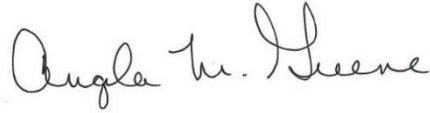
	LEXINGTON POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution ALL PERSONNEL	General Order Number 8.02
		Original Issue Date 01/06/2024	Reissue/Effective Date 01/06/2024
Order Title: SELECTION		CALEA Accreditation Standard: 31.3.3; 31.4.1; 31.4.2; 31.4.3; 31.4.4; 31.4.5; 31.4.6; 31.5.1; 31.5.2; 31.5.3; 31.5.4; 31.5.5; 31.5.6; 31.5.7 VLEPSC: PER 01.01; 01.02; 01.03; 01.04; 01.05	Section 8
		Rescinds: PER 01	
Section Title; PERSONNEL		 Angela M. Greene, Chief of Police	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

To establish a written directive, which describes the Lexington Police Department's procedures related to the professional and legal requirements, as well as the administrative practices and procedures, of the selection process.

II. POLICY

It is Lexington Police Department policy that all elements of the selection process shall meet any applicable professional and legally accepted administrative practices and procedures, including all Virginia Department of Criminal Justice Services requirements, thus resulting in a more efficient, effective, and fair hiring process. This process allows the Chief of Police to appoint those individuals who best possess the necessary job knowledge, skills and ability (KSA). The Chief of Police will designate the Deputy Chief of Police as the position responsible for overseeing the selection process.

To ensure effectiveness and legality, the testing and selection process shall be reviewed annually and, if necessary, updated to ensure that the selection process is effective in selecting the best-qualified candidates in a fair and equitable manner.

It is Lexington Police Department policy that practices and procedures shall be established, which govern the administration of the selection process, including background investigations; polygraph, medical, and psychological examinations; and probationary period for entry-level police officers.

III. DEFINITIONS

Selection Process: The combined effect of components and procedures to screen applicants leading to the final employment decision as a permanent sworn officer of the Lexington Police Department.

IV. PROCEDURES

A. Minimum Qualifications for Police Officers

All applicants for the position of police officer must meet the following requirements:

1. Adhere to the requirements of §15.2-1705 of the Code of Virginia.
 - a. Be a citizen of the United States.
 - b. Must pass a background investigation which includes verification of qualifying credentials, verification of personal and professional references, a check of school records, inquiry as to character and reputation, health history, employment history, a fingerprint-based criminal history records check to both the Central Criminal Records Exchange and the Federal Bureau of Investigation, and a review of relevant national or state decertification resources if available.
 - c. High school graduate or passed the General Education Development exam.
 - d. College Degree in Criminal Justice preferred.
 - e. Preferred computer skills.
 - f. Possess a valid driver's license.
 - g. Must pass a physical/medical examination, subsequent to a conditional offer of employment, conducted by a licensed physician. Refusal to submit to a pre-employment physical/medical examination will result in automatic disqualification.
 - h. Must pass a psychological fitness examination, subsequent to a conditional offer of employment, conducted by a licensed psychological professional.
 - i. Not have been convicted of or pleaded guilty or no contest to a felony or

any offense that would be a felony if committed in the state of Virginia.

- j. Not have produced a positive result on a pre-employment drug screening or where the positive result cannot be explained to the agency's satisfaction.
- 2. Minimum age of 21.
 - 3. Uncorrected vision of 20/40 or better in each eye, or correctable to 20/20.
 - 4. Must be a non-tobacco user.
 - 5. Ability to respond to the police department and report for duty within a time frame of 45 minutes, from time of notification.
 - 6. Must pass a written examination.
 - 7. Must appear before a selection review board.
 - 8. Must submit to a Physical Agility Test, Psychological Examination, Polygraph Examination, subsequent to a conditional offer of employment. Refusal to submit to a pre-employment polygraph examination or psychological examination will result in automatic disqualification.
 - 9. In addition, if the police officer had been employed at any time by another law-enforcement agency or jail, the Lexington Police Department shall request from all prior employing law-enforcement agencies or jails any information (i) related to an arrest or prosecution of a former police officer, deputy sheriff, or jail officer, including any expunged arrest or criminal charge known to the agency or disclosed during the hiring process that would otherwise be prohibited from disclosure in accordance with §19.2-392.4; (ii) related to a civil suit regarding a former police officer's, deputy sheriff's, or jail officer's employment or performance of his duties; (iii) obtained during the course of any internal investigation related to a former police officer's, deputy sheriff's, or jail officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the state professional standards of conduct adopted by the Criminal Justice Services Board; and (iv) related to a former police officer, deputy sheriff, or jail officer's job performance that led to such officer's or deputy sheriff's resignation, dismissal, demotion, suspension, or transfer. The Lexington Police Department may request this information subsequent to a conditional offer of employment; however, no police officer, deputy sheriff, or jail officer may be employed in such position until the requested information is received from all prior employing law-enforcement agencies in the Commonwealth. The Lexington Police Department requests that the police officer complete a waiver or release liability authorizing the Lexington Police Department to request such information as listed in this

