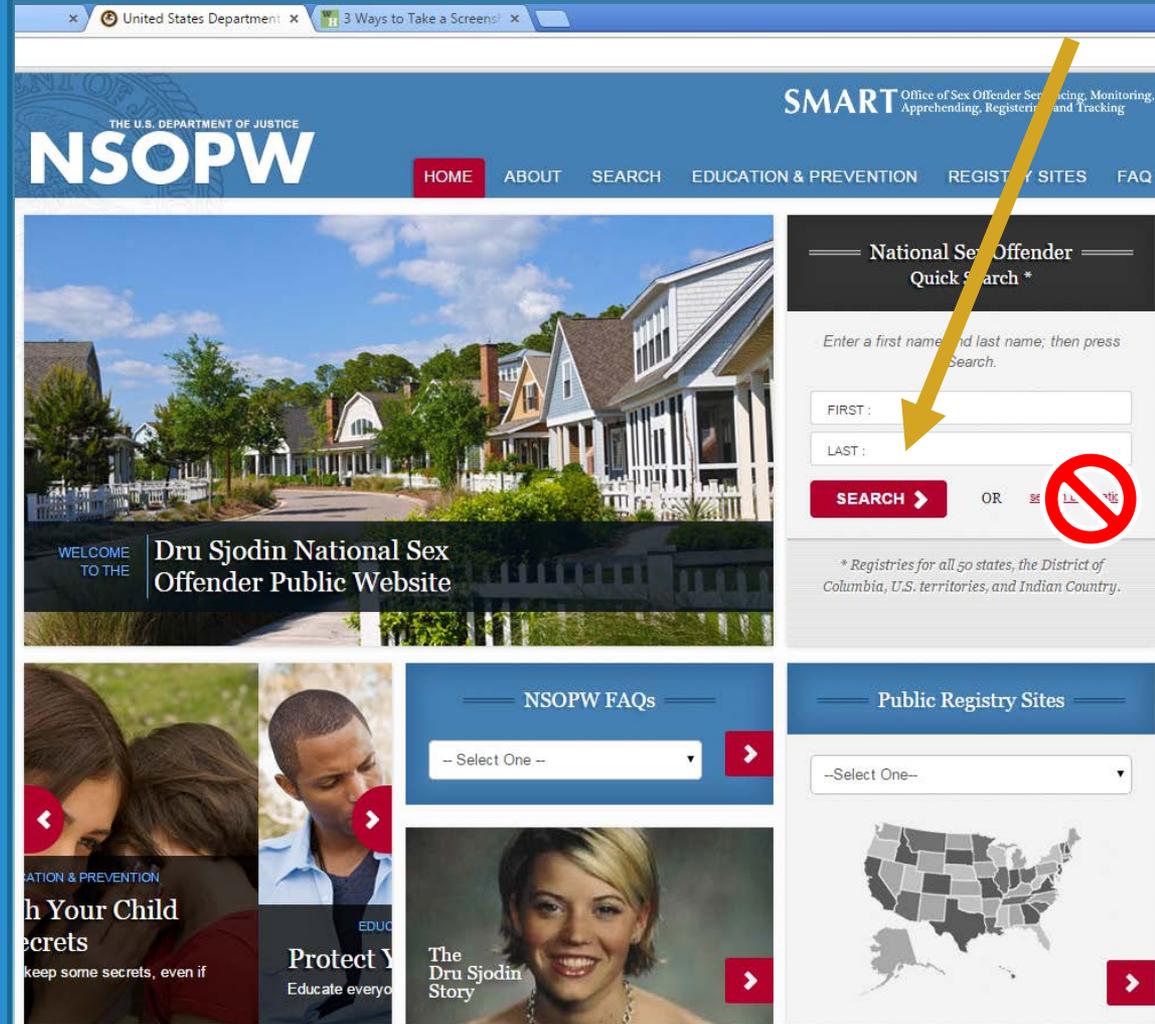
1. Identify covered positions
2. Document identity, consent and awareness
- 3. Determine checks needed**
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## Recurring Access



# Steps in the Clearance Process:

## NSOPW.gov



1. Identify covered positions
2. Document identity, consent and awareness
3. Determine checks needed
4. Identify sources
5. **NSOPW**
6. State and/or FBI
7. Accompaniment
8. Clearance

# NSOPW

← → ↻ 🏠 <https://www.nsopw.gov/en-US/Search/Results> ☆ ☰

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 Search

### Results

[print view](#)

