

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.

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.

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.

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.

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.