

Safe Churches Project

Helpful Information

First Advantage Background Services

As congregations seek to provide healthy environments for children and others, the first step is to establish a thorough process for choosing employees and placing volunteers. To enhance the hiring process congregations may adopt – in both policy and practice – appropriate means to check on the criminal background of those who work with students, children, and others in the congregation. This criminal background check should include all workers – paid and volunteer.

The Northern Texas – Northern Louisiana Synod has arranged with First Advantage to give congregations access to the **Safe Churches Project**. First Advantage (FA) is the founder of the Texas Safe Schools Project, which now checks criminal histories for over 100 school districts, covering over 100,000 school employees in addition to multiple clients in the private sector. The ordering and receiving of background history checks is a direct relationship between FA and the local congregation. While the NT-NL Synod recommends First Advantage, it does not guarantee its accuracy or performance.

First Advantage provides an internet-based service (www.SafeChurches.com) which contains three principal options for the local congregation to choose:

1. A SOCIAL SECURITY SEARCH to verify the history of addresses that the applicant has reported on their employment application and *Consent Form*. The cost of this service is approximately \$3 per request.
2. An INSTANT DATA-BASE SEARCH involving data bases of: The Department of Public Safety, the sex offenders list of 9 states including Texas, the Texas State Parolee file, State of Arkansas, State of Tennessee, State of Mississippi, Dallas County, Tarrant County, Bexar County, Travis County, Rockwall County, Denton County and others encompassing a data base of over 20 million criminal records. The local congregation simply pulls up the web site and enters a name and birth date; the record result is instantly shown. The cost of this service is approximately \$5 per request.
3. A NATIONWIDE SEARCH involving a search of the records of the county courthouses in which an applicant has resided. The county courthouses are the most accurate repositories of criminal records in the USA as they are the original source of records. Under the Safe Churches Project the local congregation pulls up the web site and enters the required data (a model *Consent Form* is available in this packet and is available on line at www.SafeChurches.com). The *Consent Form* contains basic data and a history of counties lived in since high school graduation. Such data is transmitted to FA via the web site. Upon receipt of the search request, FA immediately verifies the

Social Security number and birth date and runs a social security trace to determine if the person concealed any places of residence on the *Consent Form*. All counties of residence identified on the *Consent Form* and all counties found on the Social Security trace are individually checked by FA at the courthouse level. Results are then e-mailed to the local congregation within an average of three days. The cost of this service is approximately \$32.50 per request.

4. **CONSULTATION SERVICES:** A feature of the Safe Churches Project that is not usually found among other criminal history search firms is the availability of consulting services that are a part of the program. Questions concerning the meaning of a criminal record or questions relating to decision-making may be addressed to Safe Churches Project via e-mail and a written response is usually available within 24 hours. The e-mail address is <<mailto:consult@SafeChurches.com>>.
5. **PROBLEM CIRCUMVENTION:** Another desirable feature of the Safe Churches Project is problem circumvention. Most people who have a criminal record barring them from consideration of a job have a long story. If a record is disputed (and there are mistakes in the government records) all the local congregation needs to do is to direct the person to First Advantage (800-687-0894); FA will handle all inquiries from that point on. The local congregation will be notified of the results of the inquiry. If an error is found in the government record, FA will advise the person of the correct procedures to rectify the record.

Determination of Disqualifying Offenses Suggested by First Advantage Background Services

Determining whether a particular criminal offense is serious enough to result in a negative decision to employ or to be accepted as a volunteer is made by the local congregation in its sole discretion. The following are guidelines suggested by FA that may be adopted by the local congregation as their policy for using criminal background information in decision-making:

1. **DISCLOSURE OF CRIMINAL HISTORY:** An applicant shall not be employed by any local congregation if he or she fails to disclose on the application any pending criminal charges, any disposition of criminal cases, including Deferred Adjudication or Conviction (which includes probation), or misrepresents any information regarding any pending criminal charges, disposition of criminal cases, including Deferred Adjudication or Conviction (which includes probation).

