

## APPLICANT DISQUALIFIERS

In addition to the minimum requirements and physical and psychological standards, the Bedford Police Department has established guidelines regarding elements of an applicant's personal history that, if present, could cause an applicant to be eliminated from consideration. These elements include:

### I. **Contradictory Information**

- A. Contradictory information may serve as a ground for disqualification, or may be given appropriate weight in the decision to reject or approve an applicant. When the contradiction is restricted to information supplied by the applicant, or to admission of the applicant, the applicant shall be advised of the contradiction and be given a fair and equitable opportunity to explain. Where the contradiction is based upon information supplied from the third person under assurance of confidentiality, the degree of specificity and detail provided to the applicant shall be as much as can reasonably be provided without disclosing or jeopardizing the source of the confidential information.
- B. An applicant **shall** be disqualified if he/she falsifies, inaccurately reports, or omits information. When false, inaccurate, or omitted information is discovered, and it cannot be determined that the contradicted information was intentional, the applicant may be considered.
- C. An applicant who has been found to have falsified, inaccurately reported or omits information in their application **may** be subject to disciplinary action, including termination, if already hired.
- D. The applicant shall be advised of a contradiction and given an opportunity to respond.

### II. **Credit and Financial Responsibility**

- A. An applicant's history of credit problems as evidence of financial irresponsibility **may** be considered and/or serve as a basis for disqualification. An applicant **may** be disqualified until the selection criteria is met if, at the time of the application, the applicant:
  - 1. Has a total of at least \$500.00 in debts, other than for medical or hospital services, which are past due by at least 90 days;
  - 2. Has experienced, within the 24 months preceding the application, at least two collection actions (either accounts placed for collection with a collection agency or lawsuits filed); or
  - 3. Has been listed as being delinquent on student loan payments granted by any governmental entity.
- B. An applicant **shall** be disqualified for defrauding his/her creditors.
- C. Before any effort is made to obtain a consumer report, the applicant will be notified in writing and the applicant's written authorization obtained.
- D. If a negative report is a factor in denying an applicant a job, the procedures required by the Fair Credit Reporting Act will be followed.
- E. Applicants will be given the opportunity to respond to information in a credit report.

### III. Criminal Behavior

#### A. General Provisions:

1. An applicant **shall** be subject to a search of local, state and national records to disclose any criminal record.
2. Criminal behavior on the part of an applicant, regardless of the date of the offense and whether identified by conviction or admission, will be examined very closely. Criminal behavior **may** result in disqualification depending on such factors as the age of the applicant at the time the offense was committed, how long ago the offense was committed, frequency and/or severity of the offense.
3. An applicant whom has received probation, or has pled no contest or received deferred adjudication for a criminal offense, **shall** be considered to have been convicted of that offense, unless:
  - a. The person is pardoned of the offense, and the pardon is expressly granted for subsequent proof of innocence, or
  - b. The conviction is expunged by a court of United States or Texas having legal jurisdiction over the conviction, or executive governing body having legal jurisdiction over the conviction.
4. An applicant whom is under indictment pending trial for a criminal offense (other than traffic violations) at any time during the application process **shall** be disqualified.
5. An applicant **shall** be disqualified for a conviction of any crime of moral turpitude, regardless of classification.
6. If there is a final order of expunction for an offense, the expunged records will not be used.

#### B. Juvenile Criminal Behavior

1. Juvenile criminal behavior, identified by an available record of convictions or admissions, may be considered for disqualification and accorded appropriate weight, depending upon the relevant surrounding facts and circumstances.
2. An applicant **shall** be disqualified if:
  - a. As a juvenile, the applicant committed a felony for which the applicant was tried and convicted as an adult.
  - b. As a juvenile, the applicant committed a crime involving the infliction of, or an attempt to inflict serious physical injury on another person; an attempt to commit, or the commission of a sexual assault upon another person; or the use of a deadly weapon.
3. Juvenile thefts will be assessed in the same manner as adult thefts.

#### C. Adult Criminal Behavior

1. Felony Offenses
  - a. An applicant **shall** be disqualified if convicted or makes admissions of committing any felony offense.

2. Misdemeanor Offenses

An applicant **shall** be disqualified:

- a. If convicted of any Class A Misdemeanor.
  - b. For a period of at least ten years, from the date of the adjudication of the offenses, if convicted of a Class B Misdemeanor.
  - c. For five years from the date of a Class C Theft.
  - d. For a period of at least two years from the date of the adjudication for applicants convicted of Class C misdemeanor(s) other than Class C thefts or traffic violations.
3. An applicant **may** be disqualified upon admission or revelation that they committed any other misdemeanor offense.. Each incident will be evaluated on a case by case basis and factors such as the age of the applicant at the time of the offense was committed, how long ago the offense was committed, frequency, and/or severity of the offense, and other circumstances surrounding the offense will be considered.

IV. **Failure to Meet Child Support Obligations**

- A. An applicant **shall** be disqualified if it is determined that the applicant is not current in child support payments.
- B. The department will not use a withholding order as grounds for denial of employment.

V. **Unlawful Drug Usage**

- A. The below listed criteria **shall** result in disqualification of any applicant for a conviction of or upon admission or revelation through investigation of:
  1. Unlawful manufacture or delivery of controlled substance.
  2. A positive response from a drug screen to any controlled substance not prescribed by a medical doctor.
  3. The unlawful use of any growth hormone or any anabolic steroids.
  4. Any usage of hallucinogens, Heroin, Cocaine, amphetamines, methamphetamines, and/or all other controlled substances not specifically noted.
  5. Any use of Marijuana within the last four years.
  6. The delivery of Marijuana in any amount greater than a single use amount.
- B. The below listed criteria **may** result in disqualification of an applicant upon admission or revelation through investigation:
  1. Any abuse of prescription medication.

2. The use of Marijuana more than four years prior to their application. Each incident will be evaluated on a case-by-case basis and factors such as the age of the applicant at the time of the offense was committed, how long ago the offense was committed, and frequency, and/or severity of the offense, and other circumstances surrounding the usage will be considered. Additionally, the excessive use of Marijuana and the individual's potential for peer pressure in its regard to the use of Marijuana will be considered on a case-by-case basis.
3. For permitting the use of and/or association with the use of any illegal drug or substance. The guidelines for disqualification will depend on the frequency with which the applicant has permitted and/or been associated with controlled substances and the severity of the drug in question and the ability of the person to extricate themselves from the association with the illegal use.

## VI. **Driving Offenses**

- A. The applicant **shall** be disqualified, if:
  1. The applicant has more than three moving violations or two at-fault accidents within the preceding 24 month period (not applicable for positions that do not require driving).
  2. The applicant has any DWI or DUID conviction during the preceding ten year period.
- B. The applicant **shall** be disqualified, if the applicant does not have a valid Texas driver's license at the time of employment.

## VII. **Military Service**

- A. Applicants who are veterans must conform to the standards set by TCLEOSE (currently in 217.1)
  1. Has not been discharged from any military service under less than honorable conditions including, specifically:
    - a. Under other than honorable conditions;
    - b. Bad Conduct;
    - c. Dishonorable;
    - d. Any other characterization of service indicating bad character.
- B. Any military arrest or conviction according to the Uniform Code of Military Justice **shall** be considered in the same manner as a civilian arrest or conviction.

## VIII. **Applicant's Opportunity to Respond**

An applicant may be given an opportunity to respond to a disqualification.

Approved by: Chief of Police, David Flory

City Attorney, Stan Lowry

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