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			Effective: 08/24/07			Reviewed:
			Distribution:	Due for Rev: 08/09		
	Chapter:	Personnel				
Subject:	Alaska Police Standards Employee Background Investigations					

I. Authority

In accordance with State statutes, regulations, policy, Federal EEO laws, Collective Bargaining Agreements and AS 44.28.030, AS 33.30.021 and 22 AAC 05.155, the Department of Corrections will establish and maintain a manual of policies and procedures to interpret and implement the statutory and regulatory duties of the department.

II. Reference

Alaska Statute

18.65.130 Policy

18.65.242 Standards for correctional, probation, and parole officers.

18.65.248 Employment of correctional, probation, and parole officers.

Alaska Administrative code

13 AAC 85.011 Standards for Correctional and Probation Officers

13 AAC 85.210 Basic Standards for Correctional and Probation/Parole Officers

13 AAC 85.900 Definitions

02 AAC 07.040-113 Title VII of The Civil Rights Act

Standards for Adult Correctional Institutions, 4th Edition 2003

Standard: 4-4061

Standards for Adult Local Detention Facilities, 3rd Edition 1991

Standard: 3-ALDF-1C-12

Standards for Adult Probation and Parole Field Services, 3rd Edition 1998

Standard: 3-3058

III. PURPOSE:

The Purpose of this policy is to establish character and fitness guidelines to be used in screening applicants subject to the Alaska Police Standards Council Regulations.

IV. APPLICATION:

To all applicants seeking employment as a correctional, probation, or parole officer, except those applicants continuously employed in such positions on or before February 09, 1991.

V. DEFINITIONS:

A. Background Investigation Packet

A packet of materials compiled for the employee background investigation which includes the Police Standards Personal History (form 12-904 F-3).

B. Precedent File

A master file established by the Human Resource Manager or designee which maintains applicant determinations concerning denial of employment.

VI. POLICY:

In order to ensure department security and its ability to meet Alaska Police Standards Council Certification mandates, each correctional, probation, and parole officer applicant shall have a pre-employment background investigation conducted prior to appointment.

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VII. PROCEDURES:

- A. The Department's Special Recruiting unit and hiring managers shall be responsible for screening applicants for employment in accordance with this policy and the applicable regulations of the Alaska Police Standards Council (13 AAC 85.011).
- B. Individuals in any recruitment pool shall be treated in a consistent manner with all other members of that pool. Written determinations of character and fitness shall be maintained in the following manner:
 - 1. A written record of determinations made shall be created for each applicant screened under this procedure.
 - 2. A copy of the written record of determination shall be maintained in an individual applicant file and in a precedent file.
 - 3. The precedent file shall be determinative for that pool only and organized in such a manner that copies of all determinations made on the basis of a particular character and fitness guideline shall be maintained in the same location.
 - 4. The precedent file shall be consulted whenever an issue of interpretation of the character and fitness guidelines arises. The Human Resource Manager shall ensure that interpretations are made consistently for all applicants in that pool.
- C. Applicant Screening "Character and Fitness" Guidelines:
 - 1. If an investigation reveals that an applicant fails to meet basic employment standards listed under 22AAC 85.210 (a) and (b), lacks character traits determined necessary or fails to meet screening standards established by the hiring manager for that recruitment pool, the applicant will be disqualified. Information will be evaluated in accordance with Sections 2 and 3 of these guidelines.
 - a. Character Criteria:
 - (1) Dependability—ability to consistently fulfill significant job responsibilities.
 - (2) Integrity—honesty in dealing with others.
 - (3) Obedience—compliance with legitimate authority and directives.
 - (4) Self-Control—ability to maintain emotional control in stressful situations or under stressful conditions.
 - (5) Thoughtfulness—ability to consider the interest of others.
 - (6) Judgment—ability to use common sense in making decisions.
 - 2. Presumption of deficiency:
 - a. An applicant may be disqualified on the basis of presumed deficiency in the required skills, abilities and character traits if any of the following events are found to have occurred in an

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applicant's personal history. Information will be evaluated in accordance with Section 4 of these guidelines.

(1) Submission of false or misleading information.

Applicants are expected to exercise due care in completing the Statement of Personal History form (12-904 F-3). An applicant who omits or misrepresents material information or information that reasonably can be considered detrimental to the applicant's interest in obtaining employment will be disqualified.

(2) Termination from criminal justice employment.

An applicant who has been discharged from employment in any criminal justice or security position for cause other than disability, or who has resigned from such a position in lieu of discharge, may be disqualified, based upon the underlying factual basis for the discharge or resignation. Factors to include in consideration are the totality of the situation, the strength of subsequent work and character references and the length of elapsed time since the occurrence.

(3) Violations of the Law

An applicant must meet standards as set out in 13AAC 85.210 (b).

(4) Adverse criminal justice agency recommendations:

An applicant will be disqualified if any criminal justice agency has recommended that a basic police, correctional or probation officer certificate, or equivalent, be denied or revoked for cause other than disability or resignation in good standing.

3. Relevance of personal history at the time of application:

- a. Skills and abilities—a report or finding concerning specific skills or abilities is considered to reflect the status of the applicant on the date of application if it concerns a period within (5) years of the application date.
- b. Character—a report of finding concerning specific character traits is considered to reflect the status of the applicant on the date of application if it concerns a period within ten (10) years of the application date.
- c. Presumptive deficiency—a report or finding of presumptive deficiency under Section 2 of these guidelines is considered to reflect the applicant's status on the date of application.

4. Accuracy of reference information: Reference information concerning an applicant submitted by an employer or an agent of an employer, personal reference, criminal justice agencies, and/or other agencies or business will be presumed accurate unless the preponderance of available evidence indicates otherwise.

D. Notification of applicants: Applicants who are disqualified as a result of the background investigation will be provided with the following information:

1. A statement of disqualification that includes the reason(s) for disqualification and a copy or citation of applicable standards or guidelines. It will not include the names and verbatim response of parties who have provided information in confidence.
2. A statement explaining the reconsideration process provided for in Section E. below.

E. Reconsideration:

An applicant wishing to request reconsideration of a determination made under the character and fitness guidelines may do so in accordance with the following procedure:

1. A request for reconsideration may be submitted in writing to the Director of Institutions or Probation and Parole as appropriate.
2. The Director will, in a consultation with the Human Resource Specialist assigned to the Department, endorse, modify, or overturn the determination.
3. If the Division Director and Human Resource Specialist do not concur, the matter shall be referred to the Deputy Commissioner for Operations for final disposition. In those cases where the issue is a question of whether or not a candidate meets minimum qualifications under 13AAC 85.210 the question is to be submitted to the Executive Director of the Alaska Police Standards Council.

VIII. Implementation

This policy is effective 14 days following the date signed by the Commissioner. Each manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local standard operating procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Division Director.

8/10/07
Date



Joseph D. Schmidt, Commissioner
Department of Corrections