



CITY OF LONG BEACH

R-26

FIRE DEPARTMENT

3205 Lakewood Boulevard • Long Beach, CA 90808-1733 • Telephone (562) 570-2500 • FAX (562) 570-2506

DAVID W. ELLIS
FIRE CHIEF

December 15, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a resolution establishing the need to receive summary criminal history information on all Emergency Medical Technicians employed by the City of Long Beach, including any volunteer or contract employees, and establishing the authorization to access local, State and federal level summary Criminal Offender Record Information and Subsequent Arrest Notifications from the Department of Justice for current and newly hired employees. (Citywide)

DISCUSSION

Assembly Bill (AB) 2917 (Torrico) was signed into law on September 28, 2008. This legislation requires State Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) background checks for all Emergency Medical Technicians (EMTs) working in pre-hospital care and establishes a central database at the State to track the certification status of the more than 60,000 EMTs practicing in California. The law was passed in response to several incidents in the State of California in which EMTs were dismissed from employment because of criminal behavior and subsequently obtained employment as EMTs with other agencies, despite the revocation of their EMT licenses. The new requirements for background checks and a central database are designed to prevent this from occurring.

The California Emergency Medical Services Authority recognizes the Long Beach Fire Department as one of 69 "certifying entities" in the State. As a certifying entity, the Fire Department is approved to provide initial EMT certification to new employees and recertification of EMTs every two years. EMT personnel in the department include: Firefighters, Marine Safety personnel and Ambulance Operators. As a certifying entity, the department is also required to provide background checks on all EMTs prior to certifying them to function in the role of an EMT. Currently, the department only conducts DOJ background checks and does not receive subsequent arrest notifications.

HONORABLE MAYOR AND CITY COUNCIL

December 15, 2009

Page 2

AB 2917 requires certifying entities to conduct both DOJ and FBI background checks on each new EMT certified after July 1, 2010. DOJ and FBI background checks involve the electronic submission of an employee's fingerprints through the Live Scan system. If the background check identifies criminal offender record information, the DOJ will respond by disseminating this confidential information to the agencies that are authorized to receive it. In order for the department to maintain its ability to certify new EMTs, the FBI requires the City Council to adopt a resolution that establishes the need for FBI background checks and the inclusion of subsequent arrest notifications. Adoption of the Resolution will allow the Fire Department to begin the process to receive background check information and subsequent arrest notifications as required by AB 2917 and maintain its status as a certifying entity.

Maintaining status as a certifying entity will also allow the Fire Department to invoke a grandfather clause that eliminates the need for the FBI background check of current EMT certified employees, saving approximately \$20,000 in initial fees to the State of California.

This item was reviewed by Deputy City Attorney Gary J. Anderson on November 24, 2009 and Budget and Performance Management Bureau Manager David Wodynski on November 25, 2009.

TIMING CONSIDERATIONS

City Council action is required at the December 15, 2009 meeting in order to allow the Department sufficient time to meet all the requirements prior to the deadline established in AB 2917.

FISCAL IMPACT

There is no fiscal impact associated with the recommended action. However, the Assembly Bill creates a recertification fee of \$37 per EMT every two years. These fees will amount to approximately \$10,000 in annual costs.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ALAN M. PATALANO
ACTING FIRE CHIEF

HONORABLE MAYOR AND CITY COUNCIL
December 15, 2009
Page 3

APPROVED:


PATRICK H. WEST
CITY MANAGER

AMP:MS
Q:\Administration\City Council letters\AB2917 Resolution.doc

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING ACCESS TO
5 STATE AND FEDERAL SUMMARY CRIMINAL HISTORY
6 INFORMATION FOR EMPLOYMENT

7
8 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize
9 cities, counties and districts to access state and local summary criminal history
10 information for employment or certification purposes; and

11 WHEREAS, Penal Code Sections 11105(b)(11) authorizes cities, counties
12 and districts to access federal level criminal history information by transmitting fingerprint
13 images and related information to the Department of Justice to be transmitted to Federal
14 Bureau of Investigation; and

15 WHEREAS, Penal Code sections 11105(b)(11) and 13300(b)(11) require
16 that there be as requirement or exclusion from employment or certification based on
17 specific criminal conduct on the part of the subject of the record; and

18 WHEREAS, Penal Code section 11105(b)(11) and 13300(b)(11) require the
19 city council, board of supervisors, or governing body of a city, county or district to
20 specifically authorize access to summary criminal history information for employment or
21 certification purposes;

22 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG
23 BEACH DOES RESOLVE AS FOLLOWS:

24 Section 1. The City Council hereby authorizes the City of Long Beach
25 Fire Department to access state and federal level summary criminal history information
26 for employment purposes (including volunteers and contract employees) or certification
27 for City of Long Beach Emergency Medical Technicians and may not disseminate the
28 information to a private entity.

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 2. The City of Long Beach shall not consider a person who has been convicted of a violent or serious felony or misdemeanor eligible for employment (including volunteers and contract employees) except that such conviction may be disregarded if it is determined that mitigation circumstances exist, or that the conviction is not related to the employment or volunteer in question.

Section 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2009, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk