



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.
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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 the JHPD are aligned with the institution’s mission, vision, and guiding principles 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, nonsworn, 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 nonsworn.

Definitions

Application for Certification (AFC):	The form approved by the Maryland Police Training and Standards Commission (MPTSC) 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 MPTSC, authorizing an individual to exercise law enforcement powers and enforce the criminal laws of Maryland.
Controlled Dangerous Substance (CDS):	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.
Marijuana/Cannabis:	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.
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.
Supplemental Information:	Information in the possession of a law enforcement agency, or that becomes known to the MPTSC, 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.

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 nonsworn 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 their being hired for probationary status at the 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 & Selection.
 - When the candidate has resided or been employed outside 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.
 - Personnel assigned or retained to conduct background investigations will receive training in conducting pre-employment background investigations, in the regulatory requirements for doing so, 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 records 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 AFC that is submitted to the MPTSC as required by Code of Maryland Regulations (COMAR) 12.04.01.02 and JHPD Directive #302, Recruitment & Selection.

II. Investigative Process (CALEA 31.5.1.a)

A. Police Officer Candidates

- The assigned investigator is responsible for obtaining and verifying the candidate's credentials in conformance with COMAR 12.04.01.05. 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.
 - Copy of the Naturalization Certificate for Naturalized United States Citizens.
 - Copy of high school diploma and transcripts, or evidence of a General Equivalency Diploma.
 - 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.
 - 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 Electronic Telecommunications Enforcement Resource System/National Crime Information Center 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's Criminal Justice Information Services (CJIS).
- Credit report.
- Certificate of Release or Discharge from Active Duty from military.
- Police or correctional certification.
- A check of military records including obtaining a complete copy of the discharge document.
- Review of personal or business-related bankruptcy.
- 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)
- An investigation into the prior use of CDSs, narcotic drugs, and cannabis by the candidate in accordance with MPCTC regulations governing police certification, COMAR 12.04.01.16, Prior Substance Abuse by Candidates for Certification.
- Interviews with:
 - Personal references furnished by the candidate, (CALEA 31.5.1.c)
 - Neighbors of the candidate within the past five years,
 - Current and past employers within the past 10 years, or since age 15, and (CALEA 31.5.1.e)
 - Coworkers within the last 10 years, or since age 15. (CALEA 31.5.1.e)

- 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:
 - Candidate,
 - MPCTC, and
 - 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 year or more could have been imposed, and the candidate is not disqualified, the investigator shall submit all related available information concerning the conviction with the AFC to the MPCTC.
- Verification of the candidate's employment history and any other qualifying credentials. (CALEA 31.5.1.e).
 - Via the signed Authorization for Release of Information, investigators shall obtain and review all records related to the candidate's prior employment, including all disciplinary records, and
 - If the candidate has been employed as a police officer for the federal government or in another state, the JHPD shall submit any supplemental information obtained from the previous agency as part of the candidate's application for certification with the MPCTC.
- **Social Media Account Review:** The JHPD shall not require candidates to provide or disclose any username, password, or other means for accessing a personal account or service through an electronic communications device. (MD Code, Labor and Employment, § 3-712) However, candidates are required to sign a social media release notifying them of the below search and identifying all social media accounts and groups, including closed groups, they have been a part of or have used.
 - Background investigators will conduct open-source, internet-based searches and review information from social media sites in a manner that ensures:
 - The legal rights of candidates are protected,

- Material and information to be considered are verified, accurate, and validated, and
 - 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.
 - Review of relevant national or state decertification resources when or where available, to include but not limited to: (CALEA 31.5.1.f)
 - The National Decertification Index check administered by the International Association of Directors of Law Enforcement Standards and Training to determine prior public safety certification status of candidates, and
 - Similar resources published by states to determine prior public safety certification status of candidates.
- B. 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 references,
 - Criminal history records check, and
 - 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 form 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 the JHPS mission and core principles, and their ability to ethically and effectively serve the community. Each investigation concerns 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 that prohibits hiring as identified in COMAR governing police certification 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 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:
- History of misuse or illegal use, sale, or distribution of CDSs, cannabis/marijuana, narcotic drugs, medication, or other pharmaceuticals,
 - NOTE: Federal law, 18 USC § 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 is listed in the Controlled Substances Act as a Schedule I CDS, 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. All CDS usage, including marijuana/cannabis, should be considered on a case-by-case basis consistent with the requirements of COMAR 12.04.01.16, Prior Substance Abuse by Applicants for Certification.
 - Criminal activity and criminal misconduct,
 - Negative employment history, including a history of negative employment evaluations or misconduct,

- Negative driving history, including excessive motor vehicle violations, driving while impaired or under the influence of drugs or alcohol, or excessive collisions,
 - Dishonesty and falsification of records, or
 - Any history of discriminatory behavior.
- C.** The JHPD will not hire any candidate who has been disciplined or discharged or who has resigned following a criminal or administrative determination related to, or whose background investigation provides any creditable information or admission that the candidate has engaged in,
- Acts of dishonesty,
 - Excessive force,
 - Discriminatory policing, including racial profiling, or
 - Any form of discrimination, harassment, domestic violence, or sexual or other serious misconduct.
- D.** The JHPD will not hire any candidate whose background investigation provides any creditable information or admission of conduct that would otherwise affect their credibility or character for truthfulness, including bias; would otherwise negatively affect the reputation of Johns Hopkins; or would be inconsistent with the mission, vision, and core principles of the JHPD.
- E.** The JHPD will not hire a candidate whose prior employment information is not accessible during the background investigation.
- F.** 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 the 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 JHPS is responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this Directive should be reported to the Public Safety Accountability Unit.

Related Resources

University Policies and Documents
Personnel Procedure #302, Recruitment & Selection
External Documentation
Police Department Forms and Systems
https://powerdms.com/ui/login

Contacts

Subject Matter	Office Name	Telephone Number	Email/Web Address
Policy Clarification and Interpretation	Policy Management	(667)306-8618	jhpdpolicyinquiry@jh.edu