DAVIS POLICE DEPARTMENT

REFERENCES & BACKGROUNDS
Policy and Procedure 1.47-A

DEPARTMENT MANUAL

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I. POLICY

The purpose of this policy is to provide guidance to department members when requested by a current or past member or volunteer (hereafter member), whether full-time or temporary part-time, to provide letters of recommendation, or provide information relating to their work or employment at the Davis Police Department, or make a recommendation for a special assignment or promotion.

The policy of the Davis Police Department is to provide information regarding a member’s employment only when the member has signed a written release. The City has an obligation to ensure that all information presented to future employers regarding an individual’s employment be factual and made in good faith.

In order to meet this obligation, all requests for employment references or letters of recommendation must be referred to the Office of the Police Chief. In the case of request for letters of recommendation, if the member has a signed release on file, the Office of the Police Chief will notify the department member regarding their authorization to write the letter. All employment references will be processed by the Office of the Police Chief.

II. PROCEDURE

A. Letters of Recommendation

1. Prior to writing any letter of recommendation regarding any information regarding employment or work at the Davis Police Department, regardless of whether department letterhead is used or not, a member shall seek authorization from the Office of the Police Chief.

2. Authorization will only be provided when the member provides a signed release authorizing the disclosure of information.

3. Only factual information can be written in any authorized letter.

4. The signed authorization form will be kept in the personnel file of the requesting member.

B. Personal/Work References

Members may act on their own accord when serving as personal reference and the Department shall bear no liability for any information that is provided when a member serves as a personal reference.
However, a member shall not provide any information regarding any member’s work or employment with the Davis Police Department without the member first signing an authorization to release information that has been verified by the Office of the Police Chief.

C. Law Enforcement Backgrounds

1. General Rules

Any member who is contacted by another law enforcement agency that is conducting a background investigation for a current, former member or volunteer shall first contact the Office of the Police Chief for approval to provide information. Approval will only be granted after an authorized written release is received and verified. The release will be maintained in the requesting member’s personnel file.

The following provisions apply when providing any information regarding a background being conducted for a position at a law enforcement agency (sworn or non-sworn) (Government Code § 1031.1). For purposes of performing a thorough background investigation for applicants not currently employed as a peace officer, as required by subdivision (d) of Government Code § 1031, or in the case of an applicant for a position other than a sworn peace officer within a law enforcement agency, an employer shall disclose employment information relating to a current or former employee, upon request of a law enforcement agency, if all of the following conditions are met:

a. The request is made in writing.
b. The request is accompanied by a notarized authorization by the applicant releasing the employer of liability.
c. The request and the authorization are presented to the employer by a sworn officer or other authorized representative of the employing law enforcement agency.

In the absence of fraud or malice, no employer shall be subject to any civil liability for any relevant cause of action by virtue of releasing employment information required pursuant to this section. Nothing in this section is intended to, nor does in any way or manner, abrogate or lessen the existing common law or statutory privileges and immunities of an employer.

For purposes of this section, “employment information” includes written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to peace officer performance, except information prohibited from disclosure by any other state or federal law or regulation.

2. Medical Information

Medical or psychological related information regarding a current member, former member or volunteer, whether real or perceived, shall not be disclosed. Medical and psychological information is strictly confidential.

Darren Pytel
Police Chief
2/18
Reviewed 5/19