



Cover Memorandum

Background Investigations, JHPD Directive #303

Purpose of the Directive

The purpose of this Directive is to state the requirements and processes for conducting pre-employment background investigations as part of the hiring process for all Johns Hopkins Police Department (JHPD) members, both sworn and non-sworn.

Summary of Directive Requirements

Background investigations play an important role in the rigorous selection process used by Johns Hopkins Public Safety (JHPS) to identify qualified candidates for positions at the JHPD. Pre-employment background investigations help ensure those selected to work at the JHPD are aligned with the JHPD's mission and values, and that they have the capacity and experience to ethically and effectively serve the community.

This Directive requires that background investigations be conducted for each candidate prior to being hired for probationary status at JHPD. Investigations will be conducted by the Assistant Director Background Investigations and Compliance or their designee as part of the selection process described in JHPD Directive #302, Recruitment and Selection.

This Directive describes the process for conducting background investigations including: collecting and reviewing documentation verifying qualifying credentials (e.g., birth certificate, high school/college records, driving records, credit reports, etc.); investigating the candidate's prior use of controlled dangerous substances in accordance with Maryland regulations; conducting interviews with the candidate's references, neighbors, employers, and coworkers; running criminal records checks and fingerprints; verifying the candidate's employment history; conducting a home visit with the candidate; reviewing the candidate's social media accounts; and reviewing relevant national or state decertification resources if available.

The Directive also describes the written summary that must be prepared by the investigator that details the results of the background investigation. All pertinent elements of the investigation, both positive and negative, must be incorporated into the final report. The report must be submitted to the JHPS Human Resources Director and will be reviewed with the Chief of Police.

Additionally, the Directive lists the reasons why a candidate might be disqualified during the background investigation process. These reasons include: if the investigation identifies a violation of a standard that prohibits hiring as identified in the State of Maryland rules governing police certification; the investigation reveals that the candidate has demonstrated a pattern of past negative traits or a significant single trait

that is an egregious demonstration of a lack of moral character or extremely poor decision making; and failure to cooperate with the hiring process.

Blueprint for the Policy Development Process

The draft JHPD policies (hereinafter referred to as “directives”) shared for community feedback are based on examples of 21st century best practices in public safety policy, identified through extensive benchmarking of university and municipal law enforcement agencies across the nation. Taken together, they represent a comprehensively progressive approach to policing that prioritizes equity, transparency, accountability, and community-based public safety strategies.

The JHPD’s draft directives embody approaches that community advocates and leading experts have championed locally and in law enforcement reform efforts across the nation. The draft directives have also been developed based on input received through robust community engagement in prior phases of JHPD development, including suggestions received in the legislative process as well as last fall’s Memorandum of Understanding (MOU) public comment period and feedback opportunities.

In addition, the directives were drafted to exceed the minimum requirements of the Constitution and laws of the United States and the State of Maryland, to align with the Community Safety and Strengthening Act (CSSA) and to fulfill the requirements of the MOU between the Johns Hopkins University and the Baltimore Police Department. The Hopkins community and our neighbors throughout Baltimore can help improve and strengthen these directives further through their feedback and input.

Material that was considered in the drafting of the Directive and Procedure Manual, include:

- a. **Publicly available policies from municipal police departments that have undergone substantial reform efforts**, including: the New Orleans Police Department; Seattle Police Department; Portland Police Department; Detroit Police Department; Ferguson Police Department; and Baltimore Police Department;
- b. **National guidance on best practices and model policies from criminal justice reform efforts, social science research centers, and civil rights organizations**, including: the Leadership Conference on Civil and Human Rights; American Civil Liberties Union (ACLU), including the ACLU of Massachusetts’s “Racially Just Policing: Model Policies for Colleges and Universities”; the International Association of Chiefs of Police (IACP); the Police Executive Research Forum (PERF); U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office); The Justice Collaboratory (The JC) at Yale University Law School; and The Center for Innovation in Community Safety (CICS) at Georgetown Law School.
- c. **National and local higher education institutions that are based in comparable environments and make policies publicly available**, including: Carnegie Mellon University; Morgan State University; Towson University; University of Chicago; University of Cincinnati; University of Maryland, Baltimore County; University of Pennsylvania; and Yale University.

