



National Indian Justice Center
AmeriCorps Tribal



Transportation Safety Corps
2011-2012 Host Site Application

Criminal History Checks Policy and Procedures

Purpose of Policy: The purpose of this policy is to establish and maintain effective screening practices that comply with Serve America Act regulations and that help protect vulnerable individuals who are beneficiaries or employees of the National Indian Justice Center (NIJC), AmeriCorps Tribal Transportation Safety Corps program. The policy serves to minimize risk of harm to AmeriCorps members, agency staff and recipients of service activities.

Statement of Policy:

1. It is the policy of NIJC to conduct a search of statewide criminal history records (including law enforcement and court records) by name and/or fingerprint for the AmeriCorps candidate's state of residence and the state where the individual will serve or work. A copy of the criminal history records search will be maintained in the member's file. The search will be completed before the member is enrolled.
2. It is the policy of NIJC to conduct a *National Sex Offender Public Registry (NSOPR)* search for all AmeriCorps members before they are enrolled in national service. A copy of the National Sex Offender Public Registry search will be maintained in the member's file. The search will be completed before the member is enrolled.
3. It is the policy of NIJC to conduct a search of statewide criminal history records (including law enforcement and court records) by name and/or fingerprint for all persons hired as AmeriCorps grant-funded employees in the employee's state of residence and the state where the individual will serve or work. A copy of the criminal history records search will be maintained in the employee's file. The search will be completed before the employee is hired.

4. It is the policy of NIJC to conduct a *National Sex Offender Public Registry (NSOPR)* search for all persons hired as AmeriCorps grant-funded employees. A copy of the National Sex Offender Public Registry search will be maintained in the employee's human resource file. The search will be completed before the employee is hired.

5. It is the policy of NIJC to conduct an FBI criminal history records search (by name and fingerprints) for all AmeriCorps members who will have recurring access to vulnerable populations. A copy of the FBI criminal history records search will be maintained in the member's file.

Individuals for whom the criminal registry results are pending may be enrolled but may not have unsupervised access to vulnerable populations until the results are complete. Documentation will demonstrate that the member and the host site supervisor were informed of this restriction.

6. It is the policy of NIJC to conduct an FBI criminal history records search (by name and fingerprints) for all persons hired as AmeriCorps grant-funded employees IF the persons have recurring access to vulnerable populations. A copy of the FBI criminal history records search will be maintained in the employee's human resource file. *Individuals for whom the criminal registry results are pending may be employed but may not have unsupervised access to vulnerable populations until the results are complete. Documentation should demonstrate that the employee and supervisor were informed of the restriction.*

For purposes of this policy, "vulnerable populations" are defined as:

- children under the age of 18;
- individuals with a disability;
- persons over the age of 60.

For the purposes of this policy, "recurring access" is defined as:

- Ability on more than one occasion to approach, observe or communicate (by physical proximity, phone or electronic (including email and/or social media) means with a person(s) of a vulnerable population.

Any individual who is registered, or required to be registered, on any State sex offender registry, is ineligible to serve or be employed in an AmeriCorps funded position.

Any individual who refuses to consent to a criminal registry check is ineligible to serve or be employed in an AmeriCorps funded position.

Any individual who makes a false statement in connection with an inquiry concerning the individual's criminal history may not serve or be employed in an AmeriCorps funded position.

The NIJC Program Director or Service Site Supervisor must document in writing that the applicant's identity was verified by examining the applicant's government issued photo identification card and that the required criminal history checks were successfully conducted and completed.

Results of all background checks must be appropriately and securely maintained and made available upon demand for audit.

National Sex Offender Public Registry searches should be complete before members are enrolled or employees are hired.

Background checks should be initiated no later than upon member enrollment or employee hiring. Although background checks may be underway while a member serves or an employee works, if results of the background check are pending, all access to vulnerable populations must be supervised/escorted and so documented.