

**KDWPT Law Enforcement  
Division  
Natural Resource Officer  
Disqualification Information**

The information below is provided for use in determining eligibility for Natural Resource Officer positions in the Law Enforcement Division of Kansas Wildlife, Parks, & Tourism. Because these positions require certification as a Law Enforcement Officer in the State of Kansas, present and past personal behavior can, and does, have an impact on employment eligibility. This information is offered for individuals to reference in determining if there are, or have been personal behaviors that may prevent a potential candidate from being eligible for employment with the Law Enforcement Division of Kansas Wildlife, Parks, & Tourism.

If there are specific questions regarding candidate eligibility, contact Captain Eric Deneault at 785-273-6740, or at [Eric.deneault@ks.gov](mailto:Eric.deneault@ks.gov) or Major Dan Heskett at 620-672-0758, or at [Dan.hesket@ks.gov](mailto:Dan.hesket@ks.gov)

When considering timelines for past behavior, use the date of the application for testing as the point of reference.

#### LEGAL/CRIMINAL – AUTOMATIC DISQUALIFIER

- **NO LEGAL IMPEDIMENTS:** To be eligible for both application and appointment to a position in the Law Enforcement Division of the Kansas Wildlife, Parks and Tourism; an individual shall not have any legal impediments to their ability to perform the essential job functions for the position of Game Warden.

Please be advised that legal matters involving criminal activity as a minor/juvenile do not necessarily clear from your record when you become an adult. Further, some convictions, whether as a minor or as an adult, will preclude you from being certified by the Kansas Commission on Peace Officers' Standards and Training, and may impact your ability to legally carry a weapon.

1. Any individual who is currently subject to any court order(s) as a result of any criminal conviction, plea, deferred sentence/judgment or deferred prosecution will be disqualified.
2. Any individual who is currently incarcerated, on work release, probation or parole for any misdemeanor or felony offense will be disqualified.

#### LEGAL/CRIMINAL – LIFETIME DISQUALIFICATIONS

- **FELONY CONVICTIONS:** Any Adult (age 18 and above), or Juvenile charged as an adult, who has been convicted of, plead guilty or no contest to, or received a deferred judgment/sentence (on or after July 1, 1995) for a felony or its equivalent under the uniform code of military justice will be disqualified.
  - In a juvenile court proceeding, any individual who has been convicted of (been adjudicated for), pled guilty or no contest to, and/or received a deferred judgment for an offense that would be classified as a felony if committed by an adult will be disqualified.
- **MISDEMEANOR CONVICTIONS:** Any Adult (age 18 and above) who has ever committed, been convicted of (been adjudicated for), plead guilty or no contest to, or received a deferred judgment/sentence for any of the following misdemeanor offenses will be disqualified:
  - An offense involving domestic violence (if committed on or after May 22,1997)
  - Assault, menacing, stalking or harassment
  - Sexual assault, unlawful sexual contact, or an offense that would require registration as a sex offender under Kansas law.
  - An offense of child abuse or child neglect (resulting in any injury) to the child or to the child's health.
  - Cruelty to animals.
  - Impersonating a peace officer, firefighter, or public servant.
  - Obstruction of government operations.
  - Obstruction of a peace officer, firefighter, emergency medical service provider, rescue specialist, or like volunteer.
  - Multiple charges or convictions of eluding or attempting to elude a police officer
  - False reporting to fire, emergency, or law enforcement authorities.

- Any unauthorized release of official records.
- Perjury
- Fraud or forgery
- Theft
- An offense involving the illegal use or possession of a firearm or an edged weapon (other than hunting and fishing violations).
- Failure to register as a sex offender
- Prostitution
- Soliciting for prostitution
- Pandering
- Indecent exposure
- Resisting arrest
- Failure to obey a jury summons
- Any bias-motivated crime

