

CHARLOTTESVILLE POLICE DEPARTMENT



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Type of Directive: GENERAL ORDER	Number: 57-99
SELECTION AND HIRING	Date: May 26, 2020
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Authorization: Chief R.M. Brackney <i>Rm Brackney</i>	Follow-up Date: As Needed

I. POLICY

It is the policy of the Charlottesville Police Department to be in full compliance with city, state, and federal laws, which mandates equal opportunity and forbids discrimination in the selection and hiring process, and to select and hire the most highly qualified sworn and non-sworn employees possible.

II. PURPOSE

The purpose of this general order is to assign hiring and vetting responsibilities and apply the best practices in the selection and hiring of the most qualified employees for the City of Charlottesville Police Department. Placing emphasis on selecting the most qualified applicants should yield lower rates of personnel turnover, fewer disciplinary problems, higher morale, better community relations and more effective services to the community.

III. DEFINITIONS

- A. Family member: for the purpose of this policy a family member is defined a spouse, child, spouse's child, child-in-law, brother, sister, mother, father, grandparents, grandchild, step-brother, step-sister, step-parents, parents-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, guardian, ward, or god-son or daughter.
- B. Experimental: means infrequent use of a drug to satisfy a curiosity about its effects. It also means the infrequent recreational use of a drug, or the infrequent use of prescription drugs not prescribed to the individual but for the purpose consistent with the drugs intended use.
- C. Non-experimental: involves the use of a drug with sufficient frequency that it constitutes habitual use or drug dependency.

IV. PROCEDURE

A. Procedures for Selection of Qualified Sworn Personnel

1. The Hiring Bureau shall coordinate and manage police department responsibilities for employment of all personnel related to the hiring process. The Hiring Bureau shall ensure that the Department is in compliance with city, state, and federal laws

mandating equal opportunity and forbidding discrimination in the selection and hiring process.

2. The qualifications for selection of sworn positions shall meet or exceed the minimum state qualifications that are set forth in 15.2-1705, Code of Virginia.
3. Individuals who wish to be considered for employment as a police officer shall meet the following minimum qualifications:
 - a. Police Officer candidates must be a United States citizen, or a permanent resident alien who, in accordance with the requirements of the U.S. Citizenship and Immigration Services (USCIS), is eligible and has applied for citizenship. Each non-citizen is required to prove that USCIS accepted their application for citizenship prior to the date the Police Officer written test was taken;
 - i. an Application for Waiver of Minimum Qualifications must be obtained and approved by the Department of Criminal Justice Services (DCJS).
 - b. be at least 20 years of age to apply and 21 years of age by police academy graduation;
 - c. have a high school diploma or have passed the General Educational Development exam;
 - d. possess or be able to obtain a Virginia Driver's license by date of employment;
 - e. must not have been convicted of driving under the influence (DUI) within the past three (3) years;
 - f. must reside in Virginia prior to the completion of the training academy or before being sworn as a police officer; and
 - g. successfully complete all pre-employment examinations, tests, and a background investigation to include:
 - i. submit a fully completed and honestly reported Personal History Statement (PHS);
 - ii. pass a written police officer selection test;
 - iii. pass the physical agility fitness test;
 - iv. undergo and pass an in-depth background investigation, which includes a fingerprint-based criminal history records inquiry into both the Central Criminal Records Exchange and the Federal Bureau of Investigation;
 - v. pass the pre-employment polygraph examination;

- vi. pass a psychological screening test and interview;
 - vii. pass a medical examination to meet police officer standards administered by a licensed physician contracted by the City of Charlottesville; and
 - viii. pass the pre-employment drug screening test.
4. The following will be considered as automatic disqualifiers for individuals seeking employment as a police officer:
- a. Criminal Activity
 - i. been convicted of a felony or domestic violence;
 - ii. been convicted of a crime of moral turpitude, such as lying under oath or falsifying any official documents;
 - iii. been convicted of any crime, which carries a penalty of prohibiting the ownership, possession, or control of a firearm;
 - iv. misdemeanor conviction of any crime involving sex offenses and/or required to be registered on the Sex Offender Registry at any age;
 - v. currently a member of, or in the past been associated with, or supported in any fashion, any criminal gang, extremist-racist or Anti-Semitic group, or any group that has stated a desire to overthrow the United States Government; and/or
 - vi. under criminal investigation or have criminal charges pending.
 - b. Drug Use (To include Sworn and Non-Sworn Personnel)
 - i. pattern of illegal use or misuse of prescription medication in three (3) years;
 - ii. illegal use of marijuana or derivative within one (1) year or less from the date of written application;
 - iii. illegal use of club drugs, such as, but not limited to: Ketamine, GHB, Rohypnol, or MDMA (ecstasy) with three (3) years or less from the date of written application;
 - iv. illegal use of steroids within three (3) years or less from the date of written applications;

- v. illegal use of aerosols, sometimes referred to as huffing (paint) or whippits (nitrous oxide) or used Khat within three (3) years prior to date of written application;
- vi. illegal use of psilocybin (magic mushrooms) or mescaline (peyote), within three (3) year or less from the date of written application;
- viii. any experimental use of any Schedule I, II, III, or IV drug within the last five (5) years not covered above.

5. The following will be considered as lifetime applicant disqualifiers for Police Recruit:

- a. two (2) or more Criminal Traffic DUI convictions in Virginia or similar offense in another state in an applicant's lifetime;
- b. illicit use or possession of any controlled or dangerous substance after being employed in any criminal justice or law enforcement capacity;
- c. as an adult: dealing, manufacturing, cultivation, supplying, transporting, distributing, or selling any controlled, illegal or dangerous substance other than marijuana.

**Exceptions for dealing marijuana will be evaluated on a case-by-case basis. Factors to be considered include the applicant's age, lapse of time since the last incident, and other mitigating factors.*

6. A candidates driving record will be reviewed and the following will be considered as disqualifiers for Police Recruit:

- a. any criminal traffic DUI or hit & run conviction in Virginia or similar offense in another state within three (3) years;
- b. suspension or revocation of driver's license for criminal traffic offenses within three (3) years;
- c. an attempt to elude conviction when the candidate is over 21 years of age; and/or
- d. three (3) or more of one or any combination of the following traffic violations within twelve (12) months of the application:
 - i. speeding 15 mph or more above posted speed limit;

ii. reckless driving.

7. If the candidate served in any capacity of military service the following will be considered disqualifiers for Police Recruit:
 - a. receiving a dishonorable discharge;
 - b. receiving an undesirable discharge; or
 - c. a bad conduct discharge.
 - i. other discharges will be assessed on a case-by-case basis.
8. A review of the candidates financial records and credit history will be conducted. The following will be considered disqualifiers for Police Recruit:
 - a. failure to pay income tax, child support, property taxes;
 - b. convicted or been involved in illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and any other intentional financial breaches of trust.

**Credit history will be evaluated on a case by case basis. Factors to be considered include employment history and applicant's commitment to resolve unpaid financial obligations.*
9. The following miscellaneous situations will be considered as disqualifiers for Police Recruit:
 - a. any previous revocation or denial of certification as Police Officer or a suspension of current certified status that will render them disqualified;
 - b. any body art, tattoo, or other modification (such as branding or gauges) that falls outside of department policy, and is considered offensive.

B. Procedures for Hiring Sworn Personnel

1. Obtain permission from city government to fill a vacancy.
2. Post public announcement of open position(s).
3. Open an application process with a specified closing deadline.
4. The Hiring Bureau will review application packets to ensure applicants meet

the minimum qualifications and notify the selected individuals they have advanced to the Testing and Orientation Process portion (TOP).

5. The criteria used to distinguish favorable candidates will include any combination of the following:
 - a. any college degree is favorable, a Bachelor's is preferable;
 - b. any military service with an honorable discharge;
 - c. any police certification, Virginia is preferable;
 - d. any fluency in languages other than English, Spanish is preferable; and
 - e. any other criteria deemed appropriate.

6. The "TOP" applicants will be provided a hiring packet consisting of a personal history statement, an authorization of release of personal information, a medical waiver for the physical agility test, an applicant release waiver for the physical agility test, and a list of disqualifiers and other associated forms with a requested return date.

C. Procedures for selected candidates in the Testing and Orientation Process (TOP) will consist of the following:

1. A review of candidates Personal History Statement for completeness;
2. Completing a validated police officer selection test; and
3. Completing the fitness and agility test.
4. The TOP will be administered by the Hiring Bureau using volunteer Department members to provide an opportunity for a diversified applicant review process.
5. Applicants who do not pass any of the above phases are notified they cannot move forward in the process and may reapply in the next process.
6. Applicants who pass the above phases will be advanced in the hiring process by the Hiring Bureau to undergo a criminal history and driver's history review.
7. The Hiring Bureau may use volunteer Department members to provide for a diversified review of candidates in selecting candidates to move forward in the process to the formal panel interview.
 - a. The Interview Panel Board may consist of the following:
 - i. Field Operations Division Commander or designee;
 - ii. One Department Uniform Patrol Commander;
 - iii. One Department Uniform Patrol Supervisor;
 - iv. One Sworn Police Officer; and

v. One Civilian.

8. Once the interview process is complete, the Hiring Bureau will utilize the scoring results of the panel interviews, preliminary background information, and written tests results to determine candidates who will be selected to proceed into a background investigation.
9. A photograph and name of each candidate will be distributed by the Hiring Bureau to department members for the sole purpose to obtain any information officers may know of candidates.
10. Candidates selected to move into the background investigation phase will be given ride-along forms and encouraged to ride-along with the Police Officers to observe police work closely to gauge their desire further.
11. The Hiring Bureau will then begin the initial background investigation by assigning a background investigator. The background investigation will consist of the following:
 - a. a one-on-one interview with the applicant to follow up on the candidates submitted Personal History Statement.
 - i. The investigator shall make a copy of the Personal History Statement for note taking purposes;
 - ii. The original copy of the Personal History Statement **shall not** be marked or altered under any circumstances.
 - b. requesting and reviewing of letters of reference from past and present:
 - i. employers;
 - ii. associates/friends; and
 - iii. landlords.
 - c. conducting wanted checks;
 - d. conducting criminal history checks;
 - e. conducting public database searches;
 - f. conducting tax record checks;
 - g. conducting neighborhood visitation to include interviewing of neighbors;
 - h. conducting open social media checks;
 - i. conducting other related interviews of individuals discovered during the investigation who may have knowledge of the candidate.
12. If during the background investigation any ethical or moral situations surface that call into the question the candidates ability to hold the public's

trust and respect to carry out the duties of an officer may likely disqualify the candidate. Examples include, but are not limited to anger issues, alcoholism, neglect or abuse of animals, etc.

13. At any point if a candidate is disqualified, the background will be stopped and the candidate will be notified and their file will be retained.
14. At the end of the background investigation, all successful candidates will have a summary memo written by the background investigator that contains a brief overview of the candidate that includes:
 - a. personal information (family, education);
 - b. residence history;
 - c. employment history;
 - d. driving history;
 - e. criminal & civil history;
 - f. credit history;
 - g. areas of concern; and
 - h. a conclusion.

D. Procedures for hiring order of candidates for Police Recruit.

1. The Executive Command Staff will utilize the scoring process of the panel interviews, combined with the results of the background investigation presented by the investigator or Hiring Bureau designee; and any other criteria deemed appropriate, to list in numerical order the priority of the candidates to be hired.
 - a. This listing will be noted on the exterior of the personnel file and signed/initialed by one of the Executive Commanders or appointed designee.
 - b. This will be used as the order for hiring unless superseded and modified by the Chief of Police.
 - c. This list will be held for up to twelve (12) months from the day it is created which is the day of the last interview.
 - d. If an opening becomes available the Hiring Bureau will check with the candidate to see if they still are seeking employment with the Charlottesville Police Department, if so their background will be updated and the Chief of Police or their appointed designee will review

and approve or disapprove.

E. Conditional and employment offers for sworn positions

1. Upon completion of the background investigation, all files will be reviewed by the Hiring Bureau Sergeant and Commander. A recommendation for each candidate will be made and sent (along with the file) to the Chief of Police. NO conditional offer of employment will occur without the approval of the Chief of Police or appointed designee.
2. Applicants may be offered a “conditional” offer of employment based upon successfully passing portions of the selection process.
3. Portions not yet completed will be the conditions of employment.
 - a. this offer may occur at any time after the interview board as directed by the Chief of Police or appointed designee.
 - b. If the “conditional” offer is accepted, and the uncompleted portions are successfully passed, an offer for employment is made.
 - c. Any offers for employment will only be made by members assigned to the Hiring Bureau and upon approval from the Chief of Police or appointed designee.
4. The Hiring Bureau will document in the employee’s background file any salary or other tangible benefits given at the time of hire over the normal starting level for the position.

F. Psychological, Polygraph, Medical and Drug Testing

1. Once the background investigation is completed, candidates must successfully complete all pre-employment examinations and tests to proceed in the hiring process. These steps may not necessarily be completed in the order listed below.
 - a. **Polygraph Exam:** The selected candidates will be assigned to be scheduled for polygraph exam at the department’s expense.
 - b. If the polygraph is failed, i.e. there are signs of deception, the file will be reviewed and further investigation will be completed by a Background Investigator to determine if the candidate should proceed further in the process.
 - c. **Psychological Exam:** If the polygraph is passed the candidate will be scheduled for a **psychological exam**. This exam will be followed up by

an interview with a licensed psychologist experienced in police employment at the department's expense.

- d. If the psychological exam is failed, i.e. there are signs of mental illness, incompatible personality traits, or recommendations not to hire from the psychologist, the file will be reviewed and further investigation will be completed by a background investigator to determine if the candidate should proceed further in the process.
- e. **Medical Exam and Drug Testing:** If the psychological exam is passed the candidate will be scheduled for a **medical exam** and **drug testing** at the department's expense.
- f. If the medical exam or drug test is failed, i.e. incompatible injuries or health concerns, or indicators of recent illegal drug use, the file will be reviewed and further investigation will be completed by a background investigator to determine if the candidate should proceed further in the process.

G. Responsibility for newly hired Police Recruits

1. The Hiring Bureau will be responsible coordinating pre-employment training, paperwork, and issuance of equipment and uniforms for new police recruits and pre-certified officers.
2. The Training Bureau Supervisor will be assigned supervisory responsibilities of the police recruits during their attendance at the regional training academy with responsibility for monitoring progress and responding to issues or concerns raised by the recruits and/or the academy officials.
3. Any unusual incidents that are reported or noticed will be reported to the Training Bureau Commander and the Support Operations Division Commander for review.
4. Upon graduation from the regional police academy, the Training Bureau will assist in coordinating the new officer being sworn in by the Clerk of the Charlottesville Circuit Court.
5. The Field Training Commander will be assigned supervisory responsibilities of the police recruits once they graduate from the regional police academy until their release from the Field Training Program.

H. Procedures for Hiring NON-Sworn Personnel

1. The procedures for all other employees shall consist of some of the criteria for sworn officers minus certain phases. The following

procedures will be followed:

- a. Obtain permission from city government to fill a vacancy;
 - b. post public announcement of open position(s); and
 - c. open application process with a specified closing deadline.
2. The Hiring Bureau will review application packets to ensure applicants meet minimum qualifications and notify selected applicants of their progress in the process.
3. Applicants who wish to be considered for employment as a non-sworn employee must meet the following minimum qualifications:
- a. Candidates must be a United States citizen, or a permanent resident alien who, in accordance with the requirements of the U.S. Citizenship and Immigration Services (USCIS), is eligible and has applied for citizenship;
 - b. each non-citizen is required to prove that USCIS accepted his or her application;
 - c. be at least 18 years of age to apply;
 - d. have a high school diploma or have passed the General Educational Development exam;
 - e. possess or be able to obtain a Virginia Driver's license by date of employment if applicable to position seeking;
 - f. must not have been convicted of driving under the influence (DUI) within the past three (3) years if applicable to the position;
 - g. successfully complete of all pre-employment examinations, tests, and a background evaluation:
 - h. submit a fully completed and honestly reported Background Questionnaire or Personal History Statement if applicable for the civilian position;
 - i. undergo and pass an in-depth background investigation, which includes a fingerprint-based criminal history records inquiry into both the Central Records Exchange and the Federal Bureau of Investigation; and
 - j. pass the pre-employment drug screening.

4. Automatic Applicant Disqualifiers for Non-Sworn Candidates:

- a. failure to submit a fully complete, honestly reported background questionnaire or notarized Personal History Statement;
- b. have been convicted of a felony or domestic violence;
- c. plead guilty or no contest to a felony or any offense that would be a felony in Virginia;
- d. been convicted of a crime of moral turpitude, such as lying under oath or falsifying any official documents;
- e. currently be a member of, or in the past been associated with, or supported in any fashion, any criminal gang, extremist-racist or anti-Semitic group, or any group that has stated a desire to overthrow the United States Government;
- f. misdemeanor conviction of any crime involving sex offenses and/or required to be registered on the Sex Offender Registry at any age;
- g. convicted or been involved in illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and any other intentional financial breaches of trust; and
- h. under criminal investigation or have criminal charges pending.

5. Application Review Committee

- a. The Division filling the vacancy will have a committee review the applications and resumes forwarded from the Department of Human Resources to determine top candidates selected for panel interviews.
- b. The Application Review Committee may consist of the following members:
 - i. Bureau Commander or designee from the Division with vacancy;
 - ii. a supervisor from the Division with vacancy; and

- c. an employee from the Division with vacancy as deemed necessary.
6. Once the top candidates have been selected for Interviews, the Division will be responsible for forwarding the names of the candidates; interview questions, and the names of the panelist to the Hiring Bureau.
7. The Hiring Bureau will assist with scheduling the interviews and notifying the Applicants.
8. The Interview Panel may consist of the following members:
 - a. Chief of Police or designee;
 - b. Division Commander;
 - c. Supervisor from the Division with vacancy;
 - d. Employee from Division with vacancy; and
 - e. Other panelist as deemed necessary for the position.
9. Once the interview process is complete, the Commander will utilize the scoring process of the interview and list in numerical order the top candidates who will proceed to the background investigation.

F. Background Investigation

1. The Hiring Bureau or Division filling the vacancy will assign an officer to conduct the background investigation.
2. The Hiring Bureau or assigned officer will then begin the initial Background investigation utilizing the signed consent form from the chosen candidates. The initial process is:
 - a. The Background Investigator will review the applicants Personal History Statement or background questionnaire for completeness and conduct an initial interview with the applicant for follow-up questions related to information contained or omitted in the documents;
 - b. The Investigator shall make a copy of the Personal History Statement or background questionnaire for note taking purposes; and
 - c. the original copy of the Personal History Statement or Background Questionnaire *shall not* be marked or altered under any circumstances.

- d. letters of reference will be reviewed from past and present:
 - i. employers;
 - ii. associates/friends; and
 - iii. landlords.
- e. wanted checks will be conducted;
- f. criminal histories checks will be conducted;
- g. public database searches;
- h. tax record checks;
- i. neighborhood canvas will be conducted if desired by investigating officer;
- j. open social Media check;
- k. other interviews of individuals reference the applicant;
- l. a full background will not be completed on each candidate unless they move further along in the process;
- k. during the background investigation if any other ethical or moral situations surface that call into the question the candidates ability to hold the public's trust and respect to carry out assigned duties may likely disqualify the candidate. Examples include, but are not limited to anger issues, alcoholism, neglect or abuse of animals, etc.

G. Listing of successful candidates for non-sworn position

- 1. The Division Commander will utilize the scoring process of the interview, combined with the results of the background investigation and list in numerical order the priority of candidates to be hired subject to the approval of the Chief of Police.
- 3. The Hiring Bureau will document in the employee's background file any salary or other tangible benefits given at the time of hire over the normal starting level for the position.

H. Responsibilities of Hiring Sworn and Non-sworn Personnel.

- 1. Specific selection responsibilities of the Hiring Bureau include, but are not limited to:
 - a. Formulating, directing and coordinating pre/post-hiring process of personnel at the direction of the Chief of Police or designee;
 - b. contacting the City's Department of Human Resources to arrange for the posting of public recruitment announcements as well as notice to applicants on their application disposition;
 - c. administering testing, establishing and maintaining eligibility lists for

the positions, making offers, removal of names from the established list and purging names from the eligible lists in NEOGOV when appropriate;

- d. facilitating employment forms, applicant correspondence, interviews, psychological testing, polygraph exam, background investigation, physical exam, fitness and agility testing and setting up post-employment orientation training sessions as required;
- e. coordinating the required City of Charlottesville pre-employment medical, polygraph and psychological screenings as required;
- f. the Hiring Bureau shall ensure by continuing supervision and inspection, that all elements of the selection process are administered, scored, evaluated and interpreted in a fair and uniform manner;
- g. oversee that the testing, examinations, interviews and investigation phases used in the selection process are conducted; and
- h. any and all test results pertaining to each applicant shall be recorded and maintained as part of their Department's personnel records for a be maintained in a secure area by the Hiring Bureau with access restricted to those persons legally entitled to review such files.
- i. Specific selection responsibilities of the Chief of Police shall include, but are not limited to:
 - i. making recommendations to the City Manager on the establishment or deletion of positions within the Department;
 - ii. directing the Department's Hiring Bureau in the recruitment and selection, examination components, procedures, etc., of applicants for all employees;
 - iii. the selection and appointment of qualified applicants; and
 - iv. hold an exit interview for any resigning employees.

I. Selected Candidates

1. All new hires will be scheduled by the Hiring Bureau or the following as soon as possible:
 - a. Quartermaster appointment for uniform and equipment issue;
 - b. Human Resources new employee orientation;
 - i. Information Technology new employee orientation;
 - ii. assigned Bureau orientation; and
 - iii. familiarization of facilities.
2. All sworn officers will be scheduled by the Hiring Bureau or the

following in- house training as soon as possible:

- a. Initial cultural diversity training;
 - b. initial blood borne pathogens training; and
 - c. initial biased based policing training.
3. All sworn officers will be issued an electronic copy of all the up to date General Orders as well as be given 24 hour computer access to log in to the department software program.
 4. All newly sworn non-certified officers will be registered for the next academy class for basic training.

J. Re-hiring of Officers

1. The department recognizes the benefits of re-hiring officers from past employment due to the knowledge they possess of the city and department as well as experience from specialized training and assignments.
2. If the department has a vacancy, an officer who has resigned in good standing, and has been out of employment with the City of Charlottesville Police Department *less than* twelve (12) months, may, with the Chief's approval, submit a notice to the Hiring Bureau who will begin the process of re-hiring.
3. Any officer who has resigned and been out of employment with the City of Charlottesville Police Department *more than* twelve (12) months must reapply as any other individual and go through the entire hiring process. This situation is not considered a re-hire.
4. Any officer submitted for rehire will have to pass portions of a background containing at least but not limited to the following:
 - a. past employment reference checks;
 - b. social media screening;
 - c. drivers history review;
 - d. criminal history review;
 - e. physical agility test;
 - f. medical screening; and
 - g. drug screening.
5. If successfully rehired, the officer will receive:
 - a. The same pay as when they separated; and

- b. the same seniority as when they separated;
- 6. Any officer re-employed within 180 days after termination shall have all previous benefits restored, including balance of leave unpaid, as well as the salary provided above. Former service credits shall be restored/adjusted by the length of the absence.
- 7. The Hiring Bureau will document in the employee's background file any salary or other tangible benefits given at the time of hire over the normal starting level for the position.

K. Nepotism

- 1. At no point in the hiring process may a department member oversee, provide direction or engage in any phase of reviewing, interviewing or grading candidates that are a family member as described herein. Said personnel, with the sole exception of the Chief of Police, shall recuse themselves from all selection and hiring actions so long as a family member is involved.

L. Determination of Seniority

- 1. The determination of seniority for both sworn and unsworn hires will be established by:
 - a. Date of hire; and
 - b. Numerical rank of the interview scores.