

## I. OVERVIEW AND METHODOLOGY

To build and maintain a corruption free police department, the strongest candidates with the highest level of integrity must be hired. Those candidates who demonstrate dishonesty, violent behavior, or a history of disregarding authority figures and/or the law may be more likely to engage in corrupt activities in the future. Since a history of dishonest or other corrupt behavior may not be readily apparent, thorough background investigations into core areas which include the candidate's reputation in the community, academic records, disciplinary records from schools and prior jobs, military records, and criminal history, if any, are a necessity. Within the New York City Police Department ("NYPD" or "the Department"), the Applicant Processing Division ("APD") is the unit responsible for conducting all background investigations on candidates seeking employment with the Department.<sup>1</sup>

The general goals of this study were to determine the adequacy of the Department's screening process and whether APD is following its own guidelines. Additionally, the Commission sought to determine if certain types of negative information discovered during background checks were indicators of future misconduct. To accomplish these goals, the Commission broke this review down into the following areas:

- A. Thirty-seven files of Probationary Police Officers ("PPOs")<sup>2</sup> who were terminated or otherwise disciplined between November 2002 and February 2004 were reviewed to determine if any correlation existed between the misconduct which led to the disciplinary case, and any derogatory information discovered during the APD investigation. PPOs were chosen because their files could provide the timeliest feedback on APD operations. This sample of files is referred to throughout the remainder of this report as "Sample A".
- B. In recent years, the Commission has noted that corruption within the Department appears to be opportunistic rather than systemic. Oftentimes, police officers are involved in misconduct with their friends from the neighborhoods where they live or grew up. This is in contrast to past corruption problems where officers were engaged in more organized corruption schemes that were dependent on the cooperation and involvement

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<sup>1</sup> The Commission has previously reported on the background investigations conducted by APD. See *Performance Study: A Review of the New York City Police Department's Background Investigation Process for the Hiring of Police Officers* (January 1999); *The Fifth Annual Report of the Commission* (February 2001); and *Review of the New York City Police Department's Recruitment and Hiring of New Police Officers* (December 2001).

<sup>2</sup> Upon appointment to the Department, a police officer is placed on probationary status for two years. The purpose of this probationary period is to enable the Department to have time to determine the officer's fitness for employment with the Department. This fitness encompasses a PPO's academic, physical, and behavioral fitness. If a PPO is found to be unfit in any area, he can be summarily terminated from employment with the Department without any right to an administrative hearing. The Department can terminate the PPO for any reason as long as the termination is not based on bad faith, based on a constitutionally impermissible reason, or in violation of statutory or decisional law.

of other officers in their command. Therefore, the Commission reviewed 50 files of officers who were disciplined for misconduct that could be characterized as opportunistic. The purpose of this review was to discern whether the APD background checks could have uncovered the police officer's proclivity for this type of misconduct before his appointment to the Department.<sup>3</sup> Throughout the remainder of this report, this group of files will be designated "Sample B".

- C. Finally, 53 investigative files were reviewed for PPOs from the January 2003 graduating class from the Police Academy (the "Academy"). The Commission examined this sample to ascertain the adequacy of APD's current investigations.<sup>4</sup> This is "Sample C".

Initially, the Commission reviewed whether the candidate possessed all of the minimum mandatory requirements for appointment to the Department and whether there were any disqualifiers which would automatically bar appointment.<sup>5</sup> Next, the Commission determined whether any of the Department's internal discretionary disqualifiers were applicable to the candidate.<sup>6</sup>

The Commission evaluated the adequacy of the investigative steps taken by the APD investigators. APD's investigation concentrates on thirteen areas: personal data,

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<sup>3</sup> The third person masculine pronoun will be used in conjunction with all police officers regardless of their gender.

<sup>4</sup> The Commission chose this class rather than the July 2004 graduating class because the 2004 class was too recent when this study began, and therefore, the Commission expected that many APD investigations would not be completed.

