3-09/110.17 - Release of Criminal History Information to Contract Cities

Authorized contract cities may obtain "local" criminal history information from the Records and Identification Bureau (RIB).

A contract city may request a criminal history record check to complete a pre-employment background profile on a prospective employee. The city's formal letter of request should specify the record check is part of the pre-employment process. A contract city shall submit a written request for criminal history information to the RIB, Applicant Processing Unit.

The following procedures shall be applied when a contract city requests criminal history information:

1. Departmental personnel shall determine whether or not the individual agency requesting the information is recognized as an "authorized agency" by the Department of Justice (DOJ). This may be accomplished by contacting RIB.
2. If the letter of request is submitted to the station and the city is verified as being an "authorized agency," the letter is to be accepted and forwarded to RIB, Applicant Processing Unit. RIB will maintain a list of individuals authorized by their contract city to receive criminal history information. Each contract city will be responsible for providing our Department with a list of authorized personnel. In the absence of an authorized representative, criminal history information will be forwarded to the city's personnel director.

3. Once RIB receives a request for criminal history information and verifies the requesting city as an "authorized agency," a "local" records check will be initiated. A "local" records check consists of a search for both arrest records and arrest warrants for a period of no more than 10 years only in information systems maintained by the Sheriff's Department.

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Only Conviction Information Will Be Released

According to section 432.7 of the Labor Code, law enforcement agencies are prohibited from disclosing, with intent to affect a person's employment, any information pertaining to an arrest which did not result in a conviction. Exceptions may be made under the following circumstances:

- Applicants seeking employment as peace officers or positions within a law enforcement agency with access to criminal offender information;
- Applicants seeking employment with a health facility as defined in section 1250 of the Health and Safety Code, and who would have regular contact with patients are not protected under the provisions of section 432.7 of the Labor Code. Arrest information on any crime referenced under section 290(a) of the Penal Code, regardless of whether it resulted in conviction, may be disclosed; and/or
- Applicants seeking positions which afford access to drugs are not protected under the provisions of section 432.7 of the Labor Code. Any arrest for offenses referenced in section 11590 of the Health and Safety Code could be disclosed regardless of whether the arrest resulted in conviction.

Requesting State Department of Justice (DOJ) Record Checks

The Sheriff's Department is capable of providing only local criminal history record information, not state DOJ criminal history summaries. If the contract city wishes a DOJ record check, it may apply directly to DOJ.

Fingerprint-Based Record Checks

If the contract city requires their employee(s) to do LiveScan fingerprinting for a records check, the employee(s) may come directly to RIB, Public Services Unit (PSU). The employee is to bring their signed LiveScan form that describes what needs to be done and the cost associated with that type of fingerprint procedure. PSU personnel will do the LiveScan fingerprinting and automatically submit the fingerprints electronically to DOJ.

Any person wanting a manual fingerprint card rolled shall be provided a listing of authorized fingerprinting locations. The cost of rolling manual fingerprint cards is determined by each location.

Billing Procedure

Contract cities requesting a "local" records check will be billed by the Fiscal Services Bureau, which determines the cost for processing requests for criminal history information. RIB will submit a memorandum (SH-AD 32A) to the Fiscal Services Bureau, indicating a records check was completed and returned pursuant to the city's request. This will initiate the billing process. A copy of the city's request for the records check shall be attached to the memorandum (SH-AD 32A).

Costs

The current cost for processing criminal history information inquiries is $35.00 for a LASD records search.