LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE
A G E N D A

SEPTEMBER 9, 2013 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. **Fund to Combat Violent Crime - FY14 Grant**
   (Staff Recommends Approval of the Grant and Intended Purchases)

2. **"Safe Whistles" - National Recreation and Park Association Recommended Guidelines for Credentialing Volunteers (Background Screening for Youth Coaches and Sports Officials for All City Recreation Offerings*) (Lynn and Slavin)***

3. **Adjournment by 7:00 p.m.**

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

ACTION FORM

PROCEEDING: 9/13/13 Legislative and Finance Committee	**AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Police	**DATE SUBMITTED:** 8/20/13
PREPARED BY: Captain Robert Scott / Administrative Division Commander	
SUBJECT: Fund to Combat Violent Crime – FY14 Grant	
REFERENCE: State Grant Funding	
RELATED PROJECT: N/A	
APPROVALS: City Manager, Controller/Treasurer	
EXHIBITS: None	
EXPENDITURE REQUIRED: $75,523.53	**PROJECT BUDGET:** $75,523.53
FUNDING SOURCE (Dept./Page in CIP & Budget):	New Grant program not fully included in FY14 Budget
TIMETABLE:	Upon receipt of council approval, the equipment will be purchased using State Contract vendors and overtime hours will be worked.
RECOMMENDED ACTION:	Approve the grant and intended purchases.

BACKGROUND

The Fund to Combat Violent Crime Program is a new grant program managed by the Department of Safety and Homeland Security for use by local law enforcement agencies in connection with initiatives to combat violent felonies pursuant to Section 4201(c) of Title 11 of the Delaware Code. The first increment of funding was released during FY13; however it was uncertain at that point whether the program would be recurring. During the last quarter of FY13, we learned that an FY14 grant was anticipated and the amount appropriated ($75,523.53) was much higher than the previous year's amount ($46,785.34). As a result of this, there was not enough funds budgeted in FY14 for the total amount of the grant, so a budget adjustment will also be needed to cover the portion remaining.

This Committee/Council action form is submitted to obtain approval for the Police Department to use its grant allocation from this program. A portion of the funds will be used to upgrade the duty weapons for all police officers ($17,649), purchase rifles for supervisors' vehicles ($16,067.94) and technology upgrades to boost the signal and reception of the cellular lines in the department's police vehicle fleet and start the long term project to enable the download of information from the police vehicles wirelessly ($21,806.59). The remaining portion ($20,000) will be used to target violent crime throughout the city with extra duty overtime patrols and provide education to citizens on measures they can take to avoid or cope with violent crime related activities.

FUNDING

The programs identified above will be funded by the new recurring grant program from the State Department of Safety and Homeland Security identified above.

ACTION REQUESTED

The Legislative and Finance Committee approve the new grant and recommend approval by the Council.

National Recreation and Park Association
Recommended Guidelines for Credentialing Volunteers

Background Screening Practices

The National Recreation and Park Association has reviewed the resources of the National Association of Professional Background Screeners, and sought the counsel of recognized background screening experts to develop a set of Recommended Guidelines for Volunteer Background Screening in park and recreation settings. The goal of these recommendations is to make communities safe by advancing optimum volunteer management practices. Park and recreation leaders from academic, municipal, and county based settings have reviewed these recommendations for their relevance and appropriateness. NRPA recommends these practices as specifications and guidelines to consider while advocating that any volunteer background screening policy should be reviewed by a City, County, or special park district attorney to insure compliance with any and all local, state or federal laws. In addition, certain states have specific guidelines regarding the reporting of criminal record information and your policies may need to be amended in these states. A qualified background screening provider should be able to guide you on these laws.

The saying that a "bad volunteer is better than no volunteer" is untrue and dangerous, and should never be considered appropriate. While park and recreation departments depend heavily upon volunteerism, failing to take any steps to screen volunteers places organizations, volunteers, and participants at greater risk. While no screening process can offer absolute assurance, implementing these recommended guidelines in your screening process can engender public confidence and lessen the risk of exposure to liability due to a lack of knowledge regarding your volunteers' background. More specifically, an effective screening process assists communities:

- Raise public awareness of quality programs offered.
- Make the safety of all participants, particularly the most vulnerable groups (children, elderly, mentally challenged, etc.) a top priority.
- Keep people who have a history of inappropriate behavior or who are unfit out of the organization.
- Select the "most qualified" volunteers and paid staff for positions.

