

SELECTING A POLICE CHIEF:

A HANDBOOK FOR

LOCAL GOVERNMENT



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International City/County Management Association
Police Executive Research Forum



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The Police Executive Research Forum (PERF) is a national professional association of chief executives of large city, county, and state law enforcement agencies. PERF's objective is to improve the delivery of police services and the effectiveness of crime control through:

- The exercise of strong national leadership
- The public debate of police and criminal justice issues
- The development of research and policy
- The provision of vital management and leadership services to police agencies.

PERF members are selected on the basis of their commitment to PERF's objectives and principles. PERF operates under the following tenets:

1. Research, experimentation, and exchange of ideas through public discussion and debate are paths for the development of a comprehensive body of knowledge about policing.
2. Substantial and purposeful academic study is a prerequisite for acquiring, understanding, and adding to that body of knowledge.
3. Maintenance of the highest standards of ethics and integrity is imperative in the improvement of policing.
4. The police must, within the limits of the law, be responsible and accountable to citizens as the ultimate source of police authority.
5. The principles embodied in the Constitution are the foundation of policing.

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Throughout this publication, references are made to existing statutory framework and case law decisions that delineate legal boundaries for every aspect of the search for a police chief. These legal boundaries are accurately described as they existed at the time of publication. However, with the release of new local, state, and federal statutory amendments and case law decisions, local officials must determine whether any material changes in the law have occurred before acting on the recommendations of this book. It is recommended that before the search for a police chief is begun, and throughout the selection process, the appointing authority consult about all details of the search process with legal counsel and a human resource professional.

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INTRODUCTION

In the middle of the night a city manager is awakened by a phone call from the police chief. The chief apologizes for the late call and briefs the manager about an incident that has just happened. A rookie police officer, on routine patrol, spotted a car reported stolen earlier in the evening. When the officer tried to pull the vehicle over, the driver drove away at speeds exceeding 100 miles per hour. Other police cars joined the chase as the stolen vehicle wound its way through mostly deserted streets. Suddenly, the fleeing vehicle collided with a car driven by a teenager on his way to work. The suspect, apparently uninjured, jumped from the stolen car and was chased on foot by the rookie officer. The officer tackled the escaping runner and as the two struggled, the officer's firearm went off, killing the suspect, a boy of 16.

Now the chief asks the manager to accompany him to the morgue where the parents of the dead youth must identify their son. The chief interrupts his story to say that he has just learned from one of his officers that the injured teen driver has also died. The manager hangs up the phone, but immediately it rings again: a local news reporter asks whether the manager is aware that the rookie officer was involved in a similar incident just three weeks earlier.

Over the course of the next year, this incident will prove to be a tragedy not only for the two youths and their families, but also for the officers involved. It will have profound implications for both the police chief and the city manager. Their relationship will be severely tested as they attempt to understand and explain the actions of the rookie officer. This single incident will affect the city's relationship with the police union and the city's image in the local and national media. This incident may cost both the police chief and the city manager their jobs.

A scenario like this can happen in any town, at any time. Any manager who has been through this kind of experience knows that the manager and the chief are locked in a symbiotic relationship, built on mutual trust and open communication. During incidents like the one described, the critical

factors are not what happens that night, but what policies and practices are in place before the incident and what actions and policy changes occur after the incident. The right police leader can make all the difference—not just in crisis situations, but in the daily trial of working closely with police officers to keep citizens safe. The selection of a police chief is the manager’s single most important appointment.

So how does one recruit, select, and appoint a professional police chief? This book addresses that question. It is the product of a collaboration between the International City/County Management Association (ICMA) and the Police Executive Research Forum (PERF)—both professional organizations that have had considerable experience in this arena. In putting this book together, we selected managers, police chiefs, lawyers, federal investigators, human resource professionals, and executive search consultants to share their experiences about different aspects of the search process. This book will serve as a road map for local government officials to follow as they consider the selection of their next police chief. It will also make police chief candidates more sensitive to the concerns and issues of greatest interest to their potential employers.

ICMA and PERF have a vested interest in a selection process that will result in an outstanding police chief. The right kind of police leadership can build mutual trust between police and community. A strong management team can institute reforms that will improve all citizens’ quality of life and make their neighborhoods safer. Indeed, the stakes are very high for the entire community.

William Hansell
Executive Director
ICMA

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Executive Director
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THE SELECTION PROCESS

CHUCK WEXLER AND CHARLOTTE LANSINGER

Whether caring and responsible or perceptively hostile, police departments embody the values and culture of the jurisdictions they represent. Given this potential to define an administration, local government managers consider their police chief their single most consequential appointment.

Unlike the appointment of the head of engineering or sanitation, the appointment of the police chief inevitably becomes a political act. No other appointment will generate the news media attention, lobbying, or scrutiny this one will receive. Indeed, in some ways the selection process itself is as important as the outcome. If the process bypasses relevant stakeholders, even the appointment of a clearly superior candidate will be denigrated by those who feel that their opinions were ignored.

At the same time, the very process of picking a police chief can be a positive experience bringing together traditionally compartmentalized constituencies. There are even instances in which the search committee becomes the initial support network for the new chief.

The Role of the Appointing Authority

An effective selection process should be tailored to the unique characteristics of the jurisdiction. At the outset, the local government manager must address several issues, the first being whether to direct the process using existing local government resources, a national executive search firm, or some combination of

both. In making this decision, the manager must answer a number of questions: Given its existing resources, does the local government have the capacity to construct a process that local constituencies will perceive as fair, broad based, and capable of attracting the best candidates? Is the human resources staff able to recruit candidates who might not apply unless sought out? Does the human resources staff know the strengths and weaknesses of the police department and is it able to identify a candidate who can meet the challenges facing the department not just today but in the future?

In assessing the answers to these questions, the appointing authority must decide whether the search will be limited to internal or regional candidates or whether a national search will be conducted. The local government manager can anticipate that members of the police department and their respective labor leaders will most likely advocate an internal selection and the use of existing department resources in the selection process. Others in the local government may argue that the department is too insular, and suggest opening up the process by conducting nationwide recruiting managed by an experienced executive search firm in cooperation with the local government's human resources department. Executive search firms that have experience working with police departments nationwide are able to assess the strengths and weaknesses of the department. At the same time, they are familiar with suitable candidates from different parts of the country. But equally important, the local government's human resources department is sensitive to the local nuances and political sensitivities that must be taken into consideration in a search process.

Selecting a Search Firm

If a local government decides to contract with an executive search firm, it should consider several questions: What experience does the firm have with the unique nature of policing and the quality of police leaders around the country? Are the people who will be conducting the search conversant with contemporary police practices and able to assess the strengths and weaknesses of a police agency? Does the firm have a track record of successful recruitment and a proven ability to attract a diverse pool of candidates? What other jurisdictions has the firm served? What do these local governments have to say about the service they received? (Several firms that conduct executive searches for police chiefs are listed in Appendix A.)

Developing a Framework for the Selection Process

Once the local government has decided who will conduct the search for a new police chief, it must develop a framework for the process. This involves thinking through the various stages and then establishing responsibilities and time frames for each aspect of the process.

Several key actions occur in any well-managed selection process. These include:

- Developing a profile of the position based on the unique characteristics of the local government and police department

- Assessing the strengths and weaknesses of the department
- Deciding whether to establish a search committee and determining what its role will be
- Advertising the position and recruiting applicants
- Evaluating candidates
- Checking references
- Interviewing candidates
- Narrowing the field to the top candidates
- Conducting second interviews
- Conducting a background investigation on finalist(s)
- Negotiating terms of employment and a compensation package
- Introducing the new police chief to the community.

Each part of the selection process contributes to the goal of demonstrating to the public that the process is open and fair and that the candidate who has been selected is the one who will best serve the local community. There must be a time line for each step of the process, and the appointing authority should place one person in charge of the overall process and therefore responsible for keeping all aspects coordinated and confidential. In some local governments, the human resources department is given overall responsibility; in others, the search firm oversees the process in cooperation with local officials. But the appointing authority must clearly articulate the roles and responsibilities of all who are involved, including the search firm, the human resources department, the search committee, and the appointing authority's top staff.

Aspects of the Search

Developing a Profile of the Community and the Prospective Chief

The first step in any selection process is a careful examination of the priorities of the local government, members of the community, and the police department. From this information will be developed a profile of the community and its expectations, and a description of the "ideal candidate." For these profiles a variety of stakeholders should be interviewed, including members of the administration such as the local government manager, the manager's deputies, and the incumbent police chief and his or her command staff. Police union leaders, local elected representatives, and other key government officials should also take part in the discussions. From the local community, the viewpoints of school officials, business and civic leaders, the local heads of relevant advocacy groups, realtors, and a cross section of neighborhood watch leaders all merit attention.

The appointing authority or search consultant uses the information culled from these interviews both to identify and recruit candidates. Information on

demographic characteristics and quality of life is essential in “selling” the local community to prospective candidates. Any serious candidate from outside the local area will want to know, for example, typical housing costs, the characteristics of the local school system, the size of the police department budget, and the state of local police labor-management relations.

Interviews with local stakeholders will help the appointing authority understand the strengths and weaknesses of the police department from the perspective of a number of key constituencies, such as council members, the police union, and advocacy groups. A search consultant who is experienced in policing

The position profile should be shared with candidates to give them a better understanding of the qualities and skills the appointing authority is looking for.

issues is able to help the appointing authority use this information to define specific qualities and characteristics of candidates that will help the appointing authority advance his or her vision for the police department. For example, a candidate who has little experience with community policing will be incompatible with a jurisdiction that has a tradition of this type of policing. Similarly, a jurisdiction with a strong union will be looking for someone experienced with labor-management relations. Extensive community and department interviewing helps develop a thorough profile that will serve as a road map to identify candidates with the characteristics necessary for success in the jurisdiction.

Once a position profile has been developed, it should be shared with candidates to give them a better understanding of the qualities and skills the appointing authority is looking for. Sending the profile to potentially well-suited candidates can also be a means of encouraging them to submit an application.

The profile should be specific in describing the requisite qualities and characteristics as they relate to particular issues confronting the department. Rather than say that a chief should be a good listener and possess leadership skills and extensive command-level experience, the profile should go a step further and state that a track record of experience and accomplishments in specific areas is desired. For example, if the department is weak in its ability to develop partnerships within the community, the profile should indicate that candidates who have had success in this area are sought. In conducting a review of the department, the appointing authority might consider performance in such areas as technology application, leadership and team building, effective employee relationships, using innovative approaches to fund new projects, devising problem-solving strategies, community policing, implementing contemporary crime control strategies, methods of accountability, and planning for future growth. If the department is weak in any of these areas, the need for candidates with corresponding experience becomes more compelling.

Before establishing a set of job requirements and selection guidelines, the appointing authority should review all materials related to the police chief position. These include the job description, applicable civil service requirements, the jurisdiction's human resources policies on hiring, local statutes or regulations regarding the position itself or the selection process, and state certification requirements.

The appointing authority must be aware of any state or local requirements that the police chief possess certain credentials, training, or experience in order to be appointed. State certification requirements differ from state to state, and certification in one state may not transfer to certification in another. Knowing this in advance can save the appointing authority anguish at the end of the process. Likewise, local ordinances such as a residency requirement should be considered in advance.

The Search Committee

Many appointing authorities believe that one way to ensure broad citizen input is to appoint a search committee to assist with the selection process. The search committee is usually made up of prominent citizens from education, business, civic, and advocacy groups. Members of the manager's staff, such as deputy managers or department heads, may also serve on the committee. Search committees should not be too large; usually six to eight members is ideal. The appointing authority will select one member to chair the group, and the committee will be assisted by either the human resources staff of the local government, the executive search consultant, or both. An executive search firm can play an important role by helping the committee to identify the needs of the department, assess the skills of each candidate, and conduct interviews, and by acting as a facilitator in the process.

A search committee can be useful to the appointing authority, by helping to develop the profile of the prospective candidate as well as participating in the selection process through interviews and discussion. The search committee can also help orient the new chief during his or her first few months on the job. While a citizen committee can be a valuable tool to ensure citizen involvement, it is very important that it be staffed with professionals who are sensitive to hiring issues and recognize the fact that their role, while very important, is nonetheless advisory and that the local government manager has final appointing authority. After the selection is made, search committee members will resume their normal, daily responsibilities, but the manager will be held responsible for the selection *and its consequences*.

The appointing authority must make it explicitly clear to the search committee that confidentiality is essential; no information concerning prospective candidates is to be released to the news media or to anyone else outside the committee. The appointing authority should instruct committee members to refer all inquiries about the process to the chair of the committee, who will confer with the appointing authority. Committee members must understand that all aspects of the process are to remain confidential even after the process has been concluded. Finally, the appointing authority should make a point of publicly recognizing the committee at the end of the process. The committee will have worked hard, and they should be invited to be present when the appointment of the new chief is announced.

Advertising and Recruiting

An effective recruitment effort begins with a thorough analysis of the local community's needs and expectations and development of a written community profile. Once this profile is completed, the search committee or recruiter develops a comprehensive recruitment strategy. The strategy should be shaped by the answers to the following questions: Is the process focusing on local, regional, or national candidates? How will advertisements be written to capture the interest of candidates who might not otherwise apply? How does the jurisdiction encourage applications from a diverse pool of candidates?

In recruiting, consideration should be given to advertising not only in local newspapers but in criminal justice periodicals. Publications such as *Police Chief* (published by the International Association of Chiefs of Police), *Subject to Debate* (the Police Executive Research Forum), *Law Enforcement News* (John Jay College of Criminal Justice), and *Crime Control Digest* are read by many police chiefs, as well as prospective candidates for police chief positions (see Appendix B for information on these publications).

An executive search firm can be a valuable means of channeling communication between the local government and prospective candidates.

The appointing authority should allocate a reasonable period of time to advertise the position. This period should be factored into the overall timetable for the search effort and should not be cut short in order to expedite the process. Allowing enough time for advertisements to circulate and word of the vacancy to spread through the policing community is essential to attracting a strong candidate pool. Some journals require that advertisements be submitted one month in advance of publication. The closing date for applications should be at least four weeks after publication of advertisements.

Instead of establishing a firm closing date for receipt of applications, some local governments now state "open until filled" in job announcements. This gives the local government the flexibility to continue to accept additional applications as it reviews the candidate pool. The success of a search depends upon a comprehensive recruiting effort in the early stages of the process. This critical phase is time consuming, and an anxious appointing authority must resist the temptation to hurry it along.

An executive search recruiter will be helpful in making the vacancy known to police organizations such as the Police Executive Research Forum, the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National Sheriffs Association, the National Association of Women Law Enforcement Executives, and the Police Foundation. The recruiter may write letters to the heads of these organizations, hand out flyers at meetings, or simply call agency representatives to alert them to the vacancy.

If a search is to be national in scope, an executive recruiter becomes a necessity. In many cases, the recruiter will be familiar with talented candidates who may not be looking for a new job but may be encouraged to apply. Such individuals are often among the most desirable candidates; incidentally, they will need assurances that their interest will be kept confidential at the initial stages of the process.

An executive search firm can be a valuable means of channeling communication between the local government and prospective candidates. Candidates, as well as local officials, typically develop relationships with the search consultant that provide for open and direct communication. Both the local government and the candidates can address issues with the recruiter that would be difficult for them to discuss directly with each other. Both parties need certain questions answered in order to decide whether to move forward together in the process. The search consultant is in the unique position of knowing what the critical issues are for both the appointing authority and the candidate that will help determine if a good match exists.

The local government should consider, before recruitment begins, how its compensation package compares with those offered by jurisdictions of similar size. If the compensation package is substantially less than those of comparable jurisdictions, then local officials should seriously consider making appropriate adjustments in order to remain competitive. If the compensation package is inadequate, the quality of the applicant pool will be dramatically reduced. In any case, apprising all candidates of the compensation package at the very beginning of the recruitment process will keep potentially embarrassing or time-consuming misunderstandings from cropping up later.

All parties to the recruiting process should strive to attract a strong pool of candidates. A good executive search consultant will be well positioned to seek out qualified candidates and encourage their participation in the process. Efforts should be made to ensure that the candidate pool reflects the diversity of the hiring community.

Another important factor to consider, not only during recruiting but throughout the process, is the need to keep candidates well informed. The local government should acknowledge receipt of all materials submitted by candidates and keep them apprised of the status of their applications. If candidates request information from the local government either by telephone or in writing, a prompt reply is warranted. It is important to keep in mind that candidates are judging the local government largely by how they are treated in the process. Once a hiring decision has been made, all candidates who were not interviewed should be notified in writing. A personal telephone call by the appointing authority or executive search consultant to candidates who were interviewed but not selected is standard operating procedure. For a candidate, there is nothing worse than learning that he or she was not selected from a reporter who is writing a story on the newly selected chief.

Evaluating Candidates

Most searches prompt literally scores of applications. It is not unusual for a jurisdiction in a highly desirable location to attract more than 150 résumés.

The objective in the initial evaluation stage is to place each application in one of three categories: qualified, more information needed, and unqualified.

Determining which candidates are qualified entails examining each résumé and asking the following kinds of questions:

- Does the candidate have the minimum qualifications (e.g., management experience, a college degree, experience with a unionized department, urban experience)?
- Does the candidate have broad experience in policing that includes both operations (patrol and investigations) and administrative assignments (personnel management, internal affairs, planning and budget)?
- Does the candidate's record demonstrate accomplishment, initiative, and problem-solving skills?

There may be candidates whose résumés fall short of providing information that will determine whether they are qualified. Here again, someone from either the local government or the recruiting firm may be able to speak to professionals in the field and learn more about such candidates' qualifications. While there is a tendency to write off such candidates, from time to time unusually impressive candidates are so preoccupied with their present assignment that they do not take the time to develop a comprehensive résumé. It is important to be able to distinguish these résumés and not automatically discount them.

Having sorted through the résumés and narrowed the field of candidates on the basis of a matrix of qualifications and experience, the search committee or recruiter should look at the candidates in terms of their compatibility with the government and local community. Many talented candidates are simply the wrong fit. For example, an applicant with experience exclusively in an urban area may not be the right fit for a rural area, and vice versa.

The selection group should also consider how likely it is that a particular candidate will actually come to terms if offered the job. For example, it may be unrealistic to expect a candidate to move to an area with a sharply higher cost of living without significantly higher compensation. However, a stated salary requirement should not be the sole criterion used to eliminate a candidate from consideration: many candidates are eligible to collect a pension from their current agency and therefore may be willing to accept a reduction in pay for a new position. If there is a question regarding salary, it is wise to get it clarified before moving too far into the process with a candidate. A simple telephone call to the candidate early in the process can resolve this issue.

Reference checks and other preliminary assessments. Before candidates are selected to be interviewed, their references should be checked over the telephone, or, if possible, in person. Just as a skimpy résumé may not do a good candidate justice, a well-written résumé may hide a poor candidate's shortcomings. A good recruiter or personnel director will know how to "read between the lines" and save both the candidate and the local government time and money by recognizing a bad fit or the low probability that a particular candidate will accept the position.

The recruiter should conduct a search of print publications using the Internet to review all public statements and media stories that mention the candidate or the candidate's current department. This will be one of the first steps the local

news media will take to profile each of the candidates. The appointing authority should know as much as possible about the candidates before releasing their names to the local media.

The selection committee will have to choose just a few candidates from the many résumés it receives. It is helpful to ask qualified candidates to submit a writing sample in response to a job-related question (e.g., “describe the challenges in implementing community policing”). This gives the committee the opportunity to see how the candidate thinks and writes concerning a substantive issue.

These steps should reveal which candidates are best qualified and should be interviewed. The group of candidates selected for interviews usually numbers six to eight. Any candidate in this group should be considered serious enough that the local government is willing to pay the costs associated with bringing that person in to be interviewed. No one should make it to this level who is clearly unqualified. While some local governments will occasionally expose less qualified candidates to the process as a career development exercise (aspiring internal candidates), care should be taken not to invite obviously inexperienced candidates and subject them to questioning that is clearly inappropriate to their experience level.

Structured interviews. The most common method of assessing candidates is the structured interview. It may be conducted by members of the search committee, the executive search consultant, a group of peers in the police profession, or a combination of all of the above. Interviewers should coordinate beforehand concerning the questions that will be asked, who will ask them, and how follow-up questions will be handled. With every candidate, the interviewers should ask the same questions, allowing the same amount of time, in order to compare responses. However, interviewers should be allowed the flexibility to ask follow-up questions that flow from the answers provided by each candidate.

Interview questions should be based on the criteria from the job profile. Questions should assess the candidate’s knowledge and experience in police administration, current management practices, and issues of concern to the local government and police department, as well as the candidate’s level of interest in the position. Interviewers should be briefed on questions that are clearly not appropriate, such as those related to age, health, marital status, race, religion, or other matters unrelated to the job. Interviews should last sixty to ninety minutes, with a fifteen- to twenty-minute break between them. Once an interview schedule has been set, it should be adhered to and all candidates should be treated equally. Introducing additional tension into the process by running behind schedule should be avoided.

The local government may decide to have more than one interview panel assess the candidates. For example, one panel might be composed of search committee members, one of local government department heads, one of neighborhood leaders, and one of police executives. Comparing the responses from all of these groups can be a useful means of assessing the candidates, and a consensus may develop on those who are best qualified. It is important to schedule debriefing meetings between the interview panels and the appointing authority as soon after the completion of interviews as possible. The interview panel participants should remain the same throughout all interviews.

Assessment centers. A more structured process for evaluating candidates is the assessment center. This is a series of structured exercises that measure the candidate's management ability as demonstrated by specific behavioral dimensions.

Typically, an assessment center consists of a leaderless group exercise, a set of in-basket exercises, and an exercise designed to evaluate public speaking skills. The search committee should tailor these exercises to the challenges facing the local government and community; here again, the position profile and a formal job analysis should be guides in developing these exercises. Assessment centers can be expensive to administer and may not be appropriate for all local governments; however, they are a more valuable tool than a written test in assessing management skills at the police chief level. More information on assessment centers is provided in Chapter 6.

Confidentiality. Candidates usually agree to participate in a selection process only when they have confidence in the integrity of the process. The manner in which a local government conducts its search is viewed by candidates as a direct reflection of the overall professionalism of that government. All selection processes should be designed not only to ensure selection of the best candidate but also to protect candidates from unnecessary risk to their professional reputations and current positions.

The selection process should be governed by a set of principles that all involved understand and value. When an applicant submits a résumé, he or she is only indicating initial interest in the position. Search committees should keep the candidate's interest in the position in confidence. It follows that the selection committee should check a candidate's references only after conferring with the candidate; the names of prospective candidates should be disclosed to the news media or general public only with the permission of the candidates and only after a mutual interest has been established. In some jurisdictions, it is not uncommon for names to appear (unauthorized) in the news media as "trial balloons" to assess community reaction. Candidates need to be prepared for this possibility and should alert their superiors of their interest in the position. There is nothing more damaging to a professional working relationship than for a supervisor to learn from a third party that an employee is a candidate for a position somewhere else.

Candidates should be aware that in some states, such as Florida, state law requires that all résumés received as part of applications for government positions be subject to public disclosure by the news media. Officials have no discretion to withhold the names of candidates in these states once résumés are submitted. Local governments that come under these "sunshine laws" should so advise candidates in job announcements.

Executive search consultants and human resource departments frequently go to extraordinary lengths to protect candidates who risk losing credibility in their own jurisdiction if their identity is discovered. It is not uncommon to have candidates visiting for interviews stay in different hotels, to protect them from public exposure before the process gets to the final stages.

Second interviews. Following the first round of interviews, a consensus usually develops on two or three front-runner candidates.

Second interviews should focus on the fit between each prospective chief and the community and local government manager. The second interview is usually conducted by the appointing authority, human resources director, search committee chair, and, if one has been engaged, the executive search consultant. The interviewers should focus on both getting to know the candidate better and “selling” the local community to the candidate. Because many strong candidates at this level already hold good positions or may be actively recruited by other local governments, they often have to be courted. Consequently, the second interview is much more a dialogue than a monologue, a chance for both parties to see if they share compatible values, a common vision, and a similar set of professional standards.

The interviewers should prepare a set of open-ended questions that will allow the candidates to talk openly about their decision-making processes, how they manage and like to be managed, and their long-term career objectives. A good second interview should reveal a candidate’s thoughts on substantive issues and how he or she relates to other people. It is also important to learn what the prospective chief is interested in outside work—what books he or she reads, what kinds of outside interests or hobbies he or she pursues. This and other pertinent information will give the appointing authority a more complete picture of each candidate. Issues such as benefits and moving expenses, although important, are far less significant than the expectations that both parties have concerning work performance, goals, and values, and the sense of “fit” between the candidate and the appointing authority.

The second interview is also the time to have candidates’ family members visit the city. The appointing authority should make sure that each candidate and his or her family have a chance to tour the area and meet with people who will be important to the family’s decision to support a move. They should be introduced to potential employers to help them determine how they will make their own professional transition. A local government can lose a good candidate if his or her family is not convinced that the move is right.

A second interview should always be conducted before an offer of employment is made. Even if the initial round of interviews identifies only one candidate, the appointing authority must meet at least a second time with that candidate to ensure that the fit is right. A good, wide-ranging second interview often reveals personality factors that can either close the deal or give either the appointing authority or the candidate second thoughts about whether the “fit” will work.

The background investigation. Once an offer has been made, it should always be contingent on successful completion of a background investigation. No announcement should be made until the background investigation is completed. This process usually takes about two to three weeks. One of the first things that happens upon announcement of the hiring of a new police chief is an in-depth investigation by the news media of the candidate, which often includes his or her relationship with the local union and community leaders. If there are issues here, the local government manager needs to be fully briefed in advance in order to be prepared to respond to questions raised by the media.

Some appointing authorities want to visit with the candidate in his or her jurisdiction and talk to community residents and the present mayor or man-

ager and gather first-hand information about the candidate. Such a visit may be very helpful but it also exposes the candidate and should only be made in the final stages of the process.

Background investigations should be conducted by trained investigators who are not associated in any way with the police department for which the chief is being hired. A candidate will be asked to cooperate with the investigator and assist in the process. The candidate's work experience, personal life, education, and financial history are reviewed. In the case of out-of-town candidates, investigators will visit the candidate's present community to interview neighbors and past employers and generally to verify résumé information such as educational achievements. Court judgments or other issues that might prove controversial are brought to the attention of the appointing authority. In the age of the Internet, all public statements are easily accessible, as is financial information. More information on background investigations can be found in Chapter 7.

No announcement should be made until the
background investigation is completed.

The background investigation should provide all information that is needed to determine whether the candidate meets state and local requirements for the position of police chief. In the case of out-of-state applicants, this is a good time to double check with the state certifying agency regarding the level of education and training necessary for reciprocal certification. The appointing authority should also be aware that although a chief may be eligible for state certification based on level of training, a new appointee may still be required to take additional training or testing on state laws. Some states require an additional two weeks of training before certification. Others require the chief to pass a test on state laws. Additional requirements can take a heavy toll on a newly appointed chief's time.

Negotiating Terms of Employment and the Compensation Package

Once a mutual interest is established between the local government and a candidate, either the human resources department or the search consultant can bring all of the terms and conditions of employment to the table for discussion. If requested, the consultant can provide examples of employment/performance contracts and compensation information on comparable positions.

This discussion should cover not only compensation issues but the expectations the appointing authority has for the new chief concerning goals and performance. It is important to establish early in the relationship a clear understanding of the measures on which the chief's performance will be rated. Likewise, the resources and decision-making authority necessary to attain these goals should also be addressed. Having the appointing authority articulate what he or she considers most important for the new chief to accomplish helps the candidate understand exactly what is expected and how he or she will be evaluated. This

discussion helps ensure that the working relationship will be a good fit for everyone involved.

Both parties are advised to get the terms of employment and compensation in writing. Whether the agreement takes the form of a memorandum, a letter of understanding, or a formal contract, it will prevent confusion or misunderstandings that might later erode the relationship. (See Chapter 8 for more on employment contracts.)

Presenting the Appointee to the Community

Once the background investigation has been completed and an offer has been accepted, it is important that the candidate be presented to the community through a series of announcements and public events. Here the search committee and local government manager should work together to ensure that major stakeholders are invited to the following events:

- A press conference announcing the new chief
- A reception in the new chief's honor
- The swearing-in ceremony
- Community events and meetings.

Special meetings should be arranged with representatives from labor, business, education, and the media. In the case of the media, the new chief should meet with editorial boards, news room directors, and assignment editors. The local government should provide staff support to the new chief and family to help them find temporary housing and schools and make other arrangements.

Conclusion

The local government manager will have to make many decisions throughout the process of selecting a new police chief. These decisions build upon one another and shape the outcome. The appointing authority must prepare for what is often a lengthy process with intense news media exposure. Each decision made throughout the process, from where to advertise to whether to hire a search firm, will be the subject of public scrutiny. It is wise to structure a realistic process (in terms of timetable, scope of the search, people involved, and expenditures) at the outset. At the same time, the local government manager must be flexible enough to change course as unanticipated issues arise. Greatness, as they say, is the ability to execute "Plan B."

A fair and thorough process that results in appointment of the best-qualified chief is the ultimate goal, and this process, as much as the appointment itself, can have a crucial impact on the local government manager's own success in office.

2

THE LOCAL GOVERNMENT MANAGER'S PERSPECTIVE

WAYNE BOWERS

Although selecting a police chief is certainly one of the most important responsibilities of a local government manager, many local government executives work many years before being required to perform this duty. The tenure of a police chief is sometimes considerably longer than the incumbency of the local government manager. Police chiefs are more likely than local government managers to be promoted from within the organization and thus often have stronger ties to the community. For instance, I served in the city manager's office in four different communities over a period of 22 years (18 as the city manager) and never had the opportunity to select a police chief. My experience was limited to serving on one assessment center at the request of a city manager in a neighboring community. After this period of limited experience, however, I had the opportunity to conduct three police chief searches in less than two years.

The Police Department Is Different

My concentrated experience taught me that selecting a police chief is very different from selecting other department heads and executives in local government. Even though I had previously selected several assistant city managers, public works directors, fire chiefs, and other key management personnel, my efforts to select a new leader for the police department led me to concur readily with Michael Kelly's observation that "the search for a police chief differs significantly from efforts to find other managers."¹

This significant difference results from several factors. Because of the nature of its work, the police department has a special prominence within any

community. Unfortunately, crime is a daily occurrence in most American cities. The local newspaper generally devotes a portion of one page to the overnight crime stories. Bank robberies, murders, rapes, and drug busts always result in prominent stories in the newspaper, on the six o'clock news, and in the hourly radio reports. No other department within local government approaches the level of news media and community attention accorded to the police department and its work. As the leader of the police department, the chief has a prominence that invariably rivals that of the local government manager and other elected officials. No other department presents the manager with such an opportunity to influence the perception of the local government by the news media and, through the media, the community.

Police work tends to be at the center of the deepest sources of dispute in American life.

More than any other local government department, the police department can be a source of management problems if proper leadership is not in place. The police department is unique among local government departments because police work tends to be at the center of the deepest sources of dispute in American life, with domestic violence, racial tension, public and corporate corruption, and youth crime being obvious examples. Moreover, the police are involved in the most fundamental and visible functions of government—making arrests, maintaining public order, and protecting constitutional rights.² Simply put, the police chief is the leader of a group of officers who are authorized by law to carry guns, make arrests, and use force to ensure that the laws of the state and local government are enforced. Poor performance or abuse of power will have results that far exceed any impact that can result from bad management in any other local government department. Poor police management will reflect not only on the administration of the police department, but on the local government in general.

Internal Promotion or Outside Recruitment?

The search for a new police chief necessarily begins with a decision between promoting an internal candidate and recruiting outside the department. Police chiefs traditionally work their way up through the departmental ranks.³ If the police department has a second in command who is both qualified and interested in becoming chief, a time-consuming search can be avoided. Even if there is not an evident successor, the local government manager should evaluate the management staff within the department to determine if one or more internal candidates should be considered to lead the department.

Although competition among internal and external candidates can be beneficial to the organization, it is unfair to outside candidates if selection of an internal applicant is a foregone conclusion. Any chief in another community takes a certain career risk in becoming a public candidate for another position. No matter

how much job security a chief or other experienced police executive has, most potential candidates would prefer not to have their name mentioned in another community's search process when chances are not good that an outsider will win the position. Any critics in the candidate's community can use the news of interest in another position to question the loyalty and commitment of the police official to his or her current department and community.

If an internal candidate appears to be a strong contender for the position, the local government manager may want to make an interim appointment and evaluate the internal candidate's performance during this acting service before initiating a formal search. If an internal candidate is clearly qualified for the position, a quick appointment of this local officer will minimize disruption of department operations.

In some instances, several internal candidates will be interested in the position, each with supporters and detractors within the department and the community. To avoid this potentially delicate situation, some incumbent police chiefs cultivate an internal successor (ideally in consultation with the local government manager, who will make the ultimate hiring decision).

Even if there is no clear internal choice and the local government decides to open the process, qualified internal candidates should still be encouraged to apply. The consideration, evaluation, and interviewing of internal candidates usually provides a learning process for both the candidate and the local government manager. The local government manager who does not often have the opportunity to select a new police chief may need to compare internal candidates to those from outside the department to get a true picture of the relative strengths of incumbent departmental personnel. Also, the local government manager will be working closely with the senior management staff in the police department in the future, so no matter who is chief, if the manager gets to know internal candidates, the local government organization should benefit.

Although choosing between internal and external hiring processes should be the first step in the selection process, the leadership qualities and skills of the candidates are usually much more important than whether they are insiders or outsiders.⁴ If no obvious internal candidate emerges from the preliminary assessment by the local government manager, the formal selection process should be commenced immediately with the recruitment of outside candidates.

The News Media

If the decision is made to proceed with a formal selection process rather than appoint an internal candidate, the local government manager should next develop a strategy for dealing with the news media. The police department in almost every community is the focus of more media attention than any other local government department. If the positions exist, the manager should seek advice on developing a media strategy from public information officers (PIOs) for the local government and for the police department. In smaller jurisdictions without a PIO, a captain, lieutenant, or sergeant may fill this role informally. The PIOs generally know the reporters covering the police department (who may be different from the reporters assigned to city hall). The PIOs will be asked questions throughout the selection process and will need to be kept informed about all developments.

