

CHAPTER 4

TYPES OF INVESTIGATIONS: UNIFORMED CLASSIFICATIONS

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CHAPTER 4

TYPES OF INVESTIGATIONS: UNIFORMED CLASSIFICATIONS

1. TYPES OF INVESTIGATIONS.

a. Full Investigation. This is a comprehensive investigation into a Cadet, CHP, candidate's character and qualifications for employment. The electronic Statement of Personal History (eSOPH) is the system used in which the candidate prepares their background investigation documents. The candidate then submits their documents through eSOPH directly to the Division where the candidate tested. Accordingly, the Division has the responsibility for ensuring that investigations are completed, compiled, and forwarded on a timely basis. The steps for a full investigation are described in Chapter 5, Conducting the Investigation: Uniformed Classifications, of this manual.

b. Partial Investigation. This is a portion of a full investigation generally requested by another Division. When a candidate has lived or worked in more than one Division's geographical area, the primary Division having responsibility for the full investigation shall request a partial investigation from each Division in which the candidate lived or worked.

(1) When a partial investigation is required, the primary Division Applicant Investigations Unit (AIU) coordinator should contact the secondary Division AIU coordinator to determine who should be assigned a partial investigation within eSOPH. Investigators receiving partial investigations should coordinate their response by contacting the primary investigator. Partial investigations are an essential part of the investigation and must be completed within 30 days of receipt.

(2) Partial investigations take precedence over full investigations. When, for unexpected or extenuating circumstances, the partial cannot be completed within the required 30 days, the primary investigator should be advised of the delay as well as the expected date of completion. Partial investigations shall always include local police agency checks.

c. Update. For various reasons, a candidate's appointment may be delayed for a period of time after completion of the original full investigation. If more than six months has elapsed from completion of the primary investigation and it appears that an offer of appointment will be made, the candidate's background must be updated. This procedure normally involves verifying their present residence, employment, credit, and checking with local police agencies. Update investigations apply only to cadet candidates. As update investigations usually are requested just prior to appointment to a cadet class, every effort should be made to complete

these investigations ahead of those for other candidates currently being considered for employment.

d. Requests from Other Agencies. The Department conducts applicant investigations for out-of-state law enforcement agencies upon request. Under special circumstances, investigations will be conducted for other state and local law enforcement agencies. Procedures for receiving out-of-state/allied agency investigations are provided as follows:

(1) Processing Requests. Requests from out-of-state and allied agencies are generally received by the Cadet Hiring and Recruitment Section (CHRS), Cadet Hiring Unit (CHU). All such requests are screened and, if the circumstances warrant, they shall be routed to a Division for investigation. Prior to forwarding to a Division, the candidate's Department of Motor Vehicles summary is requested, and the summary will be forwarded separately to Divisions when received. Responses shall be prepared in accordance with Highway Patrol Manual (HPM) 5.1, Correspondence Manual, by the assigned Division and forwarded directly to the requesting agency. Upon completion of the investigation, Divisions shall return the transmittal to the CHU. The return of the transmittal assists the CHU in clearing their records.

(2) Department of Justice Summary. As California Department of Justice (DOJ) is the agency that processes fingerprint cards for criminal history checks, the Department cannot conduct California DOJ checks for out-of-state investigations. Divisions should include this information in their responses. Agencies should be advised that if they require this information, they should contact California DOJ directly at the address listed below:

Department of Justice
Records Review Unit
P. O. Box 944255
Sacramento, CA 94244-2550
(916) 227-3849

(3) Receipt of Requests by Division or Area. Requests from out-of-state or allied agencies for applicant investigation services shall be routed to the CHU for processing.

(4) Completion Priority. Out-of-state and allied agency investigations are to be completed in a timely manner, keeping in mind that departmental investigations take precedence.

e. Requests to Other Agencies. Occasionally, the Department requests the assistance of out-of-state and various U.S. Government agencies in conducting

applicant investigations on candidates who have resided out-of-state or outside of the country. Procedures for requesting out-of-state/allied agency investigations are provided as follows:

(1) Requesting Out-of-State Investigations. Normally, out-of-state investigations will be requested from the appropriate law enforcement agency for that state. However, this does not preclude investigators from contacting other agencies within the state if the designated state agency cannot assist.

(2) Special Considerations for Out-of-State Investigations. When sending requests to agencies outside of California, an Investigation Transmittal shall not be used. The following points should be considered when requesting assistance for out-of-state investigations:

(a) Written requests shall be prepared in accordance with HPM 5.1.

(b) Requests should be detailed enough to acquaint the out-of-state agency with the Department's requirements for conducting applicant investigations (e.g., number of neighbors to interview for residence checks, what information to obtain when conducting employment verification).

