

National Volunteer & Youth Sports Background Checks Florida Legislation Vs. National Standards

August 2016 FRPA Annual Conference



Our Speaker – Chris Goodman

Mr. Goodman, a 2002 graduate of Georgia Tech with a Bachelor Degree in Business, is a key member of the Executive Staff at Southeastern Security Consultants, Inc. and specializes in providing background screening for municipalities, counties, churches, and private organizations that rely on adult volunteers to deliver their services. Mr. Goodman brings a unique and energetic perspective to the background screening profession. He has been active in youth, collegiate and professional sports as a coach and player. You may recognize Chris from among the countless educational sessions at state parks and recreation conferences throughout the United States. He has been asked to present and discuss various aspects of this very important topic as a featured speaker for many events including 6 NRPA Congress(s), MRPA, LRPA, TRPA, VRPS, TRAPS, GRPA, ORPS, OPRA, KRPA, PRPS, MPRA, NCRPA, CRPS and SCRPA.

Learning Objectives

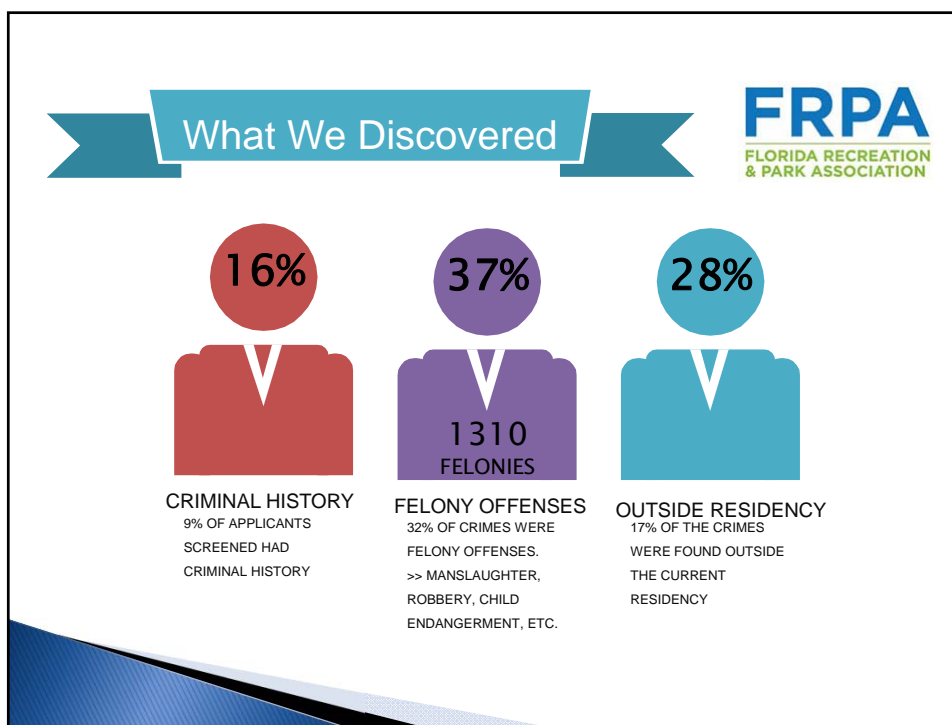
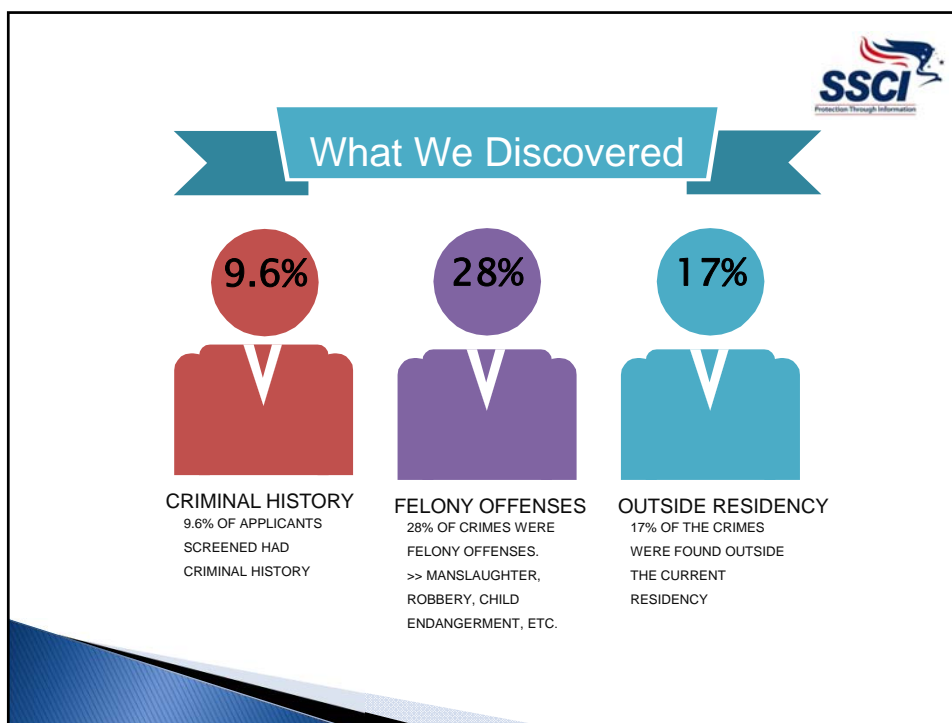
- Identify the steps to comply with the criminal background check standards in the field of parks, recreation and conservation.
- Formulate policy, contracts and procedures to bring a consistent background check approach to all user groups.
- Define deficiencies that are present in less expensive national sports organization background check procedures, and funding options to help avoid accepting substandard procedures.

