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Inspector General

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Office of the Inspector General

November 4, 2021

Stacy L. Rodgers
County Administrative Officer
400 Washington Avenue
Towson, Maryland 21204

Re: OIG External Report 20-015

The mission of the Office of the Inspector General (hereinafter “the Office”) is to provide increased accountability and oversight in the operations of the Baltimore County government (hereinafter “the County”) by identifying fraud, abuse, and illegal acts, while also striving to find ways to promote efficiency, accountability, and integrity. This report concerns the County’s ability to ensure integrity within its workforce.

In 2020, the Office received a complaint that the County was employing a convicted felon in a position that required the employee to interact with the public in and around private residences. After some preliminary investigation regarding this specific allegation, the Office expanded the investigation to include a review of the County’s policies and procedures regarding criminal background checks for civilian or “general” employees (hereinafter “General Employees”).¹ As part of that review, the Office conducted interviews, examined publicly available information obtained online through Maryland Judiciary Case Search,² and inspected various documents provided by the County. The County documents included sections of the County’s Personnel Manual, Office of Human Resources (OHR) forms and associated memorandums pertaining to backgrounds, and routine employment-related data as further discussed in Section III of this report.

¹ For purposes of this report, General Employees exclude the following categories of employees that undergo either more extensive background checks or for which the Office of Human Resources is not responsible for overseeing the background check process: Police Department, Fire Department, Emergency Communications Center, Department of Corrections, Sheriff’s Office, State’s Attorney’s Office, court-related positions, and any other agency with a nexus to state government.

² See <https://casesearch.courts.state.md.us/casesearch/>

I. Background

In October 2008, the County implemented a policy that required prospective General Employees for certain positions to be fingerprinted and to have criminal background checks done prior to starting their employment with the County (hereinafter “the Employment Background Program”). According to the policy, the Employment Background Program was put into place to “preserve the safety and security of Baltimore County residents and to maintain the integrity of County government operations.” A copy of the policy (Section 6.4 Employment Background Investigations) is attached as **Exhibit 1**. The policy did not apply to existing General Employees who were already working for the County at the time the policy was implemented. According to a May 2021 census report obtained from OHR, there were approximately 1,188 General Employees working for the County who were hired prior to October 2008, and therefore, have never had a criminal background check as part of their County employment as they were hired prior to the implementation of the Employment Background Program.

In or about March 2020, the County began the practice of including all prospective General Employees in the Employment Background Program, regardless of position or hiring agency. To date, this expansion of the Program has not been formally incorporated into the County’s Employment Policies but is considered a standard practice in the County.

For several years, a vendor under contract with the County administered the Employment Background Program for OHR. In or about 2013, the County transitioned the administration of the Program to the Baltimore County Police Department in an effort to save money. As of the date of this report, the Police Department is still operating the Program for OHR. Currently, it costs the County approximately \$31.25 per background check for General Employees, which is less expensive than what the County was paying the third-party vendor.

Currently, all prospective General Employees are provided a packet of Employment Background Investigation Forms by OHR as part of the pre-employment process. Copies of the Forms are attached as **Exhibit 2**. The prospective General Employees are required to bring the Forms along with other documentation to their fingerprint appointments, which are held at the Public Safety Building. Security Officers with the Police Department are responsible for taking the fingerprints and entering the data from the Forms into the system. The inputted data and fingerprints are then transmitted electronically to Maryland’s Criminal Justice Information System (CJIS) where state and federal criminal history checks are performed. The Forms are subsequently forwarded to OHR.

The results of the CJIS queries are returned to OHR via email communications. Upon receipt, the CJIS results are reviewed by the OHR representative who manages the Employment Background Program to determine whether they require additional follow up or warrant disqualifying the applicant from employment with the County. Unlike some other jurisdictions, there is no formal decision matrix utilized by the OHR representative when reviewing the CJIS results for their impact on an applicant’s employment with the County. However, the OHR representative does take into account the following factors during the review: whether the applicant disclosed the criminal offense(s) during the application process; the type of position being applied for; the nature and severity of the offense(s); and the amount of time that has passed

since the conviction(s). If there are concerns about a past conviction affecting an applicant's employment with the County, the OHR representative will discuss those concerns directly with the applicant and if needed, consult with OHR's executive management. Any information about disqualifications are documented in the notes section of the master profile of the NEOGOV human resource program, which the County has utilized system since approximately 2007.

The OHR representative stores the results of the CJIS queries in a locked filing cabinet for employees hired within the last two years. All CJIS records for non-employees are destroyed in accordance with CJIS policy. In addition, the OHR representative maintains a handwritten log documenting the names of the applicants and the dates of their CJIS checks.³ Under this system, there is no electronically searchable document in place within OHR to run an applicant's name to see if a CJIS check had been previously performed.⁴ Instead, a search of the handwritten log must occur. As part of this investigation, the Office obtained a copy of the current handwritten log which contains approximately 2,230 entries between September 1, 2015 and May 4, 2021. According to the OHR representative, all prior versions of the log have been destroyed.

II. Statistics on the Employment Background Program

Beginning in January 2012, OHR began documenting relevant data for the Employment Background Program in an annual document titled Employment Background Check Report. This document tracks the total number of background checks performed since the Program began in approximately October 2008; the number of background checks done for that calendar year broken down by month; the number of applicants rejected based on the results of these background checks; and the number of applicants who disclosed activities that were verified by the background checks, but which did not disqualify them from employment. Between October 2008 and July 31, 2021, there have been background checks performed on 4,261 prospective General Employees. Of those prospective employees, there were 73 applicants hired who had disclosed criminal activities, which were subsequently verified by their background checks, but were hired anyway based on a determination that the criminal activities should not prevent them from being employed by the County. In addition, there were 24 applicants not hired due to information that was learned pursuant to the background checks.

III. Maryland Judiciary Case Search Results

As part of the investigation, the Office obtained a spreadsheet from OHR in May 2021 that listed all current County employees. The spreadsheet was broken down into two categories -- employees hired before 2008 (the year the Employment Background Program began) and employees hired since 2008. The list contained a total of 7,779 employee names and related data to include employee identification numbers, assigned departments, and start dates. Using this list,

³ According to the OHR representative, the handwritten log will become automated when the County transitions its systems and processes over to Workday.

⁴ While the NEOGOV system is searchable for applicant information for the past 10 years, the only background-related information contained in the system would be derogatory information that had been documented in the notes section of the applicant's previously established master profile.

the Office created a list of all the General Employees by excluding employees using the criteria set forth in footnote 1 of this report. This revised list contained 3,463 names.

As noted in Section I of this report, there were approximately 1,188 General Employees working for the County as of May 2021 who were hired before the Employment Background Program went into effect and therefore, have never had a pre-employment background check. This figure represents approximately 34% of the total number of General Employees and 15% of all County employees. Additionally, none of the 3,463 General Employees who were working for the County as of May 2021, regardless of when they were hired, have been required under the current Employment Background Program to have their backgrounds updated for events such as promotions or transfers, or to self-report any arrests or convictions that have occurred after they were hired.

In an effort to show the types of risk factors the County is failing to identify under the current Employment Background Program, the Office randomly selected 150 employees who were hired prior to the County initiating the Employment Background Program in 2008 and therefore, have never had a background check (hereinafter “Group A”); and another 150 employees who were hired after the Program was put into place and therefore, have only had an initial background check (hereinafter “Group B”). The hire dates of this sample of 300 employees range from 1980 to 2019. Using the names and when necessary, the dates of birth, the Office searched the 300 employees in the online, publicly available Maryland Judiciary Case Search database. The results are attached to this report as **Exhibit 3**.

As can be seen in Exhibit 3, there were several employees in the sample who had some type of criminal charges and/or financial issues listed in the Maryland Judiciary Case Search database.⁵ While some of the criminal charges were still pending, there were a number of criminal charges that resulted in convictions.⁶ Some of those convictions involved offenses such as assault, battery, robbery, driving while intoxicated, and illegal possession of a handgun. With regard to the financial issues, there were numerous employees who had defaulted on credit obligations; failed to pay rent for extended periods of time; filed for bankruptcy protection; or had state tax, federal tax, or district court-related liens filed against them. As noted earlier in this report, under the current structure and reporting requirements of the Employment Background Program, none of these risk factors were required to be reported to the County. A summary of the findings in Exhibit 3 is set forth below:

Sample Group	Nature of Findings	No. of Employees with Findings
Group A	Criminal Charges	11
	Financial Issues	41
Group B	Criminal Charges	9
	Financial Issues	37

⁵ For purposes of this analysis, the Office excluded from its findings the following: minor crimes (e.g. trespassing), traffic-related offenses except for driving while intoxicated, torts, and small civil claims.

⁶ For purposes of this sample, Probation Before Judgment dispositions were considered criminal.

