

# **Background Screening Program**

## **Association of Frederick County Recreation Councils**

### ***And it's Subordinate Organizations***

Effective September 01, 2020

#### **Purpose**

The Association of Recreation Councils and its subordinate organizations, in cooperation with the Division of Parks and Recreation, seeks to ensure that every Frederick County Council volunteer who has the opportunity to interact with children, in or during youth activities, undergoes a background check. The background screening will seek to identify any history of criminal activity. Completion of the screening process does not offer absolute assurance, however knowing an individual's criminal history, or lack thereof, will provide greater certainty that persons with a history of inappropriate behavior will not be given access to youth participating in activities.

#### **Procedure**

As a prerequisite for any personal interaction with children, all adults who have care, custody or control of youth participants in any activity are required to successfully complete the Association's Background Screening Program. The terms and conditions listed herein apply to activities operated by the Association of Recreation Councils and its subordinate organizations. In accordance with Code of Maryland Regulations 10.16.06.21(E)(1), any person with a conviction, a not criminally responsible disposition, a probation before judgement disposition, or a pending charge for the commission or attempted commission of any of the criminal offenses listed below shall be prohibited from participation in any capacity in youth activities that are operated by the Association of Recreation Councils or its subordinate organizations:

1. A crime involving a child;
2. A crime involving cruelty to animals;
3. A crime involving domestic violence;
4. A weapon or firearm violation of Federal or State laws;
5. A sex offense;
6. A violent crime classified as a felony;
7. Abduction or kidnapping;
8. Abuse of a child or an adult;
9. Confinement of an unattended child;
10. Manufacturing, distributing, or dispensing a controlled dangerous substance;
11. Perjury;
12. Pornography;
13. Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance; or
14. Reckless endangerment.

If an individual has been identified as having received a conviction, a probation before judgement disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime or offense that is not included herein, the Officers of the subordinate organization shall assess the individual's suitability for the volunteer position based on the following factors:

1. The position for which the individual is applying or for which the individual is currently involved;
2. The nature and seriousness of the incident, crime, or offense;
3. The period of time that has elapsed since the incident, crime, or offense has occurred;
4. The age of the individual at the time the incident, crime, or offense occurred;
5. The individuals' probation or parole status, if applicable; and
6. Any other information the subordinate organization considers pertinent

Upon completion of the assessment the subordinate organization will notify the individual regarding their eligibility as a volunteer.

### **Subordinate Organizations (Recreation Councils)**

The following list are subordinate organizations of the Association of Recreation Councils for Frederick County Maryland that are required to follow the policy and protocols listed herein.

- Ballenger Creek Recreation Council
- Brunswick Area Recreation Council
- Carroll Manor Recreation Council
- Catoctin Area Recreation Council
- Frederick County Nature Council
- Libertytown Recreation Council
- Middletown Recreation Council
- Rose Hill Manor Museum Council
- Senior Recreation Council
- Urbana Recreation Council
- Woodsboro New-Midway Recreation Council

### **Open/Pending Charges**

An individual with open charges, for any of the crimes listed above shall be prohibited from participation in any capacity. It is the responsibility of the individual to notify the subordinate organization, for which they are applying to volunteer, as to the judgement of the court. The individual will be prohibited from participating in any capacity until it is proven that they are cleared through the official adjudication of the case.

### **Sources of Information for Criminal History Record Reporting**

Sources used are an accredited third party organization, agency and/or company that must include the following in reference to the criminal offences identified within this policy:

- Maryland Statewide Criminal Search – A review of all criminal convictions contained in the Judicial Information System database.
- State criminal history records check through the Maryland Department of Public Safety and Correctional Services.
- National criminal history records check through the Maryland Department of Public Safety and Correctional Services.
- Records check through Maryland Child Protective Services (CPS).
- Social Security Number Trace and Address Locator Database – This search provides the following information: (a) name and name variations used by the individual, such as maiden, divorced or previous names, (b) current and former address(es) associated with that SSN; and (c) date of birth (may be limited to month and year of birth).
- US Criminal Records Indicator – A database search comprised of information from the Administrative Office of the Courts, Maryland State Criminal Investigation Bureau, and/or other applicable government agency.

