

BACKGROUND INVESTIGATIONS

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RELATED REFERENCES:

[Background/Security Check Matrix](#)
[CJIS Security Policy v5.2](#)
[HQ Fingerprinting Procedures](#)
[ROC Fingerprinting Procedure](#)
[Request for Fingerprinting Services Form](#)
[Analyst Background Investigations Guidelines \(pending revisions\)](#)
[General Case Profile](#)
[Section 24.108\(3\), \(5\), 350.031\(7\), 943.051, 943.133 Florida Statutes](#)

KEY AGENCY CONTACT:

Office of Executive Investigations

POLICY:

The Florida Department of Law Enforcement (FDLE) will conduct background investigations on all prospective members (including Other Personal Service (OPS)) and other non-members (e.g., interns, custodial workers, volunteers, task force members and contract employees and their employing entity) who may have access to departmental facilities or sensitive data.

[CALEA 32.2.1] Background investigations will be conducted as required by law or to evaluate an applicant or other person's qualifications, character, integrity and suitability for placement in a position of public trust for access to FDLE facilities, property or information resources. FDLE will also conduct background investigations for entities other than FDLE as authorized or required by statute.

The depth of the background investigation conducted is commensurate with the level of responsibility, access to protected areas within FDLE structure, or access to sensitive information or databases. Refer to the Background/Security Check Matrix.

GENERAL PARAMETERS

- A. The Office of Executive Investigations (OEI) coordinates all sworn member background investigations and other background investigations as required by statute or at the direction of Florida's executive and legislative bodies. [CALEA 32.2.2]

- B. Background investigations are initiated by the responsible Executive Council (EC) member.
- C. The regional operations centers will provide assistance by performing the field portions of a background investigation initiated by OEI within 10 business days or as otherwise directed.
- D. The Office of the Executive Director will have final authority to resolve any issues involving unfavorable information developed during a background investigation. Approval must be obtained **prior** to any offer of employment. A Commissioner Consent Form must be completed if any of the issues detailed below apply to an applicant:
- History of bankruptcy (other than medical related);
 - A pattern of poor fiscal responsibility (credit history problems);
 - Arrest history;
 - Negative comments or recommendations from a previous employer;
 - Reported prior illegal drug use; or
 - Indication that information on an applicant's employment application was intentionally omitted, stated in a manner to mislead, or was untruthful.

In all other instances, the Command Staff (CS) member has final hiring authority.

- E. The Federal Bureau of Investigation Criminal Justice Information Services (CJIS) Security Policy, Version 5.2, requires that individuals with direct access to criminal justice information (CJI) must complete a state and national fingerprint-based record check. If any person working in or with FDLE having such direct access has any criminal record, FDLE's CJIS director, acting as Florida's CJIS systems officer, must review the criminal record to determine if access to CJI will be authorized.
- F. The Fair Credit Reporting Act, 15 U.S.C. 1681(M)(a), requires that if any employment decision adverse to an applicant is based in whole or in part on a personal credit report, notice providing the name and address of the reporting agency that provided the report must be made to the applicant.
- G. The EC member initiating the background investigation is responsible for assuring that the investigation has been satisfactorily completed and that the Council member's responses are included as required on the investigation request form. Background files are to be forwarded to OEI for retention pursuant to the established retention schedule.
- H. As directed by the Commissioner, FDLE will conduct the background investigations upon the written request of external agencies such as the Office of the Governor, the Florida Lottery, or by a member of the Florida Cabinet.
- I. OEI created an Analyst Background Investigation Guidelines reference book to assist FDLE members conducting background investigations. Included within the reference material are examples of online queries/resources, samples of responses to queries and samples of documents along with a wealth of other useful information.
- J. In compliance with statutory authority, the department will electronically fingerprint and retain prints for all prospective members and others requesting unescorted access to a physically secure FDLE facility or virtual access to CJIS systems.

1. All applicant fingerprints submitted to the department shall be retained and entered into the statewide automated fingerprint identification system.
2. Effective December 1, 2013, the fingerprints of all custodial workers and construction contractors shall be submitted and retained utilizing the FDLE region's ORI from which the individual reports. All other fingerprints are to be submitted and retained utilizing the FDLE TROC ORI: FL0372600.
3. All hit notifications will be reported to OEI. OEI will notify FDLE's CJIS Director and the respective regional special agent in charge (SAC) or division director.
4. Retained prints will be deleted by OEI within 30 days of termination of a member's employment or individual's need for access to CJIS systems or FDLE facilities. OEI will complete a semi-annual review of the retained prints file by comparing the retained prints file to the agency active personnel report.