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NOT ALL BACKGROUND CHECKS & PROGRAMS ARE CREATED EQUAL

ENORMOUS PRESSURE FOR SPORTS ORGANIZATIONS AND AGENCIES TO IMPLEMENT BACKGROUND SCREENINGS. WHILE THIS IS A STEP IN THE RIGHT DIRECTION, RESEARCH SHOWS THAT **MAJORITY FALL BELOW NATIONAL STANDARDS. MOST ARE IMPLEMENTING LOW COST NATIONAL DATABASES WITH INSTANT RESULTS**







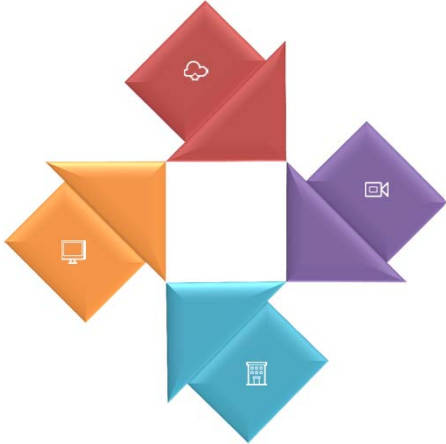







Types of Background Checks

- 
LOCAL LAW ENFORCEMENT
 COUNTY COURT HOUSE
 STATE REPOSITORIES
 AVERAGE COST \$4 - \$52
- 
SEX OFFENDER REPOSITORIES
 STATE REPOSITORIES
 NATIONAL REPOSITORIES
 FREE - HOWEVER ALL INFO USED MUST BE CONFIRMED
- 
NATIONAL DATABASE SEARCH
 ***VERY DANGEROUS TO USE AS A STAND ALONE
 MANY "YOUTH SPORTS/VOLUNTEER AND REGISTRATION SYSTEMS" INTEGRATE TODAY
- 
ARIZONA DPS
 STATE SYSTEM WHICH RELIES ON EACH COUNTY OR JURISDICTION TO SEND INFORMATION. ONE WAY TO VERIFY HITS THAT BELONG TO AN APPLICANT.
 FINGERPRINTS. WHO IS DOING FP?





MUCH LIKE A RECEIVER WHO CAN ONLY CATCH WHAT IS THROWN TO HIM, STATE AND FEDERAL SYSTEMS CAN ONLY RECEIVE THE DATA THAT THE ORIGINAL SOURCES CHOOSE TO SEND TO THEM.

