

# BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 25, 1995

GENERAL ORDER C-51

SUBJECT: CRIMINAL BACKGROUND INVESTIGATIONS

## PURPOSE

- 1 - The purpose of this General Order is to establish guidelines to be followed throughout the criminal background investigation process. Criminal investigations frequently involve background investigations on persons, particularly as they relate to white collar crime, organized crime and vice activities. Additionally, the licensing of some businesses may require background investigations of persons applying for such licenses.

## POLICY

- 2 - Criminal background investigations should be considered sensitive in nature and should be conducted discreetly. All background investigations shall be conducted in such a manner as to assure that the constitutional rights of the subject of such investigations are maintained.

## PROCEDURES

- 3 - **The following are general sources of information for background checks.\***
  - (a) Law enforcement agencies (City and County) where the subject has resided for the past ten years.
  - (b) Berkeley Police Department alpha file (RMS and CORPUS).
  - (c) Alameda County Sheriff's Department alpha file.
  - (d) CII.
  - (e) NCIC.
  - (f) City business licensing files.
  - (g) Alcoholic Beverage Control files, as appropriate.
  - (h) County Probation and State Parole files.
  - (i) Other law enforcement or public information sources that may have information pertinent to the investigation.

## DATA USE - CRIMINAL INVESTIGATIONS

- 4 - In most cases, background information gathered during criminal investigations should be included in an investigative packet that is submitted to the District Attorney when a criminal complaint is sought.

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- 5 - When a case is suspended, or closed with no prosecution, the case officer will determine if the information obtained from the background investigation is relevant to the case. If so, the data will be incorporated into the case file. In those cases where the background data is not relevant to the case, the background information will not be forwarded to the case. Rather, it will be purged by the case officer.

### PURGING OF FILES

- 6 - Criminal background investigation files shall be purged in the same manner and method as other Departmental records in accordance with local, State, or Federal law.

Reference: CALEA Standards