

Oakland Police Department Office of Internal Accountability



Audit of the Oakland Police Department's Background Investigation Practices

By Lead Auditor Rebecca Johnson and Contributing Auditor Juanito Rus

Oakland Police Department
Office of Internal Accountability

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CITY OF OAKLAND

Memorandum

To: Chief Floyd Mitchell

From: Bureau of Risk Management

Date: October 17, 2025

Subject: **Audit of the Oakland Police Department's Background Investigation Practices**

In May 2023, the Office of Internal Accountability initiated an audit to analyze some of the Oakland Police Department's Police Officer Trainee (POT) recruitment activities and make recommendations as necessary to mitigate any identified risks to the Department. However, due to staffing changes and shortages in the Bureau of Risk Management and OIA, the presentation of this audit was significantly delayed.

The scope of this audit was limited to areas OIA considered high risk in OPD's recruitment process. In particular, we examined the training Background Investigators receive, assessed the investigators' reasons for not recommending an applicant for the position of POT, confirmed evidence of the applicants' behaviors inconsistent with the position of POT, ensured Character Review Boards were convened when necessary, and ensured applicants approved by Character Review Boards received Conditional Job Offer letters. Although the audit period was July 1, 2022, through December 31, 2022, the findings in this audit are still relevant to the condition of the audited background investigation processes, and OIA's recommendations, if adopted, will add value to the Department's operations.

To conduct the audit, OIA interviewed the Recruitment and Background Unit supervisors (the Sergeant and the Police Personnel Operations Specialist) and the Subject Matter Expert (a Police Officer in rank). We also interviewed additional OPD personnel, as necessary, and reviewed documents in the applicants' background investigation files.

This audit is part of OPD's ongoing efforts to continually improve its systems, processes, and practices through self-assessment.

Respectfully,



Deputy Chief Lisa Ausmus
Bureau of Risk Management
Oakland Police Department

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Audit of the Oakland Police Department's Background Investigation Practices

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Objectives

- (1) Determine whether Background Investigators (BGIs) attended the required training specified in Departmental General Order D-11, *Background Investigations*, effective June 24, 2022.
- (2) Confirm the existence of the applicants' conduct documented as being incompatible with the position of Police Officer Trainee on the Non-Select Summary Reports (Form TF-3407) or the Character Review Risk Assessment Reports.
- (3) In the assigned BGIs' *Background Investigation Reports*, assess their reasons for not recommending applicants as suitable for the position of Police Officer Trainee.
- (4) For applicants recommended as suitable for the position of Police Officer Trainee by BGIs, determine whether Character Review Boards were convened and adequately staffed as required in DGO D-11.
- (5) Determine whether the applicants approved to continue in the selection process by the Character Review Board received a Conditional Job Offer letter, as required in DGO D-11.

Key Finding(s)

- OIA's review of 17 Background Investigators' POST training records found that only 13 (76%) of the BGIs' records showed documentation

indicating they attended a POST-certified Background Investigation Course.

- OIA's review of the training records of 17 BGIs found that the records of 13 BGIs showed documentation indicating that the BGIs attended Procedural Justice I and/or Procedural Justice II training, and the records of four BGIs did not include any documented evidence indicating the BGIs attended Procedural Justice training.
- OIA's review of the 17 BGIs' training records found that there was no documented evidence indicating that the BGIs attended background investigation update training annually, as required by policy.
- OIA's review of the sample of 52 Police Officer Trainee applicant background investigation files found that, in the aggregate, there were 333 behaviors deemed incompatible with the position of POT documented in Non-Select Summary Reports (Form TF-3407) or Character Review Risk Assessment Reports, but the supporting evidence in the applicants' files confirmed the existence of only 227 (68%) of the incompatible behaviors.
- When assessing the reasons for not recommending applicants as suitable for the position of Police Officer Trainee in 31 Background Investigation Reports, OIA found that it is not transparent how OPD weighs conduct deemed incompatible with the position of Police Officer Trainee.

Key Recommendation(s)

See the *Findings with Recommendations Section* on pages 35-40 for a list of all recommendations.

Introduction

The Oakland Police Department Recruiting and Background Unit is responsible for recruiting individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.¹ Since the **Police Officer Trainee (POT)** position is the most frequently recruited role within the **Oakland Police Department (OPD)**, the **Office of Internal Accountability** conducted an audit to examine key recruitment practices. The audit aimed to identify potential risks associated with the hiring process and provide recommendations to enhance effectiveness and mitigate any concerns impacting the Department. Specifically, the objectives of the audit were to examine the following:

- The training Background Investigators receive.
- The investigators' reasons for not recommending an applicant for the position of POT.
- Confirmation of evidence of the applicants' behaviors that are inconsistent with the position of POT.
- The convening of Character Review Boards when necessary.
- For applicants approved by the Character Review Board to continue in the selection process, their receipt of Conditional Job Offer letters.

Background

The Recruiting & Background Unit is supervised by a Sergeant of Police and a Police Personnel Operations Specialist, both of whom report directly to the Deputy Director of the Bureau of Services.

On June 6, 2023, the Office of Internal Accountability Audit Unit Acting Supervisor and Police Performance Auditor met with the Recruiting and Background Unit Sergeant, Police Personnel Operations Specialist, and Subject Matter Expert (a Police Officer in rank), and the Sergeant provided an overview of the unit's selection process for the position of Police Officer Trainee:

"There are three phases an applicant has to pass to become a Police Officer Trainee. Phase I begins with the job posting and ends with an oral board interview. The City of Oakland Department of Human Resources Management (DHRM) posts all vacancies for Police Officer Trainees, and our process for selecting POTs begins with the job posting. In addition to completing an application, applicants are required to self-schedule and take a written examination with the [National Testing Network](#), an organization that contracts with public safety departments across the country to test candidates for jobs. Once the job posting closes, the applicants who met the minimum qualifications and passed the written examination are invited to attend a physical agility test. Applicants who pass the physical agility test are invited to an oral board interview, and those who pass the interview are allowed to continue in the selection process."

¹ Departmental General Order D-11, Background Investigations, effective 24 Jun 22, pg.1.

Phase II of the selection process for POTs consists of a background investigation and a polygraph test. We conduct background investigations on the applicants who meet the minimum qualifications and passed the written, physical agility, and oral board interview tests and schedule their Polygraph test.

Completing a background investigation is in [Departmental General Order D-11, Background Investigations](#), Section B. Each applicant comes in for processing (i.e., transcripts, driver's license, etc.). We verify documents brought in by each applicant and the applicant certifies them by initialing. The applicant is given two documents to complete and return, a Personal History Statement (PHS) and a Pre-Investigation Questionnaire. The Administration Staff conducts a credit check, a criminal records and warrants check in the Law Records Management System, and sends inquiries, along with notarized authorizations to release information, to any place the applicant has lived or worked. A blue binder is created to store all the applicant's information and we are ready to begin the Background Investigation.

I assign a Background Investigator (BGI), who goes over everything in the PHS and the packet (the binder). The BGI reads over the packet for any glaring issues. The applicant is called to meet with the BGI to go over the packet and explain any issues. If the applicant lives out of state or far from the city of Oakland, the BGI schedules a phone conference with the applicant to review the packet and ask questions, if necessary.

In the end, a Background Investigation Report is created, which is a whole-person assessment that shows the justification for selecting or not selecting an applicant. BGIs have two options: I recommend, or I do not recommend. For non-selects, there is a discussion between the BGI and the Subject Matter Expert (SME) about the applicant, and the SME ensures that the BGI's evidence is not opinion-based. If the BGI and SME cannot agree on whether the applicant should or should not be recommended, then I [the Sergeant] will choose.

Phase III, the final phase of the selection process for POTs, begins with a Character Review Board and ends with a formal offer of employment. In the Character Review Board, the Background Investigation Report of each applicant who passed the aforementioned tests are presented and discussed to determine whether the applicant will ultimately be selected as a POT. The Board consists of the Chief of Police or their designee, the Deputy Director of the Bureau of Services, Special Counsel, a Deputy Chief of Police, and the two of us [the Recruiting and Background Unit Sergeant and Police Personnel Operations Specialist]. All applicants selected by the Board to become POTs are contacted and sent a Conditional Offer of Employment letter, informing them of their need to complete and pass three additional tests to continue in the process of becoming a POT: a medical screening, a psychological screening, and completion of the background investigation (includes information that was neither legal nor practical to

obtain prior to the extension of the conditional offer of employment or in response to issues that arose subsequent to the offer). For the applicants who accept the conditional job offer, we schedule all the tests and complete the background investigations. Those who pass all tests receive a formal offer of employment.”

The Recruiting and Background Unit reported that during the audit period of July 2022 to December 2022, there were 25 applicants who received a formal offer of employment to attend the 190th Academy, which was scheduled to start in August 2022, and there were 29 applicants who received a formal offer of employment to attend the 191st Academy, which was scheduled to start in November 2022.

Scope/Population

The scope of this audit was limited to areas the Office of Internal Accountability considered high risk in the Oakland Police Department’s recruitment process for the position of Police Officer Trainee. In particular, we examined the training Background Investigators receive, assessed the investigators’ reasons for not recommending an applicant for the position of POT, confirmed evidence of the applicants’ behaviors inconsistent with the position of POT, ensured Character Review Boards were convened when necessary, and ensured applicants approved by Character Review Boards to continue in the selection process received Conditional Job Offer letters.

The audit period was July 1, 2022, through December 31, 2022.

Population/Sample

During the audit period, there were 111 closed POT applicant background investigation files, meaning that each applicant had already been recommended or not recommended to be selected for the position of POT, either by the Background Investigator, or by the Character Review Board, or that the applicant had withdrawn from the selection process before being recommended or not recommended by the respective BGIs.

The population consisted of only 100 of the 111 closed POT applicant background investigation files: 28 (28%) files for applicants who had been recommended to be selected as POTs by BGIs or Character Review Boards, and 72 (72%) files for applicants who were not recommended to be selected as POTs by Background Investigators. OIA removed 11 files from the population because they were for applicants who withdrew from the selection process before being recommended or not recommended by the respective BGIs. Therefore, a completed background investigation would not have been conducted on the applicants.

In the population of 100 files, there were 17 BGIs who conducted the background investigations.

Samples

The sample was comprised of 52 files, and because there were two categories of closed background investigation files (applicants recommended or not recommended to be selected as POTs). The sample was stratified to reflect the two categories: 13 files were randomly selected from the population of 28

closed POT applicant background investigation files for applicants who were recommended to be selected as POTs by the BGIs and the Character Review Board and 39 files were randomly selected from the population of 72 POT applicant background investigations files for applicants who were not recommended to be selected as POTs by the BGIs or the Character Review Board.

