

SUBLIMITY FIRE DISTRICT

Operational Guide

SUBJECT: Background Investigations	O.G. NUMBER:
PURPOSE: To describe how background investigations will be conducted	Original Date: 5/10/98
	Revision Date:

The District has determined that employing persons convicted of crimes would be inconsistent with the District's interests in protecting the safety and well-being of its clients and employees, as well as protecting the District's other resources.

A background investigation validates the information submitted by the applicant. Additionally, it allows the District the opportunity to add substantial information about the applicant from additional sources.

Should data emerge which makes the candidate unqualified or unsuitable for acceptance as a member, the disqualifying data should be documented completely.

All law enforcement records, including driving records and criminal records are reviewed and verified during the background investigation. Records for each location in which an applicant has resided should be reviewed.

Based on the results of the background investigation, it will be presented that the applicant's background reveals:

1. little or no additional pertinent information which would reflect negatively upon an membership decision, or;
2. additional information that indicates the applicant may be unsuitable for membership as a firefighter, or;
3. insufficient information upon which to make a full report.

Responsibilities in Maintenance and Use of Information

The District shall assure strict compliance with federal and state laws, rules, and procedures in obtaining and handling criminal offender information.

Criminal offender information obtained from the Contract Sources, OSP and/or the FBI shall not be used for any purpose other than that for which it was obtained; nor shall it be disseminated to unauthorized persons or agencies.

Only authorized individuals shall have access to and review criminal offender information of subject individuals.

All criminal offender information is confidential and shall be maintained in locked file cabinets, accessible only for purposes directly connected with the administration of these rules, until it is destroyed. This includes any summaries or facsimiles of the criminal offender information.

Destruction of Information: The District shall destroy all criminal offender information, including fingerprint cards, within 180 days from the date the criminal record was printed unless required as evidence where a subject individual has appealed the decision of an appointing authority to disqualify or terminate the subject individual from employment. Criminal offender information used in contested cases or other appeal processes shall be destroyed within 90 days following case resolution.

Disqualifiers

The following disqualifiers, as established by the Sublimity Fire Department, shall automatically render an applicant ineligible for membership. All disqualifying factors shall be applied without regard to race, religion, color, national origin, sex, political affiliation, opinion, or disability.

These rules provide guidelines on the procedures by which the District evaluates criminal background information on persons who apply for membership, employment, are employed, contract with, or volunteer for the District; and how the District applies criminal background information in making decisions regarding employment, provision of services, and volunteers. The following list is not all inclusive and the Districts Fire Chief may disqualify applicants for background information not listed in the “Specific Crimes” list

Crimes to be Considered

The District has determined that employing persons convicted of certain crimes listed below (includes volunteers), would be inconsistent with the District's interests in protecting the safety and well-being of its clients and employees, as well as protecting the Districts other resources.

Specific Crimes:

- (a) ORS 162.025, Bribe Receiving;
- (b) ORS 162.065, Perjury;
- (c) ORS 162.155, Escape II;
- (d) ORS 162.165, Escape I;
- (e) ORS 162.185, Supplying Contraband;
- (f) ORS 162.205, Failure to Appear I;

- (g) ORS 162.235, Obstructing Governmental or Judicial Administration;
- (h) ORS 162.265, Bribing a Witness;
- (i) ORS 162.275, Bribe Receiving By a Witness;
- (j) ORS 162.285, Tampering With a Witness;
- (k) ORS 162.305, Tampering With Public Records;
- (l) ORS 162.325, Hindering Prosecution;
- (m) ORS 163.095, Aggravated Murder;
- (n) ORS 163.115, Murder;
- (o) ORS 163.118, Manslaughter I;
- (p) ORS 163.125, Manslaughter II;
- (q) ORS 163.145, Criminally Negligent Homicide;
- (r) ORS 163.160, Assault IV;
- (s) ORS 163.165, Assault III;
- (t) ORS 163.175, Assault II;
- (u) ORS 163.185, Assault I;
- (v) ORS 163.190, Menacing;
- (w) ORS 163.195, Recklessly Endangering Another;
- (x) ORS 163.200, Criminal Mistreatment II;
- (y) ORS 163.205, Criminal Mistreatment I;
- (z) ORS 163.225, Kidnaping II;
- (aa) ORS 163.235, Kidnaping I;
- (bb) ORS 163.275, Coercion;
- (cc) ORS 163.355, Rape III;
- (dd) ORS 163.365, Rape II;
- (ee) ORS 163.375, Rape I;
- (ff) ORS 163.385, Sodomy III;
- (gg) ORS 163.395, Sodomy II;
- (hh) ORS 163.405, Sodomy I;
- (ii) ORS 163.408, Unlawful Sexual Penetration II;
- (jj) ORS 163.411, Unlawful Sexual Penetration I;

