

POLICY TITLE: BACKGROUND INVESTIGATIONS		PAGE 1 OF 4
POLICY NUMBER: 3.24		
CHAPTER 3: PERSONNEL		
 STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 		PROFESSIONAL STANDARDS:
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I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

This policy establishes procedures for conducting background investigations on applicants for employment on their criminal history, employment history, including incidents of sexual abuse or sexual harassment, and other background information. Also, persons providing services by agreement with or under contract with the Department, student interns, and volunteers are required to have a criminal history background check.

IV. DEFINITIONS

1. Background Investigation - the process of authenticating information on an individual through reviews of records and interviews with sources of information, which may include, but not be limited to, a report of the individual's driver's license, criminal history, inquiries about prior employment, military background, credit reporting, education, and references.
2. Criminal History Background Check - a search of federal and/or state criminal records to report information regarding an individual's criminal history, including felony and misdemeanor criminal convictions, arrests, and pending charges.

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VI. ATTACHMENTS

Attachment A: Authority for Release of Information

VII. PROCEDURES

Procedure A: Background Investigations

1. As part of the employment application submission process, each applicant authorizes the Department of Administrative and Financial Services (DAFS), Bureau of Human Resources (BHR), and/or the Department of Corrections to conduct any necessary investigations concerning work habits and character that may include, but not be limited to, the following, as applicable:
 - a. a criminal history background check;
 - b. a driving and motor vehicle records check, if the position requires driving;
 - c. a pre-employment drug test;
 - d. a credit history check;
 - e. other material pertinent to qualifications;
 - f. past employment history; and
 - g. any other information provided in the applicant's application.

2. All applicants shall be asked to sign the Authorization for Release of Information form (Attachment A) to allow these investigations to be conducted. Any applicant who refuses to sign the release shall be removed from consideration for employment with the Department.

3. In order to identify whether there are criminal convictions that would affect job performance or delivery of services, the Department's Director of Human Resources, or designee, in conjunction with the facility Chief Administrative Officer, or designee, Regional Correctional Administrator, or designee, or Deputy Commissioner, or designee, as applicable, shall ensure that a criminal history background check that consists of comprehensive identifier information to be collected and run against law enforcement indices is conducted:
 - a. on potential employees prior to hiring; and
 - b. on persons providing services by agreement with or under contract with the Department, student interns, or volunteers who may have contact with adult residents, juvenile residents, or community correction clients prior to assuming duties.

4. If as a result of the above criminal history background check, suspect information on matters with potential terrorism connections is returned on an applicant, that information shall be forwarded to the Maine Information and Analysis Center (Maine's Joint Terrorism Task Force).

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5. As allowed by law, efforts shall be made to contact any prior institutional employers for information on substantiated allegations of sexual abuse or sexual harassment, or any resignation during a pending investigation of an allegation of sexual abuse or sexual harassment.
6. In addition, all new employees, persons providing services by agreement with or under contract with the Department, student interns, or volunteers who may have direct contact with juvenile residents or juvenile community corrections clients shall be required to submit to a child abuse registry check through the Maine Department of Health and Human Services prior to assuming duties.
7. The Department's Director of Human Resources, or designee, 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 to work.

Procedure B: Additional Criminal History Background Checks

1. The Department's Director of Human Resources, or designee, in conjunction with the facility Chief Administrative Officer, or designee, Regional Correctional Administrator, or designee, or Deputy Commissioner, or designee, as applicable, shall ensure that a criminal history background check is conducted at least every five years on current employees, persons providing services by agreement with or under contract with the Department, student interns, and volunteers who may have contact with adult residents or juvenile residents or community corrections clients.
2. Any other person with access to physically secure areas in which equipment used to access METRO is located shall have a state and national fingerprint-based criminal history background record check within thirty (30) days of being allowed access and shall have a criminal history background record check every five (5) years thereafter, unless staff authorized to have access to METRO escort the person at all times while he or she is in the physically secure area as set out in Department Policy 5.6, Criminal Justice Information System Security

Procedure C: Record Management and Retention

1. All background investigation records, including criminal history background checks, shall be kept confidential.
2. Employee background investigation records, including criminal history background checks, are considered employee personnel records and are subject to the [Maine State General Schedule Personnel Series](#) records retention schedule.
3. A copy of the above employee record(s) shall be scanned to the Maine Bureau of Human Resources (BHR) archives as part of the employee's personnel file and the original record(s) shall be maintained as set out below:
 - a. at the human resources office in the facility for facility employees; or

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- b. at the Human Resources Office in Central Office for community corrections and Central Office employees.
- 4. Background investigation records, including criminal history background checks, shall be maintained for ten (10) years on a person providing services by agreement with or under contract with the Department, a student intern, or a volunteer, as applicable:
 - a. at the human resources office in the facility for those persons working or volunteering at a facility; or
 - b. at the Human Resources Office in Central Office for those persons working or volunteering in a community corrections office or Central Office; and
 - c. these records shall be destroyed after ten (10) years once the person is no longer affiliated in any capacity with the Department, except that if the person becomes a Department employee, the records shall be retained as set out above.

Procedure D: Criminal History Background Check Challenge Process

1. If an individual disputes the information contained in the criminal history background check, he or she shall be directed to contact the Maine State Police State Bureau of Investigation for challenging the information found in his or her criminal record.
2. An employee may challenge information contained in his or her own personnel records other than the above as set forth in Department Policy 3.12, Personnel Records.

VIII. PROFESSIONAL STANDARDS

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- 5-ACI-1C-14 A criminal record check is conducted on all new employees, contractors, and volunteers prior to assuming their duties to identify whether there are criminal convictions that have a specific relationship to job performance. This record will include comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matters with potential terrorism connections is returned on a desirable applicant, it is forwarded to the local Joint Terrorism Task Force (JTTF) or another similar agency.
- 4-ACRS-7B-05 A criminal record check is conducted on all new employees and volunteers in accordance with state and federal statutes. This record will include comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matters with potential terrorism connections is returned on a desirable applicant, it is forwarded to the local Joint Terrorism Task Force (JTTF) or another similar agency.
- 4-JCF-6C-05 A criminal record check is conducted on all new employees in accordance with state and federal statutes.

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