

CHAPTER: 600

Inspector General

DEPARTMENT ORDER:

602 – Background Investigations

**OFFICE OF PRIMARY
RESPONSIBILITY:**

IG

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ACCESS

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Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to read "David Shinn", is written over a horizontal line.

David Shinn, Director

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EXPECTED PRACTICES

American Correctional Association (ACA) Expected Practices: 5-ACI-1C-14

PURPOSE

This Department Order establishes the background investigation process required by the Arizona Department of Corrections, Rehabilitation and Reentry for all background applicants, and the documentation requirements and disqualifiers for each type of position.

APPLICABILITY

This Department Order is not applicable to private prisons or background investigations for inmate visitation. For additional contractor requirements, refer to Department Order #205, Contractor and Program Associate Security.

PROCEDURES

1.0 BACKGROUND APPLICATION DOCUMENTATION

- 1.1 Background applicants shall provide the designated hiring/approving authority the documentation required for positions and the amount of contact for which they are applying, in accordance with Attachment A, Background Investigation Documentation, and the Glossary of Terms. At the discretion of the Inspector General, a full background investigation may be conducted on any individual applying to perform services for the Department.
- 1.2 Hiring/approving authorities shall be designated as follows:
 - 1.2.1 The Recruitment Unit for Selection and Hiring (RUSH) Administrator – For Correctional Officer Series positions
 - 1.2.2 The Recruitment Unit – For Non-Correctional Officer Series positions and student interns
 - 1.2.3 The Inspector General – For Investigators and Non-Correctional Officer Series applicants applying for positions within the Office of the Inspector General
 - 1.2.4 The Volunteer Coordinator – For volunteer applicants
 - 1.2.5 The Community Corrections Division – Community Corrections Centers and Community-based contractors, program associates, student interns and volunteers
 - 1.2.6 The Contractor Clearance Unit (CCU) and/or the Healthcare Services Division – For contractor and/or program associate applicants, as applicable
- 1.3 Hiring/approving authorities shall: {5-ACI-1C-14}
 - 1.3.1 Be responsible for the hiring process or security clearance access.
 - 1.3.2 Ensure background investigation documentation is used for the sole purpose of selecting qualified applicants and treated as confidential material.

- 1.3.2.1 If suspect information on matters with potential terrorism connections is returned on an applicant, it is forwarded to the Local Joint Terrorism Task Force (JTTF) or other similar agency, as appropriate.
 - 1.3.3 Verify applicants' qualifications and employment history and determine if they meet the minimum requirements, qualifications and standards.
 - 1.3.3.1 The Community Corrections hiring/approving authorities or designee shall:
 - 1.3.3.1.1 Ensure Residential and Non-Residential Community Supervision Program and Peer Mentor contractor and/or program associate applicants possess the appropriate licensure, education and/or credentials appropriate for their designated role.
 - 1.3.3.1.2 Determine background clearance requirements for contractors, program associates, volunteers and student interns based upon their role and level of involvement, as specified in Attachment A.
 - 1.3.4 After a conditional offer of employment or for security clearance access, review and forward the required documentation of applicants meeting the minimum requirements/qualifications to Backgrounds Investigations Unit (BIU) as follows:
 - 1.3.4.1 The following hiring/approving authorities shall send the appropriate documentation directly to the BIU:
 - 1.3.4.1.1 The RUSH - Correctional Officer Series applicants
 - 1.3.4.1.2 Volunteer Coordinator – Volunteer applicants
 - 1.3.4.1.3 The Healthcare Services Division and the Contractor Clearance Unit (CCU) – Contractor and/or program associate applicants, as applicable
 - 1.3.4.1.4 The business and training related visit facilitator – For visits to institutions/facilities by representatives of other agencies and the private sector (e.g., State Auditor, pre-bid contractor meetings and inter-agency training).
 - 1.3.4.2 For Non-Correctional Officer Series and student intern applicant positions, hiring/approving authorities shall send the documentation to the Recruitment Unit, who shall review it for completeness prior to forwarding to the BIU.
- 1.4 Upon receipt of the documentation, the BIU investigator shall:
 - 1.4.1 Return incomplete documents to the hiring/approving authority for completion.
 - 1.4.2 For Correctional Officer Series positions, indicate receipt of the documentation in the existing RUSH Hiring System database record.

- 1.4.3 For non-Correctional Officer Series positions, create a record in the RUSH Hiring System database for each applicant and indicate receipt of the documentation.
- 1.4.4 Initiate the background investigation process and make recommendations in accordance with this Department Order.