subsection from all prior employing law-enforcement agencies or jails, including law-enforcement agencies or jails located outside the Commonwealth. Any sheriff or chief of police in the Commonwealth, any director or chief executive of any law-enforcement agency or jail in the Commonwealth, and the Director of the Department of Criminal Justice Services or designee who receives such request for information shall disclose such requested information within 14 days of receiving such request to the requesting hiring law-enforcement agency.

10. Automatic Disqualifiers:

- a. Conviction of a felony committed in the Commonwealth of Virginia
- b. Conviction of a misdemeanor involving a crime of “moral turpitude,” which includes, but is not limited to:
 - i. Fraud
 - ii. Petit Larceny (Code of VA §18.2-96)
 - iii. All theft offenses
 - iv. Perjury
 - v. DUI/DUID within the past 5 years OR more than 1 DUI/DUID within the applicant’s lifetime
 - vi. All sex offenses including but not limited to Sexual Battery (Code of VA §18.2-67.4) and/or Consensual Sexual Intercourse with a Minor (15 – 17 years of age) (Code of VA §18.2-371(ii))
 - vii. Domestic Assault (Code of VA §18.2-57.2)
 - 1) Must not have been convicted of a misdemeanor under federal or state law of an offense of domestic violence as described under Title 18 of the United States Code (U.S.C.) (This deals with the use or attempted use of physical force, or the threatened use of a deadly weapon, committed on a current or former spouse, a parent, guardian or someone whom a child in common is shared or someone whom you are cohabiting with presently, or whom you have cohabited with as a spouse, parent, or guardian as well as a person similarly situated to a spouse, parent, or guardian.)
 - viii. Required registration on the Virginia Sex Offender Registry

c. Illegal Drug Usage:

- i. Cocaine or Heroin use within the past 5 years
- ii. Any illegal use of any controlled substance listed in Schedule I or Schedule II of the Code of VA Title 54.1 within the past 5 years and/or twice within the past 10 years
- iii. Use of any hallucinogenic substance, such as LSD, PCP, or Psilocybin, more than 2 times in the applicant's life
- iv. Illegal sale of any drug or narcotic
- v. Misuse of prescription drugs

B. Elements and Activities of the Selection Process for Sworn Personnel

1. The Chief of Police is the appointing authority for all sworn members of the Department, and is responsible for ensuring that appointments of sworn officers are made according to merit and fitness. The City's Human Resources Director, along with the Chief of Police, is charged with the responsibility of ensuring the integrity of the selection process. The day-to-day administration of the selection process is the responsibility of the City's Human Resources Department. The Chief of Police, or designee, is responsible for managing those components of the selection process that the Department administers or schedules. The Chief's designee for overseeing the selection process is the Deputy Chief of Police.

2. Lateral Entry of Sworn Officers

Other than entry-level police officers, the City of Lexington does not permit any "lateral entry" into any sworn police officer classifications that are part of the collective bargaining unit within the police department. Certified police officers that apply for entry-level positions must successfully complete all phases of the selection process, like any other candidate, to be considered for appointment to the Department.

3. Elements of the Selection Process

The selection process of the Lexington Police Department consists of the following pre-conditional, and post-conditional components. All testing, examinations, interviews and investigations will on all applicants done during the selection process and will be conducted by personnel trained in these functions and who possess training in the use and interpretation of the screening process. At a minimum, these include:

a. Pre-Conditional Job Offer Components

1) Written examination

- Written examination can be waived for certified officers if they successfully completed a comparable test with their prior agency.

