

**Idaho Department of  
Juvenile Corrections  
Administrative  
Policy/Procedure**

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**SUBJECT: BACKGROUND CHECKS**

**CATEGORY: HUMAN RESOURCES**

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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 job applicants, 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) of 2003, 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 applicant offences: 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 all new hires and current employees, as well as non-employees including volunteers, interns, and contractors/subcontractors (VICs).

## **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 compliance managers.

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 or Superintendent of the results of the background check for these individuals.

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 to do so by the division administrator or Superintendent. See the Volunteers, Interns, and Contracted Service Providers (631) policy/procedure.

### **I. Non-Employment**

#### **A. Volunteers, interns, contractors and similar**

The appointed IDJC contact for volunteers, interns and contractors follows this policy regarding background checks and oversees the process. All volunteers, interns, and contractors are required to complete the following:

1. Criminal History Check Authorization and Self-Declaration (DJC-058) form,
2. PREA Pre-Employment Candidate Questionnaire (DJC-060)
3. Criminal history fingerprint background check
4. State child abuse registry check
5. 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 the Criminal History Check Authorization and Self-Declaration (DJC-058) form. The state of Idaho. background checks of volunteers, interns and contractors are processed and reviewed to the same requirements as all other background checks conducted pursuant to this policy.

#### **B. Contractors, sub-contractors, and similar**

1. 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.
2. Contractors, subcontractors, and employees of each that may have contact with juveniles will either:

- a. Submit to a background check (as outlined above in section I. A.) and be cleared to perform services prior to use, or
  - b. They must have their services supervised by staff.
- 3. 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. Pre-hire drug screening (all POST-certified and safety sensitive positions)
  - 2. Background check (Idaho Law Enforcement Tracking System—Ilets) includes driver's license record check, sex offender registry check (POST-certified positions)
  - 3. I-Court Record check (POST Certified, safety sensitive and security sensitive positions)
  - 4. Driver's License Record Check (positions where driving is a requirement)
  - 5. National Sex Offender Registry Check (all agency positions)
  - 6. 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 the Criminal History Check Authorization and Self-Declaration (DJC-058) form.
  - 7. Fingerprint Background Check (all positions).
  - 8. Reference Checks

### B. Institutional Employers

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 check requirements 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.

POST-certified classifications include, but are not limited to Rehabilitation Technician; Rehabilitation Technician Trainee; Recreation Coordinator, Correction; Rehabilitation Specialist, Associate; Rehabilitation Specialist; Rehabilitation Supervisor; Instructor Specialist and Education Program Manager (JCC–Lewiston only).

- 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, the Authorization to Release Information (DJC-059) form informing the applicant of the background check process requirement, and the PREA Pre-Employment Candidate Questionnaire (DJC-060) form.

### 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/procedure

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

- A. All persons required by this policy to submit to a background check will complete the DJC-058 form at the time they are fingerprinted with a copy of the DJC-058 submitted to HR.
- B. All items on the DJC-058 form must be fully completed and no information is omitted. The DJC-058 form is reviewed by HR. Any disclosure of criminal history or misconduct must be reviewed by the Division Administrator or Superintendent.
- 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.

V. Fingerprint Background Check

- A. 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.
- B. 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.
- C. Fingerprinting is completed as soon as possible after a conditional offer is made for POST-certified positions or on the first day of attendance or employment at each work location for other positions. A valid state or federal-issued photo identification card (ID) must be presented at time of fingerprinting.
- D. Except where electronic fingerprinting is utilized, all positions require completion of one fingerprint card to be submitted to HR.
- E. 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.
- F. Employees who are unable to submit to fingerprinting will submit to an alternative method of background check, as determined by HR.

VI. Disqualification from Employment/Non-Employment

- A. 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.
- B. Additionally, those persons who are required to meet POST standards and are unable or unwilling to do so will have any contingent offer of hire rescinded.

VII. Termination of Employment/Non-Employment

- A. At the 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 their hire date.

## VIII. Background History Record/Valid Complaint

### A. Employee Background Check Results

If an employee 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 will meet to review the results. The aforementioned group decides regarding follow-up necessary or the impact on the employment of the individual.

### B. Volunteer, Intern, Contractor Background Check Results

HR will forward volunteer, intern, and contractor fingerprint background check results to the appointed IDJC contact and Superintendent. If background check results reveal 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 appointed IDJC contact will discuss the results with the QI Administrator and regional Superintendent for review and approval of VIC assignment.

- C. 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. F. of this policy.

1. 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.
2. Conviction or admission of guilt for any other crime the IDJC reasonably believes may endanger a vulnerable person.
3. A conviction, as outlined in POST IDAPA rules 11.11.01, Ineligibility Based Upon Past Conduct, for positions that require POST certification.

- D. With the exception of the above, a prior criminal conviction does not automatically disqualify an individual from an offer of employment, 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.

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

The assessment may include, but is not limited to:

- a. Falsification of application material pertaining to the conviction(s);
  - b. Length of time that has passed since the conviction(s) occurred;
  - c. Individual's age at the time the crime was committed;
  - d. Employment record subsequent to conviction;
  - e. Length of IDJC service and performance (if applicable);
  - f. Number and gravity of crimes committed and the nature of the crime(s) in relationship to the nature of the work to be performed;
  - g. Relationship of the crime committed to the responsibilities of the position desired;
  - h. Any evidence of rehabilitation; and
  - i. Facts or circumstances surrounding the offense or conduct.
3. 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:
  - a. For a permanent employee, the agency follows due process requirements applicable to permanent staff.
  - b. For a probationary employee, the agency rescinds the conditional offer of employment and separates the employee.
  - c. For temporary employees, the agency separates the employee.
  - d. For volunteers interns and contractors, the agency severs the relationship and does not allow volunteer, intern or contractor 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 of their application.
- G. A previous denial by the IDJC within three years of the current application constitutes an automatic denial.

#### IX. Employee Performance Evaluations

In alignment with federal PREA requirements, the IDJC asks employees about previous misconduct, as outlined in the Policy section, above, paragraph three, 1.-3. Employees record their answers to these questions 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

- A. Background checks are confidential and are the property of the IDJC.
- B. Background checks may be released, as required by law.
- C. Background checks and supporting documentation are maintained in the employee personnel record and retained per the RS0020 records retention schedule.
- D. 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. Refer to the 631 policy/procedure.

#### 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](#)  
                              *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](#)  
                              [Records Destruction Logs](#)

*Desk Manuals:*    *None*

*Related Policies:*   [Drug-Free Workplace \(327\)](#)  
                              [Volunteers, Interns, and Contracted Service Providers \(631\)](#)  
                              [Ethics and Standards of Conduct \(324\)](#)  
                              [Juvenile Supervision \(608\)](#)  
                              [Records Management Program \(117\)](#)  
                              [Public Records \(901\)](#)

*Related Forms:*    [Background History Check Authorization and Self-Declaration \(DJC-058\)](#)  
[Authorization to Release Information \(DJC-059\)](#)  
[PREA Pre-employment Candidate Questionnaire \(DJC-060\)](#)  
[Policy Receipt Acknowledgement \(DJC-079\)](#)  
*Employee Performance Review (HR form)*  
[Records Destruction Worksheet \(DJC-279\)](#)