

AmeriCorps Criminal History Checks Policy and Procedures

Purpose of Policy: The purpose of this policy is to establish and maintain effective screening practices that help protect vulnerable individuals who are beneficiaries or employees of programs funded by the Corporation for National and Community Service and the Hawai'i Commission for National and Community Service. 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 The Hawai'i Commission for National and Community Service to require that all AmeriCorps subgrantees conduct a National Sex Offender Public Website (NSOPW) search for all Hawai'i AmeriCorps members **before** they are enrolled in national service. A copy of the National Sex Offender Public Website search must be maintained in the individual's file.
2. It is the policy of The Hawai'i Commission for National and Community Service to require that all subgrantees conduct a National Sex Offender Public Website (NSOPW) search for all persons hired as AmeriCorps grant-funded employees. A copy of the National Sex Offender Public Website (NSOPW) search must be maintained in the employee's human resource file. The search must be completed **before** the employee is hired or begins work on an AmeriCorps funded program.
3. It is the policy of The Hawai'i Commission for National and Community Service to require that all subgrantees conduct a State criminal history records search (by name or fingerprints) for all Hawai'i AmeriCorps members using the state repository records. A copy of the State criminal history records search must be maintained on 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 should demonstrate that the member and the host site supervisor were informed of this restriction.
4. It is the policy of The Hawai'i Commission for National and Community Service to require that all subgrantees conduct a State criminal history records search (by name or fingerprints) for all Hawai'i AmeriCorps for all persons hired as AmeriCorps grant-funded employees using the state repository records. A copy of the State criminal history records search must be maintained on 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 the supervisor were informed of this restriction.
5. It is the policy of The Hawai'i Commission for National and Community Service to require that all subgrantees conduct an FBI criminal history records search (by name and fingerprints) for all Hawai'i AmeriCorps members who will have recurring access to vulnerable populations. **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 should demonstrate that the member and the host site supervisor were informed of this restriction.
6. It is the policy of The Hawai'i Commission for National and Community Service to require that all subgrantees 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. **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.

There are 2 options in conducting FBI fingerprint checks: 1) Through the Hawaii State Repository (Hawaii Criminal Justice Data Center, HCJDC) via the Hawaii Commission for National and Community Service; or 2) Through the CNCS approved channeler, Fieldprint.

If going through the HCJDC via the Hawaii Commission, the results of the FBI fingerprint checks will be received directly by the Hawaii Commission authorized staff. On a list of individuals that were fingerprinted provided by the subgrantee, the HCJDC staff will indicate a "Yes" if the individual is eligible to serve or a "No" if the member does not meet the threshold of eligibility as defined by

the Serve America Act. A copy of the FBI criminal history records search is maintained in a locked file cabinet at HCNS.

If the subgrantee chooses to use Fieldprint, the copy of the FBI criminal history records search must be securely maintained on file.

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 has been convicted of murder 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 a subgrantee's inquiry concerning the individual's criminal history may not serve or be employed in an AmeriCorps funded position.

All Program Directors must complete and keep in the AmeriCorps member and employee files the [AmeriCorps Background Check Form](#) (or similar) to 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. The form can be found on the Hawaii Commission website [Resources](#) page.

National Sex Offender Public Website searches should be complete **before** members are enrolled or employees are hired. State Criminal and FBI 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 accompanied by a staff member that has completed the necessary 3 part checks and is so documented.

Effective October 1, 2009, all Hawai'i AmeriCorps programs must perform (at minimum) a statewide criminal background checks on ALL members enrolled on or after October 1, 2009, regardless of whether the member has recurring access to vulnerable populations. Programs that do not provide services to vulnerable populations may conduct statewide criminal background checks only (at this time, FBI background checks are not required for persons who will not have direct and recurring access to vulnerable populations).