

Requirements for Conducting Criminal Background Checks Of Employees and Volunteers in the Archdiocese of Milwaukee

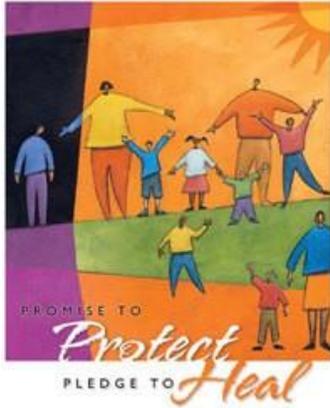
Since January 1, 1994, the Archdiocese of Milwaukee has directed that any offer of employment from a Catholic parish, school or organization in which the employee's regular responsibilities include contact with children, will be contingent upon the results of a criminal records check. This policy was implemented to ensure, as much as reasonably possible, a safe environment for our children involved in school and parish activities. **Criminal background checks, both state and national, shall be performed on all employees and volunteers who have regular contact with children.**

While this policy initially pertained to employees only, parishes, schools and organizations are also required to conduct checks on volunteers who are serving in roles involving children or youth. **Criminal background checks shall be performed on volunteers or contracted services staff that are have regular contact with minors. (Regular contact with minors is defined as more than once a semester or any activity away from the parish or school such as a field trip or retreat, even once a year.)**

The policy states that convictions or pending charges will be considered in the hiring process only to the extent they substantially relate to the circumstances of employment sought by the applicant. Convictions or pending charges which are discovered by this process that do not substantially relate to the applicant's employment, or past arrests that did not result in a conviction, should not be considered in the hiring process, in accordance with Wisconsin law. Pastors and principals are urged to contact Patti Loehrer, Safe Environment Coordinator for the Archdiocese of Milwaukee at (414) 769-3449 if they have any questions concerning what to do with the information disclosed by a criminal record check.

These policies are consistent with the requirements of the *Charter for the Protection of Children and Youth*, approved by the U.S. Catholic Bishops in November, 2002. Article #13 of the *Charter* states:

"Dioceses/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies."



When do I conduct a Criminal Records Check on our employees and volunteers who have regular contact with minors?

1. Prior to Making an Offer of Employment or Volunteer

Assignment: Criminal record checks must be conducted prior to making an offer of employment or the beginning of volunteer service. You do not need to get permission of an applicant, employee, or volunteer to conduct a criminal records check through the state of Wisconsin. Wisconsin is an “open records” state, and that means that most records maintained by state and local government agencies are open to the public for inspection. However, you will need to have the person’s birthday to conduct the check. Checking criminal records in states outside of Wisconsin will probably involve use of an outside investigative company and will necessitate getting prior written approval of the applicant (employee only, written approval not required for volunteers by federal law, but may be required by the specific outside investigative company, see the attached Consumer Credit Check Authorization form).

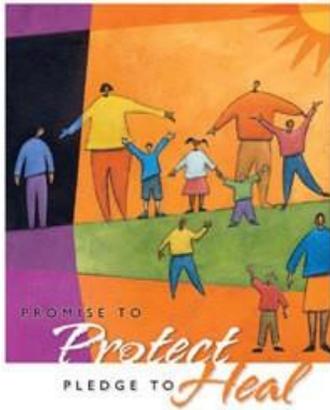
- 2. Offer of Employment (contingent on criminal record results):** If it is necessary to make an offer of employment prior to conducting a criminal records check, you may make the offer contingent upon the results of the check, performed for and approved by the employer. In this case, give the applicant, at the time of offer, the Criminal Records Check Contingency form (attached) and secure their signature.
- 3. Current Employee or Volunteers (with regular contact with minors):** If a check of your files indicates that you have current employees or volunteers for which a criminal check cannot be found, you must conduct one now. Archdiocesan policies formerly focused on *new* hires and volunteers, but the *Charter* requires that all employees and volunteers be screened.

How often should we be conducting criminal checks on staff and volunteers?

In the past we only did checks on new hires and did not require a specific time for doing rechecks. However, it now seems prudent to institute a policy of rechecking the records, so that no employee or volunteer with regular contact with minors, would go more than **five years** without a recheck.

How do I conduct a Criminal Records Check?

We require that you conduct checks on your staff and volunteers by utilizing the services of the state of Wisconsin and a national data base provider. Use of a national database can identify crimes committed outside of the state of residence. We suggest both the **Crime Information Bureau (CIB)** <http://wi-recordcheck.org/> and the use of a reputable national criminal check provider. The Archdiocese of Milwaukee currently uses the services of *Intellicorp Records Inc.*



<http://www.intellicorp.net/brochure/aboutus.aspx> for its national checks. Total cost to your parish for the two checks will be approximately \$15 per person.

The **Crime Information Bureau (CIB)** is the main source of criminal information in the state of Wisconsin. The CIB, of the Wisconsin Department of Justice, maintains a database of adult criminal records. To access this data on the Internet, go to <http://wi-recordcheck.org/>. There is a fee for non-profits, but you need a CIB account number, which you can arrange by calling CIB at 608-266-5764. The CIB requires that you provide the employee/volunteer's full name, sex, race, and date of birth. Social Security number is not required but does aid in insuring an accurate match. Written authorization from the individual checked is not required to conduct a check through the CIB.

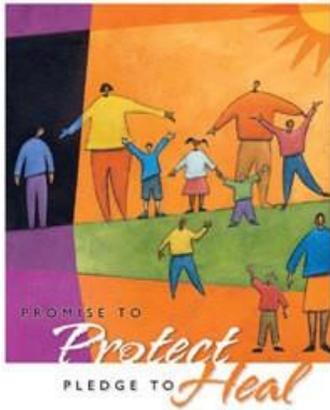
The Wisconsin Supreme Court maintains a statewide court record called the **Circuit Court Automation Program (CCAP)**. This web-site can be used by the public to access court records. No fee or registration is required. The web address is <http://wcca.wicourts.gov/>. Please note however that this database is not complete, with some counties not participating and not all offenses listed for all counties. While this can be a resource for you in reviewing the criminal records of staff and volunteers it should not be the only method used for conducting checks.

To gather criminal background information about employees or volunteers who have lived or traveled outside of Wisconsin you will need to contact that state or a commercial investigation and information services firm. **Intellicorp** <http://www.intellicorp.net/brochure/aboutus.aspx> is the firm that is used currently by the Archdiocesan Central Offices and it is recommended this provider be used for parish and school use as well. Please note: it is acceptable to use another provider for national background checks as long as they provide all required information.

Intellicorp use a national database search process and charge \$7.95 per individual search for non-profit organizations (including parishes and schools). Included in their price are a national database "super search", a sex offender registry search, a SS# verification, and a terrorist database search.

Written authorization from an employee (not required for volunteers under federal law, but required by most search firms) is required to conduct a check from a for-profit firm such as **Intellicorp**.

Intellicorp has a service that will allow individuals to log on to the **Intellicorp** website and enter their own information. This will eliminate the need for parishes and/or schools to ask volunteers for their social security numbers. Your parish and/or school can set up the Volunteer Portal by contacting Intellicorp (www.intellicorp.net). The fee for setting up the Volunteer Portal is \$25 (this is a one-time fee in addition to the \$7.95 search). They will provide you with a URL and a password that you will distribute to volunteers so that they can submit their personal information, results are then sent to each parish and/or school.



Who reviews the criminal record results and how confidential are they?

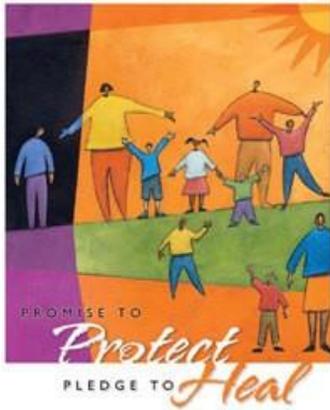
The pastor, along with the appropriate supervisor (principal/ DRE/ youth minister) would normally see the results of the check and make the appropriate decisions. In those parishes or schools that employ a Director of Administrative Services, this person could conduct the record check if personnel matters are part of their position responsibility. Questionable results should be discussed with Patti Loehrer, Safe Environment Coordinator for the Archdiocese of Milwaukee, or with parish legal counsel. These records, which are public records, should nevertheless be treated with a high degree of confidentiality and shared only with those who have a legitimate need to know. **Criminal record check results should be treated like other personnel records and be stored in locked cabinets.**

What employee and volunteer positions are subject to criminal background checks?

All employees (including priests, religious, and lay employees) and those volunteers who have regular contact with minors are subject. The Archdiocese will conduct checks on all priests working within the Archdiocese, so the parishes will not be responsible for those checks. In considering volunteers, common sense and an analysis of the degree of risk inherent in the assignment must be the guiding factor. We do not advocate that a criminal record check be conducted on every person who volunteers in any capacity in a parish. Rather, we must look closely at those assignments which allow for a close trust based relationship to develop with minors, especially those positions in which the volunteer will be interacting with minors on a one to one basis or on an ongoing, regular basis. Examples include, but are not limited to, coach, religious education teacher, retreat leader, scout leader, choir director, or childcare attendant.

I am afraid some volunteers may be insulted if I tell them I must conduct a criminal check of their background. What can I say to them?

How you inform them of this need to conduct the check is critical to their acceptance. Giving out written explanations to volunteers who work with children, about the need for such checks, will help them understand that they are not personally targeted. History has shown that checking criminal records of employees and volunteers can identify potential abusers. Knowing that we conduct checks on employees and volunteers can also act as a deterrent. It may be hard to ask volunteers for a birth date or a social security number to conduct a test, but it would be much more difficult to explain to the parents of an abused child why such a simple precaution was not carried out.



