

Council Meeting of
May 18, 2010

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

**SUBJECT: Fire Department – Adopt RESOLUTION authorizing
criminal background checks.**

RECOMMENDATION

Recommendation of the Fire Chief that the City Council adopt a **RESOLUTION** repealing Resolution No. 2010-33 and authorizing the City of Torrance to access State and Federal criminal history information in order to comply with AB 2917, which requires criminal background checks of Emergency Medical Technicians (EMTs).

FUNDING

Not applicable.

BACKGROUND/ANALYSIS

Assembly Bill No. 2917 (Torrico) relates to emergency medical services personnel. AB 2917 requires that starting July 1, 2010, all Emergency Medical Technicians (EMTs) have a California Department of Justice and Federal Bureau of Investigation criminal background check. AB 2917 also requires that cities receive subsequent arrest notification from the California Department of Justice.

All City of Torrance fire fighters are certified EMTs. The City of Torrance does not currently receive criminal background checks from the Federal Bureau of Investigation. Additionally, the City of Torrance does not receive subsequent arrest notification from the California Department of Justice.

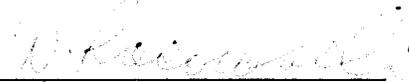
In order to comply with AB 2917, the City of Torrance needs to receive criminal background checks from the Federal Bureau of Investigation. Additionally, the City of Torrance needs to receive subsequent arrest notification from the California Department of Justice. The City of Torrance will not be able to continue certifying their EMTs without having this information. The attached Resolution is required by the California Department of Justice in order to receive criminal background checks from the Federal

Bureau of Investigation and to receive subsequent arrest notification from the California Department of Justice.

On April 13, 2010, the City Council adopted Resolution No. 2010-33 authorizing the City of Torrance to access State and Federal criminal history information in order to comply with AB 2917, which requires criminal background checks of Emergency Medical Technicians (EMTs). The Fire Department submitted Resolution No. 2010-33 to the California Department of Justice for their review. The California Department of Justice has requested that the City of Torrance modify the Resolution to delete the list of job titles and instead just reference the certification title of EMT-I.

The attached Resolution repeals Resolution No. 2010-33 and makes the change requested by the California Department of Justice to the certification title of EMT-I in the sixth paragraph of the Resolution.

Respectfully submitted,



William Racowski
Fire Chief

CONCUR:



LeRoy J. Jackson
City Manager

Attachment: A. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE CITY OF TORRANCE FIRE DEPARTMENT TO ACCESS STATE AND LOCAL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT, LICENSING, OR CERTIFICATION PURPOSES , PURSUANT TO PENAL CODE SECTION 11105(b)(11) and 13300(b)(11).

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts and joint powers 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; and

WHEREAS, 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; and

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

NOW THEREFORE, BE IT RESOLVED, that Resolution No. 2010-33 is repealed in its entirety; and

BE IT FURTHER RESOLVED, that the City of Torrance is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing of or certification for EMT-I purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that the City of Torrance 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), or licensing; 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.

INTRODUCED, APPROVED AND ADOPTED this _____ day of _____, 2010.

Mayor Frank Scotto

APPROVED AS TO FORM:
JOHN L. FELLOWS III, City Attorney

ATTEST:

By: _____
Patrick Q. Sullivan, Assistant City Attorney

Sue Herbers,
City Clerk