

CITY OF NEWPORT
RESOLUTION NO. 3824

A RESOLUTION OF THE CITY OF NEWPORT
AUTHORIZING THE NEWPORT POLICE DEPARTMENT
TO CHECK CRIMINAL INFORMATION RECORDS
OF THE STATE OF OREGON LAW ENFORCEMENT DATA SYSTEM

WHEREAS, the City Council of the City of Newport determines it is in the public interest that the Newport Police Department be responsible for performing and completing a review of criminal information records as allowed by law, including but not limited to the records of applicant finalists for employment and volunteer positions in all City of Newport departments, and

WHEREAS, regulations adopted by the Oregon State Police pursuant to ORS 181.555 require the City of Newport to authorize the Newport Police Department to use the Oregon Law Enforcement Data System (LEDS) and to establish related procedures.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Purpose

The purpose of this resolution is to authorize the City of Newport Police Department to access Oregon State Police (OSP) criminal offender information through the Law Enforcement Data System (LEDS) and Oregon Department of Motor Vehicle (DMV) records for purposes including checking records of persons applying for City of Newport employment or volunteer opportunities, persons applying to volunteer with non-profit youth organizations operating within the City of Newport, persons applying for a license to operate a taxicab or taxicab business in Newport; applicants seeking City of Newport approval of licenses or renewal licenses of the Oregon Liquor Control Commission; and for other purposes authorized by law.

Section 2. Criminal Offender Information Records Procedure

- A. Requests for criminal offender information records shall be conducted in accordance with the procedures provided herein and ORS Chapter 181, and specifically ORS 181.555 and 181.557, and administrative rules promulgated by the Oregon State Police including OAR 257-10-025 to 257-10-050, all of which establish procedures for access to OSP criminal record information through LEDS.
- B. Any person subjected to a criminal offender information record check under the provisions of this resolution will be required to authorize the city to conduct a criminal offender information check through the OSP LEDS. If the person does not consent for

the City of Newport to make a criminal offender record check, but such a check is nevertheless required, the city shall provide the person written notice that a criminal offender record check may be made. Notice required under this section shall be provided prior to the time the request is made and include:

1. Notice of the manner in which the individual may be informed of the procedures adopted under ORS 181.555(3) for challenging inaccurate criminal offender information; and
 2. Notice of the manner in which the individual may become informed of rights, if any, under Title VII of the Civil Rights Act of 1964, and notice that discrimination by an employer on the basis of arrest records alone may violate federal civil rights law and that the individual may obtain further information by contacting the Bureau of Labor and Industries.
- C. The Human Resource Department of the City of Newport is responsible for maintaining any signed consents by persons applying for employment or volunteer positions, authorizing the City of Newport to conduct a criminal offender information check through LEADS, and requesting that a criminal history check be made. In addition, the department shall maintain a copy of any notices provided by the City where consent is not granted but where a check is required.
- D. The City Recorder of the City of Newport is responsible for maintaining any signed consents for the city to conduct a criminal offender information check through LEADS or DMV records by persons applying for Taxi Driver's Permits, Certificates of Convenience and Necessity, and for licenses or license renewals issued by Oregon Liquor Control Commission, authorizing the City of Newport to conduct a DMV records check and/or a criminal offender information check through LEADS, and requesting that such checks be made. In addition, the department shall maintain a copy of any notices provided by the city where consent is not granted but where a check is required.
- E. The City of Newport Police Department is responsible for conducting the records check and responding to the request as authorized or directed by law. The Police Department shall retain all records related to confidential criminal offender information obtained in the process of checking records in response to a request.
- F. The Police Department shall review the application and criminal offender information of any person applying for City of Newport employment or appointment as a volunteer who has a history of arrests or conviction for a felony or misdemeanor, including but not limited to any misdemeanor or other offense which involves criminal sexual conduct or a violation of the Uniform Controlled Substance Act. The Police Department shall respond to the request to check criminal offender information by indicating

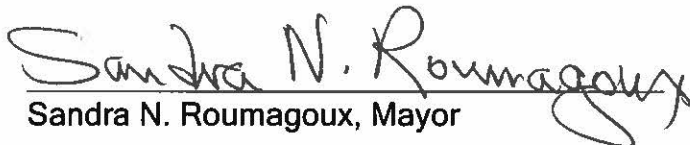
whether the applicant meets the criteria required for the position, as relevant to the criminal offender information.

The appropriate city staff shall then review the Police Department's response but shall not review any criminal offender information records obtained by, or retained by, the Police Department. The review and determination shall be made on an individual, case by case basis, taking into account the person's qualifications, the requirements of the employment or volunteer position, and the results of the criminal offender information check. Factors such as the age of the offender at the time of the crime or offense, the type of crime or offense and subsequent rehabilitation, and the public sensitivity or nature of the position under consideration shall be taken into account in evaluating a criminal offender information report for purposes of employment or appointment.


Section 3. Effective Date

This resolution shall take effect immediately upon the date of its adoption.

Signed by the Mayor this ____ day of _____, 2018.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder