

**CHAPTER 5**  
**CONDUCTING THE INVESTIGATION—UNIFORMED CLASSIFICATIONS**  
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## CHAPTER 5

### CONDUCTING THE INVESTIGATION—UNIFORMED CLASSIFICATIONS

1. INVESTIGATION DOCUMENTS. The information that initiates the applicant investigation is developed from the following documents:
  - a. Personal History Statement. Candidates are instructed to complete and submit a Personal History Statement (PHS) within the electronic Statement of Personal History (eSOPH) program. This submission occurs within a specified period of time established by the Division Applicant Investigations Unit (AIU) coordinator (normally 14 days).
  - b. CHP 446F, Cadet Arrest and Citation Questionnaire. Candidates are required to complete the CHP 446F following the written examination. The questionnaire requires candidates to disclose their total number of traffic citations, traffic crashes, and arrests. The original CHP 446F will be provided to the Division AIU coordinators by Cadet Hiring Unit (CHU) following the creation of the candidate certification list. This document shall be uploaded into the candidate's eSOPH file prior to submission under the Documents tab.
  - c. CHP 446J-1, Applicant Drug History Questionnaire. Candidates are required to complete the CHP 446J-1 following the written examination. The questionnaire requires candidates to disclose the total number of times they have tried, used, or experimented with drugs, narcotics, or controlled substances. The original CHP 446J-1 will be provided to the Division AIU coordinators by CHU following the creation of the candidate certification list. This document shall be uploaded into the candidate's eSOPH file prior to submission under the Documents tab.
  - d. CHP 432Q, Cadet, CHP Supplemental Application. Candidates are required to complete the CHP 432Q immediately following the written examination. The questionnaire requires candidates to provide responses to questions related to selective derogatory information, including driver's license actions, probation status, pending criminal prosecution, unresolved failures to appear, or other specific criminal activity that may be incongruent with the requirements of the position. The original CHP 432Q will be provided to the Division AIU coordinators by CHU following the creation of the candidate certification list. This document shall be uploaded into the candidate's eSOPH file prior to submission under the Documents tab.
  - e. STD. 678, Examination/Employment Application. Candidates are required to submit an STD. 678 at the time of the written examination. Failure to submit the STD. 678 at the time of the written examination will prevent the candidate from competing in the written examination process and will result in the candidate's

removal from the examination cycle. The original STD. 678 will be provided to the Division AIU coordinators by CHU following the creation of the candidate certification list. This document shall be uploaded into the candidate's eSOPH file prior to submission under the Documents tab.

2. CADET HIRING UNIT RESPONSIBILITIES. The CHU is responsible for the dissemination of applicant investigations to the Division AIUs and is the final level of review and approval of applicant investigations. This includes ensuring the facts of each case support the hiring recommendations, submitted by the Division AIU, and recommendations are consistent statewide. The CHU also receives and responds to all testing, applicant investigation, medical, and psychological disqualification appeals.

3. FIELD DIVISION COMMANDERS' RESPONSIBILITIES. Field Division commanders shall have the responsibility for the successful administration of the Applicant Investigation Program (AIP) within their respective commands. Division commanders should review a representative sampling of recommended and withheld background investigations completed within their Divisions. The assistant chief overseeing the AIP is responsible for reviewing, on a quarterly basis, a minimum of 15 percent of the applicant investigations to ensure accuracy, continuity, and quality.

4. FIELD DIVISION APPLICANT INVESTIGATION UNIT COORDINATORS' RESPONSIBILITIES. The Division AIU coordinators are responsible for assigning the cases to investigators within eSOPH. Prior to assigning an investigation, Division AIU coordinators should:

a. Review pertinent documents in the file, giving particular attention to disqualifying factors such as a felony conviction or evidence of drug abuse, particularly recent use of drugs, or any use, as an adult, of illegal drugs such as cocaine or heroin. Disclosure of such information may dictate curtailing the investigation for Selective Derogatory Information (SDI) or ensuring that specific issues are resolved before embarking on a full investigation.

b. Ensure all necessary correspondence to creditors, references, other Divisions, or out-of-state law enforcement agencies are expeditiously dispatched.

c. Ensure investigations are assigned and completed in the proper sequence adhering to the policy and procedural guidelines established in this manual. As a general rule, priority shall be given to candidates having the oldest certification list dates as indicated by their respective testing cycle.

- d. Establish procedures and monitor cases to ensure that investigations will be completed and returned to CHU in a timely manner. If extenuating circumstances delay returning the case, CHU shall be notified.
- e. Ensure partial investigations are completed within the required 30 days of receipt and returned to the requesting Division.
- f. Ensure investigators understand and comply with all related laws and departmental policies for conducting applicant investigations.
- g. Ensure completed investigations are transmitted to CHU without delay to allow for review and timely processing of candidates through the remaining phases of the selection process.
- h. Maintain regular contact with CHU to ensure:
  - (1) Interpretation and resolution of questions regarding departmental policy in addition to applicable laws and rules.
  - (2) Exchange of information which may be of value to other Divisions, such as changes in other agencies' policies, or new laws or regulations encountered pertaining to applicant investigations.

5. FIELD APPLICANT INVESTIGATION UNIT INVESTIGATORS' RESPONSIBILITIES.

- a. Investigations Conducted in a Timely Manner. In order for the Department to meet its hiring demands, it is essential that investigators complete their cases within the time periods specified in this manual. Every effort shall be made to comply with these time periods while conducting investigations in accordance with applicable laws and departmental regulations.
- b. Progress Reports. The investigator shall keep the Division AIU coordinator informed of the progress of assigned cases and should provide notes within the candidate's eSOPH account when unusual circumstances arise causing a delay in the completion of the case.
- c. Case Priorities. Priority shall be given to assigned cases as described in paragraph 4.c.

6. CONDUCTING THE INVESTIGATION. The steps outlined are **minimum** requirements. The number of contacts may be increased, if necessary, to develop further pertinent information. The key element in any applicant investigation is the test of **job-relatedness** and to determine if the information gathered has a direct bearing on

the candidate's potential to successfully perform the duties of a California Highway Patrol (CHP) officer or cadet. The investigator must, at all times, maintain an objective, impartial point of view toward the candidate and the investigation.

a. File Review. When an investigator is assigned an investigation, a thorough review of the file shall be made. Because duplication of information is required on various preemployment documents contained in the file, it is essential that information be closely reviewed for consistency.

b. Electronic Statement of Personal History. Candidates are required to complete their PHS within eSOPH. Investigators should check for omissions, spelling errors, and general thoroughness of the document. Whenever possible, investigators should ensure the PHS has been completed by no one other than the candidate. Areas to be reviewed should include the following:

(1) Does information concerning present and former employers correspond (e.g., dates of employment, job responsibilities, reason for leaving)? Are there any periods of unemployment for which the candidate has not provided an explanation?

(2) Is information consistent on all preemployment documents concerning educational accomplishments (e.g., schools attended, units completed, degrees awarded)? Does the candidate meet the minimum educational requirement?

(3) Are responses to questions regarding drug usage, arrest record, traffic citations, and driver's license sanctions consistent? Do responses correspond to actual records reflected on Department of Motor Vehicles (DMV), Department of Justice (DOJ), and Federal Bureau of Investigation (FBI) returns, if available?

(4) Are there any significant disclosures within the legal section of the PHS that may lead to a selective derogatory withhold?

c. CHP 432Q, Cadet, CHP Supplemental Application. Compare information disclosed on the PHS with the information disclosed on the CHP 432Q, CHP 446F, and CHP 446 J-1.

d. STD. 678, Examination/Employment Application. Compare information disclosed on the STD. 678 with the information disclosed on the PHS and CHP 432Q.

e. Department of Justice Summary. This document will contain information regarding the candidate's arrest and conviction record along with a record of applications for public employment and special permits or licenses that would

require the candidate to be fingerprinted. The summary is provided by DOJ, in response to the Division's request, with the submission of fingerprints using the Department's Live Scan terminals. **Investigators are prohibited from requesting criminal history summaries for employment purposes through Communication Network messages.** The DOJ will also include, with its summary, the FBI summary.

f. Federal Bureau of Investigation Summary. This document is similar to the DOJ summary. It is also a summary of a candidate's criminal history, but will include information from other states regarding arrests, convictions, and applications for public employment. Additionally, this summary will also reflect military service and military applicant investigations. The information on this document shall be compared to information on the PHS, CHP 446F, and STD. 678.

g. Department of Motor Vehicles Summary. Divisions are responsible for obtaining candidates' driving records from the DMV. This is accomplished by completing a DMV INF 254, Government Agency Request for Driver's License/Identification Record Information, for each candidate and returning it to DMV at the address indicated on the form. The DMV will then mail the requested record to the address provided by the requestor. The Department will be provided with a three-year history of DMV actions involving the candidate, including driver's license sanctions, crashes, and citations which resulted in a conviction. **This driving summary is confidential and shall not be divulged to the candidate or unauthorized personnel.** The information on this document shall be compared with information provided on the PHS, CHP 446F, and STD. 678. The investigator should keep in mind that all traffic citations, regardless of the date received, must be listed on the CHP 446F. Information on both PHS and DMV DL 414, Driver Record Information, should be compared for consistency.

h. Discrepancy List. Throughout the investigation, the investigator will encounter discrepancies, conflicting information, omissions, and other information requiring clarification. A list of all such items shall be developed and kept current as the investigation progresses; this will ensure that all unresolved issues are addressed during the investigative interview. All potentially disqualifying information must be addressed and documented in the investigative report.

i. Interviewing/Investigating Considerations.

(1) Job Duties. It is important to realize that the majority of people the investigator contacts during the course of the investigation have no detailed knowledge of the duties of a CHP officer. It is essential that the job duties of the position be fully explained by the investigator to each contact. When contacts are made aware of the requirements of the CHP officer classification,

they can effectively present information which will assist the investigator in their evaluation of the candidate's qualifications.

