

TITLE 6  
CHAPTER 9

**CRIMINAL HISTORY RECORD CHECKS**

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**6-9-1: ESTABLISHMENT:** Title 6 Chapter 9 Criminal History Record Checks; is hereby established by Ordinance No. 7, Series 2007 – an ordinance which authorizes criminal history record checks and establishes policies.

**6-9-2: CRIMINAL HISTORY CHECKS REQUIRED:**

A. In order for the City government to operate effectively, persons selected for employment or as a public service volunteer with the City of Florence must have the highest degree of public trust and confidence.

B. All City employees and public service volunteers represent the City to its citizens. Many City employees and volunteers have responsibilities to regulate and maintain public health and safety. Some City employees have the ability and authority to bind the City contractually, have access to public funds and property, and possess access to privileged and proprietary information submitted to the City in confidence.

C. There is a need to protect youths from harmful or dangerous encounters and to that end a review of the criminal records of those who volunteer with youth in the City is necessary and appropriate.

D. Tow truck drivers interact with the public in stressful situations (accidents, disabled vehicles, etc.) in which they can be taken advantage of by the tow truck driver. Therefore, it is necessary and appropriate that the tow truck driver's criminal record history is reviewed.

E. Liquor license applicants are required to apply to the City for recommendation to the Oregon Liquor Control Commission (OLCC) in their licensing process. It is necessary and appropriate that such applicants' criminal record history is reviewed in the City's recommendation process.

F. All applicants for employment and appointed volunteers with the City will be required to authorize the City to conduct a criminal offender information check through the OSP LEDS system.

G. All applicants for business licenses and listed responsible parties will be required to authorize the City to conduct a criminal record history check. The Florence Chief of Police is required to approve applications for a business license indicating that the applicant's past or present violation of law or ordinance, including a violation that does not lead to a conviction, does not present a reasonable doubt about the applicants ability to perform the licensed activity without endangering property or the public health or safety, or the applicant has not provided false or misleading material information, or has not omitted disclosure of a material fact on the application, related materials, or license, or is not doing business in violation of Federal, State, or County law or requirements of the Florence City Code.

**6-9-3: AUTHORIZATION:** A member of the Police Department trained and authorized to perform criminal history checks through the LEDS system will conduct the check on the prospective employee or volunteer and orally report to the Human Resources Department that the applicant's records indicates "no criminal record" or "criminal record". If the applicant's record is reported as "criminal record", the City will, under OAR 257-010-0025, request a written criminal history report from the OSP Identification Services Section. Human Resources will make the written criminal history record available to the appropriate official for his or her consideration in making the selection.

**6-9-4: RETENTION OF CRIMINAL HISTORY RECORDS:** The written criminal history record on persons that are not hired or appointed as a volunteer will be retained in accordance with the requirements of OAR 166-200-0090 for a period of three years and thereafter will be destroyed. The criminal history record of applicants and volunteers with a criminal history that are hired or appointed will become a part of the confidential personnel files of that employee or volunteer. Access to confidential personnel files is limited to only authorized persons who have an official need to access such files that is sanctioned by law or regulation.

**6-9-5: NON-PROFIT ORGANIZATIONS:** Non-profit organizations serving youth in the community, including, but not limited to youth baseball, youth basketball, youth soccer and youth football organizations may request that the Police Department perform criminal history checks. Subject to workload priorities and staff availability, the Police Department may perform such criminal record checks on the prospective youth volunteers. The Police Department shall confirm only if a criminal record exists, without any detail of such record. The youth volunteer organization may request criminal record history directly with the Oregon State Police pursuant to state statute and administrative rule.

**6-9-6: TOW TRUCK DRIVERS AND LIQUOR LICENSE APPLICANTS:** Criminal history checks of contracted tow truck drivers and liquor license applicants shall be performed by the Police Department.

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Ord. No. 7, Series 2007 – declaring emergency, effective date April 2, 2007