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BACKGROUND INVESTIGATION PROJECT

Final Report

Lueella K. Luke and John W. Kohls

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INTRODUCTION

The job of patrol officer is physically and mentally demanding and takes place in a very complex and sensitive environment as well. The position involves a wide range of very diverse tasks such as testifying in court, chasing fleeing suspects, writing reports, and settling family disputes. As an enforcer of the law and maintainer of the public peace, the officer is vested with powers that exceed those of most citizens; because the position carries with it the conspicuous responsibility for those powers, applicants for the position must be chosen whose behavior and character are consistent with those responsibilities. Therefore, it is apparent that selection procedures for the unique and demanding position of peace officer must be more thorough and probing than for less critical jobs.

One of the most important selection procedures is the background investigation which in California is conducted on all patrol officer applicants. Section 1031 of the California Government Code specifies as a minimum standard that peace officers "be of good moral character as determined by a thorough background investigation." The requirement is further affirmed by Section 1002(a)(3) of the regulations of the Commission on Peace Officer Standards and Training which outlines the procedures to be taken in the investigation and interprets the purpose of the personal history investigation as one of finding "...examples of any character traits in the applicant's life which might prevent his becoming a successful peace officer...." Every California law enforcement agency, therefore, conducts a background investigation based upon the information supplied in the applicant's personal history statement in order to assess the applicant's basic qualifications.

The background investigation, as used by many agencies, is a virtually unrestrained inquiry into all aspects of an applicant's background. Certainly, it is a source of bountiful and potentially useful information. However, the courts have ruled in several cases (notably Griggs v. Duke Power) that any employment standard (including the background investigation) must be demonstrated to be job-related if it results in adverse impact against classes of individuals protected by Title VII of the Civil Rights Act of 1964. Therefore, unrestrained use of any selection tool must be called into question.

Law enforcement agencies must keep in mind two major concerns when conducting background investigations: (1) Compliance with fair employment legislation is mandatory to prevent discrimination against those classes protected by fair employment legislation; (2) The purpose of any selection device is to choose the best person for the job. These two concerns are not mutually

exclusive, but they can pose serious problems for the department that has not satisfactorily resolved the apparent fair employment versus merit employment dilemma. The answer to the situation lies in a concept called job-relatedness.

Very simply put, a selection procedure is job-related if a demonstrable link has been established between the evaluation which results from the procedure and the requirements of the job. Job-related selection procedures satisfy the goals of both fair employment and merit employment. The major objective of this project was the establishment of the job-relatedness of the areas of inquiry for the background investigation for entry-level law enforcement officers.

in that search. Nevertheless, to comply with the law, the background investigation must be administered with the requirements of the job and with the requirements of fair employment legislation kept in mind.

A number of court cases have applied the concept of "job-relatedness" to the discussion of an employee's moral fitness. Notable among these cases is Morrison v. State Board of Education, 1 Cal 3d 214 (1969). The decision in this case determined that such employment standards as "good moral character" be defined within the narrow limits of job-relatedness; it also established that conduct termed "immoral," "unprofessional," and "involving moral turpitude" is an abstraction "until applied to a specific occupation and given content by reference to fitness for the performance of that vocation." (Emphasis added.)

To determine whether the conduct in question is in conflict with acceptable job performance, the court suggests several factors which should be evaluated:

- . The likelihood of the conduct adversely impacting upon fellow officers and the community served
- . The degree of such adversity which is anticipated
- . How long ago the conduct occurred
- . The exact nature of the officer's job
- . Any extenuating or aggravating circumstance surrounding the behavior
- . The likelihood of recurrence of the unacceptable conduct
- . The praiseworthiness or blameworthiness of the motives resulting in the conduct
- . The extent to which a decision against the employee or applicant might inflict a "chilling effect" upon their constitutional rights

The message from this court decision and others (see also Vielehr v. State Personnel Board, 32 Cal. App. 3d 187 (1973)), is that an individual's specific behavior or conduct, along with the surrounding facts, must be evaluated in order to assess fitness for the job. "Moral character" is irrelevant, unless the conduct also conflicts with acceptable job performance.

These considerations have a controlling influence on what type of information should be gathered in a background investigation. No longer should information about an applicant be gathered indiscriminately. Rather, care must be taken that the information be necessary to evaluate the applicant in light of the requirements of the job.

Background Information and Job-Relatedness

The courts have stressed that background inquiries must be job-related, but what have they said about demonstrating relatedness?

In a non-law enforcement case, Buck Green v. Missouri Pacific Railroad Company (8 EPD 9831) (1974), the court addressed the job-relatedness of a criminal record as the basis for rejecting a Black applicant. It was admitted that rejections on the basis of such a record would have an adverse impact against Blacks in general, thus raising the spectre of unlawful discrimination. The court, however, upheld such practices even in the absence of a validation study in accordance with the EEOC guidelines.

The court stated:

"Plaintiff indicates that defendant might have attempted to validate an alternative policy of correlating specific crimes with specific jobs and disqualifying for employment persons convicted of certain crimes for certain jobs. To judicially order or review the implementation or validation of such a policy is to open a Pandora's box of difficulties in judicial administration."

As an alternative, the court accepted a rational approach to the establishment of the "business necessity" of the practice (i.e., reasonably necessary for the safe and efficient conduct of the defendant's business).

Similarly, in Bailey v. DeBard, 10 EPD 10,389 (1975), despite the absence of a validation study, the court accepted the relevancy to the job of state police officer of background information regarding such areas as arrest records, military records, and credit ratings. The court acknowledged the necessity to validate other techniques such as paper and pencil tests according to the EEOC guidelines. However, the background investigation was specifically exempted from this requirement and a rational approach was proposed as an alternative. The court stated, with regard to "character investigations":

"The relevancy and materiality of such material or such materials have a very close relationship of 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."

According to the above decision, the logic of the hypothesis that background behavior is irrevocably related to peace officer job

performance is so clear that no further evidence of job-relatedness is necessary. However, the court did not provide guidance concerning the kind of rational process which might be used to evaluate the relevancy of specific background facts.

Commonwealth of Pennsylvania v. O'Neill, 4 EPD 7916 (1972), also dealt with the appropriateness of using a background investigation as a selection tool. The court enjoined the use of rejection criteria based upon background information such as criminal convictions and past job problems because such criteria had not been shown, through a systematic study, to be job-related. However, the court was sensitive to the potential risk incurred by hiring individuals with dubious backgrounds just to do a traditional validation study. To avoid such risks, the court paraphrases an expert witness as recommending a "common sense and experience" approach, "perhaps based on a panel of experts."

Existing case law, therefore, has established the following:

- . The background investigation is a legitimate selection tool for law enforcement officers.
- . It is necessary to establish the job-relatedness of the background information before using it to make employment decisions.
- . Traditional validation studies which would involve hiring individuals with questionable background is unnecessary.
- . A rational approach is recommended as a means of establishing a logical link between specific background behavior and job demands.

An approach was chosen for this project, which is consistent with the above principles.

Use and Evaluation of Background Information

Once relevant, job-related background information has been collected, how is it used in the selection process?

A review of practices in California law enforcement agencies indicates that the background investigator writes a final report and, depending on the agency, either makes a recommendation to hire/not hire or merely presents his findings without a recommendation to a superior.

Depending on the size of the department, the final decision to accept an applicant is usually made by the chief of police or sheriff or other high ranking officer charged with the responsibility. Often, written guidelines for making the hire/no hire decision are lacking.

Specific legal rulings on evaluation of background information have applicability here. In U.S. v. City of Chicago, 8 EPD 9785 (1974), the court criticized the Chicago Police Department for the following background practices: "The background investigation is conducted without regulations, standards of guidelines other than to determine whether the applicant is of 'bad character, dissolute habits or [guilty of] immoral conduct,' or whether he has made any false statements to the Commission, violated any Commission rule or been dismissed for cause from public employment." No job-relatedness was shown. In addition, it was found that many areas considered in a background investigation (e.g., arrests) have adverse impact against racial minorities. Consequently, the court ordered a temporary injunction which provided that, "No further use shall be made of a background investigation or the results thereof as a standard of appointment to the rank of Patrolman for the Chicago Police Department unless objective criteria are established and validated as job-related or shown to have no adverse racial impact." (Emphasis added.)

