

**Texas Commission
on
Law Enforcement Officer
Standards and Education**

**BACKGROUND INVESTIGATION
PROCEDURE MANUAL**



53322

BACKGROUND INVESTIGATOR'S
MANUAL:
A GUIDE TO THE EVALUATION
OF MUNICIPAL POLICE OFFICER
APPLICANTS

NCJ 115

JP 257

ACQUISITION

Prepared
for
TEXAS COMMISSION ON LAW ENFORCEMENT
OFFICER STANDARDS AND EDUCATION

by
WOLLACK & ASSOCIATES
Greenwood, California

IMPORTANT NOTICE

The Texas Commission on Law Enforcement Officer Standards and Education has determined that your department qualifies to participate in the Entry Level Selection Program. Your department may, therefore, use the testing procedures and manuals provided by the Commission for the selection of entry-level officers. However, it is extremely important that you never pass on to another police department the materials that have been furnished for your use. These materials may not be appropriate for some other departments and could cause serious legal problems if used by them.

Requests for information concerning the Entry-Level Selection Program should be directed to:

Entrance & Promotional Selection Section
Field Services Division
Texas Commission on Law Enforcement
Officer Standards and Education
1106 Clayton Lane, Suite 220 E
Austin, Texas 78723

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PREFACE

This manual has been prepared in recognition of the need for a standardized procedure for the evaluation of an applicant's prior behavior and conduct as it relates to his qualifications for employment as a police officer. It is intended for use by experienced law enforcement investigators who seek guidance in the conduct of the background investigation and by police administrators charged with the responsibility for evaluating the significance of the information developed in the background investigation.

The case law pertaining to police employment procedures is always evolving. While the emerging cases appear to rely upon specific principles of law, there can be no guarantee that the conclusions and recommendations contained in this manual will not later require modification in order to comply with revised legal opinion. The Texas Commission on Law Enforcement Officer Standards and Education will periodically review and revise this manual in such a manner as to maximize its utility to Texas police departments. However, the police personnel administrator bears the ultimate responsibility for maintaining an awareness of new developments in this area and insuring that the background investigation is conducted in a manner which is consistent with legal requirements.

INTRODUCTION

Few occupations in society involve the extraordinary individual responsibility associated with the job of a police officer. No one with any significant knowledge of those responsibilities would deny that this is an occupation which demands a substantial degree of individual capability and qualification. In fact, presidential commissions, criminal justice experts, and even critics of law enforcement agencies frequently call for the highest possible standards in the employment of police officers.

The Texas Commission on Law Enforcement Officer Standards and Education is committed to the establishment and maintenance of job-related employment standards which maximize the likelihood that the best qualified candidates are hired as police officers. Consistent with that commitment, TCLEOSE has conducted extensive analyses of the specific duties performed by municipal police officers in the State of Texas, for the purpose of determining as precisely as possible the individual qualifications actually required for successful performance. A major study completed in July of 1976 by TCLEOSE, working in cooperation with experts in the field of industrial psychology, identified a number of specific personal characteristics and capabilities which are considered to be essential to successful performance. These are as follows (see Appendix B, p. 64 for definitions):

PHYSICAL ABILITY

WRITING SKILLS

READING SKILLS

SITUATIONAL REASONING ABILITY

SELF-CONTROL

ORAL COMMUNICATION SKILL

INTEGRITY

INTERPERSONAL SKILL

INITIATIVE

DEPENDABILITY

APPEARANCE

The 1976 TCLEOSE study also undertook to develop a comprehensive employment selection procedure designed to evaluate the applicant's qualifications in each of these job-related areas. For example, a reading comprehension test based upon police related reading materials was developed and made available for use by municipal police departments in Texas. Likewise, an objectively scored test of relevant writing skills was developed.

In spite of the availability of these new selection procedures, many important qualifications necessary for success as a police officer are still not subject to evaluation by written tests or performance exams. This is not to say, however, that these areas of qualification must be ignored in the selection process for police officers. To the contrary, it suggests that special attention be given to the use of other selection procedures which systematically consider applicant qualifications in areas not subject to evaluation by written tests or performance examinations. Two such procedures are the oral interview and the background investigation.

Recognizing the need for such procedures TCLEOSE has developed this manual for the purpose of recommending a specific background investigation procedure which is designed to assist in the identification of those applicants who do not possess minimum levels of qualification in each of the following areas:

DEPENDABILITY

INITIATIVE

INTERPERSONAL SKILL

INTEGRITY

SELF-CONTROL

SITUATIONAL REASONING ABILITY

PHYSICAL ABILITY (disqualifying medical
factors only)

It should be understood from the outset that the background investigation recommended herein does not involve a "shotgun" approach to the investigation of an applicant's background. Rather, the recommendations are intended to constrain the scope of the background investigation to those areas which can reasonably be expected to yield information about an applicant's prior conduct and which may be related to his qualifications in the areas specified earlier.

The manual has been prepared on the assumption that the persons actually conducting the investigation are trained and experienced law enforcement investigators. Obviously, the quality and ultimate value of the background investigation is highly dependent upon the professional integrity and skill of the investigator. It is essential that extreme care be exercised in the

selection of persons to perform this highly important and sensitive investigation. Selection should be made with due consideration given to the need for thoroughness, objectivity and confidentiality.

SECTION I--GENERAL LEGAL CONSIDERATIONS

No development in the area of police officer selection during the last 20 years has had a more dramatic impact than Federal legislation in the area of equal employment opportunity. To date, dozens of police departments have been sued in Federal court for alleged discrimination in employment under one or more Federal statutes. In almost all of these cases, the police department has been unable to defend one or more of the challenged employment practices. The consequences have included permanent injunctions against the use of some tests and employment standards, court-imposed hiring quotas, and the payment of substantial sums of money in the form of attorney fees and back pay.

Rulings such as these have understandably generated a great deal of concern among police personnel administrators. The fact of the matter is that a technical violation of a Federal employment discrimination statute can be extremely costly. Unfortunately, some employers have revised their employment procedures in such a way as to lower employment standards and in some cases have granted an outright preference to members of certain minority groups in the belief that this is what the law requires. Yet, nothing in the Federal statutes requires such action. The principles of equal employment opportunity and the principles of merit selection are not incompatible. To the contrary, an employer can perhaps best comply with the law and, at the same time, hire the most qualified personnel by ensuring that all employment decisions are based upon job related considerations

rather than upon such unlawful and irrelevant factors as race, color, religion, sex, or national origin. In fact, this point of view is shared by the Equal Employment Opportunity Commission (EEOC), which is the Federal agency charged with enforcement responsibility under Title VII of the Civil Rights Act of 1964. Section 1607.1(a) of the EEOC Guidelines on Employment Selection Procedures reads as follows:

The guidelines in this part are based on the belief that properly validated and standardized employee selection procedures can significantly contribute to the implementation of nondiscriminatory personnel policies, as required by Title VII. It is also recognized that professionally developed tests, when used in conjunction with other tools of personnel assessment and complemented by sound programs of job design, may significantly aid in the development and maintenance of an efficient work force and, indeed, aid in the utilization and conservation of human resources generally.

Likewise, the United States Supreme Court in the landmark case of Griggs v. Duke Power Company, 401 U.S. 424 (1971), 3 EPD 8137, ruled that:

Congress did not intend by Title VII, however, to guarantee a job to every person regardless of qualifications. In short, the Act does not command that any person be hired simply because he was formerly the subject of discrimination, or because he is a member of a minority group. Discriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed.

The police background investigation is almost universally viewed as an important and integral component of any merit selection system for law enforcement positions. Consequently, the first objective of the manual is to outline a systematic and comprehensive procedure for the investigation and evaluation of an applicant's prior conduct which, when used in conjunction

with other selection devices, results in the identification of the best qualified applicants available for employment. A collateral and equally important objective is to provide a procedure which, if properly implemented, will comply with the requirements of the equal employment opportunity laws. Because these requirements are often misunderstood, they will be considered at length.

THE CIVIL RIGHTS ACT OF 1964

Not too many years ago, the matter of civil rights in employment was relatively simple. Basically, the law prohibited overt classifications on the basis of race. Under this standard, it was a sufficient response to an allegation of unfairness or discrimination to show that the content and administration of the test or selection device was "objective." An example would be where all applicants were required to take the same test under the same conditions and to answer the same questions which were scored in the same way. Gradually, it became obvious that the use of many of these so-called "objective" employment tests and standards resulted in the disproportionate exclusion of some groups in our society from many employment opportunities. For example, a 5'8" minimum height standard applied to all applicants for police officer positions is certainly an "objective" standard, yet such a standard disqualifies from consideration 95% of the female population and only 46% of the male population (see Smith v. City of East Cleveland, 363 F.Supp 1131 [DC Ohio 1973], 6 EPD 8831). As we shall see, this outcome does not necessarily mean that a 5'8" height requirement is "discriminatory" within the

meaning of the law. However, in view of the implications of such a requirement for women as a group, the standard cannot be justified simply because it is an objective one.

While a number of employment discrimination cases have been brought against police departments under the Civil Rights Acts of 1866 and 1871 (42 U.S.C. 1981 and 42 U.S.C. 1983), many such cases go to court under the Civil Rights Act of 1964. While a background investigation might be challenged under any or all of these provisions, it is perhaps most appropriate to consider the issue in terms of the Civil Rights Act of 1964. For a number of reasons, this is the most likely statute to be selected by a plaintiff. Foremost among these reasons is that under the 1964 Act, no showing of intentional discrimination is required. A prima facie case of discrimination can be established merely by demonstrating that a disproportionate number of persons in a particular protected group are disqualified. In addition, the prevailing party can recover attorney fees and costs, which is a remedy not available under the other civil rights acts.

The Civil Rights Act of 1964 was adopted by Congress on July 2, 1964 and became effective on July 2, 1965. Title VII of the Act is concerned with "Equal Employment Opportunity." In its original version, Title VII exempted all government employers including police departments. In 1972, Congress amended Title VII with the Equal Employment Opportunity Act of 1972. Among other things, this act extended the coverage of Title VII to all governmental employers, including the Federal government.

The operative provision of Title VII is section 703(a) which provides:

It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge an individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

It should be noted that 703(a) explicitly pertains not only to situations where the employer fails to hire. For example, where civil service rules provide for a certification "rule-of-three", or its equivalent, the fact that a candidate may have been "passed over" in favor of another candidate on an eligible list is not a defense under Title VII. In such a situation, a candidate that was passed over would have the same rights under Title VII as a candidate who had been specifically rejected or even removed from the eligible list for cause.

Another feature of 703(a) which deserves comment is the coverage of the Act in terms of "protected groups." The term "protected groups" is not interchangeable with the term "minorities and women." The protected groups with which Title VII is concerned are race, color, religion, sex, and national origin. All persons, whether minority or majority, have a race, color, sex, national origin, and typically, a religion, and are therefore entitled to the protection of Title VII.

The principle provision of Title VII with regard to an employer's responsibilities in the area of employee selection is section 703(h), which reads in pertinent part:

Notwithstanding any other provision of the Title, it shall not be an unlawful employment practice for an employer...to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results is not designed, intended or used, to discriminate because of race, color, religion, sex, or national origin... (emphasis added)

The underlined portions of the above excerpt are important to an understanding of Title VII. The administrative and judicial interpretations of these terms and phrases have provided the standard by which employment procedures, such as a background investigation, are to be judged for compliance with Title VII.

"intended or used"

The early court decisions which dealt with issues of substance under Title VII concluded that the "intended or used" language simply meant that the allegedly discriminatory practice had not occurred accidentally. In the decision of Griggs v. Duke Power, the Supreme Court ruled that "good intent or absence of discriminatory intent does not redeem employment procedures or testing mechanisms that operate as 'built-in headwinds'...." Chief Justice Burger went on to say, "...Congress directed the thrust of the Act (Title VII) to the consequences of employment practices, not simply the motivation" (emphasis added). In other words, an employment practice is prohibited if it is discriminatory in operation, even though fair in form and neutral on its face and used without intent to discriminate. Certainly one cannot

dispute the view that individuals who have, in fact, been the victims of employment discrimination are entitled to relief in the courts, regardless of whether the discriminatory employment practice was the result of an intentional act or merely an oversight on the part of the employer.

Under Title VII, then, "intent" is irrelevant. Consequently, a background investigation may be discriminatory under Title VII even though the person conducting the investigation and the person evaluating the results of the investigation did not intend to discriminate against anyone because of their race, color, religion, sex, or national origin.

"professionally developed"

In the Griggs case, the Supreme Court considered the EEOC interpretation of the term "professionally developed" as it appears in 703(h), noting that "the administrative interpretation of the Act by the enforcing agency is entitled to great deference." The EEOC interpretation of the term "professionally developed" which the Supreme Court considered in Griggs is as follows:

The Commission accordingly interprets "professionally developed ability test" to mean a test which fairly measures the knowledge or skills required by the particular job or class of jobs which the applicant seeks, or which fairly affords the employer a chance to measure the applicant's ability to perform a particular job or class of jobs. The fact that a test was prepared by an individual or organization claiming expertise in test preparation does not, without more, justify its use within the meaning of Title VII. (EEOC Guidelines on Employment Testing Procedures, August 24, 1966 as quoted in Footnote 9 of Griggs v. Duke Power Co., 401 U.S. 424 [1971], 3 EPD 8137.)

After reviewing the legislative history of Title VII, the Supreme Court ruled as follows: "From the sum of the legislative history relevant to this case, the conclusion is inescapable that the EEOC's construction of 703(h) to require that employment tests be job-related comports with Congressional intent."

The term "professionally developed", then, is not to be interpreted to mean that an employer may use a test or other employment procedure simply because it has been developed by a "professional." In fact, section 1607.8(b) of the EEOC Guidelines on Employment Selection Procedures, dated August 1, 1970, specifically rules out such justifications: "Although professional supervision of testing activities may help greatly to ensure technically sound and nondiscriminatory test usage, such involvement alone shall not be regarded as constituting satisfactory evidence of test validity." In summary, a test or other employment practice is considered to have been professionally developed within the meaning of 703(h) only to the extent that it bears some demonstrable relationship to the job in question.

"discriminate"

The term "discriminate" has been subjected to a number of different interpretations and, as a result, is widely misunderstood in the context of employment. For some, discrimination means overt bigotry; for others, the term is used to describe any action or practice which results in a de facto classification on the basis of race, color, sex, or some other improper criteria. However, under 703(h) the term "discriminate" has a very precise

meaning. In short, an employment practice is discriminatory if it operates to disproportionately exclude a protected group and it cannot be shown to be related to job performance.

Section 1607.3 of the EEOC Guidelines defines discrimination as follows:

The use of any test which adversely affects hiring, promotion, transfer or any other employment or membership opportunity of classes protected by Title VII constitutes discrimination unless: (a) the test has been validated and evidences a high degree of utility as hereinafter described, and (b) the person giving or acting upon the results of the particular test can demonstrate that alternative suitable hiring, transfer or promotion procedures are unavailable for his use.

So discrimination exists under Title VII when an employment practice has been shown to adversely affect the hiring of one or more protected groups and the practice has not been validated (i.e., shown to be job-related). Even if an employment practice is shown to be valid, it might still be "discriminatory" if it can be shown that suitable (i.e., equally valid) procedures with less adverse effect were available for the employer's use.

Before the question of job-relatedness arises in actions brought under Title VII, however, there must be evidence of adverse effect. In other words, the plaintiff is required to establish a prima facie case of discrimination. If the court finds that a prima facie case exists, the burden of proof then shifts to the employer to demonstrate that the employment practice in question is, in fact, job-related. If the plaintiff fails to carry his prima facie burden, then the employer is not required to defend the practice in question. Evidence of job-

relatedness for Title VII purposes is required only when the test or practice has adverse effect. Of course, if one is interested in hiring the best qualified applicant, he would want to know that his employment procedures were job-related regardless of whether or not they had adverse effect. Furthermore, an employer should always be prepared to justify his employment standards as job-related, since the courts have made it surprisingly easy for a plaintiff to establish a prima facie case.

The Federal courts, in hearing Title VII cases, have considered a variety of evidence in determining whether adverse effect is present and whether, therefore, a prima facie case of discrimination is created under Title VII. It is worth reviewing these holdings in order to see how it is that a police department may be required to demonstrate that a background investigation procedure is job-related in accordance with the requirements of Title VII.

