

BOROUGH OF ALLENDALE  
COUNTY OF BERGEN  
STATE OF NEW JERSEY  
ORDINANCE 15-20  
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**CRIMINAL HISTORY RECORD BACKGROUND CHECKS**

**Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**APPLICANT**

Any person, 18 years of age or older, who has formally made application to the Borough for any advertised job position, or Volunteer position within any Borough department and/or certain Borough-sponsored organizations or programs as specified herein.

**BOROUGH**

The Borough of Allendale.

**BOROUGH-SPONSORED ORGANIZATION**

Organizations within the Borough of Allendale listed and approved at the Mayor and Council's annual reorganization meeting, as Class I and Class IV organizations, or as specifically noted in this Ordinance or any other Organization designated at any time by the Mayor and Council to be subject to this Ordinance.

**CRIMINAL HISTORY RECORD BACKGROUND CHECK**

A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, and/or the State Bureau of Identification of the New Jersey State Police.

**CRIMINAL HISTORY RECORD INFORMATION or CHRI**

Information collected by criminal justice agencies concerning persons and stored in the computerized databases of the New Jersey State Police SBI Criminal History Information System, the National Law Enforcement Telecommunications System or other states' computerized repositories containing criminal history record information consisting of identifiable descriptions and notations of arrests, indictments or other formal criminal charges and any dispositions arising therefrom, including convictions, dismissals, correctional supervision and release.

**DEPARTMENT**

The Borough of Allendale Police Department.

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**EMPLOYEE**

Any person hired by the Borough after the effective date of this ordinance, including members of the Allendale Volunteer Ambulance and Allendale Fire Department.

**NONCRIMINAL JUSTICE PURPOSE**

Any purpose, other than administration of criminal justice or criminal justice purpose, including employment and licensing, for which Applicant fingerprints or name search requests are submitted by authorized requesters, as required or permitted by a federal or state statute, rule or regulation, executive order, administrative code provision, local ordinance or resolution or by this chapter, to the State Bureau of Identification for the dissemination of criminal history record information.

**STATE BUREAU OF IDENTIFICATION or SBI**

The New Jersey State Bureau of Identification created by P.L. 1930, c.65 (N.J.S.A. 53:1-12 et seq.), a bureau within the Division of State Police.

**VOLUNTEER**

Any person in a paid, volunteer, or combination of paid/volunteer position within a Borough-Sponsored Program.

**Background check required; notification of results; consent; costs.**

- A. The Borough requires that all Applicants, applying for a paid position with the Borough, or those Applicants applying for a Volunteer position with a Borough-sponsored Organization *must* undergo through the State Bureau of Identification a criminal history record background check. Each Applicant shall be required to undergo the background check prior to appointment and/or hiring.
- B. The Division of State Police shall inform the Department and the individual whether the person's criminal history record background check reveals a conviction of a disqualifying crime or offense set forth in Ordinance 15-20.
- C. Prior to the conducting of a criminal history background check, the Applicant shall provide written consent in connection therewith.
- D. With respect to a group, organization or program approved by the Allendale Recreation Commission, either the Applicant or the respective recreation groups and/or organizations shall bear the costs associated with conducting the criminal history record background checks.

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E. If the Applicant is applying for a position, either paid or Volunteer, with the Borough, or a Borough sponsored governmental organization, other than the Allendale Recreation Committee, the Borough shall bear the costs associated with conducting the criminal history record background checks.

F. With the submission of New Jersey and FBI fingerprint cards pursuant to N.J.A.C. 13:59-1.4, the Allendale Police Department may obtain from the SBI and FBI all criminal history record information retained on the subject and accessed by the SBI, including all criminal history record information from the central repository of the New Jersey State Police SBI, the National Crime Information Center (NCIC) or computerized repositories containing criminal history record information, unless such records have been expunged by law.

G. The Borough may, in its discretion, require follow-up Criminal History Record Background Checks on a random or scheduled basis, the cost of which shall be borne as set forth hereinabove.

**Submission of information; collection and dissemination; third-party agencies.**

A. Applicants, shall submit their name, address, fingerprints, or other required information and written consent to such person or entity designated by the Borough or the Recreation Commission for the criminal history record background check to be performed. Upon receipt thereof, the person or entity designated by the Borough or the Recreation Commission shall submit this documentation to the State Bureau of Identification.

B. The Allendale Police Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this chapter.

C. The person designated by the Borough or the Recreation Commission may, in his, her or its discretion, engage the services of a third-party independent agency or a volunteer group authorized by the Chief of Police to conduct the criminal history record background checks authorized under this chapter.

