

Other States' Response: Reference Checks on Law Enforcement Officers

Law enforcement officers are expected to uphold the highest standards of policing.¹ Communities rely upon them to maintain public order and exhibit professionalism in challenging situations. As such, the hiring process for law enforcement officers is lengthy and demanding, requiring a combination of physical fitness, mental resilience, emotional stability, and a rigorous background investigation.²

One component of the background investigation is an extensive reference check.³ This process typically includes interviews with employers to verify the candidate's professional history, work ethic, character, and review any instances of disciplinary action. However, privacy protections for personnel files, varying state laws, police union protections, and other factors can complicate gathering information related to misconduct.⁴ This can enable officers with histories of misconduct to transfer to new law enforcement agencies without a thorough review of their past performance.

This document summarizes actions taken by various states to address the concern, including mandating reference checks on candidates, reporting officer misconduct and terminations, releasing records upon request of a law enforcement agency, and signing information release waivers to review employment records.

OTHER STATE LAWS AND ADMINISTRATIVE RULES

EXAMPLES OF MANDATORY REFERENCE CHECKS FOR HIRING

State Law/Rule	Summary	Liability Immunity	Consent from Applicant	Information Reported
Texas 1701.451	<p>Law enforcement agencies must adhere to the hiring guidelines established by the Texas Commission on Law Enforcement. This includes requesting relevant information from the commission, prior employers, and any other appropriate sources.</p> <p>Before finalizing a hire, the agency must provide the commission with confirmation that it has contacted all necessary entities to gather and review the required information about the applicant. If any entity refuses to provide information or does not respond, the agency must detail how the request was made and the response, or lack thereof.</p>	Not explicitly provided	Required	<ul style="list-style-type: none">Personnel files, evaluations, and other employee records from all previous law enforcement agency employersEmployment termination and misconduct reportsService recordsCriminal history record & information on any pending warrantsEvidence of financial responsibilityA driving recordProof of US citizenship, proof of legal permanent residence, or evidence of application for US citizenshipBackground information from five references

¹ International Association of Chiefs of Police – *Policing Code of Ethics* (2025)
² International Association of Chiefs of Police - Discover policing, *The Hiring Process* (2025)
³ American Military University, *Police Background Investigations: What You Can Expect* (2024)
⁴ Pulitzer Center, *Police Misconduct Records Secret, Difficult to Access* (2022)

Indiana IC 36-8-2-2	<p>Before hiring a candidate for a law enforcement officer position, the hiring agency must contact every law enforcement agency that has employed the applicant to request a release of information.</p> <p>The agency that receives this request is required to comply within ten business days of receiving it and must provide the applicant with a copy of the information sent to the hiring agency.</p>	Provided	Not explicitly provided	<ul style="list-style-type: none">• A complete and unredacted copy of all findings and orders related to any disciplinary actions or internal investigations involving the applicant, whether conducted by an internal investigator or an external agency.• A copy of the applicant's entire employment file, excluding any medical records or information.
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EXAMPLES OF MANDATORY REPORTING ON DISCIPLINARY ACTION

State Law/Rule	Reporting Entity	Summary	Information Reported
Georgia Comp. R. & Regs 464-3.05	Candidate	Any candidate seeking certification as a law enforcement officer or any currently certified law enforcement officer who has disciplinary action taken against them by any state agency, department, subdivision, municipality, or federal entity must notify the Georgia Peace Officer Standards and Training Council within 15 days of the action.	Disciplinary action as a result of: <ul style="list-style-type: none">• an arrest by local, state, or federal authorities;• suspensions of 30 days or longer for singular incidents of misconduct, demotions, termination, or resignations in lieu of terminations;• indictments or presentments;• conviction or bond forfeiture.
Missouri RSMo 590.070 , 590.080 , 590.195	Law enforcement agency	<p>If an agency suspects that a peace officer may be subject to disciplinary action, it is obligated to report this to Missouri Public Officer Standards and Training Commission (POST). POST has the authority to investigate disciplinary issues, which includes subpoenaing witnesses and requesting relevant documents.</p> <p>All completed investigations of alleged acts of misconduct by a peace officer must be made available to any hiring law enforcement agency.</p> <p>Agencies that do not adhere to these rules may lose eligibility for state or federal funding designated for training and licensing peace officers. POST can also take disciplinary action against peace officers and executives who fail to comply.</p>	Disciplinary action as a result of: <ul style="list-style-type: none">• inability to perform duties competently or safely;• committing any criminal offense, regardless of charges or convictions;• acts of moral immorality or showing reckless disregard for public safety;• misrepresenting facts to obtain or retain peace officer credentials;• violating probation orders or provisions of relevant laws;• testing positive for controlled substances without a valid prescription;• facing suspensions or revocations from other licensing authorities; or• committing acts of gross misconduct.
New Jersey Stat. 52:17B-77.16a(b)	Law enforcement agency	A law enforcement agency must notify the Police Training Commission regarding certain employment actions concerning a law enforcement officer.	Employment actions concerning a law enforcement officer: <ul style="list-style-type: none">• separation from appointment or employment (firing, termination, resignation, retirement, or voluntary or involuntary leave of absence);• the imposition of any discipline subject to appeal;• suspensions longer than five days or 40 hours;• findings of excessive force, unfitness for duty, evidence mishandling, dishonesty, or false reporting;• pending criminal charges or convictions of any crime, disorderly persons, petty disorderly persons, or driving while intoxicated offense; or• findings of bias against protected characteristics under P.L.1945, c.169.

