



Background Investigation Guide

Preface

The POST Background Investigation Guide is intended to provide the guidance and information necessary to ensure that background investigations of Nevada peace officers are thorough, extensive, and lawful. It was developed in conjunction with and in support of the Commission regulations, personal history statements, and evaluation criteria.

Although these guidelines are detailed and comprehensive, this guide is intended as a resource rather than a replacement for adequate training and other needed forms of agency support for background investigators. This guide was prompted by a number of significant changes that took effect in 2010, including changes to POST regulations concerning selection standards for peace officers.

Comments and suggestions concerning these guidelines should be directed to POST staff.

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Introduction

Backgrounds are among the most important investigations that a law enforcement agency will ever conduct. The manner in which a background investigation is conducted can make the difference between hiring an individual who will truly protect and serve versus someone who may cause harm to oneself, the agency, and society.

Background investigations are also among the most challenging investigations to conduct. They must be comprehensive if they are to lead to informed hiring decisions. Past misconduct and other signs of unsuitability must be uncovered so that dangerous or otherwise unfit candidates are screened out. At the same time, inquiries into past performance must stay within the tight parameters of fair employment practices. Furthermore, the areas investigated and the evaluation of the resulting information must be treated consistently across all candidates.

Background investigators must therefore be knowledgeable about all applicable local, state, and federal fair employment laws. They must base their inquiries and evaluations on candidate behaviors that have a direct relationship to the requirements and demands of the position, and they must do so with consistency and without bias.

This document has been prepared in the most generic sense and is intended to provide the widest possible application with respect to the differing types of agencies located within the State. While it is not the role of POST to tell agencies who to hire, what policies to enact or, to dictate how to conduct their pre-employment background investigations, POST does have some regulatory responsibilities that require minimum standards of employment as well as minimum standards for an acceptable pre-employment background investigation.

This manual is only intended as a guide and is composed of procedures and recommendations that will assist new as well as experienced background investigators and their supervisors in the conduct of a minimally acceptable pre-employment background investigation. Administrators and investigators should bear in mind that this manual is not intended to be legal advice, research or opinion. Only your legal counsel can provide you with that guidance. When in doubt, you must consult your own legal counsel for direction.

FOCUS OF THE MANUAL

One of the single most important tasks facing law enforcement administrators today is the recruitment, selection and retention of qualified employees. There has never been a time in the history of our profession when this has been truer. The demands placed on the modern law enforcement officer extend far beyond those of our predecessors. As such, it is incumbent on those individuals tasked with the responsibility of selecting future employees to exercise the utmost care. Other than certain legally mandated areas, which will be discussed in further detail later in this manual, you can use those methods that meet the needs of your particular organization best.

1 "Screen-out" vs. "Select-in" Orientation

POST has the responsibility for developing standards and assuring compliance with those standards for peace officers. POST regulations mandate what must be done in order to satisfy the minimum standards for appointment. Therefore these guidelines are written from a "screen-out" rather than a "select-in" perspective; that is, they are designed to assist in identifying and legally weeding out the unfit, rather than distinguishing excellent candidates from those who just meet minimum qualifications. Agencies have the right to increase these standards as well as require additional standards above and beyond those prescribed in POST Regulations. When we refer to "legal discrimination" we are talking about evaluating the proper, legal and job valid criteria which allows an employer to pick one candidate over another.

2 Target Readership: Background Investigators

This manual was written expressly for background investigators. Although it may prove useful to others besides investigators, it is not intended as a comprehensive resource document for administrators, legal counsel, or others who are not directly involved in the conduct of background investigations.

3 Target Jobs: Peace Officer

Nevada law requires the completion of pre-employment background investigations for peace officers. Local agency policy or regulation may require the completion of a pre-employment background on a host of other classifications of employment (e.g., secretarial support staff, records personnel, community service officers). Although some principles discussed here may be relevant regardless of classification, caution must be exercised when applying this guidance to other classes of employment. Agencies are urged to work in close consultation with their legal counsel and seek guidance in regard to classes of employment outside the POST mandate.

4 Not a Substitute for Training

This manual is not intended to serve as a substitute for competent, professional training. Although there is no background investigator training requirement, the proper training of employees is an employer's legal responsibility; furthermore, effective training of background investigators can greatly improve the quality of an agency's candidates. From time to time, POST and other law enforcement training specialists provide training in background investigation, EEOC law and, the Fair Credit Reporting Act as well as other related topics. POST encourages all of those involved in the hiring process to avail themselves of any opportunities to improve their skills and knowledge in these constantly changing areas of concern. It is equally important to note the supervisor's role in the background process and there are several training opportunities available for individuals in this role.

5 Not Legal Advice

Although the manual contains discussions of the many pertinent employment laws and their impact on the conduct of the investigation, the information presented here should not be treated as legal research, legal opinion, or legal advice. Background investigators are strongly encouraged to consult, work closely with, and abide by the advice of their agency's legal counsel.

THE ROLE OF POST

POST serves a variety of functions with respect to the background investigation process. These functions include, certifying training, providing technical assistance, and conducting compliance inspections.

POST can also serve as a valuable resource for candidates with prior law enforcement experience. POST maintains information about Nevada Peace Officers compliance with annual training requirements. Additionally, POST has access to the International Association of Directors of Law Enforcement Standards and Training (IADLEST) National Decertification Index. This is a data base for revocation actions related to misconduct of Peace Officers.

Prior to the starting of a costly background investigation of a candidate you may want to check with us in regards to these issues. We also have collected resources for (CVSA) computerized voice stress analysis/polygraph verification at minimal or no cost to agencies.

1 Selection Standards

In response to specific mandates from the Legislature, POST has been charged with developing selection standards for peace officers. As authorized by the Legislature, these regulations carry the force of law and seek to clarify or expound upon specific sections of the Nevada Revised Statutes or the Nevada Administrative Code.

The following sections are those that relate to qualifications for peace officers in Nevada as well as the conduct of pre-employment background investigations for peace officers. Please refer to the Nevada Administrative Code and the Nevada Revised Statutes for specific information contained in each code or statute.

Nevada Administrative Code

289.110

289.200

Nevada Revised Statues

289.550

289.160

613.210

289.560

289.240

289.570

613.440

289.580

425.520

2 Training Course Certification

POST has a course specific to background investigations:

- ◆ Background Core Training – A basic level of instruction designed for persons newly assigned to background investigation.
- ◆ Training Courses– Courses that are periodically certified or presented by POST to deal with unique circumstances or groups.

Other certified courses, such as “Interview and Interrogation” or “Public Records” may also prove helpful to background investigators.

3 Technical Assistance

POST professional support to the background investigation process includes:

- ◆ Referrals (including best practices already in use by other agencies and/or individuals).
- ◆ For applicants with prior experience, verification of current training in Nevada and information into the National Decertification Index.

4 Compliance Inspections

The Legislature has charged POST with the responsibility to conduct compliance inspections to verify that persons appointed as peace officers were selected in accordance with current selection standards. POST staff is tasked with making regular visits to agencies throughout the State to inspect the background investigations completed on those who have been hired since the last audit. If deficiencies are detected, they work with the agency by suggesting methods for correction and establishing a timetable for correction. A follow-up visit may be scheduled to assure that the deficiencies are corrected.

POST VS. AGENCY CANDIDATE SCREENING CRITERIA

The selection standards imposed by NAC 289.110 and NRS 613.440 are minimum standards. The minimum standards for appointment will be discussed further in another section of this manual. Agencies are free to establish more rigorous selection criteria, as long as they are job-related and legally defensible. It is also not uncommon for agencies to require peace officer candidates to have earned some college credits, although none is specified under the law.

Verifying most of the statutory and regulatory minimum qualification standards, such as age, citizenship, and absence of felony convictions, is relatively clear-cut. Other, equally important areas of concern for background investigators and law enforcement administrators are not as clear cut or easily defined.

The POST background dimensions, presented in the next chapter, are intended to assist agencies and investigators in answering this question by identifying and detailing the attributes underlying moral character and other qualities essential to the job of peace officer. Nevertheless, it is ultimately up to each agency to establish its own clearly articulated legally defensible standards of conduct.

ORGANIZATION OF THIS GUIDE

The background guide is divided into five sections:

Chapter 1- "Peace Officer Dimensions," Provides a common set of peace officer attributes that must be considered during the conduct of the background investigation.

Chapter 2- "Legal Qualifications and Statutory Framework," Details the statutory and regulatory requirements surrounding background investigations.

Chapter 3- "The Background Investigation Process," Describes the chronology of the investigation.

Chapter 4- "Areas of Investigation and POST Personal History Statements," Presents a topic-by-topic explanation of the process, using a sample Personal History Statement as its framework.

Chapter 5- "Background Narrative Report," Includes sample forms, pertinent laws and regulations.

Samples - Includes sample pre-employment background investigation selection standards, sample background report including reporting investigation issues, and a copy of the PHS form.

Chapter 1 – Peace Officer Dimensions

Job-relatedness is the cornerstone of every lawful, effective candidate screening procedure.

The demonstrated necessity of every pre-employment inquiry for evaluating the skills, abilities, and attributes required for effective job performance is critical to ensuring that those selected are qualified, and serves as a strong defense against allegations of unfairness or discrimination.

Job-relatedness, or “validity,” is characteristic of selection procedures that are derived from an analysis of the job and its requirements and demands. In conjunction with the creation of this manual many sources of information were reviewed. A significant source of information was the U.S. Department of Labor O*NET database which was created in 1999. This database includes information on tasks, skills, abilities, knowledge, work activities and attributes for over 1,100 occupations including peace officers. Because the O*NET database assesses all occupations against the same set of criteria it provides an effective means of assessing the job attributes and requirements of peace officers.

The dimensions are organized into five major categories (Moral Character, Handling Stress and Adversity, Work Habits, Interactions with Others, and Intellectually-Based Abilities).

Although these background investigation dimensions were selected based on their specific amenability to assessment during the background investigation, a number of them are also evaluated elsewhere in the selection process. For example, “Integrity” is assessed at several other pre-employment stages, such as during the hiring interview and psychological screening. This redundancy is intentional, as it serves to highlight the interdependence of these selection criteria as well as enhance the measurement accuracy of important peace officer character attributes.

Each dimension includes a behaviorally based definition and description, along with a set of indicators for use by background investigators in evaluating candidates against these attributes. Note, however, that specific thresholds of acceptability (e.g., number of allowable moving violations) are not included. The establishment of tolerance levels is an agency's prerogative, and may well vary between peace officers and agencies.

Agencies are strongly encouraged to establish standards associated with such issues as criminal convictions, thefts, illegal drug use and other criminal conduct, and driving history. If these issues have not been addressed, background investigators are faced with the need to continuously consult the chain of command every time they encounter negative information. This slows the process and may expose the department to liability in the event that inconsistent and/or inappropriate standards are applied. Additionally, it may give rise to claims of disparate treatment and disparate impact in the hiring process should an applicant contest their disqualification. A sample policy of background investigation standards is included in the appendices at the back of this manual.

Investigators must also exercise caution not to impose their own personal beliefs and/or prejudices as the benchmark against which to measure character, especially if the agency has not defined its own standards. To be defensible, agency standards must be job-related and consistent with business necessity; moreover, overly demanding selection requirements further reduce an already-shrinking applicant pool.

No amount of standard-setting, however, will eliminate the need to make case-by-case judgments based on specific facts presented by each candidate's background. Rarely is one fact a sufficient basis for disqualifying an individual, only rather, it is generally necessary to investigate the circumstances surrounding each fact in order to make an educated assessment of the candidate's suitability, taking into consideration such factors as:

- ◆ The patterns of past behavior and specific combinations of fact and circumstances,
- ◆ The consequences if past undesirable behavior occurs again or becomes generally known,
- ◆ The likelihood of recurrence of the undesirable behavior,
- ◆ The relevance of the past behavior to the job demands and requirements,
- ◆ The length of time between the particular undesirable act and the application for employment, with consideration given to the intervening behavior of the candidate, and
- ◆ The legal rights of the candidate.

On the following pages, you will find a summary of background investigation job dimensions for peace officers that will assist investigators in organizing and supporting their observations and findings. As investigators begin conducting their investigation and later while documenting the results of that investigation it is important that they limit their inquiries to areas that have been determined to be job relevant.

SUMMARY OF BACKGROUND INVESTIGATION JOB DIMENSIONS

MORAL CHARACTER

Integrity

- Honesty
- Impartiality
- Trustworthiness
- Protection of Confidential Information
- Moral/Ethical Behavior

Impulse Control/Attention to Safety

- Safe Driving Practices
- Attention to Safety
- Impulse/Anger Control

Substance Abuse and Other Risk-Taking Behavior

HANDLING STRESS AND ADVERSITY

Stress Tolerance

- Positive Attitude and Even Temper
- Stress Tolerance and Recovery
- Accepting Responsibility for Mistakes

Confronting and Overcoming Problems, Obstacles, and Adversity

WORK HABITS

Conscientiousness

- Dependability/Reliability
- Personal Accountability and Responsibility
- Safeguarding and Maintaining Property, Equipment, and Belongings
- Orderliness, Thoroughness, and Attention to Detail
- Initiative and Drive
- General Conscientiousness

INTERACTIONS WITH OTHERS

Interpersonal Skills

- Social Sensitivity
- Tolerance
- Social Self-Confidence/Persuasiveness
- Teamwork

INTELLECTUALLY BASED ABILITIES

Decision-Making and Judgment

- Situation/Problem Analysis
- Adherence to Policies and Regulations
- Response Appropriateness
- Response Assessment

Learning Ability

Communication Skills

- Oral Communication
- Written Communication

Moral Character

Integrity, this involves maintaining high standards of personal conduct. It consists of attributes such as honesty, impartiality, trustworthiness, and abiding by laws, regulations, and procedures. It includes:

- ◆ Not abusing the system nor using one's position for personal gain; not yielding to temptations of bribes, favors, gratuities, or payoffs
- ◆ Not bending rules or otherwise trying to beat the system
- ◆ Not sharing or releasing confidential information
- ◆ Not engaging in illegal or immoral activities — either on or off the job
- ◆ Honest and impartial in dealings with others both in and outside the agency
- ◆ Not condoning or ignoring unethical/illegal conduct in others
- ◆ Truthful and honest sworn testimony, affidavits, and in all dealings with others

INDICATORS

Dishonesty in the hiring process, including

- ◆ Deliberately misstating or misrepresenting identifying information or qualifications, whether orally or in writing
- ◆ Misleading any person involved in the pre-employment screening process by misstating, misrepresenting, or failing to completely answer questions
- ◆ Inaccuracies or deliberate omissions in applications, Personal History Statements, or any other documentation required as part of the pre employment process used to help determine the candidate's suitability for employment
- ◆ Any other act of deceit or deception
- ◆ Lying about past mistakes or oversights
- ◆ Fraudulently reporting or other abuses/misuses of employer leave policies (e.g., sick leave, vacation, bereavement leave)
- ◆ Abuses privileges and benefits of the job (e.g., overtime, use of supplies, equipment, internet access)
- ◆ Involved in the sale or distribution of illegal drugs
- ◆ Engages in inappropriate sexual activity (e.g., prostitutes, sex with minors, etc.)
- ◆ Evidence of perjury, signing of false affidavits in any criminal or civil proceeding, falsification of official reports including statements, narratives, property documents, evidentiary documents, giving incomplete or misleading information to supervisors
- ◆ Cheating, plagiarism, or other forms of academic dishonesty
- ◆ Attempting to induce others to give false information
- ◆ Association with those who commit crimes or otherwise demonstrate unethical/ immoral behavior
- ◆ Commits illegal or immoral activities that would be offensive to contemporary community standards of propriety

- ◆ Commits crimes against employers — arson, burglary, stealing (goods, money, or services) — which would amount to a felony
- ◆ Conviction(s) of any criminal offense classified as a gross misdemeanor under Nevada Law, especially as an adult
- ◆ Having an outstanding warrant of arrest at time of application for job or throughout the hiring process
- ◆ Admission of having committed any act amounting to a felony under Nevada Law, as an adult
- ◆ Admission of any criminal act, whether gross misdemeanor or felony, committed against children, including, but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, indecent exposure (except acts of consensual unlawful intercourse accomplished between two minors, unless more than four years difference in age existed at the time of the acts)
- ◆ Actions resulting in civil lawsuits against the candidate or his/her employer
- ◆ Committing acts that, had they been detected, would have resulted in prosecution and conviction and would have automatically disqualified the candidate.

While Employed in a Position of Public Trust

- ◆ Conviction of any offense classified as a gross misdemeanor under Nevada Law while employed as a peace officer (including military police)
- ◆ Admission of administrative conviction of any act while employed as a peace officer, including military police, involving lying, falsification of any official report or document, or theft
- ◆ Admission of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer
- ◆ Accepting or soliciting any bribe or gratuity while in a position of public trust
- ◆ Embezzlement of money, goods or services while in a position of trust

Impulse Control/Attention to Safety

Avoiding impulsive and/or unnecessarily risky behavior to ensure the safety of oneself and others. It includes thinking before acting, taking proper precautions, keeping one's impetuous, knee-jerk reactions in check, and behaving in conscious regard for the larger situation at hand.

INDICATORS

Safe Driving Practices

- ◆ Receipt of multiple moving violations (especially for potential life-threatening acts such as reckless driving, speed contest, etc.)
- ◆ Driver in multiple chargeable collisions. Numerous moving and non-moving violations, at-fault accidents
- ◆ Instances of road rage, driving recklessly and/or at excessive speeds

Attention to Safety

- ◆ Fails to take proper precautions to minimize risks associated with hazardous activities
- ◆ Takes unnecessary, foolish risks
- ◆ Disregards risk to self or others

Impulse/Anger Control

- ◆ Overreacts when challenged or criticized
- ◆ Unnecessarily confrontational in interactions with others
- ◆ Reacts childishly or with anger to criticism or disappointment
- ◆ Disciplined by any employer as an adult for fighting in the workplace
- ◆ Admission of any act of domestic violence as an adult
- ◆ Use of verbal or physical abuse or violence toward others
- ◆ Violent assault upon another, including spousal battery, sexual battery, or other acts of violence
- ◆ Admission of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state civil rights laws
- ◆ Instances of reprimands, counseling, terminations, suspensions for poor behavioral control at work

Substance Abuse and Other Risk-Taking Behavior

This involves engaging in behavior that is inappropriate, self-damaging, and with potential adverse impact on the agency, and includes alcohol and drug abuse, domestic violence, sale of drugs and gambling.

INDICATORS

- ◆ Illegal use or possession of a controlled substance while employed in any law enforcement capacity, including military police
- ◆ Drug test of the candidate, during the course of the hiring process, where illegal controlled substances are detected
- ◆ Illegal or unauthorized use of prescription medications
- ◆ Illegal use or possession of a controlled substance while a student enrolled in college-accredited courses related to the criminal justice field
- ◆ Manufacturing, cultivating, transporting, brokering, or selling any controlled Substances
- ◆ Record of alcohol or drug-related incidents, including driving under the influence or such charge reduced to reckless driving, violation of open container laws or transporting open containers
- ◆ History of other problems associated with drug and/or alcohol use
- ◆ Perpetrator of domestic violence incidents
- ◆ Missed work due to alcohol use
- ◆ Alcohol use while on the job (where prohibited)
- ◆ Arriving at work intoxicated/smelling of alcohol or hung-over
- ◆ Gambling to the point of causing harm to oneself

Handling Stress and Adversity

Stress Tolerance. Maintaining composure, particularly during time-critical emergency events and other stressful situations, weathering negative events and circumstances and maintaining an even temperament and positive attitude. Accepting criticism without becoming overly defensive or allowing it to hamper behavior or job performance.

INDICATORS

Attitude and Temperament

- ◆ Worries excessively; enters into new situations with considerable apprehension
- ◆ Overly suspicious and distrusting in dealing with others
- ◆ Argumentative, antagonistic towards others, bully
- ◆ Commonly behaves with hostility and anger
- ◆ Behavior-impairing mood swings
- ◆ Badmouths employers and others
- ◆ Unnecessarily confrontational and aggressive
- ◆ Disrupts/undermines authority (fails to successfully carry out directives; shows signs of contempt by eye rolling, excessive exhaling, etc.)

Stress Tolerance and Recovery

- ◆ Comes “unglued,” freezes, or otherwise performs ineffectively when feeling overloaded or stressed
- ◆ Uncontrollable reaction to verbal abuse from others
- ◆ Reacts childishly or with anger to criticism or disappointment
- ◆ Allows personal problems and stressors to bleed into behavior on the job

Accepting Responsibility for Mistakes

- ◆ Does not accept responsibility for actions and mistakes; routinely makes excuses or blames others for own shortcomings
- ◆ Becomes excessively defensive or otherwise overreacts when challenged or criticized
- ◆ Minimizes the importance of past mistakes or errors
- ◆ Refuses to accept responsibility for mistakes or improper actions

Confronting and Overcoming Problems, Obstacles, and Adversity

This involves willingness and persistence in confronting problems and personal adversity. It includes taking control of situations, as necessary and demonstrating hustle and drive in reaching goals.

INDICATORS

- ◆ Displays submissiveness and insecurity when confronted with challenges, threatening situations, or difficult problems

- ◆ Fails to take action or change behavior to resolve problems or mistakes
- ◆ Multiple personal bankruptcies, having current financial obligations for which legal obligations have not been satisfied; or any other flagrant history of financial instability
- ◆ Allows debts to mount; evades creditors, collection agencies, etc.
- ◆ Past due accounts, discharged debts, late payments, collection accounts, civil judgments, and/or bankruptcy
- ◆ Fails to meet obligations (for example, auto insurance, auto registration, selective service registration, IRS requirements, child support obligations)
- ◆ Fails to exercise fiscal responsibility commensurate with income

Work Habits

Conscientiousness, diligent, reliable, conscientious work patterns, performing in a timely, logical manner in accordance with rules, regulations, and organizational policies.

INDICATORS

Dependability/Reliability

- ◆ Fails to meet commitments to work, school, family, volunteer, or community activities
- ◆ Poor attendance; takes time off from work unnecessarily (e.g., on/near weekends)
- ◆ History of being late to work, meetings, appointments
- ◆ Misses scheduled appointment during the process without prior permission
- ◆ Excessively long breaks, returning from lunch late, leaving work early
- ◆ Fails to comply with instructions or orders
- ◆ Fails to properly prepare for meetings

Personal Accountability and Responsibility

- ◆ Is not accountable for his/her performance
- ◆ Blames others for improper actions
- ◆ Fails to analyze prior mistakes or problems to improve performance
- ◆ Disciplined by any employer (including military) for gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
- ◆ History of involuntary dismissal (for any reason other than lay-off)
- ◆ Conducts unauthorized personal business while on duty
- ◆ Failure to exercise fiscal responsibility commensurate with income
- ◆ Past due accounts, discharged debts, late payments, collection accounts, civil judgments, and/or bankruptcy
- ◆ History of flagrant financial instability, such as multiple personal bankruptcies, financial obligations for which legal judgments have not been satisfied, etc.
- ◆ Failure to meet obligations (for example, auto insurance, auto registration, selective service registration, IRS requirements, child support obligations)

Safeguarding and Maintaining Property, Equipment, and Belongings

- ◆ Fails to safeguard property entrusted to him/her
- ◆ Fails to maintain equipment
- ◆ Loses valuable information

Orderliness, Thoroughness, and Attention to Detail

- ◆ Pattern of disorganization in work, school, etc.
- ◆ Fails to attend to details (e.g., typos, missing/incorrect information)
- ◆ Fails to attend to all aspects of projects and activities to be sure they are completed
- ◆ Motor vehicle collisions due to inattentiveness
- ◆ Overlooks or misinterprets instructions on PHS and other documents
- ◆ Fails to properly recall instructions/directions provided previously
- ◆ Cannot properly recall pertinent/important details related to personal history
- ◆ Problems at school, work, driving due to poor attention/vigilance

Initiative and Drive

- ◆ Gives up in the face of long hours or other difficult working conditions
- ◆ Fails to keep current on new rules, procedures, etc.
- ◆ Does not initiate proper action unless given explicit instructions
- ◆ Fails to ensure that the job is performed correctly
- ◆ Procrastinates
- ◆ Watches the clock rather than attending to task accomplishment
- ◆ Gives up or cuts corners when faced with obstacles
- ◆ Performs job duties in a perfunctory manner, expending minimum amount of effort

General Conscientiousness

- ◆ Resigns without notice (except where the presence of a hostile work environment is alleged)
- ◆ Resigns in lieu of termination (except where a hostile work environment is alleged)
- ◆ Holds multiple paid positions with different employers within a relatively brief period of time (excluding military, and students who attend school away from their permanent legal residence)
- ◆ Reprimanded or counseled for poor work performance (including military service)
- ◆ Terminated or suspended from work (other than honorable discharge from military)
- ◆ Released from probationary employment status except for reduction in force
- ◆ Poor record of academic achievement

Interactions with Others

Interpersonal Skills

Interacting with others in a tactful and respectful manner, and showing sensitivity, concern, tolerance, and interpersonal effectiveness in one's daily interactions.

INDICATORS

Social Sensitivity

The ability to “read” people and awareness of the impact of one's own words and behavior on others.

- ◆ Provokes others by officious bearing, gratuitous verbal challenge, or through physical contact
- ◆ Antagonizes others
- ◆ Uses profanity and other inappropriate language
- ◆ Incidents of domestic violence, use of verbal or physical abuse, or violence toward others
- ◆ Use of physical force to resolve disputes
- ◆ Demonstrated overreaction to criticism

Social Interest and Concern

Interest and concern for others.

- ◆ Baiting people; takes personal offense at comments, insults, or criticism
- ◆ Evidence of inability to get along with others in work or personal life
- ◆ Makes rude and/or condescending remarks to or about others
- ◆ Source of customer/citizen complaints
- ◆ Argumentative, loner, bully

Tolerance

Lack of tact and impartiality in treating all members of society.

- ◆ Makes hasty, biased judgments based on physical appearance, race, gender, or other group membership characteristics
- ◆ Refuses to listen to explanations of others
- ◆ Inability to recognize how one's own emotions/behavior affect situations and others
- ◆ Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic, or sexual harassment or discrimination
- ◆ During the hiring/background process, uttering any epithet derogatory of another person's race, religion, gender, national origin, or sexual orientation
- ◆ Makes inappropriate comments to or about others regarding personal characteristics as well as derogatory comments about specific groups (racial, gender, sexual orientation, proficiency with the English language, immigrant status, HIV/AIDS infection, religion, transgender, social status)
- ◆ Evidence of the use of derogatory stereotypes in jokes or daily language
- ◆ Sexual harassment/hostile work environment incidents

Social Self Confidence/Persuasiveness

Inability and discomfort approaching individuals, and in confronting and reducing interpersonal conflict.

- ◆ Avoids confrontations at all costs
- ◆ Intimidated by others
- ◆ Minimizes or avoids interactions with others
- ◆ Escalates situations by overreacting
- ◆ Fails to diplomatically offer ideas or persuade others to adopt desired course of action
- ◆ Disruptive/challenging to authority
- ◆ Use of harassment, threats, or intimidation to gain an advantage
- ◆ Succumbs to peer pressure

Teamwork

Inability to work effectively as a member of a team.

- ◆ Resents successes and accomplishments of team members
- ◆ Does not assist or request assistance from team members
- ◆ Alienates colleagues by dominating interactions and activities
- ◆ Gossips, criticizes, and backstabs colleagues and coworkers
- ◆ Fails to achieve or maintain trust with peers, supervisors, and clients

Intellectually-Based Abilities

Decision-Making and Judgment

The ability to make timely, sound decisions, especially in dangerous, pressure-filled situations, and/or where information is incomplete and/or conflicting. Able to size up situations quickly to determine appropriate action. It also involves the ability to sift through information to glean that which is important and, once identified, to use that information effectively.

INDICATORS

Situation/Problem Analysis

- ◆ Unable to step into a situation and figure out what probably led up to that point in time, as well as what is likely to happen as the situation unfolds
- ◆ Tunnel vision; does not see the big picture when analyzing information
- ◆ Fails to identify patterns and implications when analyzing information
- ◆ Failure to consider available information or appropriate options
- ◆ Naive, overly trusting, easily duped
- ◆ Spends too much time on minor issues; unable to set priorities

Adherence to Policies and Regulations

- ◆ Failure to consider organizational policies and regulations when making decisions
- ◆ Fails to use appropriate judgment and discretion in applying regulations and policies; cannot distinguish between the letter and the spirit of rules and laws
- ◆ Rigid adherence to rules without consideration of alternative information; needs directives to be in black and white

Response Appropriateness

- ◆ Poor judgment in knowing when to confront — and when to back away from —potentially volatile situations
- ◆ Overbearing approach to resolving problems
- ◆ Escalates problems by under or over-reacting
- ◆ Uses force when unnecessary or inappropriate
- ◆ Indecision or poor decisions when options are not clear-cut
- ◆ Paralyzed by uncertainty or ambiguity; insecure about making a decision

Response Assessment

- ◆ Unable or unwilling to make “midcourse corrections” on initial course of action when presented with new information or when circumstances change
- ◆ Fails to apply lessons learned from past mistakes

Learning Ability

Ability to comprehend and retain a good deal of information, to recall factual information and to apply what is learned.

