



Title Unsupervised Volunteers Background Check Policy		Series No.
Responsible Office Volunteer Coordinator		Revision Date 10/2020
Related Policies and Procedures	Creator/Owner of process Emily A. Cohen, Legal Services Bureau	

Authority: Iowa Code 455A.4 (1) "a"

Contents: This policy **describes** the background check requirements that apply to unsupervised DNR volunteers who are responsible for the safety and welfare of persons under the age of 18.

Affected Offices: All

Whom to Contact for Policy Questions: Volunteer Coordinator

Intent of Policy: This policy is intended to establish a uniform process for conducting background checks of unsupervised DNR volunteers who are responsible for the safety and welfare of persons under the age of 18. The policy establishes when background checks will be conducted, how they will be conducted, and how results of the background checks will be interpreted for approval/disapproval of the volunteer.

Policy: The DNR is interested in managing risks for the State, the public, and our volunteers. In order to help provide a safe environment for everyone, the DNR adopts these requirements for its unsupervised volunteers who, on behalf of DNR, are responsible for the welfare and safety of persons under the age of 18. For purposes of this policy, "unsupervised" means without a DNR employee present in the immediate vicinity. This policy shall also apply to campground hosts.

Requirements: Volunteers subject to this policy shall comply with the following requirements:

1. Must be 18 years of age or older.
2. Must have the required license or permit to engage in the volunteer activity, if applicable.
3. Must be capable of managing the safety of minors. This may require the volunteer to possess certain physical and mental capabilities to be able to maintain the safety of the participants.
4. Must provide DNR with the proper paperwork to conduct background checks for criminal history. DNR will check criminal history databases maintained by the Iowa Department of Public Safety and the FBI, as well as the national sex offender registry.
5. Volunteers are responsible for the costs of fingerprinting required for a national background check. Fingerprint- required national background checks will be performed only when an individual first volunteers for DNR. Subsequent background checks will use the Iowa criminal history databases maintained by the Iowa Department of Public Safety and the national sex offender registry.
6. Background checks must be conducted at least once every five years while volunteering with DNR. DNR reserves the right to require additional background checks at any time.
7. To pass a background check, the volunteer must not be restricted, as described below.

Restrictions: If the individual meets any of the following criteria, either at the initiation of their volunteering or during the course of their volunteering, they will not be allowed to assume duties as a campground host or to lead or manage persons under the age of 18 on behalf of DNR as an unsupervised volunteer:

1. Is registered or is required to register as a sex offender in any jurisdiction of the United States or Canada.
2. Within five years of volunteering, has had hunting, trapping, or fishing privileges suspended or revoked in the state of Iowa.

3. Has a conviction of any disqualifying crime, which may be based on the totality of other criminal convictions or founded child abuse as outlined below¹:
 - a. *Automatically disqualifying criminal convictions.* The DNR shall deny an application for volunteering if the individual has been convicted, has pled guilty, or has been found guilty of the following criminal offenses, excluding judgments of conviction or sentences that were expunged or deferred:
 - 1) Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
 - 2) Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:
 - a. First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18; Lascivious acts with a child; Assault with intent to commit sexual abuse; Indecent contact with a child; Sexual exploitation by a counselor; Lascivious conduct with a minor; Enticing a minor under Iowa Code section 710.10; or Incest involving a child as prohibited by Iowa Code section 726.2; Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2; Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;
 - b. Human trafficking under Iowa Code section 710A.2;
 - 3) Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subsection “3.a.”; or
 - 4) Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subsection “3.a.”
 - b. *Other criminal convictions and founded child abuse.* When determining whether a person’s application to volunteer should be denied based on the totality of other criminal convictions, including a felony or founded child abuse, the following shall be considered:
 - 1) Whether the conviction related to firearms violations, drugs, alcohol, operating a boat or vehicle while intoxicated, or theft;
 - a. Weighted consideration will be placed on offenses that occurred within five years of volunteering
 - 2) The nature and seriousness of the crime or founded abuse in relation to the position sought;
 - 3) The time elapsed since the crime or founded abuse was committed;
 - 4) The degree of rehabilitation that has taken place since the crime or founded abuse was committed;
 - 5) The likelihood that the person will commit the same crime or abuse again;
 - 6) The number of criminal convictions or founded abuses committed; and
 - 7) Such additional factors which may, in a particular case, demonstrate mitigating circumstances or heightened risk to public safety.
 - c. *Matters Pending Disposition:* Anyone, including a previously approved volunteer, who is arrested or charged for any disqualifying offense and is awaiting disposition of the case shall not be permitted to participate as a volunteer until the official disposition of the case is reviewed by the DNR.

The DNR reserves the right to consider any other criminal behavior to determine whether an individual can safely lead or manage persons under the age of 18 on behalf of DNR as an unsupervised volunteer.

Exceptions: Individuals with an active Iowa teaching license who have not had hunting or fishing privileges revoked in the state of Iowa within the last five years may not be required to undergo an initial background check under this policy. Proof of an active Iowa teaching license must be provided to DNR before the volunteer can be approved.

This policy does not apply to volunteer positions for which background check eligibility criteria have been established in Volume 571 of the Iowa Administrative Code.

¹ Note: The Law Enforcement Bureau and/or Legal Bureau may be consulted regarding the background check results. In such occurrences, identifying information about the applicant will be redacted and withheld. Additionally, the DNR may engage with an applicant to afford the opportunity to respond to concerns arising from the results of the background check.

Disclaimer: A volunteer must not subject persons under their supervision to unlawful, inappropriate, or abusive treatment. Such activity would be outside the scope of the volunteer's service particularly, but not solely, for purposes of tort liability protection pursuant to Iowa Code Section 669.24.



Director, Iowa Department of Natural Resources

2/12/2021

Date