

Background Checks Policy For Genesee County Parks Volunteers

In the interest of the safety of the public, park staff and volunteers, a background and criminal activity screening will be performed on all potential active status park volunteers. Volunteers are instrumental to the success of the County Parks in achieving its mission, as they provide instruction and support in delivering recreational and educational programs, assistance with maintenance and facilities development, and essential visitor services to Genesee County residents at the parks. Genesee County Park Volunteers serve at both County Parks: Genesee County Park & Forest in East Bethany, NY and DeWitt Recreation Area in Batavia, NY.

As recommended by the National Recreation and Park Association guidelines for credentialing volunteers, all active volunteers will be screened for identity verification, previous criminal activity and sex offenses, regardless of the volunteer responsibilities in the position they are applying for. This is done in the interest of ensuring a safe and healthy working environment for Genesee County Staff and volunteers and a safe environment for children, students, senior citizen groups, and the general public to enjoy at the parks. This is a public safety and risk management issue for the County Parks. The time and energy invested in performing background checks is minimal compared to the potential impact of an incident resulting from a lack of knowledge about a volunteer.

For each volunteer position with the Genesee County Parks, a criminal background check will be conducted at the local, state, and/or federal level, depending on the volunteer position.

All park volunteer applicants will be screened for the following:

- Identity verification
- Local and state criminal activity history
- Sex offender status

Volunteers who directly interact with vulnerable populations, defined as children under 17, adults over 60 and persons with disabilities will be required to complete an in-depth national and local criminal record search, trace and verification of current and past addresses in addition to the checks listed for all park volunteers. These checks will be performed by Southeast Security Consultants, Inc. (SSCI). Volunteers directly interacting with vulnerable populations include the following:

- Interpretive Educators
- Photographers

Criteria for Disqualification:

To ensure a safe and healthy environment at the parks, an individual may not serve as a volunteer if they refuse to consent to a criminal history check, or make any false statements in connection with the criminal history check. In addition, a person will be disqualified and prohibited from volunteering if they have been found guilty of the following crimes. For the purposes of this policy, guilty shall mean that the individual was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by a court finding of guilt (regardless of adjudication), or received court directed programs in lieu of conviction.

1. All sex offenses, regardless of the amount of time since offense (ex: molestation, sexual assault, solicitation, indecent exposure, etc.)
2. All felony violence, regardless of the amount of time since offense (ex: murder, manslaughter, kidnapping, robbery, aggravated burglary, etc.)
3. All felony offenses other than violence or sex offenses within the past 10 years (ex: drug offenses, theft, fraud, child endangerment, etc.)
4. All misdemeanor violence offenses within the past 10 years. (ex: simple assault, battery, domestic violence, hit & run, etc.)
5. Two or more misdemeanor drug & alcohol offenses within the past 7 years. (ex: DUI, simple drug possession, public intoxication, possession of drug paraphernalia, etc.)

Individuals found to have pending court cases for any of the disqualifying offenses will be disqualified. If the disposition of the pending case does not meet the criteria for the disqualification as listed above, the individual would then be cleared and reinstated.

Procedures for notifying the applicant, and allowing time for the applicant to correct information in the report, will be followed according to federal and state regulations under the Fair Credit Reporting Act.

Applications for volunteering with the parks will include the following:

- Name
- Current Address
- Date of birth
- A background check notification statement

Volunteer applications will indicate that a background check is part of the process of becoming a Park Volunteer.

The application will include a check box to indicate if the individual has ever been convicted of a felony or misdemeanor. A second check box will indicate that all above statements are true and accurate, and the understanding that falsifications or omissions may be grounds for denial of service.

After a brief phone interview with the Volunteer Coordinator, the applicant will meet with the Volunteer Coordinator to get a sense of volunteer duties. If the applicant chooses to continue the process, they will complete 1 of 2 background check processes:

1. Volunteers in direct contact with vulnerable populations will submit their first and last name, date of birth, current address and social security number online into the SSCI form. All checks will be performed by SSCI. Volunteers will also be given a background check notification and authorization form, including a list of 3 non-related personal or professional references and their signed statement of background check consent to complete and return to the Volunteer Coordinator.