EXAMPLES OF MANDATORY REPORTING ON EMPLOYMENT SEPARATIONS

State Law/Rule	Summary	Liability Immunity	Deadline to Report	Information Reported
Arizona Rule 13-4-108	A law enforcement agency must submit a termination report regarding a peace officer to the Arizona Peace Officer Standards and Training Board. It must make these records available upon request to another agency conducting a background investigation.	Not explicitly provided	15 Days	<ul style="list-style-type: none">• Nature of the termination• Effective date of termination• Detailed description of the cause along with supporting documentation
Arkansas A.C.A. § 12-9-602	<p>A law enforcement agency must notify the Arkansas Division of Law Enforcement Standards and Training of the firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence from employment of a law enforcement officer. Submission of this information is subject to the state’s laws concerning false swearing.</p> <p>Before hiring a candidate, a hiring law enforcement agency must contact the division to request details regarding the candidate’s previous separation.</p>	Provided	Immediately	<ul style="list-style-type: none">• Failure to meet minimum qualifications• Any violations of state or federal law, or agency regulations• If resigned or retired while the subject of a pending internal investigation• Separated for excessive use of force• Separated for dishonesty
Florida Fla. Stat. 943.139	<p>A law enforcement agency is required to notify the Florida Criminal Justice Standards & Training Commission in writing when an officer is fired, terminated, resigns, retires, or takes any form of leave, whether voluntary or involuntary, from employment. Officers are allowed to submit a written response to the commission, explaining their perspective on the circumstances of their departure.</p> <p>Before hiring a candidate, a law enforcement agency must contact the commission to request details regarding the candidate’s previous separation.</p>	Provided	Immediately	Affidavit-Of-Separation form, which details the facts and reasons for such separation.
Massachusetts Mass. Gen. L. 6E § 8	<p>A law enforcement agency must submit a report to the Division of Police Standards if an officer resigns while an agency investigation or discipline, including termination, is being imposed.</p> <p>An agency may make recommendations to the Massachusetts Peace Officer Standards and Training Commission regarding an officer’s certification status. This can be done based on their professional judgment after following the agency’s internal affairs procedures and any related appeals.</p>	Not explicitly provided	2 Days	<ul style="list-style-type: none">• Full employment history• Description of the events or complaints surrounding the resignation• Recommendation by the agency for disciplinary action, including retraining, suspension, or certification revocation
Missouri RSMo 590.070 , 590.118 , 590.195	<p>A law enforcement agency must notify the Public Officer Standards and Training Commission (POST) when an officer leaves their employment, is decommissioned, or the agency determines that the officer is unfit for licensure. All completed investigations of alleged acts of misconduct by a peace officer must be made available to any hiring law enforcement agency.</p> <p>Agencies that do not comply may lose eligibility for state or federal funding for training and licensing officers. POST can also take disciplinary action against officers and executives who fail to comply.</p>	Provided	30 Days	<ul style="list-style-type: none">• Failure to meet minimum qualifications• Any violations of municipal, state or federal law, or agency regulations• Was under investigation for violating municipal, state or federal law, or for gross violations of agency regulations.
Washington RCW 43.101.135	When a peace officer or corrections officer separates from their employing agency—whether due to termination, resignation, or retirement—the agency must notify the Washington State Criminal Justice Training Commission.	Not explicitly provided	15 Days	<ul style="list-style-type: none">• Effective date of termination/resignation/retirement• Detailed description of the cause along with supporting documentation

