

CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION

BACKGROUND INVESTIGATION PROCEDURES



Florida Department of Law Enforcement Criminal Justice Professionalism Program

Revised March 2012

ACKNOWLEDGEMENTS

This document is issued by the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, to inform all criminal justice agencies of procedures regarding background investigation of prospective officers.

Honorable Rick Scott, Governor
Honorable Jeff Atwater, Chief Financial Officer
Honorable Pam Bondi, Attorney General
Honorable Adam Putnam, Commissioner of Agriculture

CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION

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INTRODUCTION

As part of the selection process, the Background Investigation is one of the most important tools for evaluating the qualifications of a criminal justice applicant. A thorough background investigation will yield job-relevant information concerning an individual's past behavior, experience, education, performance, and other critical factors important in the overall selection process. The background investigation is utilized in conjunction with other screening criteria, which are equally important in determining applicants that are best qualified to be a criminal justice officer.

The State of Florida has the following legislated minimum requirements that shall be met before an individual can become a Commission-certified officer:

To become an officer an applicant shall meet the following minimum requirements:

- ❑ **Be at least 19 years of age.**
- ❑ **Be a United States citizen.**
- ❑ **Be a high school graduate or its equivalent.**
- ❑ **Not have been convicted of any felony or of a misdemeanor that involves perjury or a false statement.**
- ❑ **Not have pled guilty or nolo contendere after July 1, 1981, to any felony or of a misdemeanor that involves perjury or a false statement, whether or not adjudication was withheld or sentence suspended.**
- ❑ **Not have received a dishonorable discharge from any of the Armed Forces of the United States.**
- ❑ **Have processed fingerprints on file.**
- ❑ **Have passed a physical exam.**
- ❑ **Have good moral character as determined by a background investigation.**
- ❑ **Execute and submit an affidavit-of-applicant.**
- ❑ **Complete commission-approved basic recruit training.**
- ❑ **Achieve an acceptable score on the Officer Certification exam.**
- ❑ **Comply with continuing training or education requirements.**

Under the provisions of Section 943.13(7), F.S., a certified officer shall have good moral character as determined by a background investigation under procedures established by the commission. The employing agency, pursuant to Section 943.133, F.S., is fully responsible for the collection, verification, and maintenance of documentation establishing that an applicant for employment complies with these requirements. The Commission is required by statute to adopt rules that establish procedures for an employing agency to conduct a background investigation. In 11B-27.0022, F.A.C., the Commission has established the minimum procedures that an employing agency must use while conducting a background investigation. This book is published to assist agencies in that investigation.

Please note that certain areas of investigation are prohibited by law. Provisions of Title VII of the Civil Rights Act of 1964, as amended, prohibit the use of employment requirements or inquiries into areas that have an adverse impact on the employment opportunities of protected classes, and have not been shown to be job-related.

The Americans with Disabilities Act of 1990 (ADA) is a federal anti-discrimination law that provides protection to disabled individuals who are able to "perform the essential functions of a job." The agency investigator conducting the background investigation on an applicant should be fully informed of the requirements of the act so as not to violate the ADA. Employers are welcome to

investigate any areas that can be justified as “relevant” to the applicant’s qualifications. It is recommended that background investigation practices be established to reduce the possibility of litigation, and ensure equal opportunity.

PREPARING FOR THE BACKGROUND INVESTIGATION

The background investigation begins when a completed employment application is submitted. During the initial interview, the background investigator should review the application for completeness and explain to the applicant how the information from the questionnaire will be used. The application is the basic document of the background investigation. Therefore, any items that are incomplete should be discussed with the applicant for resolution. It is suggested that the application include a notarized statement in which the applicant affirms all of the information in the application to be true and correct.

Forms authorizing the release of information (CJSTC Form 58) should be completed and signed by the applicant in sufficient numbers so as to provide a copy to each source the investigator may contact.

In the interest of time, records that may take some time to obtain or process should be requested as soon as possible. For example, requests for military records can be made to the designated branch and employment verifications for out-of-state employers can be sent immediately.

CONDUCTING THE INVESTIGATION

Personal interviews must be conducted when possible, and information obtained by mail only when circumstances prohibit personal or telephone interviews. Complete notes should be taken during all interviews to ensure accuracy. Quoting or paraphrasing should be used rather than subjective conclusions. The name, address, and telephone number of the person interviewed, as well as the date, time, and location of the interview should be recorded.

