

# **GRIBI**<sup>®</sup>

## **GRAHAM'S RULES for the IMPROVEMENT of BACKGROUND INVESTIGATIONS**

What's **GRIBI**? Over the last decade, Gordon Graham has developed several simple, task specific, operational risk management techniques to improve performance. Among these are **GRECL** (for the elimination of Civil Liability) and **GRESH** (for the elimination of Sexual Harassment), and **GRECT** (for the Enhancement of Courtroom Testimony). **GRIBI** are a series of rules for Improving Background Investigations. Knowledge of **GRIBI** may help you improve the quality of background investigations your organization does, and prevent some of the consequences caused by inappropriately prepared or improperly documented investigations. This version of **GRIBI** has been specifically modified for Fire Nuggets Magazine.

### **GRIBI #1 - Understand the purpose Background Investigations.**

Of all the tasks that organizations perform, whether public or private sector, the Background Investigation is one of the most important. The women and men that we select today will be the leaders of your organization in the next generation. As a stakeholder in your organization, it is imperative that you have a process to screen out those who are unwilling or unable to do the job they are applying for. It is well decided that the best predictor of future behavior is past behavior. The purpose of a background investigation is to find relevant past behaviors and gather and document these behaviors so that the hiring decision-maker has sufficient information to make an informed decision. It is important to recognize that everyone has the right to seek a job in your organization. However, it is equally important that we all recognize that we have an affirmative and ethical obligation to select only those who have the desire and necessary attributes to do the job. The jobs within the fire service are complex and critical to a safe society, thus requiring special people. This includes secretaries, volunteers, part timers, full timers and everyone in between. To be blunt, not everyone is qualified to be in the fire service. With this in mind, the following is essential. If there is a dispute between the rights of the applicant and the rights of the public, always make your decision in favor of the public. Public trust and confidence is essential for your organizational survival. It is my belief that the core ingredient for being a successful fire service employee is integrity. Absent integrity, you don't have anything.

### **GRIBI #2 - Get a policy regarding Background Investigations.**

As with any other high-risk task, your organization needs a policy regarding this process. The policy needs to be specific to your organization, and because of the high-risk nature of the task, this policy needs to be reviewed by competent counsel on a regular basis, including after it is initially developed. Depending on your jurisdiction, your policy may need to include criteria for the selection of investigators, information sources, accessing

medical and other confidential information, retention, redaction and release of information, and other relevant considerations. Of particular importance is the development of “waivers” specific to the job description you are testing for and specific to the applicant. As mentioned earlier, there are many laws restricting what information can be gathered, and many records are confidential in nature. Appropriate waivers are essential, and these need to be drawn up with your competent counsel. There are many pitfalls in the arena of employment law, and these laws vary from jurisdiction to jurisdiction. Remember, the purpose of any policy is to set standards so as to maintain a consistent approach between multiple people who are doing this task. If you do not have any policy now, you need one. Do not reinvent the wheel. Most law enforcement agencies have one. Go to your local police department, or your State Police, and see if you can get a look at their policy. Use it as a guide to create your own. However, just “swiping” another organization’s policy and using it without assuring it is right for you can have disastrous long term consequences, as what is good for them is not necessarily good for you. Please take this seriously.

### **GRIBI #3 - Select people that have the knowledge, skill, ability and desire to conduct Background Investigations.**

Not everyone in your organization is qualified to be a Background Investigator. The job is tedious, requires a lot of documentation, and is intensive in areas that are not all that exciting. However, as mentioned earlier, it is critical to the survival of your organization. Many organizations are not continually hiring people, so this task (background investigations) is at best a part time occupation where it falls into the “other duties as assigned” category. If this has to be, then so be it, but please insure that the person doing this critical task has the ability to do so. If I had my druthers, only qualified and proven investigators with training specific to background investigations would perform this task. If you do not have such an investigator, a group of Chiefs in any geographic area can pool resources to fund this person and the process. Additionally, there is a temptation among some fire departments to farm out the process to another fire department, police department or private investigator. This too, can be dangerous. Investigate the investigator up front by asking for references and past performance. Develop a long-term relationship with this investigator and verify what they are doing for you. Finally, recognize the pitfalls of “flat rate” payment per investigation. If you have to go outside your fire department, pay a fair rate and pay it by the hour.

