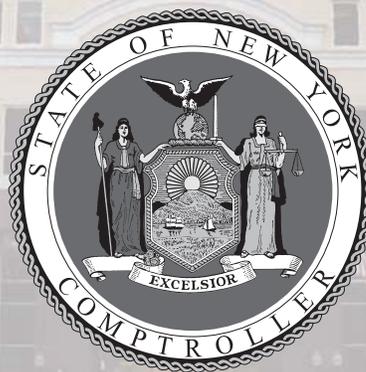




# Background Checks at Municipal Youth Programs

2012-MS-5



Thomas P. DiNapoli

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# State of New York Office of the State Comptroller

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## Division of Local Government and School Accountability

January 2013

Dear Local Government Officials:

A top priority of the Office of the State Comptroller is to help officials manage resources efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support operations. The Comptroller oversees the fiscal affairs of local governments and school districts statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations and governance. Audits also can identify strategies to reduce costs and to strengthen controls intended to safeguard local government assets.

Following is a report of our audit titled Background Checks at Municipal Youth Programs. This audit was conducted pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the General Municipal Law.

This audit's results and recommendations are resources for local government officials to use in effectively managing operations and in meeting the expectations of their constituents. If you have questions about this report, please feel free to contact the local regional office for your county, as listed at the end of this report.

Respectfully submitted,

*Office of the State Comptroller  
Division of Local Government  
and School Accountability*



## State of New York Office of the State Comptroller

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# EXECUTIVE SUMMARY

In response to community interests, municipalities sponsor youth programs that offer a wide variety of activities. A municipality may utilize a parks and recreation department or youth bureau to organize and oversee the programs. Programs can include, but are not limited to, pre-school or afterschool activities, arts and crafts, baking, exercise and fitness, summer camps, seasonal or holiday special events, sports, employment and literacy programs, safety programs, swim programs, and therapeutic<sup>1</sup> programs. With these youth programs, parents are entrusting their children's learning experience and safety to the adults (employees, contractors or volunteers) that the municipality engages to administer the programs.

Background checks are currently required by State law or regulation for individuals who have contact with children in camps, childcare programs, and therapeutic programs. However, this does not cover all of the youth programs that municipalities operate. A municipality can help create a safer environment for community youth through background checks in the hiring and screening of all individuals associated with its youth programs. The eight municipalities included in this audit (Towns of Amherst, Clifton Park, Manlius and Seneca Falls and the Cities of Binghamton, Middletown, New Rochelle and Utica) offered a range of youth program activities to more than 409,000 residents.

### **Scope and Objective**

The objective of our audit was to determine whether municipalities helped create a safe environment for community youth participating in municipally sponsored youth programs for the period January 1, 2010 to May 18, 2012. Our audit addressed the following related question:

- Do municipalities conduct background checks on the individuals delivering youth program services?

### **Audit Results**

We found that seven of the eight municipalities we audited failed to conduct background checks on all of the individuals who deliver their youth program services. Only the Town of Clifton Park annually screened all program personnel against the Division of Criminal Justice Services' Sex Offender Registry and other resources. Two municipalities (the Town of Manlius and the City of New Rochelle) only screened personnel providing programs where the State mandates screening,

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<sup>1</sup> Therapeutic programs are programs specifically offered for people with developmental disabilities.

because they believe the application process itself is a deterrent. The remaining five municipalities performed some screening, but did not do it consistently or did not document the date and results of the screening process.

Fortunately, our tests of the 1,994 individuals who delivered youth program services in these municipalities did not identify any persons with sex offender or significant criminal histories. However, given the inherent risk in staffing programs that serve vulnerable populations, it is essential that local officials consistently screen all persons who deliver youth program services.

### **Comments of Local Officials**

The results of our audit and recommendations have been discussed with local officials and their comments, which appear in Appendix A, have been considered in preparing this report.

