

**FORT MYERS POLICE DEPARTMENT
GENERAL ORDER 3.4**

TITLE: Personnel Selection Process

INDEXING: Personnel Selection Process, Hiring Standards, Qualification Standards, Re-Hiring Standards, Fit Force Law Enforcement Physical Fitness Norms, Tattoo Regulations

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PURPOSE

The purpose of this general order is to outline the requirements for hire as an employee of the Fort Myers Police Department, and the process to be followed in determining those persons fit for employment by this agency.

SCOPE

These procedures shall apply to all Fort Myers Police Department personnel.

POLICY

It is the policy of the Fort Myers Police Department to hire only the most qualified individuals for any vacant position within the department. The police department will follow the standards set out in [Florida State Statute 943.13](#) for the hiring of police officers. The Fort Myers Police Department will afford equal opportunity to every applicant regardless of race, creed, color, religion, sex, national origin, age, or physical impairment.

SECTION I: QUALIFICATIONS

Applicants for all positions must possess the minimum qualifications as defined by the appropriate job description. Job descriptions are written by the City of Fort Myers Human Resources Department in conjunction with police department staff.

SECTION II: SELECTION PROCESS

(refer to the applicable Notification of Selection Elements document)

- A. Selection Process: All elements and activities of the selection process for full-time and part-time positions are job related. All elements of the process are described in the applicable "Notification of Selection Elements" document that is provided to each candidate, in writing, at the time of PHQ issuance. **(C.A.L.E.A. 31.4.1, 31.4.2, 31.4.4, 31.4.7)**

All elements of the selection process shall be administered, evaluated, interpreted, and scored in a uniform manner within the job classification and maintained within the NeoGov system. **(C.A.L.E.A. 31.4.3)**

- B. Applying for a Vacant Position: Each prospective employee must submit an online application via the City of Fort Myers Human Resources website.
- C. Background Investigations: Background investigations will be conducted on candidates selected. Personnel used to conduct background investigations are trained in the collection of required information.
- D. Fingerprints: Properly executed electronic fingerprints shall be obtained from all applicants for the purpose of obtaining a fingerprint-based record check. Fingerprints will be kept on file with the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI) for the duration of employment. Fingerprints will be automatically enrolled in the National Rap Back Service, which will provide the agency with notification on triggering events including; criminal arrests, want additions/deletions, sexual offender registry additions/deletions and death notices. A signed Applicant/Contractor/Vendor Notification and Acknowledgement form will be signed by applicants prior to be fingerprinted. Signed acknowledgement forms will be retained in the applicant's background investigation file. Retained fingerprints will be validated on a yearly basis to ensure that fingerprints have been removed for separated members.
<https://powerdms.com/link/FMPOLICE/document/?id=2846148>
- E. Polygraphs and Psychological Examinations: Polygraph examinations are administered and evaluated by personnel certified in these procedures. Psychological fitness examinations are conducted and assessed by qualified professionals. **(C.A.L.E.A. 31.5.4, 31.5.7)**

Polygraphs and psychological examinations are administered to applicants in accordance with the applicable job description. The record of these examinations shall be maintained in a separate file apart from other records and shall be maintained in accordance with state law. Candidates must score an "A", "B", or "C" or a rating of 3.74 or lower (depending on which examination is administered) on the psychological examination in order to be considered for a position.

- F. Ineligible Candidates: All candidates deemed to be ineligible for selection by the police department for the failure of any portion of the process shall be informed in writing of the failure and their subsequent removal from the process. **(C.A.L.E.A. 31.4.5)**
- G. Retention and Disposition of Records: The retention of background information, medical, and psychological fitness examinations and the disposition of records of candidates not selected for a position shall be in maintained accordance with Florida Department of State General Records Schedules, GS1-SL and S2. Those records meeting the criteria for disposal shall be properly disposed to prevent disclosure of the information therein. **(C.A.L.E.A. 31.4.6)**
- H. Storage of Records: Selection materials shall be stored in a secured file cabinet. Files of candidates currently in the process shall not be left unattended, unless secured in a locked office. **(C.A.L.E.A. 31.4.6)**

SECTION III: REJECTION OF APPLICANTS FOR DRUG USE

NOTE: For this section, "used" is defined as trying, testing, experimenting, tasting, smoking, injecting, sniffing, or inhaling.

- A. REJECTION OF APPLICANTS FOR DRUG USE: Applicants shall be disqualified from the selection process for the unlawful use or possession of any drug at any time of employment

while employed with a law enforcement agency, in a prosecutorial position, and/or employed in any position similar to that defined by the City of Fort Myers as a mandatory-testing position.

