

POST Background Investigation File

PEACE OFFICER

This set of tabs is intended to assist background investigators in organizing information and documentation required by the POST **Peace Officer Selection Requirements (Commission Regulations 1950-1955)**. Each tab cites the relevant POST requirement, including the documentation requirements associated with each area of investigation.

Pursuant to Penal Code Section 13512, POST conducts regularly scheduled inspections. These audits verify that agencies in the POST program are in compliance with the statutes, regulations, procedures, and documentation requirements associated with the background investigation process. These tabs will help expedite document inspection by your POST Regional Consultant.

POST Commission Regulations and other related materials (e.g., Background Investigation Manual) can be found at www.post.ca.gov.

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A

Background Narrative Report

– Commission Regulation 1953(g)

- (1) *The background investigator shall summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report, along with all supporting documentation obtained during the course of the background investigation, shall be included in the candidate's background investigation file. The supporting documents shall be originals or true, current and accurate copies as attested to by the background investigator. The background investigation file shall be made available during POST compliance inspections.*
- (2) **Retention.** *The background narrative report and supporting documentation shall be retained in the individual's background investigation file for as long as the individual remains in the department's employ. Additional record retention requirements are described in Government Code § 12946.*

Common Oversights/Problems:

- Narrative **does not provide sufficient** detail (e.g., "all references were positive").
- No documentation in file to allow for actual identification of contacts interviewed and what was said.
- Narrative fails to address all mandatory areas of inquiry.
- Narrative includes all information with **no supporting documentation in applicable tabs.**

B Personal History Statement
– Commission Regulation 1953(c)

Every peace officer candidate shall complete, sign, and date a personal history statement at the onset of the background investigation. A personal history statement can be either the POST Personal History Statement – Peace Officer, POST 2-251 or an alternative personal history statement. An alternative personal history statement shall include inquiries related to the following areas of investigation: personal identifying information, relatives and references contact information, education history, residence history, experience and employment history, military history, financial history, legal history, driving history, and other topics related to moral character.

Common Oversights/Problems:

- Sections of the form are incomplete or inaccurate.
- No signature on last page.
- Candidate has not initialed each page, if required by PHS form.

C DOJ/FBI Fingerprint Returns and Firearms Clearance

– Commission Regulation 1953(e)(3)

(B) A **state search** shall include forwarding the candidate's fingerprints to the California Department of Justice (DOJ) to establish the candidate's legal eligibility for employment (Government Code § 1029) and eligibility to possess a firearm [Penal Code § 29805(c); U.S. Code Title 18 § 922(d) (9)].

Proof of a state search shall be documentation issued by the DOJ consisting of an **official clearance return** and an **authorization to possess and carry firearms**. The authorization shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

(C) A **national search** shall include forwarding the candidate's fingerprints to the Federal Bureau of Investigation (FBI).

Proof of a national search shall consist of an **official clearance from the FBI**. The clearance shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

NOTE: Three separate documents are required:

- (1) DOJ official clearance
- (2) DOJ firearms clearance
- (3) FBI official clearance

Common Oversights/Problems:

- Confusing a delay notification with an actual clearance return.
- Confusing a DOJ concealed weapons print return for reserve officers with a Firearms Clearance: a reserve officer needs the same fingerprint returns as a full-time officer.
- Reports are more than one year old and/or associated with a different position (e.g., non-sworn, correctional officer).
- Failing to request returns from **both** DOJ and FBI on the Live Scan request form.

D **Driving Record Check**

– Commission Regulation 1953(e)(4)

- (A) *Every peace officer candidate's driving history, if any, shall be checked to assess behaviors consistent with the safe and appropriate operation of a motor vehicle and adherence to the law.*
- (B) *Proof of the driving history check shall consist of a written driving record history from the Department of Motor Vehicles or other official driving record. The record shall be dated no more than one year prior to the date of employment.*

Common Oversight/Problem:

- Reports are more than one year old.
- Copy of CDL in file in lieu of driving record.
- Missing official DMV printout.

E

Local Law Enforcement Agency Record Checks

– Commission Regulation 1953(e)(3)

(A) **Local searches** shall include inquiries with local law enforcement departments where the candidate has lived, worked, attended school, or frequently visited.

Proof of local searches shall be documented by a letter or other written documentation from each department contacted. If a contacted department does not provide written documentation, the request for information shall be noted.

