

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 8.04	PAGES: 1 of 8
	RELATED ORDERS: ACA 4-ALDF-2A-07, 7B-03, 7F-06 GO 5.32 PC 4571 PREA 115.17, 115.31, 115.61, 115.76, 115.77	
	ISSUED DATE: July 1, 1989	
	REVISION DATE: <i>April 28, 2020</i>	
CHAPTER: Security and Control	SUBJECT: Security Checks of Contract Employees, Volunteers and Tour Groups	

- I. **PURPOSE:** To establish a policy for conducting security checks of staff members, contractors, volunteers, civilian employees and tour groups into the facility.
- II. **POLICY:** Because of various contract services and obligations entered into by the Alameda County Sheriff's Office (ACSO), civilian employees are required to enter secure areas of the facility. To ensure that security systems are not compromised by contract employees, a security check is required for each individual. This is in addition to the full background investigation which is done for full-time employees of various contract firms.

This includes, but is not limited to, food service, medical service, outside maintenance, repair service and tour groups. These individuals shall comply with all Federal and State laws, all facility rules, regulations and guidelines. Any failure on their part of good behavior or acts during or outside of office/facility hours which are incompatible or inimical to the public, may be cause for the Commanding Officer of the facility to revoke the individual's access to the facility.

All staff members, contractors, volunteers and civilian employees who may have inmate contact, shall receive PREA training during new employee orientation and bi-annually. The PREA training will occur after their background check, hire date, and before they have any opportunity where they may have contact with inmates.

III. **PROCEDURE:**

- A. The Agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who:
1. 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).
 2. 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 refused.
 3. Has been civilly or administratively adjudicated to have engaged in the activity described above.

4. All incidents of sexual harassment shall be considered when determining whether to hire or promote anyone or enlist the services of any staff member, contractor, volunteer or civilian employee, who may have contact with an inmate.
 5. Before hiring, new staff member(s), contractor(s), and volunteer(s), or civilian employee(s) the Agency shall conduct a criminal background check prior to employment; and
 6. Consistent with Federal, State, and local law, the Sheriff's Office will make its best effort 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.
 7. Current Employees: The Agency is notified by the Department of Justice anytime a staff member is fingerprinted as a result of any arrest.
 8. The Agency shall conduct criminal background records checks at least every three years of current contractor(s), volunteer(s) and civilian staff members who may have contact with inmates.
 9. The Agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in Section A, subsections 1-4 in written applications or interviews for hiring or promotions and in any interviews or written evaluations. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
 10. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
 11. Unless prohibited by law, the Agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer.
 12. Contractors or volunteers who have been found to have participated in any abuse or harassment of an inmate shall have their site clearance revoked and will not be allowed on the property in any capacity.
- B. Review and processing of all security clearances for contractors/employers will be done by the Classification Unit, and volunteers/service providers by the Inmate Services Unit. Security background checks are conducted by the Sheriff's Office to ensure that individuals who are allowed inside the facility present no threat to the safety of the staff, inmates, facility, and/or operation and to ensure that security is not compromised.
1. Most of the time, the individual(s) are already an employee of private contractors and have met their employment standards. This does not preclude the Agency from ensuring that these individuals are free of any criminal activity which may breach or compromise our security.
 2. Applicants will furnish the Sheriff's Office with a completed Site Clearance Form for each individual that is to work inside/outside of the facility(s). The form(s) will be provided to the Sheriff's Office at least fourteen (14) days prior to commencing repair/maintenance work, and

at least twenty-four (24) hours' notice weekdays for part-time health care services, food service work and tour groups.

