

CHAPTER 8

APPLICANT INVESTIGATION PROCESS—NONUNIFORMED CLASSIFICATIONS

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CHAPTER 8

APPLICANT INVESTIGATION PROCESS—NONUNIFORMED CLASSIFICATIONS

1. PURPOSE OF ASSESSING INFORMATION. In keeping with the Department's commitment to hire only the most qualified individuals for all classifications and positions, the nonuniformed applicant investigation procedure was established. Inquiries relating to a candidate's background are necessary for the purpose of assessing a nonuniformed candidate's integrity, honesty, credibility, and overall suitability for employment. This chapter provides a procedural guideline which shall be used for all nonuniformed applicant investigations.

2. TYPES OF INVESTIGATIONS.

a. Sensitive Classifications. Sensitive classifications are those which have been designated as such by the California Department of Human Resources (CalHR). A comprehensive listing of the CHP classifications currently designated as sensitive is contained in Highway Patrol Manual (HPM) 10.3, Personnel Transactions Manual, Chapter 2, Nonuniformed Hiring and Appointments. Positions within these classifications require either a high level of public trust or responsibility, and/or impact the health and safety of others. Errors in judgment, inattentiveness, diminished coordination, dexterity, or composure while performing duties could clearly result in mistakes which would endanger the health and safety of others. All applicant investigations for sensitive classifications hired within field commands shall be conducted by the appropriate Division Applicant Investigation Unit (AIU) pursuant to the guidelines contained in this chapter. Uniformed Hiring Section, Cadet Hiring Unit (CHU), will conduct all applicant investigations for sensitive positions hired within headquarters commands.

b. Nonsensitive Classifications. All other departmental nonuniformed classifications are designated as nonsensitive. Pursuant to the guidelines contained within this chapter, the investigation of candidates' backgrounds for these classifications are typically the responsibility of the hiring supervisor; however, this does not prohibit the commander from delegating this responsibility to a designee of their choosing.

c. Public Safety Operator/Dispatcher Classifications. All applicant investigations for Public Safety Operator (PSO) and Public Safety Dispatcher (PSD) classifications within field commands shall be conducted by the appropriate Division AIU pursuant to the guidelines contained within this chapter.

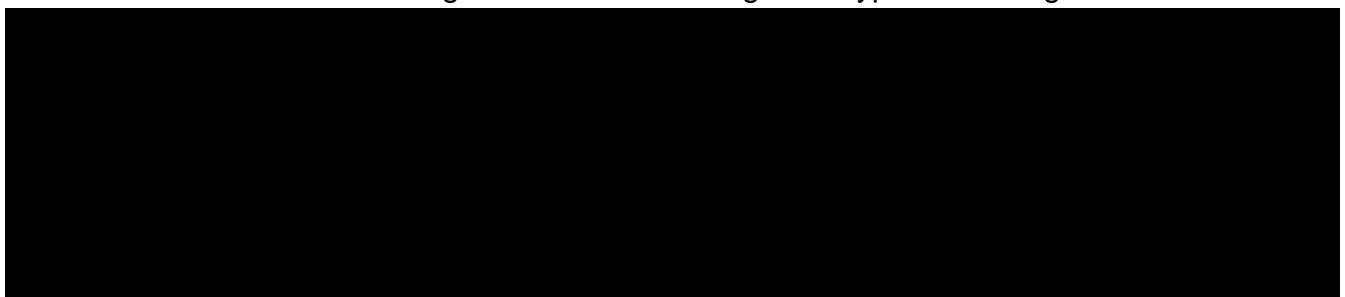
NOTE: An applicant investigation is not required when the individual is appointed as a Retired Annuitant, and the background qualifications and integrity are known to the hiring commander; however, a fingerprint inquiry is required in all cases. Refer to paragraph 3.d.

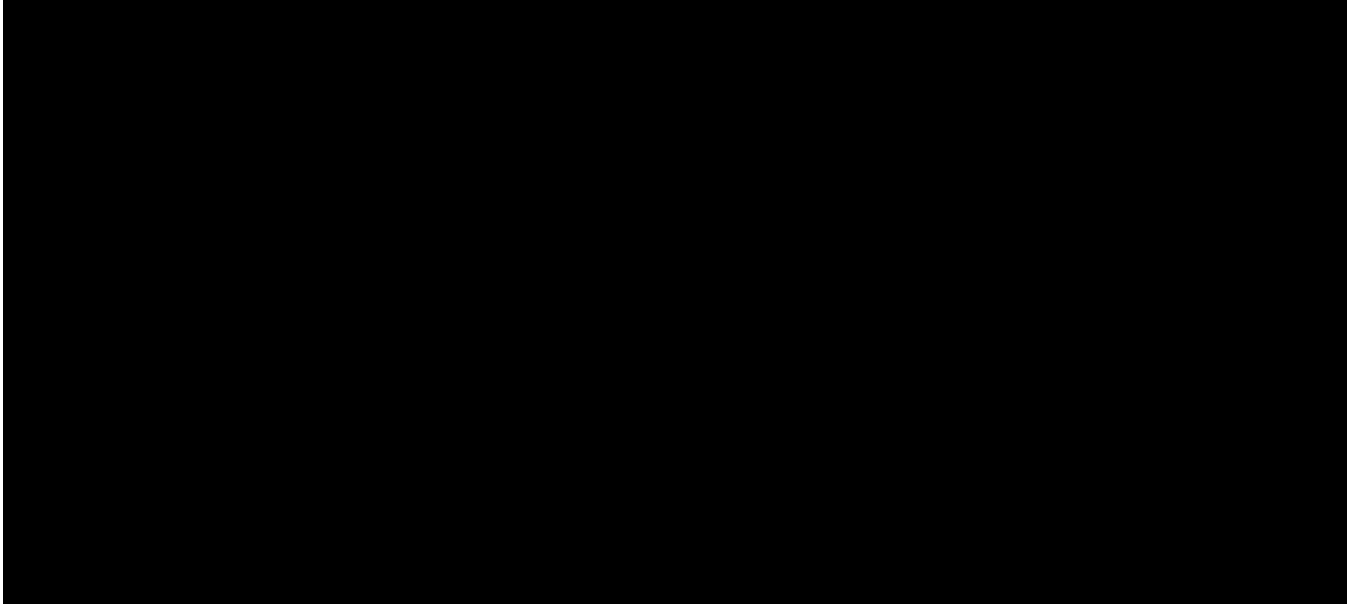
d. Partial Investigations. A partial investigation is a portion of a full investigation generally requested by another Division. When a candidate has lived or worked in more than one Division's geographical area, the primary Division having responsibility for the full investigation will request a partial investigation from each affected Division. Partial investigations shall always include local law enforcement agency and court inquiries.

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

e. Update Investigations. An update investigation is an abbreviated applicant investigation which may be utilized, when reasonable, for reinstatements after a break in service, reinstatements to a sensitive classification, or when a candidate's appointment is delayed for a period of time after the completion of the original full investigation. The areas of inquiry to be verified or updated will be dependent upon the designation of the classification.

3. REQUIREMENTS FOR ALL APPLICANT INVESTIGATIONS. The following areas of inquiry shall be completed for all types of investigations. The additional requirements for nonsensitive, nonsensitive expanded, sensitive, and PSO or PSD investigations are outlined in paragraphs 4. through 7. Upon receiving approval from Selection Standards and Examinations Section (SSES), Classification and Hiring (CH), to initiate an applicant investigation on the command's selected candidate, the hiring supervisor, commander's designee, or Division AIU coordinator or investigator (hereinafter referred to as investigator) shall immediately initiate an applicant investigation. The procedures tables located in Annexes A, B, and C briefly outline the investigation requirements and can be utilized to assist investigators with conducting each type of investigation.





b. CHP 432B, Authorization to Release Information. All classifications are required to provide a notarized CHP 432B prior to the applicant investigation commencing. The CHP 432B should be completed by the candidate, notarized, and returned to the investigator by a due date which is agreed upon in advance by both parties.

c. Personal History Statement. All classifications are required to complete a Personal History Statement (PHS) during the applicant investigation process. The PHS is a comprehensive questionnaire on which the candidate discloses pertinent information regarding personal history. Investigators utilize the PHS as a guideline to conduct applicant investigations. The type of investigation conducted dictates which PHS will be utilized.

(1) Nonsensitive Classifications. The CHP 432, Personal History Statement, Nonuniformed Applicant, California Highway Patrol, is utilized for applicant investigations for nonsensitive classifications. The CHP 432 should be completed by the candidate and returned to the investigator by a due date which is agreed upon in advance by both parties.

(2) Sensitive Classifications and Expanded Nonsensitive Investigations. The CHP 432S, Personal History Statement, Expanded Nonuniformed, California Highway Patrol, is utilized for applicant investigations for sensitive positions and for nonsensitive positions requiring an expanded investigation of residence, employment, legal, and financial inquiries. The CHP 432S should be completed by the candidate and returned to the investigator by a due date which is agreed upon in advance by both parties.

(3) Public Safety Operator/Dispatcher Classifications. The PHS contained within the electronic Statement of Personal History (eSOPH) program is

utilized for applicant investigations for PSO and PSD classifications (refer to paragraph 7.)

d. Fingerprint Inquiry. The investigator shall initiate Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) fingerprint inquiries by utilizing the Department's Live Scan terminals in accordance with the procedures outlined in General Order (GO) 32.1, Live Scan Terminals. Failure to fingerprint a candidate for both DOJ and FBI will cause a delay in the hiring process and require the candidate to be reprinted. The Human Resources Section (HRS) is capable of fingerprinting candidates for all headquarters commands. Prospective candidates shall not be hired until fingerprints are processed and returned. Derogatory information revealed as a result of the fingerprint inquiry which was not disclosed by the candidate on the PHS may be grounds for disqualification.

(1) Fingerprint inquiry results for PSO and PSD candidates shall be uploaded to the documents section within the eSOPH program. For all other sensitive classifications, the results shall be included in the investigation package.

e. Driver's License Inquiry. The investigator shall initiate a request for a motor vehicle records inquiry on candidates who possess a California Driver's License. In some cases, a candidate's driving history may yield information to indicate they are not suitable for general employment within the CHP. For example, misuse of license plates may indicate a level of integrity that is not consistent for employment within law enforcement and particularly for positions which involve access to the California Law Enforcement Telecommunications System (CLETS). For this reason, driver's license inquiries shall be conducted on all candidates for hire, regardless of whether the position involves driving a state vehicle. For positions that do not involve driving a vehicle, no conclusion is to be drawn from the fact that a candidate does not possess a driver's license.

(1) Driver's license inquiry results for PSO and PSD candidates shall be uploaded to the documents section within the eSOPH program. For all other classifications, the results shall be included in the investigation package.

(2) Positions for Which Driving is a Primary Job Requirement. The DOJ allows for driver's license inquiries and subsequent periodic checks through CLETS for positions where driving a vehicle is a requirement of the job. Therefore, for these positions, driving histories could be requested through the Driver's License/Identification Card database.

(3) Positions for Which Driving is not a Primary Job Requirement. For positions that do not require the driving of a vehicle as a primary job requirement, the investigator shall complete a Department of Motor Vehicles (DMV) INF 252, Law Enforcement Request for Driver's License/Identification

Record Information, or DMV INF 254, Government Agency Request for Driver License's/Identification Record Information, and mail it directly to DMV following the instructions on the form. The DMV requires a DMV Requester Code be provided on each DMV INF 252 and DMV INF 254. Each CHP Division AIU and Area command has been issued a DMV Requester Code.

NOTE: The DMV INF 252 and DMV INF 254 can be requisitioned from the Supply Services Unit.

(4) Out-of-State Driver's License Inquiry. Investigators shall ensure out-of-state driver's license inquiries are conducted on candidates who reside, or have resided, out-of-state. Field Division AIUs and the CHU at headquarters have procedures in place for accessing out-of-state driver's license history and should be requested to perform such driver's license inquiries. When requested, Division AIU coordinators and the CHU shall ensure that out-of-state driver's license inquiries are performed expeditiously, and the information is provided to the investigator without delay.

(5) Poor Driving Record. In most cases, a poor driving record would only be a consideration in determining whether a candidate is employable for positions which involve driving a state vehicle.

4. NONSENSITIVE INVESTIGATIONS.

a. Conducting the Investigation. In addition to the CHP 432B, fingerprint inquiry, and DMV driver's license history inquiry (refer to paragraphs 3.b., 3.c., and 3.d.), the areas of inquiry listed below shall be addressed in all nonsensitive applicant investigations. In most cases, sufficient background information can be obtained through telephone contact. Information may be limited in some cases where a candidate resides in another state or geographical region; however, investigators should attempt to reach a conclusion as to a candidate's suitability based on the available information.

(1) CHP 420, Applicant Drug History Questionnaire-Nonuniformed. All drug usage disclosures indicated on the CHP 420 and PHS shall be reviewed for consistency and be in compliance with the established drug usage parameters contained in paragraph 3.a.(1). If it is determined the disclosed drug usage falls within the disqualification parameters, proceed to paragraph 5.d.

(2) Employment Inquiry. A thorough check of present and past employers shall be conducted and should account for at least a one-year employment history. The CHP 433, Employment Inquiry Nonuniformed Applicant, shall be used for each employer contacted. Telephone contact is the preferred method.

(a) When properly notarized, the CHP 432B gives authorization to access any information which might pertain to or concern the candidate. This is 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 applying for a position within a law enforcement agency. Investigators should be prepared to explain the provisions of the law to such employers. This is based on Section 1031.1 GC (effective January 1, 2020), which requires a thorough applicant investigation of a candidate for any position within a law enforcement agency, and public policy requires that former employers of those job candidates be free to discuss the candidate's employment background. Therefore, in instances where the CHP 432B is not honored, investigators should quote these statutes and assure the employer they have the right to reveal information relative to the applicant investigation as long as the information is true and furnished without malice.

(c) The investigator should attempt to contact the candidate's immediate supervisor; however, some employers will not allow contact with coworkers or supervisors. In those cases, the investigator should attempt to contact the company's personnel office or, as a last resort, request the candidate provide a copy of their personnel records.

b. Expanding a Nonsensitive Investigation. The procedure above is mandatory for all nonsensitive positions and should provide sufficient information on which to base a hiring decision in the vast majority of cases. In some instances, however, the investigator may need to perform additional background inquiries in order to adequately assess an individual's suitability for employment. To ensure departmentwide consistency of this procedure for all candidates, the comprehensiveness of such applicant investigations shall not be expanded without the commander's approval, and then only if one of the following circumstances exists:

(1) The candidate's employment history is limited or otherwise insufficient upon which to make an adequate assessment of their qualifications for employment. In such cases, reference and residence inquiries should be initiated.

(2) Information is developed which necessitates further inquiries, such as, but not limited to:

(a) Alleged illegal activity including, but not limited to, spousal abuse, domestic violence, reckless operation of a motor vehicle, prostitution, and/or theft.

(b) Indications of excessive use of alcohol, use of drugs, or addiction to drugs and/or alcohol. In such cases, reference and residence inquiries would be appropriate. In addition, a credit inquiry may be appropriate to determine corroborative spending patterns as abuse of alcohol and/or drugs often leads to financial disarray. Poor employment attendance patterns may be associated with drug or alcohol abuse; however, in most cases, such employment history would be grounds for disqualification on its own merit.

(c) Indication of fraud or deception in securing employment. This would normally involve the candidate's employment history wherein such deception would be revealed during the required employment inquiry; however, it may pertain to inaccurate information provided on the PHS regarding residence or police contacts discovered during the employment inquiry. In such cases, additional inquiries should be conducted as appropriate to reach a logical conclusion.

(3) The position responsibilities warrant additional inquiry. For example, if the position requires direct access to CLETS, the investigator should initiate residence, reference, and credit inquiries, in addition to the mandatory inquiries; or, if the position involves the direct management of departmental funds wherein potential fraud or embezzlement would be a concern, a credit inquiry may be appropriate to be used in determining the candidate's level of responsibility, integrity, and dependability with respect to the management of funds.

c. If expanding the nonsensitive background investigation is not necessary, proceed to paragraph 5.a.(6).

5. EXPANDED NONSENSITIVE INVESTIGATIONS. Upon determining an expanded investigation is necessary, a CHP 432S shall be completed by the candidate and returned to the investigator by a due date which is agreed upon in advance by both parties.

a. Conducting the Investigation. As determined necessary by the Area commander, expanding the investigation shall be limited only to the following inquiries:

(1) Reference Inquiry. One or more of the five references listed by the candidate on the PHS should be contacted. Contact may be made by telephone, mail, or in person. Telephone contact would be the most expeditious and should normally be attempted before mail or personal contact. A CHP 434, Reference Inquiry Nonuniformed Applicant, shall be used to assist with conducting the inquiry. The investigator shall identify themselves to the reference, explain the purpose of the contact, and then read each question on the form to the reference, completing the appropriate fields in response to the reference's replies. Should the investigator choose to mail the CHP 434 to the references to complete and return, the cover letter from the CHP 433 should be attached to the CHP 434.

(2) Residence Inquiry. A check of present and past residences should be conducted to account for at least a one-year history. In the majority of cases, a check of the present residence would cover the time period specified. The investigator should obtain the telephone number of at least three of the candidate's surrounding neighbors and inquire as to the candidate's observed conduct in the neighborhood. A CHP 436, Residence Inquiry Nonuniformed Applicant, shall be used to assist with the inquiry.

(a) As an alternative to contact by telephone, a CHP 436 may be mailed to the candidate's neighbors using the same procedure previously described for reference inquiries; however, investigators should be aware that when using this method, the forms are often not returned.

(b) If the candidate is renting or leasing, the landlord or property manager should be contacted. In addition to the questions listed under Section A of the CHP 436, the landlord or property manager should be asked the questions listed under Section B which pertain to landlords.

(3) Credit Inquiry. Credit inquiries are recommended only for positions involving the management of departmental funds, supplies, equipment, or direct access to CLETS. Inquiries into a candidate's behavior regarding the handling of finances can lead to information indicative of a candidate's integrity and dependability. Additionally, credit inquiries will reveal all addresses ever indicated by a candidate on submitted applications for credit. This information is useful in determining the accuracy of information provided on the PHS. Addresses discovered through the credit inquiry which are not listed on the PHS would warrant additional investigation as to why the candidate chose not to disclose the information.

(a) Emphasis should be placed on the candidate's overall behavior regarding finances with due consideration given to mitigating circumstances. Mere inability to meet financial obligations would not, in

itself, be used to deny employment; however, poor credit history without extenuating circumstances could corroborate other issues in determining the candidate's overall integrity and dependability.

NOTE: The absence of credit history alone would not be indicative of financial irresponsibility and may necessitate further investigation.

(b) All Division AIUs contract with local credit reporting agencies; therefore, credit history reports may be obtained by contacting the Division AIU coordinator. A report will be ordered by the coordinator and forwarded upon receipt.

(4) Military Inquiry. Candidates who indicate military experience may provide their Department of Defense Form DD-214, Certificate of Release of Discharge from Active Duty, which is the standard separation document for all branches of military service. The DD-214 contains a brief summary of the candidate's military experience and training. Military inquiries should only be conducted to verify the candidate's job-related experience and training while in the military service.

(5) Criminal History Inquiry. Law enforcement agencies and courts in the candidate's city or county of residence and employment may be contacted. These inquiries can usually be done by telephone contact. Local agencies normally provide information regarding any contact they may have had with the candidate which may not be revealed through a DOJ or FBI fingerprint inquiry. Fingerprint inquiries reveal only arrests which result in charges being filed against individuals, whereas a local law enforcement inquiry would reveal any contact the local agency may have had with a candidate even if charges were not filed.

(a) The investigator should telephone the records division of the local agency and explain the reason for the inquiry. Turnaround for such inquiries is often immediate.

(b) Some counties have a countywide link which allows any agency within that county to access information from another. Any contact the candidate previously may have had with law enforcement within that county could be detected through an inquiry with any agency within the county.

(6) Final Interview. At the onset of the final interview, the candidate shall be provided the opportunity to review their PHS and make changes as necessary. Each change shall be initialed and dated. After the candidate has reviewed and signed the second signature box on the PHS, the investigator shall discuss any derogatory findings with the candidate and allow the candidate to respond.

b. Review and Concurrence. The hiring supervisor shall prepare a memorandum summarizing the results of the investigation (refer to Annexes D and E for sample memorandums). The memorandum shall also list derogatory issues, if any, and a description of the extenuating circumstances which were considered to resolve the issue, if applicable. Finally, the memorandum shall include a recommendation from the hiring supervisor as to whether the candidate is suited for employment. The memorandum should be submitted with the hiring supervisor's signature to the commander for review and concurrence. Should the commander concur with the recommendation, they shall indicate so by signing their name below the hiring supervisor's signature.

c. Results of the Investigation—Recommended. Background clearance is obtained upon the commander's concurrence with the findings of the applicant investigation.

(1) Conditional Offer of Employment. The CHP 437, Job Commitment Disclosure Nonuniformed Applicant, represents a conditional offer of employment for a nonuniformed classification. This form is provided to, and completed by, the candidate at the conclusion of the background investigation in which the candidate was recommended for hire, prior to a medical examination and the completion of any health questionnaires.

NOTE: Commands shall not make a conditional offer of employment until SSES, CH, has advised it is appropriate to do so (refer to HPM 10.3, Chapter 2).

(2) The recommended investigation shall be held by the hiring command until the approved CHP 128, Request for Personnel Action, is received from SSES, CH, at which time the investigation package shall be submitted to HRS, Personnel Files Services (PFS).

d. Results of the Investigation—Not Recommended. Determination of suitability shall be based on State Personnel Board (SPB) Rule 172 and Section 18935 GC, and the reason for withhold must be **job-related**. Requests to remove an eligible candidate from an employment list must be based on issues which fall under the criteria established by these authorities. Following the commander's review and concurrence, the completed investigation package shall be forwarded within three working days to CHU. The CHU will review the investigation package to ensure the request for withhold from certification meets SPB requirements.

(1) Withhold from Certification. The CHU coordinator will complete the withhold action and notify SSES, CH, of all candidates who are not suitable for employment. Hiring commands may proceed with identifying another candidate for the vacant position; however, a background investigation shall

not begin until confirmation has been provided by the CHU coordinator, either verbally or by departmental e-mail, that a withhold from certification will be initiated.

6. SENSITIVE INVESTIGATIONS. Candidates for positions designated as sensitive shall undergo a thorough applicant investigation prior to employment. In addition to the CHP 432B, fingerprint inquiry, and DMV driver's license history inquiry (refer to paragraphs 3.b., 3.c., and 3.d.), the investigation shall include a thorough check of references, residences, credit, education, employment, criminal history, and military (if applicable). The investigation shall account for at least a three-year history. The procedure for sensitive classifications is listed below.

NOTE: This section does not pertain to applicant investigations for PSO and PSD candidates. Refer to paragraph 7. for the applicant investigation process for these classifications.

a. Transmittal to Division Applicant Investigation Unit Coordinator. A CHP 445A, Investigation Transmittal - Nonuniformed, along with the candidate's CHP 432S; CHP 432B; CHP 420; CHP 423, Employment Applicant Disclosure; and STD. 678, Examination/Employment Application, shall be forwarded to the appropriate Division AIU coordinator. Upon receipt of these documents, the Division AIU coordinator shall promptly issue the case to an investigator and ensure the investigation is completed and returned to the hiring command within 30 days of receipt of the PHS.

b. Pre-Investigation Requirements. Prior to initiating the investigation, the following forms shall be completed and returned by the candidate:

(1) CHP 432A, Advisement (Nilsson Waiver).

(2) CHP 432B, notarized (if not obtained from the hiring command with the transmittal package).

(3) CHP 432C, Advisement to CHP Applicant Regarding the Use of Credit Report Information for Employment Purposes.

(4) CHP 432S (if not obtained from the hiring command with the transmittal package).

c. Conducting the Investigation. The areas of inquiry listed below shall be addressed in all applicant investigations for sensitive classifications where applicable. In most cases, sufficient background information can be obtained through telephone contact. In the event the investigator must contact an individual with limited English proficiency, every attempt shall be made to utilize another

investigator fluent in the individuals' primary language. Information may be limited in some cases where a candidate resides in another state or geographical region; however, investigators should attempt to reach a conclusion as to a candidate's suitability based on the available information. Division AIUs may solicit the assistance of other Division AIUs to conduct partial investigations; however, such solicitation for assistance should be the exception rather than the rule and only requested for sensitive investigations.

(1) CHP 420, Applicant Drug History Questionnaire - Nonuniformed. All drug usage disclosures on the CHP 420 and PHS shall be reviewed for consistency and be in compliance with the established drug usage parameters contained in paragraph 3.a.(2). If it is determined the disclosed drug usage falls within the disqualification parameters, proceed to paragraph 6.g.

(2) Initial Interview. The purpose of the initial interview is to familiarize the candidate with the evaluation procedures used in the selection process. The investigator shall also explain in detail the concept of confidentiality which is afforded the candidate pertaining to the results of the investigation. At the conclusion of the interview, the candidate is to be provided with the investigator's contact information and instructed to call or send an e-mail should any changes occur, or questions arise.

(3) Personal References. The five personal references listed by the candidate on the PHS shall be contacted. Contact should be made by telephone, mail, or in person. Telephone contact would be the most expeditious and should normally be attempted before mail or personal contact. The CHP 434 shall be used for each reference contacted. The investigator should identify themselves to the reference, explain the purpose of the contact, and then read each question on the CHP 434 to the reference, completing the appropriate fields in response to the reference's replies. The investigator may choose to mail the CHP 434 to the references for them to complete and return; however, this should be reserved as a last resort. In such cases, the cover letter from the CHP 433 should be attached to the CHP 434.

(a) Developed References. Contact is to be made with at least two developed references. These individuals are personally knowledgeable of the candidate but are not listed by the candidate as a reference, work supervisor, or coworker. The CHP 434 shall be used for each developed reference contacted. 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 whether the individual has 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).

(4) Relative Inquiry. All immediate relatives 18 years of age and older listed by the candidate shall be contacted. 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 candidate. Investigators should be aware that long-standing relationships with the candidate may alter family member's objectivity and provided information should be carefully evaluated. The purpose of the relative inquiry is to evaluate the candidate's suitability for the position, not to examine every minor family disagreement or unnecessarily violate a family's privacy.

(5) Spouse and/or Former Spouse. Current and former spouses (if applicable) shall be contacted by the investigator. If the candidate is currently in a nonmarital relationship, this individual should be contacted to supply a reference inquiry.

(a) 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.

(b) 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 and/or drug usage.

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.

(6) Residence Inquiry. A check of present and past residences shall be conducted to account for at least a three-year history. The CHP 436 shall be used for each residence contacted. Inquiries should be made concerning the candidate's conduct in the neighborhood, whether illegal activity is suspected, and so forth. If the candidate is renting or leasing, the investigator shall contact the landlord or property manager. In addition to the questions listed under Section A of the CHP 436, the landlord or property manager should also be asked the questions listed under Section B which pertain to landlords.

(7) Education. The investigator shall verify the candidate's education history documented on the PHS by obtaining and reviewing transcripts. Transcripts need not be official and should not be requested for education received below high school level.

(8) Prior Law Enforcement Applications. The investigator should verify information regarding all applications submitted to law enforcement agencies by contacting the agency involved and reviewing any necessary documentation. The following areas should be reviewed for consistency with the information on the PHS:

- (a) Employment.
- (b) Criminal History.
- (c) Drug Use.
- (d) Applications with Other Law Enforcement Agencies.
- (e) Residences.
- (f) References.
- (g) Driving History.
- (h) Credit Information.

(9) Employment Inquiry. A thorough inquiry of present and past employers shall be conducted, accounting for at least a three-year employment history. The CHP 433 shall be used for each employer contacted. Telephone contact is the preferred method.

- (a) When properly completed and notarized, the CHP 432B gives authorization to access any information which might pertain to or concern the candidate. This is 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 GC, which compels past employers to provide employment information on past or current employees if the individual is applying for a position within a law enforcement agency. Investigators should be prepared to explain the provisions of the law to such employers. This is based on Section 1031.1 GC (effective January 1, 2020), which requires a thorough applicant investigation of a candidate for any position within a law enforcement agency, and public policy requires that former employers of those job candidates be free to discuss the candidate's employment background. Therefore, in instances where the release of information form 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) The investigator should attempt to contact the candidate's immediate supervisor; however, some employers will not allow contact with coworkers or supervisors. In those cases, the investigator should attempt to contact the company's personnel office or, as a last resort, request the candidate provide a copy of their personnel records.

(10) Military Inquiry (if applicable). Candidates who indicate military experience may provide their Department of Defense Form DD-214, which is the standard separation document for all branches of military service. The DD-214 contains a brief summary of the candidate's military experience and training. Military inquiries should be conducted only if needed to verify the candidate's job-related experience and training while in the military service.

(11) Criminal History Inquiry. The investigator shall contact law enforcement agencies and courts in the cities or counties where the candidate is or has been employed, and where the candidate resides or has resided, within the scope of the investigation. Local agencies normally provide information regarding any contact they may have had with the candidate which may not have been revealed through a DOJ or FBI fingerprint inquiry. Some counties have a countywide link which allows any agency within that county to access information from another. Contacts the candidate may have had with law enforcement within that county could be detected through an inquiry with any agency within the county.

(12) Credit Inquiry. The investigator shall conduct a credit history inquiry for all candidates. Inquiries into a candidate's behavior regarding the handling of finances can often lead to information indicative of a candidate's integrity and dependability.

(a) Emphasis should be placed on the candidate's overall behavior regarding finances with due consideration given to mitigating circumstances. Mere inability to meet financial obligations would not, in itself, be used to deny employment; however, poor credit history without extenuating circumstances could corroborate other issues in determining the candidate's overall integrity and dependability.

NOTE: The absence of credit history alone would not be indicative of financial irresponsibility and may necessitate further investigation.

(b) Division AIUs should request credit history information through their existing contracts with local credit reporting agencies.

(13) Discrepancy Interview. Should derogatory information be revealed during the investigation, a discrepancy interview with the candidate shall be conducted. The investigator shall discuss any derogatory findings with the candidate and allow the candidate to respond. If possible, the hiring supervisor should also be present during the discrepancy interview. Discrepancy interviews are often combined with the final interview. A discrepancy interview separate from the final interview is not required.

(14) Final Interview. At the onset of the final interview, the candidate shall be provided the opportunity to review their PHS and make changes as necessary. Each change shall be initialed and dated. After the candidate has reviewed and signed the second signature box on the PHS, the investigator shall discuss any derogatory findings with the candidate and allow the candidate to respond. The investigator shall ensure the candidate is aware that a completed background investigation does not constitute an offer of employment nor an official disqualification, and the report will be reviewed by various levels within the Department before a final determination is made.

d. Report Writing. The CHP 435, Investigation Report Nonuniformed Applicant, shall be used to document the findings of the investigation. Statements obtained from the references contacted shall be documented in the report; paraphrasing is acceptable. The report closely follows the sequence of the PHS and shall be completed by the investigator as outlined below. The investigator shall note for each area of inquiry whether derogatory information was obtained.

(1) Personal References. The investigator shall document the name of each personal reference contacted and their response to the reference inquiry.

There must be no less than five personal reference statements documented in the investigative report.

(a) Developed References. The investigator shall document the name of each developed reference and their response to the reference inquiry. There should be no less than two developed reference statements documented.

(2) Family References. The name of each relative contacted, their relationship to the candidate, and their response to the reference inquiry shall be documented. If a relative failed to respond after the investigator made multiple attempts to contact them, the name of the relative, relationship, and attempted contacts shall be documented.

(3) Spouse and/or Former Spouse. This section shall be used to document the reference statements obtained from the candidate's current and former spouses (if applicable). If the candidate is currently in a nonmarital relationship, the reference statement obtained from this individual should be included in this section. If the investigator made multiple attempts to contact an individual with no response, the name of the individual, their relationship to the candidate, and attempted contacts shall be documented.

(4) Residence Inquiry. All addresses and dates of residency for a minimum of the last three years shall be documented by the investigator. Each address listed must include the following (if applicable):

(a) Name, address, and response to the reference inquiry for neighbors contacted. If a neighbor fails to respond to the inquiry, the attempted contacts shall be documented.

(b) Name of landlord or property manager and response to the reference inquiry. If a landlord or property manager fails to respond to the inquiry, the attempted contacts shall be documented. When the residence is located within an apartment complex and the manager advises there are no existing neighbors who were tenants during the time frame the candidate was a resident, this information must be contained within the report to support the absence of neighbor inquiries.

(5) Education. The investigator shall provide a brief summary of the candidate's educational background. If copies of transcripts are obtained, they may be included in the investigation package.

(6) Prior Law Enforcement Applications. The investigator shall document whether the candidate has submitted previous applications to law

enforcement agencies indicating the name of each agency and the candidate's status in the process.

(7) Employment and Experience. All employers and dates of employment for a minimum of the last three years shall be documented by the investigator. Each employment listed must include the following (if applicable):

(a) Supervisors. Name and reference statements from contacted supervisors must be documented. If the candidate did not have a supervisor, or the attempts to make contact are unanswered, this shall be documented.

(b) Coworkers. Name and reference statements from contacted coworkers must be documented. If the candidate did not have any coworkers, or the attempts to make contact are unanswered, this shall be documented.

(c) Human Resources. The name of the human resources point of contact and the information obtained shall be included. If a file review was executed, a summary of the findings shall be included. If there is not a human resources office, a personnel file to review, or the attempts to make contact are unanswered, this shall be documented.

(8) Military Service (if applicable). The investigator shall provide a summary of the candidate's military history, if any. If documents are obtained, they may be included in the investigation package.

(9) Criminal and Legal. The investigator shall document all law enforcement agencies and courts that were contacted, dates of contact, and the results obtained (e.g., no record, record found). If derogatory information was not obtained, no further documentation is needed. If derogatory information was discovered, the investigator shall address the findings in detail. All criminal history returns, police reports, and other associated documents obtained shall be included in the investigation package.

(a) Substance Abuse. The investigator shall document all drug usage disclosures and discrepancies discovered.

(10) Motor Vehicle Operations. The investigator shall provide a summary of the candidate's driving history to include citations, crashes, and any derogatory findings. The driver license inquiry results shall be included in the investigation package.

(11) Financial. The investigator shall include the credit history report in the investigation package and document whether derogatory information was obtained.

