

POST Background Investigation File

PEACE OFFICER

This set of tabs is intended to assist background investigators in organizing information and documentation required by the POST Peace Officer Selection Requirements (Commission Regulations 1950-1955). Each tab identifies the relevant POST regulation, including the documentation required for each area of investigation.

Pursuant to Penal Code Section 13512, POST conducts regularly scheduled inspections. These audits verify that agencies in the POST program are in compliance with the statutes, regulations, procedures, and documentation requirements associated with the background investigation process. These tabs will help expedite document inspection by your POST Regional Consultant.

POST Commission Regulations and other related materials (e.g., Background Investigation Manual) can be found at www.post.ca.gov.

Although these tabs provide relevant information and common errors, the tabs and the manual are intended as resources rather than a replacement for adequate training or other agency support for background investigators. Comments and suggestions concerning these tabs should be directed to your Regional Consultant.

As laws and regulations change frequently, the hiring authority and the background investigator must ensure that the candidate's background is conducted in accordance with all relevant laws and regulations in effect at the time of appointment.

Candidate		
First	MI	Last

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A

Background Narrative Report and Verification of Qualification

– Commission Regulation 1953(g)

Background Narrative Report -1953(g)(1)**Requirement-**

The background investigator shall summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment.

Proof Required in File-

The report shall include sections referencing relevant background investigation dimensions, any findings of behaviors, traits and/or attributes that may be relevant to bias, including whether the candidate has engaged in hate groups, activities or advocacy of public expressions of hate, and include all investigative areas identified in Regulation 1953(e). The report shall identify the data sources reviewed for the findings, regardless of weight given.

[Supporting Documents: All supporting documents (e.g., transcripts, DMV records, questionnaires, social media printouts, etc.) shall be originals or true, current and accurate copies as attested to by the background investigator and included under the appropriate tab.]

Verification of Qualification for Peace Officer Appointment – 1953(g)(2)**Requirement-**

Every peace officer candidate shall meet all selection requirements prior to the date of employment, per Commission Regulation 1950.

Proof Required in File-

Proof shall be documented with a completed, signed, and dated POST form 2-355, Verification of Qualification for Peace Officer Appointment.

Common Oversights/Problems:

- Narrative does not provide sufficient detail (e.g., “all references were positive”).
- No documentation in the narrative to allow for actual identification of contacts interviewed and what was said.
- Narrative fails to address all mandatory areas of inquiry.
- Narrative includes all information with no supporting documentation in applicable tabs.
- Narrative does not reference the Background Investigation Dimensions.
- Narrative does not include data sources reviewed for bias related content.
- Narrative does not include any findings of biased behaviors, and/or bias-relevant traits or attributes that may be relevant.
- Missing or incomplete information on the *Verification* form.
- Name and contact information missing for persons who verified background material.
- Designee name or signature missing on the *Verification* form.

B

Personal History Statement

– Commission Regulation 1953(c)

Requirement-

Every peace officer candidate shall complete, sign, and date a Personal History Statement at the onset of the background investigation.

Proof Required in File-

A completed and signed Personal History Statement.

Common Oversights/Problems:

- Sections of the form are incomplete, or inaccurate.
- No applicant signature on the statement.
- Candidate has not initialed each page, if required by PHS form.
- Does not include inquiries addressing all disqualifications for peace officer appointment.
- Alternative personal history statement does not include inquiries related to all required areas of investigation.

C

Criminal and Other Qualifications Records Checks- Local, State, and National – Commission Regulation 1953(e)(3)**Requirements-**

Every peace officer candidate shall be the subject of criminal and other records searches at the local, state, and national levels to determine legal eligibility for peace officer employment [Government Code sections 1029, 1030 and 1031(c)], eligibility to carry a firearm [Penal Code section 29805; U.S. Code Title 18, section 922(d)(9)], and to assess moral character [Government Code section 1031(d)]. For candidates with prior law enforcement experience, the check must also include POST profile and National Decertification Index (NDI) checks. A written narrative of the information must be included in the narrative report. Supporting documentation must be filed under this tab.

