

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

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| Policy No: 01-08 | Effective Date: 05/09/07 | Revision Date: 05-01-2019 |
| 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. As a condition of continued employment or volunteer service, initial criminal background checks will be conducted 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 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.

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IV. Procedures

A. Criminal Background Checks:

1. All potential staff, including staff transferring from another agency, and persons providing volunteer services to juveniles in the Division, shall submit to a criminal background check. Continued employment or opportunity to volunteer are contingent on the results. All new hires shall be supervised by designated staff pending results of the BCI.
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 engagement of duties and responsibilities directly with youth and/or youth records as outlined in IV A 1.
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 relating to employees and volunteers shall 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 responsibility of the individual to have the record corrected.

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B. Reporting:

1. All potential and current staff and volunteers shall complete a “Background Screening Application” 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. Falsifying or omitting information on this 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, 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.

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 Division of Juvenile Justice Services Executive Management Team, and is approved upon the signature of the Director.



Brett Peterson, Director
Division of Juvenile Justice Services

05/01/2019

Signature Date