

**SECURITY CLEARANCE
VOLUNTEERS, VENDORS, CONTRACTORS, AND ORANGE COUNTY PUBLIC WORKS
PERSONNEL**

- AUTHORITY:** Administrative Directive
Title 28 of the Code of Federal Regulations Standards (CFR), Part 115,
Prison Rape Elimination Act National Standards
Sections 502, 11105, 1330, 11141-11143, and 13302-13304 of the
California Penal Code
Section 1808.45 of the California Vehicle Code
- RESCINDS:** Procedure Manual Item 1-4-203, dated 07/09/19
- FORMS:** None
- PURPOSE:** To provide direction for processing security clearance records for volunteers, vendors, contractors, and Orange County Public Works (OCPW) personnel who provide services in Probation Department buildings. To ensure Department compliance with the Prison Rape Elimination Act (PREA) of 2003 and the California Code of Regulations, as well as Department of Justice (DOJ) Use of Criminal Justice and Department of Motor Vehicle (DMV) Record Information.

I. GENERAL INFORMATION

- A. Each Division Director is responsible for the security of County property and records assigned to or used by his/her staff. This includes, but is not limited to, controlling access to Probation Department buildings by non-Probation personnel. A security clearance system has been developed to assist Division Directors in this regard.
- B. "Security clearance" shall mean submission of fingerprints electronically to the Department of Justice via Live Scan and the processing of a name and date of birth through the Probation Department Case Management System.
- C. Background Investigation Unit personnel will review the DOJ report and record check. The documentation will then be forwarded to the Professional Standards Division (PSD) Assistant Division Director to make a determination as to suitability for work in a Probation facility or area office.
- D. Determination of whether an individual with a record may be allowed access to a Probation facility or area office is based upon the type of offense, how long ago it occurred, number of offenses, number of occurrences, etc., as well as the work to be performed and the type of facility to which access is being requested. Due to the variables involved, each determination is made on a case-by-case basis.
- E. All DOJ records and background files are maintained centrally by the Background Investigation Unit.

F. CLEARANCE DECISIONS

In addition to the above, Title 28 of the Code of Federal Regulations Standards, Part 115, mandates the following:

1. The Department shall not enlist the services of any volunteers, vendors, contractors, or OCPW personnel who may have contact with probationers and in-custody youth, who
 - a. Have engaged in ██████████ in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
 - b. Have been convicted of engaging or attempting to engage in ██████████ ██████████ 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. Have been civilly or administratively adjudicated to have engaged in the activity described in paragraph (A) (2) of this section.
2. The Department shall consider any incidents of sexual harassment in determining whether to enlist the services of any volunteer, vendor, contractor, or OCPW personnel who may have contact with probationers and in custody youth.
3. The Department shall perform a criminal background record check before enlisting the services of any volunteer, vendor, contractor, or OCPW personnel who may have contact with probationers and in custody youth.
4. The Department shall conduct criminal background record checks at least every five years of current volunteers, vendors, contractors, or OCPW personnel who may have contact with probationers and in custody youth or have in place a system for otherwise capturing such information.
5. The Department shall ask all volunteers, vendors, contractors, or OCPW personnel who have been in contact with probationers and in custody youth directly about previous misconduct described above in written applications, interviews, and/or written self-evaluations conducted as part of background reviews.
6. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for disqualification. For current volunteers, vendors, contractors, or OCPW personnel who have a continued affirmative duty to disclose any such misconduct, material omissions regarding such misconduct, or the provision of materially false information, could result in disqualification.
7. Unless prohibited by law and when presented with a signed waiver, the Department shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a current or former volunteers, vendors, contractors, or OCPW personnel upon receiving a request from an institutional employer for whom such volunteer, vendor, contractor, or OCPW personnel has applied to work.

II. PROCEDURE

A. Volunteers, Vendors, Contractors, and OCPW Personnel

1. Volunteers, vendors, contractors, and OCPW personnel who will be providing services for the Probation Department or working in a probation facility or area office are directed to contact the Background Investigation Unit for fingerprinting and record check, regardless of the location of the facility or area office at which they will be working.
2. When volunteers, vendors, contractors, or OCPW personnel report to the Background Investigation Unit at the North County Field Services Office (NCFSO) the Background Investigation Unit clerk will:
 - a. Have the individual complete information forms, Prison Rape Elimination Act (PREA) and California Law Enforcement Telecommunication System (CLETS) acknowledgement forms, execute an asbestos acknowledgment form, and make a copy of the individual's identification and current automobile insurance.
 - b. Fingerprint each individual and forward electronically to the DOJ.
 - c. Check all individuals through the Probation Department Case Management System.
3. Upon receipt of the DOJ report the Background Investigation Unit clerk will:
 - a. Forward the background file to the PSD Assistant Division Director for determination of clearance or disqualification.
 - b. Forward information pertaining to the clearance or disqualification of potential volunteers to the Training and Volunteer Services Unit for notification and processing. Volunteer and Training Services Unit staff will update this information in the RSVP volunteer database, as well as in the Active Volunteer Roster found on ProbNet.
 - c. Add information pertaining to the clearance or disqualification of vendors, contractors, or OCPW personnel to the Contractor/Vendor Security Clearance Access List posted on ProbNet.
4. Department staff authorized to grant volunteers, vendors, contractors, and OCPW personnel access to Probation buildings are responsible for checking the Contractor/Vendor Security Clearance Access List or the Active Volunteer Roster each time an individual enters a facility. Designated staff must ensure that the person has continued clearance and is wearing appropriate identification. Depending on their level of clearance, volunteers, vendors, and contractors may need to be escorted and supervised at their work location. If they are not cleared, they are not to be given access to the building.

B. Training

1. All volunteers, vendors, contractors, and OCPW personnel who have contact with probationers and in custody youth will be trained on their responsibilities under the Department's sexual abuse and sexual harassment prevention, detection, response, and reporting policies and procedures. All training documentation will be maintained in their background file.
2. Volunteers, vendors, contractors, and OCPW personnel are required to immediately report any instance of suspected or observed sexual misconduct, sexual assault or sexual harassment verbally to a supervisor or administrator. Additionally, they are to document the matter in writing within 24 hours.
3. All volunteers, vendors, contractors, and OCPW personnel who have contact with probationers and in custody youth shall be notified of the Department's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
4. Prior to performing any work with the Department, volunteers, vendors, contractors, and OCPW personnel shall complete documentation confirming that they understand the training they have received regarding the Department's zero-tolerance policy on sexual abuse and sexual harassment. This documentation shall be maintained in their background file.

C. Corrective Action for Volunteers, Vendors, Contractors and OCPW Personnel

1. Any volunteer, vendor, contractor, or OCPW personnel who engage in sexual abuse and sexual harassment shall be prohibited from having contact with probationers and in custody youth. They may also be reported to law enforcement agencies, as well as to relevant licensing bodies.
2. Based upon the nature of the allegations, the Department shall take appropriate remedial measures and shall consider whether to prohibit further contact with probationers and in custody youth or discontinue their services with the Department, in the case of any violation of agency sexual abuse or sexual harassment policies by a volunteer, vendor, contractor, or OCPW personnel.

REFERENCES:

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| Procedure: | 1-4-123 | Prevention, Detection, Reporting and Response to Incidents of Sexual Abuse, Harassment, and Misconduct in Juvenile Facilities (PREA) |
| | 3-1-H | Non-Discrimination and Zero Tolerance Guidelines |
| | 3-1-022 | Orientation |
| Policy: | C-19 | Equal Employment Opportunity (EEO) |
| | C-21 | Prevention of Sexual Harassment |

C-26 Background Investigations/Employment Reference
 Requests
G-3 Building Security and Safety

G. Dransfeldt

APPROVED BY: