

State of Alabama Department of Corrections

Alabama Criminal Justice Center 301 South Ripley Street P. O. Box 301501 Montgomery, AL 36130-1501 (334) 353-3883



December 7, 2015

ADMINISTRATIVE REGULATION NUMBER 216

OPR: PERSONNEL

BACKGROUND INVESTIGATIONS

I. <u>GENERAL</u>

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for governing background investigations.

II. POLICY

It is the policy of the ADOC to ensure a background investigation is conducted on all ADOC employees, interns, contractors, visitors, vendors and volunteers for employment and/or entry into ADOC offices/institutions.

III. DEFINITION(S) AND ACRONYM(S)

- A. <u>Contract Employee</u>: Any employee(s) and/or representative(s) of a vendor providing services on a recurring basis pursuant to a contractual agreement with the ADOC.
- B. <u>Criminal Records Background Check (CRBC)</u>: An investigation which may include, but is not limited to, verification of credentials, examination of employment references, review of criminal history and military records, as well as searching social media accounts/open source (i.e., Google, Yahoo, Bing, etc.).
- C. <u>Felony</u>: A serious crime, characterized under federal law and many state statutes as any offense punishable by death or imprisonment in excess of one year.
- D. <u>Law Enforcement Employee</u>: Any employee with current Alabama Peace Officers Standards and Training Commission (APOSTC) certification.
- E. <u>Support Employee</u>: Any non-law enforcement person employed by the ADOC to include but not limited to non APOSTC security employees.

F. **Volunteer:** An individual who donates time and effort to enhance the activities and programs of an ADOC facility.

IV. RESPONSIBILITIES

- A. The Director of Personnel/Designee is responsible for conducting a CRBC on all eligible candidates for new appointments in law enforcement positions and shall make a good faith effort to gather information regarding all potential ADOC employees from prior institutional employers. The Director of Personnel/Designee shall conduct a CRBC on all current ADOC and contract employees at least once every five years.
- B. The Director of I & I/Designee is responsible for conducting a CRBC for all eligible candidates for employment in I&I positions, support positions, reemployments, rehires, part-time retirees, all contract candidates, including promotional candidates.
- C. The Warden/Division Director is responsible for requesting a CRBC on all vendors, visitors and volunteers.

V. <u>PROCEDURES</u>

- A. Applicants shall not be considered for employment:
 - 1. Who have submitted false or deceptive information.
 - 2. In a law enforcement position, with a felony conviction or a domestic violence conviction of any kind.
 - 3. With a record of sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
 - 4. With a conviction 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.
 - 5. With a history of having been civilly or administratively adjudicated to have engaged in the activity, as described in paragraphs (3) and (4) above.
- B. The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist services of any contractor, who may have contact with inmates.
- C. Applicants for support staff positions, with a felony conviction, shall be referred to the Commissioner/Designee for review and consideration on a case-by-case basis.

- D. The Personnel Director/Designee shall conduct the following steps for CRBC on eligible candidates for law enforcement employment:
 - 1. Instruct applicants to complete the ADOC Form 216-A, *Waiver and Authorization to Release Information*.
 - 2. Review the form for completeness. If the form is not complete the applicant may not be considered for employment.
 - 3. Complete CRBC after the appropriate document has been received.
 - 4. Ensure proper documentation on the log, ADOC Form 216-E, *CRBC Master Log*.
- E. The Personnel Director/Designee shall conduct the following steps to make a good faith effort to gather information regarding potential employees from prior institutional employers.
 - 1. Instruct applicants to complete the ADOC Form 216-B, *Prison Rape Elimination Act (PREA) Compliance*.
 - 2. Review the form for completeness. If the form is not complete the applicant may not be considered for employment.
 - 3. Submit up to two written requests after the appropriate document has been received.
 - 4. Ensure proper documentation on the log, ADOC Form 216-E, *CRBC Master Log*.
- F. The Personnel Director/Designee shall conduct a CRBC on current ADOC and contract employees at least once every five years.
 - 1. Ensure applicable release form is on file.
 - 2. Complete CRBC.
 - 3. Should negative information surface refer to I & I for investigation and if appropriate, refer to AR 208.
 - 4. Ensure proper documentation on the log, ADOC Form 216-E, *CRBC Master Log*.
- G. The Director of I & I/Designee shall perform the CRBC for all candidates submitted for support positions, promotions, reemployments, rehires, part-time retirees, and all contract employees.

