

# Background Investigation

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## **Background Investigations**

Fire departments traditionally spend thousands of dollars to advertise, recruit and hire firefighters. The departments sift through applicants using written examinations, physical ability tests and comprehensive oral interviews, but only do a cursory check on their backgrounds. They eventually produce a list of top candidates. It is now up to the organization to ferret out those candidates who were less than truthful on their application or during their interview.

Background investigations are an important component of the hiring process. They are completed by most fire departments across the country. Historically, fire departments have not placed as much emphasis on a thorough background check as their counterparts on the police department. A criminal check with the local police agency and a DMV check was the extent of what we used to look at.

The local police departments often complete today's background checks. Many fire departments hold their firefighter candidates to the same high standards expected of a police officer. These standards include criminal history, drug usage, credit history, employment record, encounters with the law and a candidate's overall persona.

The reasoning is that if a person has demonstrated an inability to manage his or her personal finances, is unable to get along with co-workers, or has simply made poor life decisions, these will be magnified as their responsibilities increase. If, on the other hand, a candidate has demonstrated a strong history of being able to manage his or her personal and professional life, there is no reason to expect that he or she would not continue to do so after being hired by the agency.

Gordon Graham, an attorney and well-known expert on issues pertaining to police and fire departments, believes that "The best predictor of future behavior is past behavior." He feels that if a candidate has had problems in the past, he or she will have problems in the future. His advice to police and fire chiefs across the country is, "Why take the chance and incur the liability, especially when you have so many candidates to choose from." A thorough background check can help an agency reduce its future incidents of personnel problems and minimize the risk of negative publicity for the agency. Patterns of past performance issues and problems with co-workers are a strong indicator of future behavior and should not be overlooked.

A thorough background investigation is important because of the role of the fire department in the community. The firefighter candidate will eventually hold a

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position of authority and responsibility. Firefighters are welcomed into people's homes and businesses without fear for their personal safety or their prized possessions. If the candidate is of questionable ethical or moral character, he or she may ultimately become a liability for the hiring agency. This could erode public trust and compromise the department.

The U.S. Chamber of Commerce estimates that dishonesty by employees costs a business 1-2% of its gross sales. Surveys reveal that 33% of employees admit to stealing product or money from their jobs in the last three years. It is estimated that 30% of businesses fail because of employee theft. Statistics also reveal that roughly 40% of applicants have false information on their applications.

Negligent hiring litigation is on the rise. Employers lose 72% of all negligent hiring suits, with the average award to the plaintiff exceeding one million dollars. Most of these are due to the employer failing to take the proper steps to avoid hiring an unfit employee. Courts have ruled that an employer has a general duty to check criminal records for employees who will interface with the public.

Once a candidate has been selected to move on in the hiring process, he or she is assigned a background investigator. Before meeting the background investigator, the candidate is given a background packet. These vary slightly from agency to agency and are often 25-30 pages long. A candidate is usually given 14-21 days to complete the packet prior to the first meeting with the investigator. Candidates are advised to photocopy the packet and fill out the copy in pencil. Once the rough draft is complete, the original is completed in pen or, even better, typed.

Neatness is a characteristic that is important to a background investigator. If he or she is unable to decipher an applicant's chicken scratch, it makes a poor first impression. A typed background packet, on the other hand, gives the impression of being thorough and complete.

The background packet will seek information relating to all jobs held (including names of supervisors and dates employed), military record including DD214, sealed high school and college transcripts and a thorough questionnaire regarding drug and criminal history. Applicants will be expected to complete a section that outlines any and all encounters with illegal drugs, including persons involved, dates and times, as well as the number of times he or she has experimented with each substance.

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Any omission of information is considered to be covering up and will be viewed as deceitful, which is grounds for automatic disqualification. If a candidate legitimately forgets information, it can certainly cost them the job. To avoid making these costly mistakes, a candidate should keep a log of information that would be helpful to a background investigator, including names and addresses of landlords, employers, friends and co-workers. Any blanks left in the packet raises the question of whether the applicant is attempting to cover something up. Once the applicant has completed the background packet, he or she will be scheduled to meet with the assigned investigator. The investigator may be a firefighter on the department, a police officer for the city or county, or a private contractor. Whoever it is, the applicant's future employment relies on successfully completing the process.

The investigator will take several photos of the candidate that will be shown to friends, neighbors and co-workers during the investigation. The applicant will be asked for a list of friends and close associates, including their names, addresses and phone numbers. The prospective firefighter must sign a stack of release waivers that will be used by the investigator for each person contacted.

