



Virginia Department of Corrections

Human Resources

Operating Procedure 102.3

Background Investigation Program

Authority:

Directive 102, *Talent Acquisition and Records*

Effective Date: November 1, 2023

Amended:

Supersedes:

Operating Procedure 102.3, November 1, 2020

Access: ☐ Restricted ☒ Public ☐ Inmate

ACA/PREA Standards:

5-ACI-1C-14; 4-ACRS-7B-05; 4-APPFS-3A-02;
2-CO-1C-18; 1-CTA-1C-06; §115.17, §115.217

Content Owner: Luke E. Black
Assistant Director of Human Resources

Signature Copy on File

8/30/23

Signature

Date

Reviewer: Lucinda Childs-White
Director of Human Resources

Signature Copy on File

8/30/23

Signature

Date

Signatory: Joseph W. Walters
Deputy Director for Administration

Signature Copy on File

9/6/23

Signature

Date

REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The content owner reviewed this operating procedure in October 2024 and determined that no changes are needed.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

Table of Contents

DEFINITIONS 3

PURPOSE 5

PROCEDURE..... 5

 I. Background Investigation Program..... 5

 II. Focus of Background Investigations 7

 III. Background Investigation Requirements 7

 IV. Limited Background Investigation..... 9

 V. Requesting Full Background Investigations..... 9

 VI. Full Background Investigation 10

 VII. Human Resource Officer Responsibilities 11

 VIII. Termination of Background Investigations 11

 IX. Report of Investigation..... 12

 X. Levels of Review..... 12

 XI. Background Investigations for Probation and Parole Employees 12

REFERENCES..... 13

ATTACHMENTS 14

FORM CITATIONS 14



DEFINITIONS

Applicant - A person seeking employment with the Department of Corrections in an hourly (wage) or salaried position or on an individual contract basis; or a person seeking a position in another state agency or with a vendor that requires that person to work in any Department of Corrections facility or Organizational Unit. An individual who has been offered employment by the DOC is considered to be an applicant until the first day of employment.

Appointing Authority - The Organizational Unit Head or the next level of supervision above the Organizational Unit Head, if the Organizational Unit Head position is vacant, this is the person who must give final approval for the selection of the individual to fill the vacancy. This authority may be delegated down the chain of command to the immediate supervisor.

Authority for Release of Information - A written and signed form completed by the subject of the background investigation, authorizing permission to collect information or initiate a background investigation or criminal records check.

Background Investigation (BI) - The process of authenticating information on an individual through records reviews and interviews with sources of information which may include but not be limited to a report of that individual's driver's license, full criminal history, visitation history, written and telephone inquiries about prior employment, military background, credit reporting, gang affiliations, and business, professional and personal references.

Contract Employee - An individual working under an agreement enforceable by law, between the DOC and one or more competent parties, including all subcontractors, requiring as a condition of employment.

- Access to DOC owned or controlled facilities.
- Work, wherever located, that involves the design, operation, repair or maintenance of information systems or access to sensitive information; or
- An entity under contract to provide goods or services to the DOC.

Full Background Investigation - An investigation for sensitive classified and wage positions including contractors to be processed at initial employment and/or at time of contract award and new hires for the contractors during the term of the contracts. This level of investigation will include education verification, professional license verification, employment reference checks, criminal record checks, DMV checks, local agency record checks, expanded local agency record checks, VACORIS Gang Module checks, and visitation history checks. For sensitive specialist positions, additional background information will be obtained through the Virginia State Police, conducting one on one interviews within the home environment (to include neighbors and family members), credit bureau and banking accounts, and investigational interviews with the candidate.

Intern - An individual who is undergoing supervised practical training and is serving an internship to advance their area of study; without compensation from the DOC; interns receiving compensation from the DOC are considered employees and will be managed in accordance with their employment status.

Limited Background Investigation - An investigation of limited scope, focusing on criminal and local law enforcement or judicial record checks, VACORIS Gang Module checks, professional licensure, and credentials when appropriate, or any other inquiry deemed necessary or requested.

Live Scan - Live Scan provides for the electronic capture and transmission of arrest and applicant data and fingerprints to the Central Criminal Records Exchange (CCRE) at Virginia State Police. This data both checks and updates Virginia's Criminal History (CCH) and Automated Fingerprint Identification Systems (AFIS) in an automated manner. Identification information is returned electronically to the Live Scan agency that requested it.

