

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**

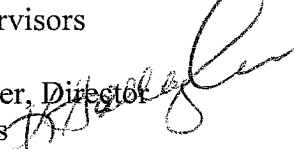
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Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 5/5/06
Department Name: Social Services
Department No.: 044
Agenda Date: 06/2006
Placement: Administrative
Estimate Time: 10 mins.
Continued Item: NO
If Yes, date from:

0620-30

TO: Board of Supervisors
FROM: Kathy Gallagher, Director
Social Services 
STAFF CONTACT: Ken Jensen, Psy. D., Deputy Director
x7312
SUBJECT: Criminal Records Check

Recommendation(s):

That the Board of Supervisors:

JUN 20 2006

Adopt the attached resolution authorizing the County of Santa Barbara Department of Social Services to access state, federal and local summary criminal history information for employment, licensing and certification purposes.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 7. A Community that Fosters the Safety and Well-Being of Families and Children.

Executive Summary and Discussion:

Pursuant to legal mandate the County must perform criminal background checks on employees and applicants for various positions. As examples, the Welfare and Institutions Code and the Public Resources Code require background checks on employees working with children and other vulnerable populations; the California Code of Regulations requires background checks on employees with access to computerized criminal record information (i.e. CLETS), or other criminal history information maintained by the County.

The requirement to perform criminal background checks is fulfilled through submission of the employee/applicant's fingerprints to the State Department of Justice, who will then provide the criminal history information. Penal Code section 11105(b)(10) requires that an entity requesting such information adopt a resolution specifically authorizing access to the criminal history information. In 1996 the Board

adopted such a resolution. Following recent amendments to the Penal code the FBI discontinued honoring the existing resolution, necessitating counties to again adopt an authorizing resolution.

The proposed resolution is based upon a model resolution supplied by the FBI. It will be submitted to the State of California, then to the FBI for its approval. After approval the County will again be able to receive complete criminal history information and fulfill its legal mandates.

Authorization to access local, state and federal level criminal history information will help insure that the County has complied with its legal mandates regarding employment, licensing and certification processes.

Fiscal and Facilities Impacts:

Monies are budgeted to perform fingerprinting services. This resolution has no additional impact.

Special Instructions:

After execution by the Chair, please return the Department's copy of the approved resolution and one (1) certified copy of the minute order to the Department of Social Services, attention: Paula Haines

Concurrence:

County Counsel
County Human Resources

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

RESOLUTION OF THE BOARD OF SUPERVISORS)
OF THE COUNTY OF SANTA BARBARA, STATE OF)
CALIFORNIA GRANTING THE COUNTY THE)
AUTHORITY TO REQUEST LOCAL, STATE AND)
FEDERAL CRIMINAL HISTORY FOR EMPLOYMENT,))
LICENSING OR CERTIFICATION PURPOSES) RESOLUTION NO. _____

WHEREAS, Pursuant to *Welfare and Institutions Code* Sections 16501 (k)(1) through (f) Department of Social Services Employees who have, or are expected to have, frequent and routine contact with children served by Child Welfare Services (CWS) will be fingerprinted for the purpose of obtaining summary criminal history information, and

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

WHEREAS, *Penal Code* Section 11105(b)(10) authorizes cities, counties, and districts 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; and

WHEREAS, *Penal Code* Sections 11105(b)(10) and 13300(b)(10) 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; and

WHEREAS, *Penal Code* Sections 11105(b)(10) and 13300(b)(10) require the city council, board of supervisors, or governing body of a city, county, or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes;

NOW THEREFORE, BE IS RESOLVED, that the County of Santa Barbara is hereby authorized to access local, state, and federal level summary criminal history information for employment, licensing, or certification purpose and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that the County of Santa Barbara shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees) licensing, or certification purposes; except that such conviction may be disregarded if it is determined that mitigating circumstances exist or that the conviction is not related to the employment, volunteer, or license in question.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

PASSED and ADOPTED by the Board of Supervisors of the County of Santa Barbara,
State of California, this

_____ Day of _____ 2006 by the following vote:

Chair, Board of Supervisors

ATTEST:

Michael F. Brown
Clerk of the Board

By: _____
Deputy Clerk

APPROVED AS TO FORM:

Stephen Shane Stark
County Counsel

By: Celeste E. Andersen
Deputy County Counsel