(kk) ORS 163.415, Sexual Abuse III;
(ll) ORS 163.425, Sexual Abuse II;
(mm) ORS 163.427, Sexual Abuse I;
(nn) ORS 163.435, Contributing to the Sexual Delinquency of a Minor;
(oo) ORS 163.445, Sexual Misconduct;
(pp) ORS 163.455, Accosting for Deviate Purposes;
(qq) ORS 163.465, Public Indecency;
(rr) ORS 163.515, Bigamy;
(ss) ORS 163.525, Incest;
(tt) ORS 163.535, Abandonment of a Child;
(uu) ORS 163.545, Child Neglect II;
(vv) ORS 163.547, Child Neglect I;
(ww) ORS 163.555, Criminal Nonsupport;
(xx) ORS 163.575, Endangering the Welfare of a Minor;
(yy) ORS 163.670, Using Child in Display of Sexually Explicit Conduct;
(zz) ORS 163.673, Dealing in Depictions of Sexual Conduct Involving a Child;
(aaa) ORS 163.675, Sale of Exhibition of Visual Reproduction of Sexual Conduct by Child;
(bbb) ORS 163.680, Paying for Viewing Sexual Conduct;
(ccc) ORS 163.732, Stalking;
(ddd) ORS 164.043, Theft III;
(eee) ORS 164.045, Theft II;
(fff) ORS 164.055, Theft I;
(ggg) ORS 164.057, Aggravated Theft I;
(hhh) ORS 164.075, Theft by Extortion;
(iii) ORS 164.225, Burglary I;
(jjj) ORS 164.325, Arson I;
(kkk) ORS 164.395, Robbery III;
(lll) ORS 164.405, Robbery II;
(mmm) ORS 164.415, Robbery I;

(nnn) ORS 165.013, Forgery in the First Degree;

(ooo) ORS 165.022, Criminal Possession of a Forged Instrument in the First Degree;

(ppp) ORS 165.032, Criminal Possession of a Forgery Device;

(qqq) ORS 165.055, Fraudulent Use of Credit Card (Over \$750);

(rrr) ORS 165.065, Negotiating a Bad Check (Class Felony Clause);

(sss) ORS 165.070, Possession a Fraudulent Communication Device;

(ttt) ORS 165.074, Unlawful Factoring of a Credit Card Transaction;

(uuu) ORS 165.085, Sports Bribery;

(vvv) ORS 165.090, Sports Bribe Receiving;

(www) ORS 166.015, Riot;

(xxx) ORS 166.085, Abuse of Corpse II;

(yyy) ORS 166.087, Abuse of Corpse I;

(zzz) ORS 166.155, Intimidation II;

(aaaa) ORS 166.165, Intimidation I;

(bbbb) ORS 166.220, Unlawful Use of Weapon;

(cccc) ORS 166.270, Felon in Possession of Firearm;

(dddd) ORS 166.272, Unlawful Possession of Machine Guns, Certain Short-barreled Firearms & Firearms Silencers;

(eeee) ORS 166.275, Possession of Weapons by Inmates of Institutions;

(ffff) ORS 166.370, Discharging Firearm at School/Possession of Firearm or Dangerous Weapon in Public Building;

(gggg) ORS 166.382, Possession of Destructive Device;

