

DRAFT 10-07-09

MONTGOMERY COUNTY FIRE AND RESCUE SERVICE POLICY

CRIMINAL BACKGROUND CHECKS OF VOLUNTEER APPLICANTS
AND LFRD EMPLOYEES

Issued by: Fire Chief

Authority: Montgomery County Code Section 21-2.(d)(3)(D)

No. 06-04AMII

Effective Date: [September 15, 2000]

Section 1. **Purpose:** To require all individuals who apply for membership or employment with a Local Fire and Rescue Department (LFRD) in Montgomery County to successfully complete a criminal background records check.

Section 2. **Applicability.** This policy applies to all individuals who apply to an LFRD to become a volunteer or [employee] IECS-certified firefighter, rescuer, emergency medical service provider, or an administrative member or employee.

Section 3. **Definitions.**

- a. **Administrative Service (member)**. An individual who volunteers with a Local Fire and Rescue Department to provide a variety of non-operational services to the organization.
- [a]b. **Applicant**. An individual applying for membership or employment as a volunteer firefighter, rescue squad member, emergency medical services provider, or to an LFRD of the Montgomery County Fire and Rescue Service.
- [c. Division of Fire and Rescue Services. The Division of the Montgomery County Fire and Rescue Service comprising career employees and DFRS volunteers, that shares with the Local Fire and Rescue Departments the responsibility for providing direct fire suppression, rescue, and emergency medical services.]
- [b]c. **Criminal Background Records Check**. The screening procedure required of all individuals who apply to provide firefighting, rescue, [and] emergency medical service, or administrative service to the MCFRS. This procedure complies with Maryland Annotated Code, Article 38A, Section 7A "*Criminal background check of applicant for firefighter, rescue squad member or paramedic.*"
- d. **Division of Volunteer Fire and Rescue Services (DVFRS)**. The Division of the Montgomery County Fire and Rescue Service that comprises the Local Fire and Rescue Departments.

- e. Fire Administrator. The non-uniformed department head of the Montgomery County Fire and Rescue Service appointed by the County Executive. The Fire Administrator serves as ex-officio chair of the Fire and Rescue Commission and is responsible for implementing and enforcing Commission policies; administering all fire and rescue services provided in the County; and supervising the Chiefs of both the Division of Fire and Rescue Services and the Division of Volunteer Fire and Rescue Services.]

- e. **Fire Chief.** The uniformed department head of the Montgomery County Fire and Rescue Service who has all powers of a department director, and full authority over all fire, rescue, and emergency medical services in the County, including any services provided by the LFRDs. The Fire Chief must implement County law, regulations, and policies to effectively administer the Fire and Rescue Service.

- f. **Internal Affairs Officer.** An individual appointed by the Fire [Administrator] Chief, after considering any recommendation of the Fire and [Rescue] Emergency Services Commission, to assist the [Commission and the] Fire [Administrator] Chief in monitoring compliance with federal, State and County laws, [County and Commission policies,] regulations, policies, and procedures. The Internal Affairs Officer investigates matters assigned by the Fire [Administrator] Chief [or the Commission, as defined in Chapter 21 of the County Code]. The Internal Affairs Officer is the designee of the Maryland State Fire Marshal for the purpose of Maryland Annotated Code, Article 38A, Section 7A, "*Criminal background check of applicant for firefighter, rescue squad member or paramedic.*"

- g. **Local Fire and Rescue Department (LFRD).** [The component of the Montgomery County Fire and Rescue Service that provides direct fire suppression, rescue and emergency medical services in conjunction with DFRS.] An individual fire or rescue squad corporation authorized under Section 21-5 of the Montgomery County Code to provide fire and rescue services.

- h. **Maryland State Criminal Records Central Repository (MSCRCR).** Location of the Criminal Justice Information System (CJIS) to which Montgomery County Fire and Rescue Service fingerprint cards and requests for criminal background records checks are sent for processing.

- i. **Montgomery County Fire and Rescue Service (MCFRS).** [The Montgomery County Fire and Rescue Service consists of the Division of Fire and Rescue Services and the Division of Volunteer Fire and Rescue Services, which includes the Local Fire and Rescue Departments.] The Montgomery County Fire and Rescue Service is a department of Montgomery County Government consisting of a Division of Volunteer Fire and Rescue Services, which includes the local fire and rescue departments as defined in County Code Chapter 21, and the Division of Fire and Rescue Services.

Section 4. **Policy.** It is the policy of the **Fire** [and Rescue Commission] **Chief** to require all individuals who apply for membership or employment with an **LFRD** to provide firefighting, rescue, [and] emergency medical service, and administrative service, to successfully complete a **criminal background records check** before being accepted [for membership or employment]. If an applicant has been placed on the IECS list as a Recruit/Candidate before having completed their background check, that individual will have an additional 90 days from the date of acceptance as an LFRD member or employee during which to successfully complete the background check before being removed from the IECS list.

Section 5. **Procedure.**

- a. An **applicant** for membership or employment with an **LFRD** must appear before, and submit the appropriate number of classifiable fingerprint sets, to the **Internal Affairs Officer** or designee for processing through both the **MSCRCR** and the Federal Bureau of Investigation.
- b. The **Internal Affairs Officer** or designee must provide the results of the **applicant's criminal background records check** to the **LFRD** [head] chief or designee. Criminal records history information is confidential and may be disclosed only to a designated **LFRD** representative.
- c. The **LFRD** [head] chief may consider the existence of a criminal conviction in determining whether an **LFRD applicant** will be appointed as a member.
- d. An **LFRD** [fire, rescue, and/or emergency medical services provider] member or employee who [is] has been separated from the **MCFRS** for [six] eighteen months or longer, and who subsequently returns, must repeat and successfully complete the **criminal background records check**.
- [e. The LFRD head or DVFRS Chief may also request the Fire Administrator or designee to process a criminal background records check for any applicant who is currently in the administrative, auxiliary, associate, or casual labor membership category.]

Section 6. **Responsibility.**

- a. The **Fire** [Administrator] **Chief** or designee [is responsible for] must:
 1. [accomplishing] accomplish **criminal background records checks** in accordance with Maryland Annotated Code, Article 38A, Section 7A.; and
 2. [notifying] notify the **LFRD** [head] chief of the results of an **applicant's criminal background records check**.

- b. The [head] chief of each **LFRD** [is responsible for ensuring] must ensure that its **applicants** comply with these procedures for **criminal background records checks** when they apply for appointment, re-appointment, or employment.
- c. The **Internal Affairs Officer** or designee [is responsible for] must:
 - 1. [processing] process classifiable fingerprint sets for **criminal background records checks**, in accordance with Maryland Annotated Code Article 38A, Section 7A.; and
 - 2. [establishing] establish a procedure for tracking **criminal background records checks**.

Section 7. **Enforcement.** The **Fire** [Administrator] **Chief** is the implementation and enforcement authority for all policies and regulations of the Montgomery County Fire and Rescue Service.

Section 8. **Effective Date.** The effective date of this policy is [September 15, 2000]
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Approved:

Richard R. Bowers, Fire Chief
Montgomery County Fire and Rescue Service

Date