INDICATORS

- ◆ Dismissal or probation from school, or other indication(s) of poor academic performance
- ◆ Dismissal from a POST-certified Basic Academy, and no subsequent effort to improve in the deficient areas
- ◆ Pattern of making repeated mistakes when faced with similar problems and negative situations, in and outside of learning environments

Communication Skills

Ability to make oneself understood, both orally and in writing.

INDICATORS

Oral Communication

- ◆ Speech is difficult to understand
- ◆ Responses to questions are rambling, confused, and/or disorganized
- ◆ Expresses thoughts and emotions inappropriately through facial gesture and body language

- ◆ Discussions of topics are incomplete, inappropriate, and/or filled with a lot of unnecessary/irrelevant details
- ◆ Fails to understand both explicit and implied messages and respond accordingly
- ◆ Does not listen well, thereby missing the point of what others are saying

Written Communication

- ◆ Illegible handwriting
- ◆ Poor grammar, punctuation, and/or spelling
- ◆ Written communications are incomplete, disorganized, unclear, and/or inaccurate
- ◆ Written responses to Personal History Statement items are inappropriate, incomplete, or otherwise difficult to decipher

Chapter 2 – Legal Qualifications and Statutory Framework

The background investigation of peace officers is one part of a larger pre-employment screening process dictated by Nevada statutes and POST regulation. In addition to the background investigation, the process must include a medical examination, and a psychological examination. The statutory and regulatory requirements for background investigations are reviewed here.

NRS & NAC PRE-EMPLOYMENT SCREENING REQUIREMENTS

The selection standards for peace officers are summarized below.

DEFINITION OF PEACE OFFICER:

NAC 289.060 “Peace officer” defined. (NRS 289.510) “Peace officer” means an employee of an agency who is required to be certified by the Commission pursuant to *NRS 289.550*. The term includes sworn full-time, part-time and reserve officers who perform the duties of a peace officer.

(Added to NAC by Peace Officers’ Standards & Training Com., eff. 12-17-87; A by Peace Officers’ Standards & Training Comm’n by R102-99, 11-2-99; R066-03, 12-4-2003)

STATUTORY REQUIREMENTS:

NAC 289.110 Minimum standards for appointment. (NRS 289.510)

1. No person may be appointed to perform the duties of a peace officer unless he or she:
 - (a) Has undergone a complete and documented investigation of his or her background which verifies that the person has good moral character and meets the minimum standards established by the Commission;
 - (b) Is a citizen of the United States;
 - (c) Is at least 21 years of age at the time of the appointment;
 - (d) Has successfully completed the 12th grade or has been certified by an appropriate authority as having an equivalent education; and
 - (e) Has undergone a medical examination performed by a licensed physician who confirms in writing that no physical condition exists which would adversely affect his or her performance of the duties of a peace officer. The employing agency shall inform the examining physician of the specific functions required by the position to be filled.
2. The investigation of the background of a person required pursuant to subsection 1 must include, without limitation:
 - (a) An investigation of the current and past employment history of the person, including, without limitation, an examination of the duties that have been assigned to the person and any performance evaluations of the person;
 - (b) An inquiry into the criminal history of the person in the State of Nevada and in any other state where the person is known to have resided, which must include, without limitation, any warrants issued for the person and the submission of the person’s fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) An inquiry to the Department of Motor Vehicles and the appropriate entity in each other state in which the person is known to have resided regarding any driver's licenses the person has held and the driving record of the person;

(d) A financial history of the person;

(e) The educational background of the person;

(f) The history of any military service of the person;

(g) A history of each physical address where the person has resided;

(h) A drug screening test;

(i) A psychological evaluation; and

(j) The use of a lie detector as defined in *NRS 613.440* for a peace officer being appointed as a category I, category II or reserve peace officer.

3. The investigation of the background of a person required pursuant to subsection 1 may include the use of a lie detector as defined in *NRS 613.440* for a peace officer being appointed as a category III peace officer.

4. A person may not be appointed to perform the duties of a peace officer if he or she has:

(a) Been convicted of a felony in this State or of any offense which would be a felony if committed in this State;

(b) Been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance;

(c) A documented history of physical violence; or

(d) Resigned in lieu of termination or been terminated from any civil service employment for substantiated misconduct involving dishonesty, and has not been reinstated as a result of a judicial action or any available appeal or remedy relating to the resignation or termination, including, without limitation, any civil service appeal, direct administrative appeal or collective bargaining remedy. For purposes of this paragraph, "dishonesty" includes untruthfulness, deception, misrepresentation, falsification, and dishonesty by admission or omission.

[Peace Officers' Standards & Training Com., § IV, eff. 5-7-82]—(NAC A 12-17-87; 8-24-90; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R118-09, 1-28-2010; R085-10, 12-16-2010, eff. 7-1-2011; R066-12, 9-14-2012)

NRS 289.555 Person convicted of felony not qualified to serve as peace officer. A person who has been convicted of a felony in this State or any other state is not qualified to serve as a category I peace officer, category II peace officer or category III peace officer regardless of whether the person has been restored to the person's civil rights. (Added to NRS by *2003, 2697*)

In addition to the statutory requirements noted above, U.S. Code Title 18 Section 922 (d) (9) stipulates that individuals who have been convicted of certain other offenses cannot possess a firearm or ammunition and forms the basis for the firearms clearance issued by the FBI. The section is reproduced below, in part, as reference material only. Investigators should consult legal counsel for specific guidance in interpreting this section of law.

18 U.S. Code Title 18 Section 922:

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (*21 U.S.C. 802*));

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (*8 U.S.C. 1101 (a)(26)*));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) has been convicted in any court of a misdemeanor crime of domestic violence.

In their fingerprint returns, the Nevada Central Repository for Nevada Records of Criminal History and the FBI stipulate the eligibility of the Candidate.

EMPLOYMENT DISCRIMINATION LAWS & REGULATIONS

There are ever-increasing and constantly changing numbers of laws and regulations – both federal and state – that govern the personnel practices of all employers, including Title VII of the Civil Rights Act (CRA) of 1964 (as amended), the Age Discrimination in Employment Act (ADEA) of 1967, and the Americans with Disabilities Act (ADA) of 1990. They all share a common purpose: to prohibit *unfair discrimination* in employment and provide equal opportunity for all. Unfair discrimination occurs when employment decisions are based on any *protected class*, including race; gender; religion; ethnicity; national origin or ancestry; age; disability; political affiliation; pregnancy; medical condition; marital status, and sexual orientation, rather than on job-relevant knowledge, skills, abilities and other characteristics.

Unfair discrimination can take two forms: **Disparate Treatment** or **Disparate Impact**.

Disparate treatment occurs when an applicant from a protected class is treated differently than other applicants during the hiring process. Employers are vulnerable to allegations of disparate treatment when their selection inquiries and practices are inconsistent and irrelevant to the applicant's ability to perform the job.

Background investigators should carefully evaluate the relevance of their inquiries, especially those that focus on or single out individuals based on their protected class status. For example, **disparate treatment** allegations can arise when asking applicants questions such as "What is your religion?" "What church do you attend?" "What is your political affiliation?" "Are you a homosexual?" "What is your race?" "Are you pregnant?" "Do you plan to have children? If so, when?" Although there are certain statutory allowances for screening peace officers, questions in even these areas are ill advised unless they are sufficiently related to an essential job function.

Disparate impact occurs when a seemingly neutral standard or practice results in a substantially different rate of selection that works to the disadvantage of members of a protected class. For example, a height standard can disqualify a disproportionate percentage of women and certain minorities; standards related to credit history or arrest records tend to target certain minorities in disproportion to their percentage of the population. Any selection procedure that causes disparate impact may only be used if it can be demonstrated that it is job-related and consistent with business necessity (i.e., essential to the safe and efficient operation of the agency).

In addition to the section on Federal Laws and Regulations previously noted, the following Nevada Revised Statutes regarding employment discrimination are pertinent to this subject area.

NRS 281.370 Actions concerning personnel to be based on merit and fitness; discrimination prohibited.

1. All personnel actions taken by state, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof must be based solely on merit and fitness.

2. State, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof shall not refuse to hire a person, discharge or bar any person from employment or discriminate against any person in compensation or in other terms or conditions of employment because of the person's race, creed, color, national origin, sex, sexual orientation, age, political affiliation or disability, except when based upon a bona fide occupational qualification.

3. As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

NRS 613.210 Blacklists unlawful; recommendations and statements to be provided employee by employer.

1. As used in this section, "employee" means every person who has entered upon service or employment of an employer, and the employment shall be deemed to commence from the date of the entry or performance of any service. Any contract of employment, rule, regulation or device to the contrary is void.

2. A person shall not blacklist or cause to be blacklisted or publish the name of or cause to be published the name of any employee, mechanic or laborer discharged by that person with the intent to prevent that employee, mechanic or laborer from engaging in or securing similar or other employment from any other person.

3. If any officer or agent of any person blacklists or causes to be blacklisted or publishes the name of or causes to be published the name of any employee, mechanic or laborer discharged by that person with the intent to prevent that employee, mechanic or laborer from engaging in or securing similar or other employment from any other person in any manner conspires or contrives, by correspondence or otherwise, to prevent that discharged employee from procuring employment, the officer or agent, as applicable, is guilty of a misdemeanor.

4. Subsections 2 and 3 do not prohibit any person from giving in writing, at the time the employee leaves or is discharged from the service of the employer, a truthful statement of the reason for such leaving of the service or discharge of that employee, nor do subsections 2 and 3 prevent any employer from giving any employee or former employee any statement with reference to any meritorious services which the employee may have rendered to that employer. The employer shall supply statements as provided in this subsection upon demand from the employee, but no such statement is required unless the employee has been in service for a period of not less than 60 days. Only one such statement may be issued to that employee.

NRS 613.330 Unlawful employment practices: Discrimination on basis of race, color, religion, sex, sexual orientation, age, disability or national origin; interference with aid or appliance for disability; refusal to permit service animal at place of employment.

1. Except as otherwise provided in [NRS 613.350](#), it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, age, disability or national origin;

NRS 613.333 Unlawful employment practices: Discrimination for lawful use of any product outside premises of employer which does not adversely affect job performance or safety of other employees.

1. It is an unlawful employment practice for an employer to:

(a) Fail or refuse to hire a prospective employee; or

(b) Discharge or otherwise discriminate against any employee concerning the employee's compensation, terms, conditions or privileges of employment, because the employee engages in the lawful use in this state of any product outside the premises of the employer during the employee's nonworking hours, if that use does not adversely affect the employee's ability to perform his or her job or the safety of other employees.

2. An employee who is discharged or otherwise discriminated against in violation of subsection 1 or a prospective employee who is denied employment because of a violation of subsection 1 may bring a civil action against the employer who violates the provisions of subsection 1 and obtain:

(a) Any wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits;

(c) An order directing the employer to offer employment to the prospective employee; and

(d) Damages equal to the amount of the lost wages and benefits.

3. The court shall award reasonable costs, including court costs and attorney's fees to the prevailing party in an action brought pursuant to this section.

4. The remedy provided for in this section is the exclusive remedy for an action brought pursuant to this section.

DISABILITY DISCRIMINATION LAWS & REGULATIONS

Chapters 613 and 233 of the Nevada Revised Statutes are the guiding pieces of legislation regarding the investigation and enforcement of disability discrimination along with Chapter 233 of the Nevada Administrative Code which outlines the powers and responsibilities of the Nevada Equal Rights Commission concerning the investigation of discriminatory employment practices. These pieces of legislation, along with the Americans with Disabilities Act of 1990 form the basis of knowledge by which background investigators must perform their tasks.

It is vitally important that investigators recognize that Nevada disability laws and the ADA may be substantially different in their assessment of what constitutes a disability. When conducting investigations, we must be cognizant of the fact that discrimination actions can be sought under state standards which may be less restrictive than federal standards. In this vein, the development of "essential job functions" for employment classes is of paramount concern and investigators must be familiar with them so that they can assess an applicant's abilities to perform the functions of the job.

While an in-depth discussion of all facets of the ADA and Nevada Statutes is not possible within the confines of this manual, there are some very general areas of discussion which can be addressed. Investigators should consult with their local legal counsel and/or ADA Coordinator with respect to their investigations if they have any doubts about how to proceed.

Who Is Protected

Under the ADA you must be 1: disabled and 2: "otherwise qualified" to perform the essential functions of the job (with or without reasonable accommodation, if necessary). Individuals are "disabled" if they have a physical or mental impairment that limits one or more major life activities, a record of such impairment, or are regarded as having an impairment. Current users of illegal drugs are not protected however, individuals who have a history of drug addiction/dependence are. Both current and past alcoholism are protected.

Who Is Not Protected

The following conditions are expressly not protected under the ADA.

- ◆ Physical attributes (height, weight not related to a medical condition).
- ◆ Personality characteristics (bad judgment)
- ◆ Temporary conditions
- ◆ Current drug use or past casual use
- ◆ Sexual conditions (homosexuality, bisexuality, transvestitism, transsexualism)
- ◆ Generalized stress due to job pressures
- ◆ Compulsive gambling
- ◆ Kleptomania
- ◆ Pyromania

Regardless of their disability, applicants must also be otherwise qualified in order to be protected by the ADA. To be otherwise qualified applicants must first meet all of the statutory and other minimum qualifications for the position including that they have a law-abiding history.

GENETIC INFORMATION NON-DISCRIMINATION ACT 42 USC 2000FF SECTION 202

Genetic Information Discrimination

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits genetic information discrimination in employment, took effect on November 21, 2009.

Under Title II of GINA, it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs - referred to as "covered entities") from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.

The EEOC enforces Title II of GINA (dealing with genetic discrimination in employment). The Departments of Labor, Health and Human Services and the Treasury have responsibility for issuing regulations for Title I of GINA, which addresses the use of genetic information in health insurance.

Definition of "Genetic Information"

Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Discrimination Because of Genetic Information

The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment. *An employer may never use genetic information to make an employment decision because genetic information is not relevant to an individual's current ability to work.*

Harassment Because of Genetic Information

Under GINA, it is also illegal to harass a person because of his or her genetic information. Harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so severe or pervasive that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area of the workplace, a co-worker, or someone who is not an employee, such as a client or customer.

Retaliation

Under GINA, it is illegal to fire, demote, harass, or otherwise “retaliate” against an applicant or employee for filing a charge of discrimination, participating in a discrimination proceeding (such as a discrimination investigation or lawsuit), or otherwise opposing discrimination.

Rules Against Acquiring Genetic Information

It will usually be unlawful for a covered entity to get genetic information. There are six narrow exceptions to this prohibition:

- ◆ Inadvertent acquisitions of genetic information do not violate GINA, such as in situations where a manager or supervisor overhears someone talking about a family member’s illness.
- ◆ Genetic information (such as family medical history) may be obtained as part of health or genetic services, including wellness programs, offered by the employer on a voluntary basis, if certain specific requirements are met.
- ◆ Family medical history may be acquired as part of the certification process for FMLA leave (or leave under similar state or local laws or pursuant to an employer policy), where an employee is asking for leave to care for a family member with a serious health condition.
- ◆ Genetic information may be acquired through commercially and publicly available documents like newspapers, as long as the employer is not searching those sources with the intent of finding genetic information or accessing sources from which they are likely to acquire genetic information (such as websites and on-line discussion groups that focus on issues such as genetic testing of individuals and genetic discrimination).
- ◆ Genetic information may be acquired through a genetic monitoring program that monitors the biological effects of toxic substances in the workplace where the monitoring is required by law or, under carefully defined conditions, where the program is voluntary.
- ◆ Acquisition of genetic information of employees by employers who engage in DNA testing for law enforcement purposes as a forensic lab or for purposes of human remains identification is permitted, but the genetic information may only be used for analysis of DNA markers for quality control to detect sample contamination.

Confidentiality of Genetic Information

It is also unlawful for a covered entity to disclose genetic information about applicants, employees or members. Covered entities must keep genetic information confidential and in a separate medical file. (Genetic information may be kept in the same file as other medical information in compliance with the Americans with Disabilities Act.) There are limited exceptions to this non-disclosure rule, such as exceptions that provide for the disclosure of relevant genetic information to government officials investigating compliance with Title II of GINA and for disclosures made pursuant to a court order.

Essential Job Functions

Doing the job is defined as being able to perform the *essential functions*. Essential functions are those duties that are considered fundamental (as opposed to marginal) to the position.

Employers have the right and the responsibility for identifying the essential functions of the position to serve as the basis for determining applicants’ suitability for employment. It is therefore imperative that agencies create and maintain accurate job descriptions, and that background investigators become familiar with these descriptions so that there is a shared, explicit understanding of what it takes to be able to do the job.

Reasonable Accommodation

A reasonable accommodation is defined as “any change or adjustment to a job or work environment that permits an otherwise qualified, disabled applicant to compete for and perform the essential functions of the job.” Reasonable accommodation can take many forms, ranging from allowing extra time on a written test, providing regular breaks to allow an employee to take medications, to allowing a student to use a light or smaller handgun.

Reasonable accommodation is one of the cornerstones of ADA, but it is a legally complicated concept and one unlikely to emerge during most of the background investigation process. However, should an applicant request reasonable accommodation, a background investigator is well-advised to contact the agency’s ADA coordinator or other appropriate personnel. It is sufficient here to emphasize that:

- 1) providing reasonable accommodation is a statutory obligation of employers, unless the accommodation would cause an undue hardship to the operation; and
- 2) decisions surrounding the choice and implementation of any accommodation should be based on individualized assessment, resulting from a constructive discussion with the disabled individual and, when necessary, an appropriate healthcare professional.

THE CONDITIONAL OFFER OF EMPLOYMENT: PRE- AND POST-OFFER INQUIRIES

Another cornerstone of the ADA is the separation of the pre-employment process into two stages, punctuated by a conditional offer of employment (COE). For the COE to be considered “bona fide” (i.e., real), employers must evaluate all relevant non-medical information that they reasonably can obtain and analyze prior to extending the offer. The COE itself should state that the applicant has *provisionally* passed the background investigation, and that additional background information may be investigated at the post-offer stage which could, if warranted, result in the withdrawal of the job offer.

The Pre-Conditional Offer Stage

Prior to extending the applicant a COE, no disability-related inquiries can be asked on forms or in interviews, nor can such information be sought from third parties (e.g., past employers, references). Disability-related questions include asking applicants if they have had a particular disability or suffered from a mental condition. Questions about a history of worker’s compensation claims or job-related injuries are also forbidden pre-offer, since these types of questions may elicit disability-related information. General questions that are likely to elicit disability-related information are also prohibited pre-offer, such as, “What impairments do you have?” “Have you ever been hospitalized?” or “What medications do you take?”

At the pre-offer stage, it is acceptable at any time to ask applicants about employment history, including questions about the circumstances of any gaps or sudden departures from employment. This is permitted even if the applicant was unemployed or terminated because of disability-related reasons. It is also permissible to ask pre-offer questions about previous attendance records (e.g., “How many days were you absent from your last job?”). Although it is not permissible to ask pre-offer questions about the number of days an applicant missed work in a previous job due to illness, it is legal to ask questions involving abuse of leave (e.g., “How many Mondays and Fridays were you absent last year other than approved time off?”).

A history of **drug addiction or dependence** is considered a disability; therefore, questions that could reasonably be expected to elicit this information are prohibited, such as “Have you ever been addicted to drugs?” or “Have you ever been treated for drug addiction?” Questions that address extent of past drug use are also prohibited, such as “How many times have you used illegal drugs in your life?” or, “How often did you use illegal drugs in the past?”

Current illegal use of drugs does not fall under the protection of the ADA; however, there is no clear-cut definition of “current;” ...recently enough to justify an employer’s reasonable belief that involvement with drugs is ongoing.” Individuals with a past history of recreational or casual drug use also fall outside the protection of the law. Therefore, narrowly-defined questions about past drug use that do not address frequency or extent of use are permissible pre-offer. The sample Personal History Statement includes examples of such questions. Any additional pre-offer questions on this topic should not be considered without the input of legal counsel. The sample Personal History Statement uses six months as a benchmark for questions on current illegal drug use; however, this time frame is intended as a rule of thumb rather than a legally sanctioned standard.

Unlike illegal drug use, current and past alcoholism are protected. Therefore, alcohol tests are prohibited prior to the COE. No pre-offer questions may be asked regarding the extent of the applicant’s use of alcohol or other aspects of alcoholism. For example, applicants may not be asked pre-offer how much they drink. However, questions about *social* use of alcohol are permissible, as are inquiries about their (job-relevant) behavior, even if that behavior was a result of drunkenness. For example, it is legal to ask about DUIs pre-COE, as well as whether they have been late to or absent from work because of alcohol (or drug) use.

The Post-Conditional Offer Stage

After a COE has been extended, medical and disability related inquiries and examinations are permissible. However, all such questions must be job-related and consistent with business necessity, and all applicants must be subjected to the same basic inquiries. Note that a job offer revoked at this stage may be assumed to be due to disability-related reasons; therefore, an employer may be required to show that the applicant is unqualified or poses a direct threat.

Medical and other disability-related information must be treated with extreme confidentiality. Screening physicians, psychologists, and even background investigators should only disclose such information to others involved in the hiring process (including each other) on a need-to-know basis. This information must be kept confidential and stored in a separate, secure medical file — not with the employee’s regular personnel file. Access by others should be strictly limited. The law allows access to this type of information by only a few selected individuals, including: 1) supervisors or managers, who may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations; 2) first-aid and safety personnel, who may be informed if a disability will require emergency treatment; 3) government officials investigating compliance with ADA/ and 4) state workers’ compensation fund employees or representatives of insurance companies.

Background Investigation Inquiries: Pre- Or Post-Offer?

The sequencing of most phases of the hiring process is clear-cut: Written tests and oral interviews should be conducted pre-offer, since they do not address medical or other disability issues. On the other hand, medical and psychological evaluations must be deferred until the post-offer phase.

Situating the background investigation is another matter. On one hand, the determination of good moral character would not appear on its surface to require inquiries into medical, psychological, or other disability-related areas. As such, the background investigation should be conducted prior to the COE.

In reality, however, the background investigation can and does include inquiries prohibited at the pre-offer phase. Prohibited topics include histories of legal and illegal substance abuse (both drugs and alcohol), behaviors resulting from problems with stress tolerance and other psychological stability concerns, and learning disabilities as they relate to educational and employment history, to name a few. Disability-related information may be divulged by the candidates themselves, as well as by the numerous references contacted during the investigation, including past and current employers, family members, friends, roommates, neighbors, etc. But, at the pre-offer stage, background investigators are legally barred from pursuing this line of questioning, regardless of job relevance or business necessity.

The regulations associated with the ADA include a provision allowing for the deferral of certain non-medical or non-psychological inquiries until the post-offer stage if it can be demonstrated that the information could not have reasonably been collected prior to the *COE*. Because of the uncertainties associated with the *COE*, California POST submitted a written request to the EEOC for guidance on the proper interpretation of this provision with respect to the sequencing of peace officer background investigations.

Specifically, California POST asked about the permissibility under the ADA of deferring to the post-offer phase those parts of the peace officer background investigation that do not involve medical or other disability-related inquiries.

In their response, the EEOC stipulated that, at a minimum official document such as DMV records, birth certificates, and credit reports must be requested at the pre-offer stage, since the information in these documents do not touch on medical or other prohibited topics and they are readily obtainable. However, the EEOC agreed with POST that other aspects of the peace officer background investigation could lawfully be deferred until the post-offer phase, including (1) the receipt and evaluation of official documents that cannot be obtained in a timely manner, and (2) contacts and interviews with references, if this information could not have reasonably been collected prior to the *COE*.

Chapter 3 - The Background Investigation Process

Before beginning the investigation, the investigator should be fully familiar with the laws and regulations associated with the conduct of backgrounds. Investigators are strongly advised to complete POST-certified background investigation courses.

Investigators also need to understand local policies and ordinances, agency standards, and their agency's needs and philosophy regarding the background investigation process. They need the ground rules regarding the resources (both human and other) committed to this process, and a full understanding of what is expected of background investigators.

Agency procedures, resources, and priorities will have a significant impact on the manner in which background investigations can be conducted, including:

- 1) The amount of time available to complete the investigation,
- 2) The resources available for conducting background investigations,
- 3) Whether background investigations are a full-time assignment or an ancillary duty,
- 4) The extent to which the agency has clearly defined background and hiring policies,
- 5) Availability of clerical support,
- 6) The agency's policy regarding interactions between the background investigator and others involved in the hiring process (i.e., the truth detection examiner, psychologist, or medical doctor), and
- 7) The background investigator's role in the hiring decision.

Investigators must also balance agency resources against the value of the background information to be gained. Geography, logistics, staffing, funding, and urgency all have an impact on available resources. The fewer resources available, the more important it is to choose wisely when investing time and effort in a specific situation. Careful planning is critical; investigators must learn to maximize the available time and personnel resources. For example, driving halfway across the state to speak with a manager at the local fast food restaurant where a candidate worked eight or nine years ago may not be a very productive use of time.

THE BACKGROUND STEPS

The background investigation phases or “steps” are graphically represented. The following steps pertain to the investigations of peace officers:

Step 1	Preparation of the packet
Step 2	Meet with candidate to explain the packet
Step 3	Review the Personal History Statement and other completed/returned materials
Step 4	The initial background interview
Step 5	Collect and submit candidate fingerprints
Step 6	The investigative process
Step 7	Detection of deception examinations
Step 8	Discrepancy interview
Step 9	Report and background packet preparation

Agencies have considerable latitude in how these steps are ordered and implemented, and even whether certain steps (e.g., discrepancy interviews) are performed at all.

Step 1 - Preparation of the Packet

The precise composition of a background packet will vary from agency to agency, based on department policies, guidance from the agency's legal counsel, and consultation with the agency's human resources or personnel department. At a minimum, the packet should include:

- ◆ Agency-specific information - hiring requirements and policies, detailed instructions, etc.
- ◆ A personal history statement that the candidate must complete and return
- ◆ A list of documents (birth certificates, high school transcripts, etc.) that the candidate is expected to furnish (and- how and when they are to be furnished)
- ◆ Multiple waivers and authorization forms, such as:
 - advisements regarding false statements,
 - lateral advisements and authorization forms for release of information
- ◆ Actual agency advisements and forms should be on current department letterhead, reviewed by legal counsel, and notarized as necessary.
- ◆ Credit Advisement Form [to comply with the Fair Credit Reporting Act
- ◆ Additional forms (e.g., blank supplementary questionnaires, child support, etc. Copies of these forms for candidates can easily be reproduced from this packet).

Step 2 - Meet with Candidate to Explain the Packet

It is a good idea to meet with the candidate to present the background packet personally. By explaining each item in the packet, communication between the candidate and the investigator is fostered and confusion can be avoided. Investigators who question the need for this step do well to remember their own surprise when, as a candidate, they were first handed a background packet. Candidates for employment as a peace officer may never have been confronted with such a comprehensive application document.

At this initial meeting, agency-specific requirements or policies can be discussed and each section of the Personal History Statement can be reviewed, emphasizing the need to be honest, thorough, and complete. The list of required documents should be reviewed as well. An agreed-upon time can be established for the candidate to return the completed documents. The investigator and candidate should exchange contact information, including cell phone numbers and e-mail addresses.

Step 3 - Review the Personal History Statement and Other Completed/Returned Materials

Once the candidate has completed a background packet, the investigator should review the submitted materials. The completed Personal History Statement should be reviewed to establish that there are no immediately disqualifying factors (e.g., felony conviction for peace officer candidates, lack of position-appropriate citizenship, admitted current illegal drug use, etc.). Notes should be made of responses and issues that require attention in the earliest steps of the investigation, including during an initial background interview.

It is permissible to make copies of passports, Certificates of Naturalization, and other official documents to include in the background investigation file (Note: Only copies made with the intent to defraud are prohibited by law). Copies should include a notation that the original or certified copy was inspected, the date of inspection, and the signature of the investigator.

DOCUMENT ANALYSIS

A typical background investigation may include 50 or more pages of documents, ranging from the Personal History Statement to copies of various releases to vital statistics documents, transcripts, credit reports, criminal histories, etc. The verification of all these documents can be challenging at best.

The analysis of original documents is far preferable to facsimile reproductions. The candidate should be required to bring original documents (or, in some cases, certified copies) to the investigator. If necessary, duplicates can be made and the originals returned to the individual. If copies are made, the investigator should make a note that the originals were reviewed.

