

FITZGERALD-BEN HILL DEPARTMENT OF LEISURE SERVICES  
BACKGROUND CHECK POLICY STATEMENT

WHEREAS, THE CITY OF FITZGERALD AND BEN HILL COUNTY BY AND THROUGH FITZGERALD-BEN HILL DEPARTMENT OF LEISURE SERVICES INSTITUTED A PROCEDURE ON \_\_\_\_\_, 2008, WHEREBY ALL VOLUNTEER COACHES AND OTHER PERSONS WHO UNDERTAKE RESPONSIBILITIES INVOLVING UNSUPERVISED ACCESS TO CHILDREN PARTICIPATING IN F-BH D.L.S. PROGRAMS MUST FIRST SUBMIT TO A CRIMINAL HISTORY BACKGROUND CHECK (PRIOR TO UNDERTAKING THE SUPERVISION OF SAID CHILDREN); AND

WHEREAS, BEN HILL COUNTY AND THE F-BH D.L.S. HAVE DETERMINED THAT IT IS NECESSARY AND PROPER TO ADOPT AND INSTITUTE CERTAIN POLICIES RELATED TO THE USE AND INTERPRETATION OF THE RESULTS OF SAID BACKGROUND CHECKS/ CRIMINAL HISTORY REPORT DOCUMENTATION.

NOW THEREFORE, THE F-BH D.L.S. DOES HEREBY ADOPT AND INSTITUTE THE FOLLOWING POLICIES AND PROCEDURES RELATIVE TO VOLUNTEER COACHES' BACKGROUND CHECKS:

1.

ALL RESULTS OF BACKGROUND CHECKS UNDERTAKEN WITH CONSENT INCLUDING, BUT NOT LIMITED TO, PRINTOUTS OF GCIC AND NCIC RECORDS WILL BE MAINTAINED IN THE CUSTODY AND CONTROL OF THE DIRECTOR OF THE F-BH D.L.S.;

2.

ALL RECORDS RELATED TO SAID BACKGROUND CHECKS WILL REMAIN THE PROPERTY OF THE F-BH D.L.S. AND WILL BE HELD INVIOLEATE. NO PORTION OF SAID DOCUMENTS SHALL BE DISSEMINATED IN ANY WAY, EXCEPT THAT THE BEN HILL COUNTY COMMISSIONERS, CITY COUNCILMEN, F-BH D.L.S. PERSONNEL, F-BH D.L.S. BOARD OF DIRECTORS AND THE BEN HILL CITY AND COUNTY ATTORNEY SHALL HAVE ACCESS TO SAID RECORDS WHERE THE ELIGIBILITY AND SUITABILITY OF AN CANDIDATE/APPLICANT IS CALLED INTO QUESTION FOLLOWING A RECORDS CHECK;

3.

THE F-BH D.L.S. WILL INSTITUTE ITS BACKGROUND CHECK PROCEDURE AFTER THE TERMINATION OF EACH AND EVERY 18 MONTH PERIOD. HOWEVER, IF A VOLUNTEER COACH OR ANY OTHER PERSON HAVING ACCESS TO CHILDREN PARTICIPATING IN D.L.S. PROGRAMS CONSISTENTLY PARTICIPATES IN SAID PROGRAMS THEN SUCH PERSON SHALL ONLY BE REQUIRED TO SUBMIT TO A BACKGROUND CHECK EVERY THREE (3) YEARS.

THE F-BH D.L.S. BOARD OF DIRECTORS SHALL REVIEW THE RESULTS OF ALL BACKGROUND CHECKS AND SHALL IN THEIR SOLE DISCRETION DETERMINE AN APPLICANT'S ELIGIBILITY AND SUITABILITY TO PARTICIPATE IN THE F-BH D.L.S. PROGRAMS AFTER DUE CONSIDERATION OF THE FOLLOWING FACTORS:

(A) IF AN APPLICANT HAS BEEN CONVICTED, ARRESTED OR IS CURRENTLY CHARGED WITH:

- (1) SIMPLE BATTERY, WHERE THE VICTIM IS A MINOR;
- (2) AGGRAVATED BATTERY, WHERE THE VICTIM IS A MINOR;
- (3) CRUELTY TO CHILDREN;
- (4) CONTRIBUTING TO THE DELINQUENCY OF A MINOR;
- (5) ANY SEXUAL OFFENSE;
- (6) VIOLATION OF ANY CONTROLLED SUBSTANCES ACT;
- (7) ALCOHOL RELATED VIOLATIONS;
- (8) MURDER OF FELONY MURDER;
- (9) CRIMINAL ATTEMPT TO COMMIT ANY ABOVE-NAMED OFFENSE(S); AND
- (10) ANY OTHER CRIME THAT BEARS UPON HIS/HER FITNESS TO HAVE RESPONSIBILITY FOR SAFETY AND WELL-BEING OF CHILDREN.

HE/SHE CAN SUMMARILY BE DISQUALIFIED FROM PARTICIPATING IN F-BH D.L.S. PROGRAMS.

