


RUTHERFORD POLICE DEPARTMENT				
VOLUME: I	CHAPTER: 3	# OF PAGES: 5		
SUBJECT: SELECTION PROCESS & PROMOTING DIVERSITY				
EFFECTIVE DATE: 3/202017	ACCREDITATION STANDARDS:	REVISION DATE 12-31-2021	PAGE # ALL	
BY THE ORDER OF: Chief John R. Russo				
SUPERSEDES ORDER #:				

PURPOSE The purpose of this directive is to provide statutory and procedural guidelines concerning the selection of all personnel for the Rutherford Police Department and ensure these processes are properly promoting diversity within the agency.

POLICY The Rutherford Police Department is a New Jersey Civil Service Commission jurisdiction subject to NJSA 11A:1-1 et seq. and NJAC 4A:1-1 et seq. in all employment decisions. The goal of the Rutherford Police Department is to recruit and select the best candidates available in order to create a lower rate of personnel turnover, fewer disciplinary problems, higher morale, stronger community relations and more efficient and effective services. Also, the Rutherford Police Department is a strong supporter of equal employment opportunity (EEO). This support includes removing barriers that prevent people of all classes from being treated fairly in employee recruitment, selection, and employment. Similarly, the agency supports affirmative action in its recruitment process.

PROCEDURE:**I. Civil Service Commission Methods of Selection of Personnel**

- A. The goal of the Rutherford Police Department is to develop and maintain an efficient, effective and fair process for the selection and appointment of personnel. This process includes choosing individuals who best possess the skills, knowledge and abilities necessary to carry out the duties of the applicable position.
- B. The Civil Service Commission provides for open competitive examinations. This includes the following:
 - 1. The announcement and administration of the examinations that fairly test the knowledge, skills and abilities required to perform the duties of the applicable position;
 - 2. The rating of examinations;
 - 3. The security of the examination process and appropriate sanctions for a breach of security;
 - 4. The selection of special examiners to act as subject matter specialists or to provide other assistance; and
 - 5. The right to appeal adverse actions relating to the examination and appointment process, which will include but not be limited to rejection of an application, failure of an examination, and removal from an eligible list.
- C. The New Jersey Civil Service Commission provides for procedures to be utilized for the selection of personnel from the Special Employment List, commonly known as the "Rice" list, and Intergovernmental transfers pursuant to NJSA 40A:14-180 and NJAC 4A:4-3.9 and 3.10.

II. Promoting Diversity in Recruiting and Hiring**a. Definitions**

Applicant: An "applicant" in a CSC jurisdiction is an individual seeking employment as a law enforcement officer and who (1) is included on a CSC certified list of eligible candidates received by a hiring law enforcement agency and (2) responded timely to the hiring agency with an expression of interest in the position. "Applicant" also includes individuals who are exempted from the CSC examination requirement under N.J.S.A. 11A:4-1.3 and who submit a completed employment application as provided by the hiring agency.

Appointment: A law enforcement officer is “appointed” by the resolution of the agency’s governing body. Rutherford Police considers a candidate appointed prior to attending the Police Academy and after successful completion of all background investigations and testing.

Law enforcement agency: Defined in the Act as a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which has by statute or ordinance the responsibility of detecting and enforcing the general criminal laws of this State.

Law enforcement officer: Defined in the Act as any person who is employed as a permanent full-time member of an enforcement agency, who is statutorily empowered to act for the detection, investigation, arrest, and conviction of persons violating the criminal laws of this State and statutorily required to successfully complete a training course approved, or certified as being substantially equivalent to an approved course, by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.).

A. Establishing a Program

1. **Purpose:** As expressly required by law, it shall be the process of the Rutherford Police Department, “in furtherance of the goal of the agency being comprised of law enforcement officers who reflect the diversity of the population of the community the agency is charged with protecting”, to make a good faith effort to meet specific goals for recruiting a diverse workforce, in terms of people of color and gender diversity.
2. **Setting goals:** The Rutherford Police Department, in forming its goals, should at least annually, analyze the demographics of its law enforcement officers and determine if there is a substantial disparity between the racial, ethnic, and gender representation within the law enforcement officer ranks as compared with the racial, ethnic, and gender representation in the relevant population of the jurisdiction served by the agency. Any demographic group for which there is a substantial disparity, in terms of less representation on the police force, should be considered an “underrepresented” group. In determining whether a disparity is substantial, it should be considered whether reducing the disparity would help achieve the goal of each agency’s police force “reflecting” the diversity of the population of the community we are charged with protecting” and thereby making the police force more effective at promoting public safety. Goals should describe (1) the identified underrepresentation of any group, (2) the means for addressing the underrepresentation, and (3) the intended time frame for doing so.

3. **Addressing underrepresentation:** During the hiring process, identified underrepresentation *may* be addressed by some or all of the below-listed actions, as well as others, the means of addressing underrepresentation shall not include quotas or any other legally impermissible provisions.
 - a. Using recruitment methods that target underrepresented demographic groups, especially local recruitment efforts. This approach may include outreach to law enforcement officer organizations based on race, ethnic group, gender, or religion; local colleges with significant student diversity; minority-serving educational institutions; and military veterans. Such methods may also include ensuring recruitment materials that (1) reflect visible diversity, (2) are reviewed by a diverse team prior to release, and (3) are delivered by a diverse recruiting team. The diversity of those conducting applicant interviews should also be considered. Finally, recruiting methods may involve establishing pipeline programs that foster and enhance an interest in law enforcement among diverse youth populations as early as middle school.
 - i. The Department shall consult with the Borough Clerk and the Civil Service Commission to determine when the next entry level exam will be administered and when the application for that exam will begin in order to implement timely recruitment methods.
 - b. Implementing standardized forms in the application process that reduce subjective responses that may impact the hiring of underrepresented groups, and training the recruiting and hiring team on explicit and implicit bias.
 - c. Instituting clear criteria for hiring and an oversight process for reviewing hiring decisions. With respect to hiring, consider making publicly available information on examples of background-check issues that can disqualify applicants.
 - d. Assessing whether particular hiring eligibility requirements adversely affect any underrepresented group and, if so, reassessing whether the requirement is essential. If the requirement is deemed essential, consider developing appropriate supportive initiatives or alternative paths, such as remedial training or

deferral options. For example, if background checks consistently disqualify an underrepresented group due to prior financial issues such as bad credit history or bankruptcy, consider whether a mechanism for waiving the requirement in appropriate cases is warranted.

- e. Assessing what the barriers are to applications by underrepresented groups and devising solutions to overcome those barriers. For example, underrepresented groups may not submit applications because the process is online and potential applicants do not have ready access to resources to complete the application. In such a case, the Program might seek to address the problem by using mobile units equipped with computers to allow onsite applications.
- f. Connecting with community stakeholders for underrepresented groups in order to better understand the factors affecting those groups in the application process.
- g. Establishing mentorship programs for applicants from underrepresented groups that provide support for resume review and physical training requirement preparation, as well as mentorship for current officers seeking promotion and working with the CSC's mentoring program for applicants pursuant to P.L.2021, c.235.
- h. Raising awareness about the police officer testing and hiring process through flyers, advertising on social media, and appearing at job fairs and community events. Partnering with the CSC itself may be beneficial.
- i. Partnering with community stakeholders, including law enforcement organization affinity groups (see note 5), or the CSC itself (see P.L.2021, c.234 (requiring CSC to aid exam prep in certain low-income communities)), to identify and encourage free civil service test preparation programs, and encouraging diverse potential applicants to attend.

- D. **Methods of evaluation:** The Rutherford Police Department process shall include methods for evaluating whether the goals are achieved, which should include, but are not limited to, performing the above demographic analysis described in Section I.B at least annually, determining whether any substantial disparities have been reduced, and revising the goals accordingly.

E. **Additional contingent measures:** The Rutherford Police Department should provide that additional contingent measures will be taken if the Program goals are not met under the methods of evaluation implemented pursuant to Section I.D.

F. **Public posting:** This policy shall be posted on the official Internet website of the Department not later than June 7, 2022, which is six months from the issuance of these Guidelines.

b. **Monitoring**

The County Prosecutor shall, from time to time, review the results of the Programs for each county and municipal law enforcement agency within its jurisdiction, and provide input, feedback, or recommendations to the respective agencies as the Prosecutor deems appropriate. The County Prosecutor shall report an annual summary of each agency Program within its jurisdiction for the preceding calendar year to the Attorney General by the last day of February. The Attorney General shall, from time to time, review the results of the Programs for each State law enforcement agency, and provide input, feedback, or recommendations to the respective agencies as the Attorney General deems appropriate.

c. **Annual Reporting**

- A. **Data to be included:** By January 31st of each year, each State law enforcement agency shall report to the Attorney General, and each municipal and county law enforcement agency shall report to the County Prosecutor with jurisdiction over the agency (who will in turn gather and transmit the information to the Attorney General), the following information for the preceding calendar year. The information should not include the names of each individual. See Appendix A (attached to this policy) for the agency reporting form, which will also generate the agency's annual report.
- B. The age, gender, race, and ethnicity of the law enforcement officers currently appointed to the law enforcement agency as of December 31 (or, if that data is unavailable, data from a different date reasonably close to year-end) of the preceding calendar year;
- C. The age, gender, race, sexual orientation (if provided), and ethnicity of applicants for a law enforcement officer position in the preceding calendar year;

- D. The age, gender, race, and ethnicity of applicants appointed to the agency in the preceding calendar year, with transfer applicants listed separately;
- E. The reasons for denying applicants an appointment to the law enforcement agency (Appendix A contains a list of denial reasons); and
- F. The age, gender, race, and ethnicity of each law enforcement officer eligible for promotion and promoted within the agency in the preceding calendar year, including the position to which the officer was promoted.

B. First reporting date: The first reporting date shall be January 31, 2022, and the information reported should cover the time period from the effective date of these Guidelines through December 31, 2021.

C. Demographic data collection: The data collected should follow the below standards, as reflected in Appendix A (which may be updated in the future). Demographic information should be collected from applicants and promotion candidates on a distinct form from any application so as to remain separate from the selection process.

1. Race:

- i. American Indian or Alaska Native
- ii. Asian
- iii. Black or African American
- iv. Native Hawaiian or other Pacific Islander
- v. White
- vi. Two or more races
- vii. Other

2. Ethnicity:

- i. Hispanic or Latino
- ii. Not Hispanic or Latino

3. Gender:

- i. Female
- ii. Male
- iii. X or Non-Binary

4. Sexual orientation (for applicant reporting only):

- i. Do you identify as LGBTQ+, yes or no?

F. **Additional requirements:** The annual reports described in Section III.A should also include the agency's summary of the data based on the below prompts that are also included in Appendix A:

1. Whether the agency is governed by civil service rules;
2. A description of the agency's application process, to include when in the hiring process a formal application is submitted, and when appointment occurs if hired;
3. A description of the data used to determine any underrepresentation;
4. A detailed assessment as to whether representation has improved for any previously identified underrepresented groups;
5. Any new or modified Program goals to be implemented in the upcoming year.

G. **Publishing:** The data collected pursuant to Section III.A shall be published in the respective annual reports of each municipal and State law enforcement agency, and for county law enforcement agencies, in the annual report of the County Prosecutor with jurisdiction over that agency.