To ensure that the proposed directives captured national best practices in community-focused public safety services, the development team collaborated with independent experts from two organizations: National Policing Institute (the Institute), a non-profit dedicated to advancing excellence in policing through research and innovation, and 21CP Solutions, an expert consulting team of former law enforcement personnel, academics, civil rights lawyers, and community leaders dedicated to advancing

safe, fair, equitable, and inclusive public safety solutions. Each directive was reviewed by experts selected by both organizations, who provided feedback, suggestions, and edits that were fully incorporated into the current draft.

Finally, individuals and organizations representing the diversity of the Johns Hopkins University community provided feedback to ensure the policies and procedures reflect and respond to the values of our institution and to our community's public safety service needs.

Now they are available for your review. Johns Hopkins is committed to adopting, incorporating, or otherwise reflecting recommended changes and feedback in the final version of policies so long as feedback is aligned with our values and commitments, permissible within legal parameters, and supported by national best practices for community policing and public safety.



POLICE DEPARTMENT
**BACKGROUND
INVESTIGATIONS**

**PERSONNEL
PROCEDURE #303**

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
Dr. Branville G. Bard, Jr.
Issued: [full date]
Revised: [full date]

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Policy Statement

Background investigations have an important role in the rigorous selection process used by Johns Hopkins Public Safety (JHPS) to identify qualified candidates for positions with the Johns Hopkins Police Department (JHPD). Pre-employment background investigations can help ensure those selected to work at JHPD are aligned with the agency’s mission and values and that they have the capacity and experience to ethically and effectively serve the community. JHPS shall conduct background investigations in accordance with all legal requirements and in a manner that is uniform for all candidates applying for the same position.

Who is Governed by this Policy

All personnel, including sworn, non-sworn and contractual or voluntary persons in service with the JHPD are governed by this Directive.

Purpose

The purpose of this Directive is to set forth the requirements and process for conducting pre-employment background investigations as part of the hiring process for all JHPD employees, both sworn and non-sworn.

Definitions

Application for certification (AFC):	The form approved by the Maryland Police Training Commission (MPTC) that is an official record verifying that a candidate has met the applicable Commission selection standards for a position as a police officer.
Certification:	The legal authority under MD Code, Public Safety, § 3-209, conferred by the Maryland Police Training Commission (MPTC), authorizing an individual to exercise law enforcement powers and enforce the criminal laws of Maryland.
Controlled Dangerous Substance:	<p>Unless stated otherwise, “controlled dangerous substance” has the meaning stated in MD Code, Criminal Law, § 5-101. It includes substances identified under MD Code, Criminal Law, § 5-708. It does not include medication supported by prescription if used, received, or distributed without criminal intent and for legitimate medical purposes.</p> <ul style="list-style-type: none">• Federal law, 18 U.S.C. § 922(g)(3), prohibits any person, including a police officer, who is an “unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))” from transporting, receiving, or possessing firearms or ammunition.
Marijuana/Cannabis:	<p>For purposes of this Directive, “Marijuana” has the same meaning as Cannabis as stated in MD Code, Criminal Law §5-101. Marijuana does not include: (i) Synthetic cannabinoids; or (ii) Cannabimimetic agents.</p> <ul style="list-style-type: none">• Marijuana is listed in the Controlled Substances Act as a Schedule I controlled substance, and there are no exceptions in Federal law, as it pertains to firearms possession, for marijuana used for any purpose, even if such use is sanctioned by State law.
Member:	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
Provisional Certification:	Probationary appointment of an individual as a Police Officer under MD Code, Public Safety, § 3-215.
Supplemental Information:	Information in the possession of a law enforcement agency, or that becomes known to the MPTC, concerning an individual who is a police officer or a candidate for certification as a police officer that indicates the individual: (a) May not have the ability to perform the

duties of a police officer; (b) May not meet a qualification for the police officer selection standards under this chapter; (c) Has exhibited behavior reflecting a lack of honesty or integrity; or (d) Has separated from employment: (i) Involuntarily; or (ii) Prior to issues being resolved that are related to the individual's eligibility to continue employment.

