

National Recreation and Park Association Recommended Guidelines for Background Screening

Background Screening Practices

The National Recreation and Park Association has reviewed the resources of the National Association of Professional Background Screeners, and sought the counsel of recognized background screening experts to develop a set of Recommended Guidelines for Volunteer Background Screening in park and recreation settings. The goal of these recommendations is to make communities safe by advancing optimum volunteer management practices. Park and recreation leaders from academic, municipal, and county based settings have reviewed these recommendations for their relevance and appropriateness. NRPA recommends these practices as specifications and guidelines to consider while advocating that any volunteer background screening policy should be reviewed by a City, County, or special park district attorney to insure compliance with any and all local, state or federal laws. In addition, certain states have specific guidelines regarding the reporting of criminal record information and your policies may need to be amended in these states. A qualified background screening provider should be able to guide you on these laws.

The saying that a “bad volunteer is better than no volunteer” is untrue and dangerous, and should never be considered appropriate. While park and recreation departments depend heavily upon volunteerism, failing to take any steps to screen volunteers places organizations, volunteers, and participants at greater risk. While no screening process can offer absolute assurance, implementing these recommended guidelines in your screening process can engender public confidence and lessen the risk of exposure to liability due to a lack of knowledge regarding your volunteers’ background. More specifically, an effective screening process assists communities:

- ◆ Raise public awareness of quality programs offered.
- ◆ Make the safety of all participants, particularly the most vulnerable groups (children, elderly, mentally challenged, etc.) a top priority.
- ◆ Keep people who have a history of inappropriate behavior or who are unfit out of the organization.
- ◆ Select the “most qualified” volunteers and paid staff for positions.

The Screening Process

Since park and recreation departments and user groups utilizing public spaces are responsible for maintaining safe environments within their programs, they must be aware of the potential risks and safeguards to protect participants and the community in which a program operates.

It is recommended that volunteers be considered with the same scrutiny as paid staff and be recruited, screened, trained, supervised, and evaluated with the same rigor as paid staff. The law in most cases does not differentiate between paid vs. volunteer staff.

Therefore, regardless of the volunteer's responsibilities, NRPA recommends that all volunteers be screened as though they were applying for a paid position. The time, energy, and financial investment of prevention strategies such as conducting a proper background screening, represents a fraction of the impact incidents such as sex abuse, violence, neglect, or other crimes and abuses can have on your participants, organization and community.

Comprehensive and Due Diligent Background Screening

While park and recreation professionals understand the benefits of screening volunteers, myriad approaches and options to background screenings are used. With decades of employment screening and related court decisions to model as common practice, government or volunteer organizations with limited budgets are challenged to apply the same due diligence to their background screening program. A comprehensive and due diligent background screening practice can be an achievable benchmark for all park and recreation agencies when positioned as a public safety or risk management issue. The following elements are included in this screening process:

Recommended Guidelines

It is the recommendation of the National Recreation and Park Association that park and recreation jurisdictions implement the following volunteer management *guidelines* for credentialing volunteers through comprehensive background screening and photographic identification.

The recommended guidelines call for the implementation of a comprehensive background screening for all volunteers. The recommended guideline for comprehensive background screening or background check is defined to include:

- **Social Security Verification** – Verify the name of every volunteer against the Social Security Number provided. This helps to eliminate the possibility of false names and/or information.
- **Address Trace** – Verify the current address and identify any previous address of every volunteer. This information is utilized to determine the jurisdiction in which the background screening is conducted.
- **State or County Criminal Record Check** – A Statewide or Countywide (depending on the jurisdiction) criminal record check is performed to capture all misdemeanor and felony convictions in that jurisdiction. The search should be conducted in the jurisdiction with the longest and most current residency.
- **National Criminal History Data Base search** – There is no one national record check whether through the government or private sector that identifies every crime ever committed. However, there are now criminal history data bases available that contain millions of criminal records and cover the much of the United States. These data bases can be accessed and used to supplement the local criminal history search. This is beneficial in expanding the search across the country but **should not** be used as a stand alone source for your background screening.
- **Sex Offender Registry** - Search of the appropriate state sex offender registries based on the address history. This is an important supplement to criminal history

searches but **should not** be used as a stand alone source for your background screening.