REQUIREMENTS RELATED TO FDLE EMPLOYMENT

- A. All FDLE members (including OPS), interns, task force members, contractors and volunteers must have a full background investigation completed. [\[CALEA 32.2.1\]](#) [\[CALEA 32.2.1 a, b, c\]](#) [\[CFA 13.13 a, b, c, d, e\]](#)
- B. Offers of employment and internship may be made to an applicant based on a favorable preliminary background. The assigned member will complete a preliminary background investigation and the appropriate CS member will review and approve the applicant prior to offering an applicant a position with FDLE. Continued employment is contingent upon the favorable outcome of a full background. [\[CALEA 32.2.1\]](#) [\[CALEA 32.2.1 a, b, c\]](#) [\[CFA 13.13 a, b, d, e\]](#)

Sworn members and crime laboratory analysts must have favorable full backgrounds completed prior to offers of employment. Capitol Police is responsible for conducting all Capitol Police applicant backgrounds (sworn and non-sworn). [\[CALEA 32.2.2\]](#)

- C. The required elements of a preliminary and full background are listed in the Background/Security Check Matrix.
 1. Elements of a preliminary background investigation must include: [\[CALEA 32.2.1 a, b, c\]](#)
 - Birth verification;
 - Citizenship verification (e.g. Immigration & Customs Enforcement);
 - INTERPOL Query (U.S. Dept. of Justice Form 361 - Certification of Identity form required);
 - FCIC/NCIC criminal history and wanted check; [\[CFA 13.13 a, b, e\]](#) [\[CALEA 32.2.1 b\]](#)
 - Query of all appropriate FDLE (indices and intelligence databases (AIM & InSite); [\[CFA 13.13 c\]](#)
 - Driver license record check;
 - Credit history;
 - Review of automated information data sources;
 - Employment verification: [\[CFA 13.13.d\]](#)
 - Non-sworn applicants: verify past five years of employment.

- Sworn applicants: verify past 10 years of employment.
 - All applicants' prior sworn or non-sworn law enforcement employment **must** be verified. It is recommended that all municipal/government employment be verified. [CFA 13.13 d]
 - All reported terminations, dismissals or involuntary resignations **must** be verified. [CFA 13.13 d]
 - Verification of qualifying credentials, if applicable; [CALEA 32.2.1 a]
 - Three personal references (sworn & non-sworn applicants); [CALEA 32.2.1 c]
 - FDLE Professional Standards (Internal Affairs) database (current and former FDLE members); and
 - FDLE Office of Human Resources (FDLE re-hires) to verify eligibility for re-hire.
2. Full background investigations include all elements of the preliminary and the following: [CALEA 32.2.1 a,b,c]
- Record checks with local law enforcement agencies; [CFA 13.13 a, c]
 - State Attorney's Office check (including out-of-state if applicable); [CFA 13.13 a, c]
 - FBI & CJIS fingerprint check; [CFA 13.13 b]
 - Professional regulations/licensing/certification, etc.; [CFA 13.13 c]
 - Civil and criminal court check (in-state & out-of-state, if applicable); [CFA 13.13 c]
 - Public Access to Court Electronic Records (PACER) database (federal court queries civil, criminal & bankruptcy);
 - Education (verification of highest degree earned);
 - Neighborhood investigation (five years minimum for sworn members);
 - Developed references - sworn applicants only;
 - FDLE reference(s), if provided (sworn & non-sworn applicants);
 - Military/Selective Service records verification; and
 - Drug screen results.

Additional inquiry required by FDLE in the context of the employment decision being made.

3. A background investigation on the spouse, future spouse and/or roommate(s) of prospective members must be conducted and include the following elements:
- Driver license record check (to verify correct name, DOB & SSN);
 - FCIC/NCIC criminal history and wanted check via eAgent;
 - A check in all appropriate FDLE indices and intelligence databases (including AIM & InSite);
 - Local law enforcement agency check;
 - State Attorney's Office check;
 - Civil and criminal courts (check State & Federal) (PACER); and
 - Bankruptcy Court check.
4. Each current member is individually responsible for reporting to his/her supervisor any planned marriage or marriage so the required background check may be conducted in accordance with these procedures. Upon a current member notifying his or her supervisor of a planned marriage or marriage, the supervisor must immediately submit a spousal background investigation request to the appropriate Regional Human

Resource Coordinator (HRC). The HRC must obtain a notarized Authority for Release of Information for Current/Future Spouse and/or Roommate of FDLE member.

5. A Final Background Investigation Summary of the findings must be forwarded to OEI upon completion for placement in the member's background investigation folder. Background investigation results/findings must be documented on the appropriate lead sheet and summary templates outlined below:
 - Non-Sworn Applicant Lead Sheet;
 - Non-Sworn Applicant Preliminary Summary;;
 - Non-Sworn Applicant Final Summary;
 - Member Spousal Final Background Investigation Lead Sheet; and
 - Member Spousal Final Background Investigation Summary.

REQUIREMENTS RELATED TO NON-FDLE EMPLOYMENT

- A. The appropriate Executive Council member will assure that a minimum background on non-FDLE persons such as vendors, custodial personnel, contract employees, painters, carpet workers or kitchen workers. OPS members or task force members having access to FDLE facilities, information resources, or property are satisfactorily completed prior to granting such access. Any investigation must as a minimum include an FCIC/NCIC criminal history and wanted check, a check in FDLE indices (AIM & InSite), a driver's license check and a fingerprint check. Further, non-FDLE member contractors/sub-contractors working on site or who have access to the FDLE data systems or who conducts work or actions on behalf of FDLE are required to have a full background investigation. A preliminary background investigation must be completed prior to authorized entry into an FDLE facility, access to data systems and/or commencement of any contract work. The number of background elements conducted on non-FDLE persons depends upon the level of access to FDLE facilities/data and the type of service performed by that person. The Background/Security Check Matrix is a guideline for the minimum required elements of a background. Additional background elements may be conducted at the discretion of the supervisor/region. These background inquiries must be completed prior to allowing access to individuals-
- B. Non-FDLE persons having access to sensitive intelligence/criminal information databases, FDLE's automated investigative management system (AIM), domestic security task forces or other task force activity, will require backgrounds investigations. The background elements required are outlined on the Background/Security Check Matrix.
- C. Final authorization will be contingent upon the completion of the background investigation. Such background investigations will be conducted by the regional operations center upon consultation with OHR and the hiring authority. The regional office will maintain completed background files. Non-member background files will be maintained at the regional office.

APPLICANT BACKGROUND INVESTIGATIONS

- A. When an applicant has been selected, the regional HRC or the OHR in Tallahassee will provide the applicant with the following documents:
 - FDLE Supplemental Application or FDLE Contractor/Vendor Employee Supplemental Addendum Form;

- Authority for Release of Information (CJSTC 58);
 - Authority for Release of Information for Current/Future Spouse and/or Roommate of FDLE Applicant or Member (if applicable);
 - Credit Waiver –Disclosure Pursuant to the Fair Credit Reporting Act;
 - Fingerprint card; and
 - Florida Drug-Free Workplace Chain of Custody Form and Drug screen and acknowledgement form.
- B. After the above items are completed and returned to the agency, the HRC or responsible supervisor will prepare a Background Investigation Request Form.
- C. The HRC or responsible supervisor will forward the Background Investigation Request Form, along with the above listed documents and copies of the applicant's birth certificate, social security card, driver license, military form DD-214 with discharge (if applicable), high school diploma, and/or college transcripts, to the assigned regional or headquarters analyst for background processing.
- D. Each region will open a special programs case number from AIM (refer to the General Case Profile in the Criminal Investigation and Documentation Directives for further instructions). Each individual background investigation will be documented in a separate investigative report (IR).
- E. The completed hard copy file will be forwarded to the HRC for review, then the HRC will forward the completed file to OEI.
- F. All FDLE member background files will be maintained in OEI pursuant to the established retention schedule.

ADVERSE CREDIT ACTION PROCEDURES

- A. An applicant must be notified in writing if employment, re-assignment, promotion, or access to Departmental facilities is denied based **partly** or **solely** on a consumer report. This process also pertains to task force members, custodial workers and vendor/contract employee applicants.

Step 1: Before adverse action is taken, a pre-adverse action disclosure letter (Member or Non-Member), is provided to the individual that includes a copy of the individual's consumer report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" (a document prescribed by the Federal Trade Commission).

Step 2: After adverse action has been taken, a post-adverse action disclosure letter (Member or Non-Member), is provided to the individual. It must include: the name, address, and phone number of the Credit Reporting Agency (CRA) that supplied the report; *(The address cannot be a P.O. Box., The phone number information must include a toll-free number established by the CRA if the CRA compiles and maintains files on consumers on a nationwide basis.)*

- B. Copies of the pre-adverse action disclosure letter and the post-adverse action disclosure letter must be included in the applicant's background file.