**Disqualified from service.**

A. A person may be disqualified from serving as a Borough employee or Volunteer if that person's criminal history record background check reveals a record of conviction of any of the following crimes or offenses:

In New Jersey, any crime or disorderly persons offense or petty disorderly persons offense:

- (1) involving danger to the person, including, but not limited to those crimes, disorderly offenses and petty disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et. seq.; N.J.S.A. 2C:12-1 et. seq.; N.J.S.A. 2C:13-1 et. seq.; N.J.S.A. 2C:14-1 et. seq.; and/or,

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N.J.S.A. 2C:15-1 et. seq.;

(2) against the family, children or incompetents, including, but not limited to those crimes, disorderly persons offenses and petty disorderly offenses set forth in N.J.S.A. 2C:24-1 et. seq.;

(3) involving arson, burglary or theft as set forth in N.J.S.A. 2C:17-1 et. seq.; N.J.S.A. 2C: 18-1 et. seq., and/or N.J.S.A. 2C: 20-1 et. seq.;

(4) involving offenses against public administration, perjury and other falsification in official matters, obstructing governmental operations, misconduct in office and/or abuse of office as set forth in N.J.S.A. 2C:27-1 et. seq.; N.J.S.A. 2C:28-1 et. seq.; N.J.S.A. 2C:29-1 et. seq.; or, N.J.S.A. 2C:30-1 et. seq.;

(5) involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes; or,

(6) involving operation of a motor vehicle while intoxicated in violation of Chapter 4 of Title 39 of the New Jersey Statutes.

(7) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes, disorderly persons or petty disorderly persons offenses described herein.

B. For purposes of interpreting the information recorded in a criminal history record to determine the qualifications of the Applicant, the Borough shall presume that the Applicant is innocent of any charges or arrests for which there is no final disposition on the record.

C. The determination of whether the information contained in the criminal history record is sufficient to disqualify an Applicant shall be made by the assigned Detective from the Allendale Police Department. Any Applicant dissatisfied with the determination shall be entitled to file an appeal with the Criminal Background Check Appeal Panel created pursuant to this chapter.

**Access to and use of information restricted.**

A. Access to criminal history record information for noncriminal justice purposes, including licensing and employment, is restricted to the Police Department and Criminal Background Check Appeal Panel, on a need-to-know basis, as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this chapter.

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B. Such persons or organizations shall limit their use of criminal history record information solely to the authorized purpose for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons. This record shall be destroyed immediately after it has served its intended and authorized purpose. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

**Challenge of accuracy by applicant or volunteer.**

If a criminal history record may disqualify an Applicant for any purpose, the disqualified person shall have an opportunity to complete and challenge the information contained in the criminal history record or request an exception. The disqualified person shall be afforded a reasonable period of time to correct and complete this record. A person is not presumed guilty of any charges or arrests for which there is no final disposition indicated on the record.

**Appeal process; Appeal Panel.**

A. Criminal background check appeal process. If the criminal history background check disqualifies an Applicant, the Applicant may appeal that disqualification by filing a written notice of appeal with the Chief of Police no later than 20 days after receiving notice of the disqualification. Any appeal requested shall proceed before the Criminal Background Check Appeal Panel.

B. Criminal Background Check Appeal Panel. In order to monitor and supervise the enforcement of this chapter, the Borough of Allendale hereby creates a Criminal Background Check Appeal Panel. The composition of the Criminal Background Check Appeal Panel shall be as follows:

For Applicants denied for a governmental related position:

- (1) One member of the Criminal Background Check Appeal Panel shall be the Police Chief or his/her designee.
- (2) One member of the Criminal Background Check Appeal Panel shall be the Mayor of the Borough of Allendale or his/her designee.
- (3) One member of the Criminal Background Check Appeal Panel shall be a member of the Allendale Police Department selected by the Chief of Police.

For Applicants denied for a position with the Allendale Recreation Commission:

- (4) One member of the Criminal Background Check Appeal Panel shall be the Police Chief or his/her designee.

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(5) One member of the Criminal Background Check Appeal Panel shall be the President of the Allendale Recreation Commission or his/her designee.

(6) One member of the Criminal Background Check Appeal Panel shall be a member of the Allendale Police Department selected by the Chief of Police.

(7) One member of the Criminal Background Check Appeal Panel shall be the Mayor of the Borough of Allendale or his/her designee.

C. Powers. The Criminal Background Check Appeal Panel is granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this chapter, including, but not limited to, the following:

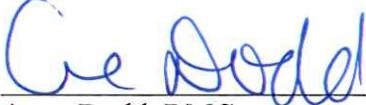
- (1) To hold hearings and adjudicate appeals by Applicants dissatisfied with the disqualification.
- (2) To hold hearings and adjudicate appeals by Applicants dissatisfied with the determination concerning the accuracy of the criminal history record.
- (3) To grant exceptions where appropriate.

D. Findings. Not later than 45 days after the conclusion of the hearing, the Criminal Background Check Appeal Panel shall issue its findings of fact and the Panel's decision to the prospective employee/volunteer involved in the appeal to the Allendale Borough Council and/or Recreation Commission, which shall act in accordance with the Panel's decision.

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein		✓	✓			
Homan	✓		✓			
McSwiggan			✓			
Sasso			✓			
Strauch					✓	
Wilczynski			✓			
White						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of Allendale on August 27, 2015

  
 Mayor Elizabeth White

  
 Anne Dodd, RMC  
 Municipal Clerk