

May 26, 2010

Dear Volunteer,

Thank you for volunteering with the Liberty Township Recreation program. As you may know, we have just implemented a background screening process for all volunteers. This program is for the safety and protection of our town's children and we greatly appreciate your support in this new endeavor. We have attached a copy of the Liberty Township Recreation Commission (LTRC) Background Check Policy dated 5/26/2010 (See Attachment 1).

The background check will consist of fingerprinting and it will screen your criminal history only. Your financial or driving records will not be subject to review. The offenses that would disqualify you from becoming a volunteer are very specific and they are listed completely in Public Law 1999, chapter 432 and are provided in the attached policy.

In order for you to have your background check done, you must make a fingerprinting appointment. Please note that you will need to have your credit card available to make your appointment. (Background check costs are fully refundable by the LTRC with the submittal of a receipt and a signed voucher (See Attachment 2)).

The first step in this process is to go to the Instant Verification web site. Simply go to [www.instantverificationinc.com](http://www.instantverificationinc.com). Once you are on the web site, please click on the Liberty Township link which is located on the bottom right of the page. Once you have clicked on the Liberty link, you will see instructions for fingerprinting. The first thing you should do is click on the link that says Print Universal Fingerprint Form. Once you have printed this form, you must click on Fingerprinting Instructions. These instructions will tell you where to find Liberty's Contributor's Case #. Once you have filled this in you may click to the MorphoTrak site to make your appointment.

It is important to understand that you MUST have your Universal Fingerprint Form with you when you go to your fingerprinting appointment. If you do not have your form, they will not fingerprint you. You will lose both your appointment and your \$11 deposit. We recommend that you put the form in

your car to assure you have it with you when you go for your appointment. Once you have been fingerprinted, you will receive a PCN #. Please return to the Instant Verification web site and register this number with them. This will protect you if anything should happen to your fingerprints.

Instant Verification will receive the results of your background check in approximately 10 days and will notify the LTRC if you have been cleared or not. If you have not been cleared, Instant Verification will contact you and provide you with the form you will need to request a copy of your record. Only you will be entitled to this record. Once you have obtained a copy of your record, you will have 30 days to appeal. If you decide to appeal, you will contact Instant Verification and they will contact the LTRC. You will then be asked to provide the Liberty Township Appeals Committee with a copy of the record you are appealing. The only way anyone other than yourself will see your record is if you provide it to them yourself. We will adhere to the strictest confidentiality standards for your protection. If, once you see your record, you choose not to appeal, no one will ever know the details of why you were not cleared.

Once you have been cleared, we will ask you to email your photo to [michael.a.doyle1967@hotmail.com](mailto:michael.a.doyle1967@hotmail.com). An ID card will be issued to you within two weeks. We ask that you keep this card with you whenever supporting a Liberty Township Recreation Commission sponsored activity.

Background checks will be performed once every three years and will cover all LTRC activities for that three year period. The LTRC will maintain a list of cleared volunteers and provide reminders to the volunteers when the end of the three year period is approaching.

Once again, we appreciate your efforts to volunteer in Liberty Township. Without you, our recreation program would not be possible. If you have any questions, please do not hesitate to contact us!

Sincerely,

Liberty Township Recreation Commission

# Attachment 1

## LIBERTY TOWNSHIP RECREATION COMMISSION (LTRC) BACKGROUND CHECK POLICY

Any volunteer convicted of or having open criminal charges for any crime against children (misdemeanor or felony) and/or any violent crimes shall be prohibited from participation in any capacity in youth programs or activities sponsored by the LTRC. Other criminal offenses will be considered on a case by case basis. As a prerequisite for participation, any volunteer who has care, custody or control of youth participants in any youth program or activity is required to successfully complete a Background Check. Volunteers (18 years or older) including but not limited to LTRC members, coaches, assistant coaches (at least 1, no more than 2), instructors, aides, life guards, etc. This condition applies to all youth programs or activities sponsored by the LTRC. If the LTRC sponsors an event run by an organization **NOT** affiliated with the LTRC, the organization shall provide documentation to the LTRC that at least two personnel with cleared Background Checks will be present at the event.

### **TIMEFRAME FOR A BACKGROUND CHECK**

There is no time limit on criminal convictions, which are considered in the context of the application of this policy. All criminal convictions regardless of their longevity will be taken into account when determining a volunteer's eligibility to participate in youth programs or activities.

### **CONFIDENTIALITY**

Even though adult criminal records are public information, information received during the background process will be shared on a "need to know" basis only. Only if a volunteer is disqualified and the volunteer requests consideration through the appeals process will anyone from Liberty Township have a need to see the information. If a volunteer requests to appeal the decision, the Liberty Township Recreation Commission Appeals Committee representatives who will participate in the appeal process are: the LTRC Chairperson; a Liberty Township Council representative; and the Liberty Township Lawyer. The LTRC reserves the right to identify alternate representation on the LTRC Appeals Committee.

### **RESPONSIBILITY FOR COMPLIANCE**

It is the responsibility of the LTRC and respective activities commissioner/leaders to ensure all volunteers have a completed Background Check prior to their participation.

### **COMPLETED AND UPDATED BACKGROUND CHECKS**

A list of volunteers with completed and cleared background checks will be kept on file at the LTRC office. This list will be updated at the beginning of each new activity/sport season. All volunteers are required to have an updated Background Check a minimum of every three years. The LTRC will contact the volunteers when an update is due.