Similarly, in Arnold v. Ballard, 9 EPD 9921 (1975), the Akron Police Department was "permanently enjoined from racial discrimination with respect to Negro job applicants, and further use of a background investigation for applicants was barred in view of its potentially biased effect. Such background investigations were not to be used to disqualify future applicants until written criteria could be developed which would set forth the areas of an applicant's background to be evaluated, specifying factors that would be automatically disqualifying, and factors considered detrimental."

These court rulings make it clear that standards and guidelines for the systematic and consistent use of background data must be developed and formally established as departmental policy.

Scope of the Study

In light of legal requirements, court rulings, and current practices concerning background investigations, this study was designed to evaluate the relevancy of the entire range of potential background investigation topics. Each area was considered for its job-relatedness (i.e., what might an inquiry into an area of the applicant's history reveal about an applicant's future performance on the job), and the potential for adverse impact that an inquiry might have upon protected classes. In order to accomplish these goals, a strategy called "procedural job-relatedness" was used. Final products were to include a personal history statement, background investigation manual, and a prototype background investigation course.)

METHOD

Included in this section are all project activities from initial concept to final products.

Job-Relatedness

As has been discussed, it is of primary importance to make certain that an investigation of an applicant's background is job-related. If the inquiries tend to adversely impact upon those persons protected by fair employment legislation, then the inquiry must be shown to be relevant to the job by way of reference to a specific dimension of the job as determined by a job analysis.

The Equal Employment Opportunity Commission, Federal Executive Agency, and the California Fair Employment Practices Commission guidelines on employee selection specify how an employer must go about establishing the job relevance of selection standards. All three sets of guidelines agree that job-relatedness can be established using one of the following three procedures:

- (a) Criterion-related validity should be used when one hypothesizes that a selection standard, such as a psychological test score, predicts performance on the job. The hypothesis is evaluated by statistically relating test scores with measures of job performance.
- (b) Construct validity should be used when one determines that a particular level of a defined psychological construct (e.g., introversion-extroversion) is required by the job. The selection standard or practice must then be evaluated in terms of its effectiveness in measuring the necessary construct.
- (c) Content validity should be used when one wishes to establish that the content of a selection technique (usually expressed in terms of job knowledge or job performance) is a representative sample of the content of the job. According to the Fair Employment Practices Commission, content validity is also appropriate "when an employment practice can be rationally justified."

An employer wishing to establish the job-relatedness of a selection standard must first choose the most appropriate strategy from among these three possibilities.

Criterion-related validity would require that agencies hire persons with differing backgrounds in order to empirically compare how they perform the job. For example, in order to empirically determine that a person with an extensive criminal history would perform at an

unacceptable level in contrast to someone without a criminal history, both types of individuals would have to be hired. Obviously, it would not be in the best interest of law enforcement to do such a study. Criterion-related validation is inappropriate for validating the background investigation.

Construct validity is also inappropriate for the background investigation. Though "good moral character" might be defined as a psychological construct, it has been established that "good moral character" cannot be considered in the abstract but only within the context of job performance. The courts have accepted the principle that individuals who have behaved in a very specific, unacceptable manner may be denied employment (e.g., criminal behavior), without appealing to some higher order concept, or abstract construct such as character traits. Since no psychological construct is involved, construct validity is not the appropriate approach.

Content validity is most often used when the selection technique requires an applicant to demonstrate the possession of necessary job knowledge or job skill. The California Fair Employment Practices Commission Guidelines on Employee Selection Procedures specifies that content validity can also be used when an applicant has demonstrated behavior which is incompatible with acceptable job performance. The example is given of a proper rejection of a hotel maid applicant because of a history of convictions for petty theft. The Guidelines say that such an approach to content validity is appropriate when a selection standard can be rationally justified. Therefore, the content validity approach was chosen for this study.

Although the California Fair Employment Practices Commission does not propose a particular method of establishing a rational justification, the requirements of a procedure were outlined in a recent paper presented at the American Psychological Association Convention (Kohls, 1976). The paper describes a rational approach called "procedural job-relatedness." The characteristics of this approach are as follows:

- (a) The inference of job-relatedness is made by "job experts."
- (b) Several job experts simultaneously but independently make judgments about the relatedness of selection information and job requirements.
- (c) The importance placed on the experts' conclusions is based on the certainty which the experts have about the conclusions.
- (d) The utility of the job experts' conclusions is based on the importance of the job requirements in question.

- (e) The degree of certainty required of the experts depends, in part, on the tendency of a selection standard to produce adverse impact against those classes of applicants protected by fair employment legislation.
- (f) The decision-making session is conducted under the guidance and direction of a "referee" who is completely familiar with the topics of fair employment, validation and job-relatedness.
- (g) The quality of work exhibited by employees who are selected using a particular set of selection standards is monitored in order to assess the effectiveness of the selection system.

Procedural job-relatedness was the strategy chosen to evaluate the job-relatedness of areas of inquiry in the background investigation for the job of patrol officer.

Procedure

In applying the strategy of procedural job-relatedness to the background investigation for peace officers, the following steps were taken:

Step 1: Project Design and Program Evaluation Review Technique (PERT). Project staff began by systematically mapping out the steps of the project in order to achieve the final products. All the steps necessary to reach each goal-product were enumerated in sequence on a PERT chart (see Appendix A). A time frame of one year was necessary to complete the entire project.

Step 2: Information Gathering.

- (a) A request for information was mailed to all California local jurisdictions, local personnel directors, and National Association of State Director of Law Enforcement Training (NASDLET) members. The mailout requested:
 - (1) The department's personal history statement
 - (2) The department's personnel investigator's guide or manual
 - (3) The investigator's checklist
 - (4) Written justification or guidelines for determining what information is gathered and how it is evaluated

- (5) Samples of waivers used to obtain access to the applicant's records (e.g., education, medical, military)
- (6) Departmental policy on confidentiality of background investigations or files
- (7) Samples of any other forms regularly used in the background investigation (see Appendix B)

In all, 149 responses were received from various states and from local California jurisdictions.

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- (b) A survey of the literature was made to determine what previous research studies had been conducted in the area of police background investigations. Most of the material uncovered fell into one of two groupings: (1) procedural information and (2) empirical studies of various predictors of job performance. No study was found that studied the background investigation as a selection tool in terms of job-relatedness with respect to each area of inquiry. No study was found that was designed to ultimately result in a validated background investigation that could be used by local law enforcement agencies.

Literature offering procedural information on conducting background investigations was found to be fairly abundant. Several articles have been written that detail step-by-step instructions for law enforcement departments in the process of investigating applicants' backgrounds (see Blum (1964), Lee (1972)). Articles such as these present the "traditional" approach to background investigations and make only a cursory reference to job-relatedness.

Several research studies were found that employed the use of background characteristics to evaluate their relationship to future performance. In these studies, the background characteristics chosen to be studied varied as did the measures of job performance. For example, Levy (1966) (1967) selected 140 variables from the personnel files of thousands of law enforcement officers and used "termination of employment" data as the performance variable. Goldstein (1972) correlated items on the applicant background information questionnaire with performance on the New Jersey police civil service examination. Spencer and Nicols (1971) used various applicant data to predict who would "fail to qualify" in the background investigation, but did not examine the background investigation itself. Cohen and Chaiken (1972) culled the files of

1,922 officers of the New York City Police Department in a study to relate certain background characteristics with performance on the job. (Cohen and Chaiken have compiled a useful comparison table of eighteen studies that compare background characteristics of police candidates with future performance.)

Despite the existence of such data, project staff felt that it was impossible to translate these results into employment standards or recommendations. First, the nature of the samples was very specific and could not be generalized to the State of California. Second, decisions about individual applicants is rarely made on the basis of one or two isolated facts, but rather on a mosaic of varied background facts uncovered by the investigator. Therefore, the current research effort was designed to determine potentially useful "areas of inquiries" rather than specifically disqualifying background facts or events.

Step 3: Compilation of Areas of Inquiry. Based upon the returns of the mailout, a list of inquiries that an investigator might make was compiled. The list was categorized into eleven broad subject areas that included: (1) introductory; (2) relatives, references, acquaintances; (3) residences; (4) legal; (5) motor vehicle operation; (6) personal; (7) education; (8) military; (9) employment; (10) financial; (11) general information.

