

Maintenance of Criminal Offender Records

All information received from the Department of Justice is confidential.

The County Superintendent shall designate an employee as record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the record custodian.

Criminal Offender Record Information shall be accessible only to the record custodian and shall be kept in a locked file separate from other files. The contents of these records shall not be disclosed and shall not be reproduced.

The record custodian shall be fingerprinted and processed through the California Department of Justice. S/he shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

These records shall be used only for the purpose for which they were requested.

Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained.

Violation of this regulation may result in suspension, dismissal, and/or criminal or civil prosecution.

The record custodian shall ensure that the Solano County Office of Education (SCOE) complies with destruction, storage, dissemination, auditing, background, and training requirements as set forth in 11 CCR 701-708 and the rules regarding use and security of these records as set forth in Penal Code 11077.

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All employees shall be fingerprinted and processed through the California Department of Justice. The Human Resources (HR) Department is responsible for the administration of the fingerprinting and resulting criminal history information.

1. Record Security – Any questions regarding the release, security, and privacy of Criminal Offender Record Information (CORI) are to be resolved by the Assistant Superintendent of HR or his/her designee.
2. Record Storage – CORI shall be under lock and key and accessible only to those employees designated by the Assistant Superintendent of HR.
3. Record Dissemination – CORI shall be used only for the purpose for which it was requested by HR.
4. Record Destruction – CORI shall be destroyed after employment determination has been made, and copies of same will be destroyed in such a way that the employee's name can no longer be identified.
5. Record Reproduction – CORI may not be reproduced for dissemination.
6. Training – Those individuals entrusted with this information are required to read and abide by this policy, be fingerprinted and have a clearance check completed, and have on file a signed copy of an Employee Statement Form acknowledging an understanding of laws prohibiting misuse of CORI.
7. Penalties – Misuse of CORI is a criminal offense. Violation of this policy regarding CORI may result in suspension, dismissal, and/or criminal or civil prosecution.

Sample Employee Statement Form

USE OF CRIMINAL JUSTICE INFORMATION

As an employee of the Solano County Office of Education, you may have access to confidential criminal record information which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code 502 prescribes the penalties related to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Codes 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes the felony penalties for misuse of public record and CLETS (California Law Enforcement Telecommunication System) information. Penal Codes 11142 and 13303 state:

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may also result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature: _____ Date: _____

Legal Reference:

EDUCATION CODE

- 44332 Temporary certificate
- 44332.6 Criminal record check, county board of education
- 44346.1 Applicants for credential, conviction of a violent or serious felony
- 44830.1 Certificated employees, conviction of a violent or serious felony
- 44830.2 Interagency agreements
- 45122.1 Classified employees, conviction of a violent or serious felony
- 45125 Use of personal identification cards to ascertain conviction of crime
- 45125.01 Interagency agreements
- 45125.5 Automated records check
- 45126 Duty of Department of Justice to furnish information

PENAL CODE

- 667.5 Prior prison terms, enhancement of prison terms
- 1192.7 Plea bargaining limitation
- 11075-11081 Criminal record dissemination
- 11105 State criminal history information; furnishing to authorized persons
- 11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence; availability to employer for applicants for positions with supervisory or disciplinary power over minors
- 11140-11144 Furnishing of state criminal history information
- 13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

- 701-708 Criminal offender record information

Policy Cross-Reference:

- 4112.5 Criminal Record Check
- 4112.6 Personnel Files
- 4119.23 Unauthorized Release of Confidential/Privileged Information