2014 – 943.0438 Athletic Coaches

The Statute defines the term “athletic coach” as a person who:

1. Is authorized by an independent sanctioning authority to work as a coach, assistant coach, or referee for 20 or more hours within a calendar year, whether for compensation or as a volunteer, for a youth athletic team based in this state; and
2. Has direct contact with one or more minors on the youth athletic team.

Fla. Stat. Ann. § 943.0438(1)(a).

Additionally, the Statute defines the term “independent sanctioning authority” as:

a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team in this state if the team includes one or more minors and is not affiliated with a private school as defined in [Florida Statute] s. 1002.01.

Fla. Stat. Ann. § 943.0438(1)(b).

2014 – 943.0438 Athletic Coaches

With regard to background screenings, the prior version of the Statute required that the annual background screenings conducted for each athletic coach include a search of state and federal registries of sexual predators and sexual offenders, which are available to the public on Internet sites provided by: a) the Department of Law Enforcement; and b) the Attorney General of the United States. The 2014 amendment of the Statute added the requirement that these annual background screenings include a “Level 1” background screening pursuant to Florida Statute § 435.03. Section 435.03, in turn, provides that these Level 1 background screenings include “employment history checks and statewide criminal correspondence checks through the Department of Law Enforcement, and a check of the Dru Sjodin National Sex Offender Public Website.” Section 435.03 also indicates that these background screenings “may” include local criminal records checks through local law enforcement agencies, but does not make the screenings a mandatory requirement.

2014 – 943.0438 Athletic Coaches

(c) Provide, **within 7 business days** following the background screening under paragraph (a), written notice to a person disqualified under this section advising the person of the results and of his or her disqualification.

(d) Maintain for **at least 5 years** documentation of:

1. The **results for each person** screened under paragraph (a); and
2. The **written notice of disqualification provided** to each person under paragraph (c).

FEATURE	FLORIDA FDLE CHECK
Do it Yourself	YES
Social Security Verification	NO
Address Trace	NO
County Criminal Check based on Address	YES - Statewide
National Criminal Check/OFAC	NO
National Sex Offender Registry	YES – Florida ONLY!
Interpretation of Charges and Dispositions	NO
Complimentary Consulting Support	NO
Handling Disputes	Unknown
Confidentiality	Unknown
Results Returned	Varies - Days to weeks
Additional Court Fees & Charges	NO
Online Management System	NO
Cost	<u>\$24</u>

FBI & STATE REPOSITORIES: GAPS & SHORTCOMINGS

WHY? STATES MUST DEPEND ON EACH COUNTY OR JURISDICTION TO SEND INFORMATION, WHICH IT THEN MUST SUBMIT TO THE FBI DATABASE. BECAUSE THESE DATABASES ARE JUST RECEIVERS OF DATA, THERE IS SIGNIFICANT RISK.

Houses the fingerprints and criminal histories of **70 million subjects** in the criminal master file, 31 million civil prints and fingerprints