Step 4: Meeting with Interest Groups. Because of the concern about adverse impact and in order to ensure complete input into the project, meetings were arranged with representatives of Black, Latino, Asian, and Women's interest groups. Discussed at these meetings were the representatives' concerns about the manner in which background investigations were currently being conducted. Specifically, these representatives were asked to point out any adverse impact against their group that might result from inquiries into various areas of an applicant's past history. Note was made of their comments, and each interest group was asked to submit a written statement of its concerns.

Finally, each interest group was asked to nominate a representative of its group to attend the decision-making meeting. The purpose of the interest group representatives was to provide input on adverse impact during the decision-making meeting; therefore, it was of primary importance that these representatives be aware of the areas affecting the interest group they represented. In addition, it was felt important that the advisors to the decision-making meeting be familiar with the job of a peace officer in order to enhance the pertinence of their input. Consequently, all interest groups representatives were drawn from the ranks of law enforcement.

Step 5: Assembling the Decision-Making Panel. It was decided that because of the nature of the background investigation project, two requirements should be made of the people chosen to sit as decision-makers on the decision-making panel: (1) that they be knowledgeable about law enforcement and the demands of the job of a peace officer, and (2) that they have some familiarity with compliance with fair employment legislation.

The five decision-makers chosen were charged with the responsibility of making rational judgments about the job-relatedness of each area of inquiry. Decision-makers included a deputy chief of police, a background investigator with several years of law enforcement experience, a private consultant and former EEOC commissioner, a city personnel director, and a deputy city attorney. (See Appendix C for a list of the decision-makers and advisors to the decision-making meeting.)

Step 6: Job Analysis. Before any decisions concerning job-relatedness could be made, it was necessary to establish a job analysis upon which decisions could be based. It was decided that sufficient job analytic data was available to preclude the necessity for additional job analysis data gathering. The job analysis data consisted of:

- (a) A list of 800 task statements concerning the job activities of a patrol officer which resulted from a study sponsored by the POST Commission. This comprehensive task inventory includes duties under the categories of administration, bailiff, civil, communications, community relations, detention, field services, identification, investigation, personnel, property and evidence, records and clerical, traffic, training, and warrants.
- (b) The results of a job analysis by the Selection Consulting Center on the necessary elements for successful entry-level peace officer job performance. This study describes thirteen performance dimensions under which desirable job behaviors could be grouped. (See Appendix D.)
- (c) In addition to the thirteen performance dimensions pinpointed in the Selection Consulting Center study, two additional dimensions were included as a result of the above task analysis. They are: (1) operation of a motor vehicle, and (2) credibility as a witness in a court of law.

Step 7: Test Meetings and Revision of the Process. Once the list of potential areas of inquiry and the fifteen performance dimensions were developed, project staff was ready to test the decision-making process. For this purpose, members of the POST staff were recruited. These five POST members were trained in all aspects of procedural job-relatedness. Topics included fair employment laws, validation of selection instruments, requirements of the

patrol officer's job, and the characteristics of procedural job-relatedness.

This test panel of recruited POST staff was then presented with sample stimuli (areas of inquiry) along with the fifteen job dimensions, a decision response scale, and a decision response form. For each area of inquiry, each person was asked to give a response indicating how certain he/she was concerning the job-relatedness of the area of inquiry. The test panel members were also asked to specify one or more job dimension(s) to which the area of inquiry was related.

On the basis of two test meetings, substantial modifications were made in the format of the response form, the response scale, and the manner in which the stimuli were to be presented. The final decision-making process is described below.

Step 8: Material Development. As a result of the test meetings, it was determined that the areas of inquiry differed in some significant respects. Some areas of inquiry (such as inquiry into a felony conviction) could be evaluated in themselves (a state standard based upon legislation) while other areas required further qualification or explanation (for example, inquiry into a fact that might be insignificant in itself but might fit into a larger significant pattern of behavior). Some inquiries were clearly illegal or unnecessary (for example, citizenship); others were legally required (such as inquiry into criminal records). Finally, some inquiries were for the purposes of contacting people familiar with the applicant, while still other inquiries were for verification purposes. Project staff worded each stimuli differently depending on its purpose. In total, 135 background facts or areas of inquiry were presented to the decision-makers.

The areas of inquiry were presented to the decision-makers in the form of a Background Information Response Booklet. (See Appendix E for a sample page of this booklet.) Each area of inquiry was presented in the form of a question concerning the legitimacy of the area. For each question, information on adverse impact (based upon the input of the interest groups) was supplied, and where appropriate, staff included legal information and cautionary comments.

For each of the 135 areas of inquiry decision-makers were allowed four possible decision choices: (1) Yes-definite, (2) Yes-probable, (3) No-state reason, (4) Need more information. If the decision-maker chose either "Yes-definite" or "Yes-probable," he or she was required to relate the area of inquiry to one or more job dimensions. Further, he or she was asked to supply an example of unacceptable behavior which would be disqualifying. If the decision-maker selected a "No" response, all that was required was a reason for the response. The fourth alternative, "Need More Information" was available if the decision-maker felt that the question was unclear or that more information was needed--problems that would be

resolved during the actual decision-maker meeting. (See Appendix F for instructions given to the decision-makers and more extensive definitions of terms.)

In the case of 45 of the 135 areas of inquiry, project staff felt that there was sufficient evidence to clearly justify the inclusion or exclusion of the area of inquiry. So, preliminary staff judgments of either "Yes-definite" or "No" along with criteria or reasons were indicated for these 45 areas of inquiry in the Background Information Response Booklet. These staff judgments were, of course, subject to the decision-makers' concurrence.

Step 9: Training Meeting for Decision-Makers and Interest Group Advisors. With all materials readied, a meeting was held to train the five decision-makers. To ensure that all participants were at a common level of understanding, information was presented about the Commission on Peace Officer Standards and Training, the POST Background Investigation Project, fair employment laws and guidelines, and job-relatedness and procedural job-relatedness.

The participants were then presented with binders containing all the material they would need for their decisions including job analysis information, definitions of the decision criteria (job dimensions), and the response booklet. In addition, a practice sample sheet was distributed to ensure that the five decision-makers understood the process.

In all, six sample questions of various types were given to the five decision-makers so they could experience the process of procedural job-relatedness.

When it could be determined that all decision-makers understood the decision-making process, they were asked to complete the entire response booklet on their own and mail the booklet back to POST. For those questions on which they could not make a decision, they were asked to indicate "Need more information" with the result that discussion on the question would be reserved for the actual decision-making meeting.

Step 10: Decision-Making Meeting. Project staff had compiled the results of the mailed returns and assembled them into a Background Information Results Booklet in preparation for the actual Decision-Making Meeting. Forty-nine decisions were initially made on the basis of the mailed returns; eighty-six remained to be discussed at the three-day meeting. (Decision-makers were also allowed the option of suggesting additional questions to be presented to the entire panel.)

One of the requirements of procedural job-relatedness is that the decision-making meeting be conducted in a formalized, structured manner. To make decisions about areas of inquiry in the background investigation, the participants observed this procedure:

- (1) The referee announced the question (area of inquiry) to be discussed and the initial voting based upon the mailed returns.
- (2) The five decision-makers entered into a discussion on the job-relatedness of the area of inquiry and any questions that a member of the decision-making panel might have were answered.
- (3) Independently, each decision-maker voted on the job-relatedness of the area of inquiry. (Since the response booklets had been distributed prior to the decision-making meeting, many decisions were made beforehand and most decisions did not change during the voting.)
- (4) In the case of a "No" vote, the decision-maker was required to state a reason. In the case of a "Yes-definite" or "Yes-probable" vote, the decision-maker was asked to relate the area of inquiry to one or more job dimensions.
- (5) Any "Yes" vote also required an example of behavior within the area of inquiry that the decision-maker would find disqualifying. (In actual practice, a single negative fact in an applicant's background is not often disqualifying; rather, the accumulation of several negative facts which form a pattern of behavior or an overall "picture" of the applicant is often the basis for applicant disqualification. Project staff recognized this reality but reasoned that any background fact that could hypothetically form part of a reason for rejection could also hypothetically form all of a reason for rejection if the fact were of sufficient severity. Therefore, decision-makers were asked to provide examples of behavior that they would consider disqualifying in an applicant. These examples served a dual purpose of: (1) aiding the decision-maker in verifying in his or her own mind the logic of a chosen decision, and (2) assuring the referee that the decision-makers had properly associated their examples with the job dimensions they had cited for that particular area of inquiry.
- (6) The interest group advisors were given the opportunity to comment on adverse impact for each area of inquiry. (The adverse impact issue and the job-relatedness issue were completely separate judgments--one made by the interest groups or their representatives, the other made by the decision-makers. The panel members were the only individuals making judgments about job-relatedness. Adverse impact information was included in the process for the purpose of utilizing the decision-making matrix. (See last page of Appendix F.)