<sup>5</sup> All candidates must be between the ages of 21 and 35 upon their appointment to the Academy, be citizens of the United States, have a high school degree or a General Equivalency Diploma, reside in one of the five boroughs of New York City or in either Nassau, Suffolk, Westchester, Rockland, Putnam, or Orange County. Each candidate must possess an active New York State Driver's license. Finally, each candidate must have completed at least one of the following: 60 college credits with at least a 2.0 grade point average; two years of active military service; or two years of employment as a Traffic Enforcement Agent or School Safety Agent. A candidate cannot be appointed if he has been convicted of any felony or any crime of domestic violence. Furthermore, a candidate who has been dishonorably discharged from any branch of the United States armed services will be barred from appointment.

<sup>6</sup> A candidate is presumptively disqualified if he was dismissed from tenured government or public employment, has extensive contacts with the criminal justice system, or possesses a driving history with an excessive number of moving violations, hazardous moving violations, license suspensions, or license revocations. See the Commission's Report: *Performance Study: A Review of the New York City Police Department's Background Investigation Process for the Hiring of Police Officers* (January 1999) at pp. 18-22 for a more detailed explanation of the discretionary disqualifier process and the specific presumptive disqualifiers that the Department uses. When a candidate is presumptively disqualified based on one or more of these criteria, his strengths are supposed to be weighed against the disqualification and any additional derogatory information revealed during the investigation to determine whether the presumption is sufficiently outweighed to permit the appointment of the candidate despite the presence of discretionary disqualifiers.

residence record, family record, education record, employment record, arrest and summons record, driving history, license and firearm record, military service record, Selective Service record, debts and overall financial status, controlled substance/alcohol use, and miscellaneous areas that include verification of auxiliary police officer and volunteer firefighter status. Although, the Commission examined each file in its entirety during the course of its review, the Commission specifically focused on the residence checks, academic records, and employment records that were collected as part of the investigation. This is because information gathered from these sources can provide insight into a candidate's character that the other investigative actions cannot since this information is obtained from people who have interacted with the candidate on an extended basis.

The Commission also examined the timeliness of the investigative steps to determine whether adequate information about the candidates was obtained prior to their appointment to the Department. The Commission believes that to save resources and time, background investigations, in most cases, should be completed before the candidate begins his training at the Academy. The Department has, in the past, maintained that this is not necessary because it can ask that the Department Citywide Administrative Service ("DCAS") decertify<sup>7</sup> a candidate at any time if the Department found that the candidate made a materially false statement or omission in his application. Decertification would, in effect, result in the candidate's immediate termination. In response to findings in past Commission studies on this issue, the Department has also stated that if it learns about information affecting the candidate's character or fitness to be a police officer which the candidate had not been specifically requested to disclose, the Department may be able to summarily terminate the candidate. While these are appropriate means to expeditiously separate an inappropriate candidate from the Department after his appointment, the Commission believes it is more productive and efficient to determine a candidate's suitability before he is hired. If a candidate is found unsuitable for service early in the background investigation, further investigative steps can be discontinued and the Department will not have to spend resources training the candidate. Also, the Department will save the salary and benefits that would have been paid to these candidates. Finally, in those cases where summary termination is appropriate because the information uncovered does not qualify to decertify the candidate, the discovery of this information and the subsequent termination must take place prior to the expiration of the candidate's probationary period. If the candidate is not a PPO, the Department must continue to employ the candidate unless he commits some future terminable offense. In any event, the Commission is of the view that unsuitable candidates should be removed from the Department's employ as soon as possible and that reliance on back stop measures to catch inappropriate candidates is not optional or desirable.

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<sup>7</sup> After a person takes and passes the Civil Service Examination, he is placed on a list that is certified to ensure that all the candidates on this list are eligible for appointment under the New York Civil Service Law. If information is later uncovered that disqualifies the candidate for appointment, he is decertified by DCAS and retroactively removed from the list.

## II. FINDINGS

1. All of the officers in Sample A met the mandatory requirements for appointment. Six, however, should have been presumptively disqualified based on the Department's in-house discretionary criteria. In Sample B, four did not meet all the criteria.<sup>8</sup> Ten of those candidates from Sample C did not meet Department criteria at the time they were approved.<sup>9</sup> There was no documentation in these files explaining the reasons that these candidates were hired despite the presence of disqualifiers. If a candidate is going to be hired in this situation, the basis for this decision should be documented in the file.