[Local agency records checks: Information must be placed under Tab E.]

Proof Required in File-

Four separate documents are required:

- (1) DOJ official clearance*
- (2) DOJ firearms clearance*
- (3) FBI official clearance*
- (4) POST Profile Report (for candidates with prior peace officer experience)*

Common Oversights/Problems:

- Confusing a delay notification with an actual clearance return.
- Confusing a DOJ concealed weapons print return for reserve officers with a Firearms Clearance: a reserve officer needs the same fingerprint returns as a full-time officer.
- Reports are more than one year old and/or associated with a different position [(e.g., non-sworn, custodial officers under Penal Code section 831(a)].
- Failing to include required POST Profile Report.

C

Criminal & Other Records

D

Driving Record Check

– Commission Regulation 1953(e)(4)

Requirement-

Every peace officer candidate's driving history, if any, shall be checked.

Proof Required in File-

Official driving record history from the Department of Motor Vehicles or other official driving record. The record shall be dated no more than one year prior to the date of employment. A written narrative of the information must be included in the narrative report. Supporting documentation (e.g., printed driving record) must be included under this tab.

Common Oversight/Problem:

- Reports are more than one year old.
- Copy of CDL in lieu of driving record.
- Missing official DMV printout.
- Records from third party sources (e.g., 4safedrivers rather than official DMV printout).

E

Local Law Enforcement Agency Record Checks

– Commission Regulation 1953(e)(3)

Requirement-

Inquiries with local law enforcement departments where the candidate has lived, worked, attended school, or frequently visited.

Proof Required in File-

Documentation with letter or other written documentation from each department contacted. A written narrative of the results must be included in the narrative report. Supporting documentation (e.g., letters, questionnaires) must be included under this tab.

Common Oversights/Problems:

- Missing from file or not covered in narrative.
- Not waiting for all returns.
- Copies of CLETS, NCIC, or other similar computer record printouts in file. (These documents should be placed under the MISC Tab.)

F

Credit Records Check

– Commission Regulation 1953(e)(11)

Requirement-

Investigator must conduct a credit record search with a bona fide credit reporting agency.

Proof Required in File-

The official credit report return must be included in the file. The report shall be generated not more than one year prior to the date of employment. A written narrative of the credit report must be included in the narrative report. Supporting documentation (e.g., printout of credit report) must be included under this tab.

Common Oversights/Problems:

- Credit return is more than one year old.
- Report is not from a bona fide credit reporting agency (i.e. Experian, Transunion, Equifax).

G**Education Verification**

– Commission Regulation 1953(e)(5)

Requirement-

The peace officer candidate must meet the minimum educational requirements for appointment under Government Code (GC) 1031(e). Graduation from US public high school, Department of Defense high school, or an accredited/approved nonpublic high school, or a two-year, four-year or advanced degree from an accredited/approved educational institution or completion of a high school equivalency test. Accreditation/approval requirements are outlined in GC 1031(e).

Proof Required in File-

An official transcript or other means of verifying satisfactory completion of educational requirements. Original, certified, or copies of originals which have been verified by the investigator. A written narrative of the education verification must be included in the narrative report. Supporting documentation [e.g., official transcript(s)] must be included under this tab.

Common Oversights/Problems:

- Documented education does not correspond/support education claim 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.
- School is not accredited/approved per Government Code section 1031(e).
- Includes training records rather than, or in addition to, education records (e.g., transcripts). [Training records should be placed under the MISC tab.]
- College transcripts must indicate a completed degree (Associate, Bachelor, Graduate, etc.), not simply completed coursework towards a degree, if the degree is used to establish the minimum education requirement.
- Documentation of evaluation of transcripts/educational achievement in file in lieu of required transcripts from accredited/approved educational institution(s).

G**Education Verification**

H **Employment Eligibility* and Age Verification**
– Commission Regulation 1953(e)**Employment Eligibility Verification - 1953(e)(1)****Requirement-**

The peace officer candidate must meet the requirements of Government Code section 1031(a) – legal authorization to work in the United States under federal law.