The local government manager must decide between conducting an open or closed recruitment process. In most cases, state law will dictate this choice. When I conducted a search in South Carolina, the state freedom of information act exempted most personnel matters from public disclosure. The names of candidates in that state do not have to be revealed to the news media, and media access can be limited to general descriptions of the process and an announcement when the final selection is made. In Florida, by contrast, a much more expansive “sunshine law” requires that the names of all candidates and most other aspects of the search process be open to the news media and all interested citizens.

The local government manager should assess the level of aggressiveness of the local news media before formulating a media relations policy.

In addition to state law requirements, the local government manager should assess the level of aggressiveness of the local news media before formulating a media relations policy. In some communities, the local police reporter will be content to follow the police chief selection process from a distance. More often, however, the police reporter will want to know every step in the process and will want to know the names of the candidates as soon as possible. In my experience, the local news media has never demonstrated much interest in the appointment of other department heads and only slightly more interest in the appointment of an assistant city manager—the second in command of the entire organization! In every police chief search, however, making any aspect of the police chief selection process into a news story appears to be a cherished goal of both the print and broadcast media.

The strong interest likely to be expressed by the news media requires the local government manager to adopt a clear media relations policy. If the local government manager fails to supply the news media with information, local journalists will seek out the news on their own. Major developments in the process should be conveyed to the news media expeditiously, but only after the council or commission and police department employees have been informed. To maintain credibility with the local elected council or commission and the members of the police department, the local government manager should ensure that important announcements come directly from the manager and not indirectly through the news media.

If the manager chooses, on the basis of state law or personal preference, to conduct an open search, a press conference should be scheduled for each of the candidates as part of the interview process. The manager should give each candidate sufficient advance notice of the ground rules for the press conference and get the candidate’s consent before making final arrangements. A standard press conference format provides “a level playing field” for all candidates in regard to news media contact. This approach is also convenient for reporters, in that it ensures contact in an orderly setting with each candidate. The local govern-

ment manager should not attend any of these press conferences. By not being present, the manager will avoid influencing the candidate's responses to questions, and avoid diverting any of the spotlight at what is, inevitably, a key event in the evaluation process.

The local government manager should review all news media reports on the candidates. Media coverage can give the manager an idea of how the candidate handles media attention and how the candidate is perceived by the media. In reporting personal information about the candidate, the news media will perform something of a preliminary background investigation function.

Community Expectations

Once the local government manager's media relations plan is in place, the next step involves determining the community and police department expectations of the new chief. The manager should not begin evaluating individual candidates until a profile of the job qualifications and performance expectations is prepared. Determining what the community expects from the police chief is a primary step in determining the characteristics to be sought in the new chief.

The written survey is much less time consuming, generally elicits broader community input, and allows each leader to candidly identify his or her expectations.

Some communities use personal interviews and focus group sessions with police officers, citizens, and community groups to form the profile of qualifications.⁵ My preference is to use a written survey of identified community leaders. The written survey is much less time consuming, generally elicits broader community input, and allows each leader to candidly identify his or her expectations for the position absent any group influence. In my searches, I have disseminated a short survey form to a sampling of community leaders (see Exhibit 2-1 for an example). The mailing list of leaders has included the board of directors of the chamber of commerce, the presidents of active neighborhood associations, leaders of neighborhood watch groups, local union representatives, leaders of the local chapter of the National Association for the Advancement of Colored People (NAACP) and other minority advocacy groups, the sheriff, state's attorney, public defender and other key figures in the local criminal justice system, and current and former members of the local elected council or commission. My approach has never been to follow a scientific sampling technique, but is simply directed toward obtaining as much comment as possible from those individuals with an active interest in the work of the police department.

The local government manager should ensure that the current members of the local elected council or commission are kept closely informed of the progress and outcome of the survey process. Because these elected officials are themselves active community leaders, they will come in contact with many of the individuals who are responding to the manager's formal survey. The members

of the local elected council or commission must be able to discuss the process with a certain amount of knowledge. Because the members of the local elected council or commission in many cases have been active in community affairs longer than the local government manager, they can help in determining which community leaders will be included in the survey process. My preference is to make this the stage at which the local elected council or commission is most actively involved in the process of selecting a new police chief. The manager must make it clear that the new police chief will be selected on the basis of specific qualifications and strictly professional considerations without any political influence. Local elected officials can best facilitate this process by defining community expectations and refraining from involvement when candidates are interviewed later in the process.

The survey form begins with a ranking of skills, traits, and qualifications that a police chief should possess. The listing of items should be tailored to the community on the basis of a preliminary assessment by the local government manager of the needs of the department and community. Certain basic qualifications will be important for any police chief, but other characteristics, such as collective bargaining skills and affirmative action records, may vary in importance depending on the community.

In my most recent survey, one item was "Experience in university-city relationships." This is clearly an item that would be relevant to only a few communities. Others would be more interested in other survey items related to specific aspects of their local economy and culture such as tourism, high technology, retirement communities, or industry.

The survey form also includes an open-ended question giving the respondent an opportunity to identify in his or her own words the issues that should be important to the new police chief. The third question asks that the respondent list two questions that can be used during candidate interviews. The suggested questions generally reflect the personal perspective of the community leader and allow the local government manager to adopt questions that normally would not arise from the manager's particular perspective on the community. The final part of the form is an open-ended invitation to offer other comments and suggestions. My experience is that most often this opportunity is used to express appreciation for being asked to participate in the process or to recommend a particular person for the job. The survey is not anonymous; I expect each respondent to sign the form and identify the organization he or she represents.

In preparing for my most recent police chief search, I mailed 189 forms to community leaders in Gainesville, Florida, and received 67 responses. A response rate of 35 percent was closely comparable to that for a previously surveyed community. The responses reflected a diligent effort by a large number of community leaders to provide good information to the local government manager in order to assist in the process. I received numerous letters, telephone calls, and personal comments expressing interest in the survey. The community leaders who responded uniformly appreciated the opportunity to be part of the process and had strong feelings on the characteristics they considered important in a new police chief.

The same survey form (although printed on different colored paper for easier tabulation) was sent to all the employees of the police department, including

Exhibit 2-1 Police Chief Selection Survey Form

1. Please select the ten items that you would value most in a police chief. Place numbers by your ten selected items in order of importance (1 = most important and 10 = least important). Choose only ten items.

- _____ Strategic planning skills
- _____ Experience with community oriented policing
- _____ Educational qualifications (college degrees)
- _____ Length of law enforcement experience
- _____ Experience in university-city relationships
- _____ Collective bargaining skills
- _____ Community involvement
- _____ Honesty and integrity
- _____ Prior experience as a police chief
- _____ Involvement in daily departmental activities
- _____ Accessibility to the public
- _____ Written and verbal communications skills
- _____ Innovative crime prevention programs
- _____ Fiscal affairs and budgetary skills
- _____ Relations with other law enforcement agencies
- _____ Experience in a multicultural community
- _____ Computer technology skills
- _____ Affirmative action record
- _____ Ability to effect organizational change
- _____ Other: _____

2. What issues would you like for the new police chief to address in the first year of his/her tenure?

3. Please list two questions you would like for me to consider when interviewing candidates.
A. _____

B. _____

4. Other comments and suggestions: _____

Signature

Organization (if applicable)

Please return by mail no later than _____, 19____ to:

Wayne Bowers, City Manager
Post Office Box 490
Gainesville, FL 32602-0490

**Exhibit 2-2 Summary of Responses to Police Chief Selection Survey
(Citizens)**

No.	Item	Responses	% Total Responses	Average Importance
1.	Honesty and Integrity	65	97	1.85
2.	Experience with Community Oriented Policing	51	76	4.80
3.	Accessibility to the Public	49	73	4.88
4.	Innovative Crime Prevention Programs	48	72	5.21
5.	Community Involvement	48	72	5.88
6.	Strategic Planning Skills	43	64	5.33
7.	Ability to Effect Organizational Change	43	64	6.02
8.	Length of Law Enforcement Experience	40	60	5.80
9.	Relations with other Law Enforcement Agencies	37	55	7.11
10.	Fiscal Affairs and Budgetary Skills	37	55	7.35
11.	Involvement in Daily Department Activities	36	54	6.25
12.	Written and Verbal Communication Skills	34	51	4.97
13.	Experience in a Multi-Cultural Community	32	48	6.41
14.	Experience in University-City Relationships	31	46	6.42
15.	Educational Qualifications (College Degrees)	23	34	5.48
16.	Affirmative Action Record	14	21	8.00
17.	Prior Experience as Police Chief	12	18	6.17
18.	Collective Bargaining Skills	9	13	7.00
19.	Computer Technology Skills	4	6	8.50
20.	Other	15	22	5.33

**Exhibit 2-3 Summary of Responses to Police Chief Selection Survey
(Police Department Employees)**

No.	Item	Responses	% Total Responses	Average Importance
1.	Honesty and Integrity	98	99	1.21
2.	Ability to Effect Organizational Change	85	86	5.33
3.	Strategic Planning Skills	85	86	5.62
4.	Length of Law Enforcement Experience	66	67	4.72
5.	Written and Verbal Communication Skills	66	67	5.47
6.	Involvement in Daily Departmental Activities	64	65	5.16
7.	Community Involvement	61	62	7.11
8.	Fiscal Affairs and Budgetary Skills	57	58	6.16
9.	Relations with Other Law Enforcement Agencies	51	52	6.55
10.	Educational Qualifications	50	51	5.94
11.	Innovative Crime Prevention Programs	48	48	6.44
12.	Accessibility to the Public	46	46	7.17
13.	Experience with Community Oriented Policing	40	40	5.68
14.	Collective Bargaining	40	40	7.02
15.	Experience in Multi-Cultural Community	32	32	6.44
16.	Prior Experience as Police Chief	24	24	4.66
17.	Experience in University-City Relationships	19	19	7.32
18.	Affirmative Action Record	16	16	7.56
19.	Computer Technology Skills	13	13	9.00
20.	Other	28	28	4.61

sworn officers and civilians. Bringing the employees of the department into the selection process is just as important as the inclusion of community leaders. I recommend that the cover letter and survey form be sent to the home address of each department employee. The local government manager should take the time to sign each letter to communicate the importance of employee participation in the selection process. Department employees will possess a wealth of information that can be of great value to the manager in the selection process.

I have learned a lot about the internal affairs of police departments from closely analyzing written comments from department staff. The response rate for my most recent intradepartment survey was 25 percent (99 responses to 396 surveys sent).

Survey results should be tabulated as soon as possible after the submission deadline. Each respondent should be sent a thank-you letter and a copy of the survey results. This letter should also explain how the survey responses will be used in the selection process and include a status report on the progress of the police chief search. Results of surveys of citizens and police employees during a recent police executive search are shown in Exhibits 2-2 and 2-3.

The responses to the ranking of police chief traits and qualifications serves as the analytical portion of the community expectations process (question 1 of the survey). The written responses to the other questions can quickly be reviewed and evaluated for inclusion in the interview portion that will occur later in the selection process. The ranking of traits and qualifications by the community leaders and department members provides insight into the different expectations of the chief from the community at large and from within the department.

Although honesty and integrity was clearly the number one choice of both groups of respondents in Gainesville, some significant deviations occurred in the other eighteen specific items. In analyzing the two sets of responses in the Gainesville survey, it is interesting to note that experience with community-oriented policing was ranked second highest by local residents (76 percent of total responses) but only thirteenth among departmental personnel (40 percent). The community apparently had greater interest in a much-publicized community-oriented policing effort than police department employees. This response led me to emphasize with all police chief candidates that a better job of integrating community-oriented policing into the department would be a high priority. In ranking of collective bargaining skills, department employees, who had a much greater stake in the union contract, placed this item fourteenth, with a 40 percent response rate, while local residents ranked collective bargaining eighteenth, with a 13 percent response rate.

A final use of the survey is to follow up with direct questions to community leaders and departmental members to clarify the priorities included in the survey results. Specific questions to the sheriff, former police chief, and other community leaders will test the validity of the survey results. This technique can be carried even further, to public forums, where the survey results can be discussed in a group setting. If public forums are conducted, care must be taken to balance the representation of all community interests in the composition of the forum panels. I myself do not use these forums because of the problems inherent in eliciting truly representative participation.

The survey portion of the selection process is completed when the local government manager has a good understanding of the particular skills and ex-

perience expected of the new chief by the community and police department. The qualifications of the new chief must be compatible with the expectations of the community as expressed in the survey and during the personal contacts made by the manager.

Reviewing the Applicants

The review of résumés submitted for consideration will vary widely based on whether the local government manager is using a search firm. A professional search firm will have solicited applications from many sources. A preliminary screening will already have occurred and the manager will be presented with a fairly short list of candidates. If no search firm is involved, the manager will most likely have used the local government's personnel department to advertise the position and receive applications.

The job notification process should include as a minimum internal advertising within the police department, notification in the local newspaper, and dissemination through the appropriate professional journals. To achieve affirmative action objectives, minority recruiting sources should also be contacted, and assistance in dissemination of the job notice should be sought from minority groups in the community and within the law enforcement profession.

The number of applications will vary depending upon several factors, including the attractiveness of the community, the reputation of the police department, the posted salary, and whether the selection process is open or closed to the news media. All other factors being equal, the local government will receive more applications from higher-quality candidates if a closed process is being used. Some well-qualified candidates simply will not submit their names to an open process. Having conducted both a closed and an open process over a relatively short period of time, I feel that my experience has clearly demonstrated this point: I received 160 applications of very high quality for a position for which recruiting was done in a closed process, and only 84 applications for a comparable position in an open process. The only major difference in the job notice was that in the open process all prospective candidates were notified that by law their applications and résumés would be subject to public disclosure.

No matter how many applications are received, my personal philosophy is that a position as important as police chief requires the local government manager to read every résumé. Each application is analyzed on the basis of predetermined criteria drawn from the specific minimum qualifications in the job description and from community and departmental expectations as determined by the surveys. Each factor is assigned certain points, with extra points assigned for such factors as advanced degrees, attendance at specialized schools such as the FBI Academy, and experience within the state where the hiring local government is located. If the community survey indicated that community-oriented policing or administrative skills were high priorities, additional points can be given to those candidates with expertise in these areas. The point ranking system is certainly not an exact science; it simply is a tool used to narrow the field from a large number of candidates to a reasonable number (ten to twenty) for more detailed résumé review.

Once the number of candidates is reduced to a manageable size, the local government manager will begin contacting colleagues in confidence who may be familiar with the qualifications of particular applicants. Such personal observations, without detailed investigations, can be used at this point to narrow the field even more.

The Writing Sample

The final part of the screening process involves the preparation of a written response to questions by each of the finalists. Each candidate should be presented with two or three questions and asked to provide a written response, which can be brought to the personal interview. By the time a police professional has reached the level of chief, that person must be a good writer as well as an accomplished verbal communicator. Like any other high-level local government administrator, the police chief will be making reports to the local government manager and the local elected council or commission on a regular basis. The writing sample allows the manager to evaluate the applicant's writing skills and thought presentation process.

The questions should reflect issues that are important to the community. The community survey is a good source of questions. The content of the answers, however, is not nearly as important as how the information is organized and presented. The content can be pursued further during the interviews. Here are some sample questions:

- Give an example of an innovative crime prevention program you have implemented.
- What experience have you had with community-oriented policing?
- Describe your personal code of ethical conduct for a police chief.

The candidates' written responses need not take on the character of a doctoral dissertation. I always ask candidates to keep their responses to no more than one page per question. Being succinct is a more important virtue for a police chief than being a professional writer. The questions should be thought provoking but answerable in a few paragraphs.

Interviews

Five or six candidates should be interviewed. If internal candidates are still being considered at this point, the number can be larger since travel and general logistics for internal candidates are easier to manage. Those selected for interviews should be notified several weeks in advance in order to allow schedules to be adjusted and appointments confirmed.

The Interview Panel

Because selection of a police chief is an important task not only for the local government manager but for the entire community, formal community participation in the interview stage of the process is usually desired. One form of commu-

nity participation is the *interview panel*. A properly selected interview panel serves two primary purposes in the selection process. First, the group provides the manager with expert evaluations of the qualifications of each candidate. If the panel is truly reflective of the community, different perspectives will emerge. Such perspectives are especially valuable if the local government manager is relatively new to the community.

The second purpose of the interview panel is to serve as a community resource in answering questions from the candidates. Just as the local government manager wants a different perspective on the qualifications of the candidates, serious candidates will also want to know about the community from the viewpoint of leaders other than the local government manager. If the panel truly represents a cross section of the community, it can be a valuable asset in providing a broad community perspective to each of the candidates and facilitating the candidate's evaluation of the community without the need for time-consuming research. Indeed, the interview panel can serve as a resource for the new chief even after the hiring decision is made.

The panel members should be reminded of the two purposes they serve in the selection process: to ask and to be asked questions.

If the local government manager is to derive the full benefit of using an interview panel, the group must be carefully selected and genuinely representative of the community at large. No single group should dominate, and every attempt should be made to reflect the diversity of the community. Selecting the interview panel is a challenge to the local government manager because the number of members should remain small in order to allow active participation without time constraints during the interview and to prevent the candidates from being overwhelmed by a large group of questioners. The number should be small enough to permit interviews to take place in a setting that allows open interchange.

I favor using a five-member panel. In one city, I selected three members of the civil service board augmented by two other appointees. The participants from the civil service board (whose members were appointed by the city council) included a white man, a white woman, and a black woman. These three members were respectively an attorney, a school administrator, and a school teacher, all with experience in law enforcement personnel matters as a result of their participation on the civil service board. The two additional members were the sheriff (a white man) and a representative of a minority leadership/business group (a black man). This city had no police collective bargaining unit. In another city with an active police union, the president of the Fraternal Order of Police (a white man) was appointed to the interview panel. The other four members of the panel in the second city were the executive director of the local Girls' Club (a white woman), the director of police training at the regional community college (a white man), a community activist and chair of a community crime task force (a black woman), and a member of the Chamber of Commerce board of directors (a black man). Knowledge of the needs of the police department,

strong interest in the community, and diversity are the key factors in the panel selections. The definition of diversity will be different in each community. My experience has been in communities with large African American populations. In other communities, the panel may need representation of other minority groups such as Hispanics, Asian Americans, or native Americans. In almost every community, diversity by gender and labor/management position will be important.

Because the panel most likely will consist of “take charge” individuals, the local government manager must make sure that the members understand their true role. This committee is to serve as a resource for the manager in the selection process and should not be charged with making a final decision.

After contacting each of the panel members by telephone and following up with a written confirmation, the local government manager should meet with the group prior to the first candidate interview. The purpose of this meeting is to express formal appreciation to the community leaders for agreeing to take time to play a role in the police chief selection process. The meeting also should be used to review the manager’s expectations of the panel. The panel members should be reminded of the two purposes they serve in the selection process: to ask and to be asked questions. I stress to panel members that they are not a selection committee and that I do not expect them to vote as a group on the candidates. Each member is on the panel to represent a unique perspective in the community. I want to hear directly from them on their evaluation of each of the candidates, uninfluenced by consensus building within the committee. Also, in a “sunshine law” state such as Florida, if the interview panel is not asked for a group recommendation, the panel can be exempted from the open-meetings law. A copy of the community and department survey results should be shared with the group members along with a summary of the selection criteria that the manager has determined to be the most important.

The personnel department, or in a smaller community the local government manager, should work with the panel to select the interview questions. For fairness and uniformity of evaluation criteria, each candidate should be asked the same questions (see Exhibit 2-4 for some sample questions). The panel should determine among its members whether one member will ask all of the questions or whether the members will rotate with specific assigned questions. Some time should be allowed during the interview for follow-up inquiries that result from the responses to the predetermined questions. With a five-member interview panel, I recommend a ninety-minute interview session with at least thirty minutes between scheduled interviews to allow for runover and breaks. The interviews can best be conducted in private with no news media present. By closing these meetings, the local government manager encourages a more open dialogue between candidates and the interview panel.

A final preparatory step for the panel is a briefing by the local government’s human resources specialist or attorney on the “do’s” and “don’ts” of interviewing. The panel may not be experienced personnel interviewers and should be reminded which types of questions legally can and cannot be asked. This review will touch on such subjects as the Americans with Disabilities Act, age discrimination laws, and other areas of potential discrimination.

To achieve the maximum benefit from the interview panel, the local government manager should schedule individual meetings with each panel member as soon as possible after all the candidate interviews have been completed.

Exhibit 2-4 Chief of Police Panel Interview Questions

1. Although we have reviewed your resume, please summarize your formal education, police management training and work experience. In particular, tell us what has prepared you to be the chief of police in a community with a major university and strong ties to the educational and medical community?
2. How would you define community policing for a municipal agency and what are the strengths and weaknesses associated with it? What experience have you had in the implementation or development of community policing programs and give us examples of these programs? Give us an example of a community policing program that you feel is successful.
3. The Gainesville Police Department assembled an organization known as the Black on Black Crime Task Force to impact crime in our community's neighborhoods. This task force is comprised of active members of the city's neighborhoods who meet monthly to discuss problems related to violence typically in our economically depressed areas. What role do you see for this or other citizen groups within GPD? What would be your approach to using these groups?
4. How would you address juvenile crime in Gainesville?
5. What experience have you had in the management of major criminal or high profile cases with political sensitivity and strong media interest? As police chief in Gainesville, how would you manage such a case and what would be your approach to dealing with the media?
6. What do you see on the horizon regarding issues of diversity in the work force and demographic changes within communities? What implications will these issues have for the employees of police departments, their mission and service to the citizens?
7. A current trend in the private sector today is to work smarter, not harder. Knowing that technology hasn't reached its full potential in GPD, how would you propose to bring this concept into the department and how would you recommend funding it?
8. How do you share your vision of the department's mission and values with the line officers and rank and file employees in the agency?
9. If selected for this position, you will most likely have the opportunity to select and promote at least two assistant chiefs and one captain and lieutenant. What values or criteria would you use in your selection of these management positions?
10. The City of Gainesville and Alachua County are proposing to merge the dispatch centers of GPD and the Sheriff's Office. What issues do you see in such a proposal?
11. How do you determine the appropriate level of training within a police department and balance that against budgetary restrictions? What would your priorities be with regard to training and how would you achieve this training if the budget was too restrictive?
12. Describe your experience in the planning, development and management of a budget?
13. What rank and number of direct subordinate personnel have you managed at a command level?
14. What experience have you had in collective bargaining? Have you specifically handled: grievances, labor negotiations on behalf of management, drafting labor proposals, administering contracts? How do you propose the coordination and management of three labor agreements within GPD?
15. In closing, please share with us your thoughts about this opportunity and why this position is of interest to you.

Each panel member should be given the opportunity to candidly evaluate the performance of each applicant.

I always emphasize that the panel members do not need to provide a rank order of the candidates, but should simply provide individual analyses of the strengths and weaknesses of each person interviewed. Despite this request, my experience has been that each panel member will invariably present a numerical ranking of the candidates. This is certainly not bad if the individual rankings result in a clear consensus for one candidate. In my successful searches in the past, one candidate, with a strong second choice, has always emerged from the citizen interview panel. Such consensus from the interview panel clearly facilitates the final decision-making process for the local government manager. In addition, a strong endorsement from the interview panel will provide legitimacy in the community for the manager's ultimate choice for police chief. The interview panel members will serve as representatives to the community at large, generating confidence in the process and in the final selection.

Other Community Contacts

While each candidate is in town, he or she should be given an opportunity to tour police headquarters and to meet with the departmental command staff and any other significant special-interest groups within the department. If the sheriff is not part of the interview panel, a special effort should be made to allow the candidates to meet the chief county law enforcement official. Also, the current or acting chief should be given some time to talk with each candidate. The purpose of these contacts is to allow interchange between the candidates and the other important players in the local law enforcement system. These persons will be interacting on a regular basis with the new chief, and any potential problems should be detected early and evaluated on at least a preliminary basis during the interview process. If, for example, the sheriff, after meeting a candidate, notifies the manager that working with that individual as police chief could be difficult, this information should receive serious consideration in the final selection process.

The Manager's Interview

The most important part of the selection process is the individual candidate interview with the local government manager. The final decision will eventually be made by the manager based in part on information collected from the other participants in the selection process. The direct contact during the personal interview will be the manager's best opportunity to observe personally the performance of each candidate. Also, during the interview the manager will form his or her own impression of each candidate, against which the indirect information gathered from other sources can be compared and evaluated.

Because the interview lasts only a few hours and the decision has such long-term impact on the police department and the community, the interview must be carefully planned and requires the manager's full attention. I prefer to provide two hours of completely uninterrupted time for the personal interview. The setting should be formal and in a location where no interruptions will be permitted. In order to properly manage the interview time, the manager should constantly be in a position to see a clock that is not visible to the candidate. A visible clock is preferable to constantly looking at a watch. The person being

interviewed should not be expected to have any responsibility for managing the time, as the candidate's sole attention should be on giving thorough answers to all questions.

As the interviewer, the manager should restrict comments to asking the questions and making very limited follow-up remarks if absolutely necessary. The questions should be uniform for all candidates and represent inquiries that are important to the manager, the police department, and the community as identified in the previously completed survey and evaluation processes.

I prefer to take no notes during the interview. Note taking is a distraction to the candidate, and active listening does not allow both completely comprehending a response and simultaneously writing down parts of the answer. The manager should allow one additional hour of uninterrupted time immediately after the interview to write or dictate an evaluation of the responses to the questions. Detailed notes made at this point will be helpful in the period after all interviews have been completed and the responses of several different candidates are being compared.

Informal exchange can provide the manager with insight into the overall compatibility of each candidate with the community.

After the conclusion of the private interview and completion of the interview notes, I always continue the interview process during lunch or dinner with the candidate. The meal is never portrayed as a part of the interview process and is officially only a social part of the candidate's visit to the community. For me, however, the time during the meal is important in the overall evaluation of the candidate. This time allows for follow-up questions that may result from the interchange during the formal interview.

The informal setting of a meal also allows the manager to evaluate the candidate away from the official surroundings of the interview. Candidates are more relaxed during the meal and usually relieved to have the interview over. In this more relaxed setting, a candidate sometimes will "let down the guard" and talk more freely about individual career goals and priorities. If properly structured, this informal interchange allows the manager to evaluate a different perspective of the candidate, as most people during the meal will discuss such topics as hobbies, personal beliefs, and family values that are not appropriate for discussion during a formal interview. The police chief occupies a position of both legal and moral leadership in the community, and thus the manager needs to know more than just the official side of each candidate. Informal exchange can provide the manager with insight into the overall compatibility of each candidate with the community and the manager's own expectations of the chief as a leader.

Reference and Background Investigations

When the interview panel has concluded its work, the manager has conducted the personal interviews, and written responses have been evaluated, the next

step is to conduct a thorough background review of selected candidates. The other portions of the selection process should have narrowed the field to three or four finalists. Making contact with references provided by the candidates can be useful, but is of limited value because candidates will invariably provide positive references. I prefer to allow the personnel department to contact the references provided by the candidates and only report any major issues that result from the formal reference check.

Of more value are contacts within the profession beyond the references provided by the candidates. Most local government managers know other local government officials who will have some knowledge of the performance and professional reputation of the finalists. A candidate may have been considered by another local government in a recent search, and the local government manager in that jurisdiction can provide extensive information from that community's own search process. Most police chief candidates have a reputation within the profession, and determining the nature of that reputation is an important part of the selection process. By being visible in the community, most candidates at the police chief level have created a public record that can be readily reviewed.

By the time the reference checks have been completed, the local government manager should have formed an opinion as to the top two or three candidates for the position. Because of the unique role of the police chief in the community and the difference between this position and other key management staff, a more thorough background investigation must then be performed. The new chief is going to be highly visible in the community and must have ethics beyond reproach. Police chief is the only position in local government for which I require a complete, independent background investigation. This investigation should be performed by a professional who can devote sufficient time to providing an independent analysis of the police chief candidate. I do not recommend using police department investigators to do this work because of the potential for conflict of interest. The employees of the department have too strong a personal interest to be perceived as totally objective, and it would be unfair to put them in this difficult position.

Because of the cost involved in hiring an independent investigator, the number of finalists should be narrowed to no more than three. The necessary level of investigation will require the expenditure of several thousand dollars. The independent investigator will travel to the home community and, if necessary, previous home communities of the candidate. Interviews will be conducted with numerous individuals in these communities who know the work of the candidate. The public records, newspaper articles, and personnel file of each candidate should be reviewed in detail.

My experience is that a thorough investigator will always find information that never came up during the reference checks or the entire evaluation process to this point. The local government manager cannot afford to be less than completely thorough in investigating candidates for this highly visible position. If the professional administrator does not find "the skeletons in the closet," an active news media surely will. The manager must be prepared to answer any questions concerning media reports that surface about the selected candidate. If a candidate cannot survive the scrutiny of a detailed background investigation, then certainly he or she will not be able to function properly as chief of the police department. This detailed background investigation can reveal informa-

The “No Hire” Decision

What happens when the local government follows a rigorous selection process and determines that none of the candidates meet all of the job requirements? This result should rarely happen, but one of my three searches did result in a decision not to hire any of the candidates. The decision to make no decision was really the most difficult choice. The local government manager must be willing to notify the news media, the governing body, the department employees, and the community leaders who participated in the selection process that none of the candidates completely meet all of the requirements for the job. Fortunately, the community leaders who participated on the interview panel fully supported my decision. This confirmed to me the value of having a group of community leaders assist with the selection.

For the local government manager, the toughest part of making a no hire decision is notifying the finalists that no appointment will be made. When there is no winner, the reasons why none of the candidates appear suited for the position must be explained with particular care. Despite the prospect of these difficult duties, if the manager is not completely convinced that the right candidate is available, then refraining from making a decision is the right choice.

When a decision is made not to appoint any of the candidates, the local government manager must move quickly to begin a new search because the department clearly needs to know that permanent leadership, although delayed, is on the way. In my experience, when the first selection process resulted in no decision, I changed course and immediately sought the assistance of a police executive recruiter. Because I had only recently gone through the normal job advertisement channels, a repeat of the first recruiting process would probably have generated few new applications. I moved quickly to contract with a national organization with broad experience in recruiting police executives. Professional police recruiters have extensive contacts with law enforcement administrators throughout the country and can make direct contact with potential candidates who would not normally respond to a general job announcement.

Following one site visit to the community and numerous interviews, the executive recruiter was able to provide detailed information on 28 sound candidates. After the list of candidates was provided to me, this second selection process closely followed the steps described for the first process. The staff of the executive recruiting firm assisted with the process, for instance, by helping the interview panel to update the questions used during the interviews of the first group of candidates. A recruiter representative facilitated the panel interview sessions. The recruiting firm also coordinated most of the contact with the candidates and assisted with the preliminary background investigations. The personal interview with each candidate proceeded in the same manner as previously described. Although the number of candidates provided by the recruiter was much smaller, the overall quality of this second group was much superior to that of the candidates who responded to the city's own recruitment effort. For a position as important as police chief, managers should seriously consider using professional recruitment assistance in the selection process. For the sake of all involved, conducting two police chief searches for one position should definitely be avoided.

tion that will lead a manager to drop a candidate from further consideration or at least require in-depth follow-up questions to explain a potential problem. A candidate who successfully undergoes a detailed background investigation is prepared to be appointed chief.

The Final Selection

It is a sign of a successful recruiting process if, when the time comes to make a final selection, the local government manager is faced with a difficult decision. Ideally, the process will have produced two or three outstanding candidates. The final determining question is “Which of the candidates best fits the local government manager’s own management style?”

I always personally contact the two or three finalists for the position to provide a personal explanation of the decision. This is an obligation of a manager in return for the time and work the candidates put into the selection process. Usually, a candidate will understand if he or she is not selected when the other candidate is also well qualified for the position. Each finalist should know that the competition is tough and that there will only be one winner.

The Formal Announcement

When the final decision is made, the local government manager must move quickly to make a formal announcement. The first group notified should be the local elected council or commission. A basic rule of local government management is to keep the local elected council or commission informed of any significant decisions before the news media release this information.

The next group to be notified should be the members of the police department. This can be done through an internal bulletin or an announcement during shift change. Those departmental employees who will be working directly with the new chief need to know who their new leader will be. A direct announcement from the local government manager will assist the new chief by subtly establishing credibility very early with departmental employees. The news media should next be informed, either by a formal press release or a news conference. The announcement to the community through the news media brings conclusion to the police chief selection process.

Summary

Although the selection of a new leader for the police department will invariably be a time-consuming and difficult process, if done correctly it will certainly be worth the effort. The key role that the police chief performs in the local government organization and the community at large requires a total commitment by the local government manager to making the right decision. Certain standard selection procedures can apply to the selection of a new chief, but because of the diversity of all communities, some portions of the process will always vary. Each department will seek candidates having different skills and abilities. Departments that vary in size from one officer to thousands will have different needs. Some communities have active employee unions, while others do not. The inter-

est level of the news media will influence the selection process and will vary widely from community to community. The emphasis should be on using some of the selection standards reviewed in this article to design a process that best fits the individual community. As Michael Kelly has noted, "It is obviously better to find the right chief than to perfect a selection process that generates a poor choice."⁶ The best process for selecting a police chief is the one that produces the best qualified law enforcement professional to lead the police department.

¹ Michael J. Kelly, *Police Chief Selection: A Handbook for Local Government* (Washington, D.C.: Police Foundation & International City Management Association, 1975), 4–5.

² *Ibid.*, 5–7.

³ Mark L. Dantzker, "The Position of Municipal Police Chief: An Examination of Selection Criteria and Requisite Skills," *Police Studies* 19, no. 1 (1996): 3–4.

⁴ Kelly, 17.

⁵ City of Roanoke, Virginia, "Search for Police Chief to Involve Community" (news release), July 16, 1997.

⁶ Kelly, 3.

3

THE POLICE CHIEF'S PERSPECTIVE

MICHAEL R. MAEHLER AND TOM WAGONER

From the chief's perspective, police chief selections can be viewed like a courtship, albeit a little one sided at first. First you look at your potential "mate," usually through an advertisement or a head hunter's call. Is there something there that generates some interest—enough interest to inquire further? If so, you may want to start dating—a process to get to know each other better. As the candidate, you will gather intelligence and do some job research, and the employer will conduct a testing process and background investigation. And then, the big moment! If there is enough compatibility on which to build a long-term relationship, you get a job offer and you must decide whether or not to take it. You want a what—a pre-nuptial agreement??

