



**WILLIAM C. COX**  
UNDERSHERIFF

**MICHAEL S. MONTELEONE**  
CHIEF DEPUTY

## **ALBANY COUNTY SHERIFF'S OFFICE**

County Court House Albany, New York 12207 (518) 487-5400  
[WWW.ALBANYCOUNTYSHERIFF.COM](http://WWW.ALBANYCOUNTYSHERIFF.COM)

**CRAIG D. APPLE, SR.**  
SHERIFF



**PAUL M. COURCELLE**  
CHIEF DEPUTY

**KERRY B. THOMPSON**  
CHIEF DEPUTY

### **MEMORANDUM**

Date: December 11, 2014

To: All Albany County Volunteer Fire Departments  
All Albany County Fire Coordinators

From: Tom Remmert, Director, Emergency Management Unit

The changes to the law regarding New Member Background Checks went into effect December 2, 2014.

I have attached the following documents:

1. Memo from NYS DCJS to Sheriffs regarding the changes – Please read this for a description of the changes, including the check for sex offenses.
2. DCJS procedures for running the background checks (so you know what we can do and what we can't do)

**NOTE:** The new form is designed to be filled in on a computer then printed. WE DO NOT HAVE ANY PAPER FORMS. The form MUST contain an ORIGINAL signature and be mailed or faxed to our office. PHOTOCOPIED signatures will not be accepted. DCJS does not allow the form to be emailed. We prefer that you mail the forms to us. The form can be downloaded from our website at <http://www.albanycountysheriff.com>.

You must examine TWO forms of ID from the applicant. If possible, please include a copy of the applicant's driver's license. If the applicant has a common last name, please fill in as much of the description as possible. We often get "association hits" on the more common names and having the extra information helps us to eliminate your applicant.

The forms can be sent to the following address:

**FIREFIGHTER BACKGROUND CHECKS  
ALBANY COUNTY SHERIFF'S OFFICE  
PO BOX A  
CLARKSVILLE, NY 12041**

If you have any questions, please contact me via email or telephone.

Thomas M. Remmert  
Emergency Manager  
Albany County Sheriff's Office  
Clarksville Station  
PO Box A, 58 Verda Ave. Clarksville, NY 12041  
W-518-720-8026 C-518-281-9961 Fax 518-720-8031  
[thomas.remmert@albanycounty.com](mailto:thomas.remmert@albanycounty.com)



## MEMORANDUM

**TO:** Sheriffs' Offices

**FROM:** Joseph N. Morrissey, Director, Office of Criminal Justice Operations

**DATE:** November 3, 2014

**SUBJECT:** **Volunteer Firefighter Background Checks - amendment to Executive Law §837-o requiring arson and registerable sex offense background checks**

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Effective December 2, 2014, Executive Law §837-o requires prospective volunteer firefighters, and current volunteers seeking membership in another fire company, to undergo non-fingerprint criminal history background checks for convictions for a crime which requires the person to register as a sex offender, in addition to the already required arson conviction check.

Attached is a new *DCJS-VFF Volunteer Firefighter Inquiry Form* to be utilized beginning December 2, 2014 when conducting background checks. This form will replace the current *DCJS-9 Correspondence Inquiry Form*. Sheriffs' Offices should distribute the *DCJS-VFF Volunteer Firefighter Inquiry Form* to volunteer fire companies seeking to perform arson and registerable sex offense background checks on prospective volunteers and fire company transfers.

Please be advised that, although this form may be filled out electronically, original signatures are required and completed forms must be U.S. mailed, faxed or hand delivered only. E-mail transmission is not permissible.

Also, attached find updated procedures to be followed when performing arson and registerable sex offense background checks. If you have any questions, please contact the Public Safety Contact Center at 1-800-262-3257.

## Non-Fingerprint Background Checks – Volunteer Firefighters

Effective December 2, 2014, Executive Law §837-o requires prospective volunteer firefighters, and current volunteers seeking membership in another fire company, to undergo non-fingerprint criminal history background checks, **for arson convictions and convictions which require registration as a sex offender only**, against the State's criminal history files maintained by the Division of Criminal Justice Services (DCJS). The law prohibits a fee from being charged in connection with these background checks. The law also specifies that these checks will be conducted by sheriffs' offices unless a county legislature enacts a local law prohibiting its county sheriff from having such responsibility. In such a case, the NYS Division of Homeland Security and Emergency Services, Office of Fire Prevention and Control (OFPC), is authorized to perform the background checks for the affected volunteer fire companies.

DCJS supplies the *DCJS-VFF Volunteer Firefighter Inquiry Form* to each Sheriff's Office in the State and to OFPC. Sheriffs' offices and OFPC shall distribute the form to volunteer fire companies seeking to perform arson and registerable sex offense background checks on prospective volunteers and fire company transferees. Fire company officials should complete sections A and B and fields 1 through 10 of the *DCJS-VFF Volunteer Firefighter Inquiry Form*. Fire company officials should use the applicant/transferee driver's license, and another form of identification, such as a birth certificate, passport or social security card, when completing the forms. **Completed forms must be returned to the sheriff's office, or to OFPC where applicable, via U.S. mail, fax or hand delivery. E-mail transmission is not permissible.** It is not an option to perform the background checks through OFPC in counties where there is no local law prohibiting the sheriff's office from conducting the checks.

Upon receiving a completed *DCJS-VFF Volunteer Firefighter Inquiry Form*, sheriffs' offices will perform a name search on each applicant/transferee using the Criminal Repository Search link located under the People tab in the eJusticeNY Integrated Justice Portal using the VFF Reason Code. If a name search candidate is returned as an exact match to the input data, the sheriff will use the Criminal Repository Inquiry link to obtain a rapsheet from DCJS on the candidate. The rapsheet will then be examined by the sheriff's office to determine the presence of an arson and/or registerable sex offense conviction. Not all sex offense convictions require registration as a sex offender. If there is any question regarding whether the applicant is a registered sex offender, the sheriff should search the Sex Offender Registry using the Full Registry Search link also located under the People tab in the eJusticeNY Integrated Justice Portal. The appropriate box should be checked on the bottom portion of the *DCJS-VFF Volunteer Firefighter Inquiry Form*, and the form returned to the submitting fire company via U.S. mail, fax or hand delivery only. In cases where the rapsheet shows an arrest for arson and/or registerable sex offense, but does not reflect a final disposition for the arrest, the sheriff's office should contact the DCJS Office of Criminal Justice Operations at (518) 457-8547 for assistance in obtaining the final disposition. If an arson and/or registerable sex offense case is pending adjudication, the requesting fire company should be informed that a decision regarding the applicant/transferee must be delayed. **Criminal history records (i.e., rapsheets) are not to be provided to fire companies under any circumstance.**

In cases where a background check results in the discovery of an arson and/or registerable sex offense conviction against an applicant/transferee and the individual disputes the conviction, the fire company official should immediately refer the individual to DCJS for a personal record review. If the personal record review results in the determination that the individual is free of an arson conviction and/or registerable sex offense conviction, a subsequent notification will be sent to the sheriff's office which will then forward the appropriate notification to the fire company. It should be noted that while an applicant/transferee who has been convicted of arson is not eligible to be elected or appointed as a volunteer member of a fire company, a registered sex offender is not automatically disqualified from membership. If the background check results in the discovery that the applicant/transferee is a registered sex offender, the fire company must make a determination of eligibility in accordance with the criteria established in Correction Law §§752 and 753. The fire company should be directed to contact the Sex Offender Registry at 1-800-262-3257 to obtain more information about the conviction.