1.5 Background Investigation Files

- 1.5.1 The BIU shall maintain a Background Investigation file on each background applicant, which shall include, but is not limited to the following:
 - 1.5.1.1 A Background Questionnaire or Criminal History Request form completed by the applicant, as applicable.
 - 1.5.1.2 A completed Fingerprint Card (FPC) and Background Investigation Summary.
 - 1.5.1.3 The results of the following:
 - 1.5.1.3.1 Arizona Crime Information Center (ACIC)/National Crime Information Center (NCIC) check
 - 1.5.1.3.2 Background check of previous employers
- 1.5.2 The Inspector General shall ensure Background Investigation Files are retained for a period of five years:
 - 1.5.2.1 For applicants not employed by the Department and cadets not graduating from Correctional Officer Training Academy (COTA).
 - 1.5.2.2 From the date of termination for Correctional Officers hired by the Department.
- 1.5.3 Applicants, cadets and unauthorized employees shall not have access to their RUSH File or the Background Investigations Files.
 - 1.5.3.1 Questions regarding access to these files shall be forwarded to the Deputy Inspector General.
- 1.5.4 Human Resources Operations shall provide BIU with information regarding employee name changes.

1.6 The RUSH shall:

- 1.6.1 Provide the BIU with a list of hired Correctional Officer Series employees who were not required to attend COTA for the previous month by the fifth business day of the current month. This report shall include the medical and psychological evaluations for each employee.
- 1.6.2 Ensure the COTA roster for all applicants starting COTA is provided to BIU no later than the second day after the COTA start date.

- 1.6.3 In accordance with the retention schedule, archive the files of Correctional Officer Series applicants who pass written and oral tests, but are not hired, and whose file was not sent to the BIU.

2.0 BACKGROUND INVESTIGATION COMPLETION AND RECOMMENDATION

- 2.1 As part of the background investigation process, BIU investigators shall:
 - 2.1.1 Make their best effort to gain information on substantiated allegations of sexual abuse and/or any resignations during pending investigations of allegations of sexual abuse by sending out screening forms to prior institutional employers.
 - 2.1.2 Complete full background investigations for Correctional Officer Series and Special Investigator applicants prior to hire. Full background investigations may include interviews of applicants as appropriate and shall include the following:
 - 2.1.2.1 Review of all required documentation.
 - 2.1.2.2 Review of the Arizona Criminal Justice Information System (ACJIS) record check.
 - 2.1.2.2.1 Wardens, hiring/approving authorities, investigators and ACJIS Operators shall ensure ACJIS security and privacy provisions are in accordance with Department Order #121, Arizona Criminal Justice and Non-Criminal Justice Information and Identification System.
 - 2.1.2.3 Negative drug test result.
 - 2.1.2.4 Fingerprint Card (FPC) – The Department shall process all applicants' FPCs unless they had a break from the Department of less than one year and BIU still has their FBI FPC on file.
 - 2.1.3 Correctional Officer's may attend the Correctional Officer Training Academy prior to the processing of their FPC provided they meet all of the other requirements and their results from the computerized criminal history checks are complete and on file with the Department.
 - 2.1.3.1 Law enforcement agency records checks (local police departments) where the applicant lived, worked, and attended school within the last five years.
 - 2.1.3.2 Inquiries to the Arizona Department of Transportation (ADOT), Motor Vehicle Division (MVD) to determine if they have a current Arizona driver's licenses and records of traffic violations. Applicants shall provide a copy of their valid Arizona driver's license and driving record.
 - 2.1.4 Complete and document preliminary background investigations for Non-Correctional Officer Series applicants prior to hire or for security clearance access, in accordance with this Department Order.

