

Section 3 • The Candidacy Process

CHAPTER 9

Background Checks

For more information contact GBHEM's director of Candidacy, Mentoring, and Conference Relations, candidacy@gbhem.org or 615-340-7374.

The *Discipline* requires criminal background and credit checks for all those seeking appointments in the UMC. Everyone who applies for certified candidacy (¶ 310), license for pastoral ministry (¶ 315), provisional membership (¶ 324), or transfer from another denomination (¶ 347), is required to release reports on:

- Criminal background and credit checks.
- Sexual misconduct and/or child abuse.

They also are required to submit a notarized statement on a form provided by the BOM ([Form 114 – Candidacy Disclosure Form](#)), that either:

- Details any written accusations or convictions for felony or misdemeanor incident of sexual misconduct and/or child abuse.
- Certifies that this candidate has neither been accused in writing nor convicted of a felony, misdemeanor, or incident of sexual misconduct and/or child abuse.

The required background checks and Candidacy Disclosure Form must be completed and approved by the dCOM or BOM before a candidate is certified or a clergyperson receives an appointment.

Require Early Completion of Background Checks

Your annual conference will want to consider when candidates should participate in the appropriate background checks, with the appropriate time for completing a background check happening earlier rather than later in the application process. If a candidate's report indicates a "red flag" that prohibits the person from moving forward, that person will be screened out of the process before additional resources are devoted to the selection process. Additionally, a candidate may admit to a criminal offense that would be an automatic disqualifier for the position thus exiting the process before additional application steps are required (such as psychological assessment, interviews, etc.).

Possible Ways to Collect Reports

- Work with local law enforcement agencies to check criminal behavior.
- Contract with companies that provide information on credit ratings.
- Contract with an agency that provides comprehensive checks including criminal background and credit checks.

Companies Used by Annual Conferences to Provide Background Check Services

- [Kroll Background America www.krollbackgroundscreening.com](http://www.krollbackgroundscreening.com)
- [Oxford Document Management Company, Inc. www.oxforddoc.com](http://www.oxforddoc.com)
- [Trak-1 www.trak-1.com](http://www.trak-1.com)

This is not an all-inclusive list. While GBHEM provides this list as a resource, each conference determines the company that best meets its needs. Though not a substitute for other screening tools or risk-reduction techniques, critical information on individuals may be found in criminal history, motor vehicle, and credit bureau records.

Criminal History Record Checks

There is currently no nationwide up-to-date repository of criminal history records available to most employers or to the general public. Though the FBI maintains the National Crime Information Center (NCIC) database, it can only be accessed by law enforcement agencies and by employers in specific industries mandated by federal and state law. Searches of the NCIC require fingerprints and generally take several months to process, and the results and dispositions of the cases (if they exist at all) are often missing. It is estimated that less than half of all serious crimes are entered in the NCIC database.

Searches for criminal history records must be conducted at the various jurisdictions where arrest and conviction records are initiated and/or compiled.

Federal District Searches

There are 91 federal district courts in the U.S. Some of the smaller and less populous states contain only one federal district court, while others have as many as four. These jurisdictions contain case histories of criminal charges brought against individuals by the federal government. Federal records typically involve white-collar crime, mail fraud, interstate trafficking, bank robbery, and civil rights violations. The information that is released can be sketchy at times, and many older files are archived at hard-to-access regional locations. These district court records are not shared between districts, and the records are not passed down to the state or county jurisdictions.

The difficulty in acquiring these records should not deter the BOM from vigorously pursuing the best means available to achieve this.

Statewide Searches

All states have a central agency which collects criminal record information from police and the courts. State laws vary pertaining to arrest and conviction records. In some states, access to information is limited to law enforcement agencies. Other states have severely restrictive policies and require extensive release forms and/or fingerprints – resulting in long delays in obtaining reports. Some states only release felony convictions and omit misdemeanor records, restrict the release of data to a limited number of years, or will not show pending cases. There are many records that are not transferred from the state and county courthouses to the centralized record center. Nonetheless, the benefit of statewide searches, as opposed to county searches, may often outweigh some of the drawbacks.

The BOM should keep in mind that state name-based searches are limited to the state where the search is conducted, and don't reveal criminal records from other states.

County Searches

Every state is divided into multiple county level court jurisdictions, all of which can be accessed. In those states where statewide records are unavailable or unreliable, checking county criminal records is a must. County sites provide the most complete, accurate, and up-to-date information concerning cases and judgments from their own

courts. Turnaround times are generally much quicker, with results received in days rather than weeks or months. It is possible in many counties to retrieve copies of case documents and transcripts for further insight into the details surrounding a criminal offense. This is not an option at most federal or state jurisdictions. County name-based searches are limited to the county in which the search is conducted and do not reveal criminal records from other counties.