Non-Sensitive - A designation of a position that indicates a low potential for damage to agency security or the integrity and efficiency of the Department. A non-sensitive position is one where the individual does not have routine access to or supervision and control authority over offenders, client population, or access to restricted information.

Partial Background Investigation - A report, as determined by the appointing authority in consultation with the Background Investigations Unit, in which the scope of the investigation is tailored to satisfy specific informational needs or requirements.



Promotional/Transfer Background Investigation - An investigation of DOC employees who are promoted or transferred to another DOC position or DOC agency; the elements of this level of investigation are determined on a case-by-case basis and will include, at a minimum, criminal record checks, DMV checks, local agency record checks, and visitation history checks.

Preliminary Report - A criminal history or records search (VCIN/NCIC and DMV) pending completion of a background investigation, designed to provide initial screening for an immediate hiring decision in critical positions. Medical positions will also include professional licensing verification.

Scope - The time period covered, and the sources of information contacted during the prescribed course of a background investigation.

Sensitive Position - A position designation that indicates a moderate potential for damage to agency security or the integrity and efficiency of the Department. These positions generally have routine access to or supervision and/or control authority over offenders, client population, or access to restricted information (including but not limited to access to sensitive or restricted employee, offender, security, or medical information).

Sensitive Specialist Position - A position within the Department of Corrections that indicates a high potential risk for damage to agency security of the integrity and efficiency of the Department and therefore requires a heightened level of background investigation. These positions generally have investigative responsibilities and/or access to internal or outside agency databases/systems containing highly restricted/protected information. Sensitive Specialist positions include any position within the Gang Unit, Special Investigations Unit, the Extradition and Fugitive Recovery Unit, and any position designated by the Director of Corrections or designee.

Volunteer - Any citizen of the community who, of their own free will, provides goods or services to the DOC without any financial gain.

PURPOSE

This operating procedure establishes protocols to ensure that the Department of Corrections (DOC) has a uniform and consistent process whereby all applicants for employment, contractors, interns, and volunteers, prior to appointment, are subjected to a background investigation appropriate to the position being sought.

PROCEDURE

I. Background Investigation Program

- A. In accordance with COV §19.2-389, *Dissemination of criminal history record information*, a criminal record check is conducted on all new or prospective employees, contract personnel, interns, and volunteers prior to assuming their duties to identify whether there are criminal convictions that would affect job performance or delivery of services. (5-ACI-1C-14; 4-ACRS-7B-05; 4-APPFS-3A-02; 2-CO-1C-18; 1-CTA-1C-06)
 - 1. This record check will include comprehensive identifier information to be collected and run against law enforcement indices.
 - 2. If suspect information on matters with potential terrorism connections is returned on a desirable applicant, is forwarded to the local Joint Terrorism Task Force (JTTF) or another similar body.
- B. To ensure uniform implementation of the Background Investigation Program throughout the DOC, program responsibility will be centralized. The Director of Human Resources will have primary responsibility for administering the Background Investigation Program throughout the DOC.
- C. In order to ensure that the DOC hires individuals who are qualified and suitable for employment, applicants recommended for hire, finalists, must undergo a background investigation as a condition of employment. This investigation process ensures the accuracy of information contained on applications and that the applicants are suitable for employment involving public safety and public trust responsibilities.
- D. This operating procedure applies to all salaried employees, hourly wage employees, contract personnel, consultants, volunteers, interns, and any other person providing services to DOC inmates/probationers/parolees and an organizational unit of the DOC.
- E. Investigation Requirements
 - 1. A background investigation will be required before an applicant begins employment, except when authorized to hire the applicant based on completion of a favorable preliminary report.
 - 2. All interviews will be conducted on an individual and confidential basis.
- F. Background investigations for Probation and Parole employees, volunteers, contractors, and interns may be performed by the employing P&P Office with copies of resulting reports forwarded to the Background Investigation Unit Supervisor for recording and retention, see the *Background Investigations for Probation and Parole Employees* section of this operating procedure.
- G. Facility employees may perform limited background investigations for non-sensitive volunteers in a facility with a copy of the completed *Application to Volunteer or Intern* 027_F2 forwarded to the Background Investigation Unit (BIU) Supervisor for recording and retention.
 - 1. The following documents should be attached:
 - a. *Authority for Release of Information* 102_F7
 - b. A copy of the applicants Driver's License or other government issued photo identification.
 - c. Fingerprint Cards, if applicable, or provide Live Scan TCN number.
 - d. The BIU must perform a full background investigation for volunteers in sensitive positions the following documents to BIU:

- i. *Application to Volunteer or Intern* 027_F2
 - ii. *Background Investigation Questionnaire* 102_F2
 - iii. *Request for Background Investigation* 102_F6
 - iv. *Authority for Release of Information* 102_F7
 - v. A copy of the applicants Driver's License or other government issued photo identification.
 - vi. A Copy of the applicants License or Certification, if applicable.
 - vii. Live Scan TCN number, if applicable, or provide two completed inked Fingerprint Cards.
- e. The Organizational Unit Head may grant preliminary approval, based on preliminary reports, for volunteers to serve in sensitive positions pending completion of the full background investigation.
- H. Facility employees may preform limited background investigations for non-sensitive temporary position contractors in a facility with the appropriate sections of the *Confidential Summary Background Investigation Report* 102_F10 completed and forwarded to the BIU Supervisor for recording and retention.
- I. The selection process remains the responsibility of the Appointing Authority. Nothing in this operating procedure will be interpreted as denying the Appointing Authority the right and responsibility to make appropriate inquiries into the employment history of an applicant to ensure that the applicant has the background necessary for the specific job tasks.
- J. The DOC will not hire or promote anyone who may have contact with inmates/probationers/parolees s, and will not enlist the services of any contractor who may have contact with inmates/probationers/parolees, who: (§115.17[a], §115.217[a])
 1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, as defined in 42 U.S.C. §1997, *Definitions*.
 2. Has been civilly or administratively adjudicated to have engaged or has been convicted 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.
 3. Has made material omissions regarding such misconduct, or has provided materially false information, material omissions or providing false information will be grounds for termination. (§115.17[g], §115.217[g])
- K. The DOC will consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates/probationers/parolees. (§115.17[b], §115.217[b])
- L. Before hiring new employees, who may have contact with inmates/probationers/parolees, the DOC will: (§115.17[c], §115.217[c])
 1. Perform a criminal background records check, i.e., *Virginia Criminal Information Network* (VCIN)
 2. Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- M. All DOC facilities will perform a VCIN before enlisting the services of any contractor who may have contact with inmates/probationers/parolees. All DOC community based administrative offices should perform a VCIN before enlisting the services of any contractor who will have unescorted contact with inmates/probationers/parolees. (§115.17[d], §115.217[d])
- N. The DOC will perform a VCIN at least every five years on current employees and contractors. A VCIN will be conducted annually for sensitive specialist assignments.
 1. The Human Resources Officer for each organizational unit will ensure VCINs are conducted and documented as required. (§115.17[e], §115.217[e])

2. The Human Resource Officer will document in the Human Resource Information System (HRIS) that the VCIN was conducted.
- O. Individuals may be terminated from employment if information is received and verified that an employee falsified their application or provided erroneous information during the background interview process.
- P. No Background Investigations will be performed on persons under the age of 18 years.
 1. The BIU Supervisor will prepare a memo waiving the background investigation requirement due to age for recording purposes.
 2. For any employee whose background investigation was waived due to age, an *Authority for Release of Information 102_F7* and fingerprints should be obtained when they reach age 18 and a limited background investigation completed.

II. Focus of Background Investigations

- A. The background investigation will focus on the job requirements and the applicant's ability to perform assigned duties. Additionally, the investigation, if necessary, will include inquiries relative to the applicant's suitability for a position within the correctional system that requires contact with the inmate/probationer/parolee or client population.
- B. When an applicant is an ex-inmate/probationer/parolee, a review will be conducted of inmate/probationer/parolee records.
- C. Background investigations will not include an evaluation of professional or technical proficiency; this evaluation will remain the responsibility of the Appointing Authority.
- D. During the course of background investigations, attempts must be made to obtain information relative to the following:
 1. The ability of the applicant to maintain composure and judgment while under stress and any propensity for violence or abuse.
 2. Honesty
 3. Trustworthiness
 4. Reliability
 5. Ability to get along with others.
 6. Attitude towards receiving instructions and supervision.
 7. Validity of application data.
- E. Expanded Investigation
 1. When adverse or questionable information relevant to a security or employment determination is detected during an investigation, regardless of type, the investigation will be expanded, to the extent necessary to substantiate, disprove or satisfy the inquiry regarding adverse or questionable information.
 2. In background investigations involving an applicant for a sensitive specialist position, when adverse or questionable information arises during the course of the investigation, a polygraph examination may be administered.

III. Background Investigation Requirements

- A. A full background investigation must be conducted prior to initial employment within the DOC, to include paid and unpaid interns and volunteers working in sensitive positions, which may include access to DOC Information Technology resources and VACORIS.
- B. When DOC business needs require an immediate hiring decision, a conditional offer of employment may



be extended prior to receiving the results of the full and complete background investigation.

1. The conditional offer is a valid offer of employment, contingent upon approval of the full and complete background; an appropriate background investigation must still be requested, and a report provided in accordance with this operating procedure.
 2. The conditional offer will only be made after the Organizational Unit Head reviews the *Background Investigation Questionnaire* 102_F2 and preliminary report, VCIN/NCIC and DMV check, for information that would require further inquiry including but not limited to the following: gang affiliation, criminal convictions, inmate/probationer/parolee visitation, driving convictions, tattoos, etc.
 3. The Organizational Unit Head will evaluate the *Questionnaire*, preliminary report, and potential impact of selection on a case-by-case basis in consultation with Human Resources staff and the appropriate Regional Operations Chief or Deputy Director.
- C. A full background investigation must be conducted when an individual from outside the DOC, but employed by the state, is transferred, or employed in a DOC position.
- D. A promotional/transfer background investigation will be conducted for all promotions and competitive voluntary transfers to or within pay band four or higher. The Organizational Unit Head may conduct a VCIN for promotions and/or transfers below pay band four at their discretion.
- E. It is the responsibility of the receiving Organizational Unit Head or designee to request and verify adjudicate all background investigation and ensure the information is documented in the Human Resource Information System (HRIS).
- F. Contractor employees
1. A partial background investigation will be conducted for contractor employees working in a sensitive position.
 2. A limited background investigation will be conducted for contractor employees working in a non-sensitive position.
 - a. Virginia Department of Transportation (VDOT) foremen require limited background investigations.
 - b. Virginia Information Technology Agency (VITA) technicians and their contractors supporting information technology and the Corrections Technology Security Unit require limited backgrounds.
 3. Contractors Removed for Cause
 - a. Contract personnel are sometimes removed for cause or voluntarily resign during investigations into misconduct or violations related to the Prison Rape Elimination Act.
 - b. When an individual is removed for cause or resigns during investigation, it is critical that BIU be notified in a timely manner.
 - c. BIU will maintain records to ensure this information is available for consideration if a future background investigation is requested.
 - d. Organizational Unit Heads and Human Resources Officers are responsible for making notifications of these removals and voluntary separations for future cases.
 - i. Organizational Unit Heads and Human Resources are also responsible for making notifications of retroactive cases where the information is available.
 - ii. The notifications should be made via e-mail to the BIU at Background.Investigations@vadoc.virginia.gov.
 - e. The notification will include:
 - i. The name of the individual
 - ii. The reason for the removal or resignation

iii. The date of the action

f. If any additional information is needed, the BIU will request it from the reporting Organizational Unit Head and/or HRO.

G. Volunteers and Interns; see Operating Procedure 027.1, *Volunteer Program and Internships*

1. Volunteers, including unpaid interns working in non-sensitive positions require limited background investigations.
2. Volunteers, including unpaid interns working in sensitive positions including access to DOC IT resources and VACORIS must have full background investigations.

H. Attorneys representing inmates/probationers/parolees requiring facility access to represent their clients are not normally investigated once they provide proper credentials. Facilities may run a VCIN and VACORIS visitation history on legal assistants or paralegal personnel, if desired.

