



2-90 BACKGROUND INVESTIGATIONS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

None

B. Form(s)

- New Mexico Law Enforcement Agency Form LEA-1 Basic Training and Re-certification Request
- New Mexico Law Enforcement Agency Form LEA-2
- New Mexico Law Enforcement Agency Form LEA-3 Medical Examination =Procedure
- Personal History Statement
- Waiver of Liability Acknowledgment of Confidentiality Form

C. Other Resource(s)

- Albuquerque Police Department Interest Card Application
- American with Disabilities Act of 1990
- N.M. Code R. §§ 10.29.9.1 to 10.29.9.19 Police Officer
- NMSA 1978, § 29-7-6 Qualifications for Certification
- Omnibus Consolidated Appropriations Act of 1997 §658 Gun Ban for Individuals Convicted of a Misdemeanor Crime of Domestic Violence

2-90-1 Purpose

The purpose of this policy is to outline the requirements for the Background Investigations Unit, which is to conduct thorough, objective, and timely background investigations on applicants for employment with the Albuquerque Police Department (Department) for the purposes of evaluating applicant’s suitability for job positions in the Department. All background investigations are conducted in accordance with New Mexico Department of Public Safety regulations and anti-discriminatory laws.

2-90-2 Policy

It is the policy of the Department to provide requirements for the hiring of Department personnel and the background investigations process.

N/A 2-90-3 Definitions

A. Conditional Offer of Employment Agreement

An agreement that extends an applicant a conditional offer of employment and remain in compliance with the Americans with Disabilities Act. The applicant must satisfy all



Department qualification criteria before a final offer will be extended. A conditional offer of employment is not a contract for employment.

B. Disqualification

The removal from consideration and/or the cessation of processing of an applicant or highly qualified applicant for an academy class.

C. Qualified Applicant

An applicant who has passed the testing weekend and is assigned to a Background Investigations Unit Investigator for follow-up investigation.

D. Minimum Entrance Standards

The minimum standards of training for police officer certification established by the State of New Mexico as defined in New Mexico Administrative Code §§ 10.29.9.1 to 10.29.9.10. Law enforcement agencies may expand upon these standards but not lower them.

2-90-4 Selection Process

A. Interest Card Application

1. The applicant who wishes to apply to become a police officer, Crime Scene Specialist ([CSS](#)), or Police Service Aide (PSA) submits the Department's web-based [Interest Card Application](#) through www.apdonline.com.
 - a. For applicants with military experience, the only acceptable release or discharge from any branch of the armed forces of the United States shall be:
 - i. Honorable discharge;
 - ii. Any other discharge under honorable conditions shall be reviewed on a case-by-case basis; and
 - iii. Under no circumstances shall a release or discharge under dishonorable conditions from any of the armed forces of the United States be acceptable, pursuant to N.M. Stat. Ann. § 29-7-6.
2. After the applicant submits their interest card application, the web-based application system www.apdonline.com qualifies or disqualifies them as based on information in their card.
3. For a qualified applicant, the web-based application system through www.apdonline.com notifies the applicant of available dates for scheduling a testing weekend.
 - a. The web-based application system requests the applicant to bring the following documents with them for the testing weekend:



- i. Birth certificate;
- ii. Certificates;
- iii. Credit report;
- iv. Copy of driver's license and Social Security card;
- v. DD-214, if applicable;
- vi. Higher education transcripts, if applicable;
- vii. High school diploma; and
- viii. Notarized Waiver of Liability Acknowledgment of Confidentiality.

~~b. (Placeholder);~~

B. Testing Weekend

1. During the testing weekend, the qualified applicant completes a:

- a. City Entrance Examination;
- ~~b. Personal History Statement (PHS);~~
- ~~b. Physical abilities test; and~~
- ~~c. Nelson-Denny Examination.~~

C. Background Investigation

1. After the testing weekend, the qualified applicant who is applying to become a police officer, ~~Crime Scene Specialist CSS~~, or ~~Police Service Aide PSA~~ must pass a background investigation.

