



# Town of Lexington

## Police Department

**Subject:** Background Investigations

Reference: 32.2.1; 32.2.2

**Effective Date:**

11-1-2011

**Review Date:**

Annually

**By Order of:** Mark J. Corr, Chief of Police

**Policy &  
Procedure**

# 32B

## GENERAL CONSIDERATIONS AND GUIDELINES

The Lexington Police Department employs a variety of personnel to operate on a day-to-day basis. The selection of this staff from a field of potential candidates is a very important task affecting not only the police department, but the community as well. Candidates for all positions should possess intelligence, have the ability to work independently, have strong interpersonal skills, and be motivated. A thorough background investigation of potential candidates ensures the Department and community of the strongest candidates possible. A thorough background investigation of potential employees should help to prevent future problems, mitigate liability, and identify individuals who are less likely to have discipline issues.

## PROCEDURES

### A. Interviews

1. The background investigators shall conduct interviews of all potential candidates for sworn and non-sworn positions in the Department. A standardized list of questions for all candidates will be the basis for each interview. As appropriate, follow-up questions will explore candidate answers in more detail. The process will typically include:
  - a. A general question about the candidate's background to put the candidate at ease and provide him/her with an opportunity to tell the committee about him/herself;

## 32B – Background Investigations

- b. A question or scenario to test the candidate's values as they pertain to honesty and integrity;
  - c. An opportunity to provide the committee with any information that was not asked, but which the candidate deems important; and
  - d. An opportunity to ask questions of the committee.
2. Candidates for any position with a history of perpetrating violence (including elder abuse, child abuse, sexual assault, stalking, or domestic violence) will be screened out at this point in the hiring process. Candidates with a history of drug dependence, larceny, fraud or mental illness will also be screened out at this time. The candidate will be told immediately that they do not qualify for the position offered.
  3. Candidates shall be informed of the Department's position of zero tolerance concerning domestic violence by police department employees. For further information, see also Department policy **41E - Domestic Violence**.

### B. Background Investigation

1. A background investigation shall be conducted for each applicant approved for further consideration by the Chief of Police or his designee(s).
  - a. The Chief of Police will assign background investigation duties to specific personnel and supervised by the Captain of Administration.
  - b. All background investigators shall be properly trained in background investigation techniques prior to conducting such investigations. Background investigators will also refresher training when available. It is the obligation of each Investigator to remain familiar with Lexington's hiring protocols. [32.2.2]
  - c. Proper documentation of completed training will be forwarded to the Captain of Administration to be placed in the training folder of each background investigator. See also Department policy **33A – Training and Career Development**.
2. Background investigators will prepare a report for the Captain of Administration and Chief of Police, to include:
  - a. Verification of the candidate's qualifying credentials; [32.2.1(a)]
  - b. Review of any criminal record or negative contacts with police [32.2.1(b)];
  - c. Employment history from high school to present;
  - d. Verification of at least three personal references; [32.2.1(c)]
  - e. Investigation of any areas of concern raised by the background investigators;
  - f. Appearance of excessive use of sick time or patterns of sick time taken in conjunction with days off, or on weekends;

## 32B – Background Investigations

- g. Appearance of excessive tardiness;
  - h. Appearance of excessive workman's compensation or injured on duty claims;
  - i. Excessive use of force complaints;
  - j. Character or integrity issues;
  - k. If available, reviewing prior job experience in a similar job position to assess candidates skill level;
  - l. Difficulty in getting along with other employees; and
  - m. Sexual/harassment complaints see definitions and further information in **26A – Harassment and Sexual Harassment**.
3. Candidates who will have access to the Criminal Justice Information System (CJIS) systems must be fingerprinted and undergo a national fingerprint based records check. Such employees include:<sup>i</sup>
- a. Police Officers;
  - b. Dispatchers;
  - c. Record Clerks; and
  - d. Computer network administrators and maintenance personnel.
4. Persons convicted of a felony cannot be hired as police officers or access the CJIS system. If civilians with felony records are hired by the Department, they too shall not access the CJIS system. The appointing authority, however, may petition CJIS for a review of said felony record for consideration in allowing access to the CJIS system.<sup>ii</sup>
5. Candidates eligible as police officers, dispatchers or any position that may handle money will be required to provide a credit report from one of the three major reporting bureaus as part of a package required by the background investigator.
6. Candidates who are found to have intentionally submitted false information in the application package will not be considered further, and subject to dismissal if hired.
7. The background investigators will review the report and submit recommendations to the Chief of Police. Candidates who are screened out shall be notified in writing. [32.1.5]
- C. Final Evaluations
1. The background investigators will evaluate the candidates and prepare a report for the Chief of Police detailing recommendations for further consideration. Candidates will be made a conditional offer of employment, in writing, before further evaluation is conducted.

## 32B – Background Investigations

2. It is unlawful to require a polygraph as a condition of employment or continued employment.<sup>iii</sup> Only after a conditional offer of employment has been extended will the Department require any necessary physical or psychological evaluations.
  3. All reports of physical and psychological testing shall be considered confidential medical records. For candidates hired by the Department, these records shall become part of the employee's medical personnel records. These reports and records will be kept in the employee's personnel file in the Chief's office.
  4. For candidates not selected, background records will be retained consistent with the Public Records Law. These records will be retained for a long enough period to exhaust all rights of appeal, and then will be destroyed by shredding. [32.1.6]
- D. Assisting with Background Investigation for other Town Departments: This Department may, as directed by the Town Manager or a designee, assist other (Lexington) Town Departments with background investigations. This will be done consistent with the accessibility limitations (to records) that these other town departments must adhere to on their own.

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<sup>i</sup> 4.51.b CJIS Security Policy version 4.4, April 2007.

<sup>ii</sup> M.G.L c. 41, §96A; 4.51.a CJIS Security Policy version 4.4, April 2007.

<sup>iii</sup> M.G.L. c. 149, §19B.