



POLICY AND PROCEDURE

MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

06-04AMII

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03/25/2010

CRIMINAL HISTORY RECORDS CHECKS OF VOLUNTEER APPLICANTS AND LFRD EMPLOYEES

MONTGOMERY COUNTY FIRE AND RESCUE SERVICE POLICY

CRIMINAL HISTORY RECORDS CHECKS OF VOLUNTEER APPLICANTS AND LFRD EMPLOYEES

Issued by: Fire Chief

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

No. 06-04AMII

Effective Date: March 25, 2010

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 history records check.

Section 2. **Applicability.** This policy applies to all individuals who apply to an LFRD to become a volunteer or 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.
- b. **Applicant.** An individual applying to an LFRD of the Montgomery County Fire and Rescue Service to become a volunteer IECS-certified firefighter, rescuer, emergency medical service provider, or an administrative member or employee.
- c. **Criminal History Records Check.** The screening procedure required of all individuals who apply to provide firefighting, rescue, emergency medical service, or administrative service to the MCFRS. This procedure complies with Maryland Annotated Code, Public Safety Article, Section 6-306. "*Criminal history records check of firefighters, rescue squad members, and paramedics.*"
- 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.



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- 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 (IAO).** An individual appointed by the Fire Chief, after considering any recommendation of the Fire and Emergency Services Commission, to assist the Fire Chief in monitoring compliance with federal, State, and County laws, regulations, policies, and procedures. The IAO investigates matters assigned by the Fire Chief, and is the designee of the Maryland State Fire Marshal for the purpose of Maryland Annotated Code, Public Safety Article, Section 6-306, "*Criminal history records check of firefighters, rescue squad members, and paramedics.*"
- g. **Local Fire and Rescue Department (LFRD).** 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 history records checks are sent for processing.
- i. **Montgomery County Fire and Rescue Service (MCFRS).** 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 Operations.

Section 4. **Policy.** It is the policy of the **Fire Chief** to require all individuals who apply for membership or employment with an **LFRD** to provide firefighting, rescue, emergency medical service, and administrative service, to successfully complete a **criminal history records check** before the **LFRD** may accept the individual's application. If an applicant has been placed on the IECS list as a Recruit/Candidate before having completed their records 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 records check before being removed from the IECS list.



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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 **IAO** or designee for processing through both the **MSCRCR** and the Federal Bureau of Investigation.
- b. The **IAO** or designee must provide the results of the **applicant's criminal history records check** to the **LFRD** chief or designee. Criminal records history information is confidential, and the **IAO** or designee may disclose this information only to a designated **LFRD** representative.
- c. The **LFRD** chief may consider the existence of a criminal conviction in determining whether an **applicant** will be appointed as an **LFRD** member or employee.
- d. An **LFRD** member or employee who has been separated from the **MCFRS** for eighteen months or longer, and who subsequently returns, must repeat and successfully complete the **criminal history records check**.

Section 6. Responsibility.

- a. The **Fire Chief** or designee must:
 1. accomplish **criminal history records checks** in accordance with Maryland Annotated Code, Public Safety Article, Section 6-306; and
 2. notify the **LFRD** chief of the results of an **applicant's criminal history records check**.
- b. The chief of each **LFRD** must ensure that its **applicants** comply with these procedures for **criminal history records checks** when they apply for appointment, re-appointment, or employment.
- c. The **Internal Affairs Officer** or designee must:
 1. process classifiable fingerprint sets for **criminal history records checks**, in accordance with Maryland Annotated Code, Public Safety Article, Section 6-306; and



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- 2. establish a procedure for tracking **criminal history records checks**.

Section 7. **Enforcement.** The **Fire 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 March 25, 2010.

Approved:

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

3/16/10

Date

APPROVED AS TO FORM AND LEGALITY.

OFFICE OF COUNTY ATTORNEY

BY Richard H. Melnick

DATE 3-15-10