

# YOUTH SERVICES POLICY

<b>Title:</b> Criminal Record Check <b>Next Annual Review Date:</b> 07/15/2017	<b>Type:</b> A. Administrative <b>Sub Type:</b> 2. Personnel <b>Number:</b> A.2.18
<b>Page 1 of 7</b>	
<b>References:</b> La. R.S. 15:587, 15:587.1, 15:825.3, and 17:15; Civil Service Chapter 12; US DOJ PREA Standards 115.317(a), 115.317(b), 115.317(c), 115.317(d), 115.317(e), 115.317(f), 115.317(g), and 115.317(h); ACA Standard 2-CO-1C-18 (Administration of Correctional Agencies); 4-JCF-6C-05 (Performance-based Standards for Juvenile Correctional Facilities); 2-7036 and 2-7224 (Standards for Juvenile Probation and Aftercare Services); YS Policies A.1.7 "Risk Management", A.2.1 "Employee Manual", A.2.12 "Personnel Records", A.2.48 "Driver Safety Program" B.7.1 "Education", B.8.3 "Volunteer Services Program", C.2.8 "Youth Visitation in Secure Care Facilities", C.2.11 "Prison Rape Elimination Act (PREA)", and C.5.3 "Quality Assurance Reviews – Central Office Audits, Secure Facilities and Regional Offices"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>Mary L. Livers, Deputy Secretary</i>	<b>Date of Approval:</b> 07/15/2015

**I. AUTHORITY:**

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

**II. PURPOSE:**

To gain knowledge of any prior criminal activity, or of any substantiated or inconclusive child abuse complaint, on the part of a current or prospective employee, volunteer, intern, visitor, and contracted health care and treatment providers; to identify annually any criminal activity that could adversely affect an individual's job performance or has the potential to affect the safety and security of YS youth and staff.

**III. APPLICABILITY:**

This policy applies to all current and prospective employees, volunteers, interns, visitors, contracted health care and treatment providers, and educational staff.

Each Unit Head shall be responsible for ensuring that all necessary procedures are in place to comply with the provisions of this policy.

IV. DEFINITIONS:

***Automated Fingerprint Identification System (AFIS)*** - The national system used by police departments and United States federal agencies such as the CIA and the FBI. AFIS is a real time system that provides “hit” alerts once an employee has been entered, eliminating the need for annual criminal record checks to be conducted.

***Contract Provider*** – An outside entity or company, inclusive of all employees, that provides materials and services on a contract under the supervision of Youth Services.

***Hits*** - Any convictions, charges or arrests on the National Criminal Information Center report, or any match on the Louisiana Child Abuse Registry report.

***Intern*** - An advanced student or recent graduate undergoing supervised practical training.

***Juvenile Electronic Tracking System (JETS)*** - The centralized database used to track all youth under YS supervision or custody, and to record youth case record activity.

***Louisiana Child Abuse Registry (LCAR)*** – A centralized database maintained by the Louisiana Department of Children and Family Services (DCFS) that compiles records from all investigations of child abuse, and categorizes such cases as substantiated, inconclusive, or invalidated.

***Summons*** – A ticket or citation issued to a person in lieu of his arrest for the commission of any traffic, criminal or drug offense.

***Terminal Agency Coordinator (TAC)*** – Designated staff trained to ensure agency compliance with National Criminal Information Center and the Louisiana Law Enforcement Telecommunications System (LLETS).

***Unit Head*** - For purposes of this policy, Unit Head refers to Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, General Counsel, Regional Directors, Facility Directors and Regional Managers.

***Visitor*** – Any person who is on the grounds of a secure care facility for an authorized visit, or who is attempting to gain entry to the grounds to visitor conduct business with YS staff or youth, or for purposes of a tour.

***Volunteer*** - An individual who donates time and effort to enhance YS' activities and programs. Volunteers may include student interns, job services training program participants, senior citizens, faith-based organizations, and others who serve without financial remuneration.

