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AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Howard A. Jordan

SUBJECT: Sworn Officer Hiring Standards

DATE: October 29, 2012

City Administrator
Approval

Date

11/3/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends acceptance of this informational report detailing the Oakland Police Department's Sworn Applicant's Hiring Standards.

EXECUTIVE SUMMARY

As requested by the Public Safety Committee, this report will detail the activities associated with hiring sworn personnel and the background investigation process.

OUTCOME

This report provides the Public Safety Committee with information on the Recruiting & Background Investigations Unit Supervisor's responsibility, outlines the complete process utilized for hiring and how the process used by the Oakland Police Department complies with the California Commission on Peace Officers Standards and Training (POST) requirements/guidelines. In addition, this informational report includes comparisons of the Oakland Police Department's existing policies with the Council on Accreditation for Law Enforcement (CALEA) guidelines/protocols for Background Investigations.

ANALYSIS

Background Investigation Process

The Oakland Police Department (OPD) Background Investigations Unit processes applications for the sworn position of Police Officer Trainee and Police Officers. The unit's primary goal is to ensure that each applicant meets the requirements for an entry level Police Officers Trainee and Police Officer established by POST dimensions as well as the Department's standards.

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Applicants are initially screened by the Department of Human Resources Management (DHRM) via a written test, oral interview and physical ability test. DHRM forwards a referral list of successful applicants to OPD.

DHRM provides applicants with a 31 page Personal History Questionnaire (PHQ) for submission to OPD's Recruiting & Background Investigations Unit.

Applicants continue in the process only if they submit the PHQ as required. The OPD Background Investigations team members which consist of POST certified background investigators, review each PHQ to ensure the applicants meet the basic qualifications outlined by the POST dimensions and the Department's standards. The team members separate the applicants into categories (A, B, C or Non-Select) based on data provided in the applicant's PHQ:

- A Applicant meets minimum qualifications and has no indicators that do not meet the POST dimensions and Departmental standards (e.g., recent drug usage, driving history, work history, criminal record);
- B Applicant meets minimum qualifications, but has minor indicators that suggest POST dimensions, and Departmental standards may not be met (e.g., residential instability, employment and history of credit abuse);
- C Applicant meets minimum qualifications, but has major indicators that strongly suggest POST dimensions and Departmental standards may not be met (e.g., recent or excessive drug usage, poor work history, incomplete/illegible PHQ, criminal history, poor driving history).
- Non-Select Applicant may/may not meet minimum qualifications and PHQ contains information that prevent the applicant from continuing in the selection process (e.g., extensive criminal history, such as felonies, misdemeanor prohibiting the applicant from carrying a firearm, no driver's license).

Each applicant's file is assigned to a Background Investigator. The investigator's responsibility is to conduct a thorough investigation in accordance with the POST Dimensions and Department standards. This is accomplished through a variety of techniques including, but not limited to the following:

- Document Collection/Analysis
- Reference Checks (Listed and Unlisted)
- Cyber Research
- Record and Warrant Checks
- Credit Reports
- Intelligence Screening

Responsibility of the Background Unit Supervisor

In relation to background investigations, it is the responsibility of the Background Unit Supervisor to ensure that OPD background investigations are completed in compliance with all applicable local, state, and federal fair employment laws. The supervisor is responsible for reading each of the completed reports, including the investigator's recommendation and ensuring the reports are in compliance with the legal requirements and the investigators receive training and updated training on all legal and POST updates.

It is also the supervisor's responsibility to ensure that background investigations are in administrative compliance with POST dimensions and Departmental standards. The supervisor is responsible for ensuring that all background investigation files are complete and properly stored for confidentiality. Another component of the supervisor's responsibility is to track all recruiting and background investigation data, prepare analytical reports, prepare budget and cost analysis for recruiting and background purposes, identify oral board volunteers (city staff, community member, and sworn staff), ensure communication is maintained with candidates, address hiring issues with city physician, Department of Justice and the psychologist, and work closely with cross-divisional and other agency departments to plan recruiting activities in order to prepare for academies.

Applicant Background Interview Process

Background Investigators conduct one-on-one interviews with candidates once the testing process is completed. During the interviews, investigators review information provided in the PHQ (addressing information provided and requesting documentation to confirm statements). Candidates are given the opportunity to confirm or clarify information and provide additional information to investigators. The candidate initials each page of the PHQ to verify that they have completed the form.

Investigators also provide applicants with a list of documents needed to complete the background report and an overview of what to expect during the process.

POST Background Investigation Review and Reporting Process

The Legislature has mandated that POST conduct compliance audits/inspections of all new/reinstated hires to the department to verify those persons appointed as peace officers were selected in accordance with the selection standards. POST Regional Consultants make regular visits to the agencies in their jurisdictions to inspect the background investigations files completed on those who have been hired since the last audit; this is an annual process. If deficiencies are detected, the consultants identify issues in written form and give agencies a deadline to correct deficiencies and return for re-inspection. If deficiencies are not corrected by the deadline, consequences may be invoked if agencies resist or fail to correct problems.