Throughout the investigation, the investigator should keep in mind the following:

- ❑ If substantiated illegal acts for which an applicant has not been arrested or convicted are uncovered in a background investigation, that information may be used in determining the acceptability of an applicant. (It must be emphasized that this investigative process is not a license to accumulate and use unverified information.)
- ❑ In many instances, the persons contacted during the course of the investigation, including the applicant, may not have had any prior personal contact with the criminal justice system. Therefore, it is important that each person be left with a feeling that courtesy, integrity and thoroughness are qualities of the criminal justice profession and the employing agency represented.
- ❑ If, during the course of the investigation, information is obtained that will definitely lead to the rejection of the applicant, the investigator should consult with the appropriate superior officer to determine if the investigation should continue.
- ❑ It is very important that the investigator maintain an objective position throughout the background investigation. Personal bias should not affect the objective quality and content of the investigation.

INVESTIGATION (GENERAL)

As provided for in Rule 11B-27.0011(1), F.A.C., the employing agency is responsible for conducting a thorough background investigation to determine the moral character of an applicant pursuant to Section 943.13(7), F.S. Rule 11B-27.0022, F.A.C., details procedures and requirements for criminal justice agencies to utilize in gathering and evaluating information when assessing good moral character.

NEIGHBORHOOD CHECK

The investigator may examine the employment application to determine previous residences. The investigator may attempt, where practical, to have a contact interview with at least three (3) neighbors of the applicant within the last three (3) years. Interviews should be attempted in the following order of preference: in person, by telephone, or by mail. The content of the interview should be the same regardless of the means of the neighborhood check.

The purpose of conducting a neighborhood check is to determine the reputation of the applicant, the applicant's personality and personal conduct that may reflect positively or adversely upon the desirability of appointing or employing the individual as an officer. If the applicant resides in an apartment, contact with the apartment manager is recommended. When conducting the personal interview, the background investigator should have a photograph of the applicant, in the event that there is some doubt in the mind of the neighbor as to whom the inquiry is about.

Following is a list of questions that should be asked of the neighbors being interviewed:

- How well are you acquainted with the applicant?
- Does the applicant seem to have self-control?
- How does the applicant get along with the neighbors?
- Is there any reason you feel the applicant should not qualify?
- Can you suggest other individuals who should be contacted about the applicant?
- If the applicant is appointed or employed as an officer, would you have confidence in his/her ability and integrity to perform assigned duties?
- "Would you be pleased if your neighbor resumed residency next door?"

Derogatory information from a neighbor should be verified by other neighbors, but the source should not be disclosed to others interviewed.

PREVIOUS EMPLOYMENT DATA (Required)

The first step in this phase of the investigation should be for the investigator to review the application to determine if the work history of the applicant has any unaccounted time spans. For example, if the application indicates that he/she left the employment of Company A on June 30, 1983, and reported to work for Company B on September 1, 1983, then the applicant should be required to provide details of his/her whereabouts for the months of July and August 1983. It is possible that the applicant may have simply been unemployed and was unable to find work, or had taken a long vacation. Nevertheless, the applicant should be requested to provide details of activities for that period of time.

At this stage of the background investigation, the background investigator must contact the CJSTC **Records Section**. This can be done via ATMS or by calling (850) 410-8600. The records check will reveal if the applicant has been employed by any Florida criminal justice agency in a position requiring CJSTC certification, any pending or prior officer discipline history and the applicant's certification status. Section 943.139(3), F.S., requires an inquiry by an employing agency as to the facts and reasons an officer separated from prior criminal justice employment.

The former employers, supervisors, and fellow workers of an applicant can often provide the investigator insight into the applicant's work habits, honesty, sobriety, leadership qualities and the ability to get along with others.

It is more effective for former employers and supervisors to be contacted personally. It is suggested that this contact include the last two places of employment. If an investigator is unable to personally interview former employees or supervisors of the applicant, the investigator should have available a checklist of questions so that the telephone questioning will be well organized, systematic and thorough. If a form letter is used, the same questions should be asked.

