

2017 Southeast Region Background Check Training: What Your League Needs To Know

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SOUTHEAST REGION

VOLUNTEER CRIMINAL BACKGROUND SCREENING POLICY AND PROCEDURES

- Goals for this session:
 - Define the Policies and Procedures
 - Define Documentation Requirements
 - Define Timely Filing of Background Check Log
 - Define Timely Filing of National Affidavit
 - Discuss Approved Background Checks Companies
 - Develop a Plan of Action

POLICY AND PROCEDURES

- This policy applies to all volunteer positions involving direct contact with youth or vulnerable adults.
- Enforcement of this policy is the responsibility of the Leagues and Associations receiving services provided by the volunteer.
- Final determination on any volunteer's eligibility is the responsibility of the Leagues or Region.
- Each League must require that all volunteers undergo a background check screening which at minimum includes a national database or a Federal criminal background check and a National Sex Offender Registry search.

No volunteer will be accepted who has been:

- **Convicted of, or plead “Guilty” or “No Contest*” to, any crime involving sexual misconduct.**
- **Convicted of, or plead “Guilty” or “No Contest*” to, any type of violent crime.**
- **A Convicted of, or plead “Guilty” or “No Contest*” to, any crime involving felony use, possession or trafficking of illicit drugs or controlled substances.**
- **Convicted of, or plead “Guilty” or “No Contest*” to, two (2) or more misdemeanor crimes involving habitual use or possession of illegal controlled substances as enumerated by local, state or federal laws.**

No volunteer will be accepted who has been:

- **Convicted of, or plead “Guilty” or “No Contest*” to, two (2) or more alcohol related crimes including, but not limited to driving under the influence of alcohol or other intoxicants, disorderly intoxication, public intoxication, and any other crimes prohibited by local, state or federal laws.**
- **Convicted of, or plead “Guilty” or “No Contest*” to illegal use of/or possession of a firearm.**
- **Convicted of, or plead “Guilty” or “No Contest*” to, child abuse/neglect or domestic violence.**
- **Arrested for any of the above, where disposition is still pending.**
- **Arrested for any of the above, or any other crime where disposition is not pending, but evidencing, based on circumstances, a reasonable concern for the safety of youth or vulnerable populations.**

Violent Crimes are defined as but not limited to:

- arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled person; aggravated assault with a deadly weapon; murder; manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing, placing or discharging of a destructive device or bomb; armed burglary; aggravated battery; or aggravated stalking.

Illegal Drugs, Illicit Drugs, and Illegal Controlled Substances are defined as but not limited to:

- cannabis, cocaine, narcotics or any other drug, mixture, or substance prohibited by local, state or federal laws.

Review Period

- Eligibility determinations are based on a nationwide criminal record review. Convictions beyond the five-year period shall be considered when one or more of the following conditions exist:
- A potential volunteer with one or more felonies shall be prohibited from acting, in any form, as a volunteer at the team, Association or League level, until a period of 5 years from the completion of any imposed sentence has passed. Upon completion of this 5 year period and having no additional convictions or pending actions for any of the proscribed felonies, the potential volunteer may be approved by the League, unless the volunteer shall fall under the jurisdiction of a stricter government ordinance or requirement.

Review Period

- A volunteer applicant shall be permanently prohibited from acting as a volunteer in any form at the team, Association or League level who has a conviction for any of the following: sexual battery; aggravated child abuse or any other violent felony against a minor; is considered a sexual offender as defined in Section 943.0435 of the Florida Statutes; is a sexual predator, as defined in Section 775.24(4) of Florida Statutes; or is listed on the National Sex Offender Public Website owned or operated by the U.S. Dept. of Justice.

Review Period

- Conviction for any of the above, or any other crime, where disposition is not pending, but evidencing, based on circumstances, a reasonable concern for the safety of youth or vulnerable populations.
- In such cases, convictions will be examined on a case by case basis in order to determine whether the incident is relevant to the volunteer position.

ACCURACY OF RECORDS

- The Southeast Region is not responsible for the content accuracy of background reports. If a volunteer disputes the accuracy of information provided by the background source, they must address their concerns directly with the law enforcement agency responsible. The volunteer may then provide a copy of the corrected criminal record for further consideration by the League to which they applied.

CONDITIONS FOR APPEAL

- Potential volunteers, who fail to meet the minimum standards as defined above, may appeal the decision before a board of their peers from the league level or the responsible entity if completion date of sentence for conviction under review has been more than five years.

APPEAL PROCESS

- Once notified of ineligibility, a volunteer has the right to appeal to the organization for which he/she has offered to provide services for reconsideration. If the applicant is eligible for appeal pursuant to condition listed above,

APPEAL PROCESS

- The volunteer applicant must submit their request for reconsideration in writing to the organization within thirty (30) days of notification. (The notification letter postmark represents day one.) The volunteer applicant must disclose the criminal record in question with the department/organization head or designee.
- Volunteer applicant must provide two letters of recommendation, one from a citizen in the community such as current employer and a second letter from the current Association President.

