

Effective Practice: Performing Criminal History Record Checks on Potential Volunteers
Source: Kelly Sappington, Michigan Service Scholars AmeriCorps *VISTA 2005-2006

Issue Being Addressed: Criminal history record checks are part of the normal screening process for working or volunteering at many non-profit community agencies. When looking into developing a policy or considering an individual with a criminal history for a volunteer position, the following are some factors to consider.

1. Research the requirements of your college, university, or community partner

Depending on where the volunteer will be serving, there may be different requirements already in place that you must follow. Community partner agencies, especially those serving children and youth will most likely already have a background check policy that all volunteers will need to adhere to. Finding this out ahead of time will save you time and save you having to “re-invent the wheel” when it comes to forms and written policies.

2. Create a clear written policy

Once you have checked with the college/university, create a written policy that outlines the procedure for performing criminal history checks. The policy should give the process by which a potential volunteer may contest the record if they believe it does not pertain to them as well as the actions they must take if the record is accurate. Be clear in the policy if there are certain violations that will exclude a potential volunteer from the given opportunity (i.e. a charge of a violent or sexual nature). Outline the process by which a potential volunteer may be notified of a violation being discovered and the documentation needed if the individual still wishes to volunteer (i.e. a letter of support from a previous volunteer opportunity, supervisor, etc...).

3. Provide an opportunity for self-disclosure

On the application or paperwork distributed detailing the volunteer opportunity, make it clear that criminal history record checks will be performed on all potential volunteer. Provide all individuals with an opportunity to self-disclose offenses in their past and submit an explanation, references, etc...

4. Place the responsibility on the potential volunteer

Make it clear that it is the responsibility of the volunteer to verify the accuracy of their criminal history record check. If an offense is discovered that the individual believes is incorrect or does not pertain to them, provide contact information for who they should contact.

6. Factors to consider

If an offense is discovered in the background of a potential volunteer, the five items listed below offer examples of circumstances you may want to consider when evaluating criminal history records. Rather than focusing on one or two of these factors, grantees should examine the totality of the record to determine if it should disqualify an applicant.

- **The recency of and circumstances surrounding the conduct in question--**Crimes that occurred within the past year or two may be more reliable indicators of an individual's qualification status for AmeriCorps service than crimes that occurred several years ago. This would be particularly true if the only crimes listed in the record happened several years ago with no recent offenses. (Keep in mind, however, that any convictions for child sexual abuse, rape, or other sexually exploitive offenses constitute an unacceptable level of risk extending throughout an individual's life.)
- **The age of an individual at the time of the offense--**Many applicants are young adults; therefore, if they have a criminal record, their crimes were probably committed when they were juveniles. Organizations may consider this factor when evaluating criminal history records. In some states juvenile records will not be available as they are protected by confidentiality laws.
- **Societal conditions that may have contributed to the nature of the conduct--**Organizations may consider the social context in which offenses occurred. For example, in some neighborhoods, becoming a gang member may be due to pressure exerted by the gang or to a perceived threat or harm that not joining a gang would create. While societal conditions should not serve to excuse illegal behavior, the context in which the illegal behavior occurred may be considered by grantees.
- **The probability that an individual will continue the type or behavior in question--**Criminal history records that document a continuing pattern of repeated criminal offenses provide justification to believe that the individual represents a high risk for future criminal conduct. Also, some forms of criminal sexual conduct, such as child molestation, have a high probability of repetition. Individuals with a high risk for continuing criminal behavior should not be assigned to work with vulnerable service recipients.
- **The individual's commitment to rehabilitation and to changing the behavior in question -** When an applicant has a criminal history record that includes potentially disqualifying offenses, the organization may consider the steps the applicant has taken toward rehabilitation. Words of remorse alone are not sufficient evidence of an individual's commitment. Organizations should look for tangible evidence of the applicant's desire to lead a law-abiding life, such as progress in rehabilitation programs or making restitution to victims.

For more information regarding criminal history record checks please see:

-Nonprofit Risk Management Center-
http://www.nonprofitrisk.org/csb/csb_crim.htm#prep