Total Criminal Charges Identified	20
Total Financial Issues Identified	78
Total Risk Factors Identified	98

IV. Agencies Performing More Detailed Background Checks

Also as part of the investigation, the Office obtained information from the County agencies that perform more detailed background checks on their applicants. These agencies include the Police Department, Fire Department, Emergency Communications (911) Center, Corrections, and the Sheriff's Office. While there are minor differences among these agencies in terms of how they perform their backgrounds, there are two components to their programs that are consistent across the agencies. First, these agencies perform more comprehensive background checks on their applicants. These expanded backgrounds include more than criminal checks. They also include warrant checks, financial history examinations, driving record inspections, education and military record reviews, and interviews of neighbors and references. Such detailed backgrounds are understandable as these agencies employ public safety officials, many of whom carry firearms. Second, these agencies have policies in place that at a minimum, require their employees to self-report arrests and convictions as part of agency rules and regulations or standards of conduct. Additionally, some of the agencies have a mechanism established so they are notified automatically if an employee is arrested and fingerprinted. For example, the Police Department and the Emergency Communications Center have their employees enrolled in a free service called RAP-BACK, where RAP stands for Record of Arrest and Prosecutions. Under this program, certain government agencies can receive "on-going status notifications of any criminal history record information reported to the FBI [and the State of Maryland] after the initial processing [of an applicant]." In other words, the RAP-BACK program provides agencies such as the Police Department and the Emergency Communications Center with automated updates on the criminal activities of their employees. Such a service provides a safety net to these agencies should an employee fail to self-report criminal activity. According to a CJIS representative, the RAP-BACK program is not available for General Employees under current Maryland law.

V. Risk Factors Not Addressed By the Employment Background Program

The Office acknowledges there is a substantial cost associated with the types of comprehensive backgrounds performed by agencies such as the Police Department, and the purpose of this report is not to suggest that the County should be conducting such extensive backgrounds on all prospective employees. The Office also recognizes, as noted above, that the automated notification of arrests of General Employees under a program such as RAP-BACK is currently not available under Maryland law. However, there are certain risk factors the County could be identifying with regard to its General Employees by enhancing its Employment Background Program as further described below.

First, all prospective employees should be run for outstanding warrants in addition to criminal histories. By failing to perform warrant checks on applicants, the County may be unknowingly hiring individuals who are wanted by law enforcement for committing crimes for which they have yet to be arrested.

Second, there is no process in place to identify employees who pose a potential security risk to the County because of past or ongoing financial problems. As can be seen from a review of Exhibit 3, 78 of the 300 employees (26%) have one or more significant financial issues in their background, many of which occurred while employed by the County. Thus, the County could be employing individuals with a history, and in some cases, who are actively, defaulting on creditors, evading taxes, or filing for bankruptcy into positions where they have access to sensitive data, process or manage financial information, or are entrusted with the County's physical assets. By running a search of applicants through a publicly-available database such as Maryland Judiciary Case Search, these financial issues could at least be identified and addressed with the applicants prior to employment. The County may also want to consider running similar public record searches in neighboring states, depending on the applicant's residence history. Further, the County should consider updating these checks for certain classifications of General Employees on a scheduled basis (e.g. every five years), depending on their assigned duties and responsibilities.

Of particular concern to the Office is that the Employment Background Program does not address arrests or convictions that may occur after a General Employee is hired by the County. This deficiency pertains to all 3,463 General Employees who were employed by the County as of May 2021, some of whom have been employed by the County for over 40 years. Currently, the County relies on its General Employees to voluntarily self-report arrests and convictions. Absent self-reporting, the County would only learn about such conduct through public sources of information. One interviewee recounted learning about a County employee who was arrested for possessing child pornography by seeing it on the news. In December 2019, OHR drafted a policy titled "Baltimore County Arrest and Conviction Policy" that would have required all employees, except for sworn police officers governed by the Law Enforcement Officers' Bill of Rights, to notify their supervisors of any arrests and convictions that may occur after the policy goes into effect, with the exception of minor traffic offenses. The draft policy was accompanied by an acknowledgement form that was to be signed and dated by each employee, indicating that the employee received, read, and understood the policy and agreed to be bound by it. As of the date of this report, the Baltimore County Arrest and Conviction Policy has yet to be implemented.

While the proposed Arrest and Conviction Policy states that "Failure to self-report in accordance with this policy may result in disciplinary action up to, and including, termination," there is a concern that some employees may not adhere to the Policy for fear that the self-reporting of the arrest or conviction itself would result in discipline or termination. In other words, some employees may take their chances by choosing not to report an arrest or conviction. Thus, there is no guarantee that the criminal offenses associated with 20 of the employees listed in Exhibit 3, the majority of which took place while these employees were working for the County, would have been reported. Therefore, the Office's third recommendation is that the County should not only implement the draft Arrest and Conviction Policy, but consider updating the Employment Background Program to include annual checks of randomly selected employees as a way to help ensure that employees report criminal activity. Such annual checks could include requests to CJIS

for updated criminal histories and/or queries of publicly available databases such as Maryland Judiciary Case Search. The County should also consider expanding the Program so that updated criminal histories and/or queries of public databases are mandated for certain promotions within the County.

Finally, there is a concern that for several months, there has been a significant backlog of General Employees who have been hired by the County and have yet to undergo a background check. This backlog is the result of factors related to the Covid-19 pandemic to include a lack of resources available to process applicant fingerprints and the need to quickly hire staff into positions such as Contact Tracers. Thus, these individuals have been hired by the County under conditional offers of employment, that is, with the understanding that if something derogatory comes up during their background checks, their employment can be terminated. The Office's final recommendation is that the County continue to focus on reducing this backlog and to prioritize the outstanding background checks based on the nature and sensitivity of the positions being filled. In addition, public record checks, similar to the ones previously mentioned in this report, should be conducted by OHR staff to identify potential issues to be addressed prior to extending an applicant a conditional offer of employment.

VI. Conclusion

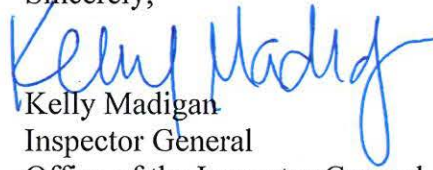
During the investigation, the Office worked with OHR to understand the gaps in the Employment Background Program and the vulnerabilities they create for the County. Based on discussions with the County Administrative Officer and the Director of OHR, it is clear the Administration is aware of the broader issues mentioned in this report, has begun reviewing best practices in other jurisdictions, and has started to implement changes over the past few years to enhance the Program. This is reflected in the drafting of the Arrest and Conviction Policy in 2019 and the decision to expand the Employment Background Program to cover all General Employees in 2020.

Additionally, it should be noted that the purpose of this report is not to serve as a blanket indictment of the County's workforce, nor is it to suggest that the County does not employ quality individuals. Rather, this report demonstrates potential personnel-related risks that are currently not required to be reported to the County under the parameters of the Employment Background Program. This would include the approximately one-third of the employees in the sample (98 out of 300) who had either a criminal charge, a significant financial issue, or both.

The Office recognizes there would be costs associated with implementing the types of enhancements to the Employment Background Program recommended in this report. At a minimum, the County should appropriately weigh those future expenses against the potential costs to the County of not identifying the types of personnel-related risks identified in this report.

This matter is being referred to you for an official response. Please respond in writing by November 19, 2021, indicating what action has been taken or what action you intend to take, if any, regarding this matter. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Kelly Madigan
Inspector General
Office of the Inspector General

cc: John A. Olszewski, Jr., County Executive
Patrick H. Murray, Chief of Staff
James R. Benjamin, Jr., County Attorney
Rhoda Benjamin, Director

Section 6. Employment Policies

Section 6.4 Employment Background Investigations

To preserve the safety and security of Baltimore County residents and to maintain the integrity of County government operations, background investigations will be conducted on external employment applicants after a conditional offer of employment is made for pre-determined classified, non classified, and part time positions. This policy excludes agencies that conduct more extensive background investigations: Police, Fire, 911 Center, Corrections, Sheriff, and pre-determined Information Technology positions.

Criminal background investigations must be conducted on civilian employees who begin working in positions where employees have frequent access to children in facilities that care for and supervise children.

All agencies have been asked to identify those positions that meet the criteria set forth in requiring these criminal background investigations. The Office of Human Resources (OHR) should be contacted if there are any changes in the lists of positions originally furnished.

Section 6.4.1 Conditional Offer of Employment

Hiring managers first review the qualifications of referred or certified applicants, select the best qualified, and after ERC approval make a conditional employment offer before the County conducts any employment background investigation.

An employment background investigation is required before the first day of employment. Hiring Managers are responsible for authorizing a conditional offer of employment only. Hiring Managers should inform all potential employees that employment will be contingent upon approval of the results of the employment background investigation.

The Office of Human Resources must receive and review the employment background investigation before the employee can begin work. If there are extenuating circumstances that necessitate hiring before obtaining the results of an employment background investigation, the new employees will be notified and required to sign a written acknowledgement or waiver before the start of work that their employment can be terminated contingent upon the results of the employment background investigation.