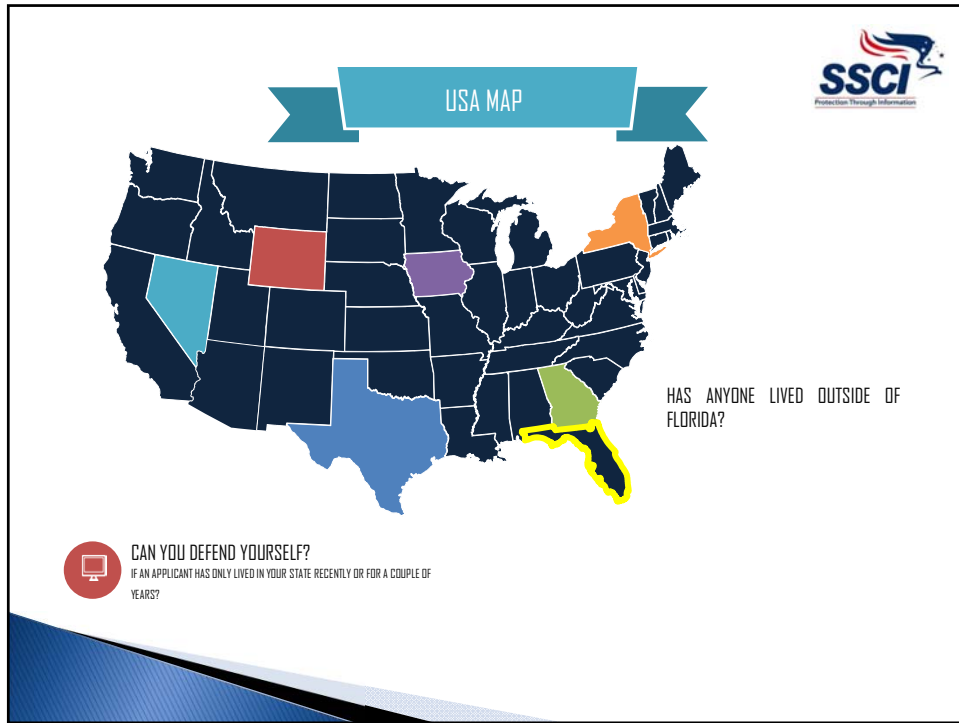
TYPE OF CRIMINAL HISTORY INFORMATION	FDLE PROGRAM	ACCESS	FINGERPRINT SUBMISSION	PRICE
FLORIDA	Criminal History Services (850) 410-8109 Florida Criminal History Search	General Public	Not Required	\$24.00
FLORIDA	Quality Control Section Compromised Identity Review (850) 410-8880	General Public	Required On Compromised Identity Review Form	NO CHARGE
FLORIDA and NATIONAL (FBI)	VECHS Program (850) 410-8324	Qualified Organizations (that serve children, elderly or disabled persons) Fact Sheet	Required: may be through livescan submission	Fees Located On: Fact Sheet

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- ▶ Level 1 and Level 2 Background Checks are terms used in Florida Statutes to convey the method of the criminal history record check and the extent of the data searched. However, the terms may also refer to certain disqualifying offenses if certain statutes are referenced. Level 1 and Level 2 are terms that pertain only to Florida and are not used by the FBI or other states. They are defined in Chapter 435, Florida Statutes (F.S.), but are used elsewhere in statute without definition and appear not to be associated with all of the provisions in Chapter 435, F.S. **Level 1** generally refers to a state only name based check.
- ▶ **Level 2** generally refers to a state and national fingerprint based check and consideration of disqualifying offenses, and applies to those employees designated by law as holding positions of responsibility or trust. Section 435.04, F.S., mandates Level 2 security background investigations be conducted on employees, defined as individuals required by law to be fingerprinted pursuant to Chapter 435, F.S.





SCREENING or a SCAMMING



Dishonest & Manipulative – Some providers will tell you their “NATIONAL” Screening Program meets the standards

An agency, organization or an association should never endorse and/or use a database only searches as a stand alone criminal background screening program

The “National” Database Lie

LIE #1


- A complete “nationwide” database does not exist in the U.S.

LIE #2

- Some counties do not report to any state or national repositories (ex. Maricopa County, AZ – No criminal data from the Superior Court in Maricopa County, the most populous Arizona county.)

LIE #3

- The VERIFICATION TRAP – even if a vendor/program says they will verify database hits at the county level, they are still ONLY verifying the records found on their database.



The "Instant" Check Deception

DECEPTION#1

- COST – \$14.00 Less – Missing Local Investigations
- Returns in less than 24 hours

DECEPTION#2

- Unverified database searches routinely leave agencies in trouble with the law

DECEPTION#3

- Common names return a large amount of results: some or none at all belonging to your applicants

DECEPTION #4

- Highly profitable for vendors but extremely dangerous to departments, non-profits, associations.



Don't Be Blinded By All the Glitz & Glamour

Watch out for companies and/or programs that say the following...



