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 listed, or required to be listed, on a **sex offender** registry is ineligible. (November 23, 2007)
- Anyone who makes a **false statement** in connection with a program’s inquiry concerning their individual’s criminal history is ineligible.
- 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?

- 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?

- 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)*
Your Responsibility: Consent and Identity

<table>
<thead>
<tr>
<th>1. DO</th>
<th>2. DATE</th>
<th>3. DOCUMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>• <strong>DO</strong> verify identity.</td>
<td>• <strong>COMPLETE</strong> NSOPW <strong>BEFORE</strong> start of hours.</td>
<td>• <strong>DOCUMENT</strong> copy of government issued ID or key information.</td>
</tr>
<tr>
<td>• <strong>DO</strong> obtain consent.</td>
<td>• <strong>INITIATE</strong> State and/or FBI checks <strong>NO LATER THAN THE FIRST DAY.</strong></td>
<td>• <strong>DOCUMENT</strong> written consent.</td>
</tr>
<tr>
<td>• <strong>DO</strong> clarify understanding of contingency of position.</td>
<td></td>
<td>• <strong>DOCUMENT</strong> understanding of contingency of position.</td>
</tr>
</tbody>
</table>
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.

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 on or 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 you have an ASP, there are alternative methods available. ("Departmental Orders")
# The Three D’s of FBI Checks

<table>
<thead>
<tr>
<th>1. DO</th>
<th>2. DATE</th>
<th>3. DOCUMENT</th>
</tr>
</thead>
</table>
| - **DO** FBI checks when required.  
  - **DO** first approach your State repository.  
  - **DO** consult CNCS if State repository is not feasible.  | - **INITIATE** on or before start of hours.  | - **DOCUMENT** date initiated, date cleared, results, and source.  
  - **DOCUMENT** results of check were considered.  |
ACCOMPANIMENT

2015 National Service Training Events
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?

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

Required Checks
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?

Phil
Role: Executive Director
Funding: Matching funds
Start Date: May 2011

Covered

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

Covered

Myra
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.

Vulnerable Populations

- Children 17 and under
- Individuals 60 and Over
- Individuals with Disabilities
Types of Coverage

- **Phil**
  - Role: Executive Director
  - Funding: Matching funds
  - Start Date: May 2011
  - Access: Recurring

- **Deja**
  - Role: Teacher’s Aide
  - Funding: CNCS funds
  - Start Date: 2015
  - Access: Recurring

- **Myra**
  - Role: Office Administration
  - Funding: Neither CNCS nor Matching
  - Start Date: 2014
  - Access: No
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

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

Deja
Role: Teacher’s Aide
Funding: CNCS funds
Start Date: 2012
Access: Recurring

www.nsopw.gov
OR
FBI
AND
Who Needs What Checks?

Required Checks

Level of Access to Vulnerable Population

Covered Position

Start Date

Required Checks
<table>
<thead>
<tr>
<th>Effective Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Start Date</strong></td>
</tr>
<tr>
<td>11/23/2007 and earlier</td>
</tr>
<tr>
<td>10/01/2009 - 4/20/2011</td>
</tr>
<tr>
<td>4/21/2011 - present</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No Access to Vulnerable Populations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.NSOPW</td>
</tr>
<tr>
<td>2.Murder self-certification</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recurring Access to Vulnerable Populations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.NSOPW</td>
</tr>
<tr>
<td>2.FBI Check OR State Check</td>
</tr>
</tbody>
</table>

| 1.NSOPW                                   |
| 2.State Check OR FBI Check                |

| 1.NSOPW                                   |
| 2.State Check AND 3.FBI Check             |

Corporation for National Community Service
Breaks in Service
The Three D’s of Application

1. **DO**
   - **DO** know who in your organization is **covered**.
   - **DO** specify levels of access to **vulnerable populations** in PDs.
   - **DO** monitor for breaks in service and supplemental checks.