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POST is required by statute (Penal Code §13512) to conduct regularly scheduled inspections to verify that agencies are in compliance with documentation requirements and appointment standards. Records are inspected of those peace officers and public safety dispatchers (whose agencies are in the POST program) for whom a Notice of Appointment (POST 2-114) has been received by POST since the last audit cycle.

Where problems/deficiencies are noted during a compliance inspection, POST Regional Consultants will conduct periodic checks to ensure deficiencies have been corrected.

Selection Meeting/Character Review (based on the POST guidelines/requirements)

Background Investigators submit applicant background reports to the Chief of Police for final review. A Character Review meeting is scheduled with the Chief to hear recommendations and other relevant information to determine the best qualified candidates for the position. This meeting is attended by the following individuals:

- Chief of Police
- Members of the Executive Team
- Personnel Manager
- Background Investigation Team
- City Psychologist

The Chief of Police may approve a conditional job offer and/or disqualify candidates based on the report findings.

If a conditional job offer is approved, the Background Unit supervisor contacts the candidates to complete the POST hiring requirements which include Phase 2 Psychological exam, fingerprinting and medical examination.

OPD/POST/CALEA guidelines/standards

OPD policies are aligned with POST guidelines for hiring police officers and are adhered to fully. A comparison of CALEA guidelines/protocols for Background Investigations is shown below:

HIRING STANDARDS	POST	OPD	CALEA
Free of any felony convictions	Required	Required	Required
A citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship (CHP officers must be US citizens at time of appointment)	Required	Required	Required
At least 18 years of age	21 years of age	21 years of age	21 years of age
Fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record	Required	Required	Required
Of good moral character, as determined by a thorough background investigation	Required	Required	Required
A high school graduate, pass the General Education Development test or have attained a two-year, four-year, or advanced degree from an accredited or approved institution	Required	Required	Required
Found to be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer	Required	Required	Required

Per Penal Code Section 13510(d), local agencies/departments may set standards that exceed POST minimum requirements. Peace officer applicants may be subjected to additional evaluations and/or assessments required by individual law enforcement agencies. These additional requirements may include physical ability testing, drug screening, a polygraph examination or voice stress analysis, and/or a pre-offer personality test. Comparing OPD's hiring standards to POST and CALEA's hiring standards found that OPD met or exceeded the state peace officer hiring requirements.

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

OPD is actively reaching out to the public in an effort to recruit qualified candidates for the position of Police Officer Trainee. It is our goal to identify those who will adopt the mission of OPD, which is to provide the people of Oakland an environment where they can live, work, play, and thrive free from crime and the fear of crime.

COORDINATION

Budget and City Attorney's Office were consulted in preparation of this report.

COST SUMMARY/IMPLICATIONS

There are no fiscal impacts associated with this informational report.

SUSTAINABLE OPPORTUNITIES

Economic: Staffing attainment through long-range planning may allow for level budget projections and decreased disruption in services to the community.

Environmental: None

Social Equity: Thorough background investigations of police officers provide quality resources and enhance public safety efforts.

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For questions regarding this report, please contact Mrs. Cecilia Belue, OPD Personnel Manager, at 510-238-6971.

Respectfully submitted,



Am Howard A. Jordan
Chief of Police

Prepared by:
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Attachments A – CAPOST Background Investigation Dimensions
Attachment B – CAPOST Background Investigation Contents

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Attachment A

POST BACKGROUND INVESTIGATION DIMENSIONS FOR PEACE OFFICERS

MORAL CHARACTER

1. Integrity
 - Honesty
 - Impartiality
 - Trustworthiness
 - Protection of Confidential Information
 - Moral/Ethical Behavior
2. Impulse Control/Attention to Safety
 - Safe Driving Practices
 - Attention to Safety
 - Impulse/Anger Control
3. Substance Abuse and Other Risk-Taking Behavior

HANDLING STRESS AND ADVERSITY

1. Stress Tolerance
 - Positive Attitude and Even Temper
 - Stress Tolerance and Recovery
 - Accepting Responsibility for Mistakes
2. Confronting and Overcoming Problems, Obstacles, and Adversity

WORK HABITS

1. 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

1. Interpersonal Skills

- Social Sensitivity
- Social Interest and Concern
- Tolerance
- Social Self-Confidence/Persuasiveness
- Teamwork

INTELLECTUALLY BASED ABILITIES

1. Decision-Making and Judgment

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

2. Learning Ability

3. Communication Skills

- Oral Communication
- Written Communication

Attachment B

BACKGROUND INVESTIGATION REPORT CONTENTS

Tab A

BACKGROUND NARRATIVE REPORT

Commission Regulations 9053(g) and 9059(g)

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.

