

PRE-EMPLOYMENT SELECTION SYSTEMS AND THE SMALLER DEPARTMENT

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Of the 14,000 law enforcement agencies currently administering justice today, 54% have less than 20 sworn officers. In fact, only 211 departments have 200 or more officers. Nevertheless, while the need to select qualified candidates and employees is at least equal to if not greater than those of the larger departments, the time, staff and financial resources required to properly screen candidates are far less. Worse, the smaller department is just as liable for allegations of negligent hiring (if you do not do certain things in the process of evaluating applicants – and a post-hire problem occurs – you could be liable) and far less capable of defending, even responding to such negligent hiring claims. On top of everything else, many smaller departments find themselves in the undesirable position of being a stepping stones for larger municipal, state or federal agencies. In short, the very agencies that can least afford the upfront costs of recruiting, selecting, and training often end up with a disproportionate share of these costs due to high staff turnover. Here are a few things the smaller department might consider trying, to attempt to reduce selection costs while maintaining an effective evaluation system.

1. Identify the information needs or targets that correctly predict desired and undesired performance qualities and activities.

Many employers focus the background investigation almost exclusively on the applicant's stated skills, knowledge, abilities and experience; attributes that while useful for jobs that have experiential qualifications, completely fail to predict such critical characteristics as integrity, violence and substance abuse. Most oral board questions have absolutely no predictive validity and most departments are completely unaware (until sued) that the scoring methods used for the subjective questions and scenarios typically found in oral board interviews must be statistically validated, usually at great expense, by an industrial psychologist. In short, what do you **really** want to know and does it truly predict, in the field, the job related performance you assume it does? Conducting a credit record check to determine an applicant's personal financial responsibility might be an excellent way to predict whether the person will perform acceptably when making similar financial decisions for the department. However, how many new employees actually conduct budget planning or make purchases of the department? The big mistake would be to assume that someone irresponsible in one area would be irresponsible in other areas (the court will demand to see your correlation study) or that people with personal financial problems are more likely to steal than people without financial problems. While it is true that white collar thieves often use money problems as an excuse to justify theft, the true motive is more likely greed and just as many people without money problems steal, as frequently and as much as those who are financially disadvantaged. If you **really** want to know about integrity, evaluate integrity directly. Trying to infer integrity from financial responsibility cannot be founded in fact and opens the door to all kinds of discrimination complaints.

2. Identify the information gathering methods that correctly and adequately provide the information you really want.

Very few former employers (employment references), including former law enforcement employers, give out more than the dates of employment for fear of litigation over allegations of libel, defamation, slander and restraint of trade (preventing the former employee from getting the job). Yet one of the most important areas to investigate is the candidate's previous disciplinary actions (dismissals, demotions, suspensions, reprimands, reassignments, etc.). Employers must recognize that the absence of negative information elicited during reference checking could merely be a weakness of the method, not an indication that no problems exist. Likewise, in this modern era of sealed records, deferred prosecution, plea bargaining, etc., criminal record checks actually only identify applicants who got caught and couldn't afford a good lawyer. In some jurisdictions, the crime committed to arrest for crime ratio exceeds 30 to 1 (burglary) or even 1000 to 1 (sale of drugs), so the absence of a criminal record is by no means a valid indication of the absence of criminal activity. If you really want to know about future tendencies to commit crimes, you need to know what your applicants are doing, not just what the criminal justice system says they got caught doing. Finally, while nearly 20% of police applicants today make disqualifying drug admissions during such procedures as pre-employment polygraph examinations or objective pre-employment interviews, less than 1% fail drug tests. Drug users today have found that the period of detectability for most illegal drugs is so short (methamphetamines is virtually undetectable after 48 hours) that all they have to do is abstain for a couple of days and sail right through the drug test. Also, depending upon how the employer defines drug abuse, drug testing is incapable of providing any information about buying, selling or manufacturing illegal drugs.

3. Define and quantify the information needed for each information target necessary to make objective hiring decisions.

In putting together a selection system, employers must constantly balance their desire to be thorough with the time, staff and financial resources needed to be thorough. Do you want to know how often the applicant actually drives drunk or just how many times he/she was caught and convicted of such activity? Do you want to know how often the candidate falsified official reports, lied in court or accepted gratuities against department policy or just those incidents that are a matter of record? Do you want to know about both use of illegal drugs and using drugs illegally? In all of these examples, the more thoroughly the employer evaluates each information target, the longer it will take to obtain the correct information needed to evaluate the target and usually the more costly the methods required to collect the information.

No matter how superficially or how thoroughly each target is evaluated, each target's information should be quantified, i.e., the department needs to formalize its qualifiers and disqualifiers for every area evaluated. While this is commonly done for such standard areas as education (must have high school or GED), many departments are reluctant to do the same for integrity, substance abuse or violence, anticipating the need for "wiggle room" should something turn up on a candidate with political

connections. Reasonable periods of accountability (not “ever in your whole life...”), frequencies, quantities and circumstances for exceptions should be objectively established before any information is even solicited to ensure objective, nondiscriminatory decisions. If “how much is enough” and “how much is too much” are allowed to become things each administrator, background investigator or oral board panelist decides “on a case-by-case basis”, there will obviously be no quality control, equal treatment or consistency in the decision process. Finally, since nobody knows your department, your community and your aspirations for the future better than you, you should be the one to quantify the information before some judge or federal employment agency does it to you. There really is no such thing as not having standards; if you collect the information, it’s presumed you use it. Claiming not to have or need formal standards because “we don’t use that to disqualify, rank and/or evaluate anyone” is patently absurd.

