National Service Criminal History Checks (NSCHC)

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Program Directors Training
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Agenda

• Why do they Matter?
• Who needs them?
• Your Responsibility
• Ineligibility
• Checks
• Accompaniment
• Resources
Why does NSCHC Matter?

- Responsibility to protect our vulnerable population.
- It required by law
- Cost disallowance and other consequences for noncompliance will occur.
Who Needs them?

• Covered Positions-Anyone receiving:
  ➢ Salary
  ➢ Stipend
  ➢ Education Award
• Costs may be from match, CNCS, or both
• Fixed Amount: Any individual performing activities described in the application.
Type of Access to Vulnerable Population

- **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.
Programs Responsibility

Do the right **Checks!**

Do all checks on time! Every time!

Document all your action in the Background check process!
Program Responsibility

- Do Verify Identity
- Do Obtain Consent
- Do Clarify understanding of Contingency of position.

- Complete NSOPW **BEFORE** start of member Hours!
- INITIATE State and/or Federal checks **NO LATER THAN THE FIRST DAY.**

- DOCUMENT copy of government issued ID or Key information
- DOCUMENT written consent
- DOCUMENT understanding of contingency of position.
Who Can’t Serve?

• 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.

• Anyone convicted of murder as defined and described in 18 U.S.C. § 1111 is ineligible.
What Checks are REQUIRED?

There are Three types of Background Checks required:

- National Sex Offender Public Website
- State Checks
- FBI Checks
National Sex Offender Public Website (NSOPW)

- Name-based check of public information.
- Must clear all “hits” on a name.
- Must obtain all states.
State Checks

• Checks from official CNCS-designated sources (and only designated sources).

• BOTH State of Service and State of Residence required.

• List of designated sources at:
FBI Checks

- Fingerprint-based, nationwide check.
- **MUST** go through State repository.
- If you have an ASP, there are alternative methods available. ("Departmental Orders").
The National Fingerprint File (NFF) is an electronic information sharing system maintained by the Federal Bureau of Investigation (FBI). The NFF allows the FBI and the States to exchange criminal history records for noncriminal justice purposes authorized by federal or state law, such as background checks for governmental licensing and employment.

States that participate in the NFF respond to record requests for all authorized noncriminal justice purposes and, as such, the FBI ceases to maintain duplicate criminal history data for these states. When a state participates in the NFF system, an FBI fingerprint check is duplicative of the search of a state’s criminal history record repository. An FBI fingerprint check eliminates the need for grantees to conduct duplicative state criminal history record checks in states that participate in the NFF system.

Therefore:

- If a required state check is from a state that participates in the NFF, then the grantee does not need to conduct the check in that NFF state if they have conducted a fingerprint based FBI check.
- If a required state check is from a state that does not participate in the NFF, then this pre-approved ASP is not applicable and the grantee must obtain the appropriate NSCHC state check(s).
The following states participate in the NFF program:

<table>
<thead>
<tr>
<th>Colorado</th>
<th>Florida</th>
<th>Georgia</th>
<th>Hawaii</th>
<th>Idaho</th>
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<tr>
<td>Iowa</td>
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<td>Maryland</td>
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<td>New Jersey</td>
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<td>Oklahoma</td>
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<td>Tennessee</td>
<td>West Virginia</td>
<td>Wyoming</td>
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Example 1: One state participates in NFF. An individual in a covered position with recurring access to vulnerable populations will serve in Maine (state of service does not participate in NFF) and resides in Colorado at time of application (state of residence does participate in the NFF). The grantee must conduct an NSOPW check, a fingerprint-based FBI check, and a Maine state criminal history check. The grantee does not need a separate state of residence criminal history check from Colorado. The Colorado criminal history record information is included in the fingerprint-based FBI check.
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 both State and FBI checks are cleared.**
Truescreen

- Truescreen will provide State and/or NSOPW checks with an adjudication recommendation. Truescreen will also capture the following information:
  - Government issued photo ID
  - Individual’s consent to perform checks
  - Individual’s understanding that selection to serve/work is based on the NSCHC results
  - Individual is informed of and given the ability to review challenge the factual accuracy of a result before action is taken to exclude the individual from the position
  - Anticipated start date
  - State of residence at time of application
  - State of service/employment
  - Record final grant recipient adjudication decision
  - Truescreen process timestamps
Truescreen

- Grantees will still be responsible for: Understanding who needs to complete NSCHC
- Selecting states of service/residence
- Initiating checks on time
- Making final adjudication and selection decision
- Maintaining documentation after 7 years
- Internal policies and procedures
- Complete Truescreen checks for individuals in covered positions before the start of work or service.
  - A complete Truescreen check is defined as a check that is adjudicated by the grantee.
  - Individuals in covered positions may not begin work or service until the Truescreen checks are complete.