Truth Verification Device:

Electronic equipment or technology designed and validated to test the veracity of an individual's statements or answers to questions by analyzing the physical reaction of the individual providing the statement or answering questions.

Policy

The JHPD will conduct a complete and thorough investigation into the background of all candidates prior to their appointment to probationary status without regard to race, sex, or other non-merit-based factors. Only certified law enforcement officers, or non-sworn investigators trained in the principles of basic investigation, will conduct pre-employment background investigations. (Commission on Accreditation for Law Enforcement Agencies (CALEA) 31.5.1)

Procedures

I. Responsibility

- A. Background investigations shall be conducted for each candidate prior to being hired for probationary status at JHPD.
- B. Background investigations will be completed by the Assistant Director, Background Investigations and Compliance, or their designee, as part of the selection process described in JHPD Directive #302, Recruitment and Selection.
 - When the candidate has resided or been employed outside of the state, the background investigation may be performed by an appropriate law enforcement agency or licensed private background investigation agency in the area where the candidate worked. To the extent that the background investigation is in whole or in part completed by a company in the business of compiling background information, it will be in compliance with the federal Fair Credit Reporting Act (FCRA).
 - Personnel assigned or retained to conduct background investigations will receive training in conducting pre-employment background investigations, regulatory requirements, and in collecting required information. (CALEA 31.5.2)
- C. The Assistant Director, Background Investigations and Compliance shall ensure that investigations are designed and implemented in a way that adequately determines whether a candidate:

- Is of good moral character and reputation;
 - Is emotionally stable; and
 - Displays the behavior necessary to perform the duties of a police officer.
- D.** Background investigations will be completed uniformly for all candidates applying for the same position.
- E.** All candidates will be required to execute a release and authorization giving the agency authority to review all educational, employment, financial, and any other record or information needed to complete the background investigation.
- F.** Interviews conducted as part of the background investigation shall be done in-person when at all possible. In-person interviews are the preferred and more reliable method, particularly for interviewees who are available within 50 miles of the hiring agency. If an in-person interview is not possible, they may also be conducted:
- By telephone or online video conference;
 - By using an agency form and questionnaire that the interviewer or individual interviewed is required to complete; or
 - By using other lawful methods designed to elicit useful information from an individual concerning the candidate.
- G.** The background investigator will complete a background investigative summary that provides an overview of the facts of the background investigation. The summary will not make a hiring recommendation.
- H.** For police officer candidates, the results of the background investigation, as well as any supplemental information and criminal records checks, shall be included on the Application for Certification (AFC) that is submitted to the MPTC as required by COMAR 12.04.01.01 and JHPD Directive #302, Recruitment and Training.

II. Investigative Process (CALEA 31.5.1.a)

The assigned investigator is responsible for obtaining and verifying the candidate's credentials in conformance with the Code of Maryland Regulations (COMAR) 12.04.01.05. Background investigations for police officer candidates shall include the following components:

- A.** Where applicable, the following documentation will be collected, reviewed, and included with the candidate's background investigative file and written summary as part of the verification of qualifying credentials:
- Copy of Employment Application,
 - Copy of the signed Authorization for Release of Information,
 - Copy of Confidential Questionnaire,