The Screening Process

Since park and recreation departments and user groups utilizing public spaces are responsible for maintaining safe environments within their programs, they must be aware of the potential risks and safeguards to protect participants and the community in which a program operates.

It is recommended that volunteers be considered with the same scrutiny as paid staff and be recruited, screened, trained, supervised, and evaluated with the same rigor as paid staff. The law in most cases does not differentiate between paid vs. volunteer staff.

Therefore, regardless of the volunteer's responsibilities, NRPA recommends that all volunteers be screened as though they were applying for a paid position. The time, energy, and financial investment of prevention strategies such as conducting a proper background screening, represents a fraction of the impact incidents such as sex abuse, violence, neglect, or other crimes and abuses can have on your participants, organization and community.

Comprehensive and Due Diligent Background Screening

While park and recreation professionals understand the benefits of screening volunteers, myriad approaches and options to background screenings are used. With decades of employment screening and related court decisions to model as common practice, government or volunteer organizations with limited budgets are challenged to apply the same due diligence to their background screening program. A comprehensive and due diligent background screening practice can be an achievable benchmark for all park and recreation agencies when positioned as a public safety or risk management issue. The following elements are included in this screening process:

Recommended Guidelines

It is the recommendation of the National Recreation and Park Association that park and recreation jurisdictions implement the following volunteer management *guidelines* for credentialing volunteers through comprehensive background screening and photographic identification.

The recommended guidelines call for the implementation of a comprehensive background screening for all volunteers. The recommended guideline for comprehensive background screening or background check is defined to include:

- **Social Security Verification** – Verify the name of every volunteer against the Social Security Number provided. This helps to eliminate the possibility of false names and/or information.

- **Address Trace** – Verify the current address and identify any previous address of every volunteer. This information is utilized to determine the jurisdiction in which the background screening is conducted.

- **State or County Criminal Record Check** – A Statewide or Countywide (depending on the jurisdiction) criminal record check is performed to capture all misdemeanor and felony convictions in that jurisdiction. The search should be conducted in the jurisdiction with the longest and most current residency.

- **National Criminal History Data Base search** – There is no one national record check whether through the government or private sector that identifies every crime ever committed. However, there are now criminal history data bases available that contain millions of criminal records and cover the much of the United States. These data bases can be accessed and used to supplement the local criminal history search. This is beneficial in expanding the search across the country but **should not** be used as a stand alone source for your background screening.

- **Sex Offender Registry** - Search of the appropriate state sex offender registries based on the address history. This is an important supplement to criminal history searches but **should not** be used as a stand alone source for your background screening.

- **Timely results** – A background screening process should be timely and results should be returned within 10 business days on average to allow for proper planning and assignment of volunteers.

- **Complimentary Consultation** – Seek a provider committed to provide consultation to clarify screening results and provide technical assistance and guidance regarding updating practices.

Clarification of Recommended Guidelines

About Social Security Verification
Social Security verifications are a critical first step in the process as it helps to insure that the name and other personal data given by the applicant is accurate. The verification will generally reveal the state and year the SSN was issued, names, addresses and sometimes the date of birth that is associated with this Social Security number.

Although it is possible to run background checks without the SSN, this will reduce the effectiveness and limit the number of personal identifiers that can be found in public records. To report someone's criminal history the reporting agency must have at least 2 matching identifiers.

Non US Citizens – In handling background checks on individuals without Social Security numbers, it is suggested that in place of the SSN the volunteer applicant state **"No SSN".** Each local organization should take appropriate measures to insure that the name, date of birth and addresses are all valid for individuals without Social Security numbers.