Note: This is not a Mandatory process. If you choose this process please be mindful of your NSOPW check. This check will not come separately/immediately, it comes with the state check results which could cause a disallowance if you do not allow proper time. Remember NSOPW checks have to be adjudicated before start of service where state checks have to be initiate on the 1st day of service. They are claiming Average time is a day for state and FBI checks but most people experiences it has take 5 to 6 business days.
Use of Truescreen for NSOPW and/or State Checks

• Use of Truescreen does not provide information for the following states and territories:
  o California, Delaware, Louisiana, Nevada, New Hampshire, New Mexico, Virginia,
  o American Samoa, Guam, Northern Mariana Islands, Puerto Rico, Virgin Islands

• Grantees using Truescreen will not be required to get a check from an unavailable state/territory for individuals in a covered position if they have
  o obtained an NSOPW check from Truescreen
  o obtained any required state checks that are available from Truescreen, and
  o conducted a fingerprint-based FBI check.
Truescreen Account Set Up Process Flow

- Go to https://applicationstation.truescreen.com/
- Sign up to create a username/password for ApplicationStation
- Sign into Application Station and submit the agreement code when prompted: \textbf{CNCSAgreement}
- Complete the Agreement
- Truescreen will reach out for the Credit Card and Action Letters and Account Manager contact information
- Truescreen will create your account after Credit Card and Action Letters (in Word) are provided. Account creation may take 3-5 business days
- Truescreen will set up the accounts and send out login credentials to https://MyTruescreen.com
- Truescreen will email you when your account is ready and offer training—TAKE THE TRAINING!
- In MyTruescreen, you will be able to order and track checks
Fieldprint

- FBI Channeler approved by CNCS to provide **adjudicated** FBI checks
- $27.50
- Turnaround time: 48 hours
- Locations in all 50 states, DC, Guam, Puerto Rico and Virgin Islands
- Electronic Live Scan
- Schedule appointments online

![Fieldprint website](www.fieldprintcncs.com)

  - Quick, easy scheduling
  - Convenient locations
  - Fast, professional fingerprint collections
- Schedule an Appointment
- Toll-free phone: (877) 614-4364
  - CustomerService@fieldprint.com

**Note:** Not a Mandatory process.
ASP

- All ASPs/Exemption approvals are expiring on 12/31/19
- Pre-Approved ASPs are expiring on 12/31/19
Expiring Pre-Approved ASPs: 12/31/19

• Ceasing Accompaniment
  o A grantee may cease accompaniment of the individual when it has received results clearing the individual through either:
    ❖ BOTH of the State checks (State for residence AND State of service checks) OR
    ❖ The fingerprint-based FBI check. An organization does not need to receive State AND FBI checks before ceasing accompaniment.

• Maintaining Clearance Letters in Lieu of Actual NSCHC Results
  o Partner with another organization that conducts some or all of the components, but not permitted to review the results
  o Maintain Clearance Letter by entering into a written agreement with the organization conducting the checks.
Expiring Pre-Approved ASPs: 12/31/19

- Prohibited by State Law from Maintaining Results or Sharing Results
  - If State law prohibits your organization from maintaining or sharing results of the state or FBI checks:
    - You must document that you are prohibited by State law from maintaining results and/or prohibited from sharing those results.
    - You must maintain a memo in the individual’s file.

- Unreadable Fingerprint Rejected during Department Order FBI Checks
  - If your organization has an ASP for the Departmental Orders” (DO) method, you may cease attempting to conduct a fingerprint-based check after two separate unsuccessful attempts due to unreadable fingerprints.
Pre-Approved ASPs

- Grantees who use Truescreen must abide by the following:
  - Set up an account with Truescreen through https://applicationstation.truescreen.com with the CNCS specific agreement code.
  - Complete Truescreen checks for individuals in covered positions before the start of work or service.
    - A complete Truescreen check is defined as a check that is adjudicated by the grantee.
    - Individuals in covered positions may not begin work or service until the Truescreen checks are complete.
Pre-Approved ASPs

- Use of Truescreen does not provide information for the following states and territories:
  - California, Delaware, Louisiana, Nevada, New Hampshire, New Mexico, Virginia,
  - American Samoa, Guam, Northern Mariana Islands, Puerto Rico, Virgin Islands
- Grantees using Truescreen will not be required to get a check from an unavailable state/territory for individuals in a covered positions if they have
  - obtained an NSOPW check from Truescreen
  - obtained any required state checks that are available from Truescreen, and
  - conducted a fingerprint-based FBI check.
Pre-Approved ASPs

- The National Fingerprint File (NFF) allows the FBI and the States to exchange criminal history records for noncriminal justice purposes authorized by federal or state law, such as background checks for governmental licensing and employment.
  - If a required state check is from a state that participates in the NFF, then the grantee does **not need** to conduct the check in that NFF state if they have conducted a fingerprint based FBI check.
- The following 20 states participate in the NFF Program:
  - Colorado, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Maryland, Minnesota, Missouri, Montana, North Carolina, New Jersey, New York, Ohio, Oklahoma, Oregon, Tennessee, West Virginia, Wyoming
Pre-Approved ASPs

• Disability Accommodation
  
  ○ CNCS will exempt the fingerprint FBI check requirement for individuals in covered positions (who have recurring access to vulnerable populations) if conducting a fingerprint check is a physical impossibility as a result of disability, such as the absence of limbs.

  ❖ The grantee is still required to conduct NSOPW and name-based state check(s) on the individual.
Resources

• Best resources to guide you successfully though NCHC:
  Ø Website- CNCS( knowledge network)
  Ø Handbook
  Ø Program Officer

Tip: If a mistake does occur self disclose to your Program Officer. Leniency is allowed for Disallowed cost when a program self identifies.
Q&A