APPEAL PROCESS

- The Panel will schedule an appeal hearing with the individual. The panel will make a decision based on the facts presented during the appeal hearing.
- The Panel's decision will be forwarded in writing to the League and Association President. The volunteer applicant will receive written notification of the final decision.
- **No further appeals will be considered, once a decision has been rendered.**
- ***No Contest includes Nolo Contendere or Adjudication Withheld**

PROCEDURE OF POLICY

- League appointed Board Background person must submit a completed Pop Warner Background form and picture ID each year to the Southeast Region to be approved as the League Background Official.
- Leagues must submit a signed affidavit to the Southeast Region, stating that all Association Volunteers have submitted and passed a background check for the current year, this affidavit is to be signed by the League President and Background Official.

PROCEDURE OF POLICY

- Leagues must use a Southeast Region Approved Background procedure
- Leagues must create an Appeals Board process for those that have failed their background check and are eligible for and request an Appeal.
- Leagues will not issue badges or approve volunteers on National Rosters until all background procedures and policies have been completed. Associations may enter background requests and must supply to their League an email copy of all volunteer background checks and their login access to the background company that they are using.

Alternate Data Entry Procedure:

- Association appointed Board Background person must submit a completed Pop Warner Background form and picture ID each year to their League to be approved as the Association Background Official.
- Association will collect Pop Warner Background forms and picture ID's from their volunteers and run the background checks on their League Approved Background procedure

Alternate Data Entry Procedure:

- Associations must supply to their League background official an email or hard copy of all volunteer background forms, ID's, background results and their login access to the background company that they are using.
- Association must submit an Affidavit signed by their President and Background Official that the data entry for background checks has been completed for each and every association volunteer.

INSTRUCTIONS FOR BACKGROUND REPORT LOG

- Background report logs must be completed for all volunteers on whom background checks are required.
- If background checks are done at the Association level, this log must be completed by the association and forwarded to the League.
- The League shall verify all background checks. Verification consists of ensuring that background checks have been completed on all volunteers required **BEFORE** the volunteer begins to participate.

INSTRUCTIONS FOR BACKGROUND REPORT LOG

- All logs and background affidavits must be completed and sent to the Region Administrative Assistant before the listed individuals can participate, but no later than September 1st.
- Volunteers added after initial submission will be listed on a new log sheet and a follow-up affidavit will be required verifying these additional individuals.
- The penalty for failure to comply will be automatic suspension of all association activities until requirements are met.

National Affidavit

- All Association Affidavits should be kept on the file at the League level.
- The League Affidavits must be received by the National Office by September 1st.

First Advantage

- Rates - \$1.55 for the National Criminal file and \$1.55 for the National Sex Offender File Total = \$3.10 per search
- **National Criminal File**
- This online resource contains more than 20 million conviction records, including currently wanted federal fugitives.
- **National Sex Offender File**
- This online resource contains information from all 50 states and District of Columbia. Each individual state's statutes drive what level of sex offender registry information is available to the public.

Verified Volunteers - Basic

- Rates - \$9.00
- SSN Trace
- Federal Sex Offender Search Real Time (50 States)
- Nationwide National Criminal Search
- Free Monthly Nationwide Updating

Verified Volunteers -Advanced

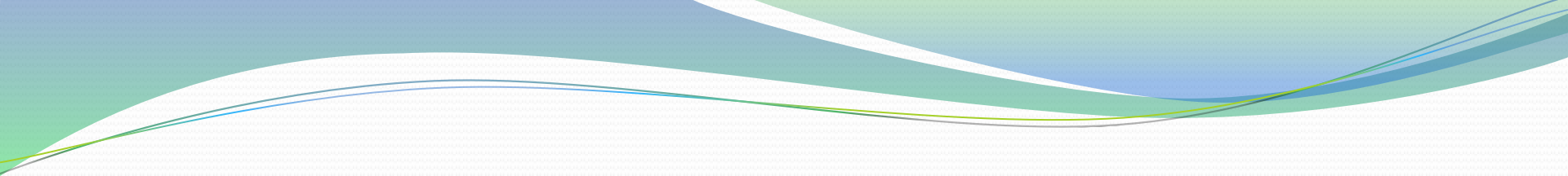
- Rates - \$15.00
- SSN Trace
- Federal Sex Offender Search Real Time (50 States)
- Nationwide National Criminal Search
- Current County of Residence Search
- Free Monthly Nationwide Updating

Applicant Insight, Inc.

- Rates - \$5.00
- National Criminal database inquiry includes multi-jurisdictional criminal data and local and National sexual offender registry data.
- Rates - \$11.00
- National Criminal database inquiry includes multi-jurisdictional criminal data and local and National sexual offender registry data. This also includes a county court search for the current residence of the volunteer.

National Center for Safety Initiatives:

- National Center for Safety Initiatives:
- <http://www.ncsisafe.com>
- The rate has been \$20 for a two year search.

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- Always remember:
 - If you manage the risk to the participant, you manage the risk for your self!!