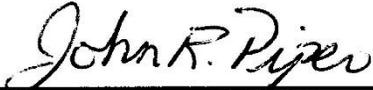




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This policy is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 1-7		Effective Date August 20, 2020	Review Date August 10, 2020	Reviewing Division Administration
Subject HIRING SWORN PERSONNEL		<input type="checkbox"/> New Policy <input type="checkbox"/> Amends <input type="checkbox"/> Replaces <input checked="" type="checkbox"/> Revised		This policy shall apply to personnel assigned to the following divisions: <input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> Patrol Division <input type="checkbox"/> Administration Division <input type="checkbox"/> Investigation Division
References: VLEPSC: PER.01 - .05 CALEA				
 <hr/> Chief of Police or Designee		<hr/> August 20, 2020 Date		

I. PURPOSE

The purpose of this policy is to outline minimum hiring requirements for police officers and define the specific steps in the applicant hiring and notification process.

II. POLICY

The Winchester Police Department strives to hire the best law enforcement officers possible to help achieve the Department's community oriented policing goals. To that end, the Department shall practice a regimented, rigorous selection procedure while simultaneously affording equal opportunity to everyone, regardless of race, creed, color, sex, national origin, sexual orientation, or age. The Department does not discriminate against people with disabilities and affords them the same access to employment provided to all citizens. Where possible, the Department provides reasonable accommodation to the known disabilities of qualified people. All personnel who participate in screening and hiring applicants shall be guided by fairness, equal opportunity, and consistency in applying the procedures set forth in this policy.

III. DEFINITIONS

A. Disability

A physical or mental impairment that substantially limits one or more of the major life activities.

B. Good Moral Character

The attributes of a prospective employee that enhance his or her value to the Department and the goals of community oriented policing, which include honesty, integrity, truthfulness, obedience to the oath of office and the code of ethics, respect for authority, and respect for the rights of others.

C. Reasonable Accommodation

The modification of existing facilities to render them more accessible to and usable by people with disabilities. It also refers to restructuring the job or modifying work schedules to assist in the assignment of a disabled employee.

IV. PROCEDURES

A. Qualifications

At given times, based upon staffing needs, vacancies for the position of police officer will be advertised. The minimum qualifications that all applicants for the position of police officer must meet are:

1. Citizen of the United States;
2. Minimum age of twenty-one (21) upon completion of basic academy;
3. High school diploma or equivalence;
4. Possess a valid driver's license;
5. Not have been convicted of a felony or domestic related assault and battery; and
6. Within ninety (90) days after employment, must live within fifty (50) miles of the City of Winchester limits.

B. Applicant Process

The following procedures will be followed when processing applicants for the position of police officer within the Department:

1. Applicant completion of a City of Winchester Application form;
2. Applicant completion of the physical agility assessment test;
3. Applicant completion of a Supplemental Application form;
4. Preliminary background investigation, which includes, but is not limited to a screening of the applicant's supplemental application for employment, a criminal history record check, and a driving history review. This screening

will measure the applicant's response against pre-established confidential criteria;

- a. Applicants with excess violations and/or criminal history records will be sent a letter informing them that they will not be considered during this testing process or may not be considered in the future, dependant on the nature of the violation or criminal history record.
 - b. Applicants with acceptable preliminary background investigations will be gauged for further consideration based on education, military experience, and results of the written examination and physical agility test. Applicants with acceptable results after this stage will be scheduled for a panel interview. Applicants with unacceptable results will be notified by the City of Winchester Human Resources Department. These applicants will also be informed that they may reapply during any future testing process.
5. The interview panel will consist of at least two (2) members of the Department. At the conclusion of the interview, applicants will be ranked based on the outcome of the interview. A determination will then be made regarding which applicants will proceed to a polygraph examination. Applicants not proceeding further in the process will be notified that they are not being considered for the position of police officer during the current testing process;
 6. Results of the polygraph examination will not act as a sole basis for rejection of the applicant, however, information disclosed from the polygraph may eliminate an applicant from the process. Polygraph examinations given to applicants by other jurisdictions may be considered on a case by case basis, as determined by the Chief of Police;
 7. The background investigation includes, but is not limited to, a review of records, credit history, inquiry on character and reputation, and investigation of illegal drug usage and previous criminal conduct. Subsection C of this Section addresses the background investigation process;
 8. The applicant must undergo a psychological examination, required by all applicants entering in sworn positions. The inquiry may consist of questions regarding the ability of the applicant to perform job related functions. Psychological examinations give to applicants by other jurisdictions may be considered on a case by case basis, as determined by the Chief of Police;
 9. Pre-employment physical examination conducted under the supervision of a licensed physician at no cost to the applicant. The applicant must undergo a physical examination and pre-employment drug screening, required by all applicants entering in sworn positions.

C. Background Investigation

The employee assigned to investigate the applicant shall perform the following:

1. Obtain the applicant's driving record from the Department of Motor Vehicles (DMV);
2. Obtain the applicant's signature on the appropriate release forms;
3. Conduct the written examination.
4. If the applicant has recently lived outside the City of Winchester, request records checks through agencies in the applicant's previous communities;
4. Interview references from the applicant's current and past employers;
5. Obtain military records, if applicable;
6. Obtain a criminal history check;
7. Conduct interviews of neighbors near the applicant's residences over the past three (3) years; and
8. Provide a complete background investigation file to the supervisor of the Office of Professional Standards for review. The Deputy Chief of Police will review the background investigation and file with the Chief of Police, with the objective of forming a view of the applicant's morality, integrity, reputation, honesty, dependability, qualifications, experience, associations, emotional stability, prejudice, and loyalty.

D. City of Winchester Human Resources Department

The City of Winchester Human Resources Department shall perform the following:

1. Ensure that the applicant fully understands the selection process, the conditions and procedures for re-application;
2. Ensure that the applicant understands job benefits, health plans, administrative matters concerning overtime and off-duty employment, and conditions of employment, pension, and disability; and
3. Notify applicants on the status of their application at each point in the process as applicants are eliminated

E. Conditional Offer of Employment

1. A conditional offer of employment is made prior to the applicant submitting to a polygraph examination, physical examination, or psychological examination.

2. No conditional offer of employment will be considered final until after a satisfactory polygraph examination, medical examination, psychological evaluation, and completion of the background investigation. After the conditional offer has been made, the applicant may be asked about previous injuries and workers' compensation claims.
3. Post-offer medical questions are legal if all applicants for the same position have had to submit to the same medical examination. Information concerning the applicant's medical condition is kept in a separate file from other application forms, and the information is treated as a confidential medical record.

F. Lateral Entry

1. An already certified officer in another Virginia agency must meet the criteria set forth in this order except for the written examination. If accepted for employment, the officer will not be assigned to attend a basic academy, subject to the status of the officer's certification and training.
2. Officers obtaining police certification by attending a certified Virginia police training academy at their own expense must meet the criteria set forth in this order except for the written examination. If accepted for employment, the officer will not be assigned to attend a basic academy, subject to the status of the officer's certification and training.
3. The employee assigned to investigate the applicant shall ensure that an applicant with prior law enforcement experience has not been decertified for adverse reasons.

G. Disqualification

1. In disqualifying an applicant following any test or examination, the Chief of Police, or designee, must show that:
 - a. The applicant cannot perform the essential requirements of the job;
 - b. No reasonable accommodation would enable the applicant to perform the essential requirements of the job; or
 - c. The applicant does not satisfy the minimum qualifications for the position of police officer.
2. Following a medical examination, an offer of employment may be withdrawn if the applicant poses a "direct threat" in the workplace per Equal Employment Opportunity Commission guidelines, ("a significant risk of substantial harm to the individual or others that cannot be eliminated or

reduced . . . through reasonable accommodation"). The Chief of Police must base the threat on medical knowledge, not just speculation.

H. Test Validity

1. The Department's hiring procedures must meet standard tests of validity. The Department must be able to validate any selection criteria by showing proof that the process either predicts job performance or detects aspects of prospective applicant's work behavior as related to the position of police officer.
2. The Chief of Police, in consultation with the City of Winchester Human Resources shall review selection procedures for their validity, reliability, and utility at least every two (2) years.
3. Department hiring procedures must meet the following tests of validity:
 - a. Validity related to criteria and content: The selection process is validated by showing that it represents actual job performance and behavior.
 - b. Adverse impact: Adverse impact refers to a selection procedure that works to the disadvantage of a racial or ethnic group or of a gender. The Department shall reduce adverse impact as much as possible in its hiring procedures. The Department will retain records of hiring tests to monitor adverse impact.

I. Probation

1. All newly hired officers shall begin their probationary period on the date of hire and conclude twelve (12) months from the date they successfully complete the basic training academy. A one (1) year probationary period applies to officers hired through lateral entry.
2. To satisfactorily complete the probationary period, the Chief of Police, or designee, will complete a performance evaluation, or memorandum if formal evaluation form is unavailable, identifying acceptable performance in each identified category. When the formal evaluation is unavailable the following categories will be included in the memorandum: court responsibilities, patrol proficiency, investigative proficiency, professionalism, proficiency in Department policy and State law, and reporting. See General Order 1-14, Section F for description of each category. The Chief of Police reserves the right to extend the probationary period an extra ninety (90) days because of an unsatisfactory rating. A second unsatisfactory rating, at the end of ninety (90) days, in any category shall provide cause for dismissal.
3. The work performance of each probationary employee shall be evaluated using valid, non-discriminatory procedures.

4. A probationary employee who wants to protest his or her ratings, have no grievance rights except to request an interview with the Chief of Police.