- 2.1.5 Upon completion and documentation of the preliminary investigation:
 - 2.1.5.1 Review the applicant’s criminal history and disclosure on his/her Background Questionnaire, Form 602-1 or Criminal History Request, Form 121-1, to determine preliminary clearance eligibility.
 - 2.1.5.2 Provide one the following notifications to the hiring/approving authority:
 - 2.1.5.2.1 The preliminary background is approved.
 - 2.1.5.2.2 The preliminary background is not recommended pending the completion of a full background investigation.
 - 2.1.5.2.3 The applicant is not recommended based on the preliminary background. In the event the hiring/approving authority or designee chooses to continue with the process, he/she shall provide written notification to the BIU and the respective Assistant Director.
- 2.1.6 Determine if a full background investigation will be completed.
 - 2.1.6.1 A full background investigation shall be completed when the preliminary background is approved or the preliminary background is denied pending the full background investigation. A full background investigation shall not be completed when applicants are denied.
- 2.1.7 Upon the completion of the background investigation and entering the information in the RUSH Hiring Database System:
 - 2.1.7.1 Notify RUSH through Database System; or
 - 2.1.7.2 Email the appropriate hiring/approving authority.
 - 2.1.7.2.1 When providing notification to the CCU and/or the Healthcare Services Division for the results of contractor and/or program associate applicants’ background investigations, the BIU investigator shall attach a copy of the completed Criminal History Request form.
- 2.2 If the preliminary background investigation is approved, the hiring/approving authority or designee may continue the hiring process.

3.0 BACKGROUND APPLICANT DISQUALIFICATION

- 3.1 General disqualifiers may include:
 - 3.1.1 Felony convictions, including conviction for offenses in another state that would be a felony in Arizona that were reduced to a misdemeanor through plea bargain, probation or diversion program completion, payment of a fine, or performance of restitution.

- 3.1.2 Felony Arrests – When background applicants are arrested for or charged with a felony offense and the charges were reduced or plea-bargained to a misdemeanor through the court process, the conviction shall be treated as a misdemeanor.
- 3.1.3 Convictions involving moral turpitude, as defined in the Glossary of Terms.
- 3.1.4 A misdemeanor conviction or probationary sentence within the past year.
 - 3.1.4.1 Upon the recommendation of the BIU, the RUSH Administrator or Manager may submit a waiver to the Inspector General or designee for Correctional Officer Series positions. The Inspector General is the approving authority.
- 3.1.5 A pending disposition (e.g., court date, probation, fine, or restitution).
- 3.1.6 The following drug usage:
 - 3.1.6.1 Current use of illegal drugs - Background applicants shall not be disqualified solely on the possession of a Medical Marijuana Registry Identification Card. Refer to Department Orders #504, Recruitment and Hiring and #522, Drug-Free Workplace for additional information.
 - 3.1.6.2 Experimentation with illegal drugs or drugs used illegally during the last five years
 - 3.1.6.3 Demonstrates a current or past pattern of abuse of prescription medication
 - 3.1.6.4 Addiction to drugs or a history of drug addiction and has not been rehabilitated in accordance with Department Order #108, Americans With Disabilities Act Compliance
 - 3.1.6.5 Ever sold, produced, cultivated, or transported for sale marijuana or other illegal drugs or drugs used illegally
 - 3.1.6.6 Ever used drugs illegally while employed by or providing services to the Department
- 3.1.7 Commission of theft from an employer or former employer even if the applicant was not arrested or charged with the crime – There is reasonable evidence background applicants stole items of value intentionally and not through inadvertent actions (e.g., pens, paper, highlighters, and miscellaneous items through working at home).
- 3.1.8 A relationship between given bona fide occupational qualifications and any of the following convictions or violations not involving moral turpitude:
 - 3.1.8.1 Ordinary misdemeanor convictions
 - 3.1.8.2 Motor vehicle license suspension or revocation
 - 3.1.8.3 A pattern of excessive traffic violations
- 3.1.9 Excessive number of jobs during the last five years.

- 3.1.10 Living with a released offender currently under the Department's supervision. The Inspector General and the hiring/approving authority shall jointly make a recommendation about an applicant's suitability or disqualification.
- 3.1.11 Ex-offender status. Refer to Department Order #504, Recruitment and Hiring, for additional information.
- 3.2 Correctional Officer I applicants shall be disqualified from attending COTA if they do not meet the Arizona Administrative Code (A.A.C.) R13-4-202, Uniform Minimum Standards specified on the Peace Officer Standards and Training Board (AZPOST) website <https://post.az.gov/>.
- 3.3 Special Investigator applicants shall be disqualified if they do not meet the A.A.C. R13-4-109, Denial, Revocation, Suspension, or Cancellation of Peace Officer Certified Status requirements, available on the AZPOST website.
- 3.4 Community Supervision Program contractor and/or program associate applicants required to have a full background investigation shall be disqualified if they have sex offense convictions. Contractors and/or program associates who have criminal background/criminal supervision (e.g., Parole, Probation) shall be reviewed by the Community Corrections Hiring Authority for determination of hiring eligibility.
- 3.5 Disqualified background applicants for employment may reapply under the provisions of Department Order #504, Recruitment and Hiring.