(2) Contact Perspectives. The investigator should be mindful that perspectives of individuals vary widely, depending upon the degree and type of association with the candidate. To avoid inquiring into issues outside the contact's knowledge or expertise, questions should be tailored to the contact's interaction with the candidate. For example, an employer can usually provide valuable information concerning a candidate's dependability and work habits but is less likely to have knowledge of the candidate's driving abilities. Those inquiries would be best directed to neighbors or other acquaintances.

(3) Direct Versus General Questioning. Most field officers use the direct style of questioning. In applicant investigations, factual information can be obtained through the combined use of both direct and general questioning. An interview that starts with general questioning usually puts the individual at ease and allows the investigator to establish a rapport. The combined use of both styles allows a skilled investigator to extract the optimum amount of information available from a source.

(4) Pledge of Confidentiality. At times, a source of information may become reluctant to answer questions or may appear to be evasive in their responses. This could be an indication the source is fearful the candidate will become aware of the information they provided, resulting in a loss of friendship or even physical retaliation. The investigator may advise the individual that, if requested, every effort will be made to conceal their identity throughout the evaluation process. Investigators should be advised that, ultimately, candidates have the right to access their investigative report. Therefore, the investigator must consider the significance of the information before a decision is made to include it in the investigative report. If the information provided is critical to the evaluation process, consideration should then be given to the possibility that the information may be obtained through other means.

(5) Disclosure of Confidential Information. Under the 1977 Information Practices Act, every candidate has the right to access and obtain a copy of their personal information contained in their applicant investigation. This legislation is further enumerated in Section 1798.34(a) of the California Civil Code (CCC) and applies specifically to state agencies. It provides that each agency allows any individual, upon request and proper identification, to inspect all the personal information in any record maintained by the agency. Section 1798.40 CCC exempts certain information from disclosure if the information meets any of the following criteria:

(a) The information was compiled for the purpose of identifying individual criminal offenders and alleged offenders, and consists only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status.

(b) The information was obtained for the purpose of a criminal investigation of suspected criminal activities, including reports of informants and investigators, and associated with an identifiable individual.

(c) Is maintained for the purpose of an investigation of an individual's fitness for licensure or public employment, or of a grievance or complaint, or a suspected civil offense, so long as the information is withheld only so as not to compromise the investigation, or a related investigation.

(d) Would compromise the objectivity or fairness of a competitive examination for appointment or promotion in public service, or to determine fitness for licensure, or to determine scholastic aptitude.

(e) Pertains to the physical or psychological condition of the individual, if the agency determines that disclosure would be detrimental to the individual. The information shall, upon the individual's written authorization, be disclosed to a licensed medical practitioner or psychologist designated by the individual.

(f) Any request for release of personal information from an applicant investigation file involving a confidential source will be handled in accordance with Section 1798.38 CCC. This section allows the Department to provide a comprehensive summary of the substance of the material with only such deletions necessary to protect the identity of the source. It should be noted that this exemption does not apply to a confidential source who is in a supervisory position with respect to the individual to whom the record pertains.

(g) All requests for applicant investigation information under the CCC shall be forwarded to CHU.

(6) Derogatory Information. Whenever the investigator discovers derogatory information regarding a candidate, primary consideration should be given to resolving the issue. An attempt should be made to identify additional sources or records which could possibly corroborate the derogatory information. Not only could an objective investigation corroborate the information but could also conclude that the information or accusations are unfounded.

(7) CHP 446B, Authorization to Release Information.

(a) The CHP 446B, when properly completed, signed by the candidate, and properly notarized, gives authorization to access any information which might pertain to or concern the candidate. This is most often used when accessing public, employment, or personnel records, but could be used during interviews with references, neighbors, or coworkers.

(b) During the investigation of a candidate's background, investigators may encounter employers who will not acknowledge or honor the candidate's authorization to release any and all information relative to the applicant investigation. Investigators should be familiar with Section 1031.1 of the Government Code (GC), which compels past employers to provide employment information on past or current employees if the individual is testing for a law enforcement position. Investigators should be prepared to explain the provisions of the law to such employers. This is based on Section 1031 GC which requires a thorough applicant investigation of the fitness of those who wish to be peace officers; and public policy requires that former employers of those job candidates be free to discuss the candidate's employment background. Therefore, in those instances where the CHP 446B is not honored, investigators should quote these statutes and assure the employer that they have a right to reveal information relative to the applicant investigation as long as the information is true and furnished without malice.

(c) Occasionally an agency or company requires specific wording not contained in the CHP 446B in order to access their information. Therefore, it may be necessary to have the candidate execute a release provided by the record holder, or the investigator may draft a release containing the specific information required by the record holder. This may be done locally without headquarters approval. When situations are encountered where the Department's forms do not contain acceptable content, CHU should be notified of the details.

(d) The investigator shall, at all times, be prepared to provide the appropriate release form (medical or general), or copy thereof, when requested by any source of information during the investigation.

7. GUIDELINES AND MINIMUM STANDARDS. The following standards and guidelines have been developed through the combined efforts of personnel who investigate, review, and train persons seeking careers with the Department. The goal is to conduct objective and thorough job-related inquiries, within the law and departmental policy, in order to determine a candidate's suitability for the Cadet, CHP, classification. The areas listed below shall be addressed in all investigations where applicable:

a. Initial Interview. This interview should be conducted in the candidate's home or in a CHP Division or Area office. The purpose of the interview is to familiarize the candidate with the evaluation procedures used in the selection of cadets and to provide information concerning the duties of the position. The investigator shall also explain in detail the concept of confidentiality which is afforded the candidate pertaining to the results of the investigation. Questions regarding potentially disqualifying information are to be asked during the investigative interview, which is conducted at the conclusion of the investigation at a location other than the candidate's home. During the interview, the investigator has the opportunity to evaluate the candidate's demeanor, appearance, and sincerity in seeking appointment. The interview should be structured to accomplish the following:

(1) Personal History Statement. Review the candidate's PHS for accuracy, completeness, and any derogatory information provided by the candidate. To expedite the investigation, the candidate shall be granted access to their eSOPH account prior to the initial interview so they can update their PHS and upload any required documents not previously submitted.

(2) CHP 432R, Background Investigation Questionnaire. Investigators shall ensure the candidate reads and understands the instructions and then signs and dates the face page of the CHP 432R. Following the completion of the CHP 432R, the candidate shall be instructed to provide detailed explanations, in writing, for all answers marked "yes." The candidate's responses shall be carefully reviewed, and any derogatory information shall be addressed during the interview. Any significant derogatory issues shall be included in the investigation narrative, including the candidate's response and an explanation as to how the issue was resolved.

(3) CHP 73H, Academy Program. Thoroughly review with the candidate all information contained in the CHP 73H. This document clearly outlines physical training performance standards imposed during the Academy training. The investigator shall have the candidate acknowledge this review by signing and dating the bottom of the form. The signed form shall be retained in the candidate's file. A second copy shall be provided to the candidate. The candidate shall also be advised that graduation from the Academy is contingent upon passing all phases of the Academy curriculum and the Department's Physical Performance Standards test.

(4) Discuss Job Duties of the Cadet, California Highway Patrol, and Officer, California Highway Patrol Classifications. The duties of the classifications of Cadet, CHP; and Officer, CHP, are to be thoroughly and candidly discussed. The investigator should realize that the candidate and spouse are probably naive concerning the day-to-day functions and responsibilities of a CHP officer, and shall discuss the following:

- (a) The benefits and rewards of service, as well as difficult aspects of the job. Particular emphasis should be placed on rigid disciplinary, scholastic, and physical training requirements at the Academy.
- (b) The possibility of a lengthy assignment to a metropolitan area. The investigator should also discuss initial field assignment criteria with the candidate as outlined in General Order 10.7, Field and Headquarters Assignments and Transfers Uniformed Employees.
- (c) Inherent dangers of the job and unpleasant duties associated with the position.
- (d) The requirement to work rotating shifts, weekends, and holidays.
- (e) The probationary period, salary, vacation, annual leave, sick leave benefits, and the retirement plan should be explained.
- (f) The investigator shall advise the candidate that upon appointment to Officer, CHP, which is a public safety classification, their earnings are not subject to social security contributions. At retirement, the candidate may receive a pension based on earnings from this job, which may affect future social security benefits to which they may be entitled. In summary, the candidate should be provided with as much information as possible to afford a sound basis on which to make this important career decision.

NOTE: Should there be any indications at the initial interview that the candidate may not successfully complete the applicant investigation, the investigator may defer the discussion of job duties until such time the candidate's success is confirmed. In cases where the preemployment documents suggest the initial interview might also become the final interview that could warrant a withhold action, it is appropriate that those interviews be conducted in a CHP office. However, if the office interview does not result in a withhold action and the applicant will be considered further in the applicant investigation process, a home and family interview still needs to be conducted prior to the finalization of the investigation.

- (5) CHP 495, Physical Performance Testing. Thoroughly review with the candidate the information contained on the CHP 495. The investigator shall have the candidate acknowledge this review by signing and dating the bottom of the form. Retain this document in the file. A second copy shall be left with the candidate.
- (6) Preexisting Conditions. Ensure there are no preexisting conditions which would prevent the candidate from accepting assignment anywhere in the state.

(7) No Guarantee of Employment. After the field investigator completes the investigation, that investigator shall ensure the candidate is aware that a completed background investigation does not constitute an offer of employment, and the investigation will be reviewed by various levels within the Department before a final decision is made.

(8) Investigation Interview. Advise the candidate that a second interview will be conducted at the Area or Division office when the investigation is concluded. The candidate shall be informed the interview will be audio recorded, may involve more than one investigator, and may be stressful if there are discrepancies which need to be resolved.

(9) Interview Conclusion. At the conclusion of the interview, the candidate shall be provided with the investigator's contact information and instructed to call or send an e-mail should any changes occur, or if questions arise.

