

PRE-EMPLOYMENT BACKGROUND INVESTIGATIONS STUDENT MANUAL

This manual used with the express permission of the Texas Commission on Law Enforcement

BACKGROUND INVESTIGATIONS

PARTICIPANT MANUAL

Texas Commission on Law Enforcement

Copyright Information

Background Investigations

© 2025 Texas Commission on Law Enforcement
All Rights Reserved. First Edition: September 2024
Revised: September 2025
Printed in the United States of America

Without limiting the rights under copyright reserved above, no part of this publication may be reproduced or transmitted in any form or by any means without the prior written approval of the copyright owner.

The safety statements, procedures, and guidelines contained in this manual are current as of the publication date. Prior to using the safety statements, procedures, and guidelines contained in this manual, it is advised that you confirm the currency of these statements, procedures, and guidelines with the appropriate controlling authorities.

Table of Contents

Module 0: Introduction 0-1

About this Course 0-3
- Course Goal 0-3
- Target Audience 0-3
- Delivery Methods 0-3
- Course Prerequisites 0-3
- Course Length 0-3
- Course Schedule 0-3
- Participant Manual Contents 0-4
- Participant Evaluation Strategy 0-4

Module 1: Failure Impacts 1-1

Activity 1-1: Access MyTCOLE Account 1-3

Importance of Thorough Background Investigations 1-5
- Texas Commission on Law Enforcement 1-5
- Reeves v. Town of Cottageville 1-5
- Wandering Officers 1-6

Risks and Liabilities 1-7
- Civil Liability 1-7
- Criminal Liability 1-9

Common Breakdowns 1-16
- Poorly Informed Decisions 1-16
- Failure to Identify Disqualifiers 1-18
- Not Meeting Minimum Standards 1-21
- Wrongly Placed Responsibility 1-22

References 1-24

Module 2: Legislation Impacts 2-1

History 2-3
- Senate Bill 24 2-3
- F5 Discharge Status 2-5
- The Sunset Advisory Commission 2-8
- Minimum Standards Defined 2-9

Legislation Changes 2-11
- Texas Senate Bill 1445 (88th Legislative Session, 2022–2023) 2-12
- Texas Senate Bill 24 (87th Legislative Session, 2020–2021) 2-12
- Outcomes 2-13

References 2-15

© 2025, Texas A&M Engineering Extension Service. All rights reserved.

Module 3: Statutes and Rules 3-1

Texas Occupations Code 1701 3-3
- TX OCC. 1701.451 3-3
- TX OCC. 1701.303 3-8
- TX OCC. 1701.306 3-9
- TX OCC. 1701.310 3-10
- TX OCC. 1701.312 3-13
- TX OCC. 1701.313 3-14
- TX OCC. 1701.501 3-16
- TX OCC. 1701.502. and 1701.503 3-18
- TX OCC. 1701.507 3-19

TCOLE Rules 3-19
- Rule 217.1 3-19
- Rule 217.7 3-33
- Rule 211.29 3-36
- Rule 211.19 3-39
- Rule 211.26 3-40
- Rule 211.27 3-40
- Rule 217.3 3-41
- Rule 217.5 3-42
- Rule 217.8 3-43
- Rule 223.18 3-44
- Rule 223.19 3-45

References 3-48

Module 4: Best Practices 4-1

Policies 4-3
- Adopted Policies 4-3
- Base Level 4-3

Best Practices 4-5
- View All Documents 4-5
- Interview in Person 4-6
- Request Clarification 4-7
- Maintain Documentation 4-7
- Follow Order of Background Investigation 4-9
- Use Waivers Properly 4-9

Order of Background Investigation 4-10
- Order Specifics 4-10
- Recommended Order 4-11

© 2025, Texas A&M Engineering Extension Service. All rights reserved.

Waivers 4-17
Use of Waivers 4-17
Inappropriate Uses of Waivers 4-18
Correct Use of Waivers 4-19
References 4-22

Module 5: PHS Preliminary Work and Section Review 5-1

Preliminary Work Before PHS Submission 5-3
Applicant's Responsibility 5-3
Investigator's Responsibilities 5-4
Required Documents and Checklists 5-8
The Value 5-8
Background Investigation Checklists 5-8
Statutory Origin of Checklists 5-10
PHS Review by Section 5-18
Information to Collect and Evaluate 5-18
Section 1: Personal 5-21
Section 2: Relatives and References 5-22
Section 3: Education 5-25
Section 4: Residences 5-26
Section 5: Experience and Employment 5-28
Section 6: Military Experience 5-33
Section 7: Financial 5-34
Section 8: Legal 5-35
Criminal History and Offense Review 5-40
Section 9: Motor Vehicle Operation 5-47
Section 10: Social Media Sites 5-49
Section 11: Additional Space 5-51
Section 12: Certification 5-52
TCOLE and Agency Tools 5-53
PSR 5-53
TLOxp for Law Enforcement (TransUnion) 5-53
F5R 5-53
Personnel Files 5-55
TSS Request/Viewing of Files 5-55
NDI 5-57
Red Flag Review 5-58
Putting It All Together 5-58
Red Flag Review 5-60

© 2025, Texas A&M Engineering Extension Service. All rights reserved.

Activity 5-1: Applicant A's PHS Evaluation 5-62
Activity 5-2: Background Investigation for Applicant B 5-63
References 5-64

Module 6: Evaluate the PHS Results 6-1

Identify Early Indicators 6-3
Search for Early Indicators 6-3
Exit Points 6-4
Documentation Throughout 6-4
Determine Areas for Further Investigation 6-5
Address Verification 6-5
F5R 6-7
Reference Checks 6-8
Interviews with Other Agencies 6-11
Employment History 6-12
CCH 6-13
Court Records 6-14
TSS Request/Viewing of Files 6-15
NDI 6-16
Driver's License Query/TXDPS Driving Record 6-17
Financial Documents/Credit Report 6-17
Internet Footprint 6-18
Activity 6-1: CCH 01 6-19
Interpret Cumulative Results 6-20
Documentation 6-20
Cumulative 6-20
Activity 6-2: CCH 02 6-21
Activity 6-3: CCH 03 6-22
References 6-23

Module 7: Interview Process 7-1

Interview Technique 7-3
Purpose 7-3
Preparation 7-3
Engagement 7-4
Core Questions for References 7-5
Developing Additional Questions 7-9
Types of Interviews 7-9
Prior Supervisors/Coworkers/Subordinates 7-9
Family Members and Friends 7-17
Neighbors 7-21

© 2025, Texas A&M Engineering Extension Service. All rights reserved.

Other Potential Sources 7-25
Initial Stages of the Investigation 7-25
During Evaluation of Training and Education 7-26
Assessing Interpersonal Skills and Teamwork 7-26
When Red Flags Emerge 7-26
Investigating Inconsistencies 7-26
Exit Points 7-26
References 7-28

Module 8: Final Report 8-1

Documentation of Results 8-3
Recommendation to Proceed for Conditional Hiring 8-3
Recommendation not to Proceed 8-3
Directed to Proceed Regardless of Disqualification 8-4
Remaining Items 8-4
Medical Evaluation 8-4
Fingerprinting 8-6
Psychological Evaluation 8-8
Final Review/Documentation 8-9
View All Completed Documents with Checklist 8-9
Review by Chief Administrator 8-9
Appointment Process 8-10
Importance of Background Investigations 8-10
Activity 8-1: TCOLE Website Review 8-13

Appendix A: Glossary A-1

Appendix B: Acronyms B-1

Appendix C: Policies C-1

State of Texas Model Policy: Hiring Procedures C-3
Appointment Process Flowchart C-8

Appendix D: Forms D-1

Authority to Release Information (AOR) D-3
Background Confirmation Form D-4
Separation of Licensee (F-5) D-6
Employer Background Questionnaire for Employers D-7
Law Enforcement Agency Audit Checklist D-9
Personal History Statement (Blank) D-10

© 2025, Texas A&M Engineering Extension Service. All rights reserved.

© 2025, Texas A&M Engineering Extension Service. All rights reserved.

Module 0

Introduction

Terminal Objective

Upon successful completion of this module, participants will be able to participate in the course.

Enabling Objectives

1. Review course overview, schedule, and completion requirements.
2. Ask questions related to the course.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Module 1

Failure Impacts

Terminal Objective

Upon successful completion of this module, participants will be able to discuss the importance of background investigations meeting the minimum standards.

Enabling Objectives

1. Discuss the importance of carrying out background investigations in accordance with Texas state law and TCOLE administrative rules.
2. Identify potential risks and liabilities associated with negligent hiring.
3. Discuss common breakdowns that cause failure in background investigations.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Importance of Thorough Background Investigations

Texas Commission on Law Enforcement

In Texas, the administrative agency responsible for regulating law enforcement hiring is the Texas Commission on Law Enforcement (TCOLE). This 24-hour background investigations course represents merely one example of TCOLE's commitment to engaging their responsibility by training the background investigation process to those charged with carrying out those investigations in accordance with Texas state law and TCOLE administrative rules.

TCOLE defines a **background investigation** as an investigation completed by the enrolling or appointing entity into an applicant's personal history as set forth in 217.1 (b)(10). The goal of this training, summarily, is to teach background investigators to determine if the applicant meets minimum hiring standards and to detect and report any questionable past performance and conduct that an applicant has in their previous employment or personal history. Only through a complete, competent background investigation can a prospective employee be properly assessed as a viable employee. In this way, a law enforcement agency and its **chief administrator** (the head or designee of a law enforcement agency) can remain in compliance with TCOLE rules and Texas state law as outlined in Texas Occupations Code 1701.

Reeves v. Town of Cottageville

What should, or do, real-world failures look like to a determined, competent, and professional background investigator? A civil trial was held in federal court to hear a case in *Reeves v. Town of Cottageville*. The jury in this case found the police (both the department and the police officer) liable and awarded substantial monies in compensatory and punitive damages. The case involved a police shooting that ended the life of the former mayor of Cottageville. The officer who shot the former mayor is alleged to have acted in retaliation for the aggressive policing complaints the former mayor had filed against him. Relevant to the topic of this training are the factual assertions made by the trial judge about the officer in this case.

> In an earlier decision, the trial judge commented that evidence of the officer's departure from six other law enforcement agencies in seven years was 'obviously admissible' against him with respect to the claim that the town and police department negligently hired, retained, and

© 2025, Texas Commission on Law Enforcement. All rights reserved.

supervised the officer, and a claim for a municipal liability for violation of civil rights. This evidence, the court ruled, had a bearing on whether the municipal defendants properly evaluated the officer's credentials before hiring him. (AELE, 2024)

Wandering Officers

In 2024, the state of Texas has over 80,000 Licensed Peace Officers, close to 24,000 Licensed Jailers, and 9,000 Licensed Telecommunications Operators.

Of all of those licensed in the State of Texas, how many could reasonably be termed a "wandering officer?" According to Grunwald and Rappaport, wandering officers are "defined as officers who have been fired from a position in law enforcement or corrections before landing a law-enforcement job at another agency." Schulz describes a wandering officer as "a police officer who leaves one department after being terminated for misconduct or under a disciplinary cloud, and secures employment in another law-enforcement agency."

Research finding from Grunwald and Rappaport on wandering officers is concerning. Wandering officers are often able to be hired again, many times within the same state of the agency they were fired from. The agencies that wandering officers usually find employment with are often smaller, with fewer resources than the agencies who discharged them. Another troubling findings are wandering officers are usually more likely to be fired a second time compared to rookies or veterans, meaning their misconduct continues to be problematic for their new agencies. It stands to reason that if a prospective officer (applicant) has had past performance problems, serious disciplinary problems, or a criminal history, it would be up to the background investigator to detect it, document it, and bring it to the attention of the hiring manager or chief administrator.

Grunwald and Rappaport recognize that state law generally regulates the process by which agencies hire officers. If background investigators are performing well, in keeping with TCOLE administrative rules and Texas state law, they will do much to ensure that wandering officers will not thrive within the ranks of Texas peace officers.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Risks and Liabilities

Civil Liability

Every background investigator should possess a solid grasp of a few key concepts and terminology relating to liability. Recognizing the potential legal ramifications of conducting an inadequate investigation should serve as an ample incentive for maintaining a diligent focus on competency.

Recall the discussion about *Reeves v. Town of Cottageville*. Civil liability is about money awarded to those harmed. In this case, money was awarded to the descendent's children. The jury awarded $7.5 million in compensatory damages and $90 million in punitive damages. Of the punitive damages awarded, the Town of Cottageville was responsible for $60 million, while the officer who killed the former mayor was responsible for $30 million.

Within the realm of civil liability, there are two types of liability: direct and vicarious liability. **Direct liability** refers to an officer being held responsible for his or her own actions. **Vicarious liability** in civil actions refers to supervisors, managers, and administrators being liable for actions of one of their officers. While supervisors and administrators "cannot be held liable just because they employed the person who acted unlawfully," if certain circumstances exist, police leaders may be held liable: "Some courts have held supervisors liable in their individual capacities, even if they did not 'personally participate' in the unconstitutional act committed by their subordinate." There are several categories of vicarious liability that have been established through case law, we will focus specifically on the category referred to as Negligent Hiring.

Negligent Hiring

Negligent Hiring refers to the liability that police leaders have if they do not take reasonable steps to ensure those who they hire are fit for duty as police officers. Beyond state law mandates, the risk of civil liability (due to negligent hiring) is a major reason for what some may describe as incredibly stringent hiring practices and requirements for police officers.

"The courts have held that an employer must exercise a reasonable standard of care in selecting persons who, because of the nature of their employment (such as policing), could present a threat of injury to members of the public." In following, if a "plaintiff's injury was an obvious and direct consequence of a bad hiring decision on part of an agency," then the agency can be held liable under Section 1983. This

© 2025, Texas Commission on Law Enforcement. All rights reserved.

decision was made in *Board of the County Commissioner of Bryan County v. Brown* (1997), where it was found that the "officer was hired by a local police department after it was discovered that the officer lied on his original application and had been convicted of several misdemeanors (assault and battery, resisting arrest, and public drunkenness)" (Swanson et al, 2005, p. 554).

> **Note: Convicted** is when one has been adjudged guilty of or has had a judgment of guilt entered in a criminal case that has not been set aside on appeal, regardless of whether: the sentence is subsequently probated and the person is discharged from probation; the charging instrument is dismissed and the person is released from all penalties and disabilities resulting from the offense; or the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence.

In order to get a sense of vast expanse of risk involved in negligent hiring, it is helpful to review the case summaries compiled by AELE (https://www.aele.org/law/Digests/civil140.html). While you are reviewing case summaries, it is worthwhile to imagine how many of these types of cases can be avoided in the future, in your agency, if background investigations were to be complete and competent.

Monell Principle

The U.S. Supreme Court's decision in *Monell v. Department of Social Services* (1978) established that municipalities and local governments can be sued under Section 1983 of the Civil Rights Act for violations of civil rights. This pivotal ruling overturned the earlier *Monroe v. Pape* decision, which had granted immunity to municipalities from such lawsuits. The Court found that a local government can be held accountable if the unconstitutional action stems from an official policy or custom. However, it also clarified that municipalities are not liable under Section 1983 solely because they employ someone who committed a wrongful act (respondeat superior). This case created the "Monell liability" principle, ensuring that local governments could be held responsible for policies and practices leading to constitutional violations.

The case originated when female employees of New York City's Department of Social Services filed a lawsuit challenging a mandatory maternity leave policy, arguing it violated their constitutional rights. The Supreme Court's decision allowed these claims to proceed against the municipality. To succeed in a Section 1983 claim under Monell, a plaintiff must demonstrate two key elements: (1) the existence of an official policy or custom that caused the constitutional violation, and (2) that this policy or custom was the driving force behind the violation.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

The U.S. Supreme Court's decision in *Board of County Commissioners of Bryan County v. Brown* (1997) clarified the standards for municipal liability under section 1983 Civil Rights Act. The Court determined that a county could be held responsible for inadequate hiring practices if it was shown that the failure to properly screen an employee exhibited "deliberate indifference" to the risk of potential constitutional violations. This decision expanded on the "Monell liability" principle by requiring a direct casual connection between the municipality's action and the alleged constitutional violation.

Board of County Commissioners of Bryan County v. Brown

The case began when Jill Brown filed a lawsuit against Bryan County after being injured during an arrest by a deputy sheriff known for violent behavior. Brown argued that the county was liable for hiring the deputy without adequate background checks. The Supreme Court concluded that to hold the county liable, it must be proven that the inadequate screening of the employee was so flawed that it demonstrated a deliberate disregard for the likelihood of constitutional violations.

To win a Section 1983 claim under the ruling in *Board of County Commissioners of Bryan County v. Brown*, plaintiffs must prove two essential elements: (1) that the municipality's hiring decision directly caused the constitutional injury and (2) that the hiring practice showed a deliberate indifference to the obvious risk of constitutional violations occurring as a result.

Criminal Liability

Key Documents

Beyond the civil liability that may come as a result of a poorly conducted background investigation, you would be well-advised to understand the criminal liability that both you (as a background investigator) and your chief administrator (or the chief administrator's designee along with the chief administrator) can incur as a result of a poorly conducted background investigation.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Both the Background Confirmation Form (BCF) and the TCOLE Appointment Application (L-1) are governmental records, as defined in Texas Penal Code 37.01 as follows.

(2) "Governmental record" means:

(A) anything belonging to, received by, or kept by government for information, including a court record;

(B) anything required by law to be kept by others for information of government;

(C) a license, certificate, permit, seal, title, letter of patent, or similar document issues by government, by another state, by the United States, or by a foreign government engaged in a reciprocal treaty or memorandum of understanding with the United States;

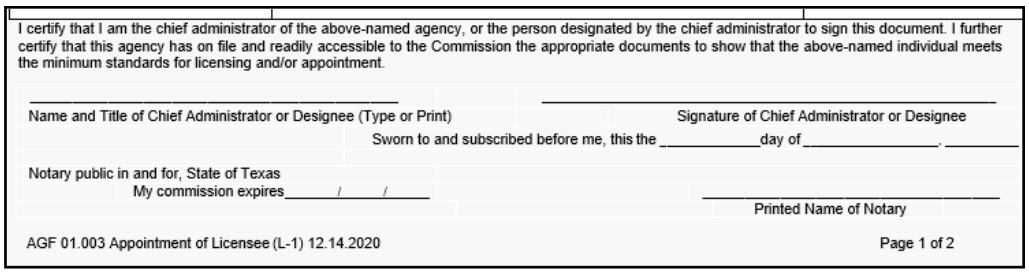
(D) a standard proof of motor vehicle liability insurance form described by Section 601.081, Transportation Code, a certificate of an insurance company described by Section 601.083 of that code, a document purporting to be such a form or certificate that is not issued by an insurer authorized to write motor vehicle liability insurance in this state, an electronic submission in a form described by Section 502.046(i), Transportation Code, or an evidence of financial responsibility described by Section 601.053 of that code;

(E) an official ballot or other election record;

(F) the written documentation a mobile food unit is required to obtain under Section 437.0074, Health and Safety Code; or

(G) a temporary tag issued under Chapter 502 or 503, Transportation Code.

At the bottom of the L-1 (Figure 1.1) and BCF (Figure 1.2) are factual assertions being attested to by the chief administrator or designee.



I certify that I am the chief administrator of the above-named agency, or the person designated by the chief administrator to sign this document. I further certify that this agency has on file and readily accessible to the Commission the appropriate documents to show that the above-named individual meets the minimum standards for licensing and/or appointment.

_____ _____

Name and Title of Chief Administrator or Designee (Type or Print) Signature of Chief Administrator or Designee

Sworn to and subscribed before me, this the _____day of _____. _____

Notary public in and for, State of Texas

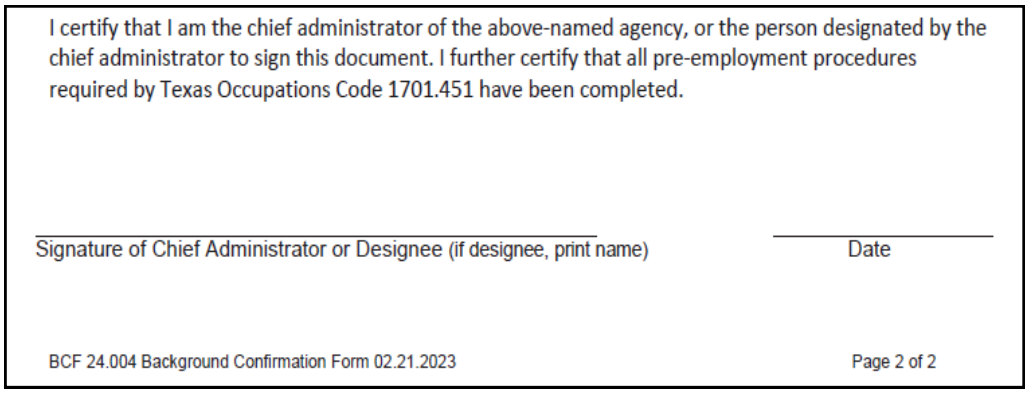
My commission expires_____/_____/_____ _____

Printed Name of Notary

AGF 01.003 Appointment of Licensee (L-1) 12.14.2020 Page 1 of 2

Figure 1.1: L-1 Assertation

© 2025, Texas Commission on Law Enforcement. All rights reserved.



I certify that I am the chief administrator of the above-named agency, or the person designated by the chief administrator to sign this document. I further certify that all pre-employment procedures required by Texas Occupations Code 1701.451 have been completed.

Signature of Chief Administrator or Designee (if designee, print name) Date

BCF 24.004 Background Confirmation Form 02.21.2023 Page 2 of 2

Figure 1.2: BCF Assertation

If the assertions attested to are found to be false, the person who signed the form (along with the chief administrator, if the person signing is a designee) may be held responsible in accordance with the Texas Penal Code 37.10.

You will also find the following attestations (Figure 1.3 and Figure 1.4) on page two of the L-1.



SECTION I: Applicant for new license:

I, the undersigned, attest that I have received a copy of and read Commission Rule 217.1, Minimum Standards for Initial Licensure. I further attest that I meet all requirements for initial licensure as outlined by Commission Rule 217.1.

I am fully aware that this application is a government document and, under penalties of perjury, I declare the foregoing information to be true and correct.

Signature of Applicant or License Holder ____/____/____ Date

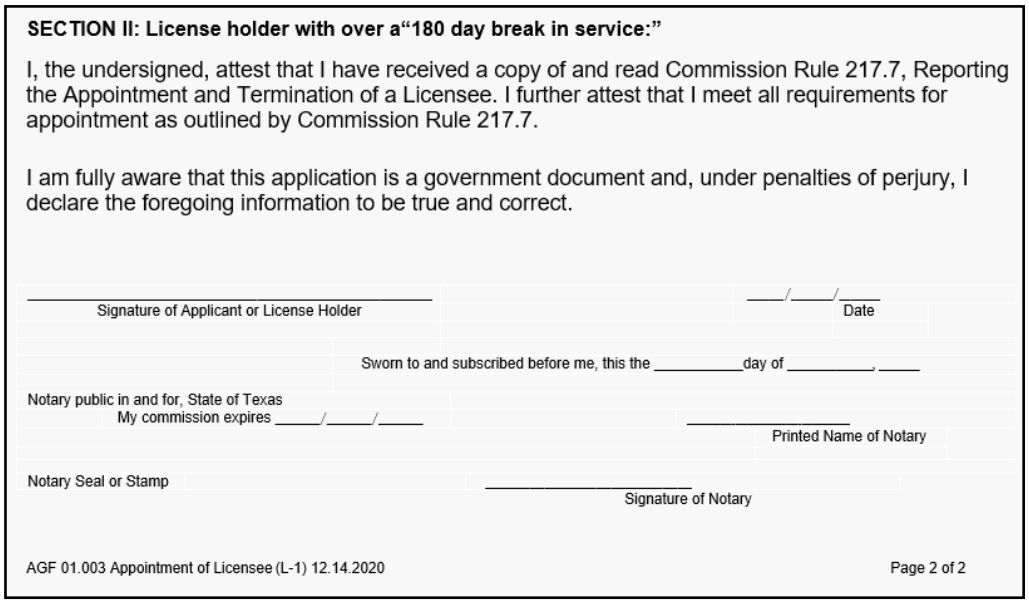
Sworn to and subscribed before me, this the _____day of _____, ____

Notary public in and for, State of Texas
My commission expires _____/_____/_____ _____ Printed Name of Notary

Notary Seal or Stamp _____ Signature of Notary

Figure 1.3: L-1 Attestation for New License

© 2025, Texas Commission on Law Enforcement. All rights reserved.



SECTION II: License holder with over a"180 day break in service:"

I, the undersigned, attest that I have received a copy of and read Commission Rule 217.7, Reporting the Appointment and Termination of a Licensee. I further attest that I meet all requirements for appointment as outlined by Commission Rule 217.7.

I am fully aware that this application is a government document and, under penalties of perjury, I declare the foregoing information to be true and correct.

_____ ____/____/____
Signature of Applicant or License Holder Date

Sworn to and subscribed before me, this the _____day of _____, _____

Notary public in and for, State of Texas
My commission expires _____/_____/_____ _____
Printed Name of Notary

Notary Seal or Stamp _____
Signature of Notary

AGF 01.003 Appointment of Licensee (L-1) 12.14.2020 Page 2 of 2

Figure 1.4: L-1 Attestation for Break in Service

Record Tampering

These are areas that are reviewed when investigating criminal allegations.

PC Sec. 37.10. Tampering with Government Record

(a) A person commits an offense if he:

(1) knowingly makes a false entry in, or false alteration of, a governmental record;

(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;

(3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;

(4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;

(5) makes, presents, or uses a governmental record with knowledge of its falsity; or

(6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(b) It is an exception to the application of Subsection (a)(3) that the governmental record is destroyed pursuant to legal authorization or transferred under Section 441.204, Government Code. With regards to the destruction of a local government record, legal authorization includes compliance with the provisions of Subtitle C, Title 6, Local Government Code.

(c)

(1) Except as provided by Subdivisions (2), (3), (4), (5), and (6), and by Subsection (d), an offense under this section is a Class A misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony.

(2) An offense under this section is a felony of the third degree if it is shown on the trial of the offense that the governmental record was:

(A) a public school record, report, or assessment instrument required under Chapter 39, Education Code, data reported for a school district or the Public Education Information Management System (PEIMS) described by Sections 48.008 and 48.009, Education Code, under a law or rule requiring that reporting, or a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States, unless the actor's intent is to defraud or harm another, in which event the offense is a felony of the second degree;

(B) a written report of a medical, chemical, toxicological, ballistic, or other expert examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action;

(C) a written report of the certification, inspection, or maintenance record of an instrument, apparatus, implement, machine, or other similar device used in the course of an examination or test performed on physical evidence for the purpose of determining the

© 2025, Texas Commission on Law Enforcement. All rights reserved.

connection or relevance of the evidence to a criminal action; or

(D) a search warrant issued by a magistrate.

(3) An offense under this section is a Class C misdemeanor if it is shown on the trial of the offense that the governmental record is a governmental record that is required for enrollment of a student in a school district and was used by the actor to establish the residency of the student.

(4) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the governmental record is a written appraisal filed with an appraisal review board under Section 41.43(a-1), Tax Code, that was performed by a person by a person who had a contingency interest in the outcome of the appraisal review board hearing.

(5) An offense under this section is a Class B misdemeanor if the governmental record is an application for a place on the ballot under Section 141.031, Election Code, and the actor knowingly provides false information under Subsection (a)(4)(G) of that section.

(6) An offense under this section is a Class A misdemeanor if the governmental record is a temporary tag issued under Chapter 502 or 503, Transportation Code.

(d) An offense under this section, if it is shown on the trial of the offense that the governmental record is described by Section 37.01(2)(D), is:

(1) a Class B misdemeanor if the offense is committed under Subsection (a)(2) or Subsection (a)(5) and the defendant is convicted of presenting or using the record;

(2) a felony of the third degree if the offense is committed under:

(A) Subsection (a)(1), (3), (4), or (6); or

(B) Subsection (a)(2) or (5) and the defendant is convicted of making the record; and

(3) a felony of the second degree, notwithstanding Subdivisions (1) and (2), if the actor's intent in committing the offense was to defraud or harm another.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(e) It is an affirmative defense to prosecution for possession under Subsection (a)(6) that the possession occurred in the actual discharge of official duties as a public servant.

(f) It is a defense to prosecution under Subsection (a)(1), (a)(2), or (a)(5) that the false entry or false information could have no effect on the government's purpose for requiring the governmental record.

(g) A person is presumed to intend to defraud or harm another if the person acts with respect to two or more of the same type of governmental records or blank governmental record forms and if each governmental record or blank governmental record form is a license, certificate, permit, seal, title, or similar document issued by government.

(h) If conduct that constitutes an offense under this section also constitutes an offense under Section 32.48 or 37.13, the actor may be prosecuted under any of those sections.

(i) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.

(j) It is not a defense to prosecution under Subsection (a)(2) that the record, document, or thing made, presented, or used displays or contains the statement "NOT A GOVERNMENT DOCUMENT" or another substantially similar statement intended to alert a person to the falsity of the record, document, or thing, unless the record, document, or thing displays the statement diagonally printed clearly and indelibly on both the front and back of the record, document, or thing in solid red capital letters at least one-fourth inch in height.

Perjury

You will find, in both excerpts, the words "under penalty of perjury." Perjury is defined in the Texas Penal Code:

Sec. 37.02. Perjury

(a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning:

(1) he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath; or

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(2) he makes a false unsworn declaration under Chapter 132, Civil Practice and Remedies Code.

(b) An offense under this section is a Class A misdemeanor.

Another clue to look for when determining which signatures someone may be held accountable for are those signatures that are followed by a notary public confirmation of who is signing the document. On the L-1, there are three notary public confirmation locations.

Common Breakdowns

For background investigators to succeed, and not have their investigations come back to haunt them, they should work through investigations as TCOLE administrators would. What follows are the categories of problems (deficiencies) TCOLE administrators have found with background investigations, what specific problems have been discovered, and how you can avoid these problems in your investigations.

Poorly Informed Decisions

Phone Calls Only

Several problems can occur when investigators conduct their entire background investigation by phone.

It can be harder to reach people by phone. If you schedule an in-person meeting, you should be able to meet with the person you arranged the meeting with instead of playing phone tag with them over a period of days or weeks.

In-person communications are always superior to communications over the phone. You will get more honest, complete, and accurate information when meeting with people in person. In most instances, your presence will lead to more in-depth conversations, and you are more likely to turn up important details that might not be volunteered over the phone.

When you visit a location in person, you are also more likely to get useful input from several people. Phone calls generally limit you to speaking only with the person you called.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Phone calls always create the small possibility that you are not speaking with the person you believe that you are. For example, one officer routinely had his girlfriend pose as a manager at a prior employer. Not only was she not a prior employer, but the company he claimed to have worked for also did not exist.

Phone calls alone will not meet some requirements of rule and law. For example, you cannot review files over the phone.

Not Viewing Files

The Texas Occupations Code requires that an agency obtain and review "personnel files and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer" before hiring a **licensee** (an individual holding a license issued by the commission).

Your compliance with this rule is documented through the completion of a BCF. In the past, some background investigators and their chief administrators completed and signed the form even though they only made phone calls to the previous law enforcement agency employer.

In instances like this, both the investigator and the chief administrator are at risk of action against their license for failing to conduct a complete background investigation. Worse, they could be exposed to criminal liability for lying on the BCF, a sworn government document.

Quick Hires

Almost anyone who has participated in the process of hiring new employees can think of employees who seemed great during interview but turned out to be a disaster once hired. In many cases, with the benefit of hindsight, we can see "red flags" that we should have paid more attention to during the background and hiring process.

Everyone involved in the hiring process needs to be aware, and regularly reminded, of the tendency to place too much emphasis on how much you liked a candidate during an interview. Instead of deciding to hire someone at the end of an interview and conducting a cursory background to confirm the decision, an interview should only result in the selection of a candidate to move to the next step in the process.

Although the hiring process can take longer, breaking it into distinct and separate segments, such as application, interview, background, and hiring, helps maintain the integrity of the system. Success in each segment should be based on consistent process and standards that do not change for particular candidates.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Most importantly, if you are faced with the questions "Do you want it done quickly, or do you want it done correctly?", you must take the time that is required to complete the process correctly. It is generally far more complex and time-consuming to terminate a bad hire than it would have been to invest a little more in the background process.

Failure to Identify Disqualifiers

It is the background investigator's responsibility to determine if the applicant meets minimum hiring standards and to detect and report any questionable past performance and conduct that an applicant has in their previous employment or personal history. Only through a complete, competent background investigation can an applicant be properly assessed as a viable employee. You cannot conduct a complete, competent background investigation if you:

- cannot determine if conduct or a set of circumstances constitutes a disqualifier;
- do not know and understand the rules and laws that outline disqualifiers;
- do not know and understand the rules and laws that outline minimum standards; or
- do not understand whose responsibility it is to ensure that an applicant is qualified to receive a TCOLE license.

Not Assessing Properly

If you cannot determine if an answer response on an applicant's Personal History Statement (PHS), entries on an applicant's criminal history, or documentation from a previous employer constitute a disqualifier or evidence that an applicant does not meet minimum requirements for a TCOLE license, then you are not yet equipped with the knowledge base needed to competently complete a background investigation. Beyond the rules and state laws you are required to comply with, you have to want to find what someone may not be willing to share.

Real-World Example

Information provided on the applicant's PHS reveals a list of references, all of whom have only known him for fewer than five years. The investigator notices that he is approaching 10 years since he graduated high school. Also, on the marijuana admission section of the PHS, the applicant stated that he "tried it once but didn't like it." Both items are concerns, but not enough information to be disqualifiers or ignored.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Below is the relevant part of the conversation led by the investigator with the applicant:

> Investigator: "Who did you run with in high school? What is his name?"
>
> Applicant: "John, but I have no idea how to get in touch with him. It has been years since we hung out."

Below is part of the conversation led by the investigator with the applicant's siblings.

> Investigator: "I'm having trouble getting in touch with John, the applicant's friend. Do you hang out with him? Could you help me get in touch with him?"
>
> Sister: "I haven't talked with him recently, but he lives across the street from my mom. I'm sure she could help."

During the interview with friend, it was clear they were still in routine contact. The friend spoke on how great of a job he believed the applicant would do as a police officer. Below is an excerpt of the conversation with the friend.

> Investigator: "Can you verify the applicant's alcohol and drug admissions?"
>
> Friend: "Nah, he doesn't do much of that stuff."
>
> Investigator: "Until I am able to verify what he wrote on his PHS about that stuff, your friend will not be able to pass the background investigation. Can you help with that?"
>
> Friend: "Sure, tell me what he told you and I will verify it."
>
> Investigator: "I can't do that, but I can ask you some questions in relation to it, and as long as it matches, your friend will pass. Are you good with that?"
>
> Friend: "Okay, what do you want to know?"
>
> Investigator: "How much alcohol does he drink?"
>
> Investigator: "What about the other stuff?"
>
> Friend: "You mean the cocaine?"
>
> Investigator: "Yeah, the cocaine."
>
> Friend: "Oh yeah, we've used it together a couple times, like just to get that extra kick."

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Not Knowing the Rules

The best way to ensure that you are following the rules, simply, is to learn the rules relevant to your responsibilities as a background investigator. The following TCOLE rules and provisions of the Texas Occupations Code 1701 will do one or more of the following for you as you work through your background investigations:

- Inform you on your responsibilities as a background investigator
- Give you cues on what information you should ask for to verify information in the PHS
- Inform you where that information may reside as you begin your next investigation

The following is a list of those rules and state laws that you will want to reference. Also, while these laws and TCOLE rules will be examined in depth in Module 3, you will see them referenced when relevant throughout this training.

TCOLE Rules

211.19. Forms and Applications.

211.26. Law Enforcement Agency Audits.

211.27. Reporting Responsibilities of Individuals.

211.29. Responsibilities of Agency Chief Administrators.

217.1. Minimum Standards for Enrollment and Initial Licensure.

217.3. Application for License and Initial Report of Appointment.

217.5. Denial and Cancellation.

217.7. Reporting Appointment and Separation of a Licensee.

217.8. Contesting an Employment Termination Report.

223.18. Suspension Following Felony Arrest.

223.19. License Revocation.

Texas Occupations Code 1701

Sec. 1701.303. License Application; Duties of Appointing Entity

Sec. 1701.306. Psychological and Physical Examination

Sec. 1701.310. Appointment of County Jailer; Training Required

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Sec. 1701.312. Disqualification: Felony Conviction or Placement on Community Supervision

Sec. 1701.313. Disqualification: Conviction of Barratry

Sec. 1701.501. Disciplinary Action

Sec. 1701.502. Felony Conviction or Placement on Community Supervision

Sec. 1701.503. Barratry Conviction

Sec. 1701.507. Administrative Penalties

Disqualifications to Hiring

There are two disqualifiers specifically mentioned in Texas Occupations Code 1701 twice: felony conviction and barratry. The sections are:

Sec. 1701.312. Disqualification: Felony Conviction or Placement on Community Supervision

Sec. 1701.313. Disqualification: Conviction of Barratry

Those same two disqualifiers are mentioned later in Texas Occupations Code 1701 as justification for immediate revocation of one's TCOLE license:

Sec. 1701.502. Felony Conviction or Placement on Community Supervision

Sec. 1701.503. Barratry Conviction

Certainly, if it is important enough to be mentioned twice in Texas Occupations Code 1701, then it is important enough for a background investigator to ensure that an applicant has not been convicted of a felony or barratry.

Not Meeting Minimum Standards

Incorrect Interpretation

There is a common problem with agencies not applying the rules correctly. For example, they think if a Computerized Criminal History (CCH) shows a case was dismissed, then they can hire the person. However, the rules prohibit licensure if someone has ever been on court-ordered community supervision or probation, even if the case did

© 2025, Texas Commission on Law Enforcement. All rights reserved.

not ultimately result in a conviction. *If it was dismissed after deferred adjudication, it is still a disqualifier.* You must read both the relevant rules (217.1) and the associated definitions (211.1) and then apply them correctly to the court documents related to that particular criminal charge.

> **Note: Community supervision** is any court-ordered community supervision or probation resulting from a deferred adjudication or conviction by a court of competent jurisdiction. However, this does not include supervision resulting from a pretrial diversion.

Not Utilizing Best Practices

Some agencies run a CCH and then appoint someone. However, the rules require that an applicant "is fingerprinted and is subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record." TCOLE often identifies cases where an appointing agency sent an applicant to get fingerprinted days or weeks after appointment only to find Texas Department of Public Safety (DPS) returned a disqualifying arrest because they ran or read the CCH wrong. *Fingerprint-based background checks must be done before appointment.*

Wrongly Placed Responsibility

TCOLE Approval

Some people assume that because the applicant has a license, conduct that occurred before licensure must be acceptable and in compliance with TCOLE licensure, or they would not have been issued the license. You cannot assume that just because someone got a license or was previously appointed that they are qualified and meet all TCOLE rule requirements. *You must conduct your own thorough and independent investigation. Do not rely on another agency to approve their fitness for licensure.*

L-1 Approval

There is also a problem with agencies assuming that if they submit a form and TCOLE accepts it, that the form must have been approved. You should confirm that appointments, separations, and other Texas Commission on Law Enforcement Data Distribution System (TCLEDDS) submissions are processed. TCLEDDS will allow you to enter an email address so the system notifies you of the outcome. It is ultimately the chief administrator's responsibility to ensure approval is confirmed.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Note: Separations are an explanation of the circumstances under which the person resigned, retired, or was terminated, reported on the form currently prescribed by the commission, in accordance with Texas Occupations Code, 1701.452.

Chief Administrator

The chief administrator is ultimately responsible for *all* appointments. They can claim that they trusted their investigator or did not read a CCH, but if they sign the form or have a designee sign the form, it is still all their responsibility in the end. This is clear in the rules (Texas Administrative Code 211.29).

City and County Attorneys

If you are going to consult with city and/or county attorneys about an applicant's eligibility, they need to know TCOLE rules and Texas Occupations Code Chapter 1701.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

References

"Damages: Punitive Individual," AELE Library of Case Summaries from the Law Enforcement Liability Reporter: Civil Liability of Law Enforcement Agencies & Personnel, July 16, 2024. https://www.aele.org/law/Digests/civil38.html.

Grunwald, Ben, and Rappaport, John, "The Wandering Officer," *The Yale Law Journal* no. 129 (2020): 1676-1782.

Schulz, Dorothy, "Wandering Cops: How States can Keep Rogue Officers from Slipping Through the Cracks", *Manhattan Institute* (March 2022). https://manhattan.institute/article/wandering-cops-how-states-can-keep-rogue-officers-from-slipping-through-the-cracks.

Texas Commission on Law Enforcement. "Current Statistics." July 16, 2024. https://www.tcole.texas.gov/content/current-statistics.

Texas Commission on Law Enforcement. *Statutes and Rules Handbook*. September 1, 2024. https://www.tcole.texas.gov/document/tcole-handbook-2024.pdf.

WCSC Television. "Cottageville Cop Who Killed Former Mayor Laid Off." July 16, 2024. https://www.live5news.com/story/15444454/cottageville-cop-who-killed-former-mayor-laid-off/.

"Civil Liability for Failure to Protect The Motoring Public and Pedestrians," *AELE Monthly Law Journal* (2018). https://www.aele.org/law/2018all10/2018-10MLJ101.pdf.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Module 2

Legislation Impacts

Terminal Objective

Upon successful completion of this module, participants will be able to discuss the overall impacts legislation has had on the background investigation process.

Enabling Objectives

1. Discuss the history of problematic processes in background investigations.
2. Describe legislative changes for background investigations.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

History

Background investigations have long been held as an integral part of the hiring process for law enforcement agencies. To ensure agencies across the state are hiring the most qualified candidates, lawmakers have continued to work to better the process through statutes and rules. These legislation impacts have occurred over time and are continually being evaluated in order to best support those in the hiring positions, such as you and your chief administrators. To better understand the current regulations and statutes, it is important to be knowledgeable on why these changes were made in the first place.

Senate Bill 24

During the 87th regular session of the Texas Legislature, Senator Joan Huffman proposed a bill intended to change the preemployment procedure for peace officers, jailers, and telecommunicators. Her bill, later adopted as Senate Bill 24 (SB 24), raised the minimum standard for background investigations on licensees who had previously been appointed with another law enforcement agency.

Although there were several factors that spurred this effort, the primary focus was clearly on addressing the previously discussed wandering officers. It had become clear that the F5 discharge status, which documented that an officer had previously separated honorably, generally, or dishonorably from an agency, was not enough to make informed hiring decisions. Worse, the discharge status, for various reasons to be discussed later, was not always an accurate indicator of the true nature of the licensee's work and separation.

The changes brought about by SB 24 not only increased the amount of information that a chief administrator had to review and consider before appointing a licensee, but it also brought new reporting and documentation requirements. Agencies became responsible for establishing that the requirements were met, when they were met, and who signed off. This meant that chief administrators and background investigators could be disciplined if the process broke down or the requirements were not fully satisfied prior to appointment.

Prior to this bill, agencies wishing to hire a licensee who had previously worked for another agency had to complete a TCOLE F5R form. This form showed them the final discharge status with each previous employing agency. The new agency would then need to contact someone at that prior agency, generally by phone, and make inquiry about the past employment. TCOLE investigators found that these were often very brief calls, sometimes with Human Resources (HR) staff,

© 2025, Texas Commission on Law Enforcement. All rights reserved.

that were often limited to confirming dates of employment and sometimes inquiring if the licensee was eligible for rehire.

The changes from SB 24 required an agency that wished to hire a licensee who had previously been appointed with another agency to obtain and review that licensee's files from each of the previous employers. Recognizing the burden that this could create for some agencies in such a geographically large state, the bill required TCOLE to build an electronic transfer portal to facilitate the sharing of those records online. TCOLE executed that requirement with the development of the TCOLE Secure Share (TSS) portal.

Chief administrators were required to document that their agency had conducted this records review, either online through the TSS portal or in person, before appointing a licensee who had prior service. Chief administrators did this by signing and submitting a BCF to TCOLE. The BCF had to be reviewed and approved by TCOLE before the Chief Administrator's Appointment Application form (L-1) could be processed.

As agencies began to implement these changes, wandering officers in Texas gained a new level of public scrutiny. Nonprofit Texas 2036, a nonpartisan public policy research and advocacy organization, studied the operations and oversight of the Texas Commission on Law Enforcement alongside the Sunset Advisory Commission, a legislative commission tasked with identifying and eliminating waste, duplication, and inefficiency for more than 130 Texas state agencies.

Both groups raised concerns with the ongoing problem of wandering officers. Their concerns were highlighted by news stories surrounding the appointment of a San Antonio police officer who had been indefinitely suspended for giving a feces sandwich to a homeless person. His suspension was later overturned on a civil service technicality, but he received a second indefinite suspension for a separate, unrelated feces incident.

This same officer, who was terminated in 2015 by San Antonio PD, was appointed by Floresville Police Department in 2020. The media had written dozens of stories about his misconduct in San Antonio around the 2016 discipline. When the media finally became aware that he had been appointed with another agency, they immediately began making inquiries. The Floresville city manager, who was hired after the officer was appointed with the police department, vowed a review of their background and hiring process. He noted that past the records check on licensing, he was unsure of the department's level of online scrutiny of the candidate.

This was just one of many cited examples of problematic officers being hired by small agencies despite questionable backgrounds.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

F5 Discharge Status

Appeal Discharge Status

As you probably know, anytime a licensee separates from an agency and receives a less-than-favorable discharge status, the licensee has the option of appealing their discharge status. When the licensee appeals a discharge status, the employer that issued the discharge status designation has the burden of establishing the reason for the less-than-favorable discharge status.

Now, the Discharge Status Appeal Process is certainly necessary to ensure that anyone who receives a less-than-favorable discharge status can get a second set of eyes on the decision and ensure that second set of eyes is objective. Having said that, regardless of the nature of the reason for appeal, when considering a new applicant with past service at another agency, it is worth considering that an honorable discharge from a prior employer may not have always been an honorable discharge.

Several scenarios can precipitate the issuance of an honorable discharge (upgraded from a less-than-favorable discharge status) while still representing a concern for a background investigator.

- The applicant may have been issued a less-than-favorable discharge status, but the applicant successfully appealed the status and had it amended (meaning the employee deserved to receive honorable discharge in the first place).
- An agency fails to fully investigate or fully document the wrongdoing, which can cause the State Office of Administrative Hearing (SOAH) to amend a discharge status.
- The agency decides that pursuing the appeal is a waste of time or resources, especially if the employee has already left the department. This can also happen when there is a change in the agency's chief administrator.
- The applicant may have resigned under an agreement or condition that he/she would be given an honorable discharge status even though there were questionable circumstances.

Appealing a discharge can be the result of any number of circumstances that fall into any of these four categories. Regardless, it is your responsibility to determine the truth about each separation so that your chief administrator can make an informed decision about the applicant's viability as a prospective employee. Let's take a closer look at all four scenarios.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Successful Appeal

If you come across an applicant who has prior law enforcement service and has successfully appealed a less-than-favorable discharge status, this scenario is highly advantageous from the background investigator's viewpoint. This is because it increases the likelihood of gaining a comprehensive understanding of the circumstances surrounding their separation. Furthermore, in this scenario, the applicant is more inclined to openly discuss the facts with you. This, however, is only the best scenario for the background investigator when they invest the time and energy to ask the questions necessary, actively listen to the applicant, and take good notes. You want to have enough information about the separation in your summary for your chief administrator to make an informed decision.

Failure to Investigate or Document

When an agency fails to fully investigate or fully document the wrongdoing that led to the issuance of a less-than-favorable discharge status, the SOAH can amend the discharge status. It is crucial for the background investigator to determine why SOAH awarded the discharge status. Your goal should be to determine if the award from SOAH was because the applicant should have been exonerated in the first place or if the award was due to the department failing to either investigate or fully document the wrongdoing that led to the less-than-favorable discharge. While you will have to investigate this event thoroughly, a cue to which you are dealing with is the candor with which the applicant discusses the underlying conduct. If the applicant is not as candid as he/she could be with you about the underlying conduct, you may find that the SOAH award was due to the department not fully investigating or fully documenting the circumstances leading to the separation and less-than-favorable discharge status.

Not Defending Status

If the prior employer does not show up for the SOAH hearing, the licensee gets a default judgment and an honorable discharge status. Similarly, if they choose not to participate in the process by not responding to the notice of appeal (not providing documents or a witness list to justify the grounds for the less-than-honorable discharge status), the licensee will receive a default judgment and an honorable discharge status.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

This occurred recently with the Uvalde ISD police chief. He was given a general discharge following the school shooting, but he appealed, and the district failed to respond, so his discharge designation was upgraded to honorable. This change brought scrutiny through the national media and the school district ultimately appealed and was able to return him to a general discharge status; however, changes like this are exceedingly rare and, in this case, only occurred due to the spotlight on the Uvalde CISD tragedy.

The practice of ignoring appeals to discharge status is not unique to the Uvalde ISD police chief account. One municipality terminated a sworn employee because of an administrative investigation and sustained allegation initiated by an interim police chief. The administrative action was taken after the interim chief's service contract expired. After hiring an interim city manager and a new police chief, TCOLE notified the police department that the sworn employee filed an appeal to amend his less-than-favorable discharge status. The new police chief, acting at the direction of the city manager, chose to ignore the request to make available supporting documentation and a witness list to SOAH. The city manager's justification was that the interim chief and sworn employee were both gone, so it was not their problem anymore. If this occurs during one of your investigations, the next steps to take—such as contacting SOAH and/or your Field Service Agent (FSA)—will be discussed in subsequent modules.

Resignation Agreement

Not many years ago, a detective in a small municipality's police department was the subject of an administrative investigation for a serious policy violation. For the sustained allegation, he was facing possible termination. The department's police chief received a phone call from the employee's attorney with a simple offer. The employee, through his attorney, offered to resign that day if the chief promised to let him leave with a "clean" (honorable discharge status) F5. The chief replied that it was the chief's belief that TCOLE required him to be honest on the F5 forms, so he was in no position to honor a request to lie on the F5. Doing the right thing is often neither easy nor quick.

