# CV – National Service Criminal History Check (NSCHC)

# Policy and Procedure Development Checklist

**Follow these steps to create a compliant CHC Policy and Procedure**

*Please note that if your program operates in other states your current policy will need adjusting to meet CV’s and California’s stricter requirements*

* The Policy and Procedure should have clear definitions of which staff members conduct each component of the criminal history check and note who the Custodian of Record is.
* Checks must be conducted for all prospective Members and all covered Staff. This includes anyone listed on the budget, either CNCS or match-funded (including Site Supervisors!). Any Staff Member or Returning Member with a break in work/service of longer than 120 days must have checks re-run. Members should have NSOPW re-run annually.
* Obtain written consent from candidates to perform checks. Document understanding that selection is contingent on eligibility determined by the results of the NSCHC (maintain documentation of this in file). Note that anyone who refuses to undergo checks is ineligible to work/serve on the grant.
* Verify identity through a government-issued photo identification (maintain documentation). Note name as it appears on I.D. along with expiration date on *CV NSCHC Verification form*. This doesn’t necessarily have to be a copy of the ID, but can be a notation of the ID# and type of ID.
* Determine check types**. Remember California Volunteers requires ALL checks are cleared prior to start, on everyone, regardless of access to vulnerable populations:** [1) State of Cal. 2) fingerprint-based FBI 3) NSOPW.gov 4) State of Residence if applicant resides outside California at the time of application submission. Include an explanation of “vulnerable populations” that is consistent with CV’s definition to support the assertion that all 3 checks are required.
* Select compliant sources. You must use CNCS-approved repositories. For California, this is the California Dep’t. of Justice (Cal DOJ) which can provide you with both the state and FBI check. For other states, check the CNCS website for the most up to date list - https://www.nationalservice.gov/resources/criminal-history-check/StateCheckGuidance. NSOPW.gov is the only approved source for the NSOPW check. Document the source of your checks (website, Cal DOJ, vendor, etc.) on the verification form.
* Be careful if using a vendor: You must thoroughly vet vendors and document that they are meeting these requirements – see CNCS’ *NSCHC Vendor Guide* on CV Grantee Central. Vendors rarely can meet the requirements.
* Perform a free, nationwide check for sex offenses on **NSOPW.gov (print screen of the results, sign, and place in the member’s file).** Be sure all states and territories are reporting. Any ‘hits’ must be printed and resolved, with notes to show they were cross-checked and you determined they aren’t your applicant. Anyone on the registry is ineligible for service. **Note that returning members MUST have NSOPW checks re-run every year, even if there is no break in service.**
* Initiate and pay for State(s) and a fingerprint-based FBI checks (maintain documentation). Document the date(s) results were considered and cleared on the *CV NSCHC Verification Form*.
* Receive and consider check results per CNCS requirements and your own program policy for eligibility. **Include established minimums for program selection** (ie: driving record, drug convictions or other results that may disqualify an individual from serving/working on the grant). Keep results in a secure place. Document the date(s) results were considered and cleared on the *CV NSCHC Verification Form*.
* If the results would disqualify your applicant, provide opportunity to review/ challenge findings. Be mindful of Civil Rights laws. Document having done so.
* Once a clearance decision has been made, document it along with the date, name and signature of the certifying official (the person who reviews results & makes the clearance decision). **Use CV’s *California AmeriCorps State* *NSCHC Verification Form* to ensure all of the above information is documented on one form. Place a copy in each staff/member file.** Other than NSOPW, never keep actual criminal history results (aka. Rap sheets) in a member’s file unless they are in a locked filing cabinet. Do not submit them to CV. Supporting documentation such as an email from HR can be included if it does not reveal specific criminal history details.
* Include all steps to document the check process and components as well as determination of eligibility in your procedure.
* California law prohibits the results to be shown to others, including CNCS / CV. CNCS has a Pre-Approved Alternative Search Procedure (ASP) for this, which states you must document the limitation in writing in each file, and have carefully documented that all of the above steps were done appropriately. CV’s *California AmeriCorps State* *NSCHC Verification Form* was designed to satisfy this.
* **Remember no hours can be served/counted (by AC members) and no time charged to the AC grant (staff) until ALL 3 CHECKS ARE CLEARED.**
* Transfer the CHC information for each individual selected, to your CV Background Check Tracker Form. **Don’t forget any new staff or Site Supervisors listed on your budget on either the grantee or match side!**
* **IF USING A VENDOR:** Attain written assurance from the vendor that they:
* Access CHC data that is not limited (many vendors are restricted to a number of years of data)
* Uses CNCS-approved repositories for CHC data
* Uses NSOPW.gov as a source and maintains the report to document timely completion. If they don’t provide screenshots or copies of the printouts, your contract with the vendor must specify no one on the registry is cleared. CV highly recommends programs conduct the NSOPW.gov check themselves instead of having the vendor do so.
* Include all vendor documentation in your policy; maintain your contract for monitoring review
* Consult *NSCHC Vendors Guide* on CV Grantee Central
* **ALTERNATIVE SEARCH PROCEDURES (ASP):**
* Include any ASP in your policy along with documentation of pre-approval
* Some ASPs have blanket pre-approval (California not allowing maintaining results; Partners running the checks and providing Clearance Letters in lieu of Actual Results) – see *Current Pre-Approved ASPs* on Grantee Central
* Provide assurance that the ASP is adhering to all CV requirements including that California DOJ is the only acceptable repository for state checks, and that they preclude sharing results with outside parties
* If CV or CNCS policies and requirements change, the ASP will need to be re-submitted for approval
* **IF YOU HAVE AN EXEMPTION APPROVAL:**
* Include the Exemption Approval in your policy, along with documentation
* Note that Exemptions expire after a year. Programs must reapply for an exemption before the approval expires
* The Exemption Approval must include a determination that the program is adhering to all requirements
* Consult with your CV Program Officer if you have questions about this process

California Volunteers’ Grantee Central has a criminal history checks section with trainings and all above referenced resources. Our policy is also contained in your Contract Exhibit H.