Proof Required in File-

A completed USCIS Form I-9 – Employment Eligibility Verification, verifying the employer has examined documents as identified in the List of Acceptable Documents, or any document(s) required for completion of the Form I-9. A written narrative must be included in the narrative report. Supporting documentation (e.g., Form I-9, I-9 acceptable documents) must be included under this tab.

Age Verification - 1953(e)(2)**Requirement-**

The peace officer candidate must meet the minimum age requirements for employment under Government Code Section 1031.4 - age 21 at time of appointment, with the exception of 830.1(c) jail deputies, who must minimally be age 18.

Proof Required in File-

Any document accepted for proof of employment eligibility, or other official documentation (e.g., birth certificate, driver's license), verifying date of birth deemed acceptable by POST. A written narrative must be included in the narrative report. Supporting documentation (e.g., official birth certificate, copy of driver's license) must be included under this tab.

Common Oversights/Problems:

- Certificates are not issued by a government agency.
- Accepting an "Abstract of Birth" in lieu of an official birth certificate.
- Documents are not certified, or investigator-attested to copies.
- Passport or other documents are expired.

*** NOTE - As of February 2023, Commission Regulations are in the process of being updated to reflect the change in minimum employment eligibility to comply with the Government Code.**



Military History Check

– Commission Regulation 1953(e)(10)

Requirement-

When applicable, the peace officer candidate must present proof of Selective Service registration or military service records.

Proof Required in File-

Written verification of Selective Service registration, except for women or any man born prior to January 1, 1960, or an official copy of their DD-214 long form or equivalent. A written narrative must be included in the narrative report. Supporting documentation (e.g., DD-214) must be included under this tab.

Common Oversights/Problems:

- Document submitted is not DD-214 Long Form.
- No documentation is offered for willful failure to register.

J

Dissolution of Marriage Check

– Commission Regulation 1953(e)(8)

Requirement-

When applicable, the peace officer candidate must present proof of dissolution or legal separation decrees.

Proof Required in File-

Documented by copies of all final court-issued dissolution documents or legal separation decrees. A written narrative must be included in the narrative report. Supporting documentation (e.g., separation decrees) must be included under this tab.

Common Oversight/Problem:

- Failure to include entire court-issued final dissolution of marriage/domestic partnership, with an affixed court date/ verification stamp, in the file.
- Only entry of judgment in file.
- Child custody, similar family law documents, or other court orders detailing property divisions are not acceptable as proof of dissolution.

K Employment History Checks

– Commission Regulation 1953(e)(6)

Requirements-

Every peace officer candidate shall be the subject of employment history checks through contacts with all past and current employers over a period of at least ten years, as listed on the candidate's personal history statement.

Every peace officer candidate, with prior peace officer experience, shall be the subject of a search of their general personnel file and/or a separate file designated by the department or agency, pursuant to Penal Code section 832.12(b).

Proof Required in File-

Proof of the employment history check shall be documented by a written account of the information provided and source of that information for each place of employment contacted. All information requests shall be documented. A written narrative of the candidate's employment history must be included in the narrative report. Supporting documentation (e.g., questionnaires) must be included under this tab.

Common Oversight/Problem:

- Insufficient number of employers contacted (regulations require **at least 10 years worth**).
- Contacts with employers not dated.
- No supporting documentation (e.g., questionnaires, employer comments) in the file.
- Using former evaluations in lieu of personal contact with employers.
- Former law enforcement agency not contacted and/or files not reviewed pursuant to Penal Code section 832.12(b).

References and Social Media Checks

– Commission Regulation 1953(e)(7)

Relatives/Personal/Secondary References - 1953(e)(7)**Requirements-**

Every peace officer candidate shall be the subject of reference checks through contacts and interviews with relatives, including former spouses, and personal references listed on the candidate's personal history statement. Additional references (e.g., secondary references), provided by the initial contacts, must also be contacted and interviewed to determine whether the candidate has exhibited behavior incompatible with the position sought.