2. All other volunteers will be given a complete background check notification and authorization release form which will include name, address, date of birth, list of previous addresses, Office of the Sheriff background check release form, list of 3 personal references, and their signed statement of background check consent to be completed and returned to the Volunteer Coordinator.

If after volunteering has begun it is discovered that the volunteer provided misleading or false information pertaining to the background check, or omitted details that may have excluded them from volunteering, the volunteer may be subject to job duty limitations or separation from service.

This entire process and procedures outlined are to be followed in accordance with federal FCRA laws and regulations.

The following is a list of steps outlining the background check procedure for all volunteers. The reasons, methods, and requirements for each background search are outlined in this list.

1. Identity

Verification of identity is the critical first step in the process to ensure that the name and other personal data given by the applicant is accurate. Subsequent searches on false identity information will yield useless data.

Reasons for taking the Social Security Number:

Although it is possible to run background checks without the SSN, it will reduce the effectiveness and limit the number of personal identifiers that can be found in public records. (For instance a married name vs. unmarried name). To report someone's criminal history the reporting agency must have at least 2 matching identifiers, such as name, date of birth, or social security number. For individuals without Social Security numbers, such as for non US Citizens, the applicant will enter "No SSN" on their application. The park will then take appropriate measures to insure that the name, date of birth and addresses are all valid for individuals without Social Security numbers.

All applicants must give their name, current address, date of birth, social security number and produce a copy of one of the following forms of ID:

- a current state-issued driver's license or
- a current state-issued ID card
- A passport.

Social security number and date of birth is verified in the process of obtaining each of these forms of ID.

The validity and authenticity of these forms of ID will be verified by the Genesee County Sheriff's department. ID verification of applicants with contact with vulnerable populations will be conducted by Southeast Security Consultants, Inc. (SSCI).

2. Address Trace

Records of the applicant's addresses will help to confirm the current address and any previous addresses of the applicant. This residence information will be used to determine jurisdiction in which sex offender and criminal history searches are conducted.

Applicants must provide all previous addresses and years of residence. Address trace of applicants to volunteer positions with access to vulnerable populations will be conducted by SSCI.

3. Personal References

Personal references will be used to provide additional and supplementary information on the applicant's character and to verify other information given on the application such as previous employment, residency, etc..

Three non-related personal or professional references will be provided by each applicant.

4. County Sheriff Check and New York state criminal history check

A statewide and countywide criminal record check is performed to capture all misdemeanor and felony convictions in jurisdictions where the applicant has resided. Volunteer applicants will be disqualified for service if found guilty of any sex offense, felony, or misdemeanor. Applicants with pending cases of any of the disqualifying offenses will not be permitted to volunteer until after the case has been judged.

The search will be conducted in the jurisdiction with the longest and most current residency. Search will yield conviction and pending records as it relates to felony and misdemeanor cases originating in Town and Village Courts, City, and County/Supreme Courts across all 62 counties of New York State. Sealed records are not reported. As of July 20, 2007, data relating to noncriminal offenses (e.g., violations, infractions) will no longer appear as part of the CHRS Report. Statewide criminal history checks are performed through <http://www.nycourts.gov/apps/chrs/>. Local criminal history checks are performed through the Office of the Sheriff of Genesee County, New York.

A statewide or countywide criminal record check for applicants with contact with vulnerable populations will be conducted by Southeast Security Consultants, Inc. (SSCI).

5. Criminal history background check for other states of previous residence, if applicable

A statewide and countywide criminal record check is performed to capture all misdemeanor and felony convictions in jurisdictions where the applicant has resided. Volunteer applicants will be disqualified for service if found guilty of any sex offense, felony, or misdemeanor. Applicants with pending cases of any of the disqualifying offenses will not be permitted to volunteer until after the case has been judged.

The search will be conducted in the jurisdiction with the longest and most current residency. A complete criminal history background check for applicants with contact with vulnerable populations will be conducted by Southeast Security Consultants, Inc. (SSCI).

6. National sex offender registry check

A free online search for volunteers <https://www.nsopw.gov/en>. A national sex offender registry check for applicants with contact with vulnerable populations will be conducted by Southeast Security Consultants, Inc. (SSCI).