CASE FILE CLOSURE

- A. The completed hard copy background files will be forwarded to the HRC for review and required signature(s).
- B. The HRC must forward all FDLE member and non-member background files (including OPS employees, interns, volunteers, contract employees having sensitive database access and other FDLE credentialed criminal justice employees), to the FDLE Background Coordinator in OEI to be maintained pursuant to the established retention schedule. Non-FDLE employment background files, (including but not limited to task force members, contractors, vendors and custodial workers), are to be maintained in the regional office pursuant to the established retention schedule.
- C. The HRC in the office of origin is also responsible for maintaining background files on the below listed individuals who will not have access to sensitive databases:
- Contractors;
 - Custodial workers;
 - Regional Domestic Security Task Force (DSTF) members;
 - Regional Multi-Agency Task force members; and
 - Vendors.
- D. All external background files (statutorily mandated or by the direction of Florida's Executive or Legislative Branches) will be maintained by OEI pursuant to the established retention schedule.

BACKGROUND FILE ORDER

A Background Investigation file should be organized in the following manner:

Left Inside Flap (INFORMATION PROVIDED BY THE APPLICANT)

- Background Investigation Request (BIR) Form;
- Applicant's Authority for Release of Information (CJSTC 58) (Notarized);
- Authority for Release of Information for Current/Future Spouse and/or Roommate of FDLE Applicant or Member (Notarized);
- Credit Waiver (FCRA Disclosure);
- FDLE Supplemental Application;
- State of Florida Employment Application;
- Resume/letters of recommendation;
- Birth Certificate;
- Immigration documentation (*if applicable*);
- Social Security Card;
- Drivers License and/or Photo Identification Card;
- High school diploma/college transcripts;
- Military documents (any and all Form DD-214); and
- Drug-Free Workplace Acknowledgement Form.

Right Inside Flap (INFORMATION DEVELOPED DURING THE BACKGROUND INVESTIGATION REGARDING APPLICANT AND/OR SPOUSE(S)/ROOMMATE(S) IF APPLICABLE)

- Commissioner Consent Form (if applicable);
- Final Background Investigation Summary;
- Preliminary Background Investigation Summary;
- Background Investigation Lead Sheet;
- FCIC record (derogatory information only);
- NCIC record (derogatory information only);
- FDLE Investigative Report (AIM - InSite) (derogatory information only);
- Drivers License verification documentation including violations (in-state and/or out-of-state);
- Credit Report (include even if no derogatory information is revealed);
- Employment (include all Internal Affairs files and derogatory personnel actions);
- Local/state/federal law enforcement agency records/reports (derogatory information only);
- State Attorney's Office records/reports (derogatory information only);
- Fingerprint card (1 original);
- Fingerprint submission results from CJIS and FBI;
- Financial disclosure records verification documentation (*if applicable*);
- Professional regulations/licensing verification documentation (*if applicable*);
- Secretary of State/corporation documentation (*if applicable*);
- Ethics Commission verification documentation (*if applicable*);
- Criminal Court (federal/state) documentation (derogatory information only);
- Bankruptcy Court documentation (derogatory information only);
- Civil Court (Federal/State) documentation (derogatory information only);
- Education verification (verification of highest degree earned)-;
- Neighborhood investigation (sworn & crime laboratory analyst applicants or as directed by SAC);
- Three personal references (FDLE non-sworn & sworn applicants);
- Developed references (sworn & crime laboratory analyst applicants or as directed by SAC);
- FDLE references (as provided by the applicant);
- Military enlistment/service verification documentation (*if applicable*);
- Selective service verification documentation (male applicants only); and
- Drug screen results.

DRUG USE – HIRING STANDARD

- A. An applicant will not be offered employment if he/she has been illegally involved with controlled substances under any of the following conditions:
- At the date of the FDLE application, any use of a controlled substance (defined under FS Chapter 893, F.S.) within the last three years for marijuana and five years for all other illegal drugs.
 - Any illegal use of a controlled substance after the age of 25. Illegal use of a controlled substance prior to age 25 will be considered a youthful indiscretion. Youthful indiscretion is defined as 10 times or less.
 - Any illegal sale of a controlled substance to others.

- Use of any controlled substance while in a law enforcement position or prosecutorial position or in any other public official capacity as defined by Chapter 112, FS.
- B. Any exceptions to this policy MUST be approved in writing by the Office of the Executive Director.
- C. Any untruthfulness on this or any other issue during the employment process will result in immediate termination of further consideration for employment.