Since police chief selection processes follow the described course of decision points, that is how we have divided this chapter. At each of these decision points there are a number of elements at play, or pieces of information that are important. Some of these will carry through the entire process, but will become increasingly important and more detailed. An increased awareness of these issues will benefit both the employer and the prospective candidate.

Failure to do your part to build the potential future relationship can have serious consequences, as many of the examples that follow will demonstrate. And, like divorce, a termination can leave the former chief bitter, humiliated, and in financial difficulty. The authors suggest that investing the time to get to know each other, the unique circumstances of the job, and each other's expectations will pay benefits in a better selection and a longer tenure for the chief.

Preliminary Review of an Open Police Chief Position

The want ads for police chief positions are the most carefully scrutinized portion of the professional journals commonly read by police chiefs and top police command personnel. Who is leaving and what jobs are open are both frequent topics of conversation among chiefs. Sometimes the reader is actively looking for another job, but most of the time, frankly, we're just being nosy.

A first glance at an advertisement may, however, strike a chord that generates further interest: "Is this a place I've always wanted to work? Would this job provide more money, or maybe a great career advancement opportunity in a larger or more prestigious community, or even (for the top commander) an opportunity to become chief? Would it be a better location for my family?"

Just as the euphemisms in personal ads can give unintended clues about the true character of a person, police executive recruitment ads sometimes provide obscure but valuable tips to the potential job seeker. Ad phrases can indicate perceived shortcomings of the past administration, and sometimes even signal that the process is a sham being played out for political expediency's sake by a local government whose administration has already made up its mind.

Police executive recruitment ads sometimes provide
obscure but valuable tips to the potential job seeker.

A want ad that says "strong union negotiation experience required" informs the reader that the local government and the police union have had poor relations, and that the local government manager is seeking someone to tackle that sometimes vicious relationship. "Seeking police chief who can cast vision and lead the department to new goals" generally means that the last chief was less than successful, and the department is viewed as stagnating or floundering on issues considered important by the local government's leadership.

Then there is the ad that reads "must have minimum three years of college" or "graduate of the Northeastern Special College of Police Leadership preferred." An uncommon requirement tips off the reader that the ad has been specifically written for a predestined candidate, usually an insider with these exact qualifications. In these cases, although a dark horse occasionally wins the job, generally speaking the process is being done because it is a charter or political requirement or because it sounds good to tell the local community, "We did a nationwide search for the best chief, and that individual was right here all along. Isn't that wonderful?" Such a statement is a great starting block for a new chief hired from the inside. But it is unfair to the other candidates, who spent time and money, and possibly jeopardized their present positions, in a process in which they never had a chance. The candidates best suited to this type of process are those who are just as unethical as the local government that is doing the alleged recruiting. These are the candidates who apply for the job without any intention of taking it. They simply want the experience of going through the process, or to get an expense-paid visit to the area where the job is located. In such situations, both the "hiring" jurisdiction and the "candidate" are operating under false pretenses, and perhaps deserve each other.

When reading an ad, the prospective candidate should first ask, “Am I interested in this position?” The second question should be, “Do I meet the qualifications?” Many ad writers may not have a specific person in mind when writing the ad, but most have ideal requirements in mind that sometimes do not translate well to paper. What exactly does “five years in command positions in similar-sized agency” mean? If the ad says “graduate of the FBI Academy or equivalent,” would the Senior Management Institute for Police or a state command college be acceptable?

The answers to such questions depend on who is doing the screening—an analyst in the personnel department and a professional search consultant will not necessarily take the same approach. Often the flexibility of job requirements is driven by the number of applicants, which, in turn, is often driven by the attractiveness of the hiring jurisdiction. “Plums” are those jurisdictions with good reputations, good pay and benefits, few labor problems, generous budgets, and a high quality of life. (Yes, they are out there!) One city received 325 applications during its most recent recruiting effort, while a small town ten miles away received just 14. One was a plum, the other was considered a pit. The screening was tough in the first city, while no one was screened out in the second.

It is safe to say that the more standards the candidate meets or exceeds, the more likely it is that the local government will be willing to be flexible on one or more of the requirements. That is why résumés and cover letters must be tailored to the job for which the candidate is applying. “Boilerplate” résumés in our opinion should be trashed. If the candidate is not professional enough to provide a tailored response, he or she can be expected to similarly shortcut everyday work products on the job.

The ad itself should provide insight into what should be covered in the résumé. The basic rule is that local governments advertise qualifications that are important to them. This does not mean that candidates should ignore other elements of their experience, education, or other credentials. What it does mean is that the better-positioned candidate is the one whose résumé communicates that a good match exists between the candidate’s training and experience and the local government’s needs.

Even ads with vague or general wording tend to send a message. It may be that the local government is relatively ill informed about current law enforcement practices and philosophies, or that it is a low-budget operation in which someone from the personnel department was simply told to write a generic ad. In these cases, a more general résumé might do. But the wise candidate will spend some time finding out what the issues are in that community and department and tailor the résumé accordingly. Experienced police professionals know that the information networks in the law enforcement community extend almost everywhere.

Professional Consultants

One of the matters of greatest interest to the candidate will be who is running the process, the local government or a professional search consultant. There are advantages to each method, but from the candidate’s perspective the search consultant is preferred for a number of reasons. Almost always, professional search consultants have more experience with recruiting processes and have

many more contacts in their “stable” of potential candidates. However, in some cases their processes are “canned” and those who have gone through them more than once often do better because they know exactly what to expect.

Consultants are not inexpensive. The fact that a local government is using one generally means one of three things: (1) the jurisdiction wants the best process with the greatest number of applicants; (2) the jurisdiction lacks the staff expertise to conduct a search on its own; or (3) the jurisdiction’s administration is simply too busy with other major issues and projects to spend the time to complete a thorough recruitment and testing process.

The investment a local government makes in a consultant is an indication to the prospective candidate that it is unlikely that there is an inside track for a preselected candidate. Further, most consultants do not want to be part of a bogus process. Their integrity is at stake, and candidates they recruit will avoid them in the future if the candidates believe that it was a “fixed” process to begin with.

The investment a local government makes in a consultant is an indication to the prospective candidate that it is unlikely that there is an inside track for a preselected candidate.

The use of a consultant also says the local government has put a priority on hiring a qualified chief, and that there will be more and higher-qualified candidates in the process. It may also indicate that the top candidate will have a stronger pay-and-benefits negotiating position when the offer is made, because the local government cannot afford to reopen a process that has just cost it thousands of dollars.

However, this “advantage” can backfire. Several years ago, a western city hired the lowest-ranking candidate out of five finalists because the first four all turned the job down. Even though the fifth-ranked candidate was said to be unsuitable for the position by the interviewers, the city had spent \$18,000 on the lengthy process, which dismayed many taxpayers. When the first four candidates turned the position down, the city administration did not think it could reopen the process, and consequently accrue additional costs, so it appointed the unsuitable candidate. Less than two years later, the city terminated his employment, and replaced him with an inside candidate.

Consultants usually have experience with national advertising and know which publications will produce the best results and how to write an ad to attract the most applicants. Most consultants also develop highly professional, multipage, expensively printed position announcements, which they mail to their constantly revised mailing list. In recent years, many local government personnel departments have followed suit with some excellent recruitment brochures. These efforts are expensive, but they draw more candidates because they seem more personal and present a more professional appearance than magazine ads, and the several pages of photographs and information “sell” the position.

Sometimes it is not the ad that attracts the candidate at all. Often, it is the recruiter's telephone call that piques a potential candidate's interest. Personal experience reveals that a recruiter's call is very ego satisfying (providing you don't suspect your boss of giving the recruiter your name). Police chiefs, by their very nature, are risk takers with highly developed competitive spirits. We thrive on challenges, and recruiters often leverage this trait to get even the contented chief to apply for a new position. The consultant generally knows something about the potential candidate being called and will use that information to maximize the sales pitch. While such calls are very self-affirming, the wise chief will be careful not to let ego overturn present position security.

The consultant may ask the candidate who is not interested in the position to review his or her own professional network for other candidates who may be interested and qualified. If the sales pitch generates interest, the good consultant will provide plenty of substantive information to potential candidates, including both the positive points of the job and a realistic indication of what problems must be faced and overcome. These, of course, are referred to as "challenges" and "opportunities" in the conversation. It is here that the use of an executive search consultant provides some measure of comfort to the prospective candidate. Most believe that the consultant will answer questions honestly and in confidence. The local government personnel director or assistant to the local government manager, who may have been assigned to run a police chief recruitment process from within the jurisdiction, is not positioned to operate so freely.

Because the recipient of a consultant's call is often caught off guard, and the available position sounds momentarily exciting (particularly if the potential applicant is having a hard day), he or she forgets to ask important questions before making a commitment to applying. In almost all cases, the candidate should ask every question that comes to mind at the time, and then ask to see the ad and any other recruiting information before making a decision to apply. Information exchange should continue until the candidate is confident of possessing a good understanding of the job and its requirements.

Often, if a candidate is in doubt, the recruiter will say, "Well, send me a résumé. You can always drop out if you change your mind." This is true, except that the competitive spirit makes it more difficult to withdraw as one goes further in the process. Also, withdrawing late in the process, particularly after one has become a finalist, irritates both the consultant and the prospective employer. A reputation for entering and withdrawing from job searches may keep a candidate from being taken seriously in future recruiting campaigns for positions the candidate may genuinely desire.

The Decision to Apply and Submit to Testing

The decision to apply for the position requires submission of a résumé and cover letter, at minimum. If the process is run by the local government, completion of a local government application is standard procedure. Although most professional local government managers will screen the applications themselves, or assign this task to a deputy or perhaps to the director of human resources, in some jurisdictions the first screening may be done by a low-level personnel analyst. In this case, the initial screening will proceed according to a set of very

specific directions—all of which should have been mentioned in the advertisement. Therefore, it is necessary to follow this detailed guidance. Highly qualified candidates have been eliminated early in the recruiting process because they did not present their education or experience in a manner that was consistent with the requirements as defined, or because they forgot to do something as simple as sign their application.

In preparing the résumé, the candidate should have a fairly thorough knowledge of the department and the community and the problems both are facing. The résumé and cover letter should be tailored to the specific knowledge and experience the candidate possesses that will benefit the local government. No one really cares who you are or who you know at this point. They care about what you know, and more specifically what you have accomplished with that knowledge. The material that you cannot logically cover in the résumé should be referenced in the cover letter. And again, not only do boilerplate résumés fail to create a good impression—they create a bad impression. The prospective employer will infer that the candidate is either too lazy to do the job right, doesn't know how to do the job right, or doesn't have the time to do it right, possibly because he or she is busy papering the nation in an effort to find a job—any job! None of these impressions is particularly favorable to the candidate.

The first serious issue that concerns candidates
in the application process is confidentiality.

The first serious issue that concerns candidates in the application process is confidentiality. A job application is a signed, written instrument, and it is hard for the candidate to deny that he or she is looking for a job if someone outside the recruiting process gets hold of it. Generally speaking, a chief who has applied for another job is considered to have committed the mortal sin of departmental disloyalty—something like cheating on your spouse, only worse. “Forgiveness” will depend on a variety of variables unique to each situation. It is vital that the chief consider these variables before submitting an application.

Because of confidentiality concerns, incumbent police chiefs feel much more comfortable dealing with a professional search consultant than with a local government personnel department. It seems sometimes that at least half of every police department's employees know someone in personnel, and the officers and the news media love to “background” candidates before the local government does. By contrast, confidentiality to the finalist stage is standard in consultant-run processes (except in states such as Florida, where “sunshine laws” require all public records to be opened immediately), and in some states consultants are used to shield the candidates from the media until the final stage. Here the agreement must be written such that the applications belong to the consultant contractor, who is only required by contract to provide a certain number of qualified candidates. The local government attorney should assist with preparation of the agreement. Otherwise, the sunshine laws in some states make all applications public information and record.

It is crucial that the local government manager have a thorough understanding of the open-records laws in his or her jurisdiction and the impact that they will have on the candidate pool. Applicants should also ask questions and find out exactly when in the process the names of candidates will be released. Candidates should have a statement ready in case their candidacy is disclosed, and should take particular care to ensure that their current supervisor does not learn of their candidacy from anyone but themselves.

As the evaluation process moves forward, the candidate may continue to have concerns about whether the process is really open or if the fix is in for an insider or for another candidate who perhaps worked with the local government manager before. The candidate's intelligence sources will provide a great deal of information, although it will have to be questioned and filtered carefully. Much of it will be conjecture and rumor. Rumors sometimes originate with inside candidates who wish to discourage other competitive applications. But there are other signals. A local government that refuses to pay expenses to candidates from outside the local area may have a hidden agenda, or it may be so tight-fisted that working for that jurisdiction will present other problems. The same goes for a local government that limits its candidate pool to local or regional applicants. These processes should be entered carefully, and with a knowledge of the risks they entail.

Matching Skills to Needs

Stephen Covey, author of several best-selling books on the traits of effective leaders, has said, "The amateur salesman sells products; the professional sells solutions to needs and problems."¹ Every police department has problems, and every local government has needs to fulfill. Although it is the duty of the candidate to determine what the problems and needs are, it is important that, to the extent possible, this process be facilitated by the local government with ready availability of information. The candidate must then demonstrate how he or she is the solution to those problems, not just another alternative.

As noted earlier, the place to start when seeking information on a recruiting community's problems and needs is with the job announcement ad or discussions with the recruiter. Questions for consideration include: Where does the department stand on community policing? What is the position of the rest of the local government? Where does the community stand? Because community policing is an overriding philosophy of policing that involves large-scale involvement by various elements of the community and the rest of the local government, it is safe to say that if it is not discussed in community information materials, it is probably not being implemented. It is also safe to say that most who profess to support community policing really do not understand it and have merely implemented a program or two under that label. If it is not being implemented, this could be a signal that the department is so parochial as to be nearly impossible to professionalize. Conversely, a department and community that do not know about community policing may be the ripest for leadership toward such a change.

Some argue that a backward, parochial agency is the best department to move into from the outside because anything a new police chief does will be seen as creative and revolutionary. Some chiefs thrive on this challenge, moving

from one troubled department to another after correcting immediate problems and setting the department on a new course. Others bring about change more slowly and desire to stay longer to enjoy the fruits of their labors. Still others tire of the fight and resign in frustration.

The candidate must determine early whether the employer is seeking a change agent leader or a status quo maintenance manager. And, if the local government manager wants some dramatic changes, what is the perspective of the department—the people who will most likely bear the brunt of that change? In one case, in a city in the Northwest, the city manager hired a well-educated captain from another state, but the police union openly resisted bringing in an outsider and any change that he would bring. So overtly hostile to outside leadership was the union that its leaders were quoted in the local newspaper as saying that they would have the new chief fired within thirty days of his appointment. The union was not successful, but it did make the chief's life miserable every day of his several years with that city. Finally, he took another police chief job, in a city where no union existed.

If the local government manager wants change and the police department does not, actually bringing about change can be difficult at best. It can be just as difficult to retain the status quo, particularly if the candidate sees the need for change or has a high energy level. It is matching the job needs with the style and experience of the chief that will result in long-term success.

Another challenge candidates need to know about going into the process is whether the local government is operating with a static or shrinking tax base, because that foretells possible budget cuts, layoffs, service reductions, and angry people. When researching this issue, the potential candidate should not assume that because a particular area of the country is strong or weak economically, individual communities in that area will follow a like pattern. Even in areas of high economic growth, the problems faced by the individual community will depend on many unique factors. The candidate needs to find out what they are.

Knowing what the major crime and order maintenance priorities are will help the candidate evaluate his or her chances for success in leading the department. Remember that priorities are often based more on perception than on reality: local fears and concerns play a stronger role than actual data. Sometimes they match, but often they don't. In this review it is also important to look at experience and style. Many rural small town chiefs would have difficulty leading a department in an urban city environment with high-density housing and major gang and inner-city crime problems, even though the two agencies may be similar in size. Conversely, one large city police command officer who "retired" to a chief's job in the rural Northwest didn't last long because residents did not like his "law and order by the book" enforcement style.

The candidate who knows whether the local government leadership, department personnel, and the community are on the same wavelength in identifying the leading local law-and-order problems possesses an invaluable piece of information. One Texas police department was the target of criticism from the community for emphasizing enforcement of the traffic laws after several teenagers died in a neighboring city from heroin overdoses. Because traffic accidents were not resulting in deaths, many local residents felt that the department's high-profile efforts in the admirable cause of traffic safety were severely misdirected. Knowing this would be crucial in the interview process.

The candidate should find out how the community perceives the department and the amount of community support the department enjoys. Often this information can be obtained from past surveys conducted by the local government or by reading letters to the editor and other coverage in the local newspaper over a period of time. A police department that is well regarded by the local community is, in many ways, much easier to manage; local high esteem generally indicates a high level of department professionalism, as well. A department that lacks this high regard probably has problems. However, before deciding against applying to be chief of such a department, the candidate should determine if the community is hungry for the kind of change that would improve relations and professionalize the department. If a community wants positive change, and the local government leadership wants positive change, there is a strong basis for success providing that at least some people within the department want the same change and are willing to work to bring it about, and providing that the chief has the energy and stamina to stick with it over the long haul. "Gentle pressure relentlessly applied" really works, and change is the product for which leaders are paid.

The candidate must determine early whether the employer is seeking a change agent leader or a status quo maintenance manager.

A great source of information for the candidate going into the selection process is any recent management audit or public review of the department. Where they exist, they often caused the job opening under consideration. Obtaining a copy of the audit may be difficult, or it may require no more than a trip to the local government's library. Such audits are sometimes provided to finalists, but are too large and expensive to send to all applicants. Sometimes they are, in effect, not available at all. That is, a candidate could probably obtain a copy of the audit with a written request citing open-records laws, but such an action probably would be viewed as confrontational and would therefore be counterproductive. If the audit is unavailable, the candidate can at least find out what is in it. Sometimes a summary of an audit or its key points are the subject of newspaper articles.

As a source of information, the local news media should not be overlooked. Journalists know well that people are fascinated by police, which explains why so many newscasts lead with police or crime stories. Subscribing to the local newspaper or reading back issues at the library gives the candidate a feel for the pulse of the community, the local attitude toward the police, and whether the newspaper would be an ally or an adversary.

Often the newspaper will be a good source for finding out what happened to the last chief, a subject of great importance to any candidate. Other chiefs in the area are also good sources of information here, since they are the ones the outgoing chief most likely confided in. (This matter is further discussed in this chapter under the heading "The Decision to Take the Job.")

The Evaluation Process

Assuming that the candidate meets or exceeds the listed desirable qualifications and has prepared an appropriate résumé and application, he or she may be invited to compete in the selection process. It is the application package that gets a candidate into the process, but it is performance in the process that elevates the candidate to consideration for the job. The rest is chemistry. Viewed another way, the candidate pool is narrowed by three progressive questions: (1) Who meets the qualifications and appears to be suited for the job? (2) Who demonstrates the skills to do the job? (3) Who does the local government manager want to work with? Both the candidate and the employer should be cautioned to take the process a step at a time without prejudice.

In past years it was very common to encounter full-blown assessment centers, sometimes lasting several days, as part of the selection process. Assessment centers are designed to measure the candidate's ability to perform the job duties in the assignment for which he or she is applying. They are also relatively grueling processes designed to put the candidate under pressure over a period of time so that a truer picture of the individual's knowledge, skills, and abilities can be obtained.

It is the application package that gets a candidate into the process, but it is performance in the process that elevates the candidate to consideration for the job.

Assessment centers are becoming less common for a number of reasons. The increased use of professional search consultants, who normally also set up and conduct the search process, has changed things a little. The consultant normally screens the candidates fairly carefully, checking references on skill levels and work performance, and in nearly all cases conducting extensive interviews with the most attractive candidates. In these cases, there is less pressure to test skill levels thoroughly. The local government then moves to the "chemistry test" sooner in the process, usually with a series of structured panel interviews that test the candidate in several different working environments.

Examples of panels include: a panel of rank-and-file personnel, including officers of employee bargaining units; a panel of command-level personnel; a community panel including persons who represent institutions that have frequent contact with police administration (e.g., the schools, the chamber of commerce, local minority advocacy groups); a panel of other department heads whose organizations interact with the police (fire, the local government attorney's office, personnel, recreation, public works); and a panel of "technical experts" usually made up of other police chiefs and local government managers. The local government manager making the selection almost always sits in on the technical experts panel, and there is a staff person assigned to each of the other panels to see that the rules are followed and to collect documentation. One of the things these staffers like to check is whether the candidate changed positions on selected issues when talking to different groups. But the local government manager usually debriefs every panel as a matter of courtesy.

The panel process is actually a means of moving the “chemistry test” forward. The local government manager gets an idea from the technical panel whether he or she wants to get to know the candidate further; at the same time, the chemistry between the candidate and the community, command staff, union, and department heads is being measured. Two things are crucial for the manager in working with panels. First, the panels must understand that they are providing input, not making the selection. Second, the manager must weigh the reactions from various groups based on the issues that must be dealt with—if the command staff is a pile of deadbeats and reacts negatively to a candidate expressing a strong value system and work ethic, this could be the one!

The candidate must be diplomatic but truthful in the panel interviews. Questions should be answered in terms of what the candidate has actually done in similar circumstances or what the candidate would plan to do given the information provided by the panel. By the time a candidate has finished a series of panels, he may not remember his own name, but the panel members will never forget what the candidate said about issues important to them.

Regardless of the type of process, preparation is crucial for the candidate. Assessment center exercises and panel questions will be based on the real issues of interest to the department or community. The candidate who hasn't done his or her homework will quickly sink to the bottom of the heap.

Finally, a word should be said about those occasions when an inside candidate is in the process. One of three possibilities exists: the fix is in, everything's equal, or the insider has been left in the process but has already been deselected in the mind of the manager. As previously noted, if you think the fix is in, unless you just like to practice interviewing skills you shouldn't be in the process. But you will not necessarily be able to determine whether the second or third possibility prevails. While it is fundamentally unfair to leave an insider in the process who has no chance of getting the job, some employers do it anyway. Perhaps there are some political reasons, or, if the individual is the acting chief, the manager may not want to create the impression that he is a lame duck.

In any event, how this person is treated is an important factor for candidates, particularly if you later get the job. In processes where candidates are allowed and encouraged to get to know each other, the wise candidate makes special efforts to get acquainted with insiders. Be open, supportive, and appropriately inquisitive about local issues. In an assessment center, if the insider is falling on his face, don't encourage the bleeding—try to help and support him or her. This is another human being in the most difficult of circumstances, and developing people is a fundamental responsibility of every supervisor—especially chiefs. If the assessors see your effort, it will mean big points. But, more important, the insider will never forget it. Often, the manager will ask an inside candidate, “If you don't get this job, based on what you saw in the process, who do you think is most capable of leading this department?” Guess whose name the insider will remember.

The Decision to Take the Job

Once the process of candidate assessment ends, the dynamics of selection change dramatically. The local government manager generally focuses on a single candidate. This causes an interesting power shift in the relationship. Because this

candidate is ranked first, everyone else in the process is second choice or lower. Even where there are other viable candidates in the process, all managers want to sign the one they consider the best of the field. The effect this has on employment negotiations is discussed later in this chapter under the heading “The Final Negotiation Process.” At this juncture, however, it has a tendency to narrow the focus of both of the key players, from broad assessment to nailing down the job.

While the local government manager is focused on signing the candidate, the candidate is being cautious about saying anything that will change the manager’s mind and on getting the best possible deal. What should occur at this point is some really candid interchange about the manager’s expectations and conditions that should be anticipated, and the candidate’s skills, experience, and needs in dealing with those issues. If these kinds of discussions occurred more often, the chemistry of the relationship would be more thoroughly tested, as would the candidate’s ability and desire to do the job. And police chief terminations would be dramatically reduced.

What Happened to the Last Chief?

Perhaps the foremost question on the potential appointee’s mind is “What happened to the last chief?” If the candidate has done his or her homework, a great deal of information will already have been accumulated on this subject, but some of it will be hearsay or speculation. What is most important at this point is the local government manager’s perspective on the last police chief and why the chief left. This allows the candidate to measure several things.

Part of reviewing what happened to the last chief involves learning how that official was treated in the transition process.

The candidate needs to compare himself or herself to the prior chief in terms of skills, style, values, and priorities, in order to be able to predict the chances of success. If the two are very much alike and the prior chief was well respected within and outside the department and went out on a normal retirement, things look good. If the two are very much alike and the last chief was forced out of office for some reason, the candidate’s future in the job could be grim.

When irreconcilable differences between a local government manager and a police chief exist and the chief must leave, the skillful manager will encourage the exit under the most favorable conditions to the chief. Only the chief and the manager really know what happened. Before an offer is made and accepted, the manager and the prospective chief need to talk frankly about the issues that led to the previous conflict.

Some years ago, a long-term police chief died in office as the result of an off-duty accident. He was beloved in his department and in the community as a caring individual who stood up for the needs of his officers. Every morning his

staff meetings over coffee and rolls involved holding hands and praying for the safety and well-being of the command staff and the officers, who were encouraged to be autonomous and free-spirited. In the eyes of the department, no one could replace this wonderful man. In fact, however, relations between the chief and the local government manager were very strained, because, for instance, the chief was in the habit of sending the manager a budget that complied with the manager's guidelines for cost containment, and then sending the local elected council an entirely different document enumerating all of the department's needs.

It was predictable that the next police chief would face a lengthy struggle. Because the manager clearly wanted a different approach, most of the battles the new chief fought were unavoidable, but certainly some strategic planning at the beginning, with the help of the manager, would have helped. (The new chief actually benefitted from this experience and is today a successful chief in a much larger city.)

Part of reviewing what happened to the last chief involves learning how that official was treated in the transition process, as there is no reason to believe the new chief will be treated any differently. If the local government's conduct was less than ethical, the candidate should look for another place to work.

A word should be said here about the police chief who is scheduled to step down but who is still in office. The retiring chief may have set the retirement date far enough in the future to allow time for the selection of a new chief; or, as sometimes occurs, the retired chief will be hired back on contract while a new chief is being selected. One unfortunate chief took a job in a new city only to find the previous chief still in the department. The local government manager wanted to replace him with a more professional leader to bring about some needed change in the department. The old chief needed another year for his retirement and threatened a lawsuit if he were removed from office. The manager negotiated an arrangement whereby the former chief would be hired as a "special consultant" to the new chief until he completed the necessary time. After a period of frustration and some interesting incidents, the former chief was paid to consult on request from home.

Often a departing chief will want to leave some imprint on the new administration, or the manager will think that it is a courtesy to ask the departing chief to show the new chief the ropes, introduce him (or her) to the players, and show him (or her) where the bathroom is. It's not—don't do it! When the new chief walks through the door, all eyes should be fixed on him and he should be in complete and unequivocal command. If he doesn't know what to do, he shouldn't have been hired. Let him meet people on his own terms and by his own design. And, unless his new staff is crazy, the new chief will be well taken care of.

What Kind of Style Is Appropriate?

Just because some changes are desired, they may not have to be carried out immediately or dramatically. But if dramatic or immediate action is required, the new police chief needs to know it before taking the job. In some cases, the need will be obvious because, for example, of publicity on corruption in the department, but in other cases immediate action may simply be in the plans of the local government manager. If the manager wants a fast-moving, hard-hitting

change agent, some special talents are required. These jobs are not for everyone and they may also be short-term.

How Long Can the New Chief Expect to Last?

The tenure of the last several chiefs will be a matter of more than historical interest to the selected candidate. The long tenure of previous chiefs is no guarantee of a long tenure for the new chief, but it is a sign of stability. A local government that has hired a new chief every couple of years may have a troubled police department, a manager who cannot be pleased, or politically unstable conditions. The candidate may still be interested in the position but will need to look at it as a likely short-term job. The analysis then needs to focus on whether the candidate will suffer any damage in the process, or can make the challenge work to advantage. In the cases of the two authors of this chapter, one took a job where his predecessors had served for 13 and 29 years, respectively. The other took his previous job knowing he was the fourth chief in five years to take on that department. After more than nine years, the first author is still enjoying his position, while after two and a half years the second has a new job.

A candidate's investigation of the tenure of the last several chiefs should include consideration of the prospects of his or her future boss—the incumbent local government manager. If a manager is unpopular in the community, the people he or she hires may be unpopular by association. A manager who has been moving up the career ladder to increasingly larger communities, and who has been in his or her present position for two or three years, may very well be leaving soon. Some candid but confidential discussion of this issue is useful.

Politics can change a job and the security it provides. Many chiefs have suffered through elections in which the challenger for the top local elected position ran on a platform of firing “outsiders,” and did just that upon taking office. Because of this, it is crucial for the candidate to ask for, and the local government to grant, some form of contractual protection for the chief. As they say in the television commercial, “Don't leave home without it!”

Unusual Job Requirements

Social expectations can even be an issue, and advance understanding of the requirement is important. One West Coast local government insisted that all finalists for the chief's position bring their spouses to the interview at the finalists' own cost. On inquiry, the finalists were told that the chief of police was a high-profile figure who was expected to take an active role in almost all weekly social events in the community with his or her spouse. Perhaps this is not unreasonable, but some families might be unable or unwilling to accept these conditions.

Departmental Issues That Could Shape the Job

Labor issues or strife. Among other issues that the candidate should investigate and discuss are labor issues or strife. A union almost always makes the management of a department more difficult, but the strength and attitude of the union are the important factors. It's helpful to know whether the majority of the labor force consider themselves police officers who are members of a union,

or union members who happen to occasionally act like police officers. Great things are achievable with the former. With the latter, expect hardened resistance to any change and look closely for corruption.

Budget issues and budget support for change. The department and local government budgets play a key role in whether a new chief will succeed or fail. If the union is threatening to strike because of a lack of pay raises, but local government revenues are relatively flat, the new chief faces an immediate crisis. Expectations and strategies for dealing with the issue should be discussed. With regional economies going sour in various parts of the country, some chiefs are hired to institute “cutback management.” They know what is required going into the job, and also realize it will make them highly unpopular within their departments, so they make no plans to stay in their position once the “dirty work” for which they are hired is done. But if funds are available to soften the blow of cutbacks (e.g., for employee buyouts), options should be explored.

If change is expected, most of it will have a price tag. After learning what is expected in bringing about change, to the extent possible the candidate needs to determine what the approximate cost will be, and get some kind of commitment that it will be funded.

Department quality and reputation. By the time a job offer is tendered, the candidate had better know the department's quality and reputation, particularly its reputation in the community. The manager should know this, because information is fed to him or her either directly from the community or through the elected officials. But sometimes the best way is simply to ask questions in the community without identifying oneself as a candidate. The department's professional reputation can be learned by inquiring with the police chiefs of surrounding jurisdictions, the district attorney, and the local offices of federal and state law enforcement agencies.

One chief moved his family a thousand miles to take a position, only to find that the community had no trust in the police department, and that, furthermore, the department members were aware of this but did not care. “It was a beautiful city, and we were mesmerized by that beauty. I knew the department had problems, but I didn't know how poor the quality was, nor how tough the job would be,” he later explained. He stayed several years, but every day was a struggle.

Pending and past litigation. Lawsuits are an unfortunate reality for most police departments, but the number and type should be closely investigated since they are clear indicators of deeper issues. One city's chief was forced to resign after the number of lawsuits against department members climbed into the hundreds. Everyone must realize, as the new chief attempts to correct the problems that may be triggering such suits, that regardless of the issue, the chief will inevitably be drawn into existing or even new lawsuits. Change simply cannot occur fast enough in most cases to prevent that.

Quality of managers in the department. Good managers delegate; however, some command officers can't be trusted, which makes some delegation impossible. Command officers may be incompetent, or may be very competent but use their skills to work against the chief. Candidates should evaluate the

quality of all command officers, those who appear to be supported by line-level personnel as well as those who are mistrusted by the rank and file. The new chief should be particularly aware of those who may have applied for the chief's position and did not get it.

The issue of command officer tenure should be investigated. The potential new chief should find out how long the commanders have been in their positions, and more important, how long they plan to stay. Good commanders who are retiring soon and poor commanders who have no retirement plans both present problems. Candidates need to know if attrition is expected soon, if competent midlevel managers are available for promotion, and if the new chief has the authority to bring in outsiders, if needed. The local government manager should be able to assist with an assessment of the very top staff, and with strategies for dealing with problems.

Staffing issues. A potential police chief needs to review each component in the agency for appropriate staffing relative to need and the chief's philosophy. If an audit has been recently conducted, it will be an immense help here as a source of very specific information. Otherwise, you must rely on experience and a review of budgeted positions against what you have learned about crime trends, police perceptions of problems, and community complaints. If, for instance, the new chief has found an unaddressed narcotics problem in the community and wants to initiate or augment a narcotics unit, he or she needs to know if additional funding will be approved, or if internal resources will have to be moved. In some communities, the police chief has unlimited authority to move resources within the department providing the budget is not exceeded. In others, this authority is severely limited either by policy or by the local government manager's direction. If either the candidate or the manager believes staffing authority could have an impact on the chief's ability to succeed, it should be discussed. In projecting solutions to these individual problems, both also need to be aware of the old adage, "For every problem you solve, you will create at least two more." Strategic thinking is essential.

Comparing officers-to-population ratios is of some value in reviewing the department for staffing issues, but regional crime patterns, service demand, community makeup, and staffing patterns are huge variables that make any comparison to national numbers useless. It is certain, however, that a department that is severely shorthanded will be suffering from low morale and often from poor performance. Making large increases in workforce size is generally a long-term process. Even poorly paid officers are very expensive when hired in numbers, and few local budgets can take that kind of a hit without drastic cuts in other parts of the budget, making the process very political.

Performance against goals and measures. The candidate who has been offered the job needs to know past, present, and future goals and measures used by the department. It is a bad sign when they are poorly written, and even worse when they do not exist, in terms of how the department has been managed. Goals tell what the department and the local government consider important. Measures show the level of sophistication in management and whether the goals mean anything. Community surveys, accreditation, and certifications all measure performance, as do complaint and internal affairs records and sum-

maries. Although the absence of such records can be troubling, the new chief can look at this absence as an opportunity to assess and refocus the organization by instituting a work-planning process.