Suggested areas of inquiry:

- Exact dates of employment (compared with those given on the personal history statement). If the two dates do not correspond, the investigator should determine why.
- Job titles and duties.
- Reason(s) for separation from employment as compared with the reason(s) given by the applicant.
- Punctuality and dependability.
- Disciplinary record.
- Work performance rating.
- Sick leave record, nature of illness, injury for which accrued sick leave benefits were used.
- On-the-job safety record, including personal injury accidents involving the applicant or others. A driving record may indicate that the applicant is accident-prone.
- Eligibility for rehire.
- Any record of salary garnishment or other financial problems.
- Personal honesty and truthfulness.
- Relationship with other employees.
- Did the applicant ever take company property for personal use without permission?
- Did the applicant ever establish a business in competition with the applicant's primary employment?
- Is the person being interviewed related to the applicant? If so, what is the relationship?

NOTE: The fact that a former employer is a relative does not mean that information provided is of no value. However, all such information shall be weighed in light of the family relationship.

If an investigator conducts this portion of the background investigation by mail, the employer should be advised that if the employer does not wish to document a written recommendation regarding the applicant, then the investigator should be contacted with the information. Such a statement will not always alleviate the concern of former employers being contacted, and in some cases, they may fail to answer the inquiry. It is essential that the background investigator not overlook the failure of a previous employer to respond to an inquiry. It is possible that the inquiry was lost in the mail or forwarded to the wrong address, rather than the employer intentionally not replying.

Normally an applicant's present employer should not be contacted until the criminal justice agency is fairly certain they are going to employ the applicant. The applicant should be advised prior to any

interview or contact with the present employer. This will afford the applicant the opportunity to advise the employer prior to the background investigator making contact.

The original application form should include a question as to whether or not an applicant has ever applied to or been sponsored by a criminal justice agency. The value of asking this question is to save the investigating agency a great deal of time in conducting a background investigation of an applicant who might eventually be determined to be unfit.

CRIMINAL RECORDS (Required)

An inquiry into the Florida Criminal Information Center (FCIC) and National Criminal Information Center (NCIC) computerized criminal history files is the first step in checking for prior criminal activity of an applicant. Response from the inquiry may reveal criminal activity that would prohibit the applicant from being certified by the Criminal Justice Standards and Training Commission. Please note that a “hit” in FCIC and NCIC is not a positive identification. Further steps such as obtaining arrest or court records, may need to be taken to identify that the hit is on the applicant that is being considered. Positive identification of subject and record can only be accomplished by fingerprint comparison. (NOTE: Court and arrest records may tend to support, or even remove any doubt, that subject and hit match, but this is presumptive only until a fingerprint comparison is made.)

In 1997, the Federal Omnibus Consolidated Appropriations Act (“the Act”) amended the Gun Control Act of 1968 to make it unlawful for any person convicted of a “misdemeanor crime of domestic violence” to ship, transport, possess, or receive firearms or ammunition. The amendment also made it unlawful for any person to sell or otherwise dispose of a firearm or ammunition to any person knowing, or having reasonable cause to believe that the recipient has been convicted of such a misdemeanor. The prohibitions apply to all persons, including law enforcement, correctional, and correctional probation officers. **The Federal law regarding misdemeanor domestic violence convictions has no exemption for law enforcement, correctional, or correctional probation officers even when on duty.** (NOTE: The law regarding injunctions does make an exception.)

Section 943.13(5), F.S., requires each applicant employed or appointed as an officer with any criminal justice agency to have documentation of processed fingerprints. The fingerprints must be taken and submitted via a Live Scan device. When the prints are received at FDLE, they are electronically forwarded to the FBI in order to complete the state and national criminal records check. Pursuant to Section 943.13(5), F.S., the fingerprints are retained in a database against which all arrest cards are compared and the employing agency notified if an officer is arrested. Please note criminal justice agencies do not fingerprint all individuals who are arrested. In addition, if an arrest fingerprint card contains illegible prints, the arrest record will not be entered into the NCIC. Therefore, it is possible for a person to have been arrested by a local agency and not have fingerprints filed with FDLE or the FBI. Consequently an inquiry should be made to every city and county law enforcement agency within whose jurisdiction the applicant has resided. If the applicant has lived only in Florida, a message should be sent to the local agencies requesting a record check by using the FCIC terminal administrative message format. If the applicant has lived outside of Florida, the investigator should send a message through the FCIC NLETS system to the jurisdiction(s) in which the applicant formally resided.

