



Program Statement

OPI: CCD
NUMBER: 7570.02
DATE: 11/2/99
SUBJECT: Contract Staff Integrity
for Privately Operated
Community Corrections
Residential Facilities

1. **PURPOSE AND SCOPE.** To transmit policy and procedures for processing criminal history checks on community corrections contract employees and volunteers. Community corrections contract employees and volunteers work in privately-operated (non-governmental) residential facilities such as community corrections centers, comprehensive sanctions centers, and juvenile facilities.

The Bureau is committed to conduct which assures the trust and confidence of the public. Therefore, emphasis is placed on contract staff integrity.

The Contracting Officer (CO) is responsible for checking the background of the successful bidder's executive staff before contract award. Bureau community corrections staff conduct these checks on all other contract employees who have contact with federal inmates.

2. **SUMMARY OF CHANGES.** This revision includes the following changes:

a. Community Corrections Managers (CCMs), ordinarily within five working days after receiving the National Crime Information Center/National Law Enforcement Telecommunication System (NCIC/NLETS) criminal history check, will approve conditionally a proposed contract employee to work with federal inmates, or disapprove the employee in accordance with established criteria.

b. The Limited Official Use (LOU) designation of this Program Statement has been removed.

c. The CCM will specify the reasons for prohibiting a contract employee from working with federal inmates.

3. **PROGRAM OBJECTIVE.** The expected result of this program is that community corrections contract employees will be screened effectively and efficiently to ensure their acceptability to work with federal inmates.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 7570.01 Contract Staff Integrity for Privately
 Operated Community Corrections Centers (CCCs)
 (2/14/94)

b. **Directives Referenced**

PS 3420.09 Standards of Employee Conduct and
 Responsibility (2/5/99)
PS 7300.09 Community Corrections Manual (1/12/98)

5. **CRIMINAL HISTORY CHECKS.** A criminal history check must be done on all contract employees and volunteers who have contact with federal inmates. These employees and volunteers must complete and sign Attachment A before the criminal history check can be done.

These checks must also be done for the employees of an incumbent contractor who receives an award of a replacement contract. The criminal history checks from the previous contract cannot be used to satisfy this requirement.

a. **Facility Directors.** Facility directors must be screened before contract performance to determine if they are appropriate to work with federal inmates.

If the identity of the facility director is indicated in the proposal, the Community Corrections Branch (CCB) will perform the NCIC/NLETS criminal history checks. The CO must provide the facility director's name and other identifying information to the CCB. CCB will approve the facility director conditionally to work with federal inmates, contingent on the results of the fingerprint check, or disapprove the director in accordance with Section 8.

When the facility director's identity is not indicated in the proposal, the CCM or Community Corrections Contract Oversight Specialist (COS) is responsible for the NCIC/NLETS criminal history check on the facility director before contract performance.

b. **Community Corrections Contract Employees.** Community corrections field offices must perform NCIC/NLETS criminal history checks on all other contract employees before contract performance. Additionally, NCIC/NLETS checks must be completed on all employees hired after contract award, including the facility director.

The CCM, ordinarily within five working days after receiving the NCIC/NLETS criminal history check, will conditionally approve a contract employee to work with federal offenders, contingent on the results of the fingerprint check, or disapprove the employee in accordance with Section 8.

c. **Community Corrections Contract Volunteers.** Volunteers who provide services in community corrections contract facilities under the direct observation and supervision of paid contract employees do not need to undergo any background checks.

Volunteers who provide services without any direct supervision must undergo the same background checks as contract employees.

6. **RESPONSES FROM NCIC/NLETS.** If a community corrections contract employee or volunteer receives a "No Record" response from NCIC/NLETS, or a "Record Response" but qualifiers do not match, the CCM must send a letter, using Attachment B as an example, to the contractor stating the individual is approved conditionally to work with federal inmates pending the results of the fingerprint check.

When the contract employee is the facility director, the CCM will send a letter, using Attachment B as an example, to the "authorized negotiator" identified in the contracting documents. If the identity of the "authorized negotiator" is unclear, the CCM must consult the CO for clarification.

