



MNPD Responses to the Community Oversight Board’s Hiring Procedures Report Recommendations

COB recommendations from the *Hiring Procedures* report and MNPD responses are compiled below. MNPD responses are verbatim from the Chief’s response. Bullet points have been added for clarity.

Recommendation 1:

The Personal History Statement should include law-enforcement specific questions for applicants who have been law enforcement officials in another jurisdiction. This should include questions about unnecessary use of force, bias-based policing, and any disciplinary actions.

MNPD Response:

Acceptance

Below are some examples already in place within the current Personal History Statement that would cover the above recommendation.

- #53 Have you ever done anything to harm, insult, or frighten another person because of that person's race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability?
- #61 To your knowledge, have you ever been the subject of any criminal or civil rights investigation?
- # 104 Have you ever been the subject of a disciplinary investigation at work, at a volunteer or other unpaid position, in the military, or in school?
- # 114 Have you ever been discharged, asked to resign, laid-off, or subjected to disciplinary action while in any position (except military)?
- # 115 Have you ever resigned (quit) after being informed that your employer intended to discharge (fire) you for any reason?
- # 117 Have you ever resigned while under investigation or resigned in lieu of being terminated for any reason?
- # 122 Have you ever been disciplined, reprimanded, or counseled at any job for any reason?

- # 123 Have you ever been interviewed by an employer' s internal affairs, quality control, loss prevention, or other disciplinary unit?

In addition to the above questions, it is a requirement that any applicant that has prior employment as a police officer, firefighter, teacher, or corrections officer, have their personnel file reviewed and the Internal Affairs Unit be interviewed.

This review is a more credible solution than relying on an applicant's self-admission. If an applicant chooses to omit information or attempts to mitigate a previous issue, this can provide insight into their integrity, ethics, and accountability which cannot be asked in the form of a question.

The Background Unit consistently evaluates, monitors, and implements best practices as it relates to conducting investigations for prior law enforcement applicants.

Recommendation 2:

Question #99 of the Personal History Statement asking whether applicants have a prejudice that will impact their job performance should be changed to a series of questions focused on discriminatory attitudes and behaviors and a short answer question regarding the applicant's understanding of implicit bias.

MNPD Response:

Acceptance

As for questions that relate to biases, it is widely known that people have biases; what is important to law enforcement is the degree of one's biases. Hughes & McDaniel was asked to provide input and researched best practices concerning this question.

The scientific discussion on implicit bias is vigorous at this time in history, but we have no clear panaceas yet. We are not very far along in having definite, empirical valid, EEOC-ready solutions at this time. The best practice for hiring currently may be to assess someone's *awareness of* implicit bias, and their willingness to address it in their professional competencies and development.

Implicit bias cannot be fully addressed in a self-report evaluation because if you know you have a specific bias, it is, by definition, explicit, not implicit. If you don't know you have bias, you cannot report it.

Hughes, McDaniel and Associates (HMA) has been working with public safety departments in the state of Tennessee since 2001. HMA follows the guidelines and practices of the International Association of Chiefs of Police Psychology section, the American Psychological Association, the Institute for Forensic Psychology, and POST guidelines in its police work.

Recommendation 3:

MNPD should evaluate reasons for Civil Service Testing no-shows through surveys and interviews with individuals who did not show up to testing. When impediments are identified, changes to the process should be considered and, if made, an evaluation plan should be in place to assess whether the change was effective. MNPD should aim to have at least 50% of invited applicants take the Civil Service Tests.

MNPD Response:

Acceptance

Currently, there are efforts to reach out to applicants who fail to appear for civil service testing. Those efforts include phone, text, and email communications. Approximately 22% of the no shows do reschedule, which is reflected by the 1,700 civil service invitations compared to the 1,326 applications. When the number of applicants that attended civil service testing is compared to the number of applications received, an increased attendance rate of 36% has been experienced this year. This is an increase from 32% percent for the same time last year. *(For all of 2020, 32% of applications received resulted in civil service attendance.)*

Recommendation 4:

MNPD should publicly release their planned evaluation report focusing on whether changing the physical agility section of the Civil Service Test reduces gender and racial disparities in attending and passing the test.

MNPD Response:

Acceptance

In 2020, 52 applicants were unable to successfully complete the Cooper Standards physical agility evaluation. Of the 52 applicants, 34 were female applicants. 29% of the female applicants that attempted the Cooper Standards evaluation were unable to successfully complete. This is compared to 2.7% of male applicants. In 2021, 9 applicants have been unable to successfully complete the new physical agility test. Of the 9 applicants, 5 have been female applicants. 11% of the female applicants that have attempted the New PAT were unsuccessful. This is compared to 1.3% of male applicants

In 2020, the pass rate for civil service testing was 78%. In 2021, the current pass rate is 87%. While these rates do consider those that were unable to successfully complete the written portion, 6.7% of civil service attendees failed the agility portion in 2020 compared to 2.6% in 2021.

The Background Unit strives to be as transparent as possible and this information can be readily available upon request. We will continue to explore ways to better our transparency.