In addition to a criminal records check, a request for a records check should include any case dispositions and any record of complaints ever filed against or by the applicant. Often a FCIC/NCIC records check will reveal arrests with a disposition of “case dismissed” or without a disposition listed. The investigation should continue at this point. Arrest reports, as well as court records, should be

obtained and reviewed. A careful review of all these documents is critical to making a determination of whether an applicant has committed acts that reflect a lack of good moral character.

Individual circuit and county court records in Florida may be centralized and accessible through one check of computerized records (felony, misdemeanor, state attorney's office). In some Florida circuit and county courts it may be possible for the individual agency conducting the background investigation to gain on-line access to public information, criminal court records and civil records. county and circuit recordings should also be searched as lien information may only be found here and court action may not necessarily be involved. Recordings are where liens or other civil statements are filed or recorded.

U.S. District (Criminal and Civil) and U.S. Bankruptcy Court records nationwide are accessible through the "Pacer" system. Additional information regarding this system is available through U.S. District or Bankruptcy Courts. These court records can be reviewed at the individual criminal justice agency conducting the background at a minimal cost, provided the agency is equipped with the proper computer hardware. Accessible records through this system are only available for the time period that the individual U.S. District has been automated. Manual record searches may still be required for older (non-automated) records.

Sealed and Expunged Records: A criminal history check conducted by a criminal justice agency may reveal the existence of sealed or expunged records. *Criminal records sealed under Section 943.059, F.S., are available for inspection by a criminal justice agency for purposes of criminal justice employment. The contents of criminal records expunged under Section 943.0585, F.S., are not available without a court order, although a criminal justice agency will be advised of the existence of the expunged record for criminal justice (including employment) purposes.* Criminal Justice applicants should be advised that, for purposes of criminal justice employment, an arrest or conviction sealed or expunged under Florida law may not be lawfully denied. The applicant should also be advised that a misdemeanor arrest or conviction will not necessarily disqualify him or her from employment.

The investigator may also contact the local law enforcement agencies and conduct a check for possible arrests or complaints concerning the applicant.

MILITARY SERVICE (Required)

Military and other federal service records are often a rich source of information for evaluating an applicant's medical history, sense of duty, patriotism, and personal conduct. Florida law specifically prohibits a criminal justice agency from hiring an individual as an officer if that person has served in the armed forces of the United States and received a Dishonorable Discharge. It is possible for the character of service to be other than "dishonorable" although the applicant performed quite inadequately while on active duty.

An applicant may have committed an offense or been guilty of conduct which would be cause for employment ineligibility under Chapter 943, Florida Statutes. An inadequacy may be reflected in the separation or re-enlistment code, which is placed on every armed forces "Certificate of Release or Discharge," from active duty, form DD-214. This form is a permanent part of every enlisted person's and officer's personnel file. At the time of discharge or release from active duty, all service personnel receive a copy of the DD-214. It is intended to provide a concise record of data pertaining to active service qualifications and to establish entitlement to Federal and State veteran's benefits. Unless the investigator is aware of the value of the code and has the information that interprets it, the investigator may overlook information that can be of great value in the overall evaluation of the

applicant. The investigator should contact the nearest recruiting station for help interpreting the code. The personnel there may be able to supply information needed on separation or re-enlistment codes. However, caution should be used in relying upon these codes. It is Department of Defense (DoD) policy that these codes not be released outside DoD. Further, DoD holds that these codes are for internal, statistical use only and are **not** to be used to stigmatize any individual. A code, which raises issues, should only be used to justify further inquiry and should not, standing alone, be the basis for any adverse determination.

There are five possible discharges from the military: Honorable, General (Under honorable conditions), Under other than Honorable Conditions, Bad-Conduct and Dishonorable. The “Honorable”, “General (Under honorable conditions)”, and “Under other Than Honorable Conditions” discharges are administrative, and characterize the members service in the Armed Forces. The “Bad Conduct” and “Dishonorable” discharges are punitive in nature and are given only by court-martial as part of a criminal sentence. Only a “Dishonorable” discharge makes the applicant ineligible for employment or appointment pursuant to Section 943.13(4), F.S.

Each criminal justice agency should require every applicant who has had any military service to submit a copy of the **DD-214, member 4 copy**, and a signed “Request Pertaining to Military Records,” GSA Form 180. The signed GSA Form 180 is then to be forwarded to the appropriate federal records center listed on the form.

