



INFORMATION BULLETIN

*Wayne Goodwin, Commissioner of Insurance
N.C. State Fire Marshal*

Procedure for Fire and EMS Background Checks

Effective Jan. 1, 2015, North Carolina law authorizes criminal history checks for current volunteer or paid fire department personnel and emergency medical services personnel.

The North Carolina Department of Insurance Office of State Fire Marshal has been working with the State Bureau of Investigation Criminal Identification Section to create a guide to assist fire departments and EMS agencies with the process. The following procedure is the result of that collaboration and has been vetted by the SBI. It should provide some direction to make this process a little clearer for the departments and agencies throughout the state.

Procedure for Fire Departments and Emergency Medical Services agencies to receive criminal history records checks of applicants and current members ([NCGS §143B-943](#))

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- 1) Requests can only be made by a designated Homeland Security director (paid only), a local fire chief of a rated fire department (paid or volunteer), a county fire marshal (paid only), an emergency services director (paid only). This will be the Authorized Official.
- 2) Each Authorized Official (such as fire chief) must request and submit an Access Agreement form for its agency. The Access Agreement may be requested by calling 919.582.8600 or emailing ciishelp@ncdoj.gov. The Access Agreement must be completed, signed, notarized and mailed back to the SBI Criminal Identification Section.

Address: NC SBI

P.O. Box 29500

Raleigh, NC 27626-0500

Approval of the Agreement should take 2-4 weeks.

- 3) An initial supply of blank fingerprint cards will be provided by the SBI in the agreement package. More fingerprint cards can be ordered from the SBI by following instructions included in the agreement package.
- 4) Using the fingerprint card provided, the fire chief arranges for each applicant or member to have fingerprinting done at their local police department or sheriff's office to ensure that it is done properly. There may be a local fee for this, depending on local practice.

- 5) The completed fingerprint card is returned to the fire chief, who will then mail it to the Criminal Identification Section at the address above. There is a 38.00 fee per card submitted. This will be billed back to the fire department (as per the Agreement) at the end of each month.
- 6) The results of the criminal history records check will be mailed back to the fire chief. This will typically be within 1-2 weeks from receipt of the fingerprint card to the SBI. All information provided is privileged information and for the exclusive use of the fire chief only for the purpose authorized in NC General Statute 143B-943, and must be locked and secured at all times. Specific responsibilities and requirements are explained in the access agreement.
- 7) (GUIDANCE FOR USE OF DATA FOR FIRE CHIEF) -If the applicant's or current member's verified criminal history record check reveals one or more convictions, then the conviction shall constitute just cause for not selecting the applicant for the position or for dismissing the current member from a current position with the local fire department or emergency medical services. The conviction shall not automatically prohibit volunteering or employment; however, the following factors shall be considered by the local Homeland Security director, local fire chief, county fire marshal, emergency services director, or local law enforcement agency in determining whether the position shall be denied or the current member dismissed from a current position:
 - (a) The level and seriousness of the crime;
 - (b) The date of the crime;
 - (c) The age of the person at the time of the conviction;
 - (d) The circumstances surrounding the commission of the crime, if known;
 - (e) The nexus between the criminal conduct of the person and the duties of the person;
 - (f) The prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed; and
 - (g) The subsequent commission by the person of a crime listed in subsection (a) of this section.
 - (h) The local fire department or emergency medical services may deny the applicant or current member the position or dismiss an applicant or current member who refuses to consent to a criminal history record check or use of fingerprints or other identifying information required by the State or National Repositories of Criminal Histories. This refusal constitutes just cause for the denial of the position or the dismissal from a current position.
 - (i) The local fire department or emergency medical services may also extend a conditional offer of the position pending the results of a criminal history record check.