In general, there are three issues that must be addressed when analyzing a document:

- 1** Is it authentic? Does it look real?
- 2** Is the information consistent with other claims made by the candidate, and the information already submitted or uncovered in the background?
- 3** Is it sufficient, that is, does it provide legally acceptable proof?

If in doubt about a given document, the best advice is to check with the originating source. Virtually any official document can be verified by the agency or institution of issuance. However, this can be a *very* time-consuming process; therefore, there are a few checks that investigators can initially do themselves, for example:

- 1 The social security number provided can be matched against the number on the college transcripts, credit report, and fingerprints,
- 2 The information on the driver's license can be checked against the information on the official driving record, and
- 3 The Selective Service registration number can be matched against the number obtained on-line.

Most documents submitted by candidates are what they say they are. The most common types of deficiencies involve documents that, although genuine, are not legally sufficient. Examples include:

- ◆ Ceremonial birth certificates from hospitals that, although real, are not legal birth certificates.
- ◆ School transcripts, although genuine, from unaccredited educational institutions.
- ◆ Credit reports that are real, but over one year old.
- ◆ Automobile liability insurance cards that are real but expired, or that do not name the candidate as an insured.

Step 4 - The Initial Background Interview

It is advisable to meet with the candidate to review the information. This interview may take place either during or after the review of the information by the investigator. This initial background interview allows the investigator to:

- ◆ affirm with the candidate that documents are true, correct, and up-to-date,
- ◆ explore reasons or explanations for curious, suspicious, or incomplete responses,
- ◆ correct truly inadvertent errors or oversights and,
- ◆ get an overall feel for the candidate.

If corrections are necessary, they can be made in one of several ways: 1) on a separate working copy, thereby preserving the original; 2) on the original document, but only in a different color of ink, or 3) by having the candidate submit supplementary sheets explaining each correction. Available time and investigator's/department's preference dictate which of these options is best.

Agency policy will dictate the treatment and disposition of inaccurate or incomplete information. Some agencies have a zero tolerance for such error, insisting upon a correct and complete document the first time; others are more lenient.

Candidate responses that are vague, suspicious, or incomplete should be the focus of further questioning. This process will provide valuable insight into where the likely problems are to be found, thus allowing the investigator to begin prioritizing the focal points of the investigation.

It is recommended that this interview and all others be tape-recorded. Tape recordings can be a valuable back-up to the investigator's memory, especially in the event that a single investigator is handling multiple backgrounds. It also provides solid proof of what was asked and the content and manner of the answers. Candidates must be informed that interviews are being recorded.

The initial background interview is also an ideal time to have candidates execute all the necessary release and authorization forms. A signed, notarized, comprehensive, and valid authorization for the release of information can offset the reluctance of contacts and references to answer questions about others. Sample releases are provided in Appendices Area of the manual however, it is critical that the agency's legal counsel play an active role in the design, approval, and/or use of these forms. Unless otherwise specified, authorizations for release of information may only be valid for 30 days.

There may be circumstances where time or distance simply will not permit a face-to-face meeting between the investigator and the candidate. In this case, a telephone follow-up with the candidate may be the only means available.

Interviewing

A very substantial part of the background investigation process consists of making contact with a wide variety of individuals, including the candidates and their relatives, references, acquaintances, teachers, neighbors, employers, military acquaintances and others. All these individuals need to be interviewed, whether in writing, by telephone interview, or as a result of a face-to-face meeting.

The background process can be intimidating and intrusive to these interviewees, especially to the many candidates who have never experienced this depth of interrogation. Although candidates must cooperate fully and openly with a lawful background investigation, investigators are wise to remember that the best candidates are likely to have many choices law enforcement and otherwise. The interview should be seen as an opportunity to represent the agency favorably in addition to uncovering job-relevant information.

With certain narrow exceptions, others who are contacted during the process are under no obligation to cooperate; investigators must rely upon their good will to gather the needed information. Unlike a criminal investigation, many people contacted in the course of a background have no idea that they were going to be interviewed, nor do they have expectations regarding the nature of the investigation. Many will be reluctant to answer questions about others. The investigator's skill in gaining the cooperation of others is critical. The style and manner in which these individuals are approached and interviewed will very often make the difference between success and failure.

There are many useful publications and resources dealing with the subject of interviewing. It is beyond the scope of this manual to provide an in-depth discussion of effective interviewing. Presented on the following page is a brief overview of some of the more important aspects of interviews that have the most direct bearing on the conduct of background investigation.

Preplanning

By taking the time to prepare and ask job-related questions and focus the interview on candidate qualifications, investigators maximize the use of the time spent in the interview and send a powerful message to interviewees that they are serious about evaluating candidates carefully and selecting the best person for the job. This positive message reflects well upon the agency, and can prove to be an effective recruitment device, as candidates appreciate employment practices that are thorough, job-related, and even-handed.

Beginning the Interview - Establishing Rapport

Creating an accepting, open environment helps relieve the interviewees' anxiety, which in turn allows them to feel comfortable giving honest, candid answers. Therefore, building rapport can enhance the effectiveness of the interview by yielding more complete and accurate candidate information.

Open the interview session by greeting the individual with a sincere smile, lots of eye contact, and a firm handshake. Providing information about the background investigation can both serve as an icebreaker as well as ensure that interviewees understand the process and what is expected of them. Interviewees must be informed if an audio recording device is used. They should be encouraged to respond candidly and completely to all questions, to provide specific examples of past behavior, when appropriate, and to ask for clarification if a question is unclear.

Posing Questions - Open Versus Closed Questions

Questions can vary by the type of response required of the candidate, ranging from a simple “yes” or “no” (closed questions) to an in-depth answer. In general, answers to closed questions (e.g., “Have you ever worked the night shift?”) are often so short that they do not provide interviewers with sufficient, useful information. The result is that interviewers end up doing more talking in the interview than the candidate does. A “yes or no” question, for example, may require 15–20 words to ask, but only elicit a 1–3 word response. Therefore, questions that are open-ended are generally preferable.

Although they should be used sparingly, closed-ended questions do have their place in the background investigation. During the interview, they are useful for verifying facts, eliciting specific details, addressing questions arising from the candidate’s written responses, or for checking minimum qualifications.

Open questions require candidates to provide specifics, details, and other information. These questions are useful in finding how well the candidates organize their thoughts and sometimes they can reveal attitudes and feelings critical to effective job performance. They are generally more effective than closed-ended questions at developing insight into a candidate’s experience and abilities.

Question Phrasing

Regardless of format, all questions must be worded clearly, simply, and concisely. The candidate must understand what is being asked without having to second-guess or read between the lines. Interviewers can have a significant influence over the responses of candidates based on the specific wording chosen to communicate the question. Leading questions indicate to the candidate the response that the interviewer wants. Leading questions include those in which the correct answer is fairly obvious (e.g., “How important is it for a peace officer to have integrity?”) or implied by the way the question is phrased or delivered (e.g., “Would you be willing to use deadly force, if necessary?”)

Follow-Up/Probing

Follow-up questions can serve three important functions: clarification, elaboration, and verification.

- 1** Clarification – Follow-up questioning may be necessary if the interviewee’s response was vague or confusing, or indicates that he did not understand the question. Investigators should ask clarifying questions if they find themselves needing to make inferences or assumptions to fill in the gaps in the information provided. Sometimes clarifying questions may be as simple as repeating the initial question. Otherwise, clarifying follow-up questions typically begin with phrases such as *“Could you explain again...,”* *“Help me understand,”* or *“What do you mean ...”* It may also be appropriate to paraphrase what the individual said: *“If I heard you correctly, here is what you said...”*
- 2** Elaboration – An individual may provide a brief answer that needs to be expanded. In these situations, follow-up questions can be used to obtain more details. Sometimes a simple pause – saying nothing – will elicit a further response. Otherwise, probes such as *“Tell me more about...,”* *“Walk me through...,”* *“Could you expand on...,”* or *“Please provide an example”* can prompt additional, necessary information. Even if the response was complete, at times it may be useful to request another example or other additional information to ensure a complete picture of the individual.
- 3** Verification – In an effort to present themselves in the best possible light, candidates may provide impressive but not necessarily complete and accurate responses. Asking follow-up questions to obtain details about how, who, when, and where will help interviewers separate what is being said from how it is being said, to ensure that they are not unduly influenced by candidate presentation skills alone. Pressing candidates and others for specifics allows the investigator to retain control of the interview by ensuring that the answers provided are complete, accurate and in line with information the investigator sought.

Interviewer's Nonverbal Behavior

Nonverbal behavior (eye movements, changes in posture, facial expressions) can communicate as much information to the individual as the questions themselves. An investigator's body language can either encourage or discourage information. There are several steps investigators can take to ensure that their nonverbal behavior creates an atmosphere in which the candidate will relax and talk more freely:

- ◆ Keep your eyes opened and focused on the individual, especially when asking questions or when a candidate seeks clarification.
- ◆ Maintain an open, interested posture: face the person, do not cross your arms; lean forward when listening to candidate responses.
- ◆ Keep a cheerful expression: smile, never frown, grimace or show confusion, disapproval, boredom, or impatience.
- ◆ Nodding your head indicates that you find the information useful and encourages the individual to continue, as does giving short verbal approval, such as "mm-hmm."
- ◆ Speak at a reasonable, steady pace, using variation in voice loudness and tone to emphasize important points or requests and to keep communications sounding fresh and genuine.

Deception in the Interview

Avoidance of eye contact, rapid blinking, and nervous body movements are commonly interpreted — particularly by experienced law enforcement officers — as signs of deception. However, research has demonstrated that nonverbal behaviors are unreliable indicators of lying. For example, while some individuals do look away while lying, others increase their degree of eye contact. Fidgeting and other nervous body movements can be natural behavior for some and a natural reaction to the stress of the interview for others. Therefore, investigators should avoid drawing conclusions about an individual's deceptiveness or other motives based on nonverbal behavior alone.

Step 5 - Collect and Submit Candidate Fingerprints

Agencies differ as to when fingerprints are obtained and submitted to the Federal Bureau of Investigation (FBI) and the Department of Public Safety. Although Livescan responses may return in 24 hours or less, problem records can take upwards of 30 days. Firearms clearance letters are mailed separately and may take several weeks to process.

For peace officer candidates, there will be three documents returned to the agency: 1) the criminal record return from the Nevada Central Repository for Nevada Records of Criminal History, of the Department of Public Safety. 2) the FBI criminal record return document and 3) the DOJ firearms eligibility clearance return. Each one of the documents must be reviewed carefully to ensure that there is a clearance on the return document, as error messages transmitted to the employer via email look very similar to actual Livescan reports. Therefore, investigators must carefully inspect these returns to avoid potential problems.

Any indication of criminal activity or a negative return must be thoroughly reviewed to determine compliance.

Step 6 - The Investigative Process

Each background investigation may take 40 or more working hours of an investigator's time. The investigative hours are likely to be spread out over many weeks, depending upon the candidate. Type of history, length of history, number of candidates, geographical history, available resources, and even competing demands on the investigator's time all have an impact on the length of time required.

Investigators should be aware of the available resources before embarking upon the investigation. Resource realities will dictate whether the investigation will focus on mailed inquiries, phone calls, face-to-face interviews, or some combination thereof.

Regardless of the manner in which references are contacted, the investigator must determine who and how many individuals to contact. The following general guidelines may help:

- ◆ Rather than using a “shotgun approach” (i.e., contacting everyone to ensure completeness), assess the expected value of the comments from a particular reference against the resources expended to get the information.
- ◆ Begin in the areas that appear to be the most time-consuming or an area which, if explored, is most likely to reveal information that will disqualify the candidate from further consideration. The areas will vary from candidate to candidate.
- ◆ Contact a diverse group of persons who know the candidate across a variety of contexts (home, school, work, socially, the military). Often, the point of diminishing returns is reached when this type of diverse group echoes the same information about the candidate, both positive and negative. If significantly different information is revealed, or the contacts only know the candidate in a very limited context, more interviews are probably appropriate.

Cyber-Investigations: Internet Searches and Search Engines

Internet searches may provide quick and convenient access to many public records not easily inspected in-person, provide background information on individuals who appear in the local media or other internet sources, and even assist in locating individuals and/or their employers when information furnished on a PHS is incomplete or out-of-date. However, the lure of cyber searching can easily result in countless valuable hours surfing for information of marginal use. An investigator must continuously balance the time available for the investigation against the potential value of information to be gained as a result of such searches.

It is also quite easy to spend excessive amount of time and resources searching on subscription search engines (e.g., Lexis-Nexis, Equifax, Autotrak, West Law). When using commercial search engines, it is wise to identify the focus of the search beforehand and narrow inquiries to information that will be of maximum value (and not otherwise reasonably available at a lower cost). This practice is advisable even when accessing free search engines (e.g., Google, Yahoo, MSN).

The proliferation of social networking sites (e.g., MySpace, Facebook, Twitter), may provide additional insights regarding candidates. Background investigators and others involved in the selection process may also find benefit in checking these sites and, where necessary, directing candidates to “unlock” their individual pages. It is highly recommended that investigators consult with their legal counsel and be familiar with their department policy in this area prior to accessing social media sites. (with or without the consent of applicants) This area of law is currently undergoing significant scrutiny in regard to the coerced or forced nature of the authorization. 18 U.S.C. Section 2701, the Stored Communications Act, is the guiding Federal legislation in this area. The relevant Nevada Revised Statutes encompass NRS 205.473 thru NRS 205.513 and in some circumstances, it is possible that the provisions of NRS 179.1217 which defines Technological crime may be relevant.

While the internet generally provides for the quick and inexpensive transmission of information, it is not secure. Background investigators are generally in possession of huge amounts of highly personal and sensitive data concerning their candidates, and care must be exercised before this information is transmitted over the internet.

Step 7 - Detection of Deception Examinations

The administration of pre-employment “detection of deception” examinations (i.e., polygraph, voice stress analysis) is a POST requirement. Agencies electing to conduct a detection of deception examination should do so based on a full understanding of the advantages and limitations associated with this procedure. The placement of the examination within the pre-employment screening process should be decided in consideration of federal and state disability statutes. The ADA statutes prohibit pre-offer inquiries involving medical or psychological disabilities, including history of drug use and current or past alcoholism. This prohibition applies even if the agency outsources this step in the process. Agencies should carefully review the provisions of Nevada Revised Statute NAC 289.110 regarding the administration of detection of deception examinations including NRS 613.440 and NRS 613.450 and relevant case law with respect to the use and permissibility of such examinations.

Step 8 - Discrepancy Interview

A discrepancy interview may be held if inconsistencies or other issues arise during the conduct of the investigation that impact a candidate’s employment eligibility. It is recommended that the investigator prepare for the meeting by writing a description of each issue to be discussed. At the start of the interview, the candidate should be provided with a copy of the written description of each discrepancy, and given ample opportunity to provide a complete explanation for each identified issue. This interview is not the place to make any commitment to the candidate as to the outcome of the background investigation process.

It is highly recommended that all discrepancy interviews be audio or video recorded, with the knowledge of the candidate. As discussed previously, this prevents misinterpretation or misrepresentation of what was said.

As a pre-employment background investigator you do not want to reveal your source of information. In this respect, the pre-employment investigation is similar to the criminal investigation. For instance, you wouldn’t provide a suspect with the name of a CI nor would you indicate where you may have obtained information.

Step 9 - Report and Background Packet Preparation

The heart of the background investigation is the completed package. Excellent investigative work needs to be competently, clearly, and defensibly documented. The background report must clearly address all required areas of inquiry as they relate to the essential attributes as defined in the background dimensions.

Below are some general guidelines for writing effective reports:

- 1** Write for the reader! If the report cannot be understood, is too long, poorly written, or too confusing, it will not be read and nothing is gained.
- 2** Do not bury critically important information.
- 3** Assume that everything in the report might ultimately be subject to discovery. Avoid including information that cannot be supported with facts or corroboration.
- 4** Impressions count. While investigators should avoid injecting personal bias in any official action, their ability to assess the credibility and/or motives of others is key to a successful background.
- 5** If it cannot be documented, it did not happen. Do not put the agency in a position of having to defend something that is not documented.
- 6** Always keep in mind the visibility and importance of the background report and the investigation itself. The decisions resulting from this report will affect the quality of the agency’s workforce. Their safety and effectiveness may well depend upon how well the investigation has been conducted and documented.

The typical completed background package includes:

- ◆ Narrative summary
- ◆ Results of interviews
- ◆ Personal History Statements (PHS)
- ◆ Copies of relevant supporting documents
- ◆ Completed background report

These documents should be organized in a consistent, systematic manner. A package that is poorly organized or difficult to understand is unfair to the candidate as well as an inefficient use of the investigator's time and agency resources.

An "investigator's checklist" is recommended, regardless of the reporting system chosen. The checklist should be included in the package, along with all supporting documents situated in the appropriate sections of the completed background report packet (e.g., birth certificates, marriage dissolution documents, educational records, military records, credit report, fingerprint returns, motor vehicle records, and clearance letters from the psychologist and the medical evaluator).

Report Recommendations

Agency policy will generally dictate whether the investigator is required to offer a recommendation. However, the hiring decision rests with the department head.

It is recommended that background investigators not include recommendations in their report unless their recommendations are *always* followed. This avoids placing the agency in the potentially embarrassing position of having to explain a hiring decision in the face of the investigator's contrary recommendation.

Rather than making such recommendations, investigators should summarize their findings —especially negative information.

Record Retention

All parts of the narrative report need to be retained in the background package for inspection by POST in order to verify that all areas of inquiry were thoroughly addressed.

Q: Must an investigator's handwritten notes be preserved along with the rest of the background?

A: If an investigator's notes are rough drafts of material faithfully and entirely reproduced in the background file, they do not have to be maintained. However, if the notes are the only record of information obtained, they would be subject to the same retention requirements as any other aspect of the background investigation.

The Conditional Offer of Employment

Traditionally, the completed background investigation package is forwarded to the hiring authority for evaluation. Those candidates found suitable are then notified by a conditional offer of employment (COE). However; closing out the background investigation prior to a COE, limits lawful inquiries into areas such as history of illegal drug use, extent of alcohol use, or other disability-related issues that are prohibited at the pre-offer phase. Therefore, at a minimum, the COE should inform candidates that further background issues may continue to be investigated as warranted.

By law, the entire background investigation may not be deferred to the post-offer phase. However, ADA regulations include provisions for allowing for the deferral of certain non-medical or non-psychological inquiries until the post-offer stage “if the employer can demonstrate that the information could not have reasonably been collected prior to the COE.”

A thorough discussion of the practical implications and options for the sequencing of the background investigation with respect to the COE is discussed in Chapter 2.

Medical and Psychological Evaluations and Background Investigations Follow-Up

NAC 289.110 Medical and psychological evaluations are required for peace officers. (NAC 289.110 1(e) and NAC 289.110 2(i).

Even if the background investigation is conducted pre-offer, background investigators may need to follow-up on personal history topics that could not be fully investigated at the pre-offer stage, such as extent or frequency of past illegal drug use, current/past alcohol abuse, and behavior issues or performance problems associated with medical or psychological conditions.

A request for any information or explanations that the applicant may have lawfully withheld at the pre-offer stage can be included with the conditional offer of employment itself. During the course of the background investigation, the investigator may uncover information indicating that a candidate may be unfit for physical, emotional, or mental reasons. In such cases, the investigator should refer the information to the appropriate professional for evaluation. Furthermore, it is not uncommon for an examining physician or psychologist to seek information from the background investigator that might bear on a particular aspect of the candidate's medical or psychological condition. There may also be times when the physician or psychologist uncovers information unknown to but relevant for the background investigator. This information should be forwarded to the background investigator for evaluation and additional investigation if appropriate. In general, the psychologist, physician, and background investigator should work cooperatively as long as the information, especially ascertained from the psychologist or physician to the background investigator, is provided only on a need to know basis.

Medical and Psychological Examination Documentation

Findings of the medical and psychological suitability evaluations must be reported in writing to the appointing authority for use in the hiring decision.

- 1 The evaluator's contact information and medical license number,
- 2 The candidate's name,
- 3 The date the evaluation was completed, and
- 4 A statement, signed by the physician/evaluator, affirming that the candidate was evaluated in accordance with a job description.

Documentation of medical/psychological clearance is intended to be kept in the individual's background file; however, the actual report and other documents that include medical and/or psychological information must be kept separately and securely.

Final Evaluation – Formal Offer of Employment

At this time, the hiring authority should have a completed background report, including any required follow-up investigation. All documentation should be secured in the file, the narrative report of the background investigation completed, all medical and psychological screening requirements conducted, and any discrepancies resolved. The appointing authority is now ready to make a final hiring decision.

continued

BACKGROUND INVESTIGATION CHECKLIST – PEACE OFFICER

Page 2 of 2

NAME	POSITION
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TYPE OF INQUIRY	DATE		BY	TYPE OF INQUIRY	DATE		BY
	LETTER MAILED	REPLY RECEIVED			LETTER MAILED	REPLY RECEIVED	
Educational Documents				Legal Records			
				FBI Record			
				CA Department of Justice			
				Firearms Clearance Letter			
Credit Records				Local LE Agency Checks:			
Military Records							
DMV Records							

TYPE OF SCREENING	DATE	BY	OTHER	DATE	BY
Medical Screening Completed					
Psychological Screening Completed					

TYPE OF ACTION	DATE	BY	COMMENTS
Applicant Orientation and Questionnaire Review (Optional)			
Applicant Discrepancy Interview, if any (Optional)			

Narrative Investigation Report Completed

Chapter 4 - Areas of Investigation and the Post Personal History Statements

- 1 Personal identifying information
- 2 Relatives and other references
- 3 Educational history
- 4 Residential history
- 5 Employment history
- 6 Military history
- 7 Financial history
- 8 Legal history
- 9 Driving history
- 10 Other topics related to assessing moral character

These information sources generally apply to peace officers:

THE POST PERSONAL HISTORY STATEMENT (PHS)

Candidates must complete a personal history statement before the onset of the background investigation. Although the POST Personal History Statement form will satisfy this requirement, it is not required. Any form can be used to meet this requirement.

Comparison of Areas of Background Investigation for Peace Officers

<u>Type/Source of Information</u>	<u>Peace Officer</u>
1. State Department of Motor Vehicles	Driving record and adherence to law
2. High School and all higher educational institutions attended	Verify U.S. high school diploma or equivalent
3. Official documents (e.g., birth certificates, citizenship papers)	Verify age and citizenship per and eligibility for employment per <u>8 USC §1324a</u>
4. Police files in jurisdictions where candidate resided, worked or frequently visited	Determine if criminal records exists
5. Central Repository for Nevada Records of Criminal History Records and Technology	Establish legal eligibility for employment.

Type/Source of Information**Peace Officer**

6. Federal Bureau of Investigations records	Establish legal eligibility for employment and possession of a firearm per U.S. Code Title 18 §922(d)(9)
7. Previous employers	For at least the past 10 years, to determine quality of work record
8. References supplied by candidate, and other references supplied by the initial references	Determine whether candidate has exhibited behavior incompatible with the position sought
9. Present and past neighborhoods	Determine whether the candidate has exhibited behavior incompatible with the position sought
10. Credit records	Determine credit standing with lenders as an indication of dependability and integrity
11. Military records in and outside the U.S.	Determine the quality of service and proof of selective service registration where required by law

It is strongly recommended that, prior to using the POST PHS or any personal history statement; agencies submit the form(s) to their legal counsel for concurrence. The PHS is divided into ten sections that parallel the required areas of investigation. Each section/area of investigation is discussed below, referenced by the corresponding section in the POST Personal History Statements.

Personal

This section requests information on:

- ◆ Name (current, past, and nicknames)
- ◆ Address (residential and mailing)
- ◆ Contact Information (phone numbers and e-mail address)
- ◆ Citizenship Status/Eligibility for Employment
- ◆ Birth Place and Birth Date
- ◆ Social
- ◆ Driver's License
- ◆ Security Number
- ◆ Physical Description

This information is to be used to verify the candidate's identity, obtain contact information, determine that the candidate meets statutory requirements, and to enable fingerprinting and the accurate acquisition of documents required to successfully conduct the background investigation.

Verifying Identity

Establishing identity is a first critical step in the background investigation process. An original birth certificate or certified copy should at least be examined, a copy of which can be made for the investigator's records. If a birth certificate cannot be located (or is in a foreign language), an original U.S. passport or an original or certified copy of a Certification of Naturalization, or presentation of a valid Permanent Resident Alien card

will suffice. Candidates can be required the responsibility for obtaining these documents, as well as all other personal documents

It is permissible to make copies of official documents; only duplicates made with the intent to defraud are prohibited by law.

Both the parents' and the candidate's name should be verified on these documents. Any discrepancies should be explained.

Discrepancies in Names – Use of an Alias

Name changes can occur for a variety of legitimate reasons, including marriage, adoption, or naturalization. The law permits individuals to use any name as long as the change of name is not for fraudulent purposes. However, the candidate should be able to produce documents that reflect these changes. Use of other names for fraudulent or other illegal purposes speaks directly to the individual's suitability for law enforcement.

Citizenship

Every employer in the United States is required by law to show that anyone hired since June 1, 1986, is legally eligible to be employed in the U.S. This is true for native-born citizens, as well as naturalized citizens and resident aliens.

Peace officers must be a United States Citizen. All individuals born within the 50 states and the territories of Guam, Puerto Rico, American Samoa, and a portion of the Virgin Islands are citizens of the United States. Proper evidence of citizenship is a valid birth certificate documenting birth in the United States, or a valid document from the Department of State documenting birth to an American citizen in a foreign country, such as a child of parents in the United States military or in other foreign service. Such documents are issued by the State Department. Other evidence of citizenship is a Certificate of Naturalization. Since U.S. Passports can legitimately be issued to non-citizens, such as U.S. Nationals and others who are not citizens, they do not provide adequate proof of citizenship.

Birth place and birth date is collected for identification purposes, for fingerprinting, and to verify that peace officer candidates meet the minimum age requirement of 21 years old.

Age can be verified by presentation of a valid birth certificate or other documents as described above for verifying citizenship requirements.

Social Security Number

A Social Security number is collected to obtain credit records, Employment Development Department employment histories, employment files, and other information. Care must be taken to ensure that this information is not shared with unauthorized individuals and is otherwise kept private.

Physical Description and Photographs

Photographs, as well as a physical description of the candidate (e.g., height, weight, hair color, eye color) can be very useful for positive identification purposes during the background investigation. The photograph should be taken when the candidate meets with the background investigator to start the background process. There are some candidate protection rules regarding use of photographs:

- ◆ Photographs are not permitted at time of initial application and may not be used as a basis for employment discrimination.
- ◆ Candidates cannot be made to pay for their own photograph.

Relatives and References

This section requests contact information on:

- ◆ Parents (including step-parents and in-laws)
- ◆ Spouses/Registered Domestic Partners (current and former)
- ◆ Siblings (including half, step, foster, etc.)
- ◆ Children (including natural, adopted, step, and foster)
- ◆ References other than family members or individuals listed elsewhere

Background investigators contact the references supplied by the candidate, and other references supplied by these initial contacts, to determine whether the candidate has exhibited behavior incompatible with the position sought. Anyone who knows the candidate is a potential source of information. Typically, different types of personal associations with the candidate will lead to familiarity with different facets of the candidate's background. These individuals' greatest value may be as sources of information for secondary references; that is, other individuals who know the candidate but were not listed as such by the candidate. Sometimes secondary references prove to be more candid than primary references supplied by the candidate.

The number of contacts that are initiated is largely up to the common sense and good judgment of the investigators and their reviewing authorities. In general, more contacts are better than few, but investigators and their agencies are ultimately responsible for determining to what length an investigation must go. Every contact attempted should be documented.

Not every person or entity contacted will respond to a request for interview, return a phone call, or complete and mail back a questionnaire. The duty to cooperate with background investigations is a matter of public policy; however, except in very narrow circumstances, there is no legal obligation to do so. Background investigators should document even unsuccessful attempts to contact references.

Family Members

Family members often have the most long-term and in-depth knowledge of the candidate. Relatives may be able to provide information about the candidate's traits and temperament, academic problems and learning ability, legal misconduct (e.g., arrests and/or lawsuits), as well as names of others who are familiar with the candidate. That longstanding relationship with the candidate may, however, affect the objectivity of the information provided. Investigators must judge the completeness and accuracy of that information on a case-by case basis.

It is recommended that the investigator inquire into whether the candidate has had serious interpersonal problems, including whether the candidate has had any marital problems or any problems with physical or psychological abuse. This does not mean, however, that the investigator should examine every minor family disagreement and dispute, nor unnecessarily violate a family's privacy. The purpose, rather, is to inquire into problems that are of sufficient severity to affect job performance and therefore the candidate's qualifications.

