

CRIMINAL HISTORY

A criminal history background check of local, state, and national criminal history files shall be conducted to determine if the applicant has a criminal record. An applicant with a criminal history as outlined below may be denied entrance into a peace officer or dispatcher training program.

FELONY CONVICTION

Applicants who are convicted of a felony in this or any other state are not eligible for peace officer or dispatcher training. Felony convictions which have been expunged shall be considered as part of the background check and may be cause for denial of training or certification.

DISMISSED FROM ARMED SERVICES UNDER DISHONORABLE CONDITIONS

Applicants who have been dismissed from the armed services under dishonorable conditions are not eligible for peace officer or dispatcher training.

RESTRICTED PERSON AS DEFINED BY STATE AND/OR FEDERAL LAW

Applicants who are restricted from possession of a firearm under state or federal law are not eligible for law enforcement officer (LEO) training or certification.

STATE OR FEDERAL CRIMINAL OFFENSES

Applicants who have been convicted of, or involved in conduct which is a state or federal criminal offense may not be allowed to make application to attend a basic peace officer or dispatcher training program or receive POST certification for a period of time consistent with the current POST disciplinary guidelines for the specific crime involved.

The waiting period shall run from the date of the involvement unless the applicant is still under court supervision (i.e. probation) for the violation in which case the applicant will not be allowed to make application until the probation has been successfully completed and/or the applicant is no longer under court supervision.

Waiting periods shall run consecutively for applicants who have been convicted of, or involved in multiple violations.

1. Four Year Waiting Period

Engages in conduct which is a state or federal criminal offense that is a felony, but where the applicant was not convicted of a felony. Engages in conduct which is a class A misdemeanor and which involves an act of violence. Engages in conduct which is a class A misdemeanor and which involves the possession or use of a controlled substance.

2. Three Year Waiting Period

Engages in conduct which is a state or federal criminal offense that is a class A misdemeanor.

3. Two Year Waiting Period

Falsifies any information to obtain certification. Engages in conduct which is a Class B misdemeanor and which involves an act of violence. Engages in conduct which is a Class B misdemeanor and which involves the possession or use of a controlled substance.

4. One Year Waiting Period

Engages in any conduct which is a state or federal criminal offense that is a class B misdemeanor and involves sexual acts, harassment, theft, crimes of dishonesty, the use of alcohol or the misuse of prescription drugs.

5. Six Month Waiting Period

Engages in conduct which is a state or federal criminal offense that is a class B misdemeanor, but does not involve violence, sexual acts, harassment, theft, crimes of dishonesty, the use of alcohol or the misuse of prescription drugs.

6. Three Month Waiting Period

Engages in conduct which is a state or federal criminal offense that is a class C misdemeanor or infraction, but not including a traffic offense that is a class C misdemeanor or infraction.

CRIMES INVOLVING DOMESTIC VIOLENCE

Applicants who have been convicted of Domestic Violence are not eligible for peace officer or dispatcher training unless the conviction has been expunged or set aside.

MISUSE OF PRESCRIPTION DRUGS

Misuse of a prescription drug includes, but is not limited to, taking a prescription drug that has not been legally prescribed to you personally, taking a prescription drug in a manner inconsistent with the prescription or labeling information or providing a prescription drug to another person knowing that the drug has not been legally prescribed to that individual.

Applicants who have been involved in the misuse of prescription drugs shall not be allowed to make application to attend a basic peace officer or dispatcher training program or receive POST certification for a period of time consistent with the current POST disciplinary guidelines for the specific crime involved.

Some variance to this policy may be granted based on mitigating circumstances of a specific case.

The following factors could be considered for reducing or eliminating the waiting period for this violation:

- The prescription drug was used for a legitimate injury or acute medical illness prior to being able to receive a physician's diagnosis.
- Extenuating circumstances existed which made it impractical to see a

- physician within a reasonable time.
- The use of the prescription drug was limited to a few doses over a short period of time. The time period must be limited so as to preclude the reasonable opportunity to seek a physician's care.

