



OFFICE OF THE CITY PROSECUTOR
Long Beach, California

DOUGLAS P. HAUBERT, *City Prosecutor*

C-13

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December 3, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution authorizing the Office of the Long Beach City Prosecutor to access State and Federal summary criminal history information for employment in City Prosecutor Department. (Citywide)

DISCUSSION

The California Department of Justice (CADOJ) and Federal Bureau of Investigations (FBI) provide background checks to public agencies so the agencies can verify whether new employees have prior criminal convictions that could affect the performance of their duties.

CADOJ and FBI background checks for the City of Long Beach involve the electronic submission of an employee's fingerprints through the Live Scan system administered by the City's Police Department. If the background check identifies criminal offender record information, the CADOJ will respond by disseminating this confidential information to the designated custodian of records for the agency.

In order for the City Prosecutor's Office to receive this criminal offender record information, the CADOJ is requiring the City Prosecutor to have Live Scans completed under its own Originating Agency Identifier (ORI) Number.

Adoption of the Resolution will authorize the City Prosecutor's Office to access state and federal summary confidential criminal history information for the purpose of making employment decisions by submitting an application to receive custodian of records designation with the CADOJ.

This item was reviewed by Deputy City Attorney Monica Kilaita on September 26, 2019 and by Revenue Management Officer Geraldine Alejo on November 14, 2019

TIMING CONSIDERATIONS

City Council approval of this action is requested at the December 3, 2019, meeting.

December 3, 2019

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FISCAL IMPACT

There is no fiscal impact or local job impact associated with this recommendation. The recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

SUGGESTED ACTION:

Approve Recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Haubert". The signature is written in a cursive style with a large, looped initial "D".

Douglas P. Haubert
City Prosecutor

Attachment: Resolution

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, districts and joint powers authorities to access state and local summary
10 criminal history information for employment, licensing or certification purposes; and

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

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

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

22 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
23 follows:

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

28 Section 2. The City of Long Beach shall not consider a person who has

1 been convicted of a violent or serious felony or misdemeanor eligible for employment
2 (including volunteers and contract employees) except that such conviction may be
3 disregarded if it is determined that mitigation circumstances exist, or that the conviction is
4 not related to the employment or volunteer in question.

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

7 I hereby certify that the foregoing resolution was adopted by the City
8 Council of the City of Long Beach at its meeting of _____, 2019 by the
9 following vote:

10

11	Ayes:	Councilmembers:	_____
12			_____
13			_____
14			_____
15	Noes:	Councilmembers:	_____
16			_____
17	Absent:	Councilmembers:	_____
18			_____
19			
20			
21			_____
22			City Clerk

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