

## POLICE APPLICANT DISQUALIFICATION POLICY

### I. PURPOSE

The City and Police Department have a very strong commitment to equal employment opportunity and prohibitions against unfair employment practices under the Title VII (41 U.S. Code 2000e), the Americans With Disabilities Act (42 U.S. Code 12112), the State Unruh Civil Rights Act (Government Code Section 12940) and other applicable fair employment practices as outlined in the California Labor Code.

The dilemma facing the Department is one of developing a job-valid and nondiscriminatory set of policies which allow it to lawfully exclude persons who do not meet the City's or State's hiring standards. The Peace Officer Standards and Training Commissions of California and Nevada (P.O.S.T.) have developed a list of guidelines, identified as "15 Job Dimensions", which are used as a professional standard in background investigations. Individual agencies set their own standards (within applicable law) to interpret these guidelines.

The following standards have been adopted by the Palo Alto Police Department as a prima facie disqualification for police officer applicants:

### II. STANDARDS POLICY

#### 1. Operation of a Motor Vehicle

Ability to possess a valid California Driver's License. Ability to drive safely. Ability to control a motor vehicle at high speeds. Ability to operate a motor vehicle in all types of weather conditions.

- A. Receipt of two or more moving violations within three years prior to application shall be disqualifying. Moving violations for which there is a factual finding of innocence shall not be included.
- B. Involvement as a driver in two or more chargeable collisions within three years prior to date of application shall be disqualifying.
- C. Conviction of driving under the influence of alcohol and/or drugs within four years prior to application or any two convictions of driving under the influence of alcohol and/or drugs shall be disqualifying.
- D. Suspension of a driver's license two or more times within the past five years shall be disqualifying.

2. Integrity

Refusing to yield to temptation of bribes, gratuities, payoff, etc. Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel. Showing strong moral character and integrity in dealing with the public. Being honest in dealing with the public.

- A. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement) and polygraph examination or between this background investigation and other investigations conducted by other law enforcement agencies shall be disqualifying.
- B. Any forgery or alteration of official employment application documents or sustained episodes of academic cheating shall be disqualifying.

3. Credibility as a Witness in a Court of Law

Ability to give testimony in a court of law without being subject in impeachment due to his/her character for honesty or veracity (or their opposites) or due to prior felony conviction.

- A. Conviction of any offense classified as a misdemeanor under California Law within Three years prior to application shall be disqualifying.
- B. Conviction of two or more misdemeanor offenses under California Law as an adult shall be disqualifying.
- C. Conviction of any offense classified as a misdemeanor under California Law while employed as a Peace Officer (including military police officers) shall be disqualifying.
- D. Commission of any acts amounting to a felony under California Law as an adult within 5 years prior to application or while employed as a Peace Officer (including military police officers) shall be disqualifying.
- E. Commission of any act while employed as a Peace Officer (including military police officers) involving lying, falsification of any official report or documents or theft shall be disqualifying.
- F. Commission of any act of domestic violence as an adult shall be disqualifying.
- G. Commission of any criminal act, whether misdemeanor or felony, committed against children, including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts

with a child, indecent exposure, except: acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than 4 years' difference in age existed at the time of the acts.

4. Dependability

Having the habit of submitting reports on time, not malingering at calls, etc., well motivated. Dependable; follows through on assignments. Taking the extra effort required to be accurate in all details of work. Willingness to turn in the hours needed to complete a job.

- A. Missing any scheduled appointment during the process without prior permission shall be disqualifying.
- B. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations shall be disqualifying.
- C. Having been involuntarily dismissed (for reasons other than lay-off) from two or more employers as an adult shall be disqualifying.
- D. Having undergone personal bankruptcy more than once; having current financial obligations for which legal judgements have not been satisfied or; currently having wages garnished shall be disqualifying.
- E. History of poor credit shall be disqualifying.
- F. Resigning from any paid position without notice may be disqualifying.
- G. Having any outstanding warrant of arrest at time of application shall be disqualifying.

5. Learning Ability

Ability to comprehend and retain a good deal of factual information. Ability to recall factual information pertaining to laws, statutes, codes, etc. Ability to learn and apply what is learned. Capability of learning the factual material which is required of a law enforcement officer.

- A. Being under the current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past 2 years prior to the date of application shall be disqualifying.
- B. Having been academically dismissed from any P.O.S.T. certified Basic Law Enforcement Academy wherein no demonstrated effort has been

made to improve the deficient areas shall be disqualifying, except: subsequent successful completion of another P.O.S.T. Basic Law Enforcement Academy shall rescind this requirement.

- C. Inability to achieve a satisfactory "T score" on the P.O.S.T. test as set by the Palo Alto Police Department shall be disqualifying.

6. Interpersonal Sensitivity

Resolving problems in a way that shows some sensitivity for the feelings of people. Showing empathy in working with people. Does not enforce the law blindly. Effective in dealing with people without arousing antagonism. Understanding the motives of people.

- A. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts of constituting racial, ethnic or sexual harassment shall be disqualifying.
- B. During the process, uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation shall be disqualifying.
- C. Having been disciplined by any employer as an adult for fighting in the workplace shall be disqualifying.

7. Judgment Under Pressure

Applying common sense in dealing with pressure situations. Capability of making sound decisions on the spot. Using good judgment in dealing with potentially explosive situation. Ability to make effective, logical decisions under pressure.

- A. Commission of any act amounting to assault under the color of authority or other violation of federal or state civil rights shall be disqualifying.
- B. Failure to properly report witnessed criminal conduct committed by another law enforcement officer shall be disqualifying.

III. ILLEGAL USE OF POSSESSION OF DRUGS

Note: For the purpose of the section, an adult is defined as someone 18 years of age or older.

1. The following types of illegal drug use or possession will be considered automatic disqualification in the pre-employment selection process for police personnel, with no exceptions:

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- A. Any adult use or possession of a drug classified as a hallucinogenic within 7 years prior to application for employment.
  - B. Any adult use of possession of marijuana within 3 years prior to application for employment.
  - C. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within 5 years prior to application for employment.
  - D. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college accredited courses of/or related to the criminal justice field.
  - E. Any adult manufactured or cultivation of a drug.
  - F. Failure to divulge to the police department during the background investigation any information about personal illegal use of possession of drugs.
2. The disqualification of a candidate for the following types of illegal drug use or possession will be considered in relationship to the overall background of that individual:
- A. Any illegal juvenile use of possession of a drug.
  - B. Any illegal adult use or possession of a drug that does not meet the criteria of automatic disqualification specified above; e.g. marijuana use longer than 3 years ago or cocaine use longer than 5 years ago.
3. All the information obtained during a background investigation is confidential and will not be released to the candidates or others.

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