7. New York state sex offenders listing

A free online search will be conducted on volunteers through www.criminaljustice.ny.gov/nsor/. A New York State sex offender registry check for applicants with contact with vulnerable populations will be conducted by Southeast Security Consultants, Inc. (SSCI).

8. Background Check Process for Volunteers Dealing with Vulnerable Populations

Volunteers dealing with vulnerable populations - defined as children under 17, elderly, or those with special needs - will undergo an extensive background check to be conducted by Southeast Security Consultants, Inc. (SSCI). Background checks through SSCI are administered at a fee of \$18.50 per volunteer and include the following checks:

- a. Verification of identity
- b. Identification of Current & Past Addresses
- c. Thorough Local Criminal Record Search (multiple searches conducted if needed based on past addresses)
- d. Investigations performed at courthouses
- e. National Criminal Record Search – 800 Million Records
- f. Confirmation of criminal records with local on-site investigations where the case was adjudicated
- g. Review of Sex Offender Registries in all 50 States and District of Columbia

Volunteer applications submit their first and last name, date of birth, current address and social security number online into the SSCI form. Social security numbers are viewed and used only by SSCI and are not reported to the agency.

SSCI provides authorization, disqualification guidelines, and notification to volunteer applicants in accordance with FRCA laws. Results are reported to agency within two business days.

Volunteers will be accompanied by a park staff member or another volunteer while on duty until the results are returned.

9. Volunteer Data Management:

Volunteer applications and all background check information will be stored in a file cabinet secured with a lock and key. Electronic files will be stored on a database maintained by the agency performing the background checks. Only the Conservation Education Program Coordinator, Parks Supervisor, County Highway Superintendent and County Attorney will have access to volunteer applications and background check files. Files will be marked with the date of the initial background check and subsequent annual screenings. Annual screenings of volunteers will include a sex offender registry check and New York state criminal background check database search. Files will be retained for the duration of the volunteer's tenure with the County Parks. Files will be destroyed 1 year after the end of the volunteer's service.

10. Annual Background Checks:

It is recommended that volunteers be screened on an annual basis. The fact that someone may have a clear background check once does not insure that they will never commit serious crimes in the future. In one year it is entirely possible for someone to be arrested and convicted through most of the court systems in the United States.

11. Administration of background checks:

Basic background checks will be administered by the Conservation Education Program Coordinator. These background checks include:

1. State and local criminal history checks
2. National and state sex offender registry checks
3. Personal references

Any convictions for misdemeanors, felonies or sex offenses or other information that raises cause for concern will be immediately brought to the attention of the Parks Supervisor. SSCI background checks will be administered by the Conservation Education Program Coordinator.

12. Compliance with the Fair Credit Reporting Act (FCRA), federal and state regulations:

The following requirements under FCRA are fulfilled with application forms provided to and signed by all Park Volunteering applicants:

1. Background Check Notification and Authorization form is a form separate from all other volunteer application forms. It is provided to every volunteer applicant, before any background screening information is obtained. It includes the following information for Volunteer applicants:
 - a. Clear and conspicuous written disclosure on the information being obtained on the applicant.

- b. Written authorization by the applicant to obtain the background screening information.
- c. A summary of consumer rights under FCRA.
- d. A statement informing the applicant of his or her right to request additional disclosures on the nature and scope of the investigation. A statement that the disclosure will be made in accordance with FCRA.
- e. Certification by the organization that the information being obtained will not be used in violation of any federal or state law or regulation.
- f. A summary of the adverse action policy in accordance with FCRA.

2. Adverse Action Policy under FCRA:

Adverse action is defined as any action limiting an applicant's access to opportunities or benefits of the volunteer program. We must use a step-by-step process when taking adverse action as a result of information obtained from this background check process.

- a. Applicants must be given notice of the adverse action.
- b. Applicants must be given a copy of the report that contained the information.
- c. Applicants must be given the opportunity to correct or challenge any incorrect information on the report before action is taken.
- d. Applicants must be given a summary of the "consumer rights" under FCRA. After providing these documents, the organization must wait 5 business days before taking adverse action. The appropriate period should be judged based on the particular facts of each case.
- e. Applicants must be given the name, address and phone number of the agency that provided the background check information.

These policies and procedures will be followed in accordance with federal and state laws and regulations, as certified on each Volunteer Application/Criminal Background Check Form.