One method by which adverse effect can be established is to demonstrate through the use of population statistics that an employment standard has a foreseeable adverse effect. For example, in the case of Gregory v. Litton Systems, 472 F.2d. 631 (9th Cir. 1972), 5 EPD 8089, the court considered an employer's policy of not hiring anyone with an arrest record. The court based its finding that a prima facie case had been established upon data which showed that while blacks make up only 11% of the population, fully 27% of all arrests were of black persons and 45% of all arrests for suspicion involved blacks. On the strength

of this data, the court held that the employer's policy of excluding all persons arrested on one or more occasions had the effect of disproportionately excluding blacks from employment.

Another method of establishing adverse effect is to consider the extent to which members of a particular protected group are represented in the work force of the employer in question. If the degree of representation within the work force is less than that in the population or labor market surrounding the place of employment, the assumption is that the underrepresentation may be due to a discriminatory employment practice. There is a long line of Federal employment discrimination cases, many of which involve police departments, in which the courts have found a prima facie case of discrimination on the basis of such population comparisons alone.

Yet another method for demonstrating adverse effect considers the actual passing rates of various groups on employment tests or standards. For example, in Officers for Justice v. Civil Service Commission of San Francisco, 371 F.Supp 1328 (DC Cal 1973), 6 EPD 8956, the court found a prima facie case had been established with respect to the entrance examination for police officers where 54% of the white applicants passed, only 15% of the "Latino" applicants passed, and 4% of the black applicants passed.

The Eighth Circuit Court of Appeals in Green v. Missouri Pacific Railroad, 523 F.2d 1290 (8th Cir. 1975), 10 EPD 10314, recently reaffirmed the view that a prima facie case of discrimination can be established by any one of these methods. Therefore, a police department might find itself confronted with the need

to demonstrate in Federal court that its background investigation procedures and other selection devices are job-related within the meaning of Title VII if (1) any standard imposed with regard to prior conduct, such as not hiring persons convicted of certain crimes, has a foreseeable adverse effect upon one or more protected groups, (2) one or more protected groups are underrepresented in the current work force, or (3) the hiring decisions based upon the background investigation result in the disproportionate rejection of the members of one or more protected groups. If any of these conditions were met at trial, the burden would likely shift to the police department to demonstrate job-relatedness to the Court's satisfaction. The actual method or standard for determining whether a background investigation procedure is job-related is partially dependent upon the definition of the term "ability test" as it is used in 703(h).

"ability test"

Chief Justice Burger, writing for a unanimous court in Griggs v. Duke Power, observed in footnote 8: "Section 703(h) applies only to tests. It has no applicability to the high school diploma." Yet section 1607.2 of the EEOC Guidelines on Employment Selection Procedures (dated August 1, 1970), defines a test as follows:

For the purposes of the guidelines in this part, the term "test" is defined as any paper-and-pencil or performance measure used as a basis for any employment decision. The guidelines in this part apply, for example, to ability tests which are designed to measure eligibility for hire, transfer, promotion, membership, training, referral or retention. This definition includes, but is not restricted to,

measures of general intelligence, mental ability and learning ability; specific intellectual abilities; mechanical, clerical and other aptitudes; dexterity and coordination; knowledge and proficiency; occupational and other interests; and attitudes, personality or temperament. The term "test" includes all formal, scored, quantified or standardized techniques of assessing job suitability including, in addition to the above, specific qualifying or disqualifying personal history or background requirements, specific educational or work history requirements, scored interviews, biographical information blanks, interviewer's rating scales, scored application forms, etc.

Obviously, the administrative interpretation of the term "ability test" is in apparent conflict with the Supreme Court's interpretation in footnote 8 of the Griggs decision. The significance of this point relates to the matter of the appropriate methodology for demonstrating job-relatedness. If the EEOC interpretation is to be applied so as to include the background investigation within the definition of "test", then only those narrow validation procedures sanctioned by the guidelines would appear to be acceptable. Unfortunately, these strategies are intended primarily for validation studies involving pencil-and-paper tests and are of dubious value for demonstrating the job-relatedness of many other types of employment practices.

It can be argued that in spite of footnote 8, Chief Justice Burger was endorsing a broad interpretation of "ability test" in the Griggs decision. In paragraph 10 of Griggs, the language refers to "practices, procedures, or tests." In paragraph 12, the language is: "if an employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited" (emphasis added). Yet, footnote 8

is explicit. While the Court apparently considers a high school diploma requirement to be an employment practice, it obviously does not consider it to be a test.

Another interpretation of footnote 8 in Griggs is that the Court recognized that the high school requirement and similar employment practices cannot be validated by the narrow methods specified in the EEOC Guidelines. Such an interpretation is consistent with lower court decisions in cases in which the job relatedness of the high school degree requirement has been considered.

In Castro v. Beecher, 459 F.2d 725 (1st Cir. 1972), 4 EPD 7783, the First Circuit upheld a high school education requirement for police officers on the basis of evidence other than that sanctioned by the EEOC Guidelines. In Castro, the Court considered expert opinion, in the form of the official reports of the President's Commission on Law Enforcement and the Administration of Justice. Likewise, in Arnold v. Ballard, 390 F.Supp 723 (DC Ohio 1975), the Federal District Court upheld the high school graduation requirement for employment as a police officer in Akron, Ohio, primarily on the basis of rational arguments as to its job-relatedness.

In the case of L.U.L.A.C. v. City of Santa Ana, ___ F.Supp ___ (CD Cal 1976) 11 EPD 10818, the trial court also considered the high school graduation requirement for municipal police officers. After discussing the apparent conflict between the EEOC and Supreme Court interpretations of 703(h), the L.U.L.A.C. court ruled as follows:

This court, therefore, is reluctant to accept the idea that education requirements must be empirically validated. To accept that concept would be to adopt the proposition that the empiricist's methods of arriving at truth are the only acceptable ones. It would involve the categorical rejection of reports of Presidential commissions on the basis that they were "unscientific." Before this court will accept the notion that empirical methods of finding truth are the sine qua non of Title VII determinations (let alone constitutional determinations), a clearer signal from the appellate courts will be required. It is one thing to say that paper-and-pencil tests must be validated by prevailing concepts of educational measurement (Albemarle Paper Company v. Moody, supra, 422 US at 431); it is quite another to say that the common sense judgment and reasoning of expert observers cannot be considered as relevant to the assessment of the value of institutional education to the increasingly complicated tasks of the police officer in an urban environment.

The L.U.L.A.C. court upheld the high school requirement for police officers.

So, while the EEOC Guidelines are entitled to great deference, the courts have not felt compelled to apply those guidelines in situations where doing so would require the court to ignore other competent evidence of business necessity. This is indeed fortunate, because, as we shall see, there can be little question but that a comprehensive background investigation procedure cannot be "validated" using the methods prescribed in the EEOC Guidelines. Those methods are intended to apply primarily to standardized, usually written, paper-and-pencil tests.

Section 1607.5(a) of the EEOC Guidelines reads in pertinent part as follows:

For the purpose of satisfying the requirements of this part, empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in "Standards for

Educational and Psychological Tests and Manuals" published by American Psychological Association, 1200 17th Street NW, Washington, D.C. 20036. Evidence of content or construct validity, as defined in that publication, may also be appropriate...

The APA Standards, referred to in section 1607.5(a) above, also define a "test", but for the purposes of describing those measurement devices to which the APA Standards are intended to apply. In this regard, the APA Standards say:

Generally, however, the word "test" is used in these Standards to apply to all kinds of measurement. What these different kinds have in common is that scores with desirable psychometric properties may be derived from each.

Although the background investigation may be viewed as a test which is scored only "pass/fail", the applicability of the traditional validation strategies is still highly questionable. Recognizing this possibility, the authors of the APA Standards included the following statement: "The degree of applicability of individual standards to non-test assessments will vary; developers and users of such assessment procedures should at least observe the spirit of the standards." In accordance with the spirit of the APA Standards and in order to determine the degree to which the job-relatedness of the background investigation might be demonstrated by the traditional methods of validation, we now turn to a brief consideration of those methodologies.

METHODS OF TEST VALIDATION

Essentially, the EEOC Guidelines permit two types of validation studies. These are known as "empirical validation" and "content validation."

Empirical validation involves the statistical demonstration of a relationship between a test score or some other quantifiable measure and a measure of the individual's performance on the job. For example, written test scores might be compared to the length of time required to learn a complex job. Or, as is more frequently the case, test scores can be correlated with subsequent supervisory evaluations of overall job performance.

Empirical validation is not feasible for the background investigation for a number of reasons. First, the majority of the information collected in the background investigation is of a descriptive nature and is not subject to quantification.

Secondly, even if a significant portion of an individual's prior conduct could be described in quantitative terms, the size of the sample of persons necessary for a meaningful statistical study would present an insurmountable obstacle. A department would have to be in a position to hire a sufficient number of persons with each of perhaps hundreds of characteristics in order to have a statistically reliable sample. In addition, the guidelines require empirical studies to be conducted separately for each racial group represented in the applicant population (EEOC Section 1607.5(b)5). So, for example, if one were going to conduct an empirical study of the relationship between a history of various forms of mental illness and performance as a police officer for each of three racial groups, it might be necessary to hire several hundred persons who have at some time in the past been diagnosed as mentally ill. When one considers the number of areas of an applicant's personal history which,

in addition to emotional disorders, may be appropriate for investigation (and this manual contemplates 15 such areas), it is easy to see that the empirical validation methodology is infeasible for even the largest police departments.

Third, even if the statistical problems could be overcome, there can be no justification for requiring that a police department hire, for example, a large group of convicted felons merely to demonstrate empirically that such persons probably do not make the best police officers.

The other general validation strategy sanctioned by the EEOC Guidelines is content validity. Content validity consists of a systematic, rational showing that a test or employment procedure represents a suitable sample of the essential knowledges, skills, or behaviors comprising the job in question. Tests of basic skills such as typing, welding, stenography, carpentry, or machine operation, are examples of the types of tests that might be appropriate for establishing the job-relatedness of written job-knowledge tests where it can be shown that job knowledge is essential for successful performance on the job in question.

Content validity, however, is inappropriate for considering the job-relatedness of the background investigation. The basic question in content validation is whether the items composing the test constitute a representative sample from the job content area or behavioral domain to be measured. A "representative sample" is one which includes items which faithfully reproduce the essential characteristics of items in the job content domain. Further, a "representative sample" includes such items in proper

proportion to their representation in the actual job content domain. But a background investigation does not consist of "items" in the sense that a written test consists of items. Even if one were to view the various forms of prior conduct considered in a background investigation as being analogous to "test items", one cannot reasonably argue that such factors are "content valid."

It is probably true that some applicants have in the past been confronted with situations which might qualify as samples from the content domain of the police officer's job. For example, an applicant may have been required on a prior job to deal effectively with individuals who are angry or hostile. Or perhaps the applicant had consistent opportunities on a previous job to engage in petty theft or some form of graft. Obviously, the acceptability of the applicant's behavior in these situations would be relevant to his qualifications for employment as a police officer.

But do these situations "faithfully reproduce the essential characteristics" of the job content domain? The answer is that they probably do not. While the relationship is obvious on its face, the degree of similarity between these types of situations and those encountered on the job is probably insufficient to meet the standard for content validity. For example, there is a compelling case to be made for the proposition that the dynamics of interpersonal transactions involving a police officer in uniform and on official business are somewhat unique. Certainly, the degree to which an individual has in the past

interacted effectively with others is an important consideration in the selection of police officers. Yet, if one imposes the narrow requirements of content validation on this relationship, he might be forced to conclude otherwise, simply because the situation in which the behavior was demonstrated was not sufficiently like those encountered on the job.

Another reason why content validation procedures are of limited utility in assessing the job-relatedness of the background investigation relates to the requirement that the sample from the job content domain be a proportional sample. In other words, a background investigative procedure would be content valid only if the number and type of situations encountered by each applicant in the past corresponded to the number and type of situations encountered by police officers in the performance of their duties. Obviously, this requirement can never be met. First, no two applicants will ever have identical personal histories. Second, it is unlikely that any applicant's background includes the proper percentage and types of situations which comprise the job content domain for police officers.

The traditional strategies used for validating written testing devices are obviously inappropriate for considering the job-relatedness of the background investigation. Nonetheless, the basic logic of content validation might be appropriately applied to demonstrate rationality that certain employment decisions based upon evidence of prior conduct are, in fact, sufficiently job-related to qualify as matters of business necessity. Consider, for example, an applicant who has been guilty of a

large number of serious traffic violations, has been involved in a number of automobile accidents that were his fault, and has had his license revoked on several occasions. If the safe operation of a motor vehicle is required to perform the job adequately, then this applicant might reasonably be considered less qualified than another applicant with an exemplary driving record. Depending on the circumstances, employment might appropriately be denied the applicant with the poor driving record.

This sort of "rational justification" makes sense for non-test employment standards. While the EEOC Guidelines on Employment Selection Procedures do not provide for the rational justification of "tests" as defined therein, there appears to be little doubt that the background investigation is not a test within the meaning of 703(h). Furthermore, Federal case law supports the appropriateness of a "rational justification" for certain non-test employment standards.

In Parham v. Southwestern Bell Telephone, 433 F.2d 421 (8th Cir. 1970), the Court considered an employer's decision not to hire a black applicant because of a poor employment record. After finding that a prima facie case of racial discrimination existed on the basis of statistics showing that blacks as a class were underrepresented in the employer's work force, the Court upheld the trial court's determination that the individual black plaintiff was refused employment not because of his race, but because of a poor work record. In the absence of any evidence of empirical or content validity, the appellate

court nonetheless accepted the common sense proposition that the plaintiff's poor work record did, in fact, adversely reflect upon Parham's dependability as a future employee. In Richardson v. Hotel Corporation of America, 332 F.Supp 519 (DC La 1971), 4 EPD 7666, the Fifth Circuit affirmed a lower court holding that employment could properly be denied persons convicted of property related crimes when the job in question involved responsibility for the security of other people's property.

FEDERAL EMPLOYMENT CASES ON THE BACKGROUND INVESTIGATION

In addition to these cases, there are five reported decisions which have dealt with the background investigation procedure utilized by police departments. While perhaps not definitive, these cases are of substantial assistance in determining the quantum of proof required in order to demonstrate the job-relatedness of a background investigation procedure.

One of the first reported Federal employment discrimination cases in which the background investigation was challenged is Bridgeport Guardians v. Members of the Bridgeport Civil Service Commission, 354 F.Supp 778 (DC Conn 1973), 5 EPD 8502. There the background investigation procedure utilized by the Bridgeport, Connecticut police department was challenged as racially discriminatory. The plaintiffs maintained that a prima facie case was established by the fact that standards for assessing emotional stability, good moral character, and the significance of an arrest record were either nonexistent or so general as to permit the discriminatory use of administrative discretion. In the absence of any evidence

that an individually named plaintiff had been rejected or that blacks as a class were disproportionately rejected by the background investigation, the Court ruled that the plaintiff had failed to establish a prima facie case of racial discrimination and refused to consider the job-relatedness of the background investigation procedure.

In the case of Commonwealth of Pennsylvania v. O'Neill, 348 F.Supp 1084 (DC Pa 1972), 4 EPD 7916, the trial court was confronted with a challenge to the background investigation used by the Philadelphia police department. The Court found that a prima facie case of racial discrimination existed due, in part, to data indicating that a black applicant was likely to have more negative factors in his background than was a white applicant. The following table, taken from the Court's opinion, shows the probability of various negative factors in the backgrounds of white and black applicants.

Incidence of Factors by Race

Factors	White	Black	B%/W%
Convictions	6.3%	9.0%	1.4
Arrests	11.6	18.2	1.6
Police Contacts	1.7	1.7	1.0
Traffic Offenses	26.8	22.5	.8
Juvenile Delinquency	5.1	8.0	1.6
Juvenile Arrests	13.7	20.1	1.5
Juvenile Police Contacts	6.0	3.9	.7
Court Martial Convictions	.6	2.7	4.5
Summary Offenses in Military	15.5	21.5	1.4
Military Arrests	.4	1.5	3.8
Military Discharge	3.0	5.1	1.7
No Valid Driver's License	4.2	9.3	2.2

Incidence of Factors by Race (cont.)

Factor	White	Black	B%/W%
Falsification of Application	41.3	67.3	1.6
Fired	13.5	27.0	2.0
Job Problems	15.6	29.3	1.9
Unemployed and/or Welfare	22.3	23.7	1.1
Bad Credit	18.8	19.2	1.1
Education: Academic Problems	19.3	23.8	1.2
Education: Discipline Problems	13.8	19.0	1.4
Born out of Wedlock	4.5	3.4	.8
Divorce	3.2	4.8	1.5
Illicit or Immoral Conduct	9.7	29.4	3.0
Alleged Threats or Violence	3.0	6.2	2.1
Improper Conduct of Friends or Relatives	18.5	35.1	1.9
Bad Appearance	24.3	40.1	1.7
Other	56.3	78.7	1.4

While the Court noted an absence of evidence as to the statistical significance of the differences observed in this table, it concluded that some of the disparities were sufficiently large to have the foreseeable effect of adversely affecting black applicants to a disproportionate degree. This conclusion was supported by actual acceptance rate data showing that black applicants were rejected on the basis of background evidence twice as frequently as were white applicants. The trial court's finding of a prima facie case of racial discrimination was affirmed by the United States Court of Appeals for the Third Circuit (___ F.2d ___, [3rd Cir. 1972], 5 EPD 7974).

