Idaho Department of

Juvenile Corrections

Administrative

Policy/Procedure

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**Policy**

The purpose of this policy is to ensure the safety and security of the Idaho Department of Juvenile Corrections (IDJC) staff, juveniles and facilities. The IDJC performs a thorough and careful screening of anyone who may have contact with incarcerated juveniles, including applicants for employment, temporary employees, interns, volunteers, and contractors.

The Idaho Police Officer Standards and Training (POST) IDAPA rule, 11.11.01 of the POST Council Criminal Records and the Prison Rape Elimination Act (PREA) Juvenile Facility Standards relating to hiring and promotion decisions, govern background checks for individuals providing care, services, and/or assuming the responsibility for incarcerated juveniles and/or adults still under jurisdiction of the IDJC.

The IDJC does not hire or promote anyone who may have contact with juveniles, and does not enlist the services of any volunteers, interns, and contractors who may have contact with juveniles, who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, coercion, if the victim did not consent or was unable to consent or refuse; or

3. Has been civilly or administratively adjudicated to have engaged in the activity described in (2) above.

The IDJC considers any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist the services of any volunteers, interns, contractors, or subcontractors who may have contact with juveniles in custody.

The IDJC, through the cooperation of state and federal agencies, such as the Idaho Supreme Court, Idaho State Police, Idaho Department of Transportation, and the Idaho Department of Health and Welfare, has established a system to obtain a complete records search for background and criminal history information.

A criminal history record includes any or all of the following information relating to offenders: arrests, prosecutions, disposition of cases by courts, sentencing, probation and parole status, and information relating to offenders received by a correctional agency, facility, or other institution.

It is therefore the policy of the IDJC to conduct background checks on volunteers, student interns, contractors/subcontractors, applicants for employment, and all current employees.

**Operating Procedures**

IDJC Human Resources (HR) is the point of contact for background check results and is the custodian of all background records, with the exception of child abuse registry checks for non-employees; these records are maintained by facility PREA coordinators.

HR is responsible for the administration of the background check process for all job applicants and employees. The appointed IDJC contact at each facility is responsible for the background check process for volunteers, student interns, and contractors at their respective facility. HR notifies the appropriate division administrator of the results of the background check.

No employee, volunteer, intern, contractor, or sub-contractor may have unsupervised contact with a juvenile until the supervisor or facility volunteer/intern contact has been notified by HR that the background check has been completed and the person is cleared.

1. Non-Employment
2. Volunteers, interns, and similar
3. The appointed IDJC contact for volunteers and interns follows this policy regarding background checks for all volunteers and interns and oversees the process. All volunteers and interns are required to complete a Criminal History Check Authorization and Self-Declaration Form (DJC-058), and to submit to a fingerprint background check.
4. The appointed contact consults any child abuse registry maintained by the state or locality in which the volunteer or intern has resided within the past ten years, or less if under age 18 at the time of residence (as disclosed on Criminal History Check Authorization and Self-Declaration Form [DJC-058]) and the state of Idaho. Background checks of volunteers and interns are processed and reviewed to the same requirements as all other background checks conducted pursuant to this policy.
5. Contractors, sub-contractors, and similar
6. Facilities designate a staff to be responsible for tracking the use of facility contractors and subcontractors. This staff maintains files for all contractors and subcontractors.
7. Contractors, subcontractors, and employees of each that may have contact with juveniles will either (1) submit to a background check and be cleared to perform services prior to use, or (2) they must have their services supervised by security staff.

3. If security staff are not available to supervise the contractor services, supervision occurs in accordance with the Juvenile Supervision (608) policy/procedure to ensure that under no circumstances will juveniles and contractors who are not cleared via background check have unsupervised contact.

C. All current volunteers, interns, contractors, and sub-contractors have a fingerprint background check conducted at least every five years, which is processed and reviewed and must meet the same requirements as all other background checks conducted pursuant to this policy.