To make conclusions about OPD's background investigation practices, for each audited objective, OIA reviewed adequate and sufficient documentation:

Objective 1

Determine whether Background Investigators (BGIs) attended the required training specified in Departmental General Order D-11, *Background Investigations*, effective June 24, 2022.

Sample

The training records of all 17 BGIs were reviewed.

Objective 2

Confirm the existence of the applicants' conduct documented as being incompatible with the position of Police Officer Trainee on the Non-Select Summary Reports (Form TF-3407) or the Character Review Risk Assessment Reports.

Sample

A sample of 52 files was selected from the population of 100 POT applicant background investigation files. There were 39 files selected from the 72 files for applicants who were not recommended to be selected as POTs, and 13 files selected from the 28 files for applicants who were recommended to be selected as POTs:

Sample taken from the 72 files for applicants who were not recommended
(The investigations were conducted by 16 BGIs.)

Background Investigator	Number of Investigations Conducted in Population	Sampled
A	11	6
B	1	1
C	1	1
D	3	2
E	2	1
F	1	1
G	4	2
H	19	6
I	1	1
J	4	2
K	8	5

L	7	4
M	1	1
N	6	3
O	2	2
P	1	1
Total	72	39

Sample taken from the 28 files for applicants who were recommended
(The investigations were conducted by 8 BGIs, and BGI Q represents the 17th BGI.)

Background Investigator	Number of Investigations Conducted in Population	Sampled
A	9	2
H	4	2
J	1	1
K	5	2
N	4	2
O	1	1
P	3	2
Q	1	1
Total	28	13

Objective 3

In the assigned BGIs' Background Investigation Reports, assess their reasons for not recommending applicants as suitable for the position of Police Officer Trainee.

Sample

A sample of 31 Background Investigation Reports were reviewed.

Objective 4 and Objective 5

For applicants recommended as suitable for the position of Police Officer Trainee by BGIs, determine whether Character Review Boards were convened and adequately staffed as required in DGO D-11.

Determine whether the applicants approved to continue in the selection process by the Character Review Board received a Conditional Job Offer letter, as required in DGO D-11.

Sample

The 13 POT background investigation files for applicants recommended for selection as POTs.

Methodology

To conduct the audit of OPD's background investigation activities, the following steps were taken:

- Reviewed the policies and procedures governing training for Background Investigators, the conducting of background investigations, and the composition and convening of Character Review Boards.
- Reviewed legislation related to Peace Officer selection requirements.
- Reviewed a prior audit related to OPD recruitment practices.
- Reviewed Background Investigation Reports.
- Reviewed documents in the background investigation files of applicants who applied for the position of Police Officer Trainee.
- Reviewed the training records of the Background Investigators who conducted the investigations associated with the sample of 52 randomly selected POT applicant background investigation files.
- Interviewed staff from the Recruiting and Background Unit and other OPD personnel, as necessary.

References

- [Departmental General Order D-11, *Background Investigations*](#), effective June 24, 2022.
- [Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices](#), dated December 2016.
- [Background Investigation Manual: Guidelines for the Investigator 2022](#).
- California Code of Regulations, Title 11 Law, Division 2 Commission on Peace Officer Standards and Training, Article 5 Peace Officer and Public Dispatcher Selection Requirements, [Sections 1950-1955](#).

Findings

Finding #1

OIA was unable to determine whether Background Investigators attended a POST-certified Background Investigation Course prior to conducting investigations because OPD does not record the date its Background Investigators began conducting investigations. Nevertheless, OIA's review of 17 Background Investigators' POST training records found that only 13 (76%) of the BGIs' records showed documentation indicating they attended a POST-certified Background Investigation Course.

[Departmental General Order D-11, *Background Investigations*](#), effective June 24, 2022, states, in part, "All background investigators shall attend a POST-certified Background Investigation Course prior to receiving a background file (pg. 8)."

In addition, further research showed that in 2016, at the request of the former City of Oakland Mayor, the Honorable Mayor Libby Schaaf, an audit titled [Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices](#), dated December 2016, was conducted jointly by OPD's Office of Inspector General (currently known as the Office of Internal Accountability) and the

Office of the City Auditor to examine OPD's recruitment and early warning systems for any practices or patterns that would remove unsuitable candidates from the applicant pool and ensure the continued suitability of current officers to be on the force (Memorandum from former City Administrator, pg. 1). Therein was a recommendation that stated, in part, "The Department should revise its current policy (which was last updated in 1999) within 6 months so that POST-certified training is a requirement for those performing background investigations [who] are not assigned to the Recruiting and Background Unit." OPD agreed with the recommendation and responded by stating, "The Recruiting and Background Unit has already changed its practice and now requires *all* background investigators to meet specific minimum qualifications to conduct background investigations on applicants, including... completion of a POST (Peace Officers Standards and Training) certified background investigation course. (pg. 8 of the Addendum: Summary Table of Department's Response to Recommendations...)."

To determine whether the Background Investigators attended a POST-certified Background Investigation Course prior to conducting background investigations, on July 12, 2024, the OIA requested from OPD's Training Division the POST training records for the 17 BGIs who conducted the background investigations of the 52 sampled POT applicants. On August 8, 2024, OIA received the BGIs' training records. Secondly, on August 21, 2024, OIA requested from the Recruiting and Background Unit the date each BGI began conducting background investigations, and on September 12, 2024, the Unit's Sergeant replied, "That information is not recorded. [But] once a BGI completes their training, they are typically assigned a file to begin investigating. This is why I am providing each investigator's course completion date."

Because OPD does not record the date its BGIs began conducting background investigations, OIA could not determine whether the BGIs attended a POST-certified Background Investigation Course prior to conducting investigations. Not tracking the date each BGI began conducting background investigations indicates that OPD has a deficiency in the management of its BGIs' training. Particularly, the weakness is caused by OPD's inability to demonstrate that it monitors the date each BGI attended a POST-certified Background Investigation Course relative to the date the BGI conducted their first background investigation in order to comport with the requirement in policy. Without maintaining documentation showing the dates BGIs attended a POST-certified Background Investigation Course and the dates BGIs began conducting background investigations, there is no evidence that OPD is working towards meeting its objective of ensuring BGIs receive the required training prior to conducting investigations.

Findings #1, #2, and #3 are related to Background Investigator training. See Finding #3 for recommendations related to the training.

Notwithstanding inadequate recordkeeping, the 17 BGIs' POST training records were reviewed to determine whether they attended a POST-certified Background Investigation Course, and we found that 13 (76%) BGIs' records indicated that they attended the course. Table 1 lists the dates each BGI attended the course and the number of training hours completed.

Table 1—Dates Background Investigators Attended POST-Certified Background Investigation Course

No.	POST-Certified Background Investigation Course Attended?	# of Hours	Date of Training
BGI #1	Y	36	12/9/2016
BGI #2	Y	32	1/31/2019
BGI #3	N	N/A	N/A
BGI #4	Y	32	1/31/2019
BGI #5	Y	36	12/9/2016
BGI #6	Y	16	6/17/2019
BGI #7	Y	32	1/31/2019
BGI #8	Y	32	1/31/2019
BGI #9	Y	32	1/31/2019
BGI #10	N	N/A	N/A
BGI #11	Y	16	2/3/2021
	Y	32	1/11/2024
BGI #12	Y	32	11/18/2016
BGI #13	N	N/A	N/A
BGI #14	N	N/A	N/A
BGI #15	Y	16	2/3/2021
	Y	32	1/25/2024
BGI #16	Y	36	5/6/2016
BGI #17	Y	32	3/3/2022

As referenced in Table 1, four BGIs (#3, #10, #13, and #14) did not attend the required course, which can be attributed to OPD's deficiency in the management of its BGIs' training, a lack of monitoring, and recordkeeping.

Table 1 also shows that two BGIs (#11 and #15) attended two POST-certified Background Investigation Courses, a 16-hour course and a 32-hour course.

Finding #2

OIA's review of the 17 Background Investigators' training records found that there was documented evidence that 13 BGIs attended Procedural Justice I and/or Procedural Justice II training, but there was no documented evidence that four of the BGIs attended any Procedural Justice training.

In 2016, because of the audit titled [Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices](#), OPD committed to ensuring its BGIs receive Procedural Justice training by stating, in part, "The Recruiting and Background Unit changed its practice and now requires *all* background investigators to meet specific minimum qualifications to conduct background investigations on applicants.... Also added to the policy is the requirement of additional training and education in the

areas of implicit bias and Procedural Justice (pg. 8 of the Addendum: Summary Table of Department's Response to Recommendations...).".

In addition, the current policy, [Departmental General Order D-11, Background Investigations](#), effective June 24, 2022, reiterated the requirement by stating, in part, "All background investigators shall attend Procedural Justice and Implicit Bias Based Police Training prior to receiving a background file (pg. 8)."

Procedural Justice is the understanding that when police officers engage in fair and respectful treatment [of all persons they encounter], the public is more likely to view their authority as legitimate. This builds better relationships with community members and promotes cooperation and support for an officer's efforts to improve safety. Procedural Justice, a major component of OPD's community policing philosophy, enhances the Department's ability to effectively engage with all communities in Oakland. The four principles of Procedural Justice are:

1. Voice (Listen).
2. Neutrality (Unbiased Decisions).
3. Respectful (Treatment).
4. Trustworthy (Process).²

Note: Implicit bias-based training is incorporated in the Procedural Justice training.

OIA reviewed the Vision³ training records of the 17 BGIs who conducted the investigations associated with the sample of 52 POT applicant background investigation files, and found that the records of 12 BGIs showed attendance in the Procedural Justice I training in 2014 and 2015, prior to the 2016 policy change. There was no documented evidence that the remaining five BGIs attended Procedural Justice I training. Table 2 reflects the dates the BGIs attended the training.

Table 2—Background Investigators' Attendance in the Procedural Justice I Training

BGI No.	Procedural Justice Training (Y/N)	Hours	Date of Training
BGI #1	Y	7	5/6/2014
BGI #2	Y	4	10/23/2015
BGI #3	N	N/A	N/A
BGI #4	N	N/A	N/A
BGI #5	Y	7	11/21/2014
BGI #6	Y	7	3/31/2015
BGI #7	N	N/A	N/A
BGI #8	Y	7	10/17/2014
BGI #9	Y	7	3/31/2015

² Oakland Police Department, *Basic Academy Policy Manual*, revised May 2024, pg. 4.

³ The system OPD uses to record and track employee data such as discipline, uses of force, training, etc.

