

# ENDWELL FIRE DISTRICT

<b>PERSONS PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES POLICY</b>	
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<b>Number: 2024-24</b>	<b>Adopted: January 10, 2024</b>
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## **POLICY STATEMENT**

It is the policy of the Endwell Fire District (the "Fire District") to oppose and prevent any form of unlawful discrimination, including the discrimination of persons previously convicted of one or more criminal offenses. While recognizing that such discrimination is unfair and counterproductive, the Fire District also recognizes the importance of its responsibility to protect property and ensure the safety of Fire District members, employees, and the general public it serves.

In recognition of these responsibilities, the Fire District has prepared this policy to aid members and employees in making membership decisions concerning persons previously convicted of one or more criminal offenses.

## **POLICY**

1. All applicants for membership shall be required to disclose information as to all previous convictions on their applications and shall be subject to denial of membership or employment or removal from membership or employment when such failure to disclose is discovered at any time after their commencement of membership or employment.
2. All applicants for membership shall be subject to a criminal background check and will provide a signed authorization granting permission to the Fire District to conduct that search. Failure to provide that authorization will result in the denial of membership.
3. No person shall be eligible for membership or employment if they have been convicted of a crime of arson in any degree.
4. When an applicant for membership has been convicted of any crime that requires registration as a sex offender, the Fire District as the authority having jurisdiction over the fire company shall determine whether or not such person shall be eligible to be elected or appointed as a volunteer member of the fire company, using the criteria from Sections 752 and 753 of the Correction Law.
5. The Fire Chief shall within 10 business days after receipt of any application for membership and authorization of a prospective member permitting the search of the records of the Division of Homeland Security and Emergency Services pursuant to Executive Law 837-o.
6. The membership application shall not proceed in any fashion by the fire company until such time as the Fire Chief receives the results of such search.
7. When such search reveals that an applicant for membership has been convicted of a crime of arson in any degree or of any crime that requires registration as a sex offender, the Fire Chief shall notify the Fire District Secretary in writing within 7 days of the receipt of such search results. The Fire District Secretary shall then advise the applicant in writing, in the case of an arson conviction, that the applicant is not eligible for membership and of the right to

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challenge and appeal the information contained in the record of conviction, pursuant to Executive Law 837-o (3)(c).

8. In the case of an applicant for membership who has been convicted of any crime that requires registration as a sex offender, the Fire District Secretary shall then advise the applicant in writing that the applicant is not eligible for membership and of the right to challenge and appeal the information contained in the record of conviction and provide the applicant with a copy of the criminal history received by the Fire Chief, together with a copy of sections 752 and 753 of the Correction Law pursuant to Executive Law 837-o (3)(d).
9. No person shall be eligible for membership if they have been convicted of a crime and the Board of Commissioners of the Fire District determines that there is a direct relationship between such conviction(s) and the duties of a volunteer firefighter or employee or that the approval of the membership or employment of such person would involve an unreasonable risk to property or to the safety or welfare of specific individuals or to the general public.
10. In making a membership determination concerning a person with a previous conviction(s), which does not include a conviction for arson, the following factors shall be considered:
  - a. The specific duties and responsibilities of a volunteer firefighter;
  - b. The bearing, if any, the criminal offense(s) for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities;
  - c. The time which has elapsed since the occurrence of the criminal offense(s);
  - d. The age of the person at the time of occurrence of the criminal offense(s);
  - e. The seriousness of the offense(s);
  - f. Any information produced by the person or produced on such person's behalf, with regard to such person's rehabilitation and good conduct; and
  - g. The Fire District's interest in protecting the property and the safety and welfare of specific individuals or the general public.

This policy is adopted on January 10, 2024, and supersedes any previous reversion of this policy.

By order of the Board of Fire Commissioners, Endwell Fire District.

Reviewed & Adopted: January 10, 2024  
No Changes Made

Reviewed and Adopted: January 04, 2023  
Adopted: July 21, 2021

Reviewed: No changes made

Persons previously convicted of one or more criminal offenses 2015-1

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Adopted by the Board of Fire Commissioners  
September 17, 2015