4. Do whatever is fastest, cheapest first, but...

Be aware that the effectiveness of some information gathering methods increases or decreases depending upon its position relative to other information gathering methods.

In general, having the applicants fill out a written application or Personal History Statement is the logical place to start. While it’s true that many applicants find it easy to lie on a piece of paper, as many as 12% of unqualified applicants will give their disqualifying admissions, in writing, if you ask for it properly. Needless to say, once you have defined and quantified your information needs, making the hiring decision really doesn’t depend on how you get the information, but ‘how’ certainly makes a huge difference in terms of selection time and money. Systems that allow you to objectively and legally eliminate the unqualified **before** the more time-consuming or expensive steps produce enormous savings in real, measurable dollars. Consider using some type of one-on-one interview early in the process; a simple step that is easy and inexpensive for anyone to implement.

However, be aware that there is a world of difference between objective techniques designed to make applicant misrepresentation difficult and subjective procedures more commonly seen in panel type interviews. Subjective questions and scenarios are legally required to use statistically validated scoring techniques where good scores predict good performance in the field while lower scores accurately predict unacceptable performance. Also, subjective procedures, which include video scenario tests, are not really intended to elicit information for characteristics such as integrity, substance abuse and violence, the very things that are far more costly for the smaller department to investigate, litigate and overcome in terms of workforce and community reputation. While question design is important, most interviewers need to also learn the special interviewing techniques used **before** the questions that encourage applicants to provide more accurate information, even when they know that by doing so they will be disqualified. Just popping off questions without doing something to change the applicant’s mind set from lying to telling some of the truth is almost always guaranteed to result in applicant misrepresentation. Finally, in

addition to saving enormous amounts of time and money, and being something that every department, small or large, can easily learn to do, interviewing techniques such as **Objective pre-employment Interviewing** use the applicant's own recent, work related admissions that exceed the department's individual guidelines as the basis for any disqualifications, **not** hearsay, probability estimates or profiles.

Many smaller departments have been able to reduce the number of candidates required to be evaluated by administering a validated physical agility test early in the process. Depending upon the cut-off points, as many as 25% of candidates can be eliminated during this easy to do, low cost evaluation. However, due to biological differences in upper body strength, female candidates will probably be disqualified disproportionately to males during physical agility testing, so it is absolutely critical that the department uses a test that has been validated for each job.

Record checking (academic, motor vehicle, criminal, credit, etc.) is easy and fairly inexpensive to do. But, as discussed above, be careful not to infer anything from the information received that you cannot directly link to work performance. Also, remember that the absence of information could be just the ineffectiveness of record checking as an information gathering tool, not an indication of the absence of a problem.

Written, computer and video examinations are both useful and time/cost effective as early steps in the selection process, but naturally can only be used to evaluate a very small portion of the many characteristics and attributes that predict success or failure. As always, be sure to use only examinations that have been validated for the specific positions for which the applicant is applying.

Reference checking (employment, character, etc.) suffers primarily from the same natural tendency to assume that the lack of information indicates the lack of problems. In addition, be careful of when negative but factual sounding information is obtained. It is almost always hearsay and sometimes false. Use negative reference information as a "red flag" to point you in a direction to find objective information you can substantiate, usually with the applicant, because of what an "ex", a neighbor or a former employer claims unless it can be independently verified.

Drug testing can be relatively inexpensive but not very effective in identifying anyone but the most hard core addict who cannot quit even for a few days. Also, drug testing does not evaluate the non-biological aspects of abuse (selling, making, etc.) and suffers from a whole slew of false positive results and conflicts with prescribed medications and the Americans With Disabilities Act.

Polygraph testing can be an excellent source of quality selection information, but only if you can be sure you are using an experienced examiner trained in proper pre-employment testing techniques similar to those found in objective interviewing. With polygraph, it really should be the admissions that the examiner elicits during the test, not the opinions alone, that disqualify the applicant. However, in the case of the smaller department,

polygraph requires the use of an outside vendor with no guarantee he/she has either proper training or experience. While a bit more expensive than any of the preceding information gathering methods (especially if you have high standards and have to polygraph many to get one) it can well be cost effective if you can avoid having to pay for some of the more expensive final steps.

Physical examinations and oral/written psychologicals, depending on the number and type used, are usually the most expensive single steps in any law enforcement selection system. Because of ADA requirements, they, as well as asking any questions regarding past or present physical and emotional health, can now only occur after the department has made the candidate a job offer, conditional upon the successful completion of the remaining steps. Obviously, all of the preceding steps should be used to identify unqualified applicants before using physicals and psychologicals.

Finally, excessive turnover can be the most serious contributor to unbearable selection costs. If you have to constantly spend time and money screening candidates because no one stays around long enough to payback your recruitment, selection and training costs, consider including in your upfront objective interview some questions that effectively evaluate retention and permanency by ferreting out candidates with hidden agendas, specifically, those who only intend to use the smaller department as a short-term stepping stone to somewhere else. Identifying those candidates early in the selection process with both a high potential of making it all the way through to job offer and sincere desire to remain after hire are the keys to reducing selection costs. Correctly targeting the information needs that actually predict success (or failure) and using methods that actually give you what you really need to know is the best way to identify the quality candidates all departments want now and in the future.

Stanley M. Slowik has conducted over 19,000 pre-employment, internal and criminal interviews and currently provides interview training for small and large law enforcement agencies at dozens of locations around the country. For further information, see www.stanleyslowik.com or contact slowik@worldnet.att.net

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