About Address History
This is part of the screening process that will help to confirm the current address and any previous addresses of the applicant. The main purpose in collecting address information is to determine where the local search will be performed.

Local Search

Depending upon the state, data sources can either be a statewide repository or a county court house system search. Some states have state repositories that include criminal histories from the counties or other jurisdictions in the state. If these repositories are available, reliable and timely the state check should be used in the local search. When a state repository is not available or not reliable then the county court house should be used for the local search. The goal of a local search is to uncover all misdemeanor and felony arrests and/or convictions on the applicant.

Who will be screened?

A volunteer background screening program must include all volunteers, especially those who will have contact or access to all vulnerable individuals (youth, elderly, disabled individuals, etc.) in your programs. Random or select screening is dangerous, ineffective and can lead to increased liability for your department and user groups.

How often should Background Screenings be conducted?

Each volunteer should be screened on an annual basis. The fact that someone may have a clear background check once does not insure that they will never commit serious crimes in the future. In one year it is entirely possible for someone to be arrested and convicted through most of the court systems in the United States.

Confidentiality

To protect the privacy of the volunteer it is critical that each organization have a confidentiality policy and that the policy be made known to each prospective volunteer. The policy should include a statement of respect for the privacy of the volunteer and should establish that information received during a volunteer's screening process will not be disclosed outside of the organization and will be shared within the organization only on a "need to know" basis. This would include keeping the consent/release form which includes personal data on the volunteer in secure locations and only in the hands of authorized personnel. The policy which is to be made known to all prospective volunteers, should also acknowledge that the organization might, in special circumstances, have a duty to disclose to third parties, including government agencies, certain types of information when the law requires.

Proper record keeping is critical as well. You must insure that the applicants screened and results are recorded along with the date. By tracking this information you will be able to insure 100% compliance to screening and have a formal record that can be used to defend against any potential litigation in the future.

Flow of paperwork and responsibilities of the Parks & Recreation Department

It is important to set up a specific data flow that suits your department's needs, while insuring the utmost confidentiality of the volunteer. Limit the number of individuals handling background screening data and publish the data flow so that there is an increased comfort level that personal data for volunteers will not be compromised.

Below is a typical paper flow or work flow when collecting this information:

- ✓ Distribute the consent/release forms to volunteers
- ✓ Collect all completed (legible) consent/release forms by pre-determined dates
- ✓ Send forms or data to Background Screening Company
- ✓ Receive the screening results from the Background Screening Company
- ✓ Make appropriate notifications on any volunteer who is disqualified
- ✓ Provide the disqualified volunteer applicant with the following documents:
    1. Fair Credit Reporting Act - Summary of Rights
    2. Letter of disqualification
    3. Copy of actual screening report (results)
- ✓ Distribute volunteer credentials (ID) to all volunteers who are approved

Recommended Criteria for Exclusion

A person should be disqualified and prohibited from serving as a volunteer if the person has been found guilty of the following crimes:
Guilty means that a person was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This recommendation does not apply if criminal charges resulted in acquittal, Nolle Prosse, or dismissal.

SEX OFFENSES

- **All Sex Offenses** – *Regardless of the amount of time since offense*.
  Examples include: *child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.*

FELONIES

- **All Felony Violence** – *Regardless of the amount of time since offense.*
  Examples include: *murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated Burglary, etc.*

- **All Felony offenses** other than **violence** or **sex** within the past 10 years.
  Examples include**:** *drug offenses, theft, embezzlement, fraud, child endangerment, etc.*

MISDEMEANORS

- **All misdemeanor violence** offenses within the past 7 years
  Examples include: *simple assault, battery, domestic violence, hit & run, etc.*

- **All misdemeanor drug & alcohol offenses** within the past 5 years or multiple offenses in the past 10 years.

  Examples include: *driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.*

- **Any other misdemeanor** within the past 5 years that would be considered a potential danger to children or is directly related to the functions of that volunteer.

  Example include: *contributing to the delinquency of a minor, providing alcohol to a minor, theft – if person is handling monies, etc.*

PENDING CASES

It is recommended that anyone who has been charged for any of the disqualifying offenses or for cases pending in court should not be permitted to volunteer until the official adjudication of the case.