Recommendation 5:

MNPD should work to increase the racial, ethnic, gender, age, and language diversity of the Recruitment Section's background investigators to align with the population of Nashville more closely and make progress toward diversification by the end of 2021.

MNPD Response:

Acceptance

Current demographics of the Background and Recruitment Unit:

Recruitment Personnel:

- Male Black - 2
- Female White - 1
- Female Hispanic – 1
- Male White - 1

Background Investigators:

- Male Black - 1
- Female White - 5
- Male White - 6
- Male Two or More Races - 1

Support Staff:

- Male Black - 2
- Male White - 1

The Background and Recruitment Section strive to ensure the demographics of the section's personnel mirror the demographics of the community.

Recommendation 6:

MNPD should review, at least annually, the demographics of applicants that have been assigned to background investigators and the number of disqualifications resulting from each investigator to identify potential biases. One investigator having higher disqualification rates for a specific demographic group than other investigators does not necessarily indicate bias, but it suggests that an in-depth audit is needed.

MNPD Response:

Acceptance

It is important to note, no investigator has the responsibility for rendering a decision whether an applicant is to continue in the hiring process. Investigators submit summaries containing facts from an applicant's background investigation to the Chief's Panel. The Chief's Panel will render a

decision on whether an applicant will continue in the hiring process. There are four decisions a chief may render, Qualified, Disqualified, Better Qualified Applicants, or Defer. A defer may include a request by the Chiefs Panel to interview an applicant or obtain more information on a specific topic within the summary.

Recommendation 7:

The Recruitment Section’s SOPs should address the timing of the social media review in the hiring process and the procedures used by MNPd personnel for reviewing social media content. This should include a standard solicitation process regarding applicant social media information. Applicants who refuse to supply access to social media accounts should be disqualified from the hiring process.

MNPd Response:

Partial Acceptance

Social media queries may be done at any time during the background investigation but shall be done with every background investigation. We recognize the fast paced evolution of social media and its application within a hiring process; As such, the background section will consistently monitor and evaluate best practices as it relates to conducting social media queries to include guidance and advice from the Metro Legal Department.

Recommendation 8:

SOPs should require that if an applicant is the subject of a criminal investigation after review by the DCOP Panel—regardless of the investigation’s outcome—the DCOP Panel must review the incident in the context of the applicant’s full background investigation and re-vote on the applicant’s qualification status.

MNPd Response:

Acceptance

This is currently incorporated within the Standard Operating Procedures Sections.

Recommendation 9:

MNPd should add the Executive Director of the COB or their designee as a voting member to the DCOP Panel.

MNPd Response:

Partial Acceptance

Considering applicant investigative files contain protected law enforcement records and confidential information controlled by other agencies and subject to NCIC, TIES, CJIS, FBI, TBI and other security protocols, the MNPd is unable to fully accept this recommendation without

additional review and/or approval from other agencies. The MNPD will continue to make applicant records available to the MNCO to the maximum extent possible; consistent with established law and policy. To the extent that the MNPD is able to resolve data and information access with other agencies, the MNPD will continue to consider this request.

Recommendation 10:

The Recruitment Section's SOPs should address conflicts of interest of the Deputy Chiefs of Police Panel and direct panelists to recuse themselves from deliberating or voting on an applicant's qualification when they have a personal or business relationship with the applicant.

MNPD Response:

Acceptance

Any member of the unit, who has or has had a relationship, business or personal, with any applicant, shall immediately notify the Background Investigative Supervisor. Such investigator shall not be involved in the processing, review, testing, or investigation of such applicant. The Background Investigative supervisor shall ensure that the applicant file is assigned to another investigator. Any questions regarding this issue shall immediately be brought to the attention of the Unit supervisor. The Background SOP will adopt language to include any member of the Chiefs Panel or their designee identifying a conflict of interest should not render a vote.

Recommendation 11:

MNPD should evaluate the pre-academy employment program to determine whether it improves training academy outcomes and early employment outcomes compared to those who did not participate in the program and release a public report on the program.

MNPD Response:

Acceptance

Since the inception of the Pre-Academy Program in 2020, one class has graduated the academy and the second class is currently ongoing.

For Session 91 (first class), approximately 33 recruits resigned from the academy.

8 departed for Physical Training reasons

9 departed for Academic reasons.

12 departed for other reasons (personal, desire, stress, etc...)

2 were terminated.

With the goal of Pre Academy to overcome departures for physical training or academic reasons, ideally we could reduce departures over 50% For Session 92 approximately 20 recruits resigned. Of the 20;

1 departed for Physical Training reasons (although listed a previous injury also)

5 departed for Academic reasons

8 departed for other reasons

5 departed due to concerns with law enforcement work

1 departed due to gun range qualification issues



John Cooper, Mayor

John C. Drake
Chief of Police

TO: Jill Fitchard, Executive Director
Community Oversight Board

FROM: Chief John C. Drake

DATE: July 19, 2021

RE: Hiring Recommendations

1. Acceptance

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7/19/21
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