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|  Department of Corrections and Community Supervision DIRECTIVE | TITLE Fingerprinting/Criminal History Inquiry - New Employees and Contractors | | NO. 2216 |
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| SUPERSEDES DIR# 2216 Dtd. 08/15/17 | DISTRIBUTION A | PAGES PAGE 1 OF 10 | DATE LAST REVISED |
| REFERENCES (Include but are not limited to) Directives #2112, #4750; OSC Payroll Bulletin #231; DCJS Use and Dissemination Agreement; ACA Expected Practice 4-4061 | APPROVING AUTHORITY  | | |

I. POLICY: All employees and contractors of the Department of Corrections and Community Supervision (DOCCS) will be subjected to a criminal history inquiry in order to obtain background information pertinent to the security of operations, to verify data on employment applications, and to receive notification when Department employees are arrested. Employees and contractors may also be fingerprinted in accordance with this directive. This policy applies to all titles as defined in Section II, Definitions.

II. DEFINITIONS

- A. Employee: An individual paid either annually, by calendar, 21 pay periods, or by a fee to perform duties within a correctional facility.
- B. Part-Time/Half-Time Employee: An annual salaried employee whose work schedule is less than 100 percent of the time.
- C. Per Diem Employee: An employee that is not annual salaried who is paid on an hourly basis.
- D. Extra Service Employee: A State employee who renders a service to an agency, office, or correctional facility other than the one in which they are regularly employed on a full-time basis. Extra service employees are salaried by the agency, office, or facility the employee renders service to.
- E. Outside Agency Employee: A State employee who is employed by an agency other than DOCCS, whose work assignment is within a DOCCS office or facility (e.g., Information Technology Services (ITS), Office of Mental Health (OMH), Department of Motor Vehicles (DMV) staff).
- F. Contract Service Provider/Consultant: A non-State employee who provides, under a formal agreement, a service to the facility but does not receive direct compensation as salary from the Department and whose duties are not performed under the direct supervision of security staff (e.g., Registered Nurse, Optometrist, Computer Software Engineer, etc.).
- G. Contractor: A non-State employee who provides, under a formal agreement, material, labor, repair, or maintenance on facility property, but does not receive direct compensation as salary from the Department.
- H. Volunteer: A volunteer is a person who is authorized to provide a service to DOCCS and its incarcerated individuals. Refer to Directive #4750, "Volunteer Services Program," for processing direction on types of volunteers.

III. CRIMINAL HISTORY INQUIRIES

A. Employees

1. *Correction Officers and Peace Officers*: Criminal history inquiries shall be conducted on all Peace Officer applicants by the Department's Employee Investigation Unit (EIU) as part of the pre-employment investigation.
2. *Non-Uniform (Civilian) Employees*: Criminal history inquiries shall be conducted on all non-uniform (civilian) staff. Superintendents, Regional Directors, Central Office Personnel, or their designees shall request a criminal history inquiry on individuals by electronically transmitting a criminal history request via <http://criminalhistoryrequest/>. The electronic criminal history request form must be submitted to EIU and the EIU response must be received by the requestor prior to the first day of employment. Derogatory criminal history information received in response to inquiries will be referred to the Director of Personnel for review.

NOTE: Summer School Teachers: Prior to the start of each summer session, facilities must request a criminal history inquiry be conducted.

NOTE: Paid interns will be processed as employees.

NOTE: Non-paid interns will be processed as volunteers.

3. *Per Diem Employees*: Criminal history inquiries shall be conducted in the same manner as non-uniform (civilian) staff (see Section III-A-2 above).
4. *Extra Service Employee*: Criminal history inquiries shall not be conducted on extra service employees that are permanent DOCCS staff. Criminal history inquiries shall be conducted on all extra service employees that are not DOCCS staff. Superintendents, Regional Directors, Central Office Personnel, or their designees shall request a criminal history inquiry on individuals by electronically transmitting a criminal history request via <http://criminalhistoryrequest/>. The electronic criminal history request form must be submitted to EIU and the EIU response must be received by the requestor prior to the first day of employment. Derogatory criminal history information received in response to inquiries will be referred to the Director of Personnel for review.