TCOLE investigators routinely receive information about licensees who were accused of misconduct or wrongdoing and were allowed to resign in lieu of being investigated. In some cases, they even negotiated an honorable discharge despite evidence to the contrary.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

As a background investigator, your responsibility is to uncover such circumstances. If you want to make sure that you are hiring someone who is not the recipient of a deal or arrangement to keep their record "clean," you will be well-served to find several co-workers and other employees and ask them questions to confirm the circumstances surrounding that resignation.

The Sunset Advisory Commission

In the 88th legislative session, Senator Angela Paxton brought Senate Bill 1445. This TCOLE Sunset Bill brought a host of changes to the operation of the Texas Commission on Law Enforcement, many of them based on the review and recommendations of the Sunset Advisory Commission.

One of the often-repeated concerns of the Sunset Advisory Commission and Texas 2036 was how unreliable the F5 discharge status could be. Because agencies had to obtain and review the files from previous employers, chief administrators should have a more complete and accurate account of the prior employment status than a one-word summary (F5 discharge status).

Another noticeable problem with the old system is that it relied on agency leadership to follow through and issue accurate F5 discharge statuses when they had to terminate an employee. Part of the underlying reason for F5 problems was the number of chief administrators who would allow a licensee to resign in the face of allegations of serious misconduct and grant them an honorable discharge. In many of those cases, the chief administrator not only agreed to an apparently inaccurate discharge status, but they would also then close or dismiss the complaint without investigation or documentation. By doing so, they undermined a key part of the SB 24 improvements. The next chief administrator could not review the allegation if the last agency did not document and investigate it. It was the tendencies of those not willing to accurately report or investigate that, in part, led to the rule changes regarding the F5 discharge status not being designated by the separating agency.

The Sunset Commission recommended the following changes to better support the background investigation process.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Removal of the F5 Discharge Status

The Sunset Commission recommended that separations from an agency will not include a discharge status on the F5. This means that it will be up to the hiring agency to fully investigate prior service applicants to determine why they separated from an agency and not rely upon the applicant's prior discharge statuses as reason for the separation. The discharge status was eliminated by SB 1445.

Complete Investigations

The Sunset Commission recommended that if a separation occurred while an employee was under investigation, the agency conducting the investigation would still be required to complete the administrative investigation and report findings to TCOLE.

Release of Findings

The Sunset Commission recommended that all investigation findings be made available to other agencies. Furthermore, upon receiving a signed release from an applicant, all agencies must provide the investigative findings to the requesting agency.

These three outcomes from the Sunset Commission effectively address the gaps in the background investigation process that previously allowed unfit applicants to secure positions in law enforcement without proper scrutiny.

Minimum Standards Defined

SB 1445 required TCOLE to convene advisory committees that created model policies for every law enforcement agency in the state. The statute outlined key issues that had to be contained and addressed in the model policies. Those committees generated policies on:

- the medical and psychological examination of licensees;
- hiring procedures;
- misconduct allegations; and
- personnel files.

All four of these areas are tied to the background investigation process and the appointment of licensees.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

The panel to develop the policies on the medical and psychological examination of licensees was primarily focused on currently appointed officers who were required to complete a "fit for duty evaluation" by their agency's chief administrator. However, SB 1445 created a requirement that all failed psychological and medical examinations be reported to TCOLE. The panel deferred the reporting requirement for all licensees outside the currently employed fit for duty evaluation to the hiring procedures model policy.

The hiring procedures policy committee created policies that largely mirrored the requirements of section 1701.451 of the Texas Occupations Code. This section defines minimum standards for those who apply to serve as a law enforcement official (and wish to attain licensure with TCOLE). The group hoped that investigators would more readily find and use an agency policy, particularly if they did not know that there were requirements in the Occupations Code.

The group also incorporated some recommendations in the policy, such as how to request records from out of state agencies that do not have TSS access, how to obtain records from inactive agencies, and requiring fingerprints, medical, and psychological examination for all applicants, regardless of break in service time. The model policy also requires agencies to notify TCOLE of any applicant that fails a medical examination, drug screening, or psychological examination. The policy also outlines a provisional hiring period for all applicants hired while the subject of a misconduct investigation with a previous employing agency.

The advisory committee on misconduct allegations generated a policy that requires each agency to investigate allegations of misconduct that could result in discipline. Agencies are required to complete the investigation, even if the licensee is separated from the agency, and to send a summary report to TCOLE. The agency is also required to add the documentation to the personnel file so that it is shared in all future TSS transactions. The misconduct investigation must be completed within 30 days of separation so that if the licensee is hired by another agency, that agency can obtain and review the findings within the provisional hiring period and terminate the employee based on the final findings of the previous agency if they choose.

The final advisory committee, on personnel files, created standards for all agencies that are very similar to the file structure used by most civil service agencies. The file structure is an important step in moving toward more consistent document gathering and retention across law enforcement agencies in the state. This will simplify the process of sharing and reviewing files between agencies. SB 1445 also requires agencies to start providing employee files to TCOLE on separation of a

© 2025, Texas Commission on Law Enforcement. All rights reserved.

licensee. Having a more consistent file structure across the state will make statewide collection more practical and manageable.

The personnel files section of SB 1445 and the model policies that grew from it maintain the theme of enabling chief administrators to make informed hiring decisions. Chief administrators must notify licensees of any negative entry in the licensee's personnel file. The licensee then has the opportunity to respond in writing and have that response maintained in the file. This means that if a licensee believes that the findings were unjust, incomplete, or inaccurate, they can add documentation to be considered by anyone who reviews their file in the future.

At this point, the combined impact SB 24 and SB 1445 have not proven to be a panacea. Still, they are clearly steps in the right direction. They make much more information available to chief administrators in the hiring process. The bills have made it much easier to identify the chief administrators who are not trying to conduct thorough backgrounds. The changes have also improved problematic areas like the F5 discharge status and simultaneously captured other loopholes such as agencies that signed non-disclosure agreements (NDAs) to resolve lawsuits from previously terminated employees. The current statutes require the agency to provide all documents to new prospective employers who have a signed release from the licensee. The law and release supersede the NDA, again for the all-important purpose of allowing the new chief administrator to make an informed hiring decision.

Legislation Changes

The why for the needed changes in the background investigation hiring process is just as important as the changes themselves. While the most recent changes are listed here, it is your responsibility as a background investigator to stay current with legislation and accurately apply it to your department's hiring process.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Texas Senate Bill 1445 (88th Legislative Session, 2022–2023)

Texas Senate Bill (SB) 1445 removed honorable, general, and dishonorable categories from the F5 form.

- Separations from law enforcement agencies will not include a discharge status designation (Honorable, General, or Dishonorable); the F5 will only reflect a separation date.
- Any F5 issued for separations prior to March 1, 2024, but reported to TCOLE after March 1, 2024, must still reflect the discharge status designation (Honorable, General, or Dishonorable).
- Licensees will continue to be entitled to appeal their discharge category at the SOAH for those separations that include a discharge status designation.
- The category filed for separations prior to March 1 will continue to be reflected on F5s in TCOLE and agency records.

  Note: The above changes went into effect on March 1, 2024.

Texas Senate Bill 24 (87th Legislative Session, 2020–2021)

Electronic Database

On September 1, 2021, SB 24 came into effect, introducing changes to the background investigation process. TCOLE was tasked by the 87th Legislature to develop and implement an electronic process so agencies can share licensees' employment files for background investigation purposes.

This necessitated the completion of a BCF alongside a more comprehensive background investigation, as outlined in TX Occupations Code 1701.451. The BCF serves as the hiring administrator's affirmation that a proper and thorough background investigation was conducted before appointment. Effective January 1, 2022, the completion of the BCF is required for all new appointments.

SB 24 set forth the creation of a confidential database to hold files related to misconduct investigations and personnel files.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Misconduct Reported to TCOLE

Listed below are the Misconduct Model Policy Key Points established by TCOLE.

Agencies shall:

- investigate allegations of misconduct that may result in suspension, demotion, or termination of a licensee holder;
- complete an appropriate administrative or criminal investigation within 180 days, absent other applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies;
- report criminal charges filed against a license holder to TCOLE within 30 days after the investigation is completed; and
- complete an administrative investigation of alleged misconduct, regardless of whether the licensee remains employed, and submit a summary report of the investigation to TCOLE before the 30th day after the date of the license holder's separation from the agency.

Out of State Agencies

Information on the applicant's law enforcement background from another state may be available through the National Decertification Index (NDI) maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). The background investigator must search the applicant through NDI and obtain and review records from entry agencies if a matching record exists.

Outcomes

There are four desired outcomes of these legislative changes.

Support for Informed Decisions

These changes tend to help chief administrators make informed decisions about hiring applicants to their agencies.

Improved Documentation

These changes ensure that agencies document circumstances surrounding separations that might have otherwise been left in obscurity under previous rules/laws. Now, misconduct allegations have to be fully investigated whether or not an employee leaves before the investigation is complete.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Accessible and Controlled Databases

TCOLE was charged with creating an accessible and secure database platform. TCOLE created TCOLE Secure Share (TSS) to assist agencies with secure file sharing, necessary to conduct background investigations.

Impacts on Entities

These changes impact the hiring of licensees (peace officers, jailers, telecommunication operators). However, these changes not only impact the Texas law enforcement agencies that are leveraging these new rules/laws to make prudent hiring decisions; they are impacting all Texans by ensuring that the best law enforcement professionals are hired while those who are unfit for law enforcement careers are not hired by unsuspecting chief administrators. However, the only way these laws/rules are impactful is if background investigators take their roles seriously, are ever-vigilant in their duty to conduct thorough investigations, and provide the chief administrator with an honest account of applicants, their qualities, and their conduct.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

References

Barajas, Michael. “San Antonio Cop Fired For Giving Homeless Person An Actual Shit Sandwich.” San Antonio News. November 4, 2016. https://www.sacurrent.com/news/san-antonio-cop-fired-for-giving-homeless-person-an-actual-shit-sandwich-2562624.

Collier, Dillon. “SAPD Officer Who Gave Homeless Man a Feces Sandwich Won’t Return to the Force Following Arbitrator’s Decision.” KSAT. June 19, 2020. https://www.ksat.com/news/defenders/2020/06/20/sapd-officer-who-gave-homeless-man-a-feces-sandwich-wont-return-to-the-force-following-arbitrators-decision/.

Linehan, Patrick. “Uvalde School District Challengers Pete Arredondo’s Appeal to Upgrade Termination Record.” ABC News. February 25, 2023. https://abcnews.go.com/US/uvalde-school-district-challenges-pete-arredondos-appeal-upgrade/story?id=97454163NDA.

“Texas Law Enforcement Data Landscape.” Texas 2036. August 4, 2024. https://texas2036.org/tcole/.

Texas Senate Bill 1445. (2023, June 18). 88th Legislative Session, 2022-2023. https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=SB1445.

Texas Senate Bill 24. (2021, May 28). 87th Legislative Session, 2020-2021. https://legiscan.com/TX/drafts/SB24/2021.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Module 3

Statutes and Rules

Terminal Objective

Upon successful completion of this module, participants will be able to discuss the rules and statutes for background investigations.

Enabling Objectives

1. Review the Texas Occupations Code 1701 statutes impacting background investigations.
2. Review the TCOLE rules impacting background investigations.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Texas Occupations Code 1701

To begin, Texas Occupations Code 1701 (TX OCC. 1701) and several TCOLE rules are central to your success as a background investigator and as your agency's resident expert on TCOLE compliance. Your chief administrator will rely on your guidance through the background investigation and appointment process. For you to be successful, you should use these rules and laws to ensure your agency is successful.

Note: The term **commission** in the following code is The Texas Commission on Law Enforcement (TCOLE).

TX OCC. 1701.451.

Sec. 1701.451. Preemployment Procedure

(a) Before a law enforcement agency may hire a person licensed under this chapter, the agency must, on a form and in the manner prescribed by the commission:

(1) obtain the person's written consent for the agency to review the information required to be reviewed under this section;

(2) request from the commission and any other applicable person information required to be reviewed under this section; and

(3) submit to the commission confirmation that the agency, to the best of the agency's ability before hiring the person:

(A) contacted each entity or individual necessary to obtain the information required to be reviewed under this section; and

(B) except as provided by Subsection (b), obtained and reviewed as related to the person, as applicable:

(i) personnel files as described by Section 1701.4535, and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer;

(ii) employment termination reports and misconduct investigation reports maintained by the commission under this subchapter;

(iii) service records maintained by the commission;

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(iv) proof that the person meets the minimum qualifications for enrollment in a training program under Section 1701.251(a);

(v) a military veteran's United States Department of Defense Form DD-214 or other military discharge record;

(vi) criminal history record information,

(vii) information on pending warrants as available through the Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC);

(viii) evidence of financial responsibility as required by Section 601.051, Transportation Code;

(ix) a driving record from the Department of Public Safety;

(x) proof of United States citizenship; or, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge, proof of legal permanent residence and proof that the person has applied for United States citizenship; and

(xi) information on the person's background from at least three personal references and at least two professional references; and

(xii) information on the person's law enforcement background as available through a database designated by the commission under Section 1701.169 and, if applicable, a file or record obtained by the commission under Section 1701.3035.

(a-1) Repealed by Acts 2021, 87th Leg., R.S., Ch. 834 (S.B. 24), Sec. 6, eff. September 1, 2021.

(b) If an entity or individual contacted for information required to be reviewed under this section refused to provide the information or did not respond to the request for information, the confirmation submitted to the commission must document the manner of the request and the refusal or lack of response.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(c) If the commission or a law enforcement agency receives from a law enforcement agency a request for information under this section and the person's consent on the forms and in the manner prescribed by the commission, the commission or agency shall provide the information to the requesting agency.

(d) The confirmation form submitted to the commission under this section is not confidential and is subject to disclosure under Chapter 552, Government Code.

(e) The commission shall:

(1) by rule establish the forms and procedures required by this section, including:

(A) the process by which a law enforcement agency shall make a person's employment records electronically available to a law enforcement agency hiring a person licensed under this chapter;

(B) appropriate privacy and security protections for the process described by Paragraph (A); and

(C) a rule prohibiting a confirmation form submitted to the commission under this section from containing confidential information described by Section 552.1175(b), Government Code, regarding the person who is the subject of the confirmation form;

(2) post the forms and procedures on the commission's Internet website; and

(3) retain a record of each confirmation form submitted under this section.

(f) The head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under this section before submission to the commission. The failure of an agency head or the agency head's designee to comply with this subsection constitutes grounds for suspension of the agency head's license under Section 1701.501.

Application of Sec. 1701.451

TCOLE shall by rule establish the forms and procedures required by TX OCC. 1704.451 and retain a record of each BCF submitted.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Compliance Checklist

Use the following as a checklist to ensure your agency's compliance with TX OCC. 1701.451. The agency must:

1. Obtain the person's written consent allowing the agency to review the information required to be reviewed.
2. Obtain and review the following documentation:
   - Personnel files and other employee records from each law enforcement agency (LEA) employer, including the employment application
   - Employment termination reports maintained by the commission
   - Service records maintained by the commission
   - Proof the person meets the minimum qualifications for enrollment/appointment/licensure
   - DD-214 or other military discharge record
   - Criminal history record information
   - Information on pending warrants as available through TCIC/NCIC
   - Evidence of financial responsibility (vehicle insurance)
   - Driving records from TXDPS
   - Proof of U.S. citizenship or honorably discharged from U.S. armed forces with at least two years of services before discharge, proof of legal permanent residence, and proof that the person has applied for U.S. citizenship.
   - Information from at least three personal references and at least two professional references.
3. When you have tried to obtain records from other agencies, but have been unsuccessful, document the manner of the request sent to other agencies and the refusal and/or lack of response from those agencies. This is documented on the BCF just above the signature block.

   Note: It is important to remember if any agency provides the person's consent form and requests to review the requested information, the commission or agency *shall* provide the information.
4. Submit a BCF confirmation that agency complied with all that is required above.

   Note: The BCF is not confidential and is subject to disclosure under Chapter 52, Government Code.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

The head of the agency or the agency's designee shall review and sign each BCF. The failure of an agency head or designee to comply constitutes grounds for suspension of the agency head's license.

Ensuring Thoroughness

Here are some helpful notes on remaining compliant with TX OCC. 1701.451 and ensuring a thorough background investigation is conducted.

- Refer to the Appointment Process Flowchart (located in Appendix C).
- Prior to hiring a person, the agency must follow the preemployment procedures outlined in TX OCC. 1701.451.
- The agency must obtain the person's written consent, also known as the Authorization to Release (AOR) Information Form.
- The agency making the information request must provide a copy of the release form to the agency they are requesting information from, or the agency will not provide the requested documents.
- The agency must obtain and review the person's personnel files, employee records, TCOLE files, employment applications, internal investigation files, and any other pertinent documents.
- The requesting agency should confirm they obtained and reviewed all required documents for that agency [HR files, personnel files, training files, academy files, Internal Affairs (IA)/misconduct files, TCOLE files, and others].
- If the responding agency is unresponsive, document the manner in which the requesting agency requested the information (such as email, letter, phone call, or in-person). Indicate the non-responsiveness on the BCF form.
- If the responding agency no longer has the file, the requesting agency should document the response, obtain a formal response of the non-existent file(s), and add it to the case background investigation case file. Indicate the file no longer exists on the BCF form.
- The requesting agency should confirm the person meets the minimum eligibility requirements. Even if the person was previously appointed with another LEA, they should not assume the person is eligible for enrollment/licensure/appointment.
- Once the background investigation is complete, the LEA should properly document on the BCF how they obtained and reviewed the information from each agency.
- The BCF is a government record and should be completed with accuracy and truthfulness.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Once the BCF is complete, the agency head or designee should review the background investigation and BCF before signing it.
- Failure to comply with the pre-employment procedures could result in license suspension for the agency head, their designee, and/or the background investigator.

TX OCC. 1701.303.

Sec. 1701.303. License Application; Duties of Appointing Entity

(a) Before a law enforcement agency or governmental entity hires a person for whom a license is sought, the agency or entity must:

(1) review any information relating to the person available:

(A) in a database established under Section 1701.168;

(B) in a database designated under Section 1701.169; and

(C) if applicable, in a file provided to the commission under Section 1701.3035; and

(2) file an application with the commission as provided by commission rule.

(b) A person who appoints an officer or county jailer licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment. If the person appoints an individual who previously served as an officer or county jailer and the appointment occurs after the 180th day after the last date of service as an officer or county jailer, the person must have on file for the license holder in a form readily accessible to the commission:

(1) new criminal history record information;

(2) a new declaration of psychological and emotional health and lack of drug dependency or illegal drug use; and

(3) new documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder.

(c) A person who appoints or employs a telecommunicator licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment or employment. If the person appoints or employs an individual who previously served as a telecommunicator and the appointment or employment occurs after the 180th day after the

© 2025, Texas Commission on Law Enforcement. All rights reserved.

last date of service as a telecommunicator, the person must have on file in a form readily accessible to the commission:

(1) new criminal history record information; and

(2) new documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder.

Application of Sec. 1701.303

In compliance with Texas Occupations Code § 1701.303, law enforcement agencies and governmental entities are required to take specific steps before hiring individuals for positions requiring a license. Prior to hiring, the agency must review relevant information available in databases established under Sections 1701.168 and 1701.169, as well as any applicable files from other licensing authorities under Section 1701.3035. The agency must then file an application with the Texas Commission on Law Enforcement (TCOLE) as per commission rules. Additionally, when appointing an officer, county jailer, or telecommunicator, the agency must notify TCOLE within 30 days of the appointment. If the individual has been away from service for more than 180 days, the agency must ensure that updated criminal history records, a new psychological and emotional health declaration, and documentation confirming that the individual has been fingerprinted and subjected to a criminal record search are on file for TCOLE review.

TX OCC. 1701.306.

Sec. 1701.306. Psychological and Physical Examination

(a) The commission may not issue a license to a person unless the person is examined by:

(1) a licensed psychologist or by a psychiatrist who declares in writing that the person is in satisfactory psychological and emotional health to serve as the type of officer for which a license is sought; and

(2) a licensed physician who declares in writing that the person does not show any trace of drug dependency or illegal drug use after a blood test or other medical test.

(b) An agency hiring a person for whom a license is sought shall select the examining physician and the examining psychologist or psychiatrist. The agency shall prepare a report of each declaration required by Subsection (a) and shall maintain a copy of the report on

© 2025, Texas Commission on Law Enforcement. All rights reserved.

file in a format readily accessible to the commission. A declaration is not public information.

(c) The commission shall adopt rules that:

(1) relate to appropriate standards and measures to be used by a law enforcement agency in reporting the declarations made under Subsection (a); and

(2) provide for exceptional circumstances in the administration of the examination of the applicant's psychological and emotional health, including permitting the examination to be made by a qualified licensed physician instead of a psychologist or psychiatrist.

(d) The commission may order an applicant to submit to an examination described by Subsection (a) by a psychologist, psychiatrist, or physician appointed by the commission if the commission:

(1) has cause to believe that a law enforcement agency failed to follow commission rules relating to an examination; or

(2) discovers that the applicant has submitted a false declaration.

Application of Sec. 1701.306

Ensure that you are actively probing for any potential disqualifying information that you may come across in your investigations.

TX OCC. 1701.310.

Sec 1701.310. Appointment of County Jailer; Training Required

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

(b) A county jailer appointed on a temporary basis who does not satisfactorily complete the preparatory training program before the first anniversary of the date that the person is appointed shall be removed from the position. A county jailer appointed on a temporary basis shall be enrolled in the preparatory training program on or before the 90th day after their temporary appointment. A temporary appointment may

© 2025, Texas Commission on Law Enforcement. All rights reserved.

not be renewed, except that the sheriff may petition the commission to extend the temporary appointment for a period not to exceed six months.

(b-1) A person who has previously been appointed on a temporary basis as a county jailer and separated from that position may be subsequently appointed on a temporary basis as a county jailer under Subsection (b) at the same or a different county jail only if the person was in good standing at the time the person separated from the position.

(b-2) A person who has cumulatively served as a county jailer on a temporary basis under Subsection (b) for two years may continue to serve for the remainder of that temporary appointment, not to exceed the first anniversary of the date of the most recent appointment. The person is not eligible for an extension of that appointment or for a subsequent appointment on a temporary basis as a county jailer under that subsection at the same or a different county jail until the first anniversary of the date the person separates from the temporary appointment during which the person reached two years of cumulative service.

(b-3) A person whose county jailer license has become inactive may be appointed as a county jailer on a temporary basis under Subsection (b).

(c) A county jailer serving under permanent appointment before September 1, 1979, regardless of whether the person's employment was terminated before that date because of failure to satisfy standards adopted under Chapter 511, Government Code, is not required to meet a requirement of this section as a condition of continued employment or promotion unless:

(1) in an attempt to meet the standards the person took an examination and failed or was not allowed to finish the examination because the person acted dishonestly in regard to the examination;

(2) the person forged a document purporting to show that the person meets the standards; or

(3) the person seeks a new appointment as a county jailer on or after September 1, 1984.

(d) A county jailer serving under permanent appointment before September 1, 1979, is eligible to attend training courses in the operation of a county jail, subject to commission rules.

(e) A person trained and certified by the Texas Department of Criminal Justice to serve as a corrections officer in that agency’s correctional institutions division is not required to complete the training requirements of this section to be appointed a part-time county jailer.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Examinations under Section 1701.304 and psychological examinations under Section 1701.306 apply.

(f) A county jailer appointed on a temporary basis may not be promoted to a supervisory position in a county jail.

Application of Sec. 1701.310

This rule governs the appointment and training requirements for county jailers in Texas. Its application is primarily in ensuring that individuals appointed as county jailers receive proper training and meet the necessary qualifications before serving in a permanent capacity.

Mandatory Training for Permanent Appointments

A county jailer must complete a commission-approved preparatory training program before being permanently appointed. The program must include at least eight hours of mental health training.

Temporary Appointments

A person can be appointed as a county jailer on a temporary basis, but they must enroll in training within 90 days and complete it within one year. If they fail to complete the training within a year, they must be removed from the position.

Temporary appointments cannot be renewed, except for a one-time extension (up to six months) if the sheriff petitions for it.

Restrictions on temporary appointments include the following:

- A person previously appointed on a temporary basis can only be reappointed if they left in good standing.
- A person who has served two years cumulatively as a temporary county jailer cannot receive another temporary appointment for at least one year after separating.
- A temporary county jailer cannot be promoted to a supervisory position.

Grandfather Clause for Pre-1979 Jailers

Those permanently appointed before September 1, 1979, are not required to meet the training requirement unless:

- They failed an exam or cheated.
- They forged documents related to qualifications.
- They seek a new appointment after September 1, 1984.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Exceptions for TDCJ-Trained Corrections Officers

Individuals certified as corrections officers by the Texas Department of Criminal Justice (TDCJ) can be appointed as part-time county jailers without completing the training. However, they must still take the required licensing and psychological examinations.

Practical Implications

Sheriffs and counties must ensure that newly hired county jailers complete their required training on time. Supervisors cannot promote temporary jailers into leadership roles. TDCJ-certified corrections officers may transition into county jail roles more easily than others.

Failure to comply with these rules can result in removal from the position.

TX OCC. 1701.312.

Sec. 1701.312. Disqualification: Felony Conviction or Placement on Community Supervision

(a) A person who has been convicted of a felony is disqualified to be an officer, public security officer, telecommunicator, or county jailer, and the commission may not issue a license to, and a law enforcement agency may not appoint or employ, the person.

(b) For purposes of this section and Section 1701.502, a person is convicted of a felony if a court enters an adjudication of guilt against the person on a felony offense under the laws of this or another state or the United States, regardless of whether:

(1) the sentence is subsequently probated and the person is discharged from community supervision;

(2) the accusation, complaint, information, or indictment against the person is dismissed and the person is released from all penalties and disabilities resulting from the offense; or

(3) the person is pardoned for the offense, unless the pardon is granted expressly for subsequent proof of innocence.

(c) The commission, on receipt of a certified copy of a court's judgment under Article 42.011, Code of Criminal Procedure, shall note on the person's licensing records the conviction or community supervision indicated by the judgment.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Application Sec. 1701.312

This law establishes a strict disqualification for individuals convicted of a felony from serving as law enforcement officers, public security officers, telecommunicators, or county jailers in Texas.

Permanent Disqualification for Felony Conviction

Any person convicted of a felony cannot be licensed by TCOLE, or appointed or employed as a peace officer, public security officer, telecommunicator, or county jailer.

Definition of a Felony Conviction

A person is considered convicted of a felony if a court enters an adjudication of guilt, regardless of:

- Whether the sentence is probated and they complete community supervision (probation).
- Whether the charges are dismissed after probation and the person is released from all penalties.
- Whether the person receives a pardon, unless the pardon is specifically for proof of innocence.

Licensing and Record-Keeping Requirements

TCOLE must record felony convictions or community supervision orders in the individual's licensing records upon receiving a certified court judgment.

Practical Implications

Law enforcement agencies cannot hire or appoint a person with a felony conviction. Even if a person completes probation or has their penalties removed, they still remain disqualified. A standard pardon does not restore eligibility—only a pardon based on proof of innocence does.

TCOLE is responsible for tracking and enforcing this disqualification through licensing records.

TX OCC. 1701.313.

Sec. 1701.313. Disqualification: Conviction of Barratry

(a) A person who has been convicted of barratry under Section 38.12, Penal Code, is disqualified to be an officer, telecommunicator, or county jailer, and the commission may not issue a license to the person.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(b) For purposes of this section and Section 1701.503, a person is convicted of barratry if a court enters an adjudication of guilt against the person regardless of whether:

(1) the sentence is subsequently probated and the person is discharged from community supervision;

(2) the accusation, complaint, information, or indictment against the person is dismissed following community supervision; or

(3) the person is pardoned for the offense, unless the pardon is granted expressly for subsequent proof of innocence.

Application of Sec. 1701.313

This law applies to the disqualification of individuals convicted of barratry from serving as peace officers, telecommunicators, or county jailers in Texas.

Automatic Disqualification

Anyone convicted of barratry (soliciting legal business improperly, often referred to as "ambulance chasing") under Texas Penal Code § 38.12 cannot be licensed or serve as a:

- Peace officer
- Telecommunicator
- County jailer

No Exceptions for Probation or Dismissals

The disqualification applies even if the following occur:

- The person received probation and later completed it.
- The case was dismissed after community supervision (deferred adjudication or probation).

Pardons Do Not Restore Eligibility (Except for Innocence)

If the person is pardoned, they still remain disqualified unless the pardon is explicitly based on proof of actual innocence.

Practical Implications

Licensing authorities (TCOLE) must deny or revoke the license of anyone convicted of barratry. Agencies cannot hire a convicted individual for these roles. Even if a person completed probation or had their charges dismissed, they still remain disqualified. A pardon does not restore eligibility, except in cases of proven innocence.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

TX OCC. 1701.501.

Sec. 1701.501. Disciplinary Action

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

(1) this chapter;

(2) the reporting requirements provided by Articles 2B.0053 and 2B.0055, Code of Criminal Procedure; or

(3) a commission rule.

(a-1) Except with respect to an officer elected under the Texas Constitution, the commission shall revoke or suspend a law enforcement agency's authority to employ a license holder, place on probation an agency whose authority to employ a license holder has been suspended, or reprimand a law enforcement agency for a violation described by Subsection (a).

(b) The commission may establish procedures for the revocation of a license issued under this chapter.

(c) The commission by rule may adopt other necessary enforcement procedures.

(d) The commission may revoke a license issued under this chapter to an officer elected under the Texas Constitution only if the officer is convicted of:

(1) a felony; or

(2) a criminal offense directly involving the person’s duties as an officer.

Application of Sec. 1701.501

This law governs the disciplinary authority of the TCOLE over license holders and law enforcement agencies. It outlines when TCOLE must revoke, suspend, place on probation, or reprimand a licensed individual or agency for violations.

1. Disciplinary Actions for License Holders

TCOLE must take action—revocation, suspension, probation, or reprimand—against a license holder for violations of Chapter 1701 (laws governing law enforcement licensing and training).

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Reporting requirements in the Code of Criminal Procedure:

- Before January 1, 2025 use Articles 2.132 and 2.134
- After January 1, 2025 use Articles 2B.0053 and 2B.0055 (renumbered but still related to racial profiling and law enforcement reporting)
- TCOLE rules (administrative rules set by the commission)

2. Disciplinary Actions for Law Enforcement Agencies (Effective January 1, 2025)

TCOLE will also have the authority to discipline law enforcement agencies (not just individual license holders).

Actions include:

- Revoking or suspending an agency's authority to employ licensed personnel
- Placing the agency on probation if their employment authority has been suspended
- Issuing reprimands for violations of Chapter 1701, reporting requirements, or TCOLE rules

3. Revocation Procedures & Additional Enforcement Rules

TCOLE has the authority to establish procedures for revoking licenses.

TCOLE may adopt additional enforcement rules as needed to regulate license holders and agencies.

4. Special Rules for Elected Law Enforcement Officers

TCOLE cannot revoke the license of an elected officer (e.g., a sheriff) unless they are:

- Convicted of a felony, or
- Convicted of a crime directly related to their official duties.

Practical Implications

For License Holders:

Officers, telecommunicators, and jailers must comply with licensing laws, reporting requirements, and TCOLE rules to avoid revocation, suspension, or reprimands.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

For Law Enforcement Agencies (Post-2025):

Agencies can lose their ability to employ license holders if they violate these laws.

Agencies must ensure proper compliance with TCOLE rules and reporting laws to avoid disciplinary action.

For Elected Officers:

Elected law enforcement officers (e.g., sheriffs) have limited revocation risk, but a felony conviction or duty-related criminal offense can still lead to license revocation.

TX OCC. 1701.502. and 1701.503.

Sec. 1701.502. Felony Conviction or Placement on Community Supervision

(a) The commission shall immediately revoke the license of a person licensed under this chapter who is convicted of a felony.

(b) The commission shall immediately suspend the license of a person licensed under this chapter who is charged with a felony and is placed on community supervision regardless of whether the court defers further proceedings without entering an adjudication of guilt.

(c) The commission may reinstate, as provided by commission rules, a license that is suspended under Subsection (b) when the license holder is released from community supervision.

Sec. 1701.503. Barratry Conviction

The commission shall immediately revoke the license of a person licensed under this chapter who is convicted of barratry under Section 38.12, Penal Code.

Application of Sec. 1701.502 and Sec. 1701.503

As discussed in Module 1, if it is important enough to be mentioned twice in TX OCC. 1701, then it is important enough for a background investigator to ensure that an applicant has not been convicted of a felony and/or barratry.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

TX OCC. 1701.507.

Sec. 1701.507. Administrative Penalties

(a) In addition to other penalties imposed by law, a law enforcement agency or governmental entity that violates this chapter or a rule adopted under this chapter is subject to an administrative penalty in an amount set by the commission not to exceed $1,000 per day per violation. The administrative penalty shall be assessed in a proceeding conducted in accordance with Chapter 2001, Government Code.

(b) The amount of the penalty shall be based on:

(1) the seriousness of the violation;

(2) the respondent's history of violations;

(3) the amount necessary to deter future violations;

(4) efforts made by the respondent to correct the violation; and

(5) any other matter that justice may require.

(c) The commission by rule shall establish a written enforcement plan that provides notice of the specific ranges of penalties that apply to specific alleged violations and the criteria by which the commission determines the amount of a proposed administrative penalty.

Application of Sec. 1701.507

TCOLE can fine law enforcement agencies or governmental entities up to $1,000 per day per violation if they violate Chapter 1701 or TCOLE rules. The penalty amount is based on factors like violation severity, history, deterrence, and corrective efforts. TCOLE must also create a written enforcement plan outlining penalty ranges and criteria. Model your department's policies after the model policies provided by TCOLE to avoid fines.

TCOLE Rules

Rule 217.1

217.1. Minimum Standards for Enrollment and Initial Licensure

(a) In order for an individual to enroll in any basic licensing course the provider must have on file documentation, acceptable to the Commission, that the individual meets eligibility for licensure.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(b) The commission shall issue a license to an applicant who meets the following standards:

(1) minimum age requirement:

(A) for peace officers and public security officers, is 21 years of age; or 18 years of age if the applicant has received:

(i) an associate's degree; or 60 semester hours of credit from an accredited college or university; or

(ii) has received an honorable discharge from the armed forces of the United States after at least two years of active service;

(B) for jailers and telecommunicators is 18 years of age;

(2) minimum educational requirements:

(A) has passed a general educational development (GED) test indicating high school graduation level;

(B) holds a high school diploma; or

(C) for enrollment purposes in a basic peace officer academy only, has an honorable discharge from the armed forces of the United States after at least 24 months of active duty service;

(3) is fingerprinted and is subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record;

(4) has never been on court-ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order;

(5) is not currently charged with any criminal offense for which conviction would be a bar to licensure;

(6) has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years;

(7) has never been convicted or placed on community supervision in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code;

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(8) for peace officers, is not prohibited by state or federal law from operating a motor vehicle;

(9) for peace officers, is not prohibited by state or federal law from possessing firearms or ammunition;

(10) has been subjected to a background investigation completed by the enrolling or appointing entity into the applicant's personal history. A background investigation shall include, at a minimum, the following:

(A) An enrolling entity shall:

(i) require completion of the Commission-approved personal history statement; and

(ii) verify that the applicant meets each individual requirement for licensure under this rule based on the personal history statement and any other information known to the enrolling entity; and

(iii) contact all previous enrolling entities.

(B) In addition to subparagraph (A) of this paragraph, a law enforcement agency or law enforcement agency academy shall:

(i) require completion of the Commission-approved personal history statement; and

(ii) meet all requirements enacted in Occupations Code 1701.451, including submission to the Commission of a form confirming all requirements have been met. An in-person review of personnel records is acceptable in lieu of making the personnel records available electronically if a hiring agency and a previous employing law enforcement agency mutually agree to the in-person review.

(11) examined by a physician, selected by the appointing or employing agency, who is licensed by the Texas Medical Board. The physician must be familiar with the duties appropriate to the type of license sought and appointment to be made. The appointee must be declared by that professional, on a form

© 2025, Texas Commission on Law Enforcement. All rights reserved.

prescribed by the commission, within 180 days before the date of appointment by the agency to be:

(A) physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought;

(B) show no trace of drug dependency or illegal drug use after a blood test or other medical test; and

(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory medical exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;

(12) examined by a psychologist, selected by the appointing, employing agency, or the academy, who is licensed by the Texas State Board of Examiners of Psychologists. This examination may also be conducted by a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, to be in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought. The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of a review of a job description for the position sought; review of any personal history statements; review of any background documents; at least two instruments, one which measures personality traits and one which measures psychopathology; and a face to face interview conducted after the instruments have been scored. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of the appointment by the agency;

(A) the commission may allow for exceptional circumstances where a licensed physician performs the evaluation of psychological and emotional health. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; or

(B) the examination may be conducted by qualified persons identified by Texas Occupations Code §501.004. This requires the appointing agency to

© 2025, Texas Commission on Law Enforcement. All rights reserved.

request in writing and receive approval from the commission, prior to the evaluation being completed; and

(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory psychological exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;

(13) has never received a dishonorable discharge from the armed forces of the United States;

(14) has not had a commission license denied by final order or revoked;

(15) is not currently on suspension, or does not have a surrender of license currently in effect;

(16) meets the minimum training standards and passes the commission licensing examination for each license sought;

(17) is a U.S. citizen or is a legal permanent resident of the United States, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge and presents evidence satisfactory to the commission that the person has applied for United States citizenship.

(c) For the purposes of this section, the commission will construe any court-ordered community supervision, probation or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:

(1) another penal provision of Texas law; or

(2) a penal provision of any other state, federal, military or foreign jurisdiction.

(d) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(e) A person must meet the training and examination requirements:

(1) training for the peace officer license consists of:

(A) the current basic peace officer course(s);

(B) a commission recognized, POST developed, basic law enforcement training course, to include:

(i) out of state licensure or certification; and

(ii) submission of the current eligibility application and fee; or

(C) a commission approved academic alternative program, taken through a licensed academic alternative provider and at least an associate's degree.

(2) training for the jailer license consists of the current basic county corrections course(s) or training recognized under Texas Occupations Code §1701.310;

(3) training for the public security officer license consists of the current basic peace officer course(s);

(4) training for telecommunicator license consists of telecommunicator course; and

(5) passing any examination required for the license sought while the exam approval remains valid.

(f) The commission may issue a provisional license, consistent with Texas Occupations Code §1701.311, to an agency for a person to be appointed by that agency. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a provisional license. A provisional license is issued in the name of the applicant; however, it is issued to and shall remain in the possession of the agency. Such a license may neither be transferred by the applicant to another agency, nor transferred by the agency to another applicant. A provisional license may not be reissued and expires:

(1) 12 months from the original appointment date;

(2) on leaving the appointing agency; or

(3) on failure to comply with the terms stipulated in the provisional license approval.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(g) The commission may issue a temporary jailer license, consistent with Texas Occupations Code §1701.310. A jailer appointed on a temporary basis shall be enrolled in a basic jailer licensing course on or before the 90th day after their temporary appointment. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary jailer license. A temporary jailer license may not be renewed, except that the sheriff may petition the commission to extend the temporary appointment for a period not to exceed six months. A temporary jailer license expires:

(1) 12 months from the original appointment date;

(2) at the end of a six-month extension, if granted; or

(3) on completion of training and passing of the jailer licensing examination.

(h) A person who has previously been issued a temporary jailer license and separated from that position may be subsequently appointed on a temporary basis as a county jailer at the same or a different county jail only if the person was in good standing at the time the person separated from the position.

(i) A person who has cumulatively served as a county jailer on a temporary basis for two years may continue to serve for the remainder of that temporary appointment, not to exceed the first anniversary of the date of the most recent appointment. The person is not eligible for an extension of that appointment or for a subsequent appointment on a temporary basis as a county jailer at the same or a different county jail until the first anniversary of the date the person separates from the temporary appointment during which the person reached two years of cumulative service.

(j) A person whose county jailer license has become inactive may be appointed as a county jailer on a temporary basis.

(k) The commission may issue a temporary telecommunicator license, consistent with Texas Occupations Code §1701.405. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary telecommunicator license. A temporary telecommunicator license expires:

(1) 12 months from the original appointment date; or

(2) on completion of training and passing of the telecommunicator licensing examination. On expiration of a

© 2025, Texas Commission on Law Enforcement. All rights reserved.

temporary license, a person is not eligible for a new temporary telecommunicator license for one year.

(l) A person who fails to comply with the standards set forth in this section shall not accept the issuance of a license and shall not accept any appointment. If an application for licensure is found to be false or untrue, it is subject to cancellation or recall.

(m) The effective date of this section is April 1, 2024.

Application of 217.1

This rule establishes the eligibility requirements and procedures for individuals seeking enrollment in a basic licensing course and initial licensure as peace officers, jailers, telecommunicators, and public security officers in Texas.

Eligibility for Enrollment in Basic Licensing Courses

Training providers must verify and maintain documentation proving that individuals meet the eligibility criteria for licensure before enrolling them in a basic licensing course.

Licensing Requirements

Sets minimum age, education, and citizenship requirements.

Requires fingerprinting and a criminal background check to ensure the applicant does not have disqualifying offenses.

Mandates medical and psychological evaluations to confirm physical, mental, and emotional fitness.

Requires a background investigation conducted by the appointing or enrolling entity.

Criminal History Standards

Disqualifies individuals with certain convictions, including family violence offenses, felony convictions, or specific misdemeanors within the last ten years.

Prohibits licensure for individuals on probation, community supervision, or currently facing criminal charges.

Training and Examination Requirements

Specifies the required training courses for each type of license (e.g., peace officer, jailer, and telecommunicator).

Requires passing the licensing examination after completing training.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Provisional, Temporary, and Inactive Licenses

Allows provisional licenses for agencies to appoint individuals under specific conditions.

Establishes temporary licenses for jailers and telecommunicators, with expiration timelines and renewal restrictions.

Defines rules for reappointment of previously licensed or temporarily appointed individuals.

Restrictions and Compliance

Prohibits individuals from accepting a license or appointment if they fail to meet the standards.

Provides for the cancellation or recall of a license if false information is found in an application.

Practical Impact

This rule is crucial for law enforcement agencies, training academies, and licensing boards to ensure that only qualified and eligible individuals are enrolled in training programs and ultimately licensed to serve in public safety roles in Texas.

Age Requirement

- Peace Officers:
  - 21 years old, or
  - 18 years old if:
    - Associates degree, or 60 semester hours of credit from an accredited college/university
    - Has received an honorable discharge from the U.S. armed forces after at least two years of active service
- Jailers and Telecommunicators: 18 years old

Educational Requirements

- GED
- high school graduate

General Requirements

- Fingerprinted with fingerprint files and a criminal history search of local, state, and U.S. national records
- Has never received a dishonorable discharge from the U.S. armed forces
- Has not had commission license denied by final order or revoked

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Is not currently on suspension, or does not have a surrender of license currently in effect
- Meets the minimum training standards and passes the commission licensing exam for each license sought
- Is a U.S. citizen or honorably discharged from U.S. armed forces with at least two years of service before discharge, proof of legal permanent residence, and proof that the person has applied for U.S. citizenship.

Criminal History Requirement:

- Never been on court-ordered community supervision or probation for any criminal offense above the grade of a Class B misdemeanor or Class B misdemeanor within the last ten years from the date of the court order
- Is not currently charged with any criminal offense for which conviction would bar licensure
- Has never been convicted of an offense above a Class B misdemeanor or a Class B misdemeanor within the last ten years
- Has never been placed on community supervision in any court of an offense involving family violence as defined by Chapter 71, TX Family Code

  Note: The commission will construe any court-ordered community supervision, probation, or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from another penal provision of Texas law or a penal provision of any other state, federal, military or foreign jurisdiction. A felony offense at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.

Peace Officers Only:

- Is not prohibited by state or federal law from operating a motor vehicle
- Is not prohibited by state or federal law from possessing firearms or ammunition

Background Investigation

Applicants have been subjected to a background investigation completed by the enrolling or appointing entity in the applicant's personal history.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

A background investigation shall include:

- A completed commission approved Personal History Statement (PHS)
- Verification the applicant meets the minimum eligibility requirements for enrollment/licensure/appointment
- Contact with all previous enrolling entities
- Completion of the BCF according to TX OCC. 1701.451
- An in-person review of personnel records (if both agencies agree) or an electronic review (TCOLE Secure Share)

Examination by a Physician

- Physician is selected by the appointing/employing agency who is license by the Texas Medical Board
- Physician must be familiar with the duties appropriate to the license type
- Appointee must be declared on the L-2 Form that they:
  - Are physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought
  - Show no trace of drug dependency or illegal drug use (blood or medical test)

  Note: L-2 remains valid for 180 days from the person's date of graduation from academy if accepted by the appointment agency

Examined by Psychologist

- Physician is selected by the appointing/employing agency or academy who is licensed by the Texas State Board of Examiners of Psychologists and licensed by the Texas Medical Board.
- Appointee must be declared on L-3 that they:
  - Are in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought
  - Exam must be conducted pursuant to professionally recognized standards and methods
  - The examination process must consist of a review of a job description for the position sought
  - Review of any personal history statements
  - Review of any background documents

© 2025, Texas Commission on Law Enforcement. All rights reserved.

  - At least two instruments, one which measures personality traits and one which measures psychopathology; and a face-to-face interview conducted after the instruments have been scored
  - The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of the appointment by the agency

Exceptional Circumstances

- License physician performs the psychological and emotional health evaluation.
  - Appointing agency may request in writing to receive this approval from the commission prior to the evaluation being completed.
  - The examination may be conducted by qualified persons identified by TX OCC. 501.004. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed.
- L-3 remains valid for 180 days from the person's date of graduation from academy if accepted by the appointment agency
- A person must meet the training and examination requirements
- The commission may approve a provisional license.
  - It is issued in the name of the applicant; however, it is issued to and *shall* remain in the possession of the agency.
  - It cannot be transferred by the applicant to another agency nor transferred by the agency to another applicant.
  - It may not be reissued and expires in 12 months from the original appointment date, on leaving the agency, or failure to comply with the terms stipulated in the provisional license approval

Temporary License

Temporary Jailer License

- A jailer appointed on a temporary basis shall be enrolled in a basic jailer licensing course on or before the 90th day after their temporary appointment.
- An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- A temporary jailer license may not be renewed, except that the sheriff may petition the commission to extend the temporary appointment for a period not to exceed six months. A temporary jailer license expires:
  - 12 months from the original appointment date;
  - at the end of a six-month extension, if granted; or
  - on completion of training and passing of the jailer licensing examination.

Temporary Telecommunicator License

- Upon the approval of the application, the commission will issue a temporary telecommunicator license. A temporary telecommunicator license expires:
  - 12 months from the original appointment date; or
  - on completion of training and passing of the telecommunicator licensing examination.
- On expiration of a temporary license, a person is not eligible for a new temporary telecommunicator license for one year.

To help guide you in applying these rules, utilize the TCOLE Law Enforcement Agency Audit Checklist (Figure 3.1).

© 2025, Texas Commission on Law Enforcement. All rights reserved.

TEXAS COMMISSION ON LAW ENFORCEMENT

Law Enforcement Agency Audit Checklist

Employee:		PID:
New Licensee	**180 Days or Less Break in Service**	**More Than 180 Day Break in Service**
☐ Personal History Statement (PHS)	☐ Personal History Statement (PHS)	☐ Personal History Statement (PHS)
☐ F-5R (filled out, signed & dated)	☐ F-5R (filled out, signed & dated)	☐ F-5R (filled out, signed & dated)
☐ National Decertification Index (NDI)	☐ National Decertification Index (NDI)	☐ National Decertification Index (NDI)
☐ BCF (Required for appts on or after 1/1/22)	☐ BCF (Required on or after 1/1/22)	☐ BCF (Required for appts on or after 1/1/22)
☐ L-2 (drug screen/medical exam for PO's & Jailers. Drug screen only for telecommunicators.)	☐ CCH (TCIC-NCIC)	☐ L-2 (drug screen - required for all licensees)
☐ L-3 (psychological evaluation)	☐ Military Discharge (DD-214)	☐ L-3 (psychological evaluation)
☐ DPS/FBI Fingerprint Return*	☐ Certified copy of court disposition**	☐ CCH (TCIC-NCIC)
☐ Proof of Citizenship	☐ Official record of annual firearms qualification within the last 12 months. (For peace officers only)	☐ DPS/FBI Fingerprint Return*
☐ Proof of Education	☐ L-1 / L1-T (sign & notarize pages 1 & 2. Don't submit until ALL the required documents listed above are in place)	☐ Military Discharge (DD-214)
☐ Military Discharge (DD-214)		☐ Certified Copy of Court Disposition**
☐ Certified Copy of Court Disposition**		☐ Official record of annual firearms qualification within the last 12 months. (Applies to Peace Officers only)
☐ Official record of annual firearms qualification within the last 12 months. (Applies to Peace Officers only)		☐ L-1 / L1-T (sign & notarize pages 1 & 2. Don't submit until ALL the required documents listed above are in place)
☐ L-1 / L1-T (sign & notarize pages 1 & 2. Don't submit until ALL the required documents listed above are in place)		

All documentation must be in place *prior* to submitting the L-1 form. Failure to properly complete and document all pre-appointment requirements listed above is a violation of state law punishable by fine (up to $1,000 per day, per violation) and/or imprisonment (see TOC 1701.507 and 553).

The BCF form must be electronically submitted and approved BEFORE an L-1 form is entered in TCLEDDS. Otherwise, the L-1 form will be rejected.

*Fingerprint check requests should be submitted through F.A.S.T. for faster and more secure service, but DPS will still accept a 10-print card by mail. Use of a Live Scan fingerprinting system requires preapproval from Texas DPS. To set up a F.A.S.T. account, contact DPS at 512-424-2365, choose option 6. To validate your agency's Live Scan contact DPS at livescan@dps.texas.gov.

**A certified court disposition is required for any criminal charge listed on a CCH including class B misdemeanors and above, or any class C misdemeanor arrest, charge, indictment, or ticket stemming from a family violence incident.

ALL AUDITABLE DOCUMENTS SHOULD BE KEPT TOGETHER IN A SECURE BUT EASILY ACCESSIBLE FOLDER SEPARATE FROM PERSONNEL FILES OR OTHER UNRELATED DOCUMENTS. THE FILE MUST BE RETAINED FOR A MINIMUM OF FIVE (5) YEARS AFTER TERMINATION OF APPOINTMENT. FOR MORE INFORMATION, CONTACT YOUR REGIONAL TCOLE FIELD AGENT.

