

DELAWARE CRIMINAL BACKGROUND AND CHILD PROTECTION REGISTRY CHECKS TASK FORCE

March 26, 2014

9:00 a.m.

**Department of State Conference Room, 401 Federal Street, Suite 3
Dover, DE**

MEETING MINUTES

In Attendance:

Ellen Levin, CPAC
Jim Purcell, Communities in Schools
Patricia Dailey Lewis, Esq., DOJ
Angeline Rivello, DOE
Brendan Kennealey, DAIS
Wayne A. Smith, Delaware Healthcare Assoc.
R.L. Hughes, DSHS
Stephanie T. Bolden, House of Representatives
The Honorable Stephen Smyk,
House of Representatives
The Honorable Karen Peterson, Senate

The Honorable Joelle Hitch, Family Court
The Honorable James T. Vaughn, Jr,
Superior Court
Robert Scoglietti, OMB
Karen DeRasmo, PCAD
Lisa Minutola, PDO
The Honorable Ernesto Lopez, Senate
Deborah Bagatta-Bowles, YMCA of DE
Cabinet Secretary Jennifer Ranji, DSCYF
(Chair)

Members of the Public:

Renee Rigby, SBI
Cara Sawyer, DSCYF
Teresa Jones, SBI
Ivonne Bernal, DSCYF

Kelly Ensslin, Office of the Child Advocate
David Mangler, DPR
Sandy Reyes, OMB
Beth Kramer, DSCYF

1. Welcome and Introductions

The meeting began with introductions. Secretary Ranji then discussed how this group came into being. She discussed the different areas of the code that cover background checks and how many were created at different times and often include differing levels of requirements and types of checks. For example, some require just “background checks” with no further clarification while others refer to state and federal background checks, and/or Child Protection Registry and

Adult Abuse Registry checks. She also explained how the Child Protection Accountability Commission had been presented with a report by members of a workgroup that analyzed youth camps and the fact that background checks were not required. Following the release of this report, Secretary Ranji and DAG Patricia Dailey Lewis collaborated to co-chair a camps group to examine this issue. This group is made up of stakeholders, policy makers, and camp providers. Their next steps will be determined by this group.

Secretary Ranji also discussed that the goals of the Background Check Task Force in the short term are to gain clarity around what type of checks are required for certain classifications of individuals who come into contact with children, and that the group work to find any efficiencies in the law, regulations and policy that will assist us in our work, as well as explore any new technology that is available to meet these ends. There will be a policy piece and a budgetary piece to work through with all of these topics.

2. Background /Child Protection Registry Checks: overview by DSCYF

The group also heard from Ivonne Bernal and Beth Kramer of the Criminal History Unit of the Division of Family Services of DSCYF. They passed out a packet that included information on when DSCYF began conducting background checks, how many checks they perform and what these checks entail. The handout also included information regarding what types of employees receive checks and what type of checks are included. There were two flow charts provided which detailed the process of how this information is obtained. Discussion was held about how a decision is made that an individual is unsuitable or prohibited from employment with DSCYF in particular and other agencies in general. There is a scoring methodology and matrix that the Criminal History Unit uses to inform this decision. This is in the process of being looked at and

adjusted within the department. This presentation also included information regarding what the Child Protection Registry is. The Child Protection Registry is internally kept in DSCYF. Essentially, it is held within DSCYF's internal case management system, FACTS, which will indicate whether an individual has been substantiated for child abuse or neglect. There was discussion which followed from this presentation.

3. Criminal Background Checks: overview by SBI

Renee Rigby, the Assistant Director of the State Bureau of Identification (SBI) and Teresa Jones, Criminal History Supervisor at SBI also presented on the background check process that SBI does. This process begins with SBI will taking fingerprints of an individual and putting them either on a card provided by the potential employer or by SBI or the Federal Bureau of Investigation (FBI). These prints are then sent to the FBI who is able to verify the identity and send a report back to SBI. The report from the FBI comes back within 24 hours typically, if SBI requests the records. If the prints are on FBI forms and are sent directly to the FBI from the individual, then the process takes about 6 to 8 weeks. When it is SBI who sends the request to the FBI, SBI will receive the report back from the FBI, then SBI pulls the state information from their files and examines the FBI record in relation to what the SBI has in the state file. This process is to ensure that the record received from FBI is the record for the same person and that the results match with the state information. Following this step, SBI will send the results back to the Agency who requested it.

Ms. Rigby discussed the difference between private vendors and the SBI/FBI checks. The main difference is that the private vendors do not have access to DELJIS or the FBI database: NCIC. The background checks that are performed by private vendors will track a person based on their name and date of birth. The checks performed by private vendors include checking public

databases of criminal information as well as doing checks of courthouses in the counties in which the individual has identified that he or she has lived. There are issues regarding these types of checks in terms of reliability of the information. These checks rely on the individual providing a date of birth and a name that are correct. Since the private vendors do not have the ability to check the individual's identity through fingerprints, the information cannot be checked for validity apart from a driver's license or identification card. These checks also include checks of public databases of criminal information, which may not have been updated to reflect that an individual's conviction was overturned on appeal, for example, or that the charge was later expunged.

Additional discussion took place. Part of the discussion focused on DELJIS, especially focusing on whether making DELJIS public for purposes of criminal convictions could be an option for completing criminal background checks.

4. Update on Background Checks in the Delaware Code

Cara Sawyer, Deputy Principal Assistant to Secretary Ranji informed the task force about a group that she co-chaired to look into legislative fixes to the Child Protection Registry and to create some efficiencies within the code in regard to background checks, and what type of background checks are required for each category. The group came up with legislation that is a housekeeping bill for the Child Protection Registry and also codifies certain practices.

Secretary Ranji reported on the work that has been done by the Camps Workgroup. This group, co-chaired by Secretary Ranji and Patricia Dailey Lewis of the Department of Justice, is made up of representatives from Prevent Child Abuse Delaware, CPAC, Division of Public Health, the Office of Child Care Licensing, camp providers, and other stakeholders. The group met twice and discussed how to define "camp," and also discussed what types of checks should be required

of camp employees and if there are other, less costly ways to do this and what the group would be comfortable with. While these were discussed at the meetings, there was not a resolution or a decision made on these topics. The group has not met since the Executive Order creating this task force was signed. Whether or not that group remains in place and continues that work, depends upon what this task force would like.

5. Next Steps

The group discussed what the plans are moving forward. The mechanics and the cost pieces will be tackled first so that the group has an idea of what the universe is of how to do these checks, what something short of an FBI/SBI fingerprint check would look like and what the costs are across the board. Discussion about who should be invited to present to the Task Force also took place. In particular, the group expressed that presentations from: a representative from DELJIS; a representative from a private vendor who performs background checks; and a representative from DHSS who works with the Background Check Center Dashboard would be informative for the group. Following this, the group will then explore the inconsistencies of the code and what can be done to correct this. There was discussion about how mapping out a continuum of the options that are possible starting with the minimum standards/least amount of checks continuing up to the highest level of background checks would be helpful for the group to see as a starting point.

6. Public Comment

None.

7. Adjournment

The next meeting date will be supplied to the group via email.