The investigator should be aware that attitudes of the spouse or other close personal relations regarding the candidate joining the department might affect that person's ability to objectively evaluate the candidate's qualifications. The investigator may find it useful to ascertain those attitudes.

Officers have been known to be susceptible to the influence of unprincipled relatives or acquaintances; therefore, such information uncovered during the investigation should be examined. However, having relatives or acquaintances with a criminal or unsavory past should not be an automatic basis for disqualification. Instead, the investigator should focus on the candidate's behavior regarding such relatives or acquaintances and the degree of the candidate's susceptibility to such influence.

Marital Status

An individual's marital status is prohibited as a basis for employment discrimination. No judgments should be made about the candidate's current marital status (i.e., married, single, separated, or divorced), nor should routine inquiry be made into the facts surrounding the candidate's decision to marry or remain single.

Former Spouse(s)/Former Registered Domestic Partner(s)

Peace officer candidates must show proof of dissolution of marriage even if they have not subsequently remarried. Besides helping establish legal rights of survivorship or medical decision-making, dissolution documents can contain highly relevant information concerning a candidate's character or financial well-being. Restraining orders, allegations of domestic violence, property settlements, and continuing financial obligations may be detailed in such documents.

Although a copy of the final judgment is sufficient, an inspection of the full file has the benefit of indicating any current or past restraining orders. The final judgment should be inspected to ensure that a final date of dissolution (not merely a request for final judgment) is entered. For candidates who were divorced outside of the United States while they were a citizen of another country, proof of marriage dissolution is often easier to establish by reviewing their Certificate of Naturalization, rather than attempting to translate and verify the legal sufficiency of a foreign document.

Former spouses or domestic partners can be the source of very useful information for a wide variety of uses, including employment history, residences, financial problems, drug use, and other facts. The reason for the break-up itself can provide useful information. The given reasons should be confirmed, whenever possible, by obtaining a copy of the dissolution of marriage or domestic partnership, or checking the civil filing index of the court in order to uncover further information. The investigator should also confirm that child support, if any, is up-to-date. NRS 289-570 and NRS 425-520.

Any information gathered from a prior spouse/partner should be carefully evaluated and corroborated. Ill feelings generated by dissolution can cause hostility towards the candidate, which can affect the honesty of the information provided. However, if serious acts of wrongdoing are alleged, every effort should be made to verify those claims through additional sources. For example, if acts of domestic violence are claimed, the investigation should include determining whether police reports were filed and/or court restraining orders were sought.

Children

Generally, the behavior of the candidate's offspring should not be used in evaluating the candidate's acceptability. Exceptions would be the situations in which the candidate knowingly supported or contributed to the delinquent behavior of the offspring, or there is evidence of abuse or neglect.

Other References

Anyone who has lived with or has had a relationship with the candidate is a potential source of relevant information, depending upon the nature of their relationship and how recently that relationship existed. Therefore, the context, frequency of contact, and length of the candidate's relationship with the relative, reference, or acquaintance should be investigated. However, no judgments should be made based on the mere fact of the gender of the individual with whom the candidate has resided.

Some references, even those supplied by the candidate, will be quite reluctant to provide disparaging information about the individual. It is critical that a valid authorization form from the candidate be provided along with an explanation of the protection afforded to the information they provide.

The background investigator is encouraged to solicit secondary references from the relative, reference, or acquaintance. The secondary and other references can often provide the investigator with valuable insight and information that listed references may not be willing to furnish.

References should be asked about the candidate's participation in illegal or unethical conduct, as well as their reputation for honesty and integrity. Specific instances of illegal or unethical activity should be corroborated whenever possible. Other useful topic areas include candidate drug use, financial difficulties, racial or ethnic biases, strengths and weaknesses, and their understanding of the reasons underlying their interest in a career in law enforcement.

Ideally, relatives and references should be interviewed in person. However, if the individuals to be contacted are not within a geographical area that makes personal interviews feasible, contacts may be made by telephone or letter.

Education

This section requests information on secondary and post-secondary education, including:

- ◆ Degrees and certificates
- ◆ Dates attended and units completed
- ◆ Trade, vocational, or business schools/institutes attended
- ◆ History of academic discipline, suspension, or expulsion

Peace officer candidates must have achieved a high school diploma or equivalent.

SAMPLE AUTHORIZATION/ADVISEMENT TO CONDUCT A PRE-EMPLOYMENT PEACE OFFICER BACKGROUND INVESTIGATION

AUTHORIZATION / ADVISEMENT INFORMED CONSENT RELEASE AND HOLD HARMLESS FOR CONFIDENTIALITY OF PRE-EMPLOYMENT BACKGROUND INVESTIGATION DATA

CANDIDATE NAME:

I fully recognize that under Nevada law, individuals must clearly demonstrate their personal, medical, and psychological fitness to serve in the position of a peace officer. I further recognize that an employing agency has both a legal and a moral obligation to make every reasonable effort to ensure that any person employed by them as a peace officer will conform to the very highest standards.

I understand that I am authorizing an intensive investigation into all aspects of my personal, medical, and psychological fitness, and that such investigation will include contacting persons and/or organizations who have information relating to my fitness, I further understand that this background investigation includes a credit check and that negative credit information may be considered as part of this process. I understand that under the law I am entitled to a copy of the credit report. I also understand that those persons and/or organizations may feel inhibited, intimidated, or otherwise reticent about furnishing information concerning my fitness unless confidentiality of their information can be guaranteed on a permanent basis.

I further recognize that although some of the information contained in this report is a matter of public record, or would otherwise be accessible to me, this information will be inextricably interwoven with other confidential data to which I otherwise would not be privy.

Therefore, I exonerate, release, and discharge both my prospective employer, their officers, agents, or assigns, from any claim or damages, whether in law or in equity, on behalf of myself, my heirs, agents, or assigns, for their release of any and all information contained in this pre-employment investigation declared confidential pursuant to law, including but not limited to the identity of any person or organization who may have supplied information in the course of this investigation, as well as the substance of any such information supplied which might identify that person.

I have had adequate time to review this form, I understand its meaning and purpose and have been furnished a copy of.

This release is valid for 120 days from the date of signature.

Dated this _____ day of _____, 20____

In the County of _____ within the State of Nevada

_____ _____
Candidate Signature Notarized Signature

SAMPLE COVER LETTER FOR REFERENCE CHECKS

AGENCY LETTERHEAD

[Date]

[Name]
[Mailing Address]
[City, ST Zip]

Dear Mr./Ms. _____:

[Name of Candidate] _____ has applied for a position in this department. We are informed that you may be able to furnish information of value concerning the candidate's qualifications.

Please assist us by expressing your opinion of this individual and answering the questions on the attached questionnaire. Your responses are absolutely privileged under the law.

We rely upon well-informed individuals to assist us in the selection of personnel who are qualified for public service training and who will maintain high standards of performance in law enforcement.

Your cooperation and an early reply in this matter will be appreciated.
Very truly yours,

[Name]
[Title]

[Contact Number – *optional*
[Email – *optional*]

SAMPLE QUESTIONNAIRE FOR REFERENCE CHECKS

QUESTIONNAIRE REFERENCE CHECK	page 1 of 2
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CANDIDATE NAME:

1. How do you know this candidate?

2. How long have you known the candidate? ____ years ____ months

3. Do you feel the candidate will be effective in a job where helping other people is a key responsibility?

Y N

Explain:

4. Do you consider the candidate to be an honest person? Y N

Explain:

5. How does the candidate deal with difficult problems or emergencies?

6. How well does the candidate keep his/her commitments on time and as agreed?

7. Does the candidate presently engage in illegal drug use? Y N

Explain:

8. Has the candidate expressed or displayed any bias or prejudice towards others? Y N

Explain:

SAMPLE QUESTIONNAIRE FOR REFERENCE CHECKS

QUESTIONNAIRE FOR REFERENCE CHECK *continued*

page 2 of 2

CANDIDATE NAME: _____

9. Would you trust this candidate with your own personal safety or that of your family? Y N

10. Please provide any other information about the candidate that you feel might be relevant to the background investigation:

11. List other personal references we may contact regarding the candidate:

Name	Name	Name
Address	Address	Address
Phone	Phone	Phone
Email	Email	Email

Signature: _____ Date: _____

Print Name: _____

Address: _____

PLEASE RETURN QUESTIONNAIRE TO: [AGENCY NAME]
[MAILING ADDRESS]
[CITY, ST, ZIP]
[ATTN: CONTACT NAME/DEPARTMENT]

THANK YOU FOR YOUR ASSISTANCE

VERIFYING MINIMUM REQUIREMENTS FOR PEACE OFFICERS

Official transcripts are the only authoritative means of verifying a person's educational background. Transcripts from accredited institutions will bear the regional accreditation stamp. Some candidates may be reluctant to furnish original transcripts because of the fees involved or the steps necessary to arrange for them. Not uncommonly, however, the reason that candidates fail to furnish original transcripts is because their academic records have been impounded for payment of fees or loans still due the school, a fact that may serve as another legitimate area of concern.

Related Educational Background Inquiries

Investigation must be made into the high school and all higher educational institutions that the candidate attended. At a minimum, this investigation should verify that the information supplied by the candidate on the PHS was accurate. School personnel may also provide useful information if the candidate has recently finished school. This is especially true if there is any record of disciplinary actions, such as suspensions, expulsions or any other form of academic punishment.

It can be particularly useful to contact staff from the candidate's Basic Police Academy. Academy staff is especially likely to remember candidates who stood out from their classmates.

Residence

This section requires candidates to detail their residential history for the past 10 years (or since the age of 15), including:

- ◆ Addresses
- ◆ Dates resided
- ◆ Contact information for property manager, rent collector, or owner
- ◆ Roommate/housemate contact information
- ◆ Reasons for moving
- ◆ History of being evicted or asked to leave a residence
- ◆ History of leaving a residence owing rent

Background investigation include "contacts and interviews with current, and where practicable, previous neighbors to determine whether the candidate has exhibited behavior incompatible with the position sought." An investigation of residential history facilitates local police record inquiries, as well as providing information about the candidate from neighbors, landlords, roommates, and others acquainted with the candidate.

A neighborhood check is not merely a restatement of a candidate's residential history. Rather, it includes contacting a sampling of neighbors (and landlords) to determine if any job-relevant behaviors can be identified and documenting those contacts.

The security provisions in some housing complexes will not permit neighbors to be canvassed. Committing a potential criminal trespass to accomplish a neighborhood check is not required, and information gleaned from the property owner may be all that is available.

When interviewing neighbors, the background investigator should inquire into how well the neighbor is acquainted with the candidate, if there have been any incidents requiring a law enforcement response at the

candidate's residence, and how the candidate interacts with others in the neighborhood. Contacts with landlords and property managers should include inquiries into the candidate's timeliness in paying rent, complaints from other neighbors or tenants about the candidate, and whether the property was vacated with the proper notice and left in good repair. Information gleaned from these interviews should be maintained in the background narrative report.

An investigation of a peace officer candidate's employment history for a minimum of the past 10 years; however, the peace officer PHS requires candidates to document their entire employment history. Information inquiries include:

- ◆ Employer name, location, and dates and status of employment
- ◆ Job titles and duties
- ◆ Name and contact information for supervisors and coworkers
- ◆ Reasons for leaving (or wanting to leave)
- ◆ Dates and reasons for periods of unemployment
- ◆ History of counterproductive work behavior, including:
 - Disciplinary actions
 - Being fired, released from probation, or asked to resign
 - Workplace violence
 - Resignation in lieu of termination
 - Subject of written complaints or counseling for poor performance
 - Subject of discrimination accusations
 - Attendance problems
 - Unsatisfactory performance reviews
 - Misuse of confidential information
 - Misuse of sick leave
 - Poor performance as a result of drug/alcohol consumption
- ◆ History and status of applications to other law enforcement agencies

General Areas of Employment History Inquiry

At a minimum, investigators should:

- ◆ Contact past employers and co-workers
- ◆ Inquire into the reason(s) for the candidate's having had no prior employment or extended gaps in employment.
- ◆ Inquire into whether the candidate has ever been fired or asked to resign from any place of employment and the circumstances surrounding the termination or resignation
- ◆ Inquire into a candidate's reason for leaving a job if that reason is other than being fired or being asked to leave
- ◆ Inquire into the facts that formed the basis for rejection of the candidate from another position requiring peace officer powers
- ◆ Inquire into whether the candidate has ever received unemployment insurance, workers compensation, or other state or federal assistance through fraudulent means

SAMPLE COVER LETTER TO LANDLORDS

AGENCY LETTERHEAD

[Date]

[Name]
[Mailing Address]
[City, ST Zip]

Dear Mr./Ms. _____:

[Name of Candidate], who resided as a tenant
at: _____

from: _____ to: _____
is a candidate for a position as a peace officer.

We are asking your assistance in helping us determine his/her qualifications for the position. Please do so by completing the attached questionnaire. Your responses enjoy absolute privilege under the law.

Sincerely,
[Name]
[Title]

[Contact Number – *optional*]
[Email – *optional*]

SAMPLE QUESTIONNAIRE FOR LANDLORD REFERENCE CHECK

QUESTIONNAIRE
LANDLORD REFERENCE CHECK

page 1 of 2

CANDIDATE NAME:

1. How long have you rented/did you rent to the candidate?

2. Do/Did you know the candidate other than as a tenant? Y N

Explain: _____

3. Does/Did the candidate pay his/her rent on time/as agreed? Y N

Explain: _____

4. Does/Did the tenant have any problems with other tenants/neighbors? Y N

Explain: _____

5. Would you rent to this candidate again? Y N

Explain: _____

6. Did the candidate leave your property in good/satisfactory condition? Y N N/A

Explain: _____

7. Would you recommend the candidate for a position of public trust such as police officer or public safety dispatcher? Y N

Explain: _____

SAMPLE QUESTIONNAIRE FOR LANDLORD REFERENCE CHECK

QUESTIONNAIRE
LANDLORD REFERENCE CHECK

continued page 2 of 2

CANDIDATE NAME: _____

8. Please give any additional pertinent facts that may occur to you:

Signature: _____ **Date:** _____
Print Name: _____
Address: _____

PLEASE RETURN QUESTIONNAIRE TO: [AGENCY NAME]
[MAILING ADDRESS]
[CITY, ST, ZIP]

[ATTN: CONTACT NAME/DEPARTMENT]

THANK YOU FOR YOUR ASSISTANCE

EMPLOYERS

Quite often, both public and private employers refuse to speak to investigators, or refer to their designated spokespersons that provide very limited information. It requires these employers to disclose relevant information to background investigators, including performance evaluations, attendance records, disciplinary actions, eligibility for rehire, etc., however:

- ◆ The request must be made in writing
- ◆ The request must be accompanied by a notarized letter from the candidate releasing the employer of liability
- ◆ The request and authorization must be presented to the employer by a sworn officer of the employing agency (or other designee)
- ◆ The disclosed information remains confidential, even though the information may be released to other law enforcement agencies that are also conducting a peace officer background investigation; the receiving agency must reconfirm the information.
- ◆ Past and present employers are entitled to charge reasonable fees to reimburse costs incurred in furnishing the information.

Sample Letter –Employment Query

To be used for Peace Officer Candidates who are not currently employed as Peace Officers

AGENCY LETTERHEAD

[Date]
[Name]
[Mailing Address]
[City, ST Zip]

Dear Mr./Ms. _____:

_____ [Name of Candidate] , who was employed by your firm from _____ to _____, is a candidate for the position of peace officer in this department. We are asking your assistance in helping to determine his/her qualifications for the position by supplying us with employment information regarding this individual.

An employer has an obligation to disclose written employment information, which includes information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to peace officer performance (except information prohibited from disclosure by any other state or federal law or regulation).

We would appreciate your cooperation in providing the above employment information regarding _____ [Name of Candidate]_____. We are accompanying this request with a notarized authorization releasing you from civil liability. We would be glad to cover any costs you incur in copying and furnishing these documents to us. Of course, your responses are absolutely privileged under the law.

Very truly yours,

[Name]
[Title]

[Contact Number – *optional*]
[Email – *optional*]

Authorization/Advisement Form

Before drawing any conclusions, the background investigator should establish or refute the veracity of any negative information; to the extent possible, the employer's observations should be supported with official records. Any discrepancies between these personal assessments and the official record should be explored. Investigators must keep in mind that many employers, even public employers, often fail to document assessments of work performance, and an official record may be very difficult, if not impossible, to access.

Supervisors and Co-Workers

Current and past co-workers and supervisors can serve as useful sources of information, as well as a source of leads to additional co-workers, friends, and other useful contacts. As with all references, the relevance and usefulness of the information provided by these individuals depends upon how recently they worked with the candidate, for how long, and the nature of their working relationship. Any information provided by supervisors and co-workers - positive or negative - should be carefully evaluated and corroborated.

If past employers and supervisors cannot be interviewed personally, contact may be made by letter or by telephone.

Periods of Unemployment

The PHS requires candidates to indicate all periods of unemployment and reason for the unemployment, choosing from five categories: student, between jobs, leave of absence, travel, and other. As discussed in the section on disability discrimination, medical inquiries are prohibited prior to a conditional offer of employment. However, it is permissible to question any gaps or sudden departures of employment per se, even if it may elicit information about a medical condition or disability. Medical information volunteered in response to this line of questioning should not be pursued until and unless the candidate receives a conditional job offer.

Reason for Leaving a Job

While inquiring into the reasons for the candidate's leaving a job is recommended, caution must be exercised. Limited employment opportunity is a valid and acceptable reason for terminating an employment relationship, as are hostile work environments, unlawful terms of employment, relocation, and other explanations.

Current Employer

A current employer or supervisor may present a biased or inaccurate picture of the candidate in order to encourage (or discourage) employment of the candidate elsewhere. The investigator must exercise caution and ensure that any information, either positive or negative, is carefully evaluated and corroborated.

The investigator should avoid deliberately placing a candidate's present job in jeopardy. If on the PHS, the candidate indicated that there would be a problem if the current employer were contacted, it is lawful to defer contact with that employer until after a conditional offer of employment has been extended. In this case, the investigator should contact the present employer only after all other candidate screening steps have taken place.

SAMPLE COVER LETTER FOR QUESTIONNAIRE TO PAST EMPLOYERS/SUPERVISORS

AGENCY LETTERHEAD

[Date]

[Name]
[Mailing Address]
[City, ST Zip]

Dear Mr./Ms. _____:

_____, is a candidate for the position of [Position Title] in this department.

We are asking your assistance in helping to determine his/her qualifications for the position. Would you please help us by answering the questions on the enclosed questionnaire? Your responses are absolutely privileged under the law.

If you prefer to speak with us by phone, please contact me at [Area Code - Number] .
My normal work hours are [Hours] .

Your cooperation is greatly appreciated.

Very truly yours,

[Name]
[Title]

enclosure

SAMPLE QUESTIONNAIRE TO PAST EMPLOYERS/SUPERVISORS

QUESTIONNAIRE
EMPLOYMENT QUALIFICATIONS

Page 1 of 2

CANDIDATE NAME:

1. Why did the candidate leave your employ?

2. Was the candidate punctual and dependable? Y N

Explain: _____

3. How did the candidate get along with other employees?

4. How did the candidate deal with difficult problems or emergencies?

5. Was the candidate honest and truthful? Y N

Explain: _____

6. Did the candidate have any problems following/adhering to company or agency policies? Y N

Explain: _____

7. Did the candidate have any extended work absences? (Do NOT include periods of disability, legitimate illness, or maternity leave.) Y N

Explain: _____

8. Would you rehire or recommend the candidate for hiring? Y N

Explain: _____

SAMPLE QUESTIONNAIRE TO PAST EMPLOYERS/SUPERVISORS

QUESTIONNAIRE
EMPLOYMENT QUALIFICATIONS

continued Page 2 of 2

CANDIDATE NAME:

9. Can you think of any reason why the candidate might not be qualified to work in a law enforcement agency? Y N

Explain: _____

10. If you know of other persons who may be able to furnish information about the candidate, please give their names and contact information:

Name _____	Name _____
Address _____	Address _____
Phone _____	Phone _____
Email _____	Email _____
Signature _____	Date _____
Print Name _____	
Address _____	

PLEASE RETURN QUESTIONNAIRE TO:

[AGENCY NAME]
[MAILING ADDRESS]
[CITY, ST, ZIP]

[ATTN: CONTACT NAME/DEPARTMENT]

THANK YOU FOR YOUR ASSISTANCE

SELECTIVE SERVICE REGISTRATION

In July 1980, Congress restored the Selective Service registration, requiring all males (excluding the sons of foreign diplomats) born on or after January 1, 1960 to register within 30 days of their 18th birthday, and up to the age of 26 they are required to notify the Selective Service of changes in name, address, or telephone number.

Information on the candidate's compliance with current registration requirements can be obtained from the Selective Service System at their website (www.sss.gov). If proof of registration is not available on the website, a letter should be written to the Selective Service System. A sample written inquiry is provided.

SAMPLE INQUIRY LETTER FOR SELECTIVE SERVICE SYSTEM

AGENCY LETTERHEAD

Date

Selective Service System
P.O. Box 4638
North Suburban, IL 60197

Ladies and Gentlemen:

[Name of Candidate] is a candidate for a position in this department, and we are unable to locate his proof of registration in your automated system.

Please send us a copy of information pertaining to the candidate's compliance with Selective Service registration requirements. We have enclosed a waiver signed by the candidate.

To aid you in finding the candidate's file, we are providing the following information:

Complete Name: _____

Current Mailing Address: _____

Telephone Number: () _____

Date of Birth: _____

Selective Service Number: _____

Address at Time of Registration: _____

Approximate Date of Registration: _____

Your cooperation is appreciated.

Sincerely,

[Name]
[Title]

Enclosure

Note that since 1973, the military uses the individual's social security number for identification purposes.

Willful failure to register with the Selective Service ([Title 50a US Code 453](#)) is not a disqualifier under POST regulations. Any explanation to justify a failure to register must be made by the applicant to the agency administering the right, benefit, or privilege for which Selective Service System registration is required.

Military Service History

Military service records should be requested on candidates who have served in the military. Military records can be obtained by using either a Standard Form or an equivalent form developed by the agency. Information on how to obtain military service records can be found by matching the candidate's service history with the records repositories listed on the back of the SF 180. To ensure that complete information is received, a letter, signed by the candidate, can be submitted that specifies the exact information requested, including:

- ◆ copies of DD-214s,
- ◆ eligibility for reenlistment,
- ◆ records of judicial and non-judicial punishments,
- ◆ performance ratings, and other records.

A sample letter is provided. Note that the letter should include:

- ◆ candidate's full name while in the military,
- ◆ military service number
- ◆ dates of entry/discharge into/from the military, and whether the candidate was an officer or enlisted and which branch of service.

Requests should be sent to the appropriate military records custodian, as listed on the last page of SF 180.

DD-214

Candidates who have been in the military are almost always issued a report of separation each time they are released/discharged from active duty. Individuals may have one or more such report, depending on their military history.

With the exception of some "entry-level separations," virtually anyone who enters the military will be issued discharge documents at their time of separation. If the candidate possesses a DD-214 "short form" it is almost inconceivable that they were not issued a "long form" as well (they are generally stapled together).

SAMPLE CANDIDATE’S LETTER TO AUTHORIZE/REQUEST

RELEASE OF MILITARY RECORDS

[Date]

[Address of Appropriate Military Branch]

I authorize and direct the release of copies of my military personnel records, including but not limited to copies of my DD-214 (Report of Separation), my eligibility for re-enlistment in the Armed Forces of the United States, records of any and all judicial and non-judicial punishment, records of decoration, performance ratings, and any other records which you may possess.

This request is being made as part of a background investigation conducted on behalf of the _____ [Name of Agency] to determine my suitability for employment as a _____ [Position] _____, pursuant to Nevada State law, and constitutes an express waiver of the Federal Privacy Act (PL 93-579) 5 US Code 552 and 32 CFR, Part 45.

Signature of Veteran/Service Member: _____

Print Name: _____

Birth Date: _____

Place of Birth: _____

Social Security Number: _____ - _____ - _____

Officer Enlisted Service No. (if different from above):

Date of Entry into Service: _____ Date of Discharge: _____

Branch of Service:

Army Navy Marines Air Force Coast Guard

National Guard – State: _____

Last Unit Assigned to: _____

Sincerely,

[Name]

[Address]

[Phone]

Currently, inquiries directed to the Army and Air Force generally produce less comprehensive replies. However, most recent veterans can obtain copies of their separation documents online. [Note: many military records issued prior to 1973 were destroyed in a catastrophic fire at the National Personnel Records Center, although the number of applicants facing that issue is rapidly declining].

Re-Entry Codes

Although re-entry codes reflect a variety of things, a "1" or "2" generally indicates that there were no problems. A "3" indicates some substantial issue that needs to be explored because re-enlistment would require a waiver by the service branch. A "4" indicates that re-enlistment would be prohibited and must be carefully explored.

Type of Discharge/Character of Service

The DD-214 will list one of five possible entries under "character of service" (type of discharge):

- 1) Honorable
- 2) General – under honorable conditions (less than full honorable)
- 3) Other than honorable conditions (OTH or UD)
- 4) Bad conduct discharge (BCD) – resulting from a special court martial
- 5) Dishonorable discharge – resulting from a general court martial. No longer considered a veteran.

Because reason for separation, type of discharge, and re-enlistment codes appear only in predetermined combinations on genuine DD-214s, a local armed forces recruiter can help if assistance is needed in interpreting the meaning of these or other codes. However, federal privacy laws prohibit identifying the service member when discussing the form.

Current Military Status

The PHS asks the candidate to indicate any current military obligations (military reserve or National Guard program). When the candidate indicates a current military obligation, the current unit, co-workers, and supervisors should be treated no differently than a civilian job.

Military Discipline

Inquiry into judicial and non-judicial military disciplinary action may reflect upon the candidate's suitability. Such information should be explained in the PHS and verified through military records (i.e., DD-214 or other available records), or through contact with military acquaintances or commanding officers.

Contact Past Commanding Officers or Military Acquaintances

When interviewing commanding officers and military acquaintances, the investigator might ask questions such as:

- ◆ When or how long ago did you know the candidate?
- ◆ How well did you know the candidate?
- ◆ Was the candidate ever the subject of any disciplinary action?
- ◆ Do you know if the candidate got along well with others?
- ◆ Can you think of any reason why the candidate might not be qualified to work in a law enforcement agency?

FINANCIAL

A credit check shall be performed on peace officer "to determine the candidate's credit standing with lenders, as an indication of the candidate's dependability and integrity." This section requires the candidate to provide an estimate of his/her income and expenditures, and to respond to specific questions associated with history of fiscal responsibility, including:

- ◆ Bankruptcy filings
- ◆ Contact by collection agencies
- ◆ Repossessions
- ◆ Wage garnishments
- ◆ Delinquencies, failure to pay, or cheating on taxes
- ◆ Employment bond refusals
- ◆ Defaulting or avoiding repayment on loans
- ◆ Debts due to gambling
- ◆ Expenditures on illegal activities
- ◆ Failure to make court-ordered payments
- ◆ Bad checks

Although an important area of investigation, the evaluation of a candidate's behavior regarding the handling of finances must be careful and judicious. In some instances, outwardly negative information may involve legal rights and even factors that are completely outside of the candidate's control. Financial opportunities can be limited as much by race, gender, marital status, and even geography as by willful acts of the candidate. It is therefore *critically important* to understand the full circumstances surrounding any apparently negative financial information.

Source of Income

Investigators are permitted to inquire into the source of any income reported by the candidate, including wages, salary, or money earned by other means. Provided that the source of income is lawful, investigators should not draw conclusions about a candidate merely based on the amount of money earned.

Expenditures

It is permissible to inquire into the amount of money a candidate claims to spend on a monthly basis. However, assuming that the expenditures are for a lawful purpose, how a candidate chooses to spend money is generally not relevant. Instead, the focus should address the following questions: Does the reported income support the expenditures that a candidate claims? Do the reported expenditures correspond with the obligations appearing on the credit report? Does the candidate meet the obligations that he or she has agreed to assume?

Bankruptcy

Individuals have three essential avenues in which bankruptcy may be pursued: Chapter 7 (discharge of debt), Chapter 11 (business-related protection from creditors), and Chapter 13 (individual reorganization of debt).

Bankruptcy is a legal right. Absent any evidence of fraud, the mere fact that a candidate has undergone bankruptcy cannot be the sole basis upon which employment is denied. Investigators may inquire into the circumstances that led up to bankruptcy, including the examination of supporting court records regarding reported assets and liabilities at the time when the bankruptcy petition was filed. Once filed with the United States District Court, these are public records.

Bills Turned Over for Collection and Repossessions

In many cases, collection activity and repossessions are indicative of problem behavior. Investigators should take care to assure that the bill in collection is, in fact, the responsibility of the candidate against whose credit it has been reported and that any repossession reported similarly applies to the candidate. Investigators should then inquire as to why the bill had to be turned over to collection or why repossession was necessary.

