

**STEPHENVILLE POLICE DEPARTMENT
POLICY AND PROCEDURE**

**GENERAL ORDER
DISTRIBUTION: ALL PERSONNEL**

ORDER NUMBER: **30.04**

EFFECTIVE: **JANUARY 1, 2000**

TITLE: **HIRING POLICY**

CANCELS:

PURPOSE

To hire qualified applicants for the position of Police Officer for the Stephenville Police Department.

POLICY

This agency shall hire only those applicants who meet the minimum required standards of the Stephenville Police Department.

DEFINITIONS

BACKGROUND – The investigation of an applicant’s history regarding work, education, driving, crimes, suitability, etc.

COMPLETED APPLICATION – The city of Stephenville application must be filled out with the required information, attached documentation, and turned into the Stephenville Police Department Personnel Officer.

HEALTH ASSESSMENT – Testing done by Medical Doctors to determine the health and fitness of an applicant.

PERSONAL HISTORY FORM – A form that provides more detailed information on an applicant and is used for the background check.

T.C.L.E.O.S.E. – Texas Commission on Law Enforcement Officer Standards and Education.

PROCEDURES

1. **HIRING PROCESS**

- a. **Posting of Opening** – Openings will be posted in accordance to the Stephenville Personnel Policy.

- b. Acceptance of Completed Application-The completed application will be turned into the City of Stephenville Personnel Office. The Personnel Office will maintain a file of accepted applications with all support information. No applications will be received after the cut-off date.
- c. Applications will **not** be accepted, for a 2 year period, from persons who have been rejected based on a background investigation, psychological evaluation, or structured interview.

2. CLOSING DATE FOR APPLICATIONS

- a. The closing date for applications will be determined by the City of Stephenville Police Department.
- b. Applications received in the mail on the closing date will be accepted.
- c. There will be no exceptions made for late applications.

3. **DISQUALIFIERS** - The Department has established a list of Disqualifiers that will determine if the applicant is to be rejected for cause. This list will be applied to all applicants equally. There are no exceptions to Disqualifiers.

- a. **Contradictory Information-** Asserted contradictory information may serve as grounds for disqualification or may be given appropriate weight in the decision to reject or approve an applicant. When the asserted contradiction is restricted to information supplied by the applicant, or to admissions of the applicant, the applicant shall be advised of the asserted contradiction and be given a fair and equitable opportunity to explain. Where the asserted contradiction is based upon information supplied from a third person under assurances 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.

Applicants may be disqualified for dishonesty, serious distortions or purposeful omissions during the selection process.

It is understood that rejections under such circumstances shall be supported by complete written documentation of underlying facts and rationale and reviewed by the Chief of Police.

Disqualification: In those cases in which the applicant intentionally falsified, inaccurately reported, or withheld information, he/she shall be permanently rejected.

- b. Credit and Financial Responsibility

An applicant's history of credit problems as evidence of financial irresponsibility may properly be considered and/or serve as a basis for disqualification under the following circumstances.

- (1) If at the time of the application, the applicant had a total of at least \$1000 in debts, other than for medical or hospital services, which were past due by at least 90 days; or
- (2) If at the time of application, the applicant had experienced at least two collection actions-either accounts placed for collections with a collection agency or lawsuits filed- within the 24 months immediately preceding the application; and if there exists no pattern of applicant conduct evidencing efforts by the applicant to defraud his/her creditor.
Disqualification: Temporary until selection criteria are met.
- (3) If there exists a pattern of applicant conduct evidencing efforts by the applicant to defraud his/her creditors; or
- (4) If the applicant's cashing of worthless checks was in a number (or under circumstances) demonstrating either serious financial irresponsibility or an attempt to defraud.
Disqualification: One year from date of consideration.
- (5) If at the time of application the applicant has declared a bankruptcy within a 24-month period prior to the date of application and there is no attempt on the part of the applicant to make restitution to his/her creditors.
Disqualification: Temporary until selection criteria are met.

c. **Criminal Behavior** on the part of the applicant, whether the applicant was convicted or he/she admits to the behavior, past or current, will be examined very closely. It should be understood that criminal behavior may result in disqualification. In some cases, the criminal behavior will result in temporary disqualification. In other cases, disqualification will be permanent.