#### **LEGAL/CRIMINAL – 10 YEAR AND 5 YEAR DISQUALIFICATIONS**

- **CERTAIN MISDEMEANOR OFFENSES – DURING THE PAST 10 YEARS:** An individual who has committed, been convicted of (been adjudicated for), plead guilty or no contest to, or received a deferred judgment/sentence for the following misdemeanor offenses during the past 120 months (10 years) will be disqualified.
  - Involving any other unlawful sexual behavior not indicated above, or
  - Based on child abuse or child neglect that did not involve an injury to the child or to the child's health.
- **MORE THAN ONE (2) MISDEMEANOR – DURING THE PAST 5 YEARS:** An individual who has committed, been convicted of, plead guilty or no contest to, or received a deferred judgment/sentence for more than 2 misdemeanor offenses (non-traffic) within the past 60 months (5 years) will be disqualified.

#### **MISDEMEANORS AFFECTING PEACE OFFICER CERTIFICATION**

- **Lifetime Disqualification for Certain Misdemeanor Offenses:** All applicants for a Game Warden position must be eligible for Kansas Commission on Peace Officer Standards and Training certification. Certain misdemeanor convictions may result in the denial of Ks CPOST certification. Further, an applicant shall have no conviction of, plea of guilty or no contest to, or deferred judgment/sentence for any of those specified misdemeanor offenses for which the Kansas Commission on Peace Officer Standards and Training shall deny certification as provided under K.S.A. 74-5605 as it may be amended from time to time. This shall include any substantially similar misdemeanor offenses under any federal, state, or local law.

#### **NO FLY LIST**

- **NO FLY LIST MAINTAINED BY THE UNITED STATES GOVERNMENT'S TERRORIST SCREENING CENTER (TSC):** If the applicant is found or listed on the TSC's "no fly list", the applicant must be able to demonstrate that the listing is erroneous, or the applicant will be disqualified.

#### **GROOMING STANDARDS**

- **KANSAS WILDLIFE, PARKS & TOURISM POLICY E-3:** If the applicant has tattoo's that do not comply with the Secretary's Statement of Law Enforcement Policy and Procedures concerning the Personal Appearances and Grooming Standards, subsection (C) (3), the applicant will be disqualified. [see appendix for subsection (C) (3)].

## IMPORTANT LEGAL DEFINITIONS

**CONVICTIONS, PLEA OF GUILTY, DEFERRED JUDGMENT/SENTENCE:** Throughout this booklet, the phrase “conviction of, plea of guilty or no contest to, or deferred judgment/sentence for”, or any part thereof, applies to:

- a. Any adult criminal offense;
- b. Any juvenile offense when the juvenile was charged as an adult;
- c. Any juvenile offense adjudicated in a juvenile court when the offense would be classified as a felony or misdemeanor if committed by an adult.

**JUVENILE RECORD OR ADULT CRIMINAL RECORD:** If you are unsure of the formal legal status of any item in your juvenile record or your adult criminal record, you are urged to obtain a copy of your criminal history. If after reviewing your juvenile or criminal history you still have questions, you should obtain legal advice prior to submitting your application. Kansas Wildlife, Parks and Tourism staff cannot provide you with legal advice in these matters.

**SEALED OR EXPUNGED RECORDS:** Juvenile records are not automatically “expunged” and adult criminal records are not “sealed” without obtaining an “order of the court”. If a criminal record has been “sealed” or if a juvenile record has been “expunged”, by an “order of the court”, or if a criminal conviction has been “pardoned”, it may have an effect on how you answer certain questions in the application process.