(B) IF THE APPLICANT/VOLUNTEER HAS BEEN CONVICTED, ARRESTED OR IS CURRENTLY CHARGED WITH ANY CRIME THE COMMITTEE SHALL CONSIDER:

- (1) THE DATE/AGE OF EACH CONVICTION, ARREST AND/OR CHARGE;
- (2) THE DISPOSITION OF EACH CONVICTION, ARREST AND/OR CHARGE AS SHOWN ON A NCIC OR GCIC PRINTOUT WHICH HAS BEEN PROVIDED TO THE F-BH D.L.S. BY THE BEN HILL COUNTY SHERIFF'S OFFICE;
- (3) THE NUMBER AND FREQUENCY OF EACH CONVICTION, ARREST AND/OR CHARGE; AND

(4) IF AN APPLICANT HAS ANY PRIOR CRIMINAL HISTORY THE COMMITTEE SHOULD CONSIDER WHETHER SUCH HISTORY BEARS UPON AN APPLICANT'S ELIGIBILITY AND SUITABILITY TO HAVE UNSUPERVISED ACCESS TO CHILDREN PARTICIPATING IN F-BH D.L.S.PROGRAMS.

5.

AFTER HAVING CONSIDERED THE FACTORS SET OUT IN PARAGRAPH FOUR (4) OF THESE POLICIES, F-BH D.L.S. BOARD OF DIRECTORS MAY, IN THEIR SOLE DISCRETION:

(A) ALLOW AN APPLICANT/VOLUNTEER TO PARTICIPATE IN F-BH D.L.S PROGRAMS DESPITE A FINDING THAT SAID APPLICANT/VOLUNTEER HAS BEEN CONVICTED, ARRESTED OR IS CURRENTLY CHARGED FOR A VIOLATION OF THE ENUMERATED OFFENSES OUTLINED IN PARAGRAPH (4), SUBSECTION (A);AND/OR

(B) DISQUALIFY AN APPLICANT/VOLUNTEER FROM PARTICIPATING IN RECREATION DEPARTMENT PROGRAMS WHO MIGHT OTHERWISE NOT BE SUBJECT TO AUTOMATIC DISQUALIFICATION UNDER PARAGRAPH (4), SUBSECTION (A). ANY CONTROLLED SUBSTANCE CONVICTION WITHIN FIVE YEARS OF APPLICATION OR A FELONY CONVICTION WILL BE DENIED. MULTIPLE ALCOHOL RELATED CONVICTIONS/VIOLATIONS WITHIN THREE YEARS OF APPLICATION WILL BE DENIED. SINGLE ALCOHOL RELATED CONVICTIONS/VIOLATIONS WILL BE HANDLED ON A CASE BY CASE BASIS.

(C) DISQUALIFY AN APPLICANT WHERE THE BOARD HAS SPECIFIC KNOWLEDGE THAT A MEMBER OF THE APPLICANT'S IMMEDIATE FAMILY HAS BEEN CONVICTED, ARRESTED, OR IS CURRENTLY CHARGED WITH A VIOLATION OF THE ENUMERATED OFFENSES OUTLINED IN PARAGRAPH (4), SUBSECTION (A). FOR PURPOSES OF THIS SUBSECTION THE TERM "IMMEDIATE FAMILY" SHALL INCLUDE APPLICANT'S MOTHER, FATHER, SPOUSE, BROTHER, SISTER OR CHILD.

6.

IT IS THE POLICY OF THE F-BH D.L.S TO CONSULT WITH THE F-BH D.L.S. BOARD OF DIRECTORS AND, IF NECESSARY, THE CITY AND COUNTY ATTORNEY IN ARRIVING AT ANY DECISION REGARDING THE SUITABILITY AND ELIGIBILITY OF QUESTIONABLE APPLICANTS.

7.

ALL PERSONS WHOSE APPLICATIONS ARE DENIED SHALL HAVE THE RIGHT, UPON WRITTEN REQUEST WITHIN TEN (10) DAYS OF BEING DENIED, TO REVIEW GCIC AND NCIC RECORDS WHICH FORM THE BASIS FOR THEIR DENIAL. ALL WRITTEN REQUESTS FOR THESE RECORDS MUST BE SENT 1ST CLASS US MAIL, RETURN RECEIPT REQUESTED, ADDRESSED TO THE DIRECTOR OF THE F-BH D.L.S.

8.

AS A PART OF THE APPEAL PROCESS SET OUT IN THIS PARAGRAPH AND PARAGRAPH SEVEN (7) THE APPLICANT SHALL HAVE THE RIGHT TO:

- (A) OBTAIN A COPY OF ANY BACKGROUND CHECK REPORT;  
AND
- (B) CHALLENGE THE ACCURACY AND COMPLETENESS OF ANY INFORMATION CONTAINED IN ANY SUCH REPORT.
- (C) REQUEST A HEARING BEFORE F-BH D.L.S. BOARD OF DIRECTORS PURSUANT TO A REQUEST FOR RECONSIDERATION OF THE DENIAL OF THE APPLICATION.

ALL PERSONS WHO APPEAL THE INITIAL DENIAL OF THEIR APPLICATION TO PARTICIPATE IN F-BH D.L.S. PROGRAMS SHALL COMPLY WITH THE NOTICE REQUIREMENTS AS SET OUT IN PARAGRAPH SEVEN (7) AND PURSUANT THERETO SHALL PROVIDE A WRITTEN REQUEST FOR AN APPEAL BEFORE THE F-BH D.L.S. BOARD OF DIRECTORS WITHIN TEN (10) DAYS OF BEING DENIED. SAID REQUEST MUST BE SENT FIRST CLASS, U.S. MAIL, RETURN RECEIPT REQUESTED ADDRESSED TO THE F-BH D.L.S. BOARD OF DIRECTORS.

THESE POLICIES MADE EFFECTIVE THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2005.

---

CHAIRMAN, FITZGERALD-BEN HILL  
DEPARTMENT OF LEISURE SERVICES  
BOARD OF DIRECTORS

---

JOE PARRISH, DIRECTOR  
FITZGERALD-BEN HILL DEPARTMENT  
OF LEISURE SERVICES