- (1) General Provisions
 - (a) Applicant shall be subject to search of local, state and national records to disclose any criminal record.
 - (b) Applicant shall not be on probation for any criminal offense above the grade of Class C misdemeanor.

- (c) Applicant shall not have ever been convicted of a felony offense.
 - (d) **Applicant shall not be under indictment for a felony offense at the time of his/her application.**
 - (e) Applicant shall not have been convicted of a Class A misdemeanor offense within the last 12 months and must not have been convicted of a Class B misdemeanor within the last 6 months.
- (2) **Juvenile Criminal Behavior** identified by a record of convictions or admissions, may be considered for disqualification and accorded appropriate weight, depending upon the relevant surrounding facts and circumstances. An applicant will 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; attempt to commit, or the commission of, a sexual assault upon another person; or which involved the use of a deadly prohibited weapon. Juvenile thefts will be assessed in the same manner as adult thefts.
- (3) **Adult Criminal Behavior** identified by a record of convictions or admissions, will be disqualifying under the following conditions:
- (a) Felony
 - (1) Applicant shall never have been convicted at any time of a felony offense as defined by The Texas Penal Code.
 - (2) For the purpose of this section, a person is convicted of a felony when an adjudication of guilt on a felony offense is entered against the person by a court of competent jurisdiction, whether or not:
 - (a) The sentence is subsequently probated and the person is discharged from probation

- (b) The applicant received deferred adjudication or similar judicial processing of the offense
 - (c) The person is pardoned of the offense, unless the pardon is expressly granted for subsequent proof of innocence.
Disqualification: Permanent
- (3) In case of a plea bargaining where an applicant is charged with a felony offense, but is punished for a misdemeanor, the applicant shall be disqualified for the felony admissions listed under (b) for the felony originally charged.
- (b) Misdemeanor
 - (1) Applicants convicted of Class A and/or Class B Misdemeanor(s) shall be disqualified for two years from the date of the conviction of the offense.
 - (2) Applicant shall not have been convicted of the offense of Driving While Intoxicated or Driving Under the Influence of Drugs within five years of the date of application. DUI Under 21 years of age will have the same consideration as DWI.
 - (3) Applicants convicted of Class C Misdemeanors are generally not disqualified. Accumulation and recency of pending court matters will be taken into consideration and may be cause for temporary disqualification.
Disqualification: Temporary until selection criteria are met.
- (c) Admissions
 - (1) Felony Admissions-no limitations for all first, second or third degree felonies.
Disqualification: Permanent.
 - (2) Misdemeanor Admissions
 - (a) Misdemeanor Class A and Class B Admissions:
Applicant may reapply after the two-year statute of limitation has expired from the date of the commission of the offense.

- (b) Misdemeanor Class C Misdemeanor(s) generally are not disqualified. Accumulation and recency of pending court matters will be taken into consideration and may be cause for temporary disqualification.
- (3) Admissions of Criminal Attempt, Criminal Conspiracy and Criminal Solicitation:
 - (a) The statute of limitation for criminal attempt is the same as that of the offense attempted.
 - (b) The statute of limitation for criminal conspiracy is the same as that of the most serious offense that is the object of the conspiracy.
 - (c) The statute of limitation for criminal solicitation is the same as that of the felony solicited.
- (d) Special Category
 - (a) The admission of having ever committed a felony or serious criminal offense which involved the infliction of, or the attempt to inflict serious physical injury on another person; the attempt to commit, or the commission of, a sexual assault upon another person, or which involved the use of a prohibited weapon;
 - (b) The admission of having committed any felony or misdemeanor which the Stephenville Police Department has identified in this General Order will always result in the automatic disqualification of any applicant; as follows.

The below listed selection criteria will normally result in **automatic** disqualification of an applicant upon admission or revelation through investigation. This list is not inclusive of all offenses that could be included in this criteria.

