



BLUFFTON POLICE DEPARTMENT APPLICANT DISQUALIFIERS

In addition to the minimum requirements and physical and psychological standards, the Bluffton 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:

1. 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 by 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 may 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.

2. Credit and Financial Responsibility:

- a. An applicant's history of credit problems as evidence of potential financial irresponsibility may be considered and/or serve as a basis for disqualification. An applicant may be disqualified if, at the time of the application, the applicant:
 - 1) Has a total of at least \$5,000.00 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 or guaranteed by any governmental entity.
 - 4) Has been subject to sanctions or has been sanctioned in a Family Court for failing to meet Court ordered obligations.
- 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.

3. 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 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 may 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 expungement 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 in Court of committing any felony offense.

2) Misdemeanor Offenses

An applicant may be disqualified for a misdemeanor offense depending on the nature of the charge, nature of the facts, and how the case is adjudicated.

a) If convicted of any Misdemeanor involving violence.

b) 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.

4. 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.

5. 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 schedule I or schedule II controlled substance in the last 7 years (excluding marijuana).
 - 4) The unlawful use of any schedule III or IV controlled substance in the last 5 years.
 - 5) The unlawful use of any schedule V controlled substance, marijuana, synthetic marijuana, or THC in any form in the last 3 years.
 - a) The current controlled substance scheduling act published by the Drug Enforcement Agency will be used to determine the scheduling of drugs.

- b. The below listed criteria may result in disqualification of an applicant upon admission or revelation through investigation:
 - 1) Habitual (regular or repeated) abuse of any controlled substance regardless of time elapsed since last use.
 - 2) Permitting the illegal use or delivery of controlled substances.

- 6. Driving Offenses:
 - a. The applicant may be disqualified, if:
 - 1) The applicant has more than three (3) moving violations or two at-fault accidents within the preceding 24-month period.
 - 2) The applicant has any DUI or unlawful alcohol concentration conviction during the preceding five (5) year period.

 - b. The applicant shall be disqualified, if the applicant does not have a valid driver's license at the time of employment.

- 7. Military Service:
 - a. The applicant shall be disqualified, if:
 - 1) The applicant has been discharged from any military service under less than honorable conditions including, specifically:
 - a) Bad Conduct;
 - b) Dishonorable; or
 - c) 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.

- 8. Nepotism:
 - a. No applicant shall be hired, if it would place them under the immediate supervision of a relative. The term "relative" shall mean all persons related by blood, spouse's blood relatives, legal adoptions and guardianships.
 - b. No person shall be hired if they are a relative of anyone currently holding a rank higher than lieutenant within the organizational structure of the police department.
 - c. No applicant shall be hired if it would place them into a position under the immediate supervision of an employee living with the applicant in a spousal relationship, though unmarried, or engaged in a consensual social relationship, such as "dating."

- 9. Oral Board Interviews:

- a. Any applicant who fails an oral board interview must wait one year in order to retest.

10. Tattoos:

- a. The applicant may be disqualified if they possess any type of offensive tattoo or body art.
- b. No applicant will be allowed to have any tattoo that is visible above the standard shirt collar.

11. Termination by Another Police Agency:

Any applicant who has been terminated by another law enforcement agency shall be disqualified unless he/she has been exonerated through a review process, or the circumstances have been resolved to the satisfaction of that respective employer. It shall be the responsibility of the applicant to provide facts that support his/her suitability to perform as a police officer, including copies of any document on file at South Carolina Department of Public Safety or any other state board that pertains to fitness for duty. Exceptions may be made by the Chief of Police and/or his designee

12. Candidates determined to be ineligible for appointment on the basis of a single test or combination of, examination, interview, investigation, etc., will be sent a letter by the Chief of Police and/or his designee.

13. Those candidates who were not selected due to better qualified applicants will be sent a letter of notification by the Chief of Police and/or his designee

14. Applicant's Opportunity to Respond:

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