



ADMINISTRATIVE POLICIES AND PROCEDURES

Policy ID: Police
Subject: Civilian Background Policy
Creation Date: 11/10/08
Revision Date: None
Prepared By: PD Personnel Division
Approved By: Human Resources
Legal Review: John Batoon

DESCRIPTION:

Civilian Background Investigation Policy

Section 1. Purpose.

As a condition of employment, the City of El Paso Police Department will conduct a background investigation to ensure that the candidate is reliable, trustworthy, of good conduct and character and suitable for employment.

Section 2. Components.

The El Paso Police Department reserves the right to conduct criminal history, driving record, personal reference and credit checks, verification of qualification credentials and a background investigation on applicants for employment. Failure to provide the information requested in the application process in a truthful, accurate and complete manner may result in disqualification, revocation of conditional employment or termination.

Section 3. Applicability.

All applicants who are recommended for hire after an oral interview will be subject to this policy. At the time a selection is made, the applicant will be offered a conditional offer of employment pending completion and review of the pre-employment background investigation. An expanded background investigation may be conducted on applicants due to the nature of the work or for other appropriate reasons if the Human Resources Director and Chief of Police deem it necessary and appropriate. Every effort will be made to conduct the background investigation in a timely manner.

Section 4. Applicant Responsibility.

At the time a conditional offer of employment is made, each applicant must complete and sign: **(A)** Supplemental Application Form #1 Misdemeanor and Felony Convictions,

(B) a release statement authorizing the City to investigate an applicant's background, and (C) at least three personal references. Failure of the applicant to supply the information requested on the release, failure to disclose an applicant's criminal record in an accurate, truthful and complete manner, or within the allotted timeframe may result in disqualification or revocation of the conditional employment or termination.

Section 5. Background Assessment.

A criminal conviction does not automatically preclude an applicant from employment or a current employee from a promotion. If there is a criminal conviction, the Human Resources Director and Chief of Police will review the results and make the final determination regarding the individual's suitability for employment in the position. A recommendation may include the requirement of additional controls that a department would need to implement before employing, promoting, or reclassifying a person convicted of a crime.

The following list is not inclusive, but serves to illustrate the decision-making criteria:

- Individuals with criminal convictions for theft, embezzlement, identity theft or fraud cannot be hired into positions with fiduciary responsibilities or accessibility to sensitive/confidential information.
- Convictions for child molestation and other sex offenses will preclude an individual from employment that involves direct unsupervised contact with students, outreach programs, or access to residence facilities.
- Convictions for the sale, distribution, or manufacture of any controlled substance or dangerous drug will preclude an individual from employment.
- Individuals with convictions for possession or purchase of any controlled substance or dangerous drug will be assessed for job-relatedness.
- Workplace or domestic violence, or other convictions for behaviors that would be inappropriate for specific jobs may also be grounds for denial of employment/promotion.

Convictions shall be evaluated to determine whether the criminal record of the applicant would 1) adversely impact upon the applicant's merit and fitness to perform the duties of the position, and/or 2) create an unreasonable and foreseeable risk to the City, its employees or the public because of the history of convictions involving violence and/or bodily harm. This review should consider the level of trust, autonomy, and supervision inherent in the position, as well as the disposition, severity, nature, and time elapsed since the conviction; age at the time of the conviction, work history and other circumstances or mitigating factors.

The fact that the applicant did or did not honestly self report his/her criminal convictions should also be considered. The job-related reasons for disqualifying an applicant will be

noted. The Human Resources Director, in consultation with the City Attorney (or designee), shall review the Police department's decision to assure consistency and compliance with this policy.

Section 6. Notice of Ineligibility.

If it is determined that the applicant should be disqualified, terminated, or the conditional employment revoked because of his/her criminal background, the applicant will be so notified. The applicant will have the opportunity to review the records upon which the decision has been made and submit in writing any extenuating circumstances which he/she believes should be considered. The decision of the Human Resources Director in consultation with the City Attorney (or designee) shall be final and not subject to any appeal.

APPROVED BY:



Joyce A. Wilson, City Manager

Date 11/10/08