

## Town of Cary Policy 154 Background Investigations Disqualifying Factors

A person will be disqualified and prohibited from serving as a volunteer if the person has been found guilty of any of the following crimes as identified below. Guilty means that a person was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This recommendation does not apply if criminal charges resulted in acquittal, Nolle Prose, or dismissal.

Any applicant who has been charged with any of the disqualifying offenses will not be allowed to volunteer until disposition of the charge. A serving volunteer who has been charged with any of the disqualifying offenses will have their service suspended until disposition of the charge.

### **DISQUALIFICATION BASED ON OFFENSE:**

#### **SEX OFFENSES**

**All Sex Offenses** – Regardless of the amount of time since offense.

*Examples include:* child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.

#### **FELONIES**

**All Felony Violence** – Regardless of the amount of time since offense.

*Examples include:* murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, child endangerment etc.

**All Felony offenses** other than **violence** or **sex** within the past 10 years.

*Examples include:* drug offenses, theft, embezzlement, fraud, etc.

#### **MISDEMEANORS**

All misdemeanor violence involving a minor (unless the applicant was themselves a minor) – regardless of the amount of time since the offense.

All misdemeanor drug & alcohol offenses involving a minor (unless the applicant was themselves a minor) – regardless of the amount of time since the offense.

**All other misdemeanor violence** offenses within the past 7 years

*Examples include:* simple assault, battery, domestic violence, hit and run, etc.

**All misdemeanor drug & alcohol offenses** within the past 5 years or more than one offense in the past 10 years regardless of whether the offense involved a minor.

*Examples include:* driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.

**Any other felony or misdemeanor** within the past 5 years that would be considered a potential danger to vulnerable populations as described herein.

**Any felony or misdemeanor conviction** that involves a crime against a member of the vulnerable population as identified in this procedure. (Example: contributing to the delinquency of a minor, exploitation of an elder adult or disabled adult.)