



2020

CINCINNATI POLICE RECRUIT DISQUALIFYING CRITERIA

DEPARTMENT OF HUMAN RESOURCES

(Revised 03/30/2020)

DISQUALIFICATION PROCEDURE AND APPEAL RIGHTS

- A. All individuals who apply for appointment to the Cincinnati Police Department as a Police Officer must submit to a background investigation. As a prerequisite to such an investigation, the applicant must complete a Personal History Questionnaire as a supplemental application. This questionnaire shall be deemed incomplete until it is updated by the candidate immediately prior to appointment. The information submitted on the questionnaire by candidates must be complete and accurate and will be analyzed during the background investigation.
- B. Police investigators will conduct background investigations. The goal of the investigation is to provide information on candidates that will aid in determining their suitability for the job.
- C. A Selection Review Committee, consisting of Human Resources and Police Department representatives, will evaluate information obtained during the background investigation. Those candidates who are deemed disqualified, based on the job-related criteria adopted by the Civil Service Commission (listed below), will be notified by e-mail.
- D. If the candidate feels the disqualification is not justified, he/she may appeal to the Civil Service Commission in accordance with the rules of the Commission. The candidate will appear before the Review Committee for a Pre-Appeal hearing to learn about the specifics of the disqualification. The candidate will be given the opportunity to appear before the Civil Service Commission, at a later date, to discuss the issues of concern with the Commissioners. The Commissioners will then make a ruling to approve or deny the appeal.

I. OFFENSES PROHIBITING CAREER AS A CINCINNATI POLICE OFFICER

- A. According to the Ohio Revised Code (ORC) 2923.13, certain transgressions preclude a person from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance.

You cannot be a Police Officer in the state of Ohio, if you are:

- (1) A fugitive from justice.
- (2) Under indictment for or have been convicted of any felony offense of violence or have been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.
- (3) Under indictment for, or have been convicted of, any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse, or have been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.
- (4) Drug dependent, in danger of drug dependence, or a chronic alcoholic.
- (5) Under adjudication of mental incompetence, have been adjudicated as a mental defective, have been committed to a mental institution, have been found by a court to be a mentally ill person subject to hospitalization by court order, or are an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to hospitalization by court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

Any person who is prohibited from acquiring, having, carrying, or using firearms may apply to the court of common pleas in the county in which the person resides for relief from such prohibition. (ORC 2923.14)

OFFENSES PROHIBITING CAREER AS A CINCINNATI POLICE OFFICER (cont.)

B. According to Ohio Administrative Regulations (Chapter 4501:2-10), no person shall attend the basic course if any of the following apply.

- (1) The person is subject to a weapons disability pursuant to section 2923.13 of the Revised Code;
- (2) The person is under indictment, has pleaded guilty to or been convicted of a felony;
- (3) The person is currently registering as a sex offender, child-victim offender, or arson offender;
- (4) The person is under indictment or otherwise charged with an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 of the Revised Code.
- (5) Except as otherwise provided in paragraphs (C)(1), (C)(2), or (C)(3) of this section, the person, within three years of applying to attend the basic course, has been convicted of or pleaded guilty to an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; or has been convicted of or pleaded guilty to a misdemeanor offense of violence;
- (6) Except as otherwise provided in paragraphs (C)(1), (C)(2), or (C)(3) of this section, the person, within three years of applying to attend the basic course, has been convicted of or pleaded guilty to an offense under Chapter 2913. of the Revised Code or a municipal ordinance that is substantially similar to an offense under Chapter 2913. of the Revised Code.

C. According to Ohio Administrative Regulations (Chapter 4501:2-10), certain offenses preclude a person from being a Terminal Operator through the Regional Crime Information Center (RCIC/Law Enforcement Automated Data System (LEADS)).

