

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
POLICY AND PROCEDURES

Policy No: 01-08	Effective Date: 05/09/07	Revision Date: 09-28-16
Subject: Criminal Background Checks		

I. Policy Statement

The Division and its contracted providers shall complete a criminal background check on all potential staff and volunteers prior to employment or service. As a condition of continued employment or volunteer service, criminal background checks will be conducted annually on all Division staff and volunteers.

II. Rationale

The purpose of this policy is to establish guidelines and hiring practices consistent with Utah Code, Administrative Rules, and the Department of Human Services Code of Ethics. Initial and annual criminal background checks, as a condition of employment, will ensure consistent standards and enhance the safety and security of the juveniles in our care.

III. Definitions

“Bureau of Criminal Identification (BCI)” refers to the state agency that maintains a repository of criminal records (submitted by state law enforcement agencies) that is used by criminal justice agencies for criminal investigations and by non-criminal justice agencies for employment and licensing purposes.

”Criminal Background Checks” is the process through which Division designated and trained personnel submit personal information to the BCI to identify criminal convictions that may prohibit a person from providing employed or volunteer services to juveniles, according to Division policy 01-08.

“EMT” is the Division Executive Management Team including the Division Director, Deputy Director and Program Directors.

“Volunteer(s)” is a person over the age of 21 who provides help or a service to benefit juveniles in the custody or care of the Division, but who is not employed by the Division.

“Contracted Providers” is an independent person or business that provides services to the Division through a contract.

IV. Procedures

A. Criminal Background Checks:

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1. All potential staff, and persons providing volunteer services to juveniles in the Division, shall submit to a criminal background check prior to employment. Offers of employment or opportunity to volunteer are contingent on the results.
2. The Division shall conduct annual background checks on all staff and volunteers as a condition of continued employment or volunteering. Background checks revealing a conviction of a misdemeanor or a felony, as described in this procedure, may result in disciplinary action up to and including termination.
3. Staff transferring from other State of Utah agencies shall submit to and pass a background check, prior to transfer and then annually thereafter.
4. Background checks shall not be conducted without the written consent of the applicant/staff/volunteer. Failure to consent will result in disciplinary action which may include termination. Consent forms will be maintained on file and serve as authorization for subsequent annual background checks.
5. All fees associated with background checks will be the responsibility of the Division.
6. All information obtained from a background check shall be classified as a protected record and is subject to the Utah Government Records Access Management Act requirements (GRAMA).
7. The Division is not liable for errors from the criminal background check. If there is an error in the criminal record of an individual, it is the individual's responsibility to have the record corrected.

B. Reporting:

1. All potential and current staff and volunteers shall complete an "Informed Consent & Release of Liability" form authorizing the background check. A government issued photo identification and Social Security card or equivalent must be presented and copied to verify identity and ensure that the information on the form is complete and accurate.
2. All potential and current staff and volunteers shall report any previous arrests and/or convictions for felony or misdemeanor crimes on the initial application and on the "Informed Consent & Release of Liability" form.

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Falsifying or omitting information on either form could result in denial of employment or volunteer work or termination from employment.

3. Staff and volunteers cited, arrested, charged, or convicted of a misdemeanor or felony while employed or during the term of volunteer service for the Division, are required to report the citation/charge/conviction, in writing, to the Assistant Program Director (APD) within 24 hours. Failure to report may be cause for disciplinary action up to and including termination, in accordance with the Department of Human Resource Management rules.

C. Criminal Background Check Results:

1. A person convicted of a felony shall not be employed by the Division.
2. Volunteers with felony convictions may be approved by an APD for one-time events only.
3. In accordance with the Prison Rape Elimination Act (PREA), the Division prohibits the hiring of any staff or volunteer who has been engaged in sexual abuse in an institutional setting; who has been convicted of engaging in sexual activity in the community facilitated by force, threat of force, or coercion; or who has been civilly or administratively adjudicated to have engaged in such activity.
4. A person convicted of a misdemeanor involving an offense identified in the Utah Criminal Code as offenses against family, against a child, pornography, prostitution, or any type of sexual offense, distribution or production of illegal drugs shall not be employed by or volunteer for the Division. Because of the complicated nature of domestic violence convictions, individual circumstances may be reviewed and considered by the Program Directors (PDs) who will approve or deny employment or volunteer activity.
5. If a person has been convicted of a misdemeanor within the last five (5) years, but the conviction does **not** involve offenses identified in the Utah Criminal Code against the family, against a child, pornography, prostitution, any type of sexual offense, or distribution or production of illegal drugs, a review of the individual circumstances may be conducted and eligibility for hire will be approved or denied by the PDs.

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6. If the person is found to have no criminal history, or if the only offenses are misdemeanors not involving offenses identified in the Utah Criminal Code as offenses against family, against a child, pornography, prostitution, any type of sexual offense, or distribution or production of illegal drugs and the conviction is older than five (5) years, the person is eligible to be hired or volunteer, but may still be denied based on the individual circumstances.
- D. Printed criminal background reports that require approval, shall be shredded once a hiring or volunteer decision has been made. Background check information is maintained in the BCI data base and will be updated annually or as information is gathered.
 - E. The criteria stated in this policy will be used to determine whether a conviction may prohibit a current staff from continued employment with the Division. Any sanction that may be imposed, including termination, will be done in consultation with the Department of Human Resource Management.

V. Continuous Renewal

This policy shall be reviewed every three (3) years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Board of Juvenile Justice Services, and is approved upon the signature of the Director.



Russell K. Van Vleet, Chair
Board of Juvenile Justice Services

09-28-16

Signature Date



Susan V. Burke, Director
Division of Juvenile Justice Services

09-28-16

Signature Date