Section 6.4.2 Fingerprinting and Employment Background Investigation Forms

Employment background investigations require fingerprinting, the completion of a background criminal records questionnaire, a Background Investigation Authorization and Release Form, a criminal records check and a verification of address and social security number.

A criminal conviction, guilty plea, probation before judgment (PBJ), or finding of not criminally responsible (NCR), will not automatically disqualify an applicant for employment. Factors that will be considered in making a determination of whether a criminal conviction or guilty plea will exclude an applicant from employment include:

- The type of crime
- The frequency of violations and a pattern of offenses
- The time elapsed since the conviction or disposition
- The applicant's age at the time of conviction or disposition
- The duties of the job and their relevance

Failure to provide complete and factual information pertaining to any conviction, guilty plea, probation before judgment (PBJ), or finding of not criminally responsible (NCR) will be sufficient cause to disqualify the applicant from employment, regardless of the seriousness of the offense.

Section 6.4.3 Rescinding Conditional Employment Offer

The Director of Human Resources, or his or her designee, in consultation with County Public Safety experts and the County Administrative Officer, will determine which County jobs require employment background investigation and whether the results of the employment background investigation will exclude an applicant from employment. Applicants may request to review information obtained during the employment background investigation, upon written request, within a reasonable time.

Procedures for exclusion of employment based upon the results of an employment background investigation shall include providing written notification from OHR to an applicant or employee who may not be considered for a position, based on the results of a criminal history, financial history or motor vehicle history report contained within a consumer report, as may be required by the Federal Credit Reporting Act. This written notification will include a copy of the report and give the applicant a specified time period in which to respond. The specified period of time will be no less than five days. If, after the specified time period has expired, the applicant fails to respond, OHR shall issue a second letter informing the applicant that he or she is no longer being considered for the position.

The hiring agency will inform candidates by phone when Baltimore County is rescinding the conditional offer of employment based on information obtained from the employment background investigation. If an employee was hired prior to obtaining results by signing a waiver, the hiring manager must terminate the employee. The Agency will also inform candidates that they will receive official notification from OHR along with information about the appeals process.

Section 6.4.4 Candidate's Appeal of Employment Background Investigation Decision

OHR shall review any appeal submitted by an applicant or employee challenging the accuracy of information contained in the report of investigation.

Section 6.4.5 Employment Background Investigation Records

OHR will manage and retain information from background verification reports. Information collected on qualified candidates hired by Baltimore County will be stored separately from the official personnel files. Background investigation information collected on non-hired candidates will be filed and maintained in OHR and destroyed after a reasonable time.

**BALTIMORE COUNTY GOVERNMENT
INSTRUCTIONS FOR COMPLETION OF
EMPLOYMENT BACKGROUND INVESTIGATION FORMS**

Instructions: Print, complete, and sign the following documents and bring the forms with you to your Fingerprint appointment.

- 1) Authorization and Release for the Procurement of a Consumer and/or Investigative Report;
- 2) Employment Background Investigation Form;
- 3) Statement of Criminal Conviction, Probation before Judgment, or Pending Criminal Charge;
- 4) Demographic Information Sheet;
- 5) Livescan Pre-Registration Application either for **CHILD CARE** or the **BALTIMORE COUNTY OFFICE OF HUMAN RESOURCES**.

Required Documents:

Applicants will also need to bring the following documents and other information with them to the fingerprint appointment:

- **Employment Background Investigation forms;**
- **Documents to prove identity and establish employment eligibility. One selection from List A or a combination of one selection from List B and one selection from List C. Please refer to the List of Acceptable Documents on page 4. Two copies of each document must be brought to the fingerprint appointment;**
- **Information related to name changes; (such as marriage, divorce, etc.);**
- **Current and previous residence/address information.**

You will **NOT** automatically be disqualified if you have a criminal conviction, guilty plea, Probation for judgment (PBJ), or finding of not criminally responsible (NCR). The factors that will be considered in making a determination about your suitability for employment include:

- The type of crime
- The frequency of violations and/or a pattern of offenses
- The time elapsed since the conviction or disposition
- The applicant's age at the time of conviction or disposition
- The duties of the job

We do not expect each and every applicant to have a perfect past. However, it is important for you to answer all questions thoroughly and provide complete and factual information pertaining to any conviction, guilty plea, probation before judgment (PBJ), finding of not criminally responsible (NCR), or pending charges. Failure to disclose the above information constitutes falsification of your application and will disqualify you from employment, regardless of the seriousness of the offense. You do not need to include expunged charges or juvenile charges.

Employment Background Application Form and Statement: If you are unsure about certain dispositions that may be in your criminal history record, you are advised to contact the court or courts where your information may be retained, or seek advice from the attorney who handled your case before completing the forms. Bring any other questions or concerns to your fingerprint appointment.

Convictions/PBJ/NCR/Pending Charges: If you have ever had any interaction with the criminal court system that resulted in a conviction, probation before judgment (PBJ) disposition, not criminally responsible (NCR) disposition, or a similar disposition in another state, it is imperative that you list each and every disposition in its entirety. You are also required to disclose any and all pending criminal charges.

Misdemeanor Citations/Criminal Citations: Even minor offenses will appear on your record as a conviction. You only need to report any citations where you were charged as an adult.

**Baltimore County General Government
Employment Background Investigation
Information Sheet for Applicants**

Applicants not currently employed by Baltimore County, who have received a conditional offer of employment, are required to be fingerprinted and undergo an employment background investigation **before** their first day of employment. The fingerprint process is required regardless of whether the applicant has been previously fingerprinted for another job, childcare, or any other reason.

Employment Background Investigation Forms Packet:

Within two weeks of applicants' conditional offer of employment they need to review and complete a Employment Background Investigation forms packet and schedule their fingerprint appointment. An Employment Background Investigation forms packet may also be obtained from the Baltimore County Government's Office of Human Resources.

Cost:

Free. There is no cost to applicants.

Where:

Baltimore County Public Safety Building
700 East Joppa Road
Towson, Maryland 21286

Directions:

From I-695 (Baltimore Beltway), take Exit 28 Providence Road. Bear right on the ramp onto Providence Road south. Travel approximately one mile and turn left at the Public Safety Building entrance on Providence Road. Free parking is available in the Public Safety Building lot, except in areas marked reserved.

Contact Information:

To schedule an appointment for fingerprinting, contact the Office of Human Resources at 410-887-3135 during the business hours of Monday through Friday from 8:30 a.m. to 4:30 p.m.

You are responsible for scheduling a fingerprint appointment with Baltimore County Government. Appointments take about 15 minutes and are available at the following times. Please plan to arrive **15 minutes before** your scheduled appointment.

Tuesdays and Thursdays from 9 to 10:30 a.m.

Tuesdays and Thursdays from 1 to 2:30 p.m.

Tuesdays from 5 to 8 p.m.

Saturdays from 10 to 11:30 a.m.

State Health and Human Services Applicants

State of Maryland Health and Human Services (HHS) applicants should call HHS Human Resources at 410-853-3900.

Fire Department Applicants

Call Lieutenant Jay Ringgold at 410-887-4809.

911 Communications Center

Call Joseph Ireton at 410-307-2038.

LISTS OF ACCEPTABLE DOCUMENTS

All documents must be UNEXPIRED

Employees may present one selection from List A
or a combination of one selection from List B and one selection from List C.

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI 		<ol style="list-style-type: none"> 1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority For persons under age 18 who are unable to present a document listed above: <ol style="list-style-type: none"> 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record 	<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of Birth Abroad issued by the Department of State (Form FS-545) 3. Certification of Report of Birth issued by the Department of State (Form DS-1350) 4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 5. Native American tribal document 6. U.S. Citizen ID Card (Form I-197) 7. Identification Card for Use of Resident Citizen in the United States (Form I-179) 8. Employment authorization document issued by the Department of Homeland Security

**AUTHORIZATION AND RELEASE FOR THE PROCUREMENT OF A
CONSUMER AND/OR INVESTIGATIVE REPORT**

I, the undersigned consumer, do hereby authorize **BALTIMORE COUNTY GOVERNMENT**, to procure consumer reports and/or investigative consumer reports on me.

Fingerprints submitted will be used to check the criminal history records of the Federal Bureau of Investigation (FBI).

To obtain a copy of the FBI criminal History record, please refer to the FBI website at <http://www.fbi.gov/about-us/cjis/background-checks>. Under Stats and Services. at top of web site, click the link for Criminal History Summary Checks. Follow the instructions.

To obtain a change, correction, or update of an FBI criminal history check, please refer to the FBI website at <http://www.fbi.gov/about-us/cjis/background-checks>. Under Stats and Services. at top of web site, click the link for Criminal History Summary Checks. Under Forms and Links, click on the link to Challenge of a Criminal History Summary. Follow the instructions.