(12) Investigative Narrative. The CHP 435 narrative should include the date the final interview was conducted, who was present, a listing of all derogatory findings, the candidate's response, a description of the extenuating circumstances considered, and whether the findings were resolved.

(13) Recommendation. The investigator shall conclude the report with a recommendation regarding whether the candidate is suitable for employment based on the criteria established by Title 2, Section 172 of the California Code of Regulations (CCR) and Section 18935 GC.

e. Review and Concurrence.

(1) Prior to concurrence, the Division AIU coordinator shall thoroughly review each investigation to ensure all areas of inquiry were appropriately investigated and the facts support the recommendation. Upon concurrence with the investigator's recommendation, the Division AIU coordinator shall sign the CHP 435 and CHP 445A, then promptly forward the investigation to the hiring command.

(2) Upon review of the investigation, the hiring supervisor and commander shall document their concurrence on the CHP 445A by checking the appropriate box and providing their signatures.

f. Results of the Investigation—Recommended. Background clearance is obtained upon the commander's concurrence with the recommendation.

(1) Conditional Offer of Employment. The CHP 437 represents a conditional offer of employment for a nonuniformed classification. The hiring command provides the CHP 437 to the candidate for completion at the conclusion of the background investigation in which the candidate was recommended for hire, prior to a medical examination, drug screening, and completion of any health questionnaires.

NOTE: Commands shall not make a conditional offer of employment until SSES, CH, has advised it is appropriate to do so (refer to HPM 10.3, Chapter 2).

(2) The recommended investigation package shall be held by the hiring command until the approved CHP 128 is received from SSES, CH, at which time the investigation package shall be submitted to HRS, PFS.

g. Results of the Investigation—Not Recommended. Determination of suitability shall be based on Title 2, Section 172 CCR and Section 18935 GC, and the reason for withhold must be **job-related**. Requests to remove an eligible candidate from an employment list must be based on issues which fall under the criteria established by these authorities. Upon concurrence of the recommendation, the hiring command shall forward the investigation package to CHU within three working days. The CHU coordinator will review the investigation report to ensure it is within the parameters of applicable legal constraints and the recommendation is supported by the facts.

(1) Withhold from Certification. The CHU coordinator will complete the withhold action and notify SSES, CH, of all candidates who are not suitable for employment. Hiring commands may proceed with identifying another candidate for the vacant position; however, a background investigation shall not begin until confirmation has been provided by the CHU coordinator, either verbally or by departmental e-mail, that a withhold from certification will be initiated.

7. PUBLIC SAFETY OPERATOR/DISPATCHER INVESTIGATIONS. Candidates for PSO/PSD classifications shall undergo a thorough investigation prior to employment. In addition to the fingerprint inquiry and DMV driver license history inquiry (refer to paragraphs 3.b., 3.c., and 3.d.), the investigation shall include a thorough check of references, residences, education, employment, criminal history, military, and credit. The investigation shall account for a ten-year history depending upon the area of inquiry. The procedure for PSO/PSD classifications is as follows:

a. Transmittal to Division Applicant Investigation Unit Coordinator. A CHP 445A, along with the candidate's CHP 432B, CHP 420, CHP 423, and STD. 678 shall be forwarded to the appropriate Division AIU coordinator. Upon receipt of these documents, the Division AIU coordinator shall promptly provide instructions to the candidate to complete a PHS within the eSOPH program and submit all required documents within a specified time frame (normally 21 days). Upon expiration of the candidate's access to eSOPH, the Division AIU coordinator shall promptly assign the case to an investigator.

b. Conducting the Investigation. The areas of inquiry listed below shall be addressed in all investigations where applicable. In the event the investigator must contact an individual with limited English proficiency, every attempt shall be made to utilize another investigator fluent in the individual's primary language. While it is understandable there may be instances in which necessary contact may not be feasible, the investigator must explore other avenues before determining contact is not possible.

NOTE: Partial investigations should be requested for areas of inquiry requiring in-person contact when the entity is not located within the assigned investigators' Division.

(1) CHP 420, Applicant Drug History Questionnaire - Nonuniformed. All drug usage disclosures on the CHP 420 and PHS shall be reviewed for consistency and be in compliance with the established drug usage parameters contained in paragraph 3.a.(2). If it is determined the disclosed drug usage falls within the disqualification parameters, proceed to paragraph 7.f.

(2) Initial Interview. The initial interview allows the investigator to collect the necessary original documents; confirm with the candidate the documents are true, correct, and current; explore reasons or explanations for curious, suspicious, or incomplete responses; correct unintentional errors or oversights; and build a rapport with the candidate. The investigator shall also explain in detail the concept of confidentiality which is afforded the candidate pertaining to the results of the investigation. At the conclusion of the interview, the candidate is to be provided with the investigator's contact information and instructed to call or send an e-mail should any changes occur, or questions arise.

(3) Reference Inquiry. References should be contacted through the eSOPH program or by telephone. At a minimum, all questions listed on the eSOPH reference questionnaire should be asked of all references contacted by telephone.

(a) Personal References. All five personal references listed by the candidate shall be contacted. Should a personal reference fail to respond after multiple attempts to contact have been made, the candidate shall supply an additional reference.

1 Developed References. Contact is to be made with at least two developed references. These individuals are personally knowledgeable of the candidate but are not listed by the candidate as a reference, work supervisor, or coworker. 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 whether the individual has 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).

(4) Relative Inquiry. All relatives 18 years of age and older listed by the candidate shall be contacted. 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 candidate. Investigators should be aware that long-standing relationships with the candidate may alter family member's objectivity and provided information should be carefully evaluated. The purpose of the relative inquiry is to evaluate the candidate's suitability for the position, not to examine every minor family disagreement or unnecessarily violate a family's privacy.

(5) Spouse and/or Former Spouse. Current and former spouses (if applicable) shall be contacted by the investigator. If the candidate is currently in a nonmarital relationship, this individual should be contacted to supply a reference inquiry.

(a) Official divorce decrees and/or marriage certificates shall be reviewed and uploaded into the documents section within the eSOPH program.

(b) 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.

(c) 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 and/or drug use.

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 the information provided is not biased.

(6) Residence Inquiry. A check of present and past residences shall be conducted to account for at least a ten-year history. A minimum of three

persons living near the candidate's present and former residences are to be contacted. Every attempt should be made to contact the candidate's current and former housemates, if any. Inquiries should be made concerning the candidate's conduct in the neighborhood, whether illegal activity is suspected, and so forth. No conclusions should be drawn from the mere fact the candidate owns, rents, or lives with relatives.

(a) Personal Contact. Present and former neighbors must be contacted in person for the past one year. If derogatory information is not obtained for the one-year period, the remaining residence inquiries may be made through other means. If derogatory information is developed, every attempt should be made to resolve or substantiate the information.

(b) If the candidate is renting or leasing, the investigator shall contact the landlord or property manager. When contacting landlords and apartment complex managers, the investigator should closely review the documents contained in the tenant file. Prior to contacting neighbors in apartment complexes, it is advisable to ascertain from the manager which tenants were residents during the time of the candidate's occupancy. This will avoid disturbing tenants who do not have knowledge of the candidate.

(c) If there appears to be a pattern of frequent moves, no judgment should be made from this fact alone; however, further investigation may be warranted. 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.

(7) Education. The candidate shall provide official, signed transcripts for all levels of education indicated on the PHS, beginning with high school. If the candidate notes degrees have been awarded, the transcripts must corroborate this information. Additionally, in instances where the candidate indicates receipt of licenses or certificates, copies shall be obtained.

(a) All transcripts, licenses, and certificates shall be uploaded to the documents section within the eSOPH program.

(8) Prior Law Enforcement Applications. Information regarding all applications submitted to law enforcement agencies is to be verified by contacting the agency involved and reviewing any necessary documentation. The following areas should be reviewed for consistency with the information on the PHS:

(a) Employment.

(b) Criminal History.

- (c) Drug Use.
- (d) Applications with Other Law Enforcement Agencies.
- (e) Residences.
- (f) References.
- (g) Driving History.
- (h) Credit Information.

(9) Employment Inquiry. All employers for a minimum of the past ten years shall be contacted. 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.

(a) 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 through other means for the remaining employers. All derogatory information shall be explored. At times, employers may refuse to let coworkers and supervisors be interviewed 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.

1 Supervisors. All present and former immediate supervisors should be personally interviewed. Investigators should not limit supervisory contact to only those provided by the candidate on 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.

2 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 on 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.

3 Human Resources. In instances where an employer has a human resources department, the investigator shall request to review the candidate's personnel file. If unable to obtain the personnel file from the employer, as a last resort, the investigator may request the candidate provide a copy of their personnel records. Pertinent documents should be thoroughly reviewed to ensure the information is compatible with information on other source documents. In some cases, personnel records cannot be obtained or reviewed.

