



DECHERD POLICE DEPARTMENT

Decherd, Tennessee

General Order Background Investigations No: 800.021

Subject: Background Investigations	Amends:	Rescinds: New
Reference: TLEA: 8.2	Effective Date: 1/28/2021	Distribution: All Personnel
This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.		
Per Order of: Chief of Police Ross Peterson		

I. PURPOSE

As part of the selection process, the background investigation is one of the most important tools for evaluating the qualifications of a criminal justice applicant. A thorough background investigation is designed to yield job-relevant information concerning an individual's past behavior, experience, education, performance, and other critical factors important in the overall selection process. It should also be noted that the background investigation is utilized in conjunction with other screening criteria which is equally important to determine which candidates are best qualified.

Under the provisions of T.C.A. 38-8-106, an applicant must have good moral character as determined by a background investigation. A summary of the background investigation must be on file at the employing or appointing agency.

II. POLICY

It shall be the policy of the Decherd Police Department to conduct background investigations on persons being considered for employment as police officers. The format of the investigation shall be in accordance to the procedures outlined in this General Order.

III. DISCUSSION

The peace officer standards and training rule concerning background investigation establishes a minimum standard regarding the basis upon which applicants should be evaluated and the methods to employ. Tennessee criminal justice agencies are encouraged to make concerted efforts to hire the most qualified applicants by conducting a thorough background investigation.

The question that many agencies are concerned with is, "What constitutes a sufficiently thorough and legal background investigation?" In general, any act or conduct, which is related to an applicant's fitness for the job, may be explored. In addition, Tennessee law mandates some minimum background qualifications and, as a result, certain relevant facts must be checked in the background investigation. These are:

1. Age of applicant
2. Citizenship
3. Educational level
4. Criminal history
5. Military service, if any
6. Moral character

On the other hand, certain areas of investigation are prohibited. Provisions of Title VII of the Civil Rights Act of 1964, as amended, prohibit the use of any employment requirements or inquiries into areas, which have an adverse impact on the employment opportunities of, protected classes and which have not been shown to be job-related.

The information contained in this guide does not establish standards beyond the minimum requirements of a background investigation, but only addresses those areas mandated by statute. The Decherd Police Department may investigate any areas, which can be justified as relevant to the applicant's qualifications. Employment practices are established to reduce the possibility of litigation and ensure equal opportunity.

The evaluation of background information is difficult and must be done on an individual basis. No one can predict the myriad of facts and circumstances which constitute one individual's background and no two individuals are exactly alike. Therefore, definitive, specific background investigation requirements are impossible. Nevertheless, steps can be taken by the Department to increase the efficiency and effectiveness of the background investigation as a selection instrument and to reduce the potential for using background information in an inappropriate manner.

IV. PROCEDURE

A. Applicant Personal History Form

1. The first step in the process of selecting suitable candidates for employment with the Police Department begins with completion of a comprehensive applicant personal history form. Since the form is quite comprehensive, the candidate shall be advised to contact the Department concerning any questions about the information being solicited in the form. In addition, the candidate should be given the name and telephone number of the person(s) they may address any questions.

NOTE: The applicant personal history form is apart from, and secondary to, the employment application. The employment application regardless of format is designed in accordance with Equal Employment Opportunity Commission guidelines, and utilized to qualify the candidate for the selection process.

2. The comprehensive applicant personal history form shall focus on those areas of inquiry which have the highest potential of yielding job-related information. If responses provide insufficient information to complete the investigation, an investigator may make additional inquiries after justifying those inquiries as being job-related.
3. Prior to submitting the applicant personal history statement, the applicant shall be advised that copies of official documents to verify compliance with state laws will be needed. These documents should be produced at the time of submittal and are:
 - a. Verification of age
 - b. Verification of citizenship (if born outside U.S.)
 - c. Verification of education
 - d. Verification of acceptable military service (if applicable)
4. In the event of lost or misplaced documents, it shall be the responsibility of the candidate to obtain duplicate copies. If the candidate advises that it is impossible to obtain a specified document, (e.g. the building in which the records were stored burned, and all records were destroyed), then the Department may confirm this information and look for an alternate way of verifying whatever information is needed.
5. When all the documents have been submitted, review them to be certain that the candidate meets the basic employment standards as prescribed by State Statutes.