These above-mentioned reports may include, but are not limited to, my driving history, including any traffic Citations; a social security number verification; present and former addresses; credit history and financial status, Criminal records; and, any other information bearing on my character, general reputation, personal characteristics, Trustworthiness and/or mode of living.

I understand that the investigative consumer reports I have authorized above may include information obtained by interviews with my neighbors, friends, family and/or associates and/or others with whom I am acquainted or who may have knowledge concerning said information.

I further authorize any person, business entity or governmental agency that may have information relevant to the above to furnish and disclose the same to **BALTIMORE COUNTY GOVERNMENT**, including, but not limited to, any courthouse, any public agency, any and all law enforcement agencies and any and all credit bureaus, regardless of whether such person, business entity, or governmental agency compiled the information itself or received it from other sources.

I hereby release **BALTIMORE COUNTY GOVERNMENT**, and any and all persons, business entities and Governmental agencies, whether public or private, from any and all liability, claims, and/or demands, of whatever kind, in law or equity, to me, my heirs or others making such claim or demand on my behalf, for procuring, selling, providing, brokering and/or assisting with the compilation or preparation of the consumer report and/or investigative consumer report hereby authorized.

I hereby certify that I have read and understand this Authorization and Release for the Procurement of a Consumer and/or Investigative Report.

Signature

Date

Baltimore County Government
Employment Background Investigation Form

Social Security Number

Driver's License # and Issuing State

Date of Birth

Print Full Name

Other Names Used (Incl. Maiden Names)

M F
Sex (Circle One)

Current Address (Street, City, State, Zip Code)

(County of Residence)

(Dates Lived at this Address)

Baltimore County, Maryland, a body corporate and politic, is an equal opportunity employer and does not unlawfully discriminate in employment. No question on this application is used for the purposes of limiting or excluding any applicant from consideration for employment on a basis prohibited by local, territorial, state, or federal law. Equal access to employment, services, and programs is available to all persons.

Previous Addresses for the Past Seven Years

Dates Lived at this Address

Address City State County Zip

Address City State County Zip

Address City State County Zip

Home Phone #: _____ Cell Phone #: _____

Warning: Please note that a conviction will not necessarily disqualify you from the job for which you have applied. Disclosure of any such information is not an automatic bar to employment. However, failure to report criminal convictions, probation before judgment (PBJ) dispositions, not criminally responsible (NCR) dispositions, or pending charges or misrepresentations made through this disclosure may result in termination of your employment with Baltimore County Government should your employment begin prior to the results of this investigation being completed.

APPLICANT INITIAL HERE _____

Have you ever been convicted, or placed on probation before judgment (PBJ), found not criminally responsible, or have pending criminal charges against you without a final disposition for an offense other than a minor traffic violation?

Yes _____ No _____ If yes, list charges below. Use the attachment if more space is needed and to provide specific information.

Charge: _____ Date: _____ City/State: _____

Disposition (circle one): Conviction PBJ NCR Pending charge

Charge: _____ Date: _____ City/State: _____

Disposition (circle one): Conviction PBJ NCR Pending charge

Charge: _____ Date: _____ City/State: _____

Disposition (circle one): Conviction PBJ NCR Pending charge

Have you had criminal charges put on a STET Docket during the past 12 months?

Yes _____ No _____

APPLICANT SIGNATURE: _____ **DATE:** _____

I have applied for a position with Baltimore County Government. On my Employment Background Investigation Form, I acknowledged a prior conviction, probation before judgment (PBJ) disposition, not criminally responsible (NCR) disposition, or a pending charge for an offense other than a minor traffic violation. With respect to the offenses acknowledged on the application for my employment background investigation, I hereby release and disclose the following specific information regarding such conviction(s), PBJ disposition(s), not criminally responsible (NCR) disposition(s), or other potentially adverse information:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard sheet of stationery. There is no handwriting or other markings on the page.

Applicant's Signature

Date _____

Name: _____

Last	First	Middle
------	-------	--------

<u>Gender</u>	<u>Hair Color</u>	<u>Eye Color</u>
Male.....	Bald.....BAL	Black.....BLK
...M		
Female.....	Black.....BLK	Blue.....BLU
....F		
	Blond/Strawberry...BLN	Brown.....BRO
	Brown.....BRO	Gray.....GRY
	Gray/Partial Gray...GRY	Green.....GRN
	Red/Auburn.....RED	Hazel.....HAZ
	Sandy.....SDY	Pink.....PNK

Signature/Date

BALTIMORE COUNTY OFFICE OF HUMAN RESOURCES

If you are applying to the Departments of Health, Social Services, or Recreation and Parks, please use the "Child Care" form. All other applicants may use this form.



STATE OF MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES CRIMINAL JUSTICE INFORMATION SYSTEMS - CENTRAL REPOSITORY

LIVESCAN PRE-REGISTRATION APPLICATION

APPLICANT INFORMATION (PLEASE TYPE OR PRINT CLEARLY)

Name:			
Date of birth:		SSN:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female (Please check)
Height: ft. inches	Weight: lbs.	Eye Color:	Hair Color:
Race: <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Native American <input type="checkbox"/> Other (Please check)			
Place of Birth:		Citizenship:	
Current address:			
City:		State:	ZIP Code:
Daytime Phone:		Evening Phone:	Driver's License #:

AGENCY INFORMATION

Agency Authorization #: 0900005466	
ORI # (if required): MD920498Z	Reason fingerprinted? Baltimore County Office of Human Resources
Position Applied for:	
Request Type: (Choose one ONLY) <input type="checkbox"/> Adult Dependent Care <input type="checkbox"/> Attorney/Client <input type="checkbox"/> Child care <input type="checkbox"/> Criminal Justice <input type="checkbox"/> Gold Seal/ Adoption <input type="checkbox"/> Gold Seal/Letter/VISA <input type="checkbox"/> Government Employment	<input checked="" type="checkbox"/> Government Licensing or Certification <input type="checkbox"/> Immigration/VISA <input type="checkbox"/> Individual Challenge <input type="checkbox"/> Individual Review <input type="checkbox"/> MSP Licensing <input type="checkbox"/> Private Party Petition <input type="checkbox"/> Public Housing

Mail Response to:

(Mailing option only available for Visa Gold Seal and/or Individual Review)

Name:	_____
Address:	_____
City, State, Zip code:	_____

Child Care

This form is only for applicants of the Departments of Health, Social Services, and Recreation and Parks. All other applicants should use the Office of Human Resources form.



STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
CRIMINAL JUSTICE INFORMATION SYSTEMS - CENTRAL REPOSITORY

LIVESCAN PRE-REGISTRATION APPLICATION

APPLICANT INFORMATION (PLEASE TYPE OR PRINT CLEARLY)

Name:			
Date of birth:		SSN:	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female (Please check)
Height: ft.	inches	Weight: lbs.	Eye Color:
Hair Color:			
Race: <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Native American <input type="checkbox"/> Other (Please check)			
Place of Birth:		Citizenship:	
Current address:			
City:		State:	ZIP Code:
Daytime Phone:		Evening Phone:	Driver's License #:

AGENCY INFORMATION

Agency Authorization #: 0800004715	
ORI # (if required): MD004455Y	Reason fingerprinted? Child Care
Position Applied for:	
Request Type: (Choose one ONLY) <input type="checkbox"/> Adult Dependent Care <input type="checkbox"/> Attorney/Client <input checked="" type="checkbox"/> Child care <input type="checkbox"/> Criminal Justice <input type="checkbox"/> Gold Seal/ Adoption <input type="checkbox"/> Gold Seal/Letter/VISA <input type="checkbox"/> Government Employment	<input type="checkbox"/> Government Licensing or Certification <input type="checkbox"/> Immigration/VISA <input type="checkbox"/> Individual Challenge <input type="checkbox"/> Individual Review <input type="checkbox"/> MSP Licensing <input type="checkbox"/> Private Party Petition <input type="checkbox"/> Public Housing

Mail Response to:

(Mailing option only available for Visa Gold Seal and/or Individual Review)

Name:	_____
Address:	_____
City, State, Zip code:	_____

BALTIMORE COUNTY GENERAL EMPLOYEES SAMPLE- REDACTED
(Source = May 2021 Employee Census)