If an applicant has served more than one tour of duty, especially if the tours are not consecutive, a separate DD-214 should be submitted for each tour, unless the investigator can clearly establish that the supplied DD-214 is for the last tour of duty. It is possible for the applicant to have been honorably discharged on all but the last enlistment. If the criminal justice agency merely requests one copy of the DD-214, the applicant could very easily give the agency an older DD-214 that indicates honorable discharge from the service. Generally, only one DD-214 is executed when an honorable discharge is given due to retirement, even though each enlistment was for four years.

In addition to examining the code of the DD-214, the investigator should examine the date of entry and the date of discharge. *If the applicant has served a tour of duty that appears to be considerably less than expected (less than 2 years and 9 months) for either the induction or enlistment, then this area requires further research.* The applicant should be questioned regarding military experience and education, which may be relevant to the job, as well as any arrests and convictions under the military code. Any inquiry made of the applicant should be followed up by official inquiries.

The applicant’s original application and DD-214 shall be reviewed to see if the applicant has ever been tried, punished, reprimanded, or reduced in rank for violation of any military rules and regulations. If some disciplinary problems are indicated, they could be a possible reflection of the applicant’s unwillingness to adhere to limitations imposed by superiors, an unwillingness to comply with orders, or a general inability to adapt to the types of organizational restraints often placed on criminal justice personnel.

NOTE: Selective Service Registration is required by Florida for state employment of males achieving the legislative age mandated by the federal government. Records have been available since 1959. Registration can be verified on-line at www.sss.gov. Records are also available on an automated telephone line - current number is (888) 655-1825. Be prepared to provide the applicant’s social security number and date of birth. Actual operator assistance is also available if automated records cannot be located or other problems are experienced. An approximate 90-day delay may be experienced between the date of actual registration at a post office and the availability of verification (by telephone or the applicant’s receipt of the registration card).

APPLICANT QUESTIONNAIRE (Required)

During the background investigation, the applicant must be asked specific questions regarding any history of prior unlawful conduct and any unlawful drug use. A tool for making this inquiry is a questionnaire requiring the applicant's sworn signature. The use of a polygraph examination should be considered, although is not required. Upon conclusion of this activity, the investigator should be able to determine the following:

- Has the applicant ever unlawfully sold, delivered, manufactured, smuggled, trafficked in, or possessed illegal substances or drug paraphernalia? If so, when and how often?
- Has the applicant engaged in current or recent unlawful use of illegal substances?
- Has the applicant ever committed a crime, whether arrested or not, that would constitute a felony or first degree misdemeanor? If so, what crime(s) were committed and when?

NOTE: The appendix contains pre-employment polygraph questions that have been recommended by the Florida Polygraph Association and approved by the Criminal Justice Standards and Training Commission during their May 1991, meeting.

DRIVERS LICENSE CHECK

The investigator should contact the State of Florida, Department of Highway Safety and Motor Vehicles, and request a traffic records check. A traffic records check should be requested from the state traffic department in each state in which the applicant resided or worked since being old enough to have a driver's license. Inquiries into an applicant's driving record are of great value to an employing agency for a number of reasons. The presence or absence of a traffic record can be a good indicator of the applicant's driving habits, attitude toward authority, and in some cases, maturity. The applicant should be requested to provide a full account of all traffic citations received, any revocation or suspension of license and all accidents. Interviews of applicants about their driving records can prove to be quite revealing. The applicant's response to questioning about past traffic violations sometimes reflects refusal to accept responsibility of a misdeed, a basic antagonism toward officers issuing citations and a degree of immaturity, which may raise doubt about the applicant's suitability as an officer.

Many agencies have flexible guidelines in determining an acceptable number of traffic citations an applicant may have received. Generally, the criteria are:

- the severity of the violations
- the number of violations
- the time span between the violations.

The investigator should make a copy of the applicant's driver's license in order to document and verify the authenticity and validity of the license.

PERSONAL REFERENCES

This portion of the background investigation is directed toward obtaining information from individuals who usually do not have an official relationship with the applicant, but can provide very valuable information. It is recommended that the background investigator personally contact and interview all personal references.

