

Borough of Hillsdale, NJ
Thursday, April 6, 2017

Chapter 126. Criminal History Background Checks

[HISTORY: Adopted by the Borough Council of the Borough of Hillsdale 5-3-2011 by Ord. No. 11-11..Amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 63.

§ 126-1. Definitions.

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

BOROUGH-RELATED RECREATIONAL PROGRAMS INVOLVING MINORS

Any programs so designated by the Recreation Commission of the Borough of Hillsdale.

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 Hillsdale Police Department.

NONCRIMINAL JUSTICE PURPOSE

Any purpose, other than administration of criminal justice or criminal justice purpose, including employment and licensing for which applicant fingerprints and 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, resolution or by this chapter, to the State Bureau of Identification for the dissemination of criminal history record information.

NONPROFIT YOUTH-SERVING ORGANIZATION or ORGANIZATION

Any corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes, or other law of this state, but excluding public and nonpublic schools, and which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes.

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.).

§ 126-2. Request for criminal background checks; costs.

- B. For purposes of interpreting the information recorded in a criminal history record to determine the qualifications of the employee or volunteer of a nonprofit youth-servicing organization and/or the employee or volunteer involved with Borough-related recreational programs involving minors, the Borough shall presume that the employee or volunteer is innocent of any charges or arrests for which there are no final dispositions on the record.
- C. The determination of whether the information contained in the criminal history record is sufficient to disqualify an employee or volunteer shall be made by the Volunteer Review Operation. Any employee or volunteer dissatisfied with the determination shall be entitled to file an appeal with the Criminal Background Check Appeal Panel created pursuant to this chapter.

§ 126-5. Information access, use and accuracy.

- 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.
- 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.
- C. If this criminal history record may disqualify an applicant or existing employee or volunteer for any purpose, the disqualified person shall have an opportunity to complete and challenge the accuracy of 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 are no final dispositions indicated on the record.

§ 126-6. Appeals.

- A. Criminal background check appeal process. If the State Police disqualifies an employee or volunteer, the employee or volunteer 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 from the State Police. 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 Hillsdale hereby creates a Criminal Background Check Appeal Panel, which shall consist of three members. The composition of the Criminal Background Check Appeal Panel shall be as follows:
 - (1) One member of the Criminal Background Check Appeal Panel shall be the Police Chief, or his designee.
 - (2) One member of the Criminal Background Check Appeal Panel shall be the Director of the Hillsdale Recreation Commission.
 - (3) One member of the Criminal Background Check Appeal Panel shall be a person selected by the Chief of Police.
- 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 employees and volunteers dissatisfied with the disqualification.

By NJ state law, each and every potential coach must have Fingerprinting and criminal background check completed and renewed every three years.

The town uses Morpho Trak Criminal Background Check. An appointment must be made to get fingerprinted. First, please contact the Town's Rec. Department and request an application form which you pick up at the Borough Hall.

This form must be filled out exactly to reflect the document you use for identification to get fingerprinted.

Then, contact Morpho Trak to schedule your appointment: <https://nj.ibtfingerprint.com>.

There are numerous locations to get the fingerprinting done, the closest being in Paramus. Once complete, Morpho Trak will send results directly to the town.

Keep your receipt for future reference.

There is a charge for missing or being late for an appointment.

No other form of background check is accepted.

There is sometimes a long delay between getting the fingerprinting and when results are sent to the town.

The town will not let you coach if they do not receive the records, so please schedule this early.