	A	B	C	D
1	Employee Identification Number	Department Code	Start Date	Results of Maryland Judiciary Case Search
2		025	7/14/1980	Negative
3		042	9/22/1980	Negative
4		025	2/9/1981	Negative
5		070	1/20/1982	Negative
6		070	9/27/1982	Negative
7		070	5/2/1983	Negative
8		010	3/26/1984	Negative
9		069	1/12/1985	Negative
10		070	9/3/1985	Financial
11		070	10/7/1985	Financial
12		025	11/18/1985	Negative
13		031	3/31/1986	Negative
14		025	8/11/1986	Financial
15		070	9/2/1986	Criminal
16		070	2/9/1987	Negative
17		030	5/18/1987	Financial
18		025	7/6/1987	Financial
19		070	8/25/1987	Negative
20		070	10/31/1988	Negative
21		031	12/8/1988	Financial
22		025	4/10/1989	Negative
23		070	5/1/1989	Criminal
24		034	10/4/1989	Negative
25		070	1/16/1990	Financial
26		070	2/12/1990	Financial
27		069	3/12/1990	Criminal
28		069	4/23/1990	Financial
29		031	11/19/1990	Financial
30		070	3/20/1991	Financial
31		070	7/1/1991	Negative
32		034	7/8/1991	Negative
33		070	8/19/1991	Negative
34		030	9/3/1991	Negative
35		017	4/27/1992	Criminal + Financial
36		042	6/15/1992	Negative
37		087	7/13/1992	Negative
38		010	10/9/1992	Negative
39		006	6/21/1993	Negative
40		012	6/22/1993	Negative
41		030	9/29/1993	Negative
42		070	11/2/1993	Negative
43		034	12/27/1993	Negative
44		070	4/11/1994	Negative
45		030	5/9/1994	Negative
46		030	7/25/1994	Negative
47		030	9/26/1994	Financial

EXHIBIT 3

BALTIMORE COUNTY GENERAL EMPLOYEES SAMPLE - REDACTED
(Source = May 2021 Employee Census)

	A	B	C	D
48		050	10/17/1994	Negative
49		031	1/4/1995	Criminal + Financial
50		017	3/27/1995	Negative
51		070	5/22/1995	Negative
52		017	8/14/1995	Negative
53		030	11/20/1995	Negative
54		031	12/18/1995	Financial
55		030	2/1/1996	Negative
56		017	5/1/1996	Financial
57		052	7/8/1996	Negative
58		030	8/21/1996	Negative
59		030	10/21/1996	Negative
60		017	11/12/1996	Financial
61		070	12/16/1996	Negative
62		070	4/7/1997	Negative
63		070	5/5/1997	Negative
64		070	6/30/1997	Criminal + Financial
65		070	9/2/1997	Negative
66		070	10/20/1997	Negative
67		070	12/1/1997	Criminal
68		030	3/30/1998	Negative
69		030	4/6/1998	Negative
70		070	6/22/1998	Negative
71		069	8/10/1998	Negative
72		069	11/23/1998	Negative
73		070	4/5/1999	Financial
74		070	7/12/1999	Financial
75		070	7/26/1999	Negative
76		057	11/22/1999	Negative
77		070	1/31/2000	Financial
78		070	3/6/2000	Negative
79		070	4/17/2000	Financial
80		006	5/22/2000	Financial
81		069	6/12/2000	Negative
82		070	8/1/2000	Negative
83		031	9/27/2000	Negative
84		069	10/2/2000	Financial
85		069	11/20/2000	Negative
86		031	3/26/2001	Financial
87		030	4/30/2001	Negative
88		034	7/2/2001	Negative
89		069	7/23/2001	Criminal
90		030	9/24/2001	Financial
91		025	10/9/2001	Negative
92		013	11/5/2001	Financial
93		070	1/14/2002	Financial
94		070	1/22/2002	Negative
95		070	3/2/2002	Negative

BALTIMORE COUNTY GENERAL EMPLOYEES SAMPLE - REDACTED
(Source = May 2021 Employee Census)

	A	B	C	D
96		030	4/29/2002	Financial
97		012	5/13/2002	Criminal
98		057	6/3/2002	Negative
99		070	7/14/2002	Negative
100		030	9/30/2002	Negative
101		006	10/12/2002	Negative
102		039	11/25/2002	Negative
103		070	12/9/2002	Financial
104		070	1/13/2003	Negative
105		042	2/3/2003	Financial
106		017	4/28/2003	Negative
107		017	6/11/2003	Negative
108		057	8/25/2003	Negative
109		031	10/22/2003	Negative
110		087	2/9/2004	Negative
111		025	5/24/2004	Negative
112		006	7/6/2004	Negative
113		070	8/2/2004	Criminal
114		034	8/28/2004	Negative
115		042	11/29/2004	Negative
116		006	12/18/2004	Financial
117		034	1/15/2005	Negative
118		030	2/22/2005	Negative
119		057	3/7/2005	Negative
120		012	7/25/2005	Negative
121		070	8/28/2005	Financial
122		006	9/26/2005	Negative
123		042	10/31/2005	Negative
124		057	12/13/2005	Financial
125		030	1/28/2006	Negative
126		070	3/13/2006	Financial
127		070	5/9/2006	Financial
128		030	6/17/2006	Negative
129		039	7/11/2006	Negative
130		025	9/9/2006	Negative
131		042	10/30/2006	Negative
132		070	11/21/2006	Financial
133		070	12/4/2006	Negative
134		070	2/12/2007	Financial
135		070	3/19/2007	Negative
136		070	5/6/2007	Negative
137		070	6/4/2007	Negative
138		030	8/1/2007	Negative
139		067	9/17/2007	Financial
140		025	11/15/2007	Negative
141		030	12/3/2007	Negative
142		031	1/7/2008	Negative
143		034	2/23/2008	Negative

BALTIMORE COUNTY GENERAL EMPLOYEES SAMPLE - REDACTED
(Source = May 2021 Employee Census)

	A	B	C	D
144		070	3/18/2008	Financial
145		025	4/19/2008	Negative
146		030	4/23/2008	Negative
147		070	5/5/2008	Negative
148		070	6/2/2008	Negative
149		042	6/14/2008	Negative
150		030	6/16/2008	Financial
151		070	7/14/2008	Criminal
152		030	12/8/2008	Negative
153		070	12/16/2008	Negative
154		070	1/13/2009	Criminal + Financial
155		070	1/26/2009	Negative
156		069	2/2/2009	Negative
157		070	2/24/2009	Negative
158		039	3/7/2009	Financial
159		030	5/18/2009	Financial
160		070	5/26/2009	Financial
161		067	6/15/2009	Negative
162		070	7/13/2009	Financial
163		070	9/19/2009	Negative
164		070	9/28/2009	Negative
165		030	11/2/2009	Negative
166		006	11/14/2009	Negative
167		070	11/18/2009	Negative
168		025	12/14/2009	Financial
169		070	12/15/2009	Negative
170		069	1/23/2010	Negative
171		069	2/17/2010	Criminal
172		070	3/22/2010	Financial
173		034	4/12/2010	Negative
174		031	6/14/2010	Negative
175		017	6/26/2010	Financial
176		010	7/10/2010	Negative
177		031	8/30/2010	Negative
178		031	9/7/2010	Financial
179		034	9/18/2010	Negative
180		017	10/18/2010	Negative
181		042	11/13/2010	Negative
182		070	11/15/2010	Negative
183		025	12/27/2010	Negative
184		031	1/25/2011	Negative
185		025	2/14/2011	Negative
186		025	4/2/2011	Negative
187		070	5/9/2011	Negative
188		025	6/13/2011	Negative
189		010	7/9/2011	Negative
190		025	7/9/2011	Negative
191		069	7/25/2011	Negative

BALTIMORE COUNTY GENERAL EMPLOYEES SAMPLE - REDACTED
(Source = May 2021 Employee Census)

	A	B	C	D
192		025	8/8/2011	Negative
193		025	8/12/2011	Financial
194		030	9/29/2011	Financial
195		069	10/11/2011	Negative
196		034	11/12/2011	Negative
197		031	1/23/2012	Financial
198		031	3/19/2012	Financial
199		030	5/8/2012	Negative
200		039	5/21/2012	Negative
201		031	6/4/2012	Negative
202		025	7/30/2012	Negative
203		025	8/27/2012	Financial
204		017	9/24/2012	Financial
205		034	9/24/2012	Criminal
206		025	10/29/2012	Negative
207		034	10/29/2012	Financial
208		070	11/24/2012	Negative
209		057	12/10/2012	Financial
210		030	12/24/2012	Criminal + Financial
211		017	1/19/2013	Financial
212		039	2/4/2013	Negative
213		039	3/18/2013	Financial
214		070	4/13/2013	Criminal
215		070	5/14/2013	Financial
216		067	6/3/2013	Negative
217		070	7/22/2013	Negative
218		070	8/19/2013	Negative
219		070	9/9/2013	Negative
220		042	10/15/2013	Negative
221		042	11/25/2013	Negative
222		030	12/2/2013	Negative
223		070	12/23/2013	Financial
224		070	1/6/2014	Negative
225		025	2/1/2014	Negative
226		034	3/1/2014	Negative
227		087	3/17/2014	Financial
228		017	4/14/2014	Financial
229		070	5/12/2014	Criminal
230		070	6/23/2014	Negative
231		069	7/1/2014	Negative
232		030	8/4/2014	Negative
233		070	9/2/2014	Financial
234		070	10/14/2014	Negative
235		069	11/24/2014	Negative
236		030	12/8/2014	Negative
237		030	1/5/2015	Negative
238		031	2/2/2015	Negative
239		070	3/2/2015	Financial