Garnishments

At one time, garnishments were almost always indicative of a candidate's failure to meet obligations. Today, however, as in the case of child support obligations, many courts automatically garnish wages, even where there has been no history of delinquencies. In some cases, tax payment plans can, for the convenience of the taxpayer, be automatically garnished from wages and frequently involve liens against the taxpayer's credit record.

Tax Delinquencies

The failure to satisfy lawful tax obligations may have a significant financial impact on a candidate's suitability. However, the reasons for the delinquencies may be more important than the delinquencies themselves. Unforeseen tax liabilities (wild fluctuations in company stock options, non-liquid inheritances, and liquidation of property forced by marriage dissolution, criminal activities by a spouse or former spouse, and even changes in tax law) may or may not reflect upon a candidate. This is a legally complex area. Investigators may be best served by conducting a case-by-case review of a candidate's situation and should be open to authoritative interpretations by tax professionals.

Consumer Credit Reports

A great deal of financial information is obtainable from consumer credit reporting agencies, and they often provide a timely and inexpensive means by which to assemble summary credit information.

Information obtained from a credit-reporting agency may include name, age, spouse's name, number of dependents, former addresses, occupation, employer, monthly income, paying habits, number of accounts maintained, balances on accounts, and case history of accounts. However, caution should be exercised when reviewing credit information. It is possible that these credit reports may contain some erroneous information. *All credit reports should be verified for accuracy, and candidates must be furnished a free copy of that report if it is to be used contrary to their interests.* Any circumstance surrounding any negative information should be evaluated on its own merits.

Recognizing that credit reports are frequently inaccurate, the U.S. have imposed procedural safeguards to reduce the likelihood that an individual can be unwittingly denied employment based upon erroneous credit information. Background investigators may subject their agencies to unnecessary civil liability in the event that they fail to follow the disclosure rules present in the Fair Credit Reporting Act (15 United States Code 1681).

Title 15 USC 1681 § 604(b), effective September 30, 1997, regarding an employer's use of credit information. Candidates must be notified that a prospective employer may consider credit history in evaluating suitability for appointment. Under the law, candidates must be informed of their rights under the Fair Credit Reporting Act (FCRA) before any adverse decision can be made. A sample credit data advisement form is provided in this form should only be used in consultation with the agency's legal counsel.

Credit scores generally have little to do with one's suitability for employment; in fact, that is one of the reasons why the major Credit Reporting Agencies do not include those numbers on employment documents. Further, the unsettled economy and so-called "credit crunch" has had an impact on things such as credit scores and credit lines, even where an individual has a perfect payment record. Credit itself, or even the lack thereof, may have limited bearing on someone's suitability for employment as a peace officer.

Instead, the background investigation should concern itself with issues such as whether the reported sources of income are lawful and fully accounted for, whether the candidate meets his/her obligations as agreed, and the reasons underlying any indications of credit problems (e.g., are the credit problems the fault/responsibility of the candidate, or are they related to the actions of others? Free-falling real estate values have placed many individuals in unanticipated hardship). Some candidates have no credit history at all, while others may have extraordinary resources.

SAMPLE ADVISEMENT TO CANDIDATES REGARDING THE USE OF CREDIT INFORMATION FOR EMPLOYMENT PURPOSES**ADVISEMENT TO CANDIDATE REGARDING CREDIT INFORMATION FOR EMPLOYMENT PURPOSES**

The U.S. Fair Credit Reporting Act (FCRA) of 1996 [15 U.S. Code 1681, Section 604(b)].

You are hereby notified that your prospective employer intends to use credit data as part of its decision-making process for the position for which you have applied. The Credit Reporting Agency (CRA), which will furnish this data, will be ____ [Name of Credit Agency]_____located at [Agency Address]_____. Their telephone number is [Area Code - Number] . You will automatically be furnished a copy of this report, but before any adverse actions are taken as a result of this document, you are advised of the following:

1. Access to your file is limited to persons recognized by the FCRA;
2. Your consent is required for reports that are provided to employers or that contain medical information;
3. You can find out what is in your file, although some information, such as “risk sources” or “credit scores” may be lawfully withheld;
4. You have been informed of the name, address, and telephone number of the CRA which is furnishing this data;
5. You can dispute inaccurate information with the CRA;
6. Inaccurate information must be corrected or deleted;
7. Outdated information may not be reported (seven years for most information, ten years for bankruptcies);
8. You may choose to exclude your name from the CRA list for unsolicited credit and insurance offers;
9. You may seek damages from violators, and;
10. The complete text of this act may be found at www.ftc.gov.

CERTIFICATION: I certify that [Name of Hiring Agency]_____ has my consent to obtain a copy of my credit report for the limited purpose of my pre-employment background investigation; that I have been furnished with the name, address, and telephone number of the CRA, I have been informed that I will receive a copy of my credit report and that I have been informed in summary form of my rights under the FCRA.

Signature: _____ Date: _____

Print Name: _____

Practical Considerations

Investigators should take heed of the following:

- ◆ Financial data is extremely sensitive. Take steps to safeguard it.
- ◆ Always be wary of the accuracy of financial data, whether furnished by the candidate or by some other source. It is notoriously inaccurate.
- ◆ Whenever conducting a credit check of candidates for employment purposes, a candidate's signed consent is necessary.
- ◆ Whenever credit reports are used for adverse employment purposes, the candidate is entitled to a free copy of any such report under federal law.
- ◆ Whenever a candidate for employment is rejected from employment, in part or in whole, based upon credit information, the candidate must be informed.
- ◆ The mere fact of bankruptcy cannot be the sole basis upon which a candidate is denied employment.
- ◆ Concentrate on whether a candidate's income and expenditures are lawful, properly reported, and satisfied in a timely manner.
- ◆ Absent fraud or conspiracy, financial data pertaining to the candidate's family, business partners, and even spouses (in some cases) are generally irrelevant and not permitted.
- ◆ Candidates who are self-employed may need to produce documents such as financial statements from an accountant or even tax returns to support their claimed income.

Investigators should not, however, collect such sensitive documents unless necessary.

LEGAL

Background investigation includes a review of specific sources of information, including:

- ◆ Criminal records of the Central Repository for Nevada Records of Criminal History
- ◆ All Law Enforcement files in jurisdictions where the candidate has resided, worked, or frequently visited
- ◆ The Federal Bureau of Investigation records
- ◆ The State Department of Motor Vehicles.

The PHS section requires the candidates to detail their history of involvement with legal authorities, as well as to recount illegal but undetected activities. This includes:

- ◆ Arrests, detentions, diversion programs (peace officers), and convictions (peace officers and public safety dispatchers)
- ◆ Probation
- ◆ Civil lawsuits
- ◆ Referrals to Child Protective Services
- ◆ Home visits by law enforcement officers
- ◆ Being the subject of emergency protective and related court orders
- ◆ Filing of fraudulent claims (e.g., welfare, worker's compensation)
- ◆ Misdemeanor-level acts (past seven years)
- ◆ Felony-level acts (lifetime)
- ◆ Current illegal drug use and history of recreational drug use

Legal History Search Guidelines

Checks of all local agencies where a peace officer candidate has lived, worked, or frequented should be conducted to locate any relevant criminal history that does not appear on a Nevada or FBI Rap Sheet.

The circumstances surrounding any candidate's arrest/conviction record, whether adult or juvenile, should be investigated. The conduct that led to an arrest or conviction is in many cases as relevant (if not more) than the presence or absence of an arrest.

The facts surrounding the candidate's present or past involvement in any civil court action should be researched. This requirement applies to peace officers.

Arrest reports and court records should be obtained for peace officer candidates.

Felony Convictions

Any person convicted of a felony (or of a crime in another jurisdiction that would be a felony in Nevada) is prohibited from employment as a peace officer.

Misdemeanor Convictions

Misdemeanor convictions are not, in and of themselves, automatically disqualifying peace officers. However, any conviction should be carefully examined with regard to its relevance to the candidate's suitability for appointment, especially the impact on eligibility to possess a firearm.

Some persons convicted of offenses have undergone legal proceedings either to seal or expunge a criminal conviction. Investigators need to check any returned Rap Sheets for the full details, and it may be necessary to obtain "Minute Orders" from the court of record to determine the factual outcome.

Department policy will largely govern the response to involvement in criminal activity, detentions, arrests, convictions, diversion programs, and even probation. While the PHS covers a wide array of detected and undetected illegal activity - including illegal use of controlled substances.

Agencies may be tempted to deal with each issue and admission on a case-by-case basis; however, this approach can result in claims of disparate treatment, especially against individuals in protected classes (i.e., race, gender, age, sexual orientation, marital status, disability, political affiliation, etc.). A well thought-out and articulated policy in advance of the decision may assist in minimizing the likelihood of accusations and litigation.

Sealed and Expunged Records

In certain circumstances, applicants may lawfully deny that an arrest (and in some cases even a conviction) ever occurred.

It is important to underscore that a sealing or expungement does not relieve the applicant from providing information about the underlying conduct that led to such a sealed or expunged record

The POST PHS admonishes applicants to obtain legal advice before failing to disclose any arrest and/or conviction. Background investigators must therefore determine whether such information, if discovered, constitutes a material omission of required information, or the exercise of a "release from penalties" right afforded to applicants by law.

Practical Considerations

In dealing with legal issues, it is important to consider:

- ◆ The seriousness of the offense itself
- ◆ The age of the candidate at the time of the offense/conduct
- ◆ How recently the offense/conduct occurred
- ◆ The occupation/career path of the candidate at the time of the offense
- ◆ Any mitigating circumstances
- ◆ The impact, if any, upon the candidate's potential credibility as a witness in a court of law

Civil Court Action

The investigation of a candidate's involvement as a plaintiff or defendant in any civil court action can prove to be very informative. The investigator may want to go so far as to check the civil filing index of the superior courts of counties where the candidate has resided

Restraining or Stay-Away Order

Behavior that led to a restraining or stay-away order placed on a candidate can directly relate to the applicant's suitability for the job. Both the behavior and the circumstances should be thoroughly investigated. Restraining orders associated with allegations of domestic violence appear in the Nevada System database and should be revealed during any "wants and warrants check."

Diversion Programs

There are many forms of court-ordered diversion programs. Peace officer candidates must report such diversions. Investigators should consult the specific section of law authorizing the diversion in order to determine whether that proceeding must be reported.

Fingerprinting

The submittal of fingerprints is required for peace officer applicants. Throughout Nevada, paper fingerprint cards may have been replaced by Livescan. Agencies that do not have their own Livescan terminal should contract with another agency to provide this service.

Although Livescan responses may return in 24 hours or less, problem records can take upwards of 30 days. Investigators should carefully read each fingerprint return, as quite often problem records require resubmission or other further action. Due to the costs associated with fingerprinting candidates, agencies have delayed processing fingerprints.

ILLEGAL DRUG AND ALCOHOL USE

“Legal Qualifications and Statutory Framework,” it is unlawful to make disability-related inquiries prior to making a conditional offer of employment (COE). Protected disabilities include a *history* of drug addiction or dependence. Therefore, questions that can be expected to elicit this type of information are prohibited pre-offer. This would include questions such as “Have you ever been treated for drug addiction?” or “How many times in your life have you used illegal drugs?”

The PHS includes questions on current (#74) and past illegal drug use (#75). The latter question asks candidates to indicate if they: (a) ever used any drug recreationally, or (b) tried or used drug(s), but only under limited circumstances (e.g., parties, concerts, etc). Candidates who check box (b) are asked to provide details about their drug use, including drug(s) used, most recent date used, and circumstances. Note that if neither box (a) or (b) is checked, it may be assumed (after ruling out carelessness) that the candidate may have used illegal drugs under more than limited circumstances. However, in compliance with the prohibition on pre-offer disability inquiries, investigating the extent and nature of past illegal drug use should be deferred until the post-offer stage.

Alcoholism — past and current — is a protected disability; therefore, questions about how much a candidate drinks, etc., are not allowable prior to a COE. However, inquiries about job-relevant behavior are permissible, even if that behavior was a result of drunkenness. For example, it is permissible to ask about DUIs, or attendance problems at work because of alcohol use.

MOTOR VEHICLE OPERATION

This section requires candidates to provide information on their driving history, including:

- ◆ Driver’s license number, state, expiration date, and name under which license was granted.
- ◆ License refusals, revocations, etc.
- ◆ Traffic citations (excluding parking citations).
- ◆ Refusal or revocation of automobile liability insurance.
- ◆ Automobile insurance.
- ◆ Liability coverage (peace officers only).
- ◆ Motor vehicle accidents in the past seven years (peace officers only).

Driver’s License

As mentioned above, possession of a valid driver’s license is not a requirement for either peace officer employment, and therefore should not be a condition of employment unless this is an express agency qualification standard (since some peace officers, are not required to drive a vehicle).

Information on driving records and the status of licenses in Nevada can be obtained by completing DMV Form IR-002 Application for Individual Record Information Completed forms should be mailed to:

DMV Records Section
555 Wright Way
Carson City, NV 89711-0250
(702) 486-4368 - Las Vegas Area
(775) 684-4590 - Reno/Sparks/Carson City
(877) 368-7828 - Rural Nevada/Out of State

Under prevailing Nevada Department of Motor Vehicle policy, Telecommunications Systems subscribing agencies may access DMV records via NLETS for their candidates.

If the candidate lived or worked outside of Nevada, out-of-state agencies may be contacted for records, although virtually all states have purge criteria that may limit driving history information. The amount of time that information remains on a DMV record may be influenced by the driving record itself. As a general rule, in Nevada, infractions remain on a record for three years, and DUI's offenses for seven years.

Driver's License Refused

A driver's license may be refused for a number of reasons that may or may not have relevance to suitability for employment as a peace officer. Investigators should inquire into the reason for the refusal of any state to grant a driver's license to the candidate.

Vehicle Insurance

The investigator should determine if candidates are complying with insurance requirements on their vehicles. Note that persons can be covered by their parents' insurance if they drive their parents' vehicle, or if their vehicle is co-registered to their parents. However, they should be named as an additional insured, either generically on the policy or by name.

Driving Record

The candidate's driving record, in particular the nature and number of moving violations and the number of accidents, can provide useful information about the individual's driving ability as well as other job-relevant personal characteristics. An individual's history of automobile accidents is less likely to be of critical importance for public safety dispatcher candidates, and is therefore not included on that PHS.

In a routine investigation, inquiries should not be made into the number of parking citations the candidate has received, since no precise number of parking citations can be established as being job-relevant. Parking citations are also extremely difficult to track, as many agencies have contracted this function to private organizations. However, the investigator should look into any illegal abuses of the citation process or warrants issued as a result of parking citations.

Revoked or Suspended License

A revoked or suspended driver's license can be very relevant to candidate suitability, especially where such a suspension or revocation resulted from other willful misconduct (i.e., failure to appear, failure to pay a fine).

Refused Auto Liability Insurance

The driving history of a candidate who has been refused auto liability insurance must be carefully investigated to determine why the insurance was refused. A candidate's insurability is critical for those agencies where driving is an essential function of the position.

OTHER TOPICS

The questions in this section ask about a history of physical violence, gang membership, and other behavior associated with anger control problems and anti-social tendencies. Specifically, these items include:

- ◆ Denial of a concealed weapons permit.
- ◆ Membership or association with criminal enterprises, gangs, or other groups that advocate violence, racism or other forms of bigotry.
- ◆ Having a tattoo associated with a criminal enterprise, gang, or other group that advocates violence, racism, or other forms of bigotry.
- ◆ History of physical violence.
- ◆ History of domestic violence.

TATTOOS

The PHS limits inquiries about tattoos to those that signify affiliation with or membership in criminal enterprises, street gangs, or other groups that advocate violence and/or bigotry. No other questions about tattoos in general should be asked unless they can be shown to be relevant to performing the job. Tattoos that are covered by uniforms, or are never exposed to the public while on duty, should not be the basis for adverse employment actions, absent concurrence with an agency's legal counsel.

Chapter 5 - Background Narrative Report

A narrative report must be compiled by the background investigator and included in the employee's selection file. The narrative must fully address and document all mandated areas of inquiry, and contain sufficient information to allow the hiring authority to make a defensible decision. Complete documentation must be included in the file.

Common Oversights/Problems:

- ◆ Narrative does not provide any detail (e.g., "all references were positive").
- ◆ No documentation in file to allow for actual identification of contacts interviewed and what was said.
- ◆ Narrative fails to address all mandatory areas of inquiry.
- ◆ Failure to retain sufficient documentation and information.

PERSONAL HISTORY STATEMENT (*POST FORM OR ALTERNATIVE*)

A thoroughly completed Personal History Statement must be contained in the file. POST forms can be used or an alternative form that includes questions related to the ten areas of investigation. Completed forms will be reviewed to ensure sufficient personal information to begin and conduct the background investigation [e.g., current and past residences, current and past employment (including unexplained gaps in employment or residences), references, family members].

Common Oversights/Problems:

- ◆ Sections of the form are incomplete or inaccurate.
- ◆ No signature on last page.
- ◆ Candidate has not initialed each page.
- ◆ Form is out-of-date.

FBI FINGERPRINT RETURNS – PEACE OFFICERS

Results from the Federal Bureau of Investigation fingerprint checks for criminal history must be in the file. The results must be relevant to the position sought, and conducted prior to but no greater than a year from hire.

Common Oversights/Problems:

- ◆ Confusing a delay notification with an actual clearance return.
- ◆ Reports are more than one year old and/or associated with a different position (e.g., non-sworn, correctional officer).
- ◆ Failing to request returns from the FBI on the Live Scan request form.

DRIVING RECORD CHECK

Results from the Department of Motor Vehicle or other official driving record must be in the file.

Common Oversight/Problem:

- ◆ Reports are more than one year old.

EDUCATION VERIFICATION

Official transcripts are the only authoritative means of verifying a person's educational background. The transcript shall be an original, a certified copy, or a copy marked "copied from original" that is signed and dated by the background investigator. If any contact was made with current and prior educational institutions attended by the employee, this should be contained in the file too. Peace officer files should contain documentation verifying graduation from either U.S. high school, accredited DOD high school, or accredited/approved private or nonpublic high school; or verification of passing the GED test or High School Proficiency Examination; or possession of a two-year, four-year, or advanced degree from an accredited college or university.

Common Oversights/Problems:

- ◆ Documented education does not correspond / support education claimed on PHS.
- ◆ Transcripts are not official.
- ◆ Diploma rather than transcript is included.
- ◆ Copy of transcript is not certified or lacks notation that it was copied from the original.⁹⁹
- ◆ School is not accredited per Government Code Section 1031(e) – *peace officer only*.

DISSOLUTION OF MARRIAGE CHECK

Evidence of dissolution of previous marriage(s) must be contained in the file.

Common Oversight/Problem:

- ◆ Failure to include court-issued final divorce decree in the file.

SAMPLE NOTIFICATION OF CONDITIONAL JOB OFFER

AGENCY LETTERHEAD

[Date]

[Name]
[Mailing Address]
[City, ST Zip]

SUBJECT: CONDITIONAL OFFER OF EMPLOYMENT

Dear Mr. / Ms. _____:

This letter constitutes a conditional offer of employment as a _____ [Position] _____ with the _____ [Agency Name] _____ Department. However, a **final, unconditional job offer will be made only upon successful completion of each and every one of the following:**

1. A psychological screening in accordance with established by the Commission on Peace Officer Standards and Training;
2. A medical screening.
3. Completion of the background investigation to include information that was neither legal nor practical to obtain prior to the extension of this offer, or in response to issues that arose subsequent to this offer.

Should you be unsuccessful in any of the above evaluations, this job offer is revoked.

Due to some expected attrition of candidates who either resign or are removed from the eligibility list at the post-offer stage, the number of conditional job offers extended may exceed the number of immediate vacancies. If this happens, you may be placed in a candidate pool and will be extended an offer of employment as soon as a vacancy arises.

THEREFORE, DO NOT GIVE NOTICE, QUIT YOUR PRESENT EMPLOYMENT OR RELOCATE UNTIL YOU HAVE BEEN OFFICIALLY NOTIFIED THAT YOU HAVE SUCCESSFULLY COMPLETED THE MEDICAL EXAMINATION AND YOUR HIRE DATE HAS BEEN CONFIRMED.

Sincerely,

SAMPLE ADVISEMENT TO CANDIDATE REGARDING FALSE STATEMENTS

[Name]

[Title]

[Contact Number – *optional*][Email – *optional*]ADVISEMENT TO CANDIDATE
REGARDING FALSE STATEMENTS

CANDIDATE NAME:

The overall purpose of the pre-employment background investigation is to verify that your application and any statements you have made to your prospective employer concerning your qualifications are true.

Both State and Federal courts have also held that there is an absolute necessity for public employees to be truthful. You must understand that a lack of truthfulness or deception of any type on your part will automatically and irrevocably result in your application being rejected from further consideration.

For some people, there may be one or more incidents or occurrences in their background which they regret or over which they may feel some embarrassment. A prospective employer will not make inquiries into areas of a person's background that have no legitimate bearing on their qualifications for the job. You should understand that the mere presence of so-called "negative" information in your background is not automatically disqualifying. For example, an applicant may have engaged in petty thievery as a child, used illegal drugs, been fired from a job, or been convicted of a crime as an adult. While these things in and of themselves may not automatically remove that person from consideration for a job, lying about them will.

A pre-employment background investigation is not intended to be an intimidating experience or an unwarranted invasion into your privacy. Your background investigator will contact persons who know you, including present and/or former employers, and will examine official documents and records concerning you to assure that you have been honest in your application and to fulfill the legal mandates imposed by the courts and legislature. The more forthright you have been, the greater the likelihood that your background can be completed in a timely and successful manner.

CERTIFICATION

I understand that any false statement and/or deliberate misrepresentations, whether by omission or commission, will result in my application being automatically and irrevocably rejected from further consideration. I certify that I have read the above statement, understand its contents and have been furnished a copy of it.

Signature: _____ Date: _____

**SAMPLES OF SELECTED SECTIONS OF
A COMPLETED BACKGROUND INVESTIGATION REPORT**

Sections Represented:

BACKGROUND INVESTIGATION CHECKLIST
BACKGROUND NARRATIVE REPORT

EMPLOYMENT HISTORY CHECKS

RELATIVES/PERSONAL REFERENCES CHECKS

NEIGHBORHOOD CHECKS

SAMPLE

SAMPLE BACKGROUND NARRATIVE REPORT [Sample]

Sample Narrative Summary – Peace Officer

Sample Executive Summary – Peace Officer

- **Narrative does not provide any detail (e.g., "all references were positive").**
- **No documentation in file to allow for actual identification of contacts interviewed and what was said.**
- **Narrative fails to address all mandatory areas of inquiry.**
- **Failure to retain sufficient documentation and information**

SAMPLE

Sample (Optional) BACKGROUND INVESTIGATION CHECKLIST – PEACE OFFICER REQUIREMENTS

NAME				POSITION							
TYPE OF DOCUMENT				DATE	BY	TYPE OF DOCUMENT		DATE	BY		
Birth Date				10/09/06		Marriage Dissolution(s):		N/A			
Citizenship Requirement				10/09/06							
Educational Requirement				10/14/06							
Selective Svc Regis/Military Discharge				N/A							
Driver's License				10/18/06							
TYPE OF CONTACT		DATE			BY	TYPE OF CONTACT		DATE		BY	
		Personal Contact	Letter Mailed	Reply Received				Personal Contact	Letter Mailed		Reply Received
Relatives and References						Employers, Supervisors, and Co-workers					
Kathleen & Robert Smith (parents)		10/10/06				Triple Play Sports Grill		10/12/06			
Michael McFarland		10/11/06				VA Linux Systems		10/14/06			
Randy Highland		10/11/06				Sanmina Corp (HADCO)		10/14/06			
Carolyn Hooper (best friend)		10/15/06				Dot Hill Unlimited (storage facility)		10/18/06			
Maria Gonzalez		10/15/06				Compaq (Tandem)		10/18/06	10/24/06		
Nancy Johnson		10/15/06				ADECCO (Olsten Staffing)		10/20/06		*	
Robin Ferguson		10/16/06				Toys-R-Us		10/21/06		*	
Nelson Burnette		10/16/06				Media Services Inc.		10/24/06		*	
Rod Sackett		10/20/06				A LA Carte Services		10/24/06		*	
Jeremy Demas		10/20/06				PCS Corporation		10/28/06			
Peter Chang		10/24/06				Walgreen's		10/28/06		*	
Jeanette Ahmad		10/24/06				Perform Cost Mgmt		10/28/06		*	
Neighbors and Landlords						Secondary References					
1524 First Ave (main house)		10/12/06									
1528 First Ave (cottage)		10/12/06									

Sample (Optional) BACKGROUND INVESTIGATION CHECKLIST – PEACE OFFICER REQUIREMENTS

continued

NAME				POSITION					
TYPE OF INQUIRY		DATE		BY	TYPE OF INQUIRY		DATE		BY
		Letter Mailed	Reply Received		Letter Mailed	Reply Received			
Educational Documents				Legal Records					
H.S. / GED Certificate / Transcripts		10/10/06	10/21/06		FBI Record				
College Transcript – De Anza		10/10/06	10/24/06		Nevada Central Repository		10/06/06	10/06/06	
College Transcript -Cabrillo		10/10/06	10/18/06		Firearms Clearance Letter				
Credit Records				Local LE Agency Checks:					
Credit Check Inc.		10/14/06	10/20/06		Anytown P.D.		10/06/06	10/10/06	
					Somewhere P.D.		10/06/06	10/18/06	
					Anycounty County S.D.		10/06/06	10/20/06	
Military Records				Someplace County S.D.					
		N/A			Township P.D.		10/08/06	10/13/06	
DMV Records									
Driving Record		10/06/06	10/18/06						
Proof of Insurance		10/06/06	10/18/06						
TYPE OF SCREENING		DATE	BY	OTHER			DATE	BY	
Medical Screening Completed		11/04/06		Polygraph (HOLD FOR RESULTS)			10/30/06		
Psychological Screening Completed		11/06/06							
TYPE OF SCREENING		DATE	BY	COMMENTS					
Applicant Orientation and Questionnaire Review (Optional)									
Applicant Discrepancy Interview, if any (Optional)									
Narrative Investigation Report Completed									

Sample

NARRATIVE SUMMARY – PEACE OFFICER

NARRATIVE SUMMARY Page 1 of 3

CANDIDATE NAME: JANIE SMITH

PERSONAL

The following are personal descriptive data concerning Police Officer Applicant Janie Smith. There is no disqualifying information in this area.

Full Name:	Mary Jane Smith
AKA:	Mary J. Smith, Janie Smith
Address:	1234 First Avenue, Hometown, NV 90000
Personal Phone: Home:	(000) 000-0000 Cell: (000) 000-0000
Work Phone:	(000) 000-0000
Date of Birth:	00-00-0000
Place of Birth:	Hawaii, State
Citizenship:	U.S.
Social Security Number:	500-00-0000
Driver's License Number:	B0000000 Nevada
Weight:	000 lbs
Hair Color:	Brown
Eye Color:	Hazel
FBI Number:	Not Available
CII Number:	Not Available
Fingerprint Class:	Not Available

The applicant is an unmarried female who resides in a family-owned home with her son. The applicant's claims with respect to her age, birth date, birth place, citizenship, and eligibility to work in the United State are supported by independent documentation contained in this report.

BACKGROUND NARRATIVE REPORT

SampleNARRATIVE SUMMARY – *PEACE OFFICER continued*

NARRATIVE SUMMARY

Page 2 of 3

RELATIVES, REFERENCES, AND ACQUAINTANCES

No disqualifying information. The applicant enjoys the full and unreserved support of her parent and stepparent, who describe her as a compassionate, mentally strong, honest, personable, and thoughtful individual whose interest in this field dates back to childhood. The only criticism of the applicant centers on her tendency to be self-critical and her time management skills with regard to her child.

The balance of the applicant's references is a mixture of professional acquaintances and social peers, all of whom recommended her for this position. Several expressed initial surprise at her interest in police work, but the applicant is characterized as someone who is truthful, loyal, dedicated, compassionate, athletic, professional, possesses high integrity, and not "heavy-handed."

Criticisms of the applicant ranged from her small stature to her being soft spoken and her not working out more (physically). She is also seen as someone who is too much the perfectionist, yet not always organized.

EDUCATION

No disqualifying information. The applicant reportedly meets the educational requirements of this position. The applicant claims she is a 1992 graduate of Hometown High School, but only a facsimile diploma has been received in support of that claim.

RESIDENCES

No disqualifying information. The applicant resides in a home owed by her stepfather, which she shares with her child. Although neighbors report never even having seen the applicant, her residence has not been the source of any problems.

