

**DELAWARE CRIMINAL BACKGROUND AND CHILD  
PROTECTION REGISTRY CHECKS TASK FORCE**

**April 29, 2014**

**9:00 a.m.**

**2d Floor Senate Conference Room, Legislative Hall, Dover, DE  
MEETING MINUTES**

**In Attendance:**

Jim Purcell, Communities in Schools  
The Honorable Joelle Hitch, Family Court  
Angeline Rivello, DOE  
Robert Scoglietti, OMB  
Brendan Kennealey, DAIS  
Lisa Minutola, PDO  
Joanna Champney, DCJ  
The Honorable Ernesto Lopez, Senate

Stephanie T. Bolden, House of  
Representatives  
Deborah Bagatta-Bowles, YMCA of DE  
The Honorable Stephen Smyk,  
House of Representatives  
Cabinet Secretary Jennifer Ranji, DSCYF  
(Chair)  
The Honorable Karen Peterson, Senate  
Ralph Davis, SBI

**Members of the Public:**

Cara Sawyer, DSCYF  
Lisa Robinson, Superior Court  
Janice Tigani, DOJ

Tom Murray, DHSS/DLTCRP  
Sandy Reyes, OMB

**1. Welcome and Introductions**

The meeting began with introductions. The group next turned to the meeting minutes from the last meeting. The minutes were approved with the addition of Representative Smyk to the list of those present. Secretary Ranji then gave a brief overview of what will be discussed at the meeting.

**2. Background Check Center: Overview by DHSS' Division of Long Term Care  
Residents Protection Deputy Director, Tom Murray**

Tom Murray presented on the Background Check Center (BCC). This Dashboard was created with grant assistance from the federal government and assists in streamlining the process of

hiring for employers in Long Term care and at-home assistance. Mr. Murray went through how the system works and how an employer can log in to do a quick check for free which involves the public registries: the Office of Inspector General registry, the Sex Offender Registry, the Certified Nursing Assistants Registry and the Adult Abuse Registry. Beyond these free checks, the BCC offers ease of front end use for employers who require their employees to have fingerprints and drug screens as well as Child Protection Registry checks. The employer or person accessing the Dashboard pays a \$25.00 fee per check. By statute, the fee collected for this purpose may only be used toward making improvements to the system. This dashboard has made it easier to access the information on the front end, the back end/behind the scenes work remains the same but is linked into the BCC. Among the efficiencies gained through use of the BCC is that data entry is significantly decreased and there is no need for a paper file on each employee, since the system stores that all securely. The system knows which convictions or other factors are disqualifying.

There were many questions from the group regarding the program. Mr. Murray stated that the task force may be able to use this system to fit its needs, and that the \$25.00 per check fee could possibly be reduced if there were more users on the system.

### **3. DELJIS and Criminal Background Checks: Peggy Bell, DELJIS Executive Director**

Secretary Ranji stated that she had reached out to Peggy Bell to discuss the issue that had come up at the last meeting regarding making DELJIS public. In the course of discussing this and the reason that the topic of making DELJIS information publicly-accessible (to allow employers to see what, if any, convictions a potential employee or volunteer has in order to cut down on the costs of doing full-blown criminal background checks), Ms. Bell suggested that we use DELJIS

directly to build a database which would give us a yes or no on whether the individual should be hired or not as a camp employee or volunteer as a short term, stop gap measure.

Ms. Bell then presented to the group on what DELJIS is. The Delaware Justice Information System is the name of the agency. The actual database that informs the agency is the Criminal Justice Information System (CJIS). The information is shared among the courts and police in order to fill in the data needed.

Ms. Bell spoke about the option of DELJIS creating a stop-gap database for the summer camp season. She said that although the results of the check would not be based on fingerprints, the results would be based on a search of the individual's name, date of birth, social security number, and any other information that can be obtained. DELJIS will be able to create a database which will allow DELJIS to report to the employer if the potential employee or volunteer is ineligible to work with children. DELJIS will be able to track the employees/volunteers of each camp who get a check and link to the camp who is looking to hire the individual. This will be available only for the limited period of time needed for summer camp employees and volunteers to get these tests done. This program could be funded by DSCYF and would not cost the employer or potential employee anything. Secretary Ranji reminded the group that this does not rise to the level of a fingerprint check; however, it does give the opportunity to do *something* this summer, rather than the current status quo. Secretary Ranji stated the next step is determining how to best address the legal authority to get this done-- legislation or an emergency regulation pursuant to 29 *Del.C.* § 10119 would be the only way at this point. She went on to mention that given the time of year in the legislative season, the most efficient option would be to promulgate an emergency regulation, and the regulation would expire after 120 days. Janice Tigani from the Department of Justice (DOJ) stated that the

program would probably be well received by the DOJ despite it not being based on a fingerprint check, because it does do something to better protect children in camps this summer. Lisa Minutola from the Public Defender's Office (PDO) stated that this option is more favorable than the checks through a third party vendor because the report out will be more accurate. There was a motion and a second to support DSCYF promulgating an emergency regulation to do this program. It was unanimously approved with the Office of Management and Budget (OMB) representative abstaining.

#### **4. Next Steps**

Secretary Ranji briefly discussed the topics that the group will be exploring at the next meeting. The group will next explore the other inconsistencies in the code in regards to background check requirements, including within health care and other fields. Senator Peterson asked if perhaps making DELJIS records public would be helpful in addressing the issue of efficiency and cost in obtaining background checks. Peggy Bell stated that court records and proceedings are public but the general public must go to a public access computer to access them. However, the criminal history information is private, selected and closed information as defined in the Delaware Code. Ms. Bell states this is the way that it has always been, she stated that ten or twelve years ago, a bill was introduced to open up DELJIS criminal history information but it did not get out of committee. Some states have this "open access," some states do not, and others have a hybrid. Some concerns about making this information public as raised by members of the taskforce is the fact that the information is accessible to everyone now. The original charges that the individual was charged with, or the fact that the person was transported as a mental patient would all then be publicly accessible and could have serious unintended consequences.

#### **5. Public Comment**

None.

**6. Adjournment**

The next meeting date is Thursday June 12, 2014 at the same location and time (Second Floor Senate Meeting room at 9 am).