Tab B

PERSONAL HISTORY STATEMENT (*POST form or alternative*)

Commission Regulations 9053(c) and 9059(c)

A thoroughly completed Personal History Statement must be contained in the file. The POST forms 2-251 (Peace Officer) or 2-255 (Public Safety Dispatcher) can be used, or an alternative form that includes questions related to the ten areas of investigation listed in Commission Regulations 9053(c) and 9059(c). 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].

Tab C

DOJ/FBI FINGERPRINT RETURNS

Government Code §1029(a),(b) and §1031(c), and Commission Regulations 9053(e)(3)(B),(C) and 9059(e)(2)(B),(C) Results from both Department of Justice and 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.

DOJ FIREARMS CLEARANCE

18 USC §922, PC §29805 and Commission Regulation 9053(e)(3)(B)

Results from the Department of Justice (DOJ), Bureau of Identification (BID), pertaining to authorization to possess and carry firearms (i.e., Firearms Clearance) must be contained in the file. The DOJ mails the Firearms Clearance separate from the record check (fingerprint return).

Tab D

DRIVING RECORD CHECK

Commission Regulations 9053(e)(4) and 9059(e)(3)

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

Tab E

LOCAL LAW ENFORCEMENT AGENCY RECORD CHECKS

PC §13300(k), and Commission Regulations 9053(e)(3)(A) and 9059(e)(2)(A)

Returns from checks of records from agencies serving jurisdictions where the candidate has lived, worked, attended school, or had other extended stays should be included in the file. The record check inquiries and responses should be appropriate to the position being sought. The background summary should identify specific names of agencies checked based on information provided in the PHS. Letters from agencies on letterhead are the best evidence of compliance with this requirement. If agencies do not provide a written return, the fact that they were checked

should be noted in the narrative. (Note: some agencies restrict — or decline entirely — requests for local criminal history on non-peace officer applicants).

Tab F

CREDIT RECORDS CHECK

Commission Regulations 9053(e)(11) and 9059(e)(10)

A check of the individual's financial status must be contained in the file. The check should be conducted prior to but no greater than a year before hire.

Tab G

EDUCATION VERIFICATION

GC §1031(e) and Commission Regulations 9053(e)(5) and 9059(e)(4)

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 must contain documentation verifying graduation from a U.S. high school, accredited DOD high school, or accredited/approved private or nonpublic high school; or verification of passing the GED test or California High School Proficiency examination; or possession of a two-year, four-year, or advanced degree from an accredited college or university.

Tab H

CITIZENSHIP/AGE REQUIREMENTS – Peace Officers

GC §1031(a) and (b) and Commission Regulation 9053(e)(1),(2)

Documentation verifying U.S. citizenship and age must be contained in the peace officer's file. Acceptable evidence includes an official U.S. birth certificate, naturalization documentation, or citizenship documentation. The documents shall be an original, a certified copy, or an investigator-attested copy.

Tab I

MILITARY HISTORY CHECK

50 USC Appendix §462 and Commission Regulations 9053(e)(10) and 9059(e)(9)

Verification of military service (DD-214) or verification of Selective Service registration, if appropriate, must be in the file. Selective Service registration is required for all males (excluding the sons of foreign diplomats) born on or after January 1, 1960.

Tab J

DISSOLUTION OF MARRIAGE CHECK

Commission Regulations 9053(e)(8) and 9059(e)(7)

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

Tab K

EMPLOYMENT HISTORY CHECKS

Commission Regulations 9053(e)(6) and 9059(e)(5)

Documented verification of contact with previous employers must be contained in the file.

Tab L

RELATIVES/PERSONAL REFERENCES CHECKS

Commission Regulation 9053(e)(7) and 9059(e)(6)

Documented verification of contact with personal references must be contained in the file.

Tab M

NEIGHBORHOOD CHECKS

Commission Regulation 9053(e)(9) and 9059(e)(8)

Documented verification of contact with current and past neighbors must be contained in the file.

Tab N

MEDICAL CLEARANCE

GC §1031(f) and Commission Regulations 9054(e) and 9060(e)

Documented verification that the medical examination was conducted according to statute/regulation must be contained in the file. This document must be signed by the examining physician, and should include his/her license number, the date the examination took place, that it met appropriate statutory/regulatory requirements, and that the individual was found suitable for employment. A copy of the letter is permissible, if the original is maintained by the agency's human resources department. The actual medical report shall not be kept in the background file.

PSYCHOLOGICAL CLEARANCE

GC §1031(f) and Commission Regulation 9055(e)

Documented verification that the psychological examination was conducted according to statute/regulation must be contained in the peace officer's file. This document must be signed by the examining psychologist, and should include his/her license number, the date the examination took place, that it met statutory/regulatory requirements, and that the individual was found suitable for employment. A copy of the letter is permissible, if the original is maintained by the agency's human resources department. The actual psychological report shall not be kept in the background file.

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