



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Authorizing Access To State Level and Federal Level Summary Criminal History Information for Employment, Certification, and Licensing Purposes (Staff Contact: Henry Kwong, 408-586-2419)
Category:	Consent Calendar-Public Safety
Meeting Date:	11/19/2019
Staff Contact:	Henry Kwong, Milpitas Police Captain, 408-586-2419
Recommendation:	Adopt a Resolution authorizing access to State Level and Federal Level Summary Criminal History Information for Employment, Certification, and Licensing Purposes.

Background:

The Milpitas Police Department currently conducts background checks in order to fulfill its employment, certification, and licensing duties for volunteers, contractors, applicants, and employees of the City of Milpitas. State level summary criminal history information is obtained from the California Department of Justice, and depending on the purpose of the background check, federal level summary criminal history information is also obtained from the Federal Bureau of Investigation. In order to standardize the thoroughness of background checks, the Milpitas Police Department will start obtaining federal level summary criminal history information in conducting every background check for employment, certification, and licensing purposes. On June 11, 2019, the City Council adopted Resolution No. 8884 intended to authorize the Milpitas Police Department to obtain both state level and federal level summary criminal history information, and it was accepted by the California Department of Justice. When the resolution was forwarded to the FBI Criminal Justice Information Law Unit, changes were requested to clarify the purposes and the recipient of the information.

Analysis:

California Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts, and joint power authorities to access state and local summary criminal history information for employment, licensing, or certification purposes. California Penal Code Section 11105(b)(11) authorizes cities, counties, districts, and joint power authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation. California Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record. California Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county, or district, or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

In accordance with Penal Code Sections 11105(b)(11) and 13300(b)(11), the proposed resolution will authorize the Milpitas Police Department access to both state and federal criminal history information for all background checks pertaining to employment, certification, and licensing purposes.

Policy Alternative:

Alternative: Do not adopt the resolution to obtain federal level summary criminal history information in all background checks.

Pros: (None)

Cons: Incomplete background checks

Reason not recommended: Potentially disqualifying information from the federal level summary criminal history may be omitted from the background checks.

Fiscal Impact:

The federal level summary criminal history information will cost \$17 for each inquiry, and the total annual cost should not exceed \$1000. The cost can be absorbed in the police department's existing operational budget.

California Environmental Quality Act: N/A.

Recommendation:

Adopt a Resolution authorizing access to state and federal level Summary Criminal History Information for employment, certification and licensing purposes.

Attachment:

Resolution for adoption
Copy of Resolution No. 8884