If the local government manager has any specific goals in mind for the new police chief that are not otherwise documented and available, they should certainly be shared at this time. The candidate should have no subsequent surprises, and should be able as completely as possible to assess the full expectations of the manager before accepting the job.

Training issues. Training records and issues are other signs that prospective police chiefs should evaluate. The number of hours of training that officers receive each year often indicates the level of professionalism the new chief will find. Training hours are also a surprisingly accurate predictor of police performance and the level, or absence, of complaints and lawsuits. Determining the level of department training on the highest-liability issues, such as firearms use, arrest control, driving, and supervision, is a top priority, if not before one accepts the job, then immediately upon assuming office. The prospective chief will also want to know what training department personnel have received on topics such as sexual harassment, communications, crime prevention, and community policing.

All of this information looks daunting and may not be available before the job offer is accepted or rejected, but to the extent possible it should be reviewed and discussed between the manager and the prospective chief. Doing so will minimize later surprises and grief for one or both.

The Final Negotiation Process

Few job offers come as a surprise to the candidate, so when the offer is made the candidate should have a very definite idea of what is desirable and what is absolutely necessary in terms of salary and benefits. The local government manager should also have a definite idea of what he or she can provide. Both, however, should know that these days few deals are consummated without breaking some new ground for one or the other. Further, the salary and benefits should be viewed as a package that provides some room for creativity and flexibility for each party to the agreement. To begin, it is important to know what is negotiable and what is not from either party's perspective. The negotiation process then works around these issues to meet each party's needs.

Family and Housing Considerations

If the candidate's spouse is employed outside the home, or the candidate's children are in school, information on other job opportunities in the area and information on the school system will greatly assist the prospective police chief and might help sell the job. The same goes for other educational, recreational, and cultural opportunities for the family. Many police chief candidates who are offered the job still have to convince their spouse that it is worth the move.

The most important family considerations will be whether the chief is required to live within the hiring jurisdiction's corporate limits and the cost of housing and the move. This is the issue that works best to inside candidates' advantage, because they will have little or no transition expense. The candidate

needs to know if living within the hiring jurisdiction is a charter requirement that can only be changed by the voters, or simply the preference of the local government manager. For example, living in the jurisdiction where one is police chief is a benefit to all concerned, but it is not always financially feasible. Currently, someone moving to the heart of Silicon Valley to accept a chief's job is in for housing sticker shock. Consequently, few chiefs in that area of California are required to live within the jurisdiction that employs them.

Even where there is no residency requirement, many local governments in high-cost areas offer six-figure housing loans to department heads at the city's discount interest rate. But this will not resolve the problem unless the candidate has substantial equity to put down. In some cases, the local government also provides for equity sharing and will supply the first \$100,000 or more to assist with the down payment and thus bring the house payments down to an acceptable level. Moving expenses are negotiable, but in any job that requires a house sale and move, the candidate should expect these to be covered as part of the package. It is not unreasonable for the manager to place some cap on these expenses, however.

Job Security

Many of the assessments recommended in this chapter have been designed to help candidates measure their capacity and their desire to do the job, as well as some of the risks inherent in accepting individual jobs. No candidate should take a job he or she does not want. The work of a police chief is too demanding. If no intrinsic rewards are seen, it will likely be a miserable experience. Further, no candidate should try to sell a manager on abilities that really are not there. The truth will always come out at some point, and the new chief's credibility will be zero. But just because the job seems unusually challenging does not mean it should not be accepted. Most police chiefs thrive on challenges. The prospective chief should just make sure that the lure of a challenge does not lead to trouble later. Make realistic assessments.

Part of the discussion around job security should concern how the new police chief's job performance will be measured.

When a job offer entails substantial professional risk, it is not unreasonable to request some type of job security in the final agreement. All such agreements should be put in writing. A contract is the best alternative for both parties because it most clearly spells out the requirements placed upon each party and is legally binding on each.

Many local government managers do not like contracts because they often have to be approved by the local elected council when the council is not otherwise involved in the selection. If the council is not likely to agree with the manager's selection, there may be good reason not to take a contract to the governing body. However, the contract can serve as a mechanism to get the council to take ownership of the decision after the fact. In some cases, managers simply have not used contracts before and hesitate to break new ground. But executive con-

contracts are becoming much more common in local government. Even where contracts are not considered viable, all pertinent facts agreed upon in the negotiation process should be put in writing so that both parties have a record.

Part of the discussion around job security should concern how the new police chief's job performance will be measured. It is not unusual to place specific goals in a contract or agreement, but both sides should take care to ensure that these goals are achievable and reasonably under the control of the chief. At this point, neither the chief nor the manager will want to talk about disagreements, but both will find it useful to discuss how they will mutually handle a situation in which they disagree. And, of course, the most extreme form of disagreement will occur when one or both decide at some future time that the partnership is not working out and "divorce" is in order. Severance is always the subject of one of the clauses in a contract, but if there is no contract, the chief has a right to know how this issue will be handled.

Other Items Open for Negotiation

The main purpose of the negotiation and agreement is to minimize later surprises for either party to the agreement. As many issues as possible should be resolved during the negotiation process. Items of particular interest to the prospective police chief include:

- Starting salary and the potential for future raises, and the criteria on which these raises will be based
- Pension and deferred compensation issues. Deferred compensation is often used to make up for a low starting salary. Further, if the chief is starting in a new pension system, it is reasonable to ask for a clause providing full access to all pension funds (local government and individual contributions) if the chief departs before becoming vested in the new system.
- Use of a suitable radio- and telephone-equipped vehicle or, in lieu of that, an appropriate personal vehicle allowance
- Health, dental, and life insurance is usually part of a standard local government package, but all standard packages should be reviewed for coverage gaps.
- Vacation and leave benefits, including beginning banks of each in the event that the chief is injured or becomes seriously ill in the first few months in office. Vacation benefits should be commensurate with the chief's tenured experience.
- Paid attendance at professional conferences and continued training opportunities
- Policies on outside employment. If the chief teaches or consults on the side, this should be made known to the manager and agreements should be negotiated on limits, assuming such activities are considered appropriate.

These items are not meant to be an exhaustive list of items that could be covered in the negotiation process, but should serve as a starting point for discussion.

Conclusion

There is more mobility in the job and career markets today than ever before, and mobile police chiefs have become the rule rather than the exception. Yet the decisions made in the process of selecting a police chief by both the employer and the chief are incredibly important and will have enormous subsequent impact on both. The right match can be highly rewarding for the community, the department, and the chief's career. A poor match can be devastating for all involved. The community and the department will always carry on in spite of the miserable experience, but either the chief or the manager who made the hiring decision, or both, will lose his or her job, and a job loss under these circumstances can have serious negative consequences for a career. The threat of such consequences demands complete honesty and openness in the selection process. To lay a foundation for success, the prospective chief must make sure that expectations are clearly understood on both sides.

¹ Stephen Covey, *The Seven Habits of Highly Effective People* (New York: Simon and Schuster, 1989), 244.

4

FROM BOTH SIDES

DARREL W. STEPHENS

The story is a familiar one: The police chief's position comes open, setting in motion a community-wide debate that will take months, if not years, to resolve, depending on how the position became vacant, how it is filled, and who takes the job.

Filling the police chief's position has become one of the most difficult tasks facing local governments. One city named its new police chief following an extensive search-and-selection process only to learn that the new chief left the press conference to continue pursuing his candidacy in another community and ultimately took the other job. In a nearby jurisdiction, the county executive's choice for chief was quashed by a powerful political figure. In Austin, Texas, a police chief selection process took seven months to complete and put the city manager "under fire for missing deadlines, mishandling candidates, and allowing the process to be held hostage by political infighting."¹ By the time the selection decision was actually made,

Community groups and political leaders were complaining loudly about the messiness of the selection process. . . . Austin's difficulty in hiring a police chief seems to have less to do with its own situation and more to do with the changing expectations being placed upon big-city chiefs and, in turn, the officials who hire them.²

The truth is, few public positions create the type of debate and discussion that accompany the naming of a new police chief. The selection process is closely

watched by the community at large, and the intensity of the resultant discussion rivals anything surrounding the hiring of a local government manager or school superintendent.

The reasons for this are as many and varied as the people and groups in the community. No other government or private institution touches members of the community like the police. They are welcomed as protectors when one is confronted with the prospect of being a victim of crime and often blamed if a citizen is victimized and the culprit is not caught. Members of minority groups pay particular attention to the police chief selection process because of concerns about the level of crime in their neighborhoods and about mistreatment by the police. These images of the police, and other community concerns, contribute to the intense interest in who might be appointed to the position. This interest often drives a level of community involvement in the decision-making process that no other departmental leadership position creates.

Similarly intense interest is common within the police department. The officers themselves follow with anxious interest as the selection process unfolds. The majority are looking for a chief who could be described as a “cop’s cop,” that is, a chief who is not afraid to speak out against what officers perceive as political interference in the department, has not forgotten the difficulties of being a street cop, and fiercely protects them from external constraints on their behavior, especially when they may be in the wrong. In some cases officers prefer someone from the outside to minimize internal organizational politics or because they think the inside candidate(s) will not be the type of chief best for the department. Whatever the internal conventional wisdom, the varied opinions have a way of finding vocal champions in the community or among local elected officials. The result, quite often, is that police union representatives obtain a significant voice in the selection process.

There are political considerations in both the choice of the police chief and the process itself. Political figures will often distance themselves from the process publicly but privately work to influence the choice. If the appointing authority is an appointed manager, great care must be taken to ensure that the political issues have been addressed in regard to both the process and the choice. If the appointing authority is an elected official, the challenge is not much easier because it includes addressing the political aspects of the process without making it look overly political. The public expects that the police will have a degree of isolation from political influences that may advance agendas not entirely consistent with the community’s best public safety interests.

In this chapter, the issues surrounding the selection process are discussed “from both sides.” In more than twenty years of dealing with this process, I have been, at different times, a candidate for police chief, a behind-the-scenes adviser to local government managers, and a search consultant. As I write, I am the appointed administrator of a large city. At all times, I have been a keenly interested observer of the selection process. In writing this chapter, I have tried to include the perspectives of both the candidate and the appointing authority.

In the first section of this chapter, I address the decisions that must be made when it becomes known that the current chief is departing. The next section addresses the design of the search-and-selection process. That is followed by a discussion of issues related to the announcement of the decision and the transition period from the announcement until the new chief reports to work.

The final section addresses issues associated with the new chief's first six to twelve months on the job.

The Chief Is Leaving

The selection of a new police chief is often heavily influenced by the reason the incumbent chief is leaving and the circumstances surrounding that official's departure. The process is challenging regardless of the reason the position becomes open, but it is even more taxing when the chief leaves under controversial circumstances. Speculation and lobbying begin with the rumors of the chief's impending departure. The real reason for the departure might not match either the internal or the external perceptions, so addressing these perceptions is an important part of setting the stage for identifying a replacement.

Political figures will often distance themselves from the process publicly but privately work to influence the choice.

What is the main reason the police chief has decided to leave? Is the chief retiring after a full career in the department? Moving on to a new position? Resigning under fire? Being removed involuntarily? These questions will have to be addressed as soon as the news breaks that the chief is leaving. The best situation for a local government manager is to have as much advance warning as possible and to structure the departure and announcement in a way that minimizes any negative aspects of the situation. Every one of the questions listed at the beginning of this paragraph can help the local government manager identify issues that might influence the selection process.

Although none of them are foolproof, there are several ways of keeping track of the current chief's career plans. One is to include a question concerning career plans in the annual discussion at performance review time. Depending on the tenure of the chief in the position and department, it only makes sense to talk about any plans the chief might have for retirement or to move on to a new challenge. A sense of the chief's plans can also be obtained through a discussion at performance review time about what the chief is doing to develop the skills of senior managers in the department. Still another way of improving the chances of being informed is to make it clear to the chief, and other department heads, that retiring or seeking another position is not an act of disloyalty. If an organizational environment is created that recognizes job mobility as a normal part of work life in today's world, a local government manager can be in a much better position to avoid being surprised by the departure of key personnel.

The Circumstances of the Departure

Retirement. The voluntary decision of a police chief to retire after a full career may be the best circumstance under which a community faces the issues

associated with replacement. However, one cannot always count on that situation to provide a smooth transition to the appointment of a new chief. It is not unusual for unresolved issues to appear once the decision is announced or soon after the chief's departure, when people inside or outside the organization may feel more comfortable with raising questions than they did formerly.

In one mid-size city, a long-serving chief was retiring who had been very active in national professional circles and well regarded in his community. However, despite his good local image, he did not represent the type of chief his community wanted for the future. Community members felt that the busy chief's travel schedule had hurt the department and the community. It was not until after the chief retired that the extent of the concern about this issue became known.

Conversely, it is not unusual for a chief to be regarded so favorably that he or she is considered irreplaceable, or that the department or the community hopes that someone just like the retiring chief can be found. Such a situation often puts the new chief in a difficult, if not impossible, position. When Clarence M. Kelley left the police chief's position in Kansas City, Missouri, in 1973, to head the Federal Bureau of Investigation, many police officers and members of the community felt that he was simply not replaceable. His successor, Joe McNamara, a 38-year-old New York City police official with a doctorate from Harvard University, left after three tumultuous years for San Jose, California, where he served more than 15 years as chief and became a respected national police leader.

With advance notice, prior planning, and the right questions, the appointing authority can be prepared to address the issues that might emerge following a police chief's retirement announcement, whether the departing chief is viewed positively or negatively.

Termination or forced resignation. The police chief who is being fired or forced to resign presents another set of issues for the local government manager. Rare is the police chief with more than a short incumbency who has not developed a following in the department and the community. If the chief decides to fight the termination, the replacement process can do damage to the department and the community that may take years to repair. Unless issues of professional integrity or corruption are involved, it is almost always better to negotiate a resignation or retirement than go through the turmoil of a firing decision. If that is not possible, then care must be taken to be as clear as possible about the reasons for the firing decision and to ensure that the local government manager has both the legal authority and political support to carry it out.

Whether dealing with a termination or a forced resignation, the local government manager must do the necessary background work with the local elected council to ensure strong support for the decision. In several instances, local government managers have lost their job or caused substantial damage to their relationship with the council over the decision to fire a police chief. An elected executive may have a little more flexibility (particularly early in a new term),³ but nonetheless would be wise to develop as much political and community support as possible for a decision to fire.

Regardless of whether the local government manager is appointed or elected, a key step in ensuring support for a new chief is laying the groundwork for the

removal of the old chief. In conversations to develop support for removal of the chief, the manager must be able to communicate the reasons for the decision as well as the type of replacement that will be sought. The reasons may be as straightforward as the chief's and the manager's inability to develop a relationship of mutual trust. Whatever the reasons, it is important that those individuals who will have to stand by the decision understand the reasons and are able to support them. The local government manager must take care to ensure that support for removal of a chief is not tied to the identity of the replacement.

A termination decision and announcement must include an explanation for the action, identification of the interim chief (the issue of the interim chief is discussed in more detail below), and either a general description of the replacement process or an indication of when the specifics of the process will be announced. If it is already known who the replacement will be, the local government manager should consider announcing the termination decision and the hiring decision at the same time. In some cases, the circumstances are such that quick, decisive action works to the advantage of both the community and the police department.

Touching base just prior to the removal announcement with individuals in the community who might be contacted for comment by the news media may help in a couple of ways. First, it gives local opinion makers the opportunity to formulate a knowledgeable response to media queries. This makes it more likely that comments to the media will be either supportive of a difficult public decision or at least not as critical. Second, it gives the local government manager a preview of the concerns that those who do not agree with the decision will be expressing to the media, and thus more time to frame an approach to dealing with them. Some of these issues might well be addressed in the initial announcement.

Moving on to a new challenge. It is not unusual for a vacancy in the police chief's position to occur because the incumbent has accepted employment in another community. Many of the same issues are present whether a vacancy is created by retirement, forced resignation, or termination. There are, however, some issues that are unique to the situation when an incumbent chief accepts another position.

One such issue is the destination of the outgoing chief. Is the new position one that generally would be viewed as a career advancement? That is frequently the case when a chief moves to a larger department with more responsibility and compensation. Or does the position appear to be a lateral move or a step back? A step up may be less difficult to explain than a lateral move or a step back especially if the chief has been in the position for a respectable period, say three to five years, but both can add hurdles to the selection and replacement process.

A move up can cause problems if local residents are getting the impression that the police chief's office has a revolving door: questions are going to be raised that will range all the way from current issues in the department to questions about why the incumbent chief was hired in the first place. Depending on what might be going on in the department and the community, reasons may be advanced that have nothing to do with why the chief has taken another position.

The local government manager must be alert to perceptions of instability in the chief's position and carefully assess issues in the department and the community. The knowledge gained from that assessment can be used to craft the announcement and set the stage for the replacement process. It need not be an exhaustive assessment at this stage. The assessment should include questions such as: How is the chief's performance generally viewed in the community and the department? Are there problems with employee groups? How have the department and the chief been generally characterized in the media? Are there budgetary or financial issues that present unusual difficulties for the community? Is there a recent crisis or upcoming problem that will raise performance questions? Did any of these issues contribute to the chief's decision to move on, or can they be characterized in that way?

Such questions should be addressed as close as possible to the announcement of the chief's departure. This can be accomplished by bringing a few trusted staff and community members together for a couple hours of brainstorming to identify the various issues that may be present at the time. In most cases there will be a fair sense of what the issues are and how they might be addressed, at least on a temporary basis. This list of issues can be expanded and explored in greater depth in the early stages of the selection process. The list will be a crucial tool in the identification and selection of a new police chief.

The Interim Chief

The interim chief is a critical appointment that will contribute immensely to the success or failure of the search-and-selection process. An interim chief will normally serve for about six months, but it is not unusual for someone to hold the title for up to a year. This appointment must reflect a clear understanding of the policing issues in the department and the community.

In most cases, the second in command of the police department is appointed interim chief. In most cases, that is probably the best decision if there are no complicating circumstances originating in the department or the community, or with the potential appointee.

One issue the local government manager must consider is whether the interim chief is a candidate for the permanent appointment. Although the interim position can be a double-edged sword for a candidate, generally the perception is that serving in this capacity provides an advantage. This perception will vary depending on the history of the community. If there is a history of interim chiefs being appointed permanent chiefs, the assumption will be that this will happen in the current situation as well. The converse will be true if an interim chief has not been appointed permanent chief in recent history. To avoid a debate over the significance of the appointment, many local government managers announce at the time of the interim appointment that the appointee will not be a candidate for the permanent position. Other managers give an assistant administrator day-to-day oversight responsibility for the department rather than appointing an interim chief.

Some local governments have selected interim chiefs from outside the community or local government structure entirely. In Tarpon Springs, Florida, an interim chief, Keith Bergstrom, was brought in under the direction of the International Association of Chiefs of Police while the IACP conducted a management review of the department. The review was designed, in part, to guide the

selection of the new chief and provide a blueprint for improving the department. The individual who was brought in became well respected by members of the department, the community, and those he worked with in the profession. This approach is most commonly used when the department is experiencing extreme difficulty or controversy resulting in a general loss of confidence by the community. The interim chief can address some of the tough internal issues and then move on when a permanent replacement is named.

The local government manager must consider whether the interim chief is a candidate for the permanent appointment.

The decision on appointing an interim chief requires a clear understanding of what is expected of the person who will serve in that capacity. Is the individual expected to be a caretaker and not undertake any new initiatives or programs? What authority will the interim chief have to deal with ongoing problems that might require significant investments of resources or policy changes? Will promotions and personnel transfers be delayed? For how long? How are issues such as the capital improvement plan or operational budget to be handled? Should key positions be left vacant? Recently, in Washington, D.C., the interim chief found herself at the center of a controversy over her decision to ask three commanders for their resignations. The interim chief said in her own defense, "They made it very clear that they were not looking for a caretaker. I accepted that responsibility then, and I plan to carry it out every single day I sit in that chair."⁴

The Search-and-Selection Process

Who Does the Work?

The appointing authority will have to make an early decision on who will actually do the work associated with the search-and-selection process. Like every decision when a police chief is being replaced, this one has important implications for the entire process. Although search and selection is sometimes managed by members of the appointing authority's immediate staff, generally the choice involves deciding whether the personnel department or an outside search firm will develop and implement the process. There are many examples of both of these entities conducting successful search-and-selection processes. There are also examples of disasters from both quarters.

Cost and time are often central factors for local government managers in deciding who will do the work. The initial assumption is that a search-and-selection process conducted by the personnel department will be quicker and less expensive. Frequently, the use of a search firm will require the development of a request for proposals, solicitation of responses, and a process for selecting the consultant, all of which takes time. And the budget for these services must be added to the ongoing expenses of the personnel department. It may, however, be just as expensive and time consuming for the personnel department to develop and implement the process, especially if it has little or no experience in police chief recruiting.

Assuming that a firm is selected that has a track record of conducting effective police chief searches, the firm is likely to have used a number of approaches to the development of a process tailored to the needs of the community. Experienced search consultants will frequently know about qualified candidates who might be both interested in and well suited to the position.

As with almost any decision associated with replacing a police chief, the unique circumstances of the community must be given great weight when a local government is considering employing a search firm. A search firm may be most appropriate if the personnel department's workload would make it difficult for the department to give search and selection its full attention. If there is a strong impression in the community or among political leaders that a search firm is a waste of money, then the personnel department might be the best choice to conduct the search. In some cases, communities will split responsibilities with a search firm for certain aspects of the process. This allows for the strengths of both entities to be brought to bear.

The decision on whether to use a search firm should also be examined from the candidates' perspective. In most cases, outside candidates look favorably on the use of a search firm, for several reasons: First, the investment in using a search firm suggests that the community places high priority on finding a good police chief. Second, a good search firm will spend time in the community doing an analysis of the position and the challenges a new chief will face. That independent analysis of the situation is helpful to a candidate's own assessment of whether he or she would be a good match for the position. Third, a candidate is likely to be more comfortable raising issues about the position with a search firm professional than with the appointing authority (e.g., Is the local government willing to enter into a written contract? What is the local government manager like? What type of talent exists in the organization? What were the former chief's strengths and limitations?). Fourth, potential candidates are likely to think that a search firm will place a higher premium on maintaining confidentiality until the final stage of the process. Finally, a search firm's business future rests with ensuring that it produces a field of qualified candidates who are good matches for the position. Candidates interested in becoming a police chief know that even if they do not get the job, they will have another opportunity with other clients of the search firm in the future if they made a favorable impression in the selection process.

A Real Search?

One of the first questions every candidate who has had any experience with seeking a police chief's position asks is: Is this a real search or is it being conducted for show? Many candidates have experienced or observed processes that result in the selection of the person "everyone" said would get the job. And they are left wondering if there was ever any real interest in looking at other candidates.

Although such perceptions may not be accurate, they affect choices that potential candidates make about whether they should put their energy into a process and, depending on the circumstances of their current employment, whether they should even take the risk of applying.

It is not difficult to get a fix on what the perceptions might be about the position. A review of instances of how the police chief position was filled in the past will provide considerable insight. If the position has never been held by

someone from outside the department, outsiders may assume that an inside candidate has already been chosen. The appointing authority can also place a few telephone calls to police chiefs around the country or to the senior professionals in the various national police organizations, such as IACP and the Police Executive Research Forum (PERF), to find out what people are saying about the open position.

If the departure of the past chief was amicable, the appointing authority should get his or her impression on whether the search will be perceived as credible. The former chief is an important source of information to potential candidates and can be very influential in either a positive or negative way.

If it appears that candidates will think that the choice has already been made, the local government will have to reach out to address these concerns. For outside candidates, one of the best ways to do this is through the informal networks in police associations, which can be accessed through their executive directors or officers. Association networks can very effectively put the word out that all candidates will receive full consideration for the job, or even that the position is likely to be filled from outside if that is the case. Candidates' concerns about the authenticity of the search process can also be addressed, to an extent, in the recruitment material, in the description of the type of candidate sought for the position.

If it is highly unlikely that someone from outside the department will be appointed, the search should not target outside candidates.

Potential candidates from inside must also believe that the process is sincere. The local government manager must determine whether there are internal questions or concerns about the sincerity of the process and deal with them.

If it is highly unlikely that someone from outside the department will be appointed, the search should not target outside candidates. Because it has a tradition of hiring from inside, for many years the city of Orlando has named the new chief at the same time that it announces the old chief's departure. By contrast, some less scrupulous local governments use a search process to build up internal candidates. They tout the number of applicants for the position and then announce that, to their amazement and pride, they have discovered that the best person has been in the department all the time!

On the other hand, if it is unlikely that an internal candidate will be appointed, then it is probably best to be forthright about that, too. It is usually not in anyone's best interest to pretend that the search process is something that it is not—most people will be able to see what has really taken place.

Inside versus Outside

“Reacting to criticism that Philadelphia’s police force is ineffective, sometimes corrupt and in dire need of new blood, Mayor Ed Rendell reached outside the city and hired a new police commissioner.”⁵

An issue that always seems to surface in the appointment of a police chief is whether the new chief should come from the inside or the outside. In some communities, the history has been that the person selected always comes from inside, while in others the reverse is true. There is considerable emotion attached to this issue, so the appointing authority must be prepared to address it early in the process. Some will see the appointment of an outsider as a statement that the inside candidates are not up to the task. All search-and-selection processes should be developed and conducted with a view to selecting the person who is the most closely matched with the needs of the position at the time, whether that person comes from inside the organization or from outside.

There are no hard and fast rules on whether the selection process should focus on inside or outside candidates. The situation in the department may cause the process to focus on one to the exclusion of the other. It is not unusual for a local government to look outside the department for a chief if problems have occurred that raise questions of confidence in the leadership. A corruption scandal or a series of excessive-force allegations might cause a local government to choose to focus on outside candidates. In recent years, Washington, D.C.; New Orleans; Los Angeles; and Prince George's County, Maryland, have appointed outside candidates for one of those reasons. On the other hand, a police department that enjoys a high level of community satisfaction and does not seem to have significant unaddressed issues might be better positioned to focus on internal candidates. For example, as of the late 1990s, San Diego; Portland, Oregon; and Kansas City, Missouri, had been able to select their chiefs from inside their departments for many years.

In most cases, the capabilities of the management-level people in the department will be well known. If the appointing authority believes that the best match with the position can be made from within the organization, then the process should concentrate on making the selection from among those individuals. If there are serious concerns about the capability of internal personnel to move into the chief's position, the focus should be on external candidates. Or, if there is a sense that the department has not kept pace with developments in policing, an outside candidate with experience in several communities and a reputation for innovation might be the best choice. Even when there is no controversy, that does not mean the department is managed as effectively as it could be—new ideas from an outsider may be beneficial. The converse is also true, controversy around change is to be expected, and a department experiencing that type of controversy may very well have the most capable replacement within its own ranks.

If the department is pretty much on an even keel, and no significant factors prevent the jurisdiction from taking a good look at the full range of potential applicants, the search process ought to move ahead with the goal of identifying the best candidate regardless of whether that person comes from inside or outside.

Race, Ethnicity, and Gender

It is a rare police chief selection process in which issues of race, ethnicity, and gender are not a part of the public and private debate over the appointment. Although not recommended, some local governments have initiated the process with an announcement that a candidate of a specific race will be hired. In oth-

ers, community demographics have led potential candidates to assume that the successful candidate will be of a particular race. Potential candidates also make assumptions about the race or gender of the next chief based on that of the local government manager.

Although race and gender issues confront most selection processes in urban areas of America, progress over the past ten to fifteen years brings these traditional assumptions into question. Today, many incumbent police chiefs are not of the majority race in the community and have been appointed by individuals of a different race. Many communities are focusing much more on candidates' qualifications and record than on their race or gender. The nation's urban centers have seen African Americans and Latinos serve as chief in white majority cities such as Houston, Phoenix, and Portland, Oregon. White men have been appointed in communities where the majority is African American or Latino, for instance, in Cleveland, Baltimore, and Miami. Whites, Latinos, African Americans, men, and women have followed each other in police chief positions and have been considered successes or failures independent of race or gender.

What is most important is that both the community and the candidates have a sense that everyone who applies will get a fair chance . . . based on qualifications and suitability.

Diversity in police chief selection has significantly improved over the years, but one can expect that pressure will come from a variety of sources that emphasize race, ethnicity, or gender. The appointing authority must take care to minimize the perception that decisions are driven more by race and gender than by job qualifications.

What is most important is that both the community and the candidates have a sense that everyone who applies will get a fair chance to be appointed based on qualifications and suitability for the position. This sense can be strengthened by ensuring that the process is structured in a way that provides diverse input from internal staff and the community. It can also be strengthened by maintaining open lines of communication with those who advocate an emphasis on the race or gender of the successful candidate.

In a community where the upper levels of the local government management structure are not reflective of the makeup of the population, one can reasonably expect greater pressure from the community for better representation. In that situation, the local government manager should work to ensure that the pool of candidates includes credible minority and women candidates.

The selection process should also consider the issue of race or gender from the candidates' perspective. If some assume that too much emphasis will be placed on race or gender, this assumption will influence their interest in taking part in the process. Like other issues already discussed in this chapter, this one can be dealt with by ensuring that both formal and informal channels of com-

munication carry the message that the process is focused on finding the most suitable candidate for the job.

Who Should Participate in the Selection Process?

The current circumstances in the department and the community play a key role in determining who should participate in the selection process.

Community involvement. Some cities involve as many people from the community as possible. In Columbia, Missouri, a few years ago, the selection process included a televised interview with the candidates that included an opportunity for people from the community to call in with questions. It is not unusual for police chief candidates to face interview panels that include representatives from the local police union. In some communities, the appointment of the police chief requires confirmation by the local elected council. This will influence decisions on who should be involved in the process, as well as the final selection itself.

It is not unheard of for the selection process to be conducted in relative secrecy. Some local government managers with full appointing authority have opted to conduct the process completely outside the public eye to minimize undue political or union influence on the choice.

The visibility of the selection process can also have a great influence on who enters the pool of candidates.

Decisions on community involvement in the selection process bring with them implications for both the appointing authority and the candidate. A highly visible process with a wide range of public involvement allows the local government manager to receive direct feedback from people interested in the decision or a particular candidate. A visible process also allows one to observe how a candidate handles the stress of dealing with difficult questions in the public eye, an important skill for a successful chief. It also provides an opportunity to build early community support for the eventual appointee.

A public process can cause problems for the appointing authority as well, primarily by limiting the local government manager's discretion in making the appointment. A critical aspect of the appointment decision for a local government manager is his or her assessment of the prospects for developing a good working relationship with the new chief. If one candidate emerges from a public process as the clear favorite, it will be difficult not to select that person, even if the manager has concerns about the working relationship. For instance, not long ago in a southern city, a new police chief who had developed wide public appeal was appointed, but at a large public meeting within weeks of his appointment he announced that he worked for the people, not the city manager even though the municipal charter clearly indicated otherwise. Before the new chief's first year was over, severe relationship problems developed; the chief's employment was terminated by the end of the second year amid great controversy in the department and the community. While it generally

works to the appointing authority's advantage to gain as much input as possible, everyone involved should clearly understand who makes the actual appointment decision.

Some local government managers have structured the selection to allow public input but carefully outlined the parameters of that input. In Richmond, Virginia, City Manager Robert Bobb included interviews by community members in his process for selecting a public safety director and, later, a police chief. In both situations, he made it clear to the interview board, which included representatives of important community groups, that their responsibility was to give him their perspectives on the strengths and limitations of the candidates they interviewed. They understood that their point of view would be given great weight in the final decision but that the city manager would retain the final authority to make the decision. That process worked very well for him: he selected individuals from outside the community for both positions who served well beyond the national average tenure for those positions. Similar processes are described in greater detail elsewhere in this book by Wayne Bowers, city manager of Gainesville, Florida, and Kurt F. Kimball, city manager of Grand Rapids, Michigan.

The visibility of the selection process can also have a great influence on who enters the pool of candidates. An individual who is already employed as a police chief will be reluctant to participate in a selection process that is highly visible and likely to be publicized in his or her own community even before the process has winnowed the candidates down to a few finalists. Chiefs who participate in another jurisdiction's selection process face the risk that doing so will reduce their effectiveness in their current position. Disclosure of a police chief's interest in a position in another community will likely alter the chief's relationship with his or her local government manager, police department, and current home community in many different ways regardless of his or her reasons for seeking the other position. If the local government wants to look seriously at outside candidates who have police chief experience, the value of a highly visible process must be balanced against the need to attract as many qualified candidates as possible. In essence, the process should, as much as possible, protect candidates' confidentiality.

In states such as Florida and Texas, so-called sunshine laws make every application a public record. Fortunately, the news media have become much more sophisticated at handling this situation than when they first had access to application information. It was not unusual for the media in Florida in the mid-1970s and 1980s to publish a full list of applicants and to make inquiries in the communities where the applicants were working. Most news organizations now wait at least until the applications have been screened to a group of semifinalists or finalists, unless there is some unusual controversy in the community.

Union/employee involvement. It is often helpful to the local government manager, and has become an increasingly accepted practice, to include union or employee representatives in the process, usually at the interview stage. It is helpful to the candidate, as well, if the union and appointing authority agree on the final choice. If they do not, the stage will be set for difficult times as the new chief attempts to develop a relationship with the union.

Like most other issues that go with replacing a police chief, the decision on whether to involve the union in the process should take into account the circumstances in the department and the community at the time. A close examination of the union's relationship with the prior chief must be made in the context of the circumstances of his or her departure. If, for example, the union strongly supported the prior chief but the local government manager encouraged the chief's departure, then the chances of agreeing on the characteristics of a good chief decrease tremendously. The appointing authority is better off making the choice and then allowing the new chief to work on developing the most productive labor-management relationship possible.

The union will participate, whether or not its participation is invited. In many cases, the union will conduct background investigations of the candidates and share that information with their membership and interested news media. The union sometimes will wait until the selection has been made and then conduct a background investigation. That investigation will frequently include visits to the community where the candidate worked in the past. This is another reason why the appointing authority needs to know as much as possible about the appointee, so that any potential controversy can be addressed in the appointment announcement or soon afterward.

The formal involvement of union or employee groups in the selection process generally makes candidates nervous because it makes it difficult for them to present themselves in a way that will spare them from criticism for past decisions. For instance, one of the police executive's most challenging areas of responsibility is that of meting out discipline for misconduct. Rarely are these decisions universally accepted, and most involve complicated stories that cannot be told in a few sound bites. These decisions are often the focus of the union background investigation, and they are used as a key piece of the information to determine whether a candidate or a newly appointed chief will be supportive of the officers on the street. The union will also look carefully at the positions candidates have taken in the past on disputes over salary or the hiring of more officers. These decisions are complicated as well, and they can be used to put a candidate in a bad light if the union so chooses.