- **Timely results** – A background screening process should be timely and results should be returned within 3-5 business days on average to allow for proper planning and assignment of volunteers.
- **Complimentary Consultation** – Seek a provider committed to provide consultation to clarify screening results and provide technical assistance and guidance regarding updating practices.

Clarification of Recommended Guidelines

About Social Security Verification

Social Security verifications are a critical first step in the process as it helps to insure that the name and other personal data given by the applicant is accurate. The verification will generally reveal the state and year the SSN was issued, names, addresses and sometimes the date of birth that is associated with this Social Security number.

Although it is possible to run background checks without the SSN, this will reduce the effectiveness and limit the number of personal identifiers that can be found in public records. To report someone's criminal history the reporting agency must have at least 2 matching identifiers.

Non US Citizens – In handling background checks on individuals without Social Security numbers, it is suggested that in place of the SSN the volunteer applicant state “**No SSN**”. Each local organization should take appropriate measures to insure that the name, date of birth and addresses are all valid for individuals without Social Security numbers.

This is part of the screening process that will help to confirm the current address and any previous addresses of the applicant. The main purpose in collecting address information is to determine where the local search will be performed.

Local Search

Depending upon the state, data sources can either be a statewide repository or a county court house system search. Some states have state repositories that include criminal histories from the counties or other jurisdictions in the state. If these repositories are available, reliable and timely the state check should be used in the local search. When a state repository is not available or not reliable then the county court house should be used for the local search. The goal of a local search is to uncover all misdemeanor and felony arrests and/or convictions on the applicant.

Who will be screened?

A volunteer background screening program must include all volunteers, especially those who will have contact or access to all vulnerable individuals (youth, elderly, disabled individuals, etc.) in your programs. Random or select screening is dangerous, ineffective and can lead to increased liability for your department and user groups.

How often should Background Screenings be conducted?

Each volunteer should 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.

Confidentiality

To protect the privacy of the volunteer it is critical that each organization have a confidentiality policy and that the policy be made known to each prospective volunteer. The policy should include a statement of respect for the privacy of the volunteer and should establish that information received during a volunteer's screening process will not be disclosed outside of the organization and will be shared within the organization only on a "need to know" basis. This would include keeping the consent/release form which includes personal data on the volunteer in secure locations and only in the hands of authorized personnel. The policy which is to be made known to all prospective volunteers, should also acknowledge that the organization might, in special circumstances, have a duty to disclose to third parties, including government agencies, certain types of information when the law requires.

Proper record keeping is critical as well. You must insure that the applicants screened and results are recorded along with the date. By tracking this information you will be able to insure 100% compliance to screening and have a formal record that can be used to defend against any potential litigation in the future.

Recommended Criteria for Exclusion

A person should be disqualified and prohibited from serving as a volunteer if the person has been found guilty of the following crimes:

Guilty means that a person was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This recommendation does not apply if criminal charges resulted in acquittal, Nolle Prose, or dismissal.

SEX OFFENSES

- **All Sex Offenses** – *Regardless of the amount of time since offense.*

Examples include: child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.

FELONIES

- **All Felony Violence** – *Regardless of the amount of time since offense.*

Examples include: murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated Burglary, etc.

- **All Felony offenses** other than **violence** or **sex** within the past 10 years.

Examples include: drug offenses, theft, embezzlement, fraud, child endangerment, etc.

MISDEMEANORS

- **All misdemeanor violence** offenses within the past 7 years

Examples include: simple assault, battery, domestic violence, hit & run, etc.

- **All misdemeanor drug & alcohol offenses except DUI's** within the past 5 years or multiple offenses in the past 10 years.

DUI Disqualification Guidelines:

- **Multiple DUI's** within the past 7 years.

Examples include: driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.

- **Any other misdemeanor** within the past 5 years that would be considered a potential danger to children or is directly related to the functions of that volunteer.

Example include: contributing to the delinquency of a minor, providing alcohol to a minor, theft – if person is handling monies, etc.

PENDING CASES

It is recommended that anyone who has been charged for any of the disqualifying offenses or for cases pending in court should not be permitted to volunteer until the official adjudication of the case.

The Background Screening Process is an ongoing process and should be subject to review and changes at any time. These guidelines are based upon industry practices in private, public and non-profit areas. For additional information regarding background screening practices, visit the National Association of Professional Background Screeners at www.napbs.com