2) Physical agility test

- Physical agility test can be waived for certified officers if they successfully completed a comparable test with their prior agency.

3) Oral Board examination

Candidates passing these phases of the selection process shall be placed on a hiring list and are eligible to be called for a final interview with the Chief of Police. Candidates that receive a conditional job offer by the Chief of Police will be allowed to continue further in the selection process.

b. Post-Conditional Job Offer Components

1) Background investigations

2) Psychological examination

3) Polygraph examination

4) Medical examination, including drug screening

5) Graduation / Certification in good standing to be verified with the Virginia Department of Criminal Justice Services.

c. Probationary Period Components

All candidates appointed shall serve a probationary period commencing with the date of hire and ending one year after graduation from a Virginia Police Training Academy. Certified officers, when hired, shall serve a probationary period of one year from the date of hire. The remaining components of the selection process during this period include:

1) Field Training and Evaluation Program

2) Solo Assignment

d. Annual and/or Periodic Review and Evaluation of Selection Process

As a general policy, to ensure effectiveness and legality, the testing and selection process shall be reviewed annually and, if necessary, updated. The evaluation should ensure that the selection process is effective in selecting the best-qualified candidates in a fair and equitable manner. The City's Human Resources Director and the Deputy Chief of Police shall perform this review and evaluation and the report forwarded to the Chief of Police.

C. Elements of the Selection Process are Job-Related

All elements of the job selection process, including testing products and services provided by any outside organization, shall use only those rating criteria or minimum qualifications that are job related. When outside commercial resources are used for certain components of the process, vendors will be responsible for providing documentation that their test(s) have validity, utility, and minimum adverse impact.

1. The professional and legal requirements shall be based on the following definitions:

a. Validity: Proof through statistical data that a given component of the selection process is job-related either by predicting a candidate's job performance or by detecting important aspects of the work behavior related to the position for which they are applying. The validity of the selection process as a whole, or individual components thereof, is determined in one or more of the following ways:

1) Criterion-related validation: Criteria are identified, which reflects successful performance on the job, and test scores are then correlated with the performance ratings for the predetermined criteria. A high correlation demonstrates that the test is a useful predictor of the candidate's job performance.

2) Construct validation: Involves the identification of the characteristics or traits believed to be important to successful job performance. A test is then given which should measure the degree to which the candidate possesses the required characteristics.

3) Content validity: A component of the selection process is justified by showing that it measures a significant part of the job.

b. Utility: An assessment of the practical value of an element of the selection process based upon considerations of validity, selection ratio,

the number of candidates to be selected, and the nature of the job.

- c. Adverse Impact: A substantially different rate of selection (known as the 4/5's, or 20% rule), which works to the disadvantage of members of a race, sex, or ethnic group.

D. Elements of the Selection Process Administered in Uniform Manner

1. All elements of the selection process be administered, scored, evaluated, and interpreted in a uniform and fair manner.
2. Operational elements of the selection process such as time elements, oral instructions, practice problems, answer sheets, and scoring formulas must be carried out identically for all candidates.
3. All other elements such as background investigations, psychological, polygraph, and medical examinations, and oral interviews will also be carried out in a uniform manner.
4. All elements of the selection process shall conform to all Federal and State legal requirements, including the *American with Disabilities Act (ADA)*.

E. Application Process

1. The Deputy Chief of Police or designee shall screen all applications received for qualifying standards. All applicants shall be reviewed to ensure that all minimum standards and qualifications for the position are met.
2. The Employment application is given a review with initial NCIC/VCIN inquiry check. (Felony Applicants are advised they are ineligible under Virginia Department of Criminal Justice Services regulations.)
3. The Deputy Chief of Police or designee shall be responsible for maintaining a current record of each applicant's status in the selection process.
4. The Deputy Chief of Police or designee shall notify all applicants in writing of all elements involved in the selection process at the time of formal application. Notification shall include a timetable of the selection schedule, and a list of areas.
5. Applicants will receive a copy of Virginia Department of Criminal Justice Services physical standards for entry/graduation.
6. Completed packets comprising the eligibility list shall remain in control of the Office of Chief of Police when being used for additional testing and/or consideration. All other applications are to be forwarded to the Human Resources Director for retention.

