

OHA CRIMINAL BACKGROUND CHECK PROCEDURE

IN ORDER TO TREAT ALL APPLICANTS EQUALLY AND FAIRLY, THE OMAHA HOUSING AUTHORITY (OHA) ENFORCES THE FOLLOWING CRIMINAL BACKGROUND CHECK PROCEDURE. ALL APPLICANTS FOR ANY OHA PROGRAM WILL RECEIVE A COPY OF THIS PROCEDURE WHEN THEY APPLY.

1. All applicants (and adult member(s) of their households) for any OHA program must undergo a criminal background check in order to determine if they are eligible to apply to an OHA program.
2. All applicants (and adult member(s) of their households) will sign a questionnaire and release form giving OHA the authority to investigate the individual's criminal background with local, state, and federal law enforcement agencies, including sex offender data and jurisdictions other than Nebraska.
3. Failure to sign this release and submit to a background check disqualifies the applicant (or adult member(s) of the household) from applying for assistance.
4. Criminal records will be evaluated from the date of the criminal history check. The evaluation period will be two, three or five years depending on the offense. OHA shall have the discretion to determine which evaluation period and point value is appropriate for each offense.
5. In addition to the points system, there are several other criteria for which OHA must deny application:
 - a. Any applicant or adult member(s) of the household who has/have ever been convicted of the **manufacture of methamphetamine** MUST be denied without regard for the evaluation period.
 - b. Any applicant or adult member(s) of the household who is/are **banned and barred** from OHA property will be denied without regard for the evaluation period.
 - c. If any applicant or adult member(s) of the household is/are subject to a **lifetime sex offender registry requirement**, the application MUST be denied without regard for the evaluation period.
 - d. If any applicant or adult member(s) of the household provides a **false answer** on a criminal background check release form, OHA may deny the application without regard for the evaluation period.
6. OHA reserves the right to deny anyone who has been identified as a gang member or is involved in gang-related activity, unless evidence is provided to refute the gang membership or activity and/or to show that the membership or activity has ceased at least 5 years prior to the application.

7. The following violent, drug-related and other offenses will be scored for a period of FIVE YEARS:
 - a. Homicide
 - b. Illegal use of a firearm or threat to use an illegal firearm
 - c. Illegal manufacture, sale or distribution of a controlled substance (as defined in 21 U.S.C. 802 or other applicable statutes);
 - d. Possession of a controlled substance with the intent to manufacture, sell or distribute
 - e. Burglary, larceny, robbery
 - f. Prostitution
 - g. Rape, sexual assault, sexual molestation, debauchery of a minor, and other similar or related offenses
 - h. Neglect of children endangering their health, safety or welfare

8. The following violent, drug-related and other offenses will be scored for a period of THREE YEARS:
 - a. Assault with a deadly weapon (other than a firearm)
 - b. Physical assault (any offense not described above)
 - c. Illegal possession or use of a controlled substance (as defined in 21 U.S.C. 802)
 - d. Illegal possession or use of drug paraphernalia
 - e. Other violent criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage
 - f. Other drug-related offenses not described above
 - g. Other injuries to persons or property, threats or family neglect not described above

9. Other nonviolent felonies, nonviolent misdemeanors and infractions will be scored for a period of TWO YEARS.

10. If, at any time during the evaluation period, an applicant or adult member(s) of their household has been charged, found guilty, sentenced, convicted, incarcerated, on probation, fined, confined, jailed, or lost property through restitution, OHA will consider said offenses. The date of the offense or the charge may be outside the evaluation period.

11. Any pending charges where the outcome is not yet known will be scored.

12. OHA will consider an applicant or adult member(s) of the household's sex offender status at the time of application, regardless of the evaluation period.

13. If, at any time during the evaluation period an applicant or adult member(s) of the household has charges that are dismissed or is acquitted, OHA will not consider those offenses.

14. However, OHA reserves the right to consider any verdicts where the applicant or adult member(s) of the household is found not guilty by reason of insanity. OHA has a compelling

interest to provide safe housing for its tenants and believes that it must consider this exception in order to ensure a secure environment.