BASIC COVERAGE

Standard

\$7.95/search

- Nationwide Criminal Search (includes all aliases)
- Department of Corrections
- Administrative Office of the Courts
- Sex Offender Registries
- National and International Terrorism Sources
- Re-verification of Criminal Records

IMPROVED COVERAGE

Standard Plus

\$9.95/search

- Nationwide Criminal Search (includes all aliases)
- County or Statewide Criminal Record Search for "Hits" on National Database
- Department of Corrections
- Administrative Office of the Courts
- Sex Offender Registries

OUR MOST EXTENSIVE COVERAGE

Advanced

\$19.95/search

- Nationwide Criminal Search (includes all aliases)
- Direct County/State of Residence (5 Year) Criminal Record Search regardless of "Hits" on National Database*
- Department of Corrections
- Administrative Office of the Courts

names found are searched on the national database and sex offender registries by last name, in addition to the applicant name provided. The National criminal database search has the potential to identify certain crimes that may have occurred outside any addresses found on the SSN search. The national search is not recommended as a stand-alone service in every state and county due to the limitations of the data being queried. The sex offender search will identify if an applicant is listed on a particular sex offender registry. The sex offender

Don't Be Blinded By All the Glitz & Glamour



OFFER "BASIC" PROGRAMS

Typically when you look at what is actually included in the program it is usually only a DATABASE SEARCH.

BASIC Package Search \$10-13.50

- This is a package including the following:
- SSN Verification
- Address History
- National Criminal Database Search
- National Sex Offender
- Re-verification of criminal records

*****The national search is not recommended as a stand-alone service in every state due to the limitations of the data being queried.**



USER Groups using their own Program

One of the biggest ticking time bombs in Parks and Recreation. Most national sports organizations have database programs in place. Exposing the Recreation department to high liabilities.

\$14.00 or less – inexpensive

All steps taken in ensuring you are in compliance have costs associated.

***SSN, Address Trace, Local Criminal Search, National Criminal Search with Verifications and Sex Offender Repositories with Verifications.



The Famous "1" County Included...

Not all applicants are the same when it comes to moving around. What happens if the applicant has only lived in the current residence for 10 months?