### **GRIBI #4 - The process should not be a secret.**

While there are some areas of your policies and procedures that need to be confidential, the overall background investigation process needs to be available for inspection by the public and by applicants for employment. Showing a potential applicant how the process works may weed out those who know their past behaviors are going to be discovered. This will save your time and theirs, and will prevent many problems from occurring. A specific waiver for lateral hires will save you a lot of grief by deterring a “loser” currently employed by another fire agency from making application to your department and tying up your precious background investigation resources. The public must know that there is

a process that is in place to maximize the delivery of services. Secret policies are suspicious.

### **GRIBI #5 - Take the time to do the job right.**

Background Investigations are a "Discretionary time" task and your investigators should have all the time needed to gather all the facts about the applicants past behaviors and present situation. Rushing a background investigation is not unlike hurrying up a felony stop or a HazMat incident. Use your discretionary time to gather all of the relevant and legally obtainable facts in an applicant's past. Set up the investigative file in a systematic manner so that information is processed and logged quickly and accurately. Respond to "leads" and follow them up as necessary. Such a system will also allow you to see at a glance who has not responded to your queries. Do not prematurely close a file assuming that the remaining information will be non-essential. Trust me on this one. Wait and gather all the information prior to forwarding it for a decision. Also, Background Investigations and Recruitment are two separate units with two different responsibilities, so they need to be separated in your organization. Recruitment of new personnel is a responsibility of Public Affairs, and Background Investigations are a function of Internal Affairs.

### **GRIBI #6 - Utilize all available resources, and don't worry about the cost.**

There are many available resources to verify information offered by the applicant, and to find new investigative leads. Within the public sector are massive databases maintained by law enforcement agencies. These should be fully accessed within the applicable laws within your jurisdiction. Additionally, numerous private sector companies have spent a ton of money buying public records from around America, and storing them in databases for purchase by interested parties. **CAUTION:** Only use this information as an investigative lead. Do not base your decision regarding or opinion of the applicant solely on this information. Some of it is stale, wrong, or filed under a similar name. Take the time to do the task right. Again, since this involves rights of privacy, check with your competent legal counsel prior to accessing these databases.

### **GRIBI #7 - Remember the importance of accuracy.**

Once the package is submitted and the decision has been made, you are stuck with that package and decision forever. Remember, facts are facts and opinions are opinions. It is critical that each fact be accurately recorded. In any subsequent litigation, whether it is external, i.e. negligent hiring, or internal, i.e. wrongful termination, your investigative package is subject to discovery, and it cannot be changed from what you had earlier submitted. Full and accurate documentation of each step of the process is essential.

### **GRIBI #8 - Always proofread your documentation.**

Proofreading will help assure the needs of #7 above. Small things make the difference in the long run, so spend the time to critically review what you have documented prior to submitting it. Pretend you are an attorney suing your organization for failure to do the background investigation properly. They have “discovered” a copy of your policy and have an expert witness who is reviewing your file simultaneously while comparing it to your policy. If you feel comfortable with this scenario, you have probably done the task correctly. Be careful in summarizing material you have received. Is it a fair and impartial summarization containing the good and the bad? Finally, your review is far more than protection from liability. If you don’t do the job right and have the supporting documentation, you may be forced to hire someone who may be a problem child for the next 30 years. Or, your failure to do the job right may deny a qualified applicant the opportunity to work for your organization. In either case, we all lose. Again, do it right, document it right and proofread the entire file.

### **GRIBI #9 - Supervisory review is essential.**

As mentioned several times above, the background investigation process is high risk, and there are substantial consequences for not doing the task correctly. Minimize risk and exposure by incorporating knowledgeable supervisors into the review process, not just at the terminus of the investigation, but throughout the process. Your investigators will rise and fall to your level of expectation. Set high standards, and that is what you will get. Set no, low or inconsistent standards, and that is what you will get. The integrity of the process is essential, and achieving good results is never an accident.

### **GRIBI #10 - Learn from your experiences.**

As with any other task, the more you do it, the better you will get at it. As you learn, share your knowledge with your peers, and if your new found knowledge is not in the policy of your organization, make the appropriate recommendations to get the policy updated to reflect this better way to do background investigations. Joining a professional group of similar type investigators will be of great benefit to you and your organization. Combined, there is a wealth of knowledge out there if you access it. Finally, background investigations are the only tool available to gather the necessary facts about applicants, so take the process seriously, and everyone will benefit. Remember, Ethical employee behavior starts by hiring people who possess Integrity.

**I sincerely hope this is of some value to you.  
If you need any further information, please  
do not hesitate to contact me anytime.**