

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Background Investigations</b>	PAGE <u>1</u> OF <u>6</u>
	NUMBER: 34-PRO-07
RULE/CODE REFERENCE: 5120-7-01; 5149.02; 5120.05	SUPERSEDES: 34-PRO-07 dated 04/03/15
RELATED ACA STANDARDS: 4-4055; 4-4061; 2-CO-1C-10; 2-CO-1C-18; 2-CO-1G-05; 2-CTA-1C-07; 4-APPFS-3A-02	EFFECTIVE DATE: August 31, 2016
	APPROVED: 

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

**II. PURPOSE**

The purpose of this policy is to establish guidelines by which the Ohio Department of Rehabilitation and Correction (DRC) conducts background investigations.

**III. APPLICABILITY**

This policy applies to all persons employed by, seeking employment or internships, volunteering, or contracting with the Ohio Department of Rehabilitation and Correction (DRC).

**IV. DEFINITIONS**

**Background Investigation** - An investigation which may include, but is not limited to, verification of credentials, examination of employment references, and review of criminal history and military records (e.g., DD214, selective service registration). This record will include comprehensive identifier information to be collected and run against law enforcement indices.

**Centralized Background Checks Unit** - A work unit comprised of staff designated to complete background investigations on prospective contractors, volunteers, internship participants, and employees as assigned.

**Contractor** - As used in this policy, any individual, agency, or entity under legal agreement with DRC to provide goods and/or services to include sub-contractors and temporary agency employees.

**Guest Volunteer** - An individual or group who has been recruited and is visiting a specific program to determine their interest; visits the prison no more than one time per calendar year.

**Intern** - A paid or unpaid individual in a supervised educational or experiential program.

**Joint Terrorism Task Force (JTTF)** - A partnership between the Federal Bureau of Investigation and other federal agencies, notably Department of Homeland Security components such as U.S. Immigration and Customs Enforcement, the Transportation Security Administration, the Secret Service, State and Local Law Enforcement and specialized agencies.

**Law Enforcement Automated Data System (LEADS)** - A statewide computerized communication system and network established for criminal justice agencies within the state of Ohio. LEADS is administered by the Ohio State Highway Patrol (OSHP).

**Local Law Enforcement Check** - A review of an applicant's criminal history record from the local law enforcement agencies in all cities/counties in which the applicant attended school, worked and resided for at least the previous five (5) years.

**Routine Volunteer** - A volunteer whose assignment is such that routine visits to the facility are anticipated.

**Special Events Volunteer** - An individual or group who has been invited for a specific event (e.g. Victim Impact Speaker, Guest Speaker) and is not a Routine Volunteer.

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to ensure a background investigation is conducted on each state employee, intern, contractor, and volunteer under primary consideration for employment or entrance into any of its offices/institutions unless otherwise exempted by this policy. The purpose of the background investigation is to identify offenses or behaviors that may impact job performance, volunteer participation or internship work, or their ability to provide services. The appointing authority/designee shall review and personally approve the proposed work location and plan for supervision of all state employees, interns, contractors, and volunteers prior to authorizing their services. DRC shall collaborate with the JTTF or other like agencies if suspect information regarding potential terrorism connections is retrieved.

## VI. PROCEDURES

- A. Background investigations for permanent unclassified positions must be conducted for all new hires, individuals moving from the classified service to the unclassified service, individuals transferring in from another agency if it has been more than two (2) years since an unclassified background investigation was conducted, and current employees in the unclassified service moving into a different classification (also unclassified) if it has been more than two (2) years since an unclassified background investigation was conducted. Unclassified background investigations are completed by the Ohio State Highway Patrol, Department of Public Safety and are coordinated by the Director's office. All other background investigations are completed as outlined below.
- B. The Background Investigation Checklist (DRC1674) ensures completion of required investigation components as outlined in this policy. Additional investigative activities may be performed at the discretion of the appointing authority/designee. Completed background investigations and collected documentation must be approved by the appointing authority/designee prior to entry

authorization. Applicants must also meet the Criminal History Guidelines as outlined in this policy (Appendix A).

1. State Employment (Civil Service) – Background Investigations for state employment (civil service) shall be maintained in a confidential file separate from the case merit file in the personnel office for a period of no less than five (5) years from date of hire.
  - a. External Applicants (non-DRC) – An applicant being considered for employment must complete Personal History Statement (DRC1683) with required documentation provided, PREA Background Check Authorization form (DRC1422), and the Authority for Release of Information form (DRC1404) prior to a background investigation being conducted.