B. Outside Agency Employees

1. *Information Technology Services (ITS)*: Screening will be performed initially by New York State Police (NYSP). DOCCS will not receive notifications on clean hires. DOCCS will not receive notifications on automatic disqualifications. DOCCS (EIU@doccs.ny.gov) will receive notifications of "hits" on prospective ITS hires that do not automatically disqualify under Criminal Justice Information Services (CJIS), but who ITS wants to place here, so that DOCCS can review to determine suitability. EIU will refer "hits" to Office of Special Investigations (OSI); OSI will confer with the Chief Information Officer to determine suitability.
2. *Department of Motor Vehicles (DMV)*: Criminal history inquiries shall be conducted on all DMV employees whose work assignment is within a DOCCS office or facility. Superintendents, Regional Directors, Central Office Personnel, or their designees shall request a criminal history inquiry on individuals by electronically transmitting a criminal history request via <http://criminalhistoryrequest/>.

The electronic criminal history request form must be submitted to EIU and the EIU response must be received by the requestor prior to the first day of employment. Derogatory criminal history information received in response to inquiries will be referred to the Director of Personnel for review.

3. *Office of Mental Health (OMH)*: Criminal history inquiries shall be conducted on all OMH employees whose work assignment is within a DOCCS office or facility. Superintendents, Regional Directors, Central Office Personnel, or their designees shall request a criminal history inquiry on individuals by electronically transmitting a criminal history request via <http://criminalhistoryrequest/>. The electronic criminal history request form must be submitted to EIU and the EIU response must be received by the requestor prior to the first day of employment. Derogatory criminal history information received in response to inquiries will be referred to the Director of Personnel for review.

NOTE: OMH staff are exempt from providing their Social Security Number to DOCCS for the purposes of criminal history inquiry and fingerprinting.

- C. Contract Service Providers and Consultants: Criminal history inquiries shall be conducted on all contract service providers and consultants. Superintendents, Regional Directors, Central Office Personnel, or their designees shall request a criminal history inquiry on individuals by electronically transmitting a criminal history request via <http://criminalhistoryrequest/>. The electronic criminal history request form must be submitted to EIU and the EIU response must be received by the requestor prior to the first day of employment. Derogatory criminal history information received in response to inquiries will be referred to the Director of Personnel for review.
- D. Contractors: Criminal history inquiries shall be conducted on all contractors. Superintendents, Regional Directors, Central Office Personnel, or their designees shall request a criminal history inquiry on individuals by electronically transmitting a criminal history request via <http://criminalhistoryrequest/>. The electronic criminal history request form must be submitted to EIU and the EIU response must be received by the requestor prior to contractor entry into any DOCCS facility/office. Derogatory criminal history information received in response to inquiries will be referred to the Director of Personnel, Superintendent, Regional Director, OSI, or designee as appropriate for review.
- E. Volunteers: See Directive #4750, "Volunteer Services Program," Section VI-C-3.

****UNDER NO CIRCUMSTANCE WILL YOUTHFUL OFFENDER (YO), JUVENILE DELINQUENT (JD), OR JUVENILE OFFENDER (JO) INFORMATION BE RELEASED FROM THE EMPLOYEE INVESTIGATIONS UNIT (EIU).****

IV. FINGERPRINTING

A. Responsibility

1. *Correction Officer and Peace Officer applicants* requiring pre-employment screening shall be fingerprinted by EIU at the time of the initial background interview. Fingerprint responses (RAP sheets) will be retained in the background investigation file in EIU.

2. *Non-uniform (civilian) staff* will be fingerprinted on the initial date of employment. Central Office employees shall be fingerprinted by the Bureau of Personnel at EIU, facility employees shall be fingerprinted by the facility ID Officer, and Community Supervision employees shall be fingerprinted by trained staff on the FBI FD-258 APPLICANT card (blue). The fingerprints will be forwarded to EIU for processing immediately. Fingerprint responses (RAP sheets) will be forwarded to the originating facility/office by EIU. Responses that contain derogatory information that was not revealed when the criminal history inquiry was processed for employees and per diem employees will be reviewed by the Bureau of Personnel in Central Office (see also Directive #2112, "Report of Criminal Charges").

