



Commonwealth of Massachusetts
Executive Office of Health and Human Services

**DDS National
Criminal Background Checks**

DEPARTMENT OF DEVELOPMENTAL SERVICES

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CURRENT LAW



- Individuals who apply for employment within Massachusetts to work with persons served by the Massachusetts Department of Developmental Disabilities (DDS) must undergo a Criminal Offense Registry Information (CORI) check.
- The CORI database is limited to a person's criminal history within Massachusetts.
- There was no statutory or regulatory requirement that DDS or any of its vendor agencies conduct any systematic national criminal background checks of potential employees.
- There existed a risk of potential employees with a criminal history documented beyond the border of Massachusetts who could have worked with some of our state's most vulnerable residents.
- This bill closed the loophole that now allows people with criminal convictions in other states to work directly with the thousands of individuals served by DDS and its vendor agencies.



WHAT NCBC BILL WILL DO



- The National Criminal Background Check (NCBC) will require a national check of candidates who apply for positions working with individuals served by DDS.
- Criminal background verification will be determined by cross-referencing fingerprint data with The Integrated Automated Fingerprint Identification System, more commonly known as IAFIS, a national fingerprint and criminal history system maintained by the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Division.
- The IAFIS provides automated fingerprint search capabilities, latent searching capability, electronic image storage, and electronic exchange of fingerprints and responses.
- Before an individual is hired to work unsupervised with a person served by DDS, they must undergo this screening.



REASON FOR NCBC



- Without the capacity to conduct interstate scrutiny of criminal history, an agency may hire an individual without having the means to make an informed decision based upon access to an applicant's comprehensive criminal history.
- NCBC would remedy the risk this situation would pose to people served by DDS.
- It will expedite the current system and provide clear verification data.
- NCBC is modeled after H4307 ('education background check bill'), which was signed into law by Governor Deval Patrick in January 2013, requiring all school districts to conduct fingerprint-supported national criminal history background checks on all teachers, school employees and early education providers in Massachusetts



PROCESS/COST



- The fee, not to exceed \$45 per background check and will help to offset the costs (FBI/MorphoTrust) of operating and administering a fingerprint-based criminal background check system.
- The department-licensed, funded or approved programs may reimburse applicants for employment, internship or volunteer positions, for all or part of the fee on the grounds of financial hardship.
- NCBC will utilize the same statewide infrastructure and nationally accredited vendor that is in place to process the background checks required by the education bill.
- CJIS will disseminate the results of each background check to DDS, which will determine whether the individual is approved for employment in this state.



- Every year CORI checks are processed for an estimated 10,600 new POS staff candidates and for 1,339 new DDS staff candidates.
- It is anticipated that there will be an estimated 2,428 staff associated with the DDS/ABI initiative.
- DDS will also have to conduct background checks for the estimated 5,000 volunteers/interns and each person providing residential or support services in their home, as well as any household members, age 15 or older, or persons regularly on the premises age 15 or older.
- It will be up to DDS to assure that all current staff (DDS: 6,530, POS: 20,460 & over 3,500 transportation) to undergo the background check.
- In 2015 DDS will need a minimum of \$510k to hire and train staff to be ready for the January 2016 implementation date.

Position
PCI
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