<u>OFFENSES</u>	<u>PENALTY GROUP</u>	<u>CODE#</u>
Criminal Negligent Homicide	MA	19.07

		30.04
Kidnapping	F3	20.02
Public Lewdness	MA	21.07
Indecent Exposure	MB	21.08
Indecency With a Child	F3	21.11
Incest	F3	25.02
Solicitation of a Child	F3	25.06
Bribery	F3	36.02
Tampering With Witness	F3	36.05
Retaliation	F3	36.06
Perjury	MA	37.02
Tampering With or Fabricating Physical Evidence	MA	37.09
Tampering With Governmental Record	MA	37.10
Impersonating Public Servant	MA	37.11
Permitting of Facilitating Escape	MA/F3	38.08
Implements For Escape	F3	38.10
Official Misconduct	F3	39.01
Official Oppression	MA	39.02
Violations of Rights of a Prisoner	F3	39.021
Misuse of Official Information	F3	39.03
Theft by a Public Servant of Government Property Over Which He Exercises Control In His Official Capacity	M or F	31.03 TCCP 12.01 (B)
Disorderly Conduct (Exposing and Peeping)	MC	42.01
Abuse of a Corpse	MA	42.01
Prostitution	MB	43.02
Promotion of Prostitution	MA	43.03
Aggravated Promotion of Prostitution	F3	43.04
Sexual Performance of a Child	F3	43.25
Possession of Child Pornography	F3	43.25
Gambling Offenses	MA/F3	47.03-47.07
Family Violence		25.076
		CCP 42.141
		FC 71.01

TEXAS CONTROLLED SUBSTANCES ACT

<u>OFFENSES</u>	<u>PENTALTY</u>	<u>VTCS, ART 4467.15</u>
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Unlawful Manufacture or Delivery of
Controlled Substances in

Penalty Group 1	F1	4.03
Penalty Group 2	F2	4.031
Penalty Group 3	F3	4.032

Disqualification: PERMANENT

e. Thefts

- (1) Convictions for, or admissions of thefts, that would result in an offense no greater than a Class C Misdemeanor, committed within the two years prior to the application will result in disqualification for two years from the date of the offense.

- (2) Convictions for, or admissions of a theft no greater than a Class A or B misdemeanor committed within the three years prior to application will result in disqualification for five years from the date of the offense.

f. Driving

- (1) Applicants shall have a valid driver's license from their state of residence and, if not Texas residents, they shall have a valid Texas Driver's license prior to employment with the City of Stephenville.
Disqualification: Temporary until selection criteria are met.
- (2) Applicants shall not be in danger of having their driving license suspended or revoked, or have been convicted of more than two moving traffic violations in the preceding 12 month period from the date of application.
Disqualification: Temporary until selection criteria are met.
- (3) Applicants who have been convicted of no insurance violations will have their application reviewed to determine if there is a willful disregard for the law.
Disqualification: Temporary until appropriate written documentation is provided indicating the applicant has current vehicular insurance and no current charges.
- (4) Applicants who have had their driver's license suspended within the 24 months prior to their application will be disqualified.
Disqualification: Temporary until appropriate written documentation is provided, indicating the applicant has no action pending by any State agency.

g. Drugs

- (1) **Manufacture** -- of any illegal drug will require permanent disqualification.
- (2) **Sale** -- of any drug will permanently disqualify the applicant.
- (3) **Use**
- (a) No recent (2 years) or excessive use of marijuana.
Disqualification: Temporary until criteria met.
- (b) Use of any of the following:
Disqualification: Permanent

- (1) Heroin
 - (2) LSD
 - (3) PCP
 - (4) STP
 - (5) Opium
 - (6) Peyote (Exception: Use in a Native American Religious Ceremony)
 - (7) Any Hallucinogen
- (c) Any felonious drug usage.
Disqualification: Permanent
- (d) No usage within two (2) years, subject to review. Review will be concerned with felonious usage, recency and frequency. Includes any other illegal drug.
- (e) Any drug that was prescribed for another. Disqualification will depend on the prescription (narcotic used) and circumstances of use.
- (4) The guidelines for selection and rejection will depend on the frequency with which the applicant had permitted and/or associated with the use of controlled substances and the severity of the drug in question.
- h. Drug Screen – A positive response to any illegal chemical not prescribed by a doctor is governed by the previous section on Drugs.
- i. Military History
- (1) Applicants who are veterans must not have been convicted in any court martial higher than a Summary.
 - (2) Applicants who are veterans must have an Honorable Discharge, free from any conditions.
 - (3) Applicants who were rejected or discharged from the military for medical reasons or received a disability compensation must furnish the Personnel