2. The Commission found that the Department is not conducting adequate resident checks for candidates. The Department's own standards for background investigations direct the investigator to verify the candidate's residence for the two-year period preceding his application and, as part of this verification, to ascertain his reputation for character and fitness by contacting at least three neighbors at this residence.<sup>10</sup> The form used by the investigators to complete this step inquires about the length of time the neighbor had known the candidate and whether the candidate has a favorable reputation in the neighborhood. Additionally, the neighbor is asked questions about his familiarity with the applicant. These include questions about what the applicant does for a living, how the applicant spends his spare time, and whether the neighbor knows the applicant's friends or family. The neighbor is also asked about whether the candidate uses drugs or alcohol and the neighbor's opinion concerning the candidate's suitability for appointment to the NYPD. In 49%<sup>11</sup> of the investigations in Sample A, three neighbors were not contacted at the candidate's most recent residence.<sup>12</sup> Investigators failed to conduct complete residence checks in 46% of those cases in

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<sup>8</sup> Three of these four actually did not meet the minimum requirements in that two did not possess sufficient college credits and one did not possess a New York State Driver's License. It is possible that the requirements were met either before the candidate attended the Academy or before his graduation and proof was simply not in the file.

<sup>9</sup> Four of these ten did not meet the mandatory requirements at the time they were approved. The remaining six possessed one or more of the Department's discretionary disqualifiers. It is assumed that these standards were met prior to these candidates' graduation from the Academy.

<sup>10</sup> If a candidate has resided at more than one residence during the applicable two-year period, then the APD investigator is instructed to conduct this type of residence check for every residence maintained by the candidate during the preceding five years.

<sup>11</sup> In all of these statistics, the Commission included as successful those residence checks where neighbors were spoken with who did not know the candidate. See the Commission's later discussion on how to address investigators' inability to locate neighbors with knowledge of the candidate.

<sup>12</sup> Given the high percentage of cases where neighbors at the most current residence were not contacted for each sample, the Commission did not calculate the number of files where the investigator did not contact three neighbors at each location where the candidate resided during the five years immediately prior to appointment when this requirement was applicable.

Sample B.<sup>13</sup> Three neighbors were not spoken with at the candidate's current residence in 51% of the cases in Sample C. In many of these cases, however, one or two neighbors were contacted or messages were left with neighbors but the investigator was never able to discuss the candidate with a person. No neighbors were contacted in 19% of the cases in Sample C.<sup>14</sup>

3. In those few cases where a neighbor did disclose derogatory information, little to no follow-up was conducted to learn more about this information. Although derogatory information disclosed through employer and academic records was explored and investigated more frequently, often these efforts were also not sufficiently thorough. In the context of this finding, derogatory information encompassed a wide range of behavior and activities. Derogatory information included less serious, one time activities such as being placed on academic probation in college to more significant instances of misconduct such as being terminated from a series of jobs. In Sample A, derogatory information was revealed in 35% of the cases, yet the investigator only initiated personal contact with the relevant source of the information in 30% of those cases. In Sample B, derogatory information was obtained about school or employment history in 26% of the cases. Investigators made personal contact with the applicable school or employer in 23% of those cases. Derogatory information was learned about schools or past employment in 26% of the investigations for the July 2002 recruits. Personal contact was initiated by the APD investigator in none of these specific investigations. The Commission recognizes that the gains from contacting some employers or schools might be minimal and that APD needs to allocate their time and resources efficiently due to high caseloads. Therefore, decisions might be made to forego contacting an employer from many years prior who reported derogatory information if all of the other contemporary and more recent information gathered about the candidate was positive. We believe, though, that if a decision is made not to contact a school, employer or other source of derogatory information, the investigator should document the reasons underlying that decision.

4. A significant number of files were missing completed school and employment forms. The investigator is required to obtain a completed School Inquiry Form from each school the candidate attended since the ninth grade. This form requests the dates of the candidate's attendance, whether the candidate received a degree, and whether there were any disciplinary, truancy, or lateness issues. Further, the form requests the school to rate the candidate's dependability and cooperation with and courtesy to others. Employment Verification Forms are supposed to be sent to each of

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<sup>13</sup> The APD Manual instructs investigators to conduct these residence checks towards the end of the investigation unless circumstances dictate otherwise. In many of the cases in Sample A and Sample B, the Commission recognizes that the investigation was not completed when the candidate was terminated, and therefore, neighbors had not yet been contacted. This practice, however, underscores the desirability of completing the background investigation prior to the candidate's appointment to the Department.

<sup>14</sup> The Commission recognizes that in current Department operations, APD often completes the background check after the candidate's appointment. Therefore, neighbors may still be contacted in Sample C.

the candidate's employers for the five years prior to his appointment.<sup>15</sup> If derogatory information is uncovered, then investigators are supposed to send these forms to all of the candidate's prior employers since high school. This form requests verification of the candidate's dates of employment and position with the employer. Salary information as well as the reason for the candidate's separation from that employment is also requested. Further, the employer is asked whether the candidate is eligible for rehire, whether he would prefer to discuss the candidate during a personal interview, whether the candidate was ever disciplined, and for information relating to the candidate's honesty, sobriety, and dependability. APD investigators did send the forms to all of the schools and employers in the majority of cases. Of the 140 cases comprising the samples examined by the Commission, in 24 cases, at least one school was not sent a form, and in 29 cases, forms were not sent to all of the employers for the five years preceding the candidate's appointment.<sup>16</sup> In two further cases where derogatory information was revealed by an employer, forms were not sent to all of the candidate's employers since high school.

5. A more prevalent issue was the collection of school and employment forms. In many cases, although sent, forms were never returned to APD, and the investigator made no effort to obtain the requested information by other means. Of the school forms that were sent out, at least one was not returned and no follow-up was conducted in 29% of the background investigations.<sup>17</sup> Forms were not received back from former employers and the investigator failed to contact the employer in an attempt to obtain this information in 46% of the cases.<sup>18</sup>

6. Another related issue is the amount of information that schools and employers provided. Many schools and businesses have policies that do not permit the provision of information beyond dates of attendance or employment. Often, instead of returning a fully completed form, the school merely provided a transcript and/or degree. In the alternative, only attendance dates were verified on the form. None of these responses provided any substantive insight into the candidate's suitability to be a police officer. Similarly, many employers also provided minimal information in the form of verification of the dates that the candidate was employed, his title, and his salary.

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<sup>15</sup> The candidate can request that his present employer not be contacted until after his appointment to avoid jeopardizing his current job. This request is not available if the current job is in a government or civil agency.

<sup>16</sup> The Commission did not count those cases where only the candidate's present employer was not sent a form since the candidates can request that their current employers not be contacted.

<sup>17</sup> When calculating this figure, the Commission included incomplete forms or school transcripts or diplomas as equivalent to a fully completed form. Therefore, some of the other cases had school forms with only minimal information or transcripts or diplomas were sent instead of a completed form.

<sup>18</sup> The Commission recognizes that in Sample A many investigations were discontinued at the time of the officer's separation from the Department which may account for some of the missing information. This raises the issue, discussed above, of the Department's failure to complete investigations prior to the candidate's appointment.

The Commission recognizes that the Department is limited in the amount and quality of the information it can receive from these sources due to the reluctance of many businesses and institutions to provide character information. Many businesses fear future liability should they release any negative information about a former employee. School administrators may not have the personal contact necessary to form character judgments about former students. Sometimes employment forms were returned with no information due to the length of time that had passed since the candidate's employment. In this type of situation, the people for whom the candidate worked may no longer be employed there, employment records may have been destroyed, or the employer may no longer be in business. The Commission believes that obtaining information about a candidate's character and past performance is important in order to make appropriate decisions regarding the candidate's suitability for appointment to the Department. The Department should explore alternative methods for gathering the requested information from schools and employers, such as through personal interviews. One alternative is for the APD investigator to make personal contact with references who have actual knowledge about the candidate.

At times, however, the Department does not take full advantage even in those situations where information is readily available. Specifically, the Commission observed that the standard Employment Verification Form was even utilized for those candidates who were currently or previously employed as Police Cadets,<sup>19</sup> Auxiliary Police Officers, Traffic Enforcement Agents, or School Safety Agents. APD investigators could obtain more information than what is requested on the standard form by contacting these candidates' Commanding Officers. In fact, the APD Manual contains a special form to be used in precisely this type of scenario. This form was not used in any of the files reviewed. The APD manual also requires that the APD investigator obtain the civilian employee's Central Personnel Index ("CPI")<sup>20</sup> and conduct a comparison with the background check the civilian underwent prior to his appointment. The Commission did see references to obtaining CPIs for civilian employees. Comparisons, however, were not observed, and in fact, at times the APD investigator would substitute material from the civilian's prior background investigation in lieu of repeating those steps.

7. There were several cases where the Commission found that investigative steps were not completed prior to the candidate's appointment. Either forms were not received back from schools or employers prior to the candidate's appointment, or in some

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<sup>19</sup> A cadet works part time at the Department while he attends college at a New York City or Long Island college. After completing two years of college, the cadet continues to work at the Department but is given an additional sum of money each following semester to help defray costs. When the cadet graduates from college and passes the Civil Service Examination, he is placed on a separate list that is given priority over the standard list.

<sup>20</sup> A CPI recites the disciplinary events involving the officer, including dispositions where available, throughout the officer's career. Other information such as background checks, sick leave abuse, and negative performance evaluations are also included on the CPI.

cases, forms were not sent until after the candidate was attending Academy classes.<sup>21</sup> In some cases, neighbors were not interviewed until the candidate was nearing graduation from the Academy or later. Therefore, in 38% of the cases in Sample A, necessary information was not obtained until after the candidate's appointment.<sup>22</sup> This held true for 56% of the cases in Sample B and 42% of the cases in Sample C.

8. As explained above, in Sample A and Sample B, Commission staff examined the files to determine whether there were correlations between issues uncovered during the background investigation and the misconduct for which the candidate was ultimately disciplined or terminated. In Sample A, the Commission found that in most of the cases, there was not a direct correlation between the ultimate misconduct and derogatory information, if any, disclosed during the background investigation. There were direct indicators of the future misbehavior in only 16% of these cases. These involved prior accusations of domestic violence, prior drug use, and family members who had been involved with the criminal justice system. In Sample B, there were direct indicators in 10% of the cases. The majority of these involved prior drug use.

What was more common, though, was that several of the investigations revealed multiple factors that the Commission believed called into question the candidate's general suitability to be a police officer. For these candidates, the investigation revealed derogatory information which when considered alone might not have precluded a candidate from being appointed. For example, one issue that may be indicative of a candidate's general unsuitability for appointment occurs when the candidate provides false or misleading information or omits information during the investigation. Upon discovery of the misrepresentation or omission, APD will ask the candidate to explain in writing the circumstances surrounding and his reasons for not providing accurate information. Sometimes, the candidate made an honest mistake, however, in other situations, the candidate provided unsatisfactory explanations for his initial failure to disclose the information accurately. In a few files, the candidate's explanation was also dishonest. The Department, however, does not automatically decline to appoint candidates who have been dishonest in the application process nor does it appear to factor this deception into its assessment of the candidate's character.

The standard APD investigation involves calling neighbors and sending forms to past schools and employers. Computer checks are also conducted to learn about the candidate's criminal and driving history. In short, much of the standard APD investigation involves receipt of information through forms. While the standard investigation may suffice for the average candidate, the Commission believes that in some of these investigations, the information that was uncovered warranted a more

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<sup>21</sup> In some cases, computer checks for warrants, criminal records, and welfare fraud were also not completed until after the candidate's appointment. Since the Commission did not focus on this area of the investigation, specific numbers of the times this occurred were not calculated.

<sup>22</sup> Necessarily, this percentage is only based on those forms and responses which were dated. When a form and/or the response were not dated, the Commission presumed that the information was received prior to the candidate's appointment.

thorough investigation and a closer look at the candidate. Predominantly, more personal, face-to-face contacts with people familiar with the candidate are necessary in these types of situations. The Department has maintained that it would be prohibitive to do field visits for every applicant. The Commission believes, however, that there are some investigations where either negative information of varying natures is uncovered from different sources or where the negative information is sufficiently significant to warrant further exploration of the candidate. In these cases, field visits should be conducted before a candidate is appointed. The Commission believes that 35% of the candidates in Sample A required a more in-depth investigation than the standard one. In Sample B, the Commission found that 38% of the candidates had issues in their backgrounds which required closer examination. Twenty-six percent of the candidates from Sample C should have been more closely investigated.<sup>23</sup>

### **III. RECOMMENDATIONS**

1. All investigative background steps should be completed prior to the candidate's appointment to the Department. When forms cannot be obtained in a timely manner, APD investigators must make personal contact with employers and schools or document their reasons for not obtaining this information. This personal contact should be recorded in the APD file including to whom the investigator spoke, the date of the contact, whether the contact was by telephone or in person, and the substance of the contact.

2. When a candidate is presently or has previously been employed by the Department in a civilian capacity, the Commission believes that the APD investigator should be required to discuss the candidate with his Commanding Officer, obtain the candidate's performance evaluations, and obtain the candidate's CPI in order to make a more accurate assessment of the candidate. This heightened level of investigation was only performed in a few cases reviewed by the Commission. Gathering this more detailed information will provide the investigator with a clearer picture of the applicant's character and suitability for a position which involves the exercise of authority and access to a firearm.

3. When a candidate was married, separated, divorced, lived with a significant other, or had a child in common with another, Department investigators usually did not speak with the candidate's spouse<sup>24</sup> about the candidate's suitability for appointment. While a spouse may only provide information beneficial to the candidate or an ex-spouse may be vengeful and provide false information to portray the candidate poorly, a savvy investigator should be able to obtain substantive information about the

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<sup>23</sup> In three other cases, the Commission had concerns about the candidate but was unable to make a judgment regarding the necessity of a more in-depth investigation because the APD investigator failed to adequately complete the standard investigation.

<sup>24</sup> For simplicity, spouse is used here to denote any of the persons referred to in the beginning of the sentence.

candidate. If a spouse expresses concern about a candidate becoming a police officer, friends and neighbors can be contacted to corroborate or dispel this concern.<sup>25</sup> There should be special attention and additional investigation through personal contacts when allegations of domestic violence arise. Further, in those situations, the candidate's resident police precinct should be contacted to determine whether any domestic incident reports involving the candidate have been filed and, if possible, whether there have been radio runs to the candidate's home as a result of domestic violence. If the spouse resides within the confines of another police precinct, that precinct should also be contacted.

4. One issue repeatedly noted by the Commission,<sup>26</sup> has been that even when APD interviews the candidate's neighbors as required, in many cases, these neighbors do not actually know the candidate or do not possess any substantive information about the candidate. This detracts from the utility of this investigative step. Given the transient and somewhat isolated nature of city living, APD should require the candidate to supply three personal references of people who know him and can answer in-depth questions about him. With strong interviewing techniques, APD can collect information from these references and obtain the names of others who actually know the applicant. At least one of these references should be a present or former employer or teacher of the candidate, and at least one of these references should be a present or former neighbor of the candidate.<sup>27</sup> These references can be used to supplement the APD investigator's interviews of the candidate's neighbors when inadequate information is available from these interviews.

5. As discussed earlier, often schools will only provide dates of the candidate's attendance or his transcript when asked to complete the APD School Inquiry Form. While the Commission recognizes that often the candidate attended some of the schools many years prior to the APD investigation, the Commission believes that, at minimum, disciplinary information from the last school attended should be obtained. A specific form with an authorization from the candidate should be developed to obtain any disciplinary information about the candidate that the school has in its possession. This form should be sent to the candidate's most recent school as part of all APD investigations.

6. As noted above, when a candidate misrepresents or omits requested answers on his personal history questionnaire or in any other information he submits to

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<sup>25</sup> According to the APD Manual, the candidate's spouse is supposed to be interviewed at the time of the residence checks. Further, the investigator is supposed to request that the spouse indicate how he/she feels about the candidate becoming a police officer on the Personal Reference Report used for interviewing neighbors.

<sup>26</sup> See *Performance Study: A Review of the New York City Police Department's Background Investigation Process for the Hiring of Police Officers* (January 1999); *The Fifth Annual Report of the Commission* (February 2001); and *Review of the New York City Police Department's Recruitment and Hiring of New Police Officers* (December 2001).

<sup>27</sup> The APD Manual approves conducting residence checks by telephone. It does, however, require that where attempts to contact an adult individual who knows the candidate are unsuccessful or derogatory information is disclosed, in-person residence checks must be performed.

the Department, he is given the opportunity to supplement his application and explain the reason for the omission or misrepresentation. Once the candidate provides an explanation, the APD investigator has not in the past taken any further action. The Commission agrees that the candidate should be given the opportunity to explain his failure to accurately provide information. Explanations such as forgetfulness or a sincere mistake are excusable. There are some explanations, though, that the Commission considers equivalent to lying and, as such, reflects poorly on the candidate's integrity and therefore, his suitability for appointment as a police officer. One such example would be the candidate who fails to disclose an arrest because he did not believe it would show up on his record. In this type of situation, that candidate should not be hired based on his demonstrated willingness to lie. The Commission recommends that if APD learns that a candidate has provided false information or has failed to disclose requested information, the present practice of asking the candidate to explain the reason for his failure to disclose accurate information should continue. A determination should then be made as to whether the candidate intentionally did not provide accurate information. If it is determined that the candidate's actions were intentional and not based merely on a mistake or misunderstanding, the candidate should be disqualified for appointment.

7. Presently, APD investigators request computer record checks from the candidate's local police department and local police departments for the candidate's prior residences. These computer checks are supposed to disclose whether the candidate was ever arrested within the confines of those precincts. While this practice may be sufficient in most background investigations, more personal contact is necessary in the questionable cases. This is particularly important in cases where the candidate has been arrested previously or the APD investigator has information that the candidate has been involved in domestic incidents or has family members who have been arrested for serious crimes. In those investigations where uncovered information casts doubt upon a candidate's general suitability for appointment, APD investigators should personally contact the local police departments for all towns where the candidate has lived since high school. Investigators should inquire whether the candidate was known to the police department, whether any domestic violence complaints were filed against him, or whether the candidate was ever a suspect in criminal activity in the neighborhood.

8. Another issue the Commission believes needs to be further explored is the appropriate manner in which to conduct the investigation when a family member of the candidate has been arrested for a crime. While the Commission agrees that the candidate should not be held responsible and penalized for a family member's illegal actions, loyalties that the candidate may feel toward the family member should not be entirely ignored either. Currently, the Department only questions the candidate about the reasons for the arrest. The candidate should also be questioned about his relationship with the family member, his feelings about the manner in which the arrest was handled by the police and the courts, and the frequency of his current contact with the family member. The investigator should contact the police precinct where the criminal incident occurred to see if they have any further information about the family member and the candidate. The police may be able to provide insight as to whether this was an isolated occurrence or whether the family member, other relatives, or the candidate himself was a suspect in

other crimes or had a poor reputation in the neighborhood. The family member's criminal records should also be checked to verify the information provided by the candidate. The police reports describing the circumstances that led to the arrest may also be relevant for they can lend clarity as to what occurred as well as provide information as to whom the arrested person contacted subsequent to his arrest. At times, it may be appropriate to interview the relevant family member as well as other family members about the relationship between the arrestee and the candidate, the events leading to the arrest, and the manner in which the arrested person has conducted himself since the arrest.

#### **IV. CONCLUSION**

Improvement is necessary in APD's system of conducting background investigations on applicants to the Department. The Commission has found that while APD is properly sending out the school and employment forms required as part of the standard investigation, when the forms are not returned, the investigators often do not follow-up or make other attempts to get this information. Even when contact was successfully made with these entities, in many investigations, only minimal information was obtained. Further in many cases, APD failed to gather the required information prior to the candidate's appointment. In some cases, the candidate had even been terminated prior to the conclusion of the investigation. The Commission believes that it is the better course of action to complete all of the investigative steps prior to the candidate's appointment rather than rely on the ability to expeditiously separate the candidate from the Department if negative information is discovered at a future time. For the most part, however, APD is taking the required initial investigative steps, and in the majority of cases, all required computer checks and records are obtained. While the standard investigation is generally adequate, APD investigators need to be able to deviate from and go beyond this standard in the appropriate cases. In those investigations where substantial negative information is revealed, the Commission believes it is incumbent upon APD investigators to make personal contact with people who actually know the candidate and can either disprove or explain any negative allegations and attest to the candidate's nature. Although no background investigation procedure can be expected to achieve perfect results, the Commission believes that more personal contact will achieve more accurate evaluations of the temperament of the candidates.