The decision to involve the union or other employee representatives in the process boils down to the manager's judgment on the current circumstances in the local community and the union's leadership. In communities throughout America there are some enlightened union leaders who see the increase in professionalism in policing as a step forward and accept their responsibility to contribute. These leaders can be expected to challenge the appointing authority on various issues, but will also be more likely to contribute in a positive way to the process of selecting a new chief. The local government manager must gauge the situation in the community and act accordingly.

Candidate Qualifications

Qualifications will certainly be the subject of considerable discussion as the candidate pool is narrowed and a final choice is made. Although the nature of the debate will be framed by what is going on in the department and community, there are several areas that are likely to produce more discussion than others in the debate on qualifications. These will generally include *experience*, *education*, and *training*.

Experience. The experience debate usually takes place on several fronts. The first concerns the number of years of experience a candidate might have. Time in the field is an important factor because it provides some indication of the candidate's exposure to the wide range of situations that one might encounter as a police chief. Second is the rate at which the candidate progressed through the promotional opportunities in the department. If a candidate has progressed at a good rate say, two or three years at each level that provides some indication that he or she has been able to master the job requirements at each level. Third is the type of assignments the individual has held during his or her career. Well-rounded candidates will have had a range of assignments, with exposure to patrol, investigations, support units, and administration. They should have some experience in at least two of these four key areas.

A fourth area of experience, which is often discussed with reference to outside candidates, is the size of the communities and departments where the candidate has worked. It is not unusual to assume that a candidate with experience in a large city is more likely to be successful as a chief in a large city.

Finally, there is often hot debate over whether the person hired should have experience as a police chief. Certainly there has to be a first time for every successful leader: no one gets his or her first chance to be a chief until some local government takes a calculated risk. However, there are circumstances in which the conditions in the department and the community make it more likely that someone with a good track record as a chief will be successful than someone without that experience.

What is not discussed a great deal is the candidate's link to the community and other units of government. The police chief's position is one of the most demanding in local government and requires long hours of direct contact with people and institutions outside the police department. It is important that the examination of a candidate's experience include inquiry into this area of work history. What type of contact has the candidate had with community organizations? Does the work history include direct interaction with neighborhood associations and other community groups? Does the candidate participate on the boards of nonprofit institutions or work as a volunteer in some community activity? What type of experience has the candidate had in working with other parts of local government? Has he or she worked on special projects or initiatives that require coordination with groups outside the department? How has the candidate handled encounters with the news media under difficult circumstances? Does the candidate regularly speak to community groups about programs or initiatives that are underway in the department? What programs or projects has the candidate played the key role in initiating in his or her department or community?

Education and training. The candidate's background should include an indication that he or she is committed to lifelong learning. While police chief appointments continue to go to individuals who do not have a baccalaureate degree, that should be the absolute minimum requirement for selection. Today, many police executives possess graduate degrees, and a growing number of chiefs are lawyers or hold doctorates. A candidate's training record should include regular entries that show some relationship to the types of positions he or she has held. Many position advertisements will list attendance at the FBI National Acad-

emy, the Southern Police Institute, or PERF's Senior Management Institute for Police as preferred management training experiences. While these are excellent experiences that indicate how an individual is viewed in his or her organization, in recent years there has been a dramatic growth in the number of other high-quality supervisory and management training programs that can also give candidates exposure to new ideas and skills.⁶

Another area of experience that is not generally considered is the candidate's participation in and contribution to improvements in the profession of policing. A candidate whose résumé contains few or no references to participation in conferences and seminars or who has not published articles from time to time may not be as well informed about cutting-edge policing issues. A well-qualified candidate's background will show a balance between a commitment to continuous community improvement and to using professional involvement as a means of learning and sharing ideas.

Foundation for a Relationship

The relationship between a police chief and the local government manager is critical to the success of the police department and to the public safety interests of the community. The foundation for that relationship is established in the final step of the selection process, when the critical variable of how well the candidate and the local government manager are likely to get along is measured. This is probably the most critical aspect of the selection process.

Before the final decision . . . a heart-to-heart conversation
between the local government manager and the
candidate of choice must take place.

There are many examples of how poor relationships between the police chief and the local government manager have created severe problems in the department and the community. One of the most visible examples of the effect of a strained relationship in recent years was in New York City during Commissioner William Bratton's tenure under Mayor Rudolph Giuliani. While Commissioner Bratton and Mayor Giuliani agreed on a number of issues, they clashed on that fundamental matter of who got the credit for successes in the area of public safety. The problem finally led to Bratton's resignation at a time when the national and world news media were in awe of the unprecedented reductions in reported crime in New York City.

Before the final decision on the choice for police chief is made, a heart-to-heart conversation between the local government manager and the candidate of choice must take place. That conversation should address a number of compelling questions and will form the basis for a trusting relationship that can evolve into the teamwork necessary to deal with the many challenges of policing a community. One question that should be addressed in this conversation is: What type of policing does the community want? To be sure, the law-

enforcement buzz phrase across America is “community policing,” and undoubtedly the chief and the local government manager will prefer that style of policing. It is important that the conversation include what each means by community policing. Is it a series of special programs or a fundamental difference in the way the community is policed?

Another question is: Who will have final responsibility for promotions, discipline, and employee assignments? While it is important that communication take place and that there be an honest exchange of views, those decisions must be the responsibility of the chief.

Other questions the local government manager and the preferred candidate should discuss include: What decisions does the manager want to be consulted on before they become final? What level of community and professional involvement by the chief is acceptable or expected? How will differences be handled? What if the chief’s professional opinion sharply contrasts with that of the local government manager or the elected council? What is expected of the chief’s relationships with the council? What are the critical issues facing the department and the community? How will success be measured?

One cannot anticipate every question or issue. Nevertheless, a conversation about those issues that one can reasonably expect will arise must take place. That conversation or, more likely, series of conversations will serve as the beginning of a relationship in which informed discussion can occur that will strengthen the relationship and result in the best service to the community. If those conversations result in a frank discussion of key issues, and in the type of give-and-take that is fundamental to good decision making, there is a good chance the choice for chief will be a good one.

Following the Decision

When the final choice is made, the appointing authority must have ready an announcement and introduction process that will give the chief the best possible chance of getting off on the right foot. That “best chance” results from thoughtfully anticipating problems and skillfully using strengths to minimize the negative impact of issues that might create difficulties. The manager should assume that some people will feel that the best choice was not made and take that into consideration in structuring the announcement and the steps following it. Most of the problems can be anticipated, and it is critical that they be addressed in the very early stages.

Several matters should receive consideration following selection of the new chief. These include the announcement of the choice, the confirmation process (if required), and the period of time between the announcement and when the chief reports for work.

The Announcement

Chicago, Illinois. [To lead the Chicago police department] Mayor Richard Daley Wednesday chose Terry Hilliard, a detective popular among uniformed officers.

Saying he was “flabbergasted” to be chosen, Hilliard said that “misconduct, corruption and brutality will not be tolerated.”

But the union leader, William Nolan, Wednesday praised the selection of Hilliard, . . . as “a cop’s cop” who would be fair to those working the beats.

The selection of Hilliard, who is black, was applauded by some who have been critical of the department.

For his part, Daley said that Hilliard was simply the best candidate for the job.⁷

Austin, Texas. “I am concerned about the candidate’s lack of experience managing a force with a large number of officers of color,” said Councilman Lewis. And Mike Lummus, the president of the Austin Police Association, could barely muster any enthusiasm. “While Mr. Knee would not have been our first choice,” he said, “we recognize that the decision was the city manager’s, not ours.”⁸

As these reports of two police chief selections illustrate, announcing the new chief is an important event that must be carefully arranged to ensure that the chief makes a good first impression. The reactions of various interested parties, including elected officials and union leaders, must be anticipated. Fortunately, all of the key issues that one might encounter in making the announcement probably surfaced during the selection process and can be addressed at the time of the announcement and in the days to follow. In thinking through the announcement, the questions of when, where, and who will be involved, and what the message will include, are very important.

The timing of the announcement must strike a balance between being too late and too early.

The announcement should be made as soon as possible following the selection, but not so soon that it cannot be properly arranged. Given the amount of media attention the police chief selection normally receives, the announcement must be made before the choice is leaked. At the same time, it is important that key community and political figures be informed of the decision before it is announced. They need time to think through what they will say about the selection. High-level staff in the local government manager’s office should notify these individuals and provide information about the candidate (this is particularly important if the choice is from outside the city) to help them frame their comments. If the choice is from inside the department, the new chief can make some of these calls. For some, it is important that the local government manager make the calls personally. It is a good idea to compile a list of people to contact as the selection process progresses to ensure that the last-minute crush of activity does not leave someone out of the loop.

It is also important to give the new chief an opportunity to touch base with those whom he or she must notify. For the chief hired from within the department, this will include, besides family, individuals in the community and key figures in the department who can help establish a good beginning for the new

chief. The chief hired from outside will also need time to notify key members of his or her community. These notifications are almost as important as those made in the hiring community because immediately following the announcement there will be news stories about what people in the outgoing chief's community think about the selection. There will always be those who are glad to see a chief go, so it is helpful to put the news media in touch with those who have positive things to say about their departing chief.

In summary, the timing of the announcement must strike a balance between being too late (and thus being preempted by news leaks) and too early (allowing insufficient time to ensure that positive stories get the best possible chance to dominate reporting of the event).

The local government manager should give careful thought to where the announcement will take place. Most selection announcements are made at the headquarters of the local government or the police department. Either location is suitable if there is a room with adequate space and lighting. Depending on the circumstances of the appointment, other locations might be more appropriate. If, for example, the choice is from inside the department, making the announcement from some place in the community may send a positive message. For a candidate from the outside, the police department might be the most appropriate location. The best location is the one that seems to convey whatever messages need to be sent beyond the basic facts of the announcement.

Thoughtful discussion should also take place on who should be present at the announcement and who should play a role in the event. Are there individuals in the community who took part in the selection process who should be included in the announcement? Are there important political figures who could contribute to a positive beginning for the new chief? Should key management and union representatives be included in some manner in the press conference? Are there individuals in the community whose absence at the announcement would raise questions about support for the choice? What role, if any, should the chief's family play in the announcement? Does the position require that the new chief be sworn in? If so, is it appropriate to conduct that ceremony as a part of the announcement?

Each community is unique, and those who are included at the announcement should reflect those unique circumstances. It might be best for the announcement event to include just the local government manager and the new chief. In that case, all of the initial focus is on the new chief and the person who made the final choice. The announcement can also be turned into a reception-style event in which key community leaders have an early opportunity to meet the new chief and share their initial impressions with the news media and others.

The most important aspect of the announcement is the message the local government manager wants to send about the choice for police chief. In addition to the statement of complete confidence in the choice, the content of the message will depend on the issues that face the department and the community. Through the announcement the manager should attempt to speak to the two or three issues of greatest concern, whether they are crime, corruption, strained community relationships, police use of force, internal departmental discontent, or other problems.

It is not unusual for the selection announcement to include reference to the new chief being a "cop's cop," as was the case in the announcement of the new

superintendent of the Chicago police department. Usually, the message implied in that phrase is aimed at street police officers, who frequently lament that the chief, and management in general, have lost touch with street policing. This is a difficult issue because it is important that the new chief get on the best footing possible with line personnel and their union representatives. At the same time, local government officials who use that label must keep in mind what it might say to the community about the individual (and what it might say about the former chief). How the new chief is described forms the initial impressions of what that person is all about, and different audiences hear these descriptions in different ways. And while a phrase such as “a cop’s cop” sounds appealing, the chief is actually an executive leading a complex organization in a complex environment. Too often, employee perception of a police chief’s performance is given greater weight than community perception, or other, more objective indicators of success or failure.

Council Confirmation

In some communities, the police chief nominee must be confirmed by the local elected council. In most cases, this is a routine step because the council has been kept informed of the process, and council members simply ratify the choice that has been made. But there have been times when the community has been embarrassed by the refusal of the council to confirm the candidate. In Minneapolis in the late 1980s, after a lengthy and comprehensive process, the mayor and a committee recommended a particular candidate to the council for confirmation. It did not confirm the candidate because council members felt that the next chief should be an internal hire.

The confirmation process should be taken seriously even if the appointing authority expects that the candidate will be approved. It gives the nominee an early opportunity to make a statement about policing philosophy or issues of particular concern. The confirmation process can provide an excellent forum for making a favorable first impression on the political leadership of the community.

The Transition Period

The time of transition between appointment and assumption of duties is not necessarily a critical period for the internally hired police chief. It is, however, a crucial time for the chief appointed from outside the organization. The sooner the new chief can report to work the better, but the local government manager should make every effort to ensure that the new chief comes aboard no more than thirty days after the announcement.

While the local government is waiting for the new police chief to arrive, it is important that communication links be established between the incoming chief, the local government manager, and the interim chief. If possible, the new chief should schedule two or three visits to meet with key people in the department and the community. If there are important community events taking place, the incoming chief should attempt to be present.

The local government manager should expect the news media to contact the incoming chief for comment on any controversy or issue that occurs around the police department prior to his or her arrival for work. This is a particularly delicate time, and the temptation on the part of the new chief and the local govern-

ment manager might be to decline comment for reasons such as insufficient information on the matter. But it is just as serious a mistake to say nothing as it is to say too much. The new chief must get enough information to be familiar with the basic facts of the issue and frame general comments or responses around those basic facts while refraining from getting into too much detail. Offhand comments or observations by the new chief can create long-term departmental or community problems that are difficult to resolve because of bruised feelings or expectations unknowingly created or dashed. The chief should focus on providing some information and some broad policy aspects of the issue and leave the detail to the appropriate members of the department on site.

Good communication between the chief and the local government manager will resolve most of the difficulties that usually arise during the transition period. Good communication does not happen automatically. It requires the chief to reach out to the manager and vice versa to ensure that everyone is on the same page.

The First Six to Twelve Months

In the first six to twelve months in office, the new police chief will require continued support from the local government manager. A new chief must be capable of working in several arenas simultaneously and have the stamina to devote extraordinary amounts of time to the job during this time. These arenas include the department itself, the community, local politics, and the news media, among others.⁹ The local government manager can expect tension between the department and community arenas, with each feeling that the chief is spending too much time on the other. The steps that the manager and the new chief take to reach the optimal balance among these areas should reflect an understanding of the issues that concern the department and the community.

The local government manager can assist the new police chief in the community and with local organizations by helping the chief prioritize requests or by touching base with key people to ask for a little time to respond to requests. Internally, the chief will have to work with management staff and employee organizations to ensure that issues receive the appropriate attention. What is most important for the new chief initially is to take enough time to address issues thoughtfully without giving people the impression that they are being ignored.

Revisiting Past Decisions

Invariably, a new chief will be asked to revisit predecessors' decisions that are unpopular with some people in the department or the community. Often it is suggested that if the new chief acts quickly and decisively, favor will be won with the officers on the street or members of the community. In some situations, the chief may have an opportunity to score points with a quick decision, and it may indeed be appropriate to act quickly. In most cases, though, making quick decisions on issues that were the subject of great debate in the past will cause more problems than are resolved. When issues have advocates on both sides, decisions must be well grounded in the new chief's managerial and policing philosophies. The new chief needs time to fully understand the impact of changing the way the issue has heretofore been handled.

Critical Policy Issues

Immediately upon taking office the new chief must examine the policies and operating practices concerning use of force, vehicle pursuits, and the handling of citizen complaints and internal investigations. In most urban communities, these policies have already been the subject of considerable debate and discussion. A new chief must understand what the policies say and how they are applied in the department and the community. They may be written and carried out exactly as the chief would expect, or there may be critical lapses in content or execution that must be addressed.

But even “obvious” solutions can cause problems. For example, within a few months of being appointed chief in Kansas City, Missouri, with tremendous officer support, Steve Bishop had to deal with several highly publicized incidents in which police officers were accused of using excessive force in dealing with African American residents. In addition to taking disciplinary action against the officers involved in these incidents, Chief Bishop prohibited the use of “slappers” (lead-filled leather weapons that some officers had been using for years). It was a move the department should have taken years earlier (most officers did not carry slappers and they were not provided by the department), but it was viewed in a very negative way by some officers on the street and contributed to the chief’s loss of popularity in the department.

Sometimes, as in the case just described, the chief must do what is right, even at the expense of popularity in the department. But unless the policies or practices are critically flawed, the chief should take sufficient time to study the situation, and, when changes are necessary to meet current standards, thoroughly inform the department and community of the importance of making the changes.

Personnel Issues

Some of the most difficult issues for a new chief will concern personnel. These issues can range from filling critical management or staff positions with people from outside the department, to promotions, to dealing with management personnel who do not meet expectations, to addressing questions about the number of officers needed to police the community.

Rarely do police chiefs have the luxury of putting together a management team of their own that is supportive of their philosophy of policing. They must work with whoever happens to be in the critical management positions. In many cases, personnel decisions are covered by inflexible civil service regulations or long-standing practices that allow individuals to stay at levels in the organization for which they are no longer suited.

Working with the local government manager, the new chief must understand the local system and the amount of discretion he or she has to address personnel problems. Personnel systems will not be changed overnight, and it will require thoughtful, deliberate steps to adjust them in a way that is beneficial to the department and the community.

Discipline

Disciplinary decisions are always watched closely by officers and the union. Early decisions define the chief in their eyes (as well as the community’s). For

instance, within a month of taking over as police chief in Newport News, Virginia, I was handed an internal affairs report of a shooting that had occurred a month before I reported for work. In conflict with department policy, an officer fired several shots at a young man running from a stolen automobile that the officer had stopped. This was the fourth or fifth shooting situation the officer had been involved in and the second or third in conflict with policy. I terminated the officer's employment and created a firestorm in the department amid accusations that I would not support the officers on the street. The officer was reinstated by a grievance panel a few months later, with back pay. Later, a few months after I placed him in a desk position without a department firearm to carry, he left the department. The decision to terminate the officer's employment was a source of discontent during my entire tenure as police chief in Newport News. A similar decision within six months of my appointment in Saint Petersburg, Florida, was met in much the same way in the department and continued to be identified as a key reason that officers believed they were not supported in their street-level decisions.

It seems that the earliest challenges a new chief faces are in the area of discipline. These decisions are simply not avoidable; the chief must meet them straight on. The key is to do what one believes is the *right thing* regardless of how it might be viewed in the department or the community. There are few, if any, disciplinary decisions that a chief makes that will meet with universal acceptance. These decisions must be grounded in a set of values that respect the demands and uncertainty of a police officer's job and place the needs of the community and the organization in proper perspective.

Conclusion

Because the police chief's position is one of the most difficult and challenging in local government, the process of searching for and selecting a new chief demands a level of attention that goes well beyond that required for most other positions. The search-and-selection process begins with the knowledge that the incumbent chief is leaving and should not end until the new chief is six to twelve months in the job. Too often, good choices for police chief have had rocky and sometimes job-ending starts because the critical thinking about the position ended with the announcement of the hiring of the new chief. Or, the process was doomed from the start because of actions or comments that were made without clear thought about their consequences.

One of my purposes in this chapter has been to encourage the local government manager to think and act thoughtfully and deliberately. In too many American communities instability in the office of police chief has left a police organization in shambles and a community poorly policed. This result can, in large part, be averted if local governments grant the importance to the search-and-selection process that it needs and deserves.

¹Pamela Colloff, "Cop-Out," *Texas Monthly* (October 1997).

²*Ibid.*

³I do not mean to suggest that a chief should automatically be replaced when a new elected executive takes office, even though that is the practice in many strong mayor cities where elected

executives are given strong powers. If the police chief has not actively engaged in the political campaign, the new elected executive may give the chief the opportunity to meet the new expectations that come with a change in political leadership.

⁴Gabriel Escobar and Vernon Loeb, "Interim D.C. Chief Defends Dismissals," *Washington Post*, February 19, 1998, page D1.

⁵B. Drummond Ayres, Jr., "Former New York City Official to Lead Philadelphia Police," Associated Press, America Online, February 19, 1998.

⁶The California Command College, the Texas Law Enforcement Management Institute, the Southwest Law Enforcement Institute, and the Florida Department of Law Enforcement Senior Executive Command Course are all good examples. The important point is that the candidate has this type of training on his or her resume. It is not difficult to determine the quality of the training experience through professional policing networks.

⁷Dirk Johnson, "Popular Detective Will Head Chicago Police," *The New York Times*, February 19, 1998, National Section, Internet Edition.

⁸Colloff, October 1997.

⁹In *The American Law Enforcement Chief Executive: A Management Profile* (PERF, 1985), author Donald C. Witham identifies these arenas in a discussion of who a police chief must constantly interact with in order to effectively carry out the responsibilities of the position. This is a very helpful framework for the chief and local government manager when they are looking at the job requirements.

5

REDUCING THE RISK OF LITIGATION

MICHAEL A. FRY AND MARK G. SPURRIER

You are about to hire an individual who will be an integral part of your administration and who will manage an agency with great potential for liability (criminal, civil, and political). The information conveyed in this chapter is not a substitute for sound advice from human resources and legal professionals, but it may help you avoid the vast majority of legal blunders encountered today within the hiring process. Some of the advice may seem obvious to the reader. However, it is based upon the writers' experience during years of representing law enforcement officials in both hirings and separations.

Hiring a new police executive is a unique and important undertaking for a local government manager and his or her administration, and one that should not be taken lightly. Often the failure or success of your search depends upon the people you select to accomplish this important task. Throughout this chapter, we discuss the role of your professional team—the manager, the legal officer, the human resources/personnel manager, etc.—and the search committee, that is, those designated by the professional team to handle the details associated with the whole process. Therefore, careful thought and planning should be undertaken to assemble the right group of persons to accomplish the task of hiring a police chief.

Everything done from the initial decision on hiring a chief of police through the selection and employment process can be subject to legal scrutiny if an unsuccessful candidate decides to challenge the final decision. In some cases, the reason for seeking a legal remedy is clear. For instance, during a recent police

chief selection process, the city representative told a white applicant at the second interview that while his credentials were exceptional, the city needed to hire a minority individual, and therefore the applicant would no longer be considered. Federal law, of course, prohibits hiring decisions based solely on race, sex, religion, or national origin. This was probably an actionable deprivation of constitutional proportions, but fortunately for the city the applicant decided that the impact of litigation on his professional career in future hiring opportunities far outweighed the benefits available through litigation. However, hiring jurisdictions cannot depend on disappointed candidates making similar decisions under similar circumstances. Instead, the local government manager must ensure that the hiring process meets all legal, professional, and ethical standards.

It is also important to remember that a candidate's perception of the fairness of the selection process is subjective, and this perception will influence the candidate's decision whether to seek legal redress. Taking steps to eliminate the perception of discrimination will go far toward preventing legal problems.

The local government manager and those working with him or her in this process need to know the legal ramifications, or at least recognize the potential for legal challenge, of actions they take in the process of hiring a chief of police. Everything done throughout this process must be able to pass judicial scrutiny if challenged. Failure to observe one or more of the proscriptions that apply could be very costly to the manager, the administration, and citizens. The maxim "An ounce of prevention is worth a pound of cure" certainly applies in this context. Knowledge will determine success or failure. Only by understanding the legal parameters for employment decisions can local officials comply with them, thereby avoiding the legal pitfalls that plague the less prepared.

A candidate's perception of the fairness of the selection process is subjective and will influence the candidate's decision whether to seek legal redress.

Instituting and using (not necessarily the same thing) sound policies, practices, and procedures will do much to minimize exposure to suits and adverse judgments. Even if the hiring authority has done everything right, the cost of defending a challenged action can be enormous. In addition to the enormous monetary costs, the disruption to the organization can be paralyzing. The initial publicity, the allocation of internal resources to defend and investigate, the impact of discovery (documentary and testimonial), the hiring of experts, and the trial and its aftermath are all overwhelming, even in the best of organizations. Until they go through the experience, most people can not appreciate the effect a suit will have on their professional and personal lives if they are named as a party to an action.

This chapter may help you avoid litigation, but nothing can prepare you for the hours of depositions you will be subjected to, which will review every

action taken and the reasons therefore, and every document generated throughout the hiring process, if suit is filed. Nor will it prepare you for your first time in front of a jury when the plaintiff's lawyer demands you answer the question yes or no, even though you need to explain your answer. How silly we sound to the citizens on the jury when we are unable to explain our actions or thoughts.

Beyond the impact on individuals, the time, monies, and resources that are expended on defending litigation mean a direct reduction of government services, particularly police services, within the jurisdiction. Administrators around the country agree that litigation takes an enormous toll on their agencies and on them individually. That is why it is so imperative that risk-reduction strategies be employed in the hiring process to the same extent they are used in other areas of government.

Understanding the Legal Framework

Although an injured party may file an employment discrimination suit in either state or federal court, it is most likely that suit will be brought in federal court because of the wealth of federal law prohibiting employment discrimination. In this section, federal statutes that prohibit discrimination in employment and should influence hiring decisions are summarized. The relevance or applicability of a particular statute to a situation encountered during the selection process should be reviewed with the professional team, including legal counsel.

Federal Enforcement (General)

The primary enforcement agency for employment discrimination is the U.S. Equal Employment Opportunity Commission (EEOC), which was established by Title VII of the Civil Rights Act of 1964.¹ From a statistical standpoint, the EEOC has seen a steady increase in the past several years in the number of discrimination complaints alleged under Title VII. Race continues to be the most frequent basis for a charge (40.8 percent); sex is the basis for 29.8 percent of all charges (the increase was attributable to a 50 percent increase in the allegations of sexual harassment); and age discrimination charges follow, accounting for 26.7 percent of the charges.² According to the EEOC, most of the increase in its workload is attributable to the passage of the Americans with Disabilities Act of 1990 (ADA). During the first five years that the ADA was effective, the EEOC received 91,133 charges under this law, the annual number rising from 1,048 charges in 1992 to 18,108 in 1997. Charges relating to discharge made up more than half (52.3 percent) of the ADA charges, while hiring accounted for 12.7 percent of the ADA charges during this period.³

The judicial remedy for unlawful employment practices not only includes monetary damages, but may also include injunctive relief, court-ordered affirmative action, and attorneys' fees.⁴ The attorneys'-fee provision is very significant because the prevailing party may be awarded more in attorneys' fees than in actual damages. Additionally, in cases in which the actual compensable damages to the individual are minimal, this incentive to counsel is directly correlated to an increased number of court filings, since the attorneys' fees are guaranteed if they prevail on any of their claims (although

fees will only be awarded that directly relate to the claim on which they prevailed).

Summary of Antidiscrimination Laws

Various federal statutes prohibit discrimination in employment. In summary, they prohibit employment decisions:

- On account of race, color, religion, sex and national origin pursuant to Title VII of the Civil Rights Act of 1964 (hereinafter referred to as Title VII).⁵
- On account of age. Those who are 40 years of age or older are protected by the Age Discrimination in Employment Act of 1967 (ADEA).⁶
- On account of a disability pursuant to Title I of the Americans with Disabilities Act of 1990.⁷ Federal employees with disabilities are protected under Section 501 of the Rehabilitation Act of 1973 (hereinafter referred to as the Rehabilitation Act).⁸
- On account of gender as it relates to compensation for substantially similar work under similar conditions pursuant to the Equal Pay Act of 1963 (EPA).⁹

The Civil Rights Act of 1991. The Civil Rights Act of 1991 applies to any private employer in an industry affecting interstate commerce with at least fifteen employees, and it is likewise applicable to federal, state, and local government employees. Employers may be broadly defined to include anyone affecting employment opportunities.¹⁰ Liability extends to those who “control the plaintiff’s access to employment.”¹¹ The Act, as in the case of most antidiscrimination statutes, also prohibits retaliation for asserting rights under it or opposing practices prohibited by it.¹²

Prior to the Civil Rights Act of 1991, relief was limited to equitable remedies, including lost wages. The prevailing plaintiff now may be awarded equitable relief, including lost wages and benefits, attorneys’ fees (including expert fees), and, pursuant to the 1991 Act, in the case of intentional discrimination (disparate treatment), compensatory and punitive damages (governmental entities are excluded), subject to monetary limits. If such damages are sought, any party may request a jury trial.¹³

Title VII. Section 2000e-2 of Title VII prohibits an employer from:

- Failing or refusing to hire or discharging any individual, or otherwise discriminating against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex or national origin¹⁴
- Limiting, segregating, or classifying his employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex or national origin¹⁵
- Using race, color, religion, sex, or national origin as a motivating factor in any employment practice.¹⁶

Section 2000e-3 of Title VII prohibits an employer from:

- Discriminating against any employee or applicant because he has opposed any practice made an unlawful practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this subchapter.¹⁷
- Printing or publishing any notice or advertisement relating to employment that indicates any preference, limitation, specification or discrimination, based on race, color, religion, sex, or national origin, except where it is a bona fide occupational qualification for employment.¹⁸

A point that requires discussion within this section of the law is the enactment of the Pregnancy Discrimination Act, which specifies that sex discrimination under Title VII includes discrimination on the basis of pregnancy. This amendment, arguably a clarification of the law in response to an adverse court ruling, is now incorporated within Title VII and states:

The terms “because of sex” or “on the basis of sex” include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth or other related medical condition shall be treated the same for all employment related purposes.¹⁹

This subsection of the law is highlighted because of the increasing number of women who are competing for, or currently hold, chief of police positions throughout the country.

Age Discrimination in Employment Act (ADEA). Under the ADEA, employers are prohibited from failing to hire or refusing to hire or from discharging any individual or otherwise discriminating against any individual with respect to his or her compensation, terms, conditions, or privileges of employment because of that individual’s age.²⁰ This statute limits its application to individuals who are at least 40 years of age but less than 70 years of age.²¹

Americans with Disabilities Act (ADA). The Equal Opportunities for Individuals with Disabilities is the statutory version of the Americans with Disabilities Act of 1990, commonly referred to as the ADA. The ADA has been characterized as the most significant civil rights enactment since the passage of the Civil Rights Act of 1964. Although many figures have been used over the years, at the time of enactment (1990) it was believed that more than 43 million Americans with disabilities would benefit from this law, which ensures them equal access to employment opportunities. The ADA was designed to remove stereotypical barriers that previously prevented qualified individuals with disabilities from fairly competing with individuals who were not similarly situated. The law is divided into five separate titles. Only Title I, which concerns employment, is addressed here.

Title I of the ADA contains the following provisions:²²

- (a) General Rule—No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement,

or discharge of employees, employee compensation, job training and other terms, conditions, and privileges of employment.

(b) Construction—As used in subsection (a) of this subsection, the term “discriminate” includes

- (1) Limiting, segregating or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;
- (2) Participating in a contractual or other arrangement or relationship that has the effect of subjecting a covered entity, qualified applicant, or employee with a disability to the discrimination prohibited by the subchapter (such relationship includes a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee of the covered entity, or an organization providing training and apprenticeship programs);
- (3) Utilizing standards, criteria, or methods of administration
 - (A) that have the effects of discrimination on the basis of disability, or
 - (B) that perpetrate the discrimination of others who are subject to common administrative control;
- (4) Excluding or otherwise denying equal job or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;
- (5) (A) Not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity; or (B) denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the failure of such covered entity to make reasonable accommodation to the physical or mental impairments of the employee or applicant.
- (6) Using qualifications standards, employment tests, or other selection criteria that screen or tend to screen out an individual with a disability, or a class of individuals with disabilities unless the standard, test, or other selection criteria, as used by the covered entity, are shown to be job related for the position in question and are consistent with business necessity; and
- (7) Failing to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, such test results accurately reflect the skill, aptitude, or what other factor of such applicant or employee that such test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of

such employee or applicant (except where such skills are the factors that the test purports to measure).

(c) [Omitted]

(d) Medical Examination and Inquiries

(1) In general—The prohibition against discrimination as referred to in subsection (a) of this section shall include medical examinations and inquiries;

(2) Preemployment

(A) Prohibited examination or inquiry—Except as provided in paragraph (3), a covered entity shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or the severity of such disability.

(B) Acceptable inquiry—A covered entity may make preemployment inquiries into the ability of an applicant to perform job-related functions.

(3) Employment entrance examinations—A covered entity may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant and may condition an offer of employment on the results of such examination, if

(A) All entering employees are subjected to such an examination regardless of disability;

(B) Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate files and is treated as confidential medical record, except that

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and,

(iii) Government officials investigating compliance with this chapter shall be provided relevant information upon request; and,

(C) The results of such examination are used only in accordance with this subchapter.

(4) Examination and inquiry:

(A) Prohibited examinations and inquiries—A covered entity shall not require a medical examination and shall not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or the severity

of the disability, unless such examination or inquiry is shown to be job related and consistent with business necessity;

(B) Acceptable examinations and inquiries—A covered entity may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employees health program available to employees at that work site. A covered entity may make inquiries into the abilities of an employee to perform job-related functions.

Information obtained under subparagraph (B) regarding the medical condition or history of an employee is subject to the requirement of subparagraphs (B) and (C) of paragraph 3.²³

Since 1990, case law has delineated the parameters of employers' compliance with the ADA. In many of the cases, it is clear that the essential functions of the position are the foundation upon which all further employment decisions are made. Thereafter, the analysis for determining applicability of ADA protections, and ultimate employment decisions, is fairly clear; that is, is the person an "otherwise qualified individual with a disability," and if so, what, if any, reasonable accommodations would enable the person to perform the essential functions of the job?

There are a number of resources on the ADA available through the U.S. Department of Justice, such as the *Americans with Disabilities Act Handbook*, implementation guidelines, advisory opinions, etc. You can speak to a representative regarding technical question by calling the ADA Information Line of the Department of Justice at (800) 514-0301. By calling that number you can also order publications to be sent by mail or fax; or you may get information through the Department of Justice's Web site at www.usdoj.gov/crt/ada/adahom1.htm.