Any of the following factors could preclude the granting of any variance from the policy thus requiring the standard waiting periods to apply:

- The prescription drug was taken for any recreational or experimental purpose.
- The prescription drug was taken to enhance performance, maintain alertness or for any similar non-injury or non-illness related purpose.
- The prescription drug was used for any purpose other than its intended medical purpose.
- The prescription drug use was on-going or intermittent to such an extent that there would have been reasonable opportunity to seek a physician's care.
- The applicant has had previous training or experience, including training or experience as a peace officer, which would make it reasonable to assume the applicant had knowledge or understanding of the criminal nature or seriousness of this violation.
- The use of the prescription drug was part of a pattern of substance abuse.
- No variance will be granted when an illicit or schedule one drug has been used.

When considering the approval of a variance under this policy POST may utilize the following guideline:

		Waiting Period		
		Substance Schedule 2	Substance Schedule 3, 4, 5	Substance Unscheduled
Circumstance of Use	Recreational, Experimental or Performance Enhancement (4 incidents within 4 years)	4 Years	2 Years	1 Year
	Recreational, Experimental or Performance Enhancement (one time use within 4 years)	2 Years	Six Months	Warning
	Inappropriate Medical Use (1-4 incidents within 2 years)	3 Years	18 Months	Six Months
	Emergency Medical Use (5 or fewer incidents)	Warning	Warning	Warning

Chart Details:

- Recreational or Experimental means the prescription drug was not used for any legitimate medical purpose such as injury or acute illness.
- Performance Enhancement means the prescription drug(s) was:
 - used to aid in or improve performance in some physical endeavor, or activity, or
 - was used to facilitate focus, concentration or some other mental ability, or

- *was used to combat drowsiness or maintain alertness, or*
- *was used with an intent to accomplish anything similar to the above.*
- **Incident means:**
 - *ingestion of a single dose of a prescription drug generally consistent with the typical prescribed dosage of the drug, or*
 - *ingestion of any amount of the drug less than the typical prescribed dosage, or*
 - *ingestion of any amount of the drug greater than the typical dosage would be considered inappropriate medical use of the drug.*
- **Inappropriate Medical Use** *means the prescription drug was used for what the applicant perceived to be a legitimate medical need, however its use was not consistent with purpose for which it is normally prescribed, or it was consumed in a manner inconsistent with the prescription or labeling instructions.*
- **Emergency Medical Use** *means a prescription drug was used for what the applicant perceived to be a legitimate medical purpose five or fewer times.*
- **Substance Schedule** *means a prescription drug or substance included in Schedules I, II, III, IV, or V of Section 58-37-4 or the Federal Controlled Substance Act.*
- **Waiting Period** *means the time that must expire from the date of last use of the prescription drug until the applicant is eligible to attend peace officer or dispatcher training or until the applicant is eligible for certification.*

ALCOHOL OR DRUG ABUSE

Any activity(s) involving the abuse of alcohol or drugs may be considered in determining if an applicant will be allowed to attend a basic peace officer or dispatcher training program or receive POST certification.

WILLFUL DISREGARD FOR LAWFUL BEHAVIOR

Applicants convicted of, or involved in minor crimes not identified in this policy, including traffic when willful disregard for lawful behavior is evidenced by repetitiveness of conduct or other aggravating factors, shall not be allowed to make application to attend a basic peace officer or dispatcher training session or receive POST certification prior to one year from the latest conviction or involvement. In cases where arrest warrants are issued, the one-year waiting period will begin at the time of the warrant service.

FALSIFICATION OF APPLICATION

If a person is found to have falsified any information to gain admittance into a basic training program, a two-year waiting period will be applied from the date POST becomes aware of the falsification.

If the information falsified is covered by other sections of this policy, (i.e., drug use, crime of violence, crime of dishonesty, unlawful sexual conduct) and a

specific waiting period is required, POST will require the person to wait the longer of the two periods. Waiting periods will not be combined to run consecutively.

Example: If a person puts on the application that they have not used cocaine within the past four years, and POST discovers they used cocaine two years ago, they will have to wait another two years because the policy requires a wait of four years for cocaine. The policy requiring a two-year wait for falsifying the application will not be applied.

If an individual completes the training program and prior to taking the final certification exam, POST becomes aware of a falsification, the individual will not be allowed to take the certification exam. In this instance the individual will not be eligible for further peace officer or dispatcher training or certification until the two-year waiting period has been met. If an individual becomes certifiable and then is subsequently discovered to have falsified information to obtain certified status, that peace officer or dispatcher will be subject to suspension of their POST certification.

See also POST Policy 8050 "Applicants to POST with Criminal Backgrounds"