I. Partial or limited background investigations will be conducted for weapons/firearms permits, and re-certifications, transfers to security positions, VCIN operators, sensitive specialist positions, and other special or sensitive assignments when deemed appropriate by the Organizational Unit Head in the interest of public safety.

J. Official visitors should be allowed to access DOC facilities without a VCIN, or other criminal records check upon presentation of valid identification.

IV. Limited Background Investigation

A. The Organizational Unit Head will initiate and approve requests for background investigations.

B. For BIU to perform a limited background investigation, the *Request for Background Investigation* 102_F6 must include the following attachments.

1. *Authority for Release of Information* 102_F7.
2. A copy of the applicants Driver's License or other government issued photo identification.
3. Fingerprint Cards, if applicable, or provide Live Scan TCN number.

C. Where allowed in this operating procedure, limited background investigations may be performed by facility or P&P Office employees with appropriate sections of the *Confidential Summary Background Investigation Report* 102_F10 completed and forwarded to the BIU Supervisor for recording and retention with the following attachments:

1. *Authority for Release of Information* 102_F7
2. A copy of the applicants Driver's License or other government issued photo identification.
3. Fingerprint Cards, if applicable, or provide Live Scan TCN number.

V. Requesting Full Background Investigations

A. Requests for background investigations will be initiated by the Organizational Unit Head, a designee or appointing authority and forwarded to the BIU.

B. The *Request for Background Investigation* 102_F6 must include the following the following attachments:

1. A copy of the applicant's employment application form.
2. TCN number from Live Scan or two completed inked fingerprint cards.
3. Form DD 214, Member 4, *Certificate of Release or Discharge from Military Service*.
 - a. If the DD-214 is unavailable, the applicant must provide a copy of the *Discharge Certificate*, and complete an SF-180, *Request for Military Service Record*.
 - b. This information will be forwarded with the *Request for Background Investigation* 102_F6.



4. *Authority for Release of Information 102_F7*
5. Verification of education, e.g., high school diploma, college transcripts, etc.
 - a. As much information as possible will be secured, such as: name of last school attended, complete location of school, dates of attendance, under what name attended, etc.
 - b. If this information is not on the application, it will be conspicuously noted on the *Request for Background Investigation 102_F6*.
6. Copies of the applicant's Birth Certificate, Social Security Card, and Driver's License; if a birth certificate is not available, a copy of a US Passport will suffice.
7. Other documents; if available, a copy or extract information from the Certificate of US Citizenship, Certificate of Naturalization, Permanent Resident Card, or Alien Registration Receipt Card with Photograph.

VI. Full Background Investigation

- A. The BIU provides a single, centrally directed background investigative service to conduct pre-employment investigations on DOC personnel.
 1. No other agency or organization will conduct background investigations unless specifically authorized by the Director of Human Resources.
 2. In certain instances, the Director of Human Resources may solicit assistance or refer an investigation to other investigative agencies or appointed personnel, i.e., Virginia State Police investigations for sensitive specialist positions.
- B. The following elements may apply to a full background investigation:
 1. Fingerprint checks (State Police, FBI)
 2. Local law enforcement checks (LAC-Local Agency Check)
 3. Employment Verification
 4. Employment interview (with supervisor).
 5. Verification of education (as indicated by applicant).
 6. Criminal history checks with VCIN, *National Criminal Information Center (NCIC)*, to include National Law Enforcement Telecommunications System (*NLETS*), when the scope reflects residences or employment in other states or Canada.
 7. Department of Motor Vehicles (DMV) on all applicants by license number, name, and social security number to determine whether the applicant has a current driver's license and a record of traffic violations. This includes inquiries to other states when the applicant holds an out of state license or has had an out of state license within the scope of the investigation.
 8. An interview with selected references.
 9. The development and interview of two additional references.
 10. A review of Special Investigations Unit files for current or former DOC employees.
 11. A review of personnel records for active notices for current DOC employees and applicants with prior DOC or state service.
 12. A review of VACORIS inmate/probationer/parolee visitation history, for all investigations.
 13. A check with the *International Criminal Police Organization (INTERPOL)* on applications with a history of international travel.
 14. A check with the *Law Enforcement Support Center (LESC)* for immigration status and identity information (US Immigration & Customs Enforcement).

