

## VENTURA COUNTY OFFICE OF EDUCATION

**SUPERINTENDENT POLICY NO. 4212.62**

**ADOPTED: 06/05/97**

**CLASSIFICATION: Personnel**

**REVISED: 04/05/00**

**SUBJECT: Criminal Offender Record Information**

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This policy has been developed to meet the requirements of the State of California, Department of Justice, Bureau of Criminal Identification and Information, Field Operations and Record Security Section for any agency that maintains or receives criminal history information.

To all VCOE employees, as a result of legislation passed and signed into law in late 1997, sections 44830.1 and 45122.1 have been added to the Education Code. This section prohibits the hiring of any person who has been convicted of a violent or serious felony. In addition, a school district shall not retain in employment any employee who has been convicted of a violent or serious felony. To insure that this employer is aware of the background of employees accessing confidential criminal history records they shall be fingerprinted and processed through the California Department of Justice. Education Code 44237 states that no employer may employ a person until the Department of Justice completes its check of state criminal records.

The overall responsibility for the administration of the employee fingerprint and resulting criminal history information rests with the Director of Human Resources (custodian of records).

- A. **Record Security:** Any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the Director of Human Resources.
- B. **Record Storage:** CORI shall be under lock and key and accessible only to the Director and designees; who are committed to protect CORI from unauthorized access, use or disclosure.
- C. **Record Dissemination:** CORI shall be used only for pre-hiring determination. No CORI can be duplicated or disseminated to applicants.
- D. **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.
- E. **Record Reproduction:** CORI may not be reproduced for dissemination.

- F.     **Training:** Director or designees are required:
1.     to read and abide by this policy,
  2.     to themselves be fingerprinted and have a clearance check completed,
  3.     to have on file a signed copy of the attached Employee Statement Form (which is itself a part of this policy) which acknowledges an understanding of laws prohibiting misuse of CORI.
- G.     **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.

Legal Reference:

EDUCATION CODE

44237	School Employees
44830.1	Felons - Certificated
45122.1	Felons - Classified

## EMPLOYEE STATEMENT FORM

As an employee of: \_\_\_\_\_,

You may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code Section 502 prescribes the penalties relating to computer crimes. Penal Code Sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code Sections 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes felony penalties for misuse of public records. Penal Code Sections 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.”

**Invasion of Privacy Civil Code Section 1798.53** states:

“Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual.”

### Civil, Criminal, and Administrative Penalties

- ✧ 11141 PC DOJ furnishing to unauthorized person (misdemeanor)
- ✧ 11142 PC Authorized person furnishing to other (misdemeanor)
- ✧ 11143 PC Unauthorized person in possession (misdemeanor)
- ✧ California Constitution, Article I, Section 1 (Right to Privacy)
- ✧ 1798.53 Civil Code
- ✧ Title 18, USC, Sections 641, 1030, 1951, and 1952

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

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

Signature \_\_\_\_\_

Date \_\_\_\_\_