BALTIMORE COUNTY GENERAL EMPLOYEES SAMPLE - REDACTED
(Source = May 2021 Employee Census)

	A	B	C	D
240		070	4/28/2015	Negative
241		030	5/11/2015	Financial
242		017	6/8/2015	Negative
243		025	7/6/2015	Negative
244		025	7/13/2015	Negative
245		069	8/3/2015	Criminal
246		042	9/14/2015	Negative
247		006	10/26/2015	Negative
248		034	11/23/2015	Negative
249		070	12/21/2015	Negative
250		052	1/11/2016	Financial
251		030	2/2/2016	Negative
252		039	2/29/2016	Criminal
253		030	3/28/2016	Negative
254		034	4/23/2016	Negative
255		030	5/9/2016	Negative
256		069	6/6/2016	Negative
257		025	7/5/2016	Financial
258		017	8/29/2016	Negative
259		030	9/26/2016	Negative
260		069	10/11/2016	Negative
261		030	11/7/2016	Criminal
262		030	12/5/2016	Negative
263		070	1/3/2017	Financial
264		006	2/13/2017	Negative
265		030	3/27/2017	Negative
266		039	4/8/2017	Negative
267		030	4/10/2017	Financial
268		006	5/8/2017	Negative
269		011	6/26/2017	Financial
270		039	7/1/2017	Negative
271		070	8/28/2017	Negative
272		034	9/11/2017	Negative
273		025	10/10/2017	Negative
274		070	11/6/2017	Negative
275		039	12/2/2017	Financial
276		030	1/3/2018	Negative
277		030	1/29/2018	Negative
278		030	2/7/2018	Negative
279		031	3/12/2018	Negative
280		025	4/9/2018	Financial
281		030	5/7/2018	Negative
282		034	6/25/2018	Negative
283		017	7/2/2018	Negative
284		006	8/11/2018	Negative
285		025	9/24/2018	Negative
286		012	10/9/2018	Negative
287		039	11/17/2018	Negative

BALTIMORE COUNTY GENERAL EMPLOYEES SAMPLE - REDACTED**(Source = May 2021 Employee Census)**

	A	B	C	D
288		025	12/17/2018	Negative
289		070	1/12/2019	Negative
290		070	1/29/2019	Negative
291		007	2/11/2019	Negative
292		030	2/11/2019	Negative
293		034	3/11/2019	Financial
294		034	4/1/2019	Negative
295		031	4/22/2019	Financial
296		017	5/6/2019	Financial
297		034	5/6/2019	Negative
298		017	6/3/2019	Negative
299		070	6/17/2019	Negative
300		030	7/15/2019	Negative
301		030	8/26/2019	Negative



JOHN A. OLSZEWSKI, JR.
County Executive

STACY L. RODGERS
County Administrative Officer

December 30, 2021

Ms. Kelly Madigan
Inspector General
400 Washington Ave.
Towson, Maryland 21204

Re: OIG External Report 20-015- Response

Dear Ms. Madigan:

Please accept this communication in response to OIG External Report 20-015 regarding the County's criminal background check procedures for general government employees. We thank you for your flexibility in the additional time provided to submit our response.

We have carefully reviewed the report. We agree that for many years the County did not follow industry best practices in conducting criminal background checks for staff. As such, this is an area that Director Rhoda Benjamin and her staff have focused on as part of our overall human resources reform efforts designed to enhance our over operations and to implement human resources industry best practices. Director Benjamin and her staff are working diligently to implement best practice background check protocols for County government Departments for both promotional candidates and newly hired employees. Please find outlined below are our responses, comments to the recommendations outlined in the report. We have also provided a few clarifications.

I. OIG Report Pg. 2

"In or about March 2020, the County began the practice of including all prospective General Employees in the Employment Background Program, regardless of position or hiring agency. To date, this expansion of the Program has not been formally incorporated into the County's Employment Policies but is considered a standard practice in the County."

Response:

Prior to the current Administration the County did not routinely conduct background investigations for all employees upon hiring. Please see Attachment 1 "*Background Check Sheet Before March 2020.*"

A new policy was formally adopted in 2020 using a model from Baltimore City. Please see Attachment 2, "*Background Check Decision Matrix*" and attachment 3, "Background Check Sheet after March 2020." Since March, 2020 the County no longer excludes departments or positions from the background check process. The "process" is currently in place, the *formal* policy has been developed and will be implemented in the OHR personnel manual in the coming months.

II. OIG Report Pg. 3

"Upon receipt, the CJIS results are reviewed by the OHR representative who manages the Employment Background Program to determine whether they require additional follow up or warrant disqualifying the applicant from employment with the County. Unlike some other jurisdictions, there is no formal decision matrix utilized by the OHR representative when reviewing the CJIS results for their impact on an applicant's employment with the County."

Response:

As discussed above, in March 2020, OHR implemented a formal "Background Check Decision Matrix" adopted from Baltimore City's Department of Human Resources. Please see Attachment 2: "*Background Check Decision Matrix*."

III. OIG Report Pg. 3

"The OHR representative stores the results of the CJIS queries in a locked filing cabinet for employees hired within the last two years. All CJIS records for non-employees are destroyed in accordance with CJIS policy."

Response:

Prior to 2018, the OHR representative stored the results of CJIS queries for a period of five years from the point of the CJIS query. To address physical storage capacity limitations, OHR reduced the record retention from five years to two years. It is important to note that CJIS only requires query records to be retained for six months.

To further enhance efficiency, the department is exploring electronic retention options that will provide additional storage capacity and will make the appropriate budgetary request to fund electronic storage options as appropriate as part of the FY23 budget process.

IV. OIG Report Pg. 3

"Beginning in January 2012, OHR began documenting relevant data for the Employment Background Program in an annual document titled Employment Background Check Report."

Response:

For clarification the OHR began documenting relevant data for the Employment Background Program in an annual document titled "*Employment Background Check Report*" in 2008.

As with the employee CIJS records, this document is now retained for a period of two years in the secure cabinet.

V. OIG Report Pg. 4

“Additionally, none of the 3,463 General Employees who were working for the County as of May 2021, regardless of when they were hired, have been required under the current Employment Background Program to have their backgrounds updated for events such as promotions or transfers, or to self-report any arrests or convictions that have occurred after they were hired.”

Response:

We would like to address the 3,463 General Employees referenced above and their background check status. Prior to March 2020, all newly hired employees who were **not required** to be background checked included: Appointed Board Members, Circuit Court, County Council (Elected or Civilian), Elected Officials, Orphan’s Court staff, Per Diem, Senior Aides, and Student Interns. A number of these individuals were not formally in the County’s HR system. Therefore, they were not included in the County’s background check process. When OHR discovered this in late 2019, they put the measures describe above in place in March, 2020. Now ALL classifications, must complete the criminal background process. The OHR team has provided clarification to board members and HR Liaisons to clarify this change in County process. The new County policy will be shared with Department Heads, HR Liaisons, and Board Liaisons.

VI. OIG Report Pg. 5

“Additionally, some of the agencies have a mechanism established so they are notified automatically if an employee is arrested and fingerprinted. For example, the Police Department and the Emergency Communications Center have their employees enrolled in a free service called RAP-BACK, where RAP stands for Record of Arrest and Prosecutions. Under this program, certain government agencies can receive “on-going status notifications of any criminal history record information reported to the FBI [and the State of Maryland] after the initial processing [of an applicant].” In other words, the RAP-BACK program provides agencies such as the Police Department and the Emergency Communications Center with automated updates on the criminal activities of their employees.

Such a service provides a safety net to these agencies should an employee fail to self-report criminal activity. According to a CJIS representative, the RAP-BACK program is not available for General Employees under current Maryland law.”

Response:

We acknowledge the “gap” that exists for general government employees who are not covered by the State’s CIJS RAP-BACK program. To address this gap, FY23 OHR will implement updated background checks for all promotional County employee candidates. Funding to cover the additional background checks will be added to in FY23 budget.

In addition, the OHR had developed an *Arrest and Conviction Reporting Policy* that will require all employees to report all arrests and convictions to the County. We anticipate issuance of the proposed policy in early 2022 after the completion of our negotiations with the Union Bargaining Units.

VII. OIG Report Pg. 6

“First, all prospective employees should “be run” for outstanding warrants in addition to criminal histories. By failing to perform warrant checks on applicants, the County may be unknowingly hiring individuals who are wanted by law enforcement for committing crimes for which they have yet to be arrested.”

Response:

OHR relies on the CJIS query reports provided under current Maryland Law relevant to General Government employees, and applies the matrix accordingly. The OHR team benchmarked this matter with local jurisdictions and could not find any peer jurisdiction that “run” pre-applicants for “outstanding warrants.”