(10) Candidate Photographs. The Department of Fair Employment and Housing prohibits requiring or permitting a candidate to attach a photograph to an application form. However, if a job-related reason for obtaining a photograph can be established, such as the need to ensure correct identification of the candidate by neighbors, the following cautionary steps should be taken:

(a) The photograph should not be attached to the application form or other personnel documents.

(b) The photograph must be voluntarily provided by the candidate and used only for identification purposes.

(c) If the above conditions are met, the photograph should be uploaded into the candidate's eSOPH file under the Images tab.

(11) The investigator may forego the initial interview if enough selective derogatory information exists to support a withhold action; in such instances, an investigation interview shall be conducted, in place of the initial interview, in accordance with the guidelines established in this manual (refer to paragraph 7.s.). The candidate shall be advised of the issues and given an opportunity to respond.

b. Background Investigation Dimensions and Relevant Bias. All candidates shall be assessed against the California Commission on Peace Officer Standards and Training (POST) background investigation dimensions, and investigators shall include any findings of behaviors, traits, and/or attributes that may be relevant to bias.

(1) Dimensions. Relevant behavior, whether positive or derogatory, shall be documented under the relevant POST dimension(s) in the investigative report.

(2) Bias Assessment. The investigative report shall include the data sources reviewed for the findings, regardless of weight given; and include relevant supporting documentation, including documentation obtained through social media, related to potential issues surrounding any biases the candidate may have displayed.

c. Listed Reference Checks. All of the five references listed on the PHS shall be contacted. Generally, references should be contacted through the eSOPH program or by telephone. Any inquiries conducted by telephone shall be entered into the eSOPH reference questionnaire manually. At a minimum, all questions listed on the eSOPH reference questionnaire should be asked of all references contacted by telephone.

d. Developed References (Disinterested Parties). Contact shall be made with at least two developed references. These individuals are personally knowledgeable of the candidate but are not listed by the candidate as references, work supervisor, or coworkers. The developed references should be asked the same type of questions used for listed references. Teachers, classmates, non-listed coworkers, and neighbors may qualify as developed references. The main consideration when determining if a source qualifies as a developed reference is, **does the individual have personal knowledge of the candidate?** In general, developed references should be persons who are familiar with the candidate through more than one environment (e.g., work, social, school, and neighborhood).

(1) For example, in the case of neighbors, this would be someone who not only lives in the same area, but has interacted with the candidate, possibly attending parties or other social gatherings, or has children who grew up with the candidate.

e. Close or Significant Acquaintance. These references are those persons who have/had a personal relationship of some type with the candidate, such as present and former roommates, best friends, and girlfriends or boyfriends. They can be identified when interviewing listed references or coworkers, and often become apparent during the course of the investigation. These references can be particularly objective, especially if at present they are not closely associated with the candidate. The standard questions for a listed reference should be used as a guide. If unfavorable information is disclosed regarding the candidate, the source should be questioned as to how this information might be corroborated.

f. Former Spouse(s).

(1) Evaluating Information. Inquiries into the reasons for a candidate's separation from a spouse or marriage dissolution are allowed because it may indicate a candidate's dependability, integrity, and interpersonal sensitivity. Adverse conclusions should not be made based on the number of marriages a candidate has had, nor should conclusions about their qualifications be drawn from the duration of a marriage. However, the manner in which the candidate acknowledges responsibilities in areas such as child support and alimony would be considered significant.

(2) Appropriate Inquiries. Prior spouses may provide information relative to the candidate's integrity, temperament, willingness to confront problems, and interpersonal sensitivity. Because of the unique, personal interaction between the candidate and this contact, it is often possible to obtain information which is unavailable from any other source. The investigator should inquire about the candidate's personal habits, ability to get along with people, respect for law enforcement, and past patterns of alcohol or drug usage. Standard reference inquiries should be made, in addition to the questions suggested below:

- (a) Is the candidate capable of handling stressful situations in a calm, rational manner?
- (b) Has the candidate been observed to lose their temper? What were the circumstances and what were the candidate's responses?
- (c) Has the candidate demonstrated a tendency to resort to physical violence when provoked?
- (d) Can the former spouse visualize the candidate in the role of an officer? Why, or why not?
- (e) Has the candidate ever engaged in any illegal activity?
- (f) To their knowledge, when was the first time the candidate experimented with drugs? What type of drugs did they use? How many times and how much did the candidate use?
- (g) What were the circumstances surrounding the dissolution of marriage?
  - 1 What prompted the separation and who initiated the dissolution of marriage proceedings?
  - 2 Is the candidate required to pay alimony or child support? If so, are the payments current?

3 Was the marriage terminated amicably? Is the former spouse's present relationship with the candidate friendly?

NOTE: The investigator should keep in mind that any information gathered from a prior spouse should be carefully evaluated and corroborated. It is possible that ill feelings generated by a dissolution of marriage could cause some hostility towards the candidate; investigators should ensure information is not biased. If requested, a former spouse may be assured that any information provided can remain confidential. This may be advantageous when discussing drug use, child abuse, or personal biases.

g. Family Check. Family members may have the most long-term as well as in-depth knowledge of the candidate. Family members may be able to provide information regarding the candidate's personality, suitability, level of responsibility, legal misconduct (e.g., arrests, detentions, convictions), employment issues, as well as names of others who are familiar with the applicant.

(1) Investigators should be aware that long-standing relationships with the applicant may alter family member's objectivity and provided information should be carefully evaluated.

(2) The purpose of the family check is to evaluate the applicant's suitability for the position and not to examine every minor family disagreement, nor unnecessarily violate a family's privacy.

h. Residence Check. Residence checks shall be made for the past ten years. A minimum of three persons living near the candidate's present and former residences are to be contacted. Present and former neighbors must be contacted in person for the past one year. Persons living next door, across the street, or directly behind the candidate are the best sources of information. The neighbor located behind the back fence is an often ignored but important contact. If derogatory information is not obtained for the one-year period, inquiries may be made through the mail. If derogatory information is developed, every attempt should be made to resolve or substantiate the information. Make certain the candidate is properly identified and is not confused with a sibling. A photograph obtained and used in accordance with the guidelines previously stated in this chapter may be useful.

(1) No conclusions should be drawn from the mere fact the candidate owns, rents, or lives with relatives. There is no reason to conclude anything that would be job-related from this information alone.

(2) Evaluations of a candidate's style of living as it relates to such matters as the number of persons living in the residence, housekeeping habits, condition

of the home, yard, or vehicle(s) should generally be avoided because of the subjectivity involved. However, where the condition of the home borders on health violations or indicates other illegality (e.g., many cities and counties have adopted local ordinances which prohibit storage of “junked” cars in residential areas), the situation should be further investigated and documented.

(3) It is acceptable to inquire into the reasons for changes in the candidate's residence. Information from such an inquiry might possibly indicate something about the candidate's interpersonal sensitivity, dependability, or integrity. If there appears to be a pattern of frequent moves, no judgment should be made from this fact alone; however, further investigation may be indicated.

(4) Areas of inquiry should include:

- (a) How long have you known the candidate?
- (b) Do you socialize with the candidate?
- (c) Do you know how the candidate gets along with neighbors?
- (d) Do you know who the candidate associates within the neighborhood? (This could possibly disclose additional references.)
- (e) Do you know how the candidate confronts problems?
- (f) Does the candidate display any evidence of prejudice towards any racial, ethnic, or religious group?
- (g) Does the candidate exercise mature driving habits in the neighborhood?
- (h) Does the candidate use alcohol or drugs, or engage in any unlawful activity?
- (i) Have the police ever been summoned to the residence? If so, why?
- (j) Does the candidate and spouse or significant other enjoy a stable relationship?
- (k) Can you think of any reasons why the candidate might not be qualified to become a peace officer?
- (l) Can you suggest any other persons who might have information or personal knowledge about the candidate?

i. Landlords. When contacting landlords and apartment complex managers, the investigator should closely review the rental application or contract, and other documents contained in the tenant file. Prior to contacting neighbors in apartment complexes, it is advisable to ascertain from the manager which tenants were in residence during the time of the candidate's occupancy; this will avoid disturbing tenants who have no knowledge of the candidate. For candidates currently living in a multi-floor apartment complex, tenants residing directly above or below the candidate's apartment are often good sources of information. When reviewing the candidate's tenant file, pay particular attention to the following:

- (1) Are there any complaints in the file?
- (2) Is information regarding previous employers, residences, and roommates compatible with the PHS and other source documents?
- (3) Does the candidate make rental payments on time?
- (4) Were all terms of the lease satisfied when the candidate vacated the premises?

j. Education. Inquiries into the candidate's educational background can lead to information concerning their integrity, learning ability, and desire for self-improvement. Generally, no inquiries are to be made at the grammar school or junior high school levels since these experiences are too remote to be relevant. The investigator should be aware that the absence of any college experience or police-related training does not necessarily indicate the candidate is less qualified.

- (1) Minimum Requirements. High school graduation shall be verified by official high school transcripts or satisfactory evidence that the candidate has successfully passed the General Educational Development (GED) test, California High School Proficiency Examination (CHSPE), or has an Associate or higher degree.
  - (a) General Educational Development Test. The GED test has a passing score of 145 for each test subject. For a candidate to earn their high school equivalency, they need to score 145 or higher on all four subjects. Candidates who have successfully passed the GED test shall provide their official transcript and equivalency certificate.
  - (b) California High School Proficiency Examination. Those candidates who have successfully passed the CHSPE shall be required to furnish documentation in the form of an official score report and a certificate of proficiency.

(c) Education Verification. United States (U.S.) public high schools are acceptable if they meet the high school standards set by the state in which the school is located. The status of a public high school, as well as many private schools, can be verified by contacting the state's Department of Education, or the local district itself. A list of state education departments can be located online at [www.ed.gov/about/contact-us](http://www.ed.gov/about/contact-us).