Therefore, you cannot be a Police Officer for the City of Cincinnati if you have committed any offense:

- (1) Classified by the Ohio Revised Code as a misdemeanor of the first degree;
- (2) Which involves a crime against a person in which physical harm or the threat of physical harm occurred;
- (3) Involving the use/misuse of a computer or computer system;
- (4) Involving theft, identity theft, fraud, or other similar offense;
- (5) Involving the impersonation of a law enforcement officer;
- (6) Where the use of LEADS information was instrumental in the commission of the offense.

An appeal process is available anytime there is denial of access to work on/within RCIC/LEADS.

DISQUALIFYING CRITERIA

II. OFFENSES

Any person who has been convicted in a court of competent jurisdiction, or admits to committing or attempting to commit, any of the criminal offenses listed below, may be disqualified (unless otherwise noted).

- A. Felonies:** Any person who has been convicted in a court of competent jurisdiction of committing a felony, admits to committing, or attempting to commit a felony, regardless of degree, shall be disqualified.
- B. Misdemeanors:** Any person who has been convicted in a court of competent jurisdiction of committing a misdemeanor, admits to committing, or attempting to commit a misdemeanor, within five years of the date of the job posting may be disqualified.
- C. Drugs (excluding marijuana):** Any person who has been convicted in a court of competent jurisdiction of, or admits to, the usage, possession and/or sale of narcotics, dangerous drugs and hallucinogens or any other controlled substance which the Civil Service Commission determines to relate to job performance or an attempt, conspiracy or solicitation to commit such a criminal act, may be disqualified. Usage of any prohibited or controlled substance during the selection process shall be grounds for disqualification.
- D. Marijuana:** Any person who has been convicted in a court of competent jurisdiction of, or admits to, the sale of marijuana, or an attempt, conspiracy or solicitation to commit such a criminal act, may be disqualified.

Any use of marijuana within one year prior to the job posting may be grounds for disqualification.

Candidates who use or possess marijuana during the selection process shall be disqualified.

- E. Sex Offenses and Bodily Harm:** Any person who has been convicted in a court of competent jurisdiction of, or admits to committing or attempting to commit a sex offense as defined in Chapter 2907 of the Ohio Revised Code, or an offense causing or threatening bodily harm as defined in Chapter 2903 and Chapter 2919 of the Ohio Revised Code, or an attempt, conspiracy or solicitation, to commit such a criminal act may be disqualified.

- F. Guns, Concealed Weapons and Dangerous Ordinance:** Any person who has been convicted in a court of competent jurisdiction of, or admits to, violating any gun control ordinance, carrying any concealed weapon (without a proper permit), or possession of any dangerous ordinance may be disqualified.

Any attempt to violate any law, statute, or regulation to the above may be grounds for disqualification.

- G. Automobile:** Any person who has been convicted in a court of competent jurisdiction of the following offenses, within five years of the date of the job posting, may be disqualified: (1) Revocation or suspension of driving privileges on two or more occasions, (2) vehicular homicide, (3) driving under the influence, (4) leaving the scene of an accident, or (5) reckless driving.

Any person currently under suspension or revocation of driving privileges may be disqualified.

Any person with six or more points on his/her current driving record may be disqualified.

SELECTION/DISQUALIFICATION CRITERIA FOR POLICE RECRUIT

No person shall be appointed to the Cincinnati Police Department or Academy without a valid Ohio Driver's License.

III. EMPLOYMENT-RELATED CONDUCT

The offenses listed below are employment related criteria for which candidates may be disqualified. Any person who admits to committing or attempting to commit any of the offenses listed may be disqualified as though they had been convicted.

- A.** Any person who, within five years of the date of the job posting, has been terminated or resigned in lieu of termination from previous employment for insubordination, serious job misconduct, unexcused or excessive absenteeism or tardiness, or neglect of duty may be disqualified.

Any person who has been suspended or received written reprimands on two or more occasions for insubordination, serious job misconduct, unexcused or excessive absenteeism or tardiness, or neglect of duty within five years of the job posting may be disqualified.

- B.** Theft of cash, goods, credit or services from an employer may be cause for disqualification.

