

Criminal Background Checks Policy

The purpose of this policy is to outline a procedure for criminal background checks to safeguard the welfare of older adults and to increase assurance they are better protected from potential abuse and exploitation.

Frequency Guidelines:

1. Each employer must conduct a criminal background check (CBC) that reveals information similar or substantially similar to information found on the Internet Criminal History Access Tool (ICHAT) check and a national and state sex offender registry check for each employee, subcontractor, and volunteer who has in-person client contact, in-home client contact, access to a client's personal property, or access to confidential client information:
 - a. ICHAT: <http://apps.michigan.gov/ichat>
 - b. Michigan Public Sex Offender Registry: <http://www.mipsor.state.mi.us>
 - c. National Sex Offender Registry: <http://www.nsopw.gov>
2. Criminal background checks for new hires must be completed prior to the individual working directly with clients or having access to a client's personal property or confidential client information.
3. Criminal background checks for individuals who meet the above criteria must be updated every three years to identify convictions in the event they occur while an individual is employed or providing volunteer service. Updated CBCs must be completed no later than 30 days after every third anniversary of the prior CBC.
4. The use of the information obtained from a CBC shall be restricted to determining suitability for employment and/or volunteer opportunities. All employers are required to maintain a copy of the results of each CBC for paid and volunteer staff in a confidential and controlled file. The information should not be used in violation of any applicable federal or state equal employment opportunity law or regulation.

Exclusion Guidelines:

No employee or volunteer shall be permitted to work directly with clients or have access to a client's personal property or confidential client information if:

1. **Mandatory Exclusions:** The results of the CBC show that the individual has a conviction related to one or more of the following crimes:
 - a. Crimes against a "vulnerable adult" as set forth in MCL 750.145n *et seq*;
 - b. Violent crimes including, but not limited to, murder, manslaughter, kidnapping, arson, assault, battery, and domestic violence;
 - c. Financial crimes including, but not limited to, fraud, forgery, counterfeiting, embezzlement, and tax evasion;
 - d. Sex crimes including, but not limited to, rape, sexual abuse, criminal sexual conduct, and prostitution;
 - e. Cruelty or torture;
 - f. Abuse or neglect; or
 - g. Felony involving the use of a firearm or dangerous weapon.
2. **Felony Convictions:** The results of the CBC show that the person has a federal or state felony conviction within the preceding 10 years from the date of the background check, including but not limited to:
 - a. Crimes involving federal, state, or local government assistance programs;
 - b. Theft crimes including, but not limited to, larceny, burglary, robbery, extortion, false pretenses, false representation, and conversion; or
 - c. Drug crimes including, but not limited to, possession, delivery, and manufacturing.

3. Misdemeanor Convictions: The results of the CBC show that the person has a federal or state misdemeanor conviction within the preceding 5 years from the date of the background check, including but not limited to:
 - a. Crimes involving state, federal, or local government assistance programs;
 - b. Crimes against a “vulnerable adult” as set forth in MCL 750.145n *et seq*;
 - c. Financial crimes including, but not limited to, fraud, forgery, counterfeiting, embezzlement, and tax evasion;
 - d. Theft crimes including, but not limited to, larceny, burglary, robbery, extortion, false pretenses, false representation, and conversion;
 - e. Sex crimes including, but not limited to, rape, sexual abuse, criminal sexual conduct, and prostitution;
 - f. Drug crimes including, but not limited to, possession, delivery, and manufacturing;
 - g. Cruelty or torture;
 - h. Abuse or neglect;
 - i. Home invasion;
 - j. Assault or battery;
 - k. Use of a firearm or dangerous weapon with the intent to injure or results in a personal injury; or
 - l. Use of force or violence or a threat to us force or violence.

For purposes of the excluded offenses identified above, an individual is considered to have been convicted of a criminal offense when:

- A judgement of conviction has been entered against the individual or entity by a federal, state, tribal, or local court regardless of whether there is an appeal pending;
- There has been a finding of guilt against the individual by a federal, state, tribal, or local court; or
- A plea of guilty or nolo contendere by the individual has been accepted by a federal, state, tribal, or local court.

Arrest records, by themselves, do not disqualify an individual.

Record Keeping and Monitoring:

1. All employers are required to maintain documentation of all CBCs, including a list of all paid and volunteer staff who are subject to this policy, the date of the most recently completed CBC, and the source of the background check.
2. AAA monitoring staff will verify the completeness of CBCs during an on-site audit.