

Pre-Approved Alternative Search Procedures (ASPs) as of September 24, 2018



What Are Pre-Approved ASPs?

CNCS has approved a number of Alternative Search Procedures (ASPs) that grant recipients and grant subrecipients (“grant recipients”) can use to comply with the National Service Criminal History Check (NSCHC) requirements without additional approval in writing from CNCS, termed “pre-approved ASPs”. Prior to January 4, 2016, these were known as “blanket ASPs.” Grant recipients are not required to request permission to use these pre-approved ASPs. They may use them at any time, provided they abide by the conditions described below. However, CNCS strongly encourages all grant recipients that intend to use a pre-approved ASP to first consult with their Program Officer to ensure that they understand its requirements and have considered any potential alternatives.

CNCS may add or remove pre-approved ASPs at any time, and maintaining awareness of current pre-approved ASPs is the responsibility of grant recipients. Once revoked, an organization may no longer use a pre-approved ASP for individuals that begin work or service after CNCS has revoked the pre-approved ASP. Organizations do not need to re-run checks on individuals that started work or service while a pre-approved ASP had been in effect. To sign up for email updates regarding pre-approved ASPs and other NSCHC matters, register for CNCS’s “National Service Criminal History Checks” [GovDelivery bulletin](#).

Grant recipients that rely on pre-approved ASPs should document that they are relying on a pre-approved ASP, referencing the specific ASP that they are using, and incorporate its requirements into their policies and procedures. Their policies and procedures should also include an annual process to ensure the ASP is still valid. Noncompliance with the NSCHC regulations or with the requirements of a pre-approved ASP will result in cost disallowance.

Pre-Approved ASPs:

The following pre-approved ASPs are available to grant recipients as of **September 24, 2018**:

1. Ceasing Accompaniment

This applies to all organizations with individuals in covered positions with recurring access to vulnerable populations. These covered positions require grant recipients to conduct state checks *and* FBI checks on the individual(s) in covered positions.

A grant recipient may cease accompaniment of the individual when it has received results clearing the individual through either:

- BOTH of the state checks (state or residence AND state of service checks) OR
- The fingerprint-based FBI check.

An organization does not need to receive state *AND* FBI checks before ceasing accompaniment.

Please note: An individual may not start work or service in a covered position prior to completing a nationwide [National Sex Offender Public Website \(NSOPW\)](#) check. An individual is considered to have “started” work or service when he or she begins accumulating hours towards a salary, stipend, living allowance, or education award from a CNCS-funded grant, including trainings or pre-service orientations.

2. Maintaining Clearance Letters in Lieu of Actual NSCHC Results

If your organization partners with another organization that conducts some or all of the components (for example, a fingerprint-based FBI check through the state repository) of the NSCHC process on your employees and/or national service participants, but doesn’t permit your organization to review the results, then your organization can satisfy the

documentation requirements of the NSCHC by entering into a written agreement with the organization conducting the checks.

The agreement must specify that any individual who is registered, or required to be registered, on a sex offender registry or was convicted of murder will not be cleared to participate in the program, even if the organization's policy may, under some circumstances (e.g. through an appeal process), allow it.

The organization that conducts the required criminal history screening components can then issue clearances based on your selection criteria. Copies of the clearance decisions are grant records and your organization must maintain them with the individual's other NSCHC documentation for compliance purposes. Your organization must ensure that your organization conducts any required check components that are not conducted by your partner, such as a search of the [NSOPW](#).

3. Unreadable Fingerprints Rejected during Departmental Order FBI Checks

If your organization has an ASP to obtain an FBI fingerprint-based check by going directly to the FBI through the "Departmental Orders" (DO) method, you may cease attempting to conduct a fingerprint-based check after two separate unsuccessful attempts due to unreadable fingerprints. You must maintain documentation of your attempts to obtain the check and the rejection letters from the FBI with the individual's other NSCHC files as grant records. This pre-approved ASP applies only when an organization attempts to conduct fingerprint-based FBI checks through the DO method. When requesting fingerprint-based FBI checks through a state repository, follow the repository's protocols for handling rejected fingerprints.

An individual that does not receive a fingerprint-based FBI check due to use of this pre-approved ASP must still undergo a compliant, nationwide check of the [NSOPW](#) and, as applicable, state of residence and state of service checks.