(b) Some employers may be reluctant to provide information without a signed CHP 432B. In those instances, the investigator may provide the employer a copy of the signed and notarized CHP 432B, which authorizes the investigator to access any information which might pertain to or concern the candidate. This is used when accessing public, employment, or personnel records, but could be used during interviews with references, neighbors, or coworkers.

(c) 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 GC, which compels past employers to provide employment information on past or current employees if the individual is applying for a position within a law enforcement agency. Investigators should be prepared to explain the provisions of the law to such employers. This is based on Section 1031.1 GC (effective January 1, 2020), which requires a thorough applicant investigation of a candidate for any position within a law enforcement agency, and public policy requires that former employers of those job candidates be free to discuss the candidate's employment background. Therefore, in instances where the release of information form 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.

(10) Military Inquiry. The candidate's military history and compliance with the Military Selective Service Act registration requirements (if applicable) shall be investigated.

(a) 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. Military records can be accessed electronically by the candidate through the following Web site at www.ebenefits.va.gov. Candidates must 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. If electronic review is not possible, refer to Chapter 5, Conducting the Investigation—Uniformed Classifications, of this manual for additional methods to obtain access to these records.

(b) DD Form 214, Certificate of Release of Discharge from Active Duty. The DD Form 214 is the standard separation document for all branches of military service. Upon discharge or separation from the military, the service member is provided with the Member 1 Copy (short form) and the Member 4 Copy (long form), while the additional long form, the Service 2 Copy, is sent to the military service.

1 Proof of service shall consist of an official Member 4 or Service 2 Copy of the DD Form 214, unless the candidate is presently on active duty, in which case they will not yet have been issued a DD Form 214. Discharge from reserve duty does not typically result in issuance of a DD Form 214.

(c) Selective Service Registration. 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 card and/or letter verifying registration.

1 A candidate who is required by law to register with the Selective Service must indicate their Selective Service number on the PHS. In addition, the candidate must provide the investigator with a copy of their Selective Service verification card or letter. In the event further verification is required, the investigator may conduct a search via the Internet at www.sss.gov/verify.

2 Evidence that a candidate willfully failed to comply with Selective Service registration requirements may reflect on their integrity and willingness to confront problems. Failure to register warrants further investigation and does not necessitate an immediate disqualification.

(d) Documentation substantiating military service and/or registration with the Selective Service (if applicable) shall be uploaded to the documents section within the eSOPH program.

(11) Criminal History Inquiry. The investigator shall contact law enforcement agencies and courts in the cities and counties where the candidate is or has been employed, resides or has resided, and/or has frequently visited, within

the scope of the investigation. Local agencies normally provide information regarding any contact they may have had with the candidate that may not have been revealed through a DOJ or FBI fingerprint inquiry. Some counties have a countywide link which allows any agency within that county to access information from another. Contacts the candidate may have had with law enforcement within that county could be detected through an inquiry with any agency within the county.

(a) All criminal history returns, police reports, and other associated documents shall be uploaded into the eSOPH program.

(b) The International Criminal Police Organization. If during the course of the investigation it is determined the candidate at any point worked, resided, or frequently visited a location not within the U.S., the investigator shall initiate an International Criminal Police Organization (INTERPOL) law enforcement check. The request will be processed by the CHP's Emergency and Tactical Alert Center, who serves as the statewide INTERPOL liaison to the U.S. DOJ (refer to GO 81.6, Investigative Informational Database Systems).

(12) Credit Inquiry. The investigator shall conduct a credit history inquiry for all candidates. Inquiries into a candidate's behavior regarding the handling of finances can often lead to information indicative of a candidate's integrity and dependability.

(a) The credit report shall be uploaded to the documents section within the eSOPH program.

(b) Credit inquiries will reveal all addresses ever indicated by a candidate on submitted applications for credit. This information is useful in determining the accuracy of the information provided on the PHS. Addresses discovered through the credit inquiry which are not listed on the PHS would warrant additional investigation as to why the candidate chose not to disclose the information.

(c) Emphasis should be placed on the candidate's overall behavior regarding finances with due consideration given to mitigating circumstances. Mere inability to meet financial obligations would not, in itself, be used to deny employment; however, poor credit history without extenuating circumstances could corroborate other issues in determining the candidate's overall integrity and dependability.

NOTE: The absence of credit history alone would not be indicative of financial irresponsibility and may necessitate further investigation.

(d) Division AIUs should request credit history information through their existing contracts with local credit reporting agencies.

(13) Discrepancy Interview. Should derogatory information be revealed during the investigation, a discrepancy interview with the candidate shall be conducted. The investigator shall discuss any derogatory findings with the candidate and allow the candidate to respond. Discrepancy interviews are often combined with the final interview; a discrepancy interview separate from the final interview is not required.

(14) Final Interview. Prior to conducting the final interview, the investigator shall grant the candidate access to their eSOPH profile (typically three to five days) providing the candidate an opportunity to review their PHS and make any necessary changes. At the final interview, the investigator shall discuss any derogatory findings with the candidate and allow the candidate to respond. The investigator shall ensure the candidate is aware that a completed background investigation does not constitute an offer of employment nor an official disqualification, and the report will be reviewed by various levels within the Department before a final determination is made.

c. Report Writing. The CHP 435P, Public Safety Dispatcher Investigation Report, shall be used to document the findings of the investigation. The CHP 435P is considered a standalone document; therefore, all areas of inquiry shall be thoroughly addressed. Statements obtained from the references contacted shall be documented in the report; paraphrasing is acceptable. The report closely follows the sequence of the PHS and shall be completed by the investigator as listed below. The investigator shall note for each area of inquiry whether derogatory information was obtained.

(1) Attestation Clause. Due to the eSOPH program storing documents electronically rather than hard copy originals, it is necessary for the investigator to include a clause in the narrative certifying all original documents submitted by the candidate were reviewed and verified as authentic by the investigator.

(2) Personal References. The investigator shall document the name of each personal reference contacted and their response to the reference inquiry. There must be no less than five personal reference statements documented in the investigative report.

(a) Developed References. The investigator shall document the name of each developed reference and their response to the reference inquiry. There should be no less than two developed reference statements documented in the investigative narrative.

(3) Family References. The name of each relative contacted, their relationship to the candidate, and their response to the reference inquiry shall be documented. If a relative failed to respond after the investigator made multiple attempts to contact them, the name of the relative, relationship, and attempted contacts shall be documented.

(4) Spouse and/or Former Spouse. The investigator shall document whether the candidate has any current and/or former spouses and include the reference statements obtained from these individuals. If the candidate is currently in a nonmarital relationship, the reference statement obtained from this individual should be included in this section. If the investigator made multiple attempts to contact an individual with no response, the name of the individual, their relationship to the candidate, and attempted contacts shall be documented.

(5) Residence Inquiry. All addresses and dates of residency for a minimum of the last ten years shall be documented by the investigator. Each address listed must include the following (if applicable):

(a) Name, address, and response to the reference inquiry for neighbors contacted. If a neighbor fails to respond to the inquiry, the attempted contacts shall be documented.

(b) Name of landlord or property manager and response to the reference inquiry. If a landlord or property manager fails to respond to the inquiry, the attempted contacts shall be documented. When the residence is located within an apartment complex and the manager advises there are no existing neighbors who were tenants during the time frame the candidate was a resident, this information must be contained within the report to support the absence of neighbor inquiries.

(c) Name and response to the reference inquiry for housemates contacted. If a current or former housemate fails to respond to the inquiry, the attempted contacts shall be documented.

(6) Education. The investigator shall provide a brief summary of the candidate's educational background. This information will be corroborated by the documents obtained and uploaded into the eSOPH program.

(7) Prior Law Enforcement Applications. The investigator shall document whether the candidate has submitted previous applications to law enforcement agencies indicating the name of each agency and the candidate's status in the process.

(8) Employment and Experience. All employers and dates of employment for a minimum of the last ten years shall be documented by the investigator. Each employment listed must include the following (if applicable):

(a) Supervisors. Name and reference statements from contacted supervisors must be documented. If the candidate did not have a supervisor or the attempts to make contact were unanswered, this shall be documented.

(b) Coworkers. Name and reference statements from contacted coworkers must be documented. If the candidate did not have any coworkers or the attempts to make contact were unanswered, this shall be documented.

(c) Human Resources. The name of the human resources point of contact and the information obtained shall be included. If a file review was executed, a summary of the findings shall be included. If there is no human resources office, a personnel file to review, or the attempts to make contact were unanswered, this shall be documented.

(9) Military Service. Information pertaining to the candidate's military history and Selective Service registration compliance shall be documented by the investigator. If the candidate did not serve in the military or is not required to register for the Selective Service, this information shall be noted.