NOTE: Teachers, Vocational Instructors, and other 10-month employees assigned to the regular school year will be fingerprinted only once, even when they do not work the summer session. Summer School Teachers/Vocational Instructors will be fingerprinted only once as long as they work every consecutive summer. If there is a break in service and they fail to work one summer, they will be treated as a new employee during future summers, fingerprinted and charged the applicable fee.

NOTE: Paid interns are processed as non-uniform (civilian) employees.

NOTE: Non-paid Interns are processed and fingerprinted as volunteers.
3. *Per diem employees* shall be processed in the same manner as non-uniform (civilian) staff (see Section III-B-2 above).
4. *Extra service employees* who are permanent DOCCS employees will not be fingerprinted. Extra service employees who are not DOCCS employees but are assigned to the Department's facilities, Community Supervision offices, or to Central Office will be fingerprinted on the initial date of assignment. Fingerprints will be taken on the FBI FD-258 APPLICANT card (blue). A journal voucher (JV) must accompany all fingerprint cards in order to provide the required processing fee. Failure to submit the JV will result in a delay in processing. Fingerprint responses (RAP sheets) will be retained by EIU. Responses that contain derogatory information that was not revealed when the criminal history inquiry was processed for extra service employees will be reviewed by the Bureau of Personnel in Central Office. Upon notification from Personnel to proceed, EIU will notify the sender/submitter of the prints via email and confirm the transaction was successful and that there is now a RAP sheet on file at EIU. Where it has been determined that the extra service employee shall no longer enter DOCCS facilities/offices, EIU will notify the Superintendent, Regional Director, Division Head, or their designee.
5. *Outside Agency Employees*
 - a. *ITS* employees screening will be performed initially by New York State Police (NYSP). DOCCS will not receive notifications on clean hires. DOCCS will not receive notifications on automatic disqualifications. DOCCS (EIU@doccs.ny.gov) will receive notifications of "hits" on prospective ITS hires that do not automatically disqualify under CJIS, but who ITS wants to place here, so that DOCCS can review to determine suitability. EIU will refer "hits" to OSI; OSI will confer with the Chief Information Officer to determine suitability.

- b. *DMV* staff assigned to the Department's facilities, Community Supervision offices, or to Central Office will be fingerprinted on the initial date of assignment. Fingerprints will be taken on the FBI FD-258 APPLICANT card (blue) and submitted to EIU. A JV must accompany all fingerprint cards in order to provide the required processing fee. Failure to submit the JV will result in a delay in processing. Fingerprint responses (RAP sheets) will be retained by EIU. Responses that contain derogatory information that was not revealed when the criminal history inquiry was processed for DMV employees will be reviewed by the Director of Personnel. Upon notification from Personnel to proceed, EIU will notify the sender/submitter of the prints via email and confirm the transaction was successful and that there is now a RAP sheet on file at EIU. Where it has been determined that the DMV employee shall no longer enter DOCCS facilities/offices, EIU will notify the Superintendent, Regional Director, Division Head, or their designee.
- c. *OMH* staff assigned to the Department's facilities will be fingerprinted on the initial date of assignment. Fingerprints will be taken on the FBI FD-258 APPLICANT card (blue) and submitted to EIU. A JV must accompany all fingerprint cards in order to provide the required processing fee. Failure to submit the JV will result in a delay in processing. Fingerprint responses (RAP sheets) will be retained by EIU. Responses that contain derogatory information that was not revealed when the criminal history inquiry was processed for OMH employees will be reviewed by the Director of Personnel. Upon notification from Personnel to proceed, EIU will notify the sender/submitter of the prints via email and confirm the transaction was successful and that there is now a RAP sheet on file at EIU. Where it has been determined that the OMH employee shall no longer enter DOCCS facilities/offices, EIU will notify the Superintendent, Regional Director, Division Head, or their designee.

NOTE: OMH staff are exempt from providing their Social Security Number to DOCCS for the purposes of criminal history inquiry and fingerprinting.

