

RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline and Accountability #4

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

SCPRC RECOMMENDATION

Amend hiring policy to reflect that it is a “bona fide occupational qualification” for all applicants to be investigated and found clear for any conduct involving association with hate groups; violence or speech espousing hate towards any race, color, religion, national origin, creed, immigration or citizenship status, sex, sexual orientation, gender identification, or disability.

SCPRC 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: 47:58
- 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 asks all applicants if someone might report they have shown prejudice or bias as well as any association or membership the candidate has in groups that demonstrate bias or hate.

SPD also requires that candidates respond to multiple questions to identify whether or not they are a current or former member of, associates with, or support any group that has negative associations with others based solely of race, gender, nationality, religious, sexuality, or any other similar factors.

SPD then interviews multiple personal and professional references including friends, family, acquaintances, current and former co-workers and supervisors. This information is then further verified through a polygraph exam.

Any such admissions or accusations from others are flagged and reported to the Background’s Sergeant, Personnel Captain, and Chief of Police.

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.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2

Effective January 1, 2023, the California Law Enforcement Accountability Reform (CLEAR) Act was enacted (AB655) and requires law enforcement agencies to screen applicants for ties to hate groups.

- https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13681&lawCode=PEN