# Introduction

## Background

Municipalities offer a wide variety of youth programs in response to community interests. Programs can include, but are not limited to, pre-school or afterschool activities, arts and crafts, baking, exercise and fitness, summer camps, seasonal or holiday special events, sports, employment and literacy programs, safety programs, swim programs, and therapeutic<sup>2</sup> programs. Municipalities may use a local parks and recreation department or youth bureau to organize and oversee the programs, and engage employees, contractors or volunteers to deliver program services to youth. To help create a safer environment for community youth who participate in these programs, municipalities can perform background checks on individuals who deliver or oversee program services to screen out persons registered as sex offenders or persons who have significant criminal histories.

Background checks are currently required by State law or regulation for individuals who have contact with children in camps,<sup>3</sup> childcare programs,<sup>4</sup> and therapeutic programs.<sup>5</sup> However, this does not cover all of the youth programs that municipalities operate.

An important resource facilitating background checks is the Sex Offender Registry (Registry). Maintained by the New York State Division of Criminal Justice Services (DCJS), the Registry provides information about sex offenders living in New York State communities. Municipalities do not pay a fee for searching

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<sup>2</sup> Therapeutic programs are programs specifically offered for people with developmental disabilities.

<sup>3</sup> Public Health Law requires operators of children's camps to determine whether camp employees or volunteers are listed on the DCJS Sexual Offender Registry. This check, which DCJS conducts on names submitted by the municipality, must be completed prior to the day the individual starts work at the camp and annually thereafter. The law applies to all children's camps (day, traveling day, and overnight) and to all prospective employees and volunteers at the camp regardless of their job title/responsibility or employment status.

<sup>4</sup> Social Service Law requires that criminal histories be reviewed for childcare providers and inquiry made whether individuals who have the potential for regular or substantial contact with children in the childcare program are on file with the Statewide Central Register of Child Abuse and Maltreatment.

<sup>5</sup> The Office of People With Developmental Disabilities requires that providers of therapeutic programs obtain a criminal background check for all individuals working in the programs who will have regular and substantial unsupervised or unrestricted physical contact with people with developmental disabilities.

the Registry or obtaining additional sex offender information from DCJS. Municipalities can also do a criminal history background check at the local level, with the consent of the individual being screened. A criminal history background check can be a name-based search, which relies on the individual's name and social security number to match criminal records, or a fingerprint-based search.<sup>6</sup>

Unfortunately, the risk associated with not performing such screening is unacceptably high. Statistics collected from a Federally funded study program, the Child Safety Pilot Program, which are included in proposed Federal legislation (The Child Protection Improvements Act of 2011), illustrate the need to verify that persons who work in children's programs, including volunteers, have not committed sex offenses or other crimes. Data from fingerprint-based background checks of nearly 68,000 volunteers conducted for the pilot program that ran for six years ending in May 2009 show that the vast majority (94 percent) of volunteers had no criminal history. However, the following was found for the remaining volunteers who did have criminal histories:

- More than 4,000 volunteer applicants (6 percent) had a criminal history of concern, including offenses such as sexual abuse of minors, assault, child cruelty, murder, and serious drug offenses.
- 41 percent of these individuals had criminal histories from other states, which local name-based checks would not have identified.
- 50 percent of these individuals had falsely indicated on their applications that they did not have a criminal history.

We audited eight municipalities across the State that offer youth programs to their more than 409,000 residents. Table 1 provides relevant statistics for the municipalities audited.

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<sup>6</sup> See Appendix C for more information about sex offender registry matching and criminal history background checks.

<b>Table 1: Relevant Statistics for Audited Municipalities</b>				
<b>Municipality</b>	<b>County</b>	<b>Approximate Population</b>	<b>2012 Budget (in millions)</b>	<b>Youth Programs 2012 Budget</b>
Town of Amherst	Erie	122,000	\$115.2	\$3,800,000
City of Binghamton	Broome	47,000	\$84.4	\$355,000
Town of Clifton Park	Saratoga	36,500	\$30.2	\$1,000,000
Town of Manlius	Onondaga	32,000	\$7.9	\$300,000
City of Middletown	Orange	25,000	\$50.1	\$1,400,000
City of New Rochelle	Westchester	77,000	\$108.3	\$370,000
Town of Seneca Falls	Seneca	9,000	\$10.6	\$800,000
City of Utica	Oneida	61,000	\$67.3	\$417,000

**Objective**

The objective of our audit was to determine whether municipalities helped create a safe environment for community youth participating in municipally sponsored youth programs. Our audit addressed the following related question:

- Do municipalities conduct background checks on the individuals delivering youth program services?