The CCM will send a letter, using Attachment C as an example, to the contractor stating that the individual is prohibited from working with federal inmates when a community corrections contract employee or volunteer:

- ◆ receives a positive record response from NCIC/NLETS, and/or
- ◆ the qualifiers match, and/or
- ◆ the prior history meets one or more of the criteria in Section 8.

The CCM will specify the reasons for the prohibition and inform the contractor of the right to appeal the decision.

When the contract employee is the facility director, the CCM will send a letter, using Attachment C as an example, to the "authorized negotiator" identified in the contracting documents.

The CCM must document the notification(s) in the contract working file.

7. **FINGERPRINTS**

a. **Notification.** In addition to NCIC/NLETS criminal history checks, community corrections field staff must fingerprint all community corrections contract employees and appropriate volunteers including the facility director. The fingerprints are to be submitted to the FBI for processing.

If the fingerprint check reveals that the contract employee has a criminal history which meets any one of the criteria in Section 8, the CCM must prohibit the contract employee from working with federal inmates **immediately**.

The CCM must send a letter, using Attachment C as an example, to the contractor prohibiting the individual from working with federal inmates. The CCM will specify the reason(s) for the prohibition and inform the contractor of the right to appeal the decision.

When the contract employee is the facility director, the CCM will send a letter, using Attachment C as an example, to the "authorized negotiator" identified in the contracting documents.

If the contract employee has a clear record, or the criminal history does not meet the criteria in Section 8, the CCM must send a letter, using Attachment D as an example, to the contractor approving the contract employee to work with federal inmates.

When the contract employee is the facility director, the CCM will send a letter, using Attachment D as an example, to the "authorized negotiator" identified in the contracting documents.

The CCM must document the notification(s) in the contract working file.

b. **Time Limits.** Fingerprint checks must be performed no later than during the first scheduled monitoring (the first on-site monitoring by the CCM) after contract award. For employees hired after the first scheduled monitoring, fingerprint checks must be performed no later than during the first scheduled monitoring after their employment.

Each contract employee or appropriate volunteer must have a fingerprint check performed at a minimum of once during the contract period. The average response time for a fingerprint check is 20 working days.

c. **Fingerprint Cards.** Each community corrections field office is to order fingerprint cards from the FBI. The CCM must ensure the cards indicate their correct originator number (ORI). Questions regarding the fingerprint cards, e.g., FBI contact, cost, may be directed to the CCB.

Staff must write "contract employee" on the fingerprint card in the block for "reason fingerprinted."

8. **GUIDELINES OF ACCEPTABILITY.** Ordinarily, contract employees with a history of any of the following are to be disapproved:

- (1) One or more felony convictions;
- (2) Within the past three years, a misdemeanor conviction involving assaultive, abusive, and/or violent behavior such as: sexual assault, sexual abuse of another, sexual abuse of a minor, domestic violence, etc.;
- (3) Within the past three years, two or more misdemeanor convictions;
- (4) Within the past year, three or more separate instances of moving traffic violations;
- (5) Within the past three years, two or more driver's license suspensions/revocations;
- (6) Within the past three years, two or more convictions for driving while intoxicated or driving under the influence;
- (7) Within the past three years, two or more convictions for drunk and disorderly conduct or public intoxication;
- (8) Behavior or conduct in violation of the contract's Standards of Conduct; or
- (9) Within the past five years, one or more instances of physical force resulting in physical harm or medical attention required to another except in self-defense, to prevent physical harm to another.

9. **APPEALS.** There may be occasions when an individual's past behavior meets one or more of the criteria in Section 8, yet the contractor wants to allow the individual to work with federal inmates. The contractor may appeal by requesting the CCM to reconsider.

a. **CCM.** The contractor may submit to the CCM written justification why the individual should be approved to work with federal inmates. After consulting with the Management Center Administrator (MCA), the CCM may approve the employee to work with federal inmates. However, if the CCM and MCA recommend denial, their recommendation and the contractor's justification must be forwarded to the Community Corrections Regional Administrator (CCRA).