Some of the written advisory opinions are very narrow in scope. If you intend to use these advisory opinions, make sure your question is the same as that covered by the advisory opinion, not just similar. Another excellent reference on this topic is *Americans with Disabilities Act: Employee Rights and Employer Obligations*.²⁴

Fair Labor Standards Act. The EPA, also known as the Fair Labor Standards Act of 1938, requires that employers treat their employees fairly with regard to compensation. However, the Act expressly exempts any individual employed by a state or political subdivision, who [is] "not subject to the civil service laws of the State, political subdivision, or agency which employs him; and who . . . is appointed . . . to serve on a policymaking level."²⁵

Rehabilitation Act. Section 504 of the Rehabilitation Act forbids employment discrimination on the basis of handicap by programs receiving federal financial assistance. Although the Act proscribes all aspects of discrimination in the workplace, it does not require an employer to grant any preference on the basis of disability.

Other Federal Employment Laws

Other areas of federal law that you should be aware of are affirmative action, lawful disparate treatment, disparate impact, reverse discrimination, and sexual harassment.

Affirmative action. Affirmative action means taking race or sex into account in the employment decision, whether under court order or voluntarily.²⁶ Under certain circumstances, the adoption and implementation of a voluntary affirmative action plan will pass judicial scrutiny under both Title VII and equal protection arguments. The EEOC has provided guidelines for a voluntary affirmative action plan.²⁷

A mistake many organizations make within their program design is the failure to include a periodic review of the facts and circumstances that led to the implementation of the plan in the first place. If the affirmative action plan works, these underlying factors change with every new hire.

Lawful disparate treatment. Lawful disparate treatment is the intentional use of sex, national origin, or religion where it is necessary based upon a bona fide occupational qualification.²⁸ However, race and color are specifically excluded from this exception. It is inconceivable to think of any circumstance in the hiring of a chief of police when sex, national origin or religion would be a legitimate disqualifying trait.

Reverse discrimination. Reverse discrimination involves a “claim by [a] nonminority individual that he or she was discriminated against on the basis of race [or sex].”²⁹ This type of claim under Title VII may either attack a current affirmative action plan or be based upon circumstances that support a claim that the “employer is among those unusual employers who discriminate against [the] majority.”³⁰

If the goal of the hiring authority is to hire someone in a protected status, professional legal and human resource advice is mandatory.

Sexual harassment. Sexual harassment has two separate and distinct definitions: “quid pro quo” and “hostile working environment.” In the context of hiring, quid pro quo harassment is the more likely problem. Under quid pro quo harassment, conduct such as unwelcome sexual advances, requests for sexual favors, and other verbal and nonverbal conduct of a sexual nature are unlawful where submission to or rejection of such conduct is used as the basis for an employment decision affecting the individual. Any attempt to explicitly or implicitly require an applicant for the position to submit to any such sexual conduct as a condition of advancing in the selection process is clearly illegal, unethical, and immoral.

Decisions to Make Before the Search Begins

Beyond basic compliance with the law, there are a number of things you can do to maximize the perception of fundamental fairness throughout the employment process.

Define Qualifications

First and foremost, you need to carefully determine the qualifications you are looking for in your new chief of police. Some questions that may assist you in this process are shown in the sidebar “Questions to Ask Before the Search Begins.”

Spend the time necessary to thoroughly think through these critical areas: all employment decisions should be based upon the information and character-

istics identified during this initial process. This same information will be used to defend your actions if they are challenged.

Define the Political Situation

Another preliminary question that mandates immediate attention is: How much political support or interference will the selection committee receive? If controls on political interference are not established early, it can have a devastating effect on the entire selection process.

Define Essential Functions of the Position

A clear definition of the essential functions of the position will make it easier to prioritize the characteristics the local government is seeking in a police chief. As a result of the enactment of the ADA, there is a wealth of information on defining essential job functions, available through the municipal attorney or the EEOC.

Questions to Ask Before the Search Begins

- Is there a particular leadership or management style you want this person to possess?
- Do you need an individual who can manage extensive organizational change?
- Have you identified specific challenges that the new chief will be faced with, such as ingrained corruption, discrimination, or sexual harassment?
- Does your department have labor-management issues?
- Are you looking for someone with demonstrated community policing skills?
- What educational requirements will be mandated?
- Will you include other specialized training requirements, such as attendance at a management training program?
- Have you decided on the scope of the search?
- Have you identified the applicant pool you want to reach?
- Have you decided against promoting from within the agency?
- Is there a certain career status you want to include?
- Will you only consider individuals who are currently serving in a chief position?
- Will you include a restriction on the size of candidates' current department?
- What about the number of employees candidates currently supervise?
- Will you consider community activities?
- Will you look for membership in professional associations such as the Police Executive Research Forum, the International Association of Chiefs of Police, and the National Organization of Black Law Enforcement Executives?
- Will you get input from your community?
- Do you have a marketing plan?
- Where will you advertise?
- Are you going to hire a consultant to assist with this search?
- What will you include within your job announcement?

However, jurisdictions continue to use broad, sweeping job descriptions, often derived from their local statutes. For example, a local government may say that it is seeking a chief “to preserve the public peace, prevent crime, and protect the rights of persons and property.”³¹ The problem with general statements like this is that it is impossible to determine whether the applicant can “preserve the public peace” during the initial review of applications or during the interview process. Neither can a very broad definition of the position help sort out the best candidates from the hundreds of applications that may be received. It is not uncommon during the search process for a midsized agency to receive hundreds of applications.

Some local statutes have undergone extensive revision in recent years and are good reference points from which to start your evaluation process. A copy of the amended definition of the Baltimore County (Maryland) Code concerning the “powers and duties” of the chief of police is provided as Exhibit 5-1. However, this is only the starting point, not the final job description.

We cannot stress enough the need to establish the base qualifications in order to create specific, objective criteria against which to evaluate the applicants during the initial screening and subsequent selection process. A successful defense of employment decisions relies on it. Once these crucial definitions of qualifications are made (for they are the foundation upon which all other employment decisions will be made), it is time to initiate your search process.

Avoiding Legal Risk During the Hiring Process

Assemble Your Legal and Human Resources Teams

The purpose of the legal and human resources teams is to provide the best advice and guidance to those persons who will actually make the hiring decision. Sometimes these two teams will overlap in the advice they offer. Both should have familiarity with the law enforcement field. The legal team should provide guidance on all issues that touch upon matters of legal importance or that may have a liability component. The legal team may also provide invaluable assistance in reviewing documents for legal sufficiency. An appropriate legal team may include someone with special knowledge of such areas as employment or contract law. The human resources team should guide the search committee through the common obstacles involved in the employment process. Accordingly, it should be made up of specialists with skills in marketing, background investigations, writing job descriptions, preparing interview questions, medical and psychiatric services, finances and accounting, and related fields.

At the outset, it is important to establish for the teams and the rest of the selection members what the responsibilities and authority of each team will be. For example, the legal team will have the final say on all matters that could result in liability, while the human resources team should have the last word on the essential functions of the job. Clearly defined responsibilities will make everyone’s job easier and the process less contentious.

As you define responsibilities, it is worth bearing in mind that professionals today are segregated into a variety of specializations because of the complex nature of the tasks they face. The era when one person could provide accurate

Exhibit 5-1 Powers and Duties of the Chief of Police—Baltimore County, Maryland

Powers and duties. The chief of police is the chief executive officer of the department, and in the exercise of the duties shall be subject to the Charter and laws of the county. Any order to the police department shall be directed through the chief or an official acting in the absence of the chief. The chief shall take such measures as will ensure prompt and vigorous enforcement of all criminal statutes, ordinances, and regulations, the enforcement of which comes properly within the scope of the police function and power. The chief shall have the arrest powers granted to police officers and shall also have the following authority and responsibility:

- (1) To determine and establish the form of organization of the department and its subdivisions, and define the functions, duties, and responsibilities of each.
- (2) To assign and reassign, allocate and reallocate, members of the department to such duties and to such organizational subdivisions of the department as in the chief's judgment may be necessary to best serve the interests of the public and the department.
- (3) To determine and establish such classifications of ranks, grades, and positions for police officers within the department as the chief may deem appropriate pursuant to the county personnel law; to prescribe the uniform insignia for all ranks; to define and designate the authority, responsibility, duties, assignments, rights, and privileges for each rank, grade, or position; and to establish the order of succession to positions of command within the department.
- (4) To determine and establish such classified service ranks within the department for nonsworn employees as may be deemed necessary and appropriate in the manner prescribed by law.
- (5) To appoint, promote, reduce in rank, grade or position, reassign, reclassify, retire, and discharge all members of the department in the manner prescribed by law.
- (6) To regulate attendance, conduct, training, discipline, and procedure for all members of the department and to issue whatever rules, regulations, and orders as may be necessary for the good government and proper performance of the department and of its members. A copy of the rules and regulations of the department shall be made available to all members of the department.
- (7) To institute a system of periodic performance evaluation for all members of the department.
- (8) To establish procedures for disciplining members charged with violating rules and regulations of the department. Such procedures shall not be in conflict with state or county law.
- (9) To accept, hold, control, maintain and dispose of property, equipment, facilities, and premises necessary to the operation of the department in such manner as may be authorized by law.
- (10) To establish and modify systems for the reception, processing, and maintenance of reports and records of occurrences or alleged occurrences of crime in the county and of the administration, management, and operations of the department; and to establish procedures, consistent with law, for the safe storage, retrieval, and destruction of departmental records.
- (11) To suspend, amend, rescind, abrogate, or cancel any rule, regulation, order, or other department directive adopted by the chief or by any former chief and to adopt all such other reasonable rules, regulations, and orders as the chief may deem necessary to enable the department to effectively discharge the duties imposed upon it by this title.
- (12) To prepare and submit to the county executive the department's proposed operating and capital budget for the ensuing fiscal year according to article VII of the Charter and existing laws.
- (13) To enter into agreements and cooperate with volunteer civilian organizations for the purpose of assisting the department in preserving the public peace and safety.

Source: Baltimore County, Maryland, Code.

and timely advice on every nuance within his or her general field of expertise has all but vanished. Over the past decade, specialization in the field of law enforcement has also emerged in both the human resources and legal counsel professions. This development adds to the challenge of finding individuals who can balance the competing interests within the law enforcement profession and provide support and direction to management to enable it to realize its vision.

Clearly defined responsibilities will make everyone's
job easier and the process less contentious.

Once you have identified your professional team, articulate what you want to accomplish and let the team provide direction through the legal minefield. You may be influenced to modify some of the things you want to do; however, seldom should you be intimidated into abandoning them completely. When your advisers say you cannot do something, ask why. If they respond with something like "This is the way we have always done it," find new advisers.

Documenting the Process

First and foremost, never assume that a note or other writing you have prepared for the file is privileged. Do not memorialize any information that you would not or could not defend or explain in the future. For example, a note from the local government manager to the administrative officer directing that only members of minority groups should be considered for the job of police chief would be the smoking gun for plaintiff's counsel. Likewise, if an interviewer writes personal observations unrelated to the essential functions of the job on the applicant's résumé, these notes may be used later in an action against the interviewer.

Over the years, we have counseled hundreds of individuals with respect to their writings and personal notes. Most people can easily see the implications of their documents when they review them days, months, or years later, and have learned the importance of delayed review. The common theme that has emerged from these discussions is that documentation should be reviewed prior to its dissemination but only after sufficient time has elapsed to afford an objective and rational review. It is our belief that many questionable documents would never be disseminated if all employers followed this practice. This is not to suggest that information and activities should not be documented. However, before you document, ask yourself the following questions:

- What concerns would you have if the writings were made public?
- Are there any implications of illegal, unethical, or immoral activities?
- Could you defend your writings (and the thoughts contained therein) to a third party? A jury?

If you can logically and rationally answer these questions, you should not hesitate to document the information. Conversely, if you have trouble with your answers, you should not only reevaluate whether to document the information but also revisit the underlying premise of the actions or decisions being documented.

Once you have made the decision to document, ensure that you write in a coherent manner so that you will be able to read and explain your writings at a later time. It is not unusual for a trial on the merits to commence years after the incident. Many documents produced in litigation contain illegible, fragmented thoughts or questionable comments. If you cannot explain your notes and writings, your testimony and credibility may be questioned. There is nothing worse than to explain to a jury that you have no idea what you wrote or intended in a document that you admit is yours.

When you are documenting information during the hiring process, always explain your reasoning as it relates to the responsibilities of the position. If there is a position description, reference to this document will be most beneficial should questions arise.

Specific instructions concerning all aspects of the selection process must be explained to search committee members. Although they may not be employees of the jurisdiction, they are an integral part of the selection process, and therefore legal constraints regarding the employment process apply to them. The jurisdiction's liability can also extend to actions by consultants who assist in the selection process.

Moving through the Process

Although the need to fill the police executive position quickly is understandable, haste is often the catalyst for costly mistakes. Some of the most important steps in moving through the process are summarized in the following paragraphs:

Brief the search committee. Review responsibilities and legal requirements with the people who will design and participate in the search process.

Prepare an accurate job description. It is imperative that you take the time necessary to clearly identify the characteristics of the chief of police you intend to hire. The job description will be the foundation to justify all of the actions taken throughout the entire employment process. The earlier section on decisions to be made before the search begins covers this point.

Review the application process to evaluate whether it will have a disparate impact on groups with protected status. Have your professional team review the entire process for compliance with federal, state, and local laws.

Review recruitment and application materials. Review the application and other documents to be used in this process for any questions related to a protected status, marital status, race, religion, etc. All such questions should be removed. If your applicant executes a release of information and waiver of liability form at the preconditional offer stage of the employment process, make sure those involved in the process do not seek the release of medical information. This would violate provisions of the ADA. Furthermore, have your current

release and waiver form scrutinized for compliance with statutory mandates in the jurisdictions where they will be used. Otherwise, the response you receive to your inquiry will be a form letter advising you that your document fails to comply with statutory requirements of that jurisdiction and therefore no information will be released.

In addition to the above, make sure the breadth of the form you use is sufficient. For example, does your form authorize the use of the information obtained beyond the initial hiring process? If not, you should amend this document to expand the authorized use to include the use of this information for any criminal, civil, or administrative purpose whatsoever, during the application process, any term of employment, and after separation or denial of employment. We also suggest that you add a statement such as “with said use of this information to be determined in the sole and absolute discretion of the employer.” The release/waiver form currently used by the Baltimore County (Maryland) Police Department contains similar language, and no applicant has ever refused to sign it. It has been used successfully in several legal challenges to the subsequent release of information gathered during the background investigation.

In another area, you should mandate that in addition to the criminal history check of an applicant, each applicant must complete a self-disclosure form concerning any criminal activities. The need for this supplemental inquiry became quite apparent when recent changes were made to the federal firearm laws in the area of misdemeanor convictions for domestic violence. Under current law, a law enforcement officer who has been convicted of domestic violence may not possess a firearm. Since one of the conditions that may be placed upon a chief of police is to carry a firearm, any conviction for domestic violence becomes extremely relevant. The national database of criminal history records is woefully inadequate and should not be relied upon as the sole source for this information. Check criminal history records in the state and locality from which the applicant hails.

Evaluate consultants. If you are going to contract with a consultant to assist in the search process, ask for information on the types of skills and abilities the consulting firm tests for, and whether anyone has ever challenged the process based upon a discrimination claim. Once you have this information, an informed decision can be made.

Communicate all necessary information to all applicants. Make sure the requirements of the position are clearly communicated to all applicants. In the initial interview, ask them if they received this information and determine if they have any questions about it. Not only will you find out if the process in place worked, you will also provide the opportunity to clarify any areas that could be misconstrued during the hiring process or after employment. Your goal should be to ensure that both the applicant and the interviewers leave the room with the same expectations concerning the position. Forthright communication of this kind helps to reinforce the position requirements with the applicants and reaffirms the selection criteria with the interviewers.

What about a request for confidentiality by applicants? In many states, information about job applications is strictly regulated by statute. Your state’s public disclosure law will speak directly to this situation. For example, in some

states it would be a crime not to disclose an applicant's information upon request. Your legal team can and should provide advice on this topic. Therefore, make sure you are knowledgeable about the public disclosure law in your jurisdiction so that you can advise the applicant of your limitations. Never guarantee confidentiality, even if it is legally permissible to do so.

Document the interview questions and examine them for relevance and bias. Does everything relate to the job description? If not, do you need to eliminate the question(s) or modify the job description? All interview questions should be reviewed by a human resource professional to ensure that specific, objective, and nondiscriminatory criteria will be used during the interview process. A quick overview of the law in this area prior to the interview will also be helpful.

Many times protected information is volunteered by the applicant during an interview. Interviewers need to know the legal parameters so that they will not pursue a new line of questioning about a protected status. For instance, if the first interview is prior to a conditional offer of employment and medical information is disclosed by the applicant, can you pursue a line of questioning to find out more about the applicant's medical condition? Under the ADA this information is protected and no further questioning should take place. All documentation relating to the applicant's medical condition should be sealed and only opened if a conditional offer of employment is made. Furthermore, the information conveyed cannot be considered in determining whether a conditional offer of employment will be given. Therefore, if you are unsure whether the line of questioning is prohibited, ask for a short break and explore this matter outside the interview room.

If one interviewer takes a break during an interview, make sure the other interviewers do not continue the interview informally. What is said "off the record" is usually paramount in any subsequent litigation. It should be made clear that if someone starts a response with "This is off the record," that person should be reminded immediately that nothing in the process is "off the record."

Review your sexual harassment policy. Before the interview process begins, you and your legal and human resources teams should examine your "quid pro quo" policy and discuss the adverse perceptions that can result from comments about how someone looks, pressure for dates, sexual comments, suggestive gestures or looks, unwelcome hugging, excessively "lengthy" handshakes, or brushing against another person. Despite continued attention to these types of violations in workplaces throughout the nation, they repeat themselves in the most unlikely settings with the most unlikely individuals.

Treat all applicants fairly and keep an open mind. If you stereotype individuals who apply for the position, you may be acting illegally or you may eliminate the person best suited for the position. Decisions based upon race, sex, disabilities, and a number of other well-defined characteristics are clearly prohibited. Unfortunately, information on this type of discriminatory practice must be discussed since some employers continue to make hiring decisions based on illegal criteria.

However, not all acts of discrimination violate the law. You will, of course, make a distinction between applicants based upon the characteristics identified for the position. By using these essential functions as the standards by

which all applicants will be evaluated, you will select the most likely candidate. For example, job announcements in a recent issue of *The Police Chief* included the following mandatory requirements:

- Possession of a bachelor's degree
- Experience to include direct responsibility for not fewer than 60 personnel for a period of ten years
- Two years minimum of paid full-time employment at the rank of police lieutenant or higher.³²

Each of these requirements “discriminates” against certain applicants, but each can easily be related to job functions and none raises constitutional implications because none of these requirements involves the type of physical or immutable characteristics protected by law. This sort of discriminatory screening is permissible and necessary.

Communicate with the examining physician and keep medical records secure. Keep in touch with your medical advisers. For example, after the conditional offer of employment, what happens if the applicant fails the medical examination? Your medical adviser can provide valuable screening information. Also, remember that all medical information must be maintained separate from the applicant/background file.

Make sure you provide the essential functions of the position to your physician and discuss them with him or her. Some physically unqualified individuals may pass the medical examination if the physician does not understand the essential functions of the job. The examining physician's knowledge of the essential functions is critical to successful defense of any ADA-related claim that may arise after the conditional offer has been made.

Base the selection on the needs of the job. Often, the final hiring decision is based on a variety of subjective factors. Opinions on how someone will fit within the organization, other personality traits, body language during the interview, and other factors will influence the selection process. Relax, they are supposed to; furthermore, every one of these subjective factors may correlate with the qualifications previously identified. Usually, the nexus between the two is easily made. Nonetheless, when the final decision is between several individuals, with one or more enjoying a legally protected status, care should be given to accurately documenting the rationale behind the final selection. The requirements of the job and the needs of the agency are the guiding light to follow when finalizing the selection. Otherwise, this onerous task may repeat itself quickly and frequently.

Prepare a written employment agreement. Once the selection is made, the employment agreement should be reduced to writing. Although this topic is discussed elsewhere in this book, a few recommendations and observations are appropriate here. First, we suggest that the benefits of using a contract far outweigh the disadvantages. Careful consideration must be given to ensuring that all of the terms and conditions of employment previously agreed to are included. It is very difficult to claim a misunderstanding when the disputed

terms are clearly articulated within the agreement executed by all parties. Furthermore, provisions for arbitration and confidentiality can easily be included so as to minimize disruption to the department, negative publicity, or any other adverse impact on the community should the chief's employment be terminated.

Conclusion

This chapter is a brief overview of significant discrimination provisions affecting the employment process. Each of the discrimination topics identified herein is the subject of numerous treatises and extensive case law development. This is why we recommend professional assistance once a "protected status" issue has been identified.

We hope this information will heighten your awareness of these critical issues, allowing you to immediately identify them and, where appropriate, take corrective measures. Beyond being ethically and morally the right thing to do, this will also minimize your liability exposure. Nothing will prevent the filing of litigation, but good preparation and proper documentation are the foundations of a successful defense.

Even though attorneys' fees can be recovered in a number of the areas involved in hiring, this incentive will be greatly diminished once your reputation for preparation and proper documentation is established, since the plaintiff has to prevail in order for attorneys' fees to be awarded.

Litigation prevention is the focus of this chapter, which is why there are several references to infusing fundamental fairness into the process. Perception of unfair treatment is the underlying reason why most individuals who are denied employment seek legal consultation. Proactive measures undertaken to eliminate the perception of discrimination and advance the concept of fundamental fairness within the employment process will have a direct correlation to the reduction of legal challenges.

Internet Sites of Interest

www.eeoc.gov	Equal Employment Opportunity Commission
www.dol.gov	U.S. Department of Labor
thomas.loc.gov	U.S. Congress, legislative search engine
www.law.cornell.edu/uscode/	The United States Code
www.law.cornell.edu/topics/employment_discrimination.html	Employment law discrimination law resources
userwww.service.emory.edu/~cescoff/employ.html	New Developments in Employment Discrimination Law
janweb.icdi.wvu.edu/kinder/	Americans with Disabilities Act Document Center
www.hrlawindex.com	Miscellaneous human resources materials
www.nbs.ntu.ac.uk/staff/lyerj/hrm_link.htm	Human resource management resources on the Internet
www.shrm.org	Society for Human Resources Management

¹ 42 U.S.C. § 2000e (4) (1994).

² John J. Ross, *The Employment Law Year in Review* (1993).

³ EEOC, *Americans with Disabilities Act of 1990 (ADA) Charges, FY 1992–FY 1997* (1998).

⁴ For reference purposes, the procedural regulations of the EEOC can be found at 29 C.F.R., Subtitle B, Chapter XIV, Part 1601, *et seq.*

⁵ 42 U.S.C. Chapter 21, § 2000e *et seq.*

⁶ 29 U.S.C. §§ 621–634.

⁷ 42 U.S.C. §12101, *et seq.*

⁸ 29 U.S.C. § 206.

⁹ 29 U.S.C. §§ 791, 793, 794(a).

¹⁰ *Doe v. St. Joseph’s Hospital*, 788 F.2d 411 (7th Cir. 1986).

¹¹ *Zaklama v. Mt. Sinai Medical Center*, 842 F.2d 291 (11th Cir. 1998).

¹² See Waterscheid, “A Question of Retaliation: Opposition Conduct As Protected Expression under Title VII of the Civil Rights Act of 1964,” 29 *B.C.L. Rev.* 391 (1988).

¹³ See generally Ross, *supra* note 2.

¹⁴ 42 U.S.C. § 2000e–2(a)(1).

¹⁵ 42 U.S.C. § 2000e–2(a)(2).

¹⁶ 42 U.S.C. § 2000e–2(m).

¹⁷ 42 U.S.C. § 2000e–3(a).

¹⁸ 42 U.S.C. § 2000e–3(b).

¹⁹ 42 U.S.C. 2000e–(k).

²⁰ 29 U.S.C. §623(a)(1).

²¹ 29 U.S.C. §631(a).

²² 42 U.S.C. § 12101, *et seq.*

²³ 42 U.S.C. § 12112.

²⁴ *Americans with Disabilities Act: Employee Rights and Employer Obligations* (Bender Publishing, 1992).

²⁵ 29 U.S.C. §203(e)(2)(C).

²⁶ See generally *Johnson v. Transp. Agency, Santa Clara Cty., Cal.*, 107 S. Ct. 1442 (1987).

²⁷ 29 C.F.R. 1608.3(b) *et seq.*

²⁸ *Torres v. Wisconsin Department of Health*, 859 F.2d 1523 (7th Cir. 1988), cert. denied, 109 S. Ct. 1133 (1989).

²⁹ *Wachstein v. Solcum*, 265 N.J. Super. 6, 625 A.2d 527, cert. denied, 134 N.J. 563, 636 A.2d 521 (1993).

³⁰ *Tatum v. Philip Morris, Inc.*, 809 F. Supp. 1452, affirmed 16 F.3d 417, cert. denied 114 S. Ct. 1833, 128 L.Ed.2d 461 (W.D. Okla., 1992).

³¹ Title 24, § 24-3, Baltimore County Code (1978).

³² International Association of Chiefs of Police, *The Police Chief*, June 1998, at 62, 74–75.

6

EVALUATING CANDIDATES

MICHAEL D. MENDENHALL

This chapter focuses on three matters: (1) the factors local government managers need to consider when deciding how to evaluate candidates for the position of police chief, (2) the steps that must be followed in applicant prescreening, and (3) the various methodologies that are available for the evaluation of candidates' qualifications, skills, and abilities. This chapter is intended to meet the needs of the practitioner by providing suggestions, evaluations, and recommendations based on real world experience in police chief selection procedures.

Factors to Consider When Deciding How to Evaluate Candidates

Before the local government manager prepares a plan of action for candidate evaluation, four critical factors must be considered: (1) scheduling and costs, (2) rules and regulations, (3) evaluators, and (4) methodology.

Scheduling and Costs

Some evaluation processes take longer than others, and the schedule requirements of a particular jurisdiction may determine which is used. For example, because an interview process requires less time and money than an assessment center, circumstances (such as an already tight budget or pressure from local citizens to take prompt action) may dictate that the local government manager select the interviewing methodology.

It is generally better in the long run to take the time to be thorough than to wrap up the selection process as fast as possible. For example, it may well be that additional months of recruiting will result in a much stronger pool of candidates.

Likewise, a jurisdiction looking to save several thousand dollars by using a less expensive selection process should keep in mind that the new police chief will oversee a large department with a budget that may be in the tens of millions of dollars. From that perspective, the jurisdiction may be better served by spending more money in order to ensure a more comprehensive process.

Rules and Regulations

Another key factor to take into account is the rules and regulations of the jurisdiction, including local and state ordinances and departmental regulations. An appointing authority well versed in these matters is more likely to avoid conflicts, delays, and other problems resulting from failure to comply with existing rules or regulations. For example, if regulations require that the police chief possess a particular type of background, education, or certification, these requirements must be followed and should be clearly communicated to applicants. If state regulations require that vacancies must be filled by internal candidates if qualified individuals are available, then those responsible for setting up the hiring procedures will be required to limit applications to internal candidates, or must be prepared to document that no qualified internal candidates were at hand.

Evaluators

Early in the selection process, the local government manager must determine who will serve as evaluators or assessors in the selection process. Many jurisdictions recruit a panel of evaluators made up entirely or almost entirely of local residents. Jurisdictions that have used this approach have done so in order to obtain community input and support, to demonstrate the openness of the selection process, and to show responsiveness to the needs of the community.

The panel members should meet minimum qualifications in terms of professional and management experience and education.

Other jurisdictions choose a panel of evaluators made up entirely of law enforcement personnel. For example, assessment centers conducted by the International Association of Chiefs of Police (IACP) recruit police chiefs from other jurisdictions to serve as assessors. Jurisdictions select this method when they wish to evaluate candidates' professional experience and accomplishments, managerial skills in law enforcement, and approach to law enforcement.

A third option is to include a combination of both law enforcement and community leaders among the evaluators.

The decision regarding whom to invite to serve as evaluators should be based on the needs and priorities of the jurisdiction and the local government manager. Regardless of who is appointed to the panel, the key to a successful

evaluation process is to stay focused on selecting the best-qualified candidate for police chief.

Jurisdictions that seek community members' input and involvement in the process should carefully define their roles and responsibilities. For example, it is important to get input from community members as part of the job analysis of the position. In addition, it may be appropriate to have community members serve on the evaluation or assessment panel. However, the panel members should meet minimum qualifications in terms of professional and management experience and education in order to understand the training they will receive and the responsibilities they will assume as evaluators. The panel should include a significant percentage of law enforcement personnel (e.g., 50 percent or more) in addition to members of the community, to provide expertise regarding law enforcement in general and management in a law enforcement setting in particular.

Finally, it should be clear from the beginning that the appointing authority will make the final hiring decision.

Methodology

The fourth and final factor to consider before preparing a plan of action is *methodology*—that is, the selection methods that will be used to assist the local government manager in deciding who will be the next police chief. A number of methods are available that will provide critical information regarding the candidates' qualifications and skills, that will meet the needs of the jurisdiction in terms of cost and scheduling, and that will accomplish the goals of the selection process. The following section of this chapter provides a review of various steps that should be taken, as well as discussion of the different types of selection methods.

Prescreening

The first step in the selection process is evaluation of the candidates' background to determine if they meet minimum qualifications. Typically, these qualifications are identified on the local government's job description or class specification and include required levels of experience and education.

Application Form

The most basic means of prescreening is the application form. Most organizations have a form that is given to applicants whenever a vacancy occurs. On this form they typically are asked to list their educational achievements and experience, along with other information such as certifications and other special qualifications. Many organizations require that all applicants fill out such a form for documentation purposes.

Résumé

Many jurisdictions encourage—and some require—submission of a résumé by applicants for high-level positions such as chief of police. Although résumés ordinarily provide significantly more detailed information than a completed application, they must be read critically because candidates may use vague or incomplete terminology, may intentionally or unintentionally inflate their

background and qualifications, or may provide more detail than is necessary (for example, several pages of educational attainments). Generally, however, the résumé is a supplement to the information provided on the application form.

Letter of Interest

Some jurisdictions require that applicants submit a letter of interest with their résumé or application. Usually, these jurisdictions require applicants to include key information in the letter, such as a summary of their qualifications, accomplishments, philosophy of policing, management experience, or other critical background factors. This information may assist the jurisdiction in determining whether candidates meet minimum qualifications and which candidates should be invited to participate in subsequent phases of the selection process. Frequently, the letters submitted by the candidates provide useful information regarding their experience and background, vision for the department, and philosophy of policing, as well as their written communication skills. However, it is important to remember that someone else may have written the letter for the candidate, and therefore the letter should not be used for a final evaluation of written communication skills.

Essays and Training and Experience Questionnaires

Another technique for obtaining additional information about candidates' qualifications is the use of training and experience (T&E) questionnaires or essays. Under this method, candidates are asked to respond to specific job-related questions regarding their experience or background. The responses to these questions are evaluated to determine whether candidates meet minimum qualifications, or to assist in narrowing the pool of candidates, or both. More information is presented on this approach in a later section of this chapter, on methods of evaluation.

“Red Flags” and Other Areas to Investigate

When reviewing applications and résumés and other materials submitted by candidates, it is important to look for “red flags”: areas of concern that warrant additional questioning or investigation. An example of a red flag is an unexplained time gap in the career information submitted by the applicant. Another possible area of concern is the candidate's specialization in terms of experience or training, which may have been focused on a limited area of law enforcement. For example, if a candidate's background is in managing detention facilities or the supervision of a crime laboratory, then he or she may not be as strong a candidate as one who has worked in state or municipal law enforcement.

Level of educational achievement, including continuing professional development, should be considered. Most candidates for the position of police chief will have a bachelor's degree, and many will also have a master's degree. Candidates should also provide evidence of ongoing professional training, including completion of some type of executive management school such as the FBI National Academy, the Senior Management Institute for Police (PERF), the North-

western University Traffic Institute's School of Staff and Command, or the Southern Police Institute's Administrative Officers Course.

Another area warranting close review is candidates' experience, including highest rank achieved, department size, scope of responsibilities, and the size of the staff they supervised.

A related area of interest is frequency of job changes. Like other factors, this may work for or against a candidate. A candidate with frequent job changes may be on a "fast track," with a proven record of excellent performance in each of his or her previous positions, or he or she may have had performance problems in each position. A candidate may have been fired or asked to resign, or may have otherwise left a position under controversial circumstances, and may not have put this information on the application form. Although a past termination should not mean automatic disqualification, it should be investigated.

Another red flag pertaining to employment history is evidence that the candidate would be taking a big step up or down in terms of rank, size of department, or size of jurisdiction by accepting the open position. A candidate going from a small department to a large department, for example, will experience significantly different problems as chief than he or she probably faces in his or her present position. Someone going from a large department to a smaller department will also experience different kinds of problems.

A "minus" in one area may be compensated for by
many "pluses" in several other areas.

Another area to investigate when reviewing applications is involvement in professional law enforcement associations, such as the IACP and PERF, as well as state and local associations. When reviewing this area, it is important to look at whether the candidate was actively involved in the association, and whether he or she assumed a leadership role.

Generally, the top candidates will be the ones who are able to provide a record of personal and professional accomplishments. These accomplishments should be evaluated in terms of how well they match the needs of the jurisdiction and whether the candidate has accomplished tasks that also need to be accomplished in the appointing jurisdiction.

Whereas education, training, experience, accomplishments, professional associations, rank, scope of responsibility, and job changes are all critical areas to review and evaluate, the appointing authority should be discerning. Weakness in any one of these areas should not automatically result in disqualification. A "minus" in one area may be compensated for by many "pluses" in several other areas. For example, a candidate lacking a college degree may have experience, training, and accomplishments that make him or her a strong candidate. In addition, a factor that appears on its face to be a negative (such as holding three jobs in seven years) may in fact be a plus, indicating, for example, a strong candidate who is on a fast track and who has accomplished a great deal in each position he or she has held.

Prescreening Roles

Applications and résumés are useful tools to assist local governments in prescreening candidates for the position of chief of police. However, agencies should not rely solely on the application and résumé to help them decide who will move forward in the process and who will not. Additional information should be requested from the applicant, and the T&E questionnaire and essay format are excellent means of accomplishing this.

Another important step in the decision-making process is to determine who will evaluate the information submitted by the applicants and make the final decision regarding which candidates will continue in the process. Some local governments that have a central human resources department will assign this task to a personnel manager. In other jurisdictions, the local government manager will want to make this decision.