The state repository and county-by-county methods are not true alternatives to proper due diligence. Each has strengths the other cannot duplicate and limitations only the other can solve. To be as accurate and complete as possible, other methods of research should be used whenever possible, and federal district searches should be added for key positions of trust.

Keys to a Successful Criminal History Records Check

All criminal history record checks are based on name (identity) and jurisdiction (geography). The first and most crucial step in conducting a thorough criminal history records check is to establish and verify the identity of the candidate and the geography of the search.

Identity is not always straightforward. For example, a candidate may have the same name as a relative, with only a suffix to distinguish between them (Jr., Sr., I, II, III). Or the candidate's real name may be Stephen Paul Smith, but he prefers to go by the name Paul Smith. Female candidates may also have a maiden name that will need to be checked. It is important to determine what variations of a candidate's name exist and to know when changes occurred in order to facilitate appropriate searches.

The candidate's social security number establishes the identity and geography for the checks. This is verified through the credit report that is continually updated whenever a candidate applies for credit.

Credit bureaus collect data on bankruptcies, judgments, liens, and records from all levels of government. In performing a SSN trace, this information may then be compared to what was provided by the candidate, and any discrepancies should be investigated.

When identity and geography are established and verified, a criminal history records check in the appropriate jurisdictions is to be conducted and a report given to the BOM.

Motor Vehicle Record Checks

If your candidate will be required to operate a company or church vehicle, rental car, or their own vehicle for business purposes, checking their driving records may be a reasonable risk management procedure.

Motor vehicle records (MVRs) are maintained by the Department of Motor Vehicles (DMV) in all 50 states. These records include incidents such as moving violations, motor vehicle accidents, and driving while impaired. Depending on the state, violations are provided for the last three to five years. This report is also a good tool to verify the address, date of birth, and identity of the individual.

Credit Bureau Record Check

If a candidate will be in a position of handling money or other organizational assets, or have check writing or investment authority, a credit bureau records check is a reasonable risk management procedure.

Credit bureaus are private organizations that collect vast amounts of financial information about individuals. They obtain information on a daily basis from financial institutions, businesses, and government agencies with which the individual has financial transactions. Credit reports reveal outstanding debt and payment history, as well as civil actions such as judgments, liens, and bankruptcies. They also provide a seven-year history of individual or joint financial information.

Negative Findings

The presence of an offense should not always result in automatic rejection, especially if the candidate has admitted to the offense. When establishing criteria for evaluating criminal history, motor vehicle, or credit bureau record checks, the BOM needs to consider if other factors should be taken into account. Some circumstances to consider when evaluating an offense include:

- the nature and seriousness of the offense
- the circumstances under which the offense occurred
- the age of the candidate at the time of the offense
- societal conditions that may have contributed to the nature of the offense
- the probability that the candidate will repeat the offense
- the candidate's commitment to rehabilitation

The [Behavioral Health Guidelines](#) posted on GBHEM's site provide acceptable standards related to information that may surface in a background check. They provide questions for the dCOM or BOM to use in discussing critical issues with candidates.

Please note that a candidate should be denied examination, eligibility, or appointment when he or she has made a false statement of any material fact, or attempted any deception or fraud in any part of the selection process.

Implementing Record Checks

The BOM and conference chancellor should work together to develop appropriate policies and guidelines for the implementation of record checks. The BOM also decides which types of offenses are relevant, what offenses will disqualify a candidate, what other factors will be considered, and how the rights of the candidate will be preserved. The BOM must establish policies regarding who has access to this sensitive information, how the information will be stored, the length of time it will be maintained, and instructions for disposing of the confidential files. And before forwarding the candidate's information for processing, a trained "intake person" should screen the candidate's completed authorization form for completeness and legibility so that the effectiveness of the search process is not undermined.

Guidelines for keeping personnel policies have been developed by the General Council on Finance and Administration (Chapter 28). These include policies for access, maintenance, and retention of files. Each conference makes policy decisions based on these guidelines.

Background checks provide information that dCOMs and BOMs need as they make responsible decisions about an applicant's fitness for ministry. The annual conference is responsible for insuring the best possible fit between clergy and the appointments they serve. The importance of due diligence in insuring all clergy are qualified to represent the church and serve responsibly in various appointments cannot be understated. The risk involved in not completing background checks for all applicants is too great; the potential cost to those who may be harmed, and the annual conference, greatly outweighs the process required and cost involved in completing responsible background checks for all applicants.

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