

CHAPTER 6
BACKGROUND INVESTIGATION
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CHAPTER 6

BACKGROUND INVESTIGATION

1. POLICY. Prior to acceptance into the Explorer Program, a background investigation shall be conducted pursuant to the guidelines outlined in this chapter. Only those candidates meeting the quality and character standards outlined in this chapter will be accepted.

2. RESPONSIBILITIES.

a. Explorer Post Advisor. The post advisor or associate advisor is responsible for the following:

- (1) Selecting and interviewing candidates who have satisfied the requirements for the position of explorer cadet, pursuant to the guidelines established in this manual.
- (2) Conducting background investigations pursuant to the procedures outlined in this chapter for the position of explorer cadet.
- (3) Recommending either “recommend” or “withheld” acceptance on cases investigated.
- (4) Submission of completed background investigations to the explorer post coordinator within 30 working days from the time that the investigation case was assigned.

b. Explorer Post Coordinator. The explorer post coordinator is responsible for the following:

- (1) Ensuring the post advisor is aware of the procedures outlined in this chapter.
- (2) Assignment of explorer background investigations to the post advisor or associate advisor.
- (3) Ensuring adherence to the provisions of this chapter.
- (4) Ensuring that the advisor completes each background investigation within 30 working days of the date they were assigned the case.
- (5) Providing the second level of review for all explorer background investigations.
- (6) Submission of completed explorer background investigations to the Area commander for review.

- c. Area Commander. The Area commander is responsible for the following:
 - (1) Ensuring the post coordinator assigned to their Area is familiar with the contents of this chapter.
 - (2) Ensuring the criteria for expanding explorer background investigations has been satisfied prior to authorizing such expansion.
 - (3) Reviewing all explorer background investigations conducted and providing review and approval.
 - (4) The CHP 400I, Explorer Investigation Report, shall indicate the Area commander reviewed the completed background investigation and concurs with the findings provided by the post advisor.
 - (5) Submission of completed explorer background investigations to Departmental Affairs Division, Community Outreach and Marketing Section, within 90 days of assignment.
- d. Statewide Explorer Coordinator. The statewide explorer coordinator is responsible for the following:
 - (1) Coordinating the explorer background investigation program.
 - (2) Providing assistance to post advisors, post coordinators, and Area commanders concerning the contents of this chapter.

3. PERSONAL HISTORY STATEMENT.

- a. Purpose. The CHP 400P, Personal History Statement Explorer Applicant, is a comprehensive questionnaire in which a candidate discloses pertinent background history for time periods specified in the document. The form requests detailed information regarding a candidate's background and thereby provides the advisor with information on which to assess a candidate. The information provided on the CHP 400P is used to assist the advisor in assessing a candidate's qualifications for the position before and during the interview portion of the selection process.
- b. Form Submission. Candidates being considered for selection shall complete the CHP 400P and CHP 400H, Explorer Authorization to Release Information, after the Qualification Appraisal Panel interviews. Candidates are instructed to complete the CHP 400P and CHP 400H and return it to the advisor within a designated period of time (usually ten days) after the interviews. Parental or guardian approval shall be obtained from those candidates who are under age 18.

c. Form Review. The advisor shall review the information in each CHP 400P, make appropriate inquiries, and discuss any discrepancies or derogatory information with the respective candidate during the initial interview. Accuracy, thoroughness, and neatness in completing the document should be assessed by the advisor as part of their overall evaluation of the candidate. The last page of the CHP 400P shows two copies of the penalty and certification clause. The first copy of the clause shall be signed by the candidate when they initially complete the CHP 400P, certifying the information provided on the CHP 400P is true and correct. Prior to starting the background, the advisor shall ask the candidate to review the CHP 400P for completeness, make any necessary changes, and then sign the second penalty and certification clause certifying that the original information and subsequent changes are true and correct. The second signing of the penalty and certification clause affords the candidate one final opportunity to ensure the information provided on the form is true and correct.

d. Authorization to Release Information. All candidates shall be required to complete the CHP 400H. The form releases a candidate's current employer or past employers from liability for providing the CHP with the candidate's employment history. Some employers may be reluctant to provide information without a signed CHP 400H. In those instances, the advisor should fax or e-mail the employer a copy of the CHP 400H signed by the candidate and submitted with the CHP 400P.