(10) Criminal and Legal. The results of the law enforcement and court inquiries shall be documented, including whether derogatory information was discovered or disclosed. If derogatory information was obtained, a summary of the findings shall be included in this section with a detailed explanation provided in the investigative narrative (refer to paragraph 7.c.[13]).

(a) Substance Abuse. The investigator shall document all drug usage disclosures and discrepancies discovered.

(b) Sexual Crimes/Activity. The investigator shall document whether the investigation revealed sexual misconduct or behavior.

(11) Motor Vehicle Operations. The investigator shall provide a summary of the candidate's driving history to include citations, crashes, and any derogatory findings.

(12) Financial. Information regarding the candidate's financial responsibility shall be documented by the investigator.

(13) Investigative Narrative. The CHP 435P narrative should include the date the final interview was conducted, who was present, a listing of all derogatory findings, the candidate's response, a description of the extenuating circumstances considered, and whether the finding was resolved.

(14) Recommendation. The investigator shall conclude the report with a recommendation regarding whether the candidate is suitable for employment based on the criteria established by Title 2, Section 172 CCR and Section 18935 GC.

d. Review and Concurrence. Prior to concurrence, the Division AIU coordinator shall thoroughly review each investigation to ensure all areas of inquiry were appropriately investigated and the facts support the recommendation. Upon concurrence, the Division AIU coordinator shall promptly assign the investigation to the CHU coordinator.

e. Results of the Investigation—Recommended. Background clearance is obtained upon the Division AIU coordinator's concurrence with the investigator's recommendation.

(1) Conditional Offer of Employment. The CHP 437 represents a conditional offer of employment for a nonuniformed classification. The CHP 437 is provided to and completed by the candidate at the conclusion of the background investigation in which the candidate was recommended for hire, prior to a medical examination, drug screening, and completion of any health questionnaires.

NOTE: Commands shall not make a conditional offer of employment until SSES, CH, has advised it is appropriate to do so (refer to HPM 10.3, Chapter 2).

(2) The recommended investigation shall be assigned to the CHU coordinator, who will review the investigation report to ensure it is within the parameters of applicable legal constraints and the recommendation is supported by the facts.

f. Results of the Investigation—Not Recommended. Determination of suitability shall be based on Title 2, Section 172 CCR and Section 18935 GC, and the reason for withhold must be **job-related**. Requests to remove an eligible candidate from an employment list must be based on issues which fall under the criteria established by these authorities. Upon concurrence of the investigator's recommendation, the Division AIU coordinator shall assign the investigation package to the CHU coordinator. The CHU coordinator will review the investigation report to ensure it is within the parameters of applicable legal constraints and the recommendation is supported by the facts.

(1) Withhold from Certification. The CHU coordinator will complete the withhold action and notify SSES, CH, of all candidates who are not suitable for employment. Hiring commands may proceed with identifying another candidate for the vacant position; however, a background investigation shall not begin until confirmation has been provided by the CHU coordinator, either verbally or by departmental e-mail, that a withhold from certification will be initiated.

8. RETENTION PERIOD. The following retention periods shall be adhered to:

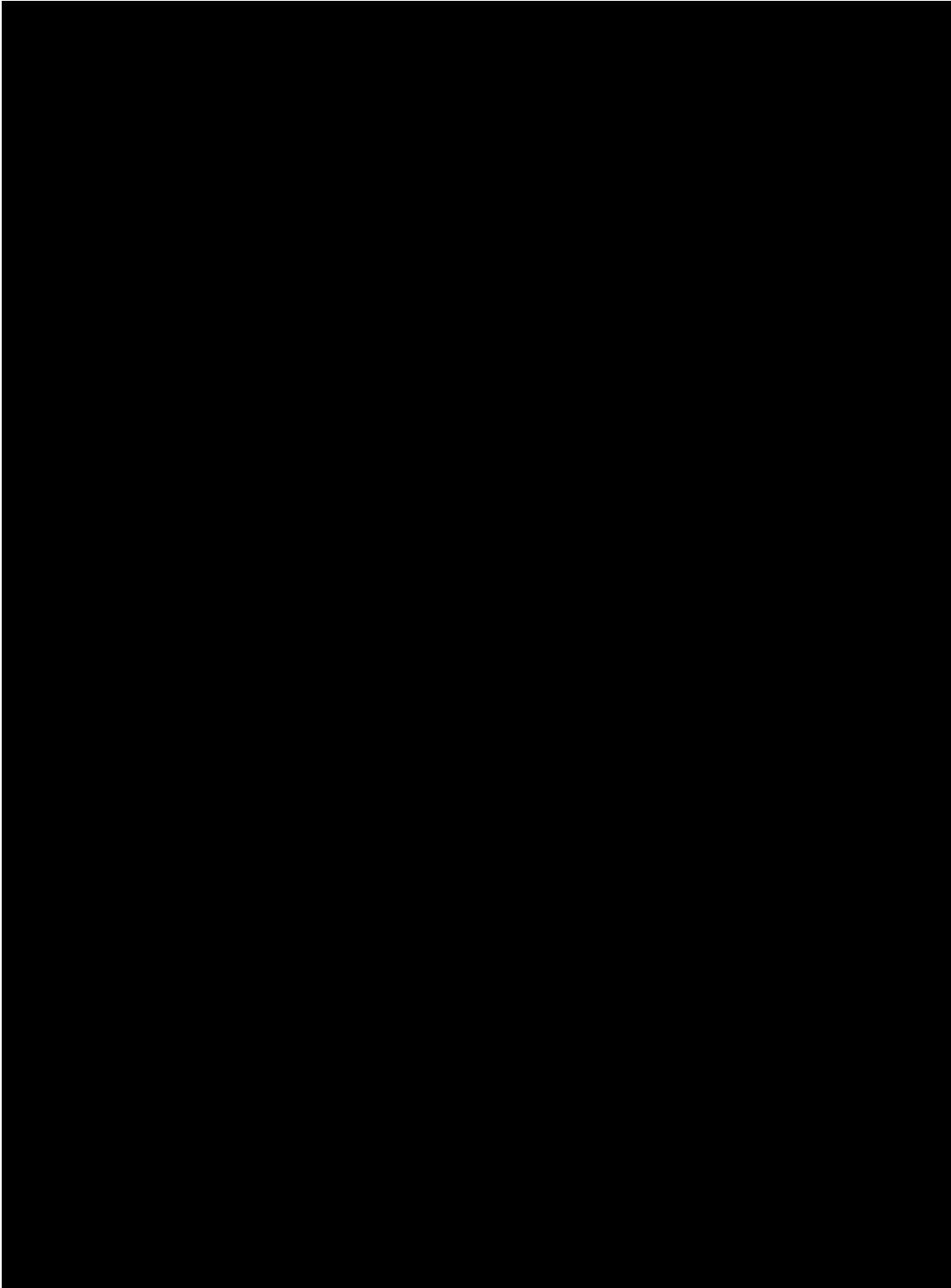
a. Hired. In cases where the candidate was hired, the completed investigation package and any medical-related documents will be maintained by PFS for the employed life, plus three years.

b. Withheld. In cases where the candidate was withheld from appointment as a result of the investigation, drug screening, or medical examination, the CHU will maintain all files for a minimum of five years from the date of creation.

c. Waived. In the event a candidate waives the position prior to appointment or disqualification, the CHU will maintain all files for a minimum of five years from the date of creation.