2. **DATE**
   - Required checks are based on **start dates**.

3. **DOCUMENT**
   - **DOCUMENT** access to vulnerable populations in PDs.
   - **DOCUMENT** when supplemental checks are required.
   - **DOCUMENT** completion of supplemental 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.

<table>
<thead>
<tr>
<th>Blanket ASPs as of March 2015 address the following situations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organizations that receive clearance letters from partners, in lieu of actual results.</td>
</tr>
<tr>
<td>Unreadable fingerprints</td>
</tr>
<tr>
<td>Prohibited by State law from sharing or maintaining results</td>
</tr>
<tr>
<td>Use of Departmental Orders checks when State Repository denies request for check</td>
</tr>
<tr>
<td>Using a vendor for NSOPW results</td>
</tr>
</tbody>
</table>
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

1. **DO**
   - **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.

2. **DATE**
   - **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**.

3. **DOCUMENT**
   - **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
CNCS Resources

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

- Regulations
- FAQs
- Guidance
- Checklists and Flowcharts
- Online Training
1. DO the right checks.

2. Do them by the right DATE.

3. DOCUMENT your actions.
2015 National Service Training Events
Missouri State Highway Patrol

- **MACHS** - Missouri Automated Criminal History Site
  - Call CJIS Division (573) 526-6312 or e-mail at machs@mshp.dps.mo.gov

- **MOVECHS** - Missouri Volunteer and Employee Criminal History Service
  - Organization Application
  - User Agreement
  - Call (573) 526-6153 ext. 2647 or e-mail at MOVECHS@mshp.dps.mo.gov
Documentation

• Documentation should be kept in the Member file for 7 years.
• Documentation checklist provided to help ensure compliance
• Access should be limited
• If using MOVECHS all results should be kept in separate locked files
# NSCHC Documentation Checklist

<table>
<thead>
<tr>
<th>Name of individual receiving checks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dates of service: From: to:</td>
</tr>
<tr>
<td>Position:</td>
</tr>
<tr>
<td>Recurring access to vulnerable populations?</td>
</tr>
</tbody>
</table>

## Verification of identity

- Photocopy/scan of government-issued ID (driver’s license or passport) attached
  
  --- OR ---

- ID type: ID number: Expiration:

## National Sex Offender Public Website

- Screen shots or print out of results from nationwide sex offender registry check that clear your candidate

  - If there are individuals on the NSOPW with the same name as your candidate, include documentation that shows that your candidate is not one of those listed.

## Written consent

- Scanned or attached consent form including a signed statement from candidate agreeing to undergo checks and the candidate understanding that position is contingent on results.
# Documentation

## Records Checked

<table>
<thead>
<tr>
<th>State</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>State:</td>
<td>Source:</td>
</tr>
<tr>
<td>Date Initiated:</td>
<td>Date Completed:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Initiated:</td>
<td>Date Completed:</td>
</tr>
</tbody>
</table>

---

### FBI fingerprint check

| Date Initiated: | Date Completed: |

## Accompaniment

- Attach documentation of each instance of accompaniment (while checks were pending) during service or work with vulnerable populations. Record the date, time, location, and name of person who provided accompaniment.
- Ensure person who provided accompaniment has been cleared in their position.

## Completion of checks

- Record date checks were completed:
- Attach results of checks (scanned or photocopied documents, screen shots, etc.)

## Consideration of results

- Maintain a document stating that checks were completed and that you considered the results of the checks.
Resources

• Website
• Handbook
  – Requirements and Definitions
  – Steps to Clear Individuals
  – Effective Dates
  – Documentation Checklist
  – NSOPW Guidance
  – Channeler Cease Order
Tutorials

• [http://learning.nationalserviceresources.org/pluginfile.php/27536/mod_resource/content/1/chc/chc.htm](http://learning.nationalserviceresources.org/pluginfile.php/27536/mod_resource/content/1/chc/chc.htm)