15. Pursuant to federal regulations, OHA is required to score the results of an individual's criminal background check to determine eligibility. OHA has determined that points will be assigned as follows:

Any active warrant – regardless of offense	4
Registered sex offender (in any state)	4
Drug offense – Felony or class 1 misdemeanor	4
Drug offense – Infraction violation date 12 months old or less	4
Drug offense – Infraction violation date more than 12 months to 24 months old	3
Drug offense – Infraction violation date more than 24 months to 36 months old	2
Prostitution	4
Felony of any degree	4
1 st degree misdemeanor – injury to persons or property, threats, family neglect or weapons-related	3
1 st degree misdemeanor – all other offenses	2
2 nd degree misdemeanor – injury to persons or property, threats, family neglect or weapons-related	2
2 nd degree misdemeanor – all other offenses	1
Misdemeanors—Class 3, 4, or non-class	1
Other infractions or ordinance violations	1
Minor traffic offenses—except DUI, veh. homicide, and reckless driving	0

(DUI, vehicular homicide, and reckless driving will be scored according to how the offense is categorized)

16. Any individual scoring four (4) or more on a criminal background check will fail the background check and OHA will withdraw the application. If any member(s) of the household fails, the entire household's application will be withdrawn.
17. An outstanding warrant of any type, regardless of the offense will be scored a four (4) and the application will be denied. However, if the applicant or adult member(s) of the household can document that the warrant is no longer active, the application may be reinstated. This documentation may be provided to OHA at any time after the applicant receives the results of a background check up to and including the time of hearing OR may be provided to OHA within seven (7) days, whichever period is longer. If requested, OHA will consider the following as evidence of an inactive warrant:
- Receipt from court showing fine has been paid in case with warrant.
 - Documentation from court showing that applicant or adult member(s) of household has entered into a payment agreement with the court to satisfy the warrant.

- c. Documentation from court showing the applicant or adult member(s) of household appeared in court case where there was a warrant, and the warrant is therefore satisfied.
18. If an applicant or adult member(s) of the household fails a criminal background check due to a drug possession or alcohol-related offense, OHA's hearing officer may consider evidence of substance abuse treatment and rehabilitation at the hearing. If the applicant or adult member(s) of the household documents that he/she has successfully completed a treatment program – or is successfully participating in ongoing treatment – the hearing officer may deduct one point (and one point ONLY) from the total points received on the background check.
 19. If an applicant or adult member(s) of the household fails a criminal background check due to a charge for which he/she was found not guilty by reason of insanity, OHA's hearing officer may consider evidence of treatment and rehabilitation at the hearing. If the applicant or adult member(s) of the household documents that he/she has successfully completed a treatment program – or is successfully participating in ongoing treatment – the hearing officer may deduct one point (and one point ONLY) from the total points received on the background check.
 20. Applicants (and adult member(s) of the household) whose applications have been denied will be notified in writing of the withdrawal and will be provided with a copy of the criminal history report. The withdrawal letter will notify the applicants of their right to appeal OHA's decision.
 21. The household may re-apply (*after any applicable waiting period for reapplication under OHA policy*) without the member(s) that failed the criminal background check unless that person is a spouse of the head of household, and therefore cannot be separated from the household.

**REQUEST FOR CRIMINAL HISTORY INFORMATION – RECORDS CHECK
OMAHA HOUSING AUTHORITY APPLICANT RECORDS SCREEN**

Federal and State housing law requires and authorizes the Omaha Housing Authority (OHA) to screen the criminal history of all adult members of families and households who are residing in or are applying for admission to its developments and programs. The purpose of these procedures is to avoid admitting an individual or household who is or has been involved in activity that would adversely affect the health, safety and/or welfare of other residents. Your voluntary release means that OHA will check with any appropriate federal, state and/or local agenc(y/ies) to determine your criminal record and/or background. OHA will use this information confidentially.

IMPORTANT: PLEASE NOTE THE FOLLOWING GUIDELINES AS YOU COMPLETE THIS FORM. YOU **MUST** INITIAL BESIDE EACH LINE TO VERIFY YOUR UNDERSTANDING OF THE INFORMATION.

_____ I understand that false answers on this application may **disqualify my application** and I have taken due care to ensure the answers given are **CORRECT** and **COMPLETE**. If I am unsure about an answer, I understand that I must err on the side of disclosing more information. If I do not understand a question, I understand that it is my responsibility to ask for help or assistance.

_____ I understand that a criminal history background check will be conducted based upon personal information I have provided below, and that which is contained in my housing assistance application.