2. The Background Investigations Unit Investigator shall:

a. Complete a detailed background investigation for qualified applicants, which includes, but is not limited to:

- ~~i. Credit (financial) history; and~~
- ~~ii. Criminal history;~~
- ~~iii. Driving history;~~
- ~~iv. Employment history;~~
- ~~iii. Military history;~~
- ~~iv. Driving history;~~
- v. Educational history;
- vi. Military history; and
- ~~vi. Credit (financial) history; and~~
- vii. A reference check.

b. Thoroughly investigate the circumstances of illegal possession of alcohol by minors and the use of false identification in order to obtain alcohol or entry into a liquor establishment by applicants.

3. Disqualification Criteria



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 2-90 (Currently 6-2)

P&P Draft 09/22/2021

- a. The Background Investigations Unit Investigator who identifies the following information during the background investigation shall disqualify the applicant:
 - i. Inappropriate conduct during former law enforcement employment;
 1. Inappropriate actions as a police officer or equivalent position (military police, security, prior law enforcement) have special significance in and of themselves due to the professional ethical standards of these professions, and are considered in the evaluation process, and may serve as a disqualifying factor on a case-by-case basis.
 2. The Departments pre-employment investigations shall include reviewing a lateral hire's history of using lethal and less lethal force, determining whether the lateral hire has been named in a civil or criminal action; assessing the lateral hire's use of force training records and complaint history.
 3. On-duty conduct in violation of generally accepted rules of conduct, such as dereliction of duty, acceptance of gratuities, sexual conduct, and conduct unbecoming as an officer during former employment or equivalent position may disqualify a highly qualified applicant/applicant on a case-by-case basis.
 - b. Any applicant who is untruthfulness in the part of the recruiting or selection process;
 - c. Any applicant who refuses to take the mandatory drug-screening test;
 - i. A test result showing a presence of illegal drugs, prohibited substances or prescription drugs not prescribed to the applicant.
 - ii. Any use of illegal drugs, prohibited substances or prescription drugs (not prescribed) by an applicant after the application to the Department has been submitted.
 - d. Past illegal drug/narcotic use;
 - i. Questions regarding past drug use are restricted to last date used until a conditional offer was given to the applicant.
 1. No drug use in the last two (2) years from the date of the Interest Card submission - Any illegal drug use that would amount to a misdemeanor crime if found in possession.
 2. No use in the last five (5) years from the date of the Interest Card submission - Any illegal drug use which would amount to a felony crime if found in possession.
 - e. Alcohol Use by Minors - Use of alcohol by minors (prior to age 21) may be a disqualifier on a case-by-case basis;
 - f. After the conditional offer of employment, an applicant may be disqualified after a detailed drug usage interview;
 - g. The following criminal activity:
 - i. Criminal activity in which the applicant was convicted of, pled guilty to, or entered a plea of nolo contendere as an adult to any felony charge, or was involved in any prosecution diversion program (PDP) as adjudicated for a felony crime committed shall be permanently disqualified.
 - ii. Delinquency adjudications as a juvenile shall be considered on a case-by-case basis.



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 2-90 (Currently 6-2)