II. Employment and Hiring Decisions

A. An offer of employment is contingent on a prospective employee passing the required history and background check process designated for their position. These checks include, but are not limited to:

1. Background checks conducted prior to an offer of hire
2. Pre-hire drug screening (all safety sensitive positions)
3. Background check (Idaho Law Enforcement Tracking System—ILETS) includes driver’s license record check, sex offender registry check, I-Court Records Check (POST-certified positions)
4. I-Court Record check (POST Certified, safety sensitive and security sensitive positions)
5. Driver’s License Record Check (positions where this is a requirement)
6. National Sex Offender Registry Check (all agency positions)
7. Background checks conducted after an offer of hire:
8. Child Abuse Registry Check (POST-certified and safety sensitive positions)

Consult any child abuse registry maintained by Idaho as well as the state(s) or localities in which the employee has resided within the past ten years (as disclosed on Criminal History Check Authorization and Self-Declaration Form [DJC-058]).

1. Fingerprint Background Check (all positions).

B. Consistent with federal, state, and local law, the hiring manager, or designee, makes a best effort attempt to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

For purposes of IDJC background investigations, any employment where the individual regularly interacted (supervised or unsupervised) with minors or vulnerable adults is included in the definition of Institutional Employer as part of the hiring process. This includes, but is not limited to, correctional/detention facilities (adult or juvenile), jails, hospitals, nursing homes, day care centers, schools, rehabilitation facilities, assisted living facilities, and/or in-home care (adult or minor).

C. The IDJC asks all applicants directly about previous misconduct in written applications or interviews for hiring or promotions. Current employees are asked to disclose this information during the fingerprint background recertification process and in any interviews or written self-evaluations conducted as part of annual performance reviews.

 Employment application materials contain information regarding background checks for the specific positions being recruited for. Applicants are notified at the time of applying for a job that a background check is required for employment. The recruitment materials outline the process and list applicable background history disqualifications for employment.

D. Those applying for POST-certified positions are required to meet the background check requirements for POST and the IDJC. Prior to a conditional offer of employment, the IDJC performs an Idaho Law Enforcement Tracking System (ILETS) background record check, a repository check, driver’s license check, and a sex offender registry check.

POST-certified classifications include, but are not limited to Safety and Security Officer; Safety and Security Supervisor; Rehabilitation Technician; Rehabilitation Technician Trainee; Recreation Coordinator, Correction; Rehabilitation Specialist, Associate; Rehabilitation Specialist; Rehabilitation Supervisor; Instruction Assistant; Instructor; and Instructor Specialist.

E. Employment interviews

At the time of employment interview, internal and external applicants are provided a copy of this policy and sign a Policy Receipt Acknowledgement (DJC-079) form acknowledging an understanding of the policy and its requirements and the Authorization to Release Information (DJC-059) form informing the applicant of the background check process requirement.

III. Current employees

A. All current employees have a fingerprint background check conducted at least every five years, which is processed and reviewed and must meet the same requirements as all other background checks conducted pursuant to this policy.

B. Employees moving into a classification that requires POST certification from a position that does not require POST certification undergo a background check consistent with POST and IDJC requirements.

C. All IDJC employees are subject to subsequent background checks when promoted, rehired, or reinstated with a break in service greater than 12 months, and any other time it is determined necessary.

D. All employees in positions that require POST certification have their driving record checked on an annual basis via the Idaho Department of Transportation, Motor Vehicle Division.

E. Employees are required to report law enforcement contact to their supervisor in accordance with the Ethics and Standards of Conduct (324) policy and procedure

