

CRIMINAL BACKGROUND CHECK OVERVIEW

Ensuring Safety for Vulnerable Persons
Office of Ombudsman for Older Minnesotans
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WHAT IS A CRIMINAL BACKGROUND CHECK?

When an agency requests a criminal background check (CBC), two forms are given to you to complete, sign and date. The forms are submitted to law enforcement agencies to determine if you have been convicted of a crime. The titles of the CBC forms to be completed by employees and volunteers of the Office of Ombudsman for Older Minnesotans are **Criminal Background Check Consent** and **Disclosure of Criminal Background Information**.

THE PURPOSE OF CRIMINAL BACKGROUND CHECK

The primary purpose of completing a CBC on employees and volunteers is to protect vulnerable individuals from coming into contact with people who could cause them physical or emotional harm. Criminal background checks are valuable when used appropriately as a selection-screening tool. However, criminal background checks cannot be relied on solely to provide this protection.

The Minnesota Department of Human Services is required by law to do criminal background checks on all persons who will have direct contact with clients or patients who receive services in hospitals, foster care, day care, nursing homes and through home care. This includes volunteers who provide direct client contact and are, at times, not within sight or hearing of a staff member or employee. The ombudsman office has supported these measures since they were enacted. The human services and criminal justice systems also support criminal background checks as a part of a comprehensive process to assess appropriate prospective employees and volunteers for assignments working with vulnerable adults and children.

Employees and volunteer advocates with the ombudsman office work on a daily basis with residents of nursing homes and other long term care settings, home care clients and hospital patients. Our office recognizes our responsibility to provide similar protection to the clients we serve. In order to preserve the quality of our program and abide by the same standards we expect from the social services and health care industry, the Office of Ombudsman for Older Minnesotans initiated criminal background checks on its employees and volunteers as of August 15, 1998.

You have applied with the Office of Ombudsman for Older Minnesotans for a position as:

OMBUDSMAN

VOLUNTEER ADVOCATE

These positions involve working with vulnerable individuals who:

- ◆ *Live in nursing homes and other long-term care facilities*
- ◆ *Receive in-home services*
- ◆ *Are hospitalized*

Your job or volunteer assignment requires you to be in direct contact with these individuals or gives you access to confidential client information.

A requirement for this position is the completion of a Criminal Background Check (CBC). Before being employed by or volunteering with our office, you must pass a CBC done by the Minnesota Bureau of Criminal Apprehension (MN BCA).

Please complete both forms and submit to your Regional Ombudsman or directly to the State Ombudsman Office. *You must sign, date and notarize the Criminal Background Check Consent form. The Disclosure of Criminal Background Information form must be signed and dated by you and a witness.*

There are three types of criminal background checks:

Local Level: publicly available information such as district court records, police department records and records from the sheriff's office. The procedures to access this information may vary among communities or counties.

State Level: the Bureau of Criminal Apprehension (BCA) in Minnesota provides access to criminal background information through a publicly available computer that shows certain criminal history records for crimes committed in Minnesota for the previous 15 years from when an offender completed his/her sentence. The BCA also provides more thorough background checks. A complete criminal history requires the informed consent of the prospective employee or volunteers before BCA information can be released. The BCA report contains the criminal history for crimes committed in Minnesota.

Federal Level: the BCA works with the FBI to check federal records when they receive a request along with a completed background check form and the applicant's fingerprints. The federal check is available to children service providers only. The FBI report contains information from states outside of Minnesota.

There is a charge for obtaining criminal background information at all three levels. The Office of Ombudsman for Older Minnesotans will pay for all criminal background checks processed.