The OHR further consulted the EEOC Guidelines and Best Practice regarding “running” pre-applicants for warrants. Under EEOC, Title VII guidelines, the guidance is silent to “warrants.” However, the OHR will further research the efficacy of the recommendation in consultation with the Office of Law and The Society of Human Resources Management.

VIII. OIG Report Pg. 6

“Second, there is no process in place to identify employees who pose a potential security risk to the County because of past or ongoing financial problems. As can be seen from a review of Exhibit 3, 78 of the 300 employees (26%) have one or more significant financial issues in their background, many of which occurred while employed by the County. Thus, the County could be employing individuals with a history, and in some cases, who are actively, defaulting on creditors, evading taxes, or filing for bankruptcy into positions where they have access to sensitive data, process or manage financial information, or are entrusted with the County’s physical assets.

By running a search of applicants through a publicly-available database such as Maryland Judiciary Case Search, these financial issues could at least be identified and addressed with the applicants prior to employment. The County may also want to consider running similar public record searches in neighboring states, depending on the applicant’s residence history. Further, the County should consider updating these checks for certain classifications of General Employees on a scheduled basis (e.g. every five years), depending on their assigned duties and responsibilities.”

Response:

We appreciate these recommendations. Please note that the County's hiring procedures are governed by Code of Maryland Regulations, Labor and Employment §3-711 ("The Job Applicant Fairness Act" and Federal Law). Consideration of provisions of this nature will require extensive legal review. Also, new hiring requirements may be subject to the review and approval of the County's Personnel Salary and Advisory Board. We will discuss your recommendations with the Office of Law and The Society of Human Resources Management.

IX. OIG Report Pg. 7

"While the proposed Arrest and Conviction Policy states that "Failure to self-report in accordance with this policy may result in disciplinary action up to, and including, termination," there is a concern that some employees may not adhere to the Policy for fear that the self-reporting of the arrest or conviction itself would result in discipline or termination. In other words, some employees may take their chances by choosing not to report an arrest or conviction. Thus, there is no guarantee that the criminal offenses associated with 20 of the employees listed in Exhibit 3, the majority of which took place while these employees were working for the County, would have been reported. Therefore, the Office's third recommendation is that the County should not only implement the draft Arrest and Conviction Policy, but consider updating the Employment Background Program to include annual checks of randomly selected employees as a way to help ensure that employees report criminal activity. Such annual checks could include requests to CJIS for updated criminal histories and/or queries of publicly available databases such as Maryland Judiciary Case Search. The County should also consider expanding the Program so that updated criminal histories and/or queries of public databases are mandated for certain promotions within the County."

Response:

As indicated above, we will implement our Arrest and Conviction Policy once we have completed our Union negotiations.

While we appreciate your recommendation, the County will not initiate annual background checks nor "random" checks. We have benchmarked with other comparable jurisdictions and found no jurisdiction that conducts annual or random background checks.

Per the Society of Human Resources Management (SHRM) guidance "employers must obtain permission from employees to "run" background checks pre and post-hiring. SHRM further advises, unless there is **reasonable cause** for conducting background checks this is not an appropriate action. Reasons for cause include:

- Belief that a current employee has been arrested
- Security threats – when an employer feels that an employee is putting others at risk based upon reports of that employee's conduct or other reasonable suspicion

- Harm to business – conducting a background check may help the employer prevent harm to the business, such as theft or violence

Our research also revealed that a review of public records such as Maryland Judiciary Case Search is not intended for the purposes suggested in the proposed recommendation as is indicated in the following language from the disclaimer on its website:

“The information displayed on this Web Site is generated from computerized records in the custody and control of the Maryland Judiciary and is intended for informational purposes only. The Judiciary provides this information as a public service and makes no warranties, either expressed or implied, regarding its accuracy, reliability, currency, completeness, or suitability for any particular purpose. PLEASE NOTE that this information is NOT intended to be used as an authoritative public record or as a legal document and shall have no legal force or effect.”

Last, the fiscal and staff workload implications associated with the recommendation are beyond the County’s capacity. Our current fingerprinting and background check process for new and promotional candidates would be significantly impacted given our current resources.

X. OIG Report Pg. 7

“Finally, there is a concern that for several months, there has been a significant backlog of General Employees who have been hired by the County and have yet to undergo a background check. This backlog is the result of factors related to the Covid-19 pandemic to include a lack of resources available to process applicant fingerprints and the need to quickly hire staff into positions such as Contact Tracers. Thus, these individuals have been hired by the County under conditional offers of employment, that is, with the understanding that if something derogatory comes up during their background checks, their employment can be terminated.

The Office’s final recommendation is that the County continue to focus on reducing this backlog and to prioritize the outstanding background checks based on the nature and sensitivity of the positions being filled. In addition, public record checks, similar to the ones previously mentioned in this report, should be conducted by OHR staff to identify potential issues to be addressed prior to extending an applicant a conditional offer of employment.” See OIG External Report 20-015, P. 7.

Response:

We agree with your recommendation that we focus on reducing the backlog. To address this matter we have worked with the Maryland State Department of Public Safety and Correctional Services- CIJS to certify two additional units of County Government for completing fingerprinting services for County applicants.

The OHR recruitment team will be able to complete fingerprinting once the State Department of Public Safety and Correctional Services finalizes their certification package. As a result of the pandemic, the State has also been delayed in completing certification requests. OHR is currently awaiting their final certification. OHR Recruitment staff have completed their training. This will assist in reducing the backlog and address new hires going forward. Currently, we prioritize public safety, fire and correctional services staff for fingerprinting and background checks. We have critical vacancies in these areas.

Again, we must express our concern about the use of public records information for HR decision-making given the disclaimer language reflected on the Maryland Judiciary Case Search website. Use of the information for “official” HR decision-making purposes could place the County at risk for litigation. We will further discuss this matter with the Office of Law.

Again, thank you for your detailed review of the County’s Background Check process and policy for General Employees background checks. We look forward to continuing our work in this area and providing you with updates as we move forward.

If you need additional information or clarification please feel free to contact me or Director Benjamin.

Sincerely,

A handwritten signature in blue ink that reads "Stacy L. Rodgers". The signature is fluid and cursive, with the first name "Stacy" being more prominent.

Stacy L. Rodgers, MPA
County Administrative Officer

cc: John A. Olszewski, Jr.
Patrick H. Murray
James R. Benjamin
Rhoda Benjamin

Attachment 1

Background check sheet BEFORE MARCH 2020.

All Agencies including the following need to have background checks:

- ✓ Auditor's Office
- ✓ Board of Elections
- ✓ Central Printing
- ✓ Electronic Services
- ✓ Employees being re-hired or re-instated (more than 6 months after separation date)
- ✓ Law Office
- ✓ **Liquor Board (Not Per Diem)**
- ✓ **Monthly/Alternate Bi-Weekly employees – *due to new Health Law***
- ✓ Monthly/Seasonal Employees going to Non-Merit or Merit positions (for 30 hours+)
- ✓ **New Employees for a New Administration**
- ✓ Non – Public Safety Agencies
- ✓ Office of Information Technology
- ✓ Seasonal (Rec/Parks)
- ✓ State's Attorney Office
- ✓ **Student Trainee – (Only for Laborers in Public Works *usually working in the Fall*)**
- ✓ Swimming Pool Inspectors
- ✓ Temporary employees
- ✓ **Substitute County Ride Drivers – *will need a background only if they are hired for a merit job***

The following do not need EBI checks:

- ✓ Appointed board members
- ✓ Circuit Court (no one)
- ✓ Correctional Officers (need physicals)
- ✓ County Council (Elected or Civilian)
- ✓ Department of Corrections employees (sworn/civilian) [Correctional Officers need physicals]

- ✓ ECT Trainees 911 Center
- ✓ Elected officials
- ✓ Employees return from LOA
- ✓ Fire Department (Sworn)
- ✓ Non-Merit employees changing their positions and numbers of work hours
- ✓ Orphan's Court
- ✓ Paramedics
- ✓ Per Diem
- ✓ Police Department (sworn and civilian)
- ✓ Retirees returning as temporary employees
- ✓ Seasonal/Summer Employees
- ✓ Senior Aides
- ✓ Probationary EMTS
- ✓ Probationary Firefighters
- ✓ Sheriff's Department (sworn and civilian)
- ✓ Some employees going from Non-Merit to Merit
- ✓ Student Interns
- ✓ Those who had a Police background check as part of hiring process,
(certain appointed employees, 911 Center)



Baltimore County Office of Human Resources
(Adopted from Baltimore City DHR as of 2019)