[create new search](#)

*0 records from a national search including all states, territories and Indian Country for First Name like **brian**, Last Name like **cognato**. To view a list of the jurisdictions included in this search, [click here](#).*

*Search performed 3/2/2016 10:48 AM EST*

[Victim Services](#) | [AMBER Alert](#) | [Privacy Policy](#) | [Legal Policies and Disclaimers](#)

[U.S. Department of Justice](#) | [Office of Justice Programs](#) | [SMART Office](#) | [Contact Us](#)

[English](#) | [Español](#)

# NSOPW SEARCH

https://www.nsopw.gov/en-US/Search/Results

## National Sex Offender Search

### Results

[print view](#) [create new search](#)

578 records from a national search including all states, territories and Indian Country for First Name like John, Last Name like Doe. To view a list of the jurisdictions included in this search, [click here](#).

Search performed 3/2/2016 10:54 AM EST

**California:** The jurisdiction's service is temporarily unavailable. Please try again later.

OFFENDER	AGE	ADDRESS
 ABRAM [REDACTED]	38	INS CUSTODY INCARCERATED, FL 0000 UNKNOWN <i>Residential</i>
 ACRON [REDACTED] W	59	102 NEW BELL ROAD APT A4 Columbus, MS 39705 LOWNDES <i>Residence</i>

*Incarcerated  
B.C.*

*Sex  
B.C.*

# NSOPW SEARCH

← → ↻ 🏠 <https://www.nsopw.gov/en-US/Search/Results> ☆ ☰

## National Sex Offender Search

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Search performed 3/2/2016 10:54 AM EST

**California:** The jurisdiction's service is temporarily unavailable. Please try again later.

OFFENDER	AGE	ADDRESS
 <b>ABRAN, JAIME</b>	38	INS CUSTODY INCARCERATED, FL 00000 UNKNOWN <i>Residential</i>
 <b>ACRON, CLARK W</b>	59	102 NEW BELL ROAD APT A4 Columbus, MS 39705 LOWNDES <i>Residence</i>

# Steps in the Clearance Process:

1. Identify covered positions
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## DO

- Search NSOPW for ALL covered positions
- Clear all results
- Obtain all registries



## DATE

- **BEFORE** start of work or service
- “Start” = First hours on grant budget



## DOCUMENT

- Results
- Cleared all potential matches

## Steps in the Clearance Process:

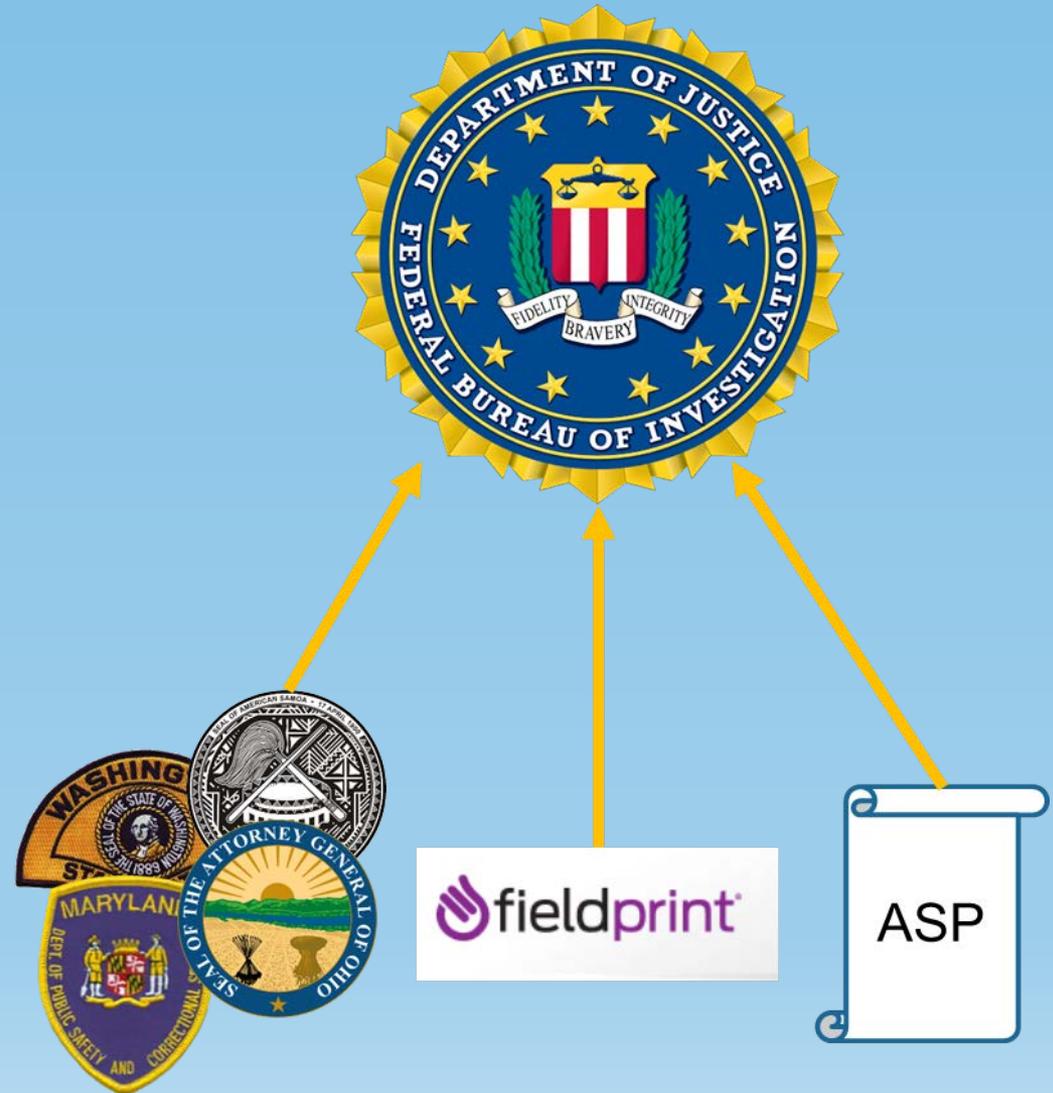
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## State Checks