The investigator will review the background packet with the applicant, seeking to identify any discrepancies and delve deeper into them. This is the applicant's opportunity to explain his or her side of what transpired. It is akin to going to confession. After this stage, anything uncovered by the investigator that was not previously disclosed is considered to be intentionally "forgotten" and could be used as a foundation for dismissal from the hiring process. Once an investigator gets a feel about a candidate from the interview, he or she will begin some cursory checks of driving and criminal records, as well as a credit check.

Driving records are important, since having a current driver's license is required for most firefighter positions. A candidate who has a history of speeding or ignoring traffic laws may be disqualified since we operate emergency vehicles. Driving lights and siren through the city is a huge liability for the agency. Imagine if a firefighter was driving lights and siren at an excessive rate of speed and plowed into a bus bench full of school children. The subsequent investigation revealed that the firefighter had a series of speeding and moving violations. The agency would probably lose any lawsuit. Even if it didn't, it would certainly be a black eye for the department.

Numerous parking tickets make a statement of how a candidate reacts to authority. If a candidate has a series of infractions (paid or not), it could indicate that he or

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she feels that it is unnecessary to abide by society's rules. I was asked in a seminar recently if a candidate would be held liable for the parking tickets he was given while driving the company delivery vehicle. He tried to reason that they weren't his fault because, as a delivery driver, his boss gave him permission to park in the red zone. I asked him who gave his boss the authority to tell him it was okay to ignore the law. He continued to tell me that since his boss told him it was okay and the company paid for the tickets, he felt he was off the hook. I told him that even if he were off the hook for the parking tickets, he would probably fail the background because he has a pattern of exercising poor judgment. Another candidate asked if it would look badly if he was always the one to bail his friends out of jail. He rationalized that it showed he was a loyal and dedicated friend. He stated that he knew the fire service valued strong friendships and looking out for each other. I assured him that he was correct on both counts. We do value strong friendships and we certainly take care of each other. I would question why he is associating with people who are constantly being thrown in jail. I reminded him of the old saying, "Birds of a feather flock together." If your friends and associates are guilty, then so are you. Whether this is the case or not is irrelevant; you define yourself by the company you keep.

Obviously, criminal records are important to the hiring agency. Firefighters routinely find themselves unsupervised in people's homes and businesses. Imagine for a moment the headlines in the local newspaper: "Firefighter arrested for stealing from elderly lady's bedroom while she was having a heart attack." Of course, this would be picked up by the national media and would be a black eye for all firefighters.

Credit history is also important, as it too makes a statement of how an individual handles responsibilities. If a person is not able to live within his or her means, this person is a potential liability to the agency. A blemished credit history may indicate an inability to handle responsibility.

Bankruptcy is a big red flag to an agency. Simply because a credit card company considers an individual untouchable and relieved of financial responsibility once he or she declares bankruptcy, fire departments do not view this in the same way. In reality, although an individual has declared financial bankruptcy, he or she is morally obligated to repay the money that was borrowed. In the eyes of the law the obligation has been "forgotten," but somebody is still out money. Is it an automatic disqualification? No, not if there has been progress made toward repaying the debt after bankruptcy was declared. According to a former background investigator for LAPD, "If an individual is making an honest effort to repay the money, we can

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look past a bankruptcy. We cannot overlook someone who does not attempt to right known wrongs.”

Candidates often wonder if they should report things that occurred when they were younger. They feel that if a record was sealed, they are not accountable for anything until they reached 18 years of age. Nothing is further from the truth. Keep in mind, the forms you signed when you sat down with the background investigator. These gave permission to look into **every** aspect of your life. There is no such thing as a sealed record to a background investigator. Even if there were, whatever a candidate did to get a police record sealed would be cause for alarm and would raise the issue of liability for the agency. For the record, there is no such thing as a sealed file, regardless of what your attorney tells you.

Many people believe that they can give the background investigator only the names of their responsible friends, the ones who will say positive things about them. They will make sure to brief their friends on what to say and what not to say. In effect, they will coach them on how to answer the questions. Certainly, the investigator will interview the people listed by the candidate, but they will also ask the individual for the name of five friends. They will interview the five new people and when completed, will ask for five more friends and so on. It doesn't take long for a trained investigator to get to someone who has not been coached.

The investigator will knock on the door of your neighbors and show them a Polaroid picture (the same one taken on the day of your initial background interview). If your neighbor tells the investigator that it looks like you, but the nose ring and bandana that you always wear are missing, the cat is out of the bag. In other words, the investigator has learned a lot about you. Will this disqualify you? Probably not, but it now gives the investigator cause to look deeper into your profile.