Definitions:

- **Conviction:** Final adjudication of criminal cases. A conviction is the result of a criminal proceeding or trial, which ends in a judgment being rendered that the accused is guilty of the charges brought by the state and may include a verdict of guilty, plea of guilty or plea of *nolo contendere*.
- **Deferred Adjudication:** The deferral of criminal proceedings by the court after a person has entered a plea of guilt or *nolo contendere*. The court defers a finding of guilty, issues a fine and places the person on a period of probation. If the fine is paid and the person commits no other offenses during the probation period the judge sets the judgment aside and issues a decision called NAOG (non-adjudication of guilt). The local congregation must examine the underlying facts to which the person pled to obtain deferred adjudication to determine if such conduct disqualifies the person from employment or service as a volunteer.
- **Felony:** is a crime more serious than a misdemeanor that is punishable by fine and/or confinement in a penal institution.
- **Misdemeanor:** is a criminal offense generally punishable by fine and/or confinement in a county jail.
- **Moral Turpitude:** is an act of baseness, vileness, or depravity in the private or social duties outside the accepted standards of decency and that shocks the conscience of an ordinary person.
- **Plea of Guilty:** an admission on the criminal allegations brought by the prosecuting attorney.
- **Plea of Nolo Contendere:** the accused does not admit guilt, but does not contest the charge – the legal effect is the same as that of a plea of guilty, except that such a plea may not be used against the defendant as an admission in a civil suit based upon or growing out of the act upon which the criminal prosecution is based.
- **Probation:** the placement of a convicted individual under community supervision wherein the sentence of imprisonment or confinement, imprisonment and fine, or confinement and fine are suspended in whole or in part for a specified period of time.

2. PENDING CHARGES: No one charged with any felony or misdemeanor involving moral turpitude may be considered for employment or service as a volunteer with a local congregation until there is a final disposition of the charge except as may be determined by a local congregation legal review.
3. PROBATION: No person currently on probation for any offense, including deferred adjudication probation may be considered for employment or service as a volunteer except as may be determined by a local congregation legal review process.
4. ADJUDICATED CASES: Persons charged with a criminal offense that has been adjudicated by a court in any capacity may be considered for employment with the congregation, subject to review and recommendation by the local congregation legal review committee except when the offense was for:
 - **capital murder**
 - **murder**

- **rape or any sexual assault**
- **voluntary manslaughter**
- **involuntary manslaughter**
- **any felony theft offense**
- **indecent with a child**
- **injury to a child, elderly person or disabled person**
- **kidnapping**
- **robbery or any felony where a deadly weapon is used or exhibited**
- **any felony related to the manufacture, delivery or possession of marijuana, a controlled substance or other dangerous drugs**
- **any crime that adversely affects the mission of the church**

5. DEFERRED ADJUDICATION: Persons charged with a criminal offense that have been dismissed by a court granting Deferred Adjudication may be considered for employment with the local congregation, subject to the local congregation legal review committee except when the charged offense was for:

- **capital murder**
- **murder**
- **rape or any sexual assault**
- **voluntary manslaughter**
- **involuntary manslaughter**
- **any felony theft offense**
- **indecent with a child**
- **injury to a child, elderly person or disabled person**
- **kidnapping**
- **robbery or any felony where a deadly weapon was used or exhibited**
- **any felony related to the manufacture, delivery, or possession of marijuana, a controlled substance or dangerous drugs**
- **any other crime which adversely affects the mission of the church**

The local congregation, as evidence of criminal behavior, shall use the pleadings contained in the court records of any applicant who has been placed on deferred adjudication. However, such person shall not be denied employment or the opportunity to volunteer solely because of the deferred adjudication. Rather the underlying facts that led to the deferred adjudication shall be examined prior to any recommendation to employ or service as a volunteer. Exceptions to employment are contained in the above paragraph.

6. LEGAL REVIEW PROCESS: An applicant for employment or service as a volunteer who has a criminal record that would preclude employment with the local congregation may be considered by the local congregation through a legal review process. The Congregation Council shall appoint a Legal Review Committee to process the application in the light of the criminal background information report. Such process may consider the following factors in determining whether or not to issue a waiver of

the criminal history restrictions to employment or service as a volunteer. Consideration may include (1) the nature and seriousness of the crime, (2) the relationship of the crime to the purpose of the congregation, (3) the extent to which employment or volunteering might offer the opportunity to engage in similar activity, (4) the age of the person at the time of commission of the crime, (5) the time elapsed since the person's last criminal activity, and (6) other evidence of the person's fitness including letters of recommendation from law enforcement, prosecution, probation or other persons of good community standing and reputation who may have been in contact with the person.

The process shall be administered at the sole discretion of the local congregation and if a waiver is granted, it shall be placed in the person's personnel file.

If you have
Questions or Inquiries about
THE SAFE CHURCHES PROJECT

You may contact First Advantage
Using their contact information at

<https://www.safechurches.com/Churches/contactus.asp>