



Santa Clara County Sheriff's Office Policy Manual

Policy 1000: Recruitment and Selection

Adopted: April 13, 2021	Last Updated: April 13, 2021
-------------------------	------------------------------

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Santa Clara County Sheriff's Office and that are promulgated and maintained by the Personnel Division.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Santa Clara County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Sheriff's Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Sheriff's Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Sheriff's Office employs a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates. The strategy considers:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.

The Personnel Division Commander shall avoid advertising, recruiting, and screening practices that

Santa Clara County Sheriff's Office Policy Manual

tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Sheriff's Office shall strive to facilitate and expedite the screening and testing process and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS

The Sheriff's Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Sheriff's Office shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form 1-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC§ 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code§ 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Santa Clara County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

Santa Clara County Sheriff's Office
Policy Manual

1000.5.1 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Sheriff, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Santa Clara County Sheriff's Office, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.5.2 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.3 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.4 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Personnel Division shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Personnel Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Office fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Personnel Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

Santa Clara County Sheriff's Office
Policy Manual

1000.5.6 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- (a) Age at the time the behavior occurred
- (b) Passage of time
- (c) Patterns of past behavior
- (d) Severity of behavior
- (e) Probable consequences if past behavior is repeated or made public
- (f) Likelihood of recurrence
- (g) Relevance of past behavior to public safety employment
- (h) All backgrounds for laterals or applicants with a public safety employment history will include a full review of all internal affairs complaints against the applicant. Multiple sustained findings of excessive force or misconduct, including disparate treatment of members of the public based on ethnicity, race, gender, gender expression, sexual orientation, national origin, age, disability or religion shall be cause for immediate disqualification.
- (i) Aggravating and mitigating factors
- (j) Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework. **However, the following criteria shall be cause for dismissal of a candidate from the selection process:**

- (a) Conviction of driving under the influence of alcohol and/or drugs within four years prior to application or any two convictions of driving under the influence of alcohol and/or drugs
- (b) Any lie or material misstatement of fact during the background process, including any forgery or alteration of official employment application documents
- (c) Conviction of any offense classified as a misdemeanor under California Law within three years of the application submission
- (d) Conviction of any offense classified as a felony under California
- (e) Conviction of any act of domestic violence as an adult

Santa Clara County Sheriff's Office
Policy Manual

- (f) If prior employment history as a peace officer, any of the following acts during the course of such employment shall be cause for dismissal for the selection process:
 - a. Lying or falsification of any official report or document
 - b. Sustained finding of excessive force causing injury
 - c. Multiple sustained findings of excessive force or misconduct
 - d. Sustained finding or conviction of any act that constitutes assault under the color of authority, or other violation of federal or state civil rights
 - e. Sustained finding of sexual harassment, discriminatory conduct, or disparate treatment of a member of the public based on ethnicity, race, gender, gender expression, sexual orientation, national origin, age, disability, or religion.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Division should maintain validated standards for all positions.

1000.7.1 MINIMUM STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
- (c) At least 18 years of age
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or

Santa Clara County Sheriff's Office
Policy Manual

ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

- (h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - a. Reading and writing ability assessment (11 CCR 1951)
 - b. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Sheriff's Office (Penal Code § 13510(d)).