The CCRA will consider the contractor's request and notify the CCM and MCA of his or her decision. The CCM will forward the decision to the contractor. If the CCRA denies the contractor's request, the CCM must also inform the contractor of the right to appeal to the CO.

b. **CO.** The contractor may appeal the CCRA's decision to the CO. The contractor must submit the original documents sent to the CCM and the CCRA's decision, with a rationale for appeal, to the CO for review.

The CO must consult with the Community Corrections Administrator, Community Corrections and Detention Division, prior to making a final decision. The CO will notify the contractor of the final decision, with a copy to the CCB, CCRA, and CCM.

10. **BUREAU REVIEW OF CONTRACTOR EMPLOYEE INFORMATION.** The verification of background information (e.g., information contained in resumes, employment applications, verification of college degrees) for contract employees is the contractor's responsibility. However, Bureau staff will also verify periodically contract employee background information as required. This will ordinarily be done during a monitoring.

/s/

Kathleen Hawk Sawyer
Director

AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION
U.S. DEPARTMENT OF JUSTICE **FEDERAL BUREAU OF PRISONS**

Facility Name and Address:

I, _____, authorize the release to the Federal Bureau of Prisons of any information generated as a result of a National Crime Information Center/National Law Enforcement Telecommunications System (NCIC/NLETS) criminal history check on me, or any other information necessary to determine my suitability for work with federal offenders.

I also authorize the Federal Bureau of Prisons to disclose to the facility director or the contract's "authorized negotiator" all information generated as a result of a National Crime Information Center/National Law Enforcement Telecommunications System (NCIC/NLETS) criminal history check on me, or any other information necessary to determine my suitability for work with federal offenders at _____.

I understand that my records are protected under federal privacy regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it. In any event, this consent will cease to be effective after my employment with _____.

1. Name (print: Last, First, Middle)	2. Date of Birth	3. SSN
4. Signature	5. Date signed	
6. Witness Signature (print & sign)	7. Date Witness signed	

Name of Contractor
Name of Facility
Address
City, State Zip Code

Dear Mr. Contractor:

This is to inform you of the results of the criminal history check processed on Ms. Jane Smith, Job Title, Name of CCC.

Ms. Smith has received a "No Record" response from the National Crime Information Center/National Law Enforcement Telecommunication System (NCIC/NLETS) inquiry. She is, therefore, conditionally approved to work with federal offenders.

This approval is contingent on the results of a fingerprint check. If the fingerprint check is also negative, Ms. Smith will be approved to work with federal offenders.

If the results of the fingerprint check indicate a previous criminal history, Ms. Smith may continue working with federal offenders only with the written approval of the Bureau of Prisons.

Sincerely,

Jim Doe
Community Corrections Manager

Name of Contractor
Name of Facility
Address
City, State Zip Code

Dear Mr. Contractor:

This is to inform you of the results of the criminal history check processed on Ms. Jane Smith, Job Title, Name of Facility. The (NCIC/NLETS or fingerprint check) indicates this individual (list reason(s) from Section 8). (State the specific reasons for the prohibition.) Therefore, Ms. Smith is prohibited from working with federal offenders.

If you choose to appeal this decision, you must submit written justification to the Community Corrections Manager outlining why the individual should be approved to work with federal offenders. This justification must include:

- ◆ The details and circumstances surrounding the cited incident(s);
- ◆ The reasons why the individual should be hired or retained for employment;
- ◆ Where applicable, proof the individual was granted a presidential or gubernatorial pardon for their criminal acts;
- ◆ If illegal drug activity was cited, proof that the individual successfully completed a drug rehabilitation or therapy program after the criminal act was committed and that no violations have occurred since;
- ◆ If alcohol abuse was cited, proof the individual successfully completed an alcohol abuse rehabilitation or therapy program after the criminal act was committed and that no violations have occurred since.

Sincerely,

John Smith
Community Corrections Manager

PS 7570.02
11/2/99
Attachment D

Name of Contractor
Name of Facility
Address
City, State Zip Code

Dear Mr. Contractor:

 This is to inform you that all criminal background checks
have been completed for Ms. Jane Smith, Job Title, Name of CCC.
Ms. Smith is approved to work with federal offenders.

Sincerely,

Jim Doe
Community Corrections Manager