- (7) Any decision-maker was allowed to suggest additional areas of inquiry for the group to address. All participants were allowed to interject cautionary or explanatory statements for any area of inquiry.
- (8) A deputy attorney general was also present at the meeting and available to answer any legal questions that a participant in the decision-making process might have.
- (9) The votes of the decision-makers and the information on adverse impact were united in a very formal manner according to a pre-established matrix in order to arrive at a final decision. (See last page of Appendix F.) Each area of inquiry was determined to be either "legitimate" or "non-legitimate."
- (10) Throughout the decision-making procedure, a staff member served as referee to assure that discussion was in keeping with the role of the participant and that the decisions followed the strict requirements of procedural job-relatedness.
- (11) Each area of inquiry, including those suggested by the participants, was treated in this manner.

The decision-making meeting resulted in decisions on 138 areas of inquiry.

Step 11: Development of the Personal History Statement. The decision-making meeting resulted in sixty-two areas of inquiry that were determined to be legitimate topics of a background investigation. From these sixty-two areas of inquiry, questions were developed that could be asked of a law enforcement applicant on a personal history statement to elicit legitimate information ("legitimate" in terms of approved areas of inquiry).

For example, it was determined that it is legitimate to inquire into an applicant's military history. Using that determination as a base, personal history statement questions such as those concerning branch of service, service number, dates of service, and type of discharge were developed.

In this way, the entire Personal History Statement was developed. (See Appendix G for the Personal History Statement within the Background Investigation Manual.) That is, each of the approved areas of inquiry was examined individually, and the question asked, "What questions about this area of inquiry should be asked directly of the applicant via the personal history statement?"

Step 12: Development of the Background Investigation Manual. While the legitimate areas of inquiry were of primary importance in the development of the Personal History Statement, they shared equal

importance with the non-legitimate areas of inquiry in the development of the Background Investigation Manual. (All legitimate and non-legitimate areas of inquiry are included by subject area in the Background Investigation Manual.) That manual was developed with the purpose of providing as much information to the background investigator as possible in order to ensure a well-conducted investigation. (See Appendix G for Background Investigation Manual.) Consequently, guidance on proper and improper investigative inquiries was carefully included. If decision-makers or interest group advisors felt a cautionary comment to the investigator about a type of inquiry was warranted, that also was included. Pertinent statutes and regulations were cited to ensure observance of legal requirements governing peace officer selection.

In order for the manual to be as useful as possible to the investigator, suggested procedural steps were included, beginning with the initial completion of the personal history statement by the applicant down through the final report by the investigator. Practical information was included on obtaining various records and information on the applicant's past behavior (e.g., driving record) and on interviewing persons who might be sources of relevant information about the applicant (e.g., former employers). In order to expedite the investigator's task, sample letters, various forms, and applicant waivers were also included. Finally, a sample final report was developed in order to demonstrate the desirable format for the results of a background investigation.

Step 13: Trial Background Investigation Based Upon the Results of the Decision-Making Meeting. Once the legitimate areas of inquiry had been established by the decision-making panel and a tentative draft of the Personal History Statement had been developed, arrangements were made with a large, urban police department to conduct a trial background investigation based upon the results of the decision-making meeting.

Subsequently, planning began for a background investigation on an actual applicant to the Oakland Police Department. It was decided that the investigation would be conducted by an Oakland Police Department officer who would be accompanied by a project staff member acting as an observer and monitor. A procedure to implement and test the results of the decision-making meeting was established. The question to be answered was basically: Can an adequate background investigation be conducted using the results of the decision-making meeting for guidance?

It was decided that the Oakland investigator would first gather information about the applicant through records and reference sources, staying within areas of inquiry determined to be legitimate by the decision-making panel. Then, the investigator would gather any additional information or ask any other questions that he felt might be necessary even though those inquiries were determined to be "non-legitimate" by the panel. Then, the investigator would gather

any additional information or ask any other questions that he felt might be necessary even though those inquiries were determined to be "non-legitimate" by the panel. Finally, a review would be made to determine if any significant, job-related information was uncovered by inquiries into non-legitimate areas.

Each of these steps was followed, and when all the information had been gathered on the applicant, no significant information was discovered through non-legitimate areas of inquiry.

The trial background investigation also served one other useful purpose. This practical application of the results of the decision-making meeting pointed out practical information that was later included in the Background Investigation Manual.

Step 14: Background Investigation Course. One of the goals of the project was to develop a prototype background investigation course based upon the results of the research conducted during the project.

A day was set aside for a meeting with representatives of two law enforcement agencies (Oakland Police Department and California Highway Patrol) and representatives from the Standards and Training Division of POST. Course decisions were made concerning dates, location, reimbursement, applicant prerequisites, number of applicants, course certification, course content, and course format. (To enhance decisions concerning the project course, project staff had previously attended a POST-certified background investigation course presented at Rio Hondo College. A questionnaire on course content had been given to each student at the course, and it was hoped that the information and experience gained by project staff from attending the course could be utilized in the project course.)

It was decided that a prerequisite for the course would be employment as a full-time police officer with current assignment to background investigation. Priority would be given to those applicants: (1) who supervise and conduct, or have conducted, background investigations (2) who would be able to attend the course along with a member of their city or county personnel department. There were several reasons for these decisions. First, the course was not designed to train beginning background investigators in investigative techniques--it was designed to introduce new procedures in background investigation; hence, the experience prerequisite. Second, since the course was to introduce new procedures, training supervisors of background investigations would have the mushrooming effect of wider use of the procedures. Third, encouraging law enforcement course participants to bring a representative from their city or county personnel department would hopefully foster improved communication in the selection of peace officer employees.

It was decided that the newly developed Personal History Statement and Background Investigation Manual would not only be introduced at the 3 1/2-day course, but would also be the basic focus of the

course content. In addition, the contents of the course would include a self assessment tool (see Appendix H) to help the course participants gauge their own preconceptions about background investigations, presentations on technical and legal considerations of fair employment, and a short review of investigative techniques (see Appendix I for course outline). Handout material and visual aids were developed to complement the presentations.

Because the course was to become a prototype for future courses, project staff were interested in the quality and effectiveness of the course. The most expeditious way to measure quality and effectiveness seemed to be through the reactions of the course participants. Therefore, detailed critiques were requested of the participants after each block of presentation. (See Appendix J for sample critiques.) Comments were also solicited on the personal history statement and the background investigation manual. All suggestions were considered for inclusion in the final drafts.

It is anticipated that the Background Investigation Course will become a POST certified course, to be produced by other training institutions. Subsequent producers will use the course outline and training materials developed by POST project staff.

Step 15: Review Process. Working drafts of the Personal History Statement and the Background Investigation Manual were subjected to an extensive review process prior to the final printing. Input to the final drafts was provided by POST staff, project advisors, project decision-makers, experiences from the trial background investigation, background investigation course participants, the Fair Employment Practices Commission, the Los Angeles Police Department, and the Commissioners of the Commission on Peace Officer Standards and Training.

Step 16: Distribution of the Personal History Statement and Background Investigation Manual. Once the final versions of the Personal History Statement and the Background Investigation Manual were approved, distribution was made, in February 1977, to all local California law enforcement agencies, agencies participating in the POST specialized program, California community colleges, California state colleges and universities and NASDLET (National Association of State Directors of Law Enforcement Training). Additional copies of the background investigation manual were made available at cost through the Office of Procurement, California Department of General Services.

CONCLUSION

As a result of this project, a wide range of areas of inquiry traditionally used in evaluating law enforcement applicants has been critically examined in the light of job-relatedness. The resulting guidelines for the background investigator, presented in the Background Investigation Manual, in conjunction with agency-established standards of qualification (or disqualification) should aid agencies in making informed judgments about the acceptability of applicants. The Background Investigation Manual is now being used by most local law enforcement agencies in California.

