



OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject:

Criminal Records Checks; Child Abuse Registry Checks

Section – Policy Number:

D: Personnel Management - 5.0

Supersedes:

- I-D-5.0 (1/16)
- I-D-5.0 (6/13)
- I-D-5.0 (3/12)
- I-D-5.0 (6/10)

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07/16/2018

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07/16/2020

Related Standards and References:

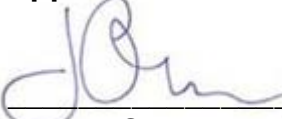
- ORS [420A.021](#) (Authority of Oregon Youth Authority to require fingerprints)
- [ORS 181A.010](#) (Definitions for ORS 181A)
- [ORS 181A.240](#) (Procedure when information requested by designated agency; exception for investigation of child abuse or neglect)
- [OAR 257-015](#) (Law Enforcement Data System)
- [OAR 416-800](#) (Criminal Records Checks)
- [OAR 416-530](#) (Youth Foster Care Certification)
- [OAR 416-450](#) (Volunteer Services)
- [OYA policy](#): I-D-3.16 (Volunteer Services)
- [OYA forms](#): YA 1402 (Volunteer Criminal Records Check Consent)
YA 2010 (Contracted Providers Consent for Criminal Records Check)
YA 5002 (Foster Care Applicant Consent for Criminal Records Check)
YA 5003 (Foster Care Program Household & Non-foster Care Consent for CRC)
YA 8008 (Application for Employment Driving Record Certification and Consent to Criminal Records Check)
YA 8131 (Final CRC Fitness Determination)
YA 4006 (Request to Visit)
YA 3900 (Youth Member of Household Criminal Records Consent)
- DHS Child Abuse/Neglect Registry Information Request Form

Related Procedures:

- Community Services Procedure: [Criminal Records Checks](#)
- Facilitywide procedure: [FAC II-E-2.5 Visitor Computerized Criminal Records Checks](#)

Policy Owner:
Deputy Director

Approved:



 Joseph O'Leary, Director

I. PURPOSE:

This policy directs staff on basic criminal records check and computerized founded case of child abuse or neglect check processes.

Details of fitness determination are delineated in administrative rules under OAR 416-800 (Criminal Records Checks).

II. POLICY DEFINITIONS:

Agency LEDS Representative: An OYA staff member designated by the OYA director to ensure OYA complies with requirements delineated by the Oregon State Police regarding access to and use of information provided by the Criminal Justice Information System (CJIS).

Computerized founded case of child abuse or neglect check: A check for any determination of responsibility (founded) for child abuse or neglect in the State of Oregon child abuse registry.

Criminal Records Check (CRC): One or more of the following processes undertaken to check the criminal history of a subject individual:

- **Computerized criminal records check:** A check of criminal offender information conducted through use of the Law Enforcement Data System (LEDS), including information from the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC), and the National Law Enforcement Telecommunications System (NLETS).
- **Fingerprint-based criminal records check:** A national check of federal criminal offender information through the submission of fingerprints and other identifying data, conducted by the Oregon Department of State Police through the Federal Bureau of Investigation or otherwise at OYA's request.

Denied: A determination by OYA pursuant to a preliminary fitness determination under OAR 416-800-0040 or a final fitness determination under OAR 416-800-0050, that the subject individual is not fit to be an employee, volunteer, foster parent, contractor, or vendor in a position covered by OAR 416-800-0020.

Fitness Determination: A determination made pursuant to the process established in OAR 416-800-0040 (preliminary fitness determination) or 416-800-0050 (final fitness determination) that a subject individual is or is not fit to be an employee, volunteer, contractor, vendor, or foster parent in a position covered by OAR 416-800-0020.

LEDS-certified staff: An OYA employee who is authorized by Oregon State Police to access LEDS for criminal record inquiries, or to enter records into LEDS.

Member of the household: Any person, other than an OYA youth, who lives in an OYA youth's home, on the property where an OYA youth's home is located, is a frequent visitor to the home or who assists in the care provided to an OYA youth including but not limited to volunteers or a person providing services such as tutoring, recreation, relief care, household chores, or other services, whether paid or unpaid.

Subject individual: A person who is required to complete a criminal records check pursuant to OAR chapter 416, division 800 (Criminal Records Checks) and from whom OYA may require fingerprints for the purpose of conducting a criminal records check because the person:

- (1) Is employed or applying for employment with OYA; or
- (2) Provides services or seeks to provide services to OYA as a contractor, vendor, or volunteer; or
- (3) Operates or is an applicant to operate a youth offender foster home, or who is an adult member of the household in the foster home.

