

OREGON STATE HOSPITAL

PORTLAND – SALEM

POLICIES AND PROCEDURES

SECTION 8: Safety, Security, Emergency Management

POLICY: 8.004

SUBJECT: Access to Criminal Offender Information

APPROVED: 
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SUPERINTENDENT

DATE: March 14, 2006

I. POLICY

- A. Oregon State Hospital (OSH) is a designated criminal justice agency requiring access to criminal offender information as specified in Executive Order No. EO-76-11. This OSH Policy and Procedure implements requirements for requesting and accessing criminal offender information.
- B. Oregon State Hospital requires access to criminal history information to perform its designated functions, including:
1. Development of individual treatment and discharge plans for patients committed to the Office of Mental Health and Addiction Services by criminal and civil courts;
 2. Consultation with the court in commitment proceedings in assessing a person's dangerousness prior to the court's decision;
 3. Provision of a secure evaluation and treatment setting for the Office of Mental Health and Addiction Services clients; and
 4. Provision of evaluation and treatment services to sentenced offenders in prisons and state hospitals.
 5. Screening applicants for employment, transfer, promotion, volunteer services, or contract employees who may have direct contact with patients or inmates.
 6. Screening of visitor(s).
 7. Reporting and clearing of patients on "unauthorized leave" from the hospital.

8. Accessing the Department of Motor Vehicles Information on those applicants/employees who would be transporting patients in hospital state-owned vehicles. A yearly audit will be done on all employees operating state motor vehicles.

II. DEFINITIONS

- A. "Criminal Offender Information" includes records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, and release.
- B. "LEDS" means statewide Criminal Offender Information only.
- C. "CCH" means Computerized Criminal History.
- D. "Appointing Authority" means the OSH Superintendent/Office of Human Resources Manager.
- E. "Subject Individual" means applicant, employee, volunteer or contractor.

III. PROCEDURES

- A. Procedure to obtain criminal offender information relating to patients:
 1. Requests for criminal offender information shall be made only by personnel involved in diagnosis, evaluation, or treatment of:
 - a. Persons currently receiving care and treatment in Forensic Psychiatric Services (FPS) programs at Oregon State Hospital.
 - b. Persons committed or being considered for commitment under ORS 161.326 or 161.341 (not responsible by reason of mental disease or defect), ORS 161.370 (unfit to stand trial), or ORS 426.510 to 426.670 (sex offenders).
 - c. Persons in or undergoing evaluation for the OSH Forensic Psychiatric Services.
 - d. Persons currently receiving care and treatment in Psychiatric Recovery Services (PRS) programs at Oregon State Hospital (statewide LEDS information only).
 2. Requests shall be made solely for the purposes of:

- a. Providing a database for clinical risk management assessment with regard to dangerousness and criminal behavior.
 - b. Formulating treatment programs for persons admitted to Division facilities pursuant to ORS 161.327, 161.336 to 161.341, 161.370, or 426.510 to 426.670 or for evaluation of treatment of criminal offender clients in the OSH Forensic Psychiatric Services:
 - c. Assessing persons involved in court-ordered psychiatric examinations.
 - d. Program evaluation and research, otherwise legally undertaken in connection with such persons.
 - e. Regulating and administering hospital programs and assisting in the effort to protect vulnerable persons.
3. All requests shall be submitted to the Communications Center through the OSH Social Worker by the patient's Interdisciplinary Treatment Team or the designee of an evaluating program. Requests shall include full name(s), birthdate, Social Security number, height, weight, place of birth, color of hair, color of eyes, and identifying marks of each person for whom information is requested. The Communications Center will process the request for criminal offender information and send the information to the patients' social worker or evaluating program designee in an envelope marked confidential. Criminal offender information shall be placed in the Legal section of the patients' clinical record. Criminal offender information obtained for the purposes stated above shall not be released from Oregon State Hospital. In the event that criminal offender information is requested, staff must adhere to the policy and procedure regarding third party disclosure which prohibits release of information.
4. Emergency requests may be made by telephone to a Communications Center supervisor. When such requests are made, a written confirmation should be sent promptly by the requesting party to the Communications Center supervisor.
5. All program evaluation and research which requires the use of criminal offender information shall be approved by the Institutional Review Board for Research (IRB).