BGI No.	Procedural Justice Training (Y/N)	Hours	Date of Training
BGI #10	N	N/A	N/A
BGI #11	Y	7	2/19/2015
BGI #12	Y	7	2/26/2015
BGI #13	Y	4	10/23/2015
BGI #14	Y	7	8/22/2014
BGI #15	Y	4	10/23/2015
BGI #16	Y	7	9/19/2014
BGI #17	N	N/A	N/A

Table 2 shows the training records of three BGIs (#2, #13, #15), indicating that the BGIs attended a four-hour Procedural Justice I training on October 23, 2015, but because the training happened prior to the policy change in 2016, OIA determined it was unnecessary to seek the reason the training was four hours instead of seven hours. OIA also noted that OPD's 2016 and current policies do not include the number of Procedural Justice training hours BGIs should receive.

OIA's review of the training records of the 17 BGIs also found that the records of 12 BGIs showed documentation indicating that the BGIs attended a Procedural Justice II training. Table 3 displays the dates the BGIs attended the training.

Table 3—Background Investigators' Attendance in the Procedural Justice II Training

BGI No.	Procedural Justice II Training (Y/N)	Hours	Date Completed
BGI #1	Y	4.5	4/3/2018
BGI #2	Y	4.5	5/23/2018
BGI #3	Y	4.5	4/3/2018
BGI #4	N	N/A	N/A
BGI #5	Y	4.5	6/26/2018
BGI #6	Y	4.5	5/18/2018
BGI #7	N	N/A	N/A
BGI #8	Y	4.5	12/15/2017
BGI #9	Y	4.5	12/12/2017
BGI #10	N	N/A	N/A
BGI #11	Y	4.5	6/1/2018
BGI #12	Y	4.5	4/3/2018
BGI #13	Y	4	10/23/2018
BGI #14	Y	4.5	4/24/2018
BGI #15	N	N/A	N/A

BGI No.	Procedural Justice II Training (Y/N)	Hours	Date Completed
BGI #16	Y	4.5	4/3/2018
BGI #17	N	N/A	N/A

Table 3 shows the training record of BGI #13, indicating that the BGI attended a four-hour Procedural Justice II training on October 23, 2018, and OIA deemed the number of training hours acceptable since OPD's 2016 and current policies do not include the number of Procedural Justice training hours its BGIs should receive.

The training records of BGIs #3, #4, #7, #10, and #17 did not show attendance in Procedural Justice I training, and the records of BGIs #4, #7, #10, #15, and #17 did not show attendance in Procedural Justice II training. As a result, OIA's review found that the training records of four BGIs (#4, #7, #10, and #17) did not include any documented evidence indicating that the BGIs attended Procedural Justice training, and the records of 13 BGIs showed documentation indicating that the BGIs attended Procedural Justice I and/or Procedural Justice II training.

Finding #1 determined that OPD does not record the date each BGI began conducting background investigations, and as a result, OIA was unable to determine how long the four BGIs had been conducting investigations without attending the required training.

OPD's management of its BGIs' training is deficient, caused by OPD's inability to demonstrate that it monitors the date each BGI attended Procedural Justice training relative to the date the BGI conducted their first background investigation in order to comport with the requirement in policy. Although the Recruiting and Background Sergeant stated, "[The dates BGIs began conducting background investigations are not recorded, but] once a BGI completes their training, they are typically assigned a file to begin investigating," without maintaining documentation showing the dates BGIs' attend Procedural Justice training and the dates BGIs began conducting background investigations, there is no evidence that OPD is working towards meeting its objective of ensuring BGIs receive the required training prior to conducting investigations.

Findings #1, #2, and #3 are related to Background Investigator training. See Finding #3 for recommendations related to the training.

Finding #3

OIA's review of the 17 Background Investigators' training records found no documented evidence that the BGIs attended background investigation update training annually, as required by policy.

In 2016, OPD stated the Department added to its policy "the required annual POST-mandated background investigation update training" for BGIs in response to a recommendation in the audit titled [*Officer Integrity Trends and Other Critical Observations Regarding Hiring and Training Practices*](#) (pg. 8 of the Addendum: Summary Table of Department's Response to Recommendations...).

The current policy, which incorporated the above audit recommendations, [Departmental General Order D-11, Background Investigations](#), effective June 24, 2022, continues to require BGIs to receive annual training by stating, in part, “Annual [background investigation] update training will be provided by the Recruiting and Background Unit (pg. 8).”

In order to determine compliance with the required annual background investigation update training, OIA reviewed the POST and Vision training records of the 17 BGIs who conducted the investigations associated with the sample of the 52 POT applicant background investigation files, seeking any training (i.e., background investigations, interviewing, candidate selection, human resources, etc.) received annually related to enhancing a BGI’s competence in conducting background investigations and selecting qualified candidates.

OIA’s review found that none of the 17 BGIs’ training records indicated that the BGIs attended background investigation update training annually. Table 4 shows the training each BGI attended after attending the POST-certified Background Investigation Course or their first background investigation training of any kind. It should be noted that all courses with a Course Control Number (CCN) are POST-certified courses, and courses without a CCN are courses that were taught in-house by the Recruiting and Background Unit’s Sergeant and Subject Matter Expert.

Table 4—Summary of Background Investigators’ Training

No.	Background Investigation Update Course Name	# of Hours	Date of Training	Date POST-Certified Background Investigation Course Completed
BGI #1	CCN 9180-28011-22-031 SB 2 Selection Standards and Certification	4	11/8/2022	12/9/2016
BGI #2	CCN 9590-31445-20-006 Interview and Interrogation	40	8/14/2020	1/31/2019
BGI #3	Background Investigation	16	9/30/2021	None on record
	CCN 9590-31445-23-059 Interview and Interrogation	40	5/17/2024	
BGI #4	Recruiting and Background Refresher	4	2/20/2018	1/31/2019
BGI #5	CCN 9590-31445-18-013 Interview and Interrogation	40	12/7/2018	12/9/2016
BGI #6	CCN 9590-31445-18-013 Interview and Interrogation	40	12/7/2018	6/17/2019
BGI #7	No additional background investigation training on record			1/31/2019
BGI #8	CCN 9180-28011-22-012 SB 2 Selection Standards and Certification	4	9/16/2022	1/31/2019
BGI #9	No additional background investigation training on record			1/31/2019
BGI #10	Background Investigation Update	4	2/22/2018	None on record
BGI #11	CCN 9180-28011-22-031 SB 2 Selection Standards and Certification	4	11/8/2022	2/3/2021 1/11/2024

No.	Background Investigation Update Course Name	# of Hours	Date of Training	Date POST-Certified Background Investigation Course Completed
BGI #12	No additional background investigation training on record			11/18/2016
BGI #13	CCN 7140-31445-19-004 Interview and Interrogation	40	10/11/2019	None on record
	CCN 9590-31445-20-006 Interview and Interrogation	40	8/14/2020	
	Background Investigation	16	9/30/2021	
BGI #14	Background Investigation Update	4	2/20/2018	None on record
	Background Investigation	16	9/30/2021	
BGI #15	CCN 9180-28011-22-031 SB 2 Selection Standards and Certification	4	11/8/2022	2/3/2021 1/25/2024
BGI #16	CCN 9180-28011-22-031 SB 2 Selection Standards and Certification	4	9/16/2022	5/6/2016
BGI #17	CCN 9180-28011-22-031 SB 2 Selection Standards and Certification	4	9/16/2022	3/3/2022

The BGIs' documented training, shown in Table 4 above, underpins the finding that the BGIs did not attend background investigation update training annually. In fact, the table shows that OPD's BGIs have not attended much training, if any at all, since attending the POST-certified Background Investigation Course:

- Four BGIs (#1, #5, #12, and #16) attended the POST-certified Background Investigation Course in 2016. BGI #12 did not attend any background investigation update courses. BGIs #1 and #16 attended a Selection Standards and Certification Course in 2022, and BGI #5 attended an Interview and Interrogation Course in 2018.
- Six BGIs (#2, #4, #6, #7, #8, and #9) attended the POST-certified Background Investigation Course in 2019, and BGIs #4, #6, #7, and #9 have not attended any background investigation update courses since 2019. BGI #2 attended an Interview and Interrogation Course in 2020, and BGI #8 attended a Selection Standards and Certification Course in 2022.
- Four BGIs (#3, #10, #13, and #14) did not attend a POST-certified Background Investigation Course, but since 2016, BGI #3 attended an in-house Background Investigation Course in 2021 and attended an Interview and Interrogation Course in 2024. BGI #10 attended only one course, Background Investigation Update, in 2018. BGI #13 attended two Interview and Interrogation courses, one in 2019 and one in 2020, and attended the in-house Background Investigation Course in 2021. BGI #14 attended the in-house Background Investigation Update Course in 2018 and the in-house Background Investigation Course in 2021.
- Two BGIs (#11 and #15) attended the POST-certified Background Investigation Course in 2021, and they both attended the Selection Standards and Certification Course in 2022 and an additional POST-certified Background Investigation Course in 2024.

- BGI #17 attended both the POST-certified Background Investigation Course and Selection Standards and Certification Course in 2022.

Training is aimed at developing and retaining employee knowledge, skills, and abilities needed to conduct background investigations that are fair and impartial and that result in selecting applicants fit to become POTs.⁴ An examination of OPD's policy for ensuring BGIs receive the required training found that the internal control mechanism lacks the appropriate level of detail to allow management to effectively monitor the control activity.⁵ For example, Background Investigators are supervised by the Recruiting and Background Unit Sergeant, a first-line supervisor who reports directly to the Bureau of Services Deputy Director. Ultimately, the Deputy Director is responsible for monitoring the unit's internal control system through ongoing monitoring, which should be built into the Recruiting and Background Unit's operations.⁶ The policy, DGO D-11, does not include procedures regarding the manager's monitoring of the BGIs' training.

OPD's background investigators consist of police officers and annuitants (retired police officers). When a Police Officer becomes a BGI, they are essentially going from responding to calls for service, conducting criminal investigations, pursuing and apprehending suspects, resolving disputes, identifying witnesses and victims, restoring order, etc., to working as a human resources agent by assisting in identifying and selecting suitable candidates to become Police Officer Trainees. To facilitate the transition, it is imperative that police officers who are required to act as human resources agents receive appropriate training (i.e., how to select qualified applicants for the position of POT, the significance of the Police Officer's job specification in the selection process, what should be in the applicant's background investigation files, the laws governing employment tests and selection procedures as defined by the U.S. Equal Employment Opportunity Commission, interpreting the POST Background Investigation Manual, conducting fair and impartial background investigations, etc.).