- 1. The Deputy/Associate Commissioner shall receive the names of the candidates for promotion from the Warden/Division Director.
- 2. The Deputy/Associate Commissioner shall submit the names of the candidates for promotion to the Director of I & I/Designee.
- 3. The Director of I & I/Designee shall perform the CRBC for submitted candidates.
- 4. The Director of I & I/Designee shall report the results of the CRBC to the appropriate Deputy/Associate Commissioner.
- 5. Upon receiving the results of the CRBC, the appropriate Deputy/Associate Commissioner shall determine the candidate(s) for promotion.
- 6. Ensure proper documentation on the appropriate form and forward completed form, on a weekly basis, to ADOC personnel for inclusion in the ADOC Form 216-E, *CRBC Master Log*.
- H. The Warden/Designee shall conduct the following steps for CRBC on all visitors, vendors, and volunteers prior to entry:
 - 1. Instruct the individual to complete ADOC Form 216-C, *Personal Information Sheet* and in addition, complete ADOC Form 216-A, *Waiver and Authorization to Release Information*.
 - 2. The Warden/Designee shall review the ADOC Form 216-C, *Personal Information Sheet* for completeness.
 - 3. The Warden/Designee shall complete and submit ADOC Form 216-D, *NCIC Request Form* to Staton Communications.
 - 4. After conducting the review of the CRBC including the NCIC results, the ADOC Form 216-C, *Personal Information Sheet*, and any information provided by former employers, the Warden/Designee shall determine if the visitor, vendor or volunteer is approved or denied entry into the facility.
 - 5. Ensure proper documentation on the ADOC Form 216-F, *CRBC Institution Log for Visitors/Vendors/Volunteers*. The ADOC Form 216-F shall be maintained on facility premises (do not submit to ADOC Personnel).

VI. <u>DISPOSITION</u>

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

- A. ADOC Form 216-A, Waiver and Authorization to Release Information
- B. ADOC Form 216-B, Prison Rape Elimination Act (PREA) Compliance Form
- C. ADOC Form 216-C, Personal Information Sheet
- D. ADOC Form 216-D, NCIC Request Form
- E. ADOC Form 216-E, *CRBC Master Log*
- F. ADOC Form 216-F, CRBC Institution Log for Visitors/Vendors/Volunteers

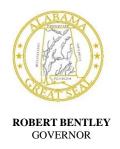
VIII. <u>SUPERSEDES</u>

This Administrative Regulation supersedes Administration Regulation 216, *Employment of Individuals with Felony Convictions*, dated June 1, 2005.

IX. PERFORMANCE

- A. Code of Alabama 1975, as amended.
- B. Public Law 108-79, Prison Rape Elimination Act of 2003.
- C. Rules of the Peace Officers' Standards and Training Commission.
- D. Rules of the State Personnel Board.
- E. AR 454, Inmate Sexual Assault and Harassment Awareness (Prison Rape Elimination Act (PREA))

Commissioner



State of Alabama Department of Corrections

Alabama Criminal Justice Center 301 South Ripley Street P. O. Box 301501 Montgomery, AL 36130-1501 (334) 353-3883



WAIVER AND AUTHORIZATION TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

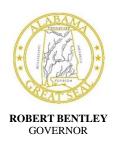
This constitutes my consent and authorization for the disclosure or furnishing of any relevant and necessary personal information or records, whether the records are of a public, private or confidential nature, to the Alabama Department of Corrections (ADOC) by any person, corporation, agency, or association concerning my moral character, education, financial transactions, medical history, employment records, criminal records, driving records, military service records, and any other information as may be relevant and necessary for a determination on my suitability as an employee, volunteer, visitor, vendor, or contract employee with ADOC. I authorize and request the full release of the information, without any reservation, throughout the duration of my association with ADOC. Your reply will be used to assist the ADOC in making a determination on my suitability.

