National Service Criminal History Checks (NSCHC)
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 NSCHCs Matter?
SAFETY

2015 National Service Training Events
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 any errors and establish strong controls over their NSCHC policies and procedures.
Your Responsibility: The Three D’s of CHCs

1. DO the right checks.

2. Do them by the right DATE.

3. DOCUMENT your actions.
Eligibility: Who Can 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)
Eligibility: Who Can Serve or Work?

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

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* (October 1, 2009)
Your Responsibility: 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** copy of government issued ID or key information.
   - **DOCUMENT** written consent.
   - **DOCUMENT** understanding of contingency of position.
What Checks Are Required?

1. National Sex Offender Public Website
2. State Checks
3. FBI Checks
National Sex Offender Public Website (NSOPW)

- 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.
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 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 hours.

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

- Start Date
- Level of Access to Vulnerable Population
- Covered Position

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 application.
- SIF and VGF: Contractors are “covered” when performing program activities.
WHO’S COVERED?

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

**Covered (2012)**

**Role:** Teacher’s Aide  
**Funding:** CNCS funds  
**Start Date:** 2015

**Covered**

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

**Covered**

*Fixed Amount Grant*
Who Needs What Checks?

- Level of Access to Vulnerable Population
- Covered Position
- Start Date

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.

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**Vulnerable Populations**

- 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

Belen
Role: Teacher’s Aide
Funding: CNCS funds
Start Date: 2015

Mina
Role: Office Administration
Funding: Neither CNCS nor Matching
Start Date: 2014
State and FBI Checks

For individuals with start dates on/after April 21, 2011:
No or Episodic Access → State OR FBI
Recurring Access → State AND FBI

Armand
Role: Executive Director
Funding: Matching funds
Start Date: May 2011
Access: Episodic

Belen
Role: Teacher’s Aide
Funding: CNCS funds
Start Date: 2012
Access: Recurring
Who Needs What Checks?

- Level of Access to Vulnerable Population
- Covered Position
- Start Date

Required 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 March 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.

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**?

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.
The Three D’s of Vendors

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| • DO thoroughly assess your vendor.  
• DO identify and match the vendor sources to the CNCS designated sources.  
• Do identify whether the vendor will provide you the results and/or adjudicate the results for you based on criteria for eligibility. | • DO complete the NSOPW through the vendor BEFORE hours.  
• DO initiate the State/FBI check component through the vendor no later than the first day. | • DOCUMENT vendor compliance with CHC requirements, document vendor data source.  
• DOCUMENT results as long as required under the grant. |
Resources

What is the best resource for questions and special cases?
Your Program Officer

2015 National Service Training Events
CNCS Resources

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

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

[Flowchart diagram showing the process of checking criminal history for CNCS resources]
Review: Your Keys to Success

1. **DO** the right checks.

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

3. **DOCUMENT** your actions.