

## Notice for Prospective Camp Volunteers Pursuant to the PROTECT Act – PROTECTScreen Pilot

### To the potential volunteer regarding fingerprinting and the PROTECT Act:

The PROTECT Act (Public Law 108-21) was signed into law by the US Congress in 2003. A portion of the law authorized a pilot program that would allow selected youth-serving organizations access to the Federal Bureau of Investigations (FBI) criminal history database through fingerprinting of prospective volunteers. The pilot contained a provision for the development of criteria that would be used to determine a volunteer's fitness to serve in a volunteer role in a youth-serving organization. The American Camp Association (ACA) was accepted into this pilot in July 2006. For the American Camp Association (ACA), this pilot is named "PROTECTScreen".

Pursuant to the PROTECT Act, the ACA-Accredited Camp to which you have applied to serve as a volunteer may request an FBI fingerprint background check, and determination of your fitness to serve as a volunteer. This check will access criminal history record information held by the FBI and a determination of your fitness to serve will be rendered by the National Center for Missing and Exploited Children (NCMEC). The determination rendered by NCMEC will be communicated to the camp through ACA. Prior to and after the completion of the background check, the camp may choose to deny your services as a volunteer and access to children in their programs.

Consistent with the provisions of the PROTECT Act, NCMEC and the participating youth-serving organizations have established criteria that NCMEC will use in examining criminal histories and making fitness determinations. The five categories of "criterion offenses" that will be examined are:

- Any felony conviction (and any crime punishable by confinement greater than 1 year).
- Any lesser crime using force or threat of force against a person.
- Any lesser crime in which sexual relations is an element, including "victimless" crimes of a sexual nature.
- Any lesser crime involving controlled substances (not paraphernalia or alcohol).
- Any lesser crime involving cruelty to animals.

The determination will be given in one of the following three formats:

- The volunteer meets the criteria.
- The volunteer may not meet the criteria.
- The volunteer does not meet the criteria.

A conviction of any of these categories automatically gives the volunteer a determination of "does not meet the criteria". If the individual is a sex offender registrant, they will automatically be given the determination of "does not meet the criteria" and is prohibited from volunteering by reason of a criminal record.

A volunteer having an arrest of one or more of the criterion offenses with no disposition noted in the criminal history will be assigned the determination of "may not meet the criteria." Additionally, any charge involving children resulting in a disposition favorable to the volunteer nonetheless will result in a determination of "may not meet the criteria."

If a volunteer has no criminal history or the crime in which the volunteer was arrested or convicted for is not a criterion offense, or the crime in which the volunteer was charged was a criterion offense and the volunteer was found not guilty, or the case was dismissed (except as noted in the above paragraph) will receive a determination of "meets the criteria" and is considered not prohibited from volunteering by reason of a criminal record.

The fitness determination is only one part of the camp's volunteer screening process, and the absence of a criminal record does not ensure that a volunteer will be considered acceptable by the organization. All ACA-Accredited camps must follow a multi-faceted staff and volunteer screening process. You may ask the camp about their screening processes.

Under the PROTECT Act, to obtain an FBI criminal background check, you must provide the camp with:

1. A set of fingerprints that are rolled or printed on the fingerprint card supplied by the FBI to the camp. (If your fingerprints are scanned electronically, they must be printed onto the fingerprint card by the facility performing the electronic scan.)
2. Complete information required on the FBI-provided fingerprint card including: name, address, date of birth, gender, race, height, weight, eye color, hair color, place of birth.
3. A photocopy of an official government ID – such as a driver's license or passport.
4. A signed Volunteer Approval Form that authorizes your consent to the FBI fingerprint background check and determination for fitness as a volunteer by NCMEC (this form will be provided to you by the camp).
5. A statement of whether you have a criminal record, and if so, the details of such record (this statement will appear on the Volunteer Approval Form provided to you by the camp).

Once the determination is complete, you have the right to request a copy of your criminal record from the FBI and challenge the accuracy and completeness of the criminal history record information. Such challenge must be made using the appeal form that is available from the camp. If you so choose, you may also use the same form to request that your full criminal history be sent directly to the camp for further discussion of the particulars of your criminal record.

By signing the "Camp Volunteer Approval for FBI Criminal Background Check" Form, you authorize:

1. The camp to obtain a complete set of your fingerprints and descriptive data found on the fingerprint card that is provided to the camp pursuant to the PROTECT Act.
2. The camp to send the fingerprint card, copy of your signed approval form, and photocopy of your government ID to the American Camp Association, Inc. pursuant to the PROTECT Act.
3. The American Camp Association, Inc to forward your fingerprint card to the FBI through NCMEC.
4. The FBI to perform a criminal background check and send your criminal history to NCMEC.
5. NCMEC to examine your criminal history, make a fitness determination, and transmit the determination to the camp through the American Camp Association, Inc.

By signing the "Camp Volunteer Approval for FBI Criminal Background Check" form, you indicate your understanding that:

1. A determination of my fitness to serve as a volunteer based on the criterion offenses will be rendered by NCMEC. ACA acts only as the conduit for fitness determinations from NCMEC to the camp.
2. After the determination, I may request a copy of my criminal record from the FBI and challenge the accuracy and completeness of the criminal history record information.
3. The camp bears full responsibility for the screening and placement of volunteers at their camp. Neither ACA, NCMEC nor the FBI are in any way liable for any screening decisions made by the camp based on the information obtained in the PROTECT Act PROTECTScreen Pilot Program.