

CHAPTER 1
GENERAL INVESTIGATIVE CONSIDERATIONS

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CHAPTER 1

GENERAL INVESTIGATIVE CONSIDERATIONS

1. RELEVANCE OF INFORMATION GATHERED.

a. Facts and Circumstances. An investigator should recognize that rarely is the mere presence or absence of a derogatory background item indicative of a candidate's overall qualifications for a job. The facts and circumstances surrounding any background item must be thoroughly investigated in order to fully and accurately assess its significance. Therefore, the existence of a derogatory item is significant in and of itself only when it is directly relevant to an employment standard required by law or departmental policy.

b. Evaluation of Facts. The applicant investigation procedures outlined in this manual encompass many areas of inquiry that have a high potential for yielding job-related information. However, an investigation into these recommended areas may, or may not, yield information relevant to a candidate's qualifications for the position. The relevance of a specific background fact must be evaluated on an individual basis, taking into consideration such factors as:

- (1) Patterns of behavior-the patterns of past behavior, and specific combinations of facts and circumstances.
- (2) The length of time between particular undesirable acts and the application for employment with consideration given to the candidate's behavior since the undesirable act.
- (3) The probability of the recurrence of undesirable behavior.
- (4) Impact of recurrence of undesirable behavior on the Department-the probability or degree of adverse impact upon the Department if undesirable past behavior recurs or becomes generally known, or would compromise an officer's credibility as a witness.
- (5) The constitutional rights of the candidate.

2. OBJECTIVITY IS CRITICAL. The applicant investigation is an objective, fact-finding process resulting in an accurate record of the candidate's past conduct and behavior. The applicant investigator's job is to investigate, through research and inquiry, all the pertinent aspects of the candidate's background and report on them. The objective is to provide the person making the employment decision with enough detailed information to be able to evaluate the significance of the candidate's past conduct. This

evaluation must be based on facts as determined through such sources as past employment information, credit history, neighbors' reports, and reference statements assessed relative to the requirements of the job.

3. APPLICANT INVESTIGATION VERSUS CRIMINAL INVESTIGATION. The applicant investigator's role is distinguished from a criminal investigator's role. A criminal investigator typically focuses on finding negative information which will result in a criminal conviction. Extenuating circumstances, factors that might mitigate the significance of the crime, or information concerning the suspect's personal strengths and abilities are matters considered by a defendant's attorney or probation officer. In contrast, an applicant investigator must uncover and consider positive as well as negative information. While it is important to investigate all acts or conduct that may reflect unfavorably upon the candidate's ability to satisfactorily perform as an employee of the California Highway Patrol (CHP), it is just as important to include information regarding any and all extenuating or mitigating circumstances surrounding an incident.

4. CANDIDATE'S RIGHT TO PRIVACY. While the Department is required to conduct applicant investigations, candidates nevertheless retain the right to a certain degree of privacy. A potential conflict exists between the Department's need for certain information concerning a candidate and the candidate's right to privacy. The investigator's responsibility is to avoid unwarranted invasions of a candidate's privacy while, at the same time, developing the information necessary for evaluating suitability for employment. This responsibility implies, and it is mandated by law, that: (1) only job-related inquiries be made, and (2) the information obtained is treated as confidential. **At no time during or after the course of an investigation shall any portion of the investigation be revealed to persons other than those authorized to evaluate the results.** Confidential information developed and evaluated by the investigator might form not only a basis for withhold, disqualification, or rejection, but might also be of a private nature and personally damaging to the candidate. The importance for strict accountability of information as well as extensive prohibitions against unauthorized disclosure cannot be **overemphasized**. Unauthorized disclosure of background information may result in civil and criminal penalties applicable under state and federal law. The concept of confidentiality of an investigation shall be explained to each candidate during the initial interview.

5. GOOD PUBLIC RELATIONS IS IMPERATIVE. The individuals contacted during the applicant investigation, including the candidate, may never before have had personal contact with a CHP officer. Their opinion of the Department, and of law enforcement agencies in general, will be substantially influenced by the impression the applicant investigator leaves. It is the investigator's responsibility to treat the candidate and other persons contacted during the investigation with courtesy and respect. The

investigator should take the opportunity provided by the applicant investigation to continue counseling, preparing, and encouraging well-qualified candidates who seek a career with the CHP.

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