- Copy of Birth Certificate and if applicable,
 - o Copy of the Naturalization Certificate for Naturalized United States Citizens
 - Copy of High School Diploma and Transcripts, or evidence of a General Equivalency Diploma (GED),
 - o Sealed transcripts are acceptable if a copy of the high school diploma is not available
 - Copy of High School and College disciplinary records if candidate graduated within past five years,
 - Copy of College Diploma and Transcripts (if applicable);
 - o Sealed transcripts are acceptable if a copy of the college diploma is not available
 - Maryland Certified Driving Record, and certified driving records from all states where the candidate was licensed to drive,
 - Maryland Telecommunications Enforcement Resources System (METERS)/ National Crime Information Center (NCIC) Computer Records Check of the candidate's criminal history in all prior states of residence
 - Local law enforcement and court system Record Check,
 - Fingerprint verification of criminal history by the Federal Bureau of Investigation, (FBI), Criminal Justice Information Services (CJIS),
 - Credit Report,
 - Military (DD214) or verification, (*if applicable*)
 - Police or Correctional Certification, (*if applicable*)
- B.** A check of military records, when applicable, including obtaining a complete copy of the discharge document.
- C.** A report from a credit agency regarding the candidate's current and past credit history. Personal or business-related bankruptcy will be investigated and fully documented.
- D.** An examination of school records, and where appropriate, interviews with school officials if the candidate attended school within the last five years. (CALEA 31.5.1.d)
- E.** An investigation into the prior use of controlled dangerous substances, narcotic drugs, and cannabis by the candidate in accordance with MPTC regulations

governing police certification, COMAR 12.04.01.16, Prior Substance Abuse by Candidate s for Certification.

F. Interviews with:

- Personal references furnished by the candidate (CALEA 31.5.1.c)
- Neighbors of the candidate within the past five (5) years
- Current and past employers within the past ten (10) years, or since age 15 (CALEA 31.5.1.e)
- Coworkers within the last ten (10) years, or since age 15 (CALEA 31.5.1.e)

G. Criminal record checks and fingerprints (CALEA 31.5.1.b)

- Each police officer candidate shall be fingerprinted and shall apply to the CJIS Central Repository of the Maryland Department of Public Safety and Correctional services for a state and national criminal history records check.
- Candidates shall request that the results of the criminal history records check be provided to the:
 - o Candidate
 - o MPTC
 - o JHPD
- If the results of the criminal history records check reveal that a candidate has been convicted or otherwise found guilty of a felony, or a misdemeanor for which a sentence of imprisonment for one (1) year or more could have been imposed, MPTC shall include available information concerning the conviction with MPTC records related to the candidate's application for certification.
- MPTC shall notify the candidate that the candidate may contest the contents of the criminal history records check in accordance with MD Code, Criminal Procedure, Title 10.
- MPTC may refuse to certify a candidate based on supplemental information resulting from the criminal history records check or other verified reliable source.

H. Verification of the candidate's employment history and any other qualifying credentials (CALEA 31.5.1.e).

- Investigators shall obtain and review all records related to the candidate's prior employment.
- If the candidate has been employed as a police officer for the federal government or in another state, JHPD shall submit any supplemental information obtained from the previous agency as part of the candidate's application for certification with MPTC.

- I. Social media account review** – The JHPD shall not require candidates to provide passwords, account information, or access to password-protected social media accounts. MD, Code, Labor and Employment, §3-712.
- Background Investigators will conduct open-source, internet-based searches and review information from social media sites in a manner that ensures:
 - o The legal rights of candidates are protected.
 - o Material and information to be considered are verified, accurate, and validated.
 - o The JHPD and its personnel fully comply with applicable privacy protections and local, state, and federal law.
 - The Assistant Director, Background Investigations and Compliance or designee will ensure that Background Investigators are trained, and that potentially impermissible information is not available to any person involved in the candidate selection process.
- J.** Review of relevant national or state decertification resources when/where available, to include but not limited to: (CALEA 31.5.1.f)
- The National Decertification Index (NDI) Check administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to determine prior public safety certification status of candidates, and
 - Similar resources published by states are good resources to determine prior public safety certification status of candidates.
- K. Non-Police Officer Positions** - Background investigations for candidates for all other positions at the JHPD will include, at a minimum:
- Verification of all qualifying credentials
 - Verification of at least three personal resources
 - Criminal history records check
 - Any other components as determined by the JHPS Human Resources Director with consideration of the job duties for each position