ANNEX A

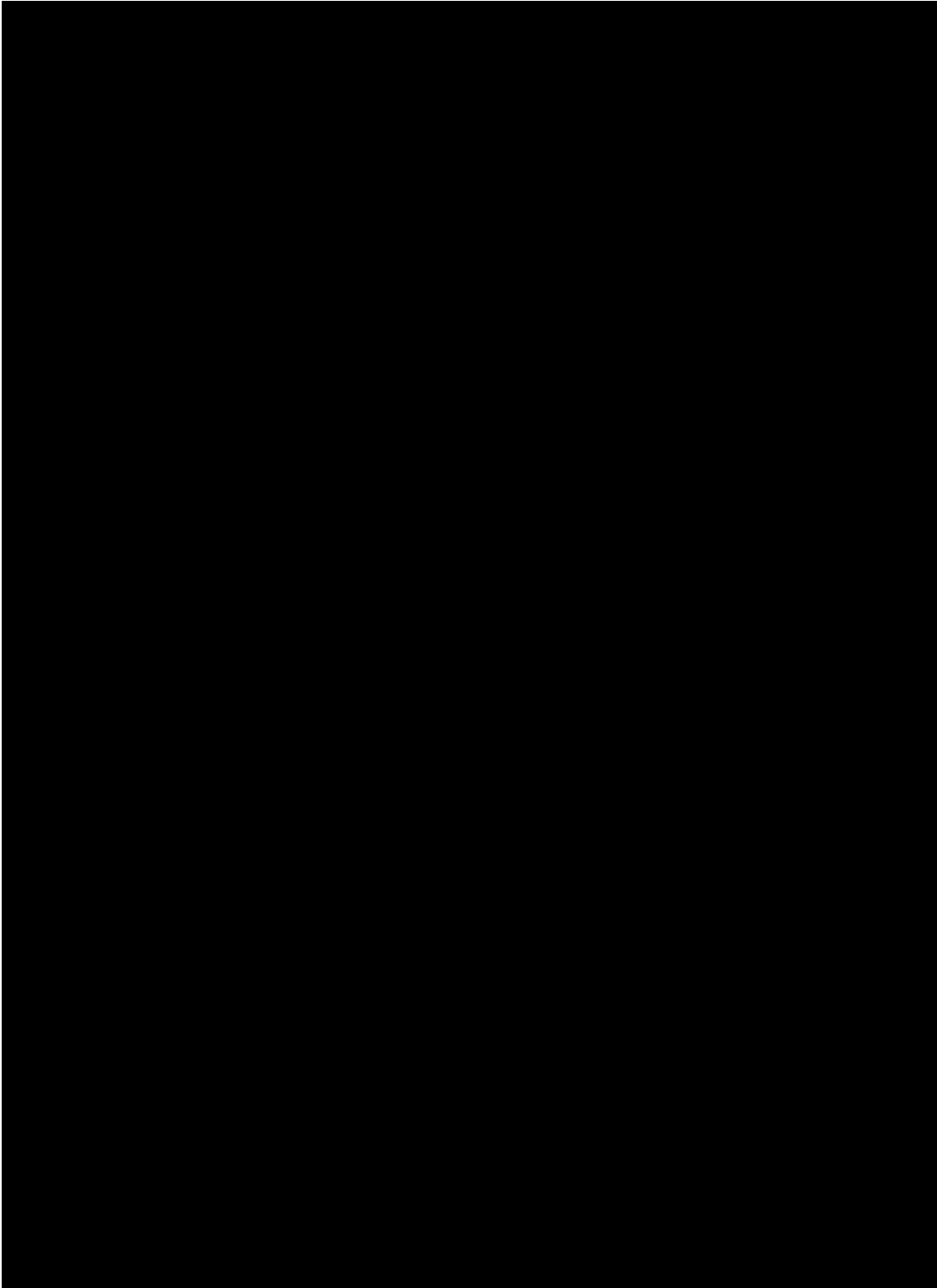
NONSENSITIVE PROCEDURES TABLE



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ANNEX B

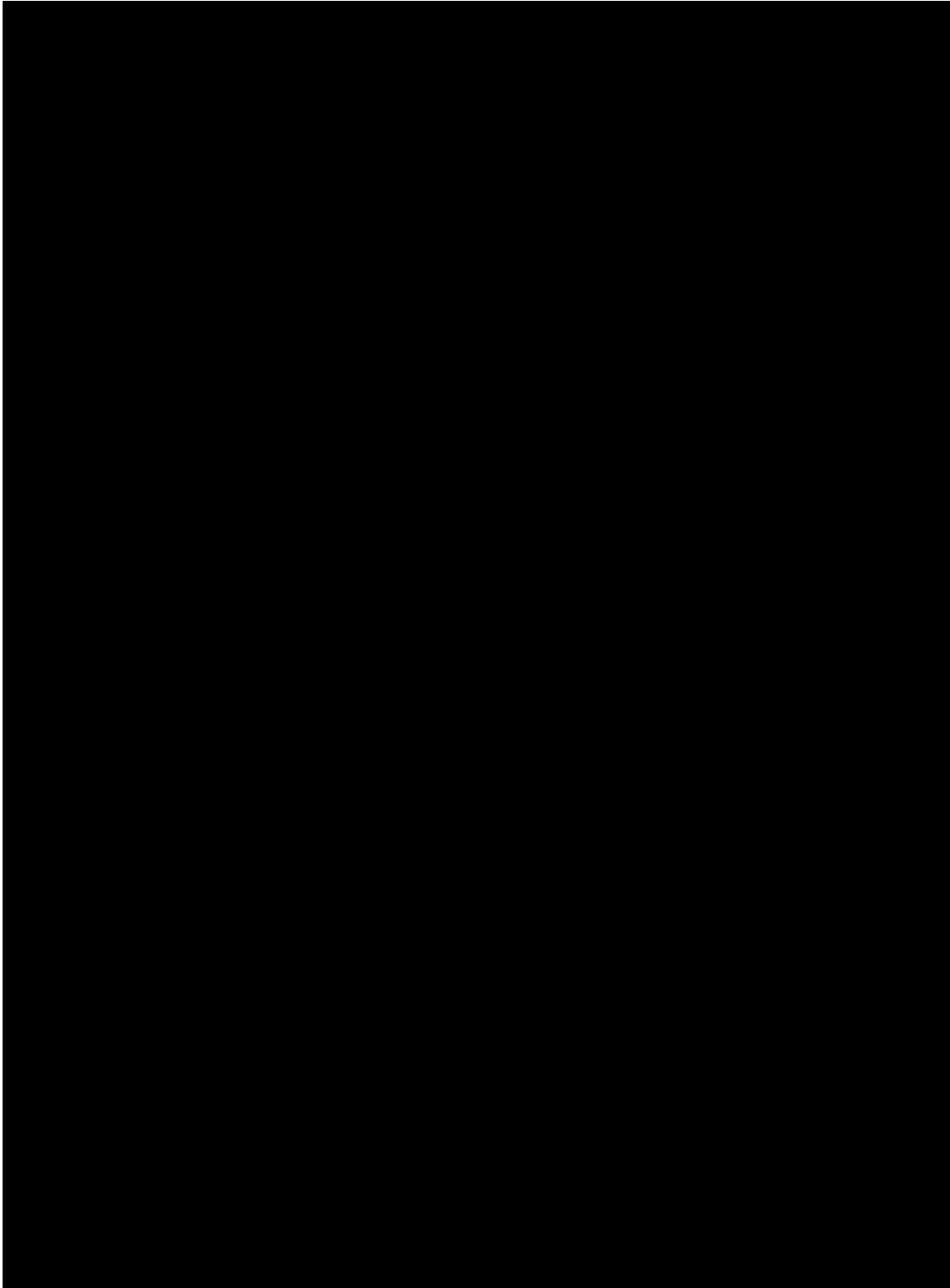
SENSITIVE PROCEDURES TABLE



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ANNEX C

PUBLIC SAFETY OPERATOR/DISPATCHER PROCEDURES TABLE



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ANNEX D

SAMPLE NONSENSITIVE RECOMMENDED MEMORANDUM

State of California

Transportation Agency

M e m o r a n d u m

Date: August 1, 2025

To: Red Pines Area

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Red Pines Area

File No.: 960.30152.A51500

Subject: APPLICANT INVESTIGATION-RECOMMENDED

A nonuniformed nonsensitive applicant investigation was completed on candidate John Smith, for the position of Office Technician (Typing). The investigation was conducted in accordance with the guidelines outlined in Highway Patrol Manual 10.1, Applicant Investigation Manual, Chapter 8, Applicant Investigation Process: Nonuniformed Classifications. The investigation disclosed no derogatory information which would preclude the candidate from continuing in the hiring process.

It has been determined John Smith possesses the minimum job requirements and personal characteristics considered essential for employment with the California Highway Patrol.

S. O. WILLIAMS, Office Services Supervisor II

Attachments

I have reviewed the background investigation and concur with the recommendation.

V. R. BASIK, Captain

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ANNEX E

SAMPLE NONSENSITIVE NOT RECOMMENDED MEMORANDUM

State of California

Transportation Agency

Memorandum

Date: August 1, 2025

To: Cadet Hiring Unit
Attn: Cadet Hiring Unit Coordinator

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Red Pines Area

File No.: 960.30152.A51500

Subject: APPLICANT INVESTIGATION-NOT RECOMMENDED

A nonuniformed nonsensitive applicant investigation was completed on candidate John Smith, for the position of Office Technician (Typing). The investigation was conducted in accordance with the guidelines outlined in Highway Patrol Manual 10.1, Applicant Investigation Manual, Chapter 8, Applicant Investigation Process: Nonuniformed Classifications. The investigation revealed derogatory employment and criminal history information which would preclude the candidate from continuing in the hiring process.

It has been determined John Smith does not currently possess the general qualifications deemed essential for employment with the California Highway Patrol as mandated by Title 2, California Code of Regulations Section 172 and Government Code Section 18935. The supporting documentation is attached to this memorandum.

S. O. WILLIAMS, Office Services Supervisor II

Attachments

I have reviewed the background investigation and concur with the recommendation.

V. R. BASIK, Captain

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