I understand my rights under Title 5, United States Code, Section 552A, the Privacy Act of 1974, and waive those rights with the understanding that information furnished will be used by the Alabama Department of Corrections (ADOC) in conjunction with the department's employment, volunteer, or visitation policies and/or other security matters and that this information is the sole property of the ADOC regardless of the outcome of this investigation. I fully understand that I shall not be entitled to have disclosed to me the contents of any of the documents, records, and other information provided.

I hereby release the persons, corporations, agencies, associations and their employees, agents, and representatives both individually and collectively, from any and all liability for damages of whatever kind, which may result because of compliance with this authorization and request.

	PRINTED NAME	
	ALIAS NAMES (Also Know	vn As, Maiden Names or Nicknames)
	APPLICANT'S SIGNATUR	E
	DATE	
Sworn to and subscribed before me this	day of	A. D., 20
	Notary Public	
	My Commission Expires:	

NOTE: A PHOTOCOPY REPRODUCTION OF THE REQUEST SHALL BE FOR ALL INTENTS AND PURPOSES AS VALID AS THE ORIGINAL. YOU MAY RETAIN THIS FORM IN YOUR FILE.



State of Alabama

Department of Corrections Alabama Criminal Justice Center P. O. Box 301501 Montgomery, AL 36130-1501



To: All Applicants

From: The Alabama Department of Corrections (ADOC), Personnel Division

Subject: Prison Rape Elimination Act (PREA) Compliance

Federal law and Alabama Department of Corrections (ADOC) administrative regulations prohibit the hiring of anyone who has been convicted, criminally or civilly, of inappropriate sexual activity, sexual abuse or sexual harassment involving an individual who was incarcerated or otherwise unable to come and go from a facility without restriction. The same regulations also prohibit the hiring of persons who were involved in similar crimes in the community. Omissions of fact may be grounds for disciplinary action, up to and including termination, should such omissions be discovered after appointment.

Have you ever been accused or charged with inappropriate sexual activity, sexual abuse or sexual harassment? Yes or No

If yes , provide a clear narrative regarding the incident(s), the allegations or charges and the outcome(s) of a investigation(s).	ıy
• Have you ever been employed at such an institution (businesses such as nursing homes and child car facilities would be among the employers of note)? Yes or No	e
If yes, Facility Name:	
• While employed, were you the subject of a sexual misconduct investigation of any kind? Yes or No	
If yes, provide a clear narrative regarding the incident(s), the allegations or charges and the outcome(s) of a investigation.	1y

ADOC Form 216-B Page 1 of 2

respond to the same set of questions for e	each such employer.
Facility Name:	
Address:	
Position Held and Dates of Employment:	
Name and Phone Number of Contact:	
• While employed, were you the subject of Yes or No	a sexual misconduct investigation of any kind?
If yes, provide a clear narrative regarding the outcome(s) of any investigation.	incident(s), the allegations or charges and the
Facility Name:	
Address: Position Held and Dates of Employment:	
Name and Phone Number of Contact:	
While employed, were you the subject of Yes or No If yes, provide a clear narrative regarding the outcome(s) of any investigation.	incident(s), the allegations or charges and the
Printed Applicant's Name	
Applicant's Signature	Date
Witness /Supervisor	Date

• If you were employed at more than one such facility, please utilize the space below to

Alabama Department of Corrections

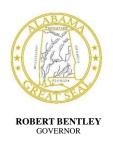
PERSONAL INFORMATION SHEET

All persons desiring to enter any ADOC facility must complete the following form. The information on this form will be kept confidential. All information is subject to investigation. False or omitted information will result in you being denied approval to enter any/all ADOC facilities. This application is for the specific facility to which request is made.