(c) It is usually beneficial to contact the agency by telephone prior to sending the request in order to identify the office, or individual, who will be conducting the investigation. The investigation can be sent directly to the office or individual contacted.

(d) Attempt to identify a reasonable completion date of the investigation.

f. Out-of-Country Investigations. At times, investigations are conducted on those candidates who have resided outside of the U.S. for a period of time. This often occurs in conjunction with military service or as dependents of parents in government or military service. To identify one main agency capable of assisting in these instances is not possible. Therefore, each case must be handled on an individual basis. In most cases, the U.S. Department of State, Office of Security Services, or the U.S. Naval Investigative Service can assist in conducting applicant investigations. Investigators should make inquiries at the local offices of these agencies nearest to their Area to determine which would be best able to assist. In cases where investigations are conducted by one of the various governmental agencies, it may be necessary to provide a set of the candidate's fingerprints for identification.

g. Reinstatement. Reinstatements are classified as either mandatory or permissive. When reinstatement of a former uniformed employee is being

considered, an investigation covering the period of time the employee has been separated from the Department shall be conducted. A reinstatement package shall be forwarded by headquarters to former officers who have requested and received preliminary approval for reinstatement. The package shall include a Personal History Statement (PHS) and release forms. The former employee shall be instructed to complete only the portions of the PHS pertaining to the period of time since they separated from the Department. The former employee shall return the completed PHS and release forms to CHU, which will transmit the documents to the Division where the individual was formerly employed or, in case of a change of residence, to the Division where they currently reside to conduct an applicant investigation. For permissive reinstatements, a copy of the former employee's Exit Interview Report along with the former commander's recommendations concerning reinstatement will also be included. The scope of the investigation will be from the time of separation to the present, including the last Area, Division, or section to which the individual was assigned. Initially, only the last duty assignment prior to separation should be contacted; for that duty assignment, the person's former commander, direct supervisors, and coworkers should be interviewed. If information of a derogatory nature is developed, it should be followed to a logical conclusion, expanding the scope of the investigation as necessary. All reinstatement investigations shall be completed within 30 days of receipt of transmittal by Division. If extenuating circumstances delay completing the case within 30 days, the CHU shall be notified. Details concerning the eligibility criteria for the various types of reinstatements are contained in HPM 10.3, Personnel Transactions Manual, Chapter 3, Reinstatements. Investigators are encouraged to become familiar with HPM 10.3, Chapter 3.

(1) Permissive. Reinstatement of former uniformed employees (all ranks) who voluntarily resigned or service retired, and cadets requesting reinstatement to the Academy, are considered permissive reinstatements. Requests by former uniformed employees for permissive reinstatement originate by written request to the Office of the Commissioner and must be undertaken within three years of separation from the Department (the "within three years" statement does not apply to cadets). Reinstatement requests by former cadets originate by written request to the CHRS, CHU, and shall be conducted in accordance with the procedures outlined in HPM 10.3, Chapter 3. All permissive reinstatements are at the sole discretion of the Commissioner.

(2) Mandatory. Reinstatements which are mandatory usually occur as a result of recovering from a disabling medical condition or injury, following a regular leave of absence, or military or educational leaves of absence. They are normally initiated by the individual but can be initiated by the Department.

(3) Prior Employment Conflicts. For permissive reinstatements, the investigator should determine whether any of the conditions which led to the employee's resignation still exist. If the situation still exists, it should be determined why it does not now present a conflict. Some common possible conflicts are listed below:

- (a) If the employee resigned to devote more time to outside employment.
- (b) If the employee resigned because of a dislike or inability to cope with shift work.
- (c) If the employee resigned to accommodate the wishes or needs of a spouse, significant other, relative, or family member.
- (d) If the employee resigned in reverence to a moral or personal belief which would not allow them to assume the full responsibilities of a peace officer (e.g., the use of deadly force, willingness to enforce all laws fairly and impartially).

(4) Cadet Reinstatements. Upon receipt of the reinstatement request, the CHU will contact the Academy to advise them of the reinstatement request and obtain the exit interview package, performance evaluation, and any documentation submitted by the former cadet. The Academy staff shall make a recommendation within 30 days either for or against reinstatement. If the reinstatement request is not recommended by the Academy, the CHU shall draft a letter upon concurrence of the Personnel and Training Division (PTD) Chief advising the former cadet that their request has been denied. If the reinstatement request is recommended by the Academy staff and PTD, the package shall be forwarded to the CHU to begin the reinstatement process (e.g., background, psychological, medical). Once all clearances are current, the former cadet shall be contacted by the CHU and advised that the reinstatement request has been approved.

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