4.0 ADMINISTRATIVE BACKGROUND INVESTIGATION UPDATES

- 4.1 Hiring/Approving Authority Responsibilities
 - 4.1.1 The Recruitment Unit, respective Human Resources Operations, Hiring Manager or their designees shall:
 - 4.1.1.1 Send an email to BIU to request a complete administrative background investigation updates for current Department employees':
 - 4.1.1.1.1 Promotions, Lateral Transfers and Voluntary Demotions.
 - 4.1.1.1.2 Requests for ACJIS Certified Terminal Operator status.
 - 4.1.1.1.3 Inmate Banking assignments.
 - 4.1.1.2 Ensure each request contains the employee's name, Employee Identification Number, Social Security Number, and date of birth.
 - 4.1.2 For Correctional Officer Series employees, the respective Human Resources Liaison shall submit the request directly to the BIU. For all other Department positions, the Human Resources Operations shall submit the request through the Recruitment Unit to the BIU.
- 4.2 The BIU shall complete administrative background investigation updates on employees if their background files are still active and provide notification to hiring/approving authorities.

4.2.1 Administrative background investigation updates shall include an ACJIS check, file review, and review of the Administrative and Criminal Investigations databases.

5.0 COMMUNITY CORRECTIONS – Community partners, contractors, program associates, volunteers and student interns shall complete the clearance/authorization requirements in accordance with Attachment A, prior to receiving authorized access for the purpose of delivering programs/services. {5-ACI-1C-14}

IMPLEMENTATION

The Inspector General shall, within 90 calendar days after the effective date of this Department Order, issue a Technical Manual that includes at a minimum:

- Conducting background investigations on all background applicants.
- Procedures and forms, including the Background Questionnaire form used by the BIU when completing an investigation.
- Compliance with applicable Arizona Revised Statutes (A.R.S.), the A.A.C. and the Americans With Disabilities Act.
- The process used for the verification of:
 - United States citizenship.
 - Eligibility to work in the United States in accordance with the Immigration Reform Act when citizenship is not a bona fide occupational qualification.
 - Criminal history or lack thereof.
 - Driving record.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms for the following:

- Abuse of Prescription Medication
- Background Applicant
- Contractor
- Contractor Clearance Unit
- Healthcare Services Division
- Hiring/Approving Authorities
- Moral Turpitude
- Non-Department Employee Amount of Inmate Contact
- Verification/Investigation

ATTACHMENT

Attachment A – Required Background Investigation Documentation

FORMS LIST

602-1, Background Questionnaire
602-3, Consent To Search

AUTHORITY

A.R.S. §13-904, Suspension of Civil Rights and Occupational Disabilities
A.R.S. §13-2316, Computer Tampering; Venue; Forfeiture; Classification
A.R.S. §41-1492 et seq, Public Accommodation and Services
A.R.S. §41-1750, Central State Repository; Department of Public Safety; Duties; Funds; Accounts;
Definitions
A.R.S. §41-2201 et seq, Arizona Criminal Justice Information System
A.A.C. R13-4-109, Denial, Revocation, Suspension, or Cancellation of Peace Officer Certified
A.A.C. R13-4-202, Uniform Minimum Standards
Americans with Disabilities Act
18 C.F.R. 35.130 et seq, Non-Discrimination on the Basis of Disability by State and Local Government
Services
28 C.F.R. 20.1 et seq, Security and Privacy Regulations, Criminal Justice Information Systems
18 U.S.C. 1030, Fraud and Related Activity In Connection With Computers