4. Prohibited by State Law from Maintaining Results or Sharing Results

If state law prohibits your organization from maintaining results of the state or FBI checks, or your organization is prohibited from sharing the results with an oversight agency, including CNCS, you must do the following to comply with the NSCHC requirements:

1. You must document that you are prohibited by state law from maintaining results and/or prohibited from sharing those results.
2. You must maintain a memo in the individual's file, in lieu of the results, which must indicate, at a minimum:
 - The source (for example, website URL, name, address, etc.) used for the check;
 - The date you initiated each check component;
 - The date you received results of each component;
 - Whether the person has been cleared or not for service based on the component results; and
 - The name and **signature** of the person who reviewed the results of each check component and the **date** on which they conducted the review.

This approval does not cover the NSOPW check. You must maintain the dated results of the nationwide [NSOPW](#) for each individual in a covered position.

5. NSOPW Compliance using a Vendor Report

If you use a vendor to search the NSOPW website, you must:

- 1) Ensure that your contract with the vendor requires the vendor to perform a nationwide search of the [NSOPW](#), and requires the vendor to have a procedure to obtain data from individual states if the state's sex offender registry data is temporarily unavailable through the [NSOPW](#);
- 2) Maintain the report of the [NSOPW](#) check provided by the vendor to document the timely completion of the [NSOPW](#) component; and

- 3) If your vendor does not provide copies of the screenshots or printouts from [NSOPW](#) result, your contract with the vendor must specify that no person who is registered or required to be registered as a sex offender will be considered to have cleared the check.

6. National Fingerprint File States-Active as of September 24, 2018:

The National Fingerprint File (NFF) is an electronic information sharing system maintained by the Federal Bureau of Investigation (FBI). The NFF allows the FBI and the States to exchange criminal history records for noncriminal justice purposes authorized by Federal or State law, such as background checks for governmental licensing and employment.

States that participate in the NFF respond to record requests for all authorized noncriminal justice purposes and, as such, the FBI ceases to maintain duplicate criminal history data for these States. When a State participates in the NFF system, an FBI fingerprint check is duplicative of the search of a State’s criminal history record repository. Therefore, an FBI fingerprint check eliminates the need for grant recipients to conduct duplicative state criminal history record checks in States that participate in the NFF system.

For individuals in covered positions that serve or work in a state that participates in the NFF program, the following applies:

- When a required state of service or state of residence check is in an NFF state, then the grant recipient does not need to conduct the check in that NFF state **if** they have conducted the required fingerprint based FBI criminal history check;
- If a required state of service or state of residence check is in a state or territory that is does not participate in the NFF system, then the grant recipient must obtain the state criminal history check in **addition to** obtaining a fingerprint-based FBI criminal history check.

The following States participate in the NFF program:

NFF States
Colorado
Florida
Georgia
Hawaii
Idaho
Iowa
Kansas
Maryland
Minnesota
Missouri
Montana
North Carolina
New Jersey
New York
Ohio
Oklahoma
Oregon
Tennessee
West Virginia
Wyoming

Thus, for an individual in a covered position with recurring access to vulnerable populations, if the state of service and state of residence are both in NFF states, then conducting an NSOPW and a fingerprint-based FBI criminal history check components are sufficient to satisfy the required NSCHC components.

Please note, the NSOPW must be adjudicated before the individual begins work or service. The fingerprint-based FBI check and any required state checks from states not participating in the NFF must be initiated before work or service in the covered position begins. Because the fingerprint-based FBI check is duplicative of a required state check in an NFF state, accompaniment must take place until the results of the fingerprint-based FBI criminal history check are adjudicated.

CNCS strongly encourages grant recipients to have checks adjudicated prior to an individual working or serving in a covered position.

Example 1

An individual in a covered position with recurring access to vulnerable populations has a state of service in Maine (not an NFF state) and a state of residence in Colorado (participates in the NFF). The grant recipient must conduct an NSOPW check, a fingerprint-based FBI check, and a Maine criminal history check. The grant recipient does not need a separate Colorado state criminal history check.

Example 2

An individual in a covered position with recurring access to vulnerable populations has a state of service in Wisconsin (not an NFF state) and a state of residence in New Mexico (not an NFF state). The grant recipient must conduct an NSOPW check, a fingerprint-based FBI check, a Wisconsin criminal history check, and a New Mexico state criminal history check.

Example 3

An individual in a covered position with recurring access to vulnerable populations has a state of service in Ohio (participates in the NFF) and a state of residence in Iowa (participates in the NFF). The grant recipient must conduct an NSOPW check and a fingerprint-based FBI check. No separate state checks are required.

Please note:

- For individuals in covered positions with no or episodic access to vulnerable populations, the NSCHC requirements remain the same. The required checks are the NSOPW and the choice of either a fingerprint-based FBI check or criminal history record checks in the state of service and the state of residence.