Law Enforcement Agency Audit Checklist (Rev. 2-22-24)

Figure 3.1: Law Enforcement Agency Audit Checklist

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Rule 217.7

217.7. Reporting Appointment and Separation of a Licensee

(a) Before a law enforcement agency may appoint a person licensed or seeking a license as a peace officer, county jailer, or telecommunicator the agency head or designee must:

(1) obtain the person's written consent for the agency to view the person's employment records;

(2) obtain a copy of the Personal Status Report (PSR) maintained by the commission;

(3) obtain a completed, signed, and notarized Personal History Statement (PHS);

(4) obtain a Computerized Criminal History (CCH) from TCIC and NCIC;

(5) obtain proof of eligibility after separation from the military, if applicable;

(6) conduct and document a background investigation;

(7) for peace officers, obtain proof of weapons qualification within the 12 months preceding appointment;

(8) for current licensees, electronically request and obtain the F-5 Return (F5R) from the commission, contact each of the person's previous law enforcement employers, and document the contact on the F5 return;

(9) have the person fingerprinted and subjected to a search of local, state, and U.S. national records and fingerprint files to disclose any criminal record;

(10) in addition to the requirements listed in this section:

(A) For a licensee with more than 180 days since their last appointment:

(i) obtain a new declaration of the psychological and emotional health (L3 Form);

(ii) obtain a new declaration of the lack of any drug dependency or illegal drug use (L2 Form); and

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(B) For a person's initial appointment:

(i) obtain proof of meeting educational requirements;

(ii) obtain proof of meeting U.S. citizenship requirements:

(iii) obtain a new declaration of psychological and emotional health (L3 Form), if more than 180 days from the graduation of the basic licensing course;

(iv) obtain a new declaration of medical eligibility and lack of any drug dependency or illegal drug use (L2 Form), if more than 180 days from the graduation of the basic licensing course; and

(v) submit an appointment application (L1 Form) and receive an approval of the application before the person discharges any duties related to the license sought; and

(11) For current licensees, submit an Appointment Application (L1 Form) within 7 days of the appointment.

(b) When a person licensed by the commission separates from an agency, the agency shall, within 7 business days:

(1) submit a Separation report (Form F5) to the commission; and

(2) provide a copy to the licensee in a manner prescribed by Texas Occupations Code section 1701.452.

(c) A law enforcement agency that is given a signed consent form shall make the person's employment records available to a hiring law enforcement agency as authorized by Texas Occupations Code section 1701.451.

(d) An agency must retain records kept under this section while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency head or designee in a format readily accessible to the commission.

(e) The effective date of this section is August 1, 2025.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Application of 217.7

Before an LEA can appoint someone or before a person can seek a license the agency head or designee must:

- Obtain the person's written consent allowing the agency to review the person's employment records
- Obtain their PSR and F5R from the commission
- Obtain their PHS
- Obtain their CCH (TCIC/NCIC)
- DD-214 or other military discharge document
- Conduct a background investigation
- Obtain proof of weapons qualification within the 12 months preceding appointment
- Obtain fingerprints and fingerprint files
- Licensees with more than 180 days break in service
- New L-3 and L-2

Licensees with initial appointment:

- Obtain proof they meet educational requirements
- Obtain proof they meet U.S. citizenship requirements
- Obtain new L-3 and L-2 if appointment is more than 180 days from the graduation of the **basic licensing course** (defined as any current commission developed course that is required before an individual may be licensed by the commission)
- Submit L-1 and receive approval of the application before the person discharges duties related to license sought

  Note: L-1 must be submitted within seven days of appointment

When a licensee separates from the LEA, the LEA *shall*:

- Submit an F-5 to TCOLE
- Provide a copy to the licensee in person or via certified mail

An agency that is given a signed consent form *shall* make the person's employment records available to the hiring LEA.

An LEA must retain records while the person is appointed and for a minimum of five years after the licensee's date of separation.

The records must be maintained under control of the LEA head or designee in a format readily accessible to the commission.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Rule 211.29

211.29. Responsibilities of Agency Chief Administrators

(a) An agency chief administrator is responsible for making any and all reports and submitting any and all documents required of that agency by the commission.

(b) An individual who is appointed or elected to the position of the chief administrator of a law enforcement agency shall notify the Commission of the date of appointment and title, through a form prescribed by the Commission within 30 days of such appointment.

(c) An agency chief administrator must comply with the appointment and retention requirements under Texas Occupations Code, Chapter 1701.

(d) An agency chief administrator must report to the commission within 30 days, any change in the agency's name, physical location, mailing address, electronic mail address, or telephone number.

(e) An agency chief administrator must report, in a standard format, incident-based data compiled in accordance with Texas Occupations Code §1701.164.

(f) Line of duty deaths shall be reported to the commission in current peace officers' memorial reporting formats.

(g) An agency chief administrator has an obligation to determine that all appointees are able to safely and effectively perform the essential job functions. An agency chief administrator may require a fit-for-duty review upon identifying factors that indicate an appointee may no longer be able to perform job-related functions safely and effectively. These factors should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical or psychological condition or impairment.

(h) An agency chief administrator shall notify the commission of any failed medical (L-2) or psychological (L-3) examination within 30 days on a form prescribed by the commission. An agency chief administrator shall notify the commission upon a final determination of a failed fit-for-duty examination (FFDE) or drug screen within 30 days on a form prescribed by the commission.

(i) An agency must provide training on employment issues identified in Texas Occupations Code §1701.402 and field training.

(j) An agency must provide continuing education training required in Texas Occupations Code §1701.351 and §1701.352.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(k) Before an agency appoints any licensee to a position requiring a commission license it shall complete the reporting requirements of Texas Occupations Code §1701.451.

(l) An agency appointing a person who does not hold a commission license must file an application for the appropriate license with the commission.

(m) An agency must notify the commission electronically following the requirements of Texas Occupations Code §1701.452, when a person under appointment with that agency resigns or is terminated.

(n) An agency chief administrator must comply with orders from the commission regarding the correction of a report of resignation/termination or request a hearing from SOAH.

(o) Except in the case of a commission error, an agency that wishes to report a change to any information within commission files about a licensee shall do so in a request to the commission, containing:

(1) the licensees name, date of birth, last four digits of the social security number, or PID;

(2) the requested change; and

(3) the reason for the change.

(p) An agency chief administrator may not appoint an applicant subject to pending administrative action based on:

(1) enrollment or licensure ineligibility; or

(2) statutory suspension or revocation.

(q) The effective date of this section is May 1, 2025.

Application of 211.29

If you are responsible for the background investigation, then it is plausible that your chief administrator is relying on you to assist them to remain in compliance with this rule.

This rule ensures accountability and compliance with legal and procedural requirements by law enforcement agencies. The following sections detail the ways it applies.

Reporting & Documentation Compliance

Chief administrators must submit all required reports and documents to TCOLE in a timely manner (Subsections a, d, e, f, and m).

They must notify TCOLE within 30 days of their own appointment (Subsection b).

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Personnel Appointment & Licensing Requirements

Agencies must verify that all appointees are fit for duty and can perform essential job functions (Subsection g).

Before appointing a person to a licensed position, the agency must ensure they meet the licensing and training requirements under Texas Occupations Code §1701.451 (Subsection k).

If appointing an unlicensed person, the agency must submit an application for the appropriate license (Subsection l).

Agencies may not appoint applicants subject to pending administrative actions, suspensions, or revocations (Subsection p).

Training & Continuing Education

Agencies must provide employment and field training as required under §1701.402 (Subsection i).

Continuing education must be provided in compliance with §1701.351 and §1701.352 (Subsection j).

Resignation & Termination Reporting

Agencies must report all resignations or terminations electronically following §1701.452 (Subsection m).

If a report requires correction, the agency must either comply with commission orders or request a hearing (Subsection n).

Data Management & Updates

Line of duty deaths must be reported in the designated peace officer memorial format (Subsection f).

If the agency wants to change any licensee information in TCOLE records (except commission errors), they must submit a formal request (Subsection o).

An agency chief administrator must notify the commission within 30 days of any failed medical (L-2), psychological (L-3), fit-for-duty examination (FFDE), or drug screen using the commission's prescribed form.

A **fit-for-duty review** is a formal, specialized evaluation for individuals appointed to positions governed by Texas Occupations Code 1701, regardless of their pay or employment status. Its purpose is to assess whether the licensee can safely and effectively perform essential job functions.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

While the term has sometimes been used interchangeably with the L-2 Medical and L-3 Psychological Examinations required before appointment, it is important to distinguish between them. The L-2 and L-3 exams are conducted prior to appointment, whereas a Chief Administrator may initiate a fit-for-duty review for an appointee at any point during their tenure.

Rule 211.19

211.19. Forms and Applications

(d) If an application is found to be false or untrue, any license or certificate issued to the applicant by the commission will be subject to cancellation and recall.

(f) An agency must retain required records for a minimum of five years after the licensee's termination date with that agency.

Application of 211.19

The above TCOLE rule reinstates the importance to ensure that all forms, including the L-1, are accurate. When requesting and reviewing records in an applicant's prior service agencies, understand that other departments have a five-year retention requirement and should have records on file for at least the minimum of five years. Also, just because the retention period may have passed, you can still ask for records. The prior agency should provide all records to the requesting agency if they have records in their possession.

Electronic Submission

Required if an electronic method is available.

Applicant Responsibility

Must review and attest to the accuracy of submitted forms and attachments.

Non-Compliance

Individuals who fail to meet standards cannot receive a license or appointment.

False Information

Any false application can result in license cancellation and recall.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Record Keeping

Agencies must maintain readily accessible documentation.

If submitted via TCLEDDS, a signed printout must be kept on file.

Records must be retained for five years after a licensee's termination.

Key Takeaway

Agencies and applicants must ensure accurate and truthful submissions, maintain proper records, and comply with electronic submission rules.

Rule 211.26

211.26. Law Enforcement Agency Audits

(b) The commission may use the following information in auditing an agency:

(1) commission records to include but not limited to:

(A) applications;

(B) appointment records;

(C) separation records; and

(D) training records.

Application of 211.26

When requesting an reviewing records in an applicant's prior service agencies, understand that other departments should have these records on file.

Rule 211.27

211.27. Reporting Responsibilities of Individuals

(a) Within thirty days, a licensee or person meeting the requirements of a licensee shall report to the commission:

(1) any name change;

(2) a permanent mailing address other than an agency address;

(3) all subsequent address changes; and

(4) receipt of a dishonorable discharge from the armed forces of the United States.

(b) The effective date of this section is May 1, 2025.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Application of 211.27

An investigator can cross-reference information in a prior-service applicant's PHS with the information on file with TCOLE. Checking your work against all available information will help you get a sense of who is applying.

Rule 217.3

217.3. Application for License and Initial Report of Appointment

(a) An agency appointing an individual who does not hold a commission license must file an application for the appropriate license with the commission. The application must be approved with a license issuance date before the individual is appointed or commissioned. The application must be completed, signed, and filed with the commission by the agency's chief administrator or designee.

(b) An application for a license or initial report of appointment must be submitted in an application format currently accepted by the commission.

(c) An agency that files an application for licensing must keep on file and in a format readily accessible to the commission a copy of the documentation necessary to show each licensee appointed by that agency met the minimum standards for licensing, including weapons proficiency for peace officers.

(d) An agency must retain records required under subsection (c) of this section for a minimum of five years after the licensee's termination date with that agency. The records must be maintained in a format readily accessible to the commission.

(e) An agency failing to appoint an individual within 30 days after submitting an application must report a termination of employment in the current commission format.

Application of 217.3

When requesting and reviewing records in an applicant's prior service agencies, understand that other departments should have these records on file.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Rule 217.5

217.5. Denial and Cancellation

(a) The commission may deny an application for any license and may refuse to accept a report of appointment if the:

(1) applicant has not been reported to the commission as meeting all minimum standards, including any training or testing requirements;

(2) applicant has not affixed any required signature;

(3) required forms of documentation are incomplete, illegible, or are not attached;

(4) application is not submitted or signed by a chief administrator, or designee with authority to appoint the applicant to the position reported;

(5) application is not submitted by the appointing agency or entity;

(6) agency reports the applicant in a capacity that does not require the license sought;

(7) agency fails to provide documentation, if requested, of the agency's creation or authority to appoint persons in the capacity of the license sought or the agency is without such authority; or

(8) application contains a false assertion by any person; or

(9) applicant is subject to pending administrative action against a commission-issued license.

(b) An agency chief administrator or school district may not appoint an applicant subject to pending administrative action based on:

(1) enrollment or licensure ineligibility; or

(2) statutory suspension or revocation.

(c) If an application is found to be incorrect or subject to denial under subsection (a) of this section, any license issued to the applicant by the commission is subject to cancellation.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(d) Any such document may expire or be canceled, surrendered, suspended, revoked, deactivated, or otherwise invalidated. Mere possession of the physical document does not necessarily mean that the person:

(1) currently holds, has ever held, or has any of the powers of the office indicated on the document; or

(2) still holds an active, valid license, or certificate.

Application of 217.5

Again, according to 217.5 (a)(1), it is important to ensure that the L-1 is accurate. The commission may deny or cancel a license if requirements are not met, forms are incomplete, signatures are missing, or false information is provided. Agencies cannot appoint applicants with pending administrative actions. A physical license does not guarantee active status.

Rule 217.8

217.8. Contesting an Employment Termination Report

(a) A person who is the subject of an employment termination report is entitled to file a petition contesting information included in the employment termination report. The written petition for correction of the report must be filed with the executive director on a form currently prescribed by the commission and a copy must be served on law enforcement agency.

(b) A petition described in a subsection (a) of this section must be received by the executive director not alter that the 30th day after the person receives a copy of the report of separation.

(c) Upon receipt of the petition the executive director will refer the dispute to SOAH.

Application of 217.8

It would be helpful to verify with TCOLE if this record is on file for any prior-service applicants you are investigating.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Rule 223.18

223.18. Suspension Following Felony Arrest

(a) The commission, through the executive director, may suspend the license of a person arrested or indicted for a felony offense which would constitute an immediate peril to the public health, safety or welfare if the person were to remain licensed during the pendency of criminal proceedings.

(b) By virtue of their nature, the following felony arrests constitute immediate peril:

(1) Sexual offenses;

(2) Assaultive offenses; and

(3) Offenses classified under Chapter 39 or section 31.03(f) of the Texas Penal Code.

(c) If an offense constitutes immediate peril, the commission will notify the person of the summary suspension order and the intention to initiate proceedings within 30 days of the commission's order.

(d) A person may request a hearing regarding the summary suspension within 20 days after the summary suspension order is received. Otherwise, the license may be suspended until final disposition of the case.

Application of 223.18

This rule applies to TCOLE-licensed individuals (such as peace officers, jailers, and telecommunicators) who are arrested or indicted for certain felony offenses that pose an immediate threat to public health, safety, or welfare.

Immediate License Suspension

If a licensee is arrested or indicted for a felony, the executive director may temporarily suspend their license before conviction if the offense is considered an immediate peril.

Automatic Immediate Peril Offenses

Sexual offenses, assaultive offenses, and offenses related to official misconduct (Chapter 39) or major theft [Section 31.03(f), Texas Penal Code] are automatically considered immediate peril.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Notice and Hearing Rights

The commission must notify the individual within 30 days, and they have 20 days to request a hearing. If they do not request a hearing, the suspension remains until final resolution of the case.

This rule is applied to protect the integrity of law enforcement and prevent individuals facing serious criminal charges from continuing to serve while their case is pending.

It would be helpful to verify with TCOLE if this record is on file for any prior-service applicants you are investigating.

Rule 223.19

223.19. License Revocation

(a) The license of a person convicted of a felony shall be immediately revoked.

(b) The license of a person convicted or placed on community supervision for an offense directly related to the duties and responsibilities of any related office held by that person may be revoked. In determining whether an offense directly relates to such office, the commission will consider:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purpose for requiring a license for such office;

(3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and

(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of such office.

(c) The license of a person convicted or placed on community supervision for any offense involving family violence shall be revoked.

(d) The license of a person who is noncompliant for the third time in obtaining continuing education shall be revoked.

(e) The license of a person who has received a dishonorable discharge from the armed forces of the United States shall be revoked.

(f) The license of a person who has made, submitted, caused to be submitted, or filed a false or untruthful report to the commission may be revoked.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(g) The license of a person who has been found to be in unauthorized possession of any commission licensing examination or portion of a commission licensing examination, or a reasonable facsimile shall be revoked.

(h) Revocation permanently bars the person from any future licensing or certification by the commission.

(i) A revoked license cannot be reinstated unless the licensee provides proof of facts supporting the revocation have been negated, such as:

(1) the felony conviction has been reversed or set aside on direct or collateral appeal, or a pardon based on subsequent proof of innocence has been issued;

(2) the dishonorable or bad conduct discharge has been upgraded to above dishonorable or bad conduct conditions; or

(3) the report alleged to be false or untruthful was found to be truthful.

(j) During the direct appeal of any appropriate conviction, a license may be revoked pending resolution of the mandatory direct appeal. The license will remain revoked unless and until the holder proves that the conviction has been set aside on appeal.

(k) The holder of any revoked license may informally petition the executive director for reinstatement of that license based upon proof by the licensee that the facts supporting the revocation have been negated.

(l) If granted, the executive director shall inform the commissioners of such action no later than at their next regular meeting.

(m) If denied, the holder of a revoked license may petition the commission for a hearing to determine reinstatement based upon the same proof.

Application of *223.19*

This rule applies to law enforcement officers and other TCOLE-licensed individuals by outlining the conditions under which a license must or may be revoked. It ensures that individuals with serious criminal offenses, ethical violations, or failure to meet professional requirements cannot continue serving in law enforcement roles.

Mandatory revocation occurs for felony convictions, family violence offenses, third-time continuing education noncompliance, dishonorable discharges, false reports to the commission, and unauthorized possession of exam materials.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Discretionary revocation may apply if an offense is deemed directly related to law enforcement duties, considering factors such as severity, relevance, and potential for future misconduct.

Appeals and reinstatement options exist if the reason for revocation is overturned, such as a conviction being reversed or a dishonorable discharge being upgraded.

Remaining mindful of what types of conduct will cause a TCOLE license revocation will help guide your investigations and ensure that you are actively probing for disqualifying information that you may come across in your investigations.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

References

Texas Commission on Law Enforcement. *Statutes and Rules Handbook*. September 1, 2024. https://www.tcole.texas.gov/document/tcole-handbook-2024.pdf.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Module 4

Best Practices

Terminal Objective

Upon successful completion of this module, participants will be able to discuss best practices for background investigations.

Enabling Objectives

1. Discuss policies that support best practices in background investigations.
2. Discuss the best practices to use during the background investigative process.
3. Describe the preferred order for completing background investigations.
4. Discuss the proper use for waivers in the hiring process.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Policies

Adopted Policies

The TCOLE Sunset Bill (SB 1445) brought about many changes, including model policies. TCOLE established three advisory committees to address the following areas:

- minimum standards for law enforcement agencies,
- hiring,
- personnel files,
- misconduct investigations, and
- examination of licensee (fit for duty).

TCOLE was charged under TX OCC. 1701.4522 and 1701.4535 to:

- develop model policies "establishing procedures applicable to a law enforcement agency investigating alleged misconduct by a license holder employed by the agency and hiring a license holder" and "regarding personnel files maintained with respect to a license holder," and
- submit the proposed model policies to TCOLE Commissioners for adoption by March 1, 2024.

  Note: Each law enforcement agency is required to adopt these or substantively similar model policies.

On April 29, 2024, the Commission adopted these model policies.

Base Level

TCOLE does not determine who an agency can hire (as long as the applicant is eligible for appointment/licensure in accordance with Texas Administrative Code 217.1); it is the hiring agency's responsibility to conduct a thorough background investigation to make an informed decision on whether to appoint/license an applicant.

TCOLE's *State of Texas Model Policy for Hiring Procedures* (Appendix C), modeled off of TX OCC. 1701.451, exemplifies the minimum standards that hiring officials and background investigators should use for applicants that are seeking peace officer, telecommunicator, and county jailer appointments.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

All law enforcement agencies have until June 1, 2025, to adopt this model policy, or substantively similar policies. Listed below are the hiring procedure requirements.

1. Obtain written consent—Authorization of Release of Information
2. Complete a PHS
3. Agency must conduct a thorough background investigation by obtaining and reviewing:
   - Personnel files as described by TX OCC. 1701.4535
   - Employee records from previous law enforcement agency employers, including employment application(s)
   - Termination reports, misconduct investigations reports, and service record maintained by TCOLE.
   - If applicable, a file or record obtained by the Commission described by TX OCC. 1701.3035
   - Background investigator shall document all pertinent findings of the background investigation in a background investigation report
4. The agency must prove the person meets the minimum qualifications for enrollment/licensure/appointment
5. Obtain a DD-214 or other military discharge record
6. Criminal history record information
7. Information on pending warrants from TCIC/NCIC
8. Proof of vehicle insurance
9. Driving records from Texas Department of Public Safety
10. Proof of U.S. citizenship
    - Honorably discharged from U.S. armed forces with at least two years of service before discharge
    - Proof of legal permanent residence
    - Proof that the person has applied for U.S. citizenship
11. Information on a person from at least three personal references and at least two professional references
12. Information on the person's law enforcement background from the NDI maintained by IADLEST and obtaining and reviewing records with entry agencies if a matching record exists

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Best Practices

View All Documents

All personnel files, employment records, employment applications, and other related documents should be reviewed either in person or electronically.

If files were sent from responding agency to the requesting agency, ensure the responding agency has sent all files prior to completing the background investigation. There have been incidents where the responding agency will send some files and at a later date send others. It would be best to establish confirmation up front with the responding agency rather than assume all files were sent. This is especially important when the background investigator has requested personnel files from multiple divisions within the agency such as, Human Resources, Recruiting/Training, Internal Affairs (IA), and other applicable divisions.

The chief administrator or designee of each appointing agency is required to contact every one of the prior appointing agencies. An in-person review of personnel files may be conducted, but *only* if both agencies agree to it. If the hiring agency requests employment documents via the TSS, the responding agency must provide the documents through the TSS system.

Phone calls do not count as in-person reviews of the files. File reviews *may not* be done by phone. Obtaining and reviewing the files in person means you are present at the agency reviewing the files.

Be truthful on the background investigation report, F5R, and BCF. There have been instances where the background investigator claimed on the BCF and in their report that the files were reviewed in person, but they only conducted a phone call. Additionally, the investigator recorded the name of the chief for that agency, although they actually met with the assistant chief or a sergeant.

Another instance of an investigator not being truthful was a case where the investigator met with Jane Doe from HR with a Texas police department to review files for Applicant A. When the investigator conducted a background for another applicant, Applicant B, they used that same name (Jane Doe) on the F5R for Applicant B, but never met with Jane Doe from HR to review the files for Applicant B. The investigator lied on a government document and failed to comply with the preemployment procedures outlined in TX OCC. 1701.451.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Interview in Person

In-person interviews are the most effective method for conducting background investigations. The first interview, known as the "Pre-Investigation Interview," involves a thorough review of the applicant's PHS and other required documents. The "Follow-Up Interview" pertains to the interview that occurs when further clarification is needed.

Pre-Investigation Interview

The pre-investigation interview allows the investigator the opportunity to address any mistakes, omissions, or incomplete information directly with the applicant, enabling them to make corrections and confirm the accuracy of the provided information. Any discrepancies discovered later could affect the applicant's eligibility for hire.

The applicant should make an appointment to turn in *all* paperwork to the background investigator. When an applicant turns in their PHS, the background investigator should conduct an interview with the applicant and discuss any concerns or issues regarding the PHS.

The background investigator should explain the importance of a complete and accurate PHS, and ensure the applicant clearly understood the question(s) being asked in the PHS. The applicant should understand the importance of full disclosure and explain the possible consequences for untruthfulness either by deliberate misstatements or omission. Make it clear to the applicant that if there are mistakes or corrections on their PHS they should be corrected during this pre-investigation process. For example, the background investigator should ensure all required information is provided (such as a full 10 years of employment history, 10 years of address history, legal information, explanations where required, and each page is initialed).

Follow-Up Interview

A follow-up interview may be necessary if undisclosed information is found during the investigation. The background investigator will gather additional information and consult with their chain of command if the findings could lead to disqualification. If a follow-up interview is deemed necessary, the investigator will address the findings with the applicant in person, providing the applicant an opportunity to explain any discrepancies. Document the applicant's explanations in the background investigation summary report. This process ensures a thorough and fair assessment of the applicant's background.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Request Clarification

When questions arise, it is important that you seek out assistance from those who understand the process and the governing rules and statutes. Request clarification from your chain of command *and* seek clarification with your FSA. Regional support information can be found here: https://www.tcole.texas.gov/field-support/region/1.

Here's an example of why it is essential to seek out clarification from the right people. An agency sought clarification from their district attorney's (DA) office regarding an applicant's out-of-state criminal history, which did not correspond directly to any charge in Texas. The assistant district attorney (ADA), unfamiliar with TCOLE rules, provided incorrect advice, resulting in the agency appointing a prohibited person.

Although the agency attempted to clarify the applicant's criminal history, it is crucial to seek guidance from individuals who are knowledgeable about TCOLE regulations to avoid such errors.

Maintain Documentation

Throughout Process

It is important to document your steps throughout the entire background investigation process. TCOLE's *State of Texas Model Policy for Hiring Procedures 3.8* states: "The background investigator shall document all findings pertinent to the background investigation in a background investigation report. A copy of the background investigation report shall be maintained in the employee's personnel file."

Document the following:

- who you contacted,
- how you obtained and reviewed files,
- who you met with to review the files,
- what date and time you reviewed them,
- what files you reviewed, and
- what you found (such as commendations, complaints, misconduct, and other pertinent information).

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Mistakes

Reviewing all required documents and the PHS with the applicant prior to beginning the background investigation is an essential first step.

This process provides the opportunity to verify the completeness, accuracy, and validity of the documents. Additionally, it allows you, as the background investigator, to establish a baseline for the applicant and document any mistakes, omissions, red flags, or disqualifications in the pre-investigation process.

Prior to beginning the background investigation, if you observe the applicant omitted information, you have the opportunity to ask them about the omission to determine if it was intentional or by mistake.

Documenting mistakes in the pre-investigation stage is crucial, as any omissions or inaccuracies discovered later during the investigation can be interpreted differently.

Provides Protection

Conducting a thorough background investigation and documenting the process protects a LEA from both civil and criminal liabilities. It is important to ensure only qualified applicants are hired to prevent specific liabilities such as negligent hiring, negligent retention, civil rights violations, vicarious liability, failure to comply with legal and ethical standards, and erosion of public trust and reputation. Thorough background investigations with thorough reports can mitigate the risks above and allow agencies to better focus on their mission and purpose.

Documenting the full process and your findings throughout shows transparency and can be used as reference if questions arise at a later date/time.

Work Reviewed

Some LEAs have several people review the background investigation report/packet, while others simply have the chief administrator be the solo reviewer.

The background investigation report/packet should go through a review process for several reasons:

- verification of accuracy,
- consistency and standardization,
- risk mitigation,
- compliance with relevant laws and regulations,
- quality assurance,
- reduction of bias,

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- accountability, and
- to provide decision makers with a reliable foundation in order to make an informed decision.

Required by Law

TX OCC. 1701.451 requires agencies to submit a BCF to the Commission. By submitting a BCF the agency head or designee is acknowledging a background investigation was conducted according to statute. The statute also states "the head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under this section before submission to the commission."

A review of each BCF stems from statute. Therefore, it would be considered best practice that there is a review process in place for the background investigation as well. Without the review, how can an agency head or designee sign the BCF indicating a proper background investigation was conducted?

Follow Order of Background Investigation

The order in which a background investigation is conducted is crucial for ensuring that hiring agencies receive all pertinent information promptly, so they can make well-informed hiring or appointment decisions. While some parts of the process can and should occur simultaneously, others are best carried out in a specific order to facilitate the discovery of facts, the ability to further investigate and connect findings comprehensively. The recommended order will be detailed in the following section.

Use Waivers Properly

Obtaining a waiver from TCOLE can allow otherwise qualified candidates with Class A or Class B misdemeanor convictions on their criminal history records to advance in the hiring process. However, some agencies are using waivers in a way that undermines the intended preemployment procedure, which is designed to eliminate unqualified individuals early on based on disqualifiers established by TCOLE rules and Texas statutes. The appropriate use of waivers will be discussed in greater detail later in this module.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Order of Background Investigation

Order Specifics

Agencies should not hire nor appoint a person without following pre-employment and reporting procedures delineated in statutes and rules. The order listed in this section is in accordance with the TX OCC. statutes and Texas Administrative Code rules. This suggested order for background investigations require some segments to be done concurrently while others can be done sequentially.

Investigators should create a dedicated case folder for each applicant, whether it be digital or actual physical documents. The investigator catalogs the documents which are needed to verify compliance with all requirements or which are needed to support other facts.

As you move through the investigation, continually document your progress and complete the report.

Not proceeding through the background investigation process in the recommended order can lead to failed hirings as seen in the following stories.

Some agencies continue to disregard pre-employment procedures by fingerprinting applicants only after they have been appointed or hired. The TCOLE Enforcement Team handles numerous cases where an agency hires or appoints a prohibited individual, unaware of the person's criminal history because it was not disclosed in their PHS. The agency only discovers the disqualifying criminal history when the fingerprint results are returned, revealing the individual's background.

Obtaining responses for records requests from other law enforcement agencies (especially those in other states) can be time consuming. It is best to send those records requests off as soon as possible to allow them time to process while you, the background investigator, continue your investigation in other ways. For example, a recent records request sent by TCOLE to New York PD for an applicant took New York PD eight weeks to process and respond. It was only upon receiving their response that the investigator realized the applicant was questioned by police for Fare Evasion. The applicant failed to disclose this incident on their PHS. This request took weeks to process, and had it not been sent off as soon as it was, TCOLE would have been stuck waiting even longer for the results.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

In another case, an agency failed to verify the accuracy of the information on the PHS before submitting it to the psychologist conducting the Psychological and Emotional Health Fitness for Duty Evaluation. The psychologist completed the evaluation and deemed the applicant fit for duty. However, as the background investigator continued the investigation, it was revealed that the applicant had been untruthful about their employment history, disciplinary issues with previous employers, and personal life matters (issues with father and wife). When this information was presented to the psychologist, she stated that, had she known these details before the evaluation, the applicant would not have been found fit for duty.

Recommended Order

The following presents a recommended order for the background investigation, beginning with the pre-interview segment.

Background Investigations Order:

1. Applicant should make an appointment to turn in all paperwork to background investigator.

   Note: It is best not to let the documents trickle in since this could lead to losing documents or confusion.

2. Obtain written consent from applicant.
   - Ensure it is notarized.
   - Explain the meaning of the consent form to the applicant.
3. Review all required documents.
   - Verify originals and make copies of originals.
   - Indicate on the document or on the back of it that it was verified in person, who verified it, and the date it was verified.
4. Review the PHS with applicant page by page.
   - Check for completeness, mistakes, omissions, errors, and other items that could cause further issues or delays.
   - Verify they provided the proper amount of employment, LEAs applied to, residence history (past ten years, past seven years, and so forth).
   - Make sure to specifically ask questions about the arrest and detention section.
   - Get the applicant's side of the story.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Document mistakes and revisions the applicant made to the PHS.
  - It is best to have the applicant make corrections to the PHS prior to the notarization.
  - If the PHS is grossly incomplete, give it back to the applicant and ask them to return it another day once it is completed correctly. The applicant will need to get the document notarized again. You can simply print out the blank last page and have the applicant get it notarized.
  - If the applicant discloses criminal history, ask them for certified copies of documentation (court documents with final disposition, affidavits, or other relevant documents).
- Verify the PHS is complete with dates, phone numbers, email addresses, street addresses, all boxes are checked, and other pertinent details.
- Confirm with applicant that their references are aware they will be contacted (this helps minimize roadblocks and delays).
- Ask the applicant if there is anything else they would like to add prior to submitting the PHS. Explain the importance of transparency and full disclosure at this stage of the investigation rather than the latter stages.
- Ensure all pages of the PHS are initialed and that the PHS is notarized.
- If a disqualifier is discovered, staff it with your chain of command.

5. Provide applicant with a timeframe and inform them they may be contacted if their references are non-responsive, and/or if any questions arise.
6. Confirm the applicant is eligible for enrollment/licensure/appointment.
   - Do not assume that if the applicant was employed with another LEA, they are eligible.
7. Run F5R report via TCLEDDS
   - This will provide you with the pre-filled BCF, F5R, and the applicant's PSR.
   - BCF can be downloaded online from the TCOLE website as well, but you have to fill everything in.
   - Review the PSR for any administrative holds on the front page and under the License's Section.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

8. Conduct CCH and Driver's License (DL) queries
   - You cannot use the information from the CCH as the solo source for insight into the applicant's criminal history. If criminal history is found, obtain court documents and the offense report to determine if the offense involved family violence.
   - Do not assume that if the applicant was employed with another LEA, they are eligible.
   - If you have questions/concerns, contact your FSA.
   - If a disqualifier is discovered, staff it with your chain of command.
9. Conduct Trans Union (TLO)/CLEAR/Experian queries.
10. Conduct credit history query.
11. Conduct a query through NDI.
    - If there are no results, take a screenshot of the non-result output to add to the case file.
    - If there are results, follow up with those respective agencies.
12. Conduct an internet search and social media search of applicant.
13. Prepare records request forms for law enforcement activity related to the applicant and their residence (at the time they lived there).
14. Send records request forms to respective LEAs (city and county PD and SO) related to the applicant's current and former residences and include a copy of the AOR form.
    - As the responses are received, add them to the background investigation report and place a copy of the correspondence with the case file.
15. Send records request form to TCOLE Enforcement Team (complaintrequest@tcole.texas.gov) to determine if the applicant has any TCOLE Enforcement History and include a copy of the AOR form.

    Note: If there is an open case on an applicant, TCOLE may only provide limited information and/or documentation until the investigation is completed and disposition is determined.
16. Prepare questionnaire forms for personal and professional references.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

17. Begin contacting personal and professional references.
    - It is better to speak to the person on the phone rather than simply communicating via email. You can email them a questionnaire as well, but you miss the opportunity to ask them follow-up questions, pick up on tone, and so on.
    - Obtain additional sources/reference not listed in the PHS.
    - Write a summary of their responses in the background investigation report.
    - Some businesses will not provide a reference and refer you to HR.
        - If referred to HR, verify the applicant's dates of employment and ask if they are eligible for rehire.
        - Some businesses will not provide information as to whether the applicant is eligible for rehire; if this is the case, verify the dates of employment.
        - Some businesses will not provide dates of employment and will refer you to Experian, The Work Number, Equifax, and other similar companies. These companies charge money, but if this is the only way to verify employment, verify the employment through them and include a printout of the results.
        - If references provide unfavorable, negative, and/or undisclosed incidents/misconduct, ask if the incidents were documented and review the documentation.
        - Staff the findings with your chain of command.
18. Contact the SOAH if you believe a F5 has been appealed and you need additional information.
    - Send a copy of the AOR.
    - Ask for any cases the applicant has been involved in.
    - Obtain copies of all documentation.
    - Examine the dates of service.
19. Contact former agencies to obtain their TSS point of contact and/or arrange a date and time to review the files in person.
    - If there are files in multiple divisions, confirm the TSS point of contact can provide those files, and if not, obtain that division's TSS point of contact (POC).
    - Send the agency's POC the applicant's consent form prior to sending the TSS request and/or provide a copy of the consent form to the agency if reviewing the files in person.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

20. Send the request to view files and/or request an appointment to review the files.
21. Review the files via TSS or in person.
    - Document what files you reviewed, who you met with, date/time, commendations, misconduct, complaints, reprimands, suspensions, memos, and so on.
    - Confirm with the responding agency that all files were sent. You can either ask that the agency send you an email stating all files were uploaded, or you can contact the agency to confirm.
    - Add your findings to your background investigation report.
    - If there were negative findings, staff them with your chain of command.
22. Once the background investigation has been completed (or during the course of the investigation), if the investigator becomes aware of inconsistencies or contradictions between information supplied in the PHS and that obtained during the investigation, the investigator should schedule a follow-up interview with the applicant to resolve the questionable areas.

    Note: The investigator should not reveal the source of any information obtained during the background investigation.
23. Complete the background investigation report.
    - A narrative report and summary will help the investigator to organize and write the final evaluation.
    - All documents and material necessary to verify compliance with departmental and TCOLE requirements should be submitted with the report to your chief administrator or the administrative officer designated to receive, review, and evaluate it.
    - Included with the report should be verifying documents, unused signed authorizations, returned forms and letters, the investigator's notes of interviews, and any other pertinent material.
    - The report should be factual and unbiased.
    - Persons interviewed should be either quoted verbatim or paraphrased.
    - Summaries should be included along with the narrative report to form the basis for the investigator's evaluation.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- The following areas of inquiry are suggested for the narrative report. They follow the major sections on the PHS:

  A. Application Identification

  B. Residences

  C. Experience and Employment

  D. Military History

  E. Education

  F. Special Qualifications and Skills

  G. Legal

  H. Motor Vehicle Operation

  I. Relatives

  J. References and Acquaintances

  K. Financial

  L. Investigator's Evaluation

24. Complete the F5R.
25. Have the background investigation packet reviewed by chain of command.
    - Create a coversheet with basic information about the background investigation.
    - Indicate the people in the chain of command that have reviewed the background investigation packet.
26. If the applicant passes the background investigation process, have them get fingerprinted, and send them for medical and psychological evaluation.
27. Confirm receipt of fingerprint returns.
    - If there is undisclosed criminal history found, obtain court documents.
    - If there are disqualifiers found, staff with chain of command.
28. If the L-2 and L-3 are signed, meaning the applicant is found fit for duty, have the BCF signed by chief administrator and or designee.
29. Complete the BCF.
30. Submit the BCF to TCOLE via email for approval.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

31. Once the BCF is approved, submit the L-1 to TCOLE.
32. Maintain all documents in the TCOLE file while the applicant is employed, and for the minimum of 5 years after the applicant has separated from the agency.

Waivers

Use of Waivers

The disqualifiers outlined in TCOLE Rule 217.1 ensure that agencies appoint qualified individuals. Permanent disqualifiers, such as felonies or offenses involving family violence, automatically halt the hiring process for applicants with such convictions on their record. However, agencies have the option to request waivers for some Class A or Class B misdemeanor convictions. It is important to understand the proper timing and application of these waivers to ensure that qualified candidates progress through the hiring process while still preventing the appointment of unqualified applicants.

Table 4.1: TCOLE Disqualifiers and Waiver Eligibility

<table>
<tr><th>Offense</th><th>Disqualification</th><th>Waiver Eligibility</th></tr>
<tr><td>Any offense involving family violence</td><td rowspan="5">Permanent</td><td rowspan="2">None</td></tr>
<tr><td>Felony Conviction</td></tr>
<tr><td>Felony Deferred Adjudication</td></tr>
<tr><td>Class A Misdemeanor Conviction</td><td rowspan="2">Can request a waiver after 5 years from conviction.</td></tr>
<tr><td>Class A Misdemeanor Deferred Adjudication</td></tr>
<tr><td>Class B Misdemeanor Conviction</td><td rowspan="2">10 years
If the conviction occurred less than 10 years from the final disposition date it is a disqualification.</td><td rowspan="2">Can request a waiver after 5 years from conviction.</td></tr>
<tr><td>Class B Misdemeanor Deferred Adjudication</td></tr>
</table>

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Table 4.1: TCOLE Disqualifiers and Waiver Eligibility (Continued)

Offense	Disqualification	Waiver Eligibility
Arrest/Charge/Indictment for any criminal offense (felony, misdemeanor, or offense involving family violence)	Until final disposition unless the disposition results in a Class A or B misdemeanor, felony, or any offense involving family violence.	None

As a reminder, offenses that were committed while the individual was a juvenile are not considered disqualifiers unless the person was charged as an adult.

Inappropriate Uses of Waivers

Agency-Wide Waivers

At times, agencies utilize waivers incorrectly, falsely believing they are the solution to hiring large amounts of qualified applicants. Recently, an agency was having a difficult time hiring Jailers because many people that applied would need waivers from TCOLE prior to being appointed. They asked TCOLE for an agency-wide waiver related to anyone that had a driving while impaired (DWI) misdemeanor conviction. An agency waiver was granted for that specific conviction; however, once the applicants got through the background investigation process, they were still disqualified.

It is crucial to recognize that simply increasing the number of applicants through waivers does not guarantee their successful passage of a background investigation or qualification for hire. In this situation, not asking for the agency wide waiver would have allowed the disqualifiers to work as they were designed to work: ruling out applicants early on as opposed to at the end, preventing valuable time from being wasted in the process.

Waivers After Appointment

Waivers should not be used to cover past mistakes. Agencies must apply for a waiver prior to appointment. The Executive Director is not granting waivers for agencies that apply after they have appointed a prohibited person. Lastly, when applying for a waiver, TCOLE is requiring agencies to provide a completed PHS and conduct a background investigation on the applicant prior to submitting the request for a waiver.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Correct Use of Waivers

Used for Good

Understanding TCOLE Rule 211.30 in its entirety is essential in agencies knowing when and how to properly submit waiver requests. Use them sparingly and correctly (seen in the following story).

There was a gentleman who served as a mechanic for a law enforcement agency. Not only was he an exceptional mechanic, but he also stood out as a great mentor to his colleagues and an upstanding citizen within the community. His dedication and integrity did not go unnoticed by the agency, who recognized his potential and felt he would excel as a peace officer.

However, there was a hurdle to overcome: his past included a criminal history that initially barred him from appointment or licensure as a peace officer without a waiver from TCOLE. Demonstrating their belief in his character and abilities, the agency sought and was granted the necessary waiver. With this support, he successfully graduated from the basic peace officer course and has since become an invaluable asset to the agency, embodying the values of service and commitment in his new role.

Rule 211.30. Chief Administrator Responsibilities for Class A and B Waivers

(a) A chief administrator may request the executive director that an individual be considered for a waiver of either the enrollment or initial licensure requirements regarding an otherwise disqualifying Class A or B misdemeanor conviction or deferred adjudication. An individual is eligible for one waiver request. This request must be submitted at least 45 days prior to a regularly scheduled commission meeting.

(b) A chief administrator is eligible to apply for a waiver five years after the date of conviction or placement on community supervision.

(c) The request must include:

> (1) a complete description of the following mitigating factors:
>
> > (A) the applicant’s history of compliance with the terms of community supervision;
> >
> > (B) the applicant’s continuing rehabilitative efforts not required by the terms of community supervision;
> >
> > (C) the applicant’s employment record;

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(D) whether the disposition offense contains an element of actual or threatened bodily injury or coercion against another person under the Texas Penal Code or the law of the jurisdiction where the offense occurred;

(E) the required mental state of the disposition offense;

(F) whether the conduct resulting in the arrest resulted in the loss of or damage to property or bodily injury;

(G) the type and amount of restitution made by the applicant;

(H) the applicant's prior community service;

(I) the applicant's present value to the community;

(J) the applicant's post-arrest accomplishments;

(K) the applicant's age at the time of arrest; and

(L) the applicant's prior military history;

(2) all court and community supervision documents;

(3) the applicant's statement;

(4) all offense reports;

(5) victim(s) statement(s), if applicable;

(6) letters of recommendation;

(7) statement(s) of how the public or community would benefit; and

(8) chief administrator's written statement of intent to hire the applicant as a full time employee;

(9) the applicant's personal history statement; and

(10) the agency's background investigation report of the applicant.

(d) Commission staff will review the request and notify the chief administrator if the request is incomplete. The chief administrator must provide any missing documents before the request can be scheduled for a commission meeting. Once a completed request is received, it will be placed on the agenda of a regularly scheduled commission meeting.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

(e) The chief administrator will be notified of the meeting date and must be present to present the request to the commissioners. The applicant must be present at the meeting to answer questions about the request. Staff will present a report on the review process.

(f) After hearing the request, the commissioners will make a decision and take formal action to approve or deny the request.

(g) If granted, a waiver is issued in the name of the applicant chief administrator, belongs to the sponsoring agency, is nontransferable without approval, and is without effect upon the subject's separation from employment. If separated and in the event of subsequent prospective law enforcement employment, a person may seek another waiver through the prospective hiring agency's chief administrator.

(h) The effective date of this section is August 1, 2025.

Application of 211.30

All misdemeanor waiver requests must be submitted to TCOLE at least 45 days prior to the scheduled commission meeting. Otherwise, the request will be reviewed for the following meeting.

Misdemeanor waiver requests are only accepted from an agency administrator intending to hire a licensee on a full-time basis. There are no exceptions.

Required documents for a waiver request are listed in TCOLE Rule 211.30. Incomplete documents are not accepted.

Once the waiver is submitted, the waiver request packet is reviewed by the Executive Director to determine if the waiver request will be placed on the commission meeting agenda. A letter will be mailed to the agency administrator as to the approval or denial of the request to be placed on the agenda. If placed on the commission meeting agenda, the commissioners will make the final ruling on approval or denial of the waiver.

The licensee and the agency administrator requesting a waiver are required to attend the meeting. The commissioners will make the final ruling on the approval or denial of the waiver during the meeting.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

References

Texas Administrative Code 211.30. Chief Administrator Responsibilities for Class A and B Waivers.

Texas Commission on Law Enforcement. “Background Confirmation and TCOLE Secure Share.” August 16, 2024. https://www.tcole.texas.gov/content/current-statistics.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Module 5

PHS Preliminary Work and Section Review

Terminal Objective

Upon successful completion of this module, participants will be able to discuss preliminary work of PHS and checklist of required document, and review PHS evaluation in detail.

Enabling Objectives

1. Discuss the preliminary work required before the PHS is collected.
2. Discuss required documents and checklists in background investigations.
3. Review each section of the PHS.
4. Discuss TCOLE and agency tools and potential roadblocks.
5. Identify red flags in relation to the PHS evaluation.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Preliminary Work Before PHS Submission

Before an investigator begins the investigative portion of the application/hiring process, there are essential actions that must occur to ensure a smooth start. While the applicant's duties are not the responsibility of the investigator, it is imperative that the investigator and their LEAs communicate clearly to the applicant what they are responsible for. This is to ensure there is little room for misinterpretation or mistakes that could slow down the process or potentially lead to the applicant being disqualified.

Applicant's Responsibility

Investigators should provide the opportunity to discuss with the applicant their role in filling out the PHS as well as the documents they are required to collect and submit before any investigative work begins. When having this first conversation, it is crucial to emphasize being honest in filling out the form in its entirety. Discuss with the applicant that it is best to include questionable or concerning information from their past upfront instead of keeping it hidden and it being discovered further on in the investigation, which often leads to being disqualified.

Applicants are also responsible for gathering and submitting several documents when they turn in their PHS. The PHS includes a list (Figure 5.1) of the documents the applicant will be required to provide.

Since it is possible that the checklist in full is not required in all situations, you should check off the required items the applicant needs to provide and keep a copy for the background investigation file. For example, a new recruit who will be sent to an academy for basic peace officer training does not need to provide a copy of TCOLE approved Firearms Qualifications within the last 12 months while an officer with recent prior service will need to provide a copy of this documentation. The applicant should be told as early as possible in the selection process which documents will be required for the background investigation.

If an applicant does not submit the documents that are required, they should not progress through the background investigation process until this portion is completed.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

9. All documents requested must be submitted with the application (photocopies are acceptable in most cases). *Required documents vary according to the position being sought and the history of the applicant. Hiring agency please check off documents required– modify list as necessary.*

- ☐ Completed Personal History Statement
- ☐ Copy of your Social Security card
- ☐ Original certified copy of your birth certificate (no photo copy)
- ☐ Copy of your valid Texas driver license or a copy of another State's driver license (applicant must possess a valid Texas driver license prior to being offered employment)
- ☐ Copy of your High School diploma or GED certificate or an honorable discharge from the armed forces of the United States after at least twenty-four months of active service
- ☐ Sealed original certified copy of your college transcript (no photo copy)
- ☐ Photocopy of your college diploma
- ☐ Copy of your Peace Officer Certificate from your police academy (Peace Officer Applicants Only)
- ☐ Copy of your Texas peace officer license & all training certificates awarded to you (Peace Officer Applicants Only)
- ☐ Copy of your DD-214 and/or other military discharge documents (if applicable)
- ☐ Original certified copy of your Naturalization papers, if applicable (no photo copy)
- ☐ Copy of current proof of automobile liability insurance
- ☐ Copy of a TCOLE approved Firearms Qualifications within the last 12 months

Figure 5.1: PHS Checklist for Documents

Investigator's Responsibilities

Emphasize Full Disclosure

Once the applicant submits the PHS, it is best practice for the investigator to conduct a pre-investigation interview with the applicant. Discuss any concerns or issues regarding the PHS and answer any questions the applicant may have concerning the PHS questions. The background investigator should explain the importance of a complete and thorough PHS and ensure the applicant clearly understood the questions being asked in the PHS.

Inform applicants that disclosure of an arrest is not an automatic disqualifier. Not disclosing an arrest on the PHS could be a disqualifier.

Disclosing a previous agency where the applicant had disciplinary issues is not an automatic disqualifier. Not disclosing that agency on the PHS could be a disqualifier.

