



## CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

**Department:** Human Resources  
**Subject:** Background Check Policy for County Volunteers

**Policy Number:** 6-25  
**Supersedes:** 06/30/16  
**Date Issued:** 09/15/18

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### **I. PURPOSE**

The purpose of this policy is to outline procedures for conducting background checks on volunteers in covered positions. Covered positions are defined in Section II. In order to preserve the integrity of county government and the safety and well being of residents and county employees, the county will not allow individuals to volunteer if they have demonstrated past conduct incompatible with public service.

### **II. COVERED POSITIONS**

Covered positions shall include county volunteers whose anticipated duties and responsibilities involve (i) providing services to juveniles, the elderly or disabled, (ii) access to confidential or personal information as defined in Code of Virginia section 2.2-3801, (iii) collection of or routine access to public funds, (iii) entry into county buildings outside of work hours or (iv) service with either the Police Department, Fire and EMS Department, Sheriff's Office or the Emergency Communications Center.

### **III. IMPLEMENTATION**

- A. Each county department shall determine in conjunction with HR the volunteer positions that shall be subject to this policy. Volunteers in the Police and Sheriff departments are excluded from this policy since they complete a more detailed background investigation on volunteers. The Police Department may assist in conducting background checks on volunteer firefighters and volunteer rescue squad members.
- B. Each newly registered volunteer covered under this policy shall be required, as a condition of participation as a volunteer, to submit to fingerprinting and to execute a release of information form. All volunteers must provide truthful, correct and complete information on the Release form. Failure to do so will result in disqualification from volunteering in a covered position. Volunteer fingerprints will be forwarded through the Central Criminal Record Exchange to the Federal Bureau of Investigations for the purpose of obtaining national criminal history record information. Volunteers will be permitted to begin working subject to completion of a satisfactory background check. Failure to submit to fingerprinting or executing the Release shall disqualify the individual from volunteering in a covered position. The Release of Information form is automated and available on HR's intranet site.
- C. The County Administrator may implement a system-wide random criminal background check process on all volunteers in covered positions, if he deems such a process appropriate. All volunteers are required to report to their supervisor as soon as practicable all misdemeanor and felony arrests and convictions. Failure to report an arrest or conviction may result in disqualification from volunteering.
- D. HR does not conduct criminal background checks on persons under the age of 18 but will conduct an internet search for public records.

### **IV. APPLICABLE DATA BASES**

HR shall process fingerprints and each Release form received from a volunteer in order to receive information from the Central Criminal Record Exchange ("CCRE") maintained by the State Police; the Sex Offender and Crimes Against Minors Registry from State Police; and the Court Access

Information System (“CAIS”) maintained by the Virginia Supreme Court and local Police records as deemed necessary by the county’s background investigator.

**V. BARRIER CRIMES/DISPOSITIONS**

The services of a volunteer shall not be accepted if the results of the background check show that the person has ever been convicted of any of the following crimes as set out in Title 18.2 of the *Code of Virginia* as may be amended or equivalent offenses in another state:

**A. Crimes Against the Person**

1. Murder and manslaughter (§ 18.2-30 et seq.)
2. Malicious wounding by mob (§ 18.2-41)
3. Abduction (§§ 18.2-47A, -48)
4. Felony assault and bodily wounding (§ 18.2-51 et seq.)
5. Robbery (§ 18.2-58)
6. Carjacking (§ 18.2-58.1)
7. Extortion and other threats (§§ 18.2-59, -60)
8. Sexual assault (§ 18.2-61 et seq.)
9. Felony stalking (§ 18.2-60.3)
10. Any other felonies against the person as defined by the Code of Virginia
11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

**B. Crimes Against Property**

1. Felony arson (§ 18.2-77 et seq.)
2. Burglary (§ 18.2-89 et seq.)
3. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

**C. Crimes Involving Health and Safety**

1. Felony conviction relating to distribution of drugs. (§18.2-247 et seq.)
2. Felony possession of drugs within eight (8) years of the date of application (§18.2-247 et seq.)
3. Drive-by shooting (§ 18.2-286.1)
4. Use of machine gun in a crime of violence (§ 18.2-289)
5. Aggressive use of machine gun (§ 18.2-290)
6. Use of sawed off shot gun in crime of violence (§ 18.2-300A)
7. Felonious discharge of firearms within or at occupied dwellings (§ 18.2-279)
8. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

**D. Crimes Involving Morals and Decency**

1. Failing to secure medical attention for injured child (§ 18.2-314)
2. Pandering (§ 18.2-355)
3. Crimes against nature involving children (§ 18.2-361)
4. Taking indecent liberties with children (§§ 18.2-370, -370.1)
5. Abuse and neglect of children (§ 18.2-371.1)
6. Obscenity offenses (§ 18.2-374.1)
7. Possession of child pornography or electronic facilitation of pornography (§§ 18.2-374.1:1, -374.3)

8. Incest (§ 18.2-366)
  9. Abuse and neglect of incapacitated adults (§ 18.2-369)
  10. Employing or permitting a minor to assist in an act constituting an obscenity offense (§ 18.2-372 et seq.)
  11. Conviction of any attempts or conspiracies to commit any of the aforesaid crimes
- E. **Crimes Against Minors** – Any conviction for a crime against the person or property of a minor, felony or misdemeanor, inclusive of the crimes set forth above.

#### **VI. ALL OTHER CRIMES/DISPOSITIONS**

All other convictions or pending charges (excluding crimes against minors) revealed through a background check shall be considered on a case-by-case basis to determine whether or not the past conduct of the volunteer is compatible with working in a covered position. HR, and as appropriate the department director, and the County Attorney, shall determine whether such information disqualifies the volunteer. Among factors that may be considered in deciding whether an individual should be permitted to volunteer, consideration may be given to the nature and character of the past conduct; how the past conduct relates to the particular functions of the volunteer's job; the length of time since the offending conduct; rehabilitation of the individual, if applicable; the volunteer's performance record; and how such conduct affects the integrity of the program. The volunteer shall be given an opportunity to provide evidence of any mitigating circumstances prior to a decision being made concerning the volunteer's qualifications for service. Any pending charges, felony or misdemeanor, against minors, shall render the individual ineligible, unless or until such charges are subsequently dismissed or the individual is found not guilty.

#### **VII. DISSEMINATION OF RESULTS/CONFIDENTIALITY**

All background search information shall be returned to HR. All persons receiving background information regarding a volunteer shall maintain the confidentiality of such information in accordance with applicable law. HR shall destroy such records after the background investigation is complete.

#### **VIII. APPEAL**

Any volunteer whose services are rejected by the county as a result of information received from the background check may appeal such decision to the department director if the volunteer believes the department director's decision was based on inaccurate background information.