

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline and Accountability #2

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|--------------------|------------|--------------------------|---|-------------------------|--|
| DISCUSSED BY SPCRC | | APPROVED AND IMPLEMENTED | X | PENDING FURTHER REVIEW | |
| RECEIVED BY SPD | 02/08/2021 | APPROVED AND PENDING | | SPD UNABLE TO IMPLEMENT | |
| RETURNED TO SPCRC | | PARTIAL IMPLEMENTATION | | DENIED | |

SPCRC RECOMMENDATION

Amend G.O. 255.10, Section A(5)(i): Require investigations into employee's local criminal history record, statewide criminal history record, and out-of-state criminal history.

SPCRC RECOMMENDATION RATIONALE

B. HIRING: The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders. (SPD's current policy on background investigations is G.O. 255.10, dated 6-14-2001)

SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
 - Minute Marker: 45:45
- Staff Report: https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887
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This is the Department's current practice. This information is included as part of the Background investigation in accordance with POST Guidelines.

SPD does criminal history checks locally, statewide, and nationwide (FBI). These queries do not just seek out convictions, they also reveal any arrests of applicants, even if they were not convicted (excluding expunged criminal records).

In addition to this, SPD specifically asks the applicant if they have ever been convicted of any criminal act, even if it was expunged. SPD also asks about any times they were detained, charged, or arrested, for any reason, even if it occurred in a different country. Furthermore, applicants are also asked about criminal acts they committed, even if they were never caught or prosecuted.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

California Commission on Peace Officer Standards and Training, Background Investigation Manual:

- <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>
- https://post.ca.gov/portals/0/post_docs/publications/background-investigation-manual/Background_Investigation.pdf

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2