Common Oversights/Problems:

- Missing from file or not covered in narrative.
- Not waiting for all returns.
- Copies of CLETS, NCIC, or other similar computer record printouts in file.

F

Credit Records Check

– Commission Regulation 1953(e)(11)

- (A) *Every peace officer candidate shall be the subject of a credit record search with a bona fide credit reporting agency (i.e., Experian, TransUnion, Equifax) to determine the candidate's credit standing with lenders, as an indication of the candidate's dependability and integrity.*
- (B) *Proof of a credit record check shall be documented by an official credit report returned by one of the bona fide credit reporting agencies. The report shall have been created no more than one year prior to the date of employment.*

Common Oversights/Problems:

- Reports are more than one year old.
- Report is **not** from bona fide credit reporting agency (i.e. Experian, Transunion, Equifax).

G**Education Verification**

– Commission Regulation 1953(e)(5)

- (A) *Every peace officer candidate shall meet one of the following minimum education requirements pursuant to Government Code § 1031(e):*
1. *Be a high school graduate of one of the following:*
 - a. *A U.S. public school, or*
 - b. *An accredited U.S. Department of Defense high school, or*
 - c. *An accredited or approved public or nonpublic high school.*
 2. *Pass the General Education Development (GED) test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level.*
 3. *Pass the California High School Proficiency Examination, or*
 4. *Have attained a two-year, four-year, or advanced degree from an accredited college or university.*

Any accreditation or approval shall be from a state or local government educational agency using local or state government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in AdvancED, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFSSAA).

- (B) *Proof shall consist of an official transcript or other means of verifying satisfactory completion of educational requirements deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.*

Common Oversights/Problems:

- Documented education does not correspond/support education claim on PHS.
- Transcripts are not official.
- Diploma rather than transcript is included.
- Copy of transcript is not certified or lacks notation that it was copied from the original.
- School is not accredited/approved per Government Code Section 1031(e).
- Includes training records rather than, or in addition to, education records (e.g., transcripts). (Training records should be placed under the MISC tab).

H

Citizenship/Age Verification
– Commission Regulation 1953(e)

Citizenship – 1953(e)(1)

- (A) *Every peace officer candidate, except those applying to the California Highway Patrol, shall be either a United States citizen or a permanent resident alien who is eligible for and has applied for citizenship on or within three years before the date of appointment as a peace officer (Government Code § 1031(a) and 1031.5).*
- (B) *Every peace officer candidate for the California Highway Patrol shall be a United States citizen at time of appointment as a peace officer (Vehicle Code § 2267).*
- (C) *Proof of U.S. citizenship shall consist of an official government-issued birth certificate, naturalization documentation, or other citizenship documentation deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.*

Age – 1953(e)(2)

- (A) *Every peace officer candidate shall be minimally 18 years of age on or before the date of appointment as a peace officer.*
- (B) *Proof of age shall be satisfied by any document accepted for proof of citizenship.*

Common Oversights/Problems:

- Certificate is not issued by a government agency.
- Document is not a certified, or investigator-attested-to copy of a certified, birth certificate.
- For candidates who are not yet citizens, failing to include proof of application for citizenship and legal resident alien card.
- Accepting an "Abstract of Birth" in lieu of an official birth certificate.
- Passport or passport card is not current/valid.
- Copy of the passport or passport card is not endorsed by the investigator as being a true copy of the original.
- Copy of passport card does not include **both** sides.

Military History Check

– Commission Regulation 1953(e)(10)

- (A) When applicable, a candidate shall be required to present proof of Selective Service registration or military service records.
- (B) Proof of a military history check shall consist of written verification of Selective Service registration, except for women or any man born prior to January 1, 1960. For any candidate who indicates military history on the personal history statement, proof shall consist of an official copy of their DD-214 long form or equivalent documentation of foreign military service, if available.

Common Oversights/Problems:

- Document submitted is not DD-214 long form.
- No documentation is offered for willful failure to register.

J

Dissolution of Marriage Check

– Commission Regulation 1953(e)(8)

- (A) *Every peace officer candidate who indicates one or more marriage dissolutions on the personal history statement shall have his/her court issued dissolution documents and legal separation decrees reviewed as an indication of personal integrity, financial responsibility, and other relevant aspects of candidate suitability.*
- (B) *Proof of the dissolution/separation of marriage check shall be documented by a copy of all final court-issued dissolution documents and legal separation decrees.*

Common Oversight/Problem:

- Failure to include entire court-issued final **dissolution** of marriage/domestic partnership, with an affixed court date/verification stamp, in the file.
- Only entry of judgment in file.