To ensure all BGIs receive the required training, OPD's management should monitor the BGIs' training by requiring, via policy and in practice, the Background and Recruiting Unit to produce and forward an annual training report to the Bureau of Services Deputy Director, the Assistant Chief of Police, and the Chief of Police by July 1st of every year. The report should include, at a minimum, the following information:

- Each BGI's name, serial number, and rank (i.e., Police Officer, Sergeant, or Annuitant).

⁴ United States Government Accountability Office, By the Comptroller General of the United States, *Standards for Internal Control in the Federal Government*, 10 Sep 2014, pg. 46.

⁵ United States Government Accountability Office, By the Comptroller General of the United States, *Standards for Internal Control in the Federal Government*, 10 Sep 2014, pg. 56.

⁶ United States Government Accountability Office, By the Comptroller General of the United States, *Standards for Internal Control in the Federal Government*, 10 Sep 2014, pg. 65.

- Whether the BGI's assignment in the Recruiting and Background Unit is permanent full or part time or an ancillary duty. If it is an ancillary duty, the location of the BGI's permanent assignment.
- Date the BGI was assigned to the Recruiting and Background Unit on a full or part time basis or as an ancillary duty.
- Date the BGI attended the POST-certified Background Investigation Course and the number of training hours.
- Date the BGI attended the Procedural Justice Course and the number of training hours.
- Date the BGI began conducting background investigations.
- Date the BGI completed an annual Background Investigation Update Course, the name of the course, and the number of training hours.
- For any BGI who did not attend one or more of the required trainings, the reason for the delay and the date the BGI is scheduled to attend the training.

Without the production of a report, there is no evidence that OPD's management monitors the BGIs' attendance in the required training and addresses any training issues, if necessary. Moreover, without receiving effective training, the quality of the BGIs' investigations and candidate selections may be compromised.⁷

Also, as in any organization, management is responsible for establishing expectations of competence for its employees, and in this case, BGIs. Competence is the qualification to carry out assigned responsibilities, and it requires relevant knowledge, skills, and abilities, which are gained largely from professional experience, training, and certifications. Competence is demonstrated by the behavior of individuals as they carry out their responsibilities.⁸ Accordingly, OPD's management is also accountable for the topics addressed in the training the BGIs attend, and OPD should maintain a record of the course agenda or lesson plan for each approved training the BGIs attend to ensure management has the ability to monitor the content of the training and adjust the training, if necessary.

Finding #4

OIA's review of the sample of 52 Police Officer Trainee applicant background investigation files found that, in the aggregate, there were 333 behaviors deemed incompatible with the position of POT documented in Non-Select Summary Reports (Form TF-3407) or Character Review Risk Assessment Reports, but the supporting evidence in the applicants' files confirmed the existence of only 227 (68%) of the incompatible behaviors.

California Government Code §1031(d) requires all peace officer candidates to be screened for "good moral character." The POST background dimensions, articulated in its [Background Investigation Manual: Guidelines for the Investigator](#) (Manual), are intended to assist law enforcement background

⁷ State of California, Commission on Peace Officer Standards and Training, Background Investigation Manual, 2022, pg. 1-3.

⁸ United States Government Accountability Office, By the Comptroller General of the United States, *Standards for Internal Control in the Federal Government*, SEP 2014, pg. 30.

investigators in answering the question, *The absence of what prior conduct constitutes good moral character* (Manual, pg. 1-5)?

Although thresholds of acceptability are not included, POST's 10 background dimensions are attributes background investigators should evaluate every peace officer applicant's past behaviors against when deciding whether or not the behaviors align with good moral character (Manual, pgs. 2-1, 2-3 through 2-4):

1. Integrity
2. Impulse Control/Attention to Safety
3. Substance Abuse and Other Risk-Taking Behavior
4. Stress Tolerance
5. Confronting and Overcoming Problems, Obstacles, and Adversity
6. Conscientiousness
7. Interpersonal Skills
8. Decision-Making and Judgement
9. Learning Ability
10. Communication Skills

Using the applicant's employment, friends, and family references, criminal, driving, and credit records, and other personal information documented in a Personal History Statement and Pre-Investigation Questionnaire (both forms are completed by the candidate), their polygraph, fingerprints, and interviews with the background investigator, the background investigator scrutinizes the applicant's past behaviors and is expected to detect and document any conduct incompatible with the position of peace officer. The Manual provides examples of conduct incompatible with the position of peace officer to guide background investigators in conducting their investigations (pgs. 2-5 through 2-14). For example, in the Manual, Integrity is defined as maintaining high standards of personal conduct. It consists of attributes such as honesty, impartiality, trustworthiness, and abiding by laws, regulations, and procedures. It includes:

- Not abusing the system nor using one's position for personal gain; not yielding to temptations of bribes, favors, gratuities, or payoffs.
- Not bending rules or otherwise trying to beat the system.
- Not sharing or releasing confidential information.
- Not engaging in illegal or immoral activities — either on or off the job.
- Honest and impartial in dealings with others, both in and outside the agency.
- Not condoning or ignoring unethical/illegal conduct in others.
- Truthful and honest sworn testimony, affidavits, and in all dealings with others.
- impulse/anger control (pg. 2-5).

Along with defining Integrity, the Manual provides examples of behaviors that are incompatible with the position of peace officer, and below are some of those examples (pgs. 2-5 to 2-6):

- Fraudulently reporting or other abuses/misuses of employer leave policies (e.g., sick leave, vacation, bereavement leave).
- Abuses privileges and benefits of the job (e.g., overtime, use of supplies, equipment, internet access).
- Involved in the sale or distribution of illegal drugs.
- Engages in inappropriate sexual activity (e.g., prostitutes, sex with minors, etc.).
- Cheating, plagiarism, or other forms of academic dishonesty.
- Association with those who commit crimes or otherwise demonstrate unethical/ immoral behavior.
- Commits illegal or immoral activities that would be offensive to contemporary community standards of propriety.
- Having an outstanding warrant of arrest at the time of application for a job or throughout the hiring process.
- Admission of having committed any act amounting to a felony under California Law, as an adult.

Hence, if an applicant states in their Personal History Statement that they were terminated from a job due to “not showing up for work” or if the applicant’s past employer states that the applicant was terminated for “not showing up for work,” the absenteeism and termination would be indicators of conduct incompatible with the position of peace officer and the background investigator is expected to detect and document the conduct.

POST’s California Code of Regulations [1953](#) regulates the type of background investigation that must be conducted on peace officer applicants, and requires the information to be maintained in the applicants’ background investigation files (Manual, pgs. 5-1 through 5-32 and 6-1 through 6-10). It requires a thorough background check to be conducted into various areas of the POT applicants’ lives: personal identifying information, educational, residential, and employment history, legal, employment, etc. (for a complete list and description of the required categories, see Appendix A).

OPD’s procedures for conducting background investigations are based on POST’s state guidelines and regulations, and OPD requires completed investigations to be submitted to the Recruiting and Background Unit Sergeant. If the POT applicant is recommended as a “non-select,” the BGI is required to complete a Non-Select Summary Report, TF-3407,⁹ on which the BGI documents the applicant’s exhibited conduct incompatible with the position of POT found during the background investigation. In practice, if an applicant is deemed suitable for the position of POT, the BGI is required to complete a Character Review Risk Assessment Report, on which the BGI documents the applicant’s exhibited conduct incompatible with the position of POT, along with the applicant’s positive attributes, found during the background investigation. The appropriate report, the Non-Select Summary Report or the Character Review Risk Assessment Report, is maintained in the applicant’s background investigation file.

⁹ DGO D-11, pgs. 1, 5.

To confirm the existence of the applicants' behaviors, the BGIs documented as being incompatible with the position of POT on the Non-Select Summary Reports (Form TF-3407) or in the Character Review Risk Assessment Reports, the OIA sought supporting documentation in the applicants' background investigation files.

The sample used for this finding consisted of closed background investigation files for applicants who were no longer in the selection process for the position of POT, meaning that each applicant had already been recommended or not recommended to be selected for the position of POT, either by the Background Investigator or by the Character Review Board.

From 100 POT applicant background investigation files closed during the audit period of July 1, 2022, to December 31, 2022, there were 52 files randomly selected. OIA's review of the 52 files found that there were 17 BGIs who conducted the investigations, and, in the aggregate, they documented 333 behaviors incompatible with the position of POT in Non-Select Summary Reports (Form TF-3407) or Character Review Risk Assessment Reports, but the existence of only 227 (68%) behaviors was confirmed based on supporting evidence in the applicants' files.

The review found that the existence of 55 (17%) behaviors could only be partially confirmed because the supporting documentation of the behaviors in question was lacking some details. For example, if the BGI documented that an applicant used cocaine five times and the applicant wrote in their Personal History Statement that they used cocaine two times, OIA was able to confirm that the applicant used cocaine but unable to confirm that it was five times as documented by the BGI without there being supporting documentation to explain the gap between the number of times the applicant documented that they used cocaine and the number of times the BGI documented that the applicant used cocaine. Therefore, the existence of the behavior could only be deemed partially confirmed.

Moreover, the review found that the existence of 51 (15%) behaviors was unable to be confirmed because there was no supporting documentation of the behaviors in question in the applicants' files.

The sample consisted of 36 files in which the applicants were not recommended as suitable for the position of POT and 16 files in which the applicants were recommended as suitable for the position of POT. Table 5 shows the breakdown of the results for the two groups: recommended and not recommended.

Table 5—Confirmations of Behaviors Incompatible with the Position of Police Officer Trainee

Category	No. of Files Reviewed	Behaviors Incompatible with Position of POT	Confirmed	Partially Confirmed	Unable to Confirm
Applicant Not Recommended as suitable for the position of POT	36	287	194 (67%)	42 (15%)	51 (18%)
Applicant Recommended as suitable for the position of POT	16	46	33 (72%)	13 (28%)	0
Total	52	333	227 (68%)	55 (17%)	51 (15%)

For the behaviors that were partially confirmed or unable to be confirmed, OIA could not determine where the Background Investigators obtained their facts. The BGIs are not required to cite, and did not cite, on the Non-Select Summary Reports (Form TF-3407) or the Character Review Risk Assessment Reports the location of the behaviors they documented (e.g., see employment reference from NAME OF COMPANY, see letter from NAME OF POLICE DEPARTMENT, see notes of interview with applicant on DATE, etc.), causing OIA to leaf through the entire background investigation files for supporting documentation but to no avail. Having a gap between the behaviors the BGIs documented and what was reported by the applicants on their Personal History Statements, Pre-Employment Questionnaires, their references (employment or relatives), or any documents received about the applicant (i.e., driver's license printout, criminal history, etc.) renders the BGIs' documentation that was partially confirmed or unable to be confirmed questionable. To ensure all behaviors documented by BGIs as being incompatible with the position of POT are reliable, OPD should require, via policy and practice, its BGIs to cite the location of their findings on the Non-Select Summary Reports (Form TF-3407) or the Character Review Risk Assessment Reports and place all cited documentation in the applicants' background investigation files.