15. A review of any additional checks or verification requested by the appointing authority or as required due to the specific position assignment.
16. BIU and anyone conducting reference checks must attempt to obtain answers from any prior institutional employers, e.g., prisons, community corrections, jails, juvenile facilities, community residential treatment, etc. for the following questions:
 - a. Were there any substantiated allegations of sexual abuse or sexual harassment during their time of employment?
 - b. Did this person resign or were they allowed to resign during a pending investigation of an allegation of sexual abuse or harassment?

VII. Human Resource Officer Responsibilities

- A. Instructing all applicants recommended for hire, i.e., finalists, and contract employees for sensitive positions to complete an *Authority for Release of Information* 102_F7 and *Background Investigation Questionnaire* 102_F2 and advising them of the prerequisite and urgency to complete the *Questionnaire* and return it within two business days as part of the hiring process.
 1. The applicant will be provided a self-addressed envelope for mailing or directed to complete the form online and return it to the unit's HRO or designated hiring official at the unit where they applied.
 2. Timely completion of the *Background Investigation Questionnaire* 102_F2 is expected to aid in the turnaround of the final report and produce a more complete background investigation report for a more timely hiring decision.
- B. Securing the appropriate forms from all applicants or employees and ensuring that all information is complete and accurate. If practical, incomplete forms will be brought to the attention of the requesting official by the BIU Supervisor.
- C. Advising the applicants, they are subject to a background investigation and employment is conditional based on a satisfactory background investigation.
- D. Making the necessary arrangements for fingerprinting
- E. Verifying the applicant's significant periods of unemployment, which are not otherwise accounted for, within the scope of the background investigation.
- F. Notifying the BIU Supervisor immediately if an applicant is no longer being considered, declines an offer, or resigns prior to completion of the background investigation.
- G. Notifying the BIU Supervisor immediately if an employee, volunteer, contract employee, or intern resigns in lieu of termination or is terminated under the *Standards of Conduct* or is separated for reasons that may warrant termination under the *Standards of Conduct*; see Operating Procedure 135.1, *Standards of Conduct*.

VIII. Termination of Background Investigations

- A. The requesting official will be notified immediately if any information is developed that merits grounds for termination of the background investigation.
- B. The following situations are grounds for termination of a background investigation:
 1. Notification by the requesting official that an applicant is no longer being considered for a position.
 2. Applicants are determined to be ineligible for employment due to:
 - a. Refusing to submit to a DOC pre-employment substance abuse test or receiving positive DOC pre-employment substance abuse test results for illegal or unlawful drug use within the last one year from the date of testing; see Operating Procedure 135.4, *Alcohol and Drug Testing*.
 - b. Failing to possess a license or certification required for the job.



- c. Being prohibited from receiving, transporting, possessing, or carrying a firearm, for positions that require the incumbent to carry a firearm or have authorization to carry a firearm.

3. All other situations as determined by the BIU Supervisor.

IX. Report of Investigation

- A. Background investigation reports are sensitive and valuable to the DOC and will be secured in locked file cabinets or secure electronic files.
- B. The BIU retains applicant investigation reports on file for five years.
 1. Copies of these reports are available for review by the Appointing Authority only.
 2. After the five-year retention period, reports should be destroyed by shredding of paper files or deletion of electronic files, see Operating Procedure 025.3, *Public Records Retention and Disposition*.
- C. An applicant may obtain their investigation report through a written request to BIU. The applicant can challenge the accuracy and completeness of any such report by providing a copy of supporting official documentation.

X. Levels of Review

- A. After the background investigation has been completed, investigative reports will be forwarded to the Appointing Authority for review.
- B. Every level of review should ensure that the applicant provided all required information.
- C. The reviewer should consider suitability issues including, but not limited to, falsification issues, contact with law enforcement, job discharges, negative employment history, inmate/probationer/parolee visits/correspondence, gang affiliation, and military service performance or conduct issues.
- D. After the background investigation has been completed for a sensitive specialist position, reports will be made available to the Director of Security and Correctional Enforcement or designee for review and recommendation.
 1. If the Coordinator's findings are unfavorable, the report will be forwarded to the candidate's Organizational Unit Head for review. If the Organizational Unit Head and the Coordinator fail to agree on the employee's suitability, the unit's Regional Administrator will have the authority to make the final decision.
 2. The BIU will maintain a copy of the background investigation report and related documentation; all other copies will be destroyed.
 3. Newly hired DOC employees may not be placed into a sensitive specialist position until the full background investigation is completed, reviewed, and the employee is determined suitable for the position.
 4. The Appointing Authority, pending the completion of the report by the Virginia State Police and a favorable decision, may tentatively place active DOC employees in a sensitive specialist position.