III. POLICY:

OYA seeks to ensure the security and safety of the youth in its care and custody. OYA values excellence in public service, partnerships with local communities and other agencies, openness and accountability and provision of service in a fair, respectful, and humane manner. As a state agency, OYA staff serve as public officials. As public officials, OYA staff must adhere to ethics and boundaries described in statute and agency policy. OYA also expects its volunteers, contractors, and foster parents to maintain certain ethics and boundaries.

OYA accesses criminal information about subject individuals through criminal records checks (CRC). Along with other sources of information, CRCs are used to determine whether a subject individual is fit to provide services to OYA as an employee, volunteer, foster parent, contractor, or vendor.

IV. GENERAL STANDARDS:

- A. The agency LEDS representative must maintain a list of all staff who are properly:
 1. Certified to access information directly from the Criminal Justice Information System (CJIS); and
 2. Cleared to view information from CJIS.

B. CRC Requests

Staff will provide a CRC consent form to subject individuals for completion. Staff will forward the completed form to the below-listed area for a CRC by LEDS-certified staff. Computerized founded case of child abuse or neglect checks through the Department of Human Services (DHS) must be completed on OYA employee applicants, OYA foster care applicants, OYA volunteers, and contractors who have direct contact with youth inside OYA facilities.

1. Central Office Human Resources:
 - a) YA 8008 (Application for Employment, Driving Record Certification and Consent to Criminal Records Check); and
 - b) DHS Child Abuse/Neglect Registry Information Request Form.
2. OYA volunteer coordinator:

- a) YA 1402 (Volunteer Records Information Check Authorization); and
- b) DHS Child Abuse/Neglect Registry Information Request Form.

3. Community Resources:

- a) YA 5002 (Foster Care Applicant Consent for Criminal Records Check);
- b) YA 5003 (Foster Care Program Household & Non-foster Care Consent for CRC); and
- c) DHS Child Abuse/Neglect Registry Information Request Form.

4. Facility Services:

- a) YA 2010 (Contracted Providers Consent for Criminal Records Check); and
- b) DHS Child Abuse/Neglect Registry Information Request Form.

C. Authorized Designee for CRC Fitness Determination

1. The OYA director has designated the following staff as authorized to determine a subject individual's CRC fitness to be employed by OYA or provide services to OYA as a volunteer, foster parent (or adult member of the foster home household), contractor, or vendor under OAR 416-800-0050:

- a) Assistant directors;
- b) Human Resources manager;
- c) Human Resources assistant manager;
- d) OYA volunteer coordinator; and
- e) Community Resources manager.

2. Authorized designees must be properly cleared to view CJIS information.

D. Computerized Criminal Record Checks on Non-subject Individuals

1. The OYA director has designated the Community Services assistant director, or designee(s), as authorized to determine an

individual's CRC fitness when the individual seeks to house an OYA youth, or is a member of the household, and is not the youth's parent, legal guardian, or a subject individual.

- a) The CRC for these individuals will be a computerized criminal record check only.
- b) Staff must receive consent from the individual for a CRC prior to completing the individual's computerized criminal record check. The consent must be documented on OYA form YA 3900 (Youth Member of Household Criminal Records Consent).
- c) Community Services LEDS-certified staff will complete the computerized criminal record check.
- d) Fitness determination for these individuals will follow the guidelines under OAR 416-800-0050, and general field procedure, [Criminal Records Checks](#).
- e) These individuals are not "subject individuals" under OAR 416-800-0020 and do not require notice of final fitness determination.

2. The OYA director has designated the Facility Services assistant director, or designee(s), as authorized to determine an individual's CRC fitness when the individual seeks to visit an OYA youth while the youth is placed in an OYA facility, and the individual does not fit the definition of a "subject individual."

- a) The CRC for these individuals will be a computerized criminal records check only.
- b) Staff must receive consent from the individual for a CRC prior to completing the individual's computerized criminal record check. The consent must be documented on OYA form YA 4006 (Request to Visit).
- c) LEDS-certified staff will complete the computerized criminal record check.
- d) Fitness determination for these individuals will follow the guidelines under OAR 416-800-0050 and facilitywide procedure [FAC II-E-2.5](#) (Visitor Computerized Criminal Records Checks).
- e) These individuals are not "subject individuals" under OAR 416-800-0020 and do not require notice of final fitness determination.

E. Notice of Final Fitness Determination

OYA is required to inform **subject individuals** who have been determined **not** to be fit on the basis of a CRC. OYA will notify them of such disqualification in one of these ways:

1. Foster care providers and foster care applicants: A Notice of Denial Final Order drafted by OYA's legal counsel; or
 2. Other subject individuals: A completed YA 8131.
 - a) The completed YA 8131 must be mailed to the most current address provided by the subject individual.
 - b) The authorized designee's signature date must be the same as the date the YA 8131 is mailed.
- F. The Community Resources manager must contact OYA's legal counsel to coordinate a contested case hearing if a foster care provider/applicant requests a contested case hearing regarding the provider's/applicant's disqualification.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO