

EO 03-20 Appendix A DRAFT 09-30-20

Suggested Framework from the Vermont State Police Fair and Impartial Policing Staff for the Governor's Executive Order No. 03-20

Section B -- Hiring and Promotion Practices

Guiding Principles:

Law enforcement that takes seriously its dedication to community service has known for some time that the principles of Fair and Impartial Policing must be rigorously reflected upon at every moment in the practice of the profession. This is certainly true then in the hiring and promotion of law enforcement officers (LEOs). At these pivotal moments, the dedication to a concept of law enforcement that is just and fair to all citizens regardless of their identity must be made clear. This is true not only insofar as this dedication to Fair and Impartial Policing must be inculcated and reinforced in the LEOs themselves, but it must also be made clear – at every moment, but in particular at these - to the communities that the LEOs will serve or have already been serving. In the case of hiring, the prospective LEO needs to be shown that the principles of FIP are of great importance to the hiring agency. In the case of promotion, the reinforcement of FIP principles needs to be coupled with a review of the officer's previous commitment to these ideas. In both cases, the community needs to see that there is transparency with regard to the ideas of FIP, and a continuing and serious commitment to them.

Recruiting:

(Placeholder here for a pending stakeholder paragraph under construction as of 09-30-20)

Framework:

- Strongly convey agency values and Vermont values of inclusivity, service, and ethical policing practices via web presence and all recruiting materials
 - Statistics show the department website and social media is one of the largest recruiting tools.
- Dedicated Resources
 - Fulltime recruiters that reflect the diversity we seek
 - Recruiters utilize an array of resources for reaching a diverse applicant pool (online presence, social media accounts, relationships with and access to diverse college campuses etc.)
 - Highlight the quality of life in Vermont
 - Highlight the values of policing in VT
 - Personalized contact with each applicant throughout the process.

- Speak to the values of diverse applicants and their families
- Continual review, self-assessment and improvement of the overall hiring process.
 - Partner with community based organizations to obtain guidance and direction related to inclusion, diversity, and equity in recruiting and hiring.
- Marketing geared towards varied demographics – provided in multiple languages; multiple translations of agency website information
- Providing information that address specific questions/concerns and reaches people based on cultural needs, values and priorities as they contemplate a career in policing in VT

Pre-Employment Screening:

In general, pre-employment related screening of police applicants should involve multiple steps and stages and serves to determine whether applicants:

- Meet minimum requirements set forth by state statute and/or individual department
- Are free from conditions that might adversely affect the performance of safety-based duties and responsibilities
- Are capable of withstanding the demands inherent in the position

The process must examine each applicant’s judgment, ethics, values, stress resilience, emotional regulation, conscientiousness, teamwork, competence, etc. Most of the applicants for entry-level police officer positions do not succeed through the entirety of the pre-employment process.

There is currently no consistent standard in Vermont beyond that which is set forth in statute and by the Vermont Criminal Justice Training Council (VCJTC).

Can better work be done to screen “out” candidates with racist, homophobic, misogynistic or pro-violence beliefs or attitudes? It is generally thought that the best place for determining negative attitudes or belief systems is through a comprehensive background investigation supplemented by a polygraph examination.

Currently, applicants in Vermont are required to take the MMPI-2 psychological exam. This is a standardized psychometric test of adult personality and psychopathology. Individual agencies have the ability to hire or reject an applicant on the measures of this test. It is important to note that if an applicant scores poorly, an agency can still hire them.

The IACP Pre-employment Psychological Evaluation Guidelines recommend a written psychological test battery as well as individual face-to-face interviews with an examiner who is a licensed doctoral-level psychologist or other mental health professional. While this is a recommendation that Vermont should consider, there must be funding made available for it.

There are other tests worth vetting such as the Inwald Personality Inventory (IPI), which is well researched and validated. The California Psychological Inventory (CPI) might be considered, as it is also long-standing. The in-person interview and the written test together should give the best outcome.

Each department in Vermont currently has their own requirements for their hiring processes. 1) They may conduct one or more interview with an applicant; 2) they may have additional testing requirements beyond the minimum required by the VCJTC; 3) they may have civilians involved in parts of the hiring process; and 4) they may require higher entrance examination or fitness testing scores than the minimum required by the VCJTC. Additionally, some departments conduct additional testing prior to the applicant taking the VCJTC entrance exam. Agencies may conduct the polygraph examination or background investigation prior to a hiring panel interview, or other hiring stages may occur in differing order than in other departments.

Current entrance requirements for training per the VCJTC:

- Must be 18 years old.
- Must hold a high school diploma or GED.
- Must pass a physical exam performed by a licensed physician or PA that reflects that the recruit is free of any disease or disability, which would interfere with a recruit's physical performance at the Academy.
- Must meet physical training requirements of the 40th percentile or better of standards for age and gender based on Cooper standards.
- Must achieve a passing score of 70 on the entrance exam taken within 5 years of the start of training. (Current cost \$30)
- Psychological test to ensure recruit is emotionally suited for law enforcement (currently the MMPI-2). (Current cost \$25 to have test analyzed by a contracted psychologist.)
- Must undergo a thorough comprehensive background investigation and character check which includes an FBI fingerprint submission and polygraph. A polygraph by a VT police agency within one year of entry to training is also required (note that it is not a requirement to pass the polygraph examination). A felony conviction or misdemeanor conviction of a crime of moral turpitude may result in disqualification.
- Each applicant must be sponsored by an agency.

Background investigations for hiring new police officers and executives should include (beyond the VCJTC minimum requirements):

- Polygraph by a credentialed tester with a passing score. This must include questions to reveal any known hate or bias motivated activity or affiliation.
- Criminal records check in all places the applicant has lived, worked, and attended school
- DMV records check in all places the applicant has lived, worked, and attended school
- Triple I criminal record check
- Credit history check

- “Accurint” report – (Accurint is a paid service that provides information products that allow organizations to extract valuable knowledge from huge amounts of data.)
- Interview of current spouse/significant other, children, siblings, parents, former spouses or significant others, and current/former roommates. Some of these names may be provided by the applicant while others must be developed by the background investigator
- Detailed review of applicant’s social media presence, blogs, etc.
- Neighborhood visit/canvas
- Review of military service records
- Review of prior employment, speaking with supervisors and fellow employees
- Review of any college disciplinary records

In addition, any officer doing a background investigation, or an outside entity hired to do a background investigation, shall have attended training for completing comprehensive investigations.

Hiring and Promotional Questions:

Several questions focused upon the values of FIP need to be formulated, updated and asked during the interview process. These questions ought to be rather broad, and some should focus upon the individual officer’s experience with issues related to FIP. These last may be scenario-based. The questions should rotate, and ought also to be vetted by an oversight panel that includes community members as well as LEOs (more on these panels below). Several sample questions follow. It should be noted that these questions are broad in their scope, and suggest that the candidate expound on personal beliefs regarding the practice of FIP. The utilization of questions of this nature show the values and priorities of the organization, as well as revealing the thought process and values of the candidate.

- In your view, what is the mandate of law enforcement?
- What are some causes of damage to the legitimacy of the mandate of law enforcement in a given community?
- When this legitimacy is damaged, what might be some implications for both citizen and officer safety?
- Do you think that policing needs to undergo “reform”?
If yes, why and how?
If yes, how do you feel that your own practice as a law enforcement officer should change?
If not, why not?

Please note that the above questions can be used either for new hires or indeed for LEOs seeking promotion. The last question also works well as a way for LEOs seeking promotion to

think critically upon their own practice up until the point of the potential promotion, which is of course a critical moment at which to reflect upon a previous commitment to FIP and to think about how that commitment might change and grow.

The following questions would work well for those officers seeking promotion:

- Please give us a brief overview of your background and why you believe you should be chosen for this position.
- Please tell us about a time when you have supported culture change within this organization or within the law enforcement community. How would you carry that forward in this new position?
- What do you see as law enforcement's role in responding to people in a mental health crisis? And how can training be modernized to achieve better outcomes? How do you train Law enforcement to respond accordingly? Does one do so?
- Describe a situation where you had to leverage your personal or political capital to change policy or resolve an otherwise critical incident.
- Describe your knowledge and experience with restorative practices and share your perspective on the use of this approach in society today.
- The reality is, if we as a society don't feel safe, we can't lead, police, partner, or learn effectively. How would you go about creating/supporting a culture of safety for our community?

Community Involvement:

In addition to questions such as the ones above, it is critical for the communities served by a given law enforcement agency not only to feel as though they have some involvement in the hiring and promotion of LEOs, but for that feeling to be justified through the actual and impactful involvement of community members on "internal" bodies responsible for both hiring and promotion. It has been expressed by various citizens throughout the State that a significant amount of diversity be represented on the hiring and promotion panels, not merely diversity of race and gender, but significantly also of class. One community member of a hiring and/or promotion panel is not enough – in addition to tokenizing community participation, it is equally important not to marginalize it. One civilian member could easily be intimidated in the face of a body otherwise composed of LEOs. Further - community voices are needed early on in the process of hiring and/or promotion of LEOs, including in the review of applications (after those who do not meet the qualifications identified in the job advertisement have been screened out). Waiting to bring in community voices until later in the process means missing perspectives on candidates from the community that might differ from the perspectives of those in law enforcement. These community members should then both help to select

candidates to interview, and further participate in the interviews. While it is difficult and perhaps unwise to try to legislate the function of various figures on such committees as hiring and promotion panels, it is important to note that community members must be integrated into the body and not to have that member or members feel as though they are simply tokens whose opinions will not be taken seriously. Such a sense on the part of community members who serve on such panels erodes the public trust that is the basis of Fair and Impartial Policing, and avoiding that sort of tokenism must be of prime importance.

Cross-Training:

In order for community members to be involved in hiring and promotion panels, training for these members should be instituted that is concerned both with the needs of public safety that may not immediately be apparent to a civilian, and further with the integration of those needs with the needs and concerns of the community-at-large. A clear understanding of internal human resources-related parameters and protocols must also be shared and understood. Additionally, training provided by community representatives to members of hiring teams in law enforcement will also be relevant.

Model processes and enhancements for polygraph exams for new applicants:

Current VCJTC guidelines require a new hire to undergo a polygraph before being hired and admitted to the academy. Agencies are able to hire regardless of the polygraph outcome. Polygraph exams are complex, and there may be results other than a “pass” or “fail”. Disqualification from the hiring process for deception on a polygraph should be considered for a universal standard.

There are very specific guidelines for administering polygraph exams, and questions relating to bias beliefs would need to be tied to an action or a crime. As an example, an examiner cannot ask “Have you ever had any bias against anyone because of their race/gender?” but could ask “Have you ever threatened or carried out violence in any way to a public location (bomb threats, violent, racial or gender message, etc.). This is an area that we would need assistance from qualified polygraph examiners, and we would suggest that there be some portion of universal questions that all applicants are asked.

Currently in Vermont, police executives hired from out of state may not necessarily be required by the VCJTC to undergo a polygraph exam. If the position is administrative (meaning the chief or director cannot take law enforcement action) then a VCJTC certification is not required and neither is a polygraph exam. Police executives hired from out of state are also not required to attend the academy for part-time or full-time certification, but may complete the waiver process to attain law enforcement authority (which requires a polygraph).