Proof Required in File-

Documented by written information showing that relatives and personal references identified by the candidate and secondary references were interviewed. Documentation shall include the identity of each individual contacted, if the contact is an initial or secondary reference, the contact's relationship to the candidate, and an account of the information provided by the contact. A written narrative of information from all contacts must be included in the narrative report with primary and secondary sources identified separately. All supporting documentation (e.g., questionnaires) must be included under this tab.

Social Media Check - 1953(e)(12)**Requirements-**

Every peace officer candidate shall be the subject of a social media search relevant to suitability for peace officer employment. This includes bias-relevant information consistent with the personal history requirements of the bias assessment framework [Commission Regulation 1955(d)(3)], including hate group affiliation and/or activities.

Proof Required in File-

Proof shall consist of documentation verifying a social media search was conducted which, at a minimum, shall include written documentation of websites searched and/or services used, including webpage URLs and findings. When there is evidence of activity relevant to peace officer suitability, documentation shall consist of documentation verifying the information and shall be limited to that which is relevant to suitability for peace officer employment. A written narrative of the search and information found must be included in the narrative report. Supporting documentation (e.g., screen printouts) must be included under this tab.

Common Oversight/Problem:

- Contact information not included in file.
- Contacts with references not dated.
- No documentation of contact with secondary references or ex-spouses/domestic partners.
- Secondary references not clearly identified.
- No supporting documentation (e.g., questionnaires, comments, screenshots, printouts) in the file.
- No documentation of websites searched or services used.
- Documentation listed is not relevant to suitability for peace officer employment.

M

Neighborhood Checks

– Commission Regulation 1953(e)(9)

Requirement-

Contacts and interviews with current and, where practicable, previous neighbors.

Proof Required in File-

Proof of neighborhood checks shall be documented by written information showing the identity of each neighbor contacted, the neighbor's relationship to the candidate, and an account of the information provided by the individual. All requests for information shall be documented. A written narrative of the results of the neighborhood check must be included in the narrative report. Supporting documentation (e.g., questionnaires) must be placed under this tab.

Common Oversight/Problem:

- Residential history included instead of actual contacts with current/former neighbors.
- No checks of past residences.
- Contacts with neighbors not dated.
- No supporting documentation (e.g., questionnaires, neighbor comments) in the file.
- Contact information not included in file.

N**Medical / Psychological Clearances*
– Commission Regulations 1954 and 1955.****Medical Evaluation Reporting Requirements - 1954****Requirements-**

Every peace officer candidate shall be evaluated by a licensed physician and surgeon to determine if the candidate is free from any physical (i.e., medical) condition that might adversely affect the ability to exercise peace officer powers [Government Code section 1031(f)].

Proof Required in File-

The Medical Suitability Declaration completed, signed, and dated within a year of employment/appointment.

Psychological Evaluation Reporting Requirements - 1955**Requirements-**

Every peace officer candidate shall be evaluated to determine if the candidate is free from any emotional or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of the powers of a peace officer [Government Code section 1031(f)] and is capable of withstanding the psychological demands of the position.

Proof Required in File-

The Psychological Suitability Declaration completed, signed, and dated within a year of employment/appointment.

Common Oversights/Problems:

- Suitability declaration signed by medical assistant or nurse practitioner rather than physician/psychologist.
- Confidential medical/psychological information in file.
- Evaluation completed more than one year prior to date of employment/appointment.
- No documentation in file, merely a note that clearance letter is kept at HR.
- No medical license number or contact information for physician/psychologist.
- Agency must verify that the evaluating psychologist is compliant with initial and ongoing training requirements. Failure to verify active status of the psychological evaluator at the time of the exam will invalidate the clearance provided.

*** NOTE - As of February 2023, Commission Regulations are in the process of being updated to incorporate the use of POST-mandated suitability declaration forms.**



Misc Other Documentation

Additional/miscellaneous items (e.g., waiver copies, detection of deception examination, training records, and other items)