

1 [Employment Policies and Procedures Regarding Criminal History]

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3 **Resolution authorizing the City and County of San Francisco access to state and**
4 **federal level criminal history information by transmitting fingerprint images and related**
5 **information to the Department of Justice to be transmitted to the Federal Bureau of**
6 **Investigation.**

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

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

15 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be
16 a requirement or exclusion from employment, licensing, or certification based on specific
17 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 the city
19 council, board of supervisors, or governing body of a city, county or district to specifically
20 authorize access to summary criminal history information for employment, licensing, or
21 certification purposes; now, therefore, be it

22 RESOLVED, That the City and County of San Francisco is hereby authorized to
23 access state and federal level summary criminal history information for employment (including
24 volunteers and contract employees), licensing, or certification purposes and may not
25 disseminate the information to a private entity; and, be it

1 FURTHER RESOLVED, That the City and County of San Francisco shall not consider
2 a person who has been convicted of a felony or misdemeanor involving moral turpitude
3 eligible for employment (including volunteers and contract employees), or licensing; except
4 that such conviction may be disregarded if the appointing officer determines that mitigating
5 circumstances exist, or that the conviction is not related to the employment, volunteer or
6 license in question. Mitigating circumstances may include, but are not limited to, evidence of
7 rehabilitation, length of time elapsed since the conviction, the age of the person at the time of
8 conviction, or the degree to which the responsibilities of the position relate to the conviction.

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