**Scope and Methodology**

For the period January 1, 2010 to May 18, 2012, we interviewed local officials and staff and reviewed policies and procedures to identify whether controls were established over the hiring process, and to determine if background checks were completed and documented prior to hiring. We also tested individual names against public records<sup>7</sup> to determine if the safety of the youth participating in the programs was jeopardized.

We conducted our audit in accordance with generally accepted government auditing standards (GAGAS). More information on such standards and the methodology used in performing this audit are included in Appendix B of this report.

**Comments of Local Officials**

The results of our audit and recommendations have been discussed with local officials and their comments, which appear in Appendix A, have been considered in preparing this report.

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<sup>7</sup> Records used in testing from New York State were public records including the Registry from the DCJS and state prison records from the Department of Corrections.

## Background Check Process

Municipalities that provide sports programs, arts and crafts, swimming lessons, and other youth programs are responsible for ensuring that the individuals they engage to deliver program services as employees, contractors or volunteers are not sex offenders or criminals who could pose a threat to children's safety. In addition, municipalities should consider the legal ramifications of any potential wrongdoing associated with individuals providing services to children under the municipal umbrella.

We found that seven of the eight municipalities<sup>8</sup> we audited failed to conduct background checks on all of the individuals who deliver their youth program services. Only the Town of Clifton Park annually screened all program personnel against the Registry maintained by DCJS and other resources. Two municipalities (the Town of Manlius and the City of New Rochelle) did not screen applicants at all, except for those personnel providing programs where the State mandates screening, because they believe the application process itself is a deterrent. The remaining five municipalities performed some screening, but did not do it consistently or did not document the date and results of the screening process.

### Non-Mandated Reference Checks

Although current State laws do not require municipalities to conduct background checks on all individuals who deliver youth program services, a reasoned assessment of the potential risks to children and the fact that similar requirements exist for related programs demonstrates the value of the practice. Background checks are required currently for individuals who have contact with children in schools, camps, childcare programs, and therapeutic programs. Additionally, State and national youth sports groups recognize the need for background checks, and offer guidance and resources to youth programs seeking to conduct them.

Table 2 summarizes the methods used by each municipality for those programs where background checks are not specifically required by law.

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<sup>8</sup> See Appendix D for the number of employees, volunteers, and contractors used by each municipality.

**Table 2 - Background Checks Performed in Youth Programs (Non-Mandated Checks)<sup>a</sup>**

<b>Municipality</b>	<b>Process Used for Employees</b>	<b>Process Used for Volunteers</b>	<b>Process Used for Contractors</b>
Town of Clifton Park	NYS Sex Offender Registry – DCJS (employees over 18 years old)	No volunteers used	NYS Sex Offender Registry – DCJS (Proof required from Contractor)
City of Middletown	Municipality does software searches: NYS Sex Offender Registry, Terrorist Database, Social Security Number Verification, Multi-State named-based criminal history ( <b>new</b> employees over 18 years old only)	No volunteers used	No contractors used
City of Utica	NYS Sex Offender Registry – Website (for <b>all</b> employees) <b>No documentation maintained</b>	NYS Sex Offender Registry – Website (for <b>all</b> volunteers) <b>No documentation maintained</b>	No contractors used
Town of Seneca Falls	Application as deterrent Local, name-based criminal history ( <b>unknown</b> applicants only)	Local, name-based criminal history ( <b>unknown</b> applicants only)	<b>No background checks</b>
City of Binghamton	Local, name-based criminal history NYS Sex Offender Registry - Local (for <b>new</b> employees only/excludes seasonal)	Local, name-based criminal history, NYS Sex Offender Registry – Local	<b>No background checks</b>
Town of Amherst	Local, name-based criminal history (for <b>new</b> employees only/excludes seasonal)	<b>No background checks</b>	<b>No background checks</b>
City of New Rochelle	<b>No background checks</b>	No volunteers used	<b>No background checks</b>
Town of Manlius	<b>No background checks</b>	<b>No background checks</b>	<b>No background checks</b>

<sup>a</sup> See Appendix C for descriptions of the processes used for background checks.