Review Sections

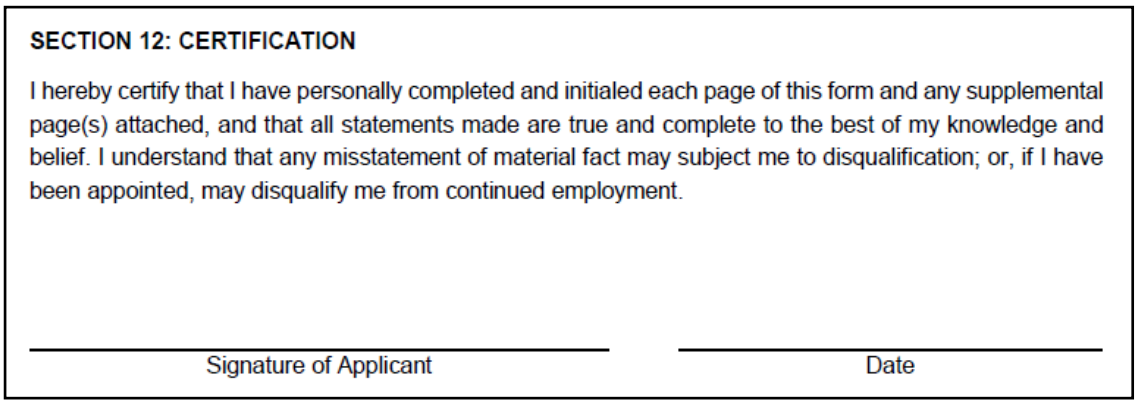
Consisting of 12 sections, 35 pages, and hundreds of fillable spaces, the PHS is an enormously helpful tool for background investigators when filled out correctly. While it is not required by TCOLE, it is recommended to do a quick pre-interview review with the applicant before the PHS form is notarized and submitted. Review each of the 12

© 2025, Texas Commission on Law Enforcement. All rights reserved.

sections, searching for incomplete information that should be addressed such as full names, contact information, full email and street addresses, empty check boxes, and so forth. Spend extra time emphasizing Section 5: Experience and Employment and Section 8: Legal. These are two common areas where individuals omit information. Remind applicants it is better to be honest now in these sections as opposed to information being revealed due to the investigative process, possibly leading to disqualifications.

Identify Mistakes

During the pre-interview with the applicant, review and discuss the applicant's PHS to allow the applicant to identify any mistakes made on the PHS and to correct them before having the PHS notarized. Remember, the applicant is swearing that their answers are true and correct to the best of their knowledge (Figure 5.2).



SECTION 12: CERTIFICATION

I hereby certify that I have personally completed and initialed each page of this form and any supplemental page(s) attached, and that all statements made are true and complete to the best of my knowledge and belief. I understand that any misstatement of material fact may subject me to disqualification; or, if I have been appointed, may disqualify me from continued employment.

Signature of Applicant

Date

Figure 5.2: PHS Certification

The applicant should understand the importance of full disclosure and the possible consequences for untruthfulness either by deliberate misstatements or omission. Make it clear to the applicant that if there are mistakes or corrections on their PHS, they should be corrected during this preliminary step for PHS.

Mistakes happen, but those mistakes need to be addressed during the personal history pre-interview with applicant.

Release of Information Signature

The background investigator should explain to the applicant that, by signing the authorization to release information waiver, they are allowing the background investigator access to their employment, military, criminal history, credit, education, or medical records, including but not limited to academic, achievement, attendance, athletic, personal history, disciplinary records, medical records, criminal justice agency, and credit records.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Texas Commission on Law Enforcement
(Name of Law Enforcement Agency)

AUTHORITY TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

I hereby authorize the Texas Commission on Law Enforcement and its authorized representatives bearing this release, or a copy thereof, within one year of its date, to obtain any information in your files pertaining to my employment, military, criminal history, credit, education or medical records, including not limited to academic, achievement, attendance, athletic, personal history, and disciplinary records, medical records, criminal history record information, or any other record information held by a criminal justice agency, and credit records.

I hereby direct you to release such information upon request of the bearer. This release is executed with full knowledge and understanding that the information is for official use. Consent is granted to all parties to furnish such information, as described above, to third parties in the course of fulfilling its official responsibilities. I hereby release you, as custodian of such records, and any school, college, university, or other educations institution, hospital, or other repository of medical records, criminal justice agencies, credit bureau, lending institution, consumer reporting agency, or retail business establishment including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family or associates because of compliance with this authorization and request to release information, or attempt to comply with it.

I am furnishing my Social Security Account Number on a voluntary basis with the understanding such is not required by any law or regulation. I have been advised that all parties will utilize this number only to facilitate the location of employment, military, credit, and educational records concerning me in connection with this application. Should there be any question as to the validity of this release, you may contact me as indicated below:

Applicant's Printed Full Name: _____
Address: _____
_____
Telephone Number: _____ _____
Applicant's Notarized Signature: _____

Sworn to and signed before me, on this the _____day of_____,_____,
in and for_____county, in the state of_____.
Signature of Notary Public: _____
NOTARY SEAL
Printed Name of Notary Public: _____
My Commission Expires: _____

Figure 5.3: Authority to Release Information

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Figure 5.3 is the Authority to Release Information (AOR) which can be found in Appendix D. This form, as well as other pertinent forms, can also be found here: https://www.tcole.texas.gov/content/forms-and-applications.

Government Record

During the pre-interview, the background investigator should also explain to the applicant that the PHS is a governmental document and there are criminal consequences for lying on a government document. Figure 5.4 displays the disqualifications warning on the PHS.

DISQUALIFICATIONS

There are very few automatic bases for rejection. Even issues of prior misconduct, employee terminations, and arrests are usually not, in and of themselves, automatically disqualifying. However, deliberate misstatements or omissions can and often will result in your application being rejected, regardless of the nature or reason for the misstatements/omissions. In fact, the number one reason individuals "fail" background investigations is because they deliberately withhold or misrepresent job-relevant information from their prospective employer.

This personal history statement is a governmental document. Be truthful, as there are criminal consequences for lying on a governmental document.

Figure 5.4: PHS Disqualifications

Applicants have not just been disqualified for dishonesty on these forms, but some officers have later been terminated, or even charged with crimes, for swearing to a false government document after their deceit was later discovered.

Supporting Documents Review

Review all supporting documents the applicant provides the day they turn in their PHS. This should be done during the pre-interview process.

Make copies of original documents and return the originals to the applicant. Mark on the copies they were reviewed in person; include the date and the person who reviewed them.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Required Documents and Checklists

The Value

With the amount of information that a thorough background investigation requires, checklists are useful tools for investigators. As you work through the background investigation process—gathering, analyzing, comparing, and documenting every item and interaction—checklists ensure that you do not miss essential information along the way.

Background Investigation Checklists

There is a checklist located on page 3 of the PHS; however, as you progress through the background investigation process, you may need to acquire additional documentation. Below are two additional checklists of documents that will need to be collected during the background investigation process. The Pre-Investigation Document List consists of documents to be gathered before the actual PHS interview, while the second list is for documents to be gathered during the investigation (after the PHS interview).

Pre-Investigation Document List

- Completed PHS
- AOR
- Copy of Social Security Card (verify the original in person)
- Original certified copy of birth certificate
  - Peace Officers—21 years old or 18 years old if:
    - Has an associates degree or 60 semester hours of credit from an accredited college/university
    - Has received an honorable discharge from the U.S. armed forces after at least two years of active service
    - U.S. citizenship or proof they will obtain it
  - Jailers and Telecommunications—18 years old
- Copy of your valid Texas driver license or a copy of another state's driver license (applicant must possess a valid Texas driver license prior to being offered employment)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Copy of your high school diploma or GED certificate or an honorable discharge from the armed forces of the United States after at least 24 months of active service.
  - Home schooled note from parent that person graduated high school counts as documentation.
  - Can accept high school transcript.
  - Can accept college transcript (can't get into college without high school graduation/GED).
- Sealed original certified copy of your college transcript (no photocopy)
- Photocopy of your college diploma
- Copy of your Peace Officer Certificate from your police academy (Peace Officer Applicants Only)
- Copy of your Texas peace officer license & all training certificates awarded to you (Peace Officer Applicants Only)
- Copy of your DD-214 and/or other military discharge documents (if applicable)
  - Has never received a dishonorable discharge from the U.S. armed forces
- Original certified copy of your Naturalization papers, if applicable (no photocopy)
  - U.S. passport or U.S. passport card, CRBA
  - Proof of citizenship or honorably discharged from U.S. armed forces with at least two years of service before discharge, proof of legal permanent residence, and proof that the person has applied for U.S. citizenship.
- Copy of current proof of automobile liability insurance
- Copy of a TCOLE approved Firearms Qualifications within the last 12 months

Documents Acquired During Investigation

- Applicant's initial application, interview/oral board score sheets, PT results, any other pre-employment documentation
- LEA records requests with results
- F5R (completed, signed, and dated)
- PSR
  - Has not had commission license denied by final order or revoked; this would appear on the PSR

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- CCH (TCIC/NCIC)
  - Information on pending warrants as available through TCIC/NCIC
- Driving records from TXDPS
- Credit history report
- TLO/NDEX/Experian and other similar reports
- DPS/FBI fingerprint return
- Reference (personal and professional) questionnaires
- Investigator's notes, report, coversheet with recommendation from chain of command
- Certified Copy of Court Disposition(s) for criminal history
- Copy of Offense Report(s) for criminal history or incidents discovered
- NDI
- L-2/L-3 (if applicable)
- BCF
- L-1/L1-T

Statutory Origin of Checklists

While the repetitive nature of this training may seem redundant, it is deliberately redundant. Redundancy ensures that all concepts are retained by students (through repetition) and that students realize the critical nature of the material covered. These checklists allow you, as the investigator, to review each investigation for completeness. For your convenience, each checklist includes a reference to the law or TCOLE rule that underpins the checklist's relevance to the investigative process.

Background Investigations Checklist (TX OCC. 1701.451)

The agency must:

- Obtain the person's written consent allowing the agency to review the information required to be reviewed.
- Obtain and review the following documentation:
  - Personnel files and other employee records from each LEA employer, including the employment application
  - Employment termination reports maintained by the commission
  - Service records maintained by the commission

© 2025, Texas Commission on Law Enforcement. All rights reserved.

  - Proof the person meets the minimum qualifications for enrollment/appointment/licensure
  - DD-214 or other military discharge record
  - Criminal history record information
  - Information on pending warrants as available through TCIC/NCIC
  - Evidence of financial responsibility (vehicle insurance)
  - Driving records from TXDPS
  - Proof of U.S. citizenship or honorably discharged from U.S. armed forces with at least two years of service before discharge, proof of legal permanent residence, and proof that the person has applied for U.S. citizenship.
  - Information from at least three personal references and at least two professional references
- Submit a BCF confirmation that agency complied with all that is required above
- When you have tried to obtain records from other agencies, but have been unsuccessful, document the manner of the request sent to other agencies and the refusal/lack of response from those agencies. This is documented on the BCF just above the signature block.

  Note: If an agency provides the person's consent form and requests to review the requested information, the commission or agency *shall* provide the information. The BCF is not confidential and is subject to disclosure under Chapter 52, Government Code. TCOLE shall by rule establish the forms and procedures required by 1704.451 and retain a record of each BCF submitted.
- The head of the agency or the agency's designee *shall* review and sign each BCF. The failure of an agency head or designee to comply constitute grounds for suspension of the agency head's license.

Minimum Standards Checklist (TCOLE Rule 217.1)

- Age requirement:
  - Peace Officers—21 years old or 18 years old if:
    - Associates degree, or 60 semester hours of credit from an accredited college/university
    - Has received an honorable discharge from the U.S. armed forced after at least two years of active service
  - Jailers & Telecommunications—18 years old

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Educational Requirements:
  - GED or high school graduate
- Fingerprinted with fingerprint files and a criminal history search of local, state, and U.S. national records
- Has never received a dishonorable discharge from the US armed forces
- Has not had commission license denied by final order or revoked
- Is not currently on suspension, or does not have a surrender of license currently in effect
- Meets the minimum training standards and passes the commission licensing exam for each license sought
- Is a U.S. citizen
  - Or honorably discharged from U.S. armed forces with at least two years of service before discharge, proof of legal permanent residence, and proof that the person has applied for U.S. citizenship.
- Criminal history requirement:
  - Never been on court-ordered community supervision or probation for any criminal offense above the grade of a Class B misdemeanor
  - Or Class B misdemeanor within the last ten years from the date of the court order
  - Is not currently charged with any criminal offense for which conviction would bar licensure
  - Has never been convicted of an offense above a Class B misdemeanor
  - Or a Class B misdemeanor within the last ten years
  - Has never been placed on community supervision in any court of an offense involving family violence as defined by Chapter 71, TX Family Code
  - Peace Officers only:
    - Not prohibited by state or federal law from operating a motor vehicle
    - Is not prohibited by state or federal law from possessing firearms or ammunition

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- The commission will construe any court-ordered community supervision, probation, or conviction for a criminal offense to be its closest equivalent under the TX Penal Code classification of offenses if the offense arose from another penal provision of Texas law or a penal provision of any other state, federal, military or foreign jurisdiction.
- A felony offense at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.
- Has been subjected to a background investigation completed by the enrolling or appointing entity in the applicant's personal history. A background investigation shall include:
  - A completed commission approved Personal History Statement (PHS)
  - Verification the applicant meet the minimum eligibility requirements for enrollment/licensure/appointment
  - Contact all previous enrolling entities
  - Completion of the BCF according to TX OCC. 1701.451
  - An in-person review of personnel records (if both agencies agree) or an electronic review (TCOLE Secure Share)

- Examination:
  - Examined by a physician
    - Physician is selected by the appointing/employing agency who is licensed by the TX Medical Board.
    - Physician must be familiar with the duties appropriate to the license type.
    - Appointee must be declared on the L-2 Form that they:
      - Are physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought
      - Show no trace of drug dependency or illegal drug use (blood or medical test)
      - L-2 remains valid for 180 days from the person's date of graduation from academy if accepted by the appointment agency

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Examined by psychologist:
  - Physician is selected by the appointing/employing agency or academy who is licensed by the TX State Board of Examiners of Psychologists and licensed by the TX Medical Board.
  - Appointee must be declared on L-3 that they:
    - Are in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought.
    - Exam must be conducted pursuant to professionally recognized standards and methods.
    - The examination process must consist of a review of a job description for the position sought
    - Review of any personal history statements
    - Review of any background documents
    - At least two instruments, one which measures personality traits and one which measures psychopathology; and a face-to-face interview conducted after the instruments have been scored
    - The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of the appointment by the agency
  - Exceptional Circumstances:
    - License physician performs the psychological and emotional health evaluation.
      - Appointing agency may request in writing to receive this approval from the commission prior to the evaluation being completed.
      - The examination may be conducted by qualified persons identified by Texas Occupations Code 501.004. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed
  - L-3 remains valid for 180 days from the person's date of graduation from academy if accepted by the appointment agency
- A person must meet the training and examination requirements

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- The commission may approve a provisional license.
  - It is issued in the name of the applicant; however, it is issued to and *shall* remain in the possession of the agency.
    - It cannot be transferred by the applicant to another agency nor transferred by the agency to another applicant.
    - It may not be reissued and expires in 12 months from the original appointment date, on leaving the agency, or failure to comply with the terms stipulated in the provisional license approval.
- Temporary Jailer License:
  - A jailer appointed on a temporary basis shall be enrolled in a basic jailer licensing course on or before the 90th day after their temporary appointment.
  - An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed.
  - A temporary jailer license may not be renewed except that the sheriff may petition the commission to extend the temporary appointment for a period not to exceed six months. A temporary jailer expires:
    - 12 months from the original appointment date;
    - At the end of a six-month extension, if granted; or
    - On completion of training and passing of the jailer licensing examination.
- Temporary Telecommunicator License:
  - Upon the approval of the application, the commission will issue a temporary telecommunicator license. A temporary telecommunicator license expires:
    - 12 months from the original appointment date; or
    - on completion of training and passing of the telecommunicator licensing examination.
  - On expiration of a temporary license, a person is not eligible for a new temporary telecommunicator license for one year.
  - A person who fails to comply with the standards set forth in this section shall not accept the issuance of a license and shall not accept any appointment.
  - If an application for licensure is found to be false or untrue, it is subject to cancellation or recall.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Reporting Appointment Checklist (TCOLE Rule 217.7)

- Before an LEA can appoint someone or before a person can seek a license the agency head or designee must:
  - Obtain the person's written consent allowing the agency to review the person's employment records
  - Obtain their PSR and F5R from the commission
  - Obtain their PHS
  - Obtain their CCH (TCIC/NCIC)
  - DD-214 or other military discharge document
  - Conduct a background investigation
  - Obtain proof of weapons qualification within the 12 months preceding appointment
  - Obtain fingerprints and fingerprint files
  - Licensees with more than 180-day break in service
  - New L-3 and L-2
- Licensees with initial appointment:
  - Obtain proof they meet educational requirements
  - Obtain proof they meet U.S. Citizenship requirements
  - Obtain new L-3 and L-2 if appointment is more than 180 days from the graduation of the basic licensing course
  - Submit L-1 and receive approval of the application before the person discharges duties related to license sought
    - L-1 must be submitted within seven days of appointment
- Reporting Separation:
  - When a licensee separates from the LEA, the LEA *shall*:
    - Submit an F-5 to TCOLE
    - Provide a copy to the licensee in person or via certified mail
- Agency that is given a signed consent form SHALL make the person's employment records available to the hiring LEA.
- An LEA must retain records while the person is appointed and for a minimum of five years after the licensee's date of separation.
- The records must be maintained under control of the LEA head or designee in a format readily accessible to the commission.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Chief Administrator's Checklist (TCOLE Rule 211.29)

- Chief administrator's must prepare and submit all reports and documents by the commission.
- An individual who is either appointed or elected as a chief administrator of an LEA *shall* notify the commission of the appointment date and title within 30 days of the appointment.
- Chief administrator must comply with the appointment and retention requirements under TX OCC. 1701.
- Chief administrator must report any change in the agency's name, physical location, mailing address, electronic mail address, or telephone number to the commission within 30 days.
- Chief administrator must report, in a standard format, incident-based data compiled in accordance with Texas Occupations Code 1701.164.
- Line of duty deaths shall be reported to the commission in current peace officers' memorial reporting formats.
- The agency chief administrator must ensure that all appointees can safely and effectively do their jobs. If there are signs that an appointee might not be able to perform their duties due to a medical or psychological condition, the administrator can require a fit-for-duty review. These signs must be based on objective evidence and a reasonable basis.
- The agency chief administrator must inform the commission within 30 days if someone fails a medical (L-2) or psychological (L-3) exam, using the required form. They must also notify the commission within 30 days if a final decision confirms someone has failed a fit-for-duty exam (FFDE) or drug test, using the same required form.
- A chief administrator must provide training on employment issues TX OCC. 1701.402 and field training.
- Before an LEA appoints a licensee, they must complete the pre-employment procedures outlined in TX OCC. 1701.451.
- An LEA appointing someone without a commission license must file an application for the appropriate license with the commission.
- An LEA must notify the commission electronically when a person under appointment with that LEA resigns or is terminated.
- A chief administrator comply with orders from the commission regarding the correction of a report of resignation/termination or request a hearing from SOAH.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- An agency must notify the commission electronically within 30 days if a person working for the agency is arrested, charged, indicted, or convicted of any offense higher than a Class C misdemeanor, or of any Class C misdemeanor related to their job duties or family violence.
- Except when correcting a commission error, an agency must request any changes to a licensee's information in the commission files by providing:

    1. the licensee's name, date of birth, last four digits of their social security number, or Personal Identification Number (PID);

    2. the requested change; and

    3. the reason for the change.
- An agency chief administrator cannot appoint an applicant who is facing pending administrative action due to:

    1. ineligibility for enrollment or licensure; or

    2.statutory suspension or revocation.

PHS Review by Section

Information to Collect and Evaluate

In this section, we will cover the various aspects of the background investigation process and how to ensure the information received is accurate and complete. Gathering information can be challenging at times, and as the background investigator, you will need to overcome these obstacles to obtain a comprehensive understanding of the applicant your agency intends to hire.

It is crucial to organize your investigation process to ensure it progresses efficiently. The timeline for your investigation will vary depending on your agency's specific needs and resources. This section provides recommendations on the timing for securing information based on TCOLE's observations (Table 5.1 and Figure 5.5). You will need to create a timeline that best fits your agency while adhering to the minimum standards required for background investigations.

Additionally, it is important to keep the disqualifiers discussed in earlier sections in mind as you gather information. Continuously evaluating the information against these disqualifiers throughout the investigation process can save time, money, and resources by preventing failed background investigations.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Table 5.1: Timeline for Collecting and Evaluating Information

Type of Information	Timeline
Address Verification	First 30 days of investigation
Reference Checks	5-15 days of start of investigation
Contacting Other Agencies	(No timeline stated)
Employment History	Determined by when applicant submits documents. Must cross reference with PHS and TLO, PSR, and F5R reports before contacting other agencies.
Court Records and Offense Reports	Done as soon as practicable after PHS interview. Must include signed AOR with request for documents.
TCOLE Enforcement History	Within 10 days, beginning after PHS interview
F5R Report	Immediately upon accessing TCLEDDS. Can be done before PHS interview with applicant's name and PID.
TSS Request/Viewing of Files	Responding Agencies: 10 calendar days to respond to TSS request. Requesting Agency: 14 calendar days to review files in TSS * Once you open the file, you have 72 hours to view the file. You cannot view more than one file at a time. If the ticket expires, TCOLE will reactivate it one time, for 24 hours.
Personnel Files	Responding Agencies: 10 calendar days to respond to TSS request. Requesting Agency: 14 calendar days to review files in TSS * Once you open the file, you have 72 hours to view the file. You cannot view more than one file at a time. If the ticket expires, TCOLE will reactivate it one time, for 24 hours.
NDI	Begin request after PHS interview is completed. Results are immediate but allow 1-2 days for response.
Financial Documents/Credit Report	If applicant provides it: Should be submitted with required documents during pre-investigation interview. If background investigator acquires it: Can be done after PHS interview.
Internet Footprint	Done after PHS interview but, if possible, can be done earlier.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

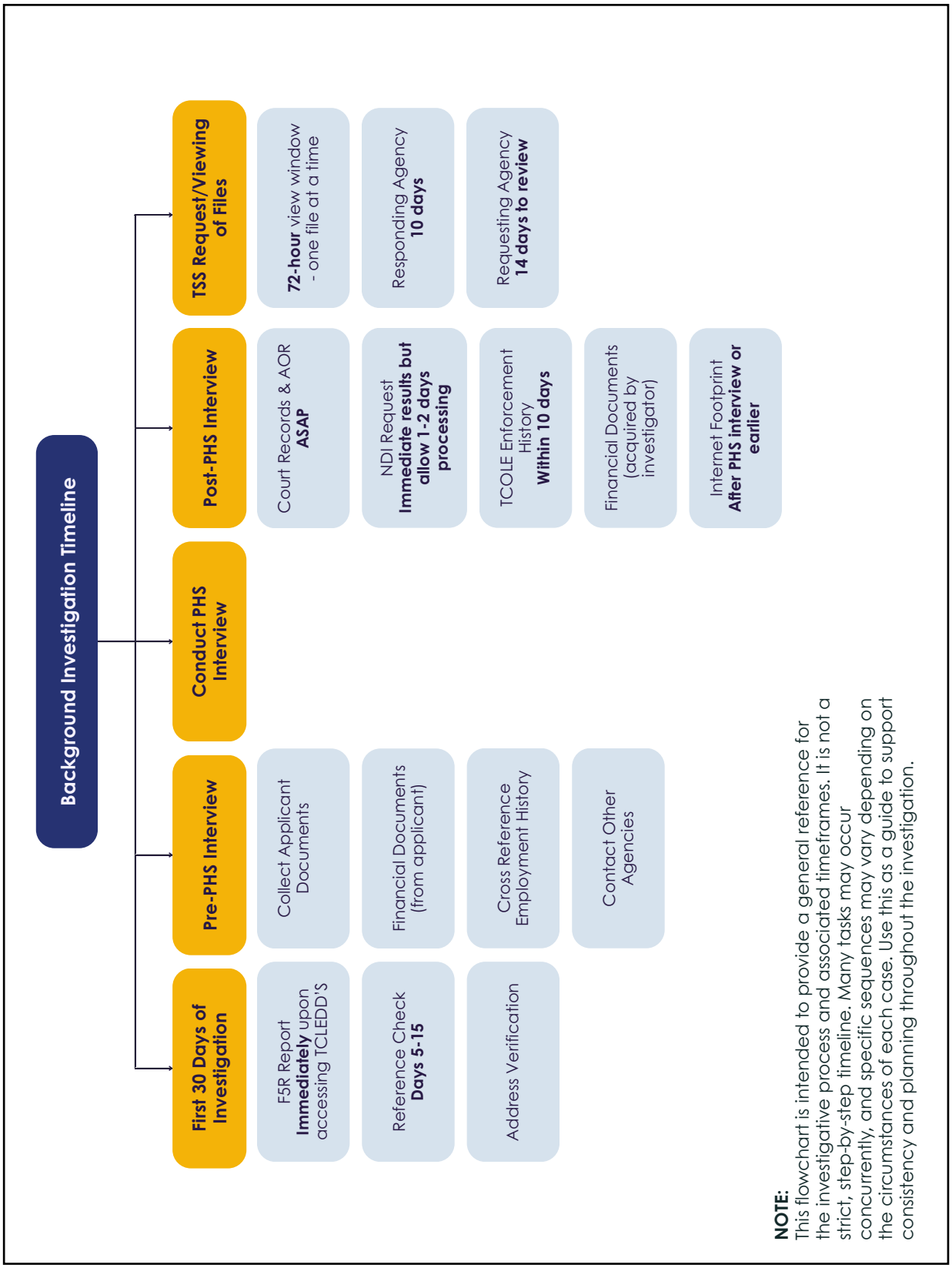


Figure 5.5: Background Investigation Timeline Flowchart

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Section 1: Personal

SECTION 1: PERSONAL

Last Name: First Name: Middle Name: Suffix:

Other Names, including nicknames, you have used or been known by:

Maiden: SSN #: Date of Birth:

Driver License #: State: Exp:

Street Address, (Apt/Unit):

City: State: Zip Code:

Mailing Address (if different than above):

City: State: Zip Code:

Home Phone #: Cell: Work (Ext.):

Fax: Other Phone #(s):

List ALL Email Addresses:

Place of Birth (City, County, State, Country):

Physical Description:

Height: Weight: Hair Color: Eye Color:

Have you ever attended a basic licensing course? ☐ Yes ☐ No

If yes, provide the PID you were assigned:

A. Academy Name: From: To:

Location (City, State):

Name Training Coordinator: Contact Number:

Did you graduate? ☐ Yes ☐ No

B. Academy Name: From: To:

Location (City, State):

Name Training Coordinator: Contact Number:

Did you graduate? ☐ Yes ☐ No

Personal History Statement 05.01.2020

Page **5** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.6: PHS Section 1: Personal

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Section 2: Relatives and References

SECTION 2: RELATIVES AND REFERENCES

IMMEDIATE FAMILY

- Provide all applicable information in the spaces below.
- Mark "N/A" if a category is not applicable or if the individual is deceased.

If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate what section number and page this refers.

☐ N/A **A.** Father's Name: D.O.B.:
Home Address:
City: State: Zip:
Work Address:
City: State: Zip:
Home Phone: Cell Phone: Work Phone:
Email:

☐ N/A **B.** Step-Father's Name: D.O.B.:
Home Address:
City: State: Zip:
Work Address:
City: State: Zip:
Home Phone: Cell Phone: Work Phone:
Email:

☐ N/A **C.** Mother's Name: D.O.B.:
Home Address:
City: State: Zip:
Work Address:
City: State: Zip:
Home Phone: Cell Phone: Work Phone:
Email:

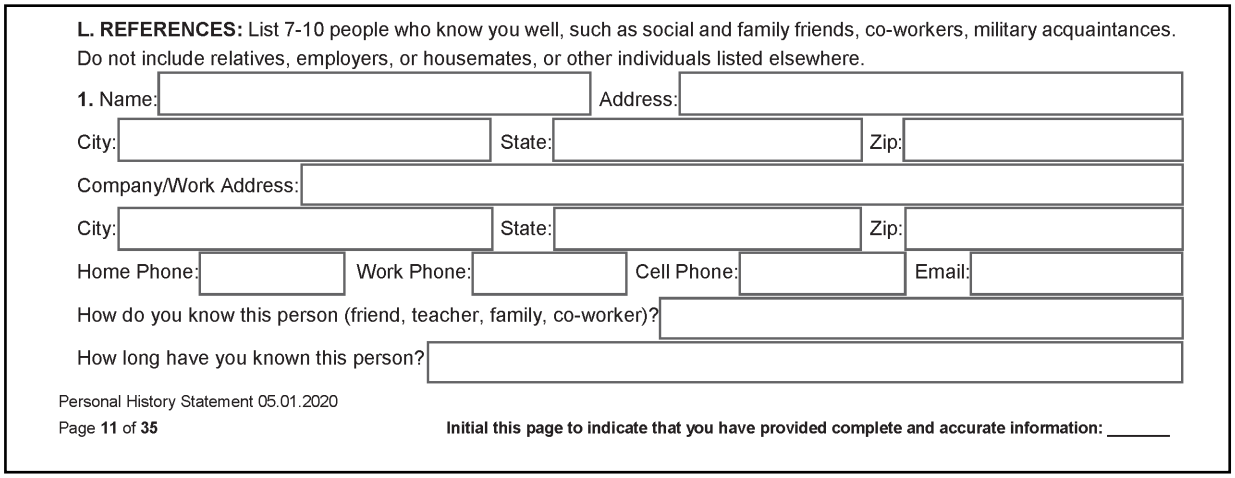
☐ N/A **D.** Step-Mother's Name: D.O.B.:
Home Address:
City: State: Zip:
Work Address:
City: State: Zip:
Home Phone: Cell Phone: Work Phone:
Email:

Personal History Statement 05.01.2020
Page **7** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.7: PHS Section 2: Relatives and References (1)

© 2025, Texas Commission on Law Enforcement. All rights reserved.



L. REFERENCES: List 7-10 people who know you well, such as social and family friends, co-workers, military acquaintances. Do not include relatives, employers, or housemates, or other individuals listed elsewhere.

1. Name: Address:

City: State: Zip:

Company/Work Address:

City: State: Zip:

Home Phone: Work Phone: Cell Phone: Email:

How do you know this person (friend, teacher, family, co-worker)?

How long have you known this person?

Personal History Statement 05.01.2020

Page **11** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.8: PHS Section 2: Relatives and References (2)

Reference Checks

Timeline for Acquiring

Reference checks should occur within 5-15 days of the start of the investigation.

Mechanics of Securing

During your initial interview with the applicant, ensure the applicant has notified their references they will be contacted by a background investigator. Also ensure that all references have complete contact information to include:

- Full name
- Complete street address
- Mailing address (if different)
- Home, work, and cell phone numbers.
- Email address (work and personal email addresses)

Contact all references supplied by applicant. It is best to speak to them on the phone, but if the applicant is only available to answer questions via email, you can submit the questionnaire to them electronically. If you submit it electronically, provide a reasonable deadline for when it should be completed and returned.

During reference interviews, develop several additional references including their contact information. This could lead to uncovering further insights about the applicant and provide a more comprehensive evaluation.

Have a set of questions to ask each reference in order to ensure that you are brief, concise, and thorough without wasting the reference's time.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Approach each interview with an open mind. You can ask questions to elicit responses about drug and alcohol use or other topics that may cause you concern.

However, if you want candor from references, it is best to simply suggest that you are trying to investigate the applicant's viability as a peace officer/jailer/telecommunications operator, and so you are asking the same questions you ask for every applicant.

You might add that, by asking questions about the applicant's conduct, you are not in any way suggesting that they have done anything wrong; you are only trying to determine what kind of person the applicant is and how well they would manage themselves as an employee with your agency.

Potential Roadblocks

The references may not know the applicant as well as the applicant thought.

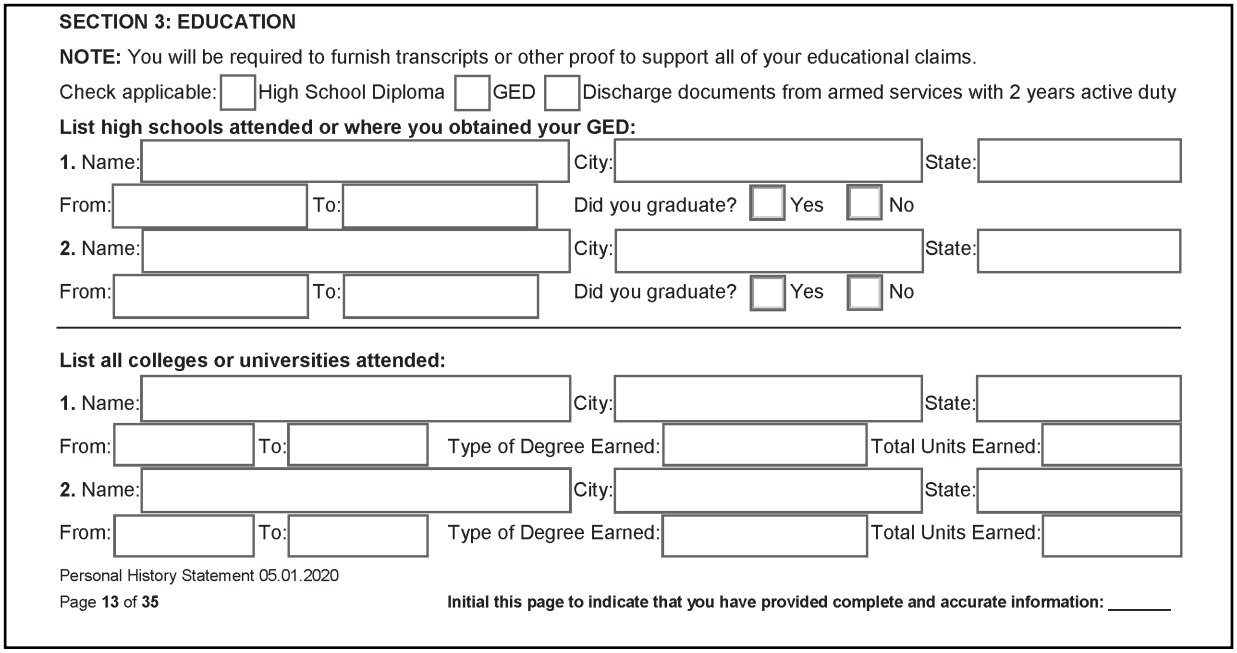
The references may be uncomfortable speaking to law enforcement, in which case you need to assure them you are investigating the applicant's viability, not the reference.

The references may not respond/reply to you. In that case, the applicant needs to provide more references, and if they say they cannot, that is a red flag and the next steps should be discussed with your chain of command.

We will discuss reference checks and working through potential roadblocks in greater detail later in this course.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Section 3: Education



SECTION 3: EDUCATION

NOTE: You will be required to furnish transcripts or other proof to support all of your educational claims.

Check applicable: ☐ High School Diploma ☐ GED ☐ Discharge documents from armed services with 2 years active duty

List high schools attended or where you obtained your GED:

1. Name: City: State:

From: To: Did you graduate? ☐ Yes ☐ No

2. Name: City: State:

From: To: Did you graduate? ☐ Yes ☐ No

List all colleges or universities attended:

1. Name: City: State:

From: To: Type of Degree Earned: Total Units Earned:

2. Name: City: State:

From: To: Type of Degree Earned: Total Units Earned:

Personal History Statement 05.01.2020

Page **13** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.9: PHS Section 3: Education

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Section 4: Residences

SECTION 4: RESIDENCES

LIST OF RESIDENCES

- List all residences during the last ten years or since age 17. Provide complete addresses (include markers such as Street, Drive, Road, East, West, etc., and unit or apartment number). Do not use P.O. Boxes.
- If the residence is a military base, identify the name of the base in the address, nearest city, state, and zip code. DO NOT LIST military barracks mates, unless you shared individual quarters.
- If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate what section number and page this refers to.

1. Current Residence Address:

City: State: Zip:

If renting; property manager, rent collector, or owner: Contact Number:

Address of property mgr., rent collector, or owner: Email:

City: State: Zip:

From: To:

☐ N/A Name(s) of those with whom you live:

2. Former Address:

City: State: Zip:

If renting; property manager, rent collector, or owner: Contact Number:

Address of property mgr., rent collector, or owner: Email:

City: State: Zip:

From: To:

☐ N/A Name(s) of those with whom you live:

Reason for moving:

3. Former Address:

City: State: Zip:

If renting; property manager, rent collector, or owner: Contact Number:

Address of property mgr., rent collector, or owner: Email:

City: State: Zip:

From: To:

☐ N/A Name(s) of those with whom you live:

Reason for moving:

Personal History Statement 05.01.2020

Page **15** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.10: PHS Section 4: Residences

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Address Verification

Timeline for Verifying

Address verification should occur within the first 30 days of the investigation.

General Information to Verify

Several pieces of valuable information can be gleaned from the address verification section of the PHS. When inspecting this section, you should pay close attention to:

- Ensure that the applicant lists all residences for the time frame listed on the personal history statement (PHS).
- Ensure that all addresses are complete at the time the PHS is submitted to the agency for background investigation.
- Discern whether the residence is/was owned/rented by the applicant. If a rental, it is important to obtain the rental property owner or management information.
- Contact the law enforcement agency (city and county) with jurisdiction for each address for any calls for service/incidents/arrests.
- Obtain any accompanying police reports with applicant's involvement for each address or related incident.
- If the residence is/was owned, check county tax records to verify ownership.
- If the applicant indicated they were evicted or asked to leave a residence; please ensure the applicant provides a written explanation.
- If the applicant left a residence owing rent; please ensure a written explanation is provided.
- Identify names, addresses, contact information, and the nature of the relationship for any housemates at each address for the time requested.

Potential Roadblocks

Some LEAs' systems cannot search apartment numbers, meaning you may get several calls for service/incidents/arrests to the complex or none at all.

Out-of-state LEAs may not initially recognize your agency as a law enforcement agency or as a government agency. If that is the case, they may not release the information or may attempt to charge for the information. Persistence is required in this situation.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

The applicant could have elected to have their name related to their property information hidden from the public (Request for Confidentiality form). If this is the case, the applicant's property will show the owner as "Unknown." This would require a follow-up question to the applicant to confirm whether or not they hid this information.

Section 5: Experience and Employment

The applicant should provide employment history from the last ten years. Applicants are required to provide employment history, including their military experience and all other employment [including full-time, temporary, part-time, volunteer (paid or unpaid), and self-employment].

Applicants need to include contact information for co-worker(s).

It is a red flag if in the "Reason for Leaving" section the applicant puts "Will discuss during interview," "will discuss further," or "Honorably Discharged."

If the applicant indicates it would be a problem to contact their current employer, the background investigator needs to ask the applicant why that is. If there is a legitimate reason why, the background investigator could put that contact off, continue with the rest of the investigation, and, towards the end of background investigation, contact that employer.

If the applicant answers "yes" to questions 18-28, they must provide complete explanations. If the explanations lack sufficient detail, the applicant will need to provide more information.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

SECTION 5: EXPERIENCE AND EMPLOYMENT

JOB EXPERIENCE

- Have you EVER served as a Peace Officer, Jailer, or Telecommunicator in another state OR another country? ☐ Yes ☐ No
  If YES, list below.
- List ALL jobs you have had in the last ten years, including part-time, temporary, self-employment, and volunteer. (Begin with your most current. If more space is needed, continue your response on the additional space page at the end of the Personal History Statement).
- If you have military experience, including reserve duty, enter your military base, assignments, or unit of assignment. Include ALL military services.
- List ALL periods of unemployment in excess of 30 days.

1. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

Would there be a problem if we contact your current employer? ☐ Yes ☐ No

If yes, explain:

2. Period of Unemployment

From: To:

Check if applicable: ☐ Student ☐ Between jobs ☐ Leave of absence ☐ Travel ☐ Other

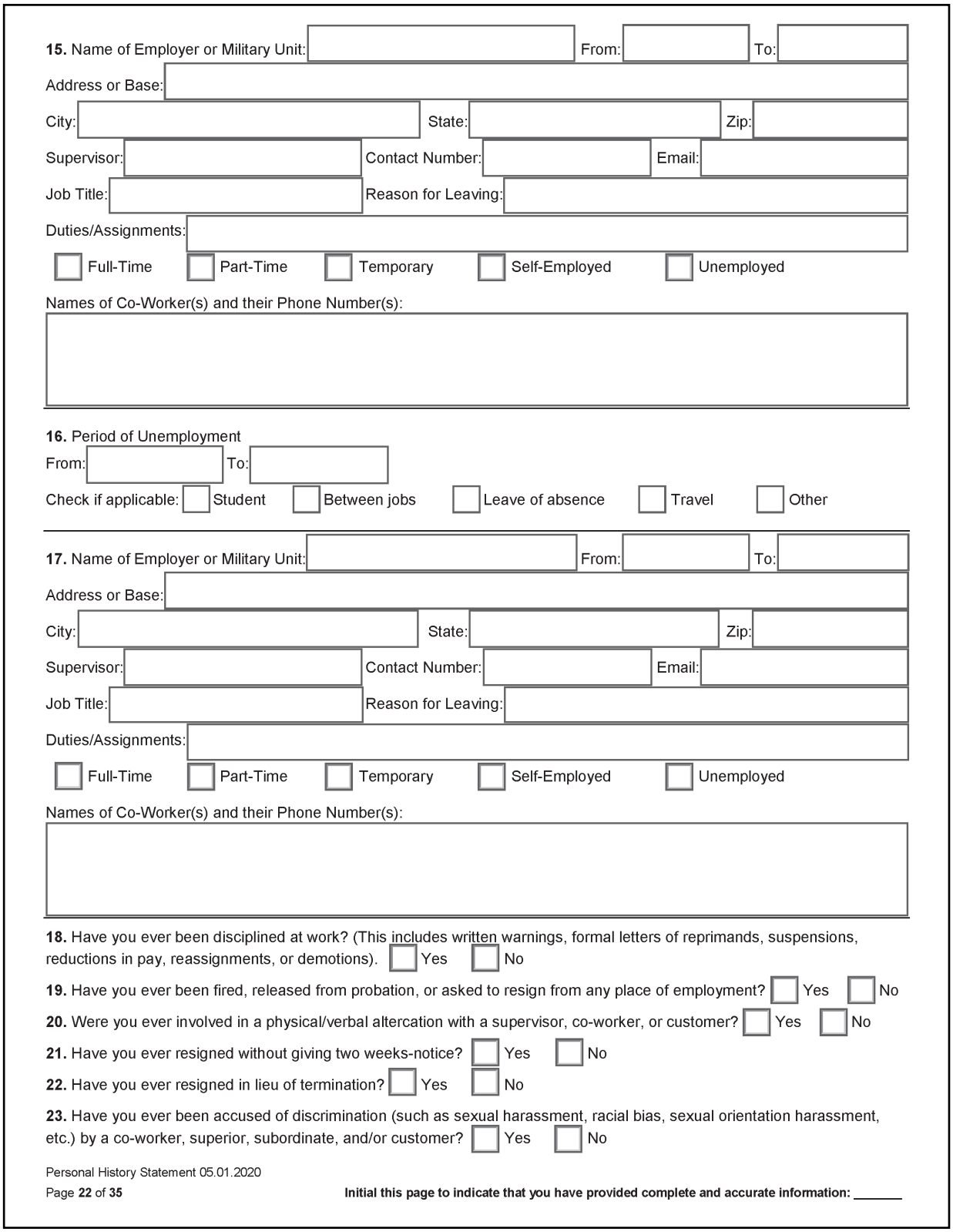
Personal History Statement 05.01.2020

Page **18** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.11: PHS Section 5: Experience and Employment (1)

© 2025, Texas Commission on Law Enforcement. All rights reserved.



15. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

16. Period of Unemployment

From: To:

Check if applicable: ☐ Student ☐ Between jobs ☐ Leave of absence ☐ Travel ☐ Other

17. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

18. Have you ever been disciplined at work? (This includes written warnings, formal letters of reprimands, suspensions, reductions in pay, reassignments, or demotions). ☐ Yes ☐ No

19. Have you ever been fired, released from probation, or asked to resign from any place of employment? ☐ Yes ☐ No

20. Were you ever involved in a physical/verbal altercation with a supervisor, co-worker, or customer? ☐ Yes ☐ No

21. Have you ever resigned without giving two weeks-notice? ☐ Yes ☐ No

22. Have you ever resigned in lieu of termination? ☐ Yes ☐ No

23. Have you ever been accused of discrimination (such as sexual harassment, racial bias, sexual orientation harassment, etc.) by a co-worker, superior, subordinate, and/or customer? ☐ Yes ☐ No

Personal History Statement 05.01.2020

Page **22** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.12: PHS Section 5: Experience and Employment (2)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

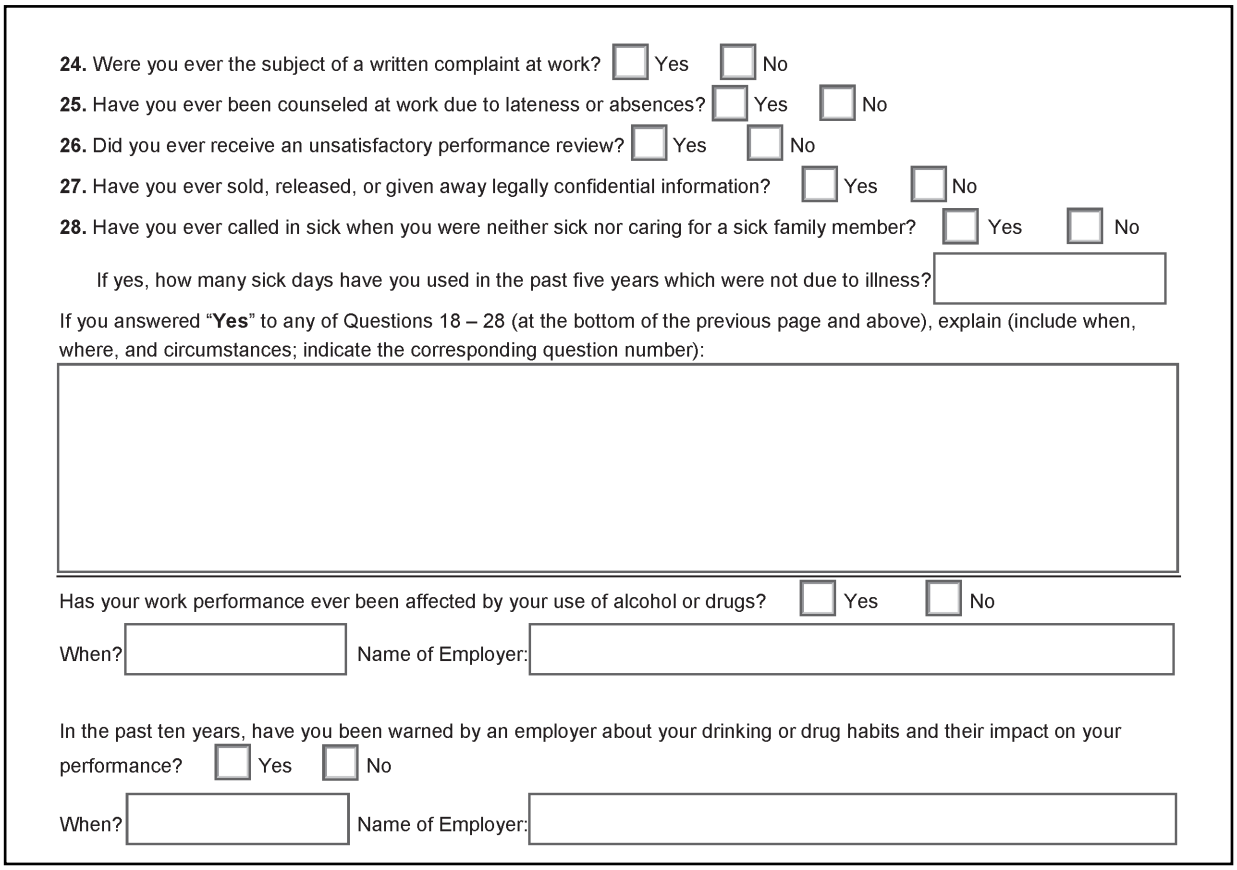


Figure 5.13: PHS Section 5: Experience and Employment (3)

Contact Other Agencies

Contact each agency the applicant worked for. Determine who to contact by examining the applicant's application, other documents supplied by the applicant, and by searching either TCOLE records or Police Officer Regulatory Agency (POST) records (from out of state, if applicable).

Determine which supervisor(s) and co-workers the applicant worked with.

Review annual evaluations, supervisor notes, and both informal and formal disciplinary records.

Discuss with supervisor(s) and co-workers what they know about the circumstances that precipitated the applicant's departure.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Employment History

Timeline for Acquiring

This will be produced, and made available, by the applicant. You would want to cross reference once you have received the completed PHS and generated the TLO, PSR, and F5R reports, but before you contact the agencies.

Mechanics of Securing

The applicant should produce this documentation, and it can be cross-referenced with the F5R, PSR, and TLO/Experian report.

Potential Roadblocks

The applicant is responsible for this documentation, so any roadblocks will likely be generated by the applicant or the applicant's inability to meet with you to deliver the documentation.

The employer could no longer be in business; in this case, you would have to rely on the applicant providing you with co-workers' contact information and/or using The Work Number website (Equifax service) or a company substantively similar to provide record of employment and/or separation dates.