EXAMPLES OF MANDATORY RELEASE OF RECORDS

State Law/Rule	Summary	Released Information
New Hampshire NH 41:9-c	<p>Upon request from a law enforcement agency, an employer must disclose employment information related to a current or former employee who is applying to become a peace officer. This request must be made in writing and accompanied by a notarized authorization from the candidate, releasing the employer from liability. The written request must be presented to the employer by a sworn officer of the requesting agency.</p> <p>Employers are not subject to civil liability simply for releasing the requested employment information. However, if an employer refuses to disclose information to a law enforcement agency, that refusal can serve as grounds for a civil action.</p> <p>While the employment information disclosed is considered confidential, the agency may share it with another authorized law enforcement agency conducting a background investigation.</p>	<p>Written materials such as:</p> <ul style="list-style-type: none">• job applications;• performance evaluations;• attendance records;• disciplinary actions;• eligibility for rehire;• and any other information relevant to the performance of the applicant. <p>However, this information does not include details that are prohibited from disclosure by any other state or federal law or regulation.</p>
Utah UC 53-14-103	<p>An employer or training academy director must provide available information about an individual when requested by a law enforcement agency. The request must be in writing and signed by a sworn officer, and it must adhere to the following conditions:</p> <ul style="list-style-type: none">• The request must be authorized and notarized, with the applicant's consent to release the information, which releases the employer or training academy from liability.• The request should pertain to an applicant applying for employment at a law enforcement agency or seeking admission to a training academy. <p>The law stipulates that an employer or training academy is not liable for any civil claims arising from the release of the requested employment information. Refusing to provide this information to a law enforcement agency constitutes grounds for civil action. The requesting agency may seek injunctive relief to compel the employer to disclose the information.</p>	<ul style="list-style-type: none">• Employment start date and, if applicable, termination date• Compensation history• Employment application submitted to the employer• Performance evaluation• Attendance record.• Disciplinary actions taken against the applicant.• A statement regarding whether the employer rehire the applicant, along with reasons if applicable.• If applicable, the reason for termination and whether it was voluntary or involuntary.• Any final action or notice of any pending or ongoing investigation concerning the applicant's certification as a peace officer.

EXAMPLES OF INFORMATION RELEASE WAIVERS

State Law/Rule	Responsible Party	Summary	Deadline to Release	Released Information
Colorado C.R.S. 24-33.5-115	Law enforcement agency	<p>A law enforcement agency that is interviewing a candidate for a peace officer position must require the candidate to complete a written waiver. This waiver authorizes all previous law enforcement agencies that employed the candidate to disclose the candidate's files, including internal affairs files, to the interviewing agency. If a candidate refuses to complete the waiver, they cannot be considered for employment by the interviewing agency.</p> <p>The interviewing agency must submit the completed waiver to each law enforcement agency that has employed the candidate at least 21 days before making a hiring decision.</p>	21 Days	<ul style="list-style-type: none">• Performance reviews• Job performance-related files• Administrative files• Grievances• Previous personnel applications• Personnel-related claims• Disciplinary actions• Any complaints, early warnings, or commendations.

Nebraska N 81-1414.11	Candidate	<p>A candidate applying for a law enforcement position must submit a signed waiver permitting the employer to contact the candidate's former employer(s) to obtain specific records.</p> <p>A law enforcement agency cannot proceed with hiring a candidate unless they have received all the requested records. If a former employer notifies the commission that the candidate's separation occurred under circumstances that might warrant the revocation of their certification, the agency cannot hire that candidate unless the commission has reviewed and determined that the candidate may retain their certification.</p>	10 Days	<ul style="list-style-type: none">• Details regarding the reason and circumstances of the candidate's separation from service.• Records of any officer conduct that could lead to the revocation or suspension of the candidate's law enforcement certification by the Nebraska Commission on Law Enforcement and Criminal Justice.
Vermont 20 V.S.A. § 2362a	Law enforcement agency	<p>A law enforcement agency must require a candidate to complete a waiver that authorizes the candidate's current and any previous law enforcement agency employers to disclose their analysis of the candidate's performance at that agency and, when applicable, the reason that that agency no longer employs the candidate.</p> <p>The potential hiring agency cannot hire a candidate who refuses to complete the waiver.</p>	Not provided	<ul style="list-style-type: none">• Former employers' analysis of job performance• Reason for release from employment
Virginia VSA 15.2-1705	Law enforcement agency	<p>The hiring law enforcement agency must request a candidate to complete a waiver or release liability authorizing the hiring agency to obtain information from all prior employing law enforcement agencies, including law enforcement agencies outside the Commonwealth.</p> <p>The hiring agency may request this information after a conditional offer of employment; however, the candidate may be employed pending receipt of the requested information from all prior employing law enforcement agencies in the Commonwealth.</p>	14 Days	<ul style="list-style-type: none">• Arrest or prosecution records, including expunged charges• Civil suit records concerning a candidate's employment or duties.• Records from internal investigations related to alleged criminal conduct or official misconduct.• Job performance records that resulted in resignation, dismissal, demotion, suspension, or transfer.