The BGIs' notes or video/audio recordings of their interview(s) with the applicants were also sought to resolve some of the discrepancies, but the OIA was unsuccessful. The BGIs are not required to record, and did not record, their interviews with the applicants. Most of the files did not include any investigator

notes. Of the 52 files reviewed, only 11 files included the BGIs' notes, and the notes were not detailed. OIA was unable to determine what questions were asked of and answered by the applicants in order to decipher the notes. The notes were not written in complete sentences. OIA could not determine whether the words written down were the BGI's thoughts or responses from the applicant.

As part of a background investigation, there is an "initial background interview" and, if needed, there is also a "discrepancy interview." The initial background interview takes place, either during or after the review of the applicant's Personal History Statement and other completed/returned materials. During this interview, the background investigator meets with the peace officer applicant to affirm with the candidate that documents are true, correct, and up to date, explore reasons or explanations for curious, suspicious, or incomplete responses, correct truly inadvertent errors or oversights, and get an overall feel for the candidate.¹⁰

The discrepancy interview may be held if inconsistencies or other issues arise while conducting the background investigation that impact an applicant's employment eligibility. At the start of the interview, the applicant should be provided with a copy of the written description of each discrepancy and given ample opportunity to provide a complete explanation for each identified issue.¹¹ POST recommends that this interview and all others be electronically (video or audio) recorded with the knowledge of the applicant.¹² OPD should follow POST's recommendation and begin video or audio recording all interviews with applicants to capture the applicants' reasons or explanations for curious, suspicious, or incomplete responses in their Personal History Statements or other issues that arise while conducting the background investigation. OPD should also ensure these recordings are part of the applicants' background investigation files. Furthermore, OPD should ensure that when there are discrepancies, BGIs provide POT applicants with a written description of each discrepancy and place a copy of the document in the applicants' background investigation files.

Regarding the BGI's notes, POST states that when reviewing a peace officer applicant's Personal History Statement and other completed/returned materials, notes should be made of responses and issues that require attention during an initial background interview.¹³ If an investigator's notes are rough drafts of material faithfully and entirely reproduced in the background file, they do not have to be maintained. However, if the notes are the only record of information obtained, they would be subject to the same retention requirements as any other aspect of the background investigation.¹⁴ OPD should ensure that if during the initial background or discrepancy interview with a POT applicant the BGI questions the applicant about issues that arose during the investigation, the BGI documents the issues and the applicant's responses to the issues in their notes and places the notes in the applicant's background investigation file, especially if there is no video or audio recording of the interview.

¹⁰ Manual, pg. 4-6.

¹¹ Manual, pg. 4-13.

¹² Manual, pgs. 4-4, 4-6.

¹³ Manual, pg. 4-4.

¹⁴ Manual, pg. 4-17.

Finally, due to the confirmation of just 68 percent of the 333 behaviors documented by the 17 BGIs as incompatible with the position of POT on the Non-Select Summary Reports (Form TF-3407) or in the Character Review Risk Assessment Reports, the confirmation percentages were examined on an individual level by comparing the behaviors documented by each BGI to the supporting evidence in the respective POT applicant background investigation file. The comparison showed that there were only three POT applicant files in which there was supporting documentation present within them for each incompatible behavior documented on the associated Non-Select Summary Report (Form TF-3407) or Character Review Risk Assessment Report (see rows for **BGIs #4 and #6**), shown in Table 6.

Table 6—Confirmation Percentages for Each Background Investigator

BGI	# of POT Applicants Investigated	# of Documented Incompatible Behaviors	Confirmed	Partially Confirmed	Unable to Confirm
BGI #1	8	21	18 (85.5%)	2 (9.5%)	1 (5%)
BGI #2	1	6	4 (67%)	2 (33%)	0 (0%)
BGI #3	1	9	3 (33%)	4 (45%)	2 (22%)
BGI #4	2	15	15 (100%)	0 (0%)	0 (0%)
BGI #5	1	10	9 (90%)	1 (10%)	0 (0%)
BGI #6	1	7	7 (100%)	0 (0%)	0 (0%)
BGI #7	2	12	9 (75%)	3 (25%)	0 (0%)
BGI #8	8	48	36 (75%)	8 (17%)	4 (8%)
BGI #9	1	5	4 (80%)	0 (0%)	1 (20%)
BGI #10	3	16	15 (94%)	1 (6%)	0 (0%)
BGI #11	7	24	15 (63%)	8 (33%)	1 (4%)
BGI #12	4	30	29 (97%)	1 (3%)	0 (0%)
BGI #13	1	16	7 (44%)	8 (50%)	1 (6%)

BGI	# of POT Applicants Investigated	# of Documented Incompatible Behaviors	Confirmed	Partially Confirmed	Unable to Confirm
BGI #14	5	85	35 (41%)	9 (15%)	41 (48%)
BGI #15	3	19	13 (68%)	6 (32%)	0 (0%)
BGI #16	3	7	6 (86%)	1 (14%)	0 (0%)
BGI #17	1	3	2 (67%)	1 (33%)	0 (0%)

Table 6 shows that there were eight applicant background investigation files that included 90 to 97 percent of the supporting evidence for the incompatible behaviors documented by the BGI (BGIs #5, #10, and #12); 12 instances in which the files included 80 to 86 percent of the supporting evidence for the incompatible behaviors documented by the BGI (BGIs #1, #9, and #16); and 29 instances in which the files included 75 percent or less of the supporting evidence for the incompatible behaviors documented by the BGI (BGIs #2, #3, #7, #8, #11, #13, #14, #15, and #17). OPD's adoption of the recommendations above should significantly increase the percentage of supporting evidence in the POT applicants' background investigation files associated with the incompatible behaviors for the position of POT documented by the BGIs in the Non-Select Summary Reports (Form TF-3407) or Character Review Risk Assessment Reports.

Finding #5

OIA's review of the 52 POT applicant background investigation files found that only 46 (88%) of the files included the assigned Background Investigator's written report of their evaluation concerning employment of the applicant in question.

Departmental General Order D-11, *Background Investigations*, effective June 24, 2022, Section IV.A and Section IV.B.3, states, in part (pgs. 5-6):

"At the conclusion of a background investigation, the assigned investigator shall prepare a written report which shall contain the investigator's evaluation concerning employment of the candidate and detailed information to support the evaluation."

In practice, the assigned Background Investigator's report is referred to as the Background Investigation Report or BIR. It is written in a memorandum format to the Bureau of Services Deputy Director, which shows that management provides oversight of the selection process. It includes the type of information that was investigated about the applicant (i.e., personal identifying information, relatives and other references, educational, employment, and legal histories, polygraph, etc.) and summarizes the results of the inquiries, whether positive or negative. It also includes the BGI's evaluation of the applicant and the reason(s) they decided to recommend or not recommend the applicant as suitable for the position of Police Officer Trainee.

To determine whether each POT applicant background investigation file included the assigned investigator's Background Investigation Report (BIR), the sample of 52 POT applicant background investigation files were reviewed, seeking the BIR. OIA's review of the files found that 46 (88%) of the files included the BIR, and six (12%) files were missing the BIR. OIA noted that 31 of the 46 BIRs and five of the six missing reports were for applicants who were not recommended as suitable for the position of POT by Background Investigators.

On October 30, 2024, via email, OIA requested the missing BIRs from the Recruiting and Background Unit, and on November 4, 2024, the Sergeant responded by stating:

An applicant is marked as Non-Selected when it becomes clear that they do not meet one or more of the POST Dimensions. In such cases, a full Background Investigation is not completed. Instead, a Non-Select report is prepared, in which the assigned investigator provides a rationale for why a comprehensive investigation was unnecessary. Since my assignment to Recruiting & Background, I have ensured that each Non-Selected file includes such documentation.

The files currently under audit may not contain this level of detail, as many were completed over two years ago, prior to the implementation of this new standard. A "Whole Person Assessment" is not performed for Non-Selected candidates; however, a summary explaining why they were not chosen to proceed in the hiring process is provided. Please note that references to the POST Background Investigation Manual do not apply to the Non-Select Summary process, as this is an internal OPD procedure rather than one monitored or audited by POST.

Not including the assigned investigator's Background Investigation Report creates a risk to the City of Oakland and OPD in cases in which a non-selected applicant lodges a discrimination claim against the organization. Without the BIR, it is unknown how much of the background investigation was conducted before it was decided not to recommend the applicant as suitable for the position of POT. Did the investigator conduct an initial interview with the applicant before the non-selection? Also, OPD may not be able to reconstruct and prove the reason(s) it was decided for non-selection if the assigned investigator is no longer working with OPD and/or supporting evidence is missing from the applicant's background investigation file. OPD should ensure all background investigation files include the assigned investigator's Background Investigation Report.

Finding #6

When assessing the reasons for not recommending applicants as suitable for the position of Police Officer Trainee in 31 Background Investigation Reports, OIA found that it is not transparent how OPD weighs conduct deemed incompatible with the position of Police Officer Trainee.

In the assigned Background Investigators' *Background Investigation Reports*, OIA took two steps to assess the reasons for not recommending applicants as suitable for the position of Police Officer Trainee. First, to understand the reasons for not selecting an applicant, OIA sought OPD's standards for

weighing the applicants' behaviors, which were deemed inconsistent with the position of Police Officer Trainee.

On November 1, 2023, during a meeting that included the Recruiting and Background Sergeant, Police Personnel Operations Specialist, and Subject Matter Expert, OIA asked, "What OPD standards do Background Investigators use for evaluating applicants for the position of Police Officer Trainee? For example, drug use?" The Sergeant stated, "There are no standards, and when it comes to drug use, we look at how recent and how much. It is a judgment call."

POST strongly encourages agencies to establish standards associated with such issues as criminal convictions, thefts, illegal drug use, other criminal conduct, and driving history. It further states that if standards are not created, it may expose the agency to liability in the event inconsistent and/or inappropriate standards are applied.¹⁵

Secondly, OIA reviewed [Departmental General Order D-11, Background Investigations](#), effective June 24, 2022, for guidance to assess the reasons for not recommending applicants as suitable for the position of Police Officer Trainee and found a list of factors OPD requires its background investigators to consider when evaluating the relevance of a negative or derogatory incident. The policy states, in part:¹⁶

The investigator shall complete a whole-person assessment of the applicant. The Recruiting and Background Unit utilizes the "Whole Person Assessment Approach" when considering potential candidates for hire. This assessment is a process by which a background investigator does not automatically disqualify a candidate based on negative or derogatory incidents that have occurred in the past. Instead, the assessment requires investigators to consider all available, reliable information about the person's past and present behavior, favorable and unfavorable, when reaching a determination about whether the candidate should proceed in the hiring process

When evaluating the relevance of a negative or derogatory incident, the background investigator shall consider the following factors:

- a. The nature, extent, and seriousness of the candidate's conduct.
- b. The circumstances surrounding the conduct.
- c. The frequency and recency of the conduct.
- d. The individual's age and maturity at the time of the conduct.
- e. The extent to which participation was voluntary.
- f. The presence or absence of rehabilitation and other permanent behavioral changes demonstrated by the candidate.
- g. The motivation for the conduct.
- h. The potential for presence of pressure, coercion, exploitation, or duress.

¹⁵ Manual, pg. 2-3.

¹⁶ DGO D-11, pg. 6.

i. The likelihood of continuation or recurrence.

Incidents such as arrests, certain misdemeanor offense convictions, employment terminations, or any other self-admitted or discovered derogatory information will be carefully assessed with the context provided by the above factors. The assessment shall include an evaluation of the incident(s) considered against the candidate's explanation of the incident(s). Statements regarding the candidate's personal ownership of and/or the expression of sincere remorse for any such events and the careful consideration of time between such events will be reasonably considered when determining whether the candidate should proceed in the hiring process.

Based on the requirements of DGO D-11, to assess the reasons for not recommending applicants as suitable for the position of Police Officer Trainee, OIA sought evidence that the "Whole Person Assessment Approach" was utilized when evaluating the relevance of a negative or derogatory incident. Also, for incidents such as arrests, certain misdemeanor offense convictions, employment terminations, or any other self-admitted or discovered derogatory information, OIA sought evidence that the assessment included an evaluation of the incident(s) considered against the candidate's explanation of the incident(s).

OIA reviewed the Background Investigation Reports for 31 applicants who were not recommended as suitable for the position of Police Officer Trainee and found no wording indicating one or more of the factors utilized as part of the Whole Person Assessment Approach were considered when evaluating the relevance of a negative or derogatory incident. Instead, OIA's review found that the BGIs merely restated all the negative behaviors detected during the investigation and documented in other parts of the report as the reason for not recommending the applicant as suitable for the position of POT. For example, if the BGI documented in the report in the Employment References section that the employer the applicant worked for three years ago stated that the applicant was late numerous times and subsequently fired for tardiness, when the BGI summarizes their findings to account for the reason they do not recommend the applicant as suitable for the position of POT, the employer's statement would be restated verbatim in the summary along with a statement such as "The applicant is not suitable due to the fact that they have not met the following background dimensions for POT as defined by POST dimension: Consciousness." The report never informs the reader of the factors that were considered. Was the frequency and recency of the conduct considered? There is no wording such as, "Even though the tardiness and termination incident was three years ago, when asked about the incident, the applicant did not show any remorse in regard to the termination." Was the applicant's age and maturity at the time of the conduct considered? Were the circumstances surrounding the conduct considered? Without wording in the reports that explicitly states the factors the investigators considered to evaluate each negative or derogatory incident(s), it is not transparent how OPD weighs conduct deemed incompatible with the position of POT.

OIA's review of the POST guidelines found that background Investigators' decisions should be based on the applicant's ability to do the job as a peace officer.¹⁷ The [Background Investigation Manual: Guidelines for the Investigator](#) states:

Doing the job is defined as being able to perform the essential functions. Essential functions are those duties that are considered fundamental (as opposed to marginal) to the position. Employers have the right and the responsibility for identifying the essential functions of the position to serve as the basis for determining the applicants' suitability for employment. It is therefore imperative that agencies create and maintain accurate job descriptions, and that background investigators become familiar with these descriptions so that there is a shared, explicit understanding of what it takes to be able to do the job.¹⁸

Background investigators must base their inquiries and evaluations on applicant behaviors that have a direct relationship to the requirements and demands of the position, and they must do so with consistency and without bias. They must be able to articulate the information gathered from a wide variety of sources and how it is used in determining applicant suitability.¹⁹

In short, when a background investigator considers all available, reliable information about the applicant's past and present behavior, favorable and unfavorable, when reaching a determination about whether the applicant should proceed in the hiring process,²⁰ POST's guidelines infer that the OPD's background investigator's decision should be based on the applicant's ability to do the job as an OPD police officer.

For each applicant's behavior deemed inconsistent with the position of Police Officer Trainee, POST provides seven factors that background investigators should consider in order to make an educated determination of the candidate's suitability:²¹

1. The patterns of past behavior and specific combinations of fact and circumstances.
2. The consequences if past undesirable behavior occurs again or becomes generally known.
3. The likelihood of recurrence of the undesirable behavior.
4. The relevance of the past behavior to the job demands and requirements.
5. The length of time between the particular undesirable act and the application for employment, with consideration given to the intervening behavior of the candidate.
6. Positive attributes and/or behaviors that may mitigate past behaviors.
7. The legal rights of the candidate.

¹⁷ Manual, pg. 3-15.

¹⁸ Manual, pg. 3-15.

¹⁹ Manual, pg. 1-1.

²⁰ DGO D-11, pg. 6.

²¹ Manual, pg. 2-21.

Factor #4 reiterates that the background investigator's decision to not recommend the applicant as suitable for the position of POT should take into consideration how the applicant's past behavior affects their ability to do the job as an OPD police officer.

To eliminate the lack of transparency in OPD's process of weighing conduct deemed incompatible with the position of POT, OIA has three recommendations:

1. OPD should consult with the City of Oakland Human Resource Management Department and Office of the City Attorney and establish essential, job-related standards (i.e., knowledge, skills, and abilities) for POTs to be used as a measurement against the findings in the background investigations.
2. To minimize the number of judgment calls made regarding criminal convictions, criminal conduct, thefts, illegal drug use, and driving history, OPD, should consult with the City of Oakland Human Resources Department and the Office of the City Attorney, and set thresholds or standards for considering behaviors such as criminal convictions, criminal conduct, thefts, illegal drug use, and driving history.
3. OPD should replace the list of factors its background investigators are required to consider when evaluating the relevance of a negative or derogatory incident²² with the list of factors POST suggests for background investigators to consider in order to make an educated determination of the candidate's suitability. The list of factors OPD requires its Background Investigators to consider, according to POST, are for use by psychologists.²³

Finding #7

In the sample of 52 background investigation files, 16 of the files were for applicants who were recommended to be selected as POTs by the BGIs. OIA found that Character Review Boards (CRB) were convened to decide whether 14 of the applicants should be offered Conditional Job Offers based on the results of their background investigations, and in each case, the Boards were adequately staffed. On the other hand, OIA found that there were two instances in which candidates were not presented in CRBs but the applicants still received Conditional Job Offers. The CRB for one applicant was omitted to increase the number of POTs in the 191st Academy, which was starting soon, and OIA was unable to determine why the other CRB was omitted.

Departmental General Order D-11, *Background Investigations*, effective June 24, 2022, states that completed POST-mandated background investigations shall be submitted to the Recruiting and Background Unit Sergeant, and for candidates whose background investigations render them suitable for the position of POT, their background investigations shall be submitted to a Character Review Board (pgs. 5-7).

²² DGO D-11, pg. 6.

²³ Manual, pg. 2-21.

The Character Review Boards for the position of Police Officer Trainee, Lateral, or Re-Hire should consist of, but are not limited to, the following members below, and the individuals listed may appoint a designee to attend in their stead (pgs. 6-7):

- a. Chief of Police or their designee.
- b. Deputy Chief of Police.
- c. Deputy Director of the Bureau of Services.
- d. Department Counsel.
- e. Recruiting and Background Unit Sergeant.
- f. Recruiting and Background Unit Police Personnel Operations Specialist.

During a Character Review Board meeting, an applicant's Background Investigation Report is discussed among the Board members. Prior to adjourning the meeting, the Chief of Police, or their designee, either approves or rejects the tendering of a Conditional Job Offer to an applicant for the position of POT. During these meetings, it is OPD's practice to anonymize the applicant's name and race in an effort to ensure the process is fair and equitable.

For applicants recommended as suitable of becoming a Police Officer Trainee by BGIs, to determine whether the Character Review Boards (CRBs) were adequately staffed, based on the guidelines in DGO D-11, OIA received for each applicant in the sample, the date the Board was convened, and the names and ranks of the Board members who attended. Adequately staffed, in this case, means there were at least six members who sat on the Board and the following conditions were met to ensure the Board, as a whole, could be considered a strong accountability mechanism at the highest level of governance during the process of approving or rejecting the tendering of a Conditional Job Offer to an applicant for the position of POT:

- In the absence of the Chief of Police, the Acting Chief of Police or a designee was present.
- At least one Deputy Chief was present since OPD has four Deputy Chiefs, each having jurisdiction over a bureau (i.e., Bureau of Field Operations 1, Bureau of Field Operations 2, Bureau of Investigations, and the Bureau of Risk Management).
- In the absence of the Deputy Director of the Bureau of Services, the Human Resources Section Manager (a position that reports directly to the Deputy Director) or an additional Deputy Chief was present, or the Assistant Chief of Police was present and the Assistant Chief was not already acting on behalf of the Chief of Police.
- In the absence of the Special Counsel assigned to OPD, another lawyer from the City of Oakland Office of the City Attorney was present.
- In the absence of the Recruiting and Background Unit Sergeant, a designee or the Background Investigations Subject Matter Expert (a Police Officer in rank who works in the Recruiting and Background Unit and reports directly to the Sergeant) was present.
- In the absence of the Recruiting and Background Unit Police Personnel Operations Specialist, a designee was present, or the Background Investigations Subject Matter Expert was present and not already acting on behalf of the Recruiting and Background Unit Sergeant.

Of the 52 background investigation files reviewed, 16 of them were for applicants who were recommended to be selected as POTs by the BGIs because their background investigations rendered them suitable for the position. OIA found that Character Review Boards were convened to review the background investigations for 14 applicants, and in each case, the Boards were adequately staffed.

Because there were two applicants approved as POTs by the Chief of Police without convening the respective Character Review Boards, DGO D-11 was referenced, and it was determined that the policy is silent on this practice. Therefore, on September 6, 2024, OIA, via email, asked the Recruiting and Background Unit Sergeant and Police Personnel Operations Specialist, “Why were Character Review Boards not held for the two applicants? Is there a policy governing the Chief’s ability to bypass the Character Review Board process?” On September 11, 2024, via email, the Sergeant replied, stating, “In response to your inquiry, I conducted further research and found that the previous administration had requested that the files of the two POTs be presented directly to the Chief. While I am not fully aware of the circumstances behind [the former Chief of Police’s] decision, I do know that the Chief holds the final authority on each POT hire.”