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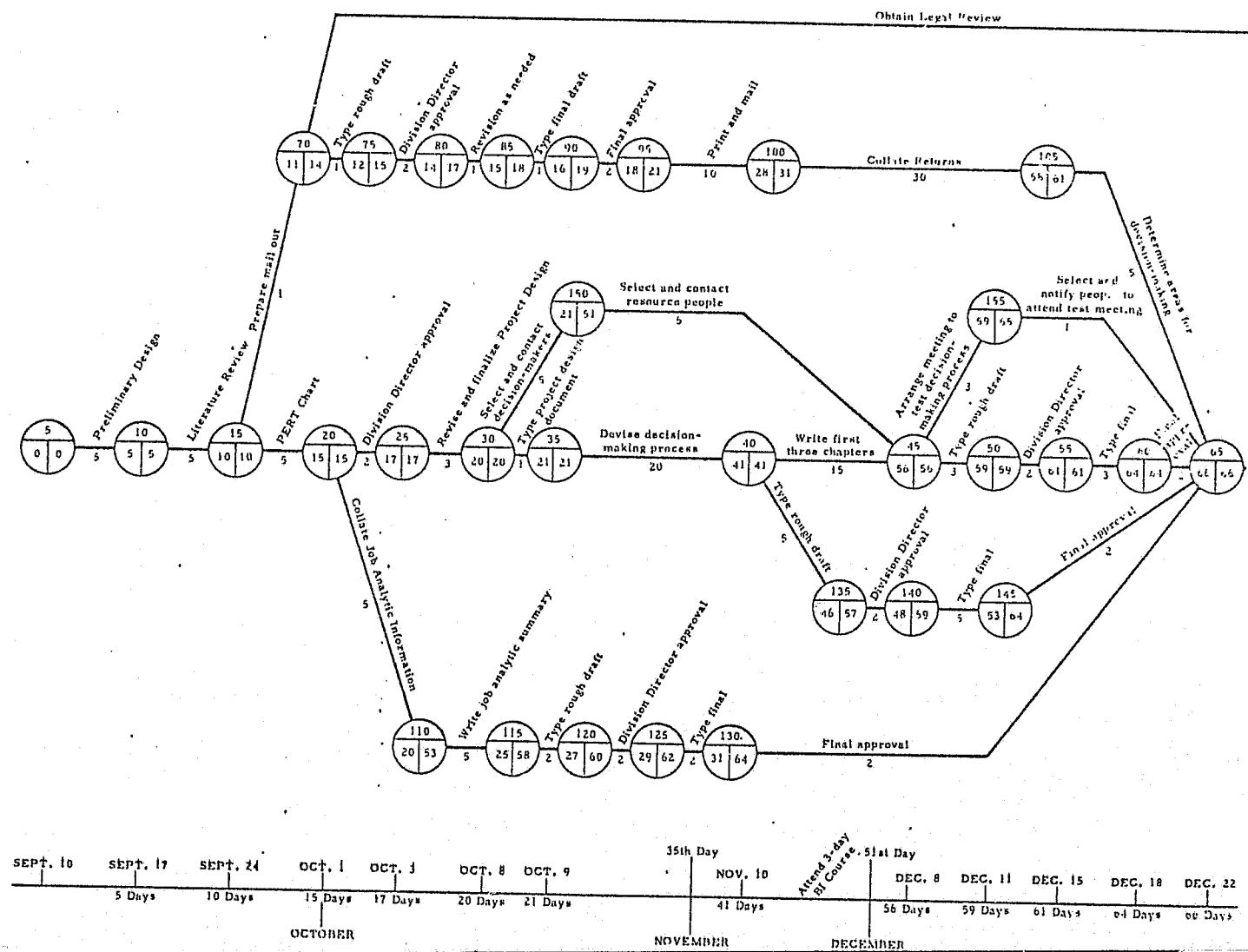
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APPENDICES

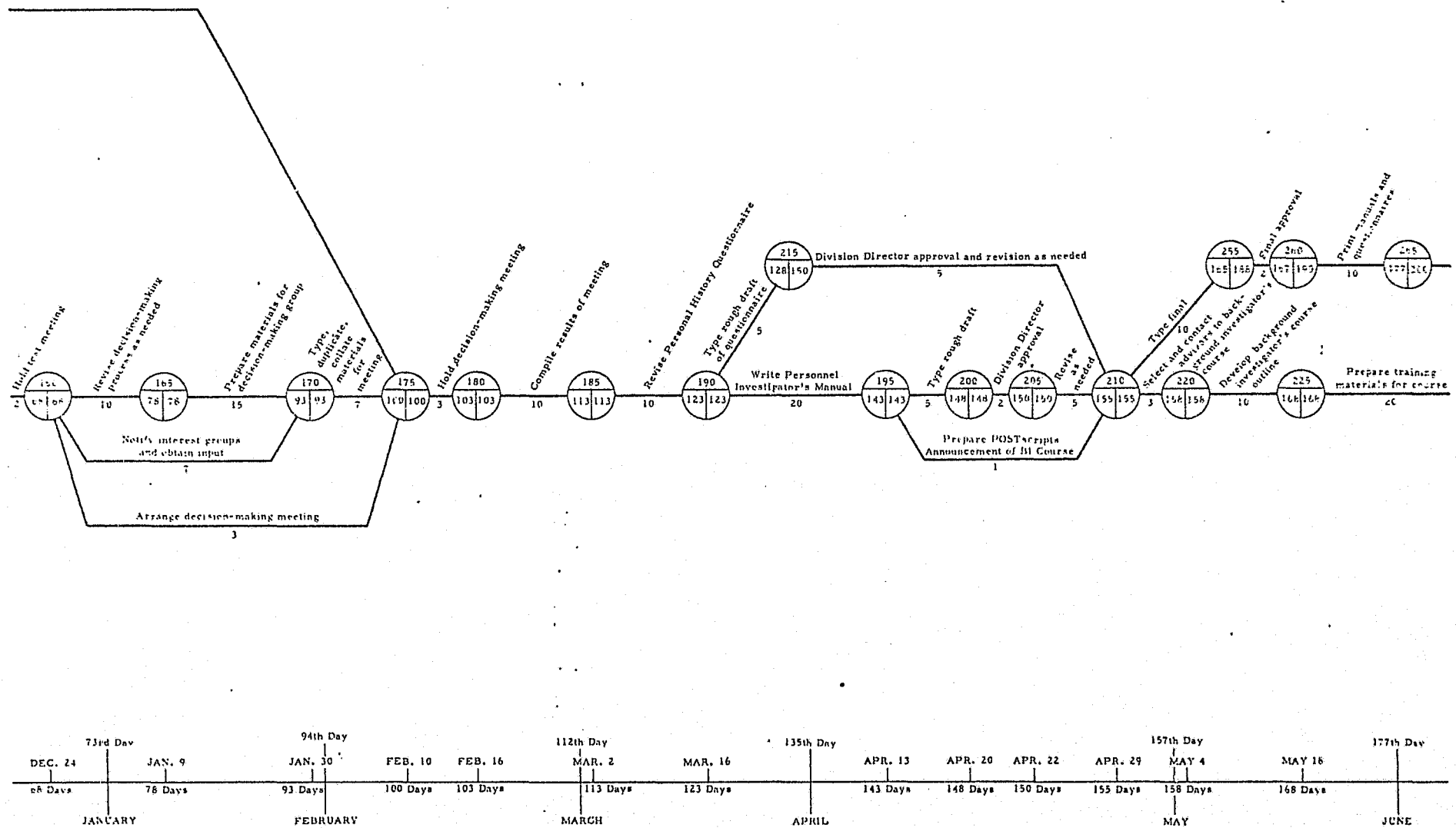
- A. PERT Chart
- B. Mailout Letter
- C. Decision-Makers and Interest Group Advisors
- D. Job Dimensions
- E. Sample Page From Response Booklet
- F. Instructions to Decision-Makers
- G. Background Investigation Manual
- H. Self Assessment Tool
- I. Background Investigation Course Outline
- J. Background Investigation Course Critiques