- B. **Marijuana/Steroid Use**: Applicants with unlawful use or possession of marijuana, or anabolic steroids or their derivatives within the past one (1) year from date of application will be disqualified.
- C. Used, tried, tasted, experimented with, or possessed any other illegal controlled substance classified as a Schedule I substance, or Schedule II substance as enumerated in Florida Statute 893.03. Limited, experimental use of such substances in excess of five (5) years ago may be accepted at the sole discretion of the Chief of Police.
- D. **Felony Drug Use**: Applicants with unlawful use, drug sale/delivery, or possession at any time, will be disqualified for the following:
 - 1. Heroin
 - 2. Crack Cocaine
 - 3. Methamphetamine
 - 4. ***Fentanyl***
 - 5. Phencyclidine (PCP)
 - 6. Lysergic acid diethylamide (LSD)
 - 7. Opium, or its derivatives/synthetics
 - 8. Fraudulent use of prescriptions to obtain narcotics
 - 9. Used or possessed Bath Salts (after January 26, 2011) or Synthetic Cannabinoids i.e., Incense/Spice/K2 or any of its analogs (after July 1, 2011)
- E. ***Any sale, distribution, possession with intent to distribute any illegal substance to include prescription medication and/or conspiracy to commit any of the aforementioned will deem the candidate ineligible for hire.***
- F. ***Illegal drug crimes committed as a juvenile “may” be reviewed by the Chief of Police on a case-by-case basis.***
- G. No issue of refusing to submit to any legal request for employee drug or alcohol testing at any time, such as “for cause/reasonable suspicion” testing, random testing, or applicant testing.

SECTION IV: REJECTION OF APPLICANTS FOR DRIVING HISTORY

- A. **Operating City Vehicles**: All positions that require the operation of a city vehicle will include the requirement in the appropriate job description. In accordance with the City of Fort Myers Safety Program, drivers of City of Fort Myers vehicles shall possess a valid Florida Driver’s License.
- B. **REJECTION OF APPLICANTS FOR DRIVING HISTORY**: Candidates meeting any of the following criteria are not eligible to drive a city vehicle (see City of Fort Myers Safety Program) and will be deemed as unfit for any position that requires the operation of a city vehicle. A withhold of adjudication for a non-criminal traffic ticket does not count as a conviction under this policy.
 - 1. Driver’s license currently suspended, revoked, expired, invalid, or surrendered.
 - 2. One or more convictions for driving while intoxicated or under the influence of alcohol or drugs within the past 36 months from conviction date.

3. One or more convictions for major violations within the past 36 months from conviction date. Major violations include but are not limited to: Speeding more than 25 miles per hour over the speed limit, reckless driving, use of a motor vehicle in a felony, leaving the scene of an accident, failure to report an accident, drag racing or participating in a speed contest, fleeing or eluding a police officer, possession of a stolen vehicle, providing false information to obtain a driver's license, and allowing an unlicensed individual to operate a motor vehicle.
4. Three (3) or more convictions for minor violations within the past 36 months from conviction date. Minor violations include but are not limited to: Speeding up to 25 miles per hour over the speed limit, disobeying a traffic control device, following too closely, failure to yield the right of way, improper lane change, improper passing, and improper turning.
5. Four (4) or more incidents within the past 36 months. An incident is defined as: A conviction for a minor violation, and/or a motor vehicle accident.
6. One or more at-fault accidents resulting in a fatality or an injury within the past 36 months from date of accident.

SECTION V: PHYSICAL AGILITY ASSESSMENT (C.A.L.E.A 32.1.2)

All police officer candidates shall be required to take a job-related, non-discriminatory physical agility assessment consisting of the following tests:

Minimum requirements to successfully pass each test

- a. Sit-ups in a minute or less, minimum twenty-eight (28)
- b. Push-ups in a minute, minimum twenty-two (22)
- c. 300-meter run within seventy (70) seconds or less
- d. 1.5 mile run within 16 minutes and 14 seconds (16:14) or less

SECTION VI: TATTOO REGULATIONS

Tattoo regulations for candidates:

1. Tattoos on the face are prohibited. Visible tattoos located on the neck, head, or hands must be able to be covered up.
2. Visible tattoos shall not be obscene, indecent, sexually explicit, or advocate or symbolize sex, gender, racial, religious, ethnic, or national origin discrimination.
3. Tattoos on any area of the body that are likely to associate the candidate with, or be interpreted as associating the candidate with, or be interpreted as the candidate advocating, any racist, sexist, extremist, gang, criminal, or drug activity or affiliation are strictly prohibited.
4. The Chief of Police shall be the final determining authority whether body ornamentation or tattoo is considered in violation of this policy.