Firearms Qualifications

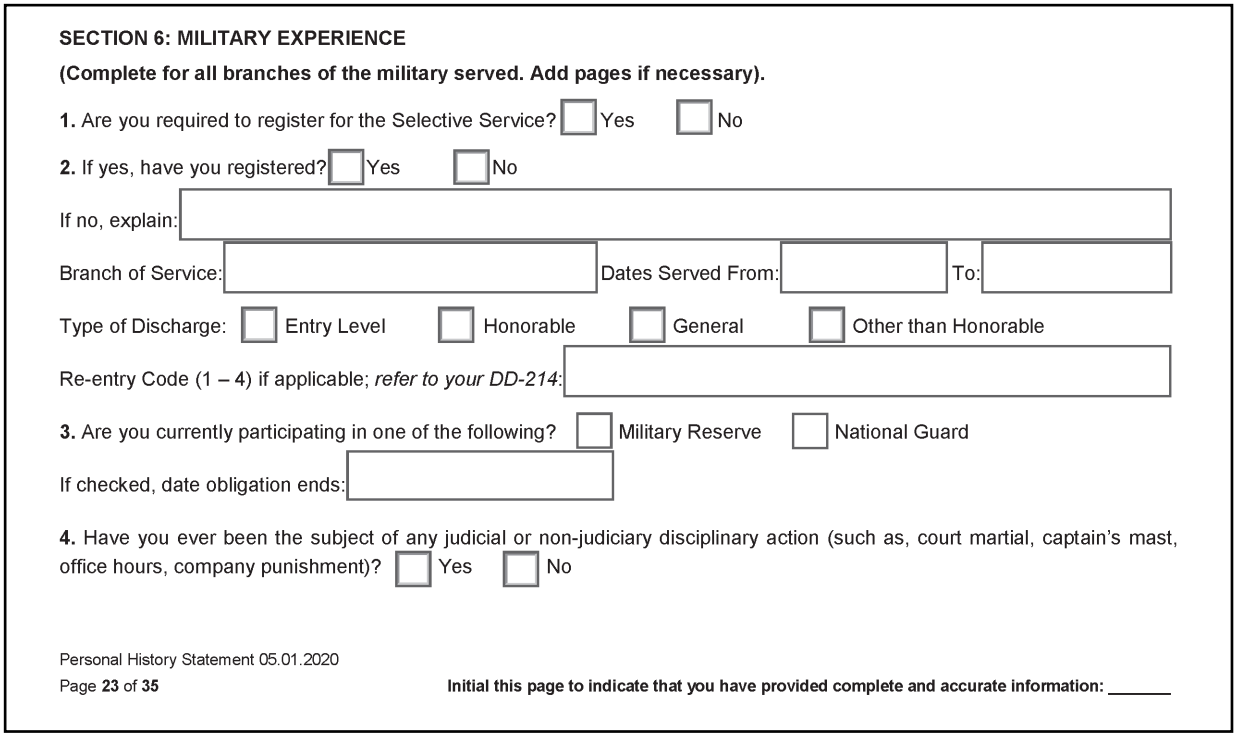
The applicant should provide this, but some agencies will be difficult and will not supply a copy to the applicant. The background investigator can obtain a copy from the agency when they review the applicant's file with said agency.

Peace Officer License

Some applicants do not possess a copy of their license from TCOLE. They can print one out from their MyTCOLE account.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Section 6: Military Experience



SECTION 6: MILITARY EXPERIENCE

(Complete for all branches of the military served. Add pages if necessary).

1. Are you required to register for the Selective Service? ☐ Yes ☐ No

2. If yes, have you registered? ☐ Yes ☐ No

If no, explain:

Branch of Service: Dates Served From: To:

Type of Discharge: ☐ Entry Level ☐ Honorable ☐ General ☐ Other than Honorable

Re-entry Code (1 – 4) if applicable; *refer to your DD-214*:

3. Are you currently participating in one of the following? ☐ Military Reserve ☐ National Guard

If checked, date obligation ends:

4. Have you ever been the subject of any judicial or non-judiciary disciplinary action (such as, court martial, captain's mast, office hours, company punishment)? ☐ Yes ☐ No

Personal History Statement 05.01.2020

Page **23** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.14: PHS Section 6: Military Experience

A "dishonorable discharge" from the military is a permanent disqualifier from licensure. No other discharge status is. Your agency may choose not to hire someone because they were discharged under "less than honorable conditions," but it is not a bar from licensure that would generally require disqualification and stopping a background investigation.

DD-214

The applicant needs to produce a Member's Copy 4 version and/or the "long form" version that shows the type of discharge. The version can be located on the bottom of the form.

Some agencies require veteran applicants to obtain their Official Military Personnel File (OMPF) from the U.S. National Archives and Records Administration and provide it to the background investigator. This file offers additional insight into the applicant's military service record. The records typically take between one week to a month to be received. If an applicant claims that the records do not exist or that it will take too long to obtain them, this could be a red flag. The background investigator should request the applicant provide official documentation from the U.S. National Archives and Records Administration confirming the status of the records, whether they are delayed or non-existent.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Section 7: Financial

SECTION 7: FINANCIAL

INCOME AND EXPENSES:

For each of the following questions, fill in the amounts to the nearest dollar.

1. From your employer(s), what is your monthly income? ☐

2. Do you have income other than from your salary or wages? ☐ Yes ☐ No

If yes, fill in amount: ☐ per month Explain: ☐

3. Approximately how much do you spend each month? (Estimate your monthly living expenses, include housing, utilities, credit cards or other loan payments, food, gas and car maintenance, entertainment, etc., as well as any other obligations you may have). ☐

4. Have you ever filed for or declared bankruptcy (Chapter 7, 11 or 13)? ☐ Yes ☐ No

5. Have any of your bills ever been turned over to a collection agency? ☐ Yes ☐ No

6. Have you ever had purchased goods repossessed? ☐ Yes ☐ No

7. Have your wages ever been garnished? ☐ Yes ☐ No

8. Have you ever been delinquent on income or other tax payments? ☐ Yes ☐ No

9. Have you ever failed to file income tax or cheated/lied on an income tax form? ☐ Yes ☐ No

10. Have you ever had an employment bond refused? ☐ Yes ☐ No

11. Have you ever avoided paying any lawful debt by moving away? ☐ Yes ☐ No

12. Have you ever defaulted on a loan, including a student loan? ☐ Yes ☐ No

13a. Have you ever borrowed money to pay for a gambling debt? ☐ Yes ☐ No

13b. If "Yes," do you currently have any outstanding debts as a result of gambling? ☐ Yes ☐ No

14. Have you ever spent money for illegal purposes (e.g., illegal drugs, prostitution, purchase fraudulent documents, etc.)? ☐ Yes ☐ No

15. Have you ever failed to make or been late on a court-ordered payment e.g., child support, alimony, restitution, etc.)? ☐ Yes ☐ No

16. Have you written three or more bad checks in a one-year period? ☐ Yes ☐ No

Personal History Statement 05.01.2020

Page **24** of **35** **Initial this page to indicate that you have provided complete and accurate information:** _____

Figure 5.15: PHS Section 7: Financial

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Financial Documents/Credit Report

Timeline for Acquiring

If the applicant provides it, it will be submitted with the other required documents when they submit their PHS. If the background investigator acquires it, it can be done after the PHS interview. Result delivery depends on how it is acquired. It is immediate if acquired through S2Verify. If the applicant is providing it, the applicant should submit it with their other required documents during the pre-investigation interview.

Mechanics of Securing

Require the applicant to provide their own or utilize one of these companies to acquire financial documents:

- S2Verify
- Experian
- Equifax
- LexisNexis

Potential Roadblocks

Both a lack of verified access and/or fees for services (agency access and/or receiving the report) can be potential roadblocks for background investigators to work through.

Section 8: Legal

- Any Class B misdemeanor that resulted in a conviction or community supervision disqualifies a person from licensure for ten years. “Community supervision” includes deferred adjudication, even if the case was ultimately dismissed as part of the deferred adjudication agreement. A “community supervision” disqualifier does *not* include a deferred prosecution agreement (Pretrial Diversion). You should review all available court documents to determine how and why a case was dismissed. If the applicant entered a plea of guilty, that almost always indicates that they had a deferred adjudication agreement with the judge and not a deferred prosecution agreement with the prosecutor.
- Any Class A misdemeanor or higher offense that resulted in a conviction or community supervision is a permanent disqualifier from licensure.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- In some situations, a chief administrator can request a waiver from the Commission that would allow someone with a Class A or Class B misdemeanor offense history to obtain a license or be appointed (see TCOLE Rule 211.30). If your applicant has a disqualifying Class A or Class B offense history, you should confirm the chief administrator is willing to consider a waiver request before continuing the background investigation.
- The rules also prohibit licensing anyone who has ever "been convicted or placed on community supervision in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code." This includes Class C offenses, and it is generally interpreted and applied broadly. If the applicant has any conviction or community supervision from an offense, it is advisable that you obtain the original police report that documents the arrest so you can determine if there were elements of family violence (this includes if family violence was not specifically stated in the court documents but elements of it are present).

If applicants list an arrest in the legal section of the PHS, the background investigator should request copies of all court documents and law enforcement reports pertaining to that case. The background investigator can request that the applicant provide those documents, or the background investigator can obtain the documents themselves. If you are going to accept documents from the applicant, you should only accept original certified copies.

TCOLE investigators review a lot of PHS's during their investigations and often find the applicant has listed the arrest and charge and then the disposition as "Dismissed." Even if the case was dismissed, you need to follow up to confirm how the case reached a dismissal. Background investigators tend to see the "Dismissed" but fail to request court documents to verify that there was never any community supervision.

Another common issue seen by TCOLE investigators is the applicant will list their charge as "Assault Class C Misdemeanor." The background investigators see the assault Class C misdemeanor, which is not a disqualifier. This should be a red flag and further investigated. The background investigator should request an offense report from the arresting agency or documents from Municipal Court to see if the offense involved family violence. A Class C assault involving family violence is a disqualifier based off of Title 37 Texas Administrative Code 217.1 (b)(7).

© 2025, Texas Commission on Law Enforcement. All rights reserved.

SECTION 8: LEGAL

Disclosure of Citations, Arrests, and Convictions:

This section requires you to report detentions, arrest, and convictions, including diversion programs and, in some cases, offenses that may have been pardoned. As a licensed applicant, you are required to disclose this information, unless specifically exempted by state or federal law.

- ALL detentions or arrests, whether they resulted in a conviction or not
- ALL convictions
- ALL diversion programs
- ALL citations, excluding traffic tickets (may have been detained and/or received a Class C for disorderly conduct, prostitution, assault, etc., without actual arrest

If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate what section, question number, and page it refers.

Have you EVER been detained for investigation, held on suspicion, questioned, fingerprinted, arrested, indicted, criminally charged, or convicted of any misdemeanor or felony offense in this state or in any other legal jurisdiction (including offenses punishable under the Uniform Code of Military Justice)? ☐ Yes ☐ No

If yes, explain each incident:

1. Approximate Date: Arresting or detaining agency:

Charge:

Disposition or Penalty:

2. Approximate Date: Arresting or detaining agency:

Charge:

Disposition or Penalty:

3. Approximate Date: Arresting or detaining agency:

Charge:

Disposition of Penalty:

4. Approximate Date: Arresting or detaining agency:

Charge:

Disposition or Penalty:

Personal History Statement 05.01.2020

Page **25** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.16: PHS Section 8: Legal (1)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

23. Drunk in public (being so intoxicated in a public place that you're not able to care for yourself) ☐ Yes ☐ No

24. Hit and run collision (no injuries) ☐ Yes ☐ No

25. Hunting or fishing without a license ☐ Yes ☐ No

26. Illegal gambling ☐ Yes ☐ No

27. Impersonating a peace officer ☐ Yes ☐ No

28. Indecent exposure (including flashing or mooning) ☐ Yes ☐ No

29. Joyriding (using a car or other vehicle without owner's permission) ☐ Yes ☐ No

Undetected Acts – Part 1

At any time in your life, have you **ever** committed any of the following?

30. Arson (intentionally destroying property by setting a fire) ☐ Yes ☐ No

31. Assault with a deadly weapon ☐ Yes ☐ No

32. Theft of a vehicle and/or vehicle parts ☐ Yes ☐ No

33. Burglary (entering a structure or vehicle to commit theft or other crime) ☐ Yes ☐ No

34. Child molestation (performing unlawful acts with a child) ☐ Yes ☐ No

35. Accessing, producing, or possessing child pornography ☐ Yes ☐ No

36. Injury to a child, elderly, and/or disabled ☐ Yes ☐ No

37. Embezzlement (theft of money or other valuables entrusted to you) ☐ Yes ☐ No

38. Felony drunk driving (involving injuries) ☐ Yes ☐ No

39. Forcible rape or other act of unlawful intercourse/sexual activity ☐ Yes ☐ No

40. Forgery (falsifying any type of document, check certificate, license, currency, etc.) ☐ Yes ☐ No

41. Hit and run (with injuries) ☐ Yes ☐ No

42. Hate crime ☐ Yes ☐ No

43. Insurance fraud ☐ Yes ☐ No

44. Theft (value of over $500 and/or any firearm) ☐ Yes ☐ No

45. Murder, homicide, or attempted murder ☐ Yes ☐ No

46. Perjury (lying under oath) ☐ Yes ☐ No

47. Possession of an explosive/destructive device ☐ Yes ☐ No

48. Robbery (theft from another person using a weapon, force, or fear) ☐ Yes ☐ No

49. Stalking ☐ Yes ☐ No

50. Blackmail or extortion ☐ Yes ☐ No

51. Any other act amounting to a felony ☐ Yes ☐ No

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.17: PHS Section 8: Legal (2)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

If you answered "**YES**" to **any** of the Questions 15 – 51 (on the previous two pages), fully explain circumstances, including dates, names of individuals involved, and resolution. Indicate the corresponding question number for each explanation.

Questions about your current and past recreational drug use. This covers the use of **any** drug, including the unauthorized use of prescription drugs. Your answers should include, **but not limited to**, your use of any of the following drugs.

Amphetamines/Methamphetamine Uppers, Speed, Crank, etc.	Heroin/Opium
Barbiturates (Downers)	Marijuana
Cocaine/Crack Cocaine	Mescaline
Designer Drugs (Ecstasy, Synthetic Heroin, etc.)	Morphine
GHB (Date Rape Drug)	PCP/Angel Dust
Glue	Quaaludes
Hallucinogens (Peyote, LSD, Mushrooms)	Steroids
Hashish/Hashish Oil	Tetrahydrocannabinol (THC)

52. **Within the past three years**, have you used any non-prescribed drug(s) as indicated above or unauthorized prescription drugs? ☐ Yes ☐ No

If yes, give details, including drug(s) used and circumstances:

53. Prior to the past three years (check all that apply):

☐ I have never used any drug recreationally.

☐ I have tried or used one or more drugs listed above, but only under limited circumstances (for example: experimentation, at parties, concerts, special events, etc.).

If you have, give details including drug(s) used, most recent date used, and circumstances:

Personal History Statement 05.01.2020
Page **28** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.18: PHS Section 8: Legal (3)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Criminal History and Offense Review

Court Records and Offense Reports

Timeline for Acquiring

Begin with a CCH and/or applicant self-admission. If criminal history is disclosed/discovered, contact the LEA and the court as indicated on the CCH or per the applicant for more detailed information/documentation. If civil suit history is disclosed, and the background investigator would need to contact the court for more detailed information/documentation, the background investigator may need to conduct a Google search or TLO inquiry to identify civil records. This should be done as soon as practicable following the PHS interview. Timely delivery should be straightforward as long as you remember to include the signed AOR with your request to the relevant court. However, it could take weeks to months to acquire certified court dispositions, especially when requesting documents from out of state.

Mechanics of Securing

Contact the court and arresting agency to determine if the court records and offense reports still exist. Certain civil court documents may not be available in the county's database but can be found on Public Access to Court Electronic Records (PACER). The background investigator's agency can buy a subscription or can check with the county or district attorney's office as they might have a PACER subscription and can search for and provide access to those documents if they exist. If the records still exist, determine who within the court/LEA is the best person to contact and/or send your request to. Some courts and LEAs only accept requests in writing, while others will accept the request via email. Make sure your request is on official letterhead and signed. Also, include a copy of the AOR with your request.

Potential Roadblocks

Not a Recognized LEA

There have been instances where TCOLE has requested certified court documents from out-of-state courts and been denied the documents because the court does not recognize TCOLE as an LEA and/or did not recognize TCOLE as an LEA in which the records fees could be waived. This could happen to you as well, but it is important to not give up and to keep trying. When you encounter this, you can:

- Ask the court/agency what they need from your agency to prove you are a government agency/LEA.
- Contact the state's Peace Officer regulatory agency (POST) and request assistance in obtaining the documents.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Contact your FSA and explain the situation. TCOLE may have a better point of contact for that state that can assist you obtaining those records.
- Put the responsibility of obtaining those records on the applicant.
  - If you do this, the applicant *must* provide certified copies; do not accept anything less. Also, the applicant can ask that the documents are mailed to you instead of them to ensure a proper chain of custody to prevent any chance of tampering.

TCOLE requested court documents from the Wisconsin Judicial Branch (WJB) and was told we would be charged for certified copies of the documents because they did not recognize TCOLE as a government agency/LEA. The administrative assistant provided WJB further explanation as to who TCOLE was and the fees were eventually waived. WJB stated: "Please be advised that I waived the fees due to the discretion allowed by Statute, but another Clerk of Circuit Court in the State of Wisconsin may not."

Records are Expunged/Sealed

If an applicant has their criminal history expunged in Texas, there should be no record on the criminal history (as long as each involved party redacted the information per the order). The applicant may still possess a copy of the expunction order. It would be best to do your own research with the court, the arresting agency, and the district or county attorney's office to determine if it is a true expunction.

An expunction or sealing can mean different things in different states. It is the background investigator's responsibility to research the true meaning of an expunction or sealing for that respective state because in many states an expunction is a sealing in which law enforcement has access to those records. Additionally, a sealing is another exception that law enforcement has access to whereas others do not.

> **Note:** If records are obtained from another state and the applicant subsequently has the records expunged, the records still exist in Texas and Texas does not recognize other state expungement orders.

Order of Non-Disclosure

An order of nondisclosure is a court order prohibiting public entities such as courts and police departments from disclosing certain criminal records. An order of nondisclosure also legally frees the applicant from disclosing information about their criminal history in response to questions on job applications. They do not need to mention information related to the offense that is the subject of an order of nondisclosure.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

There are exceptions. Law enforcement and certain public and quasi-public agencies will still have access to the records. If an applicant is appointed/licensed by TCOLE they must disclose their criminal history information regardless of an order of non-disclosure, and you as an LEA have access to those records.

Cannot Rely Solely on the CCH

There are several reasons why you should not solely rely on the information on the CCH. These include, but are not limited to:

- States entering criminal history differently could reflect a differing charge/offense than what Texas views it as.
- States use different terms for charges and offenses than what Texas uses, creating a mismatch.
- Individuals entering the information are not always qualified or experienced in their role therefore they enter incorrect information.
- Mistakes can and do happen when information is entered.
- Updated information might not be entered in a timely fashion (or never be updated at all) leading you to believe there is no offense when in actuality there is.

Here is a recent example of the CCH failing to provide the full picture of the applicant's history. TCOLE received a call from an agency reviewing an applicant. The background investigator conducted a Google search and found the applicant was charged with sexual assault while on duty. The background investigator conducted a CCH query, but there was no criminal history for the applicant. The background investigator contacted the arresting agency and was able to obtain a copy of the report. Next, the background investigator contacted the court, but the court stated they had no record of the applicant or the charge. The background investigator contacted the county attorney's office to inquire about the case, but the county attorney's office did not have any record of the case or applicant.

TCOLE investigated the situation, running the CCH query, and, again, finding no criminal history. Both the court and the county attorney's office were contacted as well, but they still had no record of the applicant related to that charge. TCOLE obtained the offense report from the arresting agency and the report stated the case was referred to the county attorney's office.

Several weeks later, TCOLE received a rap back hit on the applicant related to the sexual assault charge. Being that the arrest occurred almost a year ago, records indicated the applicant never reported their arrest to the Commission. TCOLE placed an administrative hold on their license until the applicant provided certified final disposition

© 2025, Texas Commission on Law Enforcement. All rights reserved.

documents. When the applicant called inquiring as to why there was a hold on his license, he was provided with an explanation. The applicant informed TCOLE the charge was dismissed, he got it expunged, and he emailed TCOLE a copy of the expunction order.

You cannot always rely on the CCH to provide you with accurate information. It is best to confirm the information on the CCH with certified court documents and offense reports.

Closest Equivalent Offense

Some states' offense titles and punishments differ from those in Texas. The Commission will treat any court-ordered community supervision, probation, or conviction as its closest equivalent under Texas Penal Code if the offense came from another Texas law or a law from another state, federal, military, or foreign jurisdiction. If an offense was classified as a felony upon conviction it will always be considered a felony, even if Texas laws change or if it would not be a felony under current laws. [TAC 217.1(c)]

You must interpret the applicant's criminal history in this way. When a charge does not directly match an offense in Texas, it is your responsibility to identify the closest equivalent. Start by finding a similar offense and then determine the corresponding punishment under the Texas Penal Code classification of offense.

For example, Jane Doe was arrested in Santa Barbara County, California on 01/01/2013. According to the court records, Doe plead nolo contendere to a Misdemeanor for Battery. The background investigator reviewed the court documents and researched California's criminal offense classification of a "Misdemeanor" charge for Battery and then compared their findings to the closest offense equivalent under Texas law. After the review, the background investigator determined that the Misdemeanor for Battery was equivalent to Assault, a Class A misdemeanor in Texas. As a result, the applicant was deemed ineligible without a waiver granted by TCOLE.

Assistance with Interpretation

Before you ask for assistance with interpretation, make sure you have the certified court documents and offense report. If you need assistance with interpreting the applicant's criminal history and punishment, first bring it to your chain of command's attention. Some agencies contact the court/county attorney's office/district attorney's office of that state, but be mindful that they are not well versed in Texas laws and TCOLE rules for eligibility. Some agencies have requested assistance from their county or district attorney, but it is important they are well versed with

© 2025, Texas Commission on Law Enforcement. All rights reserved.

TCOLE rules for eligibility. If they are not, you should contact your FSA. They can help interpret or relay the concern to TCOLE's Legal Division.

In Louisiana and some other states, they use the disposition term "nolle prosequi." This term is a legal notice or entry of record that the prosecutor or plaintiff has decided to abandon the prosecution or lawsuit. In most cases, it is a voluntary motion filed with the court to end legal proceedings against a defendant. For the most part, this can be interpreted as "dismissed;" however, nolle prosequi is different from an acquittal and is not a final disposition of the case. This means that another prosecution for the same offense is still possible.

TCOLE Enforcement History

Timeline for Acquiring

Ten days, under normal circumstances, beginning after the PHS interview.

Mechanics of Securing

Email the TCOLE Enforcement Team at complaintrequest@tcole.texas.gov.

Send your request for TCOLE Enforcement History via email, on official letterhead, and include a copy of the AOR.

Potential Roadblocks

An open (pending) administrative investigation where details cannot be discussed.

In the response, it will be made clear to you that there is a pending investigation that is ongoing, but that the result is not yet available. This should be a cue to you, as a background investigator, that you are possibly incurring liability for your agency if you proceed to the conclusion of the investigation without waiting for the outcome of the TCOLE investigation/inquiry.

Computerized Criminal History (CCH) Search

Background investigators should obtain a criminal history on the applicant. The search should be through TCIC (QH) and NCIC (QR). If any involvement is found during the computerized criminal history (CCH) search, it should be further investigated. The CCH will give the background investigator the arresting agency and usually the

© 2025, Texas Commission on Law Enforcement. All rights reserved.

prosecuting agency (county or district attorney's office in which the charges were filed). Background investigators should contact the arresting agency to obtain a copy of the police incident report and the county clerk's office or district clerk's office for court records related to the charge(s) found on the CCH.

If the background investigator is not sure of the disposition of the arrest and charge, they should seek advice from their chain of command and contact their FSA for assistance. A mistake made during a background investigation that is often seen by TCOLE administrators is an investigator's misinterpretation of the criminal history. Figure 5.19 shows an example. This CCH does not provide much information, with the exception of the arresting agency. It is the background investigator's responsibility to delve deeper into the charge and obtain court documents and the offense report to determine if the charge is a disqualifier.

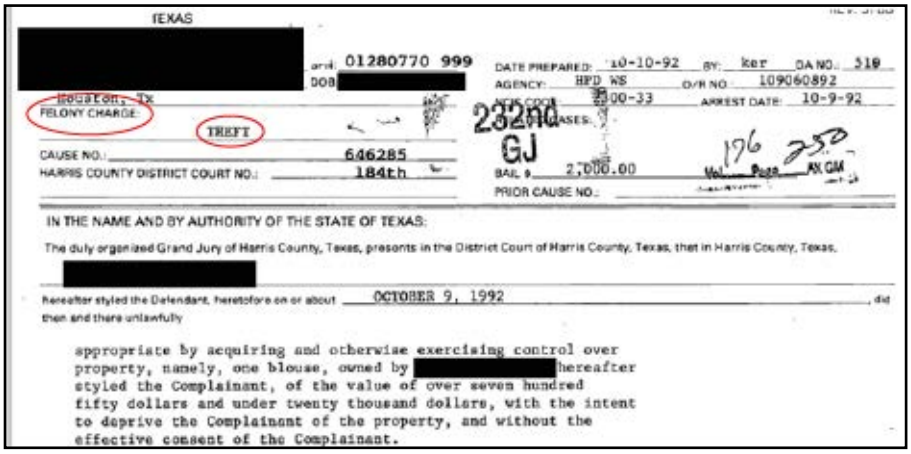
```
============================== Cycle 001 ==============================
Tracking Number          Sequence: A
Earliest Event Date      1992-10-09
-----------------------------------------------------------------------
Arrest Date              1992-10-09
Arresting Agency         TXHPD0000 HOUSTON POLICE DEPARTMENT
Arrest Type              Adult
Charge                   *001
        Charge Literal   SHOPLIFTING
    Charge Description   Arrest Offense Literal: SHOPLIFTING
    Charge Description   Arresting Agency Number: 652142
              Statute     (X X )
     NCIC Offense Code   2303
    State Offense Code   23030000
              Severity   Unknown
************************  INDEX OF AGENCIES  ************************

Agency                   HOUSTON POLICE DEPARTMENT; TXHPD0000;
```

Figure 5.19: Criminal History Sheet for Applicant

Reviewing the CCH, the background investigator was aware of the arrest and charge on the criminal history but did not investigate further. The red flag was no disposition on the criminal history. Had the background investigator looked further into the arrest, they would have found the following court records (Figure 5.20 and Figure 5.21).

© 2025, Texas Commission on Law Enforcement. All rights reserved.



TEXAS

[redacted] and 01280770 999

DOB [redacted]

DATE PREPARED: 10-10-92 BY: ker DA NO.: 510

AGENCY: HPD WS O/R NO.: 109060892

Houston, TX

FELONY CHARGE: THEFT

ATT COND: 00-33 ARREST DATE: 10-9-92

CASES: 2

232nd GJ

CAUSE NO.: 646285

HARRIS COUNTY DISTRICT COURT NO.: 184th

BAIL $ 2,000.00

Vol. 176 Page 250 AX GM

PRIOR CAUSE NO.:

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

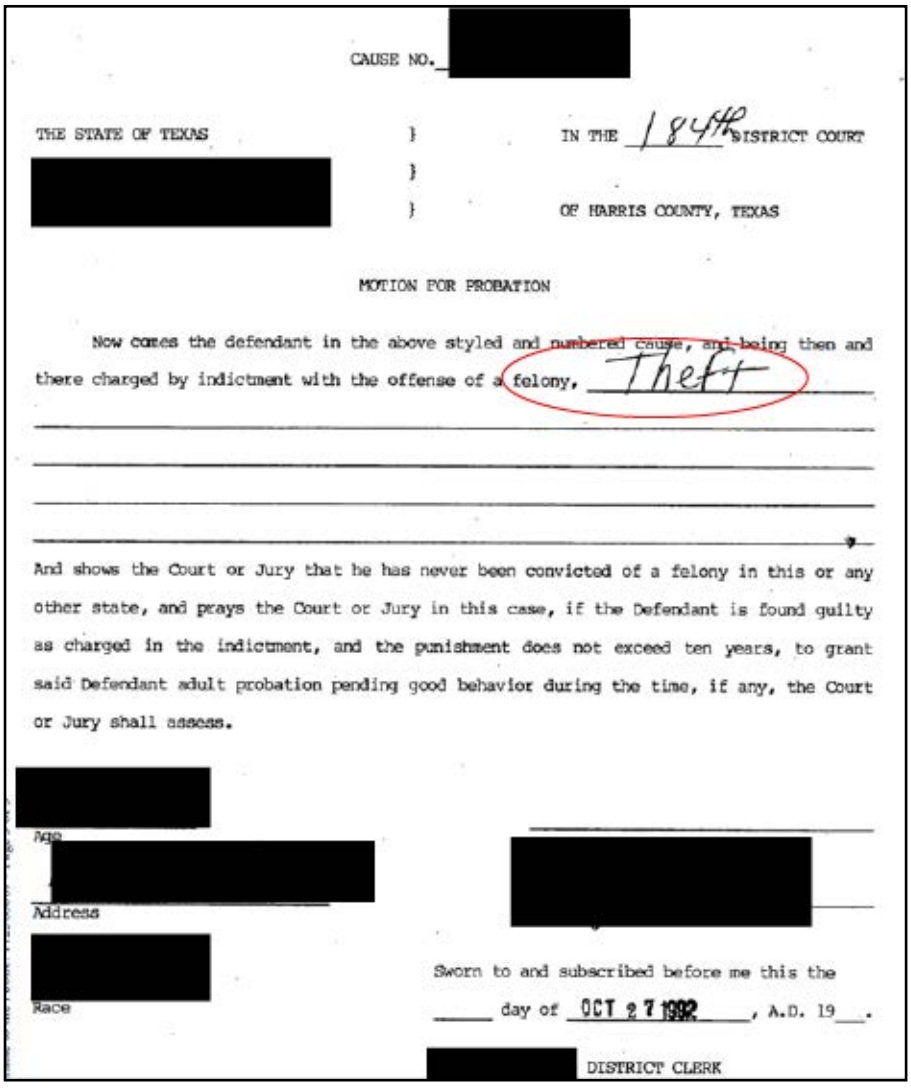
The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas,

[redacted]

hereafter styled the Defendant, heretofore on or about OCTOBER 9, 1992, did then and there unlawfully

appropriate by acquiring and otherwise exercising control over property, namely, one blouse, owned by [redacted] hereafter styled the Complainant, of the value of over seven hundred fifty dollars and under twenty thousand dollars, with the intent to deprive the Complainant of the property, and without the effective consent of the Complainant.

Figure 5.20: Criminal Disposition



CAUSE NO. [redacted]

THE STATE OF TEXAS }

[redacted] }

}

IN THE 184th DISTRICT COURT

OF HARRIS COUNTY, TEXAS

MOTION FOR PROBATION

Now comes the defendant in the above styled and numbered cause, and being then and there charged by indictment with the offense of a felony, Theft

And shows the Court or Jury that he has never been convicted of a felony in this or any other state, and prays the Court or Jury in this case, if the Defendant is found guilty as charged in the indictment, and the punishment does not exceed ten years, to grant said Defendant adult probation pending good behavior during the time, if any, the Court or Jury shall assess.

[redacted]

Age

[redacted]

Address

[redacted]

Race

[redacted]

Sworn to and subscribed before me this the

____ day of OCT 27 1992, A.D. 19__.

[redacted] DISTRICT CLERK

Figure 5.21: Motion for Probation

© 2025, Texas Commission on Law Enforcement. All rights reserved.

This applicant (a felon) was appointed with this agency because the background investigator failed to further investigate the arrest on the criminal history. Remember, you are an investigator, so *investigate*!

Section 9: Motor Vehicle Operation

SECTION 9: MOTOR VEHICLE OPERATION

Current Driver License #: | State of Issue: | Expiration Date:

Full name under which license was granted:

List other states where you have been licensed to operate a motor vehicle:

1. ☐ N/A State of Issue: | Type of License: | License Number:

Name under which license was granted:

2. ☐ N/A State of Issue: | Type of License: | License Number:

Name under which license was granted:

3. ☐ N/A State of Issue: | Type of License: | License Number:

Name under which license was granted:

Have you ever been refused a driver's license by any state? ☐ Yes ☐ No

If yes, explain (include when, where, and circumstances):

Has your driver's license ever been suspended or revoked? ☐ Yes ☐ No

If yes, explain (include when, where, and circumstances):

Personal History Statement 05.01.2020

Page **29** of **35** **Initial this page to indicate that you have provided complete and accurate information: _____**

Figure 5.22: PHS Section 9: Motor Vehicle Operation (1)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

List your current liability insurance on your vehicle(s):

4. Type of Coverage: ☐ Insured ☐ Bonded ☐ Cash Deposit

Vehicle Make/Model: Year: Vehicle License:

Insurance Company: Policy Number: Expires:

Address:

City: State: Zip: Contact Number:

5. Type of Coverage: ☐ Insured ☐ Bonded ☐ Cash Deposit

Vehicle Make/Model: Year: Vehicle License:

Insurance Company: Policy Number: Expires:

Address:

City: State: Zip: Contact Number:

6. Type of Coverage: ☐ Insured ☐ Bonded ☐ Cash Deposit

Vehicle Make/Model: Year: Vehicle License:

Insurance Company: Policy Number: Expires:

Address:

City: State: Zip: Contact Number:

7. Type of Coverage: ☐ Insured ☐ Bonded ☐ Cash Deposit

Vehicle Make/Model: Year: Vehicle License:

Insurance Company: Policy Number: Expires:

Address:

City: State: Zip: Contact Number:

List all traffic citations, excluding parking citations, that you have received within the past seven years:

8. Nature of Violation:

Location (Street, City, State, Zip):

Date Violation Occurred: Action Taken: ☐ Not Guilty ☐ Fined ☐ Traffic School ☐ Dismissed

Personal History Statement 05.01.2020

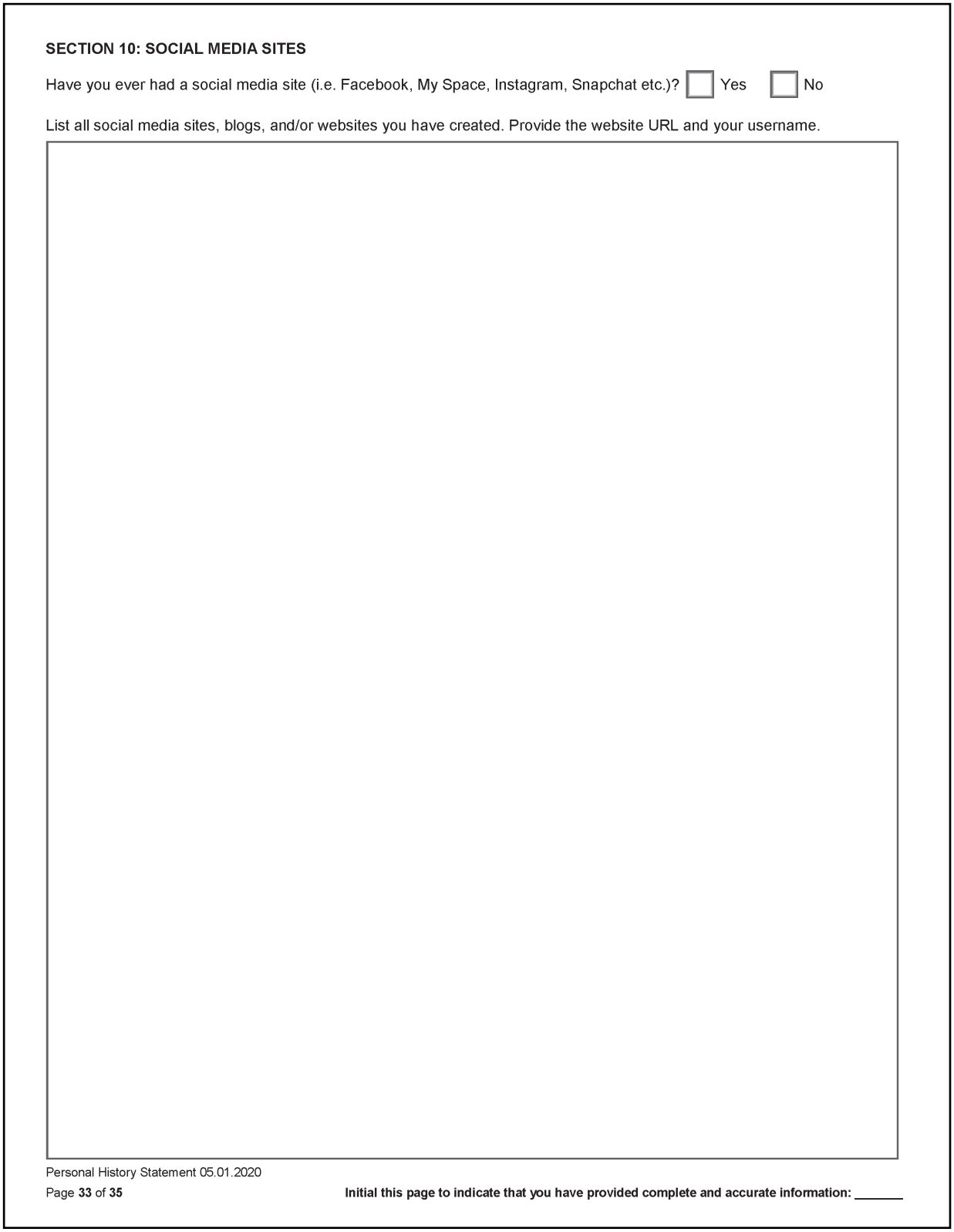
Page **30** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.23: PHS Section 9: Motor Vehicle Operation (2)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Section 10: Social Media Sites



SECTION 10: SOCIAL MEDIA SITES

Have you ever had a social media site (i.e. Facebook, My Space, Instagram, Snapchat etc.)? ☐ Yes ☐ No

List all social media sites, blogs, and/or websites you have created. Provide the website URL and your username.

Personal History Statement 05.01.2020

Page **33** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.24: PHS Section 10: Social Media Sites

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Internet Footprint

Timeline for Acquiring

If the background investigator knows the applicant's name, they may do a search beforehand, but most likely it would occur after the PHS interview because the applicant will provide any social media handles. The search can also uncover any civil lawsuits involving the applicant, arrests (news articles do not get expunged), wrongful termination(s), involvement in radical groups, and so forth. Social media and internet searches are easier when you, as the investigator, ask for all social media names used by the applicant.

Mechanics of Securing

Utilize search engines and social media searches for viewing the applicant's internet footprint.

Potential Roadblocks

The applicant may be less than forthcoming with a list of social media platforms and accounts that they use or have used in the past, or the applicant has their profiles hidden, blocked, or deleted.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Section 11: Additional Space

SECTION 11: ADDITIONAL SPACE

- Duplicate this page as needed to include additional information that does not fit elsewhere on this form (e.g., additional family members, schools, residences, employers, explanations to questions, etc.).
- Identify the corresponding section, question number, and specific item being referenced.

Personal History Statement 05.01.2020

Page **34** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.25: PHS Section 11: Additional Space

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Section 12: Certification

SECTION 12: CERTIFICATION

I hereby certify that I have personally completed and initialed each page of this form and any supplemental page(s) attached, and that all statements made are true and complete to the best of my knowledge and belief. I understand that any misstatement of material fact may subject me to disqualification; or, if I have been appointed, may disqualify me from continued employment.

_____ _____
Signature of Applicant Date

Sworn to and subscribed before me, this the _____ day of _____, _____.

Notary public in and for, State of _____.

My commission expires: _____ / _____ / _____.

_____ _____
Printed Name of Notary Signature of Notary

Notary Seal or Stamp:

Personal History Statement
11.10.2020 Page **35** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure 5.26: PHS Section 12: Certification

© 2025, Texas Commission on Law Enforcement. All rights reserved.

TCOLE and Agency Tools

PSR

An applicant's PSR will generally reflect if an applicant has ever received a reprimand, suspension, or license revocation from TCOLE. However, TCOLE occasionally receives complaints or conducts investigations that result in warning letters or no license action. You can inquire with TCOLE's Enforcement Team to find out if your applicant has been involved in any past investigations.

TLOxp for Law Enforcement (TransUnion)

TLOxp for Law Enforcement is a search and locate tool for agencies across state, local, and federal jurisdictions. Drawing from over 10,000 data sources, TLOxp compiles more than 125 billion records helping you locate suspects, witnesses, and fugitives with the industry's most comprehensive view into a subject's identity, assets, and relationships.

F5R

One of the initial steps in a background investigation is requesting an F5R report from TCOLE. This request should be made through the Texas Commission on Law Enforcement Data Distribution System (TCLEDDS). The F5R return will show you agencies that previously employed the applicant and the date and discharge status listed on that agency's F5.

Timeline for Acquiring

Receiving the report should occur immediately upon accessing TCLEDDS. This is something that can be done before (if you have the applicant's name and PID) or after the PHS interview. The advantage to doing it before is that you can cross-reference employment from their F5R and PHS, and you can discuss F5 designations (less than favorable or if honorable was it amended at SOAH). If you do it after the PHS interview, you still have the opportunity to have a follow-up interview with the applicant if needed.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Mechanics of Securing

TCLEDDS access is required. When you generate a F5R, TCLEDDS will provide you with:

- BCF
- F5R
- PSR

Potential Roadblocks

If you do not have TCLEDDS access, someone in your agency may already have it, and you can ask them to run the BCF for you. If you cannot find out who has TCLEDDS access in your agency, then you can contact TCOLE Support (support@tcole.texas.gov). TCLEDDS access for your agency should be limited to very few people.

Personnel Files

A background investigator must obtain and review all "personnel files and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer." This can be done electronically through the TSS portal. If you prefer to review the records in person, you may choose to do so, but the other agency cannot require that of you. If you submit the request through TSS, they are required to provide the records through that portal. You must submit the applicant's waiver with your TSS request.

You have to ask questions before and after you make the request. If you review a file in TSS and there's nothing from IA, then you should ask if that person has any documentation from IA. Most agencies will send some kind of indication there is no record, but you cannot assume that simply because you do not receive anything from them in the initial steps of the process.

For some large departments, a background investigator might be asked to schedule appointments for all in-person file reviews. You may need to make appointments with HR for personnel files, the Recruiting Unit for the original hiring packet, the Training Unit for training records, and Internal Affairs (IA) for disciplinary and complaint records. In some cases, there might be even more records, like employee evaluations held by the immediate supervisor.

The agency is required to provide all the same records through the TSS portal that could be reviewed in person.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Personnel Files

Personnel files cover a wide array of files you need as a background investigator. Some examples of these are IA, HR, Training Academy, and Recruiting files. It is your responsibility to ensure you are receiving all the files that pertain to your applicant. Files can be labeled differently or held in different locations depending on the agency you are dealing with.

Timeline for Acquiring

The person responding to the TSS request shall provide all these files. It is the background investigator's responsibility to ensure they received all the files from other divisions within the agency.

TSS Request/Viewing of Files

Timeline for Acquiring

TSS

Other agencies have ten calendar days to respond to a TSS request for information. Once the other agency submits files (responsive to your inquiry) to TSS, you will (as the requester) receive an email notification that the file is available for review in TSS.

The requesting agency has 14 calendar days to review the files in TSS. Once you open the file in TSS, you have 72 hours to view the file (and you cannot view more than one file at a time).

If the ticket expires, TCOLE will reactivate the ticket, one time for 24 hours. Email secureshare@tcole.texas.gov or call 512-936-7700, option 3, then 2. After 30 days, the ticket and its contents are deleted.

In-Person

An in-person review of personnel records is acceptable if a hiring agency and a previous employing law enforcement agency mutually agree to the in-person review.

This, of course, is dependent upon the availability of the background investigator and the previous employing agency's availability.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Mechanics of Securing

TSS

1. Determine who the TSS contact is at each agency you will be requesting information from.

   Note: If there are files in multiple divisions, confirm the TSS point of contact can provide those files, and if not, obtain that division's TSS point of contact (POC).
2. Submit the signed copy of the AOR to each TSS contact you are requesting information from prior to sending the TSS request.
3. Next, submit the request for information (including the specific information you are looking for) to the TSS contact for each agency.
4. Review the files once they are sent.
5. Complete the F5R with who was your POC for the files, include time and date.

In-Person

Determine a time and date that works for both parties.

Provide the AOR, prior to reviewing the files.

Complete the F5R with who you met with to review the files, include time and date.

Potential Roadblocks

You may hear that agencies do not use TSS. TCOLE Enforcement Team can help by explaining that all agencies are required by statute to use TSS, and provide additional assistance if needed.

You may have problems locating the person who has TSS access in the department you need information from (TCOLE is actively working to alleviate this problem).

In-Person

You need to wait for availability of both parties to review the files in person, which could cause unnecessary delays.

You may need to visit several divisions to review all the required files within an agency.

You may have to pay for travel expenses (such as lodging or transportation) to visit each agency in person, which could become costly to the agency.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

There are a few departments that will have one person handling all information except Internal Affairs Division (IAD) files and a second person handling only IAD files. Be aware that, in a few agencies, you may run into this anomaly.

For instance, some larger agencies do not keep all their files in the same place, requiring different people to have access to different files, all of which you (as the background investigator) need access to. Recently, there was an agency that did not want to provide the internal affairs file to the requesting agency, due to confidentiality reasons. They did not want someone in HR to gain access to the sensitive information in the file. They refused to provide the file, thus halting the background investigation. The requesting agency reported the issue to TCOLE and TCOLE was able to assist in the requesting agency viewing an executive summary of the internal affairs file via TSS. If the requesting agency decided they needed to look further in the internal affairs investigation, they would have to review the file in person with the providing agency.

When some agencies encounter resistance from others when it comes to reviewing files, they just notate it as "files not available" and move on. This is not the best response to the situation. You are still required by statute to obtain and review those files. When this happens, it is best to contact your FSA who can assist you in obtaining and reviewing those files.

Some agencies notice a former employee was appointed at another LEA, yet no one from the new LEA ever contacted the former agency to review the applicant's files. They stay quiet because they do not want to be a "snitch." It you encounter this scenario, you need to report the other agency to your FSA. If you are required to comply with the pre-employment procedures, so is the other agency. There should not be a code of silence for this non-compliance. Integrity is all you have, and it can be lost very quickly. The expectation is for everyone to follow all the rules *all* the time. So please, do your part in helping TCOLE address those agencies that choose non-compliance.

Not properly viewing all files, or sharing all relevant information with other agencies, could lead to unqualified, ineligible, or even prohibited individuals being appointed as officers. As discussed earlier, the results of this could be disastrous.

NDI

Timeline for Acquiring

Results are immediate, but allow 1-2 days for response. Begin the request after the PHS interview is completed.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Mechanics of Securing

Create an account on the IADLEST website (https://www.iadlest.org/our-services/ndi/request-ndi-access).

Query the applicant's name, take a screenshot of the results, and add it the background investigation case file.

Potential Roadblocks

If your access to the website has not been approved/verified, you will have to wait for approval.

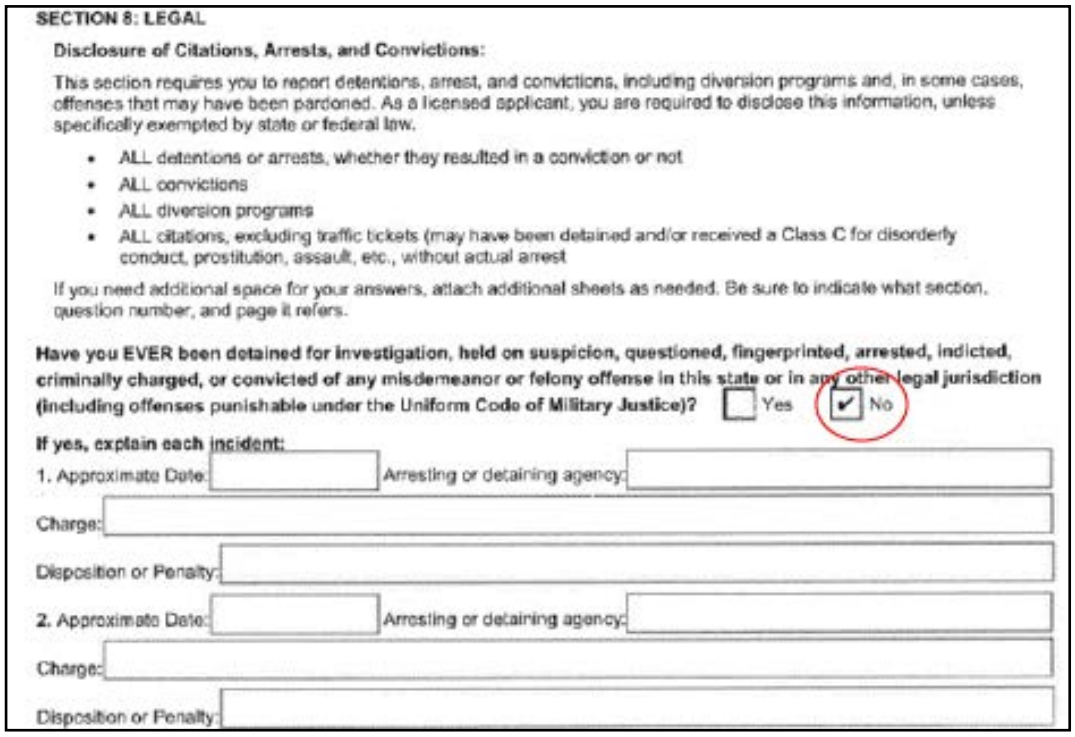
Red Flag Review

Putting It All Together

Each section of the PHS is a resource of information that the background investigator should vet for truthfulness. These sections can be compared to other resource information such as the applicant's past PHS, CCH, driver's license, TLOxp, and so forth, to see if there are discrepancies, omissions, or untruthfulness. Below is an example of how other resources can open the door to omissions and untruthfulness by the applicant.

The applicant (Figure 5.27) in this case clearly left Section 8: Legal of their personal history blank and even checked the box indicating "no" to the question "Have you EVER been detained for investigation, held on suspicion, questioned, fingerprinted, arrested, indicted, criminally charged, or convicted of any misdemeanor or felony offense in this state or in any other legal jurisdiction (including offenses punishable under the Uniform Code of Military Justice)?"

© 2025, Texas Commission on Law Enforcement. All rights reserved.



SECTION 8: LEGAL

Disclosure of Citations, Arrests, and Convictions:

This section requires you to report detentions, arrest, and convictions, including diversion programs and, in some cases, offenses that may have been pardoned. As a licensed applicant, you are required to disclose this information, unless specifically exempted by state or federal law.

- ALL detentions or arrests, whether they resulted in a conviction or not
- ALL convictions
- ALL diversion programs
- ALL citations, excluding traffic tickets (may have been detained and/or received a Class C for disorderly conduct, prostitution, assault, etc., without actual arrest

If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate what section, question number, and page it refers.

