

Text of Proposed Regulatory Action
§ 1953. Peace Officer Background Investigation.

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11 CCR § 1953

(a)-(b) ***[Remains Unchanged]***

(c) Personal History Statements

(1) Every peace officer candidate shall complete, sign, and date a personal history statement at the onset of the background investigation. A personal history statement can be either the *Personal History Statement - Peace Officer, POST 2-251 (2018)* or an alternative personal history statement.

(2) An alternative personal history statement shall include inquiries related to the following areas of investigation:

A. ~~p~~Personal identifying information₁

B. ~~r~~Relatives and references contact information₁

C. ~~e~~Education history₁

D. ~~r~~Residence history₁

E. ~~e~~Experience and employment history₁

F. ~~m~~Military history₁

G. ~~f~~Financial history₁

H. ~~l~~Legal history₁

I. ~~d~~Driving history₁

J. ~~, and e~~Other topics related to moral character.

(3) The personal history statement shall also include inquiries addressing all disqualifications for peace officer appointment as specified in Government Code Section 1029(a).

(d) Collection of Background Information: Pre and Post Conditional Offer of Employment

(1) Non~~_~~medical or non~~_~~psychological background information may be collected after a conditional offer of employment (COE) is issued if it could not have reasonably been collected prior to the COE (Government Code ~~s~~Section 1031.2). This may include:

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(A) Official documents that cannot be obtained and evaluated in a timely manner during the pre-offer period, and

(B) Information derived from contacts and interviews with references.

(2) At the post-offer stage, background investigators, examining physicians, examining psychologists, and others involved in the hiring decision shall work cooperatively to ensure that each has the information necessary to conduct their respective investigations and/or assessments of the candidate.

(e)-(f)***[Remain Unchanged]***

(g) Documentation and Reporting

(1) Background Narrative Report

The background investigator shall summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report, along with all supporting documentation obtained during the course of the background investigation, shall be included in the candidate's background investigation file. The supporting documents shall be originals or true, current and accurate copies as attested to by the background investigator. The background investigation file shall be made available during POST compliance inspections.

(2) Verification of Qualification for Peace Officer Appointment

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

(B) Proof of verification of qualification for peace officer appointment can be either the *Verification of Qualification for Peace Officer Appointment, POST 2-355 (03/2022)* or an alternative verification of qualification for peace officer appointment document that minimally includes:

1. Name and date of birth of the peace officer candidate,
2. Confirmation that the background investigation is complete,
3. Confirmation that all eligibility requirements for peace officer employment have been met by the date of appointment, including:
 - a. Verification of qualification for peace officer appointment per Government Code Sections 1029, 1030, 1031, and 1031.4.

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b. Verification of medical and psychological suitability for peace officer appointment per Commission Regulations 1954 and 1955.

4. Name, title, and contact information of the agency designee reviewing the background investigation file, and

5. The designee's signature and date signed.

(23) Retention

The background narrative report and supporting documentation shall be retained in the individual's background investigation file for as long as the individual remains in the department's employ. Additional record retention requirements are described in Government Code section 12946.

(34) Information Access

The narrative report and any other relevant background information shall be shared with the psychological evaluator [Commission Regulation 1955(e)(3)]. This information shall also be shared with others involved in the hiring process, such as screening physicians, if it is relevant to their respective evaluations.

This information must be furnished to those conducting background investigations of peace officer candidates on behalf of other law enforcement departments except as specifically provided by statute (Government Code section 1031.1, Government Code section 6250 et seq, Labor Code section 1050, Labor Code section 1054, O'Shea v. General Telephone Co. (1987) 193 Cal. App 3d 1040). This information shall only be utilized for investigative leads and the information shall be independently verified by the prospective department to determine the suitability of the peace officer candidate.

Note: Authority cited: Sections 1029, 1030, 1031, 1031.2, 1031.4 and 1031.5, Government Code; Section 2267, Vehicle Code; and Sections 13503, 13506 and 13510, Penal Code. Reference: Sections 1029, 1030, 1031, 1031.2, 1031.4, 1031.5 and 12900 et seq., Government Code; Sections 2267 and 12500, Vehicle Code; Sections 13510 and 29805, Penal Code; and Title 18 Section 922(d)(9), US Code.