Employees – All eight municipalities use municipal employees to deliver some or all of their youth program services. Six of the eight municipalities did perform some variety of background check for their new employees. For example,

- Three municipalities (Amherst, Binghamton, and Seneca Falls) conduct criminal history background checks at the local law enforcement level. In Amherst, the names of new Youth and Recreation Department employees (excluding seasonal employees) are checked against town, county, and some State records by the local Police Department. In Seneca Falls, if an individual (employee) is unknown to the Parks and Recreation Department, the Police Department is contacted to check local records. In Binghamton, the names of new employees (excluding

seasonal employees) are forwarded to the City Police Department, who conducts local level record checks for criminal and New York State-reported sex offenses.

- One municipality, Middletown, uses a combination of records when conducting background checks on newly hired employees that are 18 years or older, finished with high school, and delivering services to youth in municipal programs. Middletown uses an outside vendor's software that includes a check against the Registry, a name-based search of terrorist databases, a social security number verification, and a name-based criminal history multiple state search.
- On an annual basis, Clifton Park submits the names of individuals over 18 years old that are employed by the Town to provide services for youth programs or main contacts for sub-contractors to DCJS to identify matches against the Registry.
- In Utica, the Youth Bureau officials explained that they compare employees' names to the Registry website<sup>9</sup> each year to determine if there are any matches. There is no documentation to prove this process is completed.

Officials at the two municipalities (Manlius and New Rochelle) that did not perform background checks for employees unless it was mandated believed that the application process itself was a deterrent to persons who could jeopardize children's safety. These officials further attributed the lack of background check procedures to limited resources, overall knowledge of the individual, lack of a State requirement, and an individual's employment by a school district.

Volunteers – We found that four of the five municipalities that used volunteers did not check volunteers' criminal history.

- Amherst, Manlius, Seneca Falls and Utica used a total of 130 volunteers to staff youth programs, but did not consistently follow any specific process for ensuring the fitness of these individuals. For example, Seneca Falls officials performed a local criminal history check, but only for applicants they did not know, and Utica officials

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<sup>9</sup> A disclaimer on the DCJS website states that the Registry only includes names of moderate-risk (Level 2) and high-risk (Level 3) sex offenders.

told us they performed a local search of the Registry for all volunteers, but they had no documentation of the searches.

- Binghamton, however, used local law enforcement to check 93 potential Parks and Recreation program volunteers for criminal history and sex offender status. Binghamton’s search efforts resulted in the discovery that one of these potential volunteers had a prior sexual offense.

Contracted Workers – Of the six municipalities that hired contracted workers, five did not screen these workers for sexual offenses before they delivered program services.

- Amherst, Binghamton, Manlius, New Rochelle and Seneca Falls used 128 contract workers to staff youth programs, but did not have a process for vetting these workers’ criminal history or sex offender status. For example, Amherst relied on the existence of a golf association certification held by contractors hired to oversee the youth golf program as an indicator of the contractor’s fitness to deliver services to children; the others relied on their knowledge of the contractor from the community.
- Clifton Park required proof<sup>10</sup> from all contractors that they had submitted their employees’ names to DCJS for matching against all levels of sex offenders on the Registry.

### **Mandated Reference Checks**

Background checks are currently required for individuals who have contact with children in schools, camps, childcare programs, and therapeutic programs. State law requires<sup>11</sup> school districts to conduct background checks on individuals who deal with students. The Public Health Law requires operators of children’s camps<sup>12</sup> to determine whether camp employees or volunteers are listed on the Registry. This check, which DCJS conducts on names submitted by the municipality, must be completed prior to the day the individual starts work at the camp and annually

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<sup>10</sup> Town officials indicated that this requirement would be strictly enforced in 2012.