One approach that has worked successfully is to have both the personnel manager and the local government manager review the information and work together on the evaluations. Under this arrangement, each provides his or her unique perspective and expertise. The local government manager has the opportunity to evaluate the candidates' experience, qualifications, accomplishments, and vision for the department, and determine how well this background matches the needs and future of the department. The personnel manager is responsible for ensuring that all decisions are made fairly and consistently, and that applicable federal guidelines pertaining to test validity and reliability are followed. The following section of this chapter includes a discussion of these federal guidelines.

Evaluation

Several techniques may be used to evaluate candidates for the position of chief of police. No one technique should be considered the best for every situation and for every jurisdiction. The decision regarding the technique or combination of techniques to use should be based on the requirements and needs of the jurisdiction and department and an analysis of the advantages and disadvantages of each method.

Validity and Reliability

Regardless of which selection methods are used, the procedures should comply with the federal government's Uniform Guidelines on Employee Selection Procedures.¹

The type of validation on which most jurisdictions will rely is *content validity*. This method requires completion of a comprehensive job analysis and documentation that the elements of the selection process measure a representative sample of the key elements of the job. For example, if the job analysis identifies knowledge and experience in preparing and monitoring budgets, then it would be appropriate to develop written or interview questions about candidates' background in the area of budgeting. To comply with professional guidelines pertaining to content validation, each question or procedure in the selection process should similarly be supported by documentation regarding the duties and requirements of the position.

Another requirement of content validation is that the rating process be conducted in a fair, consistent, and reliable manner. Several steps should be taken to achieve this goal, including rater training, the use of scoring methods with preestablished benchmarks, and the administration of highly structured methods of evaluation. Rater training and the use of preestablished benchmarks are discussed in greater detail in the following sections on structured interviews, simulations, questionnaires and essays, citizen panels, and assessment centers.

Structured Interviews

One of the most commonly used selection methods is the employment interview. The interview process should be highly structured, to ensure consistency in the conduct of the interviews and fair treatment of the applicants. A structured interview is one in which the same questions are asked of all candidates. Other steps that should be taken to make the process structured include the use of interviewer training, the development of scoring benchmarks, and the structuring of follow-up questions, if any are asked.

Interview questions are generally constructed to fit either of two formats: *hypothetical questions* and *background (historical) questions*. A question in the hypothetical format asks the candidate how he or she would handle a possible situation such as a job action by employees of the police department or a protest by a citizens' group. A question in the background or historical format asks the candidate about his or her background or experience, including experience handling particular problems or situations.

A key component of a structured interview
process is interviewer training.

Follow-up questions to each of these types of questions may concern the reasons for actions the respondents said they would take, the outcome or anticipated outcome of their actions, and the impact on the community or department.

Although background questions and hypothetical questions both are appropriate, it is generally recommended that for a high-level management position such as chief of police, a majority of the questions focus on candidates' background, experience, and accomplishments. All of the applicants will have extensive backgrounds and established track records that they can draw on when responding to these questions. In addition, the selection process should for the most part focus on behaviors, and experience-related questions are better suited to this goal (e.g., "How *have* you handled this situation?" rather than "How *would* you handle this situation?"; "How *do* you delegate?" rather than "How *would* you delegate?").

Interview questions should reflect the critical components of the job, including required knowledge, abilities, and skills, as well as the key issues within the organization. Besides ensuring that the interviewers will receive information that will help the appointing authority make a difficult selection decision,

using job-related questions ensures compliance with professional and federal guidelines pertaining to test validation and employee selection.

Another key component of a structured interview process is interviewer training. Training is critical to ensure that interviewers understand the rating process and are applying it in a fair and standardized manner to all applicants. The most effective method of training interviewers is to provide extensive practice in conducting and evaluating interviews. Interviewers should have the opportunity to observe “practice” candidates completing the interview process and to evaluate the “practice” candidates using the evaluation process that has been established.

Interviews of the practice candidates may be conducted “live” or they may be videotaped for presentation during interviewer training. After observing and evaluating the practice candidates, the interviewers can compare and discuss their evaluations, resolving differences before interviews of “real” candidates are conducted. Interview training conducted in this manner generally lasts from four to eight hours, a time commitment that is necessary to achieve a fair and standardized process that will provide valuable information about candidates’ skills and qualifications.

One of the critical steps in this process is the recruitment and training of the practice candidates. These individuals may be recruited from within the organization, for instance, from the human resources department or another department within the organization. They may also come from another organization, such as a neighboring police department. Practice candidates should provide a wide range of behavior. There is limited training value to a practice interview that is very good or very poor. Therefore, each practice candidate should give responses to the interview questions that include examples of both “good” and “poor” answers. When selecting and training practice candidates, it is important to stress the need to maintain the confidentiality of the interview questions and the process as a whole.

Another way to achieve standardization and fairness to candidates is to develop benchmarks or some other structured scoring or evaluation process prior to the interviews. The format of this scoring plan may vary from a highly structured grading system to a general listing of responses that the interviewers will be looking for. While the format may vary, it is important that a structured method of evaluating candidates be determined in advance, and that the application of this evaluation plan constitute a key component of the interviewer training.²

The procedures outlined here apply to interviews that are conducted by a single interviewer as well as those conducted by a panel of interviewers. Although both formats are commonly used, the police chief selection process frequently includes a panel interview, which provides an opportunity for a number of interviewers to evaluate the candidates and to provide their individual insights regarding the strengths and weaknesses of each candidate. A local government manager will generally conduct his or her own interviews, and at the same time may schedule panel interviews in order to receive input from multiple sources.

Simulations

A structured interview process may be supplemented by an interactive simulation exercise. Candidates might be asked to participate in a role-play, for ex-

ample, responding to the complaints of a citizens' group, or members of the news media, or a subordinate with performance problems, or a meeting of the local elected council. This simulation may be brief and therefore add little to the scheduling requirements, and yet add much insight into the candidates' various approaches to critical issues, as well as their decision-making skills.

The process of developing and conducting a simulation is similar to that for a structured interview, including the need to train evaluators and role players, to conduct the process in a standardized and structured manner, and to develop preestablished benchmarks for scoring purposes. It is also important to ensure that the simulation is job related, that is, that it reflects critical components of the position of chief of police.

Further discussion of the use of simulations is provided in this chapter in the section on assessment centers.

Training and Experience Questionnaires and Essays

Two commonly used methods of evaluating candidates for high-level positions such as chief of police are the training and experience questionnaire (T&E) and the essay format. As discussed earlier in this chapter, this kind of methodology is frequently used as a prescreening device to determine whether candidates possess minimum qualifications, or to reduce the number of candidates who will be invited to take part in subsequent phases of the process.

A T&E generally asks a series of questions regarding the candidate's experience, education, accomplishments, and certifications. The questions, which are similar to the kinds of questions generally asked in structured interviews, should reflect the requirements of the job as documented in the job analysis, as well as critical issues in the jurisdiction. Examples of these questions include the following:

- How would you summarize your experience developing and monitoring budgets?
- How would you describe your approach to community-oriented policing? Please include examples of programs you have implemented.
- How would you describe your efforts to implement affirmative action programs?
- How would you summarize your supervisory and administrative experience?

These questions generally include specific, structured follow-up requests for more detail and more specifics, such as "Include in your response a summary of the outcome of these programs," or "Be specific about the rank and number of employees who reported to you."

Additional follow-up questions may ask for the dates of employment or the time frame that applied to each response, the name of the department, and the name of a supervisor or other party who can verify the responses.

Essays are similar to T&E questionnaires in that they require candidates to provide written responses to questions. A variety of issues can be addressed in an essay format, such as the candidate's approach to community-oriented

policing, or to developing subordinates, or to delegating tasks to subordinates, or to planning work projects. Another way of using this format is to provide written or oral information to candidates, such as a magazine article or a written report, and then ask them to analyze the information, provide a summary of the key information, and give their recommendations and the reasons for them.

Evaluations of T&E questionnaires and essays should follow the same guidelines as those for structured interviews and simulations, with preestablished benchmarks developed for each question, and training provided to raters to assist them in evaluating the responses in a standardized manner.

Citizen Panels

Frequently a local government manager will convene a panel of local citizens to assist with the evaluation of candidates for chief of police. This approach provides members of the community with an opportunity to be involved in the selection process, to meet the candidates and ask them questions that address local concerns, and to provide input to those responsible for making the final decision.

Although using this approach carries with it a number of risks (for example, upsetting the citizens whose favorite candidate was not selected, or inviting the participation of citizens with personal agendas), there are also several potential benefits to including citizens in the process, such as achieving “buy-in,” and demonstrating to the community that the process is fair and open.

Jurisdictions that use citizen panels should be aware of the need to follow the same guidelines pertaining to validity and reliability that apply to other selection processes: the need to train evaluators, the need to achieve consistency and standardization, and the need to develop procedures that are related to the requirements of the job. More than other selection methodology, citizen panels are subject to a lack of standardization. Citizen evaluators may “go off on tangents,” or pursue agendas that may not be job related, or ask different questions of different candidates. Those responsible for overseeing a citizen panel should define (and limit) the role the panel plays, and carefully direct and monitor the work of the panelists.

Assessment Centers

One of the most effective methods of evaluating candidates for high-level positions such as chief of police is the assessment center. This is a highly structured, objective process that is designed to measure candidates’ supervisory, administrative, interpersonal, and managerial skills. One of the first American organizations to use assessment centers, American Telephone and Telegraph (AT&T) began applying the method in 1956.³ Since that time, assessment centers have been administered in thousands of businesses and governmental units, including law enforcement agencies.

The results of the assessment center, when considered along with other methods of evaluation, such as the interview, T&E questionnaire, and background investigation, provide a comprehensive overview of the candidates’ abilities, work experience and training, and readiness to take on the responsibilities of the demanding position of police chief.

Exercises. The supervisory and administrative skills measured by the assessment center are generally referred to as *management dimensions* or *compe-*

tencies. The assessment center measures these dimensions or competencies by placing candidates in exercises that simulate some of the key managerial and interpersonal aspects of the job. A panel of assessors is trained to evaluate how effectively the candidates handle these situations. Exercises should be designed or selected to simulate the types and complexity of decisions that a police chief in the interviewing jurisdiction typically makes, as well as the types of challenges and problems the chief generally faces. Exercises may take place in a law

Assessment Center Exercises

A variety of exercises may be administered in an assessment center. The following is a list of exercises that may be administered for the position of police chief:

In-basket. A written exercise in which the candidate responds to a series of memos, letters, and other written communications; the candidate must make decisions, delegate, plan, write letters, and schedule activities both for himself or herself and for subordinates. The written in-basket exercise may be followed by an interview with an assessor designed to provide additional information about the candidate's actions and rationale.

Interview simulation. An exercise in which the candidate reviews background information regarding a problem or series of problems and then meets with a role player to discuss these problems. The candidate prepares for and then meets with a role player, who may represent a subordinate, a citizen, a local government leader, or a member of the news media. An assessment center may include more than one interview simulation (e.g., a meeting with a citizen and a meeting with a subordinate).

Group discussion. An exercise in which a group of candidates (typically five or six) discuss an issue or series of issues and then reach consensus on the best solutions.

Analysis/presentation. An exercise in which the candidate is typically given a large quantity of background information and asked to review and analyze the information. Generally, the candidate must write a report summarizing his or her analysis, recommendations, and rationale for these recommendations. The written report is typically followed by an oral report: the candidate presents his or her analysis and recommendations in a formal oral presentation, and then answers questions from an audience of trained assessors or role players who ask questions and/or challenge the candidate.

Structured interview. An exercise that is not a simulation, in which the candidates are asked a series of questions about their work history or approach to management, and respond to these questions as themselves (not as part of a role-playing situation). The interview is designed to measure the same set of skills or dimensions that are measured by the other exercises, and to supplement the information gained from the simulation exercises.

enforcement setting or in a general business setting. The latter type of exercises may be just as effective as those that take place in a law enforcement setting, if the exercises are constructed to measure the same types of skills, with the same level and complexity of issues.

Another component of the assessment center process is the use of multiple exercises. Generally, a police chief assessment center will include a minimum of three exercises, but may include as many as six.

Multiple exercises provide assessors with the opportunity to evaluate candidates in a variety of situations or problems, in order to determine how they handle a broad range of issues. A candidate may be very effective in one type of setting, for instance, counseling an employee, but may be less effective in another setting, such as a press conference. A position such as police chief is a complex, multifaceted job, requiring a wide variety of skills and abilities. Administering different types of exercises will determine how effectively the candidates handle these diverse issues, and therefore will provide a better measurement of their managerial skills.

Assessors. Those responsible for conducting the assessment center must give a great deal of attention to the selection of assessors. These may be law enforcement professionals from other jurisdictions, or local business or community leaders, or a mix of the two. Regardless of the backgrounds of the assessors, it is important to select assessors who are credible, fair and open-minded, and willing to give the full amount of time required for the assessment center process (often five full days or more). They should also have a background in management or in a professional field so that they can comprehend and apply the assessor training they will receive. Law enforcement professionals should make up at least half of the assessor team.

There is no central source that lists likely members of assessment panels. Generally, a local government administrator or personnel manager will contact police chiefs from other jurisdictions and ask them about their interest and availability. These chiefs may also be asked to recommend other individuals. If the local government manager plans to invite members of the community to serve on the panel, he or she will generally call familiar community leaders or professionals from business and education who meet the requirements established for the assessor team.

Job analysis. As indicated earlier in this chapter, the assessment center is designed to measure managerial skills that are referred to as management dimensions or competencies. These skills are determined by the results of the job analysis, which documents why these skills are critical to successful performance in the position to be filled. The job analysis also provides support for the exercises that are included as part of the assessment center, by summarizing the duties, responsibilities, and performance requirements of the position of chief of police. The job analysis may also suggest some of the components of the various exercises, such as the types of issues that are ongoing in the community and therefore may be included as one of the questions in the structured interview or as one of the issues in a simulation exercise. Thus, the job analysis serves as the key document supporting the content validation of the assessment center process, therefore helping the process meet professional and legal standards.⁴

The following examples illustrate the link between a job analysis and the types of simulations included in an assessment center. A job analysis may indicate that a particular position requires the ability to meet with members of the public and the news media, individually and in groups, making formal and informal presentations, answering questions, and providing information regarding the police department. Based on this job analysis information, the assessment center administrator may include an *interview simulation exercise*, in which the candidate is required to meet with reporters and make an oral presentation regarding some police-related matter (e.g., crime statistics, reorganization of the department, a major police case), and then answer questions from the audience. Again, the “audience” consists of assessors or role players trained to ask questions and challenge the “chief.”

The job analysis might also indicate the need to be able to read and interpret complex information, to analyze relevant information and reach logical conclusions, and to compile written reports detailing the essence of what was learned. Therefore, the assessment center may include an *analysis exercise*, in which the candidate is required to study a written report summarizing key information, such as an executive summary of the operation of a fictitious police department, to analyze this information and develop recommendations, and to support these recommendations. This exercise may also include an oral component, in which the candidate orally presents recommendations and rationales, and then answers questions regarding these recommendations.

Assessor training. Another key aspect of the assessment center process is assessor training. The first responsibility that assessors assume is to complete the assessor training program and to demonstrate through this training their competency to perform the tasks required of all assessors. Although professional standards have not established a minimum time requirement for assessor training, training will generally last two to three days, depending on the experience level of the assessors and the number of exercises.

The most critical component of assessor training is the use of practice and feedback. Assessors must become very familiar with the exercises, dimensions, and scoring methods used in the assessment center; the most effective means of achieving this goal is by having assessors practice applying these methods on fictitious “candidates” before using them with real candidates. For example, if one of the exercises concerns employee counseling, during training the assessors should observe a practice “candidate” participating in this exercise and record the practice candidate’s behaviors. They should rate this candidate and then discuss the ratings with the other assessors in order to achieve consistency in ratings across all assessors for this exercise.

Most of the assessors’ training time will be devoted to this practice-and-feedback process, with assessors observing and evaluating practice candidates as they complete all of the exercises included in the assessment center. Assessor training is designed to “calibrate” the assessors, by having them compare their ratings of practice candidates and make adjustments as necessary, with the objective of developing a common set of standards that will be applied to all candidates by all of the assessors.

Videotaping of practice candidates is widely used in assessor training. Not only does videotaping the practice candidates make the process of assessor training easier, it also results in a more consistent, more reliable rating process.

Assessor report forms. Assessment centers are designed to focus on the candidates' behaviors as demonstrated by their performance in the various exercises. Assessors are told throughout the training process that they should focus on the candidates' behaviors, including the candidates' actions, decisions, and directions provided to others. Therefore, the assessors should provide clear, specific examples of the candidates' behaviors in their reports, and their ratings must be supported with behavioral examples.⁵

To assist assessors in providing example behaviors, many assessment center administrators have developed assessor report forms that include behavioral checklists or benchmark statements for each exercise and for each dimension. The use of checklists or benchmarks makes the assessors' job easier by reducing the amount of writing they are required to do while at the same time improving the reliability of their ratings. By focusing the assessors' attention on the same set of rating factors or benchmarks, the administrator is able to reduce subjectivity and the possibility that different assessors will look at different things.

The following are examples of behavioral checklist items that might be included on an assessor report form for one type of exercise (namely, a simulation of a meeting with a subordinate):

- Commends Captain Hamilton for his strong record with the department
- Stresses the need for Hamilton to attend the neighborhood association meeting in the future
- Asks follow-up questions to determine why Hamilton did not attend the meeting
- Makes clear that Hamilton should not have delegated attendance at the meeting to a subordinate.

Another benefit of the use of checklists or benchmarks is that assessor report forms may be computerized, with the result again being savings of time and money, as well as improved assessor reliability.⁶

Summary. One of the advantages of using an assessment center is that much information and data are generated that at the conclusion of the evaluation process can be shared with the hiring authority. The local government manager will rely on this information and will give much weight to the results of the assessment center when making the final selection.

The assessment center is one of the most comprehensive and labor-intensive selection methods available, requiring a significant investment of time on the part of assessors and administrators. It is also an expensive process. Current costs for a center administered to six candidates may be \$7,000 to \$10,000 or more, plus administrative and travel expenses, if it is conducted by an outside consulting firm. However, many local government managers believe that the value added by the assessment center, in terms of the vast amount of information generated by the process and the insights provided into the candidates' strengths and weaknesses, justifies the cost of the process.

Additional Evaluation Methods

Several additional methods should be considered as part of a comprehensive program of evaluating candidates for the position of chief of police.

Background investigation. The jurisdiction should conduct a thorough background investigation of the top two or three candidates, or the finalist who will be offered the position or has been conditionally offered the position pending a satisfactory conclusion to the background investigation.

The background investigation should be conducted by an outside agency or consulting firm. It is inappropriate to assign personnel from within the police department to conduct investigations of individuals who may later supervise them.

A jurisdiction may conduct a less comprehensive background investigation if the finalists are internal candidates, since the department and upper management already know a great deal about the candidates and their track records. However, a background investigation should still be conducted to provide additional documentation of the skills and backgrounds of the candidates, and to ensure that a thorough screening process takes place.

Although the background investigation may be conducted at a variety of levels (from numerous on-site visits to no more than telephone interviews and record review), the investigation should include several things. For example, interviews should be conducted with community leaders, coworkers, subordinates, and superiors. A check of the candidates' criminal records should be completed. Feedback should be received from the leadership of the employees' union or other groups of employees at the candidate's current department. Information received from the candidate should be verified, such as employment history, educational achievements, and certifications. Information received from the candidate regarding accomplishments and outcomes of actions taken or decisions made should also be verified. An extensive search of newspaper articles and other media coverage may also be conducted.

One technique that will facilitate the background investigation process is the *self-reporting method*, in which candidates summarize their backgrounds and provide additional information such as names, addresses, and telephone numbers of potential contacts. One aspect of this self-reporting process entails asking each candidate to indicate in writing whether there is anything potentially sensitive in his or her background of which the department should be aware. Candidates with some issue to report should have the opportunity to tell their side of the story.

A police executive who has never been involved in controversy may be someone who has never done very much on the job, whereas someone who has been controversial may have accomplished a great deal. Therefore, the background investigation should focus on all sides of the situation: the actions taken by the candidate, the results of these actions, and the reasons that controversy resulted. See Chapter 7 for more on background investigations.

Polygraph testing. As part of the background investigation, some departments require police chief candidates to participate in a polygraph test to verify information received from the candidates. Jurisdictions that use the polygraph to evaluate candidates for the position of police chief risk losing top candidates.

Some candidates feel that, given their many years of experience in law enforcement, including command-level experience, a polygraph test is unnecessary and insulting.

Psychological screening. Psychometric instruments or personality assessment tools based on paper and pencil responses to questions have had an uneven history in personnel selection. Agencies may use these instruments to supplement assessment centers and interview formats, in order to corroborate, confirm, or expand the personality and preference information discovered. They work best at the tail end of a process, when information regarding the candidate's competence has been obtained and the next order of business is to develop a strategy to integrate the new police chief into the local government's leadership team. Additional information regarding management style, relationship patterns, balancing of community and internal demands, and other personality-based issues may help determine whether a candidate's personality fits the psycho-social climate and environment.

Psychometric tools range from very simple and accessible measures of a few factors to complex measurement of many factors. What the simple tools gain in accessibility and obviousness, they lose in subtlety or specificity. An example of an accessible tool is the Myers-Briggs Type Indicator, which yields four-letter descriptions of one of 16 "types" that can give a general feeling about the style of the candidate. An example of a complex tool is Human Patterns, which yields information on many discrete issues, such as leadership preferences, problem solving, interpersonal relationships, achievement pattern, and so forth. The more complex the instrument, the more dependent the selection group is on the competence of the interpreter. It is essential to check with the publisher of an instrument to verify certification. Be wary of vendors who send out a computer generated report but do not have a clear understanding of the context and the role the candidate will be filling. A responsible vendor should be willing to provide feedback to candidates as well as to the selection committee, should be able to provide information on statistical validity, and should have a researchable sample of police personnel to back up their findings.⁷

If an agency decides to administer a psychological evaluation to police chief candidates, it is important that a qualified psychologist or psychiatrist administer the examination and evaluate the results. The psychologist or psychiatrist should be required to support the use of the examinations he or she feels should be administered, documenting the specific factors to be measured and how these factors relate to success in the job of police chief. To comply with requirements of the Americans with Disabilities Act, the psychological screening process should only be administered "post-offer"; that is, it should be administered to the candidate who is being offered the position, pending successful completion of the psychological examination.

The Multiple-Hurdle Approach

Most jurisdictions use a multiple-hurdle approach to selecting a police chief. Candidates complete a series of steps in the selection process, and successively fewer candidates are invited to participate in each succeeding step. For example, all applicants complete an application and a T&E questionnaire, and then the

top six candidates participate in an assessment center, with additional steps such as interviews, citizen panels, and background investigations following.

One rationale for using a multiple-hurdle approach is that each step is more time consuming and expensive than the previous one, and it is neither efficient nor cost-effective to invite every candidate to participate in every step. Jurisdictions that have used a multiple-hurdle approach have generally concluded that this method works very efficiently and effectively in identifying the candidates who possess the skills and qualifications that the agency needs.

Another point of view . . . a psychological approach to assessment

Another approach to psychological assessment combines the elements of an assessment center with various methods of psychological testing. A typical assessment battery for a police executive might take a day to a day and a half and could include:

- Standardized personality measures
- Interest testing
- Standardized intellectual ability testing, usually completed with several ability tests of different types
- A structured interview
- An in-basket exercise
- An interactive simulation—usually a role-play interaction with a “subordinate” or “community member”
- A case study analysis or presentation

The process outlined above would use psychologists as assessors, who specialize in these processes and have significant expertise and experience in psychological assessment. Organizational psychologists are also typically expert at job analysis and can help design the assessment process to fit the specific need of the situation without compromising assessment validity. Moreover, a meta-analysis of 50 assessment center studies suggested that assessment is more predictive when a greater number of different types of tests and exercises are used.

The chief disadvantage of this approach may be cost. Fees for a comprehensive assessment may range from \$2,500 and up per candidate, not including travel or other related administrative expenses. In addition, hiring agencies should be sure that the organizational psychologist they retain uses legitimate tests and measures that are valid and reliable. Finally, it is important to make sure that the organizational psychologist understands the critical difference between using standardized testing and personality measures to investigate typical work-related skills or work style, and using similar tests to assess psychological fitness (which may include medically-related conditions such as depression or emotional stability). Assessment of psychological fitness may only be conducted on a “post-offer” basis.

This side bar was contributed by Dr. Bob Barnett, executive vice president of MDA Consulting Group, Inc., of Minneapolis, Minnesota.

However, the multiple-hurdle approach will not apply to every situation. For example, a jurisdiction may have a relatively small number of qualified applicants, such as when applications are limited to internal candidates. If the administrators of the jurisdiction believe that they have a sufficient pool of qualified candidates, then it may be reasonable and appropriate to invite every qualified candidate to each of the initial steps of the process.

As with other approaches, the multiple-hurdle method has advantages and disadvantages. A key advantage is that the jurisdiction is able to evaluate every candidate at every step in the process. If the candidates are from within the organization, their morale will be enhanced by being allowed to participate, and the process will provide a critical review of their management skills. This assessment of top staff can identify skills that could be improved with special training. The main disadvantage of this approach is that time and resources may be wasted if there are weak candidates going through the process. Another disadvantage is that if a strong candidate does not emerge, then the whole process may have to be repeated.

Summary

This chapter has presented an overview of several methods of evaluating candidates for the position of chief of police, each with its own advantages and disadvantages. Exhibit 6-1 provides a summary of the evaluation methods discussed in this chapter.

Some evaluation methods are more time consuming and expensive than others. Agencies may be able to implement some of the selection methods on their own, but may require help from an outside source, such as a consultant, in order to implement others. Some methods do a better job than others of measuring the skills that are critical in a particular agency. Some techniques may be inappropriate or unworkable in a given jurisdiction. Those individuals responsible for making this decision should weigh each of these factors, and determine which method or combination of methods will meet the goals they have set within their agency and will provide the critical information they believe they must have in order to make the best selection.

Exhibit 6-1 Evaluation Methods

PRESCREENING METHODS:

Application Form	Standard form designed to include education level, experience, special qualifications
Résumé	Provides candidates opportunity to list additional qualifications, training classes
Letter of Interest	Provides candidates opportunity to highlight experience, special skills, policing philosophy, vision for department
Essay—T & E Questionnaire	Requires applicants to respond in writing to job-related questions

EVALUATION METHODS:

Structured Interview	Includes preestablished questions Follow-up questions (if any) are also structured Questions are job-related Questions may be experience-related or hypothetical Interviewers are trained Structured scoring methods are used (e.g., use of benchmarks)
Simulations	Candidates respond to a role-play situation May be combined with an interview
T & E Questionnaire	Questions are structured and reflect key job requirements or issues Frequently includes structured follow-up questions
Essays	Written responses are provided by candidates to several key questions
Citizen Panel	Citizens are included in the evaluation process, e.g., reviewing résumés, reviewing T & Es, or serving on interview panels Must be closely monitored
Assessment Center	Includes simulation exercises Multiple exercises are administered Assessors have backgrounds in management or professional fields Job analysis provides documentation supporting dimensions and exercises Assessors are trained to evaluate candidates in a fair, consistent manner Report forms include checklists or benchmark statements to achieve standardization

ADDITIONAL METHODS:

Background Investigation	Provides in-depth information about the candidates' past history (employment, education, criminal history, interviews with co-workers, citizens, etc.) Should be more in-depth for outside candidates
Polygraph	May be considered demeaning by some candidates and therefore may lead to withdrawal of some top candidates
Psychological Screening	Professional psychologist or psychiatrist administers battery of job-related psychological or personality tests, followed by in-depth interview Tests and interview questions should be reviewed for job-relatedness May only be administered "post-offer" in order to comply with ADA

¹ The Uniform Guidelines on Employee Selection Procedures were developed to establish a uniform federal position on employment processes. The Uniform Guidelines were published in the *Federal Register* on August 25, 1978, and adopted jointly by four federal agencies: the Equal Employment Opportunity Commission, the Civil Service Commission (whose functions are now the responsibility of the Office of Personnel Management), the Department of Labor, and the Department of Justice. Additionally, the Department of Justice established guidelines (revised as of July 1, 1997) that it applies in exercising its responsibilities under federal law relating to equal employment opportunity (Code of Federal Regulations, Title 28, Volume 2, Parts 43 to end, from the U.S. Government Printing Office via GPO Access [Cite: 28CFR50.14]).

² For a comprehensive overview of how to administer structured interviews, including job analysis, interviewer training, the process of assigning ratings, documentation, development of benchmarks, sample questions, and legal issues, see: Alice N. Outerbridge, *Developing and Conducting the Structured Situational Interview*, PRD-94-01 (Washington, D.C.: U.S. Office of Personnel Management, Office of Personnel Research and Development, January 1994).

³ For a summary of the Management Progress Study, the long-term study of the assessment center process conducted at AT&T, see: Douglas Bray, "The Assessment Center and the Study of Lives," *American Psychologist* 37, no. 2 (1982): 180-189. Bray presents some of the results of the Management Progress Study, which determined that performance on the assessment center is predictive of job success. A more comprehensive description of this study and its results is presented in Douglas W. Bray, Richard J. Campbell, and Donald L. Grant, *Formative Years in Business* (New York: John Wiley and Sons, 1974).

⁴ A review of two separate legal challenges to assessment centers used for promotional purposes in a law enforcement agency is presented by Michael D. Mendenhall in "A Firsthand Account: Successful Legal Defense of the Assessment Center Method," *Police Chief* (June 1992): 61-63. For a comprehensive description of the professional standards relating to the conduct of assessment centers, see: Task Force on Assessment Center Guidelines, International Congress on the Assessment Center Method, *Guidelines and Ethical Considerations for Assessment Center Operations* (Pittsburgh, Pa.: Development Dimensions International, 1989).

⁵ An effective model for conducting assessor training in order to achieve accuracy of assessor ratings, as well as a general overview of the administration of assessment centers, is presented by Kim Kohlhepp in "Assessor Accuracy Training: A Critical Component of the Assessment Center Method," *Police Chief* (June 1992): 54-60.

⁶ The development and use of behavior checklists as a part of assessor report forms is described by R. R. Reilly, S. Henry, and J. W. Smither in "An Examination of the Effects of Using Behavior Checklists on the Construct Validity of Assessment Center Dimensions," *Personnel Psychology* 43 (1990): 71-84. The authors present data that show that validity is improved through the use of behavior checklist assessor report forms.

⁷ This section was contributed by Stan Smith of The Human Factor.

7

INVESTIGATING CANDIDATES

ANTHONY E. DANIELS, SUSAN E. BORTZ, AND JOHN R. MORAN, JR.*

Managers take advantage of background investigations to use candidates' past performance to anticipate, if not predict, their future achievements. Citizens hold law enforcement officers to high standards of personal conduct and professional judgment, and certainly demand nothing less from these officers' leaders. The police chief is always one of the most prominent members of any jurisdiction's government. Local officials will be held accountable for ensuring that the chief is a competent administrator who is also responsible for the police department's people and mission. A proficient background investigation effectively discloses aspects of a candidate's style and abilities that the rest of the selection process cannot; further, it can reveal past managerial or behavioral incidents or indiscretions that may, if undisclosed at the time of selection, result in embarrassment to the jurisdiction, the candidate, or the manager responsible for the selection.

This chapter will guide you through the investigative process. Following a few simple guidelines will enhance any agency's background investigation:

- Define your standards for the police chief.
- Decide what you will require from the investigative agency.

*The first section of this chapter covering issues to be considered before the background investigation begins was written by John Moran; those sections of the chapter dealing with the investigation itself were written by Anthony E. Daniels and Susan E. Bortz.

- Contract the background investigation to a company that is experienced in conducting investigations and is familiar with law enforcement.
- Have the investigating team do more than just check the references the candidate has furnished. Ask each reference to provide three names of individuals who know the applicant.
- Require that investigators certify the legitimacy of their sources of information.
- Make sure the investigation is conducted through face-to-face interviews, instead of telephone interviews, whenever possible.

Although you may use your own staff to handle the background investigation, it is strongly recommended that this sensitive job be contracted to a licensed private investigator experienced in conducting executive background inquiries. Contracting the job to a professional firm gives you more intimate control of the process and product, reduces the chance of prematurely exposing candidates' identities, and provides greater protection of their privacy. Consider only reputable, competent, and discreet private investigative firms. Get recommendations from eminent professionals or other associates whose judgment you trust, or locate an investigator through other legitimate sources. For example, you can contact the national network of the Society of Former Special Agents of the FBI.

The local government should be aware that the activities of a private investigator will necessarily be limited by the requirements of the Fair Credit Reporting Act (FCRA). Although most people associate the FCRA with credit reporting, as amended September 30, 1997, it actually covers the reports of all agencies that collect and sell information about individuals to creditors, employers, landlords, and other businesses. These agencies are considered consumer reporting agencies under the FCRA, and must comply with its requirements whether they are reporting credit information or other information. That means, for example, that private investigators are prohibited from including in their reports any information on a candidate's criminal history that predates the report by more than seven years, if the job for which the candidate is applying will pay less than \$75,000 a year. For more on the restrictions created by the FCRA, see pages 136 and 137.

Before the Investigation

Setting Standards

Before the local government contracts to a private agency (or assigns to internal staff) the investigation of candidates' backgrounds, you must first decide the standards to which all candidates will be held. Clearly, there is a distinction to be made between entry-level applicants and those being considered for executive positions. In the latter case, you must decide about certain competencies and the "gut feeling" that you will be able to work with a person. Such decisions entail a degree of subjectivity that only you can articulate.

However, privates and chiefs share certain responsibilities that come with their duties to provide law enforcement service to your community. Will you,

then, require that potential chiefs meet the same selection standards that you apply to other police applicants? Further, if the police chief is considered a “law enforcement officer” under state certification standards, you must find out whether state selection standards for law enforcement officers apply to the chief. You need this information at the beginning of the process. And, finally, remember that fundamental fairness requires that the standards for one candidate must be applied to each of her or his competitors.

