

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Fargo Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Fargo Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Professional Standards Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- (a) Establishment of a written recruitment plan.
 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and employment agreements.
- (b) Identification of racially and culturally diverse target markets.
- (c) Use of marketing strategies to target diverse applicant pools.
- (d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (f) Employee referral and recruitment incentive programs.
- (g) Consideration of shared or collaborative regional testing processes.
- (h) Recruiting lateral officer applicants who possess a current North Dakota Peace Officer Standards and Training (ND POST) certification.

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The Professional Standards Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The written application for officers must include a question regarding whether the candidate has ever pled or been found guilty of a felony, including a felony charge that was later dismissed under a deferred imposition of sentence (N.D.C.C. § 44-08-20.1).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
 - 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available
- (l) Any relevant information in the National Law Enforcement Accountability Database

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1000.4.1 VETERAN'S PREFERENCE

United States Armed Forces veterans and spouses of veterans may qualify for preference in the recruitment and selection processes by the Department pursuant to N.D.C.C. § 37-19.1-02. The applicant must be a United States citizen at the time of application for employment and may not be disqualified because of a physical or mental disability unless the disability renders the applicant unable to properly perform the duties of the position applied for. If awarded by the City of Fargo Human Resources Department, the veteran's preference points will be applied to the candidates police officer entrance exam test score.

1000.4.2 CRIMINAL HISTORY

The Professional Standards Division commander shall establish procedures to ensure that inquiries or consideration of a criminal record or criminal history of an applicant are permissible under North Dakota law (N.D.C.C. § 12.1-33-02.2).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Fargo Police Department (N.D.A.C. § 109-02-01-03).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Professional Standards Division commander should not require candidates to provide passwords, or access to password-protected social media accounts.

The Professional Standards Division Commander should ensure the background investigator, who conducts open source, internet-based searches and/or review information from social media sites on a candidate is cognizant of the following:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

The Professional Standards Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report, which includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that

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is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established Human Resources Department records retention schedule.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

Candidates shall meet the minimum standards established by North Dakota law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the North Dakota Peace Officer Standards and Training Board (POST) (N.D.C.C. § 12-63-06; N.D.A.C. § 109-02-01-03):

- (a) Citizen of the United States or in resident alien status
- (b) High school graduate or possess a high school equivalency diploma or GED certificate

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- (c) Free of any felony convictions
- (d) Free of any convictions that POST determines have a bearing on the candidate's ability to serve as a peace officer. This may include but is not limited to a conviction or plea to any of the following offenses:
 - 1. A crime of moral turpitude
 - 2. Domestic violence
 - 3. A violation of a domestic violence restraining order
 - 4. Child abuse or neglect
 - 5. An offense involving firearms under Title 12.1 or Title 62.1 of the North Dakota Century Code
- (e) Not be prohibited from possessing a firearm under state or federal law
- (f) Possess a valid driver's license issued in the United States
- (g) Fingerprinted by the North Dakota Bureau of Criminal Investigation and the FBI
- (h) Submit to and pass a medical and psychological evaluation
- (i) Not have been dishonorably or administratively discharged from military service
- (j) Not be prohibited from accessing the National Crime Information Center (NCIC) Criminal Justice Information Services (CJIS) databases
- (k) Able to meet POST licensing requirements

1000.7.2 STANDARDS FOR CIVILIANS

The Department has many different civilian positions, each with their own unique job standards for employment. Civilian candidates shall meet the following minimum standards:

- (a) High School graduate or possesses a GED certificate
- (b) Free of any felony convictions
- (c) Possess a valid driver's license as required by position description
- (d) Fingerprinted by North Dakota Bureau of Criminal Investigation and the FBI
- (e) Not have been dishonorably discharged from military service
- (f) Submit to and pass polygraph examination
- (g) Not be prohibited from accessing the National Crime Information Center (NCIC) or Criminal Justice Information Services (CJIS) databases are required by position description.

1000.8 PROBATIONARY PERIODS

The Professional Standards Division Commander should coordinate with the City of Fargo Director of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.

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(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

The Department shall follow City Policy 200-006 regarding probationary periods for department members.

1000.9 REVISION DATE 09/03/2024