



Overview of the SafetyNET Criminal Background Check Program For Mentoring Organizations

In 2003, Congress passed a criminal background check pilot program as part of the PROTECT Act. The program is the culmination of several years of advocacy work, which was undertaken because the available criminal background check systems are often cumbersome, expensive, and inaccessible. The SafetyNET program is the precursor to what we hope will be a permanent workable system for obtaining criminal background checks on volunteers who work with children.

Through SafetyNET, mentoring organizations across the country can access FBI fingerprint-based background checks on volunteers to determine whether those individuals have a criminal background. The FBI will send the criminal histories of prospective mentors to the National Center for Missing and Exploited Children (NCMEC) for a fitness determination.

SafetyNET gives many mentoring organizations an opportunity, for the first time, to access FBI fingerprint background checks for prospective mentors. For those organizations that already conduct local, state or national checks, SafetyNET may be a faster, cheaper and easier way to obtain thorough background checks. Until a permanent solution is established, the SafetyNET program represents a significant step forward in making national background checks available and affordable for human service organizations.

TYPE OF CHECK:

SafetyNET uses a fingerprint-based check of the FBI's master criminal record database, which includes records on approximately 65 million Americans who have committed criminal offenses. These records include state criminal data as well as records of federal offenses. Although some states may be slow in transferring their records to the FBI, the FBI database still offers the most complete kind of check available today. The only way a mentoring organization could obtain a more complete check would be to submit a fingerprint request to each of the 50 states plus the FBI. For many mentoring organizations, this pilot represents the first time they have been allowed to access criminal records outside of their own state.

The FBI does not keep records on very low-level offenses, such as DUIs. Therefore, mentoring organizations may want to conduct a driver's license check or a state criminal records check through their state agency in addition to the FBI check. Organizations may also wish to conduct a child abuse registry check since some abuse cases are never prosecuted and still may be listed in the registry.

FINDINGS THUS FAR:

The SafetyNET nationwide FBI fingerprint search has helped protect countless children in youth-serving organizations. Over the past seven years, data has proven just how important this information is to ensuring the suitability of volunteers who will be in direct contact with children.

- Over 77,000 FBI fingerprint checks have been conducted through the PROTECT Act pilot, and 6% of potential volunteers were found to have criminal records of concern – over 4,620 individuals.
- Over 40% of individuals with criminal records committed crimes in states other than where they were applying to volunteer – meaning that only a nationwide check would have caught the criminal records.
- Nearly 23% of these individuals provided a different name or date of birth on their application than what appeared on the criminal record. A name-based search would likely not have caught these criminal records.
- Over half of these individuals indicated on their application form that they did not have a criminal record, but one was uncovered. This demonstrates the importance of performing the background check, even when it appears the volunteer does not have a criminal record
- The checks have uncovered very serious criminal offenses, including sexual abuse against children, manslaughter, and rapes.

Numerous individuals with serious and sometimes lengthy arrest and conviction records have been found. Some examples include:

- Convicted on three charges of endangering the welfare of a child
- Charged with 31 counts, including multiple rapes and assaults, indecent liberties, eluding capture, and prostitution
- Convicted of assault on a police officer and aggravated robbery
- Convicted of 3 counts of violation of a protective order
- Charged with rape by force with a victim under the age of 14
- Convicted of murder in the second degree and sentenced to over 20 years in prison

PROCESS:

- A mentoring organization applies to MENTOR through an online application. This application is posted at <http://www.mentoring.org/safetynet>.
- MENTOR reviews the application, and sends a welcome packet and unique login to each approved program.
- Each potential volunteer completes an application and is fingerprinted. Local police stations usually do fingerprinting for a small fee, or program staff can perform the fingerprinting.
- The mentoring organization logs each volunteer into the SafetyNET Web site, using their unique login. Then the organization mails the fingerprint card, application, and payment to MENTOR.
- MENTOR reviews and submits the fingerprint cards to the National Center for Missing and Exploited Children (NCMEC).
- NCMEC pulls matching criminal records and makes fitness determinations.
- NCMEC e-mails the fitness determination back to the local mentoring organization.

COST and TURNAROUND TIME:

The cost for the FBI fingerprint check is \$18. This does not include any fee that a local police department may charge to do the fingerprinting.

The current response time averages 3-5 business days from the date MENTOR receives the background check request.

RESULTS:

NCMEC makes a fitness determination on volunteers based on the volunteer's criminal record. NCMEC will be looking for "criterion offenses" - crimes that fit into six categories: felonies of any kind; sexual offenses; drug offenses; crimes against a person; crimes involving a minor; and animal abuse. Both misdemeanors and more serious offenses will be examined in the last four categories.

For each volunteer application it submits, a local mentoring organization will receive one of three possible designations that indicate the extent of a volunteer's criminal record.

- "Does not meet the criteria" – the volunteer has been convicted of one or more of the criterion offenses.
- "Meets the criteria" – the volunteer has not been convicted or arrested (unless cleared) of a criterion offense.
- "May not meet the criteria" – the volunteer has been arrested for one or more criterion offense, but the criminal record does not indicate the resolution of the arrest (i.e. found not guilty, convicted, etc.). Without the resolution, NCMEC cannot determine whether or not the volunteer meets the criteria. This designation can also indicate that a volunteer's criminal record may merit closer examination due to a pardon, expungement, or other similar case.
- In the case of any determination indicating a criminal record, the volunteer can request that the FBI send the complete criminal record to the local program for further consideration.

MORE INFORMATION:

A comprehensive *SafetyNET Manual* is posted at <http://www.mentoring.org/safetynet>. This manual contains complete information on volunteer screening, the details and procedures of the program, instructions for using SafetyNET and pertinent forms. Any mentoring organization that is considering applying should first read the manual carefully. Applications to register for SafetyNET are located at <http://www.mentoring.org/safetynet>.