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.
Why Do They Matter?

Safety

Taxpayer

The Law

Time Sensitive

Consequences
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?
- Driving Under the Influence?
- Petty Theft?
- Drug Trafficking?
- Domestic Violence?
- Insurance Fraud?
- Aggravated Assault?
## Screening Criteria: What’s Right for You?

<table>
<thead>
<tr>
<th>CNCS Statutory Minimums</th>
<th>Office of Juvenile Justice Delinquency and Prevention Guidelines</th>
<th>NCMEC Child Safety Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Refusing to undergo the process</td>
<td>- Crimes involving children or dependent adults</td>
<td>- All felony convictions</td>
</tr>
<tr>
<td>- False statements</td>
<td>- Crimes of violence within 10 years*</td>
<td>- Lesser crimes of force</td>
</tr>
<tr>
<td>- Murder</td>
<td>- All other crimes discretionary based on position, circumstances, recency and other factors</td>
<td>- Lesser crimes of a sexual nature</td>
</tr>
<tr>
<td>- Sex offenses requiring registration</td>
<td></td>
<td>- Controlled substances</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Cruelty to animals</td>
</tr>
</tbody>
</table>

* 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

- DO the right checks.
- Do them by the right DATE.
- DOCUMENT your actions.
Steps in the Clearance Process:

1. **Identify covered positions**
2. Document identity, consent and awareness
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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**
### Steps in the Clearance Process:

1. **Identify covered positions**
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### Project Personnel Expenses

<table>
<thead>
<tr>
<th>Project Personnel Expenses</th>
<th>CNCS Share</th>
<th>Grantee Share</th>
<th>Total</th>
<th>Excess Column</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Director</td>
<td>$50,000</td>
<td>$0</td>
<td>$50,000</td>
<td>$0</td>
</tr>
<tr>
<td>Volunteer Coordinator</td>
<td>$0</td>
<td>$50,000</td>
<td>$50,000</td>
<td>$0</td>
</tr>
<tr>
<td>Fiscal Specialist</td>
<td>$10,000</td>
<td>$10,000</td>
<td>$20,000</td>
<td>$0</td>
</tr>
<tr>
<td>Fiscal Director</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$1000</td>
</tr>
</tbody>
</table>

**Covered**

**Not Covered**
Steps in the Clearance Process:

1. Identify covered positions
2. **Document identity, consent and awareness**
3. Determine checks needed
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5. NSOPW
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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.
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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7. Accompaniment
8. Clearance

**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
Steps in the Clearance Process:

1. Identify covered positions
2. Document identity, consent and awareness
3. **Determine checks needed**
4. Identify sources
5. NSOPW
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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.
Steps in the Clearance Process:

1. Identify covered positions
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No/Episodic Access:

- NSOPW
- State Checks
- OR
- FBI Checks
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:

- NSOPW
- State Checks
- 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
7. Accompaniment
8. Clearance
National Sex Offender Search

Results

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
NSOPW SEARCH

National Sex Offender Search

Results

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.

<table>
<thead>
<tr>
<th>OFFENDER</th>
<th>AGE</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABRAM N M</td>
<td>38</td>
<td>INS CUSTODY INCARCERATED, FL 00000 UNKNOWN Residential</td>
</tr>
<tr>
<td>INCARCERATED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. C.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| ACRON WARK W | 59  | 102 NEW BELL ROAD APT A4 Columbus, MS 39705 LOWNDES Residence |
| Sex |
| B. C. |

[Image of website screenshot with highlighted offenders]
NSOPW SEARCH

National Sex Offender Search

Results

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

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<tr>
<th>OFFENDER</th>
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<tr>
<td>ABRAN, JAIME</td>
<td>38</td>
<td>INS CUSTODY INCARCERATED, FL 00000 UNKNOWN</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Residential</td>
</tr>
<tr>
<td>ACRON, CLARK W</td>
<td>59</td>
<td>102 NEW BELL ROAD APT A4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Columbus, MS 39705 LOWNDRA Residential</td>
</tr>
</tbody>
</table>
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

**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:

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

### 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
8. Clearance

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**
7. Accompaniment
8. Clearance

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
5. NSOPW
6. **State and/or FBI**
7. Accompaniment
8. Clearance

Initiation

**CNCS:** One documented step beyond permission

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

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:

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

**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:

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
# HISTORY CHECKS

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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Name of individual receiving checks: Click here to enter text.</td>
</tr>
<tr>
<td>2.</td>
<td>Position: Click here to enter text.</td>
</tr>
<tr>
<td>3.</td>
<td>Recurring access to vulnerable populations? □ Yes □ No</td>
</tr>
<tr>
<td>4.</td>
<td>Start Date: Click here to enter a date.</td>
</tr>
</tbody>
</table>

5. Verification of identity
   - □ Photocopy/scan of government-issued ID (driver’s license or passport) attached: ________________________________
   - □ 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 candidate 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.nsopw.gov)
   - Date Completed: Click here to enter a date.
   - □ Screen shots or print out of results on 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 search is reporting at the time of your search, documentation that you either searched the nonreporting registry database or conducted a second NSOPW search when the registry was present.

8. Records Check
   - (a) State Checks
     - State of Service: Click here to enter text. Source: Click here to enter text.
     - Date Initiated: Click here to enter a date. Date Completed: Click here to enter a date.
     - State of Residence: Click here to enter text. Source: Click here to enter text.
     - Date Initiated: Click here to enter a date. Date Completed: Click here to enter a date.
   - (b) FBI Checks
     - Date Initiated: Click here to enter a date. Date Completed: Click here to enter a date.
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

<table>
<thead>
<tr>
<th>Current Pre-Approved ASPs (April 1, 2016)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clearance letters from partners</td>
</tr>
<tr>
<td>Unreadable fingerprints</td>
</tr>
<tr>
<td>Prohibited by State law from sharing or maintaining results</td>
</tr>
<tr>
<td>Using a vendor for NSOPW results</td>
</tr>
</tbody>
</table>

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

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
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**
4. For More Information

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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
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
What? Where? When? Why?