

Jurupa Community Services District Procedures for Background Checks for Volunteers

The National Recreation and Park Association (NRPA) has developed a set of Recommended Guidelines for Background Screening in park and recreation settings as a public safety and risk management tool. This is in effort to make communities safe by advancing optimum volunteer management practices. Failure to take appropriate steps to screen volunteers may place organizations, volunteers, and participants at greater risk. The NRPA recommends that all volunteers in direct supervision of children be screened as though they were applying for a paid position. Each volunteer is to be screened on an annual basis. District approved volunteer credentials are required to be worn for all those who have been approved through the screening process, to provide assurance that a volunteer is qualified and authorized to provide a public service and to build public awareness for quality volunteer management practices. A comprehensive background screening can lessen the risk of exposure to liability due to a lack of knowledge regarding employees and volunteers' background,

The NRPA recommends the following guidelines for conducting Background Checks:

- I. Social Security Verification: Verifies the name of every volunteer against the Social Security number provided. This helps eliminate the possibility of false names and/or information.
- II. Address Trace: Verifies the current address and identifies any previous address of every individual screened. This information is utilized to determine the jurisdiction in which the background screening is conducted.
- III. Criminal Records Check (State, County, and National): To capture all misdemeanor and felony convictions of the applicant.
- IV. Sex Offender Registry: Search of the appropriate state sex offender registries based on the address history to supplement criminal records history.

California Penal Code Section 11105 allows municipal jurisdictions to obtain State summary criminal background information from the Department of Justice if the authorizing body has given the General Manager authority to obtain such records. California Penal Code Section 11105.2 further authorizes the municipality to obtain State subsequent arrest information with respect to existing employees and applicants for employment or volunteer positions.

To ensure that the interests of the Jurupa Community Services District, its employees and members of the public are protected and to help minimize potential liability, the Jurupa Community Services District is authorized to obtain, from the Department of Justice, summary criminal background information on applicants for employment, volunteer positions, and existing employees. The Jurupa Community Services District desires to identify those employees, prospective employees, and volunteers who have a criminal history so that information about criminal history can be used in employment decisions.

Applicants for volunteer positions will be subjected to a background check by an independent outside agency designated by the District. A person shall be disqualified and prohibited from serving the Jurupa Community Services District if the person has been found guilty of any 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 or a withholding of guilt. This does not apply if criminal charges resulted in acquittal, Nolle Prose, or dismissal.

- Sex Offenses: All misdemeanor and felony sex offenses, regardless of the amount of time since the offense.
- Felonies: All violent felonies regardless of the amount of time since the offense. All felony offenses other than sex or violence within the past ten years.
- Misdemeanors: All misdemeanor violence offenses within the past seven years. All misdemeanor drug and alcohol offenses within the past five year or multiple offenses in the past ten years. Any other misdemeanor within the past five years that would be considered a potential danger to children or its directly related to the functions of that volunteer.
- Pending Cases: 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.

Specifically, the background check conducted by the Jurupa Community Services District is done on the following offenses by section and title:

- I. Penal Code Section 68: Bribes; executive or ministerial officers, employees, or appointees; asking or receiving; punishment
- II. Penal Code Section 72: Fraudulent claims; presentation; intent; punishment
- III. Penal Code Section 73: Appointment to office; giving or offering gratuity or reward
- IV. Penal Code Section 74: Appointment to office; deputations; acceptance of gratuity or reward; punishment; forfeiture of office
- V. Penal Code Section 187: Murder defined
- VI. Penal Code Section 189: Murder, degrees
- VII. Penal Code Section 209: Kidnapping for ransom, reward, or extortion, or to commit robbery or rape; punishment
- VIII. Penal Code Section 211: Robbery
- IX. Penal Code Section 245: Assault with a deadly weapon or force likely to produce great bodily injury; punishment
- X. Penal Code Section 261: Rape, abduction, carnal abuse of children, and seduction
- XI. Penal Code Section 451: Arson of structure, forest land or property; great bodily injury; inhabited structure or property; owned property; punishment
- XII. Penal Code Section 459: Burglary
- XIII. Penal Code Section 484: Theft defined
- XIV. Penal Code Section 503: Embezzlement
- XV. Penal Code Section 518: Extortion

- XVI. Penal Code Section 220: Assault with intent to commit mayhem, rape, sodomy, oral copulation, or other specified offense and commission of same acts in course of burglary of first degree; punishment
- XVII. Penal Code Section 261.5: Unlawful intercourse with person under 18; age of perpetrator; civil penalties
- XVIII. Penal Code Section 262: Rape of spouse; elements; conditions of probation; fines, payments, or restitution
- XIX. Penal Code Section 273a: Willful harm or injury to child; endangering person or health; punishment; conditions of probation
- XX. Penal Code Section 273d: Corporal punishment or injury of child; felony; punishment; enhancement for prior conviction; conditions of probation
- XXI. Penal Code Section 273.5: Willful infliction of corporal injury; violation; punishment
- XXII. Penal Code Section 288: Lewd or lascivious acts; penalties; psychological harm to victim
- XXIII. Penal Code Section 115: Procuring or offering false or forged instrument for record; violations; punishment
- XXIV. Penal Code Section 115.3: Altered Certified copy of official record
- XXV. Penal Code Section 424: Embezzlement and falsification of accounts by public officers; misappropriation; unauthorized loan, use for private profit; failure to pay over or transfer public monies; punishment
- XXVI. Title 13, Chapter 4 of the Penal Code: Forgery and Counterfeiting
- XXVII. Any crime described in the California Uniform Controlled Substances Act (Division 10 (commencing with section 11000) of the California Health and Safety Code).
- XXVIII. Any felony or misdemeanor conviction within 10 years of the District's request for criminal background information for a violation or attempted violation of Chapter 3 of Title 8 of the California Penal Code (commencing with Section 207), Section 211 or 215, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of that offense, Section 217.1, Chapter 8 of Title 8 of the Penal Code (commencing with Section 240), and a violation of any of the offenses specified in subdivision (c) of Penal Code Section 667.5. Provided that, any misdemeanor conviction of any of the provisions referenced in this subsection (3) shall not disqualify the applicant from employment or volunteer unless he/she has a total of three or more misdemeanor or felony convictions under Penal Code Section 11105.3 within the immediately preceding ten-year period.
- XXIX. Any felony or misdemeanor conviction under Penal Code Section 11, et seq., photographic use of children relative to sexual conduct.
- XXX. Any felony or misdemeanor conviction for a sex crime set forth in the Penal Code.

Once the background check information is received, the results are reviewed by the Jurupa Community Services District Park Director or his/her designee. Summary information of the Background Check along with background check printouts highlighting any red flags are forwarded to the Jurupa Community Services District General Manager for further determination and processing.