3. The current Site Clearance Form (Attachment 1) can be obtained from the Classification Unit at the Santa Rita Jail (SRJ), the Inmate Services Unit or on the Sheriff's Office website <https://alamedacountysheriff.org/>.
 - a. Any list submitted shall include:
 - 1) First name, middle name, last name
 - 2) Date of birth
 - 3) Current residential address
 - 4) California Driver's License number
 - 5) Social Security number
 - b. Prior security clearance is mandatory before any individual will be allowed to enter the facility to work. This also applies to exterior building work/repair.
 - c. The Sheriff's Office will check through:
 - 1) PIN Systems
 - 2) CRIMS
 - 3) Department of Justice
 - 4) NCIC
 - 5) Department of Motor Vehicles
 - 6) Police agencies (candidate's resident city)
 - d. The Sheriff's Office will confirm information furnished and check for arrests and convictions for any crimes. Investigations are a security check, and not for employment purposes.
 - e. Contractors/Employers with knowledge regarding their employees past accusations of sexual harassment/abuse, shall disclose this information during the application period.
4. The Sheriff's Office personnel shall process the application and forward it to their supervisor for ***review within five business days of receipt.***
 - a. The supervisor shall review the application and determine if it meets the criteria for approval. If the application is approved, the applicant is notified and updated in the

Sheriff's Office database. If the supervisor determines the applicant does not meet the criteria for approval, he/she shall check the denied box and forward the application to the supervising lieutenant for review.

- b. The supervising lieutenant shall review the application and determine on a case by case basis if the applicant can be approved.
- c. If the supervising lieutenant confirms the applicant does not meet the criteria for approval, he/she check the denied box.
- d. The applicant shall be notified of the denial and provided information on the appeal process.
- e. If the applicant appeals the decision, the facility Commanding Officer will consult with the Division Commander for final disposition.
- f. ***The applicant shall be notified of the approval or denial within ten business days of receipt.***

C. REASONS FOR DENIAL: Admittance to the facility may be denied if any individual whose previous criminal activities would compromise the security of the facility.

1. Denials include the following:
 - a. Any illegal use of narcotics within the past three (3) years
 - b. Any felony convictions or active parole
 - c. Any formal court probation or county probation
 - d. Having engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution
 - e. Convicted of engaging or attempting to engage in sexual activity 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.
 - f. Civilly or administratively adjudicated to have engaged in any of the previous activities.
2. Former substance dependent individuals working in a teaching capacity with drug treatment and other rehabilitation programs may be approved on a case by case basis by the Sheriff's Office.
3. Failure to disclose a previous arrest or criminal conviction which is documented in criminal history may be reason to deny a clearance.
 - a. Regardless of the outcome of the arrest non-disclosure may result in a denial.

- b. If a person intentionally fails to disclose a family relation to an inmate in the Alameda County jail system will result in a denial.
4. If a person is denied access to the facility for any of the above reasons, they may re-apply one year after the original date of application. In the case of probation or parole, a person may re-apply after the formal termination of their probation or parole, or whichever comes first.
5. Additional reasons for denial include, but are not limited to:
 - a. Anyone who has engaged in sexual abuse in any type of detention facility.
 - b. Anyone who has been convicted of any sex crime, especially if force or coercion was used.
 - c. Anyone who has been civilly or administratively adjudicated to have engaged in the previously mentioned activities.
 - d. Anyone who has past history of sexual harassment.

D. APPEAL PROCESS:

1. If the applicant is denied, they will be afforded an opportunity to appeal.
2. The applicant can appeal the decision to the facility Commanding Officer by submitting the following:
 - a. A letter explaining why the facility Commanding Officer should make an exception to allow him/her into the facility;
 - b. Three (3) character letters of reference.
3. After receipt of the aforementioned documents, the facility Commanding Officer will consult with the Division Commander for final disposition.

E. ENTRY INTO THE FACILITY:

1. A list of individuals with a security clearance will be maintained in the facility and will be updated monthly.
2. When an individual on the list is no longer employed by the contractor, the Classification Sergeant will be notified, and their name will be deleted from the list.
3. When a new employee is assigned to the facility, his/her name and pertinent information will be forwarded to the Classification Sergeant as soon as possible for addition to the list.
4. A minimum of twenty-four (24) hour notice will be given to the Classification Sergeant prior to the individual commencing work in/around the facility.
5. Contract employees working inside the facility will be required to check in at Control Point-

11 (CP-11) prior to admittance.

6. After proper identification, contract employees will be issued the appropriate badge, which will be displayed on the front upper portion of their clothing.
7. Contractors, volunteers, civilian employees and tour groups are expected to dress to meet the constraints of the institutional setting. Attire should be business casual, with an appropriate neckline and no open toe shoes.
8. Staff member badges will be turned in at the completion of each work day.