**V. POLICY:**

It is the Deputy Secretary's policy that all current and prospective YS employees, and all secure care facility volunteers, interns, visitors and contracted health care and treatment providers shall undergo a criminal record background check through the Automated Fingerprint Identification System (AFIS) prior to their employment, initiation of volunteer services or visitation as appropriate.

In addition, it is the Deputy Secretary's policy that, as a part of this background check, the names of all prospective employees, as well as contract providers that will have direct access to youth in custody, shall be cross-referenced against the State of Louisiana Child Abuse Registry (LCAR) maintained by the Louisiana Department of Children and Family Services (DCFS).

Current YS employees who may be transferred to work at another facility/office, or be temporarily assigned to assist with operations at another facility/office, shall not be required to undergo additional criminal record checks at the time of the reassignment. Therefore, record checks shall be honored across all agency units to prevent multiple checks being performed.

Unauthorized access or dissemination of any information regarding criminal activity to unauthorized persons or failure by designated staff herein to report LCAR and AFIS "hits" to the Unit Head shall result in disciplinary action commensurate with the violation.

**VI. PROCEDURES:**

A. **Prospective** YS employees, all secure care facility volunteers, interns, visitors, contracted health care and treatment providers, and educational staff.

1. The unit's Human Resource (HR) Liaison shall provide the required paperwork to the prospective employee, volunteer, intern, visitor, contract health care and/or treatment provider, or educational staff for completion prior to their employment or initiation of services, authorizing the unit's Terminal Agency Coordinator (TAC) to initiate a "YS Criminal Record Check Request" form [see Attachment A.2.18 (a)] and to initiate a LCAR check.

In addition, the unit's HR Liaison shall provide a copy of this policy to the pertinent individual listed above for review and required completion of the "Confirmation of Receipt of Policy" [see Attachment A.2.18 (d)]. The signed confirmation shall be maintained by the unit's HR Liaison, and a copy shall be forwarded to Public Safety Services (PSS) HR.

**REMINDER:** If serving time in the military applies when completing Attachment A.2.18 (a), a copy of the DD Form 214 "Certificate of Release or Discharge from Active Duty" reflecting the type of discharge must be attached to the form for submission to PSS/HR.

2. Completed fingerprint cards shall be submitted to the Central Office (CO) Administrative Program Director who shall forward them to the Louisiana State Police (LSP) for processing through the Bureau of Criminal Identification and Information.

An email shall be sent to the CO Administrative Program Director by LSP with an attachment to verify if applicant is eligible for employment. The CO Administrative Program Director shall forward a copy of the email attachment to PSS/HR.

3. All AFIS and LCAR "hits" on prospective employees, interns, contracted health care and treatment providers, and educational staff shall be communicated to the Unit Head in writing by the unit's TAC. Prior to making an offer of employment, the Unit Head shall forward the "Report of Hits" [see Attachment A.2.18 (b)], to the Regional Director/Chief of Operations for review and approval or denial.

The HR Liaison shall maintain a copy of the "approval" or "denial", and a copy shall be forwarded to PSS/HR.

4. All AFIS "hits" on prospective volunteers shall be communicated to the Unit Head in writing by the unit's TAC. Prior to the commencing of services, the Unit Head shall forward the "Report of Hits" to the appropriate Regional Director for review and approval or denial. "Approval" or "denial" of volunteers shall be copied to the unit's Volunteer Services Coordinator for informational purposes
5. All AFIS "hits" on prospective visitors shall be communicated to the Unit Head in writing by the unit's HR Liaison. Prior to allowing visitation privileges, the Unit Head shall forward the "Report of Hits" to the appropriate Regional Director for review and approval or denial.

- B. **Current** YS employees, volunteers, interns and visitors, as well as contracted health care and treatment providers, and educational staff providing services in secure care facilities.

1. **Annual** LCAR background checks on current employees shall be conducted by Central Office Legal Services.