<sup>11</sup> The Safe Schools Against Violence in Education (SAVE) legislation (Chapter 180 of the Laws of 2001) and Part 87 of the Regulations of the Commissioner of Education

<sup>12</sup> The law applies to all children’s camps (day, traveling day, and overnight) and to all prospective employees and volunteers at the camp regardless of their job title/responsibility or employment status.

thereafter. Social Service Law requires that criminal histories be reviewed for childcare providers and inquiry made whether individuals who have the potential for regular or substantial contact with children in the childcare program are not on file with the Statewide Central Register of Child Abuse and Maltreatment. Finally, the Office of People With Developmental Disabilities (OPWDD) requires that providers of therapeutic programs obtain a criminal background check for all individuals working in the programs with regular or substantial contact with people with developmental disabilities.

Our tests to determine whether the eight municipalities comply with these laws and regulations were mixed. We found that six of the eight municipalities had children's camps that operated under Public Health Law Article 13-B. Of the six, three (Clifton Park, Manlius and New Rochelle) provided documentation proving that, during our scope period, names were submitted and results were returned to the municipality, with a small number of names not submitted in error. Two of the six municipalities (Amherst and Seneca Falls) had partial paperwork available. The remaining one (Middletown) had no documentation. Programs regulated by State Social Service Law and guidance provided by OPWDD were identified in two municipalities (Amherst and New Rochelle). The New York State Office of Children and Family Services (OCFS) and OPWDD provided documentation<sup>13</sup> to the municipalities showing the results of the required checks completed for individuals providing services to the Amherst afterschool program and the New Rochelle therapeutic program, with few minor exceptions.

In light of the lack of consistent background checks at these municipalities, we tested the names of 1,994 individuals identified as providing services to their youth programs to determine if there was a public record<sup>14</sup> documenting either a sex offense or a criminal history for any of them. These individuals included full-

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<sup>13</sup> After undergoing an interview process, the names, addresses and social security numbers of individuals hired to work in afterschool childcare programs are sent to OCFS where an applicant is compared to the Child Abuse and Maltreatment Registry and a criminal background check is conducted. OCFS provides documentation of the results. OPWDD provides criminal background check guidance for newly hired individuals working in therapeutic programs. A determination letter, provided by OPWDD, indicates that a criminal background check was conducted and a determination of the results.

<sup>14</sup> Public information available for New York State includes the Registry from the DCJS and state prison records from the Department of Corrections.

and part-time employees, contractors and volunteers. Our testing<sup>15</sup> did not identify any individuals with criminal or sex offender histories. Nonetheless, background checks of all individuals who provide services to youth programs are essential for helping municipalities protect children against unsafe individuals and help protect the municipality against liability from possible legal action.

It is important to emphasize that municipalities should perform annual background checks for all employees, not just new employees. Even veteran employees who have been involved with youth programs for years could potentially pose a risk to children and should not be exempt from background checks.

Municipal officials gave various reasons for their lack of consistently reviewing the background of individuals who have contact with children. These reasons included their knowledge of the individual as a community member and their reliance on an individual's employment by a school district as evidence that the individual's fitness had been reviewed already. They also told us that having to screen a large volume of seasonal employees hired at one time could put a strain on limited municipal resources. Finally, some municipal officials said they do not regularly screen all individuals who work in local youth programs because there is no overall State requirement to do so.

## **Recommendation**

1. Municipalities should conduct background checks for all employees, volunteers, and contractors involved in youth programs. Minimally, the background checks should include a comparison to the Registry.

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<sup>15</sup> The public records utilized are limited and only electronic files of infractions or situations occurring in other states would be included.

## APPENDIX A

### RESPONSES FROM LOCAL OFFICIALS

We provided a draft copy of this global report to the eight municipalities we audited and requested responses. We received response letters from seven municipalities. The City of Utica did not submit a response letter during the response period. The municipalities generally agreed with our audit report; however, several municipalities had comments that we respond to within this Appendix.

The following comments were excerpted from the seven responses.

#### Overall Comments

Amherst officials said: “we appreciate the opportunity to have participated in this audit, which has resulted in a more formalized background-checking process for the department.”