The Background Screening Process is an ongoing process and should be subject to review and changes at any time. These guidelines are based upon industry practices in private, public and non-profit areas. For additional information regarding background screening practices, visit the National Association of Professional Background Screeners at www.napbs.com

In addition to these recommended guidelines, NRPA recommends that you consult your risk management specialist and legal counsel to ensure that all local and state laws and practices are a part of your local policies and practices.

Recommended Guidelines for Volunteer Photo Identification

A photo identification system provides assurance that a volunteer is qualified and authorized to provide public service. As such, you will need to enforce the use of the photo identification badge. Volunteers should be informed of the reasons why the volunteer photo identification badge is an important public safety tool and why they are required to wear them at all times.

- The ID provides special designation for authorized and qualified volunteers and should instill pride among volunteers to wear a photo ID badge.
- The ID is a key component of a comprehensive risk management practice that reflects a comprehensive public safety practice.
- The ID builds trust among the public that parks and recreation is committed to quality management practices.
- The ID provides public information regarding the leadership role of parks and recreation to *make communities safe.*

A photo identification practice serves the dual purpose of identifying volunteers as qualified and authorized personnel and builds public awareness for quality volunteer management practices. The system is effective when there is compliance by all volunteers wearing their photo identification at all times of service.

The National Recreation and Park Association recommended guidelines for volunteer photo identification includes:

1. All qualified volunteers are required to wear a photo identification badge.

2. Photo identification badges are to be displayed at all times when on official assignment and are not to be worn or used for any other purpose than an official assignment.

3. No pins, stickers, or markings are allowed to be displayed on the ID badge. The photo identification badge must be clearly visible to the public and should be worn between the shoulders and waist with the **photo clearly visible**.

4. If a photo identification badge is lost or stolen, it is the responsibility of the volunteer to notify a supervisor as soon as possible to obtain a replacement badge.

5. The photo identification badge will be issued to all volunteers after the completion of a comprehensive background check and will expire one year from that date of issuance.

6. The photo identification badge is the property of the issuing organization and the volunteer must be rescinded upon service completion or termination.

7. It is the duty of every qualified volunteer to report any volunteer failing to properly display their credential to their supervisor.

Volunteer badges should be durable consisting of hard plastic card stock. The volunteer badges should include information that specifically identifies agency information and basic information about the qualified volunteer, including:

- current photograph of the volunteer, the
- agency name
- first name and last name
- date of expiration
- State
- volunteer identification number or status
- agency return address
- Optional notation of special training such as CPR

Additional Recommendations:

- Photo identification badges should have distinguishing colors and be changed on an annual basis to assist in detecting any unauthorized use of discarded or outdated badges.

- Volunteers should be informed that lending their photo identification badge to someone is not permitted at any time.

- Volunteers shall not have more than one Identification Badge in his or her possession at any one time.

National Recreation and Park Association

NRPA is currently partnered with First Advantage, a global leader in background screening services. This partnership will provide NRPA members with access to a comprehensive, market-leading selection of criminal background checks, verification and qualification services, motor vehicle record reports and much more. For additional information please contact customerservice@nrpa.org

NRPA worked with industry experts to provide a comprehensive resource to improve the volunteer management practice. Southeast Security Consultants, TSS Photography, and DMP Consulting joined with NRPA to develop these guidelines.

The **National Recreation and Park Association** is a national not-for-profit organization dedicated to advancing park, recreation and conservation efforts that enhance quality of life for all people. Through its network of some 30,000 recreation and park professionals and citizens, NRPA encourages the promotion of healthy lifestyles, recreation initiatives, and conservation of natural and cultural resources.

Headquartered in Ashburn, Va., NRPA works closely with local, state, and national recreation and park agencies, citizen groups and corporations to carry out its objectives. Priorities include advocating favorable legislation and public policy; continuing education for park and recreation professionals and citizens; providing professional certification, university accreditation, research and technical assistance; and increasing public awareness of the importance of parks and recreation.