This scenario is the number one reason that when I speak to a group of fire science students, I encourage them to look the part. You don't see many firefighters with nose rings and bandanas. The students constantly assure me that when they start testing, they will shave off the goatee and get a haircut. It is important to note that we are not looking to hire the person who can do a complete makeover in 30 days or less. If you changed that quickly to get the job, it stands to reason that you will change back after you get it. We are looking to hire people who authentically live their lives in a positive fashion. Are there automatic disqualifications for the background process? Yes and no. What does this mean? It depends on the agency and on the feelings of the fire chief. Some fire chiefs don't care what you have

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done (within reason), but will automatically disqualify a candidate who is not completely honest during the process, while others have certain actions that are immediate cause for dismissal.

Some common causes for automatic disqualification include the following: any drug use through injection (i.e. any controlled substance or steroid put into the body via a needle); any selling, intent to sell or transporting of narcotics; use of hallucinogens such as LSD or acid; multiple uses of marijuana that is considered more than experimental; any type of assault or domestic battery; stealing and arson.

Of course, these are generic, but most agencies will have a policy dealing with any of the above cases. For some it may be an automatic disqualification, while other agencies may be more lenient and receptive to a reasonable explanation.

If a candidate has a blemish on his or her record that is not considered an automatic disqualification, the investigator will look further into the background. The intent is to determine if the infraction is a one-time incident or a pattern of poor choices. Oftentimes a driving under the influence arrest was the proverbial accident waiting to happen. In other words, a candidate tells the investigator that after the annual company picnic, he or she had too much to drink. The designated driver was nowhere to be found and the candidate had to get home to feed his or her cats. It was a matter of life and death. The candidate got behind the wheel and drove when he or she shouldn't have. As luck would have it, the candidate rear-ended a police car and was arrested for driving under the influence. It was just an isolated incident that could have happened to anybody, right?

This would naturally trigger the investigator to look further into the candidate's alcohol consumption. In fact, one of the questions is, "How often do you drink?" Nobody wants to look like an alcoholic, so they grossly underestimate the number of times alcohol is consumed each week. This is easily uncovered by interviewing your friends, who vouch for the fact that you are able to hold your liquor. When it is revealed that you play softball in a beer league every Tuesday night with the guys from the shop, the investigator will easily identify that you drink every Tuesday night. Of course, the next question will be, "How does the candidate get to and from the game?" Your helpful friend raves about the pickup truck that you completely restored and drive to each and every game. The connection is now made complete that after drinking during the weekly softball game, the candidate hops into his restored pickup and drives home. Now, the

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driving under the influence conviction is no longer an isolated event, but rather part of a pattern of poor choices that finally caught up with a careless individual.

If, on the other hand, it does appear to be an isolated event, the investigator will want to know what you have learned from the event. A candidate who was arrested for driving under the influence four years ago, has since quit drinking and is now a designated driver on the major holidays and a spokesperson for Mothers Against Drunk Driving (MADD), will certainly be considered above the previous candidate. In this scenario, it's not the mistake that draws the attention, it's the recovery.

A person who has smoked marijuana is usually not eliminated unless it was done in recent history. Some departments will eliminate a candidate if it was done after the candidate decided he or she wanted to become a firefighter. This is another example of poor decision making. In today's day and age, it is understood that most people will at least try marijuana. In fact, a recent news study revealed that 66% of high school seniors have at least tried it. Unfortunately, it seems to be on the rise. If smoking marijuana were an automatic disqualification, the fire and police agencies across the country would not be able to hire most new employees. The applicant pool would simply be too small.

The background investigation is the time to be accountable for all of your life's actions. Most people have some past indiscretions that, if given the choice, they would change. That is what we call life experience. If the individual is honest and forthcoming with information and has not made any life-altering decisions, as mentioned above, he or she should have no problem passing a comprehensive background check. It is important to note that if a candidate believes he or she may have difficulty with a background investigation, he or she probably will.

My advice is to be honest and forthright with information. Everyone makes mistakes. If a candidate is caught in a lie, he or she is automatically eliminated from the process, even if the issue was not a big infraction. The fact that the candidate lied says a lot about his or her character.

Once a candidate fails a background investigation, the next agency has a right to know about it. In other words, when a candidate goes through a background investigation for a different agency, they have a right to know why you failed. If a candidate failed a background for lying, chances are they will not make it through the next process.