## DRUGS

### ILLEGAL USE, PURCHASE, POSSESSION, DISTRIBUTION, SALE, OR MANUFACTURE – AUTOMATIC DISQUALIFIERS

#### DRUGS – LIFETIME DISQUALIFICATIONS

- **NO FELONY OR MISDEMEANOR OFFENSES INVOLVING SCHEDULE I DRUGS:** Any individual who has ever been convicted of, pled guilty or no contest to, or received a deferred judgment/sentence for any felony or misdemeanor offense involving or relating to any schedule I drug other than marijuana will be disqualified.
- **UNAUTHORIZED USE, POSSESSION, and MANUFACTURE OR DISTRIBUTION:** Any individual who has ever committed the unauthorized use, possession, manufacture or distribution of a schedule I drug other than marijuana will be disqualified.
  - **Schedule I Drugs**
    - Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse. Schedule I drugs are the most dangerous drugs of all the drug schedules with potentially severe psychological or physical dependence. Some examples of Schedule I drugs are:
    - heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote
    - For a listing of drug classification go to [www.justice.gov/dea/druginfo/ds.shtml](http://www.justice.gov/dea/druginfo/ds.shtml).
- **NO ILLEGAL DRUG USE WHILE IN PUBLIC SAFETY AND OTHER CRITICAL POSITIONS:** Any individual (on or off the job) who has ever illegally used, purchased, possessed, manufactured, or distributed any controlled substance, including marijuana, for any period of time while the individual was an employee or volunteer in any law enforcement, peace officer, armed public safety, correctional officer, military police, firefighter, or medical first responder position will be disqualified.
- **NO ILLEGAL DRUG DISTRIBUTION:** Any individual, who has ever provided, delivered, transferred, or transported any controlled substance to, or for another person, will be disqualified.
  - Illegal distribution of drugs includes being the “middleman”, “go between”, or “doing a favor for a friend” in a drug transaction by activity transferring the drugs from one person to another even if the person committing the act receives no benefit from the drug transaction.

- **MARIJUANA:** Any individual that sells or distributes marijuana in any form will be disqualified. Marijuana use within the past year is an automatic disqualification. Any individual that uses marijuana within the past three years will be disqualified; however, the individual may file a Request for Exemption from Disqualification. (See the Request for Exemption from Disqualification information on pages 9-10)
- **NO DISTRIBUTION OF SYNTHETIC MARIJUANA:** Since July 9, 2012; any individual who has ever provided, delivered, transferred, or transported any quantity of synthetic marijuana (e.g. Spice, K2) or Salvia Divinorum (e.g. Diviner's Sage or Seer's Sage) to or for another person will be disqualified.
- **NO ILLEGAL DRUG MANUFACTURING:** Any individual who has ever illegally manufactured, produced, prepared, processed, or grown any controlled substance including marijuana and products thereof will be disqualified.
- **NO ILLEGAL DRUG SALES:** Any individual who has ever illegally sold controlled substances including marijuana, synthetic marijuana, or Salvia Divinorum that involved any barter, exchanges, or transfer of money will be disqualified.

#### DRUGS – 3 YEAR DISQUALIFIERS

- **MARIJUANA, SYNTHETIC MARIJUANA, OR SALVIA DIVINORUM:** Any individual who has used, purchased, or possessed any marijuana, synthetic marijuana, or Salvia Divinorum within the last three years will be disqualified.
- **NO ILLEGAL USE OF SCHEDULE II-V PRESCRIPTION DRUGS NOT PRESCRIBED FOR YOU:** Any individual who has used someone else's schedule II-V prescription drugs within the past 36 months (3 years) will be required to explain the details and circumstances of such use and may be disqualified.

#### IMPORTANT DRUG RELATED DEFINITIONS

- **MARIJUANA** – Because marijuana is a Schedule I controlled substance under Federal law, any use, purchase, possession, distribution, sale or manufacture (including transportation for the purpose of distribution, sale or manufacture) of marijuana or its derivatives that would be regarded as illegal under the federal Controlled Substances Act, shall be regarded as "illegal" for purposes of application for a Natural Resource Officer (Game Warden) position regardless of any State legalization of marijuana use. Furthermore, marijuana use in a state where it has been legalized shall still constitute illegal use for the purposes of application for a Natural Resource Officer (Game Warden) position.
- **MEDICAL MARIJUANA** – Because marijuana has no recognized medical use under Federal Law, "medical marijuana" or products containing "medical marijuana" are considered as "illegal" for purposes of application for a Natural Resource Officer (Game Warden) position.
- **SYNTHETIC MARIJUANA and SALVIA DIVINORUM** – The Synthetic Drug Abuse Act of 2012 makes it unlawful as of July 9, 2012, to use or possess any amount of synthetic cannabinoid (e.g. Spice, K2) or Salvia Divinorum (e.g. Diviner's sage or Seer's Sage).
- **CONTROLLED SUBSTANCE** – Controlled substance refers to any Schedule I-V drug as listed by the Department of Justice, Drug Enforcement Agency.

#### ALCOHOL, TRAFFIC, AND DRIVING RELATED OFFENSES (AUTOMATIC DISQUALIFIERS)

- **ALCOHOL RELATED CRIMES** – An individual that has a conviction of alcohol related crimes within the past 3 years, or a history of repeated alcohol related crimes through the course of the applicant's history will be disqualified.
- **OPERATING A MOTOR VEHICLE WITHOUT INSURANCE WITHIN THE PAST 3 YEARS:** An individual who has been convicted of, pled guilty or no contest to, or received a deferred judgment/sentence for a traffic violation/infraction based on operating a motor vehicle without insurance within the past 36 months (3 years) will be disqualified.

- **DRIVER'S LICENSE SUSPENSION WITHIN THE PAST 3 YEARS:** Any individual who has had their driver's license suspended, based on moving traffic violations/infractions within the past 36 months (3 years) or does not hold an active driver's license will be disqualified.
- **DUI/BUI WITHIN THE PAST 3 YEARS:** An individual who has been committed, been convicted of, plead guilty or no contest to, or received a deferred judgment/sentence for Driving or Boating Under the Influence within the past 36 months (3 years) will be disqualified.
- **MORE THAN ONE DUI/BUI:** An individual who has been convicted of, plead guilty or no contest to, or received a deferred judgment/sentence for Driving or Boating under the influence 2 or more times will be disqualified.
- **MISDEMEANOR TRAFFIC VIOLATIONS WITHIN THE PAST 3 YEARS:** Any individual who has been convicted of, pled guilty or no contest to, or received a deferred judgment/sentence within the past 12 months (1 year) of application for testing for any misdemeanor traffic violations/ infractions will be disqualified. The applicant may submit a request for an Exemption from Automatic Disqualification for consideration for misdemeanor traffic violations within one year of application for testing. Follow the directions on pages 7-8 for submission of the request.
- **MISDEMEANOR TRAFFIC VIOLATIONS WITHIN THE PAST 5 YEARS:** Any individual who has been convicted of, pled guilty or no contest to, or received a deferred judgment/sentence within the past 60 months (5 years) for any of the following misdemeanor traffic violations will be disqualified.
  - Leaving the scene of an accident
  - Eluding or attempting to elude a police officer
  - Engaging in a speed contest
  - Reckless driving
  - Careless driving resulting in serious bodily injury or death

#### **OTHER DISQUALIFIERS**

- **RELEASE FROM ANOTHER LAW ENFORCEMENT AGENCY:** An individual who has been fired or released from another law enforcement agency for departmental policy violations will be disqualified.
- **REVOCATION OF LAW ENFORCEMENT CERTIFICATION:** An individual that has had their state or federal law enforcement certification revoked for misconduct, or other similar reason, will be disqualified.
- **RECORD OF MENTAL HEALTH:** An individual that has a mental health history which would deem the applicant as a risk for a law enforcement career (e.g. schizophrenia) will be disqualified. Disqualifiers would be confirmed with department psychologist or other qualified medical professionals.
- **STATE TAX CLEARANCE POLICY:** An individual must be in compliance with the State Tax Clearance policy administered by the Kansas Department of Revenue.
- **VIOLATION OF PUBLIC TRUST:** An individual that has demonstrated any violation of public trust, other than under honorable conditions while employed in law enforcement, the public sector, or any branch of the United States Armed Forces shall be disqualified.
- **ENGLISH LANGUAGE:** An individual that is unable to read and write proficiently in the English language will be disqualified.
- **USE OF DEADLY FORCE:** An individual that demonstrates a commitment against, or unable to use deadly force towards another person will be disqualified.
- **WORK SCHEDULES:** An individual that demonstrates an unwillingness to work weekends, holidays, or hours outside of an 8 a.m. to 5 p.m. time frame shall be disqualified.
- **UNITED STATES CODE 922(g)(8):** An individual who is under an order of protection that would disqualify the person from possessing a firearm under the provisions of United States Code, USC 922 (g)(8), would be disqualified.