BACKGROUND CHECK DECISION MATRIX

<i>Type of Offense</i>	<i>Severity of Offense (Felony/ Misdemeanor)</i>	<i>Time Frame Since Completing Sentence/Probation Parole</i>	<i>Review Action</i>
Offenses against people (e.g., murder, manslaughter, sexual assault, assault, and battery)	Felony	More than 7 years	Consider engagement. Evaluate evidence of rehabilitation (e.g., successfully holding other jobs) and only decline where the criminal conduct is job related and consistent with business necessity.
		Within 7 years	Consider engagement. Evaluate (a) the nature and gravity of the offense or conduct; (b) use of violence in committing offense; (c) the time that has passed since the offense or conduct and/or completion of the sentence; (d) relationship of the offense to the position; and (e) evidence of rehabilitation (e.g., successfully holding other jobs).
	Misdemeanor	More than 5 years	Engage
		Within 5 years	Consider engagement. Evaluate evidence of rehabilitation (e.g., successfully holding other jobs) and only decline where the criminal conduct is job related and consistent with business necessity.
Offenses against property (e.g., theft, forgery, criminal trespassing, worthless checks, credit card fraud, shoplifting, gun possession)	Felony	More than 7 years	Consider engagement. Evaluate evidence of rehabilitation (e.g., successfully holding other jobs) and only decline where the criminal conduct is job related and consistent with business necessity.
		Within 7 years	Consider engagement. Evaluate (a) the nature and gravity of the offense or conduct; (b) use of violence in committing offense; (c) the time that has passed since the offense or conduct and/or completion of the sentence; (d) relationship of the offense to the position; and (e) evidence of rehabilitation (e.g., successfully holding other jobs).
	Misdemeanor	More than 5 years	Engage
		Within 5 years	Consider engagement. Evaluate evidence of rehabilitation (e.g., successfully holding other jobs) and only decline where the criminal conduct is job related and consistent with business necessity.
Drug Offenses	Distribution, sale, trafficking, manufacture of	More than 5 years	Engage

	drugs	Within 5 years	Consider engagement. Evaluate (a) the nature and gravity of the offense or conduct; (b) use of violence in committing offense; (c) the time that has passed since the offense or conduct und/or completion of the sentence; (d) relationship of the offense to the position; and (e) evidence of rehabilitation (e.g., successfully holding other jobs).
	All other drug offenses	More than 4 years	Engage
		Within 4 years	Consider engagement. Evaluate evidence of rehabilitation (e.g., successfully holding other jobs) and only decline where the criminal conduct is job related and consistent with business necessity.
Falsification	Knowingly falsifying or misrepresenting a fact in any written or oral statement, document, or form used in its decision to employ or grant access to sensitive material, or concealing or omitting a material fact for the purpose of misleading.		Decline
Note: Although an arrest record standing alone may not be used to deny an employment opportunity, an employer may make an employment decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question. The conduct, not the arrest, is relevant for employment purposes.			
Note: Linking the criminal conduct to the essential functions of the position in question may assist in demonstrating whether the criminal conduct is job related and consistent with business necessity because it "bear[s] a demonstrable relationship to successful performance of the jobs for which it was used." In the event of decision to decline the offer, reviewer should be able to identify the specific offenses that may demonstrate unfitness for performing such job functions.			
Note: Proving that exclusion is "job related and consistent with business necessity" is not burdensome. The employer can make this showing if, in screening applicants for criminal conduct, it (I) considers at least the nature of the crime, the time elapsed since the criminal conduct occurred, and the nature of the specific job in Question, and (2) Gives an applicant who is excluded by the screen the opportunity to show why he should not be excluded.			
Case Disposition: Guilty Verdict-A verdict convicting the defendant of the crime charged. Nolle Prosequi (Nol Pros)-A formal motion by a State's Attorney, indicating that the charge(s) will not be prosecuted. Nolo Contendre (Nolo)-A plea in a criminal action having the same legal effect as a plea of guilty and on which the defendant may be sentenced. Dismissed- A ruling by a judge that all or some of the charges in a case are terminated (thrown out), without further evidence or testimony. Not Guilty (Acquittal)-A judgment by a jury or judge that a defendant is not guilty of a crime as charged. Probation Before Judgment (PBJ)-Guilty verdict was stricken and probation was assigned; not a conviction if probation was successfully completed. Stet-A conditional stay of nil further proceedings in a case. On motion of the State's Attorney, the court may indefinitely postpone trial of a charge by marking the charge "stet" on the docket.			

Assault:

First degree assault is defined as intentionally causing, or attempting to cause, serious physical injury to another person, or an assault committed using a firearm. (Maryland Criminal Code, Section 3-202)

All other types of assault fall into the category of assault of the second degree. Essentially, that means that a second degree assault occurs any time that a harmful touching occurs, excluding situations involving death, permanent or protracted injury, disfigurement, or loss or impairment of any body part or organ. (Maryland Criminal Code, Section 3-201) This definition is very broad. It could be applied to any sort of harmful or offensive touching or touching that a person knows would be unwelcome to the recipient

Attachment 2

BACKGROUND check SHEET AFTER MARCH 2020

All Agencies including the following need to have background checks:

- ✓ Appointed board members
- ✓ Board of Elections
- ✓ Circuit Court
- ✓ County Council
- ✓ Elected officials
- ✓ Employees being re-hired or re-instated (more than 6 months after separation date)
- ✓ Employees returning back to work from a LOA
- ✓ Employees being promoted
- ✓ Fire Department (Civilian)
- ✓ Liquor Board
- ✓ Monthly/Alternate Bi-Weekly employees
- ✓ Monthly/Seasonal Employees going to Non-Merit or Merit positions
- ✓ New Employees for a New Administration
- ✓ Non-Merit employees changing their positions and numbers of work hours
- ✓ Orphan's Court
- ✓ Per Diem Employees
- ✓ Retirees returning as temporary employees
- ✓ Seasonal/Summer Employees except Recreation and Parks. Recreation and Parks applicants pay for their own backgrounds.
- ✓ Senior Aides
- ✓ Student Trainee
- ✓ Student Interns
- ✓ Swimming Pool Inspectors
- ✓ Temporary employees

The following do not need EBI checks: The Police Department does the backgrounds

- ✓ Correctional Officers
- ✓ Department of Corrections employees
- ✓ Department of Corrections employees that are promoted
- ✓ 911 Center (All Employees)
- ✓ Fire Department (Sworn)
- ✓ Paramedics
- ✓ Police Department (sworn and civilian)
- ✓ Probationary EMTs
- ✓ Probationary Firefighters
- ✓ Security Officers
- ✓ Sheriff's Department (sworn and civilian)



KELLY MADIGAN
Inspector General

STEVE QUISENBERRY
Deputy Inspector General

Office of the Inspector General

January 4, 2022

Stacy L. Rodgers
County Administrative Officer
400 Washington Avenue
Towson, Maryland 21204

Re: OIG External Report 20-015 – Reply

Thank you for your response dated December 30, 2021 to our External Report #20-015 dated November 4, 2021 concerning Baltimore County's ability to ensure integrity within its workforce through the use of criminal background checks and related procedures. The Office of the Inspector General ("the Office") would like to compliment Director Rhoda Benjamin and her staff for their efforts in transitioning the County's Office of Human Resources (OHR) toward industry best practices. The Office can appreciate the challenges that come with managing such a large workforce and the various legal and other employment-related issues that need to be addressed when dealing with such a sensitive matter as background checks. The purpose of this reply is to address a few of the points from your December 30, 2021 response. Those points are listed below.

- The Office would appreciate if you could advise via email when the process of conducting background checks on all new hires has been formally implemented into the OHR personnel manual.
- It should be noted that the Background Check Decision Matrix as submitted to the Office as Attachment 2 to your December 30, 2021 response was never provided to the Office during the course of the investigation. The Office did receive a similar document from OHR on June 22, 2021. This latter document was characterized during the investigation as a Baltimore City human resources document that was being utilized by the County as a reference tool during its hiring process, as opposed to a document that had been formally incorporated into the County's OHR decision-making procedures.
- The Office noted that the County began documenting relevant data for the Employment Background Program in an annual document titled Employment Background Check Report in January 2012 because the first documented instance of such a Report was on January 10, 2012 in a memo to then OHR Director George Gay. There were no such reports provided to the Office prior to that date.
- The Office was pleased to read that the County will be implementing updated background checks for all promotional County employee candidates beginning in fiscal year 2023 and an Arrest and

Conviction Reporting Policy as early as 2022. The Office would appreciate receiving updates on the implementation of these programs when they occur.

- The concerns expressed about the use of Maryland Judiciary Case Search data are noted, and the Office agrees that such data should never be solely relied upon when making personnel decisions in the County. However, the display of a general disclaimer on the Maryland Judiciary Case Search website does not necessarily make the information any less accurate, timely, or relevant; nor should it prevent the County from using the data for probative value if it could improve security among County personnel and minimize certain risks to County assets and the public.

Sincerely,



Kelly Madigan
Inspector General
Office of the Inspector General

cc: John A. Olszewski, Jr., County Executive
Patrick H. Murray, Chief of Staff
James R. Benjamin, Jr., County Attorney
Rhoda Benjamin, Director