III. Written Summary

Upon careful review of the investigative file, to include all documentation, incoming candidate correspondence, and investigative notes, the investigator will:

- A.** Type a Summary of Investigation Report, detailing the results of the background investigation. All pertinent elements of the background investigation, positive and negative, will be incorporated into the final report and will comprise a general

profile of the candidate.

- B.** Complete the report in the investigative file and submit to the JHPS Human Resources Director through the Assistant Director, Background Investigations and Compliance.
- Following review and approval, the JHPS Human Resources Director will review the completed report with the Chief of Police.

IV. Candidate Disqualification

The information gathered during the background investigation helps to develop a profile of the individual candidate, their alignment with JHPD mission and values, and identifies the candidate's ability to ethically and effectively serve the community. Each investigation represents an individual person with an individual profile, and, as such, each must be processed and examined on its own merit. During the background investigation process, a candidate may be disqualified from further consideration if:

- A.** The investigation identifies a violation of a standard which prohibits hiring as identified in the State of Maryland rules governing police certification, COMAR 12.04.01.01 – 16 and, JHPD Directive #302, Recruitment & Selection.
- The inability to obtain certification disqualifies a candidate from being hired as a police officer with the JHPD. Accordingly, unless and until the selection standards set forth in COMAR are modified so as to make a candidate eligible for certification as a Maryland police officer, the information gathered in connection with an application will indefinitely preclude a candidate from being hired as a police officer by the JHPD.
- B.** The JHPD will not hire candidates who have been discharged or resigned following a criminal or administrative determination that they have engaged in acts of dishonesty, excessive force, or racial profiling with any law enforcement agency or whose employment or personal history provides any other indication that the candidate has engaged in any form of discrimination, harassment, or sexual misconduct or whose conduct would otherwise affect their credibility or character for truthfulness.
- C.** The investigative profile reveals that the candidate has demonstrated a pattern of past negative traits or a significant single trait that is a demonstration of lack of moral character or extremely poor decision-making. Examples include, but are not limited to:
- Use, Sale, and Distribution of Controlled Dangerous Substances
 - Use, Sale, and Distribution of Steroids
 - Abuse of Alcohol
 - Criminal Activity and Criminal Misconduct
 - Negative Employment History

- Negative Driving History
 - Dishonesty and Falsification of Records
- D.** Candidates are required to fully cooperate with the JHPD hiring process in all matters relating to the processing of their applications. Failure to provide the required information, failure to respond to requests for information in a timely manner, failure to respond to requests for interviews in a timely manner, and failure to complete any step or requirement of the hiring process may eliminate a candidate from the processing.

V. Security & Disposition of Records

- A.** All results of the background investigation will be maintained in a locked file cabinet under the exclusive control of the JHPS Human Resources Director or their designee. Background Investigative records of active employees will be retained by JHPS Human Resources Director or their designee until the employee separates from service with the JHPD. (CALEA 31.4.6.c)
- B.** The background investigation results for unsuccessful candidates will be retained indefinitely in a locked file cabinet under the exclusive control of the JHPS Human Resources Director. (CALEA 31.4.6.a)

Policy Enforcement

Enforcement	The Director of Human Resources for Johns Hopkins Public Safety (JHPS) is responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this Directive should be reported to the Director of Human Resources for JHPS.

Related Resources

University Policies and Documents
Personnel Procedure #302, Recruitment and Selection
External Documentation
Code of Maryland Regulations (COMAR) 12.04.01.05, “Background Investigation and Criminal History”
Police Department Forms and Systems
https://powerdms.com/ui/login

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Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation			

DRAFT