

# Final Draft

*Association of Recreation Councils*

## BACKGROUND CHECK PROGRAM

Updated May 5, 2008

### PURPOSE OF BACKGROUND CHECK

The Association of Recreation Councils in cooperation with the Division of Parks and Recreation wants to ensure that every Frederick County Council volunteer who has the opportunity to interact with children undergoes a background check. A criminal history check serves as a means to review an individual's background in respect to their participation with youth activities. No screening process can offer absolute assurances; yet, knowing an individual's criminal background can provide more certainty that people with a history of inappropriate behavior will not have access to our children. As such, the objectives of our background check program are to ensure that our children have a safe and positive experience and to provide parents with peace of mind.

### POLICY

In keeping with the Maryland Family Law Article, *any person convicted of or having open charges for any of the forty-one criminal offenses (misdemeanor or felony) found in the Criminal Justice Information System's regulations (Section 12.15.02.07)\* used in screening criminal history records for adoption and placement of children shall be prohibited from participation in any capacity in youth programs or activities sponsored by the Frederick County Association of Recreation Council including its subsidiary organizations.*

*As a prerequisite for any personal involvement with the children, all adults who have care, custody or control of youth participants in any program or activity are required to successfully complete a Background Check. This condition applies to programs or activities sponsored by the Frederick County Association of Recreation Council including its subsidiary organizations.*

### PERSONS REQUIRED TO UNDERGO A BACKGROUND INVESTIGATION

The following matrix is provided to assist staff in determining who must undergo a background investigation prior to participating (i.e. before the first practice for coaches or the first meeting for scouting leaders) in a youth activity or program. This list is not all-inclusive; rather, it serves as a guide.

<u>POSITION OR TITLE</u>	<u>COMMENT</u>	<u>REQUIRED</u>
Head & Assistant Coaches	County-Sponsored Youth Leagues	Yes
Head & Assistant Coaches	Youth Clinic, Travel or Select Teams	Yes
Transportation Providers	Transports Youth Participants	Yes
Independent Contractors	Sport Camps, Clinics, etc.	Yes
Instructors & Assistant Instructors	Youth – Karate, Dance, Religious, etc.	Yes
Child Care Providers	Required by Family Law Article	Yes
Volunteers / Event Workers	Care, Custody or Control of Children	Yes
Volunteers / Event Workers	No Care, Custody or Control of Children	No

**\*CRIMINAL JUSTICE INFORMATION SYSTEM'S LIST OF CRIMINAL OFFENSES**

Abduction  
Abuse or neglect of an adult  
Arson  
Assault  
Assault with intent to commit a crime  
Battery  
Breaking and entering  
Burglary  
Carjacking  
Carrying or wearing a weapon  
Child abuse  
Child selling  
Confinement of an unattended child  
Cruelty to animals  
False imprisonment  
Forgery  
Housebreaking  
Incest  
Indecent exposure  
Kidnapping  
Maiming or mayhem  
Malicious destruction of property  
Manslaughter or murder  
Perjury  
Pornography  
Prostitution or pandering  
Rape  
Reckless endangerment  
Religious or ethnic crimes  
Robbery  
Sex offenses  
Sodomy  
Unlawful entry  
Driving Under the Influence (DUI) if driving is required for responsibilities  
Unnatural or perverted practices  
Manufacturing, distributing or delivering a controlled dangerous substance (CDS)  
Weapons/firearms violation of federal or state laws  
Keeping a disorderly house or maintaining a nuisance  
Criminal non-support and desertion of a spouse or minor child  
Possession of or possession with intent to manufacture, distribute or dispense CDS  
Contributing to certain conditions of a minor (delinquency, in need of supervision or assistance)  
Hiring, soliciting, engaging or using a minor for the manufacturing, distributing or delivering CDS

## **SOURCE OF BACKGROUND CHECK INFORMATION**

\*Required for all volunteers: A 24-hour Criminal Record Check will be done on all Frederick County Association of Recreation Council including its subsidiary organizations by the Frederick County Human Resource Department. This check identifies criminal records of Maryland residents only.

"Advanced" Check: A more in-depth background check will be conducted for individuals who have not lived in Maryland for more than 10 years. Each council reserves the right to administer this background check for all volunteers, not just those who have lived in Maryland for less than 10 years. This check will be conducted through KROLL. The "Advanced" check, conducted by KROLL, includes:

- Social Security Number Trace & Address Locator Database –This search may provide the following information: (a) Name and name variations used by the individual, such as maiden, divorced or previous names (b) Current and former address (es) associated with that SSN (c) Date of birth (may be limited to month and/or year of birth). This trace is made against the National Credit Reporting file.
- U.S. Criminal Records Indicator Search including Sex Offender Registry
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Note: Even if an Advance Check is completed, the standard "Required Check"\* is still necessary.

## **TIMEFRAME FOR A BACKGROUND CHECK**

There is no time limit on criminal convictions, which are considered in the context of the application of this policy. All criminal convictions regardless of their longevity will be taken into account when determining an individual's eligibility to participate in youth programs or activities.

## **CONFIDENTIALITY**

Even though adult criminal records are public information, information received during the background process will be shared on a "need to know" basis only.

## **COST OF BACKGROUND CHECK**

For the Required background check the Frederick County Human Resource Department and the Frederick County Parks and Recreation Division will absorb all costs associated with conducting these background record checks.

For the "Advanced" background check KROLL has been contracted to procure the background reports. The Social Security Number Trace costs \$5.00. The US Criminal Records Indicator search, which includes the Sex Offender Registry, costs \$7.00. Each individual recreation council will absorb these costs through whatever means the council determines is most appropriate. Total cost estimated at \$12.00 per volunteer, costs may vary depending on various or numbers of past residency locations.