**** Pricing DOES NOT INCLUDE.....**

Or

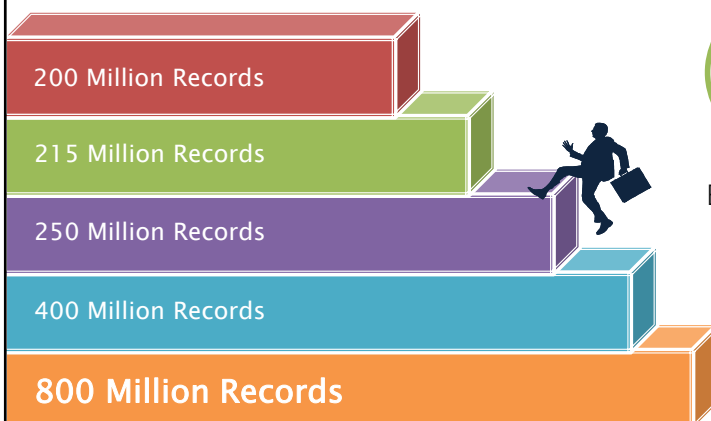
**** FEES ARE EXCLUDED....**

Court Access Fees, State Registry fees

USER GROUPS



Baseball Leagues, Soccer State Associations, Private Leagues, etc



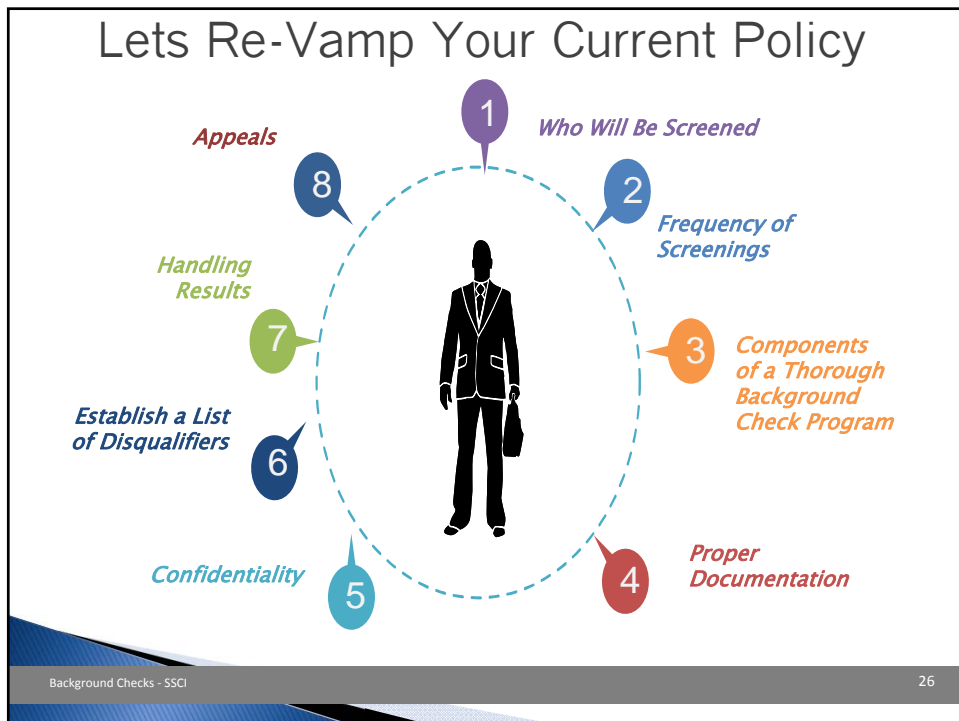
45%

Est. Crimes Being Missed if
relying on National
Database

IS YOUR AGENCY AT
RISK?

Background Checks - SSCI

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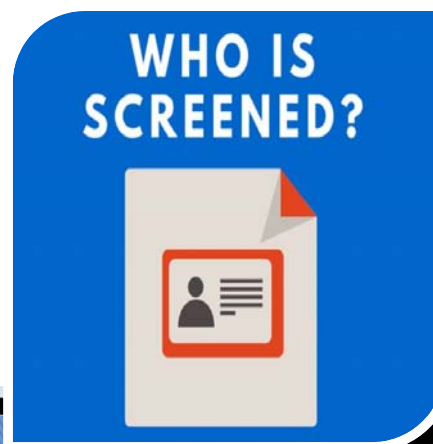
Who Will Be Screened?



Adults with recurring access to vulnerable populations

Examples: Coaches, Officials, Trainers, etc.

Not necessary to screen those who have volunteer positions that are for a "one time event" as long as they are properly supervised.



Frequency of Screening



Ultimate goal and standard is to conduct annual background checks

Legislation trends suggest annual background checks (Florida July 2014)

****Must have 5 years of documentation at all times.***



Proper Documentation



Important piece of your program as it will assist in avoiding “**selective screening**” lawsuits

Documentation is just as important on those that **PASS** as it is on those that **FAIL** the screening process.



Responsive

Confidentiality



Authorizations Forms

- Data Required
- Storage (*can now be done online*)

Background Screening Results


- **Full Reports**
 - You receive all criminal information
- **Pass/Fail Reporting Option**
 - Results and Alerts are set based on YOUR policy



Responsive


Disqualifiers

Suggested Verbiage in place of "Convictions"



"Guilty" shall mean that a person 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."

- Do not specify who the victim is (Child or Adult)
- Include Pending Cases



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National Recommended Disqualifiers

All Sex Offenses
regardless of the amount of time since offense

All Felony Offenses
other than violence or sex within past 10 years

All Misdemeanor Drug & Alcohol -
Two or more offenses in the past 7 years



All Felony Violence
regardless of the amount of time since the offense

All Misdemeanor Violence offenses within the past 7 years

Any other Misdemeanor within the past 5 years that would be considered a potential danger to children

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Handling Results

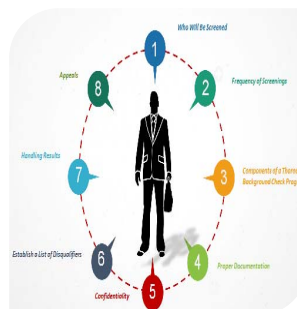


Results from Background Screening Vendors & Law Enforcement

- Authorized Recipients
- Information Shared
- Tracking/Maintaining Results

Notification of Disqualification

- Notify those with a "need to know"
- Communication Process
- Full report details to applicant only



Responsive

The Appeal Process



We strongly recommend against having an appeals process for contesting the disqualification criteria.

The applicant must be able to dispute the criminal history reported that resulted in his or her disqualification

(This appeal should be made to your background screening vendor and not to anyone within your organization)



Responsive