SECTION VII: REJECTION OF APPLICANTS FOR OTHER REASONS

- A. **REJECTION OF APPLICANTS FOR OTHER REASONS:** Applicants will be disqualified if they have been found guilty of, or have pled guilty or nolo contendere to, any of the following classes of offenses, regardless as to whether sentence was suspended, or adjudication was withheld:
1. Any felony involving perjury or false statement. Any person who, after July 1, 1981, pleads guilty or nolo contendere to, or is found guilty of a felony, or of a misdemeanor involving perjury or a false statement, shall not be eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication.
 2. Not have been convicted of any misdemeanor or felony, or any crime against the United States designated as a misdemeanor or felony, or any offense against any other state, territory, or country which would be a misdemeanor or felony if committed in this state at time of application, when such misdemeanor or felony involves:
 - a. Domestic violence, including abuse or neglect of children, aged, or incompetent persons.
 - b. Perjury or falsification, including the making of false reports of crimes or falsification of official documents.
 - c. Sexual offenses, including indecent exposure and prostitution.
 - d. Any offense involving violations of the civil rights of any person under the Constitution or laws of the United States or any state.
 3. Applicants may be disqualified, based on the underlying facts and circumstances, and the seriousness of the acts committed when:
 - a. An applicant has been found guilty of, or has pled guilty or nolo contendere to, any misdemeanor other than those deemed to require automatic disqualification, regardless as to whether sentence was suspended, or adjudication was withheld.
 - b. It is determined that an applicant has engaged in any conduct, which would constitute a felony or misdemeanor in this state at the time of commission, whether or not the conduct resulted in the arrest of the candidate or the filing of criminal charges.
 - c. It is determined that an applicant has:
 1. Exhibited anti-social behavior.
 2. A history of poor performance while in the military service.
 3. Exhibited some other conduct that is questionable in nature.
 - d. If the applicant meets the following conditions: disproportionate amounts of indebtedness; excessive bankruptcies; severely damaged credit due to negligence, or credit that would cause concern to the agency.
 - e. Employment History: The applicant may be disqualified, if he or she meets the following criteria:

1. Forced to resign or terminated from employment two or more times
 2. Forced to resign or terminated from any law enforcement agency within the last five years, not overturned on appeal
 3. A pattern of "job-hopping" or instability
4. Arrests by themselves may not be disqualifying. However, the circumstances will be investigated and evaluated. Applicants for police officer must disclose all prior arrests or other involvement with the criminal justice system, whether as an arrested person, a criminal defendant, a victim, or a witness for the prosecution or defense; regardless of whether their records have been sealed, expunged, or otherwise closed to public inspection.
 5. Failure to successfully complete any portion of the personnel selection process is considered grounds for disqualification from the process.
 6. Applicants removed from the process may be eligible for re-application after 90 days if the grounds for removal allow for re-application. Based upon the circumstances of the applicant's removal, an applicant may be permanently barred from re-applying by the Administrative Deputy Chief.

SECTION VIII: REHIRING STANDARDS/APPLICANT POOL

Members of the department who have resigned, retired, or otherwise separated under favorable working conditions (i.e., not under investigation at time of separation) may be eligible for re-hire if their employment record indicates that they are eligible for re-hire. The following conditions shall also apply:

- A. **SIX MONTHS OR LESS SEPARATION:** Members having a separation of six months or less:
 1. Meet all hiring requirements as outlined in this general order, the appropriate job description, and in accordance with the Applicant's Notification of Selection Elements document.
 2. Complete a background packet that updates their activity since separation.
 3. Members need not complete a psychological examination if one is on file with the department, and no unfavorable information was generated during the re-hiring process.
 4. Members need not complete a fitness exam if one is on file with the department.
 5. Polygraph Exam: The polygraph exam will be re-administered. Results from the retest as well as the results from the original exam will be reviewed by command staff for a recommendation.

- B. **SIX MONTHS OR MORE OF SEPARATION:** Members having a separation of more than six months:
 1. Meet all hiring requirements as outlined in this general order, the appropriate job description, and in accordance with the Applicant's Notification of Selection Elements document.
 2. Psychological Exam: The doctor who administered the original psychological exam, if available, will conduct a review of the results. The doctor will make a recommendation as to whether or not the candidate will need to be retested. Command staff will review the recommendation.

3. A fitness exam will be re-administered. The exam results will remain active for one year.
4. Polygraph Exam: The polygraph exam will be re-administered. Results from the retest as well as the results from the original exam will be reviewed by command staff for a recommendation.

C. LOSS OF PROMOTIONAL STATUS: For other than military call-out, employees re-hired under this standard operating procedure shall be considered probationary employees with no tenure. Employees who had rank (i.e. Sergeant) at the time of their separation, shall lose said rank and be required to meet the Fort Myers Police Department's standards for promotions.

[Florida State Statute 943.13](https://powerdms.com/link/FMPOLICE/document/?id=2846148)
<https://powerdms.com/link/FMPOLICE/document/?id=2846148>

Notification of Selection Elements for LEO
Notification of Selection Elements for Telecommunications Operator/Community Service Aide
Notification of Selection Elements for Non-Sworn Personnel

APPROVED:

[Electronic Signature on File]

11/16/2023

Jason Fields, Chief of Police
Fort Myers Police Department

Date