Sections 1, 2, and 3 of the Background Investigation Checklist (DRC1674) must be completed by a staff member designated by the appointing authority/designee with supporting documentation attached:

Section 1 General Information

Section 2 Fingerprints

LEADS

Local Law Enforcement (a minimum of previous five (5) years)

Section 3 Education

Section 4 Employment – This section may be completed at the discretion of the appointing authority/designee. A review of the previous five (5) years is recommended utilizing the Background Investigation Employment Worksheet (DRC1676). The personal reference section may also be completed at the discretion of the appointing authority/designee utilizing the Background Investigation Personal References Worksheet (DRC1678).

- b. Internal DRC Applicants (promotions, lateral class changes, demotions) – An applicant being considered for internal movement must complete the Authority for Release of Information form (DRC1404) and PREA Background Check Authorization form (DRC1422) prior to a background investigation being conducted unless otherwise already on file. The following sections of the Background Investigation Checklist (DRC1674) must be completed with supporting documentation attached:

Section 2 LEADS only

Section 3 Education as applicable to the position

2. Contractor

- a. Requests for background investigations on contractors shall be initiated and coordinated by the appointing authority/designee with the centralized background checks unit. The appointing authority/designee shall electronically submit the following documentation to the centralized background checks unit to request a background investigation. The appointing authority/designee shall ensure all contractors hold valid licenses/certifications as applicable.

- b. The Independent Contractor Information form (DRC1681), Authority for Release of Information form (DRC1404), Prison Rape Elimination Act Background Check Authorization form (DRC1422), Staff Nexus form (DRC1500), and the Contractor, Volunteer, Interns Supplemental Questionnaire (DRC2013) shall be completed and submitted prior to a background investigation being conducted.
  - c. The centralized background checks unit shall complete the sections of the Background Investigation Checklist (DRC 1674) identified in section VI.B.2.d of this policy and forward a completed Background Investigations Checklist (DRC1674) to the requesting appointing authority/designee. All original documentation submitted to the centralized background checks unit and Completed Background Investigation Checklists (DRC1674) for contractors shall be maintained in a confidential file by the appointing authority/designee in a secure location as designated by the appointing authority/designee for a period of no less than five (5) years from the initial date of contract, or for the duration of the contractor's service, whichever is longer. Appointing authorities/designees may request a contractor's background check be completed annually after the initial background check or anytime thereafter upon receipt of information that warrants a new background check. This request shall be made in accordance with the process outlined in section VI.B.2.a-b of this policy.
  - d. The following sections of the Background Investigation Checklist (DRC1674) shall be completed by the centralized background checks unit:
    - Section 1 General Information
    - Section 2 LEADS
      - Local Law Enforcement (Residence Only)
  - e. Appointing authorities/designees shall have discretion to exempt certain contractors (e.g., office equipment repair technicians, delivery drivers, etc.) from the background investigation requirements of this policy when the contractor remains under continuous escort and there is no anticipation of inmate/offender interaction. The appointing authority/designee may request a background investigation on any contractor in accordance with this policy.
3. Intern/Routine Volunteer
- a. Requests for background investigations on interns and routine volunteers shall be initiated and coordinated by the appointing authority/designee with the Centralized Background Checks Unit. Background Investigations on guest volunteers and special events volunteers may be conducted at the discretion of the appointing authority/designee. The appointing authority/designee shall electronically submit the following documentation to the centralized background checks unit to request a background investigation.
  - b. The Individual Application for Intern/Volunteer Services (DRC3291), Staff Nexus (DRC1500), Contractor Volunteer, Interns Supplemental Questionnaire (DRC2013), and the Authority for Release of Information form (DRC1404) shall be completed and submitted prior to a background investigation being conducted.

- c. The centralized background checks unit shall complete the sections of the Background Investigation Checklist (DRC1674) identified in section VI.B.3.d of this policy and forward a completed Background Investigations Checklist (DRC1674) to the requesting appointing authority/designee. All documentation submitted to the Centralized Background Checks Unit and Completed Background Investigation Checklists (DRC1674) for interns and routine volunteers shall be maintained in a confidential file in a secure location designated by the appointing authority/designee for a period of no less than five (5) years from date of approval.
- d. The following sections of the Background Investigation Checklist (DRC1674) must be completed upon initial approval of the volunteer/intern and maintained for five (5) years thereafter with supporting documentation attached:

Section 1 General Information

Section 2 LEADS

Local Law Enforcement (Residence only)

4. Institution applicants with felony level criminal history must be approved by the appointing authority and the Regional Deputy Director. In the Division of Parole and Community Services, applicants with felony level criminal history must be approved by the Superintendent of APA and the Managing Director of Court & Community. Operation Support Center applicants with felony level criminal history must be approved by the Director/designee. All applicants must be tracked at the institution/work-site for future data inquiries.
- C. Additional investigative activities may be performed by an authorized staff member under the direction of the appointing authority/designee.
  - D. In circumstances where a satisfactory background investigation has already been completed by a governmental agency within the past two (2) years on an intern, contractor, or volunteer applicant, the Director/designee may waive part or all of the required background investigation by the DRC.
  - E. Notification  

