

**Procedures for Conducting Criminal History Record
Name & Sex Offender Searches
Licensed Private Providers
January 2019**

I. SUBMISSIONS

- A. The contractor, volunteer, student, or any individual over the age of 18 living within a sponsored residential home who has a demonstrated disability that prevents them from being fingerprinted is to complete Form BIUSP-167, *Criminal History Record Name & Sex Offender Search Request*, according to the steps on the instruction sheet.
- B. Form BIUSP-167 should be filled-out in print with black ink and all sections should be complete. If there is a section where the information is not applicable, N/A should be entered.
- C. The contractor, volunteer, student or any individual over the age of 18 living within a sponsored residential home who has a demonstrated disability is to complete Sections 1 through 1.B.
- D. The provider is to complete Sections 2 and 2.A. Once the form is complete, the provider is to mail Form BIUSP-167, along with the processing fee, to the mailing address in Section 3.
- E. Section 4 will be completed by the Background Investigations Unit. **DO NOT MARK IN THIS AREA.**

II. PROCESSING FEE

- A. The fee for processing a request is \$25 and should be made payable to the "Treasurer of Virginia". The \$25 fee includes \$20 for the Name & Sex Offender search through the Virginia State Police's Central Criminal Records Exchange and a \$5 administrative fee.
- B. It is important to ensure that your check amount is correct (e.g. check matches number of requests submitted). If a check is received for an **incorrect amount**, the entire package will be returned to you. **DO NOT COMBINE NAME & SEX OFFENDER SEARCH REQUEST FEES WITH CRIMINAL HISTORY BACKGROUND INVESTIGATION FEES.**
- C. If a check is returned for non-sufficient funds (NSF), there will be a \$35 charge for the returned check **AND** repayment of the initial processing fee. All future payments must be in the form of a **money order** or **cashier's check**.

The provider will be notified of the returned check by phone and letter in which the provider's Licensing Specialist and DBHDS' Internal Audit Director will be copied. The provider will be given 15 days to remit payment; however, if payment is not made within the 15 days, the Licensing Director will be notified and will determine the appropriate action as necessary.

III. SEARCH PROCESS

- A. Upon receipt of a request packet, a BIU representative will check the request for completeness. If Form BIUSP-167 is incomplete, the packet will be returned to you.
- B. The contractors, volunteers, students or any individual over the age of 18 living within a sponsored residential home who has a demonstrated disability "*Information to be Searched*" will be entered into the Background Investigations Unit database.
- C. After the information is entered into BIU'S database, the same information will be entered into the Virginia State Police's NCJI.
- D. A name and sex offender search will be conducted within the Central Criminal Records Exchange and the results will be given to the BIU Representative.
- E. After the BIU representative has received the results, they will be entered into BIU's database and the representative will complete Section 4 of Form BIUSP-167.
- F. The original Form BIUSP-167 will be returned to you. The returned original is to be stapled to the copy (copy of the original that was sent to BIU) and filed in the individual's criminal history record folder.

IV. EXPLANATION OF RESULTS (*SECTION 4 ~ FORM BIUSP-167*)

- A. **No Conviction Data**
Record found; but no conviction data listed.
- B. **No Criminal Record – Name Search Only**
No entries found matching names and data entered.
- C. **No Sex Offender Record – Name Search Only**
No entries found matching names and data entered.
- D. **Criminal Record Attached**
Criminal record found but does not contain a "barrier crime".
- E. **Criminal Record Attached (*Barrier Crime Listed ~ Licensing Specialist Notified*)**
Criminal record found and contains a "barrier crime" conviction. Licensing specialist will be copied on Form BIUSP-167 and a copy of the record will be sent along with the form.

V. FILING & USE OF CRIMINAL HISTORY RECORDS

- A. Form BIUSP-167 should not be maintained in personnel files. Any information pertaining to criminal history records should be placed in a "criminal history record" folder.

- B. State (VA Code § 19.2-389) and Federal (US Code 28 U.S.C. 534 & Code of Federal Regulations 28 CFR 20) laws prohibit secondary dissemination of criminal history records. Providers must safeguard both the records and their content. Records shall be destroyed by shredding or incineration, after they have served the purpose for which they were obtained. Information is obtained from the Virginia State Police for the specific purpose of determining fitness for services.
- C. DBHDS has no legal authority to make determinations or render legal advice regarding whether a particular applicant or category of applicants for employment must submit to criminal history record checks. **ANY PROVIDER WHO WOULD LIKE LEGAL ADVICE ON THIS ISSUE SHOULD CONSULT WITH AN ATTORNEY.**
- D. **Guidance:** Providers are encouraged to have a policy/procedure requiring current employees to notify their supervisor if they are arrested/charged for any crime and/or traffic violation within a specific time period of the event. Prompt notification allows the provider to make a decision regarding the individual's continued employment depending on the nature of the charge/conviction and whether it is relevant to the individual's position with the organization.

VI. CONTACTS

- A. Any questions concerning processing of requests and/or payments should be addressed to Belinda Turner at (804) 887-7393, by fax at (804) 786-4146, or by e-mail belinda.turner@dbhds.virginia.gov.
- B. Any questions concerning the results ("criminal record attached (*barrier crime listed*)") and/or questions pertaining to name searches on any individual over the age of 18 living within a sponsored residential home who has a demonstrated disability should be addressed to Malinda Roberts at (804) 786-6384, by fax at (804) 786-4146, or by e-mail malinda.roberts@dbhds.virginia.gov.

VII. ADDITIONAL INFORMATION

- A. Correspondence should be addressed as follows:
DBHDS
Background Investigations Unit
P.O. Box 1797
Richmond, VA 23218-1797
- B. To obtain additional forms, visit our website at <http://23.29.59.141/human-resource-development-and-management/background-investigations-unit>.
- C. Any questions concerning the Department of Social Services (DSS) *Request for Search of the Central Registry and Release of Information Forms* may be addressed to Kim Davis at (804) 726-7549 or e-mail kim.davis@dss.virginia.gov or Betty Whittaker at (804) 726-7567 or e-mail betty.whittaker@dss.virginia.gov. Forms can be downloaded from the DSS website at www.dss.state.va.us.