2. F a	acility:						
3. P	ersonal Information (Submit a co	py of currer	nt gov	ernment	agen	cy issued iden	tification):
	Name:						
	(Last) Address:	(Fi	rst)			(Middle Init	rial)
	(Address)			(City)	(State)	(Zip)
	Phone: Home: ()			Work:	()	(Zip)
	(Optional) Cell: ()			Email:			
	In case of emergency, contact:	Name:		_			
	, , , , , , , , , , , , , , , , , , ,	Relation:					
		Phone:	()			
	SSN:	DL#					
	DOB:	State	-				
	Are you a U. S. Citizen:	Yes	No)			
	If No, you are a citizen of:	_					
4. L	EGAL DATA:						
4a.	Have you, your family, or close f	riend ever b	een a	victim of		Yes	No
	a crime?		1.1		C .1	<u> </u>	
	If Yes, explain information about	t the crime a	nd the	name(s)	of the	e oftender(s):	
4b.	Have you ever been arrested?				_	Yes	No
	If Yes, what were the charge(s)?						
	Case Number(s):		Co	ounty:			
	Disposition of case(s):						
10	Do you have any relatives, or ale	sa friands in	20000	rotad in		Voc	No
4c.	Do you have any relatives, or clo an ADOC institution?	se menus, n	icarce	rated in		Yes	No
	If Yes, provide the following info	ormation:			-		
	ir res, provide the following line	mination.					
					A	DOC Form 216-C	Page 1 of 2

	Inmate's name(s): Inmate's AIS #: Inmate's institution:					
4d.	Have you ever been accessexual activity, sexual aff yes, provide a clear natioutcome(s) of any investigation.	buse and sexual arrative regardin	harassment?		Yes ions or charg	No ges and th
	Signature:			Date:		
5. A	ADMINISTRATIVE DE	CISION:				
	NCIC Checks completed:	Yes	No			
	Approved	Disapp	proved			
	Reason For Disapprov	al:				
	Administrator's Printe	d Name:				
	Administrator's Title:			Date:		
	Administrator's Signat	ture:				

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NCIC Request Form

Date	Facility/Division
Warden/Division Director/Designee	Reason for Request
	Please Check the Appropriate. Wanted Check Driver's History Criminal History Vehicle Registration

Please fill in all information. Please include the state if the person DL# or ID# is out of state.

	NAME	R/S	SSN	D. O. B.	DL# or ID# & State
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					

CRBC MASTER LOG

LAST NAME	FIRST NAME	МІ	LAST 4 of SS#	RELEASE FORM	INSTITUTIONAL HISTORY CHECK	CRBC DATE	APPT. DATE	CLASS	DIV.	INDIV. TYPE	REASON FOR CRBC	CONDUCTED BY	CLEARED	CLEARED BY	COMMENTS
Smith	John	R	2300	Yes	7/24/15	7/10/15	8/24/15	10197	1310	Org. Appt.	NH Secur.	A. Paulk	Yes	A. Paulk	
Williams	Tony	Н	8900	No	6/24/15	6/10/15	7/15/12	60710	2000	Employee	NH Non-Secur.		No		
										Re-hire	NH Contractor				
										Re-empl.	5-Yr. Check				
										Contractor	Promo.				
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ADOC Form 216-E

CRBC _____INSTITUTION LOG

Vistors/Vendors/Volunteers

"All CRBC are conducted by Staton"

LAST, FIRST	MI	LAST 4 OF SOC.	RLS. FORM YES OR NO	CKBC		REAS. FOR CRBC	COND. BY	CLRD. YES or NO	CLRD. BY	COMMENTS
Smith, Jane	R	2300	Yes		Vist.			Yes		
Williams, Tom	н	8900	No	4/6/10	Vend.			No		
					Vol.					
					Other					
							 			
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ADOC Form 216-F