6. *Contract service providers and consultants* will be fingerprinted on the initial date of assignment. Contract service providers and consultants assigned to Central Office shall be fingerprinted by the Bureau of Personnel at EIU, those assigned to a facility shall be fingerprinted by the facility ID Officer, and those assigned to Community Supervision shall be fingerprinted by trained staff on the FBI FD-258 APPLICANT card (blue) and submitted to EIU. A JV must accompany all fingerprint cards in order to provide the required processing fee.

Failure to submit the JV will result in a delay in processing. Fingerprint responses (RAP sheet) will be retained by EIU. Responses that contain derogatory information that was not revealed when the criminal history inquiry was processed for Contract Service Providers will be reviewed by the Director of Personnel. Upon notification from Personnel to proceed, EIU will notify the sender/submitter of the prints via email and confirm the transaction was successful and that there is now a RAP sheet on file at EIU. Where it has been determined that the Contract Service Provider shall no longer enter DOCCS facilities/offices, EIU will notify the Superintendent, Regional Director, Division Head, or their designee.

NOTE: If the contract service provider employee is working at more than one facility, the facility should contact EIU at (518) 485-9500 to determine if fingerprints were previously submitted by another facility. It will only be necessary for one set of fingerprints to be submitted.

7. *Contractors who work within any DOCCS facility or office* will be fingerprinted where the Superintendent, Regional Director, Division Head, or their designee has determined that based on the nature of the anticipated work, a contractor will have direct contact with incarcerated individuals, or the contract provides for six months or more of services. Direct contact with incarcerated individuals means contact beyond incidental contact, such as direct contact with incarcerated individuals while providing the contracted service, or contact with incarcerated individuals while the contractor is performing work in an operational program or housing area. Correctional facility contractor fingerprints will be taken by the facility ID Officer. Community Supervision contractors shall be fingerprinted by trained staff within the Community Supervision offices. Central Office or Training Academy contractors shall be fingerprinted at EIU on the FBI FD-258 APPLICANT card (blue) and submitted to EIU. A JV must accompany all fingerprint cards in order to provide the required processing fee. Failure to submit the JV will result in a delay in processing. EIU will notify the sender/submitter of the prints via email and confirm the transaction was successful and that there is now a RAP sheet on file at EIU. EIU will also include any discrepant information that may have been revealed on the RAP sheet that was not included with the initial criminal history inquiry.

NOTE: Contractors may be working at more than one facility/office; the facility/office should contact EIU at (518) 485-9500 to determine if fingerprints were previously submitted by another facility. It will only be necessary for one set of fingerprints to be submitted.

8. Volunteers: See Directive #4750, Section VI-C-3.

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- B. Fingerprint Cards*: The processing person shall verify the identity of the person being fingerprinted via a valid government issued picture ID, enter all pertinent data by following the instructions on the card, take the prints using the "rolled impression" method in the numbered print blocks, and the "plain impression" method in the lower row of blocks, secure the signature of the person being fingerprinted, and then sign as the official taking the fingerprints.

To avoid delay in the processing of fingerprint cards, be sure to complete cards clearly and legibly. To reorder fingerprint cards, contact EIU at (518)485-9500.

The FBI FD-258 APPLICANT card (blue) shall be completed for all titles as defined in Section II of this directive and forwarded to:

NYS DOCCS
Attn: EIU
1220 Washington Avenue
Albany, NY 12226 – 2050.

*See the summary Processing Chart, Attachment A.