4. CONDUCTING THE INVESTIGATION.

a. Live Scan Fingerprints. The BCIA 8016, Request for Live Scan Service, a Department of Justice form, shall be completed for all fingerprint requests and forwarded to a Live Scan Terminal Location in the Division. The form may be obtained online at [BCIA 8016, Request for Live Scan Service](#). The Live Scan coordinator shall verify the applicant's information is correct, complete, and legible. Advisors may appoint a candidate prior to fingerprint clearance provided that other background inquiries disclose no concerns regarding the candidate's legal history. Derogatory information revealed as a result of the fingerprint inquiry that was not disclosed by the candidate on the CHP 400P may be grounds for disqualification. Completed fingerprint forms and the original copy of the completed background investigation package shall be forwarded to the statewide explorer coordinator for processing and retention. Explorer post advisors will be notified only if a Federal Bureau of Investigation "hit" is returned.

b. Driver's License Inquiries. The advisor shall request a Motor Vehicle Records inquiry on candidates who possess a California driver's license. The post advisor is authorized to utilize California Law Enforcement Telecommunication System (CLETS) to perform this function.

c. Poor Driving Record. In most cases, a poor driving record would only be a consideration in determining whether or not a candidate is suited for positions that involve driving a vehicle. In some cases, however, a candidate's driving history may yield information to indicate that they are not suitable for a position within the Explorer Program (e.g., poor driving may also show poor judgement or lack of maturity, depending on the nature of the traffic violations). For example, misuse of license plates may indicate a level of integrity that is less than ideal for a position within law enforcement and particularly for positions which involve access to CLETS. For this reason, driver license inquiries should be conducted on all candidates. No conclusion is to be drawn from the mere fact that a candidate does not possess a driver's license.

(1) Employment Inquiry. A thorough check of present and past employers shall be conducted and should account for at least a two-year employment history. The CHP 400Q, Employment Inquiry Explorer Applicant, shall be used for each employer contacted.

(a) Telephone contact is the preferred method.

(b) Some employers may be reluctant to provide information without permission to do so from the candidate. In those instances, a CHP 400H may be faxed or e-mailed to the employer.

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

(2) Reference Inquiry. Two or more of the five references listed by the candidate on the CHP 400P should be contacted by the advisor. 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 400R, Reference Inquiry Explorer Applicant, shall be used to assist the advisor with the inquiry. The advisor should identify themselves to the reference, explain the purpose of the contact, and then read each question on the form to the reference, marking the appropriate boxes in response to the reference's replies. Should the advisor choose to e-mail the CHP 400R to references for completion and return, the Standard Cover Letter, which includes instructions for completing the form, should be included.

(3) Residence Inquiry. A check of present and past residences should be conducted, preferably to account for at least a two-year history. In the majority of cases, a check of the present residence would cover the time periods specified. The advisor should contact at least three of the candidate's

surrounding neighbors and inquire as to the candidate's observed conduct in the neighborhood. A CHP 400S, Residence Inquiry Explorer Applicant, shall be used to assist the advisor with the inquiry.

(a) As an alternative to contact by telephone, an advisor may choose to mail the CHP 400S to the candidate's neighbors; however, advisors should be aware that, when using this method, the forms are often not returned. The advisor may, of course, simply request that the candidate provide the telephone numbers of three neighbors.

(b) If the candidate is renting or leasing, the advisor should contact the landlord or property manager. The landlord or property manager should be asked to complete the CHP 400S.

(4) Academic Inquiry. For those candidates whose employment history is limited, a school contact may provide the best assessment of their character. The advisor should contact a recent or present school advisor, counselor, or teacher, in an attempt to gain insight into a candidate's attendance and overall scholastic performance. The CHP 400N, Academic Inquiry Explorer Applicant, shall be used for each contact.

5. POLICE INQUIRY.

a. Police Inquiries. The advisor may contact the local police or sheriff's office in the candidate's city or county of residence. These inquiries can usually be done by telephone contact. The local agency will normally provide information regarding any contact they may have had with the candidate which may or may not be revealed through a fingerprint inquiry. Fingerprint inquiries reveal only arrests and charges filed against individuals, whereas a local police inquiry would reveal any contact the local agency may have had with a candidate.

(1) The advisor shall telephone or e-mail the records division of the local agency and explain the reason for the inquiry. Turnaround for such inquiries is often immediate. Some agencies may require one or two days.

(2) Some counties will 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 a check with any agency within the county.

(3) Section 432.7 of the Labor Code allows inquiries into arrests which have not resulted in conviction for any employee or prospective employee of a law enforcement agency. In some instances, however, agencies may be reluctant

to disclose contact information. In those cases, the Division Applicant Investigation Unit coordinator should be contacted for assistance.

6. DOCUMENTATION. The advisor shall document the findings of the investigation and include a determination as to whether or not the candidate is suitable for acceptance on the CHP 400I. The discussion shall be documented on a memorandum and an indication shall be made as to whether or not each derogatory issue was resolved. The advisor shall conclude with a recommendation either for or against appointment. The CHP 400I shall be attached to the CHP 400P, along with all applicable inquiry forms and other required documentation and submitted to the post coordinator for review.

7. RECOMMENDATION/REVIEW/APPROVAL.

a. Recommend. Completed cases shall be submitted to the Area commander for review and approval. The investigation documents shall be attached to the CHP 400P and filed with supporting documents in the explorer's personnel file.

b. Withhold. Following the Area commander's review and concurrence, the completed inquiry forms, along with any other supporting documentation, shall be forwarded to the statewide explorer coordinator with an accompanying memorandum for filing. The memorandum should describe in detail the findings of the investigation and the basis upon which the disqualification recommendation is warranted.