_____ I understand that other criminal history checks will be conducted, utilizing records and information from agencies within whose jurisdiction I do now or have resided or where I have been arrested, cited, charged or convicted.

_____ I understand that the criminal background check will also include a check for any current criminal warrants that may exist.

_____ I have been provided with a copy of OHA's Criminal Background Check Procedure, and I have read and reviewed the policies contained therein.

PART I: AUTHORIZATION FOR RELEASE OF CRIMINAL RECORDS:

Name: _____

Nickname (or alias first and/or last name): _____

Current Address: _____

Date of Birth: _____ Race: _____ Sex: _____

Weight: _____ Height: _____

Hair color: _____

Social Security Number: _____

Type of picture identification (ID) provided: _____

Picture ID State or Agency of Origin and Number: _____

OFFICE: A GOOD QUALITY COPY OF THE PICTURE ID (WITH DATE OF BIRTH) MUST ACCOMPANY THIS RELEASE

I voluntarily authorize any Federal, State or local agency to release any information in its files under the above name and information. I understand that the information released to the Omaha Housing Authority will be used to determine my eligibility and/or continued eligibility for public housing, Section 8 (Housing Choice Voucher) or other housing assistance. Unfavorable information may result in my removal from and/or ineligibility for public housing. I agree to submit to fingerprinting, if required by the OHA, to be submitted to the FBI or other appropriate agenc(y/ies). I agree to hold any source of information harmless for any error in reporting information. I release any and all persons from liability arising out of or resulting from the release of information.

The Privacy Act of 1974 restricts the use of this information. After you release this information to the Omaha Housing Authority and your eligibility is verified, it will be held in the strictest of confidence by OHA and not released to any outside unauthorized person (s).

Signature: _____ Date: _____

PART II: CRIMINAL HISTORY RECORD SCREENING QUESTIONNAIRE:

Please answer the following questions. The privacy act of 1974 restricts the use and storage of this information. It is used for determining your eligibility and/or continued eligibility for public housing and/or Section 8 assistance. As stated above, if you answer any of the following questions untruthfully, OHA may deny your application. If you are unsure about any question below, you must err on the side of disclosing the information. If you need help answering a question, it is your responsibility to ask an OHA employee to assist you.

- *The terms “offense”, “crime” and “criminal activity” include felonies, misdemeanors, infractions and violations.*
- *A guilty plea, guilty verdict or plea of “nolo contendere” or “no contest” is a conviction, even if, upon sentencing, you were never imprisoned, only paid a fine, were conditionally or unconditionally discharged, etc.*
- *You do not have to disclose information that has been sealed, expunged, set aside under Federal or State law, or any juvenile delinquent or youthful offender adjudications. You **are not** considered a youthful offender simply because of your age at the time of the offense. Only a specific court finding determines youthful offender status.*
- *Each question below refers to a specific time period – please **note the time period** in each question to ensure you are providing an accurate and truthful response.*
- *Please refer to Part III (Page 7) for a list of crimes falling into each of the categories referred to within the questionnaire.*
- ***If you are unsure** if disclosure is required for **any** reason, **list the offense** and **provide details**.*
- ***If you need additional room** for any explanation, please use the attached sheet (Page 6).*

(Circle one response)

1. Have you continuously resided in Douglas County, Nebraska for the past **seven years**? ... YES NO
If no, please **list any other street addresses at which you have resided within the past seven years** (if you need additional room, please continue on page 6): _____

2. Have you **ever** been arrested for, cited for, charged with or convicted of any crime against another person or the property of another person? YES NO
If you answered yes to question 2, provide details, including the name of the State in which the offense/crime occurred. _____

3. Have you **ever** been arrested for, cited for, charged with or convicted of illegal possession, use, sale, manufacture or distribution of any drug, or any other drug-related crime?..... YES NO

If you answered yes to question 3, provide details, including the name of the State in which the offense/crime occurred. _____

4. Have you **ever** been arrested for, cited for, charged with or convicted of any weapons-related crime? YES NO

If you answered yes to question 4, provide details, including the name of the State in which the offense/crime occurred. _____

5. Have you **ever** been arrested for, cited for, charged with or convicted of prostitution, rape, sexual molestation, sexual assault, or any other sex-related crime? YES NO