## WILDLIFE VIOLATIONS

- **ANY WILDLIFE, FISHING, OR BOATING VIOLATIONS COMMITTED WITHIN ONE YEAR OF APPLICATION FOR TESTING:** The applicant may submit a request for an Exemption from Automatic Disqualification for consideration for wildlife, fishing, or boating violations committed within one year of application for testing. Follow the directions on pages 7-8 for submission of the request.
- **SUSPENSION OF HUNTING OR FISHING PRIVILEGES:** An individual that has a violation of any wildlife law which resulted in the suspension of hunting or fishing privileges and/or incarceration for such within a 10 year period will be disqualified.
- **PATTERNS OF WILDLIFE VIOLATIONS:** An individual that has demonstrated a continued pattern towards committing wildlife violations must be able to explain the situations in writing by filing for an exemption from disqualification and may be disqualified.

### FALSE OR MISLEADING INFORMATION CONTAINED WITHIN APPLICATION PROCESS

- **ANY EVIDENCE THAT THE INDIVIDUAL APPLYING FOR A NATURAL RESOURCE OFFICER (GAME WARDEN) POSITION HAS PROVIDED FALSE OR MISLEADING INFORMATION DURING THE APPLICATION PROCESS, OR HAS CHEATED DURING ANY PHASE OF THE TESTING PROCESS WILL BE DISQUALIFIED.**

### EXEMPTION FROM DISQUALIFICATION FOR BEHAVIOR

To be eligible for consideration for an Exemption from Automatic Disqualification, an applicant's behavior that established the basis for automatic disqualification, or the underlying incident upon which the legal proceeding was initiated must have occurred more than one year prior to the date of application or disclosure for a Law Enforcement Division Natural Resource Officer (Game Warden) position. The exemption from disqualification for behavior does not apply to an individual who has been convicted of, pled guilty or no contest to, or received a deferred judgment/sentence (on or before July 1, 1995) on or after for:

- A crime which is a felony or its equivalent under the uniform code of military justice.
- A crime of Domestic Violence, when such crime was committed on or after May 22, 1997.
- The applicant is a registered sex offender.
- The applicant has a conviction of a crime of physical violence and/or sexual abuse against a child or children.

Request for Exemption from Disqualification should be submitted prior to application on an official KDWP Law Enforcement Division Request Form. **TO REQUEST THIS FORM, CONTACT CAPT. ERIC DENEALT AT 785-273-6740.** To request an exemption, an applicant must provide a detailed and full explanation of the behavior or the underlying incident regarding the disqualification or potential disqualification. The explanation provided must include the date(s) of occurrence listed by month and year for each occurrence, along with a copy of the applicant's birth certificate and copies of any relevant court or legal documents detailing any criminal/ juvenile charge(s), any related plea(s), any deferred judgment/sentence, and the final disposition.

Requests may be mailed to: Kansas Wildlife, Parks and Tourism; Attn: Captain for Hiring; 400 SW Wanamaker Topeka, KS. 66606

The request may also be submitted via fax at 785-273-6757

For further explanations or answers to more specific questions regarding a particular circumstance, contact Captain Eric Deneault at 785-273-6740 (office) or at [eric.deneault@ks.gov](mailto:eric.deneault@ks.gov).

An applicant shall have no right of appeal to KDWPT regarding any denial of a request for exemption from automatic disqualification or the resulting enforcement of an automatic disqualification. The granting of any request for exemption from automatic disqualification shall not preclude the Kansas Commission on Peace Officer Standards and Training (Ks CPOST), the KDWPT Human Resources section, or the Director of the Law Enforcement Division from considering the subject criminal or juvenile court records or behavioral issue(s) when reviewing an applicant's character, background and relative qualifications in any subsequent preliminary file review, suitability assessment, final background review, or in any other screening or selection process for appointment to the Classified Service as a NRO I (Game Warden).