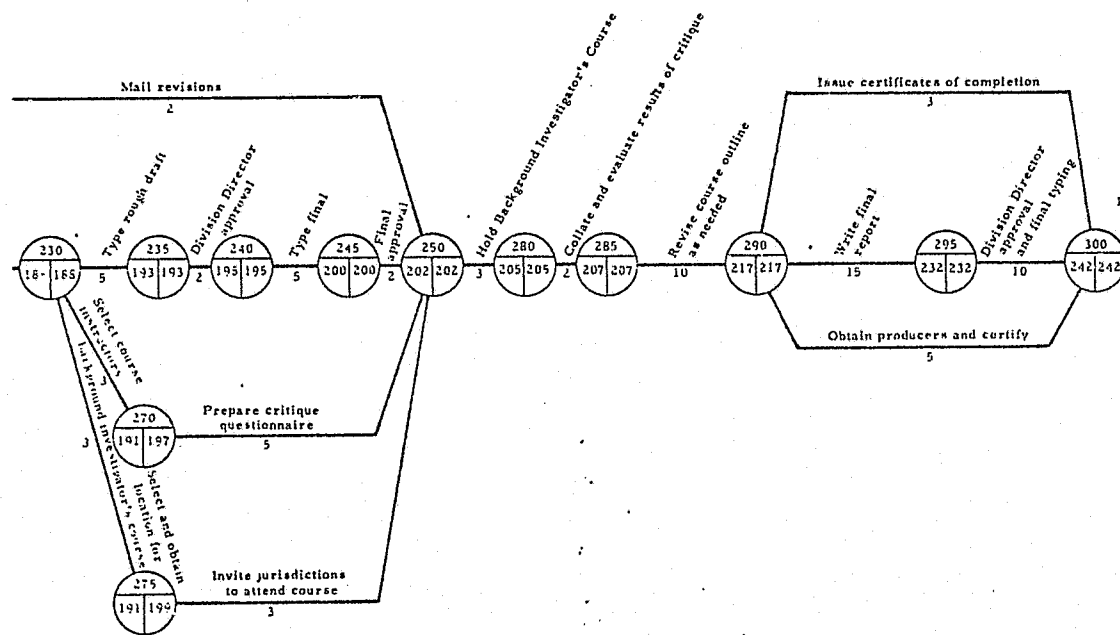
APPENDIX A

PERT CHART



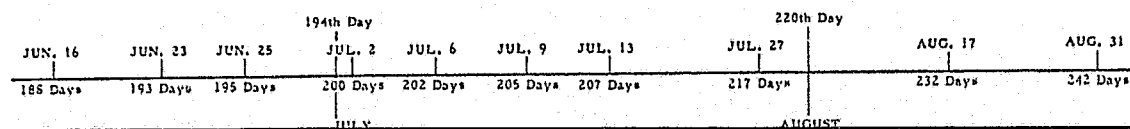
Background Investigation Project





PRODUCTS OF BACKGROUND INVESTIGATION PROJECT

1. Personal History Questionnaire
2. Personnel Investigator's Manual
3. Background Investigator's Course Outline
4. Training Materials for Course
5. Report of Project



APPENDIX B
MAILOUT LETTER



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

7100 BOWLING DRIVE, SUITE 250
SACRAMENTO, CALIFORNIA 95823

October 15, 1975

Dear Chief/Sheriff:

There has been a critical need among law enforcement jurisdictions to develop and utilize job-related employee selection standards. In response to this need, on August 1, 1975, the Commission on Peace Officer Standards and Training approved two one-year projects. The first project is concerned with the validation of medical standards. The second is designed to produce a revised and validated personal history statement and background investigation.

As these projects take shape and gather momentum, one of the first tasks is to gather input from the field to determine the medical and background information currently requested of peace officer applicants. To accomplish this, we are requesting the following information if available:

MEDICAL EXAMINATION PROJECT

1. A copy of your department's medical questionnaire (other than POST form 2-227)
2. A copy of your physician's guide to the medical examination
3. A list of currently utilized medical disqualifiers and standards
4. Any written justification for the use of the standards or disqualifiers
5. A priority listing of the medical conditions which are of most concern to your agency

October 15, 1975

BACKGROUND INVESTIGATION PROJECT

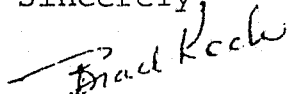
1. A copy of your department's personal history statement (other than POST form 2.5)
2. A copy of your department's personnel investigator's guide or manual (other than POST's Personnel Investigators Manual)
3. Investigator's checklist
4. Written justification or guidelines for determining what information is gathered and how it is evaluated
5. Samples of waivers used to obtain access to the applicant's education, medical, military, etc. records
6. Sample narrative reports of the investigator's findings
7. Departmental policy on confidentiality of background investigations or files
8. Samples of any other forms regularly used in the background investigation

In addition, we would be interested in any validation work your department has done in the medical and background investigation areas, and any legal challenges your department has had concerning either of these areas.

Thank you for your cooperation. Your assistance will help us to provide you with the best possible products on medical and background validation.

If you would like further information, please contact Senior Consultant Michael S. Freeman of my staff at area code (916) 322-3492.

Sincerely,



BRADLEY W. KOCH
Director
Technical Services Division

APPENDIX C

DECISION-MAKERS AND INTEREST GROUP ADVISORS

Decision-Makers

William Danielson
Personnel Director
City of Sacramento

Allen J. Hansen
Inspector, Administrative Division
Los Angeles County Sheriff's Department

Aileen Hernandez
Urban Affairs and Management Consultant
San Francisco

James Kahan
Deputy City Attorney
City of Pasadena

Odell Sylvester
Deputy Chief of Police
Oakland Police Department

Advisors

Officer Rosie Johnson
Menlo Park Police Department

Lt. Kinya Noguchi
Sacramento County Sheriff's Department

Officer John Parraz
Sacramento County Sheriff's Department

Officer Leon Taylor
Sacramento Police Department

APPENDIX D
JOB DIMENSIONS

JOB DIMENSIONS

Communications Skills

Ability to express oneself clearly in writing and speech. Ability to read with good comprehension. Ability to write a report which accurately describes what has happened. Ability to speak clearly and to make oneself understood.

Problem-Solving Ability

Knowing how to size up a situation, identify the problem, and make a logical decision. Knowing when to take action and what kind of action is appropriate. Using good judgment in making decisions. Ability to see the similarities and differences between the many situations confronted on a daily basis.

Learning Ability

Ability to comprehend and retain a good deal of factual information. Ability to recall factual information pertaining to laws, statutes, codes, etc. Ability to learn and to apply what is learned. Capability of learning the factual material which is required of a law enforcement officer.

Judgment Under Pressure

Applying good common sense in dealing with pressure situations. Capability of making sound decisions on the spot. Using good judgment in dealing with a potentially explosive situation. Ability to make effective, logical decisions under pressure.

Observational Skills

Mental alertness, good observational skills, memory for details. Alertness to signals which indicate that something is wrong. Inquisitive; senses when something is wrong. Suspicious and inquisitive; able to sense when things are not satisfactory.

Willingness to Confront Problems

Ability to be assertive in a potentially explosive situation. Willingness to confront a problem. Won't back away. Willingness to stop people who are behaving in a suspicious manner and to challenge them. Having the courage to confront a potentially dangerous situation.

Interest in People

Wanting to understand people and to work with them. Having an active interest in working with people. Fairness in dealing with the public regardless of ethnic race, economic level, etc. Having a public service orientation. Wanting to help people.

Interpersonal Sensitivity

Resolving problems in a way that shows some sensitivity for the feelings of people. Showing empathy in working with people. Does not enforce the law blindly. Effective in dealing with people without arousing antagonism. Understanding the motives of people and how they will react.

Desire for Self-Improvement

Desire to go out and seek the knowledge which is needed to be a competent law enforcement officer. Seeing oneself as being responsible for learning the job and a willingness to put in the time needed to stay up to date. Having a high degree of interest and self-drive in wanting to improve skills and knowledge. Caring about one's competence as a law enforcement officer, and wanting to improve one's skills.

Appearance

Demeanor as determined by physical appearance, grooming, and personal care. Having personal and professional pride in one's demeanor and appearance. Showing pride in appearance. Professional bearing as determined by neatness and overall grooming.

Dependability

Having the habit of submitting reports on time, not malingering on calls, etc. - well motivated. Dependable; follows through on assignments. Taking the extra effort required to be accurate in all details of the work. Willingness to turn in the hours needed to complete a job.

