

NEW JERSEY JUVENILE JUSTICE COMMISSION
OFFICE OF ADMINISTRATION

POLICY NUMBER: 14HR:07.02A

EFFECTIVE DATE: July 14, 2014

**PREA STANDARD 115.317(e): PERIODIC CRIMINAL HISTORY CHECKS:
SUBJECT: EMPLOYEES, VOLUNTEERS, INTERNS AND CONTRACTORS**

Attention: DEDs, Directors, Superintendents, Managers

For Information Contact: Chief Administrative Officer

Phone: 609-341-3047

Next Review: June 1, 2017

Pages: 4.

Section 1. Purpose

The purpose of this Policy is to ensure compliance with the requirements of federal regulations under the Prison Rape Elimination Act (PREA), found at 28 C.F.R. 115.317(e), that require the Commission to conduct criminal background records checks at least every five years of current employees and contractors who may have contact with juveniles.

Section 2. Definitions

For purposes of this Policy, the following words and terms shall have the meanings set forth below:

"Affected Personnel" means any Commission Employee, Volunteer, Intern or Contractor who is the subject of a Periodic Criminal History Check under this Policy.

"Contractor" means all personnel of a vendor of supplies or services contracted by the Commission other than Facility Contractors.

"Employee" means both:

1. An employee of the Commission, including both civilian and uniformed personnel; and
2. An employee of an Operating Agent.

"Facility" means any facility or program of the Commission used to house, train or educate Juveniles.

"Facility Contractor" means all personnel of a vendor of supplies or services contracted through the business or other office of a Facility.

"Juvenile" means both:

1. Persons who have been adjudicated delinquent and are serving a term of incarceration under the custody of the Commission; and
2. Persons who have been placed on probation by a court and who are residing in or assigned to a Community Program.

"LiveScan Fingerprint" means an electronic fingerprint process that provides an authorized agency record of an individual's recorded criminal history, and involves physically fingerprinting an individual at a LiveScan terminal location.

"Office of Investigations" means the unit within the Commission responsible for conducting internal investigations.

"Operating Agent" means any person or other entity under contract with the Commission to provide medical, mental health or other services to Juveniles.
Services.

"Periodic Criminal History Check" means a LiveScan Fingerprint record check conducted under this Policy.

"Volunteer" means a person approved by the Supervisor of Chaplaincy Services to provide pastoral or other religious services to Juveniles without monetary or other compensation.

Section 3. Confidentiality

All criminal history background investigations, including Periodic Criminal History Checks, are confidential. No Commission employee involved in this process may disclose the results of any Criminal History Background Investigation for other than the purposes and procedures as discussed herein, and only to those persons that would need to know the results in the course of official Commission business.

Section 4. Limitations on Scope of Periodic Criminal History Checks

(a) Criminal history checks of all Civilian Employees, Volunteers, Interns and Contractors are limited in scope to securing information with respect to;

1. Convictions of crimes and offenses, as defined in N.J.S.A. 2C:44-4;
2. Adjudications of delinquency; and
3. Pending criminal charges or disorderly persons offenses.

Section 5. Periodic Criminal History Checks

(a) Under the direction of the Chief Administrative Officer, Periodic Criminal History Checks shall be undertaken:

1. With respect to Employees and Volunteers, as part of the routine renewal of Commission Identification cards.

2. With respect to Interns, annually upon the issuance of a Commission Identification Card;
and
3. With respect to Contractors and Facility Contractors, at each contract extension or renewal.

Section 6. Results of Periodic Criminal History Check

(a) If the results of a Periodic Criminal History Check reveal criminal background information, a summary of those results shall be transmitted to the Executive Director or designee for a determination whether the revealed information adversely impacts the Affected Personnel's position and responsibilities or poses a threat to the safety of Juveniles.

1. Upon a determination that the revealed information does adversely impact the Affected Personnel's position and responsibilities or threatens the safety of Juveniles the determination shall be referred to the Chief Administrative Officer for further action.

Section 7. Data Collection and Storage

(a) The results of all Periodic Criminal History Checks undertaken under this Policy shall be included in the data collected and stored under the provisions of Sections 21 and 23 of Policy 14ED:01.02, *Prison Rape Elimination Act (PREA)*.

Section 8. Enforcement

(a) The Executive Director or designee is responsible for enforcement of, and compliance with this Policy.

1. Violations of this Policy will be enforced in the same manner as other Commission policies. Violation may result in formal discipline, up to and including dismissal.

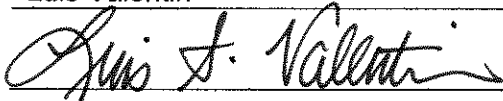
Reference: Policy 14:ED:01.02, *Prison Rape Elimination Act (PREA)*

(See Also: Policy 14HR:07.02, *Criminal History Checks: Civilian Employees, Volunteers, Interns and Contractors*)

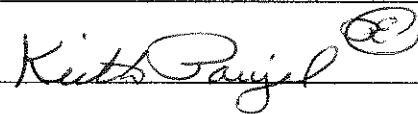
OFFICIAL SIGNATURES ON FILE IN THE JJC OFFICE OF ADMINISTRATION

APPROVED:


Name: Luis Valentin Title: PREA Coordinator

Signature:  Date: 7.8.14

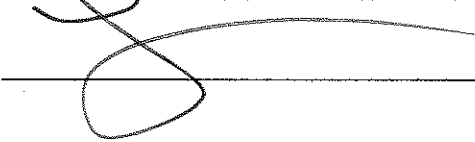
Name: Keith Poujol Title: Chief Administrative Officer

Signature:  Date: 7-9-14

Name: Robert Montalbano Title: Interim Dep Exec Director, Prgms

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Name: Felix Mickens Title: Dep Executive Director, Ops

Signature:  Date: 7/8/14

REVIEWED AND APPROVED BY THE EXECUTIVE DIRECTOR:

Signature:  Date: 7/8/14
Kevin M. Brown