



NCTR
NATIONAL CENTER for
TRANSIT RESEARCH

**Policies and Procedures for
Criminal History Background Checks**


**Florida Transit Safety Network
April 17, 2014 Meeting**

National Center for Transit Research | University of South Florida

**Bus Operator Safety –
Issues Examination & Model Practices**

Four Research Areas

1. Literature Review Safety Function:
Organizational Structure and Reporting
2. Bus Operator Assaults – Return to Duty Model
Practices
- 3. Model Policies and Procedures for Driver’s
License and Criminal History Background
Checks**
4. Safety Training for Bus Operators – Improving
the Training Process and Model Programs



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Model Policies and Procedures: Driver's License and Criminal History Background Checks

- Objectives:
 - Identify current practices
 - Identify commonalities in:
 - Type of record searches performed
 - Frequency
 - Events that would initiate out-of-cycle review
 - Develop recommendations for driver's license and criminal history background checks



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Rule 14-90 – *Equipment and Operational Standards for Bus Transit Systems*

- Section 341.061(2)(a), Florida Statutes (F.S.), requires the establishment of minimum equipment and operational safety standards for all governmentally owned bus transit systems;
- Rule Chapter 14-90, Florida Administrative Code (F.A.C.), hereinafter referred to as “Rule 14-90.” Bus transit systems are required to develop, adopt, and comply with a System Safety Program Plan (SSPP), which meets or exceeds, the established safety standards set forth in Rule 14-90.



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Rule 14-90 – Equipment and Operational Standards for Bus Transit Systems

One element of the SSPP, contained within Section 14-90.004(3), requires that each transit system establish criteria and procedures for the selection of all drivers.

14-90.004 Bus Transit System Operational Standards.

(3) Bus transit systems shall establish criteria and procedures for the selection, qualification, and training of all drivers.

The criteria shall include the following:

- (a) Driver qualifications and **background checks** meeting minimum hiring standards.*
- (b) Driving and **criminal background checks for all new drivers.***
- (c) Verification and documentation of valid driver licenses for all employees who drive buses.*



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Criminal History Background Checks

- Florida Department of Law Enforcement (FDLE), **criminal history record checks** are used to determine if an individual has been arrested and/or convicted of a crime.
- In Florida, information may be pulled from three different databases:
 - Florida Computerized Criminal History (CCH) Central Repository for Florida arrests
 - Florida Computerized Criminal History Central Repository for Florida arrests combined with the national criminal history database from the Federal Bureau of Investigation for federal arrests and arrests that took place in other states
 - Florida Crime Information Center which provides current warrants and domestic violence injunctions (also called a “Hot Files Check”).



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Criminal History Background Checks

- In Florida, the terms "**Level 1**" and "**Level 2**" background checks are used to identify the method used to pull the data and the degree to which the data are searched as defined in Chapter 435, Florida Statutes (F.S.).
- One of the primary focuses of these background checks are for persons who work with or providing services to children or persons who are elderly or disabled. Agencies that serve these individuals are authorized to require these checks for service providers and employees providing services directly to these clients.



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Criminal History Background Checks

- **Level 1** refers to a **Florida only** name-based record check and an employment check.
- **Level 2** refers to a **state and national fingerprint-based check** and generally applies to employees designated by law as holding positions of responsibility or trust.
- **Level 2** check is mandated for all employees who are required to be fingerprinted in accordance with Chapter 435, F.S.



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Criminal History Background Checks

- Based on the **Florida “Care Provider Background Screening Clearinghouse,”** the cost associated with the state only or **Level 1** check is approximately \$24.00.
- A **Level 2** check, which includes both the state and national database search, is currently \$64.50 (\$24.00 for state data, \$16.50 for national data, and \$24.00 for the retention fee).



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Florida “Care Provider Background Screening Clearinghouse”

- The **Florida “Care Provider Background Screening Clearinghouse”** is managed by the Florida Agency for Health Care Administration (AHCA). The state agencies currently a part of the Clearinghouse include:
 - Agency for Health Care Administration (AHCA)
 - Department of Health (DOH)
 - Department of Vocational Rehabilitation (DVR)
 - Department of Elder Affairs (DOEA)
 - Department of Juvenile Justice (DJJ)
 - Department of Children and Families (DCF)
 - Agency for Persons with Disabilities (APD)
- Transit agencies under contract with the agencies listed above are required to conduct **Level 2** screenings for their bus operators.



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Current Practices – Survey

- As part of the research, information was gathered from an agency survey including existing policies, procedures and practices employed by public transit agencies for driver's license and criminal history background checks.
- This survey instrument was distributed to Florida public transit agencies, select transit systems from other states, and one transit agency from Canada. Valid responses were received from 32 transit agencies, 26 of which were from Florida.
- The following table summarizes the findings on criminal history background checks.



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Criminal History Background Checks

Type Criminal History Background Check	Florida	Other	Total
Level 1	6	0	6
Level 2	11	0	11
Other	9	6	15
Total	26	6	32



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Driver's Criminal History Background Checks - Findings

- Transit agencies use a variety of policies and procedures related to driver's background checks
- All systems perform some level of driver's background checks for new employees
- Great variation in record inquiries made after an operator has been hired
- Found precedents for criminal history background checks in Florida law – especially in programs providing services to seniors, persons with disabilities, and children




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Driver's Criminal History Background Checks - Summary

- As detailed previously, **Chapter 14-90, F.A.C. states that Florida bus systems must establish criteria to verify and document that criminal background checks are conducted for all new bus operator hires.**
- The Rule ***does not address the specifics*** of the background check methodology, criminal history background type (Level 1 or Level 2), or the frequency of that review.
- **QUESTION:** Should 14-90 be revised to be more proscriptive?



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