Section with all available military records, as well as a recent medical evaluation of the medical condition causing the discharge or disability. This full documentation will be evaluated by the Stephenville Police Department and a physician designated by the Department to determine if the medical condition is of such a nature that the applicant does not meet the medical standards as determined by the Physician.

Disqualification: Permanent

- (4) Any military arrest or conviction according to the Uniform Code of Military Justice will be considered on the same manner as a civilian arrest or conviction.

Disqualification: Shall be governed by the terms of the section on “Adult Criminal Behavior.”

j. Eyesight

- (1) Visual activity must be corrected to 20/20 in both eyes.
- (2) Persons who have Radial Keratotomy to any one eye cannot be considered for hiring within a year of the surgery.
- (3) Color vision must be normal. Persons who are color blind may be considered with a statement from an ophthalmologist certifying that the color blindness will not hinder the person from performing law enforcement duties involving descriptions of persons clothing, vehicle color, item description and subsequent testimony in court.

k. Hearing – An applicant must have hearing that is within normal range.

l. Physical – If the applicant fails to conform to the physical requirements of health being used at the time of testing, he/she will be immediately disqualified.

m. Psychological Test – If in the opinion of the Psychologist, acting on the Department’s behalf, an applicant is unable to be certified within the requirements set by T.C.L.E.O.S.E., the application is disqualified.

4. THE SELECTION PROCESS WILL INCLUDE THE FOLLOWING PROCESS

- a. Test – a written test will be given to all applicants. Applicants must score 70% on the written test to continue in the selection process. The list developed as a result of the test will be valid for six months from the date of the test.

- b. Physical Fitness – All applicants must pass a physical fitness test to measure their strength, flexibility and endurance.
- c. Personal History Form – Applicants that successfully complete the test and the physical agility are requested to complete the Personal History Form. Applicants will not be considered until the Personal History Form has been completed and turned in to the Police Department.
- d. Background Investigation
 - (1) The background Investigation will conform to the current procedures set by the Department at the time of consideration. All applicants will be given the same opportunity and criteria. Some change in the order may occur for the benefit of the Department, but these changes will only be caused due to time restrictions and will not aid or detract from the qualifications of the candidates.
 - (2) If at any time an area of concern has been identified by a background investigator, that applicant will be referred to the Stephenville Police Chief for review and determination. The decision regarding continued consideration or rejection will be final. Time limits for re-applying will be set by policy.
- e. Oral Review Board
 - (1) The Department requires that every applicant being considered be brought before an Oral Review Board for an interview. This board is composed of officers from different ranks and job assignments inside the Department.
 - (2) The Review Board will grade the applicant on his/her suitability for employment and review the tests and investigation. This board will recommend or not recommend an applicant for hiring.
 - (3) Areas that will be given values are:
 - (a) Appearance
 - (b) Dependability
 - (c) Initiative
 - (d) Situational reasoning

- (e) Interpersonal skill
 - (f) Oral communication
- f. Physical Exam -- The Physical Exam will conform with the T.C.L.E.O.S.E. and City requirements.
- g. Polygraph Testing and Interview
 - (1) The Stephenville Police Department schedules applicants, that have accepted a conditional job offer, for a polygraph test.
 - (2) The outcome of this test will be used as a tool in the background investigation.
- h. Psychological Testing
 - (1) The Stephenville Police Department will schedule interviews and testing for applicants, that have accepted a conditional job offer, with a Psychologist.
 - (2) An applicant must obtain minimum standards in the testing and interview which will allow the Psychologist to certify him/her as prescribed by T.C.L.E.O.S.E.

Lee R. Halsell
Chief of Police