Binghamton officials said: “we would like to first thank you for bringing this issue to a larger scale.”

Clifton Park officials said: “we believe background checks for individuals who provide services to youth programs are a fundamental measure necessary to protect and safeguard our youngest residents.”

Middletown officials said: “this audit was helpful and beneficial for both the residents of the City of Middletown and the City of Middletown Recreation & Parks Department.”

Seneca Falls officials said: “providing a safe environment for youth recreation and athletic programs is of the highest priority, the Town applauds the efforts being made at the State level to support this goal.”

#### Lack of State Guidance

Amherst officials said: “if the state truly seeks to increase the number of municipalities conducting background checks, however, it needs to formulate a clear set of guidelines while allowing flexibility in how these guidelines are met.”

Binghamton officials said: “it would be most beneficial if we were presented with a straightforward procedure and guideline for the future...” “...we would like to develop or receive a clear-cut procedure for the future mandated by New York State.”

Manlius officials said: “it is the Town’s hope that if background checks become a mandated process, they don’t become another unfunded mandate. The State of New York should provide a cost effective way for all municipalities to submit their recreation staff rosters for national background checks.”

## **OSC Response**

In the absence of state legislation or regulation, local government officials should consider the available options for conducting background checks, such as those contained in our audit report, and develop their own procedures to limit liability and ensure the safety of participating children.

## **Background Check Information**

Seneca Falls officials said: “The Town does not take issue with the audit or the recommendation, however there is no discussion of what a municipality should do with the information that it receives as a result of the background check.” “...this comment may be beyond the scope of this particular audit and report. However, if your report is to be presented to our state officials to consider requiring background checks, this request for more specific guidance on handling the results of such checks should also be presented.”

## **OSC Response**

Guidance that is more specific could prove helpful. However, any central guidance would need to provide flexibility to local governments as they set their own policies and procedures to fit the unique circumstances they encounter, while being mindful of the overarching rule that sex offenders or persons who have significant criminal histories should not be involved in youth programs. When developing such policies and procedures, we recommend that local officials consult with legal counsel to determine how to handle the results of background checks and to limit liability.

## APPENDIX B

### AUDIT METHODOLOGY AND STANDARDS

At each municipality, we conducted interviews of municipal officials to gain an understanding of the controls in place for the screening process of individuals involved in youth programs and to determine if the background checks are part of the process. We also reviewed the policies and procedures relevant to conducting background checks, if available, at each municipality. Youth program records, background investigation reports, and employee records were reviewed to identify names for testing.

We reviewed available municipal youth program brochures that identified youth programs to the community. The types of individuals providing services for each program were identified by brochures and municipality records. For each municipality, we compiled a list of all individuals that provided services to children on behalf of the municipality, if the individuals could be identified. We reviewed personnel file documents to locate background check information. For municipal programs that have mandated reference checks, we reviewed the documentation available at the municipalities, proving that the required reference checks were completed. We then compiled the individual names into a list of those that did not have a completed background check documented and tested these names using software<sup>16</sup> that accesses public records. We performed analysis and used a software tool to determine if the individual has either a criminal history or a registered sex offense.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>16</sup> The software accesses only public records reported in electronic format.

## APPENDIX C

### PROCESSES FOR BACKGROUND CHECKS

**New York State Sex Offender Registry (Registry) – Department of Criminal Justice Services**  
(<http://www.criminaljustice.ny.gov/nsor/>)

As required by the Sex Offender Registration Act,<sup>17</sup> upon release to the community following a conviction for a registerable offense, the sex offender is required to register with the Division of Criminal Justice Services (DCJS). A risk level is assigned based on the likelihood that a repeat or similar offense will occur. The risk levels include:

- Pending (awaiting a risk level assignment)
- Level 1 (low risk of repeat offense)
- Level 2 (moderate risk of repeat offense)
- Level 3 (high risk of repeat offense and a threat to public safety exists).

