

Chapter 7 | Background Checks

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

The Book of Discipline requires a criminal background check and a credit check for all those seeking appointments in the UMC. All who apply for certified candidacy (§310), license for pastoral ministry (§315), provisional membership (§324) or transfer from another denomination (§347) are required to release reports on:

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

They are also required to submit a notarized statement on a form provided by the BOM that either:

- Details any written accusations or convictions for felony or misdemeanor or incident of sexual misconduct and/or child abuse
- Certifies that they have 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 Candidate's Disclosure Form must be completed and approved by the dCOM or BOM before a candidate is certified or a clergyperson receives an appointment.

Companies Used by Annual Conferences to Provide Background Check Services

GBHEM does not provide endorsement one way or the other for any of the companies listed below. This list is to provide names of companies that Annual Conferences have used to perform background and credit checks. An Annual Conference needs to fully vet any potential company before contracting its services.

- Oxford Document Management Company, Inc. (www.oxforddoc.com)
- Safe Gatherings Training Events (www.safegatherings.com)
- Trak-1 (www.trak-1.com)

Types of Background Checks

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 database require fingerprints and generally take several months to process, and the results and dispositions of the cases (if they exist) 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 more than 90 U.S. federal district courts. Some smaller and less populous states contain only one federal district court, while others have many more. 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. Information that is released can be incomplete 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 that collects criminal records 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. 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.

MOTOR VEHICLE RECORD CHECK

- If the candidate will be required to operate a company or church vehicle, rental car or their own vehicle for business purposes, checking driving records may be a reasonable risk management procedure.
- Motor vehicle records (MVRs) are maintained by the Department of Motor Vehicles (DMV) in all 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 individual's address, date of birth and identity.

CREDIT BUREAU CHECK

- If a candidate will be in a position of handling money or other organizational assets or has 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.

Keys to a Successful Criminal History Records Check

- 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). The candidate's real name may be Stephen Paul Smith, but he prefers to go by the name Paul Smith. Candidates may also have name changes when they marry, so be sure to check all surnames. 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 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.

Results

- The presence of an offense should not 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 regarding the nature and seriousness of the offense.
 - The circumstances under which the offense occurred
 - The candidate's age 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 the BOM Library provide acceptable and current standards to guide a discussion with the candidate related to information that may surface in a background check.
- Candidates should be denied examination, eligibility or appointment when they have made a false statement of any material fact or attempted any deception or fraud in any part of the selection process.

Developing Record Check Procedures

- 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 and privacy of the candidate will be preserved.

- Guidelines for keeping personnel policies have been developed by the General Council on Finance and Administration (Chapter 25). These include policies for access, maintenance and retention of files. Each conference makes policy decisions based on these guidelines.
- In light of the above guidelines, the BOM must establish policies regarding access to and storage of sensitive information, the length of time it will be maintained, when/if background checks will be repeated throughout a clergyperson's service time and instructions for disposing of confidential files.
- 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.

Background checks provide needed information for dCOMs and BOMs as they make responsible decisions about an applicant's fitness for ministry. The Annual Conference is responsible for ensuring the best possible fit between clergy and their appointments. The importance of due diligence in ensuring 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 to the Annual Conference, greatly outweighs the process required and cost involved in completing responsible background checks for all applicants.