C. Fees*

1. *Correction Officer and Peace Officer applicants* requiring pre-employment screening at EIU must pay the fingerprint processing fee. The \$75 fingerprint processing fee will be made via a U.S. Postal Money Order at the time the applicant is Live Scanned at EIU.
2. *New non-uniform (civilian) staff* will have the \$75 fingerprint processing fee taken out of their first full paycheck via payroll deduction. When these employees are fingerprinted on the first day of work, the Personnel office must notify the Payroll office that a fingerprint deduction (per OSC Payroll Bulletin #231) needs to be processed. If a non-uniformed civilian staff employee separates from service before they receive a full check, the facility MUST obtain the fingerprint fee from any money the employee is due. It is the responsibility of the facility to obtain the fingerprint fee from the employee. Failure to obtain the fingerprint fee will result in the facility making payment from the facility funds to make the fingerprint fee account whole.
3. *Per diem employees and physicians* must pay the fingerprint processing fee. The \$75 fingerprint processing fee will be made via a U.S. Postal Money Order, which should accompany the fingerprints when they are forwarded to EIU.
4. *Extra service employees* that are not permanent Department employees assigned to the Department's facilities, Community Supervision offices, or to Central Office will have the fingerprint processing fee paid via JV by the facility/office submitting the fingerprints.
5. *Outside agency employees* assigned to the Department's facilities, Community Supervision offices, or to Central Office will have the fingerprint processing fee paid via JV by the facility/office submitting the fingerprints.
6. *Contract service providers and consultants* assigned to the Department's facilities, Community Supervision offices, or to Central Office will have the fingerprint processing fee paid via JV by the facility/office submitting the fingerprints.
7. *Contractors* assigned to the Department's facilities, Community Supervision offices, or to Central Office will have the fingerprint processing fee paid via JV by the facility/office submitting the fingerprints.
8. *Volunteers*: Persons who are deemed a volunteer will not be charged a fee per the DCJS Use and Dissemination Agreement.

*See the summary Processing Chart, Attachment A.

- D. Audits: Periodic audits of all facilities will be conducted by EIU for compliance of fingerprint submission and collection of fees. Where it has been found that an employee has left service before the fee was collected, in accordance with the procedures of this directive, EIU will notify the facility (DSA and Steward) and the Director of Budget and Finance of the person that left owing fingerprint fees and how much. The Central Office Division of Budget and Finance will contact the facility to process their end of the JV and forward it to Central Office for processing to move the money into the fingerprint fee account.

- E. If suspect information on matters with potential terrorism connections is returned during any inquiry, it shall be forwarded to the local joint terrorism task force or similar agency.

The following **Processing Chart** summarizes the fingerprint processes:

| Staff | Criminal History Inquiry (prior to entry or employment in any DOCCS facility or office) | Who takes fingerprints | When to take fingerprints | What fingerprint card to use | Collect Fee? | Submit to |
|--|--|---------------------------------|-----------------------------|------------------------------|-------------------------------------|-----------|
| Correction Officer Parole Officer Parole Officer Trainee Warrant and Transfer Officer Institution Safety Officer | YES | EIU | Pre-Employment Screening | Live Scan | YES (\$75 US Postal Money Order) | EIU |
| Non-uniform (civilian) staff Paid Interns | YES | C - Personnel F - ID Officer | Initial date of employment | FBI FD-258 | Payroll Deduct* | EIU |
| Per Diem Employees | YES | C - Personnel F - ID Officer | Initial date of employment | FBI FD-258 | YES (\$75 US Postal Money Order) | EIU |
| Outside Agency Staff OMH & DMV Staff | YES | C - Personnel F - ID Officer | First day in facility | FBI FD-258 | \$75 Journal Voucher | EIU |
| Extra Service Employees | *YES | C - Personnel F - ID Officer | *Initial date of employment | FBI FD-258 | \$75 Journal Voucher | EIU |
| Contract Service Providers Consultants | YES | C - Personnel F - ID Officer | First day in facility | FBI FD-258 | \$75 Journal Voucher | EIU |

C = Central Office or Community Supervision Offices

F = Facility

*Extra service employees who are currently permanent employees of DOCCS will not need a criminal history inquiry or fingerprints.

This Processing Chart continues on the next page.

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|--|------|---------------------------------|--|------------|----------------------|-----|
| Contractor | YES | C - Personnel F - ID Officer | **As determined by Superintendent -or- Regional Director, Division Head, -or- Designee** | FBI FD-258 | \$75 Journal Voucher | EIU |
| Information Technology Services (ITS) Employee | NYSP | NYSP | Pre-Employment | N/A | N/A | N/A |

C = Central Office or Community Supervision Offices
F = Facility

** Mandatory where it has been determined that based on the nature of the anticipated work, a contractor will have other than incidental contact with incarcerated individuals, such as contact with incarcerated individuals while the contractor is not under direct supervision by security staff (*Direct staff supervision* means that security staff is in the same room with, and within reasonable hearing distance of, the resident or incarcerated individual). Also, if the contract provides for six months or more of work, the prospective contractor will be fingerprinted.