Have you EVER been detained for investigation, held on suspicion, questioned, fingerprinted, arrested, indicted, criminally charged, or convicted of any misdemeanor or felony offense in this state or in any other legal jurisdiction (including offenses punishable under the Uniform Code of Military Justice)? ☐ Yes ☑ No

If yes, explain each incident:

1. Approximate Date: Arresting or detaining agency:

Charge:

Disposition or Penalty:

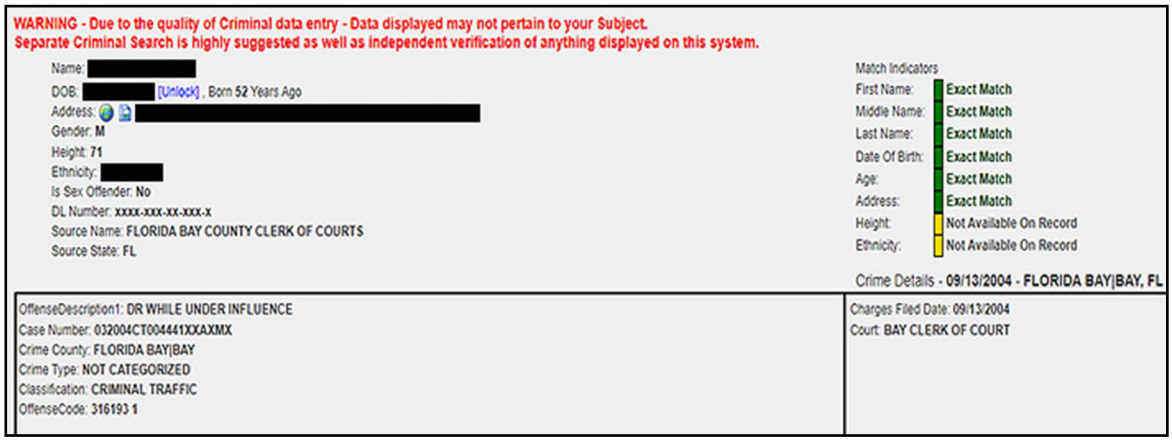
2. Approximate Date: Arresting or detaining agency:

Charge:

Disposition or Penalty:

Figure 5.27: PHS Section 8 Example

The investigator conducted a search through TLOxp and found the following (Figure 5.28):



WARNING - Due to the quality of Criminal data entry - Data displayed may not pertain to your Subject.
Separate Criminal Search is highly suggested as well as independent verification of anything displayed on this system.

Name: [redacted]
DOB: [redacted] [Unlock] , Born 52 Years Ago
Address: [redacted]
Gender: M
Height: 71
Ethnicity: [redacted]
Is Sex Offender: No
DL Number: xxxx-xxx-xx-xxx-x
Source Name: FLORIDA BAY COUNTY CLERK OF COURTS
Source State: FL

Match Indicators

First Name:	Exact Match
Middle Name:	Exact Match
Last Name:	Exact Match
Date Of Birth:	Exact Match
Age:	Exact Match
Address:	Exact Match
Height:	Not Available On Record
Ethnicity:	Not Available On Record

Crime Details - **09/13/2004 - FLORIDA BAY|BAY, FL**

OffenseDescription1: DR WHILE UNDER INFLUENCE
Case Number: 032004CT004441XXAXMX
Crime County: FLORIDA BAY|BAY
Crime Type: NOT CATEGORIZED
Classification: CRIMINAL TRAFFIC
OffenseCode: 316193 1

Charges Filed Date: 09/13/2004
Court: BAY CLERK OF COURT

Figure 5.28: TLOxp Results for Applicant

The search through TLOxp found a DWI case from Florida which did not show up on the applicant's CCH. Further investigation by the investigator found the person on the TLOxp search and the applicant on the PHS were the same person. The investigator contacted Florida and found the applicant had an outstanding DWI warrant for his arrest and was able to obtain the arresting agency offense report, booking sheet,

© 2025, Texas Commission on Law Enforcement. All rights reserved.

print card, and booking photograph. Had the investigator not conducted the additional search in TLOxp, the outstanding warrant from Florida, arresting agency offense report, booking sheet, print card, and booking photograph would not have been discovered. Clearly, the applicant was untruthful on their PHS.

Red Flag Review

A red flag in a background investigation could be any number of things. It might be a criminal record or a discrepancy in the number of agencies an applicant has worked for. Sometimes, these anomalies are simple mistakes; other times, they reveal that an applicant has not been entirely truthful. There are very few automatic bases for rejection. Issues surrounding previous misconduct, such as prior illegal drug use, driving under the influence, theft, or even arrest or conviction are usually not, in and of themselves, automatically disqualifying. However, deliberate misstatements or omissions can and often will result in an application being rejected, regardless of the nature or reason for the misstatements/omissions. In fact, the number one reason individuals "fail" background investigations is because they deliberately withhold or misrepresent job-relevant information from the agency they are applying with. In some cases, a particularly severe finding, such as a felony conviction, would be a disqualifier.

There are several major areas where background investigators will most likely detect red flags if they exist. The CCH and PHS are two major areas for detecting red flags. Some of the most common types of red flags include:

- The presence of one or more misdemeanor or felony criminal records
  - Failure to disclose criminal records on PHS
  - Lack of detailed explanation of the criminal charge on PHS
  - Failure to provide court records of the criminal charge
  - Failure to provide incident where police responded to their home
- Discrepancies between reported employment experience and verified work history
  - Failing to list all previous agencies of employment (law enforcement agencies) on PHS
  - Failing to list all agencies (law enforcement agencies) the applicant has applied to

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Failure to disclose discipline on the PHS
  - Written warnings
  - Formal letters of reprimand
  - Suspensions
- Failure to disclose resignation in lieu of termination
- Failure to list all previous residential addresses

These are a few red flags commonly seen during review of an applicant's PHS and criminal history. The background investigator may find other discrepancies or answers on the PHS that raise concerns and should be vetted further.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Activity 5-1: Applicant A's PHS Evaluation

Purpose

The purpose of this activity is for participants to review and identify mistakes and red flags found in Applicant A's PHS.

Participant Directions

1. Divide into pairs.
2. Review Applicant A's PHS.
3. Identify mistakes, errors, omissions, and red flags. Document all findings and processes in the note section found at the end of the PHS.
4. Discuss with your partner the next step you, as an investigator, should take after reviewing this PHS. Document your next steps in the notes section.
5. Share your findings and your next steps with the class.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Activity 5-2: Background Investigation for Applicant B

Purpose

The purpose of this activity is for participants to work through the beginning steps of the background investigation process for Applicant B by reviewing their agency PHS and determining the next steps to take in the hiring process.

Participant Directions

1. Divide into pairs.
2. Review Applicant B's Agency PHS.
3. Identify mistakes, errors, omissions, and red flags in the PHS. Write your findings in the notes sections found at the end of the PHS. Be prepared to share them with the class.
4. Discuss with your partner the next step you will take after reviewing this PHS. Document your next steps in the notes section.
5. After sharing your findings and determining the next steps an investigator should take as class, proceed with reviewing the supporting documents you would request as an investigator. After each document viewed, discuss with your partner concerning findings and next steps, documenting each finding in the notes sections.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

References

"Nolle Prosequi," *Legal Information Institute*, Conrell Law School. Accessed July 24, 2024. https://www.law.cornell.edu/wex/nolle_prosequi.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Module 6

Evaluate the PHS Results

Terminal Objective

Upon successful completion of this module, participants will be able to identify information revealed in documents gathered during background investigations.

Enabling Objectives

1. Identify the disqualifiers and exit points when reviewing documents.
2. Identify indicators that require further investigation.
3. Discuss the cumulative effects of multiple indicators.

© 2025, Texas Commission on Law Enforcement All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Identify Early Indicators

Search for Early Indicators

Searching for early indicators such as disqualifiers, omissions, or misrepresentations on the PHS in a background investigation is essential for efficient resource use, risk mitigation, regulatory compliance, effective decision-making, transparent communication, and consistent evaluations. This proactive approach ensures a thorough, fair, and effective background investigation process.

Keeping the disqualifiers at the forefront of your mind will help you to identify them as they arise. Information gained throughout the investigation should be continually compared to the disqualifier list (Table 6.1).

Table 6.1: TCOLE Disqualifiers and Waiver Eligibility

Offense	Disqualification	Waiver Eligibility
Any offense involving family violence	Permanent	None
Felony Conviction		
Felony Deferred Adjudication		
Class A Misdemeanor Conviction		Can request a waiver after 5 years from conviction.
Class A Misdemeanor Deferred Adjudication		
Class B Misdemeanor Conviction	10 years If the conviction occurred less than 10 years from the final disposition date it is a disqualification.	Can request a waiver after 5 years from conviction.
Class B Misdemeanor Deferred Adjudication		
Arrest/Charge/ Indictment for any criminal offense (felony, misdemeanor, or offense involving family violence)	Until final disposition unless the disposition results in a Class A or B misdemeanor, felony, or any offense involving family violence.	None

As a reminder, offenses that were committed while the individual was a juvenile are not considered disqualifiers unless the person was charged as an adult.

© 2025, Texas Commission on Law Enforcement All rights reserved.

Exit Points

Exit points, as well as checkpoints, are crucial elements in the investigation process. It is important to incorporate exit points and checkpoints throughout the investigation for several reasons. They help identify whether the information gathered warrants disqualification or termination of the investigation early on.

Each time you come into contact with new information, you should evaluate it immediately for potential disqualifiers. Briefing your chain of command when disqualifiers are identified serves several purposes: it ensures they are informed, it ensures there is transparency, it eliminates the risk of the chain of command being unaware of these critical findings/issues, it enables prompt decision-making, and it keeps the investigation focused and efficient. This approach not only helps in effective resource management but also upholds the integrity of the investigation and protects your agency from negligent hiring incidents.

Documentation Throughout

Documenting findings throughout a background investigation is important for several reasons. First, it ensures accuracy and consistency as relying on memory alone can lead to forgotten or misremembered details. Second, it upholds legal and ethical compliance by providing a clear trail that adheres to relevant standards. Third, it enhances accountability and transparency, allowing for scrutiny from various stakeholders and building trust in the investigative process.

Additionally, comprehensive documentation supports continuity and collaboration within the agency, facilitating seamless handovers and coordinated efforts. An organized approach to documentation also streamlines the investigation, making it easier to manage large amounts of information efficiently. Finally, well-documented evidence provides a strong defense against any challenges or disputes regarding the findings, maintaining the credibility of both the investigator and the investigation.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Determine Areas for Further Investigation

Address Verification

Indicators of Concern

Quick indicators of concern that should be visited as a potential disqualifiers or areas for further investigation are:

- Addresses that were omitted
- Addresses with inconsistent dates
- Addresses without listing co-habitants
- Timeframes that do not meet the minimum requirements (only providing an address that was for the past seven years, not the full 10 years required)
- Timeframes with gaps of little information
- Limited information for reasons of moving (protective orders, evictions, adversity with roommates, and so forth)

For limited information, applicants may try to limit the information by failing to provide a reason for leaving, or minimize their reason for leaving, writing a simple “I don’t remember,” or short “roommate was crazy,” “divorce,” with no further explanation.

There are a number of reasons why this section may not be filled out correctly. Sometimes, applicants do not provide this information because they completed the PHS too quickly. Or perhaps they chose to ignore the instructions in attempts to hide something in their background or make a shine a more positive light on a past incident than it deserves. It is your job as an investigator to notice if this area is lacking and the reason why.

If you identify errors early during the pre-investigation interview—by reviewing the address timeline from the date of the interview—you can request that the individual correct these gaps. If they are unable to recall the necessary information, ask them to complete it before returning the document for notarization. Additionally, try to identify any other mistakes before sending the document home so they can address all issues at once.

© 2025, Texas Commission on Law Enforcement All rights reserved.

Background investigators should run a comprehensive query on the applicant through TransUnion (TLO) and look for omitted addresses. In a recently viewed application by TCOLE, one applicant provided a distorted version of his address history. TCOLE found addresses on the TLO query and added them to the address verification Law Enforcement (LE) records request. TCOLE discovered the applicant was involved in five family disturbance incidents related to the address he omitted on his address history and LE contact.

During the pre-investigation interview, TCOLE checked to ensure the applicant provided the required amount of address history (the timeline of addresses should cover from the date the pre-investigation interview took place). The applicant was asked to complete any gaps noticed. If they did not remember the information the applicant was sent home to fill in the required address (the rest of the PHS was also checked for any other missing information before being sent home). Once all the required information is provided (following the pre-investigation interview), a comprehensive query of the applicant through TLO should occur and any omitted addresses be noted.

Another applicant failed to provide roommate/co-habitant history with their address history. When reviewing the applicant's files from former LEA employers, it was compared to the one in their file. It was discovered that the applicant failed to provide former co-habitant's information. The investigator contacted the co-habitants and discovered the applicant portrayed odd behavior that led to the applicant getting evicted from the home—a detail the applicant omitted from their PHS.

In all of these above examples, it was important for the investigation to take the extra step of seeking out missing information and then comparing additional information received.

Next Steps

Cross reference the current PHS, the previous PHS, with TLO/CLEAR that the addresses provided are complete and none have been omitted.

- If addresses were omitted, it will need to be determined that it was not done so due to the timeline (past ten years or the age of 17) provided in the PHS or intentionally.
- Contact corresponding law enforcement to property address listed to inquire on calls for service
- Use TSS system to obtain all personnel and discipline files
- Call/go in person to agencies of prior service to ensure all files have been shared.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Based on the outcome of the findings, it could lead to a point where you notify your chain of command, even potentially leading to an exit point with the applicant.

F5R

Information viewed on the F5R, obtained via TSS, should be compared with the PHS. We will discuss how to handle the inconsistencies of the two in subsequent sections. For this portion, we will highlight areas of concern that can be revealed when simply reviewing the applicant's F5R.

Indicators of Concern

- An F5 issued prior to March 1, 2024, with a discharge status of General or Dishonorable
- An F5 issued prior to March 1, 2024, with a discharge status of Honorable, with additional information that the status was not always honorable per a condition/agreement of a resignation
- The time-in-service with agencies that indicate short periods of employment (rapid turnover)
- Agencies represented on the F5R are inactive
- Applicants has a general or dishonorable discharge listed
- Applicant has an amended F5 discharge status after SOAH hearing

Next Steps

If an agency on the F5R is inactive, the background investigator should contact the city manager, city secretary, or mayor to determine if employment documents for the applicant still exist.

For general or dishonorable discharges, obtain and review all related documentation. Questions about the discharge should be asked of employers when interviewing the applicant's former LEAs.

If an amended F5 discharge status is revealed, contact the SOAH to obtain and review the amended F5's.

Follow-up interviews with applicant and the former agency's chief administrator or supervisor will be essential in determining what information is of concern to the chief administrator or hiring committee.

© 2025, Texas Commission on Law Enforcement All rights reserved.

Reference Checks

Applicants should inform their references that a background investigator will be contacting them. To ensure this occurs, you, as the background investigator, should communicate this expectation to your applicants before reaching out to their references.

As discussed in previous modules, in-person communication is the best form of engagement with references. Obviously, logistics and cost can make it difficult to schedule multiple in-person meetings. In that situation, virtual meetings are the preferred second option, with email being the least favored.

The interview process for references will be addressed in greater detail in Module 7. In this section, we will highlight areas in references checks that should draw concern, requiring further investigation.

Indicators of Concern

- References are unaware they would be contacted by background investigator
- References do not feel comfortable talking about applicant
- Reference does not know the contact
- Background investigator receives no response to the request for a character/professional reference
- Reference not recommending applicant for hire and/or provides negative or contradictory information of applicant
- The applicant not being able to provide the required number of references

If a reference seems hesitant to discuss the applicant, explore the reasons behind their discomfort. Be aware of the following areas and how they can impact the information you are receiving:

- Personal Relationship: If the reference has a close personal relationship with the applicant, they might find it difficult to be objective or fear damaging their relationship by sharing negative information.
- Lack of Information: The reference might feel they do not know the applicant well enough or lack sufficient details to provide a comprehensive and accurate reference.
- Negative Experience: If the reference had a negative experience with the applicant, they might be uncomfortable discussing it or fear potential repercussions.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Confidentiality Concerns: They may be worried about breaching confidentiality agreements or legal concerns, especially if the information pertains to sensitive or proprietary matters.
- Professional Reputation: The reference might be concerned about how providing a reference, particularly a negative one, could impact their own professional reputation or standing within their industry.
- Time Constraints: They might simply be too busy or overwhelmed with their own responsibilities to take the time needed to provide a thoughtful and thorough reference.
- Lack of Confidence: The reference might feel unsure about how to properly convey their thoughts or might lack confidence in their ability to articulate their views effectively.

Once learning of the reason, determine if they are willing to continue to provide a reference.

If the reference claims they do not know the applicant, you will need to follow up with the candidate about this finding and have the candidate provide another reference.

Ask the reference who else you could talk to in order to determine the applicant's suitability for hire. Remember to ask the reference how to get in touch with the new reference (phone number, physical address, or email address).

Positive Reasons an Applicant Might Not Provide the Required Number of References

- Career Change: The applicant is transitioning to a new field and may not have sufficient contacts in the new industry to provide references.
- Long-Term Employment: The applicant has been with a single employer for a long period, limiting the number of recent professional references they can provide.
- Small Network: The applicant has worked in smaller companies or teams, resulting in fewer professional contacts.
- Confidential Search: The applicant may be conducting a job search discreetly and cannot provide references from their current employer without risking their current position.
- Early Career Stage: The applicant is new to the workforce and does not yet have a large network of professional contacts to draw upon for references.
- Reentry to Workforce: The applicant is returning to the workforce after a hiatus (care giving, education, or health reasons) and may have lost touch with previous professional contacts.

© 2025, Texas Commission on Law Enforcement All rights reserved.

Negative Reasons an Applicant Might Not Provide the Required Number of References

- Poor Past Performance: The applicant may have had negative experiences or poor performance in previous roles, leading to reluctance from former colleagues or supervisors to provide a reference.
- Burned Bridges: The applicant may have left previous positions under contentious or negative circumstances, resulting in a lack of willing references.
- Frequent Job Changes: The applicant has changed jobs frequently, which can make it difficult to maintain long-term professional relationships and secure references.
- Limited Work Experience: The applicant may have limited professional experience or a history of short-term roles, making it challenging to provide the required number of references.
- Conflict with Colleagues: The applicant may have had conflicts or difficult relationships with colleagues, making it hard to find someone willing to vouch for them.
- Dishonesty or Misconduct: There may be issues of dishonesty, misconduct, or other negative behaviors in the applicant's past that make it difficult to find credible references.

Next Steps

If any of the above situations arise, it is your responsibility to assess whether they warrant further investigation. When a background investigator receives negative or contradictory information about an applicant, or when a reference does not recommend the applicant for hire, the investigator should take several steps to ensure a fair and thorough evaluation:

1. *Verify Information:* Cross-check the negative or contradictory information with other sources to confirm its accuracy. This might involve contacting additional references or reviewing documentation provided by the applicant or reference (such as a disciplinary write-up or other pieces of supporting evidence).
2. *Seek Clarification:* If possible, contact the reference who provided the negative or contradictory information to get more details and context. Understanding the specific reasons behind their feedback can provide valuable insights.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

3. *Consult Multiple References:* Gather input from multiple references to get a more comprehensive view of the applicant's character and performance. A single negative reference might be an outlier, whereas consistent feedback from multiple sources can indicate a pattern.
4. *Discuss with the Applicant/Follow-up Interview:* Share the concerns raised by the negative or contradictory information with the applicant and give them an opportunity to explain or provide their perspective. This can help clarify any misunderstandings or provide context that might mitigate the concerns.

After conducting your interviews and additional research, assess whether the information gathered necessitates escalating the matter up the chain of command or if it indicates a potential exit point.

Interviews with Other Agencies

Just as in other sections of the PHS, you will need to seek out further information to compare and cross reference several items in regards to the applicant's history with past LEAs.

Before contacting the prior agencies listed by the applicant, contact TCOLE and ask if they have any record of other agencies submitted an F5R for the applicant. This can lead to you discovering that the applicant applied to other agencies and/or may have been disqualified.

When interviewing the chief administrator and immediate supervisor(s), make certain they held those positions when the employee worked at the agency. You will need to obtain and review

reports of all disciplinary actions, performance evaluations, and awards/commendations noted. Take notes of when these incidents/ disciplinary actions occurred for your report. Determine if the applicant was aware of these actions (signature of applicant acknowledgment) this could determine if the applicant should have disclosed these incidents/actions or not.

As a follow-up to the inquiry you made with the applicant on their F5 discharge designations, you can ask former supervisors and coworkers the same questions about the applicant's discharge designation and the circumstances surrounding their separation from the LEA.

Indicators of Concern

- Prior agencies not listed
- Applicant is listed by prior agencies as not eligible for rehire
- Applicant applied to other LEAs who disqualified the applicant from hire

© 2025, Texas Commission on Law Enforcement All rights reserved.

- F5 discharge designation was reported as changed
- Multiple levels of discipline reported (progressive discipline that seems to have not made a difference in conduct)
- Discipline reported for several different policy violations
- Serious violations of policy listed
- Applicant reports leaving prior agency without providing a two weeks' notice
- Applications with other LEAs were not listed

Next Steps

Similar to the references, when an area of concern arises, seek out further references to make certain you have all sides to the story. For example, TCOLE recently conducted a background investigation for an administrative assistant position. During the reference interviews, the applicant's former employer did not recommend the applicant for hire and provided numerous negative reviews. The background investigator asked if the negative behavior was documented, but it was not. Consequently, the investigator needed to consult other references to determine if this reference was hostile for other reasons or if the information was credible. After consulting with other co-workers, the investigator verified the accuracy of the negative information. The findings were then reported to the chain of command, who decided it was best to disqualify the applicant.

Another example of a disqualifier that led to an immediate exit point was an applicant who had a history of not providing two weeks' notice prior to separating from the agency. The discovery of this information also led to the revelation that the applicant failed to return their issued equipment and uniforms to the LEA.

Last, it is a high area of concern when applicants fail to provide all LEAs applied to in their PHS. Often, times it is because they had been permanently disqualified from that agency due to omissions in their PHS (failure of background), failure of the L2/L3, and failure of polygraph examination. All three of these could lead to exit points that could save valuable time and resources.

Employment History

Gather as much information as possible from current and previous PHS's, applications, and TLO reports to establish an accurate timeline of the applicant's employment history to better determine if any employment was omitted intentionally or due to requirements on the PHS. Do the same for education and military services.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Indicators of Concern

- Repeated forms of discipline
- Issues with integrity
- Performance issues
- Excessive absences
- Missing time periods in work history
- Identify Separation Code in DD-214 if applicable
- Education history cannot be confirmed
- Lapses in employment
- Vague reasons for leaving employment
- Dismissals for integrity violations in former employment
- Overt omissions of employment
- Documentation that is incongruent with applicant's PHS and/or initial applicant interview
- Interview information that is incongruent with applicant's PHS and/or initial applicant interview
- Inconsistent employment dates on current and former PHS
- Employed in many places in short periods of time

Next Steps

If necessary, conduct a follow-up interview with others in the organization where questionable information came from. Seek out documentation of disciplinary files or other pertinent concerns. Do be cognizant of varying forms of discipline from different organizations. You should focus on understanding the action that caused the discipline within the culture of the organization to determine the correct level of concern.

Phrases such as "will discuss further if needed" or "will discuss during the interview" or vague description provided for the reason leaving agency will need to be further looked into. You may want to follow up with the applicant to clarify any concerns you may have.

CCH

In previous modules, we emphasized that an applicant's criminal history should serve as an initial source of information about their conduct, but not the sole source. Compare the criminal history results with the current PHS to identify any inconsistencies. Additionally, evaluate the results for any immediate disqualifiers or red flags that require careful scrutiny.

© 2025, Texas Commission on Law Enforcement All rights reserved.

Indicators of Concern

- Any history on the CCH whether in- or out-of-state that is listed as "Held," "Dismissed," "Deferred," and so forth
- Assault offenses or offenses pled down to Class C misdemeanor offenses
- Arrests within the past ten years or more, depending on the class of punishment
- Identify any convictions of Class B misdemeanor or above (include Deferred)
- An indication that a case has been expunged
- Any criminal history not disclosed on the PHS
- Arrests/offenses involving family violence

Next Steps

If concerns are found, obtain offense report(s) from corresponding jurisdictions. Contact the court of record and obtain certified copies of court documents including the final disposition. If the charge or offense is from out of state, determine the Texas equivalent.

Follow-up conversations may need to be had to gain a better understanding of the findings. If the CCH reveals an immediate disqualifier, an exit point with the applicant should occur.

Court Records

Contact the court of record and obtain certified copies of court documents including the final disposition. Remember, if the documentation no longer exists due to retention schedules, this does not mean the charge no longer exists and/or never occurred. Ask the applicant if they have documentation (certified).

Indicators of Concern for Criminal Cases

- No disposition for a charge listed
- Assault or disorderly conduct listed as a charge
- Deferred adjudication with community supervision/probation listed
- Expunged charge/case listed
- Any offense involving family violence listed
- Any Class B within the last ten years listed
- Any felonies or Class A listed
- Deferred adjudication with community supervision/probation listed
- Barratry conviction listed

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Indicators of Concern for Civil Cases

- If applicant filed lawsuits against their former agencies (does it support their allegations of wrongful termination)
- If they were party to work-related lawsuits (Use of Force, Civil Rights Violation, False Arrest, and so forth)
- If they have large outstanding judgments against them
- If they have been accused or adjudicated for offenses that could be criminal (sued civilly for sexual assault, found to have committed fraud, crimes of moral turpitude, and so forth)
- If they have evictions, paternity, divorce, credit default/bankruptcy
- Concerning indicators for civil records may not necessarily be disqualifiers but the failure to disclose it may be a disqualifier.

Next Steps

For concerning indicators that are not immediate disqualifiers, verify that the offense or charge does not involve family violence. Ensure that copies of relevant court documents are included in the background investigation case file or provide documentation from the court indicating that records have been destroyed.

If such documentation is not available, consult with your chain of command and conduct a follow-up interview with the applicant. It may also be advisable to seek assistance from your FSA.

If clear disqualifiers are identified, such as family violence, promptly brief your chain of command and halt the hiring process for the applicant.

TSS Request/Viewing of Files

Indicators of Concern

- You do not get a response from the receiving agency
- You get minimal documents
- You get a response the files no longer exist, but they should according to the TCOLE retention period
- You find documented discipline for performance or conduct problems

Next Steps

Contact the agency/chief administrator to confirm the request was sent to proper TSS POC.

© 2025, Texas Commission on Law Enforcement All rights reserved.

Contact your FSA if the responding agency is non-responsive.

Determine why the documents no longer exist with the responding agency (such as flooding, fire, former chief administrator destroyed the records too soon, and so forth) or why the files are incomplete (such as missing TCOLE required documents).

Obtain a memo from the responding agency that addresses why the files no longer exist or are limited.

Documentation

Include any emails or memos from the responding agency in the background investigation case file. Write a concise summary that clearly articulates findings and points for the chief administrator to consider.

NDI

The purpose of the NDI is to serve as a national registry of certificate or license revocation actions relating to officer misconduct. The records contained in the NDI are provided by participating state government agencies and should be verified with the contributing authority. Inclusion in the database does not necessarily preclude any individual from appointment as an officer.

If the applicant has a common name, it is possible they will appear in the system. It is the background investigator's responsibility to verify if this information is related to the applicant or someone else and/or obtain documents from that state's POST or regulatory agency to determine if licenses were suspended/revoked due to misconduct.

Indicators of Concern

- The applicant's name is linked to decertification results
- You determine that your applicant is listed in the NDI as having had their law enforcement credentials revoked for misconduct

Next Steps

Determine which agency the applicant worked at when the misconduct occurred that caused their license/certification to be revoked. Then, gather information on the misconduct by sending a request to the agency and/or their state POST (TCOLE equivalent) with a signed authorization.

It is a disqualifier if the applicant's license or certificate has ever been, or is currently in the process of being, surrendered, suspended, or revoked (TAC 219.2).

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Driver's License Query/TXDPS Driving Record

Indicators of Concern

- Suspensions that have not been lifted
- Long history of convictions, crashes, or enforcement actions
- Undisclosed convictions, crashes, or enforcement actions

Next Steps

Follow-up interview with applicant about driving habits or actions that they have taken to improve their bad driving habits (if any habits that are underlying causes). For suspended driver licenses, it would be beneficial to obtain court documents (not necessarily for crash reports).

If the omissions and follow-up interviews lead the background investigator to believe there are some red flags, they should brief it with their chain of command. Some agencies may use these omissions as disqualifiers/exit points.

Financial Documents/Credit Report

Indicators of Concern

- Discrepancies with information provided by the PHS
- Many outstanding lines of credit
- Write-offs
- Bankruptcy
- "Bounced" checks written
- Debt consolidation programs

Next Steps

Interview applicant (or others) to determine if these issues were a byproduct of irresponsible habits or due to unforeseen or unavoidable circumstances outside the control of the applicant. If you determine that they were acting irresponsibly, the background investigator should discuss their findings with their chain of command and consider this an exit point.

Individuals facing financial difficulties are susceptible to bribery and may act out of desperation, which can negatively impact their work and pose serious risks to the employing agency.

© 2025, Texas Commission on Law Enforcement All rights reserved.

Internet Footprint

Indicators of Concern

- Social media posts that indicate potential risk/liability should the applicant become an employee (comments that indicate (or support) biases or extreme views that may run contrary to department values, policies, or their oath of office)
- Social media posts that indicate (or support) inappropriate conduct by law enforcement

Next Steps

Follow-up interview applicant about the social media footprint to determine if applicant is suitable for employment with your agency. It would be best to document concerning findings with screenshots and add to the background investigation report.

If you see risk/liability, staff this with your chain of command explaining why so the chief administrator can make an informed decision.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Activity 6-1: CCH 01

Purpose

The purpose of this activity is for participants to work through an applicant's CCH results. Participants will identify indicators for concern and determine what other information is needed to support their decisions made from reviewing the CCH and supporting documents.

Participant Directions

1. Divide into pairs.
2. Review CCH 01 and identify indicators that require further investigation. Remember to document in the notes sections all pertinent findings.
3. Discuss with your partners the next steps you would take in your investigation of the applicant.
4. Review the documents provided for both Kansas and Texas laws and statutes to determine if the offense and/or expungement is a disqualifier or if you need more information. Document your findings and determine your next steps.
5. Review the court documents and offense report. Document your findings and determine the next steps.
6. Share your results with the class.

© 2025, Texas Commission on Law Enforcement All rights reserved.

Interpret Cumulative Results

Documentation

There is only one type of comprehensive documentation for background investigations, regardless of the outcome. This report should thoroughly document the investigation's findings, whether the applicant passes or fails. If the applicant is found to have failed the investigation, which could be due to state-mandated disqualifiers, departmental disqualifiers, or dishonesty, these details must be included in the report.

This comprehensive report should be detailed enough for your chief administrator to make an informed decision regarding the applicant's qualification or disqualification. Even if the applicant fails the investigation, the summary should be as complete and thorough as it would be for an applicant who passes. Your background investigation report must provide a clear and comprehensive overview of the applicant to support the chief administrator in making a well-informed hiring decision, ensuring they can trust that due diligence has been conducted.

In certain situations, you may need to write a supplemental report or a memorandum. This is particularly important when new information is discovered, the applicant is temporarily or permanently disqualified, or when your chain of command decides to overlook disqualifiers by requesting you to continue the investigation or appoint an applicant with red flags.

Cumulative

At this point you would want to have a follow-up interview with the applicant. That will be discussed in greater detail in following modules.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Activity 6-2: CCH 02

Purpose

The purpose of this activity is for participants to work through an applicant's CCH results. Participants will need to determine what other information is needed to support their decision during this phase of the hiring process.

Participant Directions

1. Divide into pairs.
2. Review CCH 02 and identify indicators that require further investigation. Remember to document in the notes sections all pertinent findings.
3. Discuss with the class the next steps you would take in your investigation of the applicant.
4. Review the court documents and offense report identifying disqualifiers and concerns. Document your findings and determine the next steps.
5. Share your results with the class.

© 2025, Texas Commission on Law Enforcement All rights reserved.

Activity 6-3: CCH 03

Purpose

The purpose of this activity is for participants to work through an applicant's CCH results. Participants will need to determine what other information is needed to support their decision during this phase of the hiring process.

Participant Directions

1. Divide into pairs.
2. Review CCH 03 and identify indicators that require further investigation. Remember to document in the notes sections all pertinent findings.
3. Discuss with the class the next steps you would take in your investigation of the applicant.
4. Review the court documents and offense report identifying disqualifiers and concerns. Document your findings and determine the next steps.
5. Share your results with the class.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

References

"About NDI," International Association of Directors of Law Enforcement Standards and Trainings. Accessed July 24, 2024. https://www.iadlest.org/our-services/ndi/about-ndi.

© 2025, Texas Commission on Law Enforcement All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Module 7

Interview Process

Terminal Objective

Upon successful completion of this module, participants will be able to discuss information revealed in interviews effectively.

Enabling Objectives

1. Describe the techniques used during the interview process.
2. Discuss the different types of interviews that occur throughout the background investigation process.
3. Discuss how to address discrepancies in the applicant's information.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Interview Technique

Purpose

As you know, interviews are a critical component of the background investigation process. As a background investigator, you possess the necessary skills to effectively conduct applicant and reference interviews. This section aims to enhance your existing expertise, enabling you to gain a deeper understanding of applicants to inform your hiring decisions. The methods discussed in this module apply both to interviewing the applicant and their references.

Preparation

Review all information collected before the interview. Investigators need to be familiar with the applicant's information to identify when newly gathered information confirms or contradicts. This includes application forms, resumes, previous interview notes, and any other relevant documentation. Familiarize yourself with the applicant's background, and identify discrepancies or areas needing clarification during the interview.

Create an interview plan, tailoring key topics and questions to the applicant's background and the role they are applying for while keeping an open mind. Approach each interview without preconceived notions, maintaining objectivity and neutrality.

Use collected information to guide questions, and ensure questions are open-ended and designed to elicit comprehensive responses. Avoid confirmation bias.

It is important to approach interviews empathetically and treat applicants like you would want to be treated. Always be professional in your approach; you may be talking to the newest employee and someone who may, one day, be your supervisor. Regardless, if you treat everyone well, then you are setting an example for each new applicant on how they (should they be hired) should treat others.

Do not interrogate applicants. You might mistreat an exemplary applicant who has a lot to offer your organization. What if you mistreat them, and, due to your callous treatment, they withdraw their application and apply elsewhere?

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Use collected information to help guide questions as opposed to adjusting questions to reinforce information collected. For example, if an applicant has a few red flags on their credit report, you may initially think this is due to poor decisions. However, you ask open-ended questions in a non-accusatory manner. You find that they lost their job when COVID impacted their employer, which resulted in a few missed payments during a difficult time.

Engagement

Create a comfortable environment for the interviewee. Pay close attention to both verbal and non-verbal cues and note inconsistencies between what is said and body language. Use active listening techniques such as summarizing what the reference says and asking follow-up questions. The person you are interviewing will appreciate that you are listening to them.

You will be able to pick up subtle clues that indicate that they have something to say but are reluctant to share without you probing a topic. Leave moments of silence in between questions. You can set this up when you first call the reference and explain the reason for the call. Let them know you may be silent on the other end, but it is because you are taking notes. Allowing pauses between your questions and the reference's answers will usually lead to the reference providing more information than they initially expected they would. Try not to interrupt them while they are talking.

Avoid asking leading or loaded questions (such as "Isn't it true?" or "Was John a good employee?"). Circle back to specific statements they made or how they responded to the question. Do follow-up interviews when new information requires further clarification.

Keep in mind the objectives of your background investigation throughout your interviews.

1. Does the applicant meet TCOLE minimum standards?
2. Does the applicant's background information trigger a state-mandated or department-mandated disqualifier?
3. Is the applicant being honest and candid with you about his/her background?
4. Is the applicant suitable for employment in law enforcement?
5. Are you protecting your agency from incidents of negligent hiring?

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Core Questions for References

Use your agency''s list of questions for consistency and thoroughness. Below are the areas that should be addressed along with example approaches that could be used.

Relationship to Applicant

Establish the reference's relationship to applicant. Are they:

- Coworker/supervisor/subordinate
- Family members and friends
- Neighbors

Example approach: "How long have you known [Applicant]? What is your relationship?"

Dependability

Dependability is crucial for law enforcement officers/jailers/ telecommunicators who must be reliable in their duties and responsibilities. A good question should assess whether the applicant consistently meets expectations and can be trusted to perform their duties without constant supervision.

Suggested questions include:

- Can you describe an instance where [Applicant] demonstrated their reliability and dependability in fulfilling their responsibilities, especially under challenging circumstances?
- Can you describe the [Applicant's] attendance record, punctuality, and reliability?
- Would you describe [Applicant] as dependable? Explain.

Initiative

Initiative involves taking proactive steps and going beyond what is expected. This quality is important for police officers/jailers/ telecommunicators who must often act independently and anticipate potential issues before they arise.

Suggested questions include:

- Can you provide an example of a time when [Applicant] took the initiative to address a problem or improve a situation without being asked?
- What are their strengths and weaknesses?
- Do they work well with little or no direct supervision?

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Leadership

Leadership skills are important for police officers/jailers/telecommunicators who may need to lead others in high-stress situations. Good leaders can inspire and guide their colleagues while maintaining control and making sound decisions.

Suggested question:

- Can you share an example where [Applicant] displayed leadership qualities, particularly in a situation that required quick decision-making and effective team coordination?

Followership

Followership is the ability to work effectively under the direction of others. Police officers/jailers/telecommunicators need to follow orders and collaborate within a hierarchical structure.

Suggested questions include:

- How well does [Applicant] respond to authority and work within a team environment?
- Can you provide an example where the [Applicant] successfully followed instructions and supported their team?

Integrity/Moral Character

Integrity and moral character involve honesty and adhering to strong moral principles. This quality is essential for maintaining the integrity of the law enforcement profession.

Suggested questions include:

- Can you give an example of a time when [Applicant's] integrity was tested and how they responded?
- On a scale of 1-10, how would you score [Applicant's] ethics?

  Note: Anything other than a 10 should trigger follow-up questions for details. For a "10," ask for examples.
- Describe any incidents or complaints you know of involving [Applicant] related to misconduct, ethical violations, or criminal activity.
- Were there any red flags or concerns regarding [Applicant's] integrity, honesty, or reliability?
- Did [Applicant] adhere to established protocols, procedures, and ethical standards consistently? Please provide examples.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Do you consider [Applicant] to be trustworthy with confidential information?
- Anything that would make you think [Applicant] have any bias towards persons or groups based on their race, gender, nationality, religion, disability, or sexual orientation?

Interpersonal Skills

Interpersonal skills are critical for police officers/jailers/ telecommunicators who interact with diverse communities and need to build trust and rapport with the public and colleagues.

Suggested questions include:

- How does the [Applicant] handle interpersonal relationships, particularly in stressful or conflict-ridden situations? Can you provide an example?
- How would you describe [Applicant's] communication skills?
- Is [Applicant] fair and respectful towards others (different peoples and cultures)?
- Did [Applicant] work well with colleagues and superiors, demonstrating teamwork and professionalism?
- How would you describe [Applicant's] general reputation among their friends and associates?

Self-Control/Dealing with Stress and Adversity

Self-control is vital for officers/jailers/telecommunicator who must remain calm and composed, even in high-pressure or provocative situations.

Suggested questions include:

- Can you share an instance where [Applicant] demonstrated exceptional self-control in a difficult or high-stress scenario?
- To your knowledge, have [Applicant] ever exhibited extreme nervousness or loss of temper?

Situational Reasoning Ability

Situational reasoning involves the ability to assess situations quickly and make sound judgments. This skill is crucial for effective law enforcement.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Suggested questions include:

- Can you describe a time when [Applicant] had to quickly assess a situation and make a critical decision? How did they handle it, and what was the outcome?
- Did [Applicant] have any disciplinary actions or performance issues during their employment?"

Handling Sensitive Information

Handling sensitive information requires not only understanding and discretion but also the ability to follow protocols and procedures designed to protect such information. This question should gauge the applicant's adherence to these protocols.

Suggested questions include:

- Can you describe a time when [Applicant] was entrusted with sensitive information?
- How did [Applicant] manage the sensitive information, and what steps did they take to ensure it remained confidential?

Recommendation

Get insight on if the reference believes the applicant would be a good police officer/jailer/telecommunicator, and ask them to explain their answer.

Suggested questions include:

- Would you recommend [Applicant] for a position in law enforcement? Why or why not?
- Is there anything else you think is important for us to know about the applicant?
- Are you aware of any circumstances that might disqualify [Applicant] for this position?
- Would you recommend the applicant for [this position]? Explain why or why not.

Follow up with additional questions for any negative responses or if the question is not answered.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Developing Additional Questions

Tips for developing additional questions in your interview are as follows:

- Start with open-ended questions instead of "yes "or "no" type questions.
- Start general, and then get more specific as appropriate (this is fluid as each response/reference can provide different information).
- Listen for indirect answers or attempts to avoid the question. Follow up with specific clarifying questions.
- Confirm any details you might have heard incorrectly or misinterpreted.
- Ask if there is anything else you did not ask about that they think would be important to help determine if applicant is suited for the position.
- Ask if there is anything that would embarrass the applicant, their family, or the agency.

Types of Interviews

A background investigator should always remember that the main goal in speaking to references listed by the applicant is to confirm that the information the applicant provided is true and accurate. You may have to take a different approach depending on the relationship with the applicant the reference has.

Prior Supervisors/Coworkers/Subordinates

Format

In-person interviews with local references are always the preferred method, next is telephonic/virtual, and last would be digital (emailing the questionnaire). When in person, have questions in-hand to refer to, and take notes. If you intend to determine if someone is being candid with you, an in-person interview will serve you better than a phone interview. Remember, the in-person interview must be a safe place for the person you are interviewing if you hope to get candor and honesty from them.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Some background investigators will begin initial contact by emailing a list of their questions in order to have documentation to refer to later. If you begin with a question-and-answer email and then follow up with an in-person interview (or a phone interview of an in-person interview is untenable), then you have a framework for the follow-up in-person interview and have documentation to refer to (as needed). Also, you may find that the email questionnaire establishes a framework for your in-person encounter, this may help the person you are interviewing relax (and provide you with more information).

Be aware that occasionally former supervisors may have policies that preclude them from answering questions. The former supervisor may be more inclined to answer questions in person after they see a signed release than they would just receiving an email with a questionnaire.

Framing the Inquiry Positively

Starting with positive framing helps build rapport and makes the reference feel more comfortable discussing any concerns.

Suggested questions include:

- Can you help us in understanding all aspects of [Applicant's] qualifications?
- Can you share some areas where [Applicant] has shown significant growth or where they might benefit from further development?

Job Duties and Responsibilities

Understanding the specific duties and responsibilities the applicant had in their previous role provides context for their experience and skills. Be sure to obtain dates for different positions held by the applicant.

Suggested questions include:

- Can you describe the primary duties and responsibilities that [Applicant] was assigned in their role?
- Can you confirm the dates [Applicant] for the different positions they held?

Performance of Duties

Evaluating how the applicant performed their duties gives insight into their competence and reliability.

Suggested questions include:

- How did [Applicant] perform their job duties?
- Can you provide examples of how [Applicant] met or exceeded expectations?

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Asking for Constructive Feedback

Framing the question as seeking constructive feedback encourages the reference to share useful information in a positive manner.

Suggested questions include:

- Can you provide some constructive feedback on areas where [Applicant] could improve?
- Can you provide any challenges [Applicant] overcame in the past?

Inquiring About Potential Training Needs

Focusing on potential training needs can elicit information about weaknesses or concerns in a non-threatening way.

Suggested question: If [Applicant] were to join our team, what areas do you think they might need additional training or support in?

Adherence to Policies and Procedures

Compliance with policies is critical for maintaining law and order within the agency.

Suggested questions include:

- How well did [Applicant] adhere to organizational policies and procedures?
- Can you provide an example of [Applicant] adhering to policies?

Seeking Examples of Overcoming Challenges

Asking for examples of how the applicant has overcome challenges can indirectly reveal areas of concern while focusing on their resilience and problem-solving abilities.

Suggested questions include:

- Could you share an example of a challenge [Applicant] faced in the past?
- How did [Applicant] handle the challenge? This helps us understand their problem-solving and resilience.

Work Ethic

An applicant's work ethic reflects their dedication, reliability, and commitment to their job, which are critical qualities for a law enforcement officer/jailer/telecommunicator.

Suggested questions include:

- How would you describe the [Applicant's] work ethic?
- Can you give specific examples of their dedication and reliability?

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Ask follow-up questions as needed to obtain details on applicant's reliability, punctuality, and loyalty.

Reliability and Dependability

These traits are essential for ensuring that the officer can be trusted with responsibilities.

Suggested questions include:

- How reliable and dependable was [Applicant] in fulfilling their job responsibilities?
- Can you provide specific examples?

Handling Mistakes or Problems

It is important to know how the applicant deals with mistakes or problems as this shows their problem-solving abilities and accountability.

Suggested questions include:

- How did [Applicant] handle mistakes or problems when they arose?
- Can you provide an example of a time they faced a significant problem and how they approached it?

Feedback Reception

Understanding how the applicant receives and acts on feedback can indicate their willingness to improve and grow.

Suggested questions include:

- How did [Applicant] respond to feedback, whether positive or constructive?
- Can you share an example of how [Applicant] acted on feedback to improve their performance?

Complaints

It is important to know of any complaints the applicant received (internal or external) and how their responses/actions were after receiving the complaint. Obtain complaint details, disposition, and disciplinary actions.

Suggested questions include:

- Describe any complaints (internal or external) received about [Applicant].
- Did [Applicant] learn from mistakes?

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Were there any recurring trends?
- Is [Applicant], or has [Applicant] ever been, suspended?

Handling Stress

Law enforcement is a high-stress job, so understanding how the applicant manages stress is essential for evaluating their suitability.

Suggested questions include:

- How did [Applicant] handle stress in their role?
- Can you describe a specific situation where they were under significant stress and how they managed it?

Working with Others

Teamwork and the ability to work well with others are critical in law enforcement for ensuring effective collaboration and communication.

Suggested questions include:

- How well did [Applicant] work with others, including peers, subordinates, and supervisors?
- Can you provide an example of [Applicant's] ability to collaborate and communicate effectively?

Expressing a Commitment to Fairness

Emphasizing the commitment to a fair and balanced evaluation can reassure the reference that the investigator is not seeking to harm the applicant's chances. Explaining the importance of a thorough evaluation for both the applicant's and the department's success can encourage more open and honest responses.

Suggested questions includes:

- To ensure [Applicant] is set up for success, we're looking to understand both their strengths and areas for improvement. Could you explain their strengths and how they use them in their role?
- Could you share any instances where they might have struggled and how they managed those situations?

Using Hypothetical Scenarios

Asking about hypothetical scenarios can provide a less direct way to discuss potential concerns, making the reference feel more at ease.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Suggested questions include:

- If [Applicant] were to face a particularly challenging situation, how do you think they would handle it?
- Are there any specific skills or areas where [Applicant] might need support?

Emphasizing Confidentiality

Reassuring the reference that their feedback will be kept confidential can encourage more honest and candid responses.

Suggested questions include:

- Please know that your feedback is confidential and will only be used to help us understand how to best support [Applicant] in their potential new role. Are there any particular challenges you think we should be aware of?
- Was there anything that surprised you about the [Applicant] after they were hired?

Decision Making and Judgment

Good judgment and decision-making skills are vital for a police officer/jailer/telecommunicator, who must often make quick, impactful decisions.

Suggested questions include:

- How would you assess the [Applicant's] decision-making abilities and judgment?
- Can you give an example of a situation where [Applicant] had to make a critical decision?
- Does [Applicant] follow policies and procedures?
- Does [Applicant] take reckless, unnecessary risks?
- Does [Applicant] fail to follow proper procedures or safety precautions?
- Does [Applicant] possess the ability to use discretion when appropriate (letter of the law versus spirit of the law) or inflexible (everything is black and white)?

Reason for Leaving

Understanding why the applicant left their previous position can provide insights into their career motivations and any potential issues.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Suggested questions include:

- Can you explain the reasons behind [Applicant's] separation from their previous position?
- Can you discuss how [Applicant] handled leaving?

Eligible for Rehire

Determining the supervisor's viewpoint on rehiring or working with the applicant again is helpful in gaining insight into the applicant as an employee.

Suggested questions include:

- Would you rehire [Applicant]?
- Would you want [Applicant] on your team again?
- Would you want to work with [Applicant] again?

Leadership Potential

If the applicant showed leadership abilities, this could indicate their potential for advancement.

Suggested questions include:

- Did [Applicant] demonstrate any leadership qualities or potential during their tenure?
- Can you describe a situation where they led a project or team?

Obvious Disqualifiers

Approach this topic indirectly, at first. You might ask how they manage their mistakes (if they pass blame or take ownership) and then ask for examples. It is in the examples that you may discover some choices that represent disqualifiers in their past.

- Criminal offenses
- Substance abuse
- Psychological
- TCOLE disqualifiers
- Agency-specific disqualifiers
- Dishonesty (including by omission)
- Lack of responsiveness in providing requested information

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Concerning Indicators

Also pay attention for cues that represent potential areas of concern that require more investigation or a follow-up interview with the applicant.

- Negative comments from reference
- Vague comments/avoiding providing specific details
- Information from reference that contradicts what applicant provided (may not be intentional error)
- Repeating behavioral or disciplinary problems
- Unreported criminal activity
- Significant, recurring, or ongoing financial issues
- Recurring family problems

Additional Questions

The supervisor is particularly important to interview for two key reasons. First, they can provide valuable insights into the applicant's work performance and behavior under supervision. Second, supervisors tend to be more candid than middle management or command staff, even when discussing areas of concern.

For example, one investigator interviewed a coworker, a lieutenant, and a chief deputy, and a sergeant, the first three of whom gave glowing reviews of the applicant. However, it was only sergeant, who was the applicant's supervisor, who revealed that the applicant was currently serving a five-day suspension. Curious about why the sergeant was the only one who mentioned the suspension, the investigator asked, "Why did you bring up the suspension when no one else did?" The sergeant replied, "Because if I were about to hire him, I would want someone to tell me."

If you are fortunate enough to find a former supervisor or coworkers willing to talk to you candidly, make sure you are ready with a list of questions and a note pad. You will, at a minimum, want to ask questions like:

- "Were you [Applicant's] immediate supervisor? If not, what was your working relationship?"
- "How long were you [Applicant's] supervisor (specify direct or indirect)?"
- "What are the complete dates [Applicant] worked at your agency?"

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Develop Other References

Just as it was important to develop further references in interviews with personal references, the same principle applies to professional references. Recall the story where three professional references did not give information of the applicant's current suspension. It took speaking to the fourth professional reference, the sergeant, to learn of the disciplinary action.