**Description of Third Party Background Check:** This background check is conducted by a third party company using the disqualifiers and policy established herein by the Association of Recreation Councils. The company used must electronically screen and approve or deny candidates for coaching youth sports or involvement with youth. This process may take up to 5 business days from the point of entering data to receiving notification of eligibility. Only authorized representatives from each council should have access to enter and view this data. This type of screening will incur fees per applicant which are to be paid by each Council directly to the company conducting the screens. This screening process should include the following search/trace for each applicant:

1. Social Security/Identity Verification
2. Address Trace
3. Local and National Criminal Records and Courthouse Searches
4. National Sex Offender Search

### **Persons Required to Undergo a Criminal History Records Check**

The following matrix is provided to assist with the determination of who must complete the criminal history records screening, and what type of check, prior to participating (e.g. before the first practice or team meeting) in a youth activity. This matrix serves as a guide and is not all inclusive:

| <b>Position or Title</b>   | <b>Comment</b>                                      | <b>Required (Yes/No)</b> |
|----------------------------|---|--------------------------|
| Head & Assistant Coaches   | Council Sponsored Youth Leagues                     | Yes                      |
| Head & Assistant Coaches   | Youth Clinic, Club, Travel or Select Teams          | Yes                      |
| Transportation Providers   | Transports Youth Participants                       | Yes                      |
| Independent Contractors    | Camps, Clinics, etc.                                | Yes                      |
| Instructors & Assistants   | Youth Karate, Dance, Religious, workshops, etc.     | Yes                      |
| Child Care Providers       | Daycare requirements of Sate of MD (COMAR)          | Yes                      |
| Volunteers / Event Workers | With care, custody or control of children           | Yes                      |
| Volunteers / Event Workers | With no care, no custody and no control of children | No                       |

### **Confidentiality of Findings**

Adult criminal records are public information, however information received during the background screening process will only be shared on a “need to know” basis. If a criminal history records check disclosed a conviction that would prohibit an individual from serving in the youth activity, the subordinate organization’s designated Officer, Board member, or other representative will call and discuss the findings with the individual. Individuals may request a copy of their background reports upon written request and with proper identification.

### **Frequency of Screening:**

The Background Screening conducted through the third party company must be completed prior to the volunteer’s first day of service with the subordinate organization and subsequently conducted on an annual basis if the individual wishes to continue his or her service.

### **Responsibility for Compliance**

The Officer or designated Council representative in charge of each respective youth activity is responsible for ensuring that all individuals who are required to complete a background screening have done so successfully, per this policy, and prior to participation.

### **Fees Associated with Background Screening**

The subordinate organization’s “third party” contracting agency will procure the background reports. Each individual recreation council will absorb these costs through whatever means the council determines is most appropriate. Total cost may vary and each council should research and utilize the agency that the council deems appropriate and cost effective for their needs.

### **Expunged Records**

An individual does not have to disclose information regarding criminal charges or convictions that have been expunged through the court system. An individual whose criminal convictions were expunged after being prohibited from participation must provide the subordinate organization, through the designated Council representative managing their activity, with evidence of the court’s actions prior to being allowed to participate or reinstated.

### **Appeals**

If an individual disputes the accuracy of any information reported in the criminal history records check, they have the right to request reinvestigation. Individuals wishing to exercise this right must do so through a written document, to their subordinate organization’s contact/leader, outlining their position and the reason for the request for reinvestigation. Reinvestigation of findings is in correlation with protocols listed herein.

Once the accuracy of the Criminal History Records Check is confirmed, individuals who are prohibited from participating in youth activities based on the aforementioned findings have no further right to an appeal.

### **Disciplinary Measures**

It is the responsibility of each organization that participates in Frederick County Recreation Council sponsored activities to fully comply with this policy and the background screening program listed herein.

As part of the organizational accreditation process, each organization must sign an annual acknowledgment of the receipt of these policies. Therefore, Councils and/or their members that knowingly or unknowingly violate the Association of Council’s policy or background check program are subject to disciplinary measures that may include, but are not limited to, the loss of organizational recognition as a recreation council; restrictions on facility usage; and/or suspension from participation. Organizational leaders are expected to check their third party database to ensure all adult volunteers have completed a background check prior to participating.