IV. Criminal History Check Authorization and Self-Declaration Form (DJC-058).

1. All persons required by this policy to submit to a background check will complete the DJC-058 form prior to being fingerprinted with a copy of the DJC-058 submitted to HR.
2. All items on the DJC-058 form must be fully completed and no information is omitted. The DJC-058 form is reviewed and must be approved by the Division Administrator/Superintendent and/or HR.
3. C. Any material omissions or false information provided on the DJC-058 form could be grounds for termination, rescinding an offer of employment, or disqualification for consideration to be a volunteer, intern, or contractor.
4. Fingerprint Background Check
5. All persons that are required by this policy to submit to a background check undergo a Federal Bureau of Investigation (FBI) Identity History Summary Check performed by a qualified IDJC employee or by a local law enforcement agency.
6. Fingerprints must be submitted on the authorized IDJC fingerprint card or through an approved fingerprint system. HR, or the employee designated to submit fingerprints electronically, submits the fingerprint card to the Idaho State Police for processing.
7. Fingerprinting is completed on the first day of attendance or employment at each work location. A valid state or federal-issued photo identification card (ID) must be presented at time of fingerprinting.
8. Except where electronic fingerprinting is utilized, all positions require completion of one fingerprint card to be submitted to HR.
9. For fingerprints submitted electronically, designated staff at the location where fingerprints are taken notifies HR within two business days regarding the individual’s name and the date they were fingerprinted.
10. Employees who are unable or unwilling to submit to fingerprinting will submit to an alternative method of background check, as determined by HR. Any additional costs associated with the alternative background check method conducted on an employee who is able, but unwilling to submit to fingerprinting, is borne by the employee.
11. Disqualification from Employment/Non-Employment
12. All persons required to submit to background checks who are unwilling or unable to meet the requirements of this policy are disqualified from employment, contract, subcontract, volunteer, or internship opportunity with the IDJC.
13. Additionally, those persons who are required to meet POST standards and are unable or unwilling to do so will not pass the recruitment examination and will not be certified to a hiring register. Subsequently, they are not considered as viable applicants for IDJC employment.
14. Termination of Employment/Non-Employment

A. At time of job offer, applicants are issued a conditional offer of employment, which is based on successfully passing the background check.

B. Applicants for POST certification-mandatory classifications are also required to meet both the IDJC and POST minimum standards and become POST-certified within one year of hire.

1. Background History Record/Valid Complaint
2. A criminal conviction does not automatically disqualify an individual from receiving an offer of hire or continuing employment.
3. If a background check reveals a criminal conviction(s), plea, or verdict of guilty to a misdemeanor or felony, withheld judgment, a valid child or adult complaint, or a conviction following a plea of nolo contendere, the Division Administrator, Superintendent, or designee, and HR meet to review the results and make a determination regarding follow-up necessary or the impact on the employment of the individual, the decision to extend an offer of employment, or the decision to move forward with the services of a volunteer, intern, or contractor.
4. Because the IDJC provides supervision, care, and other clinical and rehabilitative services to juveniles in a confinement setting, a background check result involving any of the following offenses results in the disqualification of the volunteer, intern, or contractor and termination or reassignment of current employees. This disqualification is, however, subject to an individualized assessment, as set forth in Operating Procedure section VIII.E. of this policy.
5. Conviction or admission of guilt for any crime against or involving a child or vulnerable adult including, but not limited to, child abuse, neglect, abandonment, or sexual crimes of any nature.
6. Conviction or admission of guilt for any other crime the IDJC reasonably believes may endanger a vulnerable person.
7. A conviction, as outlined in POST IDAPA rules 11.11.01, Ineligibility Based Upon Past Conduct for positions that require POST certification.
8. With the exception of the above, a prior conviction does not automatically disqualify an individual from employment, promotion, transfer, or intern, contractor or volunteer position. The background check results are evaluated for relevance to the specific position responsibilities, recency, and severity to determine if a disqualification from employment/non-employment is job-related and consistent with business necessity.
9. Individualized assessment request

The disqualified individual may request an individualized assessment with the appropriate Division Administrator or Superintendent.

1. If an assessment is requested, the individual is required to provide:

a. Location where the conviction occurred;

b. Court records, as needed and/or requested by management;

c. Name, address, and phone number of any parole/probation officer who may be associated with the conviction; and

d. Name of professional involved in the rehabilitation process, if any.

1. This information is reviewed by the appropriate Division Administrator or Superintendent, in consultation with the Deputy Attorney General assigned to the IDJC and Human Resource Officer, and/or Director, to assist in reaching a decision regarding employment.