DCJS tracks each sex offender registration through the Registry. The Registry contains publically available information on sex offenders who have been incarcerated and/or are on parole or probation for a sex offense committed since January 21, 1996. Results may include: full name, address, date of birth, sex, age, race, height, weight, hair, eyes, risk level, offender type and offense, sentence, and photo. The majority of records range from 1996 to present and are generally updated monthly. DCJS provides varying degrees of access to this information, as follows:

- **NYS Sex Offender Registry - DCJS**

DCJS will provide municipal officials information about all levels of sex offenders when contacted by telephone, mail, email or fax.

- **NYS Sex Offender Registry - Local**

Local law enforcement agencies in the communities where offenders live or go to school can release information to 'entities with vulnerable populations,' which could include a school, nursing home or day care center.

Those law enforcement agencies can release the same information about offenders that is available by directly contacting DCJS by telephone, mail, email or fax.

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<sup>17</sup> Effective January 21, 1996

- **NYS Sex Offender Registry - Website**

Information accessible to the public is maintained on the DCJS website. The publically accessible database only includes moderate risk (Level 2) and high-risk (Level 3) offenders, as required by law. A disclaimer printed on the website alerts users that, due to pending litigation, some Level 2 and Level 3 offenders are omitted from the public website.

## **Criminal History Background Check**

- **Fingerprint-based Criminal History - State and Federal**

DCJS performs fingerprint-based background checks for employment and licensing purposes. A municipality may request a background check for an applicant for employment or licensing based upon a Federal, State, or local statute that authorizes submission of fingerprints to DCJS. A municipality may also be authorized to have the fingerprints submitted to the Federal Bureau of Investigations (FBI) for a federal fingerprint-based background check if a State law authorizes such access.

An FBI Identification Record is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, Federal employment, naturalization, or military service. If the fingerprints are related to an arrest, the Identification Record includes the name of the agency that submitted the fingerprints to the FBI, the date of the arrest, the arrest charge, and the disposition of the arrest, if known to the FBI. All arrest data included in an Identification Record is obtained from fingerprint submissions, disposition reports, and other information submitted by agencies having criminal justice responsibilities.

- **Name-based Criminal History - Local**

With the consent of the individual, the individual's name and identifying information is provided to the local law enforcement agency in the municipality. The local law enforcement agency then conducts a background check on the individual using various databases, with information from a town level, city level, county level and at times New York State level, if the individual has an offense at the county.

- **Name-based Criminal History - Multi-State**

The Criminal Super Search is an instant multi-state criminal search that covers a majority of the population across the United States. Using data from hundreds of sources, results are returned from a variety of administrative offices of the court, departments of correction, publically available sex offender registries, and other entities. Note: Connecticut data is available separately.

## APPENDIX D

### EMPLOYEES, VOLUNTEERS AND CONTRACTORS BY MUNICIPALITY

Relevant Unit Statistics				
Municipality	Youth Participants in Programs (approx) <sup>a</sup>	Employees in Youth Programs <sup>b</sup>	Volunteers in Youth Programs <sup>b, c</sup>	Contractors in Youth Programs <sup>b, c</sup>
Town of Amherst	50,000	447	4	3
City of Binghamton	6,400	265	93	2
Town of Clifton Park	7,000	242	0	18
Town of Manlius	4,200	120	2	30
City of Middletown	2,400	212	0	0
City of New Rochelle	2,000	82	0	55
Town of Seneca Falls	3,300	97	45	38
City of Utica	3,700	212	79	0
<b>Totals<sup>d</sup></b>	<b>79,000</b>	<b>1,677</b>	<b>223</b>	<b>146</b>
<p><sup>a</sup> Numbers are for the scope period January 1, 2010 to May 18, 2012.</p> <p><sup>b</sup> Numbers in chart for employees, volunteers, and contractors were totaled, counting an individual name only one time during the scope period.</p> <p><sup>c</sup> Approximate numbers used for volunteers and contractors, as records at some municipality were unavailable.</p> <p><sup>d</sup> Fewer number of names were tested during audit than totals listed in table because existing documentation at municipality was used.</p>				

## APPENDIX E

### HOW TO OBTAIN ADDITIONAL COPIES OF THE REPORT

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**APPENDIX F**  
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