The investigator may require the applicant to provide letters of personal recommendation from well-known and respected individuals in the applicant's community as a source of information on the reputation and personal conduct of the applicant. Letters of recommendation should be from individuals other than those provided as personal references on the employment application form.

The investigator should have a list of prepared questions. The investigator should deviate from the list if a particular response needs elaboration. If a personal interview is not possible, a form letter using the same questions asked in the personal interview should be mailed to the reference. If, after a reasonable period of time, all reference letters are not returned, the investigator should send a follow-up letter or attempt to make contact by telephone. If the reference is located in another city, the law enforcement agency in that city can be requested to make the inquiry. If a follow-up reveals that the personal reference has moved or for some other legitimate reason cannot be contacted, then the applicant should be contacted and asked to provide the name of another suitable reference.

The following question should be included in the form letter sent to a personal reference, "If you do not wish to complete the written report enclosed for any reason, please telephone person-to-person, collect, to the undersigned, so that verbal information may be transmitted."

A list of suggested questions to be asked of all personal references includes:

- Are you a relative of the applicant? ("Relative" includes being a relative by marriage.) If so, what is the relationship?
- How many years have you known the applicant?
- How did you become acquainted with the applicant?
- Does the applicant make friends easily? If not, state the reasons why.
- Have you ever observed the applicant under stress? If so, under what circumstances?
- Would you trust the applicant with confidential matters?
- Does the applicant mix well with a group?
- Have you ever seen the applicant drink? If so, how much and under what circumstances?
- Does the applicant tend to take an irrational position in controversial discussions?
- Have you ever seen the applicant become upset or lose his/her temper? If so, under what circumstances?
- Is the applicant willing to do things for others even if it is an inconvenience?
- Has the applicant ever discussed his/her ambitions with you? If so, what are they?
- Are you aware of any circumstances that might disqualify the applicant for public service?
- Are you aware of the applicant ever having been arrested for or convicted of any crime? If so, when, where, and for what offenses(s)?
- Who else knows the applicant well? (This question is used to develop other sources of information.)

CREDIT BUREAU

The credit bureau is often a valuable source of information regarding an applicant's financial condition. For a nominal fee, most bureaus will conduct a comprehensive credit check, not only in the city in which the applicant has made application, but also in all cities in which the applicant has resided. This check is advisable to establish that the applicant does not have any outstanding judgments, bad debts, or obligations indicative of living beyond the applicant's means. These situations could potentially lead to a less-than-honest and reliable officer.

An employer may use consumer reports when hiring new employees, evaluating employees for promotion, reassignment, and retention as long as they comply with the Federal Fair Credit Reporting Act (FCRA), Sections 604, 606 and 615. The FCRA is designed to promote accuracy, fairness and privacy of information in the files of a consumer reporting agency (CRA). To be covered by the FCRA, a consumer report must have been prepared by a consumer reporting agency, a business that assembles such reports for other businesses. These guidelines apply to any employer ordering investigative consumer reports that include interviews with an applicant's or employee's friends, neighbors and associates when obtained from a CRA.

The FCRA requires an employer to make a clear and conspicuous written disclosure to an individual that a consumer report may be obtained and requires an employer to obtain written permission.

Prior to taking any adverse action, based in whole or in part on a consumer report, the FCRA requires the employer to provide the individual with a copy of the consumer report as well as a summary of the consumer's rights.

EDUCATIONAL BACKGROUND

The official records of an academic institution, if properly maintained, can provide information that is of great value in the overall evaluation of an applicant. Much of the information listed below can be obtained from official school records, school counselors, and former teachers of the applicant.

- Academic achievement or failure.
- Activity in clubs, groups, and social organizations; demonstration of an applicant's ability to work in harmony with others.
- Demonstration of leadership or constructive interests; laziness or erratic behavior.
- Absences due to illness or injury.
- Reputation for honesty, integrity and other personal qualities, positive or negative.
- Ability to accept responsibility and to produce results.
- Verification of statements in the personal history statement (any or all of the preceding items).
- Nature of any disciplinary action(s), including the misconduct(s) and final disposition(s).
- Verification of an applicant's claim to have graduated from a particular institution.
- Affiliation with radical or subversive organizations, either while attending school or while out of school.

