



## CITY OF PROVIDENCE

Jorge O. Elorza, Mayor

# CRIMINAL BACKGROUND DISQUALIFICATION

### **LEVEL 1 POSITIONS**

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Level 1 positions are generally defined as those in which the employee, intern, fellow or volunteer will not work with children in recreational, social service and related capacities.

All prospective employees, interns, fellows and volunteers of the City of Providence must complete a BCI Authorization Form prior to employment. Information produced by a criminal records review pertaining to conviction of the following crimes will result in disqualification of the applicant from employment with the City:

- Murder
- Voluntary Manslaughter
- Involuntary Manslaughter
- First Degree Sexual Assault
- Second Degree Sexual Assault
- Assault on a Person Sixty (60) Years or Older
- Assault with Intent to Commit Specified Felonies (Murder, Robbery, Rape, Burglary, etc.)
- Felony Assault
- Burglary
- First Degree Arson
- Robbery
- Felony Drug Offense Involving the Sale or Distribution of Narcotics
- Larceny
- Federal Bank Law Violations

For the purpose of this policy, a plea of nolo contendere plus a fine or suspended sentence or any combination is equal to a conviction. A plea of nolo contendere plus probation only with no fine or suspended sentence is not considered to be a conviction.

Any prospective employee, intern, fellow or volunteer who is on probation for a criminal conviction shall be disqualified from service to the City until such time that he/she has successfully completed said probation.

The City reserves the right to request disposition on any and all charges found on a criminal background investigation report. It is the responsibility of the applicant to provide documentation as requested before providing service to the City. Examples include 48A Dismissal Report or Expungement Record.

The City reserves the right to review case-by-case the criminal background investigation report of a prospective employee, intern, fellow or volunteer to determine eligibility of service to the City in consultation with the City Solicitor's Office based on type of offense, length of time since offense was committed, type of employment in relation to the offense, the number of offenses, and time frame in relation to ability to file for expungement of the criminal record.

## LEVEL 2 POSITIONS

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Level 2 positions are generally defined as those in which the employee, intern, fellow or volunteer will work with children in recreational, social service and related capacities.

All prospective employees, interns, fellows and volunteers of the City of Providence must complete a BCI Authorization Form prior to employment. Information produced by a criminal records review pertaining to conviction of the following crimes will result in disqualification of the applicant to a level 2 position.

The arrest and/or conviction or arrest pending disposition for one of the criminal offenses listed above, or any of the following offenses, or for any offense which involves elements of proof that are substantially similar to the following offenses, disqualifies an individual from serving in a level 2 position.

Felony child abuse or neglect

Felony domestic violence

Felony committed against a child

- 1<sup>st</sup> degree child molestation
- 2<sup>nd</sup> degree child molestation
- Child pornography
- Circulation of obscene publications or shows
- Sale or exhibition to minor of indecent publications, pictures or articles
- Child nudity in publication
- Transportation for indecent purposes
- Harboring
- Prostitution
- Pandering
- Deriving support or maintenance from prostitution

Felony drug offence – committed less than five years ago

Felony involving violence

- Murder
- Manslaughter
- Rape
- 1<sup>st</sup> degree sexual assault
- 2<sup>nd</sup> degree sexual assault
- Kidnapping
- Car jacking
- 1<sup>st</sup> degree arson
- 2<sup>nd</sup> degree arson
- Mayhem
- Felony assault
- Felony battery

The arrest and/or conviction or arrest pending disposition for any of the following offenses, or for any offense which involves elements of proof that are substantially similar to the following offenses, may disqualify an individual from serving in a level 2 position when the offense **does not** involve a child.

Felony drug offense – committed over five years ago

Transportation for indecent purposes

Harboring

Prostitution

Pandering

Deriving support or maintenance from prostitution

Circulation of obscene publications and shows

For the purpose of this policy, a plea of nolo contendere plus a fine or suspended sentence or any combination is equal to a conviction. A plea of nolo contendere plus probation only with no fine or suspended sentence is not considered to be a conviction.

Any prospective employee, intern, fellow or volunteer who is on probation for a criminal conviction shall be disqualified from service to the City until such time that he/she has successfully completed said probation.

The City reserves the right to request disposition on any and all charges found on a criminal background investigation report. It is the responsibility of the applicant to provide documentation as requested before providing service to the City. Examples include 48A Dismissal Report or Expungement Record.

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