(hhhh) ORS 166.384, Unlawful Manufacture of Destructive Device;

(iiii) ORS 166.429, Use of Firearms in Felony;

(jjjj) ORS 166.480, Sale or Gift of Explosives to Children;

(kkkk) ORS 166.660, Unlawful Paramilitary Activity;

(llll) ORS 166.720, Racketeering;

(mmmm) ORS 167.007, Prostitution;

(nnnn) ORS 167.012, Promoting Prostitution;

(oooo) ORS 167.017, Compelling Prostitution;

(pppp) ORS 167.062, Sadomasochistic Abuse or Sexual Conduct in Live Show (engaging in);

(qqqq) ORS 167.062, Sadomasochistic Abuse or Sexual Conduct in Live Show (directing, managing, financing, or presenting);

(rrrr) ORS 167.065, Furnishing Obscene Materials to Minors;

(ssss) ORS 167.070, Sending Obscene Materials to Minors;

(tttt) ORS 167.075, Exhibiting an Obscene Performance to a Minor;

(uuuu) ORS 167.080, Displaying Obscene Materials to Minors;

(vvvv) ORS 167.087, Disseminating Obscene Material;

(www) ORS 167.090, Publicly Displaying Nudity or Sex for Advertising Purposes;

(xxxx) ORS 167.212, Tampering with Drug Records;

(yyyy) ORS 167.262, Adult Using Minor in Commission of Controlled Substance Offense (Less Than Five Grams Marijuana);

(zzzz) ORS 411.630, Unlawfully Obtaining of Public Assistance;

(aaaa) ORS 411.840, Unlawfully Using Stamps or Commodities;

(bbbb) ORS 471.410, Providing Liquor to a Person Under 21 or to Intoxicated Person; Mandatory Minimum Penalties;

(cccc) ORS 475.992, Prohibited Acts Generally; Penalties; Affirmative Defense for Certain Peyote Uses;

(dddd) ORS 475.993, Prohibited Acts for Registrants; Penalties;

(eeee) ORS 475.994, Prohibited Acts Involving Records and Fraud; Penalties;

(ffff) ORS 475.995, Distribution of Controlled Substance to Minors;

(gggg) ORS 475.996, Crime Category Classification for Violation of ORS 475.992; Proof of Commercial Drug Offense;

(hhhh) ORS 475.999, Manufacture or Delivery of Controlled substance to Minor or Student Within 1,000 Feet of School;

(iiii) ORS 811.140, Reckless Driving;

(jjjj) ORS 811.182, Criminal Driving While Suspended or Revoked or in Violation of a Permit;

(kkkk) ORS 811.540, Fleeing or Attempting to Elude Police;

(llll) ORS 811.700, Failure to Perform duties of Driver When Property is Damaged;

(mmmm) ORS 811.705, Hit and Run Vehicle (Injury);

(nnnn) ORS 813.010, Driving Under the Influence of Intoxicants;

(oooo) Any conviction for an attempt, solicitation, or conspiracy to commit any crime listed in subsection (2) of this section.

Evaluations of crimes shall be based on Oregon laws in effect at the time of conviction, regardless of the jurisdiction in which the conviction occurred.

If any subject individual was convicted of a crime other than those listed or the charge on one of those crimes was dismissed, all intervening circumstances and other background information related to criminal activity shall be reviewed by the District.

Under no circumstances shall a subject individual be barred from employment/membership because of the existence or contents of a juvenile record which has been expunged pursuant to ORS 419A.260 to 419A.262.

Determining Fitness for a Position

Subject individuals who refuse to be fingerprinted or who make false statements as to the non-conviction of a crime shall not join or be employed or shall be terminated from employment/membership.

Subject individuals who have been convicted of any crime(s) listed (or the substantial equivalent of any crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number) shall be disqualified and denied employment/membership or terminated from employment/meembership.

A subject individual may, at the discretion of the Appointing Authority, commence the performance of work upon satisfactory completion of the Oregon criminal record check, but prior to the return of the federal criminal record check if one is conducted.