Physical Ability

Showing the endurance required to do the job. Measuring up to the physical demands of police work. Having good physical coordination, stamina and agility. Being physically able to handle himself/herself when necessary.

Integrity

Refusing to yield to the temptation of bribes, gratuities, payoffs, etc. Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel. Showing strong moral character and integrity in dealing with the public. Being honest in dealing with public.

Operation of a Motor Vehicle

Ability to possess a valid California Driver's License. Ability to drive safely. Ability to control a motor vehicle at high speeds. Ability to operate motor vehicle in all types of weather conditions.

Credibility as a Witness in a Court of Law

Ability to give testimony in a court of law without being subject to impeachment due to his/her character for honesty or veracity (or their opposites) or due to a prior felony conviction. |

APPENDIX E

SAMPLE PAGE FROM RESPONSE BOOKLET

Commission on Peace Officer Standards and Training
BACKGROUND INVESTIGATION PROJECT
BACKGROUND INFORMATION RESPONSE BOOKLET

EMPLOYMENT

7. Is it legitimate to conclude anything about the qualifications of the applicant (except possible indebtedness) from his/her current or prior salary? 9/Ø

Staff comments: Definite adverse impact indicated.

Decision	Criteria or Reason	Example
<input type="checkbox"/> Yes - definite } state <input type="checkbox"/> Yes - probable } criteria <input checked="" type="checkbox"/> No - state reason <input type="checkbox"/> Need more information	Current or prior salary does not indicate anything about a dimension, nor is it necessary for identification purposes.	
<input type="checkbox"/> Concur with staff decision <input type="checkbox"/> Yes <input type="checkbox"/> No (put reason in comments)	Comments:	

8. Is it legitimate to inquire into whether an applicant has ever been fired or asked to resign from any place of employment? 9/B

Staff comments: Possible adverse impact indicated.

Decision	Criteria or Reason	Example
<input type="checkbox"/> Yes - definite } state <input type="checkbox"/> Yes - probable } criteria <input type="checkbox"/> No - state reason <input type="checkbox"/> Need more information		
<input type="checkbox"/> Concur with staff decision <input type="checkbox"/> Yes <input type="checkbox"/> No (put reason in comments)	Comments:	

9. Is it legitimate to inquire into an applicant's reason for leaving a job if that reason is other than being fired or being asked to leave? 9/B

Staff comments: Definite adverse impact indicated.

Decision	Criteria or Reason	Example
<input type="checkbox"/> Yes - definite } state <input type="checkbox"/> Yes - probable } criteria <input type="checkbox"/> No - state reason <input type="checkbox"/> Need more information		
<input type="checkbox"/> Concur with staff decision <input type="checkbox"/> Yes <input type="checkbox"/> No (put reason in comments)	Comments:	

APPENDIX F
INSTRUCTIONS TO DECISION-MAKERS

Commission on Peace Officer Standards and Training

BACKGROUND INVESTIGATION PROJECT

Background Information Response Booklet

INSTRUCTIONS

The purpose of this project is to determine the legitimacy of inquiring into the various facets of a person's background in order to assess the person's qualifications for the job of a law enforcement officer. In filling out this Background Information Response Booklet, you will be making your own judgment about the legitimacy of 135 background facts or areas of inquiry. Your responses and those of the other four decision makers will be collated and reviewed at the decision-making meeting. Each decision you make, therefore, is extremely important because each will significantly impact upon whether a particular background fact will be used in the future to assess applicant qualifications by law enforcement agencies throughout the State of California. Thus, we cannot overemphasize the need for extreme care in making your decisions.

You should address each area of inquiry in the following manner:

Area of Inquiry. Each of the 135 areas of inquiry is stated in the form of a question which we would like you to answer by filling in the "Decision," "Criteria or Reason" and "Example" sections.

Staff Comment: This section contains three types of information.

1. The kind of adverse impact which the background item would have against any or all classes protected by fair employment legislation.
2. Information concerning POST regulations or State laws which bear upon the use of the background fact.
3. Cautionary and explanatory statements concerning the area of inquiry.

The adverse impact data should not be used in making your decision concerning the legitimacy of the area of inquiry. The adverse impact data will be used during the decision-making meetings. Therefore, decide the legitimacy of the area of inquiry from the point of view of job-relatedness, not adverse impact.

Decision: Your decisions will fall into the following categories:

Yes-Definite. Use this category when (a) you feel certain that an area of inquiry is legitimate, and (b) you feel certain that it is related to one or more of the 15 criteria

Instructions, cont'd.

or dimensions, and (c) you have no difficulty thinking of a specific example of the kind of unacceptable past behavior which would be disqualifying.

Yes-Probable. Use this category when (a) you feel that the area of inquiry is probably legitimate but you are not certain, or (b) you have some difficulty deciding which criteria or dimension the area of inquiry is related to, or (c) you have difficulty thinking of a specific example of unacceptable past behavior which would be disqualifying.

No. Use this category when you feel that it is not legitimate to inquire into a particular area of inquiry. If you choose this category, you do not have to fill in the "Example" section. However, you are asked to provide a reason for your "no" answer.

Need More Information. If you cannot make a decision because you feel the question is unclear or you need additional data to make your decision, mark this category. We would rather that you choose this category than make a decision which you feel you will probably have to change later on.

Concur with Staff Decision: For 45 of the 135 areas of inquiry, the project staff has made a tentative decision which we would like you to review. If you agree with our "decision" and "reason", please mark "Yes." If for any reason you disagree, mark "no" and state reason.

Criteria or Reason. If you chose either the "Yes-Definite" or "Yes-Probable" categories, then list the criteria or dimensions of job performance to which the area of inquiry is related. Please write out the full name of the criteria or dimension. If there is more than one criterion or dimension, list them in order of importance (i.e., list first the criterion or dimension which the area of inquiry is most likely to be related to).

If you answered "no," state the reason for your decision in the "Criteria or Reason" section.

Example. If you chose the "Yes-Definite" or "Yes-Probable" categories, make up a hypothetical example of the kind of behavior which might be discovered within the area of inquiry which you would consider disqualifying. Relate your example to the criterion or job dimension which you consider the most important for that area of inquiry. Please keep the following three considerations in mind when developing your examples:

1. Make the examples as concrete as possible, including actual numbers and specific amounts of time (e.g., 5 moving violations and 3 accidents within the previous year). This will facilitate our discussions about the area of inquiry at the decision-making meeting.

Instructions, cont'd.

2. Your example will not be used to set standards. It will be the responsibility of each agency to set its own specific standards for the use of particular areas of inquiry. Your examples will be used to facilitate the decision-making meeting and will not be used thereafter.
3. Your examples should consist of the kind of behavior which might be exhibited by an applicant within the typical applicant population. The examples should not consist of behavior so bazaar or extreme that it would be unlikely to ever occur.

If you chose the "no" category, no example is required.

Comments. This section is provided so that you can provide any qualifying, cautionary, or explanatory statement which you feel should accompany your decision, criteria and reason, and example.

Additional Areas of Inquiry

After each major grouping of the areas of inquiry (i.e., introductory; relatives, references, acquaintances; residences; legal; motor vehicle operation; personal; education; military; employment; financial; general information), you will find a blank response page. Please use this page if you feel that additional areas of inquiry should be addressed under that major grouping.

When to Return the Response Booklet

Please complete your Response Booklet and have it in the mail to POST by February 2, 1976. Address the booklet to:

Commission on POST
7100 Bowling Drive, Suite 400
Sacramento, CA 95823
Attention: POST Background Investigation Project

POST staff will collate the responses of the five decision-makers and present the results to you at the February 9-11 meeting. At that time, the decision-makers will have the opportunity to discuss further any areas of inquiry for which no decision could be reached or for which the decision-makers need further information.

In order for an area of inquiry to be included as a legitimate part of the background investigation, the following matrix which takes into account the 3 degrees of adverse impact and the 3 types of panel decisions will apply:

Instructions, cont'd.