To further develop references, simply asking the supervisor to name others who would be able to provide additional information about the applicant is enough to generate a list of further references.

Ask former supervisors who they would talk to if they wanted to determine whether the applicant would be a good fit. Former supervisors are great resources to develop additional contacts.

If you discover some adverse information, ask if the person they are referring you to would be in a position to be aware of that adverse information. If they are, then you can ask about that adverse information when you interview the applicant to gauge if they are going to be candid with you.

Ask who the chief administrator(s) were while the employee worked there and how to get in touch with each one. Regardless of how large the department is, this is worthwhile to ask (but especially helpful at smaller agencies).

Documentation

Document the interviews with detailed notes. Include the notes with the background investigation case file. Write a concise narrative summarizing the information the reference provided.

Family Members and Friends

Format

When interviewing a family member of a potential police officer/jailer/telecommunicator applicant, the questions should be designed to gather insights into the applicant's character, personal background, and overall suitability for a law enforcement career. Family members can provide unique perspectives on the applicant's upbringing, values, behavior, and personal relationships. Family members can either paint the applicant in a favorable light or the opposite. Below are some thoughtful questions along with the rationale behind each one.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Personal Background and Character

Understanding the applicant's upbringing and family dynamics can provide context for their values and behavior.

Suggested questions include:

- Can you describe [Applicant's] upbringing?
- Are there any significant experiences that have shaped their character?

Values and Ethics

Family members can offer insights into the applicant's core values and ethical principles, which are critical for a law enforcement career.

Suggested questions include:

- What values and ethical principles do you believe [Applicant] holds most strongly?
- Can you provide examples of how they have demonstrated these values in their personal life?

Responsibility and Dependability

Assessing the applicant's sense of responsibility and dependability at home can indicate how they might perform in a professional setting.

Suggested questions include:

- How would you describe [Applicant's] sense of responsibility and dependability in their personal life?
- Can you share any examples of their reliability and commitment to family or community obligations?"

Handling Stress and Adversity

Family members often see how the applicant handles stress and adversity in their personal life, which can reflect their potential performance under pressure.

Suggested questions include:

How does [Applicant] handle stress and challenging situations at home or in their personal life?

Can you provide an example of a time when they successfully managed a difficult situation?

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Interpersonal Relationships

Understanding the applicant's relationships with family and friends can offer insights into their interpersonal skills and ability to work well with others.

Suggested questions include:

- How does [Applicant] interact with family members and friends?
- Can you describe their ability to build and maintain healthy relationships?

Motivation for Law Enforcement Career

Exploring the applicant's motivation for pursuing a career in law enforcement can help determine their commitment and passion for the field.

Suggested questions include:

- What do you believe motivates [Applicant] to pursue a career in law enforcement?
- Have they expressed any particular reasons or goals related to this career path?
- Do you think [Applicant] is right for a career in law enforcement (and why)?

Conflict Resolution

Family members can provide examples of how the applicant handles conflicts and disputes, which is important for a role that requires strong conflict resolution skills.

Suggested questions include:

- Can you describe a situation where [Applicant] had to resolve a conflict or disagreement?
- How did they approach and resolve the issue?

Integrity and Honesty

Integrity and honesty are paramount in law enforcement. Family members can offer personal anecdotes that highlight these traits.

Suggested questions included:

- Can you share an instance where [Applicant] demonstrated a high level of integrity or honesty, even in a challenging situation?
- Can you list a time where [Applicant] was not being honest?

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Adaptability and Learning

Understanding the applicant's ability to adapt and learn from experiences is important for a career that involves ongoing training and evolving challenges.

Suggested questions include:

- How well does [Applicant] adapt to new situations and learn from their experiences?
- Can you provide an example of their adaptability and willingness to learn?

Support System

Knowing about the applicant's support system can provide insights into their emotional and mental well-being, which are critical for a demanding career in law enforcement.

Suggested questions include:

- How supportive is [Applicant's] family and social network of their decision to pursue a career in law enforcement?
- Do they have a strong support system in place?

Overall Assessment

A comprehensive view from a close family member can be very telling about the applicant's readiness and suitability for a law enforcement role.

Suggested questions include:

- Overall, how would you assess [Applicant's] suitability for a career in law enforcement?
- Are there any particular strengths or areas for improvement that you believe are important for us to know?

Often times, family members' comments can either paint the applicant in a favorable light or the contrary. Dig deeper by asking questions that allow for the opposite perspective to be shared.

Suggested questions include:

- How does [Applicant] handle disappointment or address challenges?
- How does [Applicant] handle success?

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Develop Other References

Family members will likely be able to help develop other references. They will be able to help you find some of the people who were influential in their lives (particularly younger applicants).

Obvious Disqualifiers

Family members will also be able to help you determine if the applicant triggers any obvious (state- or department-mandated) disqualifiers. If you merely ask questions without putting family members on-guard about the information you are asking about, they will often share information with you. This, again, is a time when you should be questioning them in a fact-finding mind frame without sounding accusatory.

Concerning Indicators

Family members will also be able to help you determine if the applicant has any habits or tendencies that represent concerns for new hires. This, again, is a time when you should be questioning them in a fact-finding mind frame without sounding accusatory.

Documentation

Take detailed notes during the interview (or immediately after each interview), then write a summary when all interviews are completed. Note all positives, areas of concern, and topics requiring follow-up.

Neighbors

Format

As always, in person is preferred. Interviewing by telephone is the last resort if the reference has limited availability.

When conducting a background investigation for a potential police officer, neighbors can provide unique and valuable insights into the applicant's personal character, behavior, and interactions within the community. Here are some carefully considered questions to ask a potential police officer/jailer/telecommunicator applicant's neighbors, along with the rationale behind each question.

General Behavior and Conduct

Understanding the applicant's day-to-day behavior and conduct helps assess their overall demeanor and how they present themselves in their community.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Suggested questions include:

- How would you describe [Applicant's] general behavior and conduct in the neighborhood?
- Have you observed them interacting with other neighbors or community members?

Respect for Others

Respect for others is a crucial trait for law enforcement officers/jailers/telecommunicators, who must work with a diverse range of people.

Suggested questions include:

- Does [Applicant] show respect towards other neighbors and their property?
- Can you provide any examples of respectful or disrespectful behavior?

Social Interactions

Evaluating the applicant's social interactions can provide insight into their interpersonal skills and ability to build positive relationships.

Suggested questions include:

- How does [Applicant] interact with other neighbors?
- Are they friendly and approachable, or do they tend to keep to themselves?

Problem-Solving and Conflict Resolution

An applicant's ability to handle conflicts and resolve issues peacefully is critical for their role in law enforcement.

Suggested questions include:

- Have you witnessed [Applicant] dealing with any neighborhood disputes or conflicts?
- How did they handle the situation?

Community Involvement

Involvement in community activities can indicate the applicant's commitment to and investment in their community, which is important for a police officer/jailer/telecommunicator.

Suggested questions include:

- Is [Applicant] involved in any community activities or events?
- Can you describe their level of participation and contribution?

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Reliability and Dependability

Reliability and dependability are essential traits for law enforcement officers/jailers/telecommunicators, who must be trusted to fulfill their duties consistently.

Suggested questions include:

- How reliable and dependable is [Applicant]?
- Have they ever offered help or assistance to neighbors, and did they follow through on their commitments?

Handling Stress and Emergencies

Observing how the applicant reacts to stress or emergencies can provide insights into their ability to remain calm and composed under pressure.

Suggested questions include:

- Have you observed [Applicant] during any stressful situations or emergencies in the neighborhood?
- How did they respond?

Respect for Rules and Norms

Adherence to rules and norms is a key aspect of a police officer's/jailer's/telecommunicator's responsibilities, ensuring they uphold the law and maintain order.

Suggested questions include:

- Does [Applicant] generally adhere to neighborhood rules and norms, such as noise levels, parking regulations, and property maintenance?
- Can you provide any examples?

Family and Household Dynamics

Understanding the dynamics within the applicant's household can give a broader perspective on their behavior and interactions.

Suggested questions include:

- Can you describe the dynamics within [Applicant's] household?
- How do they interact with their family members?"

Overall Character and Suitability

A comprehensive view of the applicant's character helps in assessing their overall suitability for a law enforcement role.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Suggested questions include:

- Based on your observations, how would you assess [Applicant's] overall character and suitability for a career in law enforcement?
- Are there any particular strengths or areas for improvement that you believe are important to know?

Additional Questions for Neighbor References

Utilizing the questions below can further your understanding of the applicant through the eyes of the neighbor.

- How long have you known [Applicant]?
- What is your relationship with [Applicant]? Casual neighbors, close friends, do you socialize together?
- Have you or anyone else in the neighborhood had any complaints against [Applicant]?
- Have you ever suspected any illegal activity by [Applicant]?
- Has law enforcement ever responded to [Applicant's] residence?
- Would you recommend [Applicant] for a position as a police officer/jailer/telecommunicator?
- Would you want [Applicant] as a neighbor in the future?

Develop Other References

Same as before, use the neighbors provided to you by the applicant to develop further references by asking the general questions provided to you in prior sections.

Consider seeking out sources from community groups, homeowners association, and other similar entities.

Obvious Disqualifiers

Neighbors will also be able to help you determine if the applicant triggers any obvious (state- or department-mandated) disqualifiers. If you merely ask questions without putting neighbors on-guard about the information you are asking about, they will often share information with you. This, again, is a time when you should be questioning them in a fact-finding mind frame without sounding accusatory.

Concerning Indicators

Neighbors will also be able to help you determine if the applicant has any habits or tendencies that represent concerns for new hires. This, again, is a time when you should be questioning them in a fact-finding mind frame without sounding accusatory.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Documentation

Take detailed notes during the interview (or immediately after each interview) then write a summary when all interviews are completed. Note all positives, areas of concern, and topics requiring follow-up.

Other Potential Sources

A key part in your investigative process is discovering other references to interview that were not originally provided by the applicant. The easiest and most effective way to do this is by asking them during the original reference interviews. Ask them: "Can you help get me in touch with anyone else who can help me get to know the applicant?" Remind them that you are trying to ensure that the person is not only a good fit for law enforcement, but a good fit for the department.

Specifically ask for individuals that can confirm any areas of concern, but approach this gently; if they conclude that you are trying to damage the applicant's chances of being hired, they may not indulge your request.

It can be beneficial to contact other references, such as individuals listed in incident or offense reports, as they can provide firsthand accounts of the applicant's behavior in real-life situations. Reaching out to cadets, former classmates, instructors, and the training coordinator from the academy the applicant attended can also offer valuable perspectives on the applicant's performance during training, their ability to work in a team, and their overall readiness for a career in law enforcement. These additional sources can either corroborate the information or provide undisclosed information given by other references or the applicant and offer a more well-rounded view of the applicant's qualifications and character.

By strategically contacting these additional references at various stages of the background investigation, investigators can ensure a thorough and balanced assessment of the applicant's qualifications and suitability for a role in law enforcement.

Initial Stages of the Investigation

Early in the process, reviewing incident or offense reports can reveal the applicant's involvement in specific cases. Contacting individuals listed in these reports, such as victims, witnesses, or other officers, can provide insight into the applicant's behavior and professionalism in the field.

These references can offer firsthand accounts of how the applicant handled real-life situations, which is crucial for assessing their practical skills and ethical standards.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

During Evaluation of Training and Education

When assessing the applicant's foundational skills and knowledge, reaching out to instructors and training coordinators from the police academy they attended can be highly informative.

These references can provide feedback on the applicant's performance during training, their grasp of essential law enforcement techniques, and their ability to learn and adapt.

Assessing Interpersonal Skills and Teamwork

To evaluate the applicant's ability to work well with others, contacting former classmates and fellow cadets can be beneficial.

These individuals can share experiences of working alongside the applicant, offering insights into their teamwork, communication skills, and reliability in a group setting.

When Red Flags Emerge

When you've completed the background and reviewed all you have gathered, and there are several issues, you may need to bring in the applicant for a second interview. During the interview, you would need to ask about the issues individually to determine the core reason for the inconsistency. Present your findings to your chain of command and determine if your agency will move forward or disqualify the applicant.

Investigating Inconsistencies

If there are discrepancies or red flags in the information provided by initial references, contacting additional sources can help clarify these issues.

Multiple perspectives can help paint a clearer picture of the applicant's behavior and capabilities, ensuring that any potential issues are thoroughly investigated.

Exit Points

Conduct full review of all information collected, including everything provided by references.

On a case-by-case basis, look at the information with the following in the forefront of your decision making:

- Obvious disqualifiers should be addressed as soon as found.
- Totality of all information collected should be considered.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Search out patterns and consequences of prior behavior.
- Seek indications of maturity, behavior correction, or other info that shows likelihood of repeated issues is decreased to an acceptable level.

The more thorough an investigation is conducted, the more information that will be available to make an informed decision.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

References

Race, J. Legally Sufficient Background Investigations Handbook. [Class handout]. DLG Learning Center, 2032. https://dlglearningcenter.com.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Module 8

Final Report

Terminal Objective

Upon successful completion of this module, participants will be able to discuss results from a completed background investigation.

Enabling Objectives

1. Discuss documentation required for the final report.
2. Describe remaining items needed for finalization of recommendation.
3. Describe the process for final review and outcomes after completed background investigation.
4. Discuss the pressure and responsibility of the background investigator.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Documentation of Results

We have now reached the important stage of documenting the results of our background investigation. At this point, all necessary interviews, reference checks, and data verifications have been completed. In this stage, we will summarize our findings and provide a comprehensive overview of the applicant's background. The documented results will serve as the basis for making an informed hiring decision, ensuring that all relevant information has been thoroughly reviewed and considered.

Recommendation to Proceed for Conditional Hiring

The report should be a complete summary for the chief administrator (or selection committee) to get a full picture of the applicant being considered for employment. An investigative summary should include all positive and negative findings related to the applicant, fairly and objectively giving the chief administrator information so that they can make a quality employment decision. Some background investigators will include a biographical narrative that presents an applicant's unique experiences, education, and qualifications (to give decision-makers a vivid picture of what the applicant brings to the agency as a new employee).

Recommendation not to Proceed

Temporary Disqualification

A temporary disqualification is a disqualification in which the applicant is disqualified for a determined time period but is (after that determined time frame) offered an opportunity to reapply. If an applicant does not meet minimum standards or triggers a temporary disqualifier, the investigator should document such facts in a memorandum or a supplement report and forward it to his/her chain of command. The documentation should include a clear, concise justification for the temporary disqualification.

Permanent Disqualification

A permanent disqualification is a disqualification in which the applicant is no longer considered for hire and is not permitted to apply with the agency again. If an applicant does not meet minimum standards or triggers a permanent disqualifier, the investigator should document such facts in a memorandum or supplemental report and forward it to their chain of command. The documentation should include a clear, concise justification for the permanent disqualification.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Directed to Proceed Regardless of Disqualification

If your chain of command insists that you continue with the investigation despite uncovering a disqualifier, you should document that you were directed to proceed and identify the person(s) who issued the order. This documentation ensures transparency by recording the discover of the disqualifier and noting that the investigation proceeded despite this awareness.

Remaining Items

At this stage of the background investigation, having decided to proceed with hiring after evaluating all information from the PHS and interviews, you must now obtain additional items to ensure the applicant's suitability for the role, including a medical evaluation, fingerprinting, and a psychological evaluation. Failure in any of these assessments will result in disqualification.

Medical Evaluation

Mechanics of Obtaining

Each applicant must be examined by a physician that is selected by the appointing/employing agency. The agency or applicant provides the L-2 (Licensee Medical Condition Declaration form) to the physician. It is best practice to have the physician deliver to the agency the completed L-2 form with any supporting reports/documentation (rather that allowing the applicant to handle the paperwork). This assures that the applicant was not able to tamper with the document.

New licensees and those returning after a break in service of more than 180 days must undergo a medical examination. If your agency requires all applicants to undergo this examination regardless of their service status, that is acceptable as well.

FACT Return

Make sure to read the return completely by clicking "Display Texas & FBI Criminal Histories" (Figure 8.1) and review certain files (Figure 8.2).



Figure 8.1: FACT Display Texas and FBI Criminal Histories

© 2025, Texas Commission on Law Enforcement. All rights reserved.



Figure 8.2: HIT on Texas Criminal History

Potential Roadblocks

A potential roadblock is if a doctor is unavailable to conduct an examination of an applicant. However, if a physician is not available, you can have a nurse practitioner or physician assistant conduct the evaluation.

Doctor

If an applicant is to be examined by a physician, the examining physician must be licensed by the Texas Medical Board. If a nurse practitioner is to examine an applicant, he/she must be licensed by the Texas Board of Nursing. If a physician assistant is to conduct an examination of an applicant, he/she must have a valid medical license. Also, the physician (medical professional) who is conducting the examination must be familiar with the duties of the license type the applicant holds.

Drug Test Evaluation

The applicant must show no trace of drug dependency or illegal drug use after a blood test or other medical test.

Interpretation of Results

The applicant must be found physically sound and free from any defect which may adversely affect the performance of duties appropriate to the type of license.

Exceptions

Although telecommunicators only need a drug screen, the agency can require the applicant to submit to both the medical exam and drug screening. Again, your agency can insist on applicants meet qualifications not deemed requirements by state law.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

TCOLE Report

If an applicant fails an evaluation, the investigating agency should document the evaluation failure and submit the documentation to TCOLE. This declaration is not public information per TX OCC. 1701.306.

Fingerprinting

Mechanics of Obtaining

Each applicant must be fingerprinted. An agency can either have the applicant fingerprinted on paper fingerprint cards and mail them to Texas Department of Public Safety (DPS), or have them get fingerprinted at an IdentoGO® location. Remember, the agency must have obtained the results of the fingerprint check prior to appointing an applicant.

Potential Roadblocks

IdentoGO® is a service that can be cost-prohibitive for some agencies. If the service is too costly, your agency can elect to have the applicant pay for the IdentoGO® service to get the fingerprinting completed. Also, there may not be an IdentoGO® location nearby. Regardless of the reason, if IdentoGO® is not a viable option for your agency, then your agency can fingerprint the applicant on a paper fingerprint card and send the fingerprint card to the DPS. However, if your agency elects to send fingerprints to DPS on fingerprint cards, your agency must delay appointing the applicant until your agency receives the results from the fingerprint check.

Timeline

The agency can have the applicant get fingerprinted during the background investigation or after the background investigation. The agency has the discretion, but the applicant must be fingerprinted, and the results of that fingerprint check must be received and reviewed prior to hiring/appointing the applicant. If time is of the essence, it is best to use the digital fingerprint option. Remember, if your agency mails fingerprint cards to DPS, your agency should not expect to receive results for weeks from DPS. However, if your agency has the fingerprints run by IdentoGO®, your agency's wait for results would be shorter, approximately three to five days, with most agencies receiving results within 24-72 hours.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Interpretation of Results

There is a reason why your agency must obtain fingerprint results before appointing an applicant. If fingerprinting occurs after the background investigation and reveals undisclosed criminal history, you (as the background investigation) are required to conduct a supplemental investigation. Generally, the supplemental investigation would include obtaining and reviewing the court documents with final dispositions, and then interviewing the applicant about the discovery to determine why the applicant failed to disclose the arrest and/or conviction. The goal of this supplemental investigation is to answer two questions: (1) Does the discovery in the criminal history represent a state- or agency-mandated disqualifier, and/or (2) Does the applicant's nondisclosure discovered in the criminal history, by itself, disqualify the applicant?

Run the CCH

Run the CCH again on the applicant prior to appointment to ensure they were not arrested in the interim (while you, as the background investigator, were conducting the investigation of the applicant). If they have a pending criminal charge, they are not eligible for appointment/licensure.

In recent times, the agency ran a CCH on an applicant during the background investigation phase and the applicant got arrested prior to appointment. The applicant did not disclose the arrest to the agency until TCOLE received a rap back hit that the applicant was ineligible for appointment.

In another instance, the agency was getting applicants fingerprinted on cards and mailing them to DPS. The agency stated that they were having trouble maintaining employees (jailers), and if they used IdentoGO® it would cost them too much money. They were appointing the applicants prior to receiving the fingerprint results. This led to several TCOLE administrative investigations where the agency had appointed several prohibited persons. These types of investigative failures can result in severe administrative penalties including suspension, revocation, and administrative penalties.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Psychological Evaluation

Mechanics of Obtaining

The applicant must be examined by a licensed psychologist or psychiatrist that is selected by the appointing/employing agency. The agency (or applicant) must provide the L-3 (Licensee Psychological and Emotional Health Declaration) form to the psychologist/psychiatrist.

After reviewing the PHS to determine if there are any discrepancies, omissions, or other concerning items, it is requirement by rule (217.1) (b) (12) for the agency to provide the psychologist/psychiatrist with the job description for the position sought, any PHS, and any background documents.

The psychologist/psychiatrist should provide the completed L-3 form with any supporting reports/documentation directly to the agency rather than the applicant handling it. This prevents tampering with the document.

New licensees and those returning after a break in service of more than 180 days must undergo a psychological examination. If your agency requires all applicants to undergo this examination regardless of their service status, that is acceptable as well.

Doctor

The psychologist/psychiatrist must be familiar with the duties of the license type. The appointing/employing agency selects the doctor and it is their responsibility to make sure the doctor is familiar with the duties of the license type and reviews the job description, PHS, and any background documents.

Potential Roadblocks

Waiting to receive approval could result in a delay of the evaluation.

Interpretation of Results

The applicant must be deemed to have satisfactory psychological and emotional health to perform the duties, accept the responsibilities, and meet the qualifications set by the appointing agency and/or required for the license sought.

TCOLE Report

Any failure of evaluation should be documented and reported to TCOLE. The declaration is not public information, and is valid unless withdrawn or invalidated, in accordance with TX OCC. 1701.306.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

TCOLE Rule 217.1 (b) (12)

Has been subjected to a background investigation completed by the enrolling or appointing entity in the applicant's personal history. A background investigation shall include:

- A completed commission approved Personal History Statement (PHS)
- Verification the applicant meets the minimum eligibility requirements for enrollment/licensure/appointment
- Contact all previous enrolling entities
- Completion of the BCF according to TX OCC. 1701.451
- An in-person review of personnel records (if both agencies agree) or an electronic review (TCOLE Secure Share)

Final Review/Documentation

View All Completed Documents with Checklist

Review all documents with the aforementioned checklists to determine is the applicant meets minimum state-mandated standards and has not triggered a disqualifier or is otherwise suitable to a career in law enforcement (according to state-and department-mandated standards).

Review by Chief Administrator

It is important that the chief administrator reviews all documents along with the summary report. As previously mentioned, the chief administrator is still responsible for hiring each employee, even when they blindly trust the background investigator's summary and the investigation's thoroughness.

In order to ensure that your summary report is thorough, consider covering the following topics in the final summary that you send to the chief administrator (or selection committee):

- Section I - Introduction (or biography of applicant) (include information on education, military service, accomplishments of note, general concerns (if any) and the source of the information collected.
  - Include sources checked: NDEX, TLO, CCH, Court Records, DL search, internet and social media search, NDI
- Section II - Criminal History (declarations and information found on CCH, Court records)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

- Section III - Driving History (declarations and information found on DL history printout)
- Section IV - Alcohol and Drug Use (declarations and information attained during interviews)
- Section V - Last ten years of work history, including reasons for gaps in work history
- Section VI - References (provided by applicant and developed references) with contact information and summaries of information provided by each
- Section VII - Conclusion (note concerns that were staffed during the process, indicating who authorized investigator to disregard and move forward with investigation)

Appointment Process

It is best to rely on the following checklists provided in state statutes in Texas Occupations Code 1701.451 and in TCOLE rules (as outlined in Module 5):

- Background Investigations Checklist (TX OCC. Code 1701.451)
- Minimum Standards Checklist (TCOLE Rule 217.1)
- Reporting Appointment Checklist (TCOLE Rule 217.7)

By adhering to these three checklists, you will be ensuring that neither you nor the chief administrator will inadvertently skip a necessary step in the appointment process.

Importance of Background Investigations

It can be easy for patrol officers to lose perspective on their job. For example, young officers working on short-staffed shifts sometimes feel pressure to start taking some calls without backup, “advising” if they need backup once they have arrived and assessed the scene.

Some of them are lucky enough to have a senior officer or a supervisor who will pull them aside. They will usually commend them for their efforts to do more with less, to keep other officers from having to drive across the city to make backups, and their general hustle, but warn them of the potential fallout. By taking risky calls without a dedicated backup, they invite civil liability, increase the chances they might have to use force or deadly force, and put themselves at risk. They also enable the city to keep getting by without the proper staffing levels.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Similarly, some investigators find their assigned caseload to be overwhelming. To keep up with the endless stream of cases, some start to clear or suspend cases that have workable leads. Again, a well-intentioned effort shortchanges the victims, prevents the arrest of perpetrators who then commit more crimes (and generate more reports), and allows the division to continue to operate with insufficient staffing. It is always disheartening to see a victim of a violent crime where the suspect had past crimes that were never fully pursued. When someone is free to commit crimes because an investigator chose not to pursue a lead, the reputation of the agency and the profession is damaged.

It is not easy for these patrol officers and investigators to maintain the proper perspective. They are usually under constant pressure from supervisors, phone calls, paperwork deadlines, prosecutors, and others.

In a similar way, as a background investigator, you must consistently work to maintain the proper perspective. You will have supervisors wanting to hire people as quickly as possible, sometimes with candidates that they know personally and view the background as just a formality. You may have people who have interviewed a candidate and like them. Their judgment might be clouded by the positive personal impression that they got that makes it hard for them to objectively weigh the facts of the history that you uncover.

In the end, there is no better predictor of future behavior than past behavior. If you find evidence that a candidate has a history of poor decision making, excessive use of force, alcohol abuse, financial irresponsibility, dishonesty, or a combination of some of those, you will have performed a great service. If you clearly and honestly relay those findings to your chief administrator, you will have done your job successfully. You will have put that chief administrator in a position to make an informed hiring decision.

Most police officers have been disappointed by the final disposition of some of their arrest cases. Those committed to the cause find ways to make the next case better and redouble their efforts, even if briefly discouraged. They understand that giving up is not an option as it leaves innocent people unprotected.

The weight and importance of background investigations should be viewed similarly. When poor candidates are hired because they were not properly vetted, they bring a host of potential problems. At best, they will be a substandard employee who requires time and documentation to get rid of. Generally, that time that they are employed also places other employees at risk and requires them to work harder to make up the difference. In some cases, other employees might pick up

© 2025, Texas Commission on Law Enforcement. All rights reserved.

some of the bad practices or mindset that the substandard employee brought with them, magnifying the problem. At worst, they will make a critical and public mistake, bringing unnecessary harm to a citizen. When these mistakes are brought under the scrutiny of the media, they make every officer, the agency, and the profession look bad.

There will always be officers who make mistakes. However, when those mistakes could have been avoided had the employee never been hired, people can see and recognize the difference. Legislators continue to build regulation and restrictions on this profession to prevent those mistakes.

This course was built to help you conduct better background investigations and to help your chief administrator make more informed hiring decisions. The knowledge is only useful if paired with the appropriate commitment to ensuring that only qualified, competent, and properly training law enforcement professionals are appointed to positions of trust within your agency.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Activity 8-1: TCOLE Website Review

Purpose

The purpose of this activity is for participants to become familiar with resources available on the TCOLE website.

Participant Directions

1. Explore the TCOLE website.
2. Take note of helpful items in the section below.

Notes:

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Appendix A

Glossary

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Background investigation. An investigation completed by the enrolling or appointing entity into an applicant's personal history as set forth in §217.1 (b)(10).

Basic licensing course. Any current commission developed course that is required before an individual may be licensed by the commission.

Chief administrator. The head or designee of a law enforcement agency.

Commission. The Texas Commission on Law Enforcement (TCOLE)

Community supervision. Any court-ordered community supervision or probation resulting from a deferred adjudication or conviction by a court of competent jurisdiction. However, this does not include supervision resulting from a pretrial diversion.

Convicted. Has been adjudged guilty of or has had a judgment of guilt entered in a criminal case that has not been set aside on appeal, regardless of whether: the sentence is subsequently probated and the person is discharged from probation; the charging instrument is dismissed and the person is released from all penalties and disabilities resulting from the offense; or the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence.

Direct liability. Refers to an officer being held responsible for their own actions.

Fit-for-duty review. A formal specialized examination of an individual, appointed to a position governed by the Texas Occupations Code, Chapter 1701, without regard to pay or employment status, to determine if the appointee is able to safely and/or effectively perform essential job functions. The basis for these examinations should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical and/or psychological condition or impairment. Objective evidence may include direct observation, credible third party reports; or other reliable evidence. The review should come after other options have been deemed inappropriate in light of the facts of the case. The selected Texas licensed medical doctor or psychologist, who is familiar with the duties of the appointee, conducting an examination should be consulted to ensure that a review is indicated. This review may include psychological and/or medical fitness examinations.

Licensee. An individual holding a license issued by the commission.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Separation. An explanation of the circumstances under which the person resigned, retired, or was terminated, reported on the form currently prescribed by the commission, in accordance with Texas Occupations Code, §1701.452.

Vicarious liability. Refers to supervisors, managers, and administrators being liable for actions of one of their officers.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Appendix B

Acronyms

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Authorization to Release Information Form. (AOR)

Background Confirmation Form. (BCF)

Consular Report of Birth Abroad of a US Citizen. (CRBA)

Computerized Criminal History. (CCH)

Deferred Action for Childhood Arrivals. (DACA)

Driving While Impaired. (DWI)

Driving While License is Invalid. (DWLI)

Field Service Agent. (FSA)

Fit-for-Duty Examination. (FFDE)

F-5 Return. (F5R)

General Educational Development. (GED)

Human Resources. (HR)

Internal Affairs Division. (IAD)

Internal Affairs. (IA)

International Association of Directors of Law Enforcement Standards and Training. (IADLEST)

Kansas Bureau of Investigation. (KBI)

Law Enforcement. (LE)

Law Enforcement Agency. (LEA)

Military Veteran's United States Department of Defense Form. (DD-214)

National Crime Information Center. (NCIC)

National Decertification Index. (NDI)

Non-Disclosure Agreement. (NDA)

Official Military Personnel File. (OMPF)

Personal History Statement. (PHS)

Personal Status Report. (PSR)

Point of Contact. (POC)

Police Officer Regulatory Agency. (POST)

Public Access to Court Electronic Records. (PACER)

Public Education Information Management System. (PEIMS)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Senate Bill. (SB)

State Office of Administrative Hearing. (SOAH)

TCOLE Appointment Application Form. (L-1)

TCOLE Licensee Medical Condition Declaration Form L1-T. (L-2)

TCOLE Licensee Psychological and Emotional Health Declaration Form. (L-3)

TCOLE Secure Share. (TSS)

TCOLE Telecommunicator Appointment Form. (L1-T)

Texas Commission on Law Enforcement. (TCOLE)

Texas Commission on Law Enforcement Data Distribution System. (TCLEDDS)

Texas Crime Information Center. (TCIC)

Texas Department of Criminal Justice. (TDCJ)

Texas Department of Public Safety. (DPS)

Texas Occupations Code. (TX OCC. Code)

TransUnion. (TLO)

Wisconsin Judicial Branch. (WJB)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Appendix C

Policies

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

State of Texas Model Policy: Hiring Procedures

STATE OF TEXAS MODEL POLICY: HIRING PROCEDURES

PURPOSE: To establish guidelines for hiring and background investigations for applicants for peace officer, telecommunicator, and county jailer appointments.

1. PERSONAL HISTORY STATEMENT AND WRITTEN CONSENT

1.1 Applicants for employment must submit a completed Personal History Statement (PHS). This agency shall obtain written consent from each applicant before reviewing information required in the background investigation.

2. BACKGROUND INVESTIGATION RECORDS

2.1 Before being hired, this agency shall conduct a thorough background investigation on each applicant which includes, at a minimum, the information referenced in this policy.

2.2 Personnel files, as described by Texas Occupations Code § 1701.4535, and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer.

2.3 Employment termination reports and misconduct investigation reports maintained by TCOLE.

2.4 Service records maintained by TCOLE.

2.5 Proof that the person meets the minimum qualifications for enrollment in a training program under Texas Occupations Code § 1701.251(a).

2.6 A military veteran's United States Department of Defense Form DD-214 or other military discharge record.

2.7 Criminal history record information.

2.8 Information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center.

2.9 Evidence of financial responsibility as required by Texas Transportation Code § 601.051.

2.10 A driving record from the Department of Public Safety.

Figure C.1: State of Texas Model Policy: Hiring Procedures (page 1 of 5)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

2.11 Proof of United States citizenship or, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge, proof of legal permanent residence and proof that the person has applied for United States citizenship.

2.12 Information on the person's background from at least three personal references and at least two professional references.

2.13 Information on the person's law enforcement background as available through the National Decertification Index (NDI) maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST); and obtaining and reviewing records with entry agencies if a matching record exists.

2.14 If applicable, a file or record obtained by the commission under Texas Occupations Code § 1701.3035.

3. BACKGROUND INVESTIGATION

3.1 Files and records must be reviewed electronically (such as through the secure electronic file sharing system provided by TCOLE, which is strongly encouraged due to confidentiality purposes) or in person (if the previous law enforcement agency agrees). File review may not be done by phone.

3.2 The investigator will provide the other agency with a copy of the applicant's signed Release of Information before obtaining and reviewing all files and records.

3.3 Agencies in other states and federal agencies do not normally have access to the TCOLE file sharing system. If files from those agencies cannot be reviewed in person, other reasonable efforts should be made to review the files electronically. If the files cannot be reviewed, the investigator should document the reason why and the efforts that were made in the background investigation report.

3.4 If a Release of Information was provided and an agency does not respond to a file sharing request for records within ten business days and the investigator has made direct contact with the person from whom they are requesting files (such as phone or email), the investigator should contact their TCOLE Field Service Agent for assistance.

3.5 An investigator must contact each agency to determine if records still exist regardless of records retention schedules. Some agencies retain records long past those schedules and all available records must be reviewed.

Figure C.2: State of Texas Model Policy: Hiring Procedures (page 2 of 5)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

3.6 If an agency no longer has records, most will upload a form letter to the file sharing system documenting the lack of records and the reason why. That letter should be added to the background investigation report.

3.7 If a previous agency no longer exists or is currently unmanned, the investigator should confirm and document the same in the background investigation report. The investigator should contact the governing body over a former or unstaffed agency to determine what records remain and how they can be accessed.

3.8 The background investigator shall document all findings pertinent to the background investigation in a background investigation report. A copy of the background investigation report shall be maintained in the employee's personnel file.

4. TCOLE FORMS

4.1 **L-1:** TCOLE Appointment Application form.

4.2 **L-2:** TCOLE Licensee Medical Condition Declaration form.

4.3 **L-3:** TCOLE Licensee Psychological and Emotional Health Declaration form.

4.4 **L1-T:** TCOLE Telecommunicator Appointment form.

4.5 During the appointment of any licensee, this agency will complete the appropriate background and appointment forms required by TCOLE. Such forms will document that all background investigation steps required by Texas Occupations Code § 1701.451 were completed prior to appointment and how those steps were completed. The information certified on the forms shall be consistent with the process required in Section 3 of this policy.

5. MEDICAL EXAMINATION AND DRUG SCREENING

5.1 Before being hired, each applicant must undergo a drug screening by a physician licensed by the Texas Medical Board designated by this agency.

5.2 Applicants for peace officer or county jailer must also undergo a medical examination by a physician licensed by the Texas Medical Board designated by this agency. The physician must be familiar with the duties appropriate to the type of appointment to be made.

5.3 If the applicant successfully passes the medical examination and drug screening, the provider administering the exam shall sign the L-2. The L-2 shall be included in the employee's personnel file.

Figure C.3: State of Texas Model Policy: Hiring Procedures (page 3 of 5)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

5.4 If the applicant fails the medical examination or drug screening, this agency will report the failure to TCOLE on a form prescribed by TCOLE.

6. PSYCHOLOGICAL EXAMINATION

6.1 Before being hired, each applicant must undergo a psychological examination conducted by a psychologist licensed by the Texas Board of Examiners of Psychologists or a psychiatrist licensed by the Texas Medical Board and certified by the American Board of Psychiatry and Neurology, as designated by this agency.

6.2 The psychologist or psychiatrist must be familiar with the job duties of the position the applicant applied for.

6.3 The psychologist or psychiatrist must be given a copy of the applicant's PHS and background investigation report to review before the examination.

6.4 The psychological examination must be conducted according to professional standards and include: use of at least two instruments, one measuring personality traits, and one measuring psychopathology; and conducting an interview after the two instruments above are scored and a review of the PHS and background investigation report.

6.5 If the applicant successfully passes the psychological examination, the psychologist or psychiatrist shall sign the L-3. The L-3 shall be included in the employee's personnel file.

6.6 If the applicant fails the psychological examination, this agency will report the failure to TCOLE on a form prescribed by TCOLE.

7. FINGERPRINT CHECK RETURN

7.1 Before being appointed, each applicant must successfully complete a fingerprint search of local, state, and United States records and fingerprint files to disclose any criminal record. A copy of the fingerprint check return shall be maintained in the personnel file.

8. FIREARMS QUALIFICATION

8.1 If the applicant is a current Texas Peace Officer, the applicant must submit an official record of annual firearms qualification within the past 12 months or complete a firearms qualification prior to employment.

9. APPOINTMENT OF LICENSEE

9.1 Upon hiring, a complete and accurate L-1 or L1-T will be submitted to TCOLE.

Figure C.4: State of Texas Model Policy: Hiring Procedures (page 4 of 5)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

9.2 A copy of the L-1 or L1-T will be notarized and maintained in the employee's personnel file.

10. PROVISIONAL HIRING PERIOD

10.1 Applicants hired while the subject of a misconduct investigation with a previous employing agency may initially be hired on a provisional basis of 90 days.

10.2 During that provisional period, this agency will obtain and review the completed misconduct investigation report from the previous employing agency or TCOLE and may choose to terminate the provisional employment based on those findings.

10.3 This provisional period is unrelated to any other probationary hiring periods used by this agency.

All law enforcement agencies shall adopt this model policy, or a substantively similar policy, no later than June 1, 2025, and submit the adopted policy to the Texas Commission on Law Enforcement.

Figure C.5: State of Texas Model Policy: Hiring Procedures (page 5 of 5)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Appointment Process Flowchart

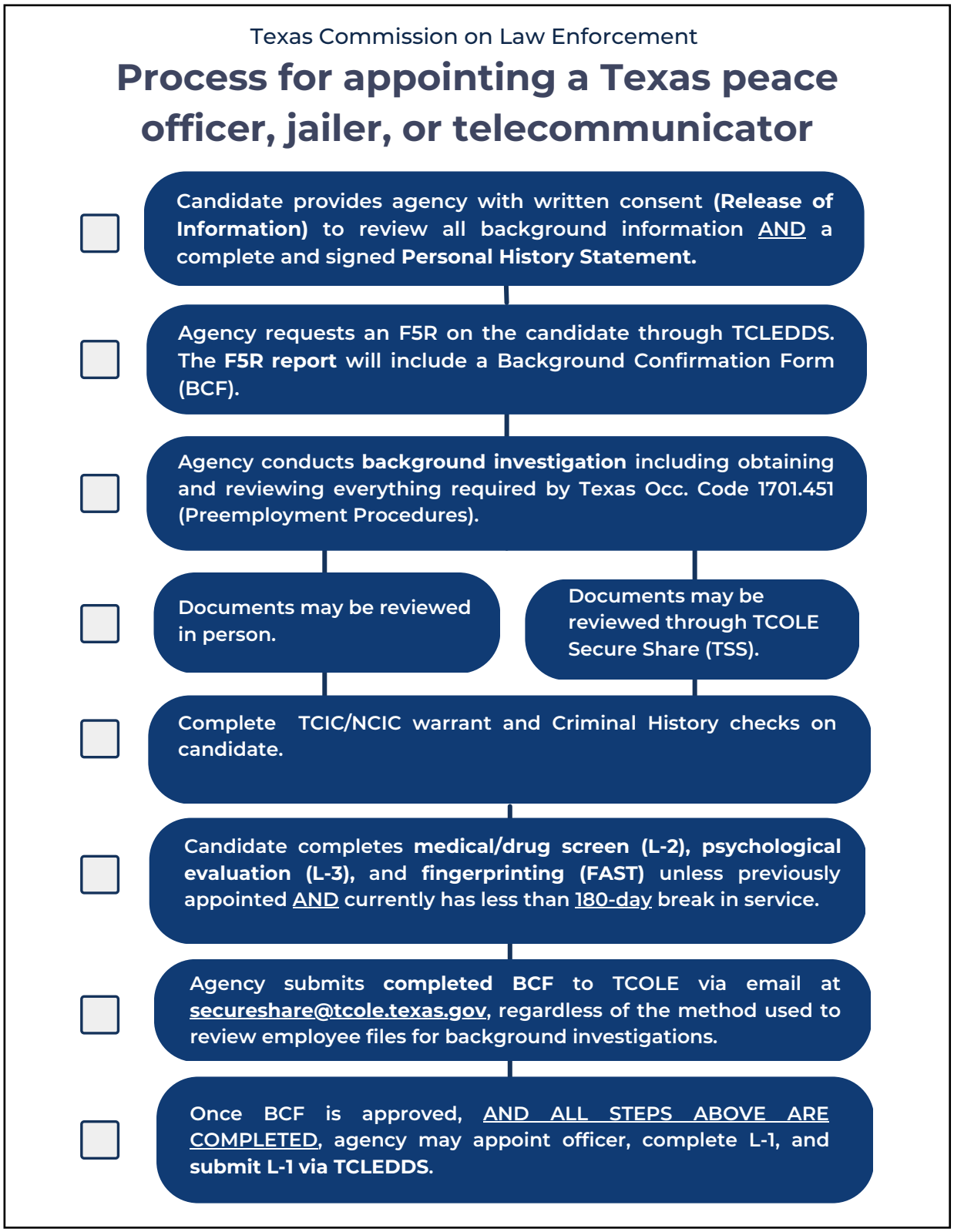


Figure C.6: TCOLE's Appointment Process Flowchart

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Appendix D

Forms

© 2025, Texas Commission on Law Enforcement. All rights reserved.

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Authority to Release Information (AOR)

Texas Commission on Law Enforcement
(Name of Law Enforcement Agency)

AUTHORITY TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

I hereby authorize the Texas Commission on Law Enforcement and its authorized representatives bearing this release, or a copy thereof, within one year of its date, to obtain any information in your files pertaining to my employment, military, criminal history, credit, education or medical records, including not limited to academic, achievement, attendance, athletic, personal history, and disciplinary records, medical records, criminal history record information, or any other record information held by a criminal justice agency, and credit records.

I hereby direct you to release such information upon request of the bearer. This release is executed with full knowledge and understanding that the information is for official use. Consent is granted to all parties to furnish such information, as described above, to third parties in the course of fulfilling its official responsibilities. I hereby release you, as custodian of such records, and any school, college, university, or other educations institution, hospital, or other repository of medical records, criminal justice agencies, credit bureau, lending institution, consumer reporting agency, or retail business establishment including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family or associates because of compliance with this authorization and request to release information, or attempt to comply with it.

I am furnishing my Social Security Account Number on a voluntary basis with the understanding such is not required by any law or regulation. I have been advised that all parties will utilize this number only to facilitate the location of employment, military, credit, and educational records concerning me in connection with this application. Should there be any question as to the validity of this release, you may contact me as indicated below:

Applicant's Printed Full Name: _____
Address: _____
_____
Telephone Number: _____ _____
Applicant's Notarized Signature: _____

Sworn to and signed before me, on this the _____day of_____,_____,
in and for_____county, in the state of_____.
Signature of Notary Public: _____
NOTARY SEAL
Printed Name of Notary Public: _____
My Commission Expires: _____

Figure D.1: Authority to Release Information

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Background Confirmation Form

TEXAS COMMISSION ON LAW ENFORCEMENT
6330 E. Highway 290, STE 200
Austin, Texas 78723 -1035
Phone: (512) 936-7700
https://www.tcole.texas.gov/

Background Confirmation Form (BCF)

Please print legibly.

This form must be received prior to submission of an L-1. Date of appointment on the L-1 must be on or after the BCF's signature date. A file copy of this form must be retained in the licensee's TCOLE file after it is emailed to **secureshare@tcole.texas.gov**

Background Investigation Conducted on *(applicant information)*

1. Last Name (Name on File)	2. First Name (Name on File)	3. M.I.	4. Suffix
5. TCOLE PID	6. Projected Appointment Start Date		

Approving Chief Administrator

7. Last Name	8. First Name		9. Title	
10. TCOLE PID	11. Agency Name		12. TCOLE Agency Number	
13. Agency Address	14. City	15. County	16. Zip Code	17. Phone Number

Background Investigation Conducted by

18. Last Name	19. First Name	20. TCOLE PID

Former Law Enforcement Agencies

21. Does the applicant listed above hold a TCOLE license?
(This applicant has an active or inactive license as a peace officer, jailer, or telecommunicator in the State of Texas)

☐ YES – This applicant has held a TCOLE License
(If yes, proceed to 22)

☐ NO – This is a new TX Licensee
(If no, skip to signature block)

22. Current and Former Law Enforcement Agencies Is there a Release of Information form on file? __ Yes __No *List current and former law enforcement departments below*	23. Personnel Documents Reviewed:		24. An attempt was made to obtain and review the files. If background personnel documents were not reviewed in person or electronically, please indicate the reason:		
	Electronic File Transfer (TSS)	In-Person	Request denied/ Failed to respond	File not available	Other: explain
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	

(If more lines are needed for 22-24, please use page 2)

I certify that I am the chief administrator of the above-named agency, or the person designated by the chief administrator to sign this document. I further certify that all pre-employment procedures required by Texas Occupations Code 1701.451 have been completed.

_____ _____
Signature of Chief Administrator or Designee (if designee, print name) Date

Figure D.2: BCF (page 1 of 2)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Background Confirmation Form (Cont.)

Please print legibly.

22. Current and Former Law Enforcement Agencies *List current and former law enforcement departments below*	23. Personnel Documents Reviewed:		24. An attempt was made to obtain and review the files. If background personnel documents were not reviewed in person or electronically, please indicate the reason:		
	Electronic File Transfer (TSS)	In-Person (i.e. local hire)	Request denied/ Failed to respond	File not available	Other: explain
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	
	☐	☐	☐	☐	

I certify that I am the chief administrator of the above-named agency, or the person designated by the chief administrator to sign this document. I further certify that all pre-employment procedures required by Texas Occupations Code 1701.451 have been completed.

_____ _____

Signature of Chief Administrator or Designee (if designee, print name) Date

BCF 24.004 Background Confirmation Form 02.21.2023 Page 2 of 2

Figure D.3: BCF (page 2 of 2)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Separation of Licensee (F-5)

TEXAS COMMISSION ON LAW ENFORCEMENT
6330 E. Highway 290, STE. 200 , Austin, Texas 78723 - 1035
Phone: (512) 936-7700
http://www.tcole.texas.gov

SEPARATION OF LICENSEE (F-5)
LICENSEE INFORMATION (Occupations Code 1701.452)

1. TCOLE PID	2. Last Name.	3. First Name	4. M.I.	5. Suffix (Jr., etc.)

6. Date of Birth	7. Home or Permanent Mailing Address	8. City

9. State	10. Zip Code	11. Phone Number	12. Email

13. APPOINTMENT

☐ Peace Officer ☐ County / Contract Jailer ☐ Telecommunicator ☐ Medical Corporation P. O.
☐ Public Security Officer ☐ Reserve Officer (licensed reserve or conditional only)

14. TCOLE Agency Number	15. Appointing Agency

16. Date Licensee started with Agency:_____ 17. Date of Separation: _____

I, chief administrator or designee, attest that this is a true and accurate document of the separation of the above licensee.

A copy of this F - 5 was provided to the person as required by Occupations Code 1701.452, in 7 business days by:

☐ Hand delivery on _____ (Date) ☐ Certified mail on _____ (Date)

_____ _____ _____
Agency Administrator or Designee (Type or Print) Signature Date

Property of TCOLE

Figure D.4: Separation of Licensee

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Employer Background Questionnaire for Employers



Confidential Questionnaire for Employers

Name of Applicant:
Address of Applicant:

Employer Name:
Dates of Employment:
Name of Reference:
Address of Reference:
Contact Number:
Email Address:

Please answer the following questions to the best of your knowledge or recollection. Your cooperation is sincerely appreciated.