## **RESPONSIBILITY FOR COMPLIANCE**

It is the responsibilities of the adult leader in charge of the respective youth activity to ensure all assistants or aides have completed a background check prior to their participation. For example, head coaches are responsible for all assistant coaches; scouting troop leaders are responsible for assistant leaders; and primary instructors are responsible for teacher's aides.

## **COMPLETED AND UPDATED BACKGROUND CHECKS FOR VOLUNTEERS**

A list of Recreation Council Volunteers with completed and cleared background checks can be found on the *KROLL* website. This website is only accessible by the council presidents and by any coach/leader given access to the information by the council president. The website with the information is: [www.BAOnline.net](http://www.BAOnline.net).

All adult leaders of youth programs or activities are required to have an updated background check a minimum of every three years. The Recreation Council associated with each volunteer will notify the individual when an update is due.

## **CHANGE OF ADDRESS**

It is the responsibility of the volunteer to inform the Recreation Council regarding a change of address. When mail is returned to the Recreation Council as "undeliverable", the volunteer will be inactivated for the purposes of the background check program.

## **APPEALS**

Individuals prohibited from participating in youth programs or activities based on the findings of their background check have no right of appeal.

## **FAIR CREDIT REPORTING ACT**

As part of compliance with the Fair Credit Reporting Act (FCRA), Kroll maintains for the Frederick County Association of Recreation Councils an applicant notification process that adheres to federal regulations. For any volunteers who have not successfully passed an "Advanced" background check, it is the responsibility of the council who initiated the background report to either call KROLL or select the 'order' link (on the Kroll website) next to the candidate's name under the FCRA/Adverse column. Taking this action will initiate the required procedures required by the federal government giving the candidate an opportunity to review and/or dispute the finding of their background report.

## **EXPUNGED RECORDS**

An individual does not have to disclose information regarding criminal charges or convictions that have been expunged by the courts. An individual whose criminal convictions were expunged after being prohibited from participation should provide the Council President with evidence of the court's actions.

## **BACKGROUND CHECK PROCESS**

**Required Check:** To initiate the standard "Required" background check, the Recreation Council representative will email a list of volunteers and their corresponding dates of birth to their Division of Parks and Recreation liaison. Division staff will then forward the information to Human Resources for the record search. Once the search has been completed the Division liaison will forward the results to the council president/designated contact.

Any missing information such as incomplete dates of birth or nicknames rather than complete legal names will prevent or delay the background investigation process. Refusal by the volunteer to provide all required information shall result in the individual being prohibited from participation in youth programs or activities.

Due to the nature of these Criminal Record Checks, volunteers will be required to complete the process each and every season that they coach or lead activities.

**For the "Advanced" Check:** To initiate an "Advanced" background check, an individual must complete and sign an Authorization and Release for the Procurement of an Investigative Report form, which can be downloaded from the Division of Parks and Recreation's website ([www.recreator.com](http://www.recreator.com)).

The release form must be completed legibly in its entirety – any missing information will prevent or delay the background investigation process. Refusal to provide all required information shall result in the individual being prohibited from participation in youth programs or activities.

Once the Authorization and Release for the Procurement of an Investigative Report form has been completed, it should be delivered to the Council president who will then log into the KROLL database and enter the volunteers information. *Under no circumstances is an individual authorized to participate in any youth program or activity in any capacity prior to the completion of his or her background check.* Organizational leaders are expected to check the database on the website to ensure all adult volunteers have completed a background check prior to participating (i.e. before the first practice for coaches or the first meeting for program leaders). All forms should be kept in a specified Binder marked confidential for up to 5 years. After 5 years all documents referencing that volunteers background check waiver should be shredded and discarded.

Typically, a background report is completed within five business days from the date the council president submits the volunteer's data to KROLL. The requests and subsequent reports are transmitted over a secure website with restricted rights of access. Typically the Council president or his or her appointed representative would have access rights to this site for each individual council.

Only authorized volunteers from each council will have access to enter and view the KROLL data

### **EXCEPTIONS**

Exceptions are limited to an individual whose conviction was more than ten years ago and has no other conviction or violation of probation. The only exceptions to the County policy as stated above are for an individual with a one-time conviction for one of the following criminal offenses:

- Assault (Misdemeanor)
- Criminal Non-Support and Desertion of a Spouse or Minor Child
- Keeping a Disorderly House or Maintaining A Nuisance
- Malicious Destruction of Property (Misdemeanor)
- Possession of a Controlled Dangerous Substance (Misdemeanor)

The exception process requires the head of the organization to accept all liability for the individual's participation and to provide full disclosure to the parents or guardians of all youth participants involved in the program or activity. Once the Division of Parks and Recreation has received written acknowledgement from the Recreation Council that the organization has accepted full liability and attested to parental disclosure, the individual will be granted a one-time exception to participate as an *assistant* leader for the respective program or activity. This exception process must be followed anew for each subsequent program or activity in which the individual desires to participate.

### **DISCIPLINARY MEASURES**

It is the responsibility of each organization that participates in Frederick County Recreation Council sponsored activities to fully comply with this policy and the background check program.

As part of the organizational accreditation process, each organization must sign an annual acknowledgment of the receipt of these policies. Therefore, Councils and/or their members that knowingly or unknowingly violate the Association of Council's policy or background check program are subject to disciplinary measures that may include, but are not limited to, the loss of organizational recognition as a recreation council; restrictions on facility usage; and/or suspension from participation.

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