(d) To comply with GC 1031(e), nonpublic high schools as well as postsecondary institutions must be accredited or approved by:

- 1 A state or local government educational agency.
- 2 A regional accrediting association.
- 3 An accrediting association recognized by the Secretary of the U.S. Department of Education.
- 4 An accrediting association holding full membership in the National Council for Private School Accreditation, an organization holding full membership in AdvancED or Cognia, an organization holding full membership in the Council for American Private Education, or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations.

(e) Accredited U.S. Department of Defense (DOD) high schools are also sanctioned by GC 1031(e). The status of a DOD high school can be checked at [www.dodea.edu](http://www.dodea.edu).

(2) School Personnel. The decision to contact school personnel should be based on the recency and degree of interaction between those persons and the candidate coupled with the likelihood that relevant information will be obtained. Counselors are usually a good source of information as are former teachers and coaches who have maintained contact with the candidate. When interviewing school personnel, the following inquiries are appropriate:

- (a) When or how long have you known the candidate?
- (b) What was the frequency of contact and how recent was the last contact?
- (c) What type of contact or relationship did you have with the candidate?
- (d) Did the candidate exhibit a desire for self-improvement?
- (e) Was the candidate ever suspended or expelled from school?

- (f) Was the candidate well accepted by his peer group?
- (g) Was the candidate active in student government, organized sports, or extracurricular activities?
- (h) Did the candidate have any outspoken views which would cause you to question their loyalty to the U.S., or their ability to take an oath of allegiance?

(3) School Records. In reviewing school records, the investigator should be concerned with the following:

- (a) Compare residency information to ensure consistency with other source documents. Did the candidate live with someone other than their parents while attending high school or college (e.g., in a dormitory or with relatives)?
- (b) Note any suspensions or long-term absences.
- (c) Corroborate information provided by other sources.
- (d) Identify extracurricular activities.
- (e) When appropriate, review campus police records for criminal activity or disciplinary actions involving the candidate (e.g., parking violations and field investigative contacts).

k. Applications for Other Peace Officer Positions. The candidate is required to list all applications they have submitted for employment for any other peace officer positions. For successful applications, information concerning the candidate's position on the resulting employment list must be provided; for unsuccessful applications, the reason for failing to attain a position on the employment list must be provided. The investigator should compare information on the PHS with the DOJ summary, keeping in mind that application information on the DOJ summary may be limited and updated only if the candidate was fingerprinted.

(1) Verification of Other Law Enforcement Applications. The investigator should verify information regarding all other law enforcement applications by contacting the agency involved and reviewing the personnel file. The application for employment and other pertinent documents in the file should be thoroughly reviewed for consistency with the information provided to the CHP on the candidate's PHS and STD. 678. Whenever possible, this check should be performed **in person**. Checks performed through the mail or by fax do not allow for comparison of personal history information and provide very limited information compared to what is available. In those instances when the

candidate was unsuccessful in some phase of the selection process, the investigator should review all reports, obtaining copies whenever possible, to determine the exact reason for the failure. When reviewing these files, the following areas should be checked for consistency:

- (a) Employment.
- (b) Criminal history.
- (c) Drug usage.
- (d) Applications with other law enforcement agencies.
- (e) Residences.
- (f) References. (Any references found which are not listed on the candidate's PHS should be contacted if possible.)
- (g) Driving History. (Information may be located which is not disclosed on the PHS or which predates the current DMV report.)
- (h) Credit Information. (Information may be located which is not disclosed on the PHS or which predates the current credit history report.)

I. Employment Checks. A candidate's employment record has been shown to be predictive of future success with the Department. All employers for the past ten years shall be contacted.

(1) Personal Contact. **All employers for the past one year shall be contacted in person.** If no derogatory information is obtained for the one-year period, inquiries may be made electronically through the eSOPH employment inquiry request for employers listed during years two through ten. All derogatory information shall be explored. The investigator may explore beyond ten years, and should do so, if there are any employment or paperwork discrepancies. The need for obtaining specific information cannot be overemphasized. Investigators must go beyond the personnel office of a company and personally interview immediate supervisors and coworkers. At times, employers may refuse to let you interview coworkers and supervisors on the premises. In these cases, the investigator shall attempt to make contact with these individuals away from their place of employment. Should this occur, it may be necessary for the candidate to provide telephone numbers and/or addresses of individuals to the investigator, or have individuals contact the investigator directly. The following subject areas are recommended for review when contacting present and former employers:

(a) Supervisors. All present and former immediate supervisors should be personally interviewed. Investigators should not limit supervisory contact to only those provided by the candidate in the PHS. Investigators should seek to identify and interview additional supervisors who may be able to provide a reference of the candidate's work performance. If the candidate is described as "undependable," determine exactly what actions led to this description. If the candidate had a habit of tardiness or high absenteeism, obtain exact dates and times. Record incidents of reprimands, layoffs, or suspensions. Appropriate inquiries include:

- 1 Is the candidate punctual and dependable?
- 2 Does the candidate conscientiously perform their duties without the need for constant supervision?
- 3 Have any disciplinary actions been taken against the candidate?
- 4 Is there any record of salary garnishment or other financial problems concerning the candidate?
- 5 Has the candidate had any extended work absences?
- 6 Is the candidate honest and truthful?
- 7 Does the candidate get along well with coworkers and supervisors? If the supervisor indicates the candidate cannot or does not get along with a particular group, attempts should be made to individually interview members of the group.
- 8 Is the candidate responsive to supervision?
- 9 Is the candidate responsive to criticism?
- 10 Can you think of any reason why the candidate might not be qualified to become a peace officer?
- 11 What was the reason for the candidate's termination, and are they eligible for rehire?

(b) Coworkers. When interviewing coworkers, the investigator must consider the degree and recency of the association with the candidate. Investigators should not limit coworker contact to only those provided by the candidate in the PHS. Investigators should seek to identify and interview additional coworkers who may be able to provide a reference of

the candidate's work performance. The following are examples of suggested inquiries:

- 1 How long have you known the candidate?
- 2 Do you work closely with the candidate?
- 3 Do you have social contact with the candidate outside the work environment?
- 4 Are you aware of any use of illegal drugs by the candidate?
- 5 Are you aware of what degree the candidate uses alcohol?
- 6 Does the candidate get along well with coworkers and supervisors?
- 7 Does the candidate demonstrate an even temperament in dealing with job stresses and conflicts with other employees?
- 8 Is the candidate conscientious in performing their job function?
- 9 To your knowledge, has a job action (e.g., reprimand, suspension, termination) been taken by this employer against the candidate?
- 10 To your knowledge, has the candidate ever engaged in any unlawful activity?
- 11 Can you think of any reason why the candidate may not be qualified to become a peace officer?
- 12 Would you recommend the candidate for a position in law enforcement?

(c) Personnel Records. Thoroughly review pertinent documents such as job applications, payroll records, and medical records. Ensure that information on these documents is compatible with information on other source documents. Ascertain if other personnel records exist. In cases where personnel records cannot be obtained or reviewed, it is essential that every effort be made to contact coworkers and supervisors. Careful consideration should be given to the following areas when reviewing personnel records:

- 1 Job performance evaluations.

- 2 Commendations.
- 3 Disciplinary actions, dock time, suspensions, reprimands, layoffs, or suspensions.
- 4 Absenteeism, tardiness (note exact dates, number of times late, and amount of time lost). Was the candidate counseled, warned, reprimanded, etc.? If candidate was issued a warning/reprimand, was it signed by the candidate?
- 5 Requests and reasons for leaves of absence, sick leave, and disability time off (confirm information by contacting company doctor, nurse, or in-house medical facility).
- 6 Job-related injuries, workers' compensation claims.
- 7 Salary garnishments.
- 8 Admissions of prior terminations or probationary rejections.
- 9 If applicable, the reason the candidate left the employment.

(2) Employment Issues. Some employers may not allow access to personnel records or may only verify limited amounts of information. In these cases, the investigator shall inform the employer of Section 1031.1 GC. Additionally, the investigator may want to cite a 1987 Court of Appeals case - **Patrick O'Shea v. General Telephone Company of California**. When dealing with large corporations, it may be necessary to contact their legal department for release of information. As a last resort, the investigator may have the candidate accompany them to obtain the records in person.

(3) When contacting present employers, efforts should be made to avoid placing the candidate's present job in jeopardy. The investigator should honor a candidate's request to delay contacting a present employer until the investigation is near completion. If the investigator suspects that the candidate is likely to be withheld from certification based on other factors, contact with the candidate's current employer is generally not necessary and, in such cases, the investigator should consider not contacting the current employer so as not to risk jeopardizing the candidate's job.

(4) Company Security Department/Office. Often large corporations and companies employ security departments to deal with consumer fraud, thefts, and internal security. They often have information which is not contained in a company's personnel files. When appropriate, contacting the security

department/office should be a normal required investigative step of employment verification.

(5) Social Security Administration Work History Check. The local Social Security Administration (SSA) office can provide information on the candidate's entire work history. Divisions are responsible for obtaining the SSA histories from their local SSA office. The SSA Consent for Release of Information must be completed and signed in ink by the candidate and submitted to the SSA office in order to obtain their work histories. Most SSA offices will provide the histories at no cost to departmental personnel. In the event that a local office charges a fee for the histories, it may be necessary to locate another SSA office. As a last resort, the candidate may be instructed to obtain a copy of their history for the investigator.

(6) Other Employment-Related Considerations.

(a) No Prior Employment. It is appropriate to inquire into the reasons for a candidate's having had no prior employment. Such an inquiry might lead to information concerning the candidate's willingness to confront problems, dependability, and desire for self-improvement. However, there are many legitimate reasons for no prior employment (e.g., education). The investigator must look into the circumstances of the candidate having no prior employment. No conclusions about the candidate should be drawn from that mere fact alone.

(b) Fired or Asked to Resign from Employment. Inquiring whether a candidate has been fired or asked to resign from employment may lead to information concerning their integrity or dependability. Information from a previous employer who fired or asked the candidate to resign must be carefully evaluated along with the candidate's explanation for such an occurrence. The investigator should also evaluate the recency of the incident.