### **FINGER PRINTING**

Finger printing is mandatory and will take place at a date and time chosen by the volunteer in conjunction with directions provided by the LTRC.

### **PICTURE ID CARDS**

All cleared volunteers shall be required to have a picture ID card. **Pictures ID cards are mandatory.** Picture ID cards are to be with the volunteers whenever involved in an LTRC activity that includes minors.

### **CHANGE OF ADDRESS**

It is the responsibility of the volunteer to inform the LTRC regarding a change of address. When mail is returned to the LTRC as "undeliverable", the volunteer will be inactivated for the purposes of the Background Check program and be removed from the list of cleared volunteers.

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## **CHANGE IN PERSONAL STANDINGS**

It is the responsibility of the volunteer to notify the LTRC and disqualify themselves if their personal standings change during and/or after the Background Check process has occurred which would cause them to be disqualified in accordance with the attached Disqualifiers information. If the volunteer is unsure of a disqualification has occurred, they shall contact the LTRC Chairperson immediately.

## **APPEALS**

Volunteers receiving a Disqualification letter from participating in youth programs or activities based on the findings of their Background Check have the right to appeal the disqualification. Each appeal will be considered on a case-by-case basis. Any person convicted of or having open criminal charges for any crimes against children (misdemeanor or felony) shall be prohibited from participation in any capacity in youth programs or activities sponsored by the LTRC. Volunteers may receive a free copy of their Background report if requested within 30 days of the receipt of the disqualification letter. The request shall be in writing and proper identification is required.

Volunteers considered to be disqualified after the appeals process are prohibited from participating in LTRC sponsored youth programs or activities and have no further right to appeal.

## **EXPUNGED RECORDS**

A volunteer does not have to disclose information regarding criminal charges or convictions that have been expunged by the courts. A volunteer whose criminal convictions were expunged after being prohibited from participation should provide the LTRC with evidence of the court's actions.

## **DISCIPLINARY MEASURES**

It is the responsibility of all members of the LTRC and volunteers to fully comply with this policy and the Background Check program. Each commissioner/organization/activity leader must sign an **annual** acknowledgment of the receipt of this policy. Therefore, organizations and/or their members/volunteers that knowingly or unknowingly violate the LTRC's policy or Background Check program are subject to disciplinary measures that may include, but are not limited to, the loss of organizational/league privileges; restrictions on facility usage; and/or suspension from participation.

## **ATTACHMENTS:**

Disqualifier Information (Chapter 432)

Revised and Approved 5/26/2010

# Attachment 1

## Disqualifier Information CHAPTER 432

**AN ACT** concerning criminal history record background checks of employees and volunteers of nonprofit youth serving organizations and supplementing Title 2A of the New Jersey Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.15A:3A-1 Definitions relative to criminal history background checks for employees, volunteers of youth serving organizations.

1. As used in this act:

"Criminal history record background check" means a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and the State Bureau of Identification in the Division of State Police.

"Department" means the Department of Law and Public Safety.

"Nonprofit youth serving organization" or "organization" means a corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes, or other law of this State, but excluding public and nonpublic schools, and which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes.

C.15A:3A-2 Youth serving organization request for criminal background check; costs.

2. a. A nonprofit youth serving organization may request, through the department, that the State Bureau of Identification in the Division of State Police conduct a criminal history record background check on each prospective and current employee or volunteer of the organization.

b. For the purpose of conducting the criminal history record background check, the division shall examine its own files and arrange for a similar examination by federal authorities. The division shall inform the department whether the person's criminal history record background check reveals a conviction of a disqualifying crime or offense as specified in section 3 of this act.

c. The division shall conduct a criminal history record background check only upon receipt of the written consent to the check of the prospective or current employee or volunteer.

d. The organization or the prospective or current employee or volunteer shall bear the costs associated with conducting criminal history background checks. Notwithstanding any law or regulation to the contrary, the department shall not charge a fee for a criminal history record background check that exceeds the actual cost of conducting that check, as determined by the Attorney General. The Attorney General shall annually certify to the State Treasurer the cost per criminal history background check in the immediately preceding year.

C.15A:3A-3 Conditions under which person is disqualified from service.

3. A person may be disqualified from serving as an employee or volunteer of a nonprofit youth serving organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

a. In New Jersey, any crime or disorderly persons offense:

(1) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et

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seq. or N.J.S.2C:15-1 et seq.;

(2) against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.;

(3) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes;

(4) involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-10.

b. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection a. of this section.

C.15A:3A-4 Submissions, exchange of background check information.

4. a. Prospective or current employees and volunteers of nonprofit youth serving organizations shall submit their name, address, fingerprints and written consent to the organization for the criminal history record background check to be performed. The organization shall supply this documentation to the Attorney General, who shall coordinate the background check.

b. The Attorney General is authorized to exchange fingerprint data with, and receive criminal history record information for use by nonprofit youth serving organizations from the Federal Bureau of Investigation, Identification Section and the Division of State Police, Bureau of Identification and such other law enforcement agencies and jurisdictions as may be necessary for the purposes of this act.

c. The department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this act.

C.15A:3A-5 Rules, regulations.

5. The Attorney General, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act concerning access to and dissemination of information obtained as a result of conducting a criminal history record background check.

6. This act shall take effect 90 days following enactment.

Approved January 18, 2000.