The type of information received from the above list will provide a criminal justice agency with background data on an applicant's character and behavior under a specific set of circumstances during a given period of time. As with all information that is received during the investigation, the investigator should evaluate the data objectively and consider the length of time that has elapsed since the applicant has attended school. All information should be assessed in light of the total circumstances and the age of the applicant. Such factors as a poor academic record or a suspension from school for the minor infraction of a school regulation should be evaluated with other facts gathered about an applicant.

There are several methods by which an employing agency may obtain information from schools attended by the applicant. The background investigator should personally make contact with the school(s) in question by contacting the principal's office of a high school or the registrar's office of a college and request an interview with a teacher or professor and any counselors who remember the applicant. The background investigator should prepare a list of questions in advance of the interviews.

A personal visit to the school allows the investigator to conduct the interview(s) face-to-face, thereby affording an opportunity to detect any reluctance or hesitancy on the part of the person(s) being interviewed. A personal visit also affords the investigator the opportunity to deviate from the normal line of questioning if a particular response to a question justifies such a course of action. The problem faced by many criminal justice agencies is that many of the applicants are from other cities and states, making personal contact with school officials financially prohibitive. The ideal course of action in this situation is to contact the local law enforcement agency of the city in which the school is located and request that one of their investigators visit the school and obtain the necessary information. Some law enforcement agencies will not take the time to perform this service for other agencies. When this is not feasible, the agency should mail a comprehensive but easily completed questionnaire directly to the school. Letters of inquiry should be addressed to the principal of the school attended by the applicant. This letter should state the applicant's entire name, date of birth, and the dates of attendance at the school. This information will be helpful to school officials in their search of school records.

The following statement should be included in the letter of inquiry, "If you do not wish to complete the enclosed questionnaire for reasons of security, please telephone person-to-person, collect, to the undersigned, so that verbal information may be transmitted." This last statement is essential because some school officials may be reluctant to document information that may have negative implications for the applicant.

Pursuant to Rule 11B-14.002(6)(d), F.A.C., the employing agency must obtain a sealed transcript directly from the college(s) attended to qualify the officer for educational salary incentive money.

DISCREPANCY INTERVIEW

Once the background investigation has been completed (or during the course of the investigation), the investigator may become aware of additional information or inconsistencies between information the applicant has supplied in the applicant personal history form and information obtained during the course of the background investigation. In such a situation, the background investigator should schedule a discrepancy interview with the applicant to attempt to resolve questionable areas and document those findings.

CONTROLLED SUBSTANCE TESTING (Required)

The background investigation to determine an applicant's moral character and fitness to successfully perform as a certified law enforcement, correctional, or correctional probation officer shall include analysis of a urine sample furnished by the applicant for the presence of controlled substances or evidence thereof. The analysis must be done consistent with drug testing procedures in Section 112.0455, F.S., Drug-Free Workplace Act and Chapter 59-A-24, F.A.C., Drug-Free Workplace Standards. Rule 11B-27.00225, F.A.C., provides that the laboratory performing the analysis analyze the urine sample for the presence of the following:

*Amphetamines (amphetamine and methamphetamine) *Barbiturates

*Cannabis or Cannaboids
*Cocaine or Cocaine Metabolite
*Benzodiazapines

*Opiates (codeine and morphine)
*Phencyclidine

At the agency discretion, additional controlled substances may be tested for as well.

Drug Test results must be reviewed evaluated and verified by a Medical Review Officer whose report must be maintained on file with the employing agency. An applicant who tested positive for controlled substances must have a letter from the prescribing physician outlining a lawful use.

SUMMARY REPORT OF BACKGROUND INVESTIGATION

Upon concluding the background investigation, the investigator and chief administrator or designee must sign and date a report summarizing the results of the investigation. A copy of the summary of the results of the background should be attached to the CJSTC Form 77.

The primary purpose of conducting the background investigation should be to assist the agency in identifying qualified applicants having good moral character, as required by Section 943.13(7), F.S. Should the background investigation reveal information that negatively reflects upon the applicant's character, closer scrutiny is required. Current or recent unlawful drug use or prior criminal activity (including crimes for which the applicant was never arrested or formally prosecuted) are evidence of significant dishonesty and require careful consideration. A suitable applicant is one whose background documents a person who observes the rules of right conduct and a person whose conduct indicates and establishes the qualities generally acceptable to the citizens for positions of public trust and confidence.

EMPLOYMENT OR APPOINTMENT DECISIONS

Once the decision has been made by the employing agency to offer employment to the applicant, the agency should advise the applicant as soon as possible.

