

BACKGROUND CHECK PROGRAM

Effective July 1, 2018

PURPOSE OF BACKGROUND CHECK

The purpose of the Department of Recreation and Parks' Background Check Program is to ensure that every individual who interacts with children undergoes a criminal history records check. The objective of the Background Check Program is to assist parents in providing a safe and positive experience.

A criminal history records check serves as a means to review an individual's background prior to their participation with youth. While no screening process can grant absolute assurances, knowing an individual's criminal background can provide greater certainty that an individual with a documented history of inappropriate behavior will not be able to volunteer with youth. A Parent's watchful eye is the greatest resource to keep children safe.

COUNTY POLICY

Using Code of Maryland Regulations 10.16.06.21(E)(1) as the basis in screening criminal history records, any person with a conviction, a not criminally responsible disposition or a pending charge for the commissioner or attempted commission for any of the criminal offenses (misdemeanor or felony) listed below shall be prohibited for a time period stated below from participation in any capacity in youth programs or activities sponsored by:

- Department of Recreation and Parks; or
- Any group permitted the use of a County park or Board of Education field or facility.

As a prerequisite for any personal involvement with children, all adults who have care, custody or control of youth participants in any program or activity are required to successfully complete a criminal history records check as described in the Background Check process in this manual. This condition applies to programs or activities sponsored by:

- Department of Recreation and Parks; or
- Any group permitted the use of a County park or Board of Education field or facility.

FELONY CONVICTION

An individual with a felony conviction for any of the offenses listed in this section shall be permanently prohibited from participation in any capacity.

Crimes involving:

1. A child;
2. Cruelty to animals;
3. 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 or Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance;
14. Reckless endangerment;
15. Murder/Manslaughter; or
16. Assault;

MISDEMEANOR CONVICTION

An individual with a misdemeanor conviction in any of the following criminal offenses shall be prohibited from participation in any capacity for a period of five (5) years from the date of conviction:

1. Cruelty to animals;
2. A weapon or firearm violation of federal or State laws;
3. Perjury;
4. Pornography, except that any individual convicted of a misdemeanor under the following sections of the Criminal Law Article is permanently prohibited from participation in any capacity: (1) §11-208 (Possession of Visual Representation of Child Under 16 Engaged in Certain Sexual Acts); (2) §11-209 (Hiring Minor for Prohibited Purpose); or (3) §3-603 (Sale of Minor);
5. Manufacturing, distributing, or dispensing a controlled dangerous substance;
6. Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance; or
7. Assault

OPEN CHARGES

An individual with open charges, either felony or misdemeanor, shall be prohibited from participation in any capacity. It is the responsibility of the individual to notify the Department of Recreation and Parks as to the judgment of the court.

SEX OFFENDER REGISTRY

Any individual who is required to register and/or is listed on the State of Maryland Department of Public Safety & Correctional Services Sex Offender Registry is permanently prohibited from participation in any capacity.

SOURCE OF INFORMATION FOR CRIMINAL HISTORY RECORDS CHECK

Maryland Statewide Criminal Search – A review of all criminal convictions contained in the Judicial Information System database.

Social Security Number Trace and Address Locator Database – This search may provide 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/or year of birth).

US Criminal Records Indicator – A database search comprised of information from the Department of Public Safety and Department of Correctional Services, Administrative Office of the Courts, Maryland State Criminal Investigation Bureau, and/or and other applicable government agency, where applicable.

TIME FRAME FOR CRIMINAL HISTORY RECORDS CHECK

All reported arrest and conviction information which is readily available at the courts and which is legally reportable under the federal Fair Credit Reporting Act and state reporting laws is accessible to the Department of Recreation and Parks.

PERSONS REQUIRED TO UNDERGO A CRIMINAL HISTORY RECORDS CHECK

The following matrix is provided to assist community leaders in determining who must undergo a criminal history records check prior to participating (e.g. before the first practice for coaches or the first meeting for scouting leaders) in a youth activity or program. This list serves as a guide and is not all-inclusive.

<u>POSITION OR TITLE</u>	<u>COMMENT</u>	<u>REQUIRED</u>
Organizational Officers	Any Group that Sponsors Youth Activities	Yes
Organizational Board Members	Any Group that Sponsors Youth Activities	Yes
Youth Sport Commissioners	Any Group that Sponsors Youth Athletics	Yes
Coaches Association Board Members	All Youth Sports in County	Yes
Head and Assistant Coaches	County-Sponsored Youth Leagues	Yes
Head and Assistant Coaches	Youth Clinic, Travel or Select Teams	Yes
Transportation Providers	Transport Youth Participants	Yes
Independent Contractors	Sport Camps, Clinics, etc.	Yes
Scouting Leaders and Assistant Leaders	All Levels of Scouting	Yes
Instructors and Assistant Instructors	Youth Programs	Yes
Child Care Providers	Required by Family Law Article	Yes
Volunteers / Event Workers	Care, Custody or Control of Children	Yes
Volunteers / Event Workers	No Care, Custody or Control of Children	No
Tournament Teams (Out of County)	Tournament Play	No

CONFIDENTIALITY

Although adult criminal records are public knowledge, information received during the criminal history records check process will be shared on a “need to know” basis only.