(c) Extended Work Absences. Determining whether the candidate has had extended work absences in previous jobs may lead to job-related information concerning the candidate's dependability. However, investigators must remember that legitimate reasons, such as maternity or paternity leaves, are causes for extended work absences. Legitimate reasons for extended work absences should not reflect adversely upon the candidate.

(d) Unemployment Insurance or Other State or Federal Assistance. Receipt of welfare assistance and unemployment compensation is legal, and generally no judgment about the candidate should be based upon the fact of their receiving such assistance. However, if the investigator finds

that the candidate has received assistance through fraudulent means, the information would reflect upon the candidate's integrity and be grounds for a withhold.

(e) Workers' Compensation. Information about the candidate's physical ability might come to light if an inquiry is made into claims the candidate has filed for workers' compensation. Also, if the investigator finds that such claims were made fraudulently, then this information would reflect upon the candidate's integrity. The mere fact of having filed a workers' compensation claim should not be grounds for disqualification. However, the investigator should closely examine the facts and circumstances.

(7) Out-of-State Employment. Employment checks for out-of-state employers will normally be conducted by the state law enforcement agency requested to conduct the partial investigation within whose jurisdiction the employment is located. In the event the employer is not included in the partial investigation, or the state agency refuses to conduct a partial investigation for the Department, the investigator shall conduct the employment check through telephone contact with the employer.

(8) Current and Prior Peace Officers. Section 13510.1(g) of the California Penal Code requires POST-participating agencies to employ peace officers with valid POST certificates. This requires verifying that candidates are eligible for employment, including whether their certification has been suspended, denied, or voluntarily surrendered, as these are now grounds for disqualification from employment as a peace officer pursuant to Section 1029(a)(10)GC.

(a) Commission on Peace Officer Standards and Training Query. For current and prior California peace officers, investigators shall submit a background investigation request to POST, through GovQA, to obtain information related to a candidate's certification status, employment verification, a copy of the candidate's POST profile, reason(s) for separation from employment, and documentation regarding allegations of serious misconduct. A copy of the official letter from POST and the POST profile shall be uploaded to the documents section in eSOPH.

(b) Peace Officer File Review. Every candidate with current or prior peace officer experience, regardless of whether they were employed in California or another jurisdiction, shall be the subject of a search of their general personnel file and a separate file designated by the agency that may contain records of any investigations for misconduct.

m. National Decertification Index Inquiry. Investigators shall query the National Decertification Index for all candidates to determine whether they have had their peace officer license revoked for misconduct in another state. This requirement applies regardless of whether prior peace officer employment is disclosed.

n. Military Service. Inquiries into the candidate's military history can lead to information concerning several relevant job dimensions. These can include the ability to follow and give orders, work under adverse conditions (shifts and long hours), and get along with coworkers.

(1) Military Records. The investigator should carefully review all available military documents. When reviewing any record, the investigator should check for consistency with information on the PHS (e.g., names, date of birth, physical description, duty assignments, disciplinary actions, and type of discharge).

(a) Active Duty. If the candidate is presently on active duty, their military service record should be reviewed at their present military assignment. If any difficulty arises in obtaining access, the candidate can obtain the record for review if necessary; however, in most cases, providing a signed CHP 446B will allow you to obtain access to records.

(b) Prior Active Duty. If the candidate has been recently discharged (30-60 days), the record may still be available at the last command; but, in most cases, the record will have to be obtained from the National Records Center in St. Louis, Missouri, or the Department of the Air Force Headquarters Personnel Center in Denver, Colorado. In these cases a CHP 446C, Request for Information from Military Personnel Records, should be completed and forwarded as soon as possible due to lengthy response times.

(c) Reserve Duty. If the candidate is presently in the reserve, they should be questioned as to the location of their administrative command. Most reserve commands are separate from the active duty commands. In some cases, reserve service records are not maintained at the same location where the candidate performs their reserve duty.

(d) Prior Reserve Duty. Use the same procedure as stated in paragraph 7.n.(1)(b) for prior active duty.

(e) Criminal Activity. Military discipline imposed in accordance with the Uniform Code of Military Justice should be reviewed very carefully. If the crime committed and the sentence imposed equate to a felony conviction under California law, this may be grounds for rejection. In addition to sending the CHP 446C to the St. Louis, Missouri location, requests should

be sent to the following appropriate military branch. These locations maintain records on criminal investigations conducted within the respective branch, regardless of whether or not the subject has separated from the military.

- 1 United States Army  
U.S. Army records can be requested online through the following Internet website: [www.hrc.army.mil](http://www.hrc.army.mil)  
Telephone: (888) 276-9472
- 2 United States Air Force  
Air Force Personnel Center  
HQ AFPC/DPSIRP  
Randolph AFB, TX 78150-4721
- 3 United States Coast Guard  
Commander, Personnel Service Center  
(BOPS-C-MR) MS7200  
2703 Martin Luther King Jr. Ave. SE  
Washington, DC 20593-7200
- 4 Department of the Navy  
Navy Personnel Command  
5720 Integrity Drive  
Millington, TN 38055-3120
- 5 United States Marine Corps  
Headquarters United States Marine Corps  
Manpower Management Records & Performance  
2008 Elliot Road  
Quantico, VA 22134-5030

(2) Electronic Access to Official Military Personnel Files. Military records can be accessed electronically by the candidate through the following website: [www.ebenefits.va.gov/ebenefits](http://www.ebenefits.va.gov/ebenefits). Candidates must then create a profile to access their official personnel files which can then be printed and provided to the investigator. This can save a considerable amount of time compared to sending a records request via U.S. mail and awaiting a response.

(3) DD 214, Certificate of Release of Discharge from Active Duty. The Department of Defense (DD) 214 form is the standard "Certificate of Release of Discharge from Active Duty" used by all branches of the armed services. Upon discharge or separation from the military, a member is provided with 2 copies of this 8-copy form. The original and number 4 copy are given to the service member. Copy numbers 2, 3, and 5 through 8 contain an additional

section located at the bottom entitled "Special Additional Information." This section contains information not provided on the original and copy number 4 (e.g., type of separation, character of service, separation authority, separation code, reenlistment code, narrative reason for separation, dates of time lost during period of service). **Every effort should be made to obtain or access a copy that contains the most detailed information as to the character of the candidate's military service.**

(4) Military Applicant Investigations. Many military occupations require candidates to have applicant investigations for various types of security clearances. Usually clearances of "Confidential" and "Secret" only require a National Agency Check (a fingerprint check through the FBI, Central Intelligence Agency, and the Department of State). A full applicant investigation is required for Top Secret clearances or any position which might require a Top Secret clearance (such as most work in communications-related fields, nuclear energy, and weapons fields). All officers in the military have an applicant investigation conducted as a matter of routine prior to or soon after their appointment.

(5) Military Acquaintances and Commanding Officers. The appropriateness of contacting these sources should be determined by the degree and recency of service to the Department's contact with the candidate. When interviewing these contacts, inquiries should include the following:

- (a) When and how long ago did you know the candidate?
- (b) How well did you know the candidate?
- (c) Was the candidate ever the subject of any disciplinary actions (judicial or nonjudicial punishment)?
- (d) Was the candidate ever Absent Without Leave or restricted?
- (e) Did the candidate ever receive extra duty?
- (f) Did the candidate ever act in an insubordinate manner or make insubordinate comments?
- (g) Are you aware of any substance abuse by the candidate?
- (h) Did the candidate get along well with superiors and subordinates?
- (i) Has the candidate ever been observed in a stressful situation? If so, how did they respond?

(j) Based on your overall knowledge of the candidate, would they be likely to be effective as a peace officer?

(6) Character of Discharge. A thorough investigation into all circumstances surrounding a candidate's discharge should be made prior to making a hiring decision. The factual situation will determine the candidate's employability, not the discharge status itself.

(a) Discharge Types. There is now uniformity among the Armed Forces and the U. S. Coast Guard in the types of discharges issued. There are five types:

1 Honorable. An honorable discharge is given to each individual who fully meets the test of honest and faithful service.

2 General (Less than Full Honorable). A general discharge is given to an individual who does not qualify for an honorable discharge but is discharged for incomparable character or efficiency traits under honorable conditions.

3 Other than Honorable Conditions. An "other than honorable" discharge is an administrative separation based on a pattern of behavior, or one or more acts or omissions that constitutes a significant departure from the conduct expected of service members.

4 Bad Conduct. A bad conduct discharge is a punitive discharge and may be adjudged by a general court martial and by a special court empowered to adjudge a bad conduct discharge. A bad conduct discharge may also be appropriate for those who have been convicted repeatedly of minor offenses and whose punitive separation appears necessary.

5 Dishonorable. A dishonorable discharge is given to an individual as a sentence of a general court-martial for a serious crime of a civil or military nature.

(b) Reenlistment Code. These codes listed on the DD 214 are used by the military services to rate the candidate's ability to be reemployed based upon the candidate's prior service, or physical or mental disabilities. Although these codes vary to some degree from service to service, a "1" or "2" generally indicates there were no problems. A "3" indicates some substantial issue that needs to be explored because reenlistment would require a waiver by the service branch. A "4" indicates reenlistment would be prohibited and must be carefully explored. For this reason, it is best to contact a recruiter for the particular

branch of service in which the candidate served, for an interpretation of the code.

(7) Selective Service Registration. In 1973, the All-Volunteer Military Force was instituted. Following the termination of the draft, no one was required to register with the Selective Service System after April 1975. In 1976, all prior draft classifications were changed so registrants were no longer subject to processing for induction. In July 1980, Congress restored the registration requirement so all males born on or after January 1, 1960, would be required to register within 30 days of their 18th birthday (Military Selective Service Act, 50USCAPP451 et. seq. to 471A). Men who were 26 years of age or older at the time the registration requirement was restored were not required to be registered. All males born on or after January 1, 1960, are required by federal law to comply with the Selective Service requirements. Each registrant is issued an individual Selective Service number and provided with a letter verifying his registration. Each man registered with the Selective Service is required by law to keep his registration record up to date (name, address, telephone number, etc.) until January of the year he reaches age 26.