Does a criminal record of any kind preclude the volunteer from working with children?

No, as with employees, convictions or pending charges will be considered in the placement process only to the extent they substantially relate to the volunteer assignment. Many people have in one way or another made mistakes in their lives, and they should be allowed to move beyond those mistakes. But clearly, those individuals who have abused children, sold drugs to minors, or other criminal convictions that may put children at risk, should not be put in assignments where they are working with or around minors. If you have questions about the results of any criminal record check, you should discuss them with the Director or Associate Director of the Archdiocesan Parish and School Personnel Office. Results may also be discussed with parish legal counsel as needed.

Applicants for employment provide a resume and application, what information should be requested from volunteers so that criminal checks can be conducted?

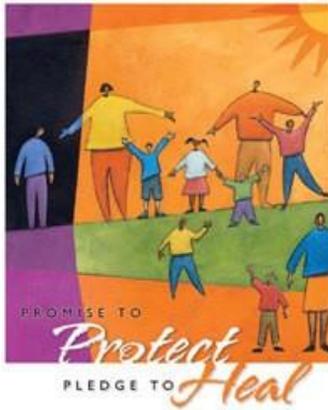
We recommend that a volunteer application form be used in the parish or school. If your parish has a coordinator of volunteers, this person uses the information on the application to match volunteers with desired and appropriate opportunities. The volunteer application should include a section asking about criminal conviction history.

What about young people under the age of 21 that want to volunteer? Should I let them and do I need to conduct a criminal check on them as well?

We should be encouraging young people in our parishes to volunteer. However, only young adults age 21 and over should be allowed to function in an independent supervisory capacity with minors in any parish or school program. Young adults between the ages of 18 and 21 may assist another adult in the supervision of minors. Minors under the age of 18 may assist with activities involving other minors but should not be expected to have supervisory responsibilities. Criminal record checks should be conducted on all adults (18 and over) who are responsible for working with minors. Criminal records information of minors is not available through the CIB.

What do I do if a volunteer does not have, or does not want to give me a social security number? Can I still conduct a criminal records check?

No. In order to have a complete and accurate background check a social security number must be provided.



SAMPLE LETTER FOR ANY EMPLOYEE OR VOLUNTEER

Dear Applicant,

Thank you for your interest as an employee or volunteer in a parish, school or organization within the Archdiocese of Milwaukee. In order to promote and ensure that all parishes, schools, and organizations within the Church are operating in a safe and sound manner, consistent with its responsibilities and obligations to the Faithful and to the community, we routinely conduct background checks on all applicants. The background check is conducted by a consumer reporting agency in compliance with the federal law, and is called a consumer report or consumer credit report. The word consumer simply means “individual” (a report on an individual). The report will only include a check of criminal records of individuals. The background check WILL NOT include a credit report.

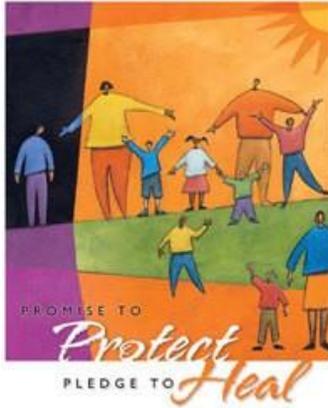
Please read the following disclosure notice as required by federal law prior to completing and signing the form for the report.

DISCLOSURE NOTICE FOR CONSUMER REPORTS

In connection with your application for employment or volunteer assignment within the ARCHDIOCESE OF MILWAUKEE, please understand that a background check will be performed as part of normal procedure. Information will be obtained about you from a consumer reporting agency. A consumer report may be obtained at any time during the application process and if you are hired or assigned, during your continued employment or volunteer assignment. The parish, school or organization will repeat background checks every five years. You have the right, upon written request, and after the receipt of this notice, to request a disclosure of the nature and scope of the investigative consumer report.

Before a decision is made to deny your employment or volunteer assignment (called adverse action), when the decision is based in whole or in part on the information contained in the report, you will be provided a copy of the report, the name, address and telephone number of the reporting agency, a summary of your rights under the Fair Credit Reporting Act (FCRA), as well as additional information regarding your rights under the law.

Note: Even though the federal act is called the Fair Credit Reporting Act (FCRA), no credit report will ever be requested. The FCRA also applies to other items of the background check such as criminal records and those listed above.