EMPLOYMENT

No disqualifying information. The applicant is presently employed as a Food Server for a restaurant, a position she has held for the last five months. The applicant is characterized as a good worker who will be eligible for rehire.

The balance of the applicant's employment history consists of 11 positions within the last 10 years. She has worked as a Commodity Manager, "VAM" Procurement Specialist, Buyer/Planner II, Purchasing Assistant III, Claims Processor, three times as a Temporary Worker, and twice as a Cashier. What little information there was available was generally positive.

BACKGROUND NARRATIVE REPORT

Sample

NARRATIVE SUMMARY – PEACE OFFICER *continued*

NARRATIVE SUMMARY

Page 3 of 3

MILITARY

No disqualifying information. The applicant reports she has not served in the Armed Forces, and she was not required to be registered under the Selective Service Registration Act.

FINANCIAL

No disqualifying information. The applicant has twenty-two reported credit accounts and has satisfied them on a timely basis. The obligations reported on her Personal History Statement (PHS) form are roughly consistent with those which appear on her credit report attached.

LEGAL

No disqualifying information. The applicant's fingerprints have been submitted to the Department of Justice by the Any town Police Department, and they have conducted her local criminal history checks.

The applicant initially reported no involvement with illegal acts within the required reporting. However, during her independent polygraph examination she reported having used marijuana most recently at age 20 (on the edge of the seven year reporting requirement) and having been detained by Arizona police for drinking and was released to her stepfather.

MOTOR VEHICLE OPERATION

No disqualifying information. The applicant possesses a valid Nevada Drivers License which is free of any collisions or citations.

GENERAL TOPICS:

No disqualifying information. The applicant's mandated psychological and medical assessments were conducted separately from this inquiry. Supporting documentation is appended.

Supporting documentation is appended.

Consulting Associate Signature Date: _____

Print Name

BACKGROUND NARRATIVE REPORT

Sample

EXECUTIVE SUMMARY – PEACE OFFICER

EXECUTIVE SUMMARY

Page 1 of 1

CANDIDATE NAME: JANIE SMITH

ANALYSIS AND CONCLUSIONS

The completed background investigation of Police Officer Applicant Janie Smith revealed no disqualifying information. Apart from the dearth of available employment information, the areas of investigative concern center on the applicant's Conscientiousness and Willingness to Confront Problems.

CONSCIENTIOUSNESS

Although characterized by others as conscientious, certain other factors belie that description. The applicant was initially disqualified on her background after inconsistencies on her PHS were compared to admissions on her polygraph. Although these matters were addressed by the Department, the issue is raised again by the fact that the applicant has failed to furnish all of the documents (high school transcripts) which she had been instructed to furnish (and acknowledged in writing). Without those transcripts, it is not possible to demonstrate her legal eligibility for appointment.

The applicant also reports having been employed in 1992 at the Walgreen's in Anyville, Arizona, but store officials dispute her claim. It has not been established if the applicant simply failed to devote enough time to accurately complete her form, or if there is another reason. Her parents have suggested that time management is not one of her strengths.

CONFRONTING AND OVERCOMING PROBLEMS, OBSTACLES AND ADVERSITY

Some of the applicant's references expressed some surprise at her interest in a police career, pointing to the combination of her small stature, soft-spoken nature, and willingness to back down when challenged. She is also seen by some as a person who is overly self-critical, so should she be conditionally offered employment with the Department, her psychological assessment may be especially important in assessing this job dimension.

This background and the completed Investigation Narrative are based solely on the interviews, and supporting documentation is appended herein.

Name

EMPLOYMENT HISTORY CHECKS

Sample

EMPLOYMENT REFERENCE CHECK

CONTACT WITH PREVIOUS EMPLOYERS

CANDIDATE NAME:

JANIE SMITH

Employer: 1) TRIPLE PLAY SPORTS GRILL
Donald Mandel, Owner

Contact Date: 10-12-06

No disqualifying information. The applicant has been employed there as a Food Server since May 6 of this year. The applicant will be eligible for rehire. The applicant's personnel file does not contain any performance evaluations, disciplinary actions or commendations. The applicant's original application listed only her address and previous employer.

Mandel reported that his brother-in-law, Eric Tracey who is a co-owner, is not available for comment, and co-workers "do not know anything" and should not be contacted on the job or at home. Mandel reported that he "respectfully" does not wish to state whether he would recommend the applicant for this position, adding that there is "nothing negative." He just does not feel "exposure" as a food server is the same as what a police officer would face.

Mandel reported that the applicant responds well to criticism and direction, and she gets along very well with co-workers. The applicant is punctual, reliable, hardworking, customer service oriented, and he considers her a good employee who has no negative areas.

The applicant follows restaurant policies, and observes safety rules, she uses her work time constructively, shows initiative when appropriate, and she keeps Mandel informed of problems that deserve his attention. The applicant has lost her temper at work, but Mandel would not elaborate. Mandel also reported that the applicant has never exhibited any racial or ethnic bigotry, and she dresses appropriately for work.

Employer: 2) VA LINUX SYSTEMS
Larry Fowler, Human Resources Manager

Contact Date: 10-14-06

No disqualifying information. The applicant was employed there as a Commodity Manager between August 28, 2000 and February 23 of this year. The applicant's division was eliminated, but Fowler reports that she would be eligible for rehire in another position.

There is no personnel file for the applicant, and the applicant's manager and co-workers were also laid-off.

EMPLOYMENT HISTORY CHECKS

SampleEMPLOYMENT REFERENCE CHECK *continued*

CONTACT WITH PREVIOUS EMPLOYERS

Employer: 3) SANMINA (HADCO)
Noel Thatcher, Director, Human Resources

Contact Date: 10-14-06

No disqualifying information. The applicant was employed there as a “VAM Procurement Specialist” between February 2, 1998 and August 18, 2000. The applicant is eligible for rehire.

In response to a written request, Thatcher reported that Sanmina purchased Hadco in June of 2000, and none of the applicant’s co-workers or supervisors are still with the company. According to Thatcher’s records, the applicant never received a “below standard” evaluation, she was never the subject of any disciplinary actions, and the applicant never conducted herself in a manner which would raise questions about her good moral character.

Thatcher also reported that while the applicant was in their employ, she never demonstrated any behaviors that would suggest she would be unable to successfully perform the essential functions of this position. The applicant never displayed any ill temperament or assaultive behavior toward any co-worker, supervisor, or member of the public. There was also never any reason to question her honesty or integrity.

Employer: 4) DOT HILL UNLIMITED (STORAGE FACILITY)
Emma Baxter, Human Resources Administrator

Contact Date: 10-18-06

No disqualifying information. The applicant was employed there as a Buyer/Planner II between April 29, 1996 and January 29, 1998. The applicant’s eligibility for rehire is unknown, according to Baxter, who would only respond to a written request per company policy.

Baxter reported that none of the applicant’s performance evaluations were “below standard,” she was never the subject of any disciplinary actions, and the applicant never conducted herself in a manner that would raise questions about her good moral character. Baxter also reported that while the applicant was in their employ, she never demonstrated any behaviors that would suggest she would be unable to successfully perform the essential functions of this position. The applicant never displayed any ill temperament or assaultive behavior toward any co-worker, supervisor, or member of the public. There was also never any reason to question her honesty or integrity.

SampleEMPLOYMENT REFERENCE CHECK *continued*

CONTACT WITH PREVIOUS EMPLOYERS

Employer: 5) COMPAQ COMPUTER CORPORATION (TANDEM COMPUTERS)
Nola Sanchez, Human Resources Administrator

Contact Date: 10-18-06

No disqualifying information. The applicant was employed there as a Purchasing Assistant III between May 31, 1995 and April 25, 1996.

In response to a written request, Sanchez reported that company policy prohibits the release of any further information.

Employer: 6) ADECCO (OLSTEN STAFFING)
Wilton Flagstone, Human Resources - Corporate Headquarters

Contact Date: 10-20-06

No information. The applicant reported she was employed there between September 1993 and June 1995.

Flagstone reported that ADECCO purchased Olsten, and records prior to 1997 have been purged.

Employer: 7) TOYS-R-US
(Automated Employment Verification)

Contact Date: 10-21-06

No information. The applicant reported she was employed there for one week in November 1993. The automated system only keeps records from 1997 forward.

Employer: 8) MEDIA SERVICES, INC.
Anyville, California

Contact Date: 10-24-06

No information. The applicant reported she was employed there as a Temporary Worker between August and September 1993. There is no listing with Directory Assistance for this company.

EMPLOYMENT HISTORY CHECKS

SampleEMPLOYMENT REFERENCE CHECK *continued*

CONTACT WITH PREVIOUS EMPLOYERS

Employer: 9) A LA CARTE SERVICES
Employment Verification, Anytown, California

Contact Date: 10-24-06

No information. The applicant reported being employed as a Temporary Worker between August and September 1993. Several phone messages have not been answered. A written request was sent, and the response received (which is not signed or dated) states that they purchased the business in 1993 and have no records for the applicant.

Employer: 10) PCS CORPORATION
June Wilson, Human Resources, Somewhere, Arizona

Contact Date: 10-28-06

No disqualifying information. The applicant was employed there as a Claims Processor between November 23, 1992 and August 13, 1993 at which time she relocated to California, according to Ann Swane (worker). Swane reports that she only has a computer entry for the applicant. When asked if the applicant is eligible for rehire, Swane replied, "Anyone has the right to apply."

Employer: 11) WALGREEN'S
Employment Verification, Anycity, Arizona

Contact Date: 10-28-06

No information. The applicant reported she was employed there as a Cashier between June and November 1992. Store Manager Morey Anderson reports that this store was not even built until August 1995, and he has been there since then and has no record of the applicant having worked for him. Doreen Rider at Corporate Headquarters Human Resources also has no record of the applicant. She reports their records go back to 1990 and both a name and social security number search come up no record found.

Employer: 12) PERFORM COST MANAGEMENT SERVICE, INC.
Somewhere, Arizona

Contact Date: 10-28-06

No information. The applicant reported she was employed there as a Data Entry Clerk between May and November 1992. There is no listing with Directory Assistance for this company.

RELATIVES/PERSONAL REFERENCES CHECKS

Sample

REFERENCE CHECK

CONTACT WITH RELATIVES AND REFERENCES

CANDIDATE NAME:	JANIE SMITH
-----------------	-------------

Relative: 1) KATHLEEN and ROBERT SMITH – Parent and Step-parent

Contact Date: 10-10-06

No disqualifying information. The Smiths report that the applicant has fully discussed this position with them, and they expressed no reservations, (apart from the natural concerns about the dangers inherent in the job). The applicant has been interested in this line of work since childhood and appears to have developed interest through an uncle who was a police officer.

The applicant's best qualities will be her compassionate, thoughtful and personable nature, her honesty, and the fact that she is “mentally strong.” Mrs. Smith reports that the applicant is “not a good liar,” and she goes out of her way to assist others, while Mr. Smith notes that she knows what she wants and works for it.

The only areas in which they feel the applicant could improve herself would be to be less hard on herself or not have such high expectations, to give herself credit, and to improve her time management skills with her child. The Smiths report that the applicant is most concerned about finding gainful employment and is most easily bothered by the mistreatment of people or animals or by her siblings not being more respectful to their mother. In these situations, the applicant will speak her mind or work it out on her own, but sometimes cries when she is angry.

Mr. Smith reports that “nothing comes to mind” with regard to any problems with the applicant in her youth, and Mrs. Smith reports that the applicant was insecure about her looks in junior high and high school. She notes that the applicant “acted out” and wanted attention from boys. However, both reported that the applicant accepted discipline when it was deserved.

The applicant has given them no reason to doubt her ability to successfully perform the essential functions of this position. She uses physical exercise such as running, using a treadmill, yoga, and activities with her son as a means of keeping fit and for the release of stress.

Personal

Relationship: 2) MICHAEL McFARLAND – Ex-significant other

Contact Date: 10-11-06

No information. The applicant reports that he is the father of her child, but she has had no contact with him in ten years. He declined further comment.

SampleREFERENCE CHECK *continued*

CONTACT WITH RELATIVES AND REFERENCES

Professional: 3) RANDY HIGHLAND – Home Theater Installer

Contact Date: 10-11-06

No disqualifying information. Highland reports having met the applicant some ten years ago through work at COMPAQ. Highland reports that they dated for a while, and he is the “acting dad” to the applicant’s child. They see one another daily in that context.

Highland reports that he was initially surprised at her interest in this job. However, she has expressed that this has been a “dream of hers”, she wants to “assist those who need,” and he recommends her for this position. The applicant has been truthful, hardworking and loyal throughout their acquaintance.

Highland also reports that the applicant has never exhibited any racial or ethnic bigotry, there were never any “domestic issues” in their relationship, and Highland could not recall ever having seen her really become angry. Highland reports she has borrowed money and his car, and both were returned “fine.”

The applicant is a “good” driver who maintains an alert state while driving. The applicant has not received any citations or been involved in any collisions. Highland could not recall the applicant having driven while intoxicated, and he is also certain the applicant does not abuse drugs.

Highland expressed some concern over the applicant’s ability to successfully perform the essential functions of this position due to her size “5-2, 120.” Highland reports that the applicant runs to maintain her physical fitness, but he also felt that she should take a karate course because of her small stature.

Personal

Best Friend: 4) CAROLYN HOOPER – Homemaker

Contact Date: 10-15-06

No disqualifying information. Hooper reports that the applicant and she have been acquainted for more than seven years. They met through Hooper’s fiancé, who worked with the applicant. They see one another a few times each week in social settings or at family events.

Hooper also expressed initial surprise at the applicant’s applying for this job. Hooper characterized the applicant as someone who “will not stab you in the back,” and she considers her a “good role model for her son.” The applicant is also up-front, loyal, and dedicated.

SampleREFERENCE CHECK *continued*

CONTACT WITH RELATIVES AND REFERENCES

Personal: 6) NANCY JOHNSON – Administrative Assistant

Contact Date: 10-20-06

No disqualifying information. Johnson reports having known the applicant for nearly nine years and first met her at Dot Hill Unlimited. Johnson reports they have remained in contact on a social basis and see one another about twice each month.

The applicant is well suited for this position, according to Johnson. The applicant has demonstrated an ability to be friendly, open-minded, and she possesses a positive attitude. She adds that the applicant is willing to try new things, she is athletic, and she is a good mother. There has never been any reason to doubt the applicant's honesty or to suspect her of any racial or ethnic biases.

Johnson did not feel the applicant has any areas of needed improvement. The applicant is not easily flustered, and Johnson could not recall ever having seen her really become angry, other than occasional “boyfriend problems.”

The applicant is a “good” driver who maintains an alert state while driving. Johnson reported being unaware of any citations or collisions involving the applicant. Johnson also reported never having seen the applicant drive while intoxicated, nor has she shown any evidence of substance abuse. Johnson is confident the applicant will do well, and have no problems successfully performing the essential functions of this position since she works out regularly to maintain her level of fitness.

Personal: 7) ROBIN FERGUSON – Contract Manager

Contact Date: 10-21-06

No disqualifying information. Ferguson reported that the applicant and she met through their sons’ Little League team nearly three years ago. They have since become friends and see one another a few times each month in social settings.

Ferguson has always found the applicant to be an honest individual who is responsible, and “she wants to help people.” The applicant has followed through abilities, she is trustworthy, and she deals with everyone on a professional level. The applicant appears to handle stress well and is not easily angered.

The applicant has discussed interest in this position, noting that this has been a long term goal of hers. Ferguson feels comfortable recommending the applicant, pointing out that there are no obvious areas in which the applicant needs to improve.

SampleREFERENCE CHECK *continued*

CONTACT WITH RELATIVES AND REFERENCES

Personal:

#7 *cont'd*

Ferguson reports that the applicant is a “conscientious” and safe driver who has not been the subject of any citations or collisions. Ferguson reports being unaware of the applicant ever having driven intoxicated, and there has never been any reason to suspect her of substance abuse.

The applicant should be able to successfully perform the essential functions of this position. Ferguson reports that the applicant works out at a gym and bike rides to maintain her physical fitness. Ferguson also reports that the applicant is able to get along with people of diverse backgrounds.

SECONDARY AND WORK-RELATED REFERENCES

Personal: 8) NELSON BURNETTE – Unemployed

Contact Date: 10-16-06

No disqualifying information. Burnette reports that he met the applicant through work at Hadco nearly six years ago. They now see one another in social settings a few times each month.

The applicant is someone whom Burnette would recommend for this position, even though her interest in this position appeared to him to come “out of the blue.” Burnette reports that the applicant is a good person who possesses high integrity. The applicant has high aspirations, she is goal-oriented, and he considers her an “all around good person.”

Burnette reports the applicant handles stress well, she is not easily flustered, and he has never seen her really become angry. The applicant has never exhibited any racial or ethnic bigotry, and there has been no reason for Burnette to suspect her of substance abuse, either.

The applicant is a “very good” driver who maintains an alert state while driving. Burnette is not aware of the applicant being involved in any collisions or receiving any citations. Burnette reports never having seen the applicant drive while intoxicated.

The applicant could be more consistent in working out, but there are no other areas in which Burnette feels the applicant could improve. However, the applicant runs and should have no difficulty successfully performing the essential functions of this position, according to Burnette.

SampleREFERENCE CHECK *continued*CONTACT WITH RELATIVES AND REFERENCES
SECONDARY AND WORK-RELATED REFERENCES

Professional: 11) PETER CHANG – Food Server

Contact Date: 10-24-06

No disqualifying information. Chang reports that he and the applicant have actually known one another since they were high school classmates and they now work together at the Triple-Play Grill. He recommends her as a police officer.

Chang feels the applicant is someone who is extremely compassionate and interested in helping people. “She wants to make a difference” and feels that this is the career in which she can accomplish this. The applicant has been a good friend and a good coworker, throughout the time they have known one another.

Chang concedes that the applicant can be a little disorganized from time to time, but he does not believe this will impact her work as a police officer. He believes the applicant will be the type of police officer who never gets the City sued.

The applicant was arrested as a teenager, Chang recalled, but it was nothing more than a “high school party when somebody called the cops.” He doubts she has ever had any other trouble with the police, and he considers her impeccably honest.

Professional: 12) JEANETTE AHMAD – Systems Administrator

Contact Date: 10-24-06

No disqualifying information. Ahmad reports that she and the applicant worked together at Compaq Computers for nearly one year. Although they rarely see one another now, they keep in contact by e-mail.

Ahmad expressed some surprise at the applicant’s interest in being a police officer, adding that “she’s pretty tiny to be a cop.” At the same time, however, the applicant used to work out in the company gym, so she assumes that she will be able to successfully perform the essential functions of this position.

Ahmad considered the applicant to be a very honest person, and she was never one to express any racial or ethnic bigotry. She was also a very loyal friend, and they were known as the “Two Amigos” at Compaq. The applicant can be trusted to keep a secret, and she was “always there” whenever she was needed. In fact, Ahmad reports she was “my Maid of Honor at my wedding

Sample

NEIGHBORHOOD CHECK

CONTACT WITH NEIGHBORS AND LANDLORDS

Page 1 of 1

CANDIDATE NAME: JANIE SMITH

Residence: 1) 1524 First Avenue – Main House, Nielson Residence

Contact Date: 10-12-06

No disqualifying information. Nielson reports that she has never even seen the applicant. The applicant's residence is quiet and has not been the source of any problems on the property. (Investigator's note: this is a very rural area; the applicant's residence is one of three on a seven and one half acre property.)

Residence: 2) 1528 First Avenue – Cottage, Jacobs Residence

Contact Date: 10-12-06

No disqualifying information. Jacobs also reports that she has never even seen the applicant. The applicant has been a quiet neighbor, and there have been no problems at her residence on the property. She reported being aware of nothing that would disqualify the applicant from further consideration for this position.

Residence: 3) 1730 Elk Road – House, O'Connor Residence

Contact Date: 10-12-06

No disqualifying information. O'Connor also reports that she has never seen the applicant. The applicant has been a quiet neighbor, and there have never been any problems involving the applicant on the property.

Sample of Pre-Employment Background Investigations Selection Standards

Purpose of the Order

The purpose of this order is to set uniform, job-relevant and non-discriminatory policies for the selection of employees of the Any Town Police Department. The express purpose of this order is to assure that persons employed by the Any Town Police Department will adhere to the highest standards of integrity, professionalism, and community service.

The Any Town Police Department has entered into a compact with the citizens of the State of Nevada and the employees of the Any Town Police Department to provide law enforcement services which reflect the highest standards of professional conduct and a deep commitment to responsible, responsive and impartial provision of law enforcement services.

Compliance with Law

Nevada Administrative Code 289.110 declares that each class of public employees declared by law to be peace officers shall be of good moral character as determined by a thorough background investigation.

Effect of Order

This order shall establish the pre-employment selection standards for the Any Town Police Department and its personnel in the conduct and administration of pre-employment background investigations. All Any Town Police Department personnel are bound by this order.

Eligibility for Background Investigation

Applicants declared qualified for employment with the Any Town Police Department as a result of the competitive examination processes established by the Any Town Police Department shall undergo a thorough and complete background investigation prior to appointment to or employment with the Any Town Police Department.

Behavioral Standards for Applicants: Fair Employment

The purpose of a pre-employment background investigation shall be to promptly, efficiently and fairly identify those applicants who are unfit for public service or whose prior conduct is contradictory to or incompatible with the law enforcement mission, the fair and impartial administration of law or the provision of community service.

No selection standard of the Any Town Police Department shall be in conflict with or contrary to the spirit or letter of fair employment laws of the State of Nevada or the laws of the United States. The Any Town Police Department enthusiastically declares itself to be an equal opportunity employer.

Felony Conviction: Disqualification

No person who has ever been convicted of any offense declared by law to be a felony in this or any other state shall be eligible for appointment to any position with the Any Town Police Department.

Misdemeanor Conviction: Disqualification

No person who has been convicted within the past four years of any criminal offense declared by law to be a misdemeanor or gross misdemeanor (with the exception of minor traffic offenses) in this or any other state shall be eligible for appointment to any position with the Any Town Police Department.

No person still on probation (supervised or unsupervised) for any criminal conviction shall be eligible for appointment to any position with the Any Town Police Department.

No person convicted of any of the following offenses within the past four years shall be eligible for appointment with the Any Town Police Department:

- 1 Larceny / theft
- 2 Assault or battery
- 3 Indecent exposure
- 4 Annoying children
- 5 Perjury
- 6 Resisting arrest
- 7 Filing a false police report
- 8 Impersonation of a peace officer
- 9 Domestic violence
- 10 Fraud

Any person whose conviction has been set aside shall be considered to have been convicted within the meaning of this section. Persons whose juvenile records have been and remain sealed or expunged shall be deemed never to have been convicted within the meaning of this section.

Criminal Conduct

Applicants for employment with the Any Town Police Department whose prior conduct includes, but is not limited to, involvement in criminal conduct as specified shall not be eligible for appointment with the Any Town Police Department.

"Involvement in criminal conduct" specifically includes acts which may have gone undetected, unreported and / or un-prosecuted.

As an adult, any act which would constitute a felony offense in this state or any other state committed within the past seven (7) years.

Any act which would constitute a misdemeanor or gross misdemeanor offense (with the exception of minor traffic offenses) in this state committed at any time after application for employment with the Any Town Police Department.

Any act, as specified, committed at any time prior to or following application for employment with the Any Town Police Department, including:

- 1 Forcible rape
- 2 Robbery
- 3 Possession of controlled substances for sale.
- 4 Assault with a deadly weapon
- 5 Lewd acts with a child
- 6 Perjury
- 7 Homicide
- 8 Grand larceny
- 9 Theft of public funds
- 10 Assault under color of authority
- 11 Any offense declared by law to constitute a "hate crime."
- 12 Prostitution or solicitation of prostitution
- 13 Embezzlement
- 14 Sexual assault

Criminal Conduct: Lateral Applicants

Applicants for employment with the Any Town Police Department who are presently employed by any public criminal justice agency shall be required to sign a disclosure statement authorizing the Any Town Police Department to reveal to their present employer any admissions of criminal conduct which occurred or which may have occurred during their employment for that agency. Upon written demand of the head of any such agency and consistent with this Order, the Any Town Police Department shall fully cooperate with any official investigation initiated by that applicant's present employer concerning any such admissions of criminal activity.

Criminal Conduct: Outstanding Arrest Warrant(s)

No person who has an outstanding arrest warrant for his / her arrest shall be eligible for appointment to the Any Town Police Department. Any peace officer of the Any Town Police Department aware of the existence of such a warrant shall immediately serve same.

Gross Misconduct

No person who, as an adult, has been previously dismissed from any employment or discharged from the Armed Forces of the United States for proven acts of gross misconduct shall be eligible for appointment with the Any Town Police Department.

"Gross misconduct" shall include, but is not limited to:

- 1 Embezzlement
- 2 Willful disobedience of a lawful order
- 3 Sexual harassment
- 4 False statements to superior officers
- 5 Filing false official reports
- 6 Desertion
- 7 Assault under color of authority
- 8 Battery against any co-worker or supervisor
- 9 Terrorist threats against any co-worker or supervisor

Dishonorable Discharge from Military Service

No person who shall have been dishonorably discharged from the Armed Forces of the United States shall be eligible for appointment to the Any Town Police Department.

Selective Service: Failure to Register

No person who shall have been legally required to register for Selective Service and has failed to do so shall be eligible for appointment to the Any Town Police Department.

Users of Illegal Drugs: Current

No person who is a current user of illegal drugs shall be eligible for appointment to the Any Town Police Department. "Current" user of illegal drugs shall mean any person who has illegally used any controlled substance as defined in Schedules I thru IV of the Nevada Controlled Substances Act within one year prior to application for employment with the Any Town Police Department.

All applicants for initial employment with the Any Town Police Department shall undergo a chemical test designed to reveal the presence of illegal drugs.

Users of Illegal Drugs: Prior

Persons who have previously and unlawfully ingested any controlled substance(s) classified as a hallucinogen or any other controlled substance (as defined in Schedules I thru IV of the Nevada Controlled Substances Act) by means of injection shall not be eligible for appointment to the Any Town Police Department.

Person(s) who have within the past seven (7) years and as an adult illegally possessed any controlled substance (as defined in Schedules I thru IV of the Nevada Controlled Substances Act) excluding the simple possession of an ounce or less of marijuana, shall not be eligible for appointment to the Any Town Police Department.

False Statements on Application

Any applicant for employment with the Any Town Police Department who makes any knowing and deliberate false statement or omission of material fact on any application document for the Any Town Police Department shall be denied appointment.

False statements include deliberately non-responsive answers and knowing evasions of any type. Knowing and deliberate false statements or omissions of material fact discovered on any application document at any time following appointment with the Any Town Police Department shall be immediately investigated and, where proven, shall be grounds for dismissal and or removal from the Any Town Police Department.

Fraudulent Application Document(s)

Any applicant who knowingly offers or furnishes any altered or fraudulent document(s) in connection with his/her application for employment with the Any Town Police Department shall be immediately disqualified from further consideration.

Where such altered or fraudulent documents are discovered subsequent to appointment with the Any Town Police Department, such shall be immediately investigated and, where proven, shall be grounds for dismissal and / or removal from the Any Town Police Department.

Involuntary Separation for Employment

Any applicant who, as an adult, has been dismissed from employment "for cause" two or more times shall not be eligible for appointment to the Any Town Police Department.

Involuntary Separation from Employment: Exceptions

The Any Town Police Department may vitiate the prohibitions of the section noted above if, in its sole judgment, one or more of the "for cause" dismissals are found to be without merit. Within the meaning of this section, "layoffs" shall not be construed as "dismissal for cause."

Delinquency on Financial Obligations: Child Support

Any applicant for employment with the Any Town Police Department who is presently delinquent or in arrears for any court ordered child support payments shall be ineligible for appointment.

Delinquency on Financial Obligations: Collections:

Any applicant for employment with the Any Town Police Department who is presently in collection for any valid credit obligation shall not be eligible for appointment.

Personal History Statement Form

Qualified applicants shall be required to accurately, honestly and thoroughly complete the Any Town Police Department approved "Personal History Statement Form." Completed Personal History Statement Forms are deemed to become the property of the Any Town Police Department and shall become part of the employee's personnel file.

Pre-background Investigation Interview

Each applicant for employment with the Any Town Police Department shall be required to meet with a background investigator prior to the commencement of any background investigation for the express purpose of conducting an initial inquiry into the applicant's apparent qualifications and conformity with this Order.

Pre-employment Polygraph Examination

Prior to employment with the Any Town Police Department, each applicant shall be required to submit to a pre-employment polygraph or Computerized Voice Stress Analysis examination.

Background Investigation: Conformity with P.O.S.T. Standards

Pre-employment background investigations conducted by the Any Town Police Department shall be in compliance with the standards adopted by the Nevada Commission on Peace Officer Standards and Training.

