

american **CAMP** association™
2005 Council of Delegates Meeting
Issue Overview

Issue: Criminal Background Checks

SUMMARY

The ACA Council of Delegates adopted a public policy position on criminal background checks in 2001. At that time, ACA was trying to support a bill introduced in the Senate that proposed a name based federal check system that allowed access, was affordable, and produced relevant information in a reasonable time. The National Child Protection Act (signed into law in 1993) already mandated that states establish a system but it was an unfunded mandate therefore many states had not responded.* Camps were faced with the lack of a comprehensive federal database. ACA saw this name based system as an interim step until a more complete (that is, a fingerprint based system) one was available and viable.

The ACA National Public Policy Committee has worked with federal legislators on a name-based system over three congressional sessions. We have completed an initial inventory of states to determine which ones mandate checks and how they're done. We've also provided advice and support to sections working with state initiatives. We now need to reassess the issue of criminal background checks looking at our responsibilities to our camps and to the public, reexamining our position statement and developing a future plan of action.

ACTION REQUESTED OF THE COUNCIL OF DELEGATES

Discussion of the advantages and disadvantages of the critical issues surrounding criminal background checks in order to give input to the public policy committee for strategic planning and revision of the ACA policy position.

BACKGROUND INFORMATION

Because of ACA's commitment to the protection of children and youth, we as an association and members have certain accountabilities and responsibility to the public as well as the camp industry. These are expressed in our programs, services, and procedures, such as, education and training, publications, and our standards.

As we move forward with a critique of our ACA position on criminal background checks, public policy direction is a major focus. But, we also need to look at this issue through the lens of other functions and services in order to be consistent and reflective of the Association commitment.

There are 3 separate parts of the issue:

1. Lack of camp access to a federal database that is complete and meets needs
2. Lack of support in many states for a federal database system and for mandating of background checks
3. Analysis of current ACA positions (particularly public policy and standards) and relationship to our strategic positioning for the future

* For more information on the National Child Protection Act (and its amendments) requirements, visit:
<http://www.casenet.org/library/juvenile-justice/ncpa93.htm>

Critical Issues

1. Criminal Background checks should be one part of a comprehensive staff screening and hiring policy. How would we define that comprehensive system? What should ACA do to promote this concept?
2. The federal government has mandated criminal background checks since 1993 yet many states do not mandate them and have no comprehensive system to provide them. Does ACA have a role in eliminating this discrepancy?
3. What would a criminal background check system look like? How do we define criminal background checks? Name based, name/social security number based, biometric based? How often should a criminal background check be performed on each staff member? Should we advocate for a "pull" program that is similar to those used for driver's license checks?
4. How do we define which camp staff to check? What constitutes access to a camper? All staff, only staff with defined supervisory responsibilities, only staff who could be one on one with a camper, anyone with access to the site? Should we align ourselves with other child-oriented professions on this definition? Does this affect our ability to form strategic alliances? Does this affect our credibility in public policy arenas?
5. The following key components have been identified as essential for a federal database: thoroughness and clarity of the information, application of filters that relate to the type of work we require, timely response, reasonable cost, privacy of the information, ease of access, equal access for all types of camps? What is missing? Should there be a federal standard rather than state-to-state interpretation?
6. How do we strengthen our ACA positions in standards, education, and public policy? What is defensible? What should we require? Should we become more assertive in our advocacy positions? Should we be seeking new partnerships?
7. What are the current loopholes? Juveniles, international staff, camp volunteers, camp directors? Should ACA become assertive advocates for the elimination of these loopholes?

ATTACHMENTS

Current Position Statement

The American Camp Association believes that camps should implement multi-faceted screening, hiring, and support practices appropriate to the clientele, staffing, and program considerations of each camp. Because of ACA's commitment to the protection of children, we support the development of a comprehensive criminal background checking system that meets the following criteria:

- Uniform in availability and content provided to camp directors/owners across the country, regardless of camp tax status

- Available for staff and camp volunteers regardless of their state of residence, schooling, or employment, and should be applicable to all persons with unsupervised access to children.
- Reasonable in cost
- Timely in response

Furthermore, ACA supports the proposal for the establishment of a National Center on Volunteer Screening whose services would be available to provide national screening services for paid and volunteer workers who serve children.

Criminal Background Issue Activity Chart
(Separate attachment)