P&P Draft 09/22/2021

- iii. Applicants who admit to an undiscovered felony crime, where there is no deception shall be considered on a case-by-case basis. Mitigating circumstances may include the following:
 - 1. Severity of the act;
 - 2. Number of times the act was committed;
 - 3. Age at the time the act was committed;
 - 4. Circumstances surrounding the act; and/or
 - 5. Recentness of the act.
- iv. Applicants who, within the three (3) years prior to taking the written test, were convicted of, pled guilty to, or entered a plea of nolo contendere as an adult to any violation of federal law, state law, or local ordinance that would be classified as a misdemeanor crime, shall be disqualified until the appropriate time passes;
- v. Any misdemeanor committed that the qualified applicant, admits to, or is discovered during the course of the background investigation may be a disqualifier on a case-by-case basis;
- vi. Any misdemeanor in which there is a court-ordered deferred sentence with a resulting dismissal of the charge upon completion of some court-ordered conditions, shall be reviewed on a case-by-case basis;
- vii. Incidents of domestic disputes not involving an official reporting of the incident to a law enforcement agency are considered on the basis of the nature of the domestic dispute(s);
 - 1. The Background Unit Investigator shall evaluate each domestic violence incident.
 - 2. The Background Unit ~~investigators~~ shall, when possible, obtain written or recorded statements from all parties involved in any domestic violence incident ~~when possible~~.
 - 3. As part of the Omnibus Consolidated Appropriations Act of 1997, it is unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition, or to sell or to otherwise dispose of a firearm or ammunition to any person knowing or having reasonable cause to believe that the recipient has been convicted of such a misdemeanor. Therefore, an applicant with a conviction of domestic violence is disqualified.
 - 4. Any domestic violence in which there is a court ordered deferred sentence with a resulting dismissal of the charge upon completion of some court ordered conditions, is reviewed on a case-by-case basis.
- h. Applicants convicted of driving while intoxicated (DWI) in the last five (5) years whether from an administrative sanction by any motor vehicle department, criminal conviction, or military disciplinary action shall be removed from the process; and
- i. Multiple convictions of DWI's from any of these categories within the most recent ten (10) year period shall be dropped from the process. Multiple is defined as two (2) or more.

D. Post-Background Investigation



1. An applicant who successfully passes a background investigation completes a:

- a. Written psychological assessment;
- b. Polygraph examination;
- c. Psychological interview;
- d. Chief's Selection Committee; ~~and~~
- e. Medical Examination Procedure; and
- ~~e~~.f. Physical fitness assessment.

E. Qualified Applicant Placed in Future Training Academy Class

1. Background Investigations Unit Sergeant may request a qualified applicant who was held over to another training academy class to obtain an updated medical exam due to the length of time between the original medical exam and the start of the next training academy class.
2. Background Investigations Unit Sergeant may also require a qualified applicant to complete a physical ability test to assess whether they maintained the required level of physical fitness.
- 2.
3. The Background Investigations Unit Sergeant and Academy Division Lieutenant may require qualified applicants to complete any other tests as deemed necessary.

F. Disqualification Procedures

1. If an applicant fails any portion of the selection process, the web-based application system through www.apdonline.com notifies the applicant electronically within thirty (30) days. The specific reasons for disqualification shall not be stated.
2. The Academy Division Lieutenant shall make the final approval of disqualification. The Academy Division Lieutenant shall send the disqualified applicant requesting a written disqualification letter using official Department letterhead.
3. The Background Investigations Unit Investigator shall generate the disqualification letter.
 - a. The Background Investigations Unit Sergeant shall sign the letter and shall place copies of the disqualification letter, supporting Interoffice Memorandum, ~~and recommendation form~~ in the applicant's file.

G. Re-Application Process

1. Applicants who are rejected in the selection process but are eligible to reapply are required to repeat each step in the selection process.



- a. However, if an applicant still has a valid written tests (Nelson-Denny and City Entrance exam not over one-year-old from date of the test), then an applicant may be allowed to retake the physical abilities, and begin the process from that stage.
- b. The Recruiting Unit Sergeant and the Academy Division Lieutenant shall verify test results are still valid as based on the date of the original tests and the date the highly qualified applicant ~~(something)~~ applied to the Academy Division, ~~for which the highly qualified applicant applied.~~

H. The Background Investigations Unit Sergeant shall:

- 1. Assign files of qualified applicants to a Background Investigations Unit investigator; and
- 2. Keep a log of each assignment.

6 2-90-5 Background Investigation for Civilian Personnel

A. A Department supervisor who is seeking to hire an applicant for a position as a civilian employee may request Background Investigations Unit personnel to conduct a background investigation. A Department supervisor shall provide the following documents to the Background Investigations Unit Sergeant:

- 1. Birth certificate;
- 2. Certificates;
- 3. Credit report;
- 4. Copy of driver's license and Social Security card;
- 5. DD-214, if applicable;
- ~~3-6. High school diploma;~~
- ~~4-Higher education transcripts, if applicable; and~~
- ~~5. Certificates;~~
- ~~7.~~
- ~~6. DD-214, if applicable;~~
- ~~7. Credit report;~~
- 8. Notarized Waiver of Liability Acknowledgment of Confidentiality; ~~and~~
- ~~9. Copy of driver's license and Social Security card.~~



B. Background Investigations of civilian personnel shall include, but are not limited to:

1. Criminal history;

2. Driving history;

~~2.~~ Employment history;

~~3.~~ Military history;

3.

~~4.1.~~ Driving history;

~~5.4.~~ Educational history;

5. Financial History;

6. Military history; and

~~6.7.~~ Verification of references; and

~~7. Financial History.~~

C. Once a background investigation is complete, the Background Investigations Unit Sergeant shall provide the results to the referring supervisor for review.

1. The Department supervisor shall ensure the background investigation meets their approval before accepting.

2. The Department supervisor may coordinate with the Background Investigations Unit Sergeant for additional follow-up investigation, if necessary.

6 2-90-6 Confidentiality

A. Background Investigations Unit personnel shall be committed to providing strict security and confidentiality of the information obtained during the recruitment and selection processes, including background investigations. Strict adherence to the security and confidentiality of information is mandatory for all Background Investigations Unit personnel involved in the selection process.

B. The information that is obtained by Background Investigations Unit personnel during the selection process shall be restricted to authorized personnel and shall only be used for the purposes outlined in Department Standard Operating Procedures (SOP).

C. Only personnel assigned to the Recruiting Unit and Background Investigations Unit or who are authorized by the Academy Division Director/Commander shall be permitted to handle or view background investigations files.



D. All Background Investigations Unit personnel shall sign a confidentiality agreement.

1. Background Investigations Unit personnel who violate the confidentiality agreement shall be disciplined.

2-90-7 Release of Information

A. Court Orders and Subpoenas

1. Under no circumstances shall Background Investigations Unit personnel release background investigation files or allow for the handling or viewing of background investigation files to anyone outside of the Background Investigations Unit Background files without a court order, unless authorized by the City Attorney's Office.
2. In the event that a background investigation file is subpoenaed, the process server should be directed to the City Attorney's Office to serve the subpoena. The file will only be signed-out to the City Attorney's Office.

B. Requests for Information to Applicants and Outside Agencies

1. Under no circumstances shall Background Investigations Unit personnel release any information from an applicant's file to an applicant, unless it is an original document and authorized by the Background Investigations Unit Sergeant.
 - a. All information is otherwise the property of the Department and information previously provided by the applicant is given verbally to the applicant.
2. Background Investigations Unit personnel shall not release information on any applicant for any purpose except as a function of the recruiting process.
 - a. Background Investigations Unit personnel shall refer requests for information on applicants from recruiting units with other law enforcement agencies to the Background Investigations Unit Sergeant.
 - i. The request must be accompanied by a copy of the Waiver of Liability Form Acknowledgment of Confidentiality Form ~~a Release of Liability~~ that is signed by the applicant.

~~2.3.~~ Background investigation files are reviewed in their entirety by the requesting agency's recruiting representative. Under no circumstances shall copies be made of a background investigation; however, the Background Investigations Unit Sergeant may release copies of PHSs to another law enforcement agency's recruiting representative with a valid Release of Liability.

2-90-8 File Maintenance and Retention



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 2-90 (Currently 6-2)

P&P Draft 09/22/2021

- A. The Academy Division Lieutenant shall maintain background investigation files in a secured area. The files shall remain in the Lieutenant's possession and control.
 1. The files shall remain in a secured area until authorized personnel request access.
- B. Background Investigations Unit personnel shall maintain the files of applicants who are accepted into the training academy.
- C. The Background Investigations Unit Sergeant shall purge hard copies of background investigation files that are over five (5) years old.
 1. The Background Investigations Unit Sergeant shall maintain a log of all files that have been purged.

REDLINED