The incumbents of the Chief of Police and Recruiting and Background Unit Sergeant positions at the time these incidents occurred no longer work for OPD and therefore the auditors were unavailable to interview, but the Bureau of Services Deputy Director, the manager of the Recruiting and Background Unit and part of OPD’s Executive Team, was interviewed on September 26, 2024. The Deputy Director was asked about the two incidents and, after investigating the matter, was unable to recall the circumstances surrounding the omission of the CRB in one instance but remembered what occurred in the other instance:

“In the case of [Applicant], the 191st Academy began on November 26, 2022, during heightened efforts to increase Academy enrollment. As the Department continuously recruits POTs, background investigations are conducted and finalized at various stages. This applicant’s background investigation was finalized, and the applicant was deemed suitable for the position of POT. Under normal circumstances, the Applicant would have been scheduled to begin with the 192nd Academy, which commenced on June 12, 2023, allowing sufficient time to coordinate the Character Review Board. However, a decision was made to include this applicant in the 191st Academy, requiring an expedited process. This involved issuing a conditional job offer, facilitating completion of the medical and psychological screenings, and arranging a Chief’s interview with a member of the Executive Team. Since the Department typically does not convene Character Review Boards for a single applicant and time was limited, waiting for additional applicants to complete the background process was not feasible before the start of the 191st Academy.”

Based on the Deputy Director’s response, OIA deemed that the CRB for one applicant was omitted to increase the number of POTs in the 191st Academy, which was starting soon, and OIA was unable to determine why the CRB was omitted for the other applicant.

The Chief of Police, as the chief executive officer of the Oakland Police Department and the final departmental authority in all matters of policy and operation, is responsible for staffing all activities of the Department.²⁴ The Chief of Police has the power to decide to omit the CRB for business reasons, such as expediting the processing of an applicant to increase the number of POTs in the Academy, but to ensure the practice is transparent, done in good faith, and not an abuse of power, OPD should include the Chief's ability to omit the CRB for business reasons in its policy, DGO D-11. OPD should also require that the Chief document the reason for the omission and endorse the omission with their signature, date, and serial number, reinforcing that the Chief is holding themselves accountable for the omission.

It should be noted that there was some accountability for the omission of the CRBs for the two applicants on the Chief's behalf. The Recruiting and Background Unit Police Personnel Operations Specialist forwarded two documents, one for each applicant, titled "Background Investigation Processing Record." Each form included the following information:

- Name of the applicant.
- Position: Police Officer Trainee.
- Recruiting and Background Unit Sergeant signature, date, and a box checked "Recommended for Conditional Job Offer."
- Bureau of Services Deputy Director signature, date, and a box checked "Recommended for Conditional Job Offer."
- Chief of Police or Designee (Chief's Interview) signature, date, and a box checked "Recommended for Final Job Offer."

On each form, the Sergeant, Deputy Director, and Chief of Police signed on the same date. The form includes a "Comments" box for each signatory, but no information was recorded in the box.

As an overview of this finding, Table 7 shows the members who sat on the Character Review Boards, including the ranks mentioned in policy. Note in the table that "SME" denotes Subject Matter Expert.

²⁴ Oakland Police Department, *Manual of Rules*, 30 Sep 2010, pg. 13.

Table 7—Members Who Attended the Character Review Boards

Character Review Board Members Present							Additional Members on Board
No.	Chief of Police	Deputy Chief	Deputy Director of BOS	Department Counsel	R&B Unit Sergeant	R&B Unit PPOS	
1	Y	Y	Y	Y	Y	Y	2 additional Deputy Chiefs Human Resources Section Manager
2	Y	Y	Y	Y	Y	Y	Assistant Chief of Police 2 additional Deputy Chiefs
3	N	Y	Y	Y	Y	Y	Assistant Chief of Police 2 additional Deputy Chiefs Human Resources Section Manager Background Investigations SME
4	Y	Y	Y	Y	Y	Y	Assistant Chief of Police 1 additional Deputy Chief Background Investigations SME
5	N	Y	Y	Y	Y	Y	Assistant Chief of Police 2 additional Deputy Chiefs
6	Y	Y	Y	Y	Y	Y	Assistant Chief of Police 1 additional Deputy Chief Human Resources Section Manager
7	No Character Review Board Held						Approved directly by Chief of Police
8	No Character Review Board Held						Approved directly by Chief of Police
9	Y	Y	Y	Y	Y	Y	Assistant Chief of Police Human Resources Section Manager
10	N	Y	Y	Y	Y	Y	1 additional Deputy Chief Background Investigations SME
11	Y	Y	Y	Y	Y	Y	1 additional Deputy Chief
12	Y	N	N	Y	N	Y	Assistant Chief of Police Human Resources Section Manager Background Investigations SME
13	Y	Y	Y	Y	Y	Y	Assistant Chief of Police 1 additional Deputy Chief Background Investigations SME
14	Y	Y	N	Y	N	Y	Assistant Chief of Police 2 additional Deputy Chiefs Background Investigations SME
15	Y	Y	Y	Y	Y	Y	2 additional Deputy Chiefs Human Resources Section Manager
16	Y	Y	Y	Y	Y	Y	2 additional Deputy Chiefs Human Resources Section Manager

The Chief of Police attended 11 of the 14 Character Review Boards, and in the three instances in which the Chief did not attend, the Assistant Chief of Police acted as the approving officer in two instances, and the Bureau of Services Deputy Director acted as the approving officer in one instance. In the end, including the two instances in which Character Review Boards were not convened to discuss the

applicants' background investigations, the Chief of Police or designee approved the tendering of a Conditional Job Offer for the position of POT to 13 applicants and rejected tendering job offers to three applicants.

Additional Observation

The Character Review Board rejected the tendering of a Conditional Job Offer to three applicants, and OIA found that there was documentation showing the Board's reason(s) for not tendering an offer to one applicant, but no documentation showing the Board's reason(s) for not tendering an offer to the other two applicants.

[Departmental General Order D-11, Background Investigations](#), effective June 24, 2022, Section IV.C. states, in part, "If a candidate is non-selected by the Character Review Board, the Board shall document the POST or Departmental standards that were not met (pg. 7)." In practice, OPD uses a Character Review Risk Assessment Report to record the Character Review Board's reason(s) for not selecting a candidate and any comments or concerns the Board has about a candidate's background even if the candidate is hired.

There were three instances in which the Chief of Police or designee rejected the tendering of a Conditional Job Offer for the position of POT to applicants based on information in their background investigation during Character Review Boards. The three applicants' background investigation files were reviewed, and the Character Review Risk Assessment Hiring Report along with the documented reason(s) for not selecting an applicant was sought. OIA found that only one applicant's file included the report, and the reason (POST or Departmental standard) the applicant was not selected was documented in it.

On November 1, 2023, via email, OIA requested, from the Recruiting and Background Unit, copies of the Character Review Risk Assessment Hiring Reports for the other two non-selected applicants and the Police Personnel Operations Specialist responded on November 7, 2023, via email, that these Character Review Boards occurred during the ransomware attack on the City of Oakland, and they were unable to locate the Adobe electronic signature files.

Not including the Character Review Risk Assessment Hiring Report in the applicant's background investigation file creates a risk to the City of Oakland and OPD in cases in which a non-selected applicant lodges a discrimination claim against the organization. Without the report, OPD may be unable to recall why the Character Review Board decided not to select the applicant. Whenever a Character Review Board is convened to discuss an applicant's background investigation, OPD should ensure the Character Review Risk Assessment Hiring Report is included in the applicant's background investigation file. In cases in which there were no comments or concerns brought up by the CRB, the report should include wording that indicates that the CRB did not have any comments or concerns about the applicant.

Finding #8

All 13 applicants received a Conditional Job Offer letter, as required by policy.

Departmental General Order D-11, Background Investigations, effective June 24, 2022, Section IV.C.2, states, in part, “If a candidate is selected for a Conditional Job Offer by the Character Review Board, the Recruiting and Background Unit Police Personnel Operations Specialist (PPOS) shall prepare the relevant paperwork and arrange the necessary appointments (pg. 7).”

For the applicants approved by the Chief of Police or designee to receive a Conditional Job Offer, the applicants’ background investigation files were reviewed, seeking evidence of the Conditional Job Offer. As stated in Finding #5, the Chief of Police or designee approved the tendering of a Conditional Job Offer for the position of POT to 13 applicants, and OIA found there was evidence in the applicants’ background investigation files that they all received a Conditional Job Offer letter. The printing of the applicant’s name, their signature, and the date of receipt was at the bottom of the copy of each respective letter.

OIA reviewed the Conditional Job Offer letter and noted that the job offer was conditional because the applicant had to successfully pass three additional employment tests to receive a final, unconditional job offer:

1. A medical screening in accordance with the provisions of California Government Code Sections [1031](#) and [12940](#) and the California Commission on Peace Officer Standards and Training.
2. A psychological screening in accordance with California Government Code Section 1031(f) and the guidelines established by the California Commission on Peace Officer Standards and Training.
3. Completion of the background investigation pursuant to California Government Code Section 1031(d), to include information that was neither legal nor practical to obtain prior to the extension of this offer or in response to issues that arose subsequent to this offer.

The letter further stated that the job offer is revoked if the applicant is unsuccessful in passing any of the tests above.

Findings with Recommendations

OIA Findings	OIA Recommendations
<p><u>Finding #1</u></p> <p>OIA was unable to determine whether Background Investigators attended a POST-certified Background Investigation Course prior to conducting investigations because OPD does not record the date its Background Investigators</p>	<p><u>Recommendation #1</u></p> <p>To ensure all Background Investigators receive the required training, OPD’s management should monitor the BGIs’ training by requiring, via policy and in practice, the Recruiting and Background Unit to produce and forward an annual training</p>

OIA Findings	OIA Recommendations
<p>began conducting investigations. Nevertheless, OIA's review of 17 Background Investigators' POST training records found that only 13 (76%) of the BGIs' records showed documentation indicating they attended a POST-certified Background Investigation Course.</p> <p><u>Finding #2</u></p> <p>OIA's review of the 17 Background Investigators' training records found that there was documented evidence that 13 BGIs attended Procedural Justice I and/or Procedural Justice II training, but there was no documented evidence that four of the BGIs attended any Procedural Justice training.</p> <p><u>Finding #3</u></p> <p>OIA's review of the 17 Background Investigators' training records found no documented evidence that the BGIs attended background investigation update training annually, as required by policy.</p>	<p>report to the Bureau of Services Deputy Director, the Assistant Chief of Police, and the Chief of Police by July 1st of every year. The report should include, at minimum, the following information:</p> <ul style="list-style-type: none"> • Each BGI's name, serial number, and rank (i.e., Police Officer, Sergeant, or Annuitant). • Whether the BGI's assignment in the Recruiting and Background Unit is permanent full or part time or an ancillary duty. If it is an ancillary duty, the location of the BGI's permanent assignment. • Date the BGI was assigned to the Recruiting and Background Unit on a full or part time basis or as an ancillary duty. • Date the BGI attended the POST-certified Background Investigation Course and the number of training hours. • Date the BGI attended the Procedural Justice Course and the number of training hours. • Date the BGI began conducting background investigations. • Date the BGI completed an annual Background Investigation Update Course, the name of the course, and the number of training hours.