- B. Procedure to obtain criminal offender information relating to subject individuals for employment, current employees, volunteers, or contract employees:
1. All requests for criminal offender information shall be made only by authorized Office of Human Resources employees.
 2. All requests by managers shall be submitted to the Office of Human Resources. The Human Resources Manager or designee shall determine whether the request is appropriate and proceed to obtain data. The Office of Human Resources, on the basis of the information, shall advise the appropriate manager that the applicant has a satisfactory record using criteria in OAR 410-007-0000 to 410-007-0080.
 3. Requests shall include full name, other names used, birth date, Social Security number, gender, race, height, weight, place of birth, color of hair, color of eyes, and identifying marks of each subject individual for whom information is requested. Fingerprints must also be provided if requested by the hospital.
 4. Fingerprint based criminal offender information will be requested of all individuals offered paid employment. A refusal to be fingerprinted shall result in the individuals removal from employment or volunteers not directly and continuously supervised while at OSH.
 5. The hospital will not deny employment, promotion, or transfer to a person solely for reasons that the person has been convicted of a crime, but the appointing authority will consider the relationship of the facts supporting the conviction to the specific occupational requirements for the job assignments.
 6. All employees, volunteers and contract employees, must notify the office of Human Resources Manager immediately upon being arrested for any crime.
 7. All employees, volunteers and contract employees must notify the Office of Human Resources Manager immediately upon conviction of any crime. Conviction of a crime may be cause for termination of employment, volunteer, or contractor status.
 8. All applicants for employment, volunteer services, or contract employees shall be told a criminal offender inquiry will be made and that names will be submitted for such a check as part of the application process. A refusal to sign a consent form for a criminal records review or a false swearing to and arrest, or non-conviction of

a crime may be cause to deny employment. Further checks may be made when the Superintendent or Human Resources Manager determine such review is necessary.

9. Criminal history information is confidential and can be used only as a reference to identify the source of original records or in direct discussion with a subject individual with the Office of Human Resources.

C. Procedure to obtain criminal offender information relating to visitors who access OSH Forensic Psychiatric Services:

1. Official requests for criminal information shall be made only by designated personnel in the Communication Center.
2. All visitors to OSH Forensic Psychiatric Services shall be informed by FPS staff that a criminal offender inquiry will be made and will be requested to fill out the FPS visitor's application authorizing the check.
3. Requests for criminal information checks of visitors will be submitted to the Communications Center by the Program Director or designee and shall include the person's full name, birthdate, and Social Security number.
4. Criminal offender information related to visitors will be used by Program Director and the Director of Security to determine visiting eligibility per OSH Policy and Procedure 8.026, Visitors.
5. Data sent to the Program Director shall be destroyed by shredding and shall be treated in such a manner that does not permit use in later proceedings where information may become public.

D. Use of information:

Information received from the Oregon State Police shall not be used for any purpose other than that for which it has been obtained and shall not be disseminated to unauthorized persons or agencies. Such information shall be maintained in secure files until destroyed by shredding and shall be treated in a manner that does not permit use in later proceedings where information may become public.

IV. REFERENCES

Oregon State Hospital Policy and Procedure 8.026, Visitors
Oregon Administrative Rules, Chapter 257, Division 10, Oregon State Police
Mental Health Division Management Directive 3.032
ORS 181.010 to 181.540, as amended by Chapter 732, Oregon Laws 1979;
OAR-309-106-010
DHS AS-060-010 Criminal Record Checks For Employees and Volunteers
OAR 410-007-00002 to 410-007-0080
ORS 181-537, ORS 181.537(2)(b);(3)

Replaces OSH Policy and Procedure 8.004, *Access to Criminal Offender Information*, dated May 10, 2005.