

State of Iowa Department of Corrections

Policy and Procedures

Policy Number: AD-PR-07

Applicability: Institutions, CBC, Central Office, IPI

Policy Code: Public Access

Iowa Code Reference: Chapter 902, Chapter 904.602, Section 22.7

Chapter 1: ADMINISTRATION & MANAGEMENT

Sub Chapter: PERSONNEL

Related DOC Policies: AD-GA-12, AD-PR-05

Administrative Code Reference: 11-54.3(3-7)

Subject: BACKGROUND CHECKS FOR APPLICANTS AND CURRENT EMPLOYEES

PREA Standards: 115.17(a-c)(e-h), 115.217(a-c)(e-h)

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Effective Date: November 2023

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1. PURPOSE

The Iowa Department of Corrections (IDOC) believes that hiring and filling vacant positions with qualified individuals contributes to the overall success of the Department's mission. This policy is written to establish criteria for conducting background checks of applicants prior to hire, every five years for current employees and of employees prior to promotion.

2. POLICY

It is the policy of the IDOC to conduct records checks of applicants prior to hire as defined in **IAC 11-54.3(3-7)**, every five years for current employees and of employees prior to promotion to identify qualified and suitable applicants who possess the qualities and core competencies that are difficult to measure, such as integrity, decision-making ability, and judgment. The IDOC assesses applicants' suitability through a series of steps which may include pre-interview questions, a panel interview and criminal records check. Utilize **AD-PR-07 F-2, Reference Check Questions** when interviewing references.

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3. DEFINITIONS

- A. Appointing Authority - Director IDOC
- B. Bona fide Occupational Qualification - An officially recognized vocational qualification.
- C. Conditional Job Offer - An offer of employment made to an applicant who was selected for employment and is conditioned on obtaining satisfactory results on all post-offer assessments.
- D. Convicted Felon - Included pleas of guilty, nolo contendere and verdicts of guilty for a crime defined as a felony under the **Iowa Code Chapter 902**.
- E. PREA - Prison Rape Elimination Act
- F. Institution - includes any facility which is owned, operated, or managed by, or provides services on behalf of any State or political subdivision of a State; and which is:
 - 1. For persons who are mentally ill, disabled, or *intellectually challenged*, or chronically ill or handicapped; or
 - 2. A jail, prison, or other correctional facility; or
 - 3. A pre-trial detention facility; or
 - 4. For juveniles;
 - a. Held awaiting trial; or
 - b. Residing in such facility or institution for purposes of receiving care or treatment; or
 - c. Residing for any State purpose in such facility or institution (other than a residential facility providing only elementary or secondary

education that is not an institution in which reside juveniles who are adjudicated delinquent, in need of supervision, neglected, placed in State custody, mentally ill or disabled, mentally challenged, or chronically ill or handicapped); or

5. Providing skilled nursing, intermediate or long-term care, or custodial or residential care. **(42 USC 1997)**

G. Social Media - A group of Internet-based applications that build on the technological foundations of Web 2.0, which allows the creation and exchange of user-generated and interactive content. An online means of communication that are used by groups of people to share information and to develop social and professional contacts.

4. PROCEDURES

A. Background Checks for All External Applicants Selected for Interview

1. IDOC Policy **AD-PR-05**, *Employee Selection*, describes the IDOC process for the selection of applicants for employment.
2. Applicants that are selected for an interview must complete **AD-PR-07 F-1**, *Authority for Release of Information and Applicant's Background Information*. **(PREA 115.17(g), 115.217(g))**

B. Background Checks for Applicants selected for Hire

1. Before hiring new employees who may have contact with incarcerated individuals/clients, the IDOC shall:
 - a. Perform a criminal background records check; and
 - b. 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 utilizing **AD-PR-07 F-3**, *Institutional Employer PREA Compliance Check*. **(PREA 115.17(c)(1-2), 115.217(c)(1-2))**
2. The IDOC shall not hire or promote anyone who may have contact with incarcerated individuals/clients, and shall not enlist the services of any

contractor who may have contact with incarcerated individuals/clients, who:

- a. 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);
 - b. 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; or
 - c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraphs 2.a. and 2.b. of this section. **(PREA 115.17(a)(1-3)(e), 115.217(a)(1-3)(e))**
 - d. The IDOC shall 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/residents. **(PREA 115.17(b); 115.217(b)).**
3. Candidates shall be advised that as a condition of employment IDOC background checks will be done, at a minimum, on fingerprints, past employment and National Crime Information Center (NCIC) records. All information gathered shall be treated as confidential within the meaning of **Iowa Code Section 22.7**. The information gathered will be available to the candidate upon request through the agency authorized to release such information, unless otherwise specifically restricted by law.
 4. The following records shall be checked:
 - a. National Crime Information Center (NCIC) records check. **(PREA 115.17(c)(1), 115.217(c)(1))**
 - b. A past-employment check with at least one previous employer and with all previous institutional employers.
 - c. ICON View by name, phone number, address and/or email. If you identify the Applicant in ICON View, search the connected incarcerated individual's visiting list in ICON to confirm by social security number a match to Applicant.

- d. Fingerprint - A submission of a fingerprint check to the Division of Criminal Investigation (DCI). The DCI will also run the prints through the Federal Bureau of Investigation (FBI).
 - e. All Documentation associated with the background checks shall be retained for a minimum of three years.
 - f. Iowa Dependent Adult Abuse Registry - For hires at the Iowa Medical and Classification Center Forensic Psychiatric Hospital.
5. The following records may be checked:

Public access social media for security threat group affiliation and/or illegal activity/behavior. These checks may be completed by designated institution/community-based corrections staff. Any information obtained shall be confidential and shall be provided to the institution/community-based corrections HR office/Designee. Social media checks shall be completed at the discretion of the institution or community-based corrections.

C. Background Checks for Promotions and Current Employees

- 1. The IDOC shall ask all applicants and employees who may have contact with incarcerated individuals/clients directly about previous misconduct described in B.5. above in written applications or interviews for hiring or promotions. **(PREA 115.17(f), 115.217(f))**.
- 2. The records check referenced in Section B.4.a. above, must be conducted on all employees every five years. **(PREA 115.17(e), 115.217(e))**.
- 3. For promotions, utilize **AD-PR-07 F-4, Promotional PREA Compliance Questions (PREA 115.17(a-b)(f), 115.217(a-b)(f))**

D. Confidentiality

All information pertaining to an employee's or applicant's background check is confidential. **Iowa Code 904.602 and 22.7** Access to this information is limited to those who have a legitimate need to know and will only be disseminated in conformity with relevant laws and IDOC policy. Records gathered as a result of the background checks shall be kept by the designated Human Resource office.

E. Substantiated PREA Allegations

Unless prohibited by law, the IDOC shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. **(PREA 115.17(h), PREA 115.217(h))**