EXAMPLES OF MANDATORY REPORTING TO THE NATIONAL DECERTIFICATION INDEX

State Law/Rules	Summary	Responsible Authority
Massachusetts Gen. L. 6E § 13	<p>The Peace Officer Standards and Training Commission must maintain a publicly available database that provides the names of all:</p> <ul style="list-style-type: none">• decertified officers, the date of decertification, the officer's last appointing agency, and the reason for decertification;• officers who have been suspended, the beginning and end dates of suspension, the officer's appointing agency, and the reason for suspension; and• officers ordered to undergo retraining, the date of the retraining order and when it was completed, the type of retraining ordered, the officer's appointing agency, and the reason for the retraining order. <p>The commission must also cooperate with the National Decertification Index and other states and territories to ensure that officers decertified by Massachusetts are not hired as law enforcement officers in other jurisdictions, including by providing the requested information to those entities.</p>	Commission
New Jersey Stat. 52:17B-71e(h)	The Police Training Commission is required to report all final decisions to revoke or deny licensure to the National Decertification Index.	Commission

OTHER EXAMPLES

State Law/Rule/Bill	Variance	Summary
Alabama A.C. 36-21-55.2	The Alabama Peace Officers’ Standards and Training Commission maintains a centralized Law Enforcement Officer Employment Database. Any law enforcement agency that is a potential employer of a law enforcement officer must request disclosure of any information about the candidate maintained by the database.	The database includes: <ul style="list-style-type: none">Dates of hire, appointment, and reportable separation a law enforcement officer from any law enforcement agency through which the officer is or has been employedInformation relating to disciplinary action taken by a law enforcement agency against a law enforcement officerUse of force complaints against a law enforcement officerAny instance of a law enforcement officer’s reassignment for causeStatus of compliance with continuing education requirements.
Hawaii §52D-3.5 §139-3	<p>The Law Enforcement Standards Board has the power to revoke a law enforcement officer’s certification for misconduct or for failing to meet standards set by the board.</p> <p>Additionally, police chiefs are required to report to the legislature the identity of a police officer upon discharge or suspension.</p>	<p>The report to the legislature must contain the following:</p> <ul style="list-style-type: none">Summary of the facts and the nature of the misconductSpecify the disciplinary action imposedIdentify any other incident in the annual report committed by the same police officerState whether the highest nonjudicial grievance adjustment procedure has concludedDisclose the identity of the police officer upon the police officer's suspension or discharge
Missouri RSMo 43.540 590.030	<p>Missouri Rap Back Program:</p> <p>The Rap Back program offers updated fingerprint-based criminal arrest information for individuals who are licensed, employed, or otherwise monitored by an authorized agency in Missouri and at the national level. This program allows enrolled agencies to receive timely updates on an individual's criminal history when they are fingerprinted for a criminal offense.</p> <p>Once an individual’s arrest process is completed, agencies enrolled in the Rap Back program will automatically receive notifications. An individual remains in the Rap Back system as long as their agency continues to subscribe to the service. Agencies have the choice to enroll in either the Missouri Rap Back program or both the Missouri and national Rap Back programs.</p>	<p>All law enforcement agencies must be enrolled in the state and federal Rap Back programs. A law enforcement agency shall take all necessary steps to maintain officer enrollment in the Rap Back programs for all officers commissioned by that agency. An officer shall submit to being fingerprinted at any law enforcement agency upon commissioning and for as long as the officer is commissioned with that agency.</p> <p>Additionally, all licensed peace officers must be fingerprinted whenever a law enforcement agency commissions them for the purpose of conducting a criminal history background check and enrolling them in the state and federal Rap Back programs. A peace officer must take all necessary steps to maintain enrollment in Rap Back at all law enforcement agencies where the officer is commissioned, for as long as the officer remains commissioned with that agency.</p>
New York SB 8496	Repealed existing confidentiality requirements, increasing public access to records so law enforcement agencies and departments can disclose information they deem valuable to hiring agencies, and are no longer limited by state confidentiality requirements.	Provisions are added to the state’s Freedom of Information Law, specific to public officers. A law enforcement agency responding to a request for law enforcement disciplinary records must redact the following information: medical history, home addresses, personal telephone and cell phone numbers, personal e-mail addresses, social security numbers, and information regarding the use of an employee assistance program, mental health services, or substance abuse assistance services.