



AmTrust North America
An AmTrust Financial Company

Safety Zone

Background Checks

Despite imperfections, background checks are another viable tool to avoid sexual abuse and molestation before it occurs within an agency.

Background checks are invasive by their very nature and can be offensive, as they imply the word and reputation of the person being checked are under suspicion. These concerns, however, pale in the face of the risk taken by a failure to conduct such checks. Furthermore, it is assumed the skilled and determined perpetrator can avoid detection if determined to do so, but may be deterred by the threat of a background check.

All staff and volunteers must complete an application. (Applications or background materials of contracted service providers should be obtained and reviewed.) Your agency's employment application should state in bold lettering words to this effect *which have been reviewed by an attorney for compliance with employment laws in your state*:

"It is the intention of this agency to prevent engaging the services of individuals who have a history of sexual abuse, molestation and misconduct. To this effect, all efforts will be made to discover such histories. Signed completion of this application gives this agency permission to conduct background checks. The applicant is hereby notified such background checks will be vigorously made."

The purpose of conducting background checks is threefold:

1. To learn if the person being checked has a record of perpetrating sexual abuse.
2. To learn if the person being checked has a criminal or poor driving history.
3. Performance of the check itself acts as a deterrent to the potential perpetrator.

The ideal check is multifaceted. It contains a child abuse and neglect report from your state's child welfare department, state police criminal background check, fingerprint check (nearly all fingerprint checks are eventually run through the FBI National Clearinghouse), credit report, motor vehicle record (MVR), mandated posting of convicted offenders residing in the area and personal references attached to a consistent résumé.

These components have different individual values that do not necessarily overlap or exclude each other.

- State child welfare department reports only advise if neglect, abuse or sexual abuse has been reported or suspected. They may not address crimes that do not involve children.
- State police criminal background checks advise of crimes committed in the state, but may not address incidents of abuse and neglect in which no charges were filed or no conviction was made.
- Fingerprint checks give a broader report. The FBI has records of nearly all fingerprints and can report on a variety of crimes in every state, but may not report local incidents of abuse and neglect in which no charges were filed and no conviction was made.
- Credit reports have become increasingly commonplace in that they reveal more than just late payments; they provide a timeline of activity that supports or disputes an applicant's responses.

- Motor vehicle records advise of episodes of driving under the influence, as well as crimes such as auto theft, vehicular homicide, leaving the scene of an accident, etc., all being indicators of a person's character.
- Local-area molester lists are provided free of charge by some local police departments. These lists are court-mandated advisories of known perpetrators who may not appear on state child welfare department reports.
- Personal references are subject to prejudice in favor of the applicant. However, follow up often allows the reference to reveal his true feelings and he can respond to specific areas of interest not addressed in the generic letter of reference. Résumés should match what the reference says and can be used in the same fashion as a letter of recommendation.

While some checks are more appropriate than others, in certain instances the general concept is the most intensive checking should be performed based on the exposure.

Ranking of Component Combinations

Above average and ideal in most circumstances - State child welfare department report, state police criminal background check, FBI-generated fingerprint check, MVR, personal references with résumé, credit report

Above average and commonplace - State child welfare department report, state police criminal background check, FBI-generated fingerprint check

Average and used when a state child welfare department relationship does not exist – State police criminal background check and/or FBI-generated fingerprint check (fingerprinting is commonplace for youth coaches, etc.)

Slightly below average - State police criminal background check only

Below average - Use of personal references with no official checking process

Far below average - Résumé only

Note: Numerous private companies provide a mixture of the ideal background checks. Also, checks can be performed on various Internet sites. The quality of these is untested, but it is a helpful tool to consider.

For additional information and resources on this topic and other safety and risk management subjects be sure to visit the Loss Control section on our website:

<https://www.amtrustgroup.com/small-business-insurance/claims/prevention>

AmTrust distributes this e-newsletter as a service for its customers. It is provided in the spirit of professionals sharing their work with each other. The information provided in this document is intended for use as a guideline and is not intended as, nor does it constitute, legal or professional advice. It is not intended to provide authoritative answers to safety and health questions. AmTrust does not warrant that adherence to, or compliance with, any recommendations, best practices, checklists or guidelines will result in a particular outcome. Before using the information here, the accuracy and appropriateness of the information to your specific situation should be verified by a person qualified to assess all the factors involved.

CONTACT INFO:

MAILING ADDRESS:

PHONE: 888.486.7466 ext. 363275
WEB: www.amtrustnorthamerica.com
EMAIL: lcinfo@amtrustgroup.com

AmTrust North America
Loss Control
2605 Enterprise Road, Suite 290
Clearwater, FL 33759