NOTE: The employment objectives of criminal justice agencies should be to employ or appoint only those applicants best suited for the criminal justice profession and to avoid employment decisions that can ultimately be costly to the agency.

APPENDIX
PRE-EMPLOYMENT POLYGRAPH QUESTIONS

The following Commission approved pre-employment questions can assist agencies in determining the honesty and truthfulness of applicants, verifying previously obtained information, and detecting omissions and contradictions. The chief administrator of the agency may choose to add to these questions. However, all questions should conform to standard polygraph procedures. Any of the questions may be amended by adding the following: “other than you mentioned,” “other than you stated in your application,” or “other than discussed.” A suitable pre-test stimulus examination should be administered.

PRE-EMPLOYMENT POLYGRAPH QUESTIONS

A. Employment Application Questions

- Did you deliberately omit any information from your employment application?
- Did you falsify any information on your employment application?
- Are you withholding any pertinent information from your employment application?

B. Termination from Employment

- Have you ever been fired or asked to resign from a job?
- Have you ever been terminated from a job for violation of company policies?
- Regarding employment termination, are you withholding any pertinent information from your application?

C. Employer Thefts – Property, Money

- Have you ever stolen money from a place you worked?
- Did you ever steal any property or merchandise from a place where you worked?

D. Arrest History

- Other than minor traffic offenses, have you ever been arrested as an adult? As a juvenile?
- Regarding arrests, are you withholding any information from your employment application?

E. Serious Crime Involvement

- Have you ever been involved in any serious undetected crime?
- Are you withholding any information about your involvement in any serious crimes?
- Have you ever committed a serious crime?

F. Medical History

- Are you withholding any information about your medical history?
- Have you been completely truthful about your medical history?

G. Illegal Drug History

- Were you completely truthful about your current or recent unlawful use of any illegal drugs?
- Are you withholding any information regarding current or recent unlawful use of illegal drugs?
- Have you ever unlawfully sold any type of illegal drugs?
- Have you ever engaged in the unlawful use of illegal drugs on your job?
- Have you recently engaged in the unlawful use of marijuana? Cocaine? Crack? Speed? etc.?
- Are you currently engaged in the unlawful use of marijuana? Cocaine? Crack? Speed? etc.?

H. Blackmail or Information Harmful or Embarrassing to the Employing Agency

- Is there anything in your background for which you could be blackmailed?
- Have you ever done anything in your life that could target you for blackmail?
- Is there anything in your background that would embarrass this department?

I. Abuse or Sexual Assaults (Including on Young Children)

- Have you ever physically abused another person?
- Have you ever sexually abused another person?

J. Previous Law Enforcement, Correctional or Correctional Probation Officer Background (Insert Applicable Officer Type in the Question Space).

- As a _____, did you ever falsify an official report?
- As a _____, did you ever take any evidence or found property for your personal use?
- As a _____, have you ever lied under oath (in court)?
- As a _____, did you ever take a bribe of any kind?
- While a _____, did you ever use any illegal drugs?
- While a _____, have you ever sold any illegal drugs?

Required Documents for CJSTC Inspection

The following listing of required documents for CJSTC inspection may prove to be a helpful checklist. Once an applicant is offered employment, a personnel folder should be prepared and documentation required by the Criminal Justice Standards and Training Commission and Florida Statute should be readily available for inspection. It is recommended the checklist be copied and inserted in each new-hire personnel folder. The investigator can check each required item off as the documentation is collected.

- Social Security card
- Birth Certificate or proof of U.S. Citizenship
- High School Diploma or General Education Diploma with scores if taken out-of-state
- Results Of Drug Screen
- Physician's Assessment form, signed by a doctor, ARNP or P.A. (**CJSTC 75**)
- Military Discharge (**DD-214**) or statement of non-military service
- Copy of Basic Recruit Academy Certificate or Officer Profile Sheet from ATMS
- Copy of State Examination Scores (started basic after 7/1/93) or Officer Profile Sheet
- Affidavit of Applicant (**CJSTC 68**)
- Background Investigation Form (**CJSTC 77**) and summary of background
- Proof of Legal Name Change
- The Civil Applicant Response Notice provided from a Live Scan device with the NCIC criminal history record attached within one year of hire date.