



DAVE YOST

OHIO ATTORNEY GENERAL



Civilian Identification
Office 877-224-0043
Fax 866-750-0214

Date: April 13, 2018

To: Background Check Customer or state NCPA/VCA providers

Re: Changes to the NCPA/VCA including implementation of VECHS

The Bureau of Criminal Investigation (BCI) is writing to provide you information on internal changes being made to the National Child and Volunteers Act of 1993 (NCPA), Public Law 103.209, as amended by the Volunteers for Children Act (VCA), Public Law 105-521 (Section 221 and 222 of the Crime Identification Technology Act of 1998), which authorizes certain nongovernmental organizations to conduct a fingerprint based national criminal history record check to determine an individual's fitness to care for the safety and well-being of children, the elderly and people with disabilities.

This federal Act allows organizations, designated as a qualified entity, to make a fitness determination based on national criminal history record information provided by the Federal Bureau of Investigation (FBI) through the BCI. There are specific criteria that qualified entities must adhere to in order to obtain FBI criminal history record information pursuant to NCPA/VCA.

In that regard, Ohio is implementing a Volunteer and Employee Criminal History (VECHS) program. The BCI and FBI provide state and national criminal history record information on applicants, employees, and volunteers to qualified organizations in Ohio. With this criminal history information, organizations can more effectively screen current and prospective volunteers and employees who are not suitable for contact with children, the elderly, or the disabled.

To be qualified to participate in the VECHS program, an organization (public, private, profit or non-profit) must provide "care" or "care placement services", as defined in the above laws, to children, the elderly, or the disabled.

The VECHS program is **not** available to governmental organizations currently required to obtain criminal history record checks on their employees under statutory (Ohio Revised Code) provisions. Such organizations must continue to follow the statutory mandates that specifically apply to them, including performing background checks on prospective employees and/or volunteers and maintaining background information for current employees and volunteers.

To become an approved VECHS recipient and obtain criminal history record information through the VECHS program at BCI, an organization will need to do the following:

- Complete an application
 - Your organization must meet the qualifications described above in order to be designated as an "approved VECHS recipient". Complete the application in full and explain what functions are performed involving children, the elderly or people with disabilities. Once the application is approved, i.e, it determined that your organization meets the qualifications of a qualified entity, a user's agreement must be executed.

- Sign the Agreement
 - The approved VECHS recipient must sign the User's Agreement and Waiver provided by BCI prior to submitting any requests.
 - The User Agreement contains specific provisions governing the use of state and national criminal history record information which must be adhered to.

- Fee Applicant Fingerprint Inquiry/Fees
 - The approved VECHS recipient must obtain a signed consent form (waiver) from the applicant authorizing a search of the BCI and FBI national criminal history record databases. In addition, the consent form must specifically authorize the release of any criminal history record information that may exist from any agency, organization, institution, or entity having such information on file regarding the applicant.
 - All requests must be fingerprint-based and submitted electronically via Webcheck. To learn more about Webcheck, please access the following link at <http://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck/Webcheck-Community-Listing>

- Processing
 - BCI and FBI criminal record fingerprint based inquiries can be submitted for current and prospective employees of the qualified entity, as well as individuals such as volunteers and contractors who may have unsupervised access to children, the elderly or people with disabilities.

- Responses
 - All BCI and FBI criminal history responses will be forwarded to the approved VECHS recipient, not the Webcheck location or vendor.
 - A BCI response will provide notification of no criminal history or a response containing files of the BCI including conviction as well as non-conviction information contained in the national criminal history record information database. You will either receive a letter that the applicant has no criminal history, or you will receive the criminal history record (RAP sheet) for the applicant.

Any FBI background check submitted under a reason requiring the VECHS approval process that does not have an approved VECHS application on file may be delayed until all requirements have been fulfilled.

All documents are available on the Ohio Attorney General's website at

<http://www.ohioattorneygeneral.gov/Business/Services-for-Business/Webcheck>

Please direct all questions to the Civilian Identification department at 1-877-224-0043.