(a) A candidate who is required by law to comply with the Selective Service must indicate his Selective Service number on the PHS. In addition, the candidate must provide the investigator with a copy of his Selective Service verification letter. In the event further verification is required, the investigator may conduct a search via the Internet at [www.sss.gov](http://www.sss.gov).

(b) Evidence that a candidate willfully failed to comply with Selective Service requirements would reflect on his integrity and willingness to confront problems and would dictate curtailing the investigation for selective derogatory issues. Candidates under age 26 who have not registered for Selective Service, and the investigator believes that the candidate's failure to comply was not willful or intentional, should be advised to register immediately. Under no circumstances will a candidate be selected to continue through the background investigation process without resolving Selective Service compliance.

o. Legal/Criminal History Checks. The candidate's relationship with the law is obviously an important topic of inquiry for the applicant investigator. It can be a direct indication of the candidate's honesty, integrity, sobriety, judgment, and ability to safely operate a motor vehicle. The following areas will be addressed as appropriate or when required during the course of the investigation:

(1) Criminal/Police Records. Criminal records checks shall be completed with local law enforcement agencies where the candidate has lived, worked,

attended school, or frequently visited. When verifying criminal records, every effort should be made to contact the primary source of information and, when appropriate, to interview the investigating officer or reporting party. Copies of police reports and other associated documents should be obtained whenever possible. Section 432.7(d) of the California Labor Code authorizes, with regard to peace officer candidates, the use of arrest data without an accompanying conviction. An arrest without a conviction is not proof, nor does it constitute any probative evidence, of any criminal act, and does not necessarily bear a relationship to a candidate's fitness for employment. The mere fact of an arrest should not be considered solely in making an employment decision. Whether or not an arrest resulted in a conviction, a thorough investigation should be completed regarding the circumstances of the arrest. The following factors should be taken into consideration when evaluating any arrest or other criminal or police records:

- (a) Is the candidate and individual reflected in the arrest report one and the same?
- (b) Is the information in the arrest report consistent with the information provided on the PHS and CHP 446F? (Compare residences, date and place of birth, employment information, and driver's license and social security numbers.)
- (c) What is the character of the report? Was the candidate the subject, victim, or witness in the report?
- (d) What was the nature and seriousness of the offense/incident?
- (e) What are the circumstances under which the offense occurred?
- (f) How much time has passed since the commission of the offense/incident?
- (g) What was the age of the person at the time of the offense/incident?
- (h) Was the offense an isolated incident?
- (i) Were there any social conditions which may have contributed to the offense?
- (j) Is there any evidence of rehabilitation?

(2) Allied Law Enforcement Agencies. Several counties now subscribe to a countywide automated records system for criminal history information. Investigators should be aware that individual agencies do not always input all

of their records into these systems. Whenever possible, every effort should be made to contact each individual agency within the scope of the investigation in addition to the automated system. The automated system can often direct the investigator to a record outside the scope of the investigation which otherwise may have gone undetected.

(a) City Police Departments. Police departments in cities where the candidate is or has been employed, or where the candidate resides or has resided, within the scope of the investigation, shall be personally contacted by the investigator. City police departments will only have records of contacts with, or arrests of, individuals that involved the respective police department.

(b) Sheriff's Offices. Sheriff's offices in areas where the candidate is or has been employed, or where the candidate resides or has resided, within the scope of the investigation, shall be contacted by the investigator. Sheriff's offices will usually have records of arrests and bookings occurring throughout the county by all agencies within the county. When records of arrests or bookings are disclosed, the arresting or originating agency, if not the sheriff's office, should then be directly contacted.

(c) Marshal's Offices. In many counties the marshal's office maintains the warrants issued by the courts. When this is the case, the marshal's office should be contacted for possible outstanding local warrants.

(d) Federal Law Enforcement Agencies. Occasionally, federal law enforcement agencies maintain record systems which may be appropriate in certain cases to query. The agencies that maintain these files do not routinely permit access by local agencies; however, when a need is demonstrated, they will, in most cases, comply with the request. If investigators do not have local sources within an agency, contact should be made with the agency's "duty agent." The following are examples of records/information systems of possible interest:

1 Drug Enforcement Administration. The Drug Enforcement Administration (DEA) maintains an automated record/information system known as **NADDIS** (Narcotic and Dangerous Drug Information System). This nationwide system maintains information on people, places, and things which are known or suspected of being involved in illegal activities connected with drug trafficking. If the investigator has reason to suspect that a candidate may be associated with this type of activity, it may be appropriate to contact DEA for a NADDIS check.

2 United States Customs and Border Protection. The U.S. Customs and Border Protection (CBP) maintains an automated

record/information system known as **TECS** (Treasury Enforcement Communications System). This nationwide system maintains files on people, places, and things that are known or are suspected to have been associated with violations of U.S. Laws and Treaties relating to import and export. Information concerning contraband entering the U.S. is also maintained. In instances where a candidate has resided close to an international border or has vacationed or traveled outside the U.S., it may be appropriate to contact the CBP for a TECS check.

3 Other. The investigator should be aware that other federal law enforcement agencies maintain files on violators and suspected or known associates of violators. Agencies such as U.S. Department of State; U.S. Department of Homeland Security; U.S. Secret Service; Bureau of Alcohol, Tobacco and Firearms; U.S. Marshal's Service; and the Internal Revenue Service, are agencies which can be useful to the investigator in special situations.

(e) Courts. Civil and legal court case filing may be verified by reviewing records at the appropriate judiciary level.

1 Dissolution of Marriage Documents. Verification of information can be accomplished by reviewing records at the appropriate superior court. The investigator should note which party initiated the divorce proceedings and the reason given (e.g., desertion, incompatibility, mental cruelty), and stipulations regarding child custody and visitation rights. Particular attention should be given to court-ordered child support/alimony payments. The following specific considerations should be made:

a Is the information reflected in the court records consistent with the information listed on the PHS?

b Are any required payments delinquent? (The District Attorney Child Support Division can confirm if the candidate is delinquent. District attorney records should be closely reviewed to determine if the candidate understated income and ability to pay.)

2 Civil Court Actions. The appropriate court can provide information concerning the candidate's involvement in civil court proceedings. When the investigator determines the candidate has been involved in civil action(s), the clerk of the particular court should be contacted to determine:

a In what type of civil litigation the candidate was involved?

b If the candidate was involved as a plaintiff or defendant?

c What was the final resolution of the case? (If monetary relief was ordered, in what amount and to whom? Have the monies due been paid as ordered?)

3 Juvenile Court Records. During the course of the investigation, if it is disclosed that the candidate has a record in juvenile court, every effort should be made to verify the record and the circumstances of the case. Access to juvenile offense records may be limited due to procedures available for sealing records of minors. Procedures vary from county to county to some extent due to different interpretations of the law. Occasionally, juvenile courts will not allow access to records without a court order even though the record has not been sealed. The investigator may have more favorable results by contacting the law enforcement agency involved or the juvenile probation officer assigned. In many cases when a record is ordered sealed, the involved party may legally answer that the incident did not occur. If the investigator discovers information of an arrest that is not listed and the candidate claims they have received relief from disabilities, the investigator should contact the district attorney for the court of jurisdiction for clarification. If relief has been legally obtained by the candidate, the information can still be used if documented properly, as relief provides for the lifting of criminal penalties, not civil and administrative. If reports cannot be obtained, the investigator should attempt to contact the reporting or investigating officer for details of the incident. In some cases, it may be necessary to interview the parties involved in order to properly document the details.

4 Probation. If information is developed which indicates the candidate is presently or has in the past been placed on probation, the court having jurisdiction shall be contacted to ascertain the terms and conditions of such probation. The candidate's probation officer shall also be contacted to determine if the candidate has had any probation violations. The probation officer should be questioned in detail about the candidate's suitability for employment in law enforcement.

p. Motor Vehicle Operation. The ability to safely operate a motor vehicle under a variety of circumstances is a primary requisite of the Officer, CHP, classification. It is essential that careful inquiries be made into a candidate's driving history. The candidate is required to furnish information concerning citations, crashes, and driver's license sanctions on their PHS and various preemployment documents. The information provided on the DMV summary report will be compared with the

information the candidate has provided on their PHS and various preemployment documents, and through inquiries to the automobile insurance carriers.

(1) Citations.

- (a) When appropriate, the local court's records should be reviewed to determine the actual violation (e.g., the exact speed for which cited).
- (b) The issuing officer may be contacted to ascertain the circumstances of the violation, the candidate's attitude, and whether any consideration was given (e.g., cited for less than actual speed).
- (c) At times, it may be necessary to contact the court of jurisdiction due to information errantly reported to DMV or indexed on the wrong driving record.
- (d) The investigator should check the vehicle license number listed for each entry on the DMV summary report against those which are listed by the candidate. This review may disclose vehicles not listed by the candidate which are not insured, or vehicles owned by the candidate but not registered in their name.

(2) Driver's License Restrictions/Suspensions.

- (a) Due to constantly changing status, driver's license sanctions appearing on the DMV summary report should be verified by rerunning the record or by personal contact with DMV personnel. In some cases, the payment of a reissue fee is all that is required to restore driving privileges.
- (b) If the candidate's driver's license is restricted, determine the type of restriction (e.g., may only drive to and from work, must wear corrective lenses).
- (c) The investigator should be especially mindful of restrictions and suspensions when reviewing court records, as many will not appear on the DMV summary report.

(3) Failure to Appear Actions.

- (a) The investigator should always verify these actions with the appropriate court of jurisdiction. Occasionally, violations are reported to DMV in error or indexed on the wrong person.
- (b) The investigator should always determine when and where the Failure to Appear was cleared. Does it appear that it was cleared only to obtain favorable consideration for cadet appointment? (The investigator should

make note of this information for detailed discussion during the final interview.)