1. Each law enforcement agency shall update the description of its Program on the agency's official Internet website accordingly, at least after each annual reporting.
2. The Attorney General will gather the information provided under Section III and assemble it into an annual report to be issued to the Governor, the President of the Senate, and the Speaker of the General Assembly, and to be posted on the official Internet website of the Department of Law and Public Safety by April 30 of each year. The Attorney General's annual report will distinguish between jurisdictions governed by Civil Service rules and those that are not.

III. Department Selection of Sworn Personnel

1. If selection method is from an open competitive examination the Borough Clerk shall request from the New Jersey Civil Service Commission a certified list of eligible candidates.
 - a. Candidates on the eligible list will be notified in writing by the New Jersey Civil Service Commission to determine their interest in

- proceeding in the selection process. Candidates not responding to the notification will be removed from the eligible list.
- b. Eligible candidates from an open competitive list shall be contacted by the Rutherford Police Department to determine if they meet the eligible requirements.
 - i. Candidates not meeting eligibility requirements (age, residency, etc.) shall be disqualified.
 - c. Candidates meeting eligibility requirements shall complete a Police Department application.
 - d. The department shall conduct an oral interview of the candidate(s) of their choosing before making a final selection of candidate. The interview process shall include Department personnel chosen by the Chief of Police or his designee to be part of the background and interview team. The Mayor and Police Liaisons shall have an invitation extended to sit-in on the oral interview of each candidate; however, the Mayor and Police Liaisons, if they chose to attend shall be present for observation purposes only.
 - e. The Rule of Three may be utilized in selecting a candidate(s) only if utilizing such rule does not conflict with any other New Jersey Civil Service rule or regulation and applicable law.
2. Pursuant NJSA 40A:14-180 and NJAC 4A:4-3.9 and 3.10 eligible candidates may be selected from the Special Employment List, commonly known as the "Rice" list, or the Intergovernmental transfer program.
- a. If selection method is from the "Rice" list the Borough Clerk shall request from the New Jersey Civil Service Commission a certified list of eligible "Rice" list candidates.
 - i. Candidates meeting eligibility requirements shall complete a Police Department application.
 - ii. The department shall conduct an oral interview of the candidate(s) of their choosing before making a final selection of candidate(s).
 - b. Intergovernmental eligible candidate(s) are generally recruited and therefore there is no eligibility list other than meeting the New Jersey Civil Service Commission rules concerning intergovernmental transfer and applicable laws and regulation pursuant to NJSA 40A:14-180 and NJAC 4A:4-3.9 and 3.10.

- i. The department shall conduct an oral interview of the candidate(s) of their choosing before making a final selection of candidate.

IV. Selection of Non-Sworn Personnel

- A. Requests to hire civilian staff members must be supported by ample justification and coordinated through the Chief of Police and Borough Clerk subject to budgetary constraints.
- B. The New Jersey Civil Service Commission classifies job positions (job titles) as either competitive or non-competitive. Competitive positions generally require a testing process while non-competitive positions do not.
 1. Appointment to a competitive job title is considered provisional until the Civil Service Commission conducts its testing process.
 2. Any testing for a competitive position is generally performed within 12 months following appointment.
 3. The New Jersey Civil Service Commission may waive the testing process if there are less than four (4) applicants.

V. Background Investigation

- A. A background investigation will be conducted on all candidates for all positions prior to appointment that will include at least the following:
 1. A review of the candidate's application to confirm/verify meeting eligibility requirements for the position applied for;
 2. A check of the applicant's driving history, if driving is a requirement of the position;
 3. A fingerprint check for criminal record;
 4. Candidates for sworn positions shall be checked against the New Jersey Central Drug and Domestic Violence Registries;
 - a. All candidates for police officer shall be subject to a criminal history check prior to the selection phase paying particular attention to acts of domestic violence, sexual abuse, stalking, elder abuse, or child abuse, including a check of the Domestic Violence Registry to determine the existence of any active restraining orders and to determine if there is a history of domestic violence.

- b. Police officer Candidates shall be interviewed about any history of acts of domestic violence, sexual assault, stalking, elder abuse, or child abuse and past or present restraining orders and their disposition. Applications for employment to the position of police officer shall be amended to require information on these topics.
 - c. Those police officer candidates with a history of perpetrating acts of domestic violence, sexual assault, stalking, elder abuse or child abuse shall be identified and declared ineligible for employment as police officers.
5. Verification of at least three personal references.

VI. Medical Exam

A medical exam will be conducted on all sworn candidates prior to appointment, but after being given a conditional offer of employment, to certify the general health of each candidate.

VII. Psychological Exam

A psychological fitness examination of each candidate for a sworn position will be conducted by a qualified professional prior to appointment, but after being given a conditional offer of employment.

VIII. Final Recommendation and Report

Upon final review of all completed background material and medical evaluations, the Chief of Police shall submit in writing to the Mayor and Council his recommendation of candidates for hire.

A final summary report shall be generated by the Chief of Police for each interviewed candidate and placed in that candidate's application file.

Instructions
Annual Law Enforcement Diversity Reporting Form | N.J.S.A. 52:17B-4.10

Agency Fact Sheet

COLUMNS

Instructions	Provide information about your agency's applicant and promotional processes and methods for the time period.
Column D	Select "Yes" or "No" for each question or process or method element. These responses will automatically populate in your Annual Report.

Applicant Sheet

COLUMNS

Instructions	Provide information about all applicants.
Column C	Type the birth year of the applicant formatted as YYYY.
Column D	You do not need to enter anything into this field. This field will automatically calculate the age of the applicant as of 12/31 of the previous year.
Column E	Select the Race of the applicant from the drop down: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander, White, Two or more races, or Other
Column F	Select the Ethnicity of applicant from the drop down: Hispanic or Latino, Not Hispanic or Latino
Column G	Select the Gender of the applicant from the drop down: Female, Male, X or Non-Binary
Column H	Indicate whether the applicant identifies as LGBTQ+: Yes or No
Column I	Select the method of application from the drop down: Direct Hire, Transfer, Waiver, or CSC Exam Exempt Direct Hire Applicants
Column J	Select the Application Outcome for the applicant: Appointed to Agency or Not Appointed to Agency
Column K	Select the Reason for not appointing the applicant from the drop down: Academy Failure, Applicant Withdrawal, Defers, Did not meet minimum qualifications, Failed background check-Financial, Failed background check-Criminal History, Failed background check-Other, Failed Drug Test, Interview Panel Recommendation, Other, Physical Qualification Exam, Residency Requirement, Written Exam

SAMPLE APPLICANT FORM

Time period: **January 1, 2021 to December 31, 2021**
 Agency: **Example Police Department**
 County: **Mercer**

No.	Applicant Demographics						Application Outcome		
	Year of Birth	Age	Race	Hispanic Origin	Gender	LGBTQ+	Applicant type	Outcome	Reason for No Appointment
1	1956	64	Black or African American	Not Hispanic or Latino	Male	Yes	Direct Hire	Not Appointed to Agency	Did not meet minimum qualifications
2	1975	45	American Indian or Alaska Native	Not Hispanic or Latino	X or Non-Binary	No	Transfer	Appointed to Agency	

Annual Report

Instructions	The Annual Report will automatically populate based on the information entered into the "Agency Fact Sheet", "Applicant Sheet" and "Current Officer Sheet" WITH TWD EXCEPTIONS. Should you wish to enter an additional narrative regarding hiring or promotions, you may do so on the last page of the Annual Report. NOTE: THESE BOXES WILL REMAIN HIGHLIGHTED UNLESS TEXT IS ENTERED INTO THE BOX. YOU MAY ENTER "N/A" SHOULD YOU NOT WISH TO PROVIDE ADDITIONAL INFORMATION. You may also provide a separate document with your assessment of improvement and future goals if more space is needed.
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Current Officer Sheet

COLUMNS

Instructions	Provide information about all current officers.
Column C	Type the birth year of the officer formatted as YYYY.
Column D	You do not need to enter anything into this field. This field will automatically calculate the age of the officer as of 12/31 of the previous year.
Column E	Select the Race of the officer from the drop down: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander, White, Two or more races, or Other
Column F	Select the Ethnicity of officer from the drop down: Hispanic or Latino, Not Hispanic or Latino
Column G	Select the Gender of the officer from the drop down: Female, Male, X or Non-Binary
Column H	Select Yes or No: Was the officer eligible for promotion during the preceding calendar year?
Column I	Select Yes or No: Did the officer apply for a promotion during the preceding calendar year?
Column J	Select Yes or No: Was the officer promoted during the preceding calendar year?
Column K	Select the old rank of the promoted officer.
Column L	Select the new rank of the promoted officer.

SAMPLE CURRENT OFFICER FORM

Time period: **January 1, 2021 to December 31, 2021**
 Agency: **Example Police Department**
 County: **Mercer**

No.	Officer Demographics						Current Year Promotion			
	Year of Birth	Age	Race	Hispanic Origin	Gender	Eligible for Promotion	Applied for Promotion	Promoted	Old Rank	New Rank
1	1987	33	White	Not Hispanic or Latino	Male	No	No	Yes	Chief	Sergeant
2	1990	30	White	Hispanic or Latino	Female	Yes	Yes	Yes	Corpora I	Lieutenant

Annual Summary of Law Enforcement Diversity: Agency Fact Sheet

Annual Law Enforcement Diversity Reporting Form | N.J.S.A. 52:17B-4.10

In compliance with N.J.S.A. 52:17B-4.10 (the "Act") each law enforcement agency in New Jersey to establish a program designed to ensure every agency was "comprised of law enforcement officers who reflect the diversity of the population of the community the agency is charged with protecting." The Act requires the publication of annual reports detailing the age, gender, race, and ethnicity of law enforcement officers currently appointed to an agency and those promoted within the agency in the preceding calendar year. Additionally, the Act also requires an annual report compiling the age, gender, race, and ethnicity of applicants, applicants appointed, and applicants denied for a law enforcement officer position in the preceding calendar year.

This sheet captures information on the applicant and promotional processes of your agency which will be included in your Annual Report of Law Enforcement Diversity. Please type "Yes" into the boxes for the process elements as applicable for the time period.

Time period
Agency
County
Type of Agency

← Type agency name here
← Select county from dropdown menu here

Application Processes

Did your agency receive any applications for employment during the above time period?

(select response from drop down)

Is your agency hiring process governed by Civil Service Regulations?

(select response from drop down)

Please specify which methods your agency hired law enforcement officers during the above time period, by entering "Yes" in the appropriate boxes

- Civil Service Examination Certified List
- Non-Civil Service Examination List
- Inter-governmental Transfer
- Waiver hire
- Direct hire of BCPO certified officer

Please specify which elements were included the application process your agency used during the above time period, by entering "Yes" in the appropriate boxes:

- Return the Card
- Formal Application
- Interview Board
- Written Exam
- Preference for applicants who are "local" or "county" residents
- Preference for veteran applicants
- Drug Testing
- Medical Exam
- Psychiatric Exam

Please specify when an officer was considered "appointed" to your agency used during the above time period, by entering "Yes" in the appropriate boxes:

- Prior to entry in to the Academy
- Upon successful completion of the Academy

Promotion Methods

Did your agency receive any applications for any promotion during the above time period?

(select response from drop down)

Is your agency promotional process governed by Civil Service Regulations?

(select response from drop down)

If yes above, do Civil Service Regulations apply to all ranks?

Please specify which methods your agency promoted law enforcement officers during the above time period, by entering "Yes" in the appropriate boxes:

- Civil Service Promotional Examination Certified List
- Non-Civil Service Promotional Examination List
- Promotional Interview