The assessment may include, but is not limited to:

* 1. Falsification of application material pertaining to the conviction(s);
	2. Length of time that has passed since the conviction(s) occurred;
	3. Individual’s age at the time the crime was committed;
	4. Employment record subsequent to conviction;
	5. Length of IDJC service and performance (if applicable);
	6. Number and gravity of crimes committed and the nature of the crime(s) in relationship to the nature of the work to be performed;
	7. Relationship of the crime committed to the responsibilities of the position desired;
	8. Any evidence of rehabilitation; and
	9. Facts or circumstances surrounding the offense or conduct.
1. The assessment and determination is made within two weeks of the individualized assessment request. If the decision is to not retain the individual, the following applies:
	1. For a permanent employee, the agency follows due process requirements applicable to permanent staff.
	2. For a probationary employee, the agency rescinds the conditional offer of employment and separates the employee.
	3. For temporary employees, the agency separates the employee.
	4. For volunteers and interns, the agency severs the relationship and does not allow volunteer or intern to continue to perform services for the agency.

F. Falsification of information or refusal by the applicant to comply with the background check requirements is valid grounds for denial.

G. A previous denial by the IDJC within three years of the current application constitutes an automatic denial.

IX. Employee Performance Evaluations

The IDJC asks employees about previous misconduct, as outlined in Policy section, above, paragraph three, 1.-3., and employees record their answers on the Employee Performance Review form, as part of ongoing reviews of current employees. An affirmative answer to any of these three questions could result in dismissal.

X. Background check records and retention

1. Background checks are confidential and are the property of the IDJC.
2. Background checks may be released, as required by law.
3. Background checks and supporting documentation are maintained in a file separate from the employee personnel record for a period of time, as directed by the state of Idaho records retention schedule or other accepted standard of records retention. The appointed IDJC contact(s) for volunteers, interns, contractors, sub-contractors, and similar maintain confidential files for background history checks and supporting documentation, preferably in an electronic format.

XI. Future Employment References

Unless prohibited by law, the agency provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

*Reference:* [*Glossary of Terms and Acronyms*](http://djcnamsp1/Glossary%20of%20Terms%20%20Acronyms/Glossary%20of%20Terms%20and%20Acronyms.doc)

 *Civil Rights, 42 USC 1997*

*US Department of Justice, PREA Juvenile Facility Standards, §115.317, Hiring and Promotion Decisions*

*IDAPA 11.11.01, “Rules of the Idaho Peace Officer Standards and Training Council”*

*Idaho Juvenile Corrections Act*

*IDAPA 05.02.01, “Rules for Residential Treatment Providers,” Section 126*

[*Records Retention Schedules*](http://djcnamsp1/recordsmanagement/CurrentRetentionSchedules/Forms/Retention%20Schedules.aspx)

[*Records Destruction Logs*](http://djcnamsp1/recordsmanagement/Lists/RecordsDestructionLogs/AllItems.aspx)

*Desk Manuals: None*

*Related Policies:* [*Drug-Free Workplace (327)*](http://djcnamsp1/Policies%20and%20Procedures/327.docx)

[*Volunteers, Interns, and Contracted Service Providers (631)*](http://djcnamsp1/Policies%20and%20Procedures/631.docx)

[*Ethics and Standards of Conduct*](http://djcnamsp1/Policies%20and%20Procedures/324.docx) *(324)*

[*Juvenile Supervision (608)*](http://djcnamsp1/Policies%20and%20Procedures/608.docx)

[*Records Management Program (117)*](http://djcnamsp1/Policies%20and%20Procedures/117.docx)

[*Public Records (901)*](http://djcnamsp1/Policies%20and%20Procedures/901.doc)

*Related Forms:* [*Background History Check Authorization and Self-Declaration (DJC-058)*](http://djcnamsp1/Department%20Forms%202/058.docx)

[*Authorization to Release Information (DJC-059)*](http://djcnamsp1/Department%20Forms%202/059.docx)

 *[Policy Receipt Acknowledgement (DJC-079)](http://djcnamsp1/Department%20Forms%202/079.docx)*

*Employee Performance Review (HR form)*

 [*Records Destruction Worksheet (DJC-279)*](http://djcnamsp1/Department%20Forms%202/279.xlsx)