In the O'Neill case, the defendants conceded that the background investigation had never been reviewed for job-relatedness. Further, the plaintiff's expert witness testified without rebuttal that an empirical validation study of the background investigation

would be feasible, even though it would be "theoretically necessary" to consciously hire persons with unfavorable backgrounds.

Apparently this witness meant to say that an empirical study would be feasible in a theoretical sense only, because he went on to testify to the effect that "common sense and experience, and perhaps study by a panel of experts, would make it possible to reject applicants society cannot afford to make policemen."

While the Court accepted the unrebutted view that an empirical study was feasible, it was careful to note that with regard to some background factors, "it is likely that use of a factor to disqualify will be so obviously appropriate that no statistical showing of job-relatedness would be necessary."

In light of these considerations, the trial court imposed a preliminary injunction against the hiring of additional police officers in the City of Philadelphia until such time that the job-relatedness of the background investigation and certain other selection procedures could be demonstrated (____ F.Supp ____ [DC Pa 1972], 5 EPD 8490).

Subsequent to the order imposing a preliminary injunction, the O'Neill case was settled by consent decree. With respect to the future conduct of background investigations, the Court's order required that:

The present standards for evaluating background investigation reports shall forthwith be revised so as to eliminate from consideration as negative factors illegitimate birth and divorce (but proven misconduct relevant to performance as a policeman may be considered); and so as to provide for the evaluation of previous arrests and other police contacts in light of the relative seriousness of the acts involved, and their remoteness in time. Every effort shall be made to insure that only job-related factors are considered. (5 EPD 8448)

The order does not require that an empirical validation study be conducted. To the contrary, the changes ordered by the O'Neill court seem to amount to nothing more than the imposition of a reasonable and rational standard.

In United States of America v. City of Chicago, ____ F.Supp ____, (DC Ill 1976), 11 EPD 10597, a Federal trial court also found that the police department's background investigative procedure had a disproportionate adverse effect against black applicants. In this instance, 25.7% of the black applicants were disqualified while only 15.2% of the white applicants were disqualified on the basis of the background investigation.

In considering the matter of job-relatedness, the Court noted that:

The standards used by the Recruit Processing Section include criteria such as "bad character, dissolute habits, and immoral conduct." Lieutenant Chausee, supervisor of the Recruit Processing Section, testified that there were no other standards or regulations defining those criteria. Indeed, he admitted that he had no idea what "dissolute habits" meant till shortly before his appearance at the hearing.

In imposing a permanent injunction against the City of Chicago's background investigation, Judge Marshall said:

Of course, the Department must protect itself from those who would undermine it or work at cross-purposes with it. Recent events make that abundantly clear. But it is equally clear that a hiring practice such as this virtually undefined background investigation with its disproportionate impact on minority groups will not pass muster without a persuasive showing that it serves the purpose for which it is intended. That showing has not been made. Accordingly, the utilization of the defendant's current background investigation in the hiring of patrol officers must be enjoined.

(385 F.Supp 543 [DC Ill 1974], 8 EPD 9785)

During subsequent hearings, the City raised additional arguments on behalf of the job-relatedness of the background investigation. These arguments included one to the effect that conviction for a serious offense is, as a matter of law, a valid ground to refuse employment. The Court ruled that this argument,

...need not detain us for, we agree that a prior conviction of a serious offense would be a valid ground to disqualify a person from police work. And this would be so regardless of the disproportionate racial impact such a standard might have.

Furthermore, we agree that the investigative standards of others do tend to show the need for flexibility in inquiries of this type. But we did not enjoin flexibility in background investigations; we enjoined the standardless application of the unknown in arriving at undefined results in those investigations. All the record shows is that the Department inquires into bad character, immoral conduct and dissolute habits (which the chief administrator of the investigations could not define). In reaching those conclusions inquiry is made with regard to a candidate's education, employment, financial condition, arrests, military service, driving history, and the arrest records of members of his or her family. We have not been given any insight into specific types of negative information that will disqualify a candidate, which may fall into these categories or be learned from these sources. All we know is that across the board, black candidates have been disqualified at a rate of 40% greater than white

candidates and at a rate of 2 to 1 on the basis of "negative employment record." When requirements for employment have such a disproportionate impact, they must be defined so that their validity can be determined. The City defendants have declined to provide that definition. Accordingly, the injunction with respect to the use of the results of the background investigations will be made permanent. (11 EPD 10597)

Nothing contained in Judge Marshall's various opinions on the background investigation suggests that an empirical or a content validation study would be appropriate, let alone required, in accordance with the EEOC Guidelines. To the contrary, the Court seems to suggest that all that is required is some definitive information with regard to the actual content of the background investigation so that its "validity can be determined." In making that determination, the Court apparently intended to rely upon a rational standard.

In Arnold v. Ballard, 390 F.Supp 723 (DC Ohio 1975), 9 EPD 9921, the background investigation conducted by the Akron, Ohio police department was at issue. The Court's Findings of Fact included the following:

The Court finds that the background investigations which defendants conduct on applicants are susceptible of arbitrary or discriminatory application; that there are no written standards setting forth guidelines or regulations for disqualifying an applicant on the basis of these investigations; that the Police Department follows a policy of persuading applicants to withdraw their applications when it feels that adverse factors have been developed by the background investigation; and that such a practice of inducing voluntary withdrawals is susceptible of arbitrary or discriminatory application and is not subject to review by any agency outside the Akron Police Department

For these reasons, the Court finds that changes in the background investigation procedure are necessary to insure that it is not employed in an arbitrary and

discriminatory fashion to the detriment of other black applicants.

Among other provisions, the Court's order in Arnold v. Ballard included the following:

There shall be no use of Background Investigations to disqualify future applicants unless and until the defendants develop written criteria for the performance of those Investigations. Those criteria shall set forth, among other things, the areas of a person's background that will be evaluated, which factors will be automatically disqualifying and which factors will be considered detrimental.

Yet another Federal employment discrimination case against a police department in which the background investigation has been challenged is Bailey v. DeBard, ____ F.Supp ____ (DC Ind 1974), 10 EPD 10389. During preliminary proceedings, the trial court upheld the background investigation procedure employed by the Indiana State Police. While a final judgment in this case had not been reported at the time this manual was published, it is instructive to review the Court's preliminary holding with regard to the background investigation. While the Court applied the requirements of the EEOC Guidelines to the written test in question, no such application was made to the background investigation. Rather, the court considered various rational justifications.

Commenting upon the need to consider the prior conduct of applicants for police officer positions, the Court noted:

A trooper's ultimate task is to appear as a witness in criminal prosecutions. Any basic deficiency in the trooper's character could be detrimental to the outcome of the litigation. Any basic deficiency of the trooper's character in the hands of a skillful defense lawyer will be used unmercifully and with telling effect because of the required degree of proof placed upon the State and because of the public's belief that its servants should leave no doubt as to their conduct and the accuracy of

their investigations and testimony. The trooper becomes the accuser in a criminal trial and is subject to being tried by the defense in trials. Whenever an arrest is made by a trooper there is the potential of the arrestee harboring an emotional resentment against the trooper at the scene of the arrest. The conduct of the trooper that would precipitate an outburst of passion or assaultive conduct by the arrestee and the reaction of the trooper to such conduct is relevant to the well-being of the trooper, the arrestee and the public's right to a fair trial unaffected by misconduct, mistakes, or lack of ability of a trooper to cope with the incident. These examples among many other reasons clearly validate the need for the defendants' character investigation.

The Bailey court then went on to consider, specifically, the appropriateness of the investigative procedure used by the Indiana State Police. After reciting a great deal of statistical data analogous to that on which the O'Neill court based a finding of adverse effect, Judge Holder ruled as follows:

The plaintiffs' contentions are concerning the character investigations including a review by defendants of the applicant's arrest record, credit standing, and military discharges are not based on reason or logic. The defendants did not reject or approve the applicants of either race based on such statistics or because an applicant is one of such statistics. The defendants and not the character investigator of an applicant pass judgment on the record of the applicant. The defendants in passing judgment on such applicant, Caucasian and Negro, look into the applicant's arrest record and the background of the surrounding circumstances of such arrest; look into the applicant's credit record and if poor, the reason therefor or the circumstances thereof; and look into the military discharges and the surrounding circumstances. The relevancy and materiality of such material or such materials have a very close relationship to vital factors of a trooper's job performance, that is, credibility, likelihood of being victims of inducement by the criminal element, and attacks on the trooper in trial and other obvious resulting effects, including the ill effects upon the trooper personally which also results in a waste of Indiana's investment in training the trooper and a breakdown in enforcement of the law generally by the losses in those cases in which that trooper was the arresting or investigating officer.

THE JOB-RELATEDNESS OF THE BACKGROUND INVESTIGATION

The Supreme Court, in the Griggs case, has defined the employer's burden of proof under Title VII:

The touchstone is business necessity. If an employment practice which operates to exclude [protected groups] cannot be shown to be related to job performance, the practice is prohibited.

The cases of Commonwealth of Pennsylvania v. O'Neill, United States v. City of Chicago, Arnold v. Ballard, and Bailey v. DeBard stand for the relatively simple proposition that, in the case of the background investigation, "business necessity" can perhaps best be demonstrated by a strong showing of a rational relationship between the factors considered and the specific requirements of the job.

The "rational justification" is all the more appropriate in view of the insurmountable difficulties to be encountered in any attempt to "validate" a background investigation within the meaning of the EEOC Guidelines. In fact, the terms "validity" and "validation", while entirely appropriate when referring to the job-relatedness of written tests, do not pertain to the background investigation. Such a procedure is to be justified on the basis of a rational and reasonable relationship between the factors considered and the actual requirements of the job.

The remainder of this manual is devoted to the delineation of a background investigation procedure designed to be of assistance to the police administrator in demonstrating the job-relatedness of decisions based on a consideration of the applicant's background.

SECTION II--THE INVESTIGATION

The intent of this section is to provide a structured procedure for the systematic acquisition, organization, and reporting of background information relevant to an evaluation of an applicant's suitability for police work.

It is important that the background investigation be an objective, fact-finding process which results in an accurate record of the applicant's past conduct and behavior. The background investigator's job is to investigate and report upon the pertinent aspects of the applicant's background, not to evaluate those facts. The reporting should be descriptive, not evaluative. The objective is to provide sufficient information for the police administrator making the employment decision to judge the significance of the applicant's past conduct in relation to the requirements of the job.

The role of the background investigator is distinguished from that of a criminal investigator in at least one important way. A criminal investigator is typically oriented toward negative information that will result in a conviction. Information as to extenuating circumstances, factors which might mitigate the significance of the crime, or information concerning the suspect's personal strengths and abilities are matters to be considered by the defendant's attorney or perhaps his probation officer. A background investigator, however, must consider negative as well as positive information. While it is important to investigate all incidents in an applicant's background which may reflect

unfavorably upon his ability to perform satisfactorily as a police officer, it is equally important that the investigation include information on any and all circumstances surrounding an incident which might have the effect of mitigating its significance.

During the actual conduct of the background investigation, the investigator should keep the following general points in mind:

1. The candidate has rights also. The department has a right and an obligation to conduct a background investigation on those individuals seeking employment as law enforcement officers. But the applicant has rights also. There is always the potential for conflict between the department's right to certain information concerning the applicant's background and the applicant's right to privacy. It is the investigator's responsibility to avoid unwarranted invasions of the applicant's privacy while, at the same time, developing the information necessary for a sound judgment as to the applicant's suitability for employment. This responsibility implies (1) that only job-related inquiries are made, and (2) that the information obtained is treated as strictly confidential.

2. The investigator is also a recruiter. The individuals contacted during the background investigation, including the applicant, may never before have had personal contact with a police officer. Their opinion of the police department, and of law enforcement agencies in general, will be substantially influenced by the impression that the background investigator

leaves. Too often, well qualified and highly talented candidates accept employment with another department or lose interest in law enforcement entirely simply because of the manner in which they have been treated during the selection process. It is the investigator's responsibility to treat the applicant and other persons contacted during the investigation with courtesy and respect. In addition, the investigator should take the opportunity provided by the background investigation to continue the recruiting function by counseling and encouraging well qualified applicants who seek a career in law enforcement.

3. Terminating the background investigation. If during the course of the investigation, information is obtained which, in and of itself, is likely to result in the applicant's disqualification, the investigator should consult with his supervisor in order to determine whether or not the investigation should be continued.

CONDUCTING THE INVESTIGATION

The Personal History Statement

The basic document on which the background investigation begins is the Personal History Statement completed by the applicant (see Appendix C, p. 69). The applicant should be provided with a copy of the Personal History Statement and given a reasonable period of time to complete and return the document. At the same time, the applicant should be given a list of the documents which he or she will be required to provide. These documents include:

1. Birth Certificate
2. Naturalization Papers (if applicable)
3. Driver's License
4. High School Diploma or G.E.D. Certificate
5. High School Transcript
6. College Diplomas
7. Transcripts of all college or university work completed
8. Marriage Certificate
9. Dissolution of Marriage Papers (if applicable)
10. Military Discharge Papers (if applicable)

Where possible, the applicant should be informed as early in the selection process as possible of the documents that will be required by the background investigator. Also, the applicant should be fingerprinted and requests for criminal records sent to the appropriate agencies as early as possible.

Preliminary Interview with Applicant

Upon receiving the completed Personal History Statement, the investigator should conduct a preliminary interview with the applicant. The purpose of this interview is to review the Personal History Statement for completeness and clarity, and to discuss any questionable areas. Where the Personal History Statement reveals unusually favorable or unfavorable information, the investigator should obtain the applicant's statement concerning the details of the incident(s) and the circumstances surrounding each.

Those documents which the applicant can provide at the time of the preliminary interview should be verified by the investigator and the appropriate notations entered on pages 2 and 3 of the Evidence Organizer and Report of Background Investigation (see Appendix G, p.102). If requests for criminal records have not already been sent, the necessary arrangements should be made at this time.

The investigator should also obtain the applicant's signature on a number of the waiver forms authorizing the release of information by references, employers, schools, physicians, and the military (see Appendix D, p. 88).

The preliminary interview is also the appropriate time to get to know the applicant, explain the general procedure and purpose of the background investigation, answer any questions that the applicant may have, and obtain information necessary to prepare the brief biographical summary to be included in the investigator's report.

Inquiries by Mail

It is seldom possible to conduct personal interviews with all the individuals with whom contact should be made during the background investigation. Consequently, many of these inquiries must be made by telephone or by mail. When inquiries are to be made by mail, it is important that letters and questionnaires be sent as early as possible since replies often take weeks. (Self-addressed, stamped envelopes will facilitate responses.)

Suggested questionnaires for employers, references, educational institutions and physicians are included in Appendix E, p. 90.

Personal Interviews

The personal interview is to be preferred over other forms of inquiry. Wherever possible, the investigator should attempt to meet personally with the individual or representative of the institution to be contacted.

Prior to conducting an interview, the investigator should outline the points to be covered. Reference to the chart

in Appendix F, p.100, and to the Evidence Organizer and Report of Background Investigation (see Appendix G, p.102) should be of substantial assistance in assuring that all relevant factors are covered in the interview. Appendix F shows the various background areas and the sources of potential information associated with each. The Evidence Organizer and Report of Background Investigation lists, in detail, the factors to be considered in each area.

The investigator should make complete notes on all interviews so that his report will accurately reflect what was said. Also, the investigator's notes may be of substantial assistance to him in recalling the details of the investigation in the event he should ever be called upon to testify about the background investigation of a particular applicant. The investigator's notes should include the name, address, and telephone number of each person interviewed and the date, time, and location of the interview. To the fullest extent possible, the investigator's notes should consist of substantiated facts, and actual quotations or paraphrases. Subjective conclusions should be avoided.

The interview with the applicant's spouse is one of the most important conducted in the typical background investigation. This is true because the spouse typically has a more detailed knowledge of the applicant's background than most any other source. But the interview with the spouse is also important because it provides the only opportunity the department will have to officially discuss the nature of a police officer's job with the spouse. This aspect of the interview should not be reported as

part of the background investigation unless the spouse expresses substantial opposition to the applicant's becoming a police officer. Rather, the investigator should treat this part of the interview as a public relations activity. The spouse should be fully informed of the duties, responsibilities, benefits, and liabilities associated with a career in law enforcement. He or she should be given an opportunity to ask questions and should be informed of any orientation programs or other sources of information available to the spouses of prospective employees.

Preparation of Report

When the investigator has completed the necessary interviews and other inquiries and has acquired all of the necessary documents, he should collect his notes and organize them according to the background areas indicated in the Evidence Organizer and Report of Background Investigation. For each area, he should determine whether or not he has sufficient information to complete his report. If he does not, he should take steps to acquire the additional information or be prepared to explain in his report why the information was not available. At this stage, it is often helpful to conduct a follow-up interview with the applicant. This is particularly true when the investigator has uncovered unfavorable information. In such cases, the applicant should be given the opportunity to rebut the evidence developed and/or provide an explanation of any circumstances which might mitigate the significance of the findings.

When sufficient information has been obtained, the investigator should complete the Evidence Organizer and Report of

Background Investigation. In doing so, he should circle the number which corresponds to the various sources which provided relevant information in each background area. The narrative report of "Factual Finding" should be typed or neatly printed and should include all significant information relating to the various "Factors to Consider."

When the Evidence Organizer and Report of Background Investigation has been completed, the applicant's file should be forwarded to the police administrator responsible for reviewing and evaluating the background investigation. The file should include the following items:

1. Evidence Organizer and Report of Background Investigation
2. Personal History Statement
3. Birth Certificate or other documents of which photocopies have been received
4. Criminal & Traffic Record returns
5. Questionnaires that have been returned by employers, personal references, educational institutions, and physicians

BACKGROUND AREAS TO BE INVESTIGATED

In conducting the background investigation, care must be exercised to ensure that the investigation considers only those aspects of an applicant's personal history which can reasonably be expected to yield information relevant to an evaluation of his or her qualifications for police work. The areas of inquiry recommended in this manual are believed to satisfy this requirement. The Texas Commission on Law Enforcement Officer Standards and Education has developed these recommendations after a comprehensive analysis of the municipal police officer's job, and an extensive survey and analysis of the background investigation procedures

of other law enforcement agencies. It is expected that the recommended procedure will result in a systematic and detailed investigation of certain relevant aspects of a candidate's personal history. However, the procedure recommended herein is not intended to be totally inflexible. In unusual cases, different procedures may be required. Also, experience may indicate that additional inquiries beyond those contemplated here are necessary. Of course, such conclusions must be fully supported in terms of the job-relatedness of the additional factors considered.

While inquiries in addition to those recommended may be justified in some situations, there are certain areas of an applicant's background into which inquiry should not be made. For example, an employment decision should seldom, if ever, include any consideration of the applicant's religion. The only time religion might be appropriate for consideration is in those rare instances where the applicant's religious beliefs prevent him from working certain shifts or from performing any significant duty which is a necessary part of the job.

Another example of a typically inappropriate inquiry is with regard to an applicant's sexual behavior. Inquiries in this area amount to an unwarranted invasion of privacy, except in those instances in which criminal conduct is involved or where the notoriety of the conduct is so great as to have substantially damaged the applicant's probable credibility as a law enforcement officer.

Work History

An applicant's work history is an important area for investigation and generally provides information relevant to an evaluation of his or her dependability and initiative as an employee. Also, the work history investigation may provide examples of prior conduct which are relevant to an evaluation of the applicant's interpersonal skill, integrity, self-control, and situational reasoning ability (judgment).

In addition to verifying information contained in the applicant's Personal History Statement, the investigator should determine the applicant's general performance level and his or her eligibility for rehire. Also, specific information concerning excessive absenteeism or tardiness and the use of sick leave should be developed and reported. Any medical problems or emotional disorders should be fully investigated and reported. Special attention should be given to the applicant's demonstrated ability to get along with co-workers, supervisors, and the public. Any suggestion of dishonesty should be investigated and reported in detail.

In his initial interview with the applicant, the investigator should determine whether or not the present employer may be contacted without endangering the applicant's job. If the applicant expresses concern in this regard, every effort should be made to avoid putting him in jeopardy. In some instances, this may require contacting the current employer only after the applicant has accepted an offer of employment contingent upon the condition that no unfavorable information is received from

the current employer.

Unemployment Record

Where the Personal History Statement and/or the investigation of work history reveals extended periods of unemployment, the investigator should determine and report the reasons for the continued unemployment, efforts to seek employment, and the use of time while unemployed. Where the reasons for unemployment are related to education or travel, the age and financial obligations of the applicant at the time should be reported.

Military Record

The applicant's military record, like work history, may provide information relevant to an evaluation of dependability, initiative, interpersonal skill, integrity, self-control, and situational reasoning ability.

The investigator should obtain the documents necessary to verify the military record information provided in the Personal History Statement. Where feasible, information related to disciplinary or adjustment problems, convictions in military court, injuries and disabilities, or special training received should be developed and reported.

Educational History

The investigation of educational history may provide specific facts which reflect upon the applicant's initiative, dependability, interpersonal skill, and integrity.

The investigation should include the verification of course-work completed, grade point averages, and degrees received. In addition, any academic, disciplinary, or interpersonal problems

should be fully reported. The report on educational history should also include any experience or special training in which the applicant may have developed special knowledges or skills.

Criminal Record

Past criminal conduct may provide information relevant to an assessment of an applicant's interpersonal skill, integrity, self-control, and situational reasoning ability.

Criminal record checks should be initiated as early in the investigation as possible, since responses take time. Where there is a record of conviction, the investigator's report should include the date, arresting agency and officer, the original charge, the sentence, and a detailed report of the criminal conduct involved. Where conviction was for a lesser included offense, evidence suggesting guilt of the original charge should be developed and presented. Of particular importance is the reporting of any extenuating circumstances surrounding the conviction.

Where there is a record of arrest not resulting in a conviction, the investigator's report should include the date, arresting agency and officer, the charge, and the reason that there was no conviction. Evidence of guilt or innocence, and any extenuating circumstances should be fully investigated, and any extenuating circumstances should be fully investigated and reported.

The investigation of criminal records should also include a review of any civil litigation that the applicant has been involved in. The investigator's report should include the names

of the parties in any civil litigation and the nature of the dispute.

Traffic Record

An applicant's traffic record is highly relevant to a determination of his or her ability to perform those aspects of the police officer's job which require the safe operation of a motor vehicle. Also, to the extent that a person's traffic record reflects a flagrant disregard for traffic laws or conduct endangering the safety of others, it may be relevant to an evaluation of his or her judgment, integrity, and self-control.

All traffic citations should be listed by date, location, charge, and disposition or, alternatively, a copy of the traffic report attached to the Evidence Organizer and Report of Background Investigation. Any unusual circumstances related to a traffic citation should be reported.

Traffic accidents should be reported in terms of date, location, extent of damage or injuries, the party at fault, and any unusual circumstances.

Marital History & Family Relations

An individual's marital history and family relationships are often important considerations in evaluating his or her dependability, interpersonal skills, integrity, and self-control. However, the investigation of marital and family relationships must be conducted with great care so as to avoid impermissible areas of inquiry. The United States Supreme Court discussed the privacy of the marital relationship in the case of Griswold v. State of Connecticut, 381 U.S. 481, 484 (1965), and stated:

The Fourth Amendment explicitly affirms the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The Fifth Amendment in its Self-Incrimination Clause enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The Fourth and Fifth Amendments were described in Boyd v. United States, 116 U.S. 616, 630, as protection against all governmental invasions "of the sanctity of a man's home and the privacies of life."

The investigation of an applicant's marital relationship should be limited to the verification of reported marriages and divorces, and the description of any significant marital problems which are common knowledge or which the applicant or spouse discusses voluntarily. If the applicant has been divorced, the name(s) and whereabouts of previous spouse(s), and the factors which led to the divorce should be reported. The amount of any alimony or child support, and the regularity of payment should also be reported.

Financial History

An applicant's financial history may reveal information which suggests dependability, integrity, and judgment, or the lack of these characteristics. The investigation and report of financial history should include the amount and source of all family income, the amount of fixed payments, any unusual or substantial debts, and the nature of any past or present financial problems.

It should be noted that Federal law prohibits the discharge of any employee whose wages have been garnished for any one

indebtedness (15 U.S.C. 1674). Garnishments and similar actions should be carefully reported in order to allow for an appropriate evaluation. (See also, Johnson v. Pike Corp. of America, 332 F.Supp 490 [DC Cal 1971], 4 EPD 7517.)

Medical History

The investigation of an applicant's medical history may reveal previous medical problems or disabilities which might not otherwise be identified by the examining physician. The investigation should include all available medical records, physicians, and other persons who may have knowledge of the applicant's medical history. Any serious illness, injury or disability should be fully investigated and reported. The use of prescription drugs should be reported in terms of the generic name of the substance, dosage, frequency, length of usage, and reason for the prescription.

Emotional Problems

The nature and severity of any past or present emotional problems is an important consideration in evaluating an applicant's dependability and self-control as a police officer. Also, certain emotional problems may be associated with the lack of ability to deal effectively with other people.

Where the background investigation results in evidence suggesting a past or present emotional problem, the matter must be carefully investigated. It is important that the report of any emotional problems be factually based and as objective as possible. In addition to reporting on the general nature of the behavior in question, the report should include information as to frequency, recency, severity, treatment received (if any), the

circumstances surrounding, preceeding and coinciding with the behavior, and the stability of the applicant's behavior since the incident(s) occurred. It is essential that the investigator's report also include a description of the actual consequences of the emotional problem in question. Any effect on work performance, judgment, relationships with other persons, financial condition, or the use of alcohol or drugs should be described in full.

Use of Narcotics & Controlled Substances

The extent to which an applicant has used illicit narcotics and controlled substances is a relevant consideration in the evaluation of his or her judgment and integrity. The investigation and report should include the substance(s) used, approximate dates, frequency of use, and the circumstances surrounding usage. Where there is evidence that the applicant's close friends or relatives use narcotics or controlled substances, the degree of the applicant's relationship with and attitude toward those persons should be reported. Any evidence of the applicant's involvement in the sale of narcotics or controlled substances should be fully investigated and reported.

Use of Alcohol

The excessive use of alcohol by a candidate for police work may suggest that he or she does not possess the degree of self-control, judgment, integrity, or dependability necessary for successful performance.

The investigator should include in his report information as to the frequency and extent of usage, as well as the typical circumstances surrounding usage. Where there is evidence of

problem drinking, the applicant's efforts and success in overcoming the problem should be investigated and reported.

Friends, Associates & Relatives

The extent to which the applicant's friends, associates and relatives enjoy a favorable reputation in the community, and the extent to which the applicant may associate with known criminals may reflect upon his or her judgment and integrity. The investigator should report on the general reputation of friends, associates, and relatives. Where the investigation reveals evidence that any of the applicant's friends, associates, or relatives repeatedly break the law, the identity of those persons should be reported along with information as to the extent of the applicant's association with those persons and the extent of his or her knowledge of their criminal behavior.

Membership in Groups, Associations or Clubs

An applicant's involvement in organizations may reflect favorably or unfavorably upon his or her integrity, judgment, initiative, dependability, and interpersonal skill.

All organizational memberships should be investigated. Where the applicant is especially active in an organization or holds membership in an unusual or questionable organization, the investigator's report should include the name of the organization, its general objectives, its reputation in the community, any noteworthy contributions of the organization to the community, and any history of illegal or questionable activity or intentions. Also, the extent of the applicant's involvement, the reasons for joining, his or her reputation within the organization, and the

extent of the applicant's knowledge of any illegal or questionable activities or intentions should be reported.

General Reputation

An applicant's general reputation, if unfavorable, may stem from behavior which suggests that he or she lacks the degree of integrity required for competent performance as a police officer.

The investigator should ask all individuals contacted during the investigation for their general opinion of the applicant. The investigator's report should include a detailed summary of any unusually favorable or unfavorable opinions of the applicant held by others. The report should also include sufficient information to allow for an accurate evaluation of the credibility of the persons expressing an opinion and the extent to which the applicant's general reputation is deserved.

SECTION III--EVALUATING THE BACKGROUND EVIDENCE

The results of the background investigation are usually evaluated by the police chief or a command-level officer to whom responsibility for employment decisions has been delegated. In some cases, the applicant's file is reviewed by the investigator's immediate supervisor and/or by the supervisor of the personnel section before being transmitted to the hiring authority. Regardless of the procedure, it is imperative that all persons who make recommendations or decisions based upon the results of the background investigation be entirely familiar with the contents of this manual and the specific policies of their departments. All parties should recognize that a police department can accrue substantial monetary liability for employment decisions which later prove to be legally indefensible. The likelihood of this happening is substantially reduced where all administrators involved in the selection process understand the concept of job relatedness and apply a uniform standard to the review of background evidence.

This section provides general evaluative guidelines for the consideration of an applicant's past conduct in relation to the qualifications necessary for successful performance as a police officer. In addition, a format is suggested for documenting the factors in the applicant's background which are considered to reflect unfavorably upon his qualifications for employment.

THE JOB-RELATEDNESS OF THE EVALUATION

To claim job-relatedness for a background investigation procedure, one needs to be able to show that the investigation itself considered only those aspects of the applicant's background which could reasonably be expected to provide information relevant to an evaluation of his or her ability to perform successfully as a police officer. In addition, however, one must also be able to show that this information was used in a job-related manner. Specifically, the evaluation of background evidence must be reasonable and consistent with the actual requirements of the job. For example, it is always appropriate to investigate an applicant's driving record when the job in question involves the operation of a motor vehicle as well as responsibility for the enforcement of traffic laws. However, it is not reasonable to disqualify an applicant simply because he or she received a minor traffic citation on one occasion. An employment standard which would disqualify an applicant on such insufficient grounds would be very difficult to defend as job-related.

The Inappropriateness of a Categorical Standard

In the interest of "objectivity", some police departments have imposed a specific, quantitative standard on the evaluation of background evidence. For example, a department might disqualify an applicant if he has been discharged from employment, or resigned to avoid discharge within the last three years. Or an applicant might be disqualified for receiving four or more moving violations within the past three years. This type of absolute, categorical standard is thought to simplify the evaluation process and

maximize the likelihood that two different evaluators will reach the same conclusion, given the same evidence. Nonetheless, this type of standard is usually inappropriate. In fact, at least two Federal circuits have ruled that absolute policies prohibiting the employment of persons convicted of a crime are unacceptable when no consideration is given to the nature of the crime, the circumstances surrounding the crime or its bearing upon the applicant's fitness for the job. With the exception of those minimum standards which may from time to time be provided for by statute and/or the TCLEOSE Rules and Regulations, departments should avoid absolute, categorical standards in evaluating an applicant's background. (See Carter v. Gallagher, 452 F.2d 315 [8th Cir. 1971], 3 EPD 8335; Gregory v. Litton Systems, 472 F.2d 631 [9th Cir. 1972], 5 EPD 8089; and Green v. Missouri Pacific Railroad Company, 523 F.2d 1290 [8th Cir. 1975], 10 EPD 10,314.)

The background investigation procedure recommended here is designed to provide detailed descriptions of an applicant's prior conduct in a number of potentially job-related areas. This emphasis on conduct or behavior is intentional. While the consequences of an applicant's prior conduct (e.g., arrest, conviction, loss of job, etc.) may be relevant to an evaluation of the significance of the conduct, the focus must remain on the actual behavior involved and its relationship to the job. To impose numerical criteria ignores the diverse and essentially descriptive nature of the data. Moreover, simple numerical criteria do not allow for full consideration of all relevant circumstances surrounding the conduct in question. Most important of all, however, the imposition of a categorical criteria on the number of arrests, traffic accidents, dismissals from employment, etc. is misdirected.

The objective is not to reach a conclusion about these incidents in the abstract. Rather, the objective is to evaluate evidence in a manner which leads to a sound judgment as to whether or not the applicant's prior conduct and behavior suggests that he or she does not possess those capabilities and characteristics required for successful job performance.

GENERAL GUIDELINES FOR THE EVALUATION OF APPLICANT QUALIFICATIONS BASED ON EVIDENCE OF PRIOR CONDUCT

There are two general criteria which should be relied upon in evaluating the evidence developed by the background investigation. These criteria are concerned with the sufficiency and the significance of that evidence.

The Sufficiency of the Evidence

The evidence upon which an employment decision is based obviously must be sufficient to support the conclusions. Generally, background evidence involving specific incidents of prior conduct or patterns of behavior should be substantiated by official records or multiple sources. If the investigator's report is incomplete or contains insufficient information as to the extent to which the behavior in question was substantiated by other sources, the applicant's file should be returned with specific instructions for further investigation or for a specific statement as to why the information cannot be corroborated. In cases where the evidence is inconclusive, the weight of the evidence should generally support a conclusion that the incident did, in fact, occur.

Significance of the Evidence

The significance of an applicant's prior conduct and behavior

should be evaluated in terms of its relationship to the specific personal characteristics required for successful performance and in terms of the specific duties to be performed. The person evaluating the background evidence should be thoroughly familiar with the general duty areas described in Appendix A, p. 61, and the definitions of the required personal characteristics contained in Appendix B, p. 64.

The evaluation of an applicant's background should be documented in writing and become a permanent part of the applicant's file. The Evaluation Summary Form found in Appendix H, p. 123, is recommended for this purpose. Completion of this form or a similar document is an essential component of the background investigation. If an employment decision based upon the background investigation were to be challenged in an administrative proceeding or in litigation, the Evaluation Summary may well prove to be the most significant document in the applicant's file. Such a document provides tangible evidence of the precise factors that were considered in reaching the decision and the significance that the evaluator attached to each at the time the decision was made.

Preparing a Written Summary of the Evaluation

The Evaluation Summary is organized according to those personal characteristics and capabilities which may be appropriately evaluated, at least in part, on the basis of background evidence. These personal characteristics and capabilities are as follows:

DEPENDABILITY

INITIATIVE

INTEGRITY

INTERPERSONAL SKILL

SELF-CONTROL

SITUATIONAL REASONING ABILITY

PHYSICAL ABILITY (disqualifying medical factors only)

For each of the relevant personal characteristics, the Evaluation Summary lists those background areas which may provide evidence relevant to an assessment of the applicant's qualifications on that particular characteristic. For example, the characteristic of interpersonal skill should be evaluated in terms of information about the applicant's conduct acquired through an investigation of work history, educational history, criminal record, marital history and family relationships, emotional problems, and memberships in groups, associations and clubs.

For each personal characteristic or ability, the evaluator should prepare a written statement as to what behavior in the applicant's background, if any, suggests that he or she does or does not possess the required capability or characteristic.

In addition to providing a written evaluation on each of the personal characteristics related to the background investigation,

the evaluator should provide a statement as to what evidence, if any, suggests that the applicant may not be able to perform any of the required tasks of the job in a fully satisfactory manner. The specific job duties or tasks affected should be identified in this statement.

GENERAL GUIDELINES FOR EVALUATING SPECIFIC INCIDENTS OR PATTERNS OF BEHAVIOR

The following general guidelines should be considered in evaluating individual incidents or patterns of behavior. These guidelines may frequently be helpful in reaching a conclusion as to significance in evaluating the personal characteristics and capabilities described earlier. This is particularly true when the conduct in question raises doubts as to the individual's integrity or general moral character.

There are three general factors to consider. They are:

1. The Seriousness of the Conduct
2. Any Extenuating or Aggravating Circumstances
3. The Likelihood of Recurrence

1. The Seriousness of the Conduct

A number of considerations might appropriately influence a determination as to the relative seriousness of the behavior in question. These general considerations as to seriousness are appropriate regardless of whether the behavior is of a continuing nature (such as membership in a disreputable organization) or is a matter of history (such as an isolated instance of drug usage).

In evaluating the seriousness of past conduct, one obviously needs to distinguish between minor mischief and that which constitutes criminal behavior or patently immoral conduct. In general, however, the seriousness of a specific act or pattern of behavior should be considered in terms of the probability that the conduct will adversely affect job performance or the operation of the department. Also, the degree to which job performance or departmental operation might be affected is a relevant consideration. These two factors should be considered in conjunction with one another. For example, if the probability of adversity is great, but the degree of the adversity is minimal, this fact reduces the relative seriousness of the behavior in question. In judging the probability of adversity and the degree of the adversity, it is sometimes relevant to consider the notoriety of the conduct in question. This is particularly true when the behavior is remote in time, is not likely to occur again, and is not otherwise grounds for disqualification, but is of such a nature that general knowledge of its occurrence would result in ridicule, harassment, a loss of credibility or other consequences likely to affect job performance of departmental operation.

2. Extenuating or Aggravating Circumstances

In all cases, the significance of prior conduct must be evaluated with due consideration given to the circumstances surrounding, preceding and coinciding with the conduct in question. Extenuating circumstances might include such things

as poverty, a low level of education, age at the time the behavior occurred, peer group or family pressure to engage in a particular act, or the fact that the incident occurred in an environment or situation with which the individual was not familiar. Aggravating circumstances might consist of such factors as a continuing or frequent pattern of behavior, an unrepentant attitude, a failure to rehabilitate oneself, an unwillingness to make restitution, or a lack of appreciation for the consequences of his or her conduct. Another factor which may either mitigate or aggravate the significance of an incident or pattern of behavior is the motivation for the conduct. For example, take the situation in which an individual has in the past written a check for which he or she knew there were insufficient funds. If the purpose for writing the check was to purchase groceries in a situation where the applicant's family would not otherwise have had anything to eat, this fact might appropriately mitigate the significance of an isolated act. On the other hand, where a bad check was consciously written for the purchase of a luxury item, such as a diamond ring or a gold watch, this fact might aggravate the significance of the conduct.

3. Likelihood of Recurrence

The likelihood that specific conduct will reoccur is often an important consideration, particularly when the nature of the conduct is deemed to be relatively serious. Of course, the judgment as to the likelihood of recurrence

is often a difficult one to make. Nonetheless, certain factors do pertain. Perhaps the most significant information in this regard is the recency of the conduct in question. The assumption is that the more remote the incident is in time, the less likely it is to reoccur. Another relevant factor is frequency, or the extent to which the conduct constituted a continuing pattern of behavior, as opposed to an isolated incident. Still another is the extent to which the applicant has attempted to rehabilitate himself. Consideration of these factors frequently allows for a relatively confident judgment as to the likelihood that specific behavior observed in the past will be observed in the future.

DUE PROCESS CONSIDERATIONS

The background investigation, like all other employment practices, should reflect a fundamental concern for fairness to the applicant. In the case of the background investigation, this principle suggests, at a minimum, that an applicant be notified of the decision reached on the basis of the background investigation and that he or she be given a meaningful opportunity to rebut any findings or conclusions which would have the effect of disqualifying the applicant from employment or which would adversely affect the candidate's employment opportunities.

In terms of notification, the applicant should be informed of whether or not the results of the background investigation are considered to be acceptable or unacceptable to the department. If the applicant is to be disqualified on the basis of the

background investigation, he or she must be informed of any appeal rights which he may have. In addition, the applicant should be given the name, address and phone number of the person to contact should he or she wish to discuss the background investigation with a representative of the department.

If an applicant questions a disqualification, the department should attempt to resolve the matter with the applicant informally. In doing so, of course, reasonable precautions must be taken so as not to divulge the source of confidential information. However, whenever feasible, the applicant should be informed of the prior conduct which is considered to be unfavorable and the reasons why that conduct is considered to be disqualifying. When an applicant is disqualified primarily because of the recency of an incident or pattern of behavior, he or she should be informed of the conditions, if any, under which he might be reconsidered for employment at a later date.

APPENDIX A

GENERAL DUTY AREAS AND REPRESENTATIVE
TASKS FOR MUNICIPAL POLICE OFFICER
POSITIONS IN THE STATE OF TEXAS

GENERAL DUTY AREAS AND
REPRESENTATIVE TASKS

CONDUCTING ROUTINE PATROL AND ENFORCEMENT ACTIVITIES

- Answer calls for assistance
- Conduct preliminary criminal investigations
- Take custody of stolen or lost property
- Report hazardous roadway conditions and defective traffic control equipment to supervisor
- Direct traffic under emergency conditions
- Interrogate suspects in the field
- Check autos against stolen car list
- Advise citizens on ways to prevent crime and protect themselves
- Respond to alarm systems for signs of unlawful entry
- Search premises or property with consent
- Administer field tests for intoxication (coordination tests, etc.)
- Issue moving traffic citations

HANDLING AND INVESTIGATING TRAFFIC ACCIDENTS

- Call for supplementary aid (e.g., wreckers, fire departments)
- Apply first aid
- Reroute or direct traffic around accident scene to prevent further accidents or injury
- Control spectator access to traffic accident scene
- Move (or arrange for moving) damaged vehicles
- Protect traffic accident evidence for collection
- Interview victims and those involved in traffic accident
- Diagram and record measurements of traffic accident scene
- Collect traffic accident evidence

INVESTIGATING CRIMINAL CASES

- Conduct complete criminal investigations
- Locate and question witnesses and potential witnesses in criminal cases
- Take statements or depositions in criminal cases
- Sketch crime scene and record measurements
- Mark physical evidence for later identification
- Send evidence to labs for analysis
- Identify suspects through records and pictures
- Study background, rap sheet, and M.O. of suspects prior to interrogation
- Serve search warrant

PREPARING REPORTS

- Fill out suspect interrogation card
- Use notebook as reference for reports
- Prepare reports of crimes (narrative)
- Fill out death report forms
- Prepare reports of dead bodies
- Prepare reports of arrests (narrative)
- Prepare narrative reports on traffic accidents

APPREHENDING AND ARRESTING SUSPECTS

- File complaint and obtain arrest warrant
- Serve arrest warrant within jurisdiction
- Search subject
- Subdue subject resisting arrest
- Engage in high speed pursuit driving
- Advise suspects of their legal and civil rights
- Conduct search for evidence in motor vehicles
- Book prisoner by completing arrest cards and arrest folders
- Photograph prisoners
- Secure prisoner's property

PREPARING CASES FOR TRIAL AND TESTIFYING IN COURT

- Prepare charge for magistrate
- Prepare evidence for submittal in court
- Prepare criminal case summary sheet for prosecutor
- Prepare to testify in court on criminal matters
- Discuss criminal cases with prosecutor
- Testify in court on criminal cases
- Discuss traffic cases with judge or prosecutor
- Testify in court on traffic cases

PERFORMING STAFF SUPPORT DUTIES

- Man police station radio
- Conduct breath analyzer tests
- Enter data in N.C.I.C.
- Service police weapons

APPENDIX B

DEFINITIONS OF PERSONAL
CHARACTERISTICS AND CAPABILITIES REQUIRED
OF MUNICIPAL POLICE OFFICERS

REQUIRED PERSONAL CHARACTERISTICS AND CAPABILITIES

APPEARANCE

A competent law enforcement officer:

- adopts a reasonable grooming standard consistent with contemporary community standards and expectations
- takes pride in his personal appearance and professional bearing
- works to stay in good physical condition
- maintains his uniform and equipment in top condition

DEPENDABILITY

A competent law enforcement officer:

- reports for duty on time
- does not malingering on calls
- reacts quickly to problems observed on the street or to dispatches received over the radio
- is accurate and thorough in handling the details of an assignment
- submits reports on time
- can be counted on to follow through on all assignments

INITIATIVE

A competent law enforcement officer:

- strives to put forth his best effort at all times
- works diligently and conscientiously in carrying out his assignments rather than merely "putting in his time"
- cares about his competence as a law enforcement officer and wants to improve his skills
- sees himself as being responsible for learning the job and staying abreast of new developments in his occupational field
- proceeds on assignments without waiting to be told what to do
- recognizes his own deficiencies and strives to correct them

INTERPERSONAL SKILLS

A competent law enforcement officer:

- understands the motives of people and is usually able to anticipate how people will act in a given situation
- considers individual differences when dealing with people rather than treating everyone alike
- interacts with people in a wide variety of circumstances without arousing antagonism
- is effective in persuading and influencing others to behave in an alternative manner
- resolves domestic and other interpersonal conflicts through persuasion and negotiation rather than by force
- is capable of being assertive in appropriate circumstances
- works effectively as a member of a team when required to do so

INTEGRITY

A competent law enforcement officer:

- conducts himself, on and off duty, in a manner which comports with contemporary community standards
- does not engage in behavior which would diminish community respect for or trust in law enforcement agencies
- refrains from using one's badge, uniform or authority for personal gain
- maintains a record of personal conduct which if exposed in court would not detract from the credibility of his testimony
- presents evidence fully and completely, without distortion

ORAL COMMUNICATION SKILL

A competent law enforcement officer:

- speaks clearly and intelligibly to individuals, small groups and large crowds
- communicates effectively with persons of widely divergent cultural and educational background
- speaks clearly over police radios and other electronic transmission equipment
- makes concise and meaningful oral reports to supervisory police personnel
- communicates effectively with persons who are emotionally disturbed or seriously injured
- is articulate and understandable when testifying in court

SELF-CONTROL

A competent law enforcement officer:

- maintains a high level of self-control when involved in frustrating or otherwise stressful situations
- does not overreact to criticism or verbal abuse
- does not "go to pieces" in a crisis
- maintains his composure during rock- and bottle-throwing incidents or similar situations involving hostility or provocation
- uses the minimum amount of force necessary to handle any given situation (e.g., dispersing a crowd, breaking up a fight, or taking a suspect into custody)

SITUATIONAL REASONING ABILITY

A competent law enforcement officer:

- demonstrates good "common sense" in handling field situations
- knows how to analyze a situation, identify the important elements and make a logical decision without undue delay
- accurately assesses the potential consequences of alternative courses of action and selects the one which is most acceptable
- has little difficulty deciding what to do in most situations
- recognizes dangerous situations and acts decisively to protect persons and property from harm
- is able to reach a decision quickly when faced with several alternative courses of action

READING SKILLS

A competent law enforcement officer:

- is able to apply information derived from written materials
- is able to read the following job related written materials with comprehension
 - training materials utilized in the basic academy
 - vehicle and penal codes
 - in-service training bulletins and related materials
 - procedural manuals and administrative directives
- is able to recall factual information pertaining to and derived from laws, statutes, codes and other written materials

WRITING SKILLS

In preparing narrative police reports, a competent law enforcement officer:

- expresses himself in a narrative style which is clear and concise
- writes legibly
- uses acceptable grammar, punctuation and spelling
- makes sure that all of his reports are accurate and objective
- provides a complete account of what happened
- includes all relevant details which may aid in the reconstruction of an incident

PHYSICAL ABILITY

A competent law enforcement officer:

- has good physical strength, agility, balance, coordination and endurance
- has good hearing, visual acuity, depth perception, and color vision
- is free from disabling diseases and handicaps

APPENDIX C

PERSONAL HISTORY STATEMENT

PERSONAL HISTORY

STATEMENT

(name and address of department)

INSTRUCTIONS

READ THESE INSTRUCTIONS CAREFULLY

BEFORE PROCEEDING

These instructions are provided as a guide to assist you in properly completing your Personal History Statement. It is essential that the information be accurate in all respects. It will be used as the basis for a background investigation that will determine your eligibility for employment.

1. Your Personal History Statement should be printed legibly in ink. Answer all questions to the best of your ability.
2. If a question is not applicable to you, enter N/A in the space provided.
3. Avoid errors by reading the directions carefully before making any entries on the form. Be sure your information is correct and in proper sequence before you begin.
4. You are responsible for obtaining correct addresses. If you are not sure of an address, check it by personal verification. Your local library may have a directory service or copies of local phone directories.
5. If there is insufficient space on the form for you to include all information required, attach extra sheets to the Personal History Statement. Be sure to reference the relevant section and question number before continuing your answer.
6. An accurate and complete form will help expedite your investigation. On the other hand, deliberate omissions or falsifications may result in disqualification.

PERSONAL HISTORY STATEMENT

A. APPLICANT IDENTIFICATION - Information provided in this section is used for identification purposes only.

[illegible]

2. ADDRESS. _____

NUMBER STREET

CITY STATE ZIP CODE

3. TELEPHONE NUMBER: _____

4. DATE OF BIRTH: _____
MONTH DAY YEAR

5. NICKNAME(S), MAIDEN NAME, OR OTHER NAMES BY WHICH YOU HAVE BEEN KNOWN:

6. SOCIAL SECURITY NUMBER: _____

7. PLACE OF BIRTH: _____
CITY COUNTY STATE

8. ARE YOU A U.S. CITIZEN? ☐ YES ☐ NO

9. DRIVER'S LICENSE #: _____

STATE OF ISSUE: _____

10. HEIGHT: _____

11. WEIGHT: _____

12. COLOR OF EYES: _____

13. COLOR OF HAIR: _____

14. SCARS, TATOOS OR OTHER DISTINGUISHING MARKS: _____

B. RESIDENCES - LIST ALL ADDRESSES WHERE YOU HAVE LIVED DURING THE PAST 10 YEARS, BEGINNING WITH PRESENT ADDRESS. LIST DATE BY MONTH AND YEAR. ATTACH EXTRA PAGE IF NECESSARY.

[illegible]

C. WORK HISTORY - BEGINNING WITH YOUR PRESENT OR MOST RECENT JOB, LIST ALL EMPLOYMENT SINCE THE AGE OF 16, INCLUDING PART-TIME, TEMPORARY OR SEASONAL EMPLOYMENT. INCLUDE ALL PERIODS OF UNEMPLOYMENT. ATTACH EXTRA PAGES IF NECESSARY.

1. FROM _____ TO _____ EMPLOYER _____
ADDRESS _____
PHONE NUMBER _____ JOB TITLE _____
DUTIES _____

SUPERVISOR _____ NAME OF CO-WORKER _____
REASON FOR LEAVING _____

2. FROM _____ TO _____ EMPLOYER _____
ADDRESS _____
PHONE NUMBER _____ JOB TITLE _____
DUTIES _____

SUPERVISOR _____ NAME OF CO-WORKER _____
REASON FOR LEAVING _____

3. FROM _____ TO _____ EMPLOYER _____
ADDRESS _____
PHONE NUMBER _____ JOB TITLE _____
DUTIES _____

SUPERVISOR _____ NAME OF CO-WORKER _____
REASON FOR LEAVING _____

4. FROM _____ TO _____ EMPLOYER _____
ADDRESS _____
PHONE NUMBER _____ JOB TITLE _____
DUTIES _____

SUPERVISOR _____ NAME OF CO-WORKER _____
REASON FOR LEAVING _____

5. FROM _____ TO _____ EMPLOYER _____
ADDRESS _____
PHONE NUMBER _____ JOB TITLE _____
DUTIES _____

SUPERVISOR _____ NAME OF CO-WORKER _____
REASON FOR LEAVING _____

6. FROM _____ TO _____ EMPLOYER _____
ADDRESS _____
PHONE NUMBER _____ JOB TITLE _____
DUTIES _____

SUPERVISOR _____ CO-WORKER _____
REASON FOR LEAVING _____

D. MILITARY RECORD

1. HAVE YOU SERVED IN THE U.S. ARMED FORCES? ☐ YES ☐ NO
2. DATE OF SERVICE: FROM _____ TO _____ BRANCH OF SERVICE _____
UNIT DESIGNATION _____
MILITARY SERVICE NUMBER _____ HIGHEST RANK _____
HELD _____ TYPE OF DISCHARGE _____
3. WERE YOU EVER DISCIPLINED WHILE IN THE MILITARY SERVICE (INCLUDE COURT-MARTIAL, CAPTAIN'S MASTS, COMPANY PUNISHMENT, ETC.)?
☐ YES ☐ NO

CHARGE	AGENCY	DATE	AGE AT TIME	DISPOSITION
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

IF YOU RECEIVED A DISCHARGE OTHER THAN HONORABLE, GIVE COMPLETE DETAILS. _____

E. EDUCATIONAL HISTORY

1.	HIGH SCHOOL	CITY & STATE	DATES ATTENDED		GRADUATED	
	ATTENDED		FROM	TO	YES	NO
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

2. COLLEGE OR UNIVERSITY ATTENDED _____
CITY & STATE _____ DATES ATTENDED _____
_____ UNITS COMPLETED _____ MAJOR/MINOR _____
_____ DEGREE RECEIVED, IF ANY, & DATE _____

COLLEGE OR UNIVERSITY ATTENDED _____
CITY & STATE _____ DATES ATTENDED _____
_____ UNITS COMPLETED _____ MAJOR/MINOR _____
_____ DEGREE RECEIVED, IF ANY, & DATE _____

COLLEGE OR UNIVERSITY ATTENDED _____
CITY & STATE _____ DATES ATTENDED _____
_____ UNITS COMPLETED _____ MAJOR/MINOR _____
_____ DEGREE RECEIVED, IF ANY, & DATE _____

3. LIST OTHER SCHOOLS ATTENDED (TRADE, VOCATIONAL, BUSINESS, ETC.).
GIVE NAME AND ADDRESS OF SCHOOL, DATES ATTENDED, COURSE OF STUDY,
CERTIFICATE, AND ANY OTHER PERTINENT INFORMATION.

CONTINUED

1 OF 2

F. SPECIAL QUALIFICATIONS & SKILLS

1. LIST ANY SPECIAL LICENSES YOU HOLD (SUCH AS PILOT, RADIO OPERATOR, SCUBA, ETC.), SHOWING LICENSING AUTHORITY, ORIGINAL DATE OF ISSUE, AND DATE OF EXPIRATION.

2. LIST ANY SPECIALIZED MACHINERY OR EQUIPMENT WHICH YOU CAN OPERATE.

3. IF YOU ARE FLUENT IN A FOREIGN LANGUAGE, INDICATE IN EACH AREA YOUR DEGREE OF FLUENCY (EXCELLENT, GOOD, FAIR).

LANGUAGE	READING	SPEAKING	UNDERSTANDING	WRITING

4. LIST ANY OTHER SPECIAL SKILLS OR QUALIFICATIONS YOU MAY POSSESS.

G. ARRESTS, DETENTIONS AND LITIGATION

1. HAVE YOU EVER BEEN ARRESTED, DETAINED BY POLICE OR SUMMONED INTO COURT? ☐ YES ☐ NO

IF YES, COMPLETE THE FOLLOWING:

OFFENSE CHARGED	POLICE AGENCY, CITY & STATE	DATE	DISPOSITION OF CASE

2. HAVE YOU EVER BEEN INVOLVED AS A PARTY IN CIVIL LITIGATION?

☐ YES ☐ NO

IF YES, GIVE DETAILS. _____

H. TRAFFIC RECORD

1. HAS YOUR DRIVER'S LICENSE EVER BEEN SUSPENDED OR REVOKED?

☐ YES ☐ NO

IF YES, GIVE DATE, LOCATION AND REASONS. _____

2. WITH WHAT COMPANY DO YOU CARRY AUTO INSURANCE? _____

3. LIST TO THE BEST OF YOUR MEMORY ALL TRAFFIC CITATIONS YOU HAVE RECEIVED, EXCLUDING PARKING TICKETS.

<u>MONTH & YEAR</u>	<u>CHARGE</u>	<u>CITY & STATE</u>	<u>DISPOSITION</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. DESCRIBE IN A BRIEF NARRATIVE ANY TRAFFIC ACCIDENTS IN WHICH YOU HAVE BEEN INVOLVED, GIVING APPROXIMATE DATES AND LOCATIONS.

I. MARITAL & FAMILY HISTORY

1. ARE YOU? ☐ SINGLE
☐ ENGAGED
☐ MARRIED
☐ SEPARATED
☐ DIVORCED
☐ WIDOWED

2. IF ENGAGED:

NAME OF FIANCE _____

ADDRESS _____

PHONE _____

3. IF MARRIED:

DATE _____

CITY & STATE _____

SPOUSE'S NAME (WIFE'S MAIDEN NAME) _____

4. IF EVER SEPARATED, DIVORCED OR WIDOWED:

DATE OF MARRIAGE _____

CITY AND STATE _____

SPOUSE'S NAME
(WIFE'S MAIDEN NAME) _____

PRESENT ADDRESS
& PHONE _____

SEPARATED, DIVORCED
OR ANNULLED
(STATE WHICH) _____

DATE OF ORDER OR
DECREE _____

COURT & STATE
WHERE ISSUED _____

J. FINANCIAL HISTORY

SOURCES OF INCOME

1. WHAT IS YOUR PRESENT SALARY OR WAGES? _____

2. DO YOU HAVE INCOME FROM ANY SOURCE OTHER THAN YOUR PRINCIPAL
OCCUPATION? ☐ YES ☐ NO

IF YES, HOW MUCH? _____

HOW OFTEN? _____

THE SOURCE? _____

3. DO YOU OWN ANY REAL ESTATE? ☐ YES ☐ NO VALUE: \$ _____

LOCATION: _____

4. DO YOU OWN ANY BONDS, GOVERNMENT OR OTHER?

☐ YES ☐ NO VALUE: \$ _____

5. DO YOU OWN ANY CORPORATE STOCK?

☐ YES ☐ NO VALUE: \$ _____

6. DO YOU HAVE A BANK ACCOUNT?

☐ YES ☐ NO

SAVINGS

AVERAGE BALANCE: \$ _____

NAME & ADDRESS OF BANK _____

CHECKING

AVERAGE BALANCE: \$ _____

NAME & ADDRESS OF BANK _____

GIVE NAMES AND ADDRESSES OF THE INDIVIDUALS, COMPANIES, OR OTHERS TO WHOM YOU ARE INDEBTED, AND THE EXTENT OF YOUR DEBT. INCLUDE RENT, MORTGAGES, VEHICLE PAYMENTS, CHARGE ACCOUNTS, CREDIT CARDS, LOANS, CHILD SUPPORT PAYMENTS, AND ANY OTHER DEBTS AND PAYMENTS. INCLUDE ACCOUNT NUMBERS WHERE APPLICABLE.

[illegible]

TOTAL

K. MEDICAL HISTORY

1. LIST THE FOLLOWING INFORMATION CONCERNING ALL DOCTORS CONSULTED WITHIN THE LAST THREE YEARS, AND ALL PERIODS OF HOSPITALIZATION WITHIN THE LAST FIVE YEARS.

<u>REASON FOR CONSULTATION; ILLNESS OR OPERATION</u>	<u>MONTH & YEAR</u>	<u># OF DAYS</u>	<u>NAME & ADDRESS OF PHYSICIAN AND/OR HOSPITAL</u>

2. DO YOU HAVE ANY PHYSICAL HANDICAPS, CHRONIC DISEASES OR DISABILITIES?

☐ YES ☐ NO

IF YES, EXPLAIN. _____

3. HAVE YOU EVER RECEIVED WORKMEN'S COMPENSATION OR ANY OTHER DISABILITY INSURANCE PAYMENTS? ☐ YES ☐ NO

IF YES, EXPLAIN. _____

4. ARE YOU CURRENTLY TAKING ANY MEDICATION PRESCRIBED BY YOUR PHYSICIAN? ☐ YES ☐ NO

IF SO, EXPLAIN. _____

L. REFERENCES - LIST FIVE PERSONS WHO KNOW YOU WELL ENOUGH TO PROVIDE CURRENT INFORMATION ABOUT YOU. DO NOT LIST RELATIVES OR FORMER EMPLOYERS.

NAME: _____ ADDRESS: _____

RESIDENCE PHONE: _____ BUSINESS PHONE: _____

BUSINESS ADDRESS: _____

YEARS KNOWN: _____

NAME: _____ ADDRESS: _____

RESIDENCE PHONE: _____ BUSINESS PHONE: _____

BUSINESS ADDRESS: _____

YEARS KNOWN: _____

NAME: _____ ADDRESS: _____

RESIDENCE PHONE: _____ BUSINESS PHONE: _____

BUSINESS ADDRESS: _____

YEARS KNOWN: _____

NAME: _____ ADDRESS: _____

RESIDENCE PHONE: _____ BUSINESS PHONE: _____

BUSINESS ADDRESS: _____

YEARS KNOWN: _____

NAME: _____ ADDRESS: _____

RESIDENCE PHONE: _____ BUSINESS PHONE: _____

BUSINESS ADDRESS: _____

YEARS KNOWN: _____

M. MEMBERSHIP IN ORGANIZATIONS (PAST AND/OR PRESENT)

NAME & ADDRESS	TYPE (SOCIAL, FRATERNAL, PROFESSIONAL, ETC.)	FROM	TO

N. PERSONAL DECLARATIONS

1. DESCRIBE IN YOUR OWN WORDS THE FREQUENCY AND EXTENT OF YOUR USE OF INTOXICATING LIQUORS.

2. HAVE YOU EVER USED MARIJUANA OR ANY OTHER DRUG NOT PRESCRIBED BY YOUR PHYSICIAN? ☐ YES ☐ NO

IF YES, WHAT WERE THE CIRCUMSTANCES? _____

3. HAVE YOU EVER SOLD OR FURNISHED DRUGS OR NARCOTICS TO ANYONE? ☐ YES ☐ NO

IF YES, EXPLAIN IN DETAIL. _____

4. IF IT BECAME NECESSARY TO TAKE A HUMAN LIFE IN THE COURSE OF YOUR DUTIES AS A POLICE OFFICER, WOULD ANY RELIGIOUS OR OTHER BELIEFS PREVENT YOUR FROM DOING SO? ☐ YES ☐ NO

IF YES, EXPLAIN. _____

5. DO YOU HAVE ANY RELIGIOUS OR OTHER BELIEFS WHICH WOULD PREVENT YOU FROM FULLY PERFORMING THE DUTIES OF A POLICE OFFICER, INCLUDING WORKING ON WEEKENDS, EVENING OR NIGHT SHIFTS?

☐ YES

☐ NO

IF YES, EXPLAIN. _____

6. HAVE YOU EVER MADE APPLICATION FOR EMPLOYMENT WITH THIS OR ANY OTHER LAW ENFORCEMENT OR RELATED AGENCY? ☐ YES ☐ NO

IF SO, GIVE AGENCY, DATE(S), AND STATUS OF APPLICATION. _____

7. ARE THERE ANY INCIDENTS IN YOUR LIFE OR DETAILS NOT MENTIONED HEREIN WHICH MAY INFLUENCE THIS DEPARTMENT'S EVALUATION OF YOUR SUITABILITY FOR EMPLOYMENT AS A POLICE OFFICER?

☐ YES

☐ NO

IF SO, EXPLAIN. _____

I hereby certify that there are no willful misrepresentations, omissions, or falsifications in the foregoing statements and answers to questions. I am fully aware that any such willful misrepresentations, omissions, or falsifications may be grounds for immediate rejection or termination of employment.

Signature of Applicant

Date

APPENDIX D

AUTHORIZATION TO RELEASE
INFORMATION



AUTHORIZATION TO RELEASE INFORMATION

TO: _____

I hereby request and authorize you to furnish the (name of agency) with any and all information they may request concerning my work record, educational history, military record, financial status, criminal record, general reputation, and past or present medical condition. This authorization is specifically intended to include any and all information of a confidential or privileged nature as well as photocopies of such documents, if requested. The information will be used for the purpose of determining my eligibility for employment as a police officer.

I hereby release you and your organization from any liability which may or could result from furnishing the information requested above or from any subsequent use of such information in determining my qualifications to serve as a peace officer.

Applicant's signature _____ Date _____

NOTE: THIS FORM MAY BE RETAINED IN YOUR FILES



APPENDIX E

CONFIDENTIAL QUESTIONNAIRES TO
EMPLOYERS, PERSONAL REFERENCES
EDUCATIONAL INSTITUTIONS AND PHYSICIANS

THE
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535

This cover letter, which should be typed on agency letterhead, is suggested for use with questionnaires sent to employers, personal references, educational institutions, and physicians.

TO WHOM IT MAY CONCERN:

The Police Department of the _____ (name of jurisdiction) is considering for employment as a police officer the individual whose name appears on the attached questionnaire. The applicant has informed us that you may have information which might be of assistance to us in reaching a decision as to whether or not this individual should be employed. I am sure you will recognize the need to guarantee that persons appointed as police officers are fully qualified to undertake the important responsibilities of that position. You may be of substantial assistance to us in this regard. Please note that the applicant has authorized the release of the information requested and a copy of that authorization is attached.

We are quite anxious to expedite the processing of this applicant and would very much appreciate it if you would complete and return the attached questionnaire as promptly as possible. Please mail the questionnaire in the stamped, self-addressed envelope which is enclosed.

You have my assurance that any and all information that you provide concerning this applicant will be held in strict confidence. If you have pertinent information concerning this applicant, but would rather not put it in writing, please contact (investigator's name) at (phone number).

Your assistance is greatly appreciated.

Very truly yours,

(signature of police chief)

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CONFIDENTIAL QUESTIONNAIRE
TO EMPLOYERS

NAME OF EMPLOYER: _____

NAME OF APPLICANT: _____

SOCIAL SECURITY #: _____

EMPLOYED FROM _____ TO _____

NAME OF SUPERVISOR: _____

1. Are the employment dates listed correct?

☐ YES ☐ NO If not, what are the correct dates?

2. What were this person's primary duties?

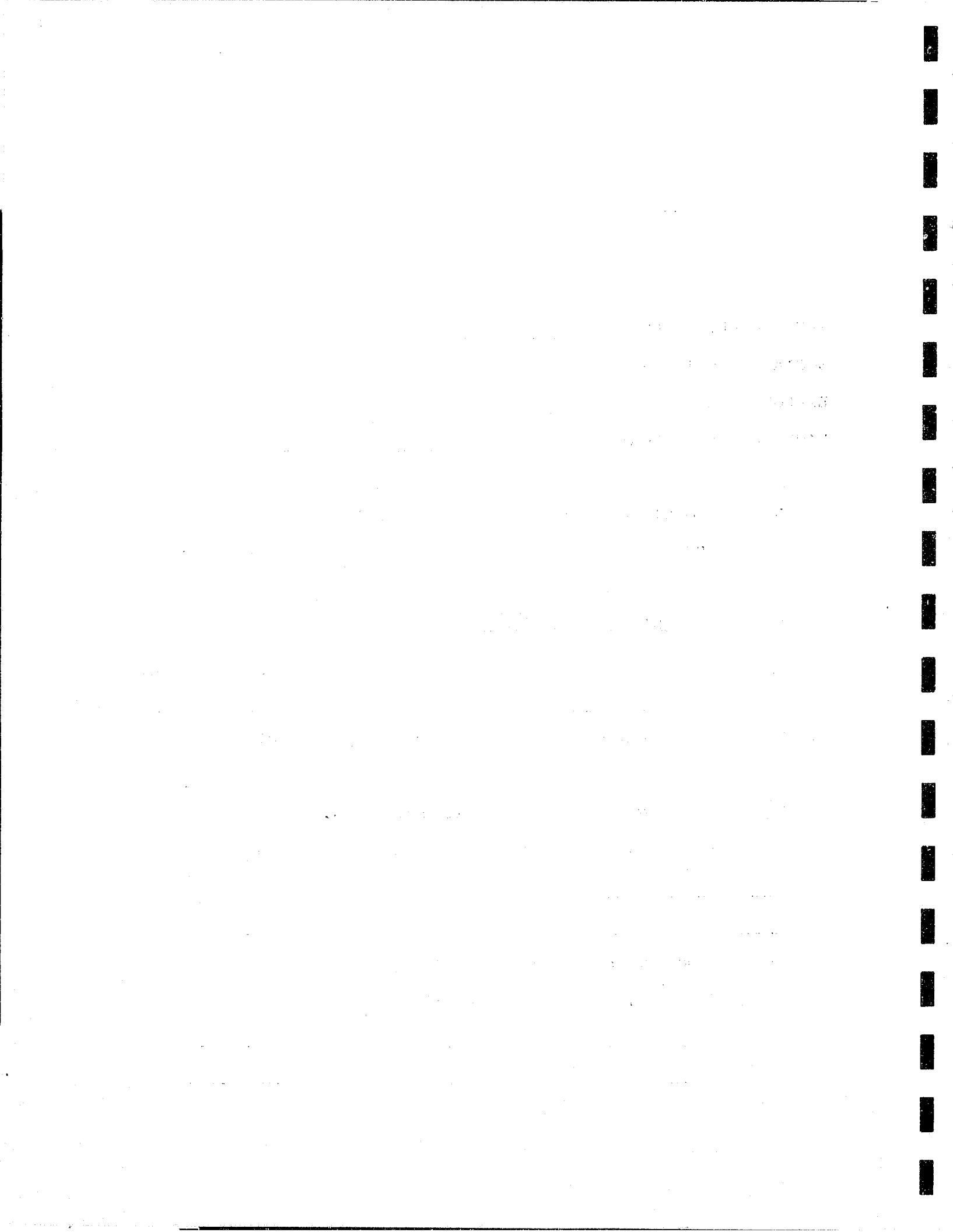
3. What were his/her gross earnings per pay period?

4. Was this person's work considered to be satisfactory?

☐ YES ☐ NO If not, please describe deficiencies.

5. Is this person eligible for rehire?

☐ YES ☐ NO If not, why?



6. What was the reason for termination of employment?

7. If the person resigned, was the resignation voluntary?

☐ YES ☐ NO If not, please explain.

8. Was there any problem with absenteeism or excessive use of sick leave?

☐ YES ☐ NO If yes, please explain.

9. Did this person get along well with supervisors, co-workers, and/or the public?

☐ YES ☐ NO If not, please explain.

10. Was there ever any reason to doubt this person's honesty?

☐ YES ☐ NO If yes, please explain.

11. Did this person ever collect workmen's compensation or other disability payments?

☐ YES ☐ NO If yes, for what reason?

12. Did he/she ever have any personal, domestic or financial problem which interfered with work?

☐ YES

☐ NO

If yes, please explain.

13. Please describe this person's general reputation among co-workers and supervisors.

YOUR NAME _____ TITLE _____

TELEPHONE NUMBER _____ DATE _____

CONFIDENTIAL QUESTIONNAIRE

TO PERSONAL REFERENCES

NAME OF REFERENCE: _____

ADDRESS: _____

NAME OF APPLICANT: _____

ADDRESS: _____

Please answer the following questions to the best of your knowledge or recollection. Your cooperation is sincerely appreciated.

1. How long have you known this person? _____

2. Does this person work regularly? ☐ YES ☐ NO

3. Has he/she ever been unemployed for an unusually long period of time?

☐ YES ☐ NO If yes, what were the approximate dates?

4. Has he or she ever been fired from a job?

☐ YES ☐ NO If yes, when and what were the circumstances? _____

5. Does he or she get along well with other people?

☐ YES ☐ NO If not, please explain. _____

6. Has this person ever had any significant academic or disciplinary problems while in school?

☐ YES

☐ NO

If yes, please explain.

7. Has he/she ever been arrested or convicted of a criminal offense, or been a party to civil litigation?

☐ YES

☐ NO

If yes, when and where?

8. Has this person ever had marital problems?

☐ YES

☐ NO

If yes, please give details.

9. Does he/she generally pay his/her bills on time?

☐ YES

☐ NO

10. Has he/she ever had any significant financial problems?

☐ YES

☐ NO

If yes, please give details.

11. Has this person ever been seriously ill or injured?

☐ YES

☐ NO

If yes, please describe.

12. Does this person take medication of any kind, prescription or non-prescription?

☐ YES

☐ NO

If yes, what is the medication for?

13. Have you ever known this person to use alcohol to excess?

☐ YES ☐ NO

If yes, please describe the circumstances.

14. Have you ever known this person to use marijuana or other illegal drugs?

☐ YES ☐ NO

If yes, please describe the circumstances.

15. Have you ever known this person to intentionally engage in an unlawful activity?

☐ YES ☐ NO

If yes, please explain.

16. How would you describe this person's general reputation among his/her friends and associates?

17. Please list the names of two other persons who may also know the applicant. (Please include address and telephone number, if known.)

NAME: _____

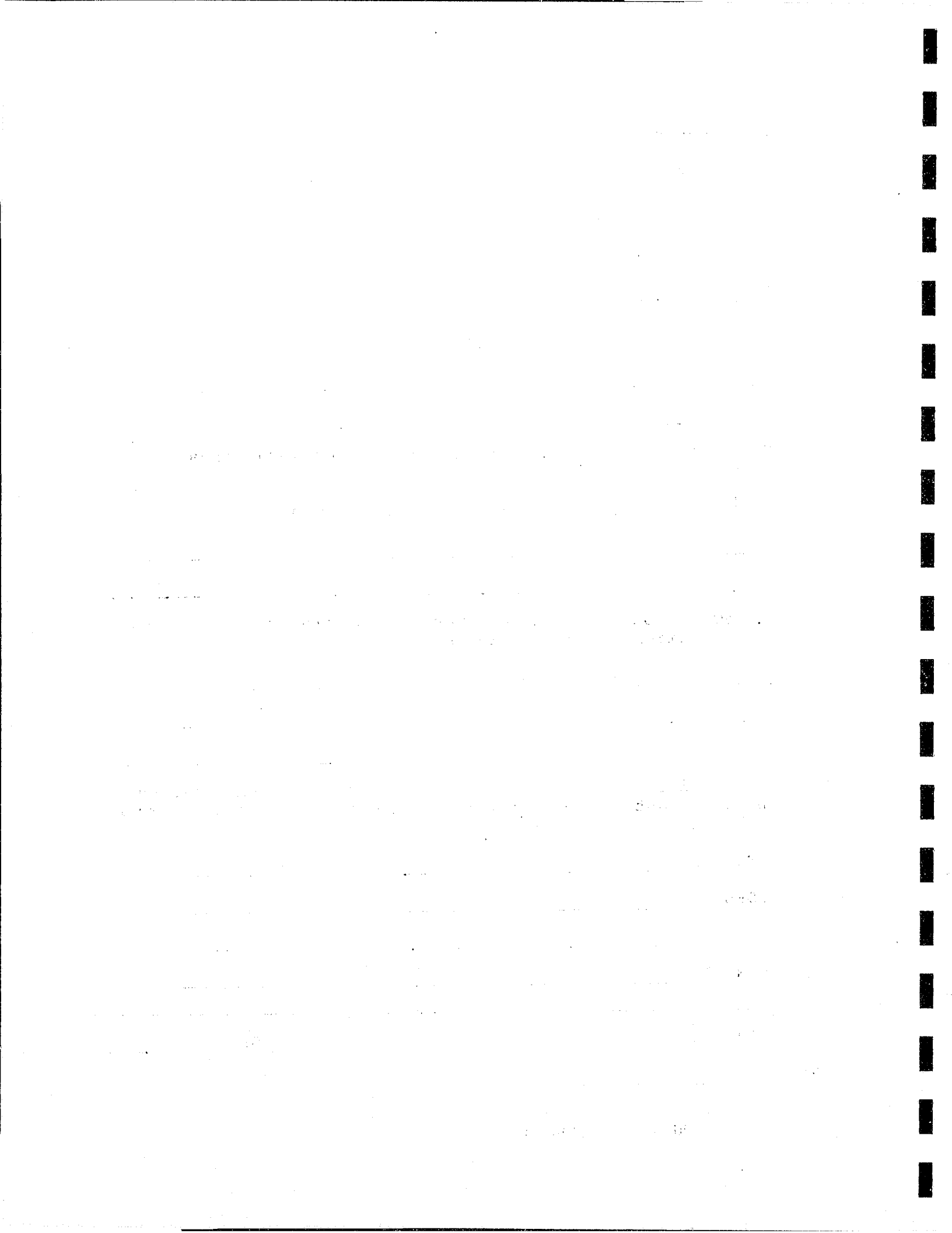
ADDRESS: _____

PHONE #: _____

YOUR SIGNATURE: _____ Date _____

PHONE #: _____

THANK YOU FOR YOUR ASSISTANCE!



CONFIDENTIAL QUESTIONNAIRE
TO EDUCATIONAL INSTITUTIONS

NAME OF SCHOOL: _____

NAME OF APPLICANT: _____

MAIDEN NAME: _____

STUDENT #: _____

SOCIAL SECURITY #: _____

LAST YEAR ATTENDED: _____

1. What were the dates during which this individual was enrolled?

2. Was a diploma or degree awarded to this person?

☐ YES ☐ NO If yes, please provide the details.

3. What was this person's overall grade point average or class standing?

4. Was he or she ever suspended or placed on probation?

☐ YES ☐ NO If yes, please describe the circumstances.

5. Did this person ever have difficulty getting along with students, instructors or administrators?

☐ YES ☐ NO If yes, please explain.

YOUR NAME _____ TITLE _____

SIGNATURE _____ DATE _____

PHONE NUMBER _____

THANK YOU FOR YOUR COOPERATION!

CONFIDENTIAL QUESTIONNAIRE

TO PHYSICIANS

NAME OF PHYSICIAN:

NAME OF APPLICANT: _____

CURRENT ADDRESS: _____

SOCIAL SECURITY #: _____

1. Is this individual currently receiving treatment or taking medication for any medical problem, including emotional disorders?

☐ YES ☐ NO If yes, please describe the nature of the problem.

2. Does this individual have any permanent disability or medical problem of which you are aware?

☐ YES ☐ NO If yes, please explain.

3. Do you know of any medical or other reason why this individual should perhaps not be employed as a law enforcement officer?

☐ YES ☐ NO If yes, please explain.

Signature _____ Date _____

THANK YOU FOR YOUR COOPERATION!

APPENDIX F

POSSIBLE SOURCES OF INFORMATION
IN RELEVANT
BACKGROUND AREAS

POSSIBLE SOURCES OF INFORMATION
IN RELEVANT BACKGROUND AREAS

SOURCES OF INFORMATION	BACKGROUND AREAS													
	Work History	Unemployment Record	Military Record	Educational History	Criminal Record	Traffic Record	Marital History & Family Relations	Financial History	Medical History	Emotional Problems	Use of Narcotics & Controlled Substances	Use of Alcohol	Friends, Associates & Relatives	Membership in Groups, etc.
INDIVIDUALS														
Applicant	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Attorneys in divorce actions							x						x	
Business associates								x						
Creditors								x						
Employers	x	x						x	x	x	x	x	x	x
Ex-spouse							x							
Family Members & Relatives	x	x		x	x		x	x	x	x	x	x	x	x
Family Physicians									x	x	x	x		
Friends & Associates	x	x		x	x		x	x	x	x	x	x	x	x
Members of Organizations														x
Neighbors	x	x			x		x			x	x	x	x	x
Prosecutors					x									
School Officials & Instructors				x									x	
Spouse	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Witnesses & Victims of Crimes					x									
INSTITUTIONS														
Banks								x						
Correctional Institutions				x										
Credit Reporting Agencies	x	x						x						
District Attorney's Office							x							
Domestic Relations Office							x							
Employment Agencies	x	x												
Insurance Carriers						x								
Military Investigation Units			x											
Military Record Centers			x											
NCIC					x									
Schools				x									x	
State Criminal Record Centers					x									
Veterans Administration									x	x	x	x		
RECORDS & DOCUMENTS														
Court Records					x	x	x	x		x	x	x		
Criminal Records					x					x	x	x		
Criminal Records of Friends, Associates & Relatives													x	
Local Police Records					x	x		x		x	x	x	x	x
Medical Records									x	x	x	x		
Military Records			x							x	x	x		
Organizational Records													x	
Traffic Records						x								
Transcripts				x										
Workmen's Compensation Records									x	x				

APPENDIX G

EVIDENCE ORGANIZER AND
REPORT OF BACKGROUND
INVESTIGATION

(name of police department)

EVIDENCE ORGANIZER
AND
REPORT OF BACKGROUND INVESTIGATION

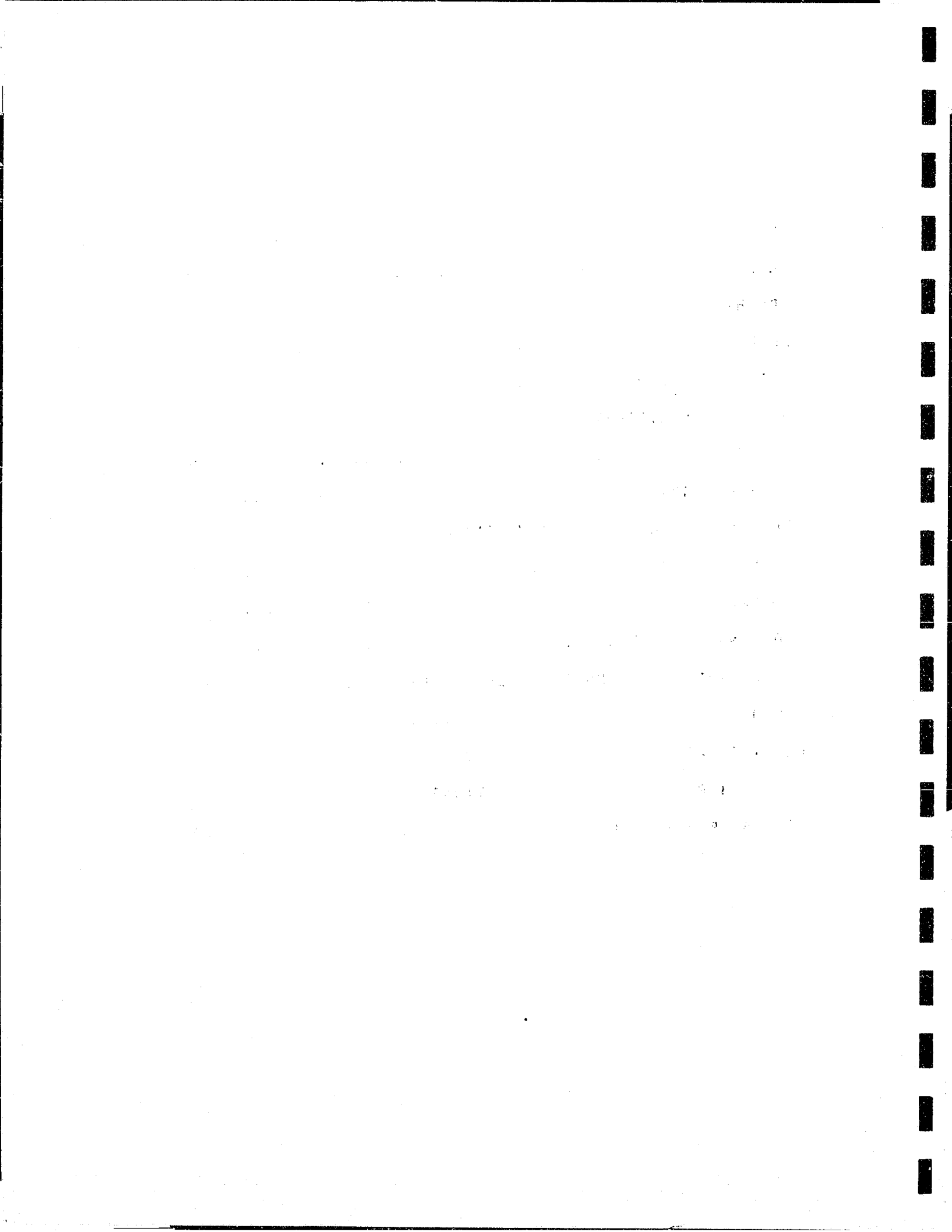
NAME OF APPLICANT

DATES INVESTIGATION INITIATED: _____ COMPLETED: _____

SIGNATURE OF INVESTIGATOR _____

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MEMBERSHIP IN GROUPS, ASSOCIATIONS OR CLUBS	17
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BIOGRAPHICAL SUMMARY

Prepare a brief (one page or less) narrative biography of the applicant. Include as many of the following factors as possible: name, address, phone number, Social Security number, birthplace, number of brothers & sisters, residences, years of school completed, special training or education, jobs held, military service, hobbies or special skills, marriages, number of children & ages.

VERIFICATION OF DOCUMENTS

1. BIRTH CERTIFICATE

☐ COPY ATTACHED

☐ VERIFIED BY _____ DATE _____

2. NATURALIZATION PAPERS

☐ NOT APPLICABLE

(NOTE: FEDERAL LAW PROHIBITS THE DUPLICATION OF THESE DOCUMENTS.)

☐ VERIFIED BY _____ DATE _____

3. DRIVER'S LICENSE

☐ VERIFIED BY _____ DATE _____

☐ CLASS OF LICENSE _____ EXPIRATION DATE _____

4. HIGH SCHOOL DIPLOMA OR G.E.D. CERTIFICATE

☐ COPY ATTACHED

☐ VERIFIED BY _____ DATE _____

5. HIGH SCHOOL TRANSCRIPT

☐ COPY ATTACHED

☐ VERIFIED BY _____ DATE _____

6. COLLEGE DIPLOMA

☐ NOT APPLICABLE

☐ COPY ATTACHED

☐ VERIFIED BY _____ DATE _____

7. COLLEGE OR UNIVERSITY TRANSCRIPTS

☐ NOT APPLICABLE

☐ COPY ATTACHED

☐ VERIFIED BY _____ DATE _____

8. MARRIAGE CERTIFICATE.

☐ NOT APPLICABLE

☐ COPY ATTACHED

☐ VERIFIED BY _____ DATE _____

9. DISSOLUTION OF MARRIAGE PAPERS

☐ NOT APPLICABLE

☐ COPY ATTACHED

☐ VERIFIED BY _____ DATE _____

10. MILITARY DISCHARGE PAPERS

☐ NOT APPLICABLE

☐ COPY ATTACHED

☐ VERIFIED BY _____ DATE _____

WORK HISTORY

Factors to Consider:

- | | |
|------------------------------|---|
| 1. Company or Organization | 10. Use of sick leave |
| 2. Location | 11. Medical problems |
| 3. Dates of employment | 12. Emotional problems |
| 4. Job duties | 13. Ability to get along with fellow workers, supervisors, and the public |
| 5. Reasons for leaving | 14. Honesty |
| 6. Eligibility for rehire | 15. Awards or other special recognition |
| 7. General performance level | |
| 8. Tardiness | |
| 9. Absenteeism | |

Sources of Information:

- | | |
|-------------------------------|------------------------------|
| 1. Applicant | 6. Spouse |
| 2. Employers | 7. Credit Reporting Agencies |
| 3. Family Members & Relatives | 8. Employment Agencies |
| 4. Friends & Associates | 9. Other _____ |
| 5. Neighbors | |

Factual Findings:

UNEMPLOYMENT RECORD

Factors to Consider:

1. Dates
2. Reasons for unemployment (e.g., layoff, education, travel, medical problems, etc.)
3. Efforts to seek employment
4. Use of time while unemployed

Sources of Information:

- | | |
|-------------------------------|------------------------------|
| 1. Applicant | 6. Spouse |
| 2. Employers | 7. Credit Reporting Agencies |
| 3. Family Members & Relatives | 8. Employment Agencies |
| 4. Friends & Associates | 9. Other _____ |
| 5. Neighbors | |

Factual Findings:

MILITARY RECORD

Factors to Consider:

- | | |
|------------------------------|------------------------------------|
| 1. Date of induction | 10. Special training |
| 2. Branch of service | 11. Convictions in Military Courts |
| 3. Highest rank attained | - Date |
| 4. Date of discharge | - Place |
| 5. Type of discharge | - Charge |
| 6. Medals or awards | - Disposition |
| 7. Disciplinary problems | - Extenuating circumstances |
| 8. Adjustment problems | |
| 9. Injuries and disabilities | |

Sources of Information:

1. Applicant
2. Spouse
3. Military Investigation Units
4. Military Record Centers
5. Discharge Papers
6. DD 214
7. Other _____

Factual Findings:

EDUCATIONAL HISTORY

Factors to Consider:

1. Colleges and Universities attended
2. Degrees obtained, if any
3. Courses of study
4. Academic problems
5. Discipline problems
6. Grade point average or class standing
7. Interpersonal problems
8. Special training or experience

Sources of Information:

1. Applicant
2. Family Members & Relatives
3. Friends & Associates
4. School Officials & Instructors
5. Spouse
6. Transcripts
7. Other _____

Factual Findings:

CRIMINAL RECORD

Factors to Consider:

1. Convictions
 - Date
 - Arresting agency
 - Arresting officer
 - Original charge
 - If convicted for lesser included offense, evidence suggesting guilt of original charge
 - Extenuating circumstances
 - Sentence
 - Conduct since the incident(s)
2. Arrests not resulting in conviction
 - Date
 - Arresting agency
 - Arresting officer
- Charge
- Reason for no conviction
- Evidence of guilt or innocence
- Extenuating circumstances
3. Criminal conduct not resulting in arrest
 - Date
 - Circumstances
4. Civil Litigation
 - Date
 - Place
 - Nature of case
 - Names of the parties

Sources of Information:

1. Applicant
2. Family Members & Relatives
3. Friends & Associates
4. Neighbors
5. Prosecutors
6. Spouse
7. Witnesses & Victims of crimes
8. Correctional Institutions
9. NCIC
10. State Criminal Records
11. Court Records
12. Local Police Records
13. Other _____

Factual Findings:

TRAFFIC RECORD

Factors to Consider:

1. Traffic Citations

- Date
- Location
- Charge
- Disposition

2. Traffic Accidents

- Date
- Location
- Extent of injuries and damage
- Party at fault
- Any special circumstances

Sources of Information:

1. Applicant
2. Spouse
3. Insurance Carriers
4. Court Records

5. Local Police Records
6. Traffic Records
7. Other _____

Factual Findings:

MARITAL HISTORY & FAMILY RELATIONS

Factors to Consider:

- | | |
|---|---|
| <ol style="list-style-type: none">1. Marriages<ul style="list-style-type: none">- Dates- Places- Names of spouses- Children2. Apparent stability of marriage(s)3. Nature of any marital problems | <ol style="list-style-type: none">4. Divorces<ul style="list-style-type: none">- Dates- Places- Whereabouts of previous spouses- Factors which led to divorce- Payment of alimony and child support |
|---|---|

Sources of Information:

- | | |
|--|--|
| <ol style="list-style-type: none">1. Applicant2. Attorneys in divorce actions3. Ex-spouse4. Family Members & Relatives5. Friends & Associates6. Neighbors | <ol style="list-style-type: none">7. Spouse8. District Attorney's Office9. Domestic Relations Office10. Court Records11. Other _____ |
|--|--|

Factual Findings:

FINANCIAL HISTORY

Factors to Consider:

- | | |
|-----------------------------|---------------------|
| 1. Total family income | 5. Unusual debts |
| 2. Sources of family income | - Company |
| 3. Amount of fixed payments | - Record of payment |
| 4. Nature of any financial | - Item purchased |
| problems, past or present | - Balance |

Sources of Information:

- | | |
|-------------------------------|------------------------------|
| 1. Applicant | 7. Spouse |
| 2. Business Associates | 8. Banks |
| 3. Creditors | 9. Credit Reporting Agencies |
| 4. Employers | 10. Court Records |
| 5. Family Members & Relatives | 11. Local police records |
| 6. Friends & Associates | 12. Other _____ |

Factual Findings:

MEDICAL HISTORY

Factors to Consider:

1. History of serious illness or injury
2. Physical disabilities
3. Current medical problems
4. Use of prescription drugs

Sources of Information:

- | | |
|-------------------------------|-----------------------------------|
| 1. Applicant | 6. Spouse |
| 2. Employers | 7. Veterans Administration |
| 3. Family Members & Relatives | 8. Medical Records |
| 4. Family Physicians | 9. Workman's Compensation Records |
| 5. Friends & Associates | 10. Other _____ |

Factual Findings:

EMOTIONAL PROBLEMS

Factors to Consider:

1. Nature of any emotional problems
2. Frequency
3. Recency
4. Severity
5. Consequences, in terms of:
 - Work performance
 - Judgment
 - Relationships with others
 - Financial problems
 - Use of alcohol or narcotics
6. Circumstances surrounding the problem
7. Treatment received, if any
8. Stability of behavior since the problem

Sources of Information:

- | | |
|-------------------------------|------------------------------------|
| 1. Applicant | 9. Court Records |
| 2. Employers | 10. Criminal Records |
| 3. Family Members & Relatives | 11. Local police records |
| 4. Family Physicians | 12. Medical records |
| 5. Friends & Associates | 13. Military records |
| 6. Neighbors | 14. Workman's Compensation Records |
| 7. Spouse | 15. Other _____ |
| 8. Veterans Administration | |

Factual Findings:

USE OF NARCOTICS AND CONTROLLED SUBSTANCES

Factors to Consider:

1. Substance used
2. Approximate dates
3. Frequency of use
4. Circumstances surrounding use
5. Evidence of involvement in the sale of narcotics

Sources of Information:

- | | |
|-------------------------------|----------------------------|
| 1. Applicant | 8. Veterans Administration |
| 2. Employers | 9. Court records |
| 3. Family Members & Relatives | 10. Criminal records |
| 4. Family Physicians | 11. Local police records |
| 5. Friends & Associates | 12. Medical records |
| 6. Neighbors | 13. Military records |
| 7. Spouse | 14. Other _____ |

Factual Findings:

USE OF ALCOHOL

Factors to Consider:

1. Frequency
2. Extent of usage
3. Typical circumstances surround usage
4. Evidence of problem drinking
5. Effect of any drinking problems on:
 - Work performance
 - Relations with others
 - Family finances
 - Judgment
 - Physical condition

Sources of Information:

- | | |
|-------------------------------|----------------------------|
| 1. Applicant | 8. Veterans Administration |
| 2. Employers | 9. Court records |
| 3. Family Members & Relatives | 10. Criminal records |
| 4. Family Physicians | 11. Local police records |
| 5. Friends & Associates | 12. Medical records |
| 6. Neighbors | 13. Military records |
| 7. Spouse | 14. Other _____ |

Factual Findings:

FRIENDS, ASSOCIATES AND RELATIVES

Factors to Consider:

1. Friends, associates and relatives who repeatedly break the law
2. Extent of applicant's association with such persons
3. Applicant's knowledge of the criminal behavior of friends, associates, or relatives
4. General reputation of friends, associates and relatives

Sources of Information:

- | | |
|-----------------------------------|--|
| 1. Applicant | 7. Spouse |
| 2. Employers | 8. Criminal records of friends, associates & relatives |
| 3. Family Members & Relatives | 9. Local police records |
| 4. Friends & Associates | 10. Other _____ |
| 5. Neighbors | |
| 6. School Officials & Instructors | |

Factual Findings:

MEMBERSHIPS IN GROUPS, ASSOCIATIONS OR CLUBS

Factors to Consider:

1. Names of organizations, including churches
2. General purpose of the organization
3. How active the applicant is in the organization
4. Reputation of the organization in the community
5. Any history of illegal or questionable activities or intentions
6. Extent of applicant's knowledge and support of such activities
7. Applicant's reputation within the organization
8. Noteworthy contributions of the organization to the community
9. Reasons or motives for joining

Sources of Information:

- | | |
|-------------------------------|---------------------------|
| 1. Applicant | 6. Neighbors |
| 2. Employers | 7. Spouse |
| 3. Family Members & Relatives | 8. Local police records |
| 4. Friends & Associates | 9. Organizational records |
| 5. Members of Organizations | 10. Other _____ |

Factual Findings:

GENERAL REPUTATION

Factors to Consider:

1. Favorable or unfavorable opinions of applicant held by others
2. Extent to which reputation may be reserved
3. Credibility of those expressing opinion

Sources of Information:

1. Employers
2. Family Members & Relatives
3. Friends & Associates
4. Members of Organizations
5. Neighbors
6. School Officials & Instructors
7. Other _____

Factual Findings:

APPENDIX H

EVALUATION SUMMARY FORM

EVALUATION SUMMARY

APPLICANT BACKGROUND INVESTIGATION

APPLICANT'S NAME _____

☐ RECOMMENDED

☐ NOT RECOMMENDED

Instructions: This form is to be completed by the individual charged with evaluating the information developed in the background investigation and reported in the "Evidence Organizer and Report of Background Evidence." For each dimension, the evaluator should summarize those investigative findings which he considers to be favorable and those which he considers to be unfavorable. Also for each dimension, he should state explicitly whether or not, in his opinion, the unfavorable information outweighs the favorable information to such an extent that the applicant should be denied employment.

1. DEPENDABILITY - What evidence, if any, suggests that the applicant does or does not possess this characteristic? In making this determination, consider: work history, unemployment record, educational history, marital history & family relations, financial history, emotional problems, use of alcohol, and membership in groups, associations and clubs.

2. INITIATIVE - What evidence, if any, suggests that the applicant does or does not possess this characteristic? In making this determination, consider: work history, unemployment record, military record, educational history, and membership in groups, associations and clubs.

3. INTERPERSONAL SKILL - What evidence, if any, suggest that the applicant does or does not possess this capability? In making this determination, consider: work history, educational history, criminal record, marital history & family relations, emotional problems, membership in groups, associations and clubs.

4. INTEGRITY - What evidence, if any, suggests that the applicant does or does not possess this characteristic? In making this determination, consider: work history, military record, educational history, criminal record, traffic record, marital history & family relations, financial history, use of narcotics & controlled substances, use of alcohol, friends, associates & relatives, membership in groups, associations and clubs, and general reputation.

5. SELF-CONTROL - What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider: work history, military record, criminal record, traffic record, marital history & family relations, emotional problems, and use of alcohol.

6. SITUATIONAL REASONING ABILITY - What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider; work history, unemployment record, military record, criminal record, traffic record, financial history, use of narcotics and controlled substances, use of alcohol, friends, associates and relatives, and membership in groups, associations and clubs.
7. PHYSICAL ABILITY - What evidence, if any, suggests that the applicant may have a disqualifying physical illness or disability. Consider medical history.
8. PERFORMANCE OF SPECIFIC DUTIES - Does any of the information contained in the "Evidence Organizer and Report of Background Investigation" suggest that the applicant may not be capable of performing any of the required duties or tasks in a fully satisfactory manner?

☐ YES ☐ NO

If YES, describe the relevant evidence and state specifically the duties which may be affected.

DO YOU RECOMMEND THIS APPLICANT FOR EMPLOYMENT?

☐ YES ☐ NO

IF YOU DO NOT RECOMMEND THE APPLICANT, WOULD HE OR SHE BE
ELIGIBLE FOR RECONSIDERATION AT A LATER DATE?

☐ YES ☐ NO

IF YES, UNDER WHAT CIRCUMSTANCES?

Signature _____

Name _____

Rank _____

Date _____

END