If information is received regarding potential terrorism connections while conducting a background investigation of a potential employee, volunteer, intern or contractor, the STG coordinator at OSC is to be notified immediately so they may contact the JTTF.
  - F. Prison Rape Elimination Act
    1. Consistent with Federal, State and local law, DRC shall make its best effort 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. If additional information is required before a determination may be made as to whether a potential employee or contractor may be considered for employment or entrance into a DRC facility, a request shall be submitted to the DRC Chief Inspector's Office for further investigation.

2. Background investigations for the purposes of compliance with PREA shall be conducted in accordance with the procedures outlined in DRC policy 79-ISA-01, Prison Rape Elimination, and directives from the Office of the Chief Inspector or the Bureau of Operational Compliance.
3. Requests from institutional employers for information on substantiated allegations of sexual abuse or sexual harassment involving former DRC employees shall be forwarded or referred to DRC legal services for response. Unless prohibited by law, DRC shall provide 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.

**Related Department Forms:**

Authority for Release of Information	DRC1404
PREA Background Check Authorization	DRC1422
Staff Nexus	DRC1500
Background Investigation Checklist	DRC1674
Background Investigation Employment Worksheet	DRC1676
Background Investigation Personal References Worksheet	DRC1678
Independent Contractor Information	DRC1681
Personal History Statement	DRC1683
Contractor/Volunteer/Intern Supplemental Questionnaire	DRC2013
Individual Application for Intern/Volunteer Services	DRC3291

**Appendix A**  
**(DRC Policy 34-PRO-07)**

**Criminal History Guidelines**

Applicants with criminal histories that do not fall within these misdemeanor and felony guidelines or have sealed or expunged records (that would have otherwise excluded them from employment consideration) will be reviewed by the Appointing Authority/designee on a case-by-case basis.

***Guidelines for Misdemeanor Offenses***

1. Applicants with criminal misdemeanor convictions and active protection orders that have a weapons disability shall not be considered for positions mandated to certify & recertify with weapons.
2. Applicants with recent and/or multiple criminal misdemeanor convictions shall be considered on a case-by-case basis according to the nexus to the position, time, number, nature, and severity of the offense(s).

***Guidelines for Felony Ex-Offenders***

In the case of applicants with felony convictions, applications, interview materials, and all related background documentation of the primary applicant pool and primary applicant must be approved in accordance with DRC policy 34-PRO-07, Background Investigations.

1. Applicants must have a Relief from Weapons Disability for positions mandated to certify, recertify, and carry weapons.
2. O.R.C. 2961.02 prohibits individuals convicted of a felony involving fraud, deceit, or theft from holding a position that has substantial management or control over the property of a state agency.
3. Consistent with HB 130, ex-offenders may be excluded from consideration for hiring if it can be shown that there is a direct correlation between the position and the prior criminal behavior resulting in a felony conviction.
4. Applicants under post-release control supervision, parole supervision, probation or community control, or monitored time must be approved by the APA Regional Administrator, Superintendent of the APA, and the Managing Director of Court & Community.

## Permanent Exclusions

Prior convictions (s)/violation(s) of:
<p>28 CFR § 115.17:(a) The agency shall not hire . . . anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who –</p> <ul style="list-style-type: none"><li>(1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution;</li><li>(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, or coercion, or if the victim did not consent or was unable to consent or refuse;</li><li>(3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.</li></ul> <p>(b) The agency shall consider any incidents of sexual harassment in determining whether to hire . . . anyone, or to enlist the services of any contractor, who may have contact with inmates.</p> <p>(f) The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring.</p>
<p>O.R.C. 2921.36: Illegal conveyance of weapons, drugs, or other prohibited items onto the grounds of a detention facility or institution.</p> <p>O.R.C. 2909.22: Soliciting or providing support for an act of terrorism; 2909.24: Terrorism; 2909.29: Money laundering in support terrorism</p>
<p>O.R.C. 2907/DRC Policy 31-SEM-07 (Unauthorized Relationships): Department employees, contractors and volunteers must maintain a professional relationship with all persons under the supervision of the Department of Rehabilitation and Correction</p>
<p>O.R.C 1347.15 Access rules for confidential personal information: (H) (1) No person shall knowingly access confidential personal information in violation of a rule of a state agency; (H) (2) No person shall knowingly use or disclose confidential personal information in a manner prohibited by law; (H) (3) No state agency shall employ a person who has been convicted of or pleaded guilty to a violation of division (H) (1) or (2) of this section.</p>