F. Candidates Informed in Writing of Various Issues in the Selection Process

The Department will maintain contact with applicants for sworn positions from initial application to final employment decision. At the time of their formal application, candidates for sworn positions will be informed as part of the police officer application package of:

- All elements of the selection process, as described in Section IV.A.
- The expected duration of the selection process, which generally lasts 3-6 months for the pre-conditional job offer components, and the eligibility list, which generally lasts a minimum of one year from its final determination.
- The Department's policy on reapplication, which allows candidates who are disqualified from a selection process to reapply in the future.
 - Unsuccessful applicants may re-apply after 90 days from the date of the last application if a vacancy exists.

1. Candidates Ineligible for Appointment are Informed in Writing

All candidates for sworn positions determined to be ineligible for appointment should be informed in writing, by either the City's Human Resources Department or the Police Department depending on the component that determined the candidate's ineligibility, of the specific reasons for disqualification within thirty (30) days that such determination is made. Prompt notification in writing is not only an essential element of an efficient administrative organization, but also is fundamental to a fair and effective selection process. Reasons for ineligibility under this section may include, but are not limited to, the following:

- a. Failure to meet the required minimum qualifications to apply
- b. Failure to pass any component of the selection process, including disqualification as a result of the background investigation.
- c. The expiration of the eligibility list.

2. Disposition of Records of Candidates Ineligible for Appointment

All records of all candidates shall be forwarded to and maintained by the City's Human Resources Department for a minimum of three years, or longer, if

required by Virginia Code. Candidate information, records, and test scores shall be destroyed in accordance with established policy and law. These files include:

- a. Candidates who were not hired, disqualified from the process, or deemed ineligible, for appointed to probationary status
- b. Candidates hired by the City of Lexington and given probationary appointments

These files can only be accessed with the approval of the Human Resources Director, and in accordance with all federal and state requirements pertaining to the privacy and security of candidates' records and data, including [Virginia Public Records Act](#).

G. Security and Access of Selection Process Materials

1. Selection materials and testing records will be maintained by the City's Human Resources Department or the Police Department, in a secure locked area twenty-four (24) hours a day when not in use. This applies to all used and unused testing materials, forms, exams, and other documents. These materials are not to be left unattended when removed from such secured areas.
2. Access to selection materials is to be limited to the City's Human Resources Director, the Chief of Police, and/or other persons specifically authorized by each of them for materials kept at their respective locations. Only those persons with a "right to know" will be granted access to these materials on a case-by-case basis.
3. All selection materials shall be disposed of in a manner that prevents disclosure of the information and in accordance with all destruction requirements in accordance with the Code of Virginia.

H. Written Tests

1. Written tests will be administered and scored by department staff.
2. The Deputy Chief of Police or designee shall be responsible for scheduling the tests.
3. Written tests and any element of the selection process, which is administered by the private sector, such as polygraph examinations, psychological testing, and medical examinations, shall meet the requirements of validity, utility and minimum adverse impact.

I. Physical Agility/Fitness Examinations

1. A physical agility/fitness examination will be conducted of each applicant for a sworn position, using tasks, which are job related, useful and nondiscriminatory, based on standards as directed by Virginia Department of Criminal Justice Services. All Candidates must submit a waiver before participating in the process.
2. It is the intent of the testing to verify the likelihood that the applicant can fulfill the physical requirements of the job.
3. The Deputy Chief of Police or designee shall schedule the tests and evaluate the results of the physical agility/fitness examination.
4. All circumstances relevant to the evaluation of validity, utility, and adverse impact shall be considered in determining when one or more elements of the selection process may be outdated.

J. Oral Interview

1. The top applicants who pass the written test will be the subject of an oral interview.
2. The Deputy Chief of Police or designee will schedule the oral interviews.

All oral interviews shall be conducted uniformly with a set of pre-written questions. These questions shall be reviewed for modification, elimination or addition annually by the Deputy Chief of Police.

- The same oral interview questions shall be asked of each applicant.
 - The same rating scale shall be used in judging each applicant.
 - The results of the oral interview shall be recorded and submitted to file with the application.
3. The top applicants that pass the initial Oral Interview go on to an interview with the Chief of Police

K. Background Investigation on Each Candidate Prior to Employment

1. General Considerations

- a. A thorough background investigation of each candidate will be conducted prior to appointment to probationary status. The function of the background investigation is to assist in the determination of each candidate's suitability for employment as an Lexington Police Officer. The elements of the background investigation process for sworn positions are described in greater detail in the Lexington Police Department *Background Investigation Manual*.

- b. The background investigation should occur after the candidate has completed a *Background Investigation Questionnaire*. Background investigations are to be done in person, except in those instances approved by the Chief of Police, where telephone or mail inquiries are more appropriate. Upon completion, the background investigation report shall be completed in the prescribed format, and forwarded to the Chief of Police for review.
- c. The employment background investigations for non-sworn, civilian employee candidates of the will be conducted in a manner as directed and prescribed by the Director of Personnel. Background investigations for civilian personnel will vary based on state regulations such as whether the position will have access to the VCIN / NCIC system, etc.
- d. The background investigation for sworn positions shall include, but not be limited to, the following:
 - 1) Verification of the candidate's qualifying credentials, including minimum age and educational requirements, citizenship, and driver's license
 - 2) Verification of the candidate's educational achievements, past and present employment, and military service
 - 3) A review of each candidate's criminal history report and traffic record
 - 4) Verification and interviews with past and present employers, neighbors, school officials, and at least three personal references
 - 5) A review of relevant national or state decertification resources, if available
- e. Findings of the investigator may be used in conjunction with results of other phases of the process to determine whether a candidate should be given further consideration. At times, the findings of the investigator may be used in and of itself as a reason for disqualification of a candidate from the process. The investigator shall be furnished with the application and other information pertaining to each candidate.
- f. The following occurrences or incidents in a candidate's background *may* result in disqualification from the selection process, to the extent permitted by the *American with Disabilities Act* and other Federal and State Statutes:
 - 1) Misdemeanor or felony conviction, including conviction for a

controlled substance violation

- 2) Illegal use of controlled substances and alcohol abuse
- 3) Poor work record
- 4) Poor driving record
- 5) Bankruptcy and/or numerous debts which are not being regularly paid, to the extent that it indicates the candidate's lack of integrity and potential irresponsibility
- 6) Other related and/or similar occurrences or incidents that would be unacceptable or undesirable in a police officer given the power, authority, and responsibilities incumbent to the position

2. Background Investigator Training

- a. In order to better ensure the confidentiality of the inquiry and enhance the overall quality of investigative techniques, only sworn personnel the Chief of Police designates are to conduct background investigations after receiving appropriate training. Generally, the background investigation function for police candidates is the responsibility of the Detectives. The Deputy Chief of Police will be responsible for the training of background investigators. Instructors should have completed formal training and/or extensive experience in conducting background investigations.
- b. The training of background investigators shall be documented, and may consist of formal and/or informal training, including in-service and on-the-job training by the instructor.

3. Background Investigation Reports Records Retention Policy

All completed background investigation reports of candidates shall be retained as follows, in conformance with the [*Virginia Freedom of Information Act*](#).

- a. The City's Human Resources Department will be forwarded any such records on candidates not hired by the Police Department or disqualified from further consideration, for a minimum of three years, or longer, if required by state law. These records shall be retained, secured, and destroyed in accordance with established policy and law.
- b. The Office of the Chief of Police, or designee, shall be forwarded any such records on candidates placed on the hiring list, but not yet appointed to probationary status, for the duration of the list, when they

shall then be forwarded to the City's Human Resources Department.

- c. The City's Human Resources Department will be forwarded any such records on candidates hired by the Department, to be filed in the employee's personnel file. These records shall be retained, secured, and destroyed in accordance to established policy and law.

L. Notification – Conditional Job Offer

1. The top candidate(s) are then interviewed by the Chief where a Conditional Offer of Probationary Employment may be extended.
2. Notification will be by telephone, followed by a letter, tendering the applicant a conditional job offer.
3. Applicants shall be advised the conditional job offer is contingent upon their successful completion of a polygraph examination, psychological examination, medical examination and a background investigation, if applicable.
4. The Deputy Chief of Police or designee will schedule polygraph examinations, medical and psychological examinations.

M. Use of Polygraph Examination in Background Investigations

1. General Considerations

Administration of a polygraph examination is required for all police officer candidates, as a condition of employment. Prior to the examination, examiners shall brief candidates on the polygraph process, including a list of areas from which questions will be drawn.

2. Qualification Requirements of Polygraph Examiners

The Department shall only utilize certified examiners of other law enforcement agencies and/or private vendors, who are trained and qualified to administer and evaluate the results of polygraph examinations used in the selection process.

3. Use of Polygraph as Sole Determinant of Employment Status

The Department shall not use the results of polygraph examinations as the sole basis for determining the employment status (disqualification or acceptance) of a candidate. These examinations, or other instruments for the detection of deception if used, should be used as an investigative aid, in conjunction with other information learned and/or corroborated during the background investigation, such as candidate admissions, interviews, or other application

materials that together, may be sufficient to support decisions relevant to employment status.

N. Medical and Psychological Examinations/Evaluations on Each Candidate Prior to Employment

1. Medical Examinations

- a. Prior to appointment to probationary status each candidate must successfully pass a medical examination conducted by a licensed physician.
- b. The intent of the medical examination is to certify that the candidate is physically and medically fit to perform the essential functions of the duties as a police officer. Procedures used during the medical examination are to be valid, useful and non-discriminatory.
- c. A licensed physician selected by the City of Lexington shall conduct medical examinations.
- d. Medical examinations shall be conducted at the Department's expense.
- e. Medical examination reports will be under the control of the Human Resources Director and will be stored in a secure file according to State Archive Retention schedules. Medical records will not be maintained in an employee's personnel file.
- f. Results of all medical examinations for all applicants shall be filed separately and securely maintained and destroyed based on State Archive Retention schedules.

2. Psychological Evaluations

- a. Prior to appointment to probationary status each candidate must successfully pass a psychological examination, conducted by licensed psychologists and/or psychiatrist with experience in dealing with law enforcement officers and candidates for law enforcement positions.
- b. The intent of the psychological examination is to determine a candidate's emotional and psychological stability as it relates to their ability to function as a police officer. Procedures used during the psychological examination are to be valid, useful and non-discriminatory.

- c. A licensed Psychologist selected by the Department and approved by the Virginia Department of Criminal Justice Services shall conduct the examination.
- d. Psychological examinations shall be conducted at the Department's expense and the results submitted to the Office of the Chief of Police.
- e. Results of all psychological examinations shall be filed separately in secured files in the Chief's office and destroyed based upon standards set by State Archives Retention schedules.

3. Medical and Psychological Report Records Retention Policy

Pursuant to the American with Disabilities Act, the medical/psychological records of all candidates, whether appointed or not, are considered confidential records and shall be filed separately from other records and secured in a greater manner than other candidate information. Access to medical records is limited to persons having a need to know and authorized by the Human Resources Director. In addition, the Chief of Police has access to the results of the Police Psychological Examination. These records will be maintained, secured, and retained in accordance to the guidelines as established in Section F.3 of this General Order.

O. Final Authority

- 1. The Chief of Police shall have final authority in the selection of applicants.
- 2. The Chief of Police or designee, shall be responsible to notify applicants eligible for appointment of such a decision.
- 3. Notification shall be in writing within thirty calendar days of such a decision.
- 4. All records regarding the recruiting effort shall be maintained in the office of the Chief of Police or other secure designated area and destroyed based upon standards set by the *Library of Virginia Retention Schedules for Localities*, [GS-17, Law Enforcement, Fire and Emergency Services](#).

P. Probationary Periods for Entry Level Sworn Officers

Following graduation from a Virginia Department of Criminal Justice Services approved academy, all appointed candidates shall serve a probationary period as stipulated in the *City of Lexington Personnel Policy Manual* for police officers and/or the City Charter, prior to the candidate attaining permanent status. The probationary period for Lexington Police Department officers shall be one year.

Q. Application by Former Employees

1. Sworn personnel and civilians of the Police Department who separate in good standing may be re-employed provided the following criteria is met:
 - Obtain written approval by the Chief of Police
 - Complete any examination requirements as determined by the Office of the Chief of Police.
 - Meet statutory requirements.