RESPONSIBILITY FOR COMPLIANCE

The adult leader in charge of the respective youth activity is responsible to ensure all assistants and aides have a completed criminal history records check prior to their participation. For example, head coaches are responsible for all assistant coaches, scouting troop leaders are responsible for assistant leaders, and primary instructors are responsible for teacher’s aides.

COMPLETED AND UPDATED BACKGROUND CHECKS

A list of individuals with completed and cleared criminal history records checks can be found on the departmental website – www.aacounty.org/recparks. This list is updated weekly.

All adult leaders of youth programs or activities are required to complete an updated criminal history

records check a minimum of every three (3) years. It is the responsibility of the volunteer to keep their status updated.

APPEALS

If an individual disputes the accuracy or completeness of any information reported in the criminal history records check, they have a right to request a reinvestigation, unless the dispute is deemed frivolous. Information on this process may be obtained by contacting the Background Check Program Coordinator. Once the accuracy of the Criminal History Records Check is confirmed, individuals prohibited from participating in youth programs or activities based on the findings of this check have no right of appeal.

If an individual has only 1 misdemeanor conviction of the indicated offenses within the previous five (5) years, the individual may send a written appeal to the Director of Recreation and Parks for consideration for employment or volunteerism. Decisions will be on a case by case basis and in consultation with the Anne Arundel County Attorney.

If an individual has only 1 felony conviction of *Manufacturing, distributing, or dispensing a controlled dangerous substance or Possession with intent to manufacture, distribute, or dispense a controlled dangerous substance* and no other convictions within the previous ten (10) years, the individual may send a written appeal to the Director of Recreation and Parks for consideration for volunteerism. Decisions will be on a case-by-case basis and in consultation with the Anne Arundel County Attorney.

EXPUNGED RECORDS

An individual is not required to disclose information regarding criminal charges or convictions that have been expunged by the courts. An individual whose criminal convictions were expunged after being prohibited from participation should provide the Department with written evidence of the court's actions.

BACKGROUND CHECK PROCESS

To initiate a criminal history records check, the individual must complete and sign an Authorization and Release for the Procurement of an Investigative Report form. This form can be downloaded from the Department's website or can be completed on-line. Online processing requires the completion of payment. To complete the background check online, go to www.aacounty.org/recparks.

For volunteers who are not able to complete the process online, the following steps must be completed. The release form must be completed legibly in its entirety on the most updated form. Any missing information will prevent or delay the criminal history records check process. Refusal to provide all required information will result in the individual being prohibited from participation in youth programs or activities.

Once the Authorization and Release for the Procurement of an Investigative Report form is completed, deliver it to the Recreation and Parks Business Office with payment for processing. ***Under no circumstances is an individual authorized to participate in any youth program or activity in any capacity prior to the completion of his or her criminal history records check and subsequent posting of the individual's name on the Department's website.*** Organizational leaders are expected to check the database on the Department's website to ensure all adult volunteers have successfully completed a criminal history records check prior to participating (e.g. before the first practice for coaches or the first meeting for scouting leaders).

The requests and subsequent reports are transmitted over a secure website with restricted rights of

access. If a criminal history records check discloses a criminal conviction that would prohibit an individual from volunteering, the Department's Background Check Program Coordinator (or designee) will call and discuss the information with the individual. The Department's Background Check Coordinator will also contact the leader of the community group and instruct the leader that the individual is prohibited from participating with the community youth program or activity. The leader of the community group is responsible for informing the individual that he or she is prohibited from participating with the community youth program or activity.

DISCIPLINARY MEASURES

It is the responsibility of each organization that participates in County-sponsored activities or is granted the use of a County park or Board of Education field or facility to fully comply with this Policy and the Background Check Program.

As part of the organizational accreditation process, each organization must sign an annual acknowledgment of the receipt of departmental policies. Organizations and/or their members that knowingly or unknowingly violate the County's policy or Background Check Program are subject to disciplinary measures that may include, but are not limited to:

1. Loss of organizational accreditation;
2. Restrictions on facility usage; and/or
3. Suspension from participation.

