

## **SECTION 2: Screening and Background Checks for Selecting Employees and Volunteers**

### **Executive Summary**

All youth serving organizations want to attract, select and retain employees and volunteers who are safe to be around children, and to screen out those who have the potential to cause them harm. However, it sometimes happens that individuals are screened and hired who present risks to, or have previously abused children, and use the opportunity to abuse again. This can happen for a number of reasons. Because the majority of child sexual abuse cases are not reported to the authorities, not every offender has a criminal record, or has a criminal record that includes sexual offenses.<sup>1</sup> Also in many instances, notably but not exclusively in school settings, suspected offenders have been allowed to resign – sometimes with letters of recommendation – and are not reported to the authorities.<sup>2,3</sup> Unfortunately, these offenders can later apply to a new school district, be hired with a clean record, and use the opportunity to re-offend.

In other cases, offenders do have a criminal history that is not checked as part of a routine screening and hiring process. Smaller organizations and private, single-owner businesses that serve children may not conduct a check of criminal history as part of the hiring process because the perceived risk to children is too low – or they do not have the awareness, knowledge or means to do so. This section outlines a multi-level decision making framework that YSOs can use to protect themselves and the children who come to them for services.

It is reasonable to assume that most YSOs undertake some basic form of screening (application, interview, and reference checks) to ensure that the individuals being considered have the basic skills needed to function in the intended position; possess the maturity, relevant experience and judgement to care for, supervise, or assist in the supervision of the children that will be placed in their care; and pose no threat to the children’s safety and well-being.

Some organizations go much further than a basic level of screening because of statutory mandates, accreditation or licensing requirements (e.g., schools, daycare centers, foster homes); the nature of the services being provided to the children and youth and their perceived vulnerability; or because the position requires (or has the potential for) the employee or volunteer to have unsupervised or unmonitored interactions with minor children. These additional screening steps can include fingerprinting, local and national checks of criminal history and sexual offense records, professional credential checks, as well as checks of driving records if the position requires the transportation of children.

The Task Force acknowledges that there is no “one size fits all” approach to screening and selecting employees and volunteers, and cautions that conducting screening and background

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<sup>1</sup> Leclerc B. & Cale, J. (2015). Adult sex offenders in youth-oriented institutions: Evidence on sexual victimization experiences of offenders and their offending patterns. *Trends & Issues in Crime and Criminal Justice*. 497. Available from <http://aic.gov.au/publications/current%20series/tandi/481-500/tandi497.html>

<sup>2</sup> K- 12 Education: Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct. GAO-11-200. Washington, D.C.: December 8, 2010.

<sup>3</sup> Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel. GOA-14-42. Washington, D.C.: January, 2014.

checks for criminal history does not in itself provide a 100% guarantee against bringing someone into the organization who will cause harm to children if given the opportunity. Even so, the Task Force suggests that a basic level of screening and background checks for potential employees and volunteers is necessary for all organizations, and should not be omitted. Ideally, screening and background checks should be considered as one part of a comprehensive *process* that has multiple components – each of which provides a piece of additional information about an individual’s overall suitability to be with children. The section below outlines the components of this process, and present an ideal from which organization can craft minimum required screening standards. The section also presents guidance on when more comprehensive standards should be used.

The key for organizations will be to use the section to help them make decisions about risk, the parts of the overall screening and hiring process they can reasonably access and implement to decrease that risk, and ways to craft appropriate policies for their different circumstances that still reflect best practices.

A screening toolbox (Table 1) is included in the section that outlines the various parts of a comprehensive screening and hiring process.

**Table 1**  
**The Screening Toolbox**

- Marketing and recruitment Materials
- Written application and Statement of Suitability
- Personal Interview
- Internet Search - Google, Facebook, Instagram, Twitter
- Observation of the applicant
- Reference checks
- Assessment of home environment (in cases where the organization’s services are partly or wholly provided in the applicant’s home)
- National and state criminal history check (can include fingerprinting)
- National and state sex offender registry check
- Child abuse registry check
- Professional credentials and disciplinary records check
- Driving records check if the position includes the responsibility to transport children and youth
- Check applicants against internal records

## **Key Findings and Recommendations**

- It is important for all YSOs to employ some basic level of screening and background checks for persons applying for employment or volunteer opportunities involving services to children and youth.
- For some YSOs and professions, the type of screening and background checks required for certain potential employees or volunteers is mandated by state and Federal law. For other YSOs the level of screening and background checks is more discretionary.
- To determine the level and type of screening and background checks to conduct in discretionary circumstances, a risk assessment should be conducted that considers such things as the level of employee/volunteer contact with children and youth, the characteristics and ages of the children being served, and the amount and types of supervision available that are available to oversee and monitor that contact (see Table 2 below). As a result of this assessment, supplemental screening measures can be selected to augment basic screening tools.
- The items in Table 1 (above) can be selected and used to create a screening and hiring standard that addresses and lowers the perceived risk to children and to the organization.
- The type of screening and hiring methods being used by an organization should be reflected and clearly explained in the organization's policies and procedures, and marketing and advertising materials.
- Screening, by itself, cannot guarantee 100% safety, but must be combined with the other abuse prevention measures described in this report.
- The existence of a screening and hiring policy can act as a deterrent to those who would seek to join an organization with the intent to sexually abuse children and youth.
- The existence of a screening and hiring policy can serve to increase parents' confidence in the organization and in the safety of their children while in its care.

## **Recommended Implementation Decision Making Model**

### STEP 1: Basic Required Screening:

- Written application with signed Statement of Suitability
- Reference checks (2-3) with phone contact
- Comprehensive personal interview
- Consider routine check of publicly available criminal and sexual abuse history

### STEP 2: Assessing Risk that Could Trigger Additional Screening Requirements

- Do Massachusetts and Federal laws identify additional requirements?
- What is the nature of the contact between the employee/volunteer and the child(ren)/youth?
- What is the duration and frequency of the contact?
- In what physical locations will the contact take place?

- Is the contact monitored, supervised or unsupervised?
- What are the ages and vulnerabilities of the children and youth being served?
- What other adults will be in the same area?
- What is the potential for the employee/volunteer to be alone with the child(ren)/youth and unseen?

### STEP 3: Use Additional Screening Measures as Needed

- Check state and national criminal and child sexual abuse records
  - Ranges from information that is publicly available to comprehensive check of all available state and national (fingerprint-driven) criminal and child sexual abuse records
- Confirm education and professional licensing/certification credentials
- Check professional disciplinary board records
- Check license and motor vehicle (violation) records if position requires transporting children
- Observation, home visit

### **End of Executive Summary**