J

K Employment History Checks

– Commission Regulation 1953(e)(6)

- (A) *Every peace officer candidate shall be the subject of employment history checks through contacts with all past and current employers over a period of at least ten years, as listed on the candidate's personal history statement.*
- (B) *Proof of the employment history check shall be documented by a written account of the information provided and source of that information for each place of employment contacted. All information requests shall be documented.*

Common Oversight/Problem:

- Insufficient number of employers contacted (regulations require **at least 10 years worth**).
- Contacts with employers not dated.
- No supporting documentation (e.g., questionnaires, employer comments) in the file.
- Using former evaluations in lieu of personal contact with employers.

L **Relatives/Personal References Checks**
– Commission Regulation 1953(e)(7)

- (A) *Every peace officer candidate shall be the subject of reference checks through contacts and interviews with relatives, including former spouses, and personal references listed on the candidate's personal history statement. Additional references, provided by the initial contacts, shall also be contacted and interviewed to determine whether the candidate has exhibited behavior incompatible with the position sought. Sufficient information shall be collected and reviewed to determine candidate suitability.*
- (B) *Proof of reference checks shall be documented by written information showing that relatives and personal references identified by the candidate were interviewed. Documentation shall include the identity of each individual contacted, the contact's relationship to the candidate, and an account of the information provided by the contact. All requests for information shall be documented.*

Common Oversight/Problem:

- Contact information not included in file.
- Contacts with references not dated.
- No supporting documentation (e.g., questionnaires, comments) in the file.
- No documentation of contact with secondary references or ex-spouses/domestic partners.

M

Neighborhood Checks

– Commission Regulation 1953(e)(9)

- (A) *Every peace officer candidate shall be the subject of contacts and interviews with current and, where practicable, previous neighbors to determine whether the candidate has exhibited behavior incompatible with the position sought.*
- (B) *Proof of neighborhood checks shall be documented by written information showing the identity of each neighbor contacted, the neighbor's relationship to the candidate, and an account of the information provided by the individual. All requests for information shall be documented.*

Common Oversight/Problem:

- Residential history included instead of actual contacts with current/former neighbors.
- No checks of **past** residences.
- Contacts with neighbors not dated.
- No supporting documentation (e.g., questionnaires, neighbor comments) in the file.

N

Medical / Psychological Clearances

– Commission Regulations 1954 and 1955.

Medical Evaluation Reporting Requirements – 1954(e)

The evaluating physician shall submit a medical suitability declaration to the department that shall include the following information:

- (A) *The physician's printed name, contact information and medical license number,*
- (B) *The candidate's name,*
- (C) *The date the evaluation was completed, and*
- (D) *A statement, signed by the physician, affirming that the candidate was evaluated in accordance with Commission Regulation 1954. The statement shall include a determination of the candidate's medical suitability for exercising the powers of a peace officer. Prior to appointment as a peace officer, the candidate must be determined to be medically suitable.*

The department shall maintain the medical suitability declaration in the candidate's background investigation file; the declaration shall be available to POST during compliance inspections.

Psychological Evaluation Reporting Requirements – 1955(f)

The evaluator shall submit a psychological suitability declaration to the department that shall include the following information:

- (A) *The evaluator's printed name, contact information and professional license number,*
- (B) *The name of the candidate,*
- (C) *The date the evaluation was completed, and*
- (D) *A statement, signed by the evaluator, affirming that the candidate was evaluated in accordance with Commission Regulation 1955. The statement shall include a determination of the candidate's psychological suitability for exercising the powers of a peace officer. Prior to appointment as a peace officer, the candidate must be determined to be psychologically suitable.*

The department shall maintain the psychological suitability declaration in the candidate's background investigation file; the declaration shall be available to POST during compliance inspections.

Common Oversights/Problems:

- Suitability declaration signed by medical assistant or nurse practitioner rather than **physician/psychologist**.
- Confidential medical/psychological information in file.
- Evaluation completed **more than one year** prior to date of employment/appointment.
- No documentation in file, merely a note that clearance letter is kept at HR.
- No medical license number or contact information for physician/psychologist.
- Statement indicating the evaluation was conducted per Regulations 1954/1955 not included on clearance.

Misc

Other Documentation

Additional/miscellaneous items (e.g., waiver copies, detection of deception examination, training records, and other items)