Such standards necessarily include an assessment of applicant qualifications regarding the skills, abilities and attributes required for effective job performance. Moral character, handling stress and adversity, work habits, interactions with others and intellectually based abilities are among the categories assessed during the background investigation process.

Background Investigation Results: Notification

Any applicant for appointment to the Any Town Police Department who is denied employment based upon his / her background investigation shall be notified.

- 1 Applicants denied appointment based in part or in whole upon their credit history shall be informed of that fact and shall have been furnished a copy of their own credit report as well as their rights under the Fair Credit Reporting Act.
- 2 Applicants denied appointment based upon their failure to meet Any Town Police Department medical standards shall be informed of that fact at the time their conditional offer of employment is withdrawn, as well as their right to appeal.
- 3 Applicants denied employment based upon their failure to meet the Any Town Police Department behavioral standards shall be informed in writing of that fact.

Background Investigations: Confidentiality

Pre-employment background investigations are regarded as confidential documents.

- 1 The Any Town Police Department shall safeguard this information pursuant to law and hereby restricts access thereto to persons who have a legal authority and a need to access such information.
- 2 No investigator or other Any Town Police Department member privy to pre-employment background information shall release, disseminate or disclose such information other than through the chain of command, except as provided by this policy or in response to the lawful order of any competent court.

Background Investigation: Sharing of Information During Official Inquiries

Except as previously described, upon presentation and acceptance of a valid, notarized authorization form which specifies the release of pre-employment background information, the Any Town Police Department may share information from its own pre-employment background investigation(s) with another duly authorized representative of a government agency except that information which, in its sole judgment, risks compromising any confidential source.

Prior to releasing any such information, the Any Town Police Department shall first secure, in writing, an approved *Agreement For Non-Disclosure Form* from the authorized representative of the governmental agency to whom the information is being released.

Retention of Background Investigation Records

The Any Town Police Department shall maintain copies of its pre-employment background investigations for such periods as are specified by law. No portion of any pre-employment background investigation shall be destroyed except as provided for by law.

Sample of Background Report

To: The Big Guy, Chief of Police
From: Sherlock Holmes, Background Investigator
Date: January 1, 2001
Subject: Frank Goodguy, Applicant

On October 1, 2000 I received applicant Goodguy's background investigation package. I met with the applicant on October 16, 2000 for the purpose of conducting a Personal History Statement interview. The results of that interview and the background investigation are as follows:

PERSONAL

No disqualifying information

The applicant was born on October 9, 1950 in the Republic of the Philippines. The applicant's parents, both of whom were United States citizens were based in the Philippines with the United States Marine Corps at the time of his birth. The applicant resides with his wife, Sally Goodguy in Little Town, Arizona. The applicant's adult children; Bianca Goodguy , age 24 and Frank Goodguy Jr., age 20, reside in San Juan Creek, California and Milestone, California, respectively. The applicant's father, Mateo Goodguy., a retired U.S.M.C. Officer resides in Twenty-Nine Palms, California. The applicant's mother, Jane Goodguy, is deceased.

The applicant's claims with respect to his age, birth date, birthplace, citizenship, marital status and eligibility to work in the United States have been verified and are available for review in this report.

MARITAL STATUS

No disqualifying information

The applicant is currently married to the former Gertrude Smith. They were lawfully married in Cleveland, Ohio on October 3, 1980, Ohio Marriage License number 48434. Previously, the applicant had been married to Francine O'Malley of Boston, Massachusetts. They were married on March 1, 1972 in Prince William County, Virginia. Commonwealth of Virginia Marriage License number 12345. They were lawfully divorced two years later on September 16, 1974 in San Diego, California. San Diego County Family Law Court, Docket number DN 13803.

REFERENCES

No disqualifying information

The applicant's references, a mix of friends, family and co-workers describe the applicant as a mature, responsible law enforcement professional. He has the full and unqualified support of everyone who was contacted. His family and friends described him as helpful, honest and fair in his dealings with everyone he comes into contact with, a man of his word who is compassionate and treats people with dignity and respect. His co-workers describe him as the consummate professional Investigator. His written and oral communication skills are excellent, his interpersonal skills in dealing with supervisors, co-workers and the public at large are very strong. His thirty years of Federal Law Enforcement experience has helped him develop strong skill sets and numerous contacts in the law enforcement community. The applicant was assigned for nearly 10 years in Los Angeles, California assigned to a White Collar Crime Task Force investigating fraudulent insurance claims. The applicant's work ethic, organizational skills, honesty and integrity are above reproach according to all those who were contacted. Phrases such as reliable, thorough, focused but not lost in minutiae, a superb employee who was always on time and could be counted on to respond at any time to a request for assistance, extremely creative in developing solutions to unique and / or complex problems were common place when speaking to his references.

FINANCIAL

No disqualifying information

A review of the applicant's financial information as supplied by Transunion, Experian and Equifax showed no discrepancies with the information supplied by the applicant. There were no delinquencies reported during the seven year reporting period. The applicant appears to live within his means.

WORK HISTORY

No disqualifying information

In regard to the employment history information provided in this section, all of the applicant's work history is out of the immediate area and since no long distance travel was authorized, no inspection of the applicant's personnel files was conducted.

8/77 to Present: United States Government Inspection Division. The applicant has had a long and varied career with the U.S.G.I.D.. In addition to his current posting in Honolulu, Hawaii, the applicant has served in Indiana, Kentucky, Ohio, Nevada, and California. Contact with current and former co-workers was all positive in nature. The applicant did self report that he was the subject of an Internal Affairs Investigation while assigned in Las Vegas, NV. The applicant was accused of not conducting a thorough investigation by the owner of a competing business who implied the applicant may have been profiting financially. After a thorough investigation by the U.S.G.I.D., the applicant was exonerated of all wrong doing.

6/77 to 8/77: Campasinos Progresitas. Thru the Federally funded S.E.T.A. Program, the applicant was employed as a job developer in Small Town, California. The program, designed to aid Hispanic farm workers, was disbanded in 1978 and no further information is available.

8/74 to 5/77: United States Marine Corps. The applicant entered the military service in 1975 and graduated from Marine Corps Officer Candidate School as a 1st Lieutenant in 1975. The applicant was then assigned to the Pensacola Naval Air Station as a student aviator. In November 1975 due to the declining requirements for aviators at the end of the Vietnam era, the applicant left flight training and was assigned to Camp Pendleton, California as an Infantry Platoon Commander until the end of his active service in August 1977. The applicant received an honorable discharge and there is no record of disciplinary action or missed time noted on his DD-214. In speaking with former members of his Infantry Platoon from Camp Pendleton, the applicant was described as a solid Marine with strong leadership skills.

MILITARY

No disqualifying information

The applicant was honorably discharged from the United States Marine Corps as a 1st Lieutenant in August 1977. Due to his prior military service, the applicant was not and is not required to register with the Selective Service System. See work history above for details of the applicant's military service.

NOTE: Men born from March 29, 1957, through December 31, 1959, were not required to register with Selective Service because the registration program was suspended when they would have reached age 18. **The requirement to register with Selective Service was reinstated in 1980, but only for men born January 1, 1960, or later.**

Men born between these dates will not have a Selective Service number; however these men are still eligible for all the benefits and programs linked to the registration requirement.

NOTE: Immigrants born before 1960 who are seeking U.S. citizenship may be asked by U.S. Citizenship and Immigration Services to provide a status information letter from Selective Service.

EDUCATION

No disqualifying information.

The applicant graduated from Wagner High School, Clark Air Force Base, Philippines in June of 1969. The applicant attended Solano County Community College from 1969 to 1971 accumulating 58 units of transfer credit. Additionally, the applicant received his Bachelor of Arts degree in Criminal Justice from Sacramento State University, California in June 1973.

DRIVING HISTORY

No disqualifying information

The applicant possesses a valid Arizona Drivers license, Number AZ0768647 and valid insurance as required by his State. There is no citation or accident history information reported by Arizona or any of the other states where the applicant has been licensed to drive (Hawaii, Ohio and California). The applicant has been made aware of the requirement to obtain a Nevada Drivers License and register his vehicle(s) in Nevada within 30 days of residency.

LEGAL

No disqualifying information.

The applicant was lawfully divorced from his first wife, Francine O'Malley on September 16, 1974 after two years of marriage. In speaking with the applicant's former wife, I learned she and the applicant met as a result of their parents both being in the military. She was 19 years old and the applicant was 25. During the two year marriage, they never lived together as the applicant was either in training or overseas with the military. She stated they simply were too young to marry and they both eventually realized that. She stated that there were no instances of domestic violence or any other negative factors leading to their divorce which ended amicably in 1974.

P.O.S.T.

No disqualifying information

While the applicant has extensive law enforcement training as a result of his thirty (30) years in Federal law enforcement, he has no Nevada P.O.S.T. certification and will be required to attend an academy class tentatively scheduled for July 30, 2001.

DISCUSSION

By all accounts, the applicant is a mature, responsible individual with strong law enforcement skills bolstered by a high degree of ethics and integrity. His prior work history, particularly his assignment as a Workers Compensation Fraud Investigator for the U.S. Postal Inspectors Office makes him an ideal candidate for the position. He has the full support and recommendation of his family, friends and co-workers. No negative information was developed during the course of this investigation

SAMPLE OF REPORTING INVESTIGATION ISSUES

TO: The Big Guy, Chief of Police

FROM: Sherlock Holmes, Background Investigator

DATE: 1/01/2001

SUBJECT: Applicant John Q. Citizen

On October 3, 2000 I met with Applicant Citizen for the purpose of conducting a Personal History Statement interview. During the course of the interview and the subsequent background investigation a number of issues relating to the subjects suitability for employment were discovered. They are as follows:

A review of the applicant's background investigation documents found that there were numerous instances of missing, incomplete or incorrect information supplied by the applicant. The applicant stated during the interview that one of his missing employment histories included a business where he broke into locked offices to steal small items as well as food. The applicant stated that he was never caught in regard to these thefts.

The applicant also admitted to participating in ongoing criminal conduct while he was a police sergeant at the Any Town Police Department. While a sergeant in the homicide unit, the applicant "frequently" paid another female city employee for sex. He described and admitted that the relationship they had was one of prostitution which is illegal in that State. The applicant explained that because of the low salaries paid by the City, he felt her actions were justified. The applicant also told me that he continued using the services of the city employee when he was transferred to supervise the Vice Unit. Additionally, he knew the female city employee was offering these same services to other police officers that he knew as well as other city employees yet, he took no action at any time against the suspect in the crime or her clients. The applicant explained he took no action because he would have been implicated as well thereby possibly terminating his law enforcement career.

The applicant also admitted to committing numerous sexual acts in public starting as early as 1975, a time at which he was a police officer for the Any Town Police Department and continuing into the late 1990's when he was a Lieutenant for the Any Town Police Department.

While he was a member of the local College Police Department, prior to working for Any Town Police Department, the applicant admitted during the interview that he met on 10 to 15 occasions with a girl friend and had sex on duty.

The applicant admitted to two instances of domestic violence. The first occurred in Any Town and involved his former wife whom he struck during an argument. The Any Town Chief of Police responded to the applicant's home regarding this incident to personally speak with the applicant and his wife. There was no mandatory reporting requirement at the time and no

report was ever filed regarding this incident. The second incident occurred in Somewhereville, Arkansas when he put bruises on the arm of a girlfriend when she arrived at his home unexpectedly and found him with another woman. They argued, he struggled with the girlfriend who was bruised on her arm. The Somewhereville Police were not notified of the incident however, the applicant felt that if they had arrived at the scene of the incident, he would have been arrested for domestic battery.

The applicant also has a history of discipline in the work place while employed at the Any Town Police Department. One such incident was when the applicant assaulted a possible DUI suspect and struck him in the mouth without provocation. The applicant's internal affairs files revealed he received a two week suspension and was required to see a department psychologist for a fitness for duty evaluation. In another, the applicant received a one week suspension for horseplay with his gun while inside the police building.

Based upon the applicant's admissions of participating in on going criminal conduct while he was a police supervisor, his failure to take action in regard to on going criminal conduct while he was a police supervisor, the self admitted incidents of domestic violence and the numerous pieces of missing information in the applicant's background investigation package it is recommended that the applicant be disqualified based upon a lack of integrity, impulse control, confronting and overcoming problems, conscientiousness, interpersonal skills, decision making, judgment and written communication skills.

Personal History Statement Form

PERSONAL HISTORY STATEMENT – PEACE OFFICER

Nevada POST

Instructions to the Applicant

- The information you provide in this Personal History Statement will be used in the background investigation to assist in determining your suitability for the position of Nevada **Peace Officer**.
- Type or neatly print, in ink, responses to all items and questions. If a question does not apply to you, write “N/A” (not applicable) in the space provided for your response. If you cannot obtain or remember certain information, indicate so in your response.
- If you need more space for any response, use the last page of this form and identify the additional information by the question number.

Disqualification

There are very few **automatic** bases for rejection. Even issues of prior misconduct, such as prior illegal drug use, driving under the influence, theft or even arrest or conviction are usually not, in and of themselves, automatically disqualifying. However, deliberate misstatements or omissions can and often will result in your application being rejected, regardless of the nature or reason for the misstatements/omissions. In fact, the number one reason individuals “fail” background investigations is because they deliberately withhold or misrepresent job-relevant information from their prospective employer.

BOTTOM LINE: Be as complete, honest and specific as possible in your responses.

Disclosure of Medically-Related Information

In accordance with the U.S. Americans with Disabilities Act, at this stage of the hiring process applicants are not expected or required to reveal any medical or other disability-related information about themselves in response to questions on this form, or to any other inquiry made prior to receiving a conditional offer of employment.

PERSONAL HISTORY STATEMENT – PEACE OFFICER

Nevada POST

SECTION 1:			
1. YOUR FULL NAME			
LAST	FIRST	MIDDLE	
2. OTHER NAMES, INCLUDING NICKNAMES, YOU HAVE USED OR BEEN KNOWN BY			
3. ADDRESS WHERE YOU RESIDE			
NUMBER / STREET			APT / UNIT
CITY		STATE	ZIP
4. MAILING ADDRESS, IF DIFFERENT FROM ABOVE			
5. CONTACT NUMBERS			
HOME ()	WORK ()	EXT	OTHER () CELL FAX PAGER
6. EMAIL ADDRESS			
HOME		BUSINESS	
7. If you were born outside of the United States, are you a U.S. citizen? Yes No			
If no, are you a resident alien who is eligible and has applied for U.S. citizenship? Yes No			
8. BIRTH PLACE (CITY / COUNTY / STATE / COUNTRY)			9. BIRTHDATE
			10. SOCIAL SECURITY NUMBER - -
11. DRIVER'S LICENSE		12. PHYSICAL DESCRIPTION	
NO.	STATE	EXP	HEIGHT WEIGHT HAIR COLOR EYE COLOR

SECTION 2: RELATIVES AND REFERENCES
13. IMMEDIATE FAMILY
<ul style="list-style-type: none"> Provide all applicable information in the spaces below. Mark "N/A" if a category is not applicable or if the individual is deceased. If more space is needed, continue your response on page 25.

N/A	A. Father
NAME	HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP
HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP
WORK PHONE ()	CELL PHONE () EMAIL

N/A	B. Step-father
NAME	HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP
HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP
WORK PHONE ()	CELL PHONE () EMAIL

N/A	C. Mother
NAME	HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP
HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP
WORK PHONE ()	CELL PHONE () EMAIL

Initial this page to indicate that you have provided complete and accurate information _____

PERSONAL HISTORY STATEMENT – PEACE OFFICER

Nevada POST

SECTION 2: RELATIVES AND REFERENCES *continued*

13. IMMEDIATE FAMILY *continued*

N/A					
D. Step-mother					
NAME		HOME ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
HOME PHONE ()		WORK ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
WORK PHONE ()		CELL PHONE ()	EMAIL		

N/A					
E. Spouse / Registered Domestic Partner					
NAME		HOME ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
HOME PHONE ()		WORK ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
WORK PHONE ()		CELL PHONE ()	EMAIL		
YEARS OF MARRIAGE	Is there, or has there been, a restraining or stay-away order in effect for this individual? Yes No				

N/A					
F. Father-in-law					
NAME		HOME ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
HOME PHONE ()		WORK ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
WORK PHONE ()		CELL PHONE ()	EMAIL		

N/A					
G. Mother-in-law					
NAME		HOME ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
HOME PHONE ()		WORK ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
WORK PHONE ()		CELL PHONE ()	EMAIL		

N/A					
H. Former Spouse(s) / Former Registered Domestic Partner(s)					
1) NAME		HOME ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
HOME PHONE ()		WORK ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
WORK PHONE ()		CELL PHONE ()	EMAIL		
YEAR OF DISSOLUTION	Is there, or has there been, a restraining or stay-away order in effect for this individual? Yes No				

2) NAME		HOME ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
HOME PHONE ()		WORK ADDRESS (NUMBER / STREET / APT)	CITY	STATE	ZIP
WORK PHONE ()		CELL PHONE ()	EMAIL		
YEAR OF DISSOLUTION	Is there, or has there been, a restraining or stay-away order in effect for this individual? Yes No				

PERSONAL HISTORY STATEMENT – PEACE OFFICER

Nevada POST

SECTION 2: RELATIVES AND REFERENCES *continued*

13. IMMEDIATE FAMILY *continued*

N/A	I. Brothers and Sisters – list all living siblings, including half-siblings, step-siblings, foster siblings, etc.				
1) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
M F UNDER AGE 18	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
	WORK PHONE ()	CELL PHONE ()	EMAIL		
2) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
M F UNDER AGE 18	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
	WORK PHONE ()	CELL PHONE ()	EMAIL		
3) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
M F UNDER AGE 18	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
	WORK PHONE ()	CELL PHONE ()	EMAIL		
4) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
M F UNDER AGE 18	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
	WORK PHONE ()	CELL PHONE ()	EMAIL		
5) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
M F UNDER AGE 18	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
	WORK PHONE ()	CELL PHONE ()	EMAIL		
6) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
M F UNDER AGE 18	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
	WORK PHONE ()	CELL PHONE ()	EMAIL		

N/A	J. Children				
List all of your living children, including natural, adopted, step, and/or foster care. Include any other children who reside with you. Provide the name and contact information of the custodial parent or guardian, if other than you.					
1) NAME		CUSTODIAL PARENT OR GUARDIAN (IF OTHER THAN YOU)			
	CHILD'S AGE	ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
		CONTACT NUMBER ()	EMAIL		
2) NAME		CUSTODIAL PARENT OR GUARDIAN (IF OTHER THAN YOU)			
	CHILD'S AGE	ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP			
		CONTACT NUMBER ()	EMAIL		

Initial this page to indicate that you have provided complete and accurate information_____

PERSONAL HISTORY STATEMENT – PEACE OFFICER

Nevada POST

SECTION 2: RELATIVES AND REFERENCES *continued*

13. IMMEDIATE FAMILY (Section J. Children) *continued*

3) NAME		CUSTODIAL PARENT OR GUARDIAN (IF OTHER THAN YOU)			
	CHILD'S AGE	ADDRESS (NUMBER / STREET / APT)		CITY	STATE ZIP
		CONTACT NUMBER ()	EMAIL		
4) NAME		CUSTODIAL PARENT OR GUARDIAN (IF OTHER THAN YOU)			
	CHILD'S AGE	ADDRESS (NUMBER / STREET / APT)		CITY	STATE ZIP
		CONTACT NUMBER ()	EMAIL		
5) NAME		CUSTODIAL PARENT OR GUARDIAN (IF OTHER THAN YOU)			
	CHILD'S AGE	ADDRESS (NUMBER / STREET / APT)		CITY	STATE ZIP
		CONTACT NUMBER ()	EMAIL		
6) NAME		CUSTODIAL PARENT OR GUARDIAN (IF OTHER THAN YOU)			
	CHILD'S AGE	ADDRESS (NUMBER / STREET / APT)		CITY	STATE ZIP
		CONTACT NUMBER ()	EMAIL		

14. REFERENCES

List 7–10 people who know you well, such as social and family friends, co-workers, military acquaintances. Do not include relatives, employers or housemates, or other individuals listed elsewhere.

A) NAME		HOME ADDRESS (NUMBER / STREET / APT)		CITY	STATE	ZIP
	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT)		CITY	STATE	ZIP
	WORK PHONE ()	CELL PHONE ()	EMAIL			
HOW DO YOU KNOW THIS PERSON? (FOR EXAMPLE: FRIEND, TEACHER, FAMILY FRIEND, CO- WORKER)					HOW LONG HAVE YOU KNOWN THIS PERSON?	
B) NAME		HOME ADDRESS (NUMBER / STREET / APT)		CITY	STATE	ZIP
	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT)		CITY	STATE	ZIP
	WORK PHONE ()	CELL PHONE ()	EMAIL			
HOW DO YOU KNOW THIS PERSON? (FOR EXAMPLE: FRIEND, TEACHER, FAMILY FRIEND, CO- WORKER)					HOW LONG HAVE YOU KNOWN THIS PERSON?	
C) NAME		HOME ADDRESS (NUMBER / STREET / APT)		CITY	STATE	ZIP
	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT)		CITY	STATE	ZIP
	WORK PHONE ()	CELL PHONE ()	EMAIL			
HOW DO YOU KNOW THIS PERSON? (FOR EXAMPLE: FRIEND, TEACHER, FAMILY FRIEND, CO- WORKER)					HOW LONG HAVE YOU KNOWN THIS PERSON?	

PERSONAL HISTORY STATEMENT – PEACE OFFICER

Nevada POST

SECTION 2: RELATIVES AND REFERENCES (Section 14. References) <i>continued</i>						
D) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	WORK PHONE ()	CELL PHONE ()	EMAIL			
HOW DO YOU KNOW THIS PERSON? (FOR EXAMPLE: FRIEND, TEACHER, FAMILY FRIEND, CO- WORKER)					HOW LONG HAVE YOU KNOWN THIS PERSON?	
E) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	WORK PHONE ()	CELL PHONE ()	EMAIL			
HOW DO YOU KNOW THIS PERSON? (FOR EXAMPLE: FRIEND, TEACHER, FAMILY FRIEND, CO- WORKER)					HOW LONG HAVE YOU KNOWN THIS PERSON?	
F) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	WORK PHONE ()	CELL PHONE ()	EMAIL			
HOW DO YOU KNOW THIS PERSON? (FOR EXAMPLE: FRIEND, TEACHER, FAMILY FRIEND, CO- WORKER)					HOW LONG HAVE YOU KNOWN THIS PERSON?	
G) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	WORK PHONE ()	CELL PHONE ()	EMAIL			
HOW DO YOU KNOW THIS PERSON? (FOR EXAMPLE: FRIEND, TEACHER, FAMILY FRIEND, CO- WORKER)					HOW LONG HAVE YOU KNOWN THIS PERSON?	
H) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	WORK PHONE ()	CELL PHONE ()	EMAIL			
HOW DO YOU KNOW THIS PERSON? (FOR EXAMPLE: FRIEND, TEACHER, FAMILY FRIEND, CO- WORKER)					HOW LONG HAVE YOU KNOWN THIS PERSON?	
I) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	WORK PHONE ()	CELL PHONE ()	EMAIL			
HOW DO YOU KNOW THIS PERSON? (FOR EXAMPLE: FRIEND, TEACHER, FAMILY FRIEND, CO- WORKER)					HOW LONG HAVE YOU KNOWN THIS PERSON?	
J) NAME		HOME ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	HOME PHONE ()	WORK ADDRESS (NUMBER / STREET / APT) CITY STATE ZIP				
	WORK PHONE ()	CELL PHONE ()	EMAIL			
HOW DO YOU KNOW THIS PERSON? (FOR EXAMPLE: FRIEND, TEACHER, FAMILY FRIEND, CO- WORKER)					HOW LONG HAVE YOU KNOWN THIS PERSON?	

Initial this page to indicate that you have provided complete and accurate information _____

PERSONAL HISTORY STATEMENT – PEACE OFFICER

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SECTION 3: EDUCATION

NOTE: You will be required to furnish transcripts or other proof to support all of your educational claims.

15. Check applicable: High School Diploma from an accredited U.S. institution GED High School Proficiency Certificate

16. List high schools attended:

A) NAME	FROM	TO	
	CITY	STATE	
B) NAME	FROM	TO	
	CITY	STATE	

17. List all colleges or universities attended:

A) NAME	FROM	TO	TOTAL UNITS EARNED	
	CITY	STATE		
B) NAME	FROM	TO	TOTAL UNITS EARNED	
	CITY	STATE		
C) NAME	FROM	TO	TOTAL UNITS EARNED	
	CITY	STATE		

18. List any trade, vocational, or business schools/institutes attended:

A) NAME	FROM	TO	
	TYPE OF SCHOOL OR TRAINING	CITY	STATE
B) NAME	FROM	TO	
	TYPE OF SCHOOL OR TRAINING	CITY	STATE
C) NAME	FROM	TO	
	TYPE OF SCHOOL OR TRAINING	CITY	STATE

19. Have you ever attended a **POST** Basic Academy?..... Yes No
 If yes, provide the following information:

A) ACADEMY NAME	FROM	TO	DID YOU GRADUATE? Y N
	LOCATION (CITY / STATE)	NAME OF TRAINING OFFICER / ACADEMY COORDINATOR	CONTACT NUMBER ()
B) ACADEMY NAME	FROM	TO	DID YOU GRADUATE? Y N
	LOCATION (CITY / STATE)	NAME OF TRAINING OFFICER / ACADEMY COORDINATOR	CONTACT NUMBER ()

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SECTION 3: EDUCATION *continued*

20. Have you ever been placed on academic discipline, suspended, or expelled from any high school, college/university, business or trade school? Yes No

If yes, describe in detail below. Starting with high school, list any and all disciplinary actions received in any school or educational institution. Include when the disciplinary action(s) occurred, name of school(s), and explanation of circumstances.

SECTION 4: RESIDENCE

21. LIST OF RESIDENCES
 • List all residences during the last ten years or since age 15. Provide *complete* addresses (include markers such as Street, Drive, Road, East, West, etc., and unit or apartment number). Do not use P.O. Boxes.
 • If the residence is a military base, identify name of base in address, nearest city, state and zip code. **DO NOT LIST** military barracks mates unless you shared individual quarters.
 • If more space is needed continue on page 25.

A) ADDRESS WHERE YOU NOW LIVE (NUMBER / STREET / APT)				FROM	TO
				Present	
CITY	STATE	ZIP	IF RENTING: PROPERTY MANAGER, RENT COLLECTOR, OR OWNER		
ADDRESS OF PROPERTY MANAGER, RENT COLLECTOR, OR OWNER (NUMBER / STREET / APT)				CONTACT NUMBER ()	
CITY	STATE	ZIP	EMAIL		
Names of those with whom you live:					

B) FORMER ADDRESS (NUMBER / STREET / APT)				FROM	TO
CITY	STATE	ZIP	IF RENTING: PROPERTY MANAGER, RENT COLLECTOR, OR OWNER		
ADDRESS OF PROPERTY MANAGER, RENT COLLECTOR, OR OWNER (NUMBER / STREET / APT)				CONTACT NUMBER ()	
CITY	STATE	ZIP	EMAIL		
Names of those with whom you lived:					
Reason for moving:					

C) FORMER ADDRESS (NUMBER / STREET / APT)				FROM	TO
CITY	STATE	ZIP	IF RENTING: PROPERTY MANAGER, RENT COLLECTOR, OR OWNER		
ADDRESS OF PROPERTY MANAGER, RENT COLLECTOR, OR OWNER (NUMBER / STREET / APT)				CONTACT NUMBER ()	
CITY	STATE	ZIP	EMAIL		
Names of those with whom you lived:					
Reason for moving:					

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PERSONAL HISTORY STATEMENT – PEACE OFFICER

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SECTION 4: RESIDENCE *continued*

21. LIST OF RESIDENCES *continued*

D) FORMER ADDRESS (NUMBER / STREET / APT)	FROM	TO
---	------	----

CITY	STATE	ZIP	IF RENTING: PROPERTY MANAGER, RENT COLLECTOR, OR OWNER
------	-------	-----	--

ADDRESS OF PROPERTY MANAGER, RENT COLLECTOR, OR OWNER (NUMBER / STREET / APT)	CONTACT NUMBER ()
---	-----------------------

CITY	STATE	ZIP	EMAIL
------	-------	-----	-------

Names of those with whom you lived:

Reason for moving:

E) FORMER ADDRESS (NUMBER / STREET / APT)	FROM	TO
---	------	----

CITY	STATE	ZIP	IF RENTING: PROPERTY MANAGER, RENT COLLECTOR, OR OWNER
------	-------	-----	--

ADDRESS OF PROPERTY MANAGER, RENT COLLECTOR, OR OWNER (NUMBER / STREET / APT)	CONTACT NUMBER ()
---	-----------------------

CITY	STATE	ZIP	EMAIL
------	-------	-----	-------

Names of those with whom you lived:

Reason for moving:

F) FORMER ADDRESS (NUMBER / STREET / APT)	FROM	TO
---	------	----

CITY	STATE	ZIP	IF RENTING: PROPERTY MANAGER, RENT COLLECTOR, OR OWNER
------	-------	-----	--

ADDRESS OF PROPERTY MANAGER, RENT COLLECTOR, OR OWNER (NUMBER / STREET / APT)	CONTACT NUMBER ()
---	-----------------------

CITY	STATE	ZIP	EMAIL
------	-------	-----	-------

Names of those with whom you lived:

Reason for moving:

G) FORMER ADDRESS (NUMBER / STREET / APT)	FROM	TO
---	------	----

CITY	STATE	ZIP	IF RENTING: PROPERTY MANAGER, RENT COLLECTOR, OR OWNER
------	-------	-----	--

ADDRESS OF PROPERTY MANAGER, RENT COLLECTOR, OR OWNER (NUMBER / STREET / APT)	CONTACT NUMBER ()
---	-----------------------

CITY	STATE	ZIP	EMAIL
------	-------	-----	-------

Names of those with whom you lived:

Reason for moving:

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SECTION 4: RESIDENCE *continued*

22. Provide contact information for all housemates listed in Question 21 with whom you have resided during the past 10 years, or since the age of 15. DO NOT list anyone for whom you have already provided contact information. If more space is needed, continue your response on page 25.