IV. MISCELLANEOUS DISQUALIFYING CONDUCT

- A.** Any person who, within five years of the date of the job posting, has failed to obey or honor any judgments entered by a court of record, including, but not limited to, alimony support payments, or have failed to pay any fine imposed by a court of record, may be disqualified.
- B.** Any person who, within five years of the date of the job posting, has failed on two or more occasions to honor an order to appear in court (i.e.: capiases or subpoena) may be disqualified.
- C.** Any person who has been discharged from the United States military service under other than honorable conditions for reasons that are job related may be disqualified.
- D.** Any person who has made any intentional false alarm or a false report to any police or fire agency may be disqualified.
- E.** Any person who was once or is currently a member of any organization that advocates or has advocated crime or the violent overthrow of the United States government shall be disqualified.
- F.** Any person who has paid or accepted a bribe or favor to cover or hide any criminal offense, acted in any manner to prevent discovery and/or apprehension of any criminal by any duly constituted law enforcement agency, or was involved in any plan or attempt to accomplish any of the above, shall be disqualified.
- G.** Any person who has made false statements regarding any material matter during the selection process, has intentionally omitted any requested material information on the questionnaire, has cheated during any portion of the selection process, or who has failed to supply required paperwork in a timely manner may be disqualified.

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- H.** Any person with highly conspicuous or unacceptable tattoos, branding, and/or intentional scarring, as determined by the Police Chief, may be disqualified, in accordance with Police Department policy.

Unacceptable, as defined by the Police Chief or their designee, includes:

1. Racially oriented
2. Sexually explicit
3. Otherwise offensive to the public

POLICE RECRUIT DISQUALIFICATION AND APPEAL PROCESS:

1. At the conclusion of the physical agility testing, the Police Department's Recruitment and Background Squad will review all passing candidates' Personal History Questionnaire (PHQ) to determine which candidates will need to be disqualified from the process.
2. The Recruitment and Background Squad will separate candidate violations into two categories, *shall be* disqualified and *may be* disqualified, based on the violation(s).
3. When the eligible list is approved, within two working days, the Police Department will send disqualification notices to all candidates on the eligible list who have PHQ violations. In addition, Police Human Resources personnel will inactivate the disqualified candidates on the eligible list and place the reason for doing so in the comments section.
4. Once candidates have been sent disqualification notices, the Human Resources department will refer the top 25% of the eligible list, in addition to the number of vacancies, to Police MINUS the number of candidates from the top 25% of the list who have been sent disqualification notices.
5. Candidates who have been disqualified from the list will have 14 days per the Civil Service Rules to submit an appeal request.
6. Candidates who appeal for "may be" disqualifications will be afforded the opportunity to participate in the pre-appeal process. Candidates who appeal for "shall be" disqualifications will not participate in the pre-appeal process and will be scheduled to appeal before the Commission. The Police Department will schedule and conduct the pre-appeal conference calls approximately 18 days after initial disqualification notices have been sent.
7. At the conclusion of pre-appeal conference call, all candidates that are placed back in the process will be reactivated on the eligible list, and the reason for reactivation will be placed in the comments (ex. Candidate placed back in process after pre-appeal phone conference).
8. All candidates with "shall be" disqualifications and candidates with "may be" violations who are not placed back in the process after the pre-appeal process will be directed to appeal before the Commission at the special meeting, scheduled for approximately three weeks after the eligible list has been approved. There will be a docket designated for the special meeting, and all items will be placed on that docket.
9. At the conclusion of the Special Commission Meeting, all candidates that are placed back in the process will be reactivated on the eligible list, and the reason for reactivation will be placed in the comments (ex. Civil Service Commission approved candidates appeal). All candidates that were not placed back in the process at either the pre-appeal or the Special Commission Meeting will remain inactivated on the Eligible list and details will be added into the comments (ex. Candidates appeal denied by Civil Service Commission).

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10. Following the reactivation of candidates on the list, the Human Resources department will refer over the remainder of the top 25%
11. The Police Department will conduct interviews and polygraph examinations only on candidates who have been certified by the Human Resources Department.