(4) Crashes. Whenever possible, a copy of the crash report should be obtained from the reporting agency and, if necessary, the investigating officer should be contacted to obtain additional details.

(5) Driving While Intoxicated Arrests.

(a) A copy of the arrest report should be obtained from the arresting agency and the recency and circumstances of the arrest should be explored and reported in detail.

(b) When appropriate, contact the arresting officer for additional details which are not contained or could amplify those contained in the report.

(c) Determine if the candidate's driver license is restricted and, if so, to what extent.

(d) Review local court records to determine the existence of any court-ordered suspensions or restrictions not reflected on the DMV summary report.

(e) A recommendation to withhold a candidate based on arrest information which was discovered during the investigation may be forwarded without final court disposition. Investigators should base their recommendation to withhold the candidate on the police report, blood alcohol results, and current departmental policy. If the case has not been adjudicated and the investigator is unable to make a recommendation until the case is adjudicated, the investigation shall be held at the headquarters level until final court disposition.

(f) Any arrest which has been dismissed or reduced should be thoroughly reviewed to determine the reason(s) for the decision. It may be necessary to contact witnesses or passengers to obtain clarification of the incident.

(6) Length of Availability of Department of Motor Vehicle Records. The DMV will provide the Department with a three-year driving history of the candidate. The investigator should keep in mind that local law enforcement agencies and courts often maintain traffic records for much greater lengths of time than the DMV. Additionally, employers often require employees to list driver's license sanctions on job applications. When making employment inquiries, review these documents for admitted suspensions or restrictions which predate the DMV retention period or are not listed on the PHS or CHP 446F.

q. Financial. Inquiries into a candidate's behavior regarding finances can lead to information bearing on a candidate's integrity, problem-solving ability, and dependability. It is the responsibility of the investigator to gather accurate and detailed information from the candidate's creditors and compare the information with what was provided by the candidate on the PHS. At a minimum, the information shall include the date the account was opened, the highest balance attained, number of accounts, amount of payments, and the current status of the account ("as agreed," "slow," "60-day notice," etc.).

(1) Informational Sources. Local credit reporting agencies shall be contacted in person, where practical, otherwise by mail or fax. The investigator should also contact the candidate's current creditors. Special consideration should be given to closed accounts and the reason for closure. In cases where the account was for a loan over a fixed period of time, such as auto loans, the account may not require further consideration. However, if the account was a revolving charge, the creditor should still be contacted.

(a) Credit Reporting Agency. A great deal of financial information is obtainable from consumer credit reporting agencies. Much of the information on the credit report is in code. The Division AIU coordinator will ensure a decoding booklet is obtained from the credit reporting agency for use by the Division. Due to the varying month-to-month change in any account, the investigator should contact creditors by mail or fax to verify all information reported on consumer credit reports. The investigator should remember to check all creditors listed on the credit report against those listed on the candidate's PHS. When the candidate has resided in more than one geographical area, the investigator should ensure that credit reporting agency checks are conducted for all locations. This may require sending partials to the specific Divisions if the credit reporting agency cannot provide the information. In addition to case histories of all accounts, credit reporting information also includes:

- 1 The candidate's occupation.
- 2 Present and former addresses.
- 3 Present and former employer(s).
- 4 Spouse's name and employer(s).

(b) Individual Creditors. All current creditors should be contacted individually. Creditors often elect not to report discrepancies to credit reporting agencies but use the agency as a lever to induce payment (e.g., the creditor may send a letter advising payment is past due threatening to report the account as delinquent to the credit agency).

More detailed and current information can usually be obtained by contacting the individual creditor.

(c) Personal Credit Records. In instances where a current creditor declines to provide information, the candidate should be requested to provide their monthly statements for the last 12 months, if available. The statements can then be reviewed for the amount past due each month and for charges in excess of the limit of the account. Upon initial review of the case where the investigator suspects possible credit problems, the investigator may consider reviewing the candidate's copies of monthly statements from all creditors. These statements often contain more detailed information than what is typically reported on credit reports such as: (1) the candidate's credit balances; (2) the nature of the credit expenditures (is the candidate living above their means); (3) identification information such as social security number, account numbers and past and present residence addresses; (4) the amount past due each month; and (5) charges in excess of the limit of the account.

(2) Unfavorable or Delinquent Credit Reports. Those creditors reporting unfavorable or delinquent credit ratings shall be personally contacted to verify the rating and the reason for it. The following information should be obtained:

(a) What is the normal amount of time an account is carried before it is considered past due or delinquent?

(b) How did the creditor attempt to secure payment? Document all attempts made to obtain payment.

(c) What were the candidate's responses to requests for payment? Did they promise payment on a specific date, only to default?

(d) Has the account been assigned to a collection agency? If the account has been turned over for collection, obtain name, address, and telephone number of the collection agency.

(e) If the account noted on the credit report is from a collection agency, document all attempts made by the collection agency, and all responses made by the candidate.

(3) Debt. No conclusion should be drawn from the amount of debt a candidate possesses. It is necessary to determine whether liabilities seriously outweigh future anticipated assets, the reason for the debt, to what extent the candidate is responsible, and if there was an attempt to defraud the creditor.

(4) Refused Credit. No conclusion should be made concerning refused credit. There are many non-job-related reasons why a candidate might have been refused credit (including always paying by cash).

(5) Bankruptcy. When bankruptcy or a wage earner's plan action has been filed, the records shall be reviewed in the appropriate court clerk's office. Bankruptcy Alternatives can be filed in either the county superior court or the bankruptcy court for the U.S. District Court within the area that the candidate resides or, in some cases, the area of their place of business. **The mere existence of bankruptcy proceedings is not considered derogatory by itself.** Moreover, the underlying factors which contributed to the candidate's financial insolvency will determine if the action reflects adversely upon their employability. The investigator should be mindful that bankruptcy or similar actions only relieve the candidate of civil obligations and penalties. The preemployment process is considered an administrative proceeding, and information concerning the creditors involved in the action can be used in consideration of suitability for employment when job-relatedness can be demonstrated. The investigator should make the following determinations when reviewing the filed action:

(a) What was the primary underlying factor for the bankruptcy (e.g., had the candidate recently incurred immense medical expenses, been divorced, or lost employment in a field directly related to a deflated economy such as construction; or was the candidate financially irresponsible, living above their means, or acquiring expensive vehicles or luxury items on credit)?

(b) Compare total income and total debt at the time the action was filed. Does the disparity between the two figures reflect a gross departure from rational financial considerations (e.g., did spending far outweigh the candidate's ability to pay)?

(c) Did the candidate continue to charge purchases up until the time the action was filed? How many of these purchases were for luxury items?

(d) Has the candidate attempted to repay any of the creditors involved in the action?

(e) Has the candidate adhered to all requirements which may have been directed by the court (e.g., fully cooperated with the trustee, if appointed by the court)?

(6) Income Tax Returns. If the candidate indicates on the PHS that they are delinquent in payment of federal or state income tax, or the investigator has reason to suspect the candidate is delinquent, the investigator should request

copies of tax returns from the appropriate agency. To obtain copies of tax returns, the investigator will need to have the candidate complete a release which can be obtained from the appropriate agency and forwarded to the addresses listed below.

For State of California Income Tax Returns:

Disclosure Office  
P.O. Box 1468  
Sacramento, CA 95812-1468

For Federal Income Tax Returns:

Internal Revenue Service  
Fresno Service Center  
P.O. Box 24014  
Stop 891  
Fresno, CA 93779

(7) Student Loans. Information concerning delinquent student loans should be reflected on the commercial credit report. The status of federally insured Student Loans and National Direct or Defense Student Loans may be obtained by contacting the U. S. Office of Education. When corresponding with the Department of Education, investigators will ensure that a copy of the CHP 446B and the candidate's social security number are included. Requests should be forwarded to the following address:

U.S. Department of Education  
50 United Nations Plaza, Room 240  
San Francisco, CA 94102  
ATTN: Accounts Resolutions Branch  
(415) 556-4514

r. Social Media Check. All candidates shall be the subject of a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information and public expressions of hate made in an online forum. Social media may include, but not limited to, social networking sites, online forums, blogs, and video sharing sites. The investigative report shall depict the sites searched, the username or handle of the located profile, whether the account was public or private, and whether anything derogatory was discovered.

s. Investigative Interview. This interview shall be conducted as part of every investigation. It is preferred that a CHP Area or Division office be used whenever

practical. A local police or sheriff's station may be used if a CHP office is not available. In those instances when the investigation has not disclosed any potentially disqualifying information and it is likely the candidate will be continued through the background investigation process, a single investigator may conduct the interview. When it is anticipated that a candidate will not be continued, a second uniformed employee (this may be the Division AIU coordinator), who is assigned to or familiar with applicant investigation, shall also be present. The second employee need not be a supervisor. The entire interview shall be audio recorded with the candidate's knowledge. All recordings of interviews with candidates who are withheld will be maintained for a minimum of two years from the expiration of the certification list date. However, in the event of an appeal, the audio recording may need to be maintained for longer than two years, or until the appeal is adjudicated. All recordings from interviews with candidates who are continued shall be maintained for a minimum of six months from the investigative interview date. This will allow sufficient time for a review from CHU and protect the contents of the audio recording from destruction prior to the hiring decision.

(1) Document Review. The candidate shall be granted access to their eSOPH account to review the PHS prior to or during the interview and make any necessary additions or changes.

(2) Proper Interviewing Techniques (Interviewing Versus Interrogation). During the investigative interview, it is essential that investigators ask questions pertinent to the case and not ask superfluous or extraneous questions once an area of concern has been fully resolved or the candidate maintains their answer to a question. Caution must be exercised that tenacious investigative questioning is not pursued to the point that it appears the intent of the interview is to "bully" or "browbeat" the candidate into admitting what the investigator may want to hear. If the investigation indicates that the candidate has practiced fraud or deception in their attempt to gain employment or has been untruthful with the investigator, the investigator should confront the candidate with the facts and express an opinion regarding the matter. All questions asked of the candidate should address a legitimate concern of the investigator and be job-related. By design, the interview should not be prestructured to be stressful; however, it is recognized that confronting candidates with adverse information is usually stressful in and of itself. Investigators should go into the investigative interview with an open mind and attempt to clarify any and all discrepancies.