A) NAME		CONTACT NUMBER ()
CURRENT ADDRESS IF DIFFERENT (NUMBER / STREET / APT CITY STATE ZIP)		
NATURE OF RELATIONSHIP (FOR EXAMPLE: RELATIVE, LANDLORD, FRIEND, HOUSEMATE ONLY)		EMAIL
B) NAME		CONTACT NUMBER ()
CURRENT ADDRESS IF DIFFERENT (NUMBER / STREET / APT CITY STATE ZIP)		
NATURE OF RELATIONSHIP (FOR EXAMPLE: RELATIVE, LANDLORD, FRIEND, HOUSEMATE ONLY)		EMAIL
C) NAME		CONTACT NUMBER ()
CURRENT ADDRESS IF DIFFERENT (NUMBER / STREET / APT CITY STATE ZIP)		
NATURE OF RELATIONSHIP (FOR EXAMPLE: RELATIVE, LANDLORD, FRIEND, HOUSEMATE ONLY)		EMAIL
D) NAME		CONTACT NUMBER ()
CURRENT ADDRESS IF DIFFERENT (NUMBER / STREET / APT CITY STATE ZIP)		
NATURE OF RELATIONSHIP (FOR EXAMPLE: RELATIVE, LANDLORD, FRIEND, HOUSEMATE ONLY)		EMAIL
E) NAME		CONTACT NUMBER ()
CURRENT ADDRESS IF DIFFERENT (NUMBER / STREET / APT CITY STATE ZIP)		
NATURE OF RELATIONSHIP (FOR EXAMPLE: RELATIVE, LANDLORD, FRIEND, HOUSEMATE ONLY)		EMAIL
F) NAME		CONTACT NUMBER ()
CURRENT ADDRESS IF DIFFERENT (NUMBER / STREET / APT CITY STATE ZIP)		
NATURE OF RELATIONSHIP (FOR EXAMPLE: RELATIVE, LANDLORD, FRIEND, HOUSEMATE ONLY)		EMAIL

23. Have you ever been evicted or asked to leave a residence?.....	Yes	No
24. Have you ever left a residence owing rent?.....	Yes	No

If you ANSWERED yes to **Questions 23 and/or 24**, explain (include when, where and circumstances):

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SECTION 5: EXPERIENCE AND EMPLOYMENT

25. JOB EXPERIENCE

- List **ALL** jobs you have had, including part-time, temporary, self-employment and volunteer. (Begin with your most current. If more space is needed continue your response on page 25.)
- If you have military experience, including reserve duty, enter your military base, assignments, or unit of assignment.
- List **ALL** periods of unemployment in excess of 30 days.

A) NAME OF EMPLOYER OR MILITARY UNIT				FROM	TO
ADDRESS (NUMBER / STREET OR BASE)			SUPERVISOR		
CITY	STATE	ZIP	CONTACT NUMBER ()	EXT	
JOB TITLE			EMAIL		
DUTIES / ASSIGNMENTS				F-T	P-T
				Self-employed	Temp Volunteer
NAMES OF CO-WORKERS 1)		2)	REASON FOR WANTING TO LEAVE		
Would there be a problem if we contact your current employer? Yes No		IF YES, EXPLAIN:			

B) PERIOD OF UNEMPLOYMENT					FROM	TO
Check applicable: Student Between jobs Leave of absence Travel Other						

C) NAME OF EMPLOYER OR MILITARY UNIT				FROM	TO
ADDRESS (NUMBER / STREET OR BASE)			SUPERVISOR		
CITY	STATE	ZIP	CONTACT NUMBER ()	EXT	
JOB TITLE			EMAIL		
DUTIES / ASSIGNMENTS				F-T	P-T
				Self-employed	Temp Volunteer
NAMES OF CO-WORKERS 1)		2)	REASON FOR LEAVING		

D) PERIOD OF UNEMPLOYMENT					FROM	TO
Check applicable: Student Between jobs Leave of absence Travel Other						

E) NAME OF EMPLOYER OR MILITARY UNIT				FROM	TO
ADDRESS (NUMBER / STREET OR BASE)			SUPERVISOR		
CITY	STATE	ZIP	CONTACT NUMBER ()	EXT	
JOB TITLE			EMAIL		
DUTIES / ASSIGNMENTS				F-T	P-T
				Self-employed	Temp Volunteer
NAMES OF CO-WORKERS 1)		2)	REASON FOR LEAVING		

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PERSONAL HISTORY STATEMENT – PEACE OFFICER

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SECTION 5: EXPERIENCE AND EMPLOYMENT *continued*

25. JOB EXPERIENCE *continued*

F) PERIOD OF UNEMPLOYMENT Check applicable: <input type="checkbox"/> Student <input type="checkbox"/> Between jobs <input type="checkbox"/> Leave of absence <input type="checkbox"/> Travel <input type="checkbox"/> Other					FROM	TO
G) NAME OF EMPLOYER OR MILITARY UNIT					FROM	TO
ADDRESS (NUMBER / STREET OR BASE)			SUPERVISOR			
CITY	STATE	ZIP	CONTACT NUMBER ()		EXT	
JOB TITLE			EMAIL			
DUTIES / ASSIGNMENTS				F-T Self-employed	P-T Temp Volunteer	
NAMES OF CO-WORKERS 1)		2)		REASON FOR LEAVING		
H) PERIOD OF UNEMPLOYMENT Check applicable: <input type="checkbox"/> Student <input type="checkbox"/> Between jobs <input type="checkbox"/> Leave of absence <input type="checkbox"/> Travel <input type="checkbox"/> Other					FROM	TO
I) NAME OF EMPLOYER OR MILITARY UNIT					FROM	TO
ADDRESS (NUMBER / STREET OR BASE)			SUPERVISOR			
CITY	STATE	ZIP	CONTACT NUMBER ()		EXT	
JOB TITLE			EMAIL			
DUTIES / ASSIGNMENTS				F-T Self-employed	P-T Temp Volunteer	
NAMES OF CO-WORKERS 1)		2)		REASON FOR LEAVING		
J) PERIOD OF UNEMPLOYMENT Check applicable: <input type="checkbox"/> Student <input type="checkbox"/> Between jobs <input type="checkbox"/> Leave of absence <input type="checkbox"/> Travel <input type="checkbox"/> Other					FROM	TO
K) NAME OF EMPLOYER OR MILITARY UNIT					FROM	TO
ADDRESS (NUMBER / STREET OR BASE)			SUPERVISOR			
CITY	STATE	ZIP	CONTACT NUMBER ()		EXT	
JOB TITLE			EMAIL			
DUTIES / ASSIGNMENTS				F-T Self-employed	P-T Temp Volunteer	
NAMES OF CO-WORKERS 1)		2)		REASON FOR LEAVING		
L) PERIOD OF UNEMPLOYMENT Check applicable: <input type="checkbox"/> Student <input type="checkbox"/> Between jobs <input type="checkbox"/> Leave of absence <input type="checkbox"/> Travel <input type="checkbox"/> Other					FROM	TO

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PERSONAL HISTORY STATEMENT – PEACE OFFICER

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SECTION 5: EXPERIENCE AND EMPLOYMENT *continued*
 25. JOB EXPERIENCE *continued*

M) NAME OF EMPLOYER OR MILITARY UNIT				FROM	TO
ADDRESS (NUMBER / STREET OR BASE)			SUPERVISOR		
CITY	STATE	ZIP	CONTACT NUMBER ()	EXT	
JOB TITLE			EMAIL		
DUTIES / ASSIGNMENTS				F-T Self-employed	P-T Temp Volunteer
NAMES OF CO-WORKERS 1)		2)		REASON FOR LEAVING	

N) PERIOD OF UNEMPLOYMENT					FROM	TO
Check applicable: Student Between jobs Leave of absence Travel Other						

O) NAME OF EMPLOYER OR MILITARY UNIT				FROM	TO
ADDRESS (NUMBER / STREET OR BASE)			SUPERVISOR		
CITY	STATE	ZIP	CONTACT NUMBER ()	EXT	
JOB TITLE			EMAIL		
DUTIES / ASSIGNMENTS				F-T Self-employed	P-T Temp Volunteer
NAMES OF CO-WORKERS 1)		2)		REASON FOR LEAVING	

P) PERIOD OF UNEMPLOYMENT					FROM	TO
Check applicable: Student Between jobs Leave of absence Travel Other						

Q) NAME OF EMPLOYER OR MILITARY UNIT				FROM	TO
ADDRESS (NUMBER / STREET OR BASE)			SUPERVISOR		
CITY	STATE	ZIP	CONTACT NUMBER ()	EXT	
JOB TITLE			EMAIL		
DUTIES / ASSIGNMENTS				F-T Self-employed	P-T Temp Volunteer
NAMES OF CO-WORKERS 1)		2)		REASON FOR LEAVING	

26. Have you ever been disciplined at work? (This includes written warnings, formal letters of counseling, reprimands, suspensions, reductions in pay, reassignments or demotions)	Yes	No
27. Have ever you ever been fired, released from probation, or asked to resign from any place of employment?	Yes	No
28. Were you ever involved in a physical/verbal altercation with a supervisor, co-worker, or customer?	Yes	No

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PERSONAL HISTORY STATEMENT – PEACE OFFICER

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SECTION 5: EXPERIENCE AND EMPLOYMENT *continued*

29. Have you ever quit without giving proper notice?	Yes	No
30. Have you ever resigned in lieu of termination?	Yes	No
31. Have you ever been accused of discrimination (such as sexual harassment, racial bias, sexual orientation harassment, etc.) by a co-worker, superior, subordinate or customer?	Yes	No
32. Were you ever the subject of a written complaint at work?	Yes	No
33. Have you ever been counseled at work due to lateness or absences?	Yes	No
34. Did you ever receive an unsatisfactory performance review?	Yes	No
35. Have you ever sold, released, or given away legally confidential information?	Yes	No
36. Have you ever called in sick when you were neither sick nor caring for a sick family member?	Yes	No

If yes, how many sick days have you used in the past five years which were not due to illness?

If you answered yes to any of **Questions 26–36**, explain (include when, where and circumstances; indicate corresponding number):

37. In the past three years, have you missed days or been late to work due to drug or alcohol consumption?	Yes	No
If yes, how often?		
38. Has your work performance ever been affected by your use of alcohol or drugs?	Yes	No
WHEN?	NAME OF EMPLOYER	
39. In the past three years, have you been warned by an employer about your drinking or drug habits and their impact on your performance?	Yes	No
WHEN?	NAME OF EMPLOYER	

40. Have you ever applied to any other law enforcement agency (city, county, state or federal)?.....	Yes	No
<ul style="list-style-type: none"> • If yes, list EVERY agency you have applied to, starting with the most recent (give complete and accurate addresses). • All agencies MUST be listed regardless of the outcome or current status. Check all boxes that apply for each agency. • If more space is needed, continue your response on page 25. 		
A) NAME OF AGENCY	DATE APPLIED	
ADDRESS (NUMBER / STREET)	BACKGROUND INVESTIGATOR'S NAME (IF KNOWN)	
CITY	STATE	ZIP
POSITION APPLIED FOR	CONTACT NUMBER ()	EXT
EMAIL		
Check each step in the process that you completed, and your status:		
STEPS: Application Written Physical ability Oral Polygraph/CVSA Background Chief's oral Conditional job offer		
STATUS: Hired On List Withdrawn Disqualified		

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PERSONAL HISTORY STATEMENT – PEACE OFFICER

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SECTION 5: EXPERIENCE AND EMPLOYMENT *continued*

40. Have you **ever** applied to any other law enforcement agency... *continued*

B) NAME OF AGENCY				DATE APPLIED	
ADDRESS (NUMBER / STREET)			BACKGROUND INVESTIGATOR'S NAME (IF KNOWN)		
CITY	STATE	ZIP	CONTACT NUMBER ()	EXT	
POSITION APPLIED FOR			EMAIL		
Check each step in the process that you completed, and your status: STEPS: Application Written Physical ability Oral Polygraph/CVSA Background Chief's oral Conditional job offer STATUS: Hired On List Withdrawn Disqualified					

C) NAME OF AGENCY				DATE APPLIED	
ADDRESS (NUMBER / STREET)			BACKGROUND INVESTIGATOR'S NAME (IF KNOWN)		
CITY	STATE	ZIP	CONTACT NUMBER ()	EXT	
POSITION APPLIED FOR			EMAIL		
Check each step in the process that you completed, and your status: STEPS: Application Written Physical ability Oral Polygraph/CVSA Background Chief's oral Conditional job offer STATUS: Hired On List Withdrawn Disqualified					

SECTION 6: MILITARY EXPERIENCE

41. Are you required to register for the Selective Service?		Yes	No
If yes, have you registered?		Yes	No
If no, explain:			
42. BRANCH OF SERVICE		43. DATES OF SERVICE From To	
44. TYPE OF DISCHARGE: Entry Level Honorable General OTH (Other than Honorable) Bad Conduct Dishonorable Re-entry Code (1-4) if applicable – refer to your DD-214:			
45. Are you currently participating in one of the following? Military Reserve National Guard		If checked, date obligation ends:	
46. Have you ever been the subject of any judicial or non-judicial disciplinary action (such as, court martial, captain's mast, office hours, company punishment)?		Yes	No
47. Were you ever denied a security clearance, or had a clearance revoked, suspended or downgraded?		Yes	No

If you answered yes to **Questions 46 and/or 47**, explain (include dates and circumstances):

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SECTION 7: FINANCIAL

48. INCOME AND EXPENSES

For each of the following questions fill in the amounts to the nearest dollar.

A) From your employer(s), what is your take-home monthly income?	\$	per month
B) Do you have income other than from your salary or wages?	Yes	No
If yes, fill in amount:	\$	per month
Explain:		
C) How much do you spend each month?	\$	per month
<i>Estimate your monthly living expenses; include housing, utilities, credit cards or other loan payments, food, gas and car maintenance, entertainment, etc., as well as any other obligation(s) you may have.</i>		
49. Have you ever filed for or declared bankruptcy (Chapter 7, 11 or 13)?	Yes	No
50. Have any of your bills ever been turned over to a collection agency?	Yes	No
51. Have you ever had purchased goods repossessed?	Yes	No
52. Have your wages ever been garnished?	Yes	No
53. Have you ever been delinquent on income or other tax payments?	Yes	No
54. Have you ever failed to file income tax or cheated/lie on an income tax form?	Yes	No
55. Have you ever had an employment bond refused?	Yes	No
56. Have you ever avoided paying any lawful debt by moving away?	Yes	No
57. Have you ever defaulted on (failed to pay) a loan?	Yes	No
58. Have you ever borrowed money to pay for a gambling debt?	Yes	No
If yes, do you currently have any outstanding debts as a result of gambling?	Yes	No
59. Have you ever spent money for illegal purposes (e.g., illegal drugs, prostitution, purchase of fraudulent documents, etc.)?	Yes	No
60. Have you ever failed to make or been late on a court-ordered payment (e.g., child support, alimony, restitution, etc.)?	Yes	No
61. Have you written three or more bad checks in a one-year period?	Yes	No

If you answered yes to any of **Questions 49–61**, explain (include when, where, and why; indicate corresponding number):

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SECTION 8: LEGAL *continued*

68. Have you ever been the subject of an emergency protective order/restraining order/stay-away order?	Yes	No
69. Have you settled any civil suit in which you, your insurance company, or anyone else on your behalf was required to make payment to the other party?	Yes	No
70. Have you ever fraudulently received welfare, unemployment compensation, workers' compensation, or other state or federal assistance?.....	Yes	No
71. Have you ever filed a false insurance or workers' compensation claim?.....	Yes	No

If you answered yes to any of **Questions 63–71**, explain (include court case or document, dates, and circumstances; indicate corresponding number):

72. INVOLVEMENT IN CRIMINAL ACTS – PART 1

Within the past **seven** years **OR** at any time after you were first employed in law enforcement, have you ever committed any of the following misdemeanors? **NOTE: You may not withhold any information regarding your involvement in any of the following acts, even if federal or state law relieved you from reporting the detention, arrest, or conviction that arose from it.**

A) Annoying / obscene phone calls.....	Yes	No
B) Battery (use of force or violence upon another).....	Yes	No
C) Brandishing a weapon (any type of weapon).....	Yes	No
D) Carrying a concealed weapon without a permit.....	Yes	No
E) Contributing to the delinquency of a minor.....	Yes	No
F) Theft (not paying for food or room at a hotel/motel).....	Yes	No
G) Driving under the influence of alcohol and/or drugs.....	Yes	No
H) Drunk in public (being so intoxicated in a public place that you're not able to care for yourself).....	Yes	No
I) Hit & run collision (no injuries).....	Yes	No
J) Hunting/fishing without a license.....	Yes	No
K) Illegal gambling.....	Yes	No
L) Impersonating a peace officer (pretending to be a police officer).....	Yes	No
M) Indecent exposure (including flashing or mooning).....	Yes	No
N) Joyriding (using a car or other vehicle without owner's permission).....	Yes	No
O) Theft (including shoplifting/switching price tags).....	Yes	No
P) Possession of alcohol as a minor.....	Yes	No

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PERSONAL HISTORY STATEMENT – PEACE OFFICER

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SECTION 8: LEGAL *continued*

72. INVOLVEMENT IN CRIMINAL ACTS – PART 1 *continued*

Q) Possession of falsified or altered identification, including use of another person's ID (for any reason).....	Yes	No
R) Possession of stolen property (including vehicles).....	Yes	No
S) Prostitution or soliciting a prostitute	Yes	No
T) Resisting arrest (including running from the police)	Yes	No
U) Trespassing	Yes	No
V) Vandalism (including "tagging," malicious mischief and/or property damage)	Yes	No
W) Intentionally writing a bad check.....	Yes	No
X) Filing a false police report	Yes	No
Y) Any other act amounting to a misdemeanor within the past seven years	Yes	No

If you answered yes to **any** item(s) in **Question 72**, fully explain circumstances, including date(s), names of individuals involved, and resolution. Indicate the corresponding letter (72-A, etc.) for each explanation.

73. INVOLVEMENT IN CRIMINAL ACTS – PART 2

At any time in your life have you **ever** committed any of the following? **NOTE: You may not withhold any information regarding your involvement in any of the following acts, even if federal or state law relieved you from reporting the detention, arrest, or conviction that arose from it.**

A) Arson (intentionally destroying property by setting a fire).....	Yes	No
B) Assault with a deadly weapon	Yes	No
C) Theft of a vehicle and/or vehicle parts	Yes	No
D) Burglary (entering a structure or vehicle to commit theft or other crime)	Yes	No
E) Child molestation (performing unlawful acts with a child).....	Yes	No
F) Accessing and/or possessing child pornography	Yes	No

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PERSONAL HISTORY STATEMENT – PEACE OFFICER

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SECTION 8: LEGAL (Question 73) *continued*

G) Elder abuse/neglect	Yes	No
H) Embezzlement (theft of money or other valuables entrusted to you).....	Yes	No
I) Felony drunk driving (involving injuries).....	Yes	No
J) Forcible rape or other act of unlawful intercourse	Yes	No
K) Forgery (falsifying any type of document, check certificate, license, currency, etc.)	Yes	No
L) Hit & run (with injuries)	Yes	No
M) Hate crime.....	Yes	No
N) Insurance fraud	Yes	No
O) Grand larceny (value of over \$250, or any firearm).....	Yes	No
P) Murder, homicide, or attempted murder.....	Yes	No
Q) Perjury (lying under oath)	Yes	No
R) Possession of an explosive/destructive device	Yes	No
S) Robbery (theft from another person using a weapon, force, or fear)	Yes	No
T) Stalking	Yes	No
U) Blackmail or extortion	Yes	No
V) Any other act amounting to a felony	Yes	No

If you answered yes to **any** item(s) in **Question 73**, fully explain circumstances, including date(s), names of individuals involved, and resolution. Indicate the corresponding letter (73-A, etc.) for each explanation.

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SECTION 8: LEGAL *continued*

Questions 74 and 75 ask about your current and past recreational drug use. This covers the use of **any** drug, including the unauthorized use of prescription drugs or over-the-counter drugs. Your answers should include, **but not be limited to**, your use of any of the following drugs:

- Amphetamines / Methamphetamines (Uppers, Speed, Crank, etc)
- Barbiturates (Downers)
- Cocaine / Crack Cocaine
- Designer Drugs (Ecstasy, Synthetic Heroin, etc.)
- GHB (Date Rape Drug)
- Glue
- Hallucinogens (Peyote, LSD, Mushrooms)
- Hashish / Hashish Oil
- 75 Heroin / Opium
- 76 Marijuana
- Mescaline
- Morphine
- PCP / Angel Dust
- Quaaludes
- Steroids
- Tetrahydrocannabinol (THC)

74. **Within the past six months**, have you used any drug(s) as indicated above? Yes No

If yes, give details, including drug(s) used and circumstances:

75. **Prior to the past six months** (check all that apply):

I have **never** used any drug recreationally.

I have tried or used one or more drugs, but only under **limited** circumstances (for example, experimentation, at parties, concerts, special events, etc.).

If checked, give details including drug(s) used, most recent date used, and circumstances.

76. Have you **ever** engaged in any of the activities listed below for drugs, narcotics or illegal substances, including marijuana?

- Sold
- Manufactured
- Purchased
- Furnished
- Cultivated
- Carried or held for another

If you checked any items above, give details including drug(s) involved, over what time period(s), and circumstances.

PERSONAL HISTORY STATEMENT – PEACE OFFICER

Nevada POST

SECTION 9: MOTOR VEHICLE OPERATION

77. CURRENT DRIVER'S LICENSE NUMBER	STATE OF ISSUE	EXPIRATION DATE	NAME UNDER WHICH LICENSE WAS GRANTED
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78. LIST OTHER STATES WHERE YOU HAVE BEEN LICENSED TO OPERATE A MOTOR VEHICLE:

State of issue	Type of license	Name under which license was granted and license number, if known

79. Have you ever been refused a driver's license by any state? Yes No

If yes, explain (include when, where, and circumstances):

80. Has your driver's license ever been suspended or revoked? Yes No

If yes, explain (include when, where, and circumstances):

81. List your current liability insurance on your vehicle(s):

A)	TYPE OF COVERAGE Insured Bonded Cash Deposit	VEHICLE MAKE	YEAR	VEHICLE LICENSE
INSURANCE COMPANY		POLICY NUMBER		EXPIRES
ADDRESS (NUMBER / STREET CITY STATE ZIP				CONTACT NUMBER ()
B)	TYPE OF COVERAGE Insured Bonded Cash Deposit	VEHICLE MAKE	YEAR	VEHICLE LICENSE
INSURANCE COMPANY		POLICY NUMBER		EXPIRES
ADDRESS (NUMBER / STREET CITY STATE ZIP				CONTACT NUMBER ()
C)	TYPE OF COVERAGE Insured Bonded Cash Deposit	VEHICLE MAKE	YEAR	VEHICLE LICENSE
INSURANCE COMPANY		POLICY NUMBER		EXPIRES
ADDRESS (NUMBER / STREET CITY STATE ZIP				CONTACT NUMBER ()
D)	TYPE OF COVERAGE Insured Bonded Cash Deposit	VEHICLE MAKE	YEAR	VEHICLE LICENSE
INSURANCE COMPANY		POLICY NUMBER		EXPIRES
ADDRESS (NUMBER / STREET CITY STATE ZIP				CONTACT NUMBER ()

Initial this page to indicate that you have provided complete and accurate information_____

PERSONAL HISTORY STATEMENT – PEACE OFFICER

Nevada POST

SECTION 9: MOTOR VEHICLE OPERATION *continued*

82. List all traffic citations, excluding parking citations, you have received within the past seven years:

A)	NATURE OF VIOLATION	LOCATION (STREET)	CITY	STATE
	DATE VIOLATION OCCURRED Month Year	ACTION TAKEN Not Guilty Fined Traffic School Dismissed		
B)	NATURE OF VIOLATION	LOCATION (STREET)	CITY	STATE
	DATE VIOLATION OCCURRED Month Year	ACTION TAKEN Not Guilty Fined Traffic School Dismissed		
C)	NATURE OF VIOLATION	LOCATION (STREET)	CITY	STATE
	DATE VIOLATION OCCURRED Month Year	ACTION TAKEN Not Guilty Fined Traffic School Dismissed		

D) Has a traffic citation ever resulted in a warrant or caused your driver's license to be withheld due to the following? (Check all that apply.)
 Failed to appear Failed to complete traffic school Failed to pay the required fine

If checked, explain circumstances:

83. Have you been involved as the driver in a motor vehicle accident within the past seven years?..... Yes No
 If yes, give details.

A)	DATE	LOCATION (NUMBER / STREET / APT)	CITY	STATE	ZIP
	POLICE REPORT YES NO	LAW ENFORCEMENT AGENCY	INJURY NON-INJURY		
B)	DATE	LOCATION (NUMBER / STREET / APT)	CITY	STATE	ZIP
	POLICE REPORT YES NO	LAW ENFORCEMENT AGENCY	INJURY NON-INJURY		
C)	DATE	LOCATION (NUMBER / STREET / APT)	CITY	STATE	ZIP
	POLICE REPORT YES NO	LAW ENFORCEMENT AGENCY	INJURY NON-INJURY		

84. Have you ever driven a vehicle without auto insurance, as required by law?..... Yes No

IF YES, GIVE REASON:

DATE Month Year	LOCATION (NUMBER / STREET / APT)	CITY	STATE	ZIP
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85. Have you ever been refused automobile liability insurance or a bond, or had them cancelled? Yes No

IF YES, GIVE REASON:

	INSURANCE COMPANY
DATE Month Year	LOCATION (NUMBER / STREET / APT) CITY STATE ZIP

PERSONAL HISTORY STATEMENT – PEACE OFFICER

Nevada POST

SECTION 9: MOTOR VEHICLE OPERATION *continued*

Use this space for additional information you would like to include regarding your driving record.

SECTION 10: OTHER TOPICS

86. Have you ever been refused a permit to carry a concealed weapon?.....	Yes	No
87. Are you now, or have you ever been, a member or associate of a criminal enterprise, street gang, or any other group that advocates violence against individuals because of their race, religion, political affiliation, ethnic origin, nationality, gender, sexual preference, or disability?	Yes	No
88. Do you have, or have you ever had, a tattoo signifying membership in, or affiliation with, a criminal enterprise, street gang, or any other group that advocates violence against individuals because of their race, religion, political affiliation, ethnic origin, nationality, gender, sexual preference, or disability?	Yes	No
89. Since the age of 16, have you ever been involved in an anger-provoked physical fight, confrontation or other violent act?.....	Yes	No
90. Have you ever hit or physically overpowered a spouse or romantic partner?.....	Yes	No

If you answered yes to any of **Questions 86–90**, give details including dates and circumstances; indicate corresponding number.

SECTION 11: CERTIFICATION

91. I hereby certify that I have personally completed and initialed each page of this form and any supplemental page(s) attached, and that all statements made are true and complete to the best of my knowledge and belief. I understand that any misstatement of material fact may subject me to disqualification; or, if I have been appointed, may disqualify me from continued employment.

SIGNATURE IN FULL	DATE
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PERSONAL HISTORY STATEMENT – PEACE OFFICER

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ADDITIONAL SPACE

- Use this space to provide information that does not fit elsewhere on this form (e.g., additional family members, schools, residences, employers, explanations to questions, etc.). Identify the corresponding question and specific item being referenced.

Initial this page to indicate that you have provided complete and accurate information_____