	DEPARTMENT OF CORRECTIONS AND REHABILITATION DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: January 01, 2024	POLICY NO.: ADM.03.05
		SUPERSEDES (Policy No. & Date): ADM.03.05 of October 08, 2021	
	SUBJECT: LIVE SCAN AND RECORD OF ARREST AND PROSECUTION BACKGROUND SERVICE		Page 1 of 7

1.0 PURPOSE

Live Scan will be used to assist the Department of Corrections and Rehabilitation (DCR) Human Resources Office secure a criminal background check prior to employment, licensure or certification which provides an important resource in the evaluation and the suitability of a prospective staff member and continuous employment of its current staff members.

Record of Arrest and Prosecution Background (RAP Back) Service is an extension of a fingerprint-based criminal history record check. It allows the Department to receive notification of subsequent criminal justice events so that the Department can make timely decisions on the suitability, license, or certification of prospective and current staff members.

2.0 SCOPE

This policy applies to all staff, prospective staff, contractors, and volunteers in all positions with the Department of Corrections and Rehabilitation.

3.0 REFERENCES, DEFINITIONS & FORMS

.1 References

- a. Hawai'i Revised Statutes (HRS), §26-14.6, Department of Public Safety.
- b. HRS, §26-38, Powers and Duties of Heads of Departments.
- c. HRS, §353C-2, Director of Public Safety, Powers and Duties.
- d. HRS, 846-2.7 (b) Criminal History Records Check.
- e. Hawai'i Administrative Rules (HAR)§ 23-10, Suitability Determinations for Staff Members and Prospective Staff Members.
- f. Criminal History Record Checks (CHRC) for Non-Criminal Justice Purposes Policy and Manual, Version 2.1, August 2019, Hawai'i Criminal Justice Data Center (HCJDC).

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- g. Federal Bureau of Investigation Privacy Impact Assessment for the Next Generation (NGI) RAP Back Service, Issued by Ernest J. Babcock, December 15, 2016.

.2 Definitions

- a. Certification - the action or process of providing someone with an official document attesting to a status or level of achievement.
- b. Criminal Background Check – a process used to verify that a person is who they claim to be and provides an opportunity to check a person’s criminal record, education, employment history, and other activities that happened in the past in order to confirm their validity.
- c. Licensure – the granting or regulation of licenses, for professionals.
- d. Live Scan Fingerprinting - refers to both the technique and the technology used by law enforcement agencies and private facilities to capture fingerprints electronically.
- e. Next Generation Identification (NGI)- provides the criminal justice community with the world's largest and most efficient electronic repository of biometric and criminal history information.
- f. Prospective Staff - a person who is under final consideration for a position with DCR.
- g. Record of Arrest and Prosecution Background (hereafter "RAP Back") - a subscription service that employers may use to continuously monitor their employee’s criminal and arrest records by receiving alerts from the FBI if there are any additions to an employee’s FBI records.
- h. Subscribed Individual – can be any of the following:

Staff member - any person who is employed by DCR.

Volunteers and Contractors will be differentiated by a designation on their identification card.

Volunteer – an individual who donates time and effort on a recurring basis to enhance the activities and programs of the department.

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Contractor – a person who provides services on a recurring basis pursuant to a contractual agreement with the department.

.3 Forms

- a. PSD 1400 Rev.10/08/2021, Request, Consent and Notification for Fingerprint Clearance for State Civil Service, Non-Civil Service and Exempt Employment Forms Packet.
 - 1. Fingerprinting Data
 - 2. Applicant Data
- b. Privacy Act Statement, as of 01/09/2020 (page 2)

4.0 POLICY

- .1 Criminal Background and Records Check is mandatory for employment and continued employment with the Department of Corrections and Rehabilitation, the schedule is determined by statutory requirements and liability concerns for DCR.
- .2 A subscription to the RAP Back Service shall be established for continued non-criminal justice monitoring purposes.
- .3 All information received is confidential and only authorized staff shall be allowed access and/or to receive notification.
- .4 Authorized staff shall be as determined by the Criminal Justice Data Center (CJDC), Department of Corrections and Rehabilitation (DCR), and Department of Human Resources Development (DHRD).

5.0 PROCEDURES

.1 Live Scan

- a. Prospective Staff

Each prospective staff member for whom an appointment is being processed shall be live scanned by authorized staff.

- 1. Obtain written consent from the applicant to be live scanned (fingerprinted).

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a) The prospective staff member shall consent, sign and date:

i) PSD 1400 Request, Consent, and Notification For Fingerprint Clearance For State Civil Service, Non-Civil Service and Exempt Employment Forms Packet

- Applicant Data (pages 3-11)

b) Staffing and Technical Services (STS) Recruitment Staff shall fill out:

- Fingerprinting Data Section

b. Staff

1. The consent to obtain and retain fingerprint data obtained when initially hired, or any subsequent update, is applicable for the duration of employment with DCR.

.2 Fingerprinting Requirement (In accordance with HAR§ 23-10-4)

Staff members and prospective staff members shall be fingerprinted for the purpose of complying with the criminal history records check. The department shall refuse to hire or shall terminate any person, who fails to comply or cooperate with fingerprinting requirements.

.3 RAP Back Service

b. Subscriptions

1. The authority to participate in the RAP Back Service subscription is based on HRS§846-2.7, with continuing authority to receive criminal history record information on the employee.

2. The individual shall be actively employed by, volunteering with, or contracted by DCR.

3. The subscription may only be created after the individual has successfully passed the initial suitability clearance.

b. Triggering Events

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The following are some of the possible triggering events, but are not limited to the following:

An email notification will be initiated when a staff member, volunteer or contractor is:

1. Arrested;
2. Disposition, updates of information on an existing criminal arrest;
3. NCIC Want/Immigration Violator;
4. NCIC National Sex Offender Registry;
5. Death, when the FBI received a death notice and associates it with a subscribed individual.

c. Notification

When a triggering event occurs on a "subscribed individual," the Departmental Human Resources Officer (DHRO) or their designee will be notified via email verifying current employment.

The DHRO or their designee will verify via email whether the subscribed individual is still employed by DCR or is a volunteer or a contractor with the department before the information can be sent.

d. Validating a Subscription with the RAP Back Service

1. The DHRO or their designee shall ensure all subscriptions be revalidated every five (5) years to ensure authorization to receive criminal history information on the subscribed individual.
2. Subscriptions are automatically set to expire on the fifth-year anniversary of the subscription creation date.
3. Failure to validate a subscription by the expiration date will result in the automatic cancellation of the subscription.

e. Cancelling a Subscription

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FBI policy dictates that a subscription shall be cancelled within five (5) business days from acknowledgment that the individual is no longer volunteering with, contracting with, or employed by, DCR.

This will be accomplished electronically to the HCJDC Help Desk with a reply requested to confirm the request has been received and the action taken on the request.

f. Confidentiality

Information received from the RAP Back Service is considered confidential criminal history record information and held to the same security standards and policies of DCR.

g. Audits

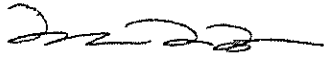
All necessary documents and written policies shall be maintained to comply with State and FBI audits.

As previously stated, this policy applies to all staff, prospective staff, contractors, and volunteers in all positions with the Department of Corrections and Rehabilitation.

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APPROVAL RECOMMENDED:




Deputy Director for Administration JAN 0 1 2024
Date

APPROVAL RECOMMENDED:



Deputy Director for Corrections JAN 0 1 2024
Date

APPROVED:



DIRECTOR JAN 0 1 2024
Date

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