(a) Areas to be Discussed. The interview should be structured to accomplish the following:

1 To resolve specific questions or areas of concern raised during the investigation and afford the candidate an opportunity for explanation.

2 To develop new information.

a If new information is developed which requires additional investigation, the candidate should be informed of this fact and that a recommendation will not be rendered until a “follow-up” investigation is completed.

b Whenever a follow-up investigation is required, the candidate will be afforded a second investigative interview at the conclusion of the investigation.

3 To elicit admissions of intent in cases involving fraud or falsification.

4 To review all phases of cadet training and the duties of an officer and reconfirm the candidate's willingness to meet the conditions of employment.

(b) Advisement of Recommendation. At the conclusion of the interview, the investigator shall advise the candidate what recommendation will be made.

1 Candidates continued through the background investigation process should be provided with a copy of the Academy Cadet Standard Operating Procedures and be reminded of the rigorous academic and physical standards at the Academy. Candidates shall also be advised that appointment to the Academy is contingent upon successful completion of psychological and medical screening. Ensure that the candidate is aware that the investigative report will be reviewed by various levels within the Department before the final decision is made. Candidates shall be advised if any significant changes take place in the candidate's life (e.g., employment status, police contacts, residence, traffic citations), the investigator shall be notified of the information as soon as practical.

2 CHP 441, Job Commitment Disclosure. The CHP 441 represents a conditional offer of employment (COE) for the Cadet, CHP, classification. The form shall be provided to and completed by the candidate at the conclusion of the initial interview following the receipt of official documents (GC § 1031.2). This COE shall be provided to the applicant prior to any medical or psychological screening.

a The candidate shall thoroughly read and sign the CHP 441 at the time of the conditional offer of employment. The CHP 441 informs the candidate that employment with the CHP is contingent upon the successful completion of all applicable hiring process components. A CHP 441 may be rescinded, revoked, or discontinued when the candidate fails to complete one or more hiring components. Candidates should review the CHP 441 for specific terms and conditions.

3 Form I-9, Immigration and Naturalization Service Employment Eligibility Verification. Instruct the candidate to complete Section 1 of the Form I-9. The investigator will review the appropriate documents and complete Section 2 verifying that the candidate is eligible for employment in the U.S.

4 Candidates withheld from appointment shall be advised of the reason(s) for the negative recommendation. The candidate shall be advised of the different levels of review and that Executive Management has the final authority. No attempts should be made to predict the amount of time necessary to complete the review process and draft a withhold letter.

(c) Out-of-State Candidates. Whenever possible, it is desirable to conduct final investigative interviews in person; however, in the case of many out-of-state candidates, this would represent an undue financial hardship and extended delays in completing the investigation due to travel. Conducting the initial and investigative interviews by telephone is an alternative which may be considered for candidates who reside **sufficiently** outside of California so as to make travel to the interview site impractical. The investigative interview should be conducted by telephone and should be audio recorded.

(3) Waivers. A waiver allows the candidate to stop the employment process at any time. The candidate may waive up to two times on any one employment list. Upon receipt of the third waiver, the candidate will be removed from eligibility. Waivers are often used by candidates who are indecisive about a career in law enforcement, or are in the military and are not eligible for discharge at the time an offer for employment is made. The candidate must elect to choose one of the two following categories of waivers:

(a) Active Waiver. Submission of a CHP 447, Waiver, will remove the candidate's name from consideration for up to 60 days when the "Active" box is checked. The CHU will recontact the candidate at a later date to determine if they wish to be continued in the employment process.

(b) Inactive Waiver. Submission of a CHP 447 will remove the candidate's name from consideration indefinitely, up to the expiration date of the certification list, when the "Inactive" box is checked. To reestablish eligibility, the candidate must write to the CHP, Attention CHU, requesting their name be restored to the active list. The waiver form lists various limitations of the waiver process. The candidate should be encouraged to retain a copy for future reference. **The GC specifically prohibits the encouraging or soliciting of a waiver from a candidate at any time.** The waiver is not to be used in lieu of conducting an investigation or making an unfavorable recommendation for appointment. Candidates who desire to submit a waiver for any reason other than waiving an offer of appointment should be advised to request an inactive waiver.

t. Investigator's Recommendation. A recommendation as to the candidate's suitability for appointment shall be made. The investigator may include personal opinions regarding the candidate; however, the recommendation shall be supported by facts. Division AIU coordinators may also include comments regarding their recommendation in this section of the investigative report.

u. Follow-Up of Continued Candidates. Once a recommendation for a candidate to be continued through the background investigation process is made and the investigative report and the CHP 441 have been submitted, the Division AIU coordinator will contact the candidate to:

(1) Confirm the candidate is actively involved in an ongoing physical fitness program in preparation for the Academy physical training regimen.

(2) Confirm that the candidate has received and/or acted upon notification to continue with the remainder of the selection process (medical screening, psychological screening, etc.).

(3) Ensure that an orientation presentation on Academy training is scheduled once the candidate is cleared for appointment and has accepted an invitation to the Academy (refer to Chapter 7, Post-Investigation Process: Uniformed Classifications, paragraph 3.a., of this manual).

v. Early Termination of Investigation Based on Selective Derogatory Information. Selective Derogatory Information is defined as derogatory information which by itself will **fully support a recommendation to disqualify a candidate from the selection process**. If the SDI is substantiated, either by corroborating evidence or in an investigative interview, an abridged investigation may be completed. Ideally, SDI provides the required amount of information to support a recommendation to withhold the candidate from the selection process with a minimal amount of time expended on the investigation.

(1) Examples of circumstances which may be considered SDI and would warrant further inquiry before continuing the investigation include:

- (a) Dishonesty during the hiring process or any other attempt to fraudulently secure employment.
- (b) Disclosure of a felony conviction.
- (c) Any violation of the Department's confidential automatic disqualification criteria. (The CHU will ensure that each Division AIU coordinator is provided with current criteria.)
- (d) Recent and/or extensive arrest history.
- (e) A candidate who does not meet the minimum qualifications for the position (e.g., employment eligibility, age, education).

(2) Protocol. While conducting an investigation and when SDI is disclosed which could result in the withhold of a candidate, the investigator should consult with the Division AIU coordinator to determine whether the investigation should be discontinued and processed without further investigation. If it is determined that a candidate will be withheld based on SDI, the investigator will ensure the following:

- (a) All other discrepancies which are readily apparent from reviewing the preemployment documents (e.g., application, PHS, and Background Investigation Questionnaire) are documented.
- (b) All derogatory information developed thus far in the investigation not related to the SDI issue is also disclosed in the investigative report.
- (c) The candidate is confronted with all conflicting or derogatory information and given an opportunity to respond to each issue.

NOTE: The above circumstances are not inclusive of all situations which would warrant early termination of the applicant investigation.

(3) Resolution of Specific Issues. Whenever such potentially disqualifying information is developed, immediate steps should be taken to resolve the specific issue before continuing the investigation. This would normally require corroboration of the information and circumstances surrounding the incident. **All SDI should be corroborated to the fullest extent possible.** This is essential to ensure that the candidate is not unjustly withheld from the selection process due to misconstrued information, and to ensure that the

Department is properly prepared in the event of an appeal. The following issues should be addressed when considering a withhold based on SDI:

- (a) What are the specific issues on which the SDI will be based?
- (b) What methods should be used to establish a recommendation to withhold the candidate from consideration for employment?
- (c) Is there adequate documentation to support a withhold of the candidate (e.g., police reports, credit report)?
- (d) What was the age of the candidate at the time of the activity or offense versus their age now?

(4) Cadet Hiring Unit Role. In cases where the investigator or the AIU coordinator is unsure about terminating a full investigation and initiating a withhold on the candidate based on SDI, CHU should be contacted for a decision prior to holding the final investigative interview.

(5) Candidate's Opportunity to Respond. The candidate shall be confronted with all conflicting or derogatory information and given an opportunity to respond. This should be conducted in an interview held at either a Division or an Area office. This interview shall be audio recorded. The investigative interview recording shall be maintained at Division and retained for two years from the written test date. The following procedures are recommended when conducting the final interview for a withhold recommendation based on SDI:

- (a) Division AIU coordinators should participate in the interview.
- (b) Completely resolve each area of concern during the interview.
- (c) Afford the candidate the opportunity to explain or submit additional information regarding each area of concern.
- (d) Ensure, following the interview, any issues requiring follow-up are investigated and resolved.
- (e) In cases involving fraud or falsification, investigators should elicit admissions of intent, ensuring that the candidate is not being intimidated or badgered to make the statement the investigator wants to hear.

(6) Advisement of Selective Derogatory Information to Candidate. When SDI is discovered which warrants a suspension of the investigation, and a recommendation to disqualify the candidate from the selection process is likely, the candidate shall be told that this was a limited investigation and the

investigator's recommendation is not favorable. The investigative report shall be identified as an **SDI, Early Termination of Investigation**.

(7) Coordinators' Responsibility. Division AIU coordinators shall ensure the following considerations are addressed prior to forwarding all cases which are based on SDI:

- (a) The issue(s) are significant enough that even continuing the investigation will not change the outcome.
- (b) The investigator considered recency of the conduct, relevancy to the position applied for, and severity of the issues when considering SDI.
- (c) All issues have been verified and discussed with the candidate during the investigative interview.
- (d) The candidate was given an opportunity to express their view on each issue.
- (e) New or contradictory information, revealed during the interview, was investigated and resolved.
- (f) The investigative report is written in a logical, easy-to-follow sequence.
- (g) The Department's position can be defended in a State Personnel Board appeal.