# Steps in the Clearance Process:

1. Identify covered positions
2. Document identity, consent and awareness
3. Determine checks needed
4. Identify sources
5. NSOPW
- 6. State and/or FBI**
7. Accompaniment
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## FBI Checks



# Steps in the Clearance Process:

1. Identify covered positions
2. Document identity, consent and awareness
3. Determine checks needed
4. Identify sources
5. NSOPW
- 6. State and/or FBI**
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## State and FBI Checks



### DO

- State of residence **AND** state of service
- Use official state repositories
- Use Fieldprint if FBI not available from state



### DATE

- **INITIATE** no later than first day of work or service



### DOCUMENT

- Date initiated, date cleared, results, and source.
- Results were considered

## Steps in the Clearance Process:

1. Identify covered positions
2. Document identity, consent and awareness
3. Determine checks needed
4. Identify sources
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## Initiation

**CNCS:** One documented step beyond permission

**YOU:** Define in your policies and procedures

## Steps in the Clearance Process:

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## Accompaniment

- When does it need to occur?
- When can it cease?
- Who can do it?
- How do you document it?



# Steps in the Clearance Process:

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## Accompaniment



### DO

- Start work/service while checks are pending
- ID accompaniers
- Conduct when needed



### DATE

- **WHENEVER** in presence of vulnerable pops.
- **ONLY** when in presence of vulnerable pops.



### DOCUMENT

- Date, time, accompanier
- Appropriateness of accompanier

## Steps in the Clearance Process:

## Clearance

1. Identify covered positions
2. Document identity, consent and awareness
3. Determine checks needed
4. Identify sources
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# HISTORY CHECKS

## National Service Criminal History Check (NSCHC) Documentation Checklist

1.	Name of individual receiving checks:	<u><a href="#">Click here to enter text.</a></u>
2.	Position:	<u><a href="#">Click here to enter text.</a></u>
3.	Recurring access to vulnerable populations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	Start Date	<u><a href="#">Click here to enter a date.</a></u>

### 5. Verification of identity

- Photocopy/scan of government-issued ID (driver's license or passport) attached  
 -----or-----  
 ID type: [Click here to enter text.](#) ID number: [Click here to enter text.](#) Expiration: [Click here to enter a date.](#)

### 6. Written Consent

- Scanned or attached consent form including a signed statement from individual agreeing to undergo checks and confirming that the candidate understands selection is contingent on the outcomes of the checks.

### 7. National Sex Offender Public Website ([www.ncsopw.gov](http://www.ncsopw.gov))

- Date Completed: [Click here to enter a date.](#)
- Screen shots or print out of results from National Sex Offender Public Website (NSOPW) that clear your candidate.
- If the NSOPW search returns any results, include documentation that shows that your candidate is not one of those listed.
- If any registry was reported at the time of your search, documentation that you either searched the nonreported registry database or conducted a second NSOPW search when the registry was present.

### 8. Records Check

#### (a) State Checks

State of Service: <u><a href="#">Click here to enter text.</a></u>	Source: <u><a href="#">Click here to enter text.</a></u>
Date Initiated: <u><a href="#">Click here to enter a date.</a></u>	Date Completed: <u><a href="#">Click here to enter a date.</a></u>
State of Residence: <u><a href="#">Click here to enter text.</a></u>	Source: <u><a href="#">Click here to enter text.</a></u>
Date Initiated: <u><a href="#">Click here to enter a date.</a></u>	Date Completed: <u><a href="#">Click here to enter a date.</a></u>

-----and/or-----

#### (b) FBI Checks

Date Initiated: <u><a href="#">Click here to enter a date.</a></u>	Date Completed: <u><a href="#">Click here to enter a date.</a></u>
--	--

CLEARED

# Resources, Alternatives, and Special Cases:

## Alternative Search Procedures (ASPs) and Exemptions

### 1. Alternative Search Procedures (ASPs) and Exemptions

2. Pre-Approved ASPs
3. Vendors
4. Resources

*What if my  
staff are  
licensed  
teachers?*

*What if I'm denied  
access by my  
state?*

*What if I've found a better  
source of criminal history  
information?*

*What if my partner runs the  
checks for me?*

## Resources, Alternatives, and Special Cases:

1. Alternative Search Procedures (ASPs) and Exemptions
- 2. Pre-Approved ASPs**
3. Vendors
4. Resources

## Pre-Approved ASPs

### Current Pre-Approved ASPs (April 1, 2016)

Clearance letters from partners

Unreadable fingerprints

Prohibited by State law from sharing or maintaining results

Using a vendor for NSOPW results

**See the Knowledge Network for necessary details.**

## Resources, Alternatives, and Special Cases:

1. Alternative Search Procedures (ASPs) and Exemptions
2. Pre-Approved ASPs
- 3. Vendors**
4. Resources

## Vendors

# BUYER

# BEWARE

- Which CHC **component** will you use the vendor for?
- Will the vendor use the **correct source**?
- Does the vendor **limit data** to 7 years?
- Does the vendor maintain the **results**?

# Resources, Alternatives, and Special Cases:

1. Alternative Search Procedures (ASPs) and Exemptions
2. Pre-Approved ASPs
3. Vendors
- 4. Resources**



## Resources

1. Program Officer
2. CNCS Knowledge Network
  - eCourse
  - FAQs
  - Checklists
  - Changes in regulations
  - State repository list
  - Fieldprint information

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



# SAFETY

# Preventing Harm to Vulnerable Populations:

1. NSCHCs: A Legal Minimum
- 2. What Do You Do?**
3. Four Tools
4. For More Information



# Preventing Harm to Vulnerable Populations:

1. NSCHCs: A Legal Minimum
2. What Do You Do?
- 3. Four Tools**
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## Four Tools Suggested by Darkness to Light

### Screening

- NSCHCs necessary but not sufficient
- Complement with other mechanisms (references, abuse registries, commercial sources)

### Policy/Codes of Conduct

- Avoid isolated, one-on-one contact
- Other forms of contact: rides, social media
- “Grooming”

### Training

- Staff, volunteers
- Prevention generally, your organization specifically
- Culture of Zero Tolerance

### Plan for Reported Abuse

- To whom? How? What next?
- Mandatory Reporters

For more, see [D2L.org](http://D2L.org)

## Preventing Harm to Vulnerable Populations:

1. NSCHCs: A Legal Minimum
2. What Do You Do?
3. Four Tools
- 4. For More Information**

## For More Information

- Darkness to Light: Five Steps to Protecting Our Children: D2L.org
  - Consider this or another training provider
- Preventing Child Abuse: Getting Started on Policies and Procedures  
<http://www.cdc.gov/violenceprevention/pub/PreventingChildAbuse.html>
- National Center on Elder Abuse:  
<http://www.ncea.aoa.gov/>

What? Where? When? Why?