PANEL DECISIONS

	NO	YES-PROBABLE	YES-DEFINITE
Definite Adverse Impact	If any decision maker says "No", the area <u>will not</u> be included.	If two or more say Yes- Probable, the area <u>will not</u> be included.	If all say Yes- Definite, the area <u>will</u> be included.
Possible Adverse Impact	If any decision maker says "no", the area <u>will not</u> be included.	If three or more say Yes- Probable, the area <u>will not</u> be included.	If three say Yes- Definite and at least 2 say Yes- Probable, the area <u>will</u> be included.
No Evidence of Adverse Impact	If any decision maker says "No", the area <u>will not</u> be included.	If four say at least Yes- Probable and one says "no Judgment," the area <u>will be</u> included.	

Basically, if the area of inquiry will cause possible or definite adverse impact, all the decision makers must decide that the area is definitely legitimate in order for it to be included as part of the background investigation. The requirements for inclusion are reduced when there is no evidence of adverse impact.

As you make your judgments in the Response Booklet, we suggest that you work in short sessions over a two or three day period. In that way, the weight of the task will be lessened, and each area of inquiry will be given your full consideration.

APPENDIX G
BACKGROUND INVESTIGATION MANUAL

APPENDIX H
SELF ASSESSMENT TOOL

BACKGROUND INVESTIGATION

ISSUES

QUESTIONNAIRE

True/False

1. The courts have so restricted the legitimate areas of a background investigation that the technique is less useful than it used to be. _____
2. If substantiated illegal acts for which an applicant has not been arrested or convicted are uncovered in a background investigation, that information may not be used in determining the acceptability of an applicant. _____
3. It is not legitimate and not necessary to insist that all time intervals in the applicant's background be accounted for. _____
4. It is legitimate to inquire whether the spouse or other individuals having influence over the applicant support the applicant's joining the department. _____
5. The background investigation has more potential for adverse impact against classes of individuals protected by fair employment legislation than almost any other selection technique. _____
6. It is not legitimate to inquire into an applicant's arrest record. _____
7. It is legitimate to determine the sex of the individual with whom the applicant resides. _____
8. It is not legitimate to inquire whether an applicant has ever committed an offense as a juvenile that would have been a misdemeanor or a felony had the applicant been an adult. _____
9. It is legitimate to inquire into the number of parking citations obtained by the applicant. _____
10. Interviews with junior high school personnel can usually provide valuable information about the applicant's qualifications. _____

True/False

11. It is not legitimate to inquire into the reason for the applicant's having had no prior employment. _____
12. It is not legitimate to inquire into an applicant's reason for leaving a job if that reason is other than being fired or being asked to leave. _____
13. It is legitimate and useful to inquire into the number of persons the applicant supervised in previous jobs. _____
14. It is legitimate to inquire into an applicant's indebtedness (i.e., liabilities) versus assets and income. _____
15. It is not legitimate to conclude anything except indebtedness from the applicant's behavior regarding financial obligations such as those involving time payments. _____
16. It is not legitimate to inquire whether the applicant has ever had his/her wages garnisheed. _____
17. To comply with laws requiring affirmative action, agencies may, on occasion, have to hire individuals with unacceptable backgrounds. _____
18. According to the courts, the only way to establish the job-relatedness of background facts is to hire individuals with diverse backgrounds to see how well they perform on the job. _____
19. It is not legitimate to inquire into whether an applicant has ever had insurance refused or cancelled for reasons other than failure to pay the premium. _____
20. It is legitimate to inquire into an applicant's membership in an unpopular but not illegal organization. _____
21. It is legitimate to inquire into an applicant's legal sexual behavior. _____
22. It is legitimate to inquire whether an applicant has been a member of a labor or employee organization. _____
23. School academic records alone may not be used to conclude anything about the qualifications of the applicant. _____
24. It is legitimate to inquire into an applicant's legal political behavior. _____

True/False

25. The background investigation is not a "test" in the same sense as a paper-and-pencil instrument. Therefore, the background investigation, according to the EEOC guidelines, does not have to be validated with the same rigor as the paper-and-pencil test.
-

APPENDIX I
BACKGROUND INVESTIGATION COURSE OUTLINE

Commission on Peace Officer Standards and Training

BACKGROUND INVESTIGATION COURSE

Agenda

Monday, August 9, 1976

6:30 p.m. - 8:30 p.m.

I. Welcoming address by Bradley W. Koch, Director,
Technical Services Division.

A. Introduction of Project Staff

1. Michael Freeman, Project Coordinator
2. John Kohls, Staff Psychologist
3. Elizabeth Hong, Special Consultant
4. Luella Luke, Staff Analyst
5. Jeane O'Keefe, Project Secretary

B. Overview of Project

II. Orientation

A. Future Projects

B. Discipline Objectives

C. POST Business

D. Course Administration

E. Facilities

Tuesday, August 10, 1976

9:00 a.m. - 4:00 p.m.

I. Staff Assessment Tool

A. Administration

B. Critique

II. Technical and Legal Considerations

- A. Fair Employment Law
- B. Job-Related Selection Techniques
- C. Background Investigation as a Selection Tool
- D. Methods of Validation
- E. 15 Job Dimensions
- F. Critique

Wednesday, August 11, 1976
9:00 a.m. - 4:00 p.m.

- I. Evaluation of Prior Day
- II. Investigative Techniques presented by John Eliason, F.B.I.
 - A. Applicant Interview, Orientation and Questionnaire Review
 - B. Information Gathering Techniques
 - C. Use and Control of Information
 - D. Scientific Aids - Their Use and Limitation
 - E. Critique
- III. Background Investigation Process
 - A. POST Personal History Statement and Background Investigator's Manual
 - B. Areas of Inquiry

Thursday, August 12, 1976
9:00 a.m. - 4:00 p.m.

- I. Evaluation of Prior Day

- II. Background Investigation Process (continued)
 - A. Areas of Inquiry (continued)
 - B. Disqualification Criteria
 - C. Appeals Process
 - D. Critique
- III. Discrepancy Interview
 - A. Location, Purpose, Results
 - B. Sample Narrative
 - C. Critique
- IV. Background Investigation Report
 - A. Qualifications Assessment
 - B. POST Inspectional Requirements and Necessary Documentation
 - C. Critique
- V. Final Course Evaluation

APPENDIX J
BACKGROUND INVESTIGATION COURSE CRITIQUES

CRITIQUE

I. Technical and Legal Considerations

1. Did you feel that the discussion was relevant? Explain.
2. Did you feel that the discussion clarified your understanding of the application of fair employment law? Explain.
3. What areas of the legal discussion do you think could have been eliminated because the content was common knowledge?
4. What areas would you like added to the legal discussion?
5. Did you find the discussion on validation methods potentially applicable to not only your background investigation but other selection techniques which your agency utilizes?
6. Other comments.

CRITIQUE

II. Investigative Techniques

1. Is your present applicant interview, orientation, and questionnaire review process similar to the one described in the discussion? Explain. How would you change the one described? Explain.
2. Do you use all the information gathering techniques discussed or do you use more direct or indirect means of securing such information? Explain.
3. Do you feel that your concept of the proper use and control of information was expanded by the discussion? Explain.
4. Are you using the described scientific aids with the desirable degree of caution prescribed? Do you use other scientific aids? Explain.
5. Other comments.

CRITIQUE

III. Background Investigation Process

1. How do your current areas of inquiry differ from those outlined in the course? Same? More? Less? Explain.
2. Compare the questions you currently ask during a background investigation with those suggested during the discussion.
3. Do you feel the information provided will enable you to conduct an adequate background investigation?
4. What would you like to see added or omitted to this section of the course? Explain.
5. Have you been using gathered information in the manner described for purposes of disqualification? Explain.
6. Do you currently have an appeals process? If "yes," are the described cautions kept in mind as the background investigation is conducted? Explain.
7. Other comments.

CRITIQUE

IV. Discrepancy Interview

1. Do you currently conduct a discrepancy interview? If "yes" compare it to the described discrepancy interview.
2. What areas or questions beyond those described would you add or omit from the discrepancy interview? Explain.
3. Did you feel that a narrative statement will be a useful summary tool? Explain.
4. Do you feel that your current narrative statements draw nexuses between job dimensions and areas of inquiry? Explain.
5. Other comments.

V. Background Investigation Report

1. Do you think the qualifications assessment is a useful concept?
2. Do you think the qualifications assessment is relevant at this time?

VI. FINAL CRITIQUE

1. Overall, did you feel the course was informative and educational?
Explain.

2. Did you think the self-assessment tool was useful?

END