B. Preparing for the Investigation

1. The background investigation begins when the applicant submits the completed Applicant Personal History form. The investigator shall explain to the applicant in an initial interview how the information will be used and should review the questionnaire for completeness. This is the basic document of the investigation and any noted items, which are incomplete, should be discussed with the applicant for resolution.
2. Forms authorizing the release of information shall be completed and signed by the applicant in sufficient numbers to provide a copy to each source the investigator may contact by mail. Also, the investigator shall have a copy available to carry when making personal contacts.
3. In the interest of conserving time, records that may take some time to obtain

shall be requested as soon as possible. For example, fingerprint cards can be sent immediately to TBI for processing and requests for military records can be made. A photograph will be taken by the appropriate personnel at the Department.

4. Prior to actually making contacts, the investigator shall prepare a folder for the investigation. A work sheet (Background Investigation Checklist) outlining the names, addresses, and telephone number of those persons to be contacted or interviewed in person. Those identified for personal contact should be arranged in a logical sequence, (e.g. persons in the same geographical area), and appointments should be made to save time. If the investigator makes a determination that contact shall be done by mail, questionnaires should be mailed as soon as possible with a self-addressed stamped envelope for response to avoid delays.

C. Conducting the Investigation

1. Personal interviews are, of course, preferred over obtaining information by mail and complete notes shall be taken of all interviews in order to ensure accuracy. Quoting or paraphrasing is required rather than subjective conclusions. The name, address, and telephone number of persons interviewed, as well as the date, time, and location of the interview should be recorded.
2. Throughout the investigation, the investigator shall keep in mind the following:
 - a. If illegal acts for which an applicant has not been arrested or convicted are uncovered in a background investigation, then that information shall be used in determining the acceptability of an applicant. (It must be emphasized that this is not a license to accumulate and use unverified information.)
 - b. A finding of "mere fact" in any background information item is rarely indicative of an individual's qualifications for the job. It is more important to investigate the facts and reasons surrounding a background item in order to assess the individual. Therefore, only when a standard is required by law is the "mere fact" significant in itself.
 - c. In many instances persons contacted during the course of the investigation, including the applicant may not have had prior personal contact with the criminal justice system. Therefore, it is important that each person be left with a feeling that courtesy, integrity, and thoroughness are qualities of the criminal justice professional and the employing agency represented.
 - d. If, during the course of the investigation, information is obtained which will definitely lead to rejection of the candidate, the investigator shall consult with the appropriate superior officer to determine if the

investigation should be continued.

- e. It is very important that the investigator maintain an objective position throughout the investigation. No personal biases shall affect the objective quality and content of the investigation.

D. Basic Compliance Verification

- 1. In accordance with the provisions of T.C.A. 38-8-106, an applicant is required to meet certain criteria in order to be qualified for criminal justice employment. In this section methods of verifying compliance will be discussed for each requirement.

- a. Name Changes

- (1) It is essential that every candidate be asked if he or she has ever had his or her name legally changed. If the response is yes, then the candidate must advise what his or her previous name was, reason for having it changed, and the date and location of the change. One of the major reasons for determining if a candidate has changed their name is to facilitate the verification of any official records that might be recorded under the candidate's previous name.

- b. Age

- (1) An applicant must be a minimum of eighteen (18) years of age.

- c. Citizenship

- (1) An applicant must be a citizen of the United States of America.

- d. High School Diploma or Equivalent

- (1) An applicant must be at least a high school graduate or possess the equivalent of a high school diploma.

- e. Military

- (1) An applicant must not have received a dishonorable or undesirable discharge from any of the Armed Forces of the United States.

E. Investigation (General)

- 1. As provided for in P.O.S.T. guidelines, the employing agency is responsible for conducting the investigation and determining the moral character of an

applicant.

a. Neighborhood Check

- (1) The purpose of conducting a neighborhood check is to determine the reputation of the candidate concerning his or her personality and personal conduct that may reflect positively or adversely upon the desirability of appointing or employing an individual as an officer.
- (2) Beginning with the most recent address, at least three neighbors (ones who live in the houses on each side of the candidate and to the rear) but not listed as personal references, should be interviewed or contacted by mail. If the candidate lives in an apartment house, inquiry of at least four other residents, including the landlord, is recommended. The investigator shall have a photograph of the candidate in the event that there is some doubt in the mind of the neighbor as to whom the inquiry is about when conducting personal interviews.

b. Educational Background

- (1) The official records of an academic institution, if properly maintained, can provide information, which is of great value in the overall evaluation of a candidate.

c. Military Service

- (1) Military and other federal service records are often a rich source of information helpful in evaluating a candidate's medical history, sense of duty, patriotism, and personal conduct while in the service. Tennessee law specifically prohibits a criminal justice agency from hiring any man or woman as an officer if that person has served in the armed forces of the United States and received a dishonorable or undesirable discharge.

d. Previous Employment

- (1) The former employers, supervisors, and fellow workers of candidates can often provide the investigator with insight into the candidate's work habits, honesty, sobriety, leadership qualities, ability to get along with people, and a multitude of other very important facts.

e. Application for Work in other Agencies

- (1) Included in the original application form should be a question of whether a candidate has ever applied for a position with or been

sponsored into basic training by any criminal justice agency or fire-fighting agency, or made application to P.O.S.T. for Tennessee Certification.

f. Credit Bureau

- (1) The credit bureaus of many cities are quite often a valuable source of information regarding a candidate's financial condition. For a nominal fee most departments will conduct a comprehensive credit check, not only in the city in which the candidate has made application but in all cities in which the candidate has resided.

g. Criminal Records

- (1) This portion of the investigation, as with many other phases, is governed in part by Tennessee Statutes. Tennessee law requires that each candidate applying for a position as an officer with any state, county, or municipal agency must be finger printed. If a candidate has ever been arrested for any charge any place in the United States, and was finger printed, a copy of his or her fingerprints should have been sent to the F.B.I. in Washington. This information is permanently maintained and is made available to any criminal justice agency upon request.

h. Motor Vehicle

- (1) There are several reasons why inquiries into a candidate's driving record are of great value to an employing agency. The presence or absence of a traffic record can be a good indicator of a candidate's driving habits, attitude toward authority, and in some cases even maturity. In every instance the candidate shall be requested to provide a full account of all traffic citations received, any revocation or suspension of license and all collisions involved in. Interviews of candidates about their driving record can sometimes prove to be quite revealing. The questioning of candidates about past traffic violations may sometimes reflect the candidate's refusal to accept responsibility for a misdeed, basic antagonism toward officers issuing the citations, and a degree of immaturity which raises some doubt about the candidate's suitability as an officer.

i. Personal References

- (1) Unlike many other phases of the investigation, this portion is directed towards obtaining information from persons who usually have no official relationship with the candidate, but can

often supply very valuable information about him or her.

F. Discrepancy Interview

1. Once the background investigation has been completed (or during the course of the investigation), the investigator may become aware of inconsistencies or contradictions between information the applicant has supplied in the applicant personal history form and that obtained during the investigation. In such a situation, the investigator shall schedule a discrepancy interview with the applicant and attempt to resolve questionable areas.

G. Summary Report of Background Investigation

1. Upon concluding the background investigation and discrepancy interviews, if any, the investigator should be able to prepare a report summarizing the results of the investigation. The report should be complete, concise, in a narrative form, and contain all required documentation.
2. After completing the summary, the investigator shall forward it along with all notes, forms and letters and any other pertinent material to the Chief of Police for review. This will allow for a sound judgment when reviewing all the results of the total selection process to determine the qualifications of the candidate.

H. Employment or Appointment Decisions

1. Once the decision has been made by the Chief of Police to select the candidate, the candidate should be advised as soon as possible to give them an opportunity to prepare for new employment. If the Department makes a decision against the candidate based upon factual documented material, the Chief of Police shall notify the candidate in writing. This method of notification would assist the candidate in identifying weaknesses, and also avoid unnecessary litigation regarding employment opportunity.
2. Remember that it is the objective of the agency to employ or appoint those candidates best suited for the criminal justice profession, and avoid employment decisions, which can ultimately be costly to the agency.

I. Responsibility of Background Investigations

1. The responsibility for the background investigations shall be assigned to the Criminal Investigations Division.
2. The assigned Detective may be assisted by other officers upon assignment by the Chief of Police.
3. The completed file shall be reviewed for accuracy and required material before final submittal to the Chief of Police.

4. All completed files must be maintained for a minimum of five (5) years.

REVIEW PROCESS:

The Chief and Assistant Chief shall conduct an annual review of this general order and shall make necessary revisions.

CANCELLATION:

This General Order will remain in force until revoked or revised by competent authority.



Chief Ross Peterson