XI. Background Investigations for Probation and Parole Employees

- A. The designated employee at the employing P&P Office may perform background investigations for potential P&P Office employees, including P&P Officers, Assistant P&P Officers (Surveillance Officers), clerical employees, contractors, volunteers, and interns.
 1. Before beginning a background investigation, the designated employee at the employing P&P Office should contact the BIU to determine if BIU staff have information on file relative to the subject of the investigation.
 2. If desired, the District Chief P&P Officer or designated employee at the hiring P&P Office may request



- the BIU to conduct background investigations in accordance with this operating procedure.
3. Copies of resulting reports must be forwarded to the BIU Supervisor for recording and retention.
 4. Guidance and documents cited in this section will assist P&P Offices to perform Background Investigations in accordance with this operating procedure.
- B. Background Investigations will be conducted on finalist(s) only. The finalist must sign an *Authority for Release of Information* 102_F7 and submit a *Background Investigation Questionnaire* 102_F2 within two business days to the hiring P&P Office.
- C. Limited background investigations for non-sensitive volunteers may be performed by P&P employees with a copy of the completed *Application to Volunteer or Intern* 027_F2 forwarded to the BIU Supervisor for recording and retention. The following documents should be attached:
1. *Authority for Release of Information* 102_F7
 2. A copy of the applicants Driver's License or other government issued photo identification.
 3. Fingerprint Cards, if applicable, or provide Live Scan TCN number
- D. The standard *Background Investigation Questionnaire* 102_F2 must be used in all cases for full background investigations.
1. The *Background Investigation Questionnaire* 102_F2 may be e-mailed, and the applicant asked to bring it to the P&P Office or return via e-mail.
 2. The Appointing Authority or designee should contact the applicant to ask follow-up questions, as necessary, such as the current relationship with an incarcerated family member, gang friends, tattoos, etc. Note the applicant's response to the questions posed. Information regarding gang affiliation must be shared with Regional Operations Chief for guidance/consultation.
 - a. Follow-up questions may be needed to clarify information; however, do not insert questions that are not related to the questions on the standard questionnaire.
 - b. Information regarding financial matters, family heritage, religious affiliations, juvenile offenses, marital status, relationships, and personal data regarding spouse, children, etc. **must not** be obtained.
- E. The Appointing Authority or designee should:
1. Make necessary contacts to verify information provided in the questionnaire and to obtain information from references.
 2. Use the *P&P Employment Reference Check* 102_F9 to verify previous employment.
 3. Contact employee to obtain fingerprints via Live Scan and give a drug test on the same day; advance notice of this requirement must not be given.
 4. Complete the *Confidential Summary Background Investigation Report* 102_F10.
 5. Submit a copy of the *Confidential Summary Background Investigation Report* 102_F10 and *Authority for Release of Information* 102_F7 to the Background Investigations Unit for post review and retention.

REFERENCES

42 U.S.C. §1997, *Definitions*

COV §19.2-389, *Dissemination of criminal history record information*

Virginia Criminal Information Network (VCIN)

National Criminal Information Center (NCIC)

National Law Enforcement Telecommunications Services (NLETS)



Operating Procedure 025.3, *Public Records Retention and Disposition*

Operating Procedure 027.1, *Volunteer Programs and Internships*

Operating Procedure 135.1, *Standards of Conduct*

Operating Procedure 135.4, *Alcohol and Drug Testing*

ATTACHMENTS

None

FORM CITATIONS

Application to Volunteer or Intern 027_F2

Background Investigation Questionnaire 102_F2

Request for Background Investigation 102_F6

Authority for Release of Information 102_F7

P&P Employment Reference Check 102_F9

Confidential Summary Background Investigation Report 102_F10