ATTACHMENT A

REQUIRED BACKGROUND INVESTIGATION DOCUMENTATION DEPARTMENT EMPLOYEE BACKGROUND APPLICANTS

Documentation	Special Investigator	Correctional Officer	Non-Correctional Officer Employee
Applicable Certificates	X	X	X
AZPOST Peace Officer’s Standards for Appointment, Form A-1	X	N/A	N/A
AZPOST Statement of Personal History and Application for Certification, Form PH	X	N/A	N/A
Background Questionnaire, Form 602-1	N/A	X	X
Criminal History Request, Form 121-1	N/A	N/A	X
Consent To Search, Form 602-3	X	X	X
Driving Record	X	X	X
Drug Test Result – Applicant Drug Testing in accordance with Department Order #522, Drug-Free Workplace, as required.	X	X	X
Employment History Verification	X	X	X
Ex-Offender Certification and Employment Recommendation, Form 504-6	N/A	N/A	X
Fingerprint Card	X	X	X
Fitness Proficiency	N/A	X	N/A
Medical Results	X	X	If applicable
Personal Reference Letters	X	X	N/A
Previous Department Employment	N/A	X	X
Polygraph	X	May be requested after conditional job offer, upon approval of the Inspector General or designee.	
Proof of Education (High School Diploma or GED)	X	X	X
Proof of United States Citizenship (Eligibility to work in the US)	X	X	N/A
Psychological Results	X	X	N/A
Record of Military Discharge, if applicable	X	X	X
Residency Letters	X	X	N/A
Valid Arizona Driver’s License (Front and back copy)	X	X	X

NON-DEPARTMENT EMPLOYEE BACKGROUND APPLICANTS (NON-COMMUNITY CORRECTIONS)

Documentation	Amount of Contact	
	Frequent	Incidental
Background Questionnaire, 602-1	X	N/A
Consent To Search, Form 602-3	X	X
Criminal History Request, Form 121-1	X	X
Drug Test Result – Applicant Drug Testing in accordance with Department Order #522, <u>Drug-Free Workplace</u> , as required.	X	N/A
Ex-Offender Certification and Employment Recommendation, Form 504-6	X	X
Fingerprint Card	X	N/A
Proof of United States Citizenship (Eligibility to work in the US) – Contractors and/or Program Associates Only	X	N/A
Government-issued photo identification (Front and back copy)	X	X

COMMUNITY CORRECTIONS CONTRACTOR AND/OR PROGRAM ASSOCIATE APPLICANTS

Documentation	Community Only	Community Corrections Centers and ADCRR Property (Non-Institution)	Institution – Amount of Contact	
			Frequent	Incidental
Background Questionnaire, 602-1	N/A	Discretionary	N/A	N/A
Consent To Search, Form 602-3	Discretionary	X	X	X
Criminal History Request, Form 121-1	Discretionary	X	X	X
Drug Test Result – Applicant Drug Testing in accordance with Department Order #522, <u>Drug-Free Workplace</u> , as required.	Discretionary	Discretionary	X	N/A
Ex-Offender Certification and Employment Recommendation, Form 504-6	X	X	X	X
Fingerprint Card	Discretionary	Discretionary	X	N/A
Proof of United States Citizenship (Eligibility to work in the US)	Needs to meet the standards and credentialing of the contract.			
Government-issued photo identification (Front and back copy)	X	X	X	X
Verified credentials per authorized role (Licensure, certification, etc.)	X	X	X	X

COMMUNITY CORRECTIONS VOLUNTEER APPLICANTS

	Community Only	Community Corrections Centers and ADCRR Property (Non-Institution)	Institution – Amount of Contact	
			Frequent	Incidental
Documentation				
Background Questionnaire, 602-1	N/A	N/A	X	N/A
Consent To Search, Form 602-3	N/A	X	X	X
Criminal History Request, Form 121-1	N/A	X	X	X
Drug Test Result – Applicant Drug Testing in accordance with Department Order #522, <u>Drug-Free Workplace</u> , as required.	NA	N/A	X	N/A
Ex-Offender Certification and Employment Recommendation, Form 504-6	X	X	X	X
Government-issued photo identification (Front and back copy)	X	X	X	X
Verified Credentials per authorized role (Licensure, certification, etc.)	X	X	X	X

COMMUNITY CORRECTIONS STUDENT INTERN APPLICANTS

	Community Only	Community Corrections Centers and ADCRR Property (Non-Institution)	Institution – Amount of Contact	
			Frequent	Incidental
Documentation				
Background Questionnaire, 602-1	N/A	N/A	X	N/A
Consent To Search, Form 602-3	N/A	X	X	X
Criminal History Request, Form 121-1	N/A	X	X	X
Drug Test Result – Applicant Drug Testing in accordance with Department Order #522, <u>Drug-Free Workplace</u> , as required.	N/A	N/A	X	N/A
Ex-Offender Certification and Employment Recommendation, Form 504-6	N/A	N/A	X	X
Fingerprint Card	NA	N/A	X	N/A
Government-issued photo identification (Front and back copy)	X	X	X	X
Verified status per authorized role (Student/Program enrollment, etc.)	X	X	X	X

NOTE: Additional information or documentation may be requested.