If you answered yes to question 5, provide details, including the name of the State in which the offense/crime occurred. _____

6. Are you subject to a lifetime registration requirement under a state sex offender law? YES NO

If you answered yes to question 6, in what state? _____

7. Are you required to register on the State of Nebraska sex offender list, or a sex offender list in any state? YES NO

8. Are you **currently** on parole, supervised release, probation, deferred adjudication, or are you under any type of pre-trial diversion or similar agreement? YES NO

If you answered yes to question 8, explain below, giving complete information including dates, status and circumstances. _____

9. Do you **currently** have charges pending against you in any criminal court? YES NO

If you answered yes to question 9, explain below, giving complete information including dates, status and circumstances. _____

10. Have you been informed, or do you have reason to believe, that you **currently** are or have **ever** been the subject of an investigation or a complaint filed, which alleged child abuse or domestic violence? YES NO

If you answered yes to question 10, explain below, giving complete information including dates, status and circumstances. _____

11. Have **you – or has any member of your household – ever** been a member of a street gang? YES NO

If you answered yes to question 11, explain below, giving complete information including dates, status and circumstances. _____

12. Have **you – or has any member of your household – ever** been banned-and-barred from OHA property? YES NO

If you answered yes to question 12, explain below, giving complete information including dates, status and circumstances. _____

13. Have you **ever** been evicted from public housing or terminated from Section 8 (Housing Choice Voucher) assistance due to criminal activity? YES NO

If you answered yes to question 13, explain below, giving complete information including dates, status and circumstances. _____

I have read and understand the above questions and statements. I certify and affirm that the information I have given on this eligibility questionnaire is complete, true and correct. I have no objections to inquiries being made for the purpose of verifying the statements herein, which may include (but is not limited to) contacting my Probation/Parole officers, a criminal background check and/or sex offender checks to verify my circumstances.

Signature: _____ Date: _____

**PART III: CRIMINAL HISTORY RECORD SCREENING QUESTIONNAIRE
CATEGORIES OF CRIMES**

IMPORTANT: This list is intended to provide guidelines of types of offenses/crimes falling into each category. It is provided to assist you in classifying the offense/crime. This list **DOES NOT INCLUDE** every offense/crime that falls into each category. Offenses/crimes may have slightly different names depending on the State in which they were committed. **YOU MUST DISCLOSE** all offenses and crimes, regardless of whether they are listed below. If you are unsure, **YOU MUST DISCLOSE** the offense and provide an explanation. Failure to do so may result in the denial of your application.

ALCOHOL-RELATED INFRACTIONS & TRAFFIC VIOLATIONS	CRIMES AGAINST PERSONS	CRIMES AGAINST PROPERTY	DRUG-RELATED CRIMES	WEAPON-RELATED CRIMES	SEX-RELATED CRIMES
Driving Under the Influence (DUI) and similar offenses	Homicide (Murder, Manslaughter, etc.)	Burglary	Possession/Use	Unlawful Possession of a Firearm	Rape
Open Container	Assault/Battery (of any degree)	Larceny	Possession/Use of Drug Paraphernalia	Carrying a Concealed Weapon (Unlawful)	Sexual Assault
Public Intoxication	Domestic Abuse	Robbery	Possession With Intent to Deliver (PWID)	Unlawful Discharge of a Firearm	Molestation
Any and All Similar Offenses	Neglect of Children	Theft	Manufacture	Felon in Possession of a Deadly Weapon	Debauchery
	Threats/Terrorism	Trespassing	Sale	Possession of a Stolen Firearm	Prostitution
	Hazing	Arson	Distribution	Use of a Deadly Weapon to Commit a Felony	Solicitation of Prostitution
	Kidnapping	Extortion	Any and All Similar Offenses	Possession of a Firearm in a Prohibited Area	Pandering
	Stalking/Harassment	Criminal Mischief		Trafficking Stolen Weapons	Public Indecency
	False Imprisonment	Shoplifting		Unauthorized Possession of Offensive Weapons	Sexual Exploitation of a Minor
	Any and All Similar Offenses	Receiving Stolen Property		Reckless Use of Fire or Explosives	Pimping
		Theft of Services		Any and All Similar Offenses	Any and All Similar Offenses
		Fraud Offenses/Forgery			
		Any and All Similar Offenses			