F. EQUIPMENT SECURITY:

1. Individuals will be responsible for the security of their equipment. An inventory of tools shall be carried with the corresponding tool box/log.
2. It is recommended that tools be kept in a locked tool box when brought into the facility.
3. Under no circumstances will any equipment be left unattended once brought inside the facility. Unattended equipment will be confiscated.
4. No equipment is to be given to any inmate inside/outside the facility at any time.
5. Missing equipment shall be immediately reported to an on-duty supervisor.

G. CONDUCT INSIDE THE FACILITY:

1. Staff members, contractors, volunteers, civilian employees shall not become socially involved with inmates/arrestees in or out of the jail. Staff members shall maintain an impartial attitude by not discussing their personal lives nor becoming involved in the personal lives of inmates/arrestees.
2. Staff members, contractors, volunteers and civilian employees shall be required to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that has occurred.
3. All staff are subject to disciplinary action for violations of the Agency Sexual Harassment policy and/or the Prison Rape Elimination Act, up to and including termination.
4. In a substantiated case of sexual abuse by staff upon inmates, termination shall be the presumptive disciplinary action.
5. In the event a staff member, contractor, volunteer and civilian employee is terminated due to violation of this policy, or the employee resigns in lieu of termination, the information pertaining to the termination/resignation, shall be reported to appropriate law enforcement agencies and appropriate licensing bodies, unless the activity was not criminal.
6. Individuals shall be advised of the possibility of a "Hostage taking incident" occurring at any

time.

7. No alcoholic beverage/drugs will be brought into the facility, nor will anyone under the influence of alcohol/drugs be allowed inside.
8. In the event of any disturbance inside the facility, the individual will immediately follow the orders of the deputy.
9. In the event of a dispute involving the facility staff and a contract employee involving work location, security measures, etc., the Watch Commander will have the final decision.
10. In addition to this procedure being followed for part-time repair and maintenance employees being admitted into the facility, it may become necessary for a full background investigation to be completed by the Management Services Division.
11. The person designated by the Administrative Lieutenant shall determine if a full background investigation is necessary and will ensure the person(s) involved are provided the necessary forms to be completed. The designee will ensure the documents are submitted to Management Services/Backgrounds, for investigation.
12. All staff have a continuing affirmative duty to disclose any knowledge of sexual abuse or harassment of inmates. Contractors and volunteers who fail to report such knowledge shall have their site clearance revoked and will not be allowed on the property for any reason. Additionally, the Sheriff's Office shall report to all relevant licensing bodies, any associated criminal activity committed on its property.

H. REVOCATION OF SECURITY CLEARANCE: Security clearances will be revoked for cause including, but not limited to:

1. Loss of employment with a contract vendor
2. Conviction of a criminal offense (except traffic violations)
3. Violation of jail security or Sheriff's Office Rules and Regulations
 - a. Revocation of a clearance in these cases will be reviewed and approved by the facility Commanding Officer.
 - b. The Sheriff's Office will not revoke a security clearance at the request of a contract vendor without valid cause.

I. NOTIFICATION OF REVOCATION:

1. When a security clearance is revoked, the contractor employing the individual will be advised in writing of the reason. The contractor is responsible for delivery to the individual. The initial notification can be made by telephone; however, notification in writing will be given to the contractor as soon as possible.
2. Upon notification by a contractor that an employee is involved in an administrative action, that

individual's clearance will be temporarily suspended. A decision to reinstate or cancel the clearance will be made at the completion of the administrative action.

3. Upon notification of suspension or revocation of security clearance, the employee will surrender their jail keys and identification card as soon as possible, but no later than 24 hours after notification.
 4. The contract vendor or employer may request a review of the site security clearance revocation. The request must be in writing and submitted within thirty (30) days of the notice of cancellation. The request should be directed to the facility Commanding Officer and must state the reason for a review.
 5. The Commanding Officer will review the request and make the final determination regarding the security clearance. The decision of the Commanding Officer is final.
- J. SUSPECT INFORMATION: If suspect information on matters with potential terrorism connections is returned, staff will take appropriate action in accordance with [General Order 5.32 – Reporting Terrorism Related Information](#).

[Attachment 1: Site Clearance Form](#)