1. Can you confirm the applicant's employment with your organization/agency?
   YES ☐ NO ☐ *(Explain)*

2. Did the applicant handle sensitive information or have access to confidential materials?
   YES ☐ NO ☐ *(If yes, explain)*

3. Did the applicant have any disciplinary actions or performance issues during their employment?
   YES ☐ NO ☐ *(If yes, explain)*

4. Were there any incidents or complaints involving the applicant related to misconduct, ethical violations, or criminal activity during their tenure?
   YES ☐ NO ☐ *(If yes, explain)*

Page 1 of 2

Property of TCOLE

Figure D.5: Employer Background Questionnaire (page 1)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

5. Did the applicant work well with colleagues and superiors, demonstrating teamwork and professionalism?
   YES ☐ NO ☐ *(Explain)*

6. Can you provide information about the applicant's attendance record, punctuality, and reliability?
   YES ☐ NO ☐ *(Explain)*

7. Did the applicant adhere to established protocols, procedures, and ethical standards consistently? Can you provide examples?
   YES ☐ NO ☐ *(Explain)*

8. Did the applicant leave your organization voluntarily, or was their departure due to termination or other reasons?
   YES ☐ NO ☐ *(Explain)*

9. Were there any red flags or concerns regarding the applicant's integrity, honesty, or reliability during their employment?
   YES ☐ NO ☐ *(Explain)*

10. Would you rehire this applicant if the opportunity arose?
    YES ☐ NO ☐ *(Explain)*

Investigator: _____ Date:_____

Page 2 of 2

Property of TCOLE

Figure D.6: Employer Background Questionnaire (page 2)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Law Enforcement Agency Audit Checklist

TEXAS COMMISSION ON LAW ENFORCEMENT

Law Enforcement Agency Audit Checklist

Employee:	PID:

New Licensee	180 Days or Less Break in Service	More Than 180 Day Break in Service
☐ Personal History Statement (PHS)	☐ Personal History Statement (PHS)	☐ Personal History Statement (PHS)
☐ F-5R (filled out, signed & dated)	☐ F-5R (filled out, signed & dated)	☐ F-5R (filled out, signed & dated)
☐ National Decertification Index (NDI)	☐ National Decertification Index (NDI)	☐ National Decertification Index (NDI)
☐ BCF (Required for appts on or after 1/1/22)	☐ BCF (Required on or after 1/1/22)	☐ BCF (Required for appts on or after 1/1/22)
☐ L-2 (drug screen/medical exam for PO's & Jailers. Drug screen only for telecommunicators.)	☐ CCH (TCIC-NCIC)	☐ L-2 (drug screen - required for all licensees)
☐ L-3 (psychological evaluation)	☐ Military Discharge (DD-214)	☐ L-3 (psychological evaluation)
☐ DPS/FBI Fingerprint Return*	☐ Certified copy of court disposition**	☐ CCH (TCIC-NCIC)
☐ Proof of Citizenship	☐ Official record of annual firearms qualification within the last 12 months. (For peace officers only)	☐ DPS/FBI Fingerprint Return*
☐ Proof of Education	☐ L-1 / L1-T (sign & notarize pages 1 & 2. Don't submit until ALL the required documents listed above are in place)	☐ Military Discharge (DD-214)
☐ Military Discharge (DD-214)		☐ Certified Copy of Court Disposition**
☐ Certified Copy of Court Disposition**		☐ Official record of annual firearms qualification within the last 12 months. (Applies to Peace Officers only)
☐ Official record of annual firearms qualification within the last 12 months. (Applies to Peace Officers only)		☐ L-1 / L1-T (sign & notarize pages 1 & 2. Don't submit until ALL the required documents listed above are in place)
☐ L-1 / L1-T (sign & notarize pages 1 & 2. Don't submit until ALL the required documents listed above are in place)		

All documentation must be in place *prior* to submitting the L-1 form. Failure to properly complete and document all pre-appointment requirements listed above is a violation of state law punishable by fine (up to $1,000 per day, per violation) and/or imprisonment (see TOC 1701.507 and 553).

The BCF form must be electronically submitted and approved BEFORE an L-1 form is entered in TCLEDDS. Otherwise, the L-1 form will be rejected.

*Fingerprint check requests should be submitted through F.A.S.T. for faster and more secure service, but DPS will still accept a 10-print card by mail. Use of a Live Scan fingerprinting system requires preapproval from Texas DPS. To set up a F.A.S.T. account, contact DPS at 512-424-2365, choose option 6. To validate your agency's Live Scan contact DPS at livescan@dps.texas.gov.

**A certified court disposition is required for any criminal charge listed on a CCH including class B misdemeanors and above, or any class C misdemeanor arrest, charge, indictment, or ticket stemming from a family violence incident.

ALL AUDITABLE DOCUMENTS SHOULD BE KEPT TOGETHER IN A SECURE BUT EASILY ACCESSIBLE FOLDER SEPARATE FROM PERSONNEL FILES OR OTHER UNRELATED DOCUMENTS. THE FILE MUST BE RETAINED FOR A MINIMUM OF FIVE (5) YEARS AFTER TERMINATION OF APPOINTMENT. FOR MORE INFORMATION, CONTACT YOUR REGIONAL TCOLE FIELD AGENT.

Law Enforcement Agency Audit Checklist (Rev. 2-22-24)

Figure D.7: Law Enforcement Agency Audit Checklist

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Personal History Statement (Blank)

IMPORTANT INFORMATION

TCOLE Personal History Statement

Template Instructions

The attached Personal History Statement (PHS) is intended as a sample of what TCOLE considers to be the minimum information necessary to meet the required background investigation (BI) for any law enforcement licensee appointed to an agency, as defined under TCOLE Rule 211.1(a)(8).

Agency administrators may add additional information or agency identifiers without deletion or elimination of any information in this document. They may also decide at which stage in the pre-appointment process the PHS/BI will be completed as long as it is done before the applicant is appointed. The objective is to help the agency's chief administrator to make an informed decision based on factual and verifiable information.

The PHS/BI is an auditable document which must be retained along with all other required TCOLE appointment documents through the licensee's employment and five (5) years after he or she leaves the agency. For training academies, the record must be retained for five (5) years from the last date at the academy.

Property of TCOLE

Figure D.8: PHS (page 1)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

TEXAS COMMISSION ON LAW ENFORCEMENT

TCOLE

AGENCY NAME:

APPLICANT'S PERSONAL HISTORY STATEMENT

PERSONAL HISTORY STATEMENT FOR TEXAS

Appointment/Employment

Name:

Date Issued:

Complete and Return By:

I am applying for:

☐ Peace Officer PID #:

☐ County Jailer PID #:

☐ Telecommunicator PID #:

☐ Civilian Employment

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.9: PHS (page 2)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Personal History Statement Instructions

Employees are exposed to confidential and law enforcement sensitive information. A thorough background investigation is required to properly evaluate the suitability of applicants for employment with the agency. Although it is an achievement to reach the background phase of the hiring process, this is still a competitive process and does not, in any way, guaranty selection.

These instructions are provided as a guide to assist you in properly completing your Personal History Statement. It is essential that the information is accurate in all respects, so please read all instructions carefully before proceeding. The Personal History Statement will be used as a basis for a background investigation that will determine your eligibility for becoming an employee.

1. Your application must be printed legibly in BLACK INK by the applicant or typed. Answer all questions truthfully and accurately.
2. If a question is not applicable to you, enter N/A in the space provided.
3. Avoid errors by reading the directions carefully before making any entries on the form. Be sure your information is accurate and in proper sequence before you begin.
4. You are responsible for obtaining correct and full addresses. If you are not sure of an address, personally verify before making that entry on this history statement. Errors will not be viewed favorably. ALL ADDRESSES MUST BE COMPLETE WITH ZIP CODES.
5. If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate what question number and page this refers to.
6. An accurate and complete form will help expedite your investigation. Omissions or falsifications will result in disqualification.
7. You are responsible for furnishing any changes and/or updating your application as needed, such as address changes or telephone changes in writing.
8. Any candidate submitting an incomplete application WILL NOT BE CONSIDERED FOR EMPLOYMENT. Your application will be evaluated on completeness and neatness.
9. All documents requested must be submitted with the application (photocopies are acceptable in most cases*). Required documents vary according to the position being sought and the history of the applicant. Hiring agency please check off documents required– modify list as necessary*.
   - ☐ Completed Personal History Statement
   - ☐ Copy of your Social Security card
   - ☐ Original certified copy of your birth certificate (no photo copy)
   - ☐ Copy of your valid Texas driver license or a copy of another State's driver license (applicant must possess a valid Texas driver license prior to being offered employment)
   - ☐ Copy of your High School diploma or GED certificate or an honorable discharge from the armed forces of the United States after at least twenty-four months of active service
   - ☐ Sealed original certified copy of your college transcript (no photo copy)
   - ☐ Photocopy of your college diploma
   - ☐ Copy of your Peace Officer Certificate from your police academy (Peace Officer Applicants Only)
   - ☐ Copy of your Texas peace officer license & all training certificates awarded to you (Peace Officer Applicants Only)
   - ☐ Copy of your DD-214 and/or other military discharge documents (if applicable)
   - ☐ Original certified copy of your Naturalization papers, if applicable (no photo copy)
   - ☐ Copy of current proof of automobile liability insurance
   - ☐ Copy of a TCOLE approved Firearms Qualifications within the last 12 months
10. If you have questions, please contact your assigned background investigator.
11. When submitting the completed documents, please place them in a sealed envelope marked 'Personal and Confidential' to your assigned background investigator.

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.10: PHS (page 3)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Instructions to the Applicant

Before you begin to fill out this personal history statement, please ensure that you meet the following requirements. You must meet all five of these requirements to qualify for licensure as a peace officer, jailer, or telecommunicator in Texas.

- ☐ I am a citizen of the United States of America.
- ☐ I have earned a high school diploma, a GED, or an honorable discharge from the armed services of the United States after at least two (2) years of active service.
- ☐ I have never been convicted, plead guilty (nolo contendere), nor have I been on court-ordered community service/probation, or deferred adjudication for a Class A misdemeanor or a felony.
- ☐ During the last ten (10) years, I have not been convicted, plead guilty (nolo contendere), been on community service/probation, or deferred adjudication for a Class B misdemeanor in this state, other state, or while serving in the military.
- ☐ I have never had a military court martial that resulted in a dishonorable or other discharge based on misconduct which bars future military service.

DISQUALIFICATIONS

There are very few automatic bases for rejection. Even issues of prior misconduct, employee terminations, and arrests are usually not, in and of themselves, automatically disqualifying. However, deliberate misstatements or omissions can and often will result in your application being rejected, regardless of the nature or reason for the misstatements/omissions. In fact, the number one reason individuals "fail" background investigations is because they deliberately withhold or misrepresent job-relevant information from their prospective employer.

This personal history statement is a governmental document. Be truthful, as there are criminal consequences for lying on a governmental document.

Once you begin:

- Type or neatly print, in ink, responses to all items and questions. If a question does not apply to you, write "N/A" (not applicable) in the space provided for your response. If you cannot obtain or remember certain information, indicate so in your response.
- If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate which section, question number, and page this refers to.
- Be as complete, honest, and specific as possible in your responses.

Disclosure of Medically Related Information

In accordance with the U.S. Americans with Disabilities Act, at this stage of the hiring process, applicants are not expected or required to reveal any medical or other disability-related information about themselves in response to questions on this form, or to any other inquiry made prior to receiving a conditional offer of employment.

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.11: PHS (page 4)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

SECTION 1: PERSONAL

Last Name: First Name: Middle Name: Suffix:

Other Names, including nicknames, you have used or been known by:

Maiden: SSN #: Date of Birth:

Driver License #: State: Exp:

Street Address, (Apt/Unit):

City: State: Zip Code:

Mailing Address (if different than above):

City: State: Zip Code:

Home Phone #: Cell: Work (Ext.):

Fax: Other Phone #(s):

List ALL Email Addresses:

Place of Birth (City, County, State, Country):

Physical Description:

Height: Weight: Hair Color: Eye Color:

Have you ever attended a basic licensing course? ☐ Yes ☐ No

If yes, provide the PID you were assigned:

A. Academy Name: From: To:

Location (City, State):

Name Training Coordinator: Contact Number:

Did you graduate? ☐ Yes ☐ No

B. Academy Name: From: To:

Location (City, State):

Name Training Coordinator: Contact Number:

Did you graduate? ☐ Yes ☐ No

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.12: PHS (page 5)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Have you **ever** applied to any other law enforcement agency in the last ten years (city, county, state or federal)?

☐ Yes ☐ No

- If yes, list ALL agencies you have applied to, starting with the most recent (give complete and accurate addresses).
- All agencies MUST be listed regardless of the outcome or current status. Check all boxes that apply for each agency.
- If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate what section number and page this refers to.

A. Name of Agency: Position Applied For:

Date Applied: Address:

City: State: Zip:

Background Investigator's Name (if known):

Contact Number, (ext): Email:

Check each step in the process that you completed, and your status:

Steps: ☐ Application ☐ Written ☐ Physical agility ☐ Oral ☐ Polygraph/CVSA ☐ Background
☐ Conditional job offer ☐ Psychological examination Date: ☐ Medical Date:

Status: ☐ Hired ☐ On List ☐ Withdrawn ☐ Disqualified

B. Name of Agency: Position Applied For:

Date Applied: Address:

City: State: Zip:

Background Investigator's Name (if known):

Contact Number, (ext): Email:

Check each step in the process that you completed, and your status:

Steps: ☐ Application ☐ Written ☐ Physical agility ☐ Oral ☐ Polygraph/CVSA ☐ Background
☐ Conditional job offer ☐ Psychological examination Date: ☐ Medical Date:

Status: ☐ Hired ☐ On List ☐ Withdrawn ☐ Disqualified

C. Name of Agency: Position Applied For:

Date Applied: Address:

City: State: Zip:

Background Investigator's Name (if known):

Contact Number, (ext): Email:

Check each step in the process that you completed, and your status:

Steps: ☐ Application ☐ Written ☐ Physical agility ☐ Oral ☐ Polygraph/CVSA ☐ Background
☐ Conditional job offer ☐ Psychological examination Date: ☐ Medical Date:

Status: ☐ Hired ☐ On List ☐ Withdrawn ☐ Disqualified

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.13: PHS (page 6)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

SECTION 2: RELATIVES AND REFERENCES

IMMEDIATE FAMILY

- Provide all applicable information in the spaces below.
- Mark "N/A" if a category is not applicable or if the individual is deceased.

If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate what section number and page this refers.

☐ N/A **A.** Father's Name: D.O.B.:

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email:

☐ N/A **B.** Step-Father's Name: D.O.B.:

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email:

☐ N/A **C.** Mother's Name: D.O.B.:

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email:

☐ N/A **D.** Step-Mother's Name: D.O.B.:

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email:

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.14: PHS (page 7)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

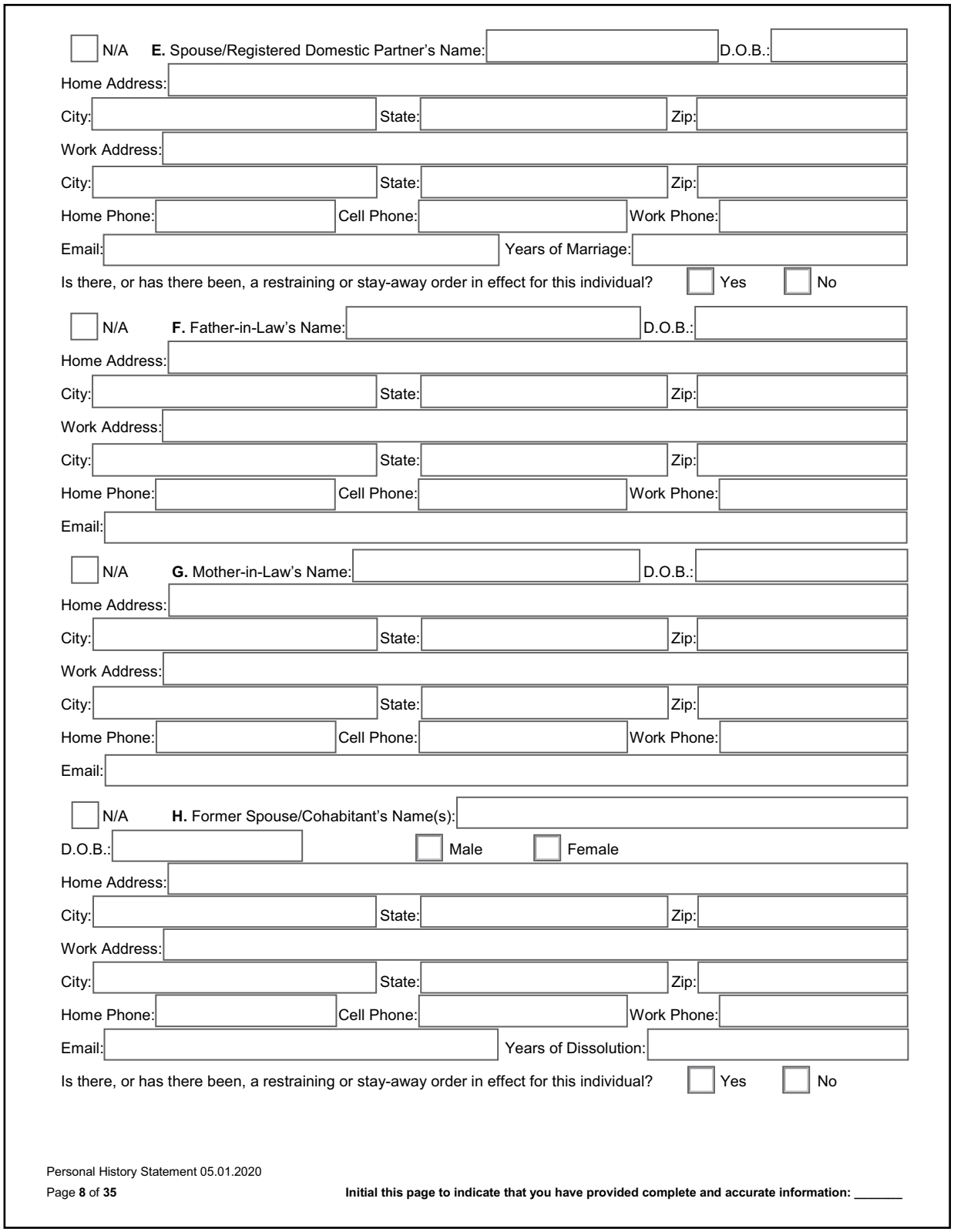


Figure D.15: PHS (page 8)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

N/A **I.** Former Spouse/Cohabitant's Name(s):

D.O.B.: Male Female

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email: Years of Dissolution:

Is there, or has there been, a restraining or stay-away order in effect for this individual? Yes No

---

J. BROTHERS AND SISTERS: List all living siblings, including half-siblings, foster siblings, etc.

N/A **1.** Name:

D.O.B.: Male Female

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email:

N/A **2.** Name:

D.O.B.: Male Female

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email:

N/A **3.** Name:

D.O.B.: Male Female

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email:

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.16: PHS (page 9)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

N/A **4.** Name:

D.O.B.: Male Female

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email:

N/A **5.** Name:

D.O.B.: Male Female

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email:

N/A **6.** Name:

D.O.B.: Male Female

Home Address:

City: State: Zip:

Work Address:

City: State: Zip:

Home Phone: Cell Phone: Work Phone:

Email:

K. CHILDREN: List all of your living children, including natural, adopted, step, and/or foster care. Include any other children who reside with you. Provide the name and contact information of the custodial parent or guardian, if other than you

N/A **1.** Name: Male Female

D.O.B.: Custodial parent or guardian (if other than you):

Address:

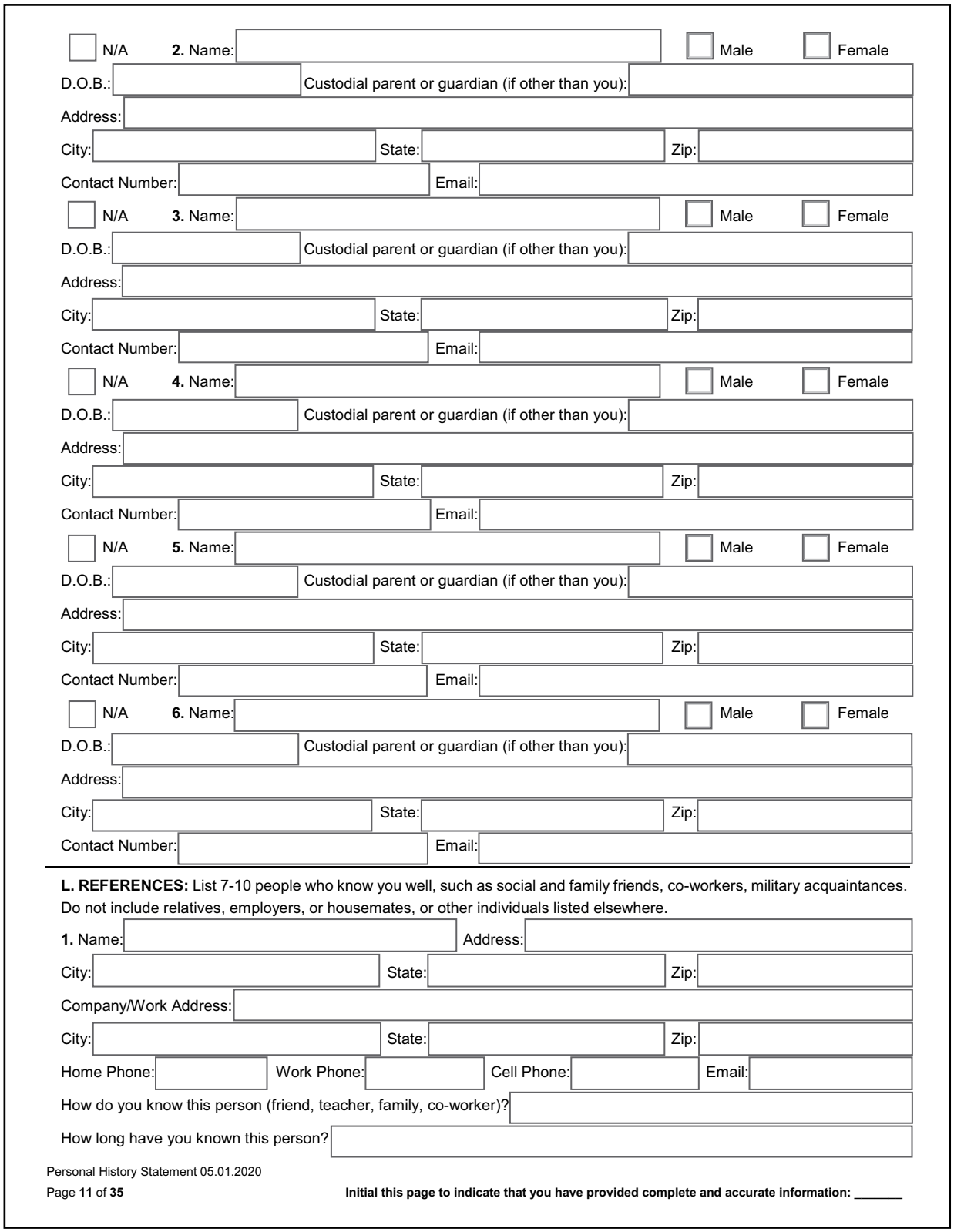
City: State: Zip:

Contact Number: Email:

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.17: PHS (page 10)

© 2025, Texas Commission on Law Enforcement. All rights reserved.



☐ N/A **2.** Name: ☐ Male ☐ Female
D.O.B.: Custodial parent or guardian (if other than you):
Address:
City: State: Zip:
Contact Number: Email:

☐ N/A **3.** Name: ☐ Male ☐ Female
D.O.B.: Custodial parent or guardian (if other than you):
Address:
City: State: Zip:
Contact Number: Email:

☐ N/A **4.** Name: ☐ Male ☐ Female
D.O.B.: Custodial parent or guardian (if other than you):
Address:
City: State: Zip:
Contact Number: Email:

☐ N/A **5.** Name: ☐ Male ☐ Female
D.O.B.: Custodial parent or guardian (if other than you):
Address:
City: State: Zip:
Contact Number: Email:

☐ N/A **6.** Name: ☐ Male ☐ Female
D.O.B.: Custodial parent or guardian (if other than you):
Address:
City: State: Zip:
Contact Number: Email:

L. REFERENCES: List 7-10 people who know you well, such as social and family friends, co-workers, military acquaintances. Do not include relatives, employers, or housemates, or other individuals listed elsewhere.

1. Name: Address:
City: State: Zip:
Company/Work Address:
City: State: Zip:
Home Phone: Work Phone: Cell Phone: Email:
How do you know this person (friend, teacher, family, co-worker)?
How long have you known this person?

Personal History Statement 05.01.2020
Page **11** of **35**
Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.18: PHS (page 11)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

2. Name: Address:

City: State: Zip:

Company/Work Address:

City: State: Zip:

Home Phone: Work Phone: Cell Phone: Email:

How do you know this person (friend, teacher, family, co-worker)?

How long have you known this person?

3. Name: Address:

City: State: Zip:

Company/Work Address:

City: State: Zip:

Home Phone: Work Phone: Cell Phone: Email:

How do you know this person (friend, teacher, family, co-worker)?

How long have you known this person?

4. Name: Address:

City: State: Zip:

Company/Work Address:

City: State: Zip:

Home Phone: Work Phone: Cell Phone: Email:

How do you know this person (friend, teacher, family, co-worker)?

How long have you known this person?

5. Name: Address:

City: State: Zip:

Company/Work Address:

City: State: Zip:

Home Phone: Work Phone: Cell Phone: Email:

How do you know this person (friend, teacher, family, co-worker)?

How long have you known this person?

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.19: PHS (page 12)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

6. Name: Address:

City: State: Zip:

Company/Work Address:

City: State: Zip:

Home Phone: Work Phone: Cell Phone: Email:

How do you know this person (friend, teacher, family, co-worker)?

How long have you known this person?

7. Name: Address:

City: State: Zip:

Company/Work Address:

City: State: Zip:

Home Phone: Work Phone: Cell Phone: Email:

How do you know this person (friend, teacher, family, co-worker)?

How long have you known this person?

8. Name: Address:

City: State: Zip:

Company/Work Address:

City: State: Zip:

Home Phone: Work Phone: Cell Phone: Email:

How do you know this person (friend, teacher, family, co-worker)?

How long have you known this person?

SECTION 3: EDUCATION

NOTE: You will be required to furnish transcripts or other proof to support all of your educational claims.

Check applicable: ☐ High School Diploma ☐ GED ☐ Discharge documents from armed services with 2 years active duty

List high schools attended or where you obtained your GED:

1. Name: City: State:

From: To: Did you graduate? ☐ Yes ☐ No

2. Name: City: State:

From: To: Did you graduate? ☐ Yes ☐ No

List all colleges or universities attended:

1. Name: City: State:

From: To: Type of Degree Earned: Total Units Earned:

2. Name: City: State:

From: To: Type of Degree Earned: Total Units Earned:

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.20: PHS (page 13)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

3. Name: City: State:
From: To: Type of Degree Earned: Total Units Earned:

List any trade, vocational, or business schools/institutes attended:

1. Name: From: To:
Type of school or training: City: State:
Did you complete the course? Yes No

2. Name: From: To:
Type of school or training: City: State:
Did you complete the course? Yes No

3. Name: From: To:
Type of school or training: City: State:
Did you complete the course? Yes No

Have you ever been placed on academic discipline, suspended, or expelled from any high school, college/university, business, or trade school? Yes No

If yes, describe in detail below. Starting with high school, list any disciplinary actions received in any school or educational institution. Include when the disciplinary action(s) occurred, name of school(s), and explanation of circumstances.

Personal History Statement 05.01.2020
Page **14** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.21: PHS (page 14)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

SECTION 4: RESIDENCES

LIST OF RESIDENCES

- List all residences during the last ten years or since age 17. Provide complete addresses (include markers such as Street, Drive, Road, East, West, etc., and unit or apartment number). Do not use P.O. Boxes.
- If the residence is a military base, identify the name of the base in the address, nearest city, state, and zip code. DO NOT LIST military barracks mates, unless you shared individual quarters.
- If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate what section number and page this refers to.

1. Current Residence Address:

City: State: Zip:

If renting; property manager, rent collector, or owner: Contact Number:

Address of property mgr., rent collector, or owner: Email:

City: State: Zip:

From: To:

☐ N/A Name(s) of those with whom you live:

2. Former Address:

City: State: Zip:

If renting; property manager, rent collector, or owner: Contact Number:

Address of property mgr., rent collector, or owner: Email:

City: State: Zip:

From: To:

☐ N/A Name(s) of those with whom you live:

Reason for moving:

3. Former Address:

City: State: Zip:

If renting; property manager, rent collector, or owner: Contact Number:

Address of property mgr., rent collector, or owner: Email:

City: State: Zip:

From: To:

☐ N/A Name(s) of those with whom you live:

Reason for moving:

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.22: PHS (page 15)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

4. Former Address:

City: State: Zip:

If renting; property manager, rent collector, or owner: Contact Number:

Address of property mgr., rent collector, or owner: Email:

City: State: Zip:

From: To:

☐ N/A Name(s) of those with whom you live:

Reason for moving:

5. Former Address:

City: State: Zip:

If renting; property manager, rent collector, or owner: Contact Number:

Address of property mgr., rent collector, or owner: Email:

City: State: Zip:

From: To:

☐ N/A Name(s) of those with whom you live:

Reason for moving:

6. Former Address:

City: State: Zip:

If renting; property manager, rent collector, or owner: Contact Number:

Address of property mgr., rent collector, or owner: Email:

City: State: Zip:

From: To:

☐ N/A Name(s) of those with whom you live:

Reason for moving:

7. Former Address:

City: State: Zip:

If renting; property manager, rent collector, or owner: Contact Number:

Address of property mgr., rent collector, or owner: Email:

City: State: Zip:

From: To:

☐ N/A Name(s) of those with whom you live:

Reason for moving:

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.23: PHS (page 16)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Provide contact information for all housemates listed in the above entries for Section 4 that you have resided with during the past 10 years, or since the age of 17. DO NOT list anyone for whom you have already provided contact information. If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate what section number and page this refers to.

1. Housemate Name: Contact Number: Email:

Current Street Address:

City: State: Zip:

Nature of relationship (friend, relative, landlord, housemate only):

2. Housemate Name: Contact Number: Email:

Current Street Address:

City: State: Zip:

Nature of relationship (friend, relative, landlord, housemate only):

3. Housemate Name: Contact Number: Email:

Current Street Address:

City: State: Zip:

Nature of relationship (friend, relative, landlord, housemate only):

4. Housemate Name: Contact Number: Email:

Current Street Address:

City: State: Zip:

Nature of relationship (friend, relative, landlord, housemate only):

5. Housemate Name: Contact Number: Email:

Current Street Address:

City: State: Zip:

Nature of relationship (friend, relative, landlord, housemate only):

6. Housemate Name: Contact Number: Email:

Current Street Address:

City: State: Zip:

Nature of relationship (friend, relative, landlord, housemate only):

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.24: PHS (page 17)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Have you ever been evicted or asked to leave a residence? ☐ Yes ☐ No

Have you ever left a residence owing rent? ☐ Yes ☐ No

If you answered "**Yes**" to either of the two questions above, explain (include when, where, and circumstances):

SECTION 5: EXPERIENCE AND EMPLOYMENT

JOB EXPERIENCE

- Have you EVER served as a Peace Officer, Jailer, or Telecommunicator in another state OR another country? ☐ Yes ☐ No
  If YES, list below.
- List ALL jobs you have had in the last ten years, including part-time, temporary, self-employment, and volunteer. (Begin with your most current. If more space is needed, continue your response on the additional space page at the end of the Personal History Statement).
- If you have military experience, including reserve duty, enter your military base, assignments, or unit of assignment. Include ALL military services.
- List ALL periods of unemployment in excess of 30 days.

1. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

Would there be a problem if we contact your current employer? ☐ Yes ☐ No

If yes, explain:

2. Period of Unemployment

From: To:

Check if applicable: ☐ Student ☐ Between jobs ☐ Leave of absence ☐ Travel ☐ Other

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.25: PHS (page 18)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

3. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

4. Period of Unemployment

From: To:

Check if applicable: ☐ Student ☐ Between jobs ☐ Leave of absence ☐ Travel ☐ Other

5. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

6. Period of Unemployment

From: To:

Check if applicable: ☐ Student ☐ Between jobs ☐ Leave of absence ☐ Travel ☐ Other

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.26: PHS (page 19)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

7. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

8. Period of Unemployment

From: To:

Check if applicable: ☐ Student ☐ Between jobs ☐ Leave of absence ☐ Travel ☐ Other

9. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

10. Period of Unemployment

From: To:

Check if applicable: ☐ Student ☐ Between jobs ☐ Leave of absence ☐ Travel ☐ Other

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.27: PHS (page 20)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

11. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

12. Period of Unemployment

From: To:

Check if applicable: ☐ Student ☐ Between jobs ☐ Leave of absence ☐ Travel ☐ Other

13. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

14. Period of Unemployment

From: To:

Check if applicable: ☐ Student ☐ Between jobs ☐ Leave of absence ☐ Travel ☐ Other

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.28: PHS (page 21)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

15. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

16. Period of Unemployment

From: To:

Check if applicable: ☐ Student ☐ Between jobs ☐ Leave of absence ☐ Travel ☐ Other

17. Name of Employer or Military Unit: From: To:

Address or Base:

City: State: Zip:

Supervisor: Contact Number: Email:

Job Title: Reason for Leaving:

Duties/Assignments:

☐ Full-Time ☐ Part-Time ☐ Temporary ☐ Self-Employed ☐ Unemployed

Names of Co-Worker(s) and their Phone Number(s):

18. Have you ever been disciplined at work? (This includes written warnings, formal letters of reprimands, suspensions, reductions in pay, reassignments, or demotions). ☐ Yes ☐ No

19. Have you ever been fired, released from probation, or asked to resign from any place of employment? ☐ Yes ☐ No

20. Were you ever involved in a physical/verbal altercation with a supervisor, co-worker, or customer? ☐ Yes ☐ No

21. Have you ever resigned without giving two weeks-notice? ☐ Yes ☐ No

22. Have you ever resigned in lieu of termination? ☐ Yes ☐ No

23. Have you ever been accused of discrimination (such as sexual harassment, racial bias, sexual orientation harassment, etc.) by a co-worker, superior, subordinate, and/or customer? ☐ Yes ☐ No

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.29: PHS (page 22)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

24. Were you ever the subject of a written complaint at work? ☐ Yes ☐ No

25. Have you ever been counseled at work due to lateness or absences? ☐ Yes ☐ No

26. Did you ever receive an unsatisfactory performance review? ☐ Yes ☐ No

27. Have you ever sold, released, or given away legally confidential information? ☐ Yes ☐ No

28. Have you ever called in sick when you were neither sick nor caring for a sick family member? ☐ Yes ☐ No

If yes, how many sick days have you used in the past five years which were not due to illness?

If you answered "**Yes**" to any of Questions 18 – 28 (at the bottom of the previous page and above), explain (include when, where, and circumstances; indicate the corresponding question number):

Has your work performance ever been affected by your use of alcohol or drugs? ☐ Yes ☐ No

When? Name of Employer:

In the past ten years, have you been warned by an employer about your drinking or drug habits and their impact on your performance? ☐ Yes ☐ No

When? Name of Employer:

SECTION 6: MILITARY EXPERIENCE

(Complete for all branches of the military served. Add pages if necessary).

1. Are you required to register for the Selective Service? ☐ Yes ☐ No

2. If yes, have you registered? ☐ Yes ☐ No

If no, explain:

Branch of Service: Dates Served From: To:

Type of Discharge: ☐ Entry Level ☐ Honorable ☐ General ☐ Other than Honorable

Re-entry Code (1 – 4) if applicable; *refer to your DD-214*:

3. Are you currently participating in one of the following? ☐ Military Reserve ☐ National Guard

If checked, date obligation ends:

4. Have you ever been the subject of any judicial or non-judiciary disciplinary action (such as, court martial, captain's mast, office hours, company punishment)? ☐ Yes ☐ No

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.30: PHS (page 23)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

5. Were you ever denied a security clearance, or had a clearance revoked, suspended or downgraded, either military or any other federal, state, or municipal clearance? ☐ Yes ☐ No

If you answered "**Yes**" to either of the last two questions (questions 4 and 5), explain. Include dates and circumstances.

SECTION 7: FINANCIAL

INCOME AND EXPENSES:

For each of the following questions, fill in the amounts to the nearest dollar.

1. From your employer(s), what is your monthly income?

2. Do you have income other than from your salary or wages? ☐ Yes ☐ No

If yes, fill in amount: per month Explain:

3. Approximately how much do you spend each month? (Estimate your monthly living expenses, include housing, utilities, credit cards or other loan payments, food, gas and car maintenance, entertainment, etc., as well as any other obligations you may have).

4. Have you ever filed for or declared bankruptcy (Chapter 7, 11 or 13)? ☐ Yes ☐ No

5. Have any of your bills ever been turned over to a collection agency? ☐ Yes ☐ No

6. Have you ever had purchased goods repossessed? ☐ Yes ☐ No

7. Have your wages ever been garnished? ☐ Yes ☐ No

8. Have you ever been delinquent on income or other tax payments? ☐ Yes ☐ No

9. Have you ever failed to file income tax or cheated/lied on an income tax form? ☐ Yes ☐ No

10. Have you ever had an employment bond refused? ☐ Yes ☐ No

11. Have you ever avoided paying any lawful debt by moving away? ☐ Yes ☐ No

12. Have you ever defaulted on a loan, including a student loan? ☐ Yes ☐ No

13a. Have you ever borrowed money to pay for a gambling debt? ☐ Yes ☐ No

13b. If "Yes," do you currently have any outstanding debts as a result of gambling? ☐ Yes ☐ No

14. Have you ever spent money for illegal purposes (e.g., illegal drugs, prostitution, purchase fraudulent documents, etc.)? ☐ Yes ☐ No

15. Have you ever failed to make or been late on a court-ordered payment e.g., child support, alimony, restitution, etc.)? ☐ Yes ☐ No

16. Have you written three or more bad checks in a one-year period? ☐ Yes ☐ No

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.31: PHS (page 24)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

17. Are you in arrears on court-ordered child support? ☐ Yes ☐ No

If you answered "**Yes**" to any of Questions 4 – 17 (on the previous page and above), explain. Include when, where, and why and indicate the corresponding question number:

SECTION 8: LEGAL

Disclosure of Citations, Arrests, and Convictions:

This section requires you to report detentions, arrest, and convictions, including diversion programs and, in some cases, offenses that may have been pardoned. As a licensed applicant, you are required to disclose this information, unless specifically exempted by state or federal law.

- ALL detentions or arrests, whether they resulted in a conviction or not
- ALL convictions
- ALL diversion programs
- ALL citations, excluding traffic tickets (may have been detained and/or received a Class C for disorderly conduct, prostitution, assault, etc., without actual arrest

If you need additional space for your answers, attach additional sheets as needed. Be sure to indicate what section, question number, and page it refers.

Have you EVER been detained for investigation, held on suspicion, questioned, fingerprinted, arrested, indicted, criminally charged, or convicted of any misdemeanor or felony offense in this state or in any other legal jurisdiction (including offenses punishable under the Uniform Code of Military Justice)? ☐ Yes ☐ No

If yes, explain each incident:

1. Approximate Date: Arresting or detaining agency:

Charge:

Disposition or Penalty:

2. Approximate Date: Arresting or detaining agency:

Charge:

Disposition or Penalty:

3. Approximate Date: Arresting or detaining agency:

Charge:

Disposition of Penalty:

4. Approximate Date: Arresting or detaining agency:

Charge:

Disposition or Penalty:

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.32: PHS (page 25)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

5. Have you ever been placed on court probation as an adult? ☐ Yes ☐ No

6. Have you ever been convicted of any charge that would prevent you from legally possessing a firearm or ammunition? ☐ Yes ☐ No

7. Were you ever required to appear before a juvenile court for an act which would have been a crime, if committed as an adult? ☐ Yes ☐ No

8. Have you ever been a party in a civil lawsuit (e.g., small claims actions, dissolutions, child custody, paternity, support, etc.)? ☐ Yes ☐ No

9. Have the police ever been called to your home for any reason? ☐ Yes ☐ No

10. Have you or your spouse/partner ever been referred to Child Protective Services? ☐ Yes ☐ No

11. Have you ever been the subject of an emergency protective, restraining, or stay-away order? ☐ Yes ☐ No

12. Have you settled any civil suit in which you, your insurance company, or anyone else on your behalf was required to make payment to the other party? ☐ Yes ☐ No

13. Have you ever fraudulently received welfare, unemployment compensation, compensation, or other state or federal assistance? ☐ Yes ☐ No

14. Have you ever filed a false insurance or workers' compensation claim? ☐ Yes ☐ No

If you answered "**Yes**" to any of Questions 5 – 14 (above), explain. Include court case or document, dates, and circumstances. Indicate the corresponding question number:

Undetected Acts – Part 1

Within the past **seven** years **OR** at any time after you were first employed in law enforcement, have you ever committed any of the following misdemeanors?

15. Annoying/obscene phone calls ☐ Yes ☐ No

16. Assault (use of force or violence upon another) ☐ Yes ☐ No

17. Assault on a family member (use of force or violence upon a family member) ☐ Yes ☐ No

18. Brandishing a weapon (any type of weapon) ☐ Yes ☐ No

19. Carrying a concealed weapon without a permit ☐ Yes ☐ No

20. Contributing to the delinquency of a minor ☐ Yes ☐ No

21. Defrauding an innkeeper (not paying for food or room at a hotel/motel) ☐ Yes ☐ No

22. Driving under the influence of alcohol and/or drugs ☐ Yes ☐ No

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.33: PHS (page 26)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

23. Drunk in public (being so intoxicated in a public place that you're not able to care for yourself) ☐ Yes ☐ No

24. Hit and run collision (no injuries) ☐ Yes ☐ No

25. Hunting or fishing without a license ☐ Yes ☐ No

26. Illegal gambling ☐ Yes ☐ No

27. Impersonating a peace officer ☐ Yes ☐ No

28. Indecent exposure (including flashing or mooning) ☐ Yes ☐ No

29. Joyriding (using a car or other vehicle without owner's permission) ☐ Yes ☐ No

Undetected Acts – Part 1

At any time in your life, have you **ever** committed any of the following?

30. Arson (intentionally destroying property by setting a fire) ☐ Yes ☐ No

31. Assault with a deadly weapon ☐ Yes ☐ No

32. Theft of a vehicle and/or vehicle parts ☐ Yes ☐ No

33. Burglary (entering a structure or vehicle to commit theft or other crime) ☐ Yes ☐ No

34. Child molestation (performing unlawful acts with a child) ☐ Yes ☐ No

35. Accessing, producing, or possessing child pornography ☐ Yes ☐ No

36. Injury to a child, elderly, and/or disabled ☐ Yes ☐ No

37. Embezzlement (theft of money or other valuables entrusted to you) ☐ Yes ☐ No

38. Felony drunk driving (involving injuries) ☐ Yes ☐ No

39. Forcible rape or other act of unlawful intercourse/sexual activity ☐ Yes ☐ No

40. Forgery (falsifying any type of document, check certificate, license, currency, etc.) ☐ Yes ☐ No

41. Hit and run (with injuries) ☐ Yes ☐ No

42. Hate crime ☐ Yes ☐ No

43. Insurance fraud ☐ Yes ☐ No

44. Theft (value of over $500 and/or any firearm) ☐ Yes ☐ No

45. Murder, homicide, or attempted murder ☐ Yes ☐ No

46. Perjury (lying under oath) ☐ Yes ☐ No

47. Possession of an explosive/destructive device ☐ Yes ☐ No

48. Robbery (theft from another person using a weapon, force, or fear) ☐ Yes ☐ No

49. Stalking ☐ Yes ☐ No

50. Blackmail or extortion ☐ Yes ☐ No

51. Any other act amounting to a felony ☐ Yes ☐ No

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.34: PHS (page 27)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

If you answered "**YES**" to **any** of the Questions 15 – 51 (on the previous two pages), fully explain circumstances, including dates, names of individuals involved, and resolution. Indicate the corresponding question number for each explanation.

Questions about your current and past recreational drug use. This covers the use of **any** drug, including the unauthorized use of prescription drugs. Your answers should include, **but not limited to**, your use of any of the following drugs.

Amphetamines/Methamphetamine Uppers, Speed, Crank, etc.	Heroin/Opium
Barbiturates (Downers)	Marijuana
Cocaine/Crack Cocaine	Mescaline
Designer Drugs (Ecstasy, Synthetic Heroin, etc.)	Morphine
GHB (Date Rape Drug)	PCP/Angel Dust
Glue	Quaaludes
Hallucinogens (Peyote, LSD, Mushrooms)	Steroids
Hashish/Hashish Oil	Tetrahydrocannabinol (THC)

52. **Within the past three years**, have you used any non-prescribed drug(s) as indicated above or unauthorized prescription drugs? ☐ Yes ☐ No

If yes, give details, including drug(s) used and circumstances:

53. Prior to the past three years (check all that apply):

☐ I have never used any drug recreationally.

☐ I have tried or used one or more drugs listed above, but only under limited circumstances (for example: experimentation, at parties, concerts, special events, etc.).

If you have, give details including drug(s) used, most recent date used, and circumstances:

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.35: PHS (page 28)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Have you **ever** engaged in any of the activities listed below for drugs, narcotics, or illegal substances – including marijuana?

☐ Sold ☐ Manufactured ☐ Purchased ☐ Furnished ☐ Cultivated ☐ Carried or held for another

If you checked any of the items above, give details including drug(s) involved, over what time period(s), and circumstances:

SECTION 9: MOTOR VEHICLE OPERATION

Current Driver License #: State of Issue: Expiration Date:

Full name under which license was granted:

List other states where you have been licensed to operate a motor vehicle:

1. ☐ N/A State of Issue: Type of License: License Number:

Name under which license was granted:

2. ☐ N/A State of Issue: Type of License: License Number:

Name under which license was granted:

3. ☐ N/A State of Issue: Type of License: License Number:

Name under which license was granted:

Have you ever been refused a driver's license by any state? ☐ Yes ☐ No

If yes, explain (include when, where, and circumstances):

Has your driver's license ever been suspended or revoked? ☐ Yes ☐ No

If yes, explain (include when, where, and circumstances):

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.36: PHS (page 29)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

List your current liability insurance on your vehicle(s):

4. Type of Coverage: ☐ Insured ☐ Bonded ☐ Cash Deposit

Vehicle Make/Model: Year: Vehicle License:

Insurance Company: Policy Number: Expires:

Address:

City: State: Zip: Contact Number:

5. Type of Coverage: ☐ Insured ☐ Bonded ☐ Cash Deposit

Vehicle Make/Model: Year: Vehicle License:

Insurance Company: Policy Number: Expires:

Address:

City: State: Zip: Contact Number:

6. Type of Coverage: ☐ Insured ☐ Bonded ☐ Cash Deposit

Vehicle Make/Model: Year: Vehicle License:

Insurance Company: Policy Number: Expires:

Address:

City: State: Zip: Contact Number:

7. Type of Coverage: ☐ Insured ☐ Bonded ☐ Cash Deposit

Vehicle Make/Model: Year: Vehicle License:

Insurance Company: Policy Number: Expires:

Address:

City: State: Zip: Contact Number:

List all traffic citations, excluding parking citations, that you have received within the past seven years:

8. Nature of Violation:

Location (Street, City, State, Zip):

Date Violation Occurred: Action Taken: ☐ Not Guilty ☐ Fined ☐ Traffic School ☐ Dismissed

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.37: PHS (page 30)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

9. Nature of Violation:

Location (Street, City, State, Zip):

Date Violation Occurred: Action Taken: ☐ Not Guilty ☐ Fined ☐ Traffic School ☐ Dismissed

10. Nature of Violation:

Location (Street, City, State, Zip):

Date Violation Occurred: Action Taken: ☐ Not Guilty ☐ Fined ☐ Traffic School ☐ Dismissed

---

Has a traffic citation ever resulted in a warrant or caused your driver's license to be withheld due to any of the following? (Check all that apply).

☐ Failed to appear ☐ Failed to complete traffic school ☐ Failed to pay the required fine

If checked, explain circumstances:

Have you been involved as the driver in a motor vehicle accident within the past seven years? ☐ Yes ☐ No

If yes, give details:

11. Date: Location (Street, City, State, Zip):

Police Report? ☐ Yes ☐ No Injury or Non-Injury? ☐ Injury ☐ Non-Injury

Law Enforcement Agency:

12. Date: Location (Street, City, State, Zip):

Police Report? ☐ Yes ☐ No Injury or Non-Injury? ☐ Injury ☐ Non-Injury

Law Enforcement Agency:

13. Date: Location (Street, City, State, Zip):

Police Report? ☐ Yes ☐ No Injury or Non-Injury? ☐ Injury ☐ Non-Injury

Law Enforcement Agency:

14. Date: Location (Street, City, State, Zip):

Police Report? ☐ Yes ☐ No Injury or Non-Injury? ☐ Injury ☐ Non-Injury

Law Enforcement Agency:

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.38: PHS (page 31)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Have you ever driven a vehicle without auto insurance, as required by law? ☐ Yes ☐ No

If yes, give reason:

Date: Location (Street, City, State, Zip):

Have you ever been refused automobile liability insurance, or a bond, or had a policy cancelled? ☐ Yes ☐ No

If yes, give reason:

Insurance Company: Date:

Location (Street, City, State, Zip):

Use this space for additional information you would like to include regarding your driving record.

15. Are you or have you ever been, a member or associate of a criminal enterprise, street gang, or any other group that advocates violence against individuals because of their race, religion, political affiliation, ethnic origin, nationality, gender, sexual preference, or disability? ☐ Yes ☐ No

16. Do you have, or have you ever had, a tattoo signifying membership in, or affiliation with, a criminal enterprise, street gang, or any other group that advocates violence against individuals because of their race, religion, political affiliation, ethnic origin, nationality, gender, sexual preference, or disability? ☐ Yes ☐ No

17. Since the age of 17, have you ever been involved in an anger-provoked physical fight, confrontation, or other violent act? ☐ Yes ☐ No

18. Have you ever hit or physically overpowered a spouse, romantic partner, or family members? ☐ Yes ☐ No

If you answered "**YES**" to **any** of the questions 15 – 18 (above), give details, dates, and circumstances. Indicate the corresponding question number.

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.39: PHS (page 32)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

SECTION 10: SOCIAL MEDIA SITES

Have you ever had a social media site (i.e. Facebook, My Space, Instagram, Snapchat etc.)? ☐ Yes ☐ No

List all social media sites, blogs, and/or websites you have created. Provide the website URL and your username.

Personal History Statement 05.01.2020

Page **33** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.40: PHS (page 33)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

SECTION 11: ADDITIONAL SPACE

- Duplicate this page as needed to include additional information that does not fit elsewhere on this form (e.g., additional family members, schools, residences, employers, explanations to questions, etc.).
- Identify the corresponding section, question number, and specific item being referenced.

Personal History Statement 05.01.2020

Page **34** of **35**

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.41: PHS (page 34)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

SECTION 12: CERTIFICATION

I hereby certify that I have personally completed and initialed each page of this form and any supplemental page(s) attached, and that all statements made are true and complete to the best of my knowledge and belief. I understand that any misstatement of material fact may subject me to disqualification; or, if I have been appointed, may disqualify me from continued employment.

_____ _____
Signature of Applicant Date

Sworn to and subscribed before me, this the _____ day of _____, _____.

Notary public in and for, State of _____.

My commission expires: _____ / _____ / _____.

_____ _____
Printed Name of Notary Signature of Notary

Notary Seal or Stamp:

Initial this page to indicate that you have provided complete and accurate information: _____

Figure D.42: PHS (page 35)

© 2025, Texas Commission on Law Enforcement. All rights reserved.

Background Investigations

Participant Manual

September 2025