**Archdiocese of Milwaukee
AUTHORIZATION TO OBTAIN CONSUMER REPORT**

As you are aware, the *Charter for the Protection of Children and Youth*, approved by the Catholic Bishops in November 2002, requires dioceses to conduct criminal background checks on all diocesan personnel and any volunteer who work with children and youth. To accomplish this we will conduct a criminal check on you through Wisconsin's Crime Information Bureau and a national data-bank criminal check, conducted by **Intellicorp Records Inc.** (<http://www.intellicorp.net>). **We will only be conducting a criminal records check. We will repeat such checks at least every five years.**

Intellicorp is considered a consumer reporting agency, subject to the laws of the federal Fair Credit Reporting Act (FCRA). These laws require that before a "consumer credit report" (which includes criminal record checks) is completed, you receive a summary of your rights under the FCRA (attached), and that you grant the parish and/or school the authority to obtain this report.

Full Name (Please Print): _____
First
Middle
Last
Maiden/Alias

Current Address: _____
 (Permanent Address) Street Address
City
State
Zip

Social Security Number: _____ **Date of Birth:** _____

Title of Paid or Volunteer Position Seeking: _____

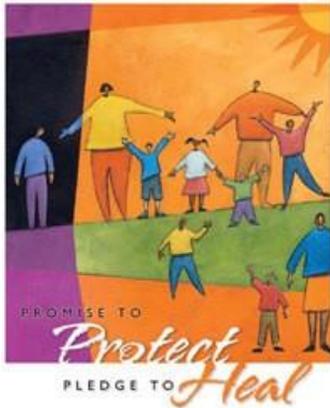
Email: _____ (required by Federal Regulations)

In connection with my application for employment or volunteer assignment, I understand that a consumer report will be requested.

By signing below, I hereby authorize without reservation, any party or agency contacted by the Archdiocese of Milwaukee, the organization for which I am applying for employment or volunteer assignment, or any agency acting on their behalf, to furnish information about me. If accepted for employment or volunteer assignment, I further authorize ongoing procurement of the above mentioned reports at any time during my continued employment or volunteer assignment. I also agree that a fax or photocopy of this authorization with my signature shall be accepted with the same authority as the original.

My signature below provides acknowledgement of the disclosure notice (see reverse side) and authorization to procure a consumer or investigative consumer report.

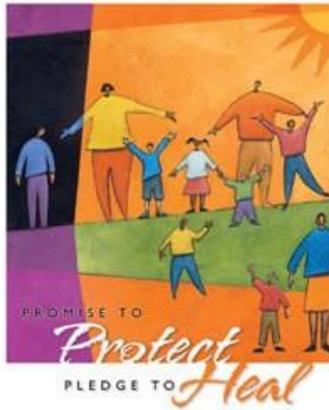
Signature: _____ **Date:** _____



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SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT

The federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every "consumer reporting agency" (CRA). Most CRA's are credit bureaus that gather and sell information about you - such as if you pay your bills on time or have filed bankruptcy - to creditors, landlords, and other businesses. You can find the [complete text of the FCRA](#), 15 U.S.C. §§1681-1681u. The FCRA gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

- **You must be told if information in your file has been used against you.** Anyone who uses information from a CRA to take action against you - such as denying an application for credit, insurance, or employment - must tell you, and give you the name, address, and phone number of the CRA that provided the consumer report.
- **You can find out what is in your file.** At your request, a CRA must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You also are entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.
- **You can dispute inaccurate information with the CRA.** If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs - to which it has provided the data - of any error.) The CRA must give you a written report of the investigation, and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.
- **Inaccurate information must be corrected or deleted.** A CRA must remove or correct inaccurate or unverified information from its files within 30 days after you dispute it. **However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified.** If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.
- **You can dispute inaccurate items with the source of the information.** If you tell anyone - such as a creditor who reports to a CRA - that you dispute an item, they may not then report the information to a CRA without including a notice of your dispute. In addition, once you've notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- **Outdated information may not be reported.** In most cases, a CRA may not report negative information that is more than seven years old; ten years for bankruptcies.
Access to your file is limited. A CRA may provide information about you only to people with a need recognized by the FCRA - usually to consider an application with a creditor, insurer, employer, landlord, or other business.



- **Your consent is required for reports that are provided to employers, or reports that contain medical information.** A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- **You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers.** Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA form provided for this purpose, you must be taken off the lists indefinitely.
- **You may seek damages from violators.** If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

The FCRA gives several different federal agencies authority to enforce the FCRA:

FOR QUESTIONS OR CONCERNS REGARDING	PLEASE CONTACT
CRAs, creditors and others not listed below	Federal Trade Commission Consumer Response Center-FCRA Washington, DC 20580 * 202-326-3761
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 * 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer and Community Affairs Washington, DC 20551 * 202-452-3693
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	Office of Thrift Supervision Consumer Programs Washington, DC 20552 * 800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 * 703-518-6360
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 * 800-934-FDIC
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 * 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator-GIPSA Washington, DC 20250 * 202-720-7051