



Title: CRIMINAL HISTORY RECORD CHECKS

Originated: 5/2009 Reviewed: 7/2010

POLICY STATEMENT: Douglas Services is concerned about the health and safety of all individuals and the safeguarding of agency property. All reasonable efforts will be made to provide a safe and secure environment for participant, customers, staff and any other work-related contacts.

BACKGROUND / PURPOSE: To ensure that a criminal history record check is performed electronically via Cogent Systems for anyone who performs direct care, treatment or Custodial responsibilities.

Procedure:

1. All individuals who contract with DBHDD or their employees, who have direct care, treatment, custodial responsibilities, or any combination thereof, for its consumers, must undergo a fingerprint based criminal history record check.
2. DSLLC is responsible for ensuring that a criminal history record check is completed on each employee, and that the results are reviewed by the DBHDD Office of Incident Management and Investigations/Criminal Records Section, in accordance with this policy.

All applicants/employees are **required** to disclose felony convictions on applications for employment.

2.1 Falsification or misrepresentation of information, including criminal history, is prohibited and may result in an applicant not being employed or separation of an employee.

2.2 Material falsification or misrepresentation of any information, including criminal history, will result in an applicant not being employed or separation of an employee.

NOTE: **“Material” refers to information that directly influences and/or impacts the hiring decision based on records, credentials and/or qualifications.**



2.3 Individuals who are not employed due to falsification or misrepresentation of information are not eligible for consideration for employment with DSLCC for a minimum of six (6) months from the date the violation is discovered.

3. Employees are required to notify their Case Manager or human resource/personnel representative of any arrests and/or convictions within five (5) calendar days of the date of arrest or conviction. A determination of appropriate action will be made on a case by case basis.

CRIMES THAT RESTRICT EMPLOYMENT

1. Individuals who have been convicted of a crime listed in this section, or any other offense committed outside of the State of Georgia that would have been considered one of these crimes if committed in Georgia, are **disqualified** from employment as indicated below.
2. There is a **mandatory** disqualification from employment in positions subject to criminal history record checks for a **minimum** of five (5) years from the date of conviction, plea of *nolo contendere*, or release from incarceration or probation, whichever is later, for the following crimes
 - Murder or Felony Murder;
 - Attempted Murder;
 - Kidnapping;
 - Rape;
 - Armed robbery;
 - Robbery;
 - Cruelty to Children;
 - Sexual Offenses;
 - Aggravated Assault
 - Aggravated Battery;
 - Arson.
 - Theft by taking (O.C.G.A. 16-8-2), by deception (O.C.G.A. 16-8-3) or by conversion of (O.C.G.A. 16-8-4); and
 - Forgery (in the first or second degree)



3. DSLLC is **prohibited** from hiring applicants/employees who have been convicted of child or Participant abuse, neglect or maltreatment, regardless of the date.
 - 3.1 This is a permanent hiring prohibition.

4. The following minimum sanctions are to be imposed on applicants who have been convicted of a criminal drug offense:
 - 4.1 Disqualification from employment in any position for a period of two (2) years from the date of conviction for the first offense; and
 - 4.2 Disqualification from employment in any position for a period of five (5) years from the most recent date of conviction for the second or subsequent offense.

5. Applicants/employees may also be disqualified from employment, as determined appropriate by hiring officials or designees, if criminal history records indicate any of the following that have direct relevancy to the responsibilities or duties of the position.
 - 5.1 any other conviction or pattern of convictions;
 - 5.2 a pattern of recent arrests; or,
 - 5.3 a significant recent arrest. (Disqualification to apply until such time as the charge is resolved.)

AWARENESS STATEMENT

1. All employees who access, process, receive or review criminal history record information are required to sign an **AWARENESS STATEMENT** form. (See Attachment #3) The Rules of the GCIC Council require signed **AWARENESS STATEMENTS** to be placed in employees' official personnel files.



NOTICE & CONSENT FORM

1. Notification that a criminal history record check is required prior to employment with the Agency must be included on all job announcements.
2. Applicants are also to be advised of the required criminal history record check during the interview process.
3. At the time of the interview, applicants are to complete the **Consent for Criminal Background History Check** Applicants who refuse to sign the **Consent for Criminal Background History Check** form will not be given further consideration for employment.
4. Applicants are to be advised that they may be denied employment or separated based on information received on criminal history record checks.



MAINTENANCE OF RECORDS

1. Criminal history record information must be maintained separately from any type of personnel file.

1.1 This information, when not in use, must be stored in a locked cabinet. areas in which the information is processed and handled should be out of public view and restricted to authorized staff in the performance of their official duties.

1.2 Criminal history record information is accessible only to authorized employees who have a need to know.

2. All conviction data received can only be used for making employment decisions and will not be released or otherwise disclosed, except to a person or agency with a legal right to inspect the criminal history record file.

2.1 The release of criminal history record information to unauthorized individuals may be grounds for disciplinary action, up to and including dismissal.

2.2 Criminal penalties may be imposed for unlawfully accessing or communicating criminal history record information.



**Consent for Criminal Background History Check
Authorization/Waiver/Indemnity**

I hereby give my permission to Douglas Services to obtain information relating to my criminal history record. The criminal history record, as received from the reporting agencies, may include arrest and conviction data as well as plea bargains and deferred adjudications and delinquent conduct committed as a juvenile. I understand that this information will be used, in part, to determine my eligibility for an employment/volunteer position with this organization. I also understand that as long as I remain an employee or volunteer here, the criminal history records check may be repeated at any time. I understand that I will have an opportunity to review the criminal history as received by Douglas Services. I also understand that the criminal history could contain information presumed to be expunged.

Signature of applicant

Printed name of applicant

Date



GEORGIA CRIME INFORMATION CENTER AWARENESS STATEMENT

Access to Criminal Justice Information, as defined in GCIC Council Rule 140-1-.02 (amended), and dissemination of such information are governed by state and federal laws and GCIC Council Rules. Criminal Justice Information cannot be accessed or disseminated by any employee except as directed by superiors and as authorized by approved standard operating procedures which are based on controlling state and federal laws, relevant federal regulations, and the Rules of the GCIC Council. O.C.G.A. §35-3-38 establishes criminal penalties for specific offenses involving obtaining, using, or disseminating criminal history record information except as permitted by law. The same statute establishes criminal penalties for disclosing or attempting to disclose techniques or methods employed to ensure the security and privacy of information or data contained in Georgia criminal justice information systems.

The Georgia Computer Systems Protection Act (O.C.G.A. §16-9-90 et seq) provides for the protection of public and private sector computer systems, including communications links to such computer systems. The Act establishes four criminal offenses, all major felonies, for violations of the Act: Computer Theft, Computer Trespass, Computer Invasion of Privacy, and Computer Forgery. The criminal penalties for each offense carries maximum sentences of fifteen (15) years in prison and/or fines up to \$50,000.00, as well as possible civil ramifications. The Act also establishes Computer Password Disclosure as a criminal offense with penalties of one (1) year in prison and/or a \$5000.00 fine.

The Georgia Criminal Justice Information System Network is operated by the Georgia Crime Information Center in compliance with O.C.G.A. §35-3-31. All data bases accessible via CJIS Network terminals are protected by the Computer Systems Protection Act. Similar communications and computer systems operated by municipal/county governments are also protected by the Act.

By my signature below, I acknowledge that I have read and understand this Awareness Statement.

Print Name: _____

Signed: _____ Date: _____

Witnessed: _____ Date: _____