OIA Findings	OIA Recommendations
	<ul style="list-style-type: none"> For any BGI who did not attend one or more of the required trainings, the reason for the delay and the date the BGI is scheduled to attend the training. <p><u>Recommendation #2</u></p> <p>OPD's management is also accountable for the type of training the Background Investigators attend, and OPD should maintain a record of the course agenda or lesson plan for each approved training the BGIs attend to ensure management has the ability to monitor the content of the training and adjust the training, if necessary.</p>
<p><u>Finding #4</u></p> <p>OIA's review of the sample of 52 Police Officer Trainee applicant background investigation files found that, in the aggregate, there were 333 behaviors deemed incompatible with the position of POT documented in Non-Select Summary Reports (Form TF-3407) or Character Review Risk Assessment Reports, but the supporting evidence in the applicants' files confirmed the existence of only 227 (68%) of the incompatible behaviors.</p>	<p><u>Recommendation #3</u></p> <p>To ensure all behaviors documented by BGIs as being incompatible with the position of POT are reliable, OPD should require, via policy and practice, its BGIs to cite the location of their findings on the Non-Select Summary Reports (Form TF-3407) or the Character Review Risk Assessment Reports and place all cited documentation in the applicants' background investigation files.</p> <p><u>Recommendation #4</u></p> <p>OPD should follow POST's recommendation, begin video or audio recording all interviews with applicants to capture the applicants' reasons or explanations for curious, suspicious, or incomplete responses in their Personal History Statements or other issues that arise while conducting the background investigation.</p> <p><u>Recommendation #5</u></p> <p>OPD should also ensure these recordings are part of the applicants' background investigation files.</p> <p><u>Recommendation #6</u></p> <p>Furthermore, OPD should ensure that when there are discrepancies, BGIs provide POT applicants</p>

OIA Findings	OIA Recommendations
	<p>with a written description of each discrepancy and place a copy of the document in the applicants' background investigation files.</p> <p><u>Recommendation #7</u></p> <p>OPD should ensure that if during the initial background or discrepancy interview with a POT applicant the BGI questions the applicant about issues that arose during the investigation, the BGI documents the issues and the applicant's responses to the issues in their notes and places the notes in the applicant's background investigation file, especially if there is no video or audio recording of the interview</p>
<p><u>Finding #5</u></p> <p>OIA's review of the 52 POT applicant background investigation files found that only 46 (88%) of the files included the assigned Background Investigator's written report of their evaluation concerning employment of the applicant in question.</p>	<p><u>Recommendation #8</u></p> <p>OPD should ensure all background investigation files include the assigned investigator's Background Investigation Report.</p>
<p><u>Finding #6</u></p> <p>When assessing the reasons for not recommending applicants as suitable for the position of Police Officer Trainee in 31 Background Investigation Reports, OIA found that it is not transparent how OPD weighs conduct deemed incompatible with the position of Police Officer Trainee.</p>	<p><u>Recommendation #9</u></p> <p>To eliminate the lack of transparency in OPD's process of weighing conduct deemed incompatible with the position of POT, OIA has three recommendations:</p> <ol style="list-style-type: none"> 1. In concert with the City of Oakland Human Resource Management Department and Office of the City Attorney, OPD should establish job-related standards (i.e., knowledge, skills, and abilities) for POTs to be used as a measurement against the findings in the background investigations.

OIA Findings	OIA Recommendations
	<p>2. To minimize the number of judgment calls made regarding criminal convictions, criminal conduct, thefts, illegal drug use, and driving history, OPD, conjointly with the City of Oakland Human Resources Department and the Office of the City Attorney, should set thresholds or rules for entertaining behaviors such as criminal convictions, criminal conduct, thefts, illegal drug use, and driving history.</p> <p>3. OPD should replace the list of factors its background investigators are required to consider when evaluating the relevance of a negative or derogatory incident (DGO D-11, pg. 6) with the list of factors POST suggests for background investigators to consider in order to make an educated determination of the candidate's suitability (POST Background Investigation Manual, pg. 2-21). The list of factors OPD requires its Background Investigators to consider are, according to POST, for use by psychologists. __`</p>
<p><u>Finding #7</u></p> <p>In the sample of 52 background investigation files, 16 of the files were for applicants who were recommended to be selected as POTs by the BGIs. OIA found that separate Character Review Boards were convened to decide whether 14 of the applicants should be offered Conditional Job Offers based on the results of their background investigations, and in each case the Boards were adequately staffed. On the other hand, OIA found that there were two instances in which CRBs were omitted, but the applicants were still offered Conditional Job Offers. The CRB for one</p>	<p><u>Recommendation #10</u></p> <p>The Chief of Police has the power to decide to omit the CRB for business reasons, such as expediting the processing of an applicant to increase the number of POTs in the Academy, but to ensure the practice is transparent, done in good faith, and not an abuse of power, OPD should include the Chief's ability to omit the CRB for business reasons in its policy, DGO D-11.</p> <p><u>Recommendation #11</u></p>

OIA Findings	OIA Recommendations
<p>applicant was omitted to increase the number of POTs in the 191st Academy, which was starting soon, and OIA was unable to determine why the other CRB was omitted.</p>	<p>OPD should also require that the Chief document the reason for the omission and endorse the omission with their signature, date, and serial number, reinforcing that the Chief is holding themselves accountable for the omission.</p>
<p><u>Finding #7 (Additional Observation)</u></p> <p>The Character Review Board rejected the tendering of a Conditional Job Offer to three applicants, and OIA found that there was documentation showing the Board's reason(s) for not tendering an offer to one applicant, but no documentation showing the Board's reason(s) for not tendering an offer to the other two applicants.</p>	<p><u>Recommendation #12</u></p> <p>Whenever a Character Review Board is convened to discuss an applicant's background investigation, OPD should ensure the Character Review Risk Assessment Hiring Report is included in the applicant's background investigation file.</p> <p><u>Recommendation #13</u></p> <p>In cases in which there were no comments or concerns brought up by the CRB, the report should include wording that indicates that the CRB did not have any comments or concerns about the applicant.</p> <p><u>Recommendation #14</u></p> <p>Upon the adoption of one or more of the above recommendations, OPD should revise its policy, DGO D-11, to reflect the changes to its operations.</p>

APPENDIX A

Type of Background Investigation Conducted on Peace Officer Applicants

POST's California Code of Regulations [1953](#) regulates the type of background investigation that must be conducted on peace officer applicants, and requires the information to be maintained in the applicants' background investigation files (Manual, pgs. 5-1 through 5-32 and 6-1 through 6-10). Below are categories showing the type of information that must be investigated about the applicant:

1. Personal identifying information—name, address, contact information, citizenship status/eligibility for employment, birthplace and birth date, social security number, driver's license, and physical description.
2. Relatives and other references—parents (including stepparents and in-laws), spouses/registered domestic partners (current and former), siblings (including half, step, foster, etc.), children (including natural, adopted, step, and foster), and references other than family members or individuals listed elsewhere.
3. Educational history—information on secondary and post-secondary education, including degrees and certificates, dates attended, and units completed, trade, vocational, or business schools/institutes attended, attendance at a POST Basic Academy Course, and history of academic discipline, suspension, or expulsion.
4. Residential history—addresses, dates resided, contact information for property manager, rent collector, or owner, roommate/housemate contact information, reasons for moving, history of being evicted or asked to leave a residence, and history of leaving a residence owing rent.
5. Employment history—employer name, location, and dates and status of employment, job titles and duties, name and contact information for supervisors and coworkers, reasons for leaving (or wanting to leave), dates and reasons for periods of unemployment, and history of counterproductive work behavior such as disciplinary actions, being fired, released from probation, or asked to resign, workplace violence, resignation in lieu of termination, subject of written complaints or counseling for poor performance, subject of discrimination accusations, attendance problems, unsatisfactory performance reviews, misuse of confidential information, misuse of sick leave, and poor performance as a result of drug/alcohol consumption.
6. Military history—selective service registration (if applicable), branch of service and dates, type of discharge, current status as a reservist, disciplinary actions (judicial and non-judicial), and security clearance problems.
7. Financial history—estimate of applicant's income and expenditures, bankruptcy filings, contact by collection agencies, repossessions, wage garnishments, delinquencies, failure to pay, or cheating on taxes, employment bond refusals, defaulting or avoiding repayment on loans, debts due to gambling, expenditures on illegal activities, failure to make court-ordered payments, and bad checks.
8. Legal history—criminal records of the California Department of Justice, all police files in jurisdictions where the applicant has resided, worked, or frequently visited, Federal Bureau of

Investigation records, State Department of Motor Vehicles Division of Driver Licenses, specified administrative, military, or judicial convictions or adjudications, POST certification records, National Decertification Index, arrests, detentions, diversion programs and convictions, probation, civil lawsuits, referrals to Child Protective Services, home visits by law enforcement officers, being the subject of emergency protective and related court orders, filing of fraudulent claims (e.g., welfare, worker's compensation, etc.), misdemeanor-level acts (past seven years), felony-level acts (lifetime), and current illegal drug use and history of recreational drug use.

9. Driving history—driver license number, state, expiration date, and name under which license was granted, license refusals, revocations, etc., traffic citations (excluding parking citations), refusal or revocation of automobile liability insurance, automobile insurance, liability coverage, and motor vehicle accidents in the past seven years.
10. Other topics related to assessing moral character—denial of a concealed weapons permit, membership or association with criminal enterprises, gangs, or other groups that advocate violence, racism, or other forms of bigotry, having a tattoo associated with a criminal enterprise, gang, or other group that advocates violence, racism, or other forms of bigotry, history of physical violence, and history of domestic violence.