2. Real time AFIS "hits" shall be communicated to the Unit Head by the unit's TAC in writing by forwarding a copy of the report upon receipt from the CO Administrative Program Director.

The Unit Head shall forward the AFIS "Report of Hits" to the appropriate Regional Director/Chief of Operations the same day or within one (1) calendar day for review and approval or denial pursuant to the guidelines established in Section VI. C. of this policy.

- C. At the discretion of the Assistant Secretary, the following action may be taken as a result of a "hit" from AFIS or an annual LCAR check showing criminal charges or substantiated child abuse:

1. State employees may be put on LI - Leave Pending Investigation/Suspended with Pay.
2. Volunteers may be denied entrance onto facility grounds or reassigned pending a review or the outcome of the charges.
3. Visitors may be denied visitation depending on past felony convictions. (Refer to YS Policy C.2.8).
4. Contract staff shall be notified by the Unit Head, with approval from the Assistant Secretary, to suspend or reassign the individual in question pending a review or the outcome of the charges.

- D. A YS employee, secure care facility intern, contracted health care or treatment provider, or educational staff shall inform their immediate supervisor or the Unit Head if the immediate supervisor is not available, of an arrest or receipt of a criminal summons within 72 hours of receiving the summons or release from custody after arrest.

The Unit Head shall immediately notify the appropriate Regional Director/Chief of Operations, who shall immediately inform the Deputy Secretary, Assistant Secretary and PSS/HR of the arrest or receipt of criminal summons.

The following shall also occur within 72 hours of receipt of the summons or release from custody:

1. The supervisor or the Unit Head shall complete the "Report of Employee Arrest or Receipt of Summons" form [see Attachment A.2.18(c)], and attach a copy of the summons or any other documentation, including the UOR, pertinent to the occurrence provided by the employee.

If the supervisor is completing this form, the supervisor shall deliver it to the Unit Head, along with the UOR.

2. The Unit Head shall provide a copy of the notification report to the appropriate Regional Director/Chief of Operations, Deputy Secretary and the Assistant Secretary, along with all pertinent documentation.

The "Report of Employee Arrest or Receipt of Summons" form only shall be forwarded to PSS/HR.

3. PSS/HR shall maintain a copy of this report in the confidential section of the employee's personnel file. Failure to report may result in disciplinary action, up to termination of employment or services.
- E. In the event of an arrest or receipt of a criminal summons of a volunteer or visitor, it shall be the volunteer or visitor's responsibility to report the information to the Unit Head within 72 hours of receiving the summons or release from custody, along with a UOR.

The Unit Head shall complete the "Report of Arrest or Receipt of Summons" form and provide a copy, along with the UOR, to the Regional Director/Chief of Operations, the unit's Volunteer Services Coordinator or the unit's TAC.

Failure to report on the part of the volunteer or visitor may result in termination of services or visitation privileges.

## **VII. RECORD KEEPING:**

- A. AFIS criminal record background checks on prospective employees, interns, contracted health care and treatment providers, and educational staff, and any "hits" thereafter, as well as LCAR records are strictly confidential, and shall be retained in a secure location to be accessed only by trained and authorized personnel.
- B. AFIS criminal record background checks on prospective volunteers and visitors, and any "hits" thereafter, shall be retained in a secure location to be accessed only by trained and authorized personnel.
- C. AFIS and LCAR record checks SHALL NOT be maintained by anyone other than those designated through this policy.

## **VIII. EXCEPTION:**

The Deputy Secretary may grant an exception to any provision of this policy, provided such exception is not in conflict with law, State Civil Service rules, or other pertinent policies.

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**Previous Regulation/Policy Number:** A.2.18  
**Previous Effective Date:** 10/31/2014

**Attachments/References:**

Check Request 7-1-11.docx



10-31-14.doc



A.2.18 (a) Criminal Record

A.2.18 (b) Report of Hits 10-31-14.doc

A.2.18 (c) Report of Arrest or Receipt of Summons

A.2.18 (d) Confirmation of Receipt 10-31-14.doc