Planning the Investigation

After deciding what standards will be applied to the candidates, consider the investigative process: what do you want done? You may obtain guidance in this matter from your senior human resource staff, from professional executive research contractors, or from a private investigative firm with experience in background investigations. Also, check with your legal experts on all candidate investigation issues before proceeding. The laws covering these issues are diverse, and your legal and human resource experts must be involved in every step of the process. As with all executive decisions, consider the counsel of those whom you trust, but outline your process based on the most effective and efficient way to determine whether a candidate is the best-qualified.

Operate under the assumption that the media or others with an interest in the process will conduct parallel or subsequent inquiries of actual or potential candidates, finalists, or selectees.

It is important that you consider what you want before you contract with an investigator. Such preparation not only makes you a shrewder customer, but helps you articulate what you want to know about any candidate. Further, operate under the assumption that the media or others with an interest in the process will conduct parallel or subsequent inquiries of actual or potential candidates, finalists, or selectees.

By this phase of the process, you will have already reviewed each candidate’s application and résumé. Reflecting on our previous consideration of whether the police executive candidate must undergo the rigorous inquiry you require of entry-level applicants, note that all of the questions asked of any employee should be answered during some phase of an executive candidate’s background inquiry.

Criminal and traffic records. In deciding what investigative efforts you will require for each candidate, always include checking each candidate’s criminal and traffic records. The need to check these records requires little explanation. You are responsible for determining the veracity of an applicant’s responses to questions about these records, and your jurisdiction’s laws and employment standards may eliminate applicants from consideration based on these records. For example, federal law makes it unlawful for a person who has been convicted of a domestic violence offense to possess a firearm or ammunition, and there is no

exception for people who must carry firearms as a condition of employment. There are many other examples of this nature that one must consider when defining the parameters of the investigation and deciding what record systems should be accessed.

The federal National Crime Information Center (NCIC) and each state maintain criminal arrest records online. Private investigators cannot access all these databases, however. Some computerized government records are accessible only by certified law enforcement officers.

NCIC maintains arrest and disposition records of federal and military law enforcement agencies, as well as most state and local contributing agencies. However, note that not all state criminal records are always forwarded to NCIC, so your online inquiries will necessarily also be directed to the state records-maintenance agency in every jurisdiction where the applicant ever resided. For the same reason, in addition to online records checks, you should require fingerprint records checks of each candidate from the FBI and every state where the applicant ever resided.

Some local jurisdictions place restrictions on using criminal records for pre-employment screening, and you must know your local law when making this decision. Beyond local restrictions, California law precludes using state-maintained criminal records for employment purposes, even for public safety applicants. Finally, because arrests, investigative files, and many law enforcement agency reports are not forwarded to NCIC or state records-maintenance agencies, you should require an investigator to conduct an in-person check at the records-maintenance agency in each jurisdiction where an applicant has ever resided. Whenever you find information concerning arrests or charges of infractions, you should obtain court records before making a decision on the candidate.

Traffic records are routinely maintained by states, not by NCIC, and their use for preemployment decisions is generally not restricted. However, these records address time-driven privileges rather than static occurrence dates, as in criminal records. Moreover, an individual's driving privileges can be affected by such vagaries as inaccurate application input or transfer of data from courts or many different government agencies. For these reasons, you should require investigators to consider computer-based traffic records only as precursors to obtaining certified records from every state where the applicant ever resided.

Military record. Another record check to be initiated as soon as possible is the review of an individual's military record. All applicants who are veterans should be required to present the "long form" of their military discharge papers; we refer here to the DD Form 214, not the certificate of discharge. DD Forms 214 come in two versions, and the long form is the one that reflects certain codes that reflect the applicant's character of service. Your investigator may obtain copies of an individual's complete military records by forwarding a signed release to the National Personnel Records Center, Veterans' Records Management Center, 9700 Page Boulevard, St. Louis, Missouri 63115; 314/263-3901.

Credit history. Before setting your process, decide whether credit issues will affect your decision. If so, what kind of credit problems will you tolerate? If negative credit history adversely affects a candidate's employment prospects, know that your investigation and use of developed information are governed by the Fair Credit Reporting Act. "Judgment reports" concerning outstanding judg-

ments or judgments levied against an individual are available through court systems.

Currently, to use credit information for hiring decisions, you must have received written permission from the candidate. If you use credit information to deny employment, you must:

- Notify the affected candidate of the information and the name, address, and telephone number of the credit reporting agency (in this case, the investigative firm)
- Advise the candidate that the credit reporting agency simply reported information, did not make the adverse decision, and cannot explain the decision
- Inform the candidate that (s)he has the right to request a free copy of the credit report from the credit reporting agency within 60 days
- Advise the candidate that (s)he may dispute the accuracy of the credit report directly with the credit reporting agency.

When deciding whether credit information will be considered and what credit issues you will tolerate, also decide whether candidates will be given opportunities to repair their credit or take other actions that may ameliorate a decision to disqualify them. When making this decision, start by articulating what kind of consideration is routinely given to other applicants faced with similar circumstances.

Polygraph examinations. Typically, appointing authorities do not require candidates for police chief to undergo a polygraph examination. If your jurisdiction does require candidates to submit to a polygraph examination, many local laws and Commission on Accreditation for Law Enforcement Agencies (CALEA) standards require that you inform applicants of the requirement at the time the job is announced.

Medical and psychological examinations. Decide whether you will require each candidate to submit to medical and psychological examinations. Most agencies require these examinations of all law enforcement applicants, and the examinations are conducted in accordance with formal protocols that test specific medical standards. Note that the Americans with Disabilities Act (ADA) applies. ADA prohibits discrimination in hiring against individuals with qualified disabilities. An individual is considered to have a disability if (s)he has a physical or mental impairment that substantially limits one or more major life activity. Medical and mental health examinations are not precluded by ADA; however, they must be based on job descriptions that reflect essential functions of a position. For more on ADA requirements, see Chapter 5.

Further, medical and mental health examinations may only be conducted after a candidate is issued a conditional offer of employment (COE). Employers may make a job offer conditional (make a COE) based on the satisfactory results of a post-offer medical examination or medical inquiry if such examination or inquiry is required of all entering employees in the same category. In fact, some agencies issue COEs to applicants before polygraph examinations,

because the polygraphist must inquire whether the person being examined consumed any medication within 12 to 24 hours of the examination. (This question is asked to determine whether such substances might affect an individual's physiological responses to questions.)

Inasmuch as a police chief candidate who reaches this investigative stage is probably considered a finalist, it is unlikely you would be challenged for issuing "blanket COEs" to an unreasonably large number of applicants. However, ADA law evolves regularly. You should check with your jurisdiction's ADA experts before deciding when and how to implement the medical and psychological evaluations in the executive candidate selection process.

In the event that a reference volunteers information of a medical nature about a candidate during the background investigation, a simple procedure used by the Baltimore County (Maryland) Police Department can be followed: the information is documented and sealed in an envelope, not to be disclosed to the hiring authority until after a conditional offer of employment has been made.

Field work. Finally, you must decide what interviews and other inquiries you wish to have conducted. All of these efforts can be considered under the larger

Exhibit 7-1 Sample Plan for a Background Investigation

Initial Interview:

- Discussion of process
- Preliminary screening
- Preparation of releases

Record Checks:

- Criminal (NCIC and local)
- Traffic
- Credit
- Military

Re-Interview (if necessary)

Medical Examination (post conditional offer)

Psychiatric Evaluation (post conditional offer)

Field Work

- All individuals with whom the candidate had a domestic relationship
- Previous employers (including military records)
- Listed references
- Developed references
- Media search
- Other interviews

Final Report

heading of field work, but they include interviews of past employers, domestic partners, references, and many others. It is certain that you will require some type of field work. Therefore, for this discussion, we will simply indicate “field work” in your process and consider individual details later in the chapter.

Having considered all of this, you may develop an investigative plan like that shown in Exhibit 7-1.

The Background Investigation

Interviewing the Candidate

The first step in the background investigation itself is an interview with the candidate. The purpose of this interview is not to determine the qualifications. By this point in the selection process, the interviewing board has already determined the qualifications and presumably has narrowed the field to one or two candidates. Rather, this investigatory interview has five purposes.

The first reason to interview the candidate is to confirm all of the information that has been included in his or her application and résumé. Look for inconsistencies and any discrepancies. Be objective, but make note of any discrepancy.

Second, the interview is an opportunity for the lead investigator to let the candidate know exactly what to expect during the course of the investigation. Inform the candidate of who will be interviewed, what kinds of records will be requested, what other kinds of searches will be conducted, including newspaper and periodical searches, and the expected duration of the investigation. This information should be communicated so that there will be no surprises for the candidate at any time.

The interview is an opportunity for the lead investigator
to let the candidate know exactly what to expect
during the course of the investigation.

Third, the interview is an opportunity to determine whether the candidate has any problem with your contacting people in his or her current department. A thorough investigation is almost impossible without permission to interview these people. If the candidate, for some reason, does not want his or her current employer to know of his or her interest in this new position, find out why. Make sure the candidate knows of the difficulty presented when investigators are unable to contact personnel at a potential police chief’s current workplace. Inform the candidate that the current employer must be interviewed before a final offer is made.

Fourth, the interview gives the candidate an opportunity to disclose awareness of any negative or derogatory information that may surface during the course of the investigation. This may be anything from a credit report showing a history of slow payment or a bad credit report to the identity of someone with a vendetta against the candidate.

At the conclusion of this interview, give the candidate a separate disclosure document (see Exhibit 7-2). This document notifies the candidate in writing that an investigation will be conducted and that the report of findings will be used to evaluate him or her for the position. It also explains the kinds of investigation that will be conducted. Emphasis is placed on “a separate disclosure document.” This document must consist *solely* of the disclosure and is to be clear and conspicuous.¹ After the candidate has read the disclosure, then ask him or her to read and execute an authorization for release of information.² (See Exhibit 7-3.)

Include in the release authorization the authority to obtain credit records, criminal history searches, education verification, employment verification, reference checks, neighborhood checks, and contacts with the internal affairs office at the candidate’s present or previous organization.

Usually, personnel investigations do not have to be released to the applicant. Unless local law precludes it, you should also get a signed acknowledgment from the candidate that no information developed during the investigation, including source identities, will be released to him or her.

However, because some states have freedom of information laws similar to the federal Freedom of Information Act, it is also important to ask persons being interviewed whether they want confidentiality in the event that the information they are disclosing is released under a FOIA request.

The candidate may be asked to bring the following documents to this interview, which will be copied and returned to him or her:

- Birth certificate
- Official college transcripts (for schools that do not release transcripts to students, provide the candidate with an official address to which the transcript can be sent)
- Naturalization certificate
- Court orders or papers such as divorce decrees, name changes, adoptions, criminal or civil court orders or dispositions, bankruptcy orders, ex parte orders, or paternity suits
- Social security card
- Driver’s license, any vehicle registration card, and proof of vehicle insurance
- Selective service card or proof of registration
- State and federal income tax forms, to include W-2s, for the last two years
- DD Form 214, certificate of discharge from the armed forces, for each period of military service. The DD Form 214 must be the copy that reflects “Re-entry Code.” (Whether or not the candidate is asked to bring the other items listed here, the DD Form 214 is essential, because it may take six to eight weeks to obtain records from the Veterans’ Records Management Center mentioned earlier in this chapter.)

Exhibit 7-2 Sample Disclosure Form**SAMPLE DISCLOSURE FORM**

You are hereby notified that a consumer report or an investigative consumer report may be obtained from a consumer reporting agency, other agency, or directly by this employer for the purpose of evaluating you for employment, promotion, reassignment, or retention as an employee.

The report may contain information bearing on your credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living from public or private record sources or through personal interviews with your neighbors, friends, associates, or educational facility.

Face-to-Face Interviews

Only after the candidate has been interviewed and has signed the release authorization should all of the other interviews and records checks necessary to complete the background investigation begin. When appropriate, and if the candidate gives permission, interview the following persons (the investigator should be prepared to present a notarized release when interviewing):

- The candidate's immediate supervisor
- The chief of police in the candidate's community (when the candidate is the chief of police, interview the local government manager or mayor)
- One or two professional peers of the candidate who are in the immediate area and know the reputation and history of the candidate's current department
- An immediate subordinate of the candidate
- A mid-level lower subordinate of the candidate
- A mid-level manager (sergeant or lieutenant) in the candidate's current organization
- At least two rank-and-file members of the candidate's current organization, for instance, a sergeant and a secretary
- The human resources officer (or personnel officer) at the candidate's current organization (but remember that under ADA you may not inquire about any medical information such as workers' compensation claims unless the candidate has received a conditional offer of employment)

Exhibit 7-3 Sample Authorization for Release of Information**SAMPLE AUTHORIZATION FOR RELEASE OF INFORMATION**

In connection with potential or continued employment, I, _____, authorize the procurement of an investigative consumer report. I understand that the report may contain information about my background, character, general reputation, mode of living, credit worthiness, criminal convictions, motor vehicle records, education, job performance and reasons for termination of employment from previous employers. Further, I understand that you will be requesting information from various federal, state, and other agencies which maintain records concerning my past activities as well as claims involving me in the files of insurance companies. I also understand that upon written request within a reasonable period of time, I am entitled to a complete and accurate disclosure concerning the nature and scope of this investigation within five days of my request. In the event I am offered a paid position prior to the completion of the aforementioned report, I realize continued employment is contingent upon favorable results being obtained by (insert name of consumer reporting agency here) for the remaining portion of this investigative report. Should unfavorable information be developed, I realize my position may be subject to termination.

I authorize without reservation, any party or agency contacted (including persons, schools, companies, corporations, credit bureaus, law enforcement and other government agencies, personnel and Internal Affairs personnel) to furnish the above mentioned information without restriction or qualification to (insert name of consumer reporting agency here) and their respective officers, agents, employees, and servants. This authorization includes, but is not limited to, matters of opinion relating to my character, ability, reputation, and past performance. This authorization shall be valid in original, facsimile, or photocopy form. I further authorize ongoing procurement of the above mentioned reports at any time during my employment and have received a copy of the Consumer Notification regarding the pulling of such consumer reports.

I hereby release (insert name of consumer reporting agency here) and their respective officers, agents, employees, and servants from any liability arising from the preparation of this report or investigations relating thereto.

NAME (Please Print) _____

OTHER NAMES USED _____

DATE AND PLACE OF BIRTH _____

SOCIAL SECURITY ACCOUNT NUMBER _____

CURRENT ADDRESS _____

CITY _____ STATE _____ ZIP _____ YEARS THERE _____

DATE _____

SIGNATURE

Please fill out the reverse side of this form.

ADDRESS VERIFICATION (if at current address less than 5 years)

PREVIOUS ADDRESS _____

CITY _____ STATE ___ ZIP _____ YEARS THERE _____

PREVIOUS ADDRESS _____

CITY _____ STATE ___ ZIP _____ YEARS THERE _____

PRIOR EMPLOYER VERIFICATION

PREVIOUS EMPLOYER _____ PHONE _____

CITY _____ STATE ___ ZIP _____ YEARS THERE _____

SUPERVISOR _____

EDUCATION VERIFICATION

LAST SCHOOL ATTENDED _____ DEGREE _____

CITY _____ STATE ___ ZIP _____ DATES ATTENDED _____

MVR VERIFICATION

DRIVER'S LICENSE # _____ STATE HELD _____

PROFESSIONAL LICENSE VERIFICATION

LICENSE# _____ TYPE _____ STATE HELD _____

COMMENTS _____

- The head of the internal affairs office at the candidate's current organization. Identify disciplinary problems or actions and any Equal Employment Opportunity complaints made against the candidate, including sexual harassment complaints.
- At least two or three leaders in the candidate's current community. These can include prominent members of the chamber of commerce, local public school officials, university or college faculty, and leaders of professional, religious, business, social, political, charitable, and other groups representing many aspects of the community.
- The local prosecutor and the U.S. attorney in the candidate's current community (if applicable)
- The special agent in charge of the regional office of the FBI responsible for the candidate's current community (if applicable)
- A police union representative or representative of a similar association in the candidate's current community
- At least three current neighbors
- Any spouse, significant other, domestic cohabitant, or other person with whom the applicant has or has had a domestic relationship
- Other persons who may have valuable, practical perspectives on the candidate's current law enforcement agency: for instance, a defense attorney or public defender.

It is important to consider confidentiality in choosing people to interview, but the investigator must anticipate that not all those interviewed will keep the interview in confidence.

If for some reason the candidate does not want the current employer to know of his or her interest in the new position, get permission to conduct the interviews among people at the candidate's previous place of employment. If the investigation is being conducted at a place of previous employment, ascertain the candidate's place of residence during that employment and conduct the neighborhood investigation there. Let the candidate know that before a final offer is made, interviews must be conducted in his or her current neighborhood.

Additional Investigation

As soon as the interview of the candidate has taken place and the authorization for the release of information has been signed, the candidate's current or past personnel file should be reviewed.

- Verify educational background by contacting the institution(s) in question directly.
- Verify the date of birth and social security number as listed in the personnel file and on the application.
- Compare any application the candidate has provided to the department with any résumé he or she has made available, making sure all facts are

the same. If there is a previous résumé or application in the personnel file, compare it with the new one with an eye for inconsistencies.

- Conduct local criminal record and arrest checks.
- Check motor vehicle records for offenses as well as previous places of residence.
- Verify military records through the Veterans' Records Management Center.
- Conduct database and manual searches for court records regarding civil cases pertinent to the applicant.
- Request a credit report.
- Conduct face-to-face interviews with the references provided by the candidate if these individuals have not already been contacted.
- Conduct a search of newspapers and other periodicals for anything of a derogatory nature. Such checks can be done manually, either at the archives of the local newspaper office or at the public library. A more comprehensive search can be conducted on the Internet if the candidate normally has a high profile, or if the candidate has lived in a major metropolitan area. A third, even higher level of investigation can be conducted using database resources such as Lexis[®]-Nexis[®] or The Dialog Corporation[®] (formerly Knight-Ridder Information, Inc.). Both of these services have access to newspaper databases not available to the casual user of the Internet and both charge for their services according to which databases are accessed.

Restraints on Background Investigations

Americans with Disabilities Act

Under the Americans with Disabilities Act (ADA), enacted in 1992, the hiring agency may not ask or require a job applicant to take a medical examination before a conditional job offer is tendered. Neither can it ask a candidate before making a conditional job offer whether he or she has a disability or about the nature of a disability. The agency may make a job offer conditional on the satisfactory result of a postoffer medical examination or medical inquiry if this is required for all entering employees in the same job category. It can also be conditional on the satisfactory completion of the background investigation and the psychological exam, and on being the most suitable applicant from a pool of qualified applicants.

A postoffer medical examination may disqualify an individual if the employer can demonstrate that the individual cannot perform the essential functions of the job, even with reasonable accommodation, or there is no reasonable accommodation that would permit him or her to perform the essential functions. A postoffer medical examination may also disqualify an individual if the

employer can demonstrate that the individual would pose a “direct threat” in the workplace that cannot be eliminated through reasonable accommodation. (For further explanation of the ADA, see Section 28 of the Code of Federal Regulations, Part 35; see also Chapter 5 of this book.)

Fair Credit Reporting Act

Inquiries. Consumer reporting agencies are not permitted to make inquiries for employment purposes if the inquiry would violate any applicable federal or state equal employment opportunity law or regulation.³ Investigative questioning regarding gender, race, age, religion, or sexual preference is not allowed (see Chapter 5 for a summary of antidiscrimination laws).

Certain public record information. Consumer reporting agencies are not permitted to furnish information that is a matter of public record and that relates to an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment unless the accuracy of the information is verified during the 30-day period ending on the date on which the report is furnished.⁴ In other words, the information must be current.

Certain adverse information. Consumer reporting agencies are not permitted to report information adverse to the interest of the person being investigated that is obtained through personal interviews with neighbors, friends, associates, or acquaintances of the consumer unless the information has been confirmed from an additional source with independent and direct knowledge of the information or unless the first source is the best possible source of the information.⁵

Adverse action by the department. Under the FCRA, before taking any adverse action based in whole or in part on a consumer investigative report received from a private investigator, the local government must provide to the candidate being investigated the following items:

- A copy of the report
- A written description of the rights of the consumer under Title 15 of the U.S. Code (15 U.S.C., Commerce and Trade, Chapter 41—Consumer Credit Protection, Subchapter III—Credit Reporting Agencies, §1681b—Reasonable Procedures) as prescribed by the Federal Trade Commission⁶ (see Exhibit 7-4)
- The name of the consumer reporting agency that provided the adverse information (see Exhibit 7-5). An adverse action is described as “a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.”⁷

The FCRA allows a copy of the report to be given to the candidate being investigated if the candidate requests it. The act states, however, that the sources of the information acquired solely for use in preparing an investigative consumer report and used for no other purpose need not be disclosed. A further caveat states that in the event an action is brought under Title 15 of the U.S. Code, the sources shall be available to the plaintiff under discovery procedures in court.⁸

Exclusions from consumer reports. Consumer reporting agencies are prohibited from including in their reports any information concerning the following items:

- Cases under Title 11, U.S. Code [Bankruptcy], or under the Bankruptcy Act, that antedate the report by more than ten years
- Suits and judgments that antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is longer
- Paid tax liens that, from the date of payment, antedate the report by more than seven years
- Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years
- Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole antedate the report by more than seven years
- Any other adverse item of information that antedates the report by more than seven years.⁹

Exempted cases. It is important to note that the exclusions from consumer reports are not applicable when the report is to be used in connection with the employment of any individual at an annual salary that equals or may reasonably be expected to equal \$75,000 or more.¹⁰

Summary

To ensure that you get the right candidate for chief of police, you need to do several things: Decide on your standards and plan the investigation. Have the background investigator interview the candidate and verify any information the candidate gives. Make sure the candidate receives the disclosure form and signs the authorization for release of information. Have the investigator conduct background interviews face to face. The investigator should check with the offices of personnel and internal affairs at the candidate's current organization, review past or current personnel files, conduct local criminal and arrest checks, request a credit report, interview references, and research print media coverage of the candidate. Finally, require from the investigator a clear, concise, and objective written report containing all of the verifiable information that has been uncovered.

After all of this has been completed, you can be sure that you have done everything in your power to ensure the candidate's viability.

Exhibit 7-4 Summary of Consumer Rights under the Fair Credit Reporting Act**A Summary of Your Rights Under the Fair Credit Reporting Act**

The federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every "consumer reporting agency" (CRA). Most CRAs are credit bureaus that gather and sell information about you -- such as if you pay your bills on time or have filed bankruptcy -- to creditors, employers, landlords, and other businesses. You can find the complete text of the FCRA, 15 U.S.C. §§1681-1681u. The FCRA gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

- You must be told if information in your file has been used against you. Anyone who uses information from a CRA to take action against you -- such as denying an application for credit, insurance, or employment -- must tell you, and give you the name, address, and phone number of the CRA that provided the consumer report.
- You can find out what is in your file. At your request, a CRA must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You also are entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.
- You can dispute inaccurate information with the CRA. If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs -- to which it has provided the data -- of any error.) The CRA must give you a written report of the investigation and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.
- Inaccurate information must be corrected or deleted. A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified. If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.
- You can dispute inaccurate items with the source of the information. If you tell anyone -- such as a creditor who reports to a CRA -- that you dispute an item, they may not then report the information to a CRA without including a notice of your dispute. In addition, once you've notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- Outdated information may not be reported. In most cases, a CRA may not report negative information that is more than seven years old; ten years for bankruptcies.

- Access to your file is limited. A CRA may provide information about you only to people with a need recognized by the FCRA -- usually to consider an application with a creditor, insurer, employer, landlord, or other business.
- Your consent is required for reports that are provided to employers, or reports that contain medical information. A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers. Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA form provided for this purpose, you must be taken off the lists indefinitely.
- You may seek damages from violators. If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

The FCRA gives several different federal agencies authority to enforce the FCRA:

FOR QUESTIONS OR CONCERNS REGARDING

PLEASE CONTACT

CRA's, creditors and others not listed below

Federal Trade Commission
Consumer Response Center- FCRA
Washington, DC 20580 * 202-326-3761

National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)

Office of the Comptroller of the Currency
Compliance Management, Mail Stop 6-6
Washington, DC 20219 * 800-613-6743

Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)

Federal Reserve Board
Division of Consumer & Community
Affairs
Washington, DC 20551 * 202-452-3693

Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)

Office of Thrift Supervision
Consumer Programs
Washington D.C. 20552* 800- 842-6929

Federal credit unions (words "Federal Credit Union" appear in institution's name)

National Credit Union Administration
1775 Duke Street
Alexandria, VA 22314 * 703-518-6360

State-chartered banks that are not members of the Federal Reserve System

Federal Deposit Insurance Corporation
Division of Compliance & Consumer
Affairs
Washington, DC 20429 * 800-934-FDIC

Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission

Commerce Commission
Department of Transportation
Office of Financial Management
Washington, DC 20590 * 202-366-1306

Activities subject to the Packers and Stockyards Act, 1921

Department of Agriculture
Office of Deputy Administrator-GIPSA
Washington, DC 20250 * 202-720-7051

Exhibit 7-5 Sample Adverse Action Letter**SAMPLE ADVERSE ACTION LETTER**

Date:

Dear Applicant:

We regret to inform you that based on our hiring criteria, we are unable to consider you further for an employment opportunity (or promotion) with our organization. This decision was made in part from the information we received from (insert name of consumer reporting agency here). (Agency name) does not make these decisions and is unable to provide you with the specific reasons for them.

In accordance with the Fair Credit Reporting Act, enclosed is a complete and accurate disclosure of the nature and scope of the investigation and a summary of your rights under the Act.

You have the right to dispute the accuracy or completeness of information contained in the report(s) by contacting (agency name), or if the report is a credit report, by contacting the credit bureau that furnished the report.

For credit reports, contact the credit bureau that supplied the report:

EXPERIAN (formerly TRW)
Consumer Assistance
P. O. Box 2350
Chatworth, CA 91313
1(800) 682-7654

EQUIFAX
P. O. Box 740241
Atlanta, GA 30374-0241
1(800) 685-1111

TRANS UNION
P. O. Box 7000
North Olmsted, OH 44071
1(800) 888-4213 or 1(800) 916-8800

Contact for any report except a consumer credit report:

(Insert name and address of consumer reporting agency here and include a toll-free number)

Any dispute regarding the information on your report must be resolved with the agency above.

We appreciate your interest in employment with our organization.

Sincerely,

Name
Title

¹ Federal Trade Commission, The Fair Credit Reporting Act (as amended September 30, 1997) (Washington, D.C.: Government Printing Office, 1997), §604(b)(2)(A).

² Ibid., §604(b)(2)(B).

³ Ibid., §606(d)(2).

⁴ Ibid., §606(d)(3).

⁵ Ibid., §606(d)(4).

⁶ Ibid., §609(c)(3).

⁷ Ibid., §603(k)(1)(B)(ii).

⁸ Ibid., §609(a)(2).

⁹ Ibid., §605(a)(1-6).

¹⁰ Ibid., §605(b)(3).

8

EMPLOYMENT CONTRACTS FOR POLICE CHIEFS

WILLIAM E. KIRCHHOFF

There are essentially two ways a local government can protect a police chief from arbitrary and unjustified termination. Either the position can be tenured, or the police chief can be employed on a contractual basis. This chapter examines contracting for the services of a police chief. This chapter does not deal with the issue of tenure. It does, however, focus on the concept of providing the police chief with a legally binding employment contract covering a specific period.

In the early 1980s, the International City Management Association issued a report, *Employment Agreements for Managers: A Guide for Local Government Managers*, that advanced the idea that local government managers need the protection of an employment contract. Now updated and reissued as *Guidelines for Local Government Managers: Employment Agreements for Managers*, the report argues that an employment contract is essential because effective local government management requires changes, innovations, and risk taking if public needs and interests are to be served.

In various forms, employment agreements for local government managers have been used for many years. But what about the police chief? Should he or she receive an employment agreement? One similar to that of a local government manager? The answer is yes. The same reasons local government managers use to explain the need to work under an employment contract are directly applicable to the police chief position.

The political arena in which the contemporary police chief works is a tumultuous place. There are many forces affecting a chief's decision on just about anything he or she says or does. Police chiefs are often accused by their boss (the local government manager) or other influential parties (police unions, the news media, school officials, homeowners associations, etc.) of moving on issues

at the wrong speed. Half accuse the chief of moving too fast. The other half complain that immediate action is needed. Satisfactorily addressing all the agendas of all the local stakeholders can make the long-term survival of a police chief almost impossible.

There is plenty of evidence that the sacking of police chiefs, which became part of the political routine of the 1990s, will continue in the new millennium. The advent of community-based policing will contribute to this, as more players get to participate in the “evaluation” of the police chief. The new skills and attitudes the chief must possess are much harder to evaluate than once-standard variables such as organizational efficiency, output, and crime rates. The average tenure of a chief—three to six years—will shrink as more and more people of influence get involved in the subjective evaluation of the chief’s performance.

The community is best served when its police chief is working under the protection and mandate of a legally binding “performance” employment contract that is related to his or her performance as the community’s chief law enforcement executive. When someone is appointed to the position of police chief, whether in New York City, Peoria, or Lubbock, a significant political act has occurred. In addition to managing the daily grind of a police department in terms of logistics and operations, the police chief must deal with a never-ending variety of players in the criminal justice system. Each of these players—judges, police commanders, reporters and editors, union leaders, politicians, the local government manager, and countless others—start the “evaluating process” the minute the new chief is hired.

The community is best served when its police chief is working under the protection and mandate of a legally binding “performance” employment contract.

Chief Anthony Bouza, retired chief of police in Minneapolis, Minnesota, and the author of *The Police Mystique*, compares the political pressures on the police chief to the water’s weight against a submarine hull as the vessel sails toward an objective. The submarine’s relatively thin shell depends on the superstructure to hold the ship together, no matter how much pressure is exerted by the water. A police chief’s employment contract is often the superstructure he or she needs to survive the political pressures inherent in the job.

A recent survey conducted by PERF reveals that more than 75 percent of America’s police chiefs work without a contract, and most of these chiefs function effectively or even surpass expectations. But the argument that these executives could do a much better job if the conditions for their employment were spelled out in a legally binding “performance” employment contract is compelling. The simple fact is that when police chiefs do not have the opportunity to stay in office for a reasonable length of time, their departments cannot achieve maximum efficiency. This is reason enough to support the use of an employment agreement as a performance enhancement tool.

The typical public school system offers another model for providing the police chief with a term-specific employment contract. Like the local elected council, the school board sets policy and hires its chief executive: the school superintendent. Rare is the school superintendent who is not working under a multiyear contract. And today it is not unusual for school principals, especially high school principals, to work under the protection of a multiyear contract. Why? The top administrators in a typical school system, like the best police chiefs, are in short supply, and school boards want to keep these educators around.

Quality police chiefs likewise are in short supply. When community-oriented policing is added to the usual complexities of the police chief's job, the pool of qualified people gets even smaller. The local government manager needs to use the employment contract just as the school superintendent does: to hire the best and then retain that person over the years.

The Rationale for an Employment Contract

For two reasons, the likelihood of a police chief's arbitrary removal is reduced dramatically with a written contract. First, once the contract is in place, few have the will to advocate that it be voided. American legal and societal norms are such that a contract written in the public sector takes on a permanency that cannot be altered without considerable political costs. The second reason is purely financial. A legitimate contract, once signed by both parties, is going to cost the employer public money if the chief is kicked out of office for no legitimate reason. For these and other reasons, use of a legally binding employment contract helps both the police chief and the local government manager solve several important problems.

A Contract Reduces the Risks Associated with Relocating

An employment contract provides the police chief with the basic job security one needs when relocating to a new job setting. A chief who is holding down a job in a community where he or she is well known and well established fully recognizes that there are no guarantees of similar security in a new community without a written contract. The financial costs of relocating, especially from a low-cost area to a high-cost area, can take years to recoup, even with a significant salary increase. Relocating a family only to find out a year or so later that your at-will job is on the line for reasons beyond your control and another move is on the horizon, is not without profound financial and emotional consequences.

A Contract Enhances Autonomy and Authority

A contract signals to the rest of the organization that the local government is committed to the new police chief. Giving this independence to the police chief is one of the most important things the manager can do if he or she wants the chief to be successful.

A contract makes it much easier for the police chief to make the tough, often politically unpopular decisions necessary in running a police department. With rare exceptions, the police department is a caldron of political activity that makes organizational change extremely difficult. As the strength of the police unions grows, and along with it the unions' ability to influence those who

hire and fire the police chief, the shield of a contract becomes very important. New chiefs are frequently hired with a mandate to effectuate change, only to find themselves reduced to caretaker status or having to leave the job to someone much less qualified but more politically palatable.

With a contract, the opportunity to emerge as an effective leader increases. When everyone knows you have staying power, two things gravitate toward you. The first is professional loyalty from those who might otherwise subscribe to the “we’ll be here longer than you” approach. Second, tasks and programs you want finished will be completed much more quickly because people recognize that you will be there long after the deadline.

A Contract Clarifies Expectations

If a performance contract is used, and it should be, then goals, objectives, and the need to accomplish them within a specific time frame should be clearly understood by all parties, including vested interest groups and the general public. A performance contract makes public what the chief must accomplish within a specific time frame to retain his or her job.

It also gives the new police chief, before the contract is signed, the opportunity for an in-depth dialogue with the local government manager about expectations and the means of accomplishing them. Because of existing problems in the department, lack of operational knowledge on the part of the manager, funding limitations, or any number of other impediments, new police chiefs often cannot do what their bosses want them to do. Discussions related to the performance aspect of a chief’s contract are especially helpful in setting workable goals and objectives; they also provide an opportunity to check expectations against reality. See the sidebar on the next page for a discussion of performance objectives.

A Contract Encourages Longevity

Police chiefs with contracts tend to serve longer terms than their peers who are working without one. This is because the contract is viewed as an important benefit that makes even the most accomplished chief think long and hard before leaving for another position that does not provide a contract to the incumbent.

A Contract Improves Performance

The psychological and financial security that accompanies a contract is usually translated into improved job performance and community commitment. Although there is a tendency to assume that police chiefs are emotionally strong, there is a sizable body of research that indicates otherwise. Most chiefs reached the position of chief in the sunset phase of their career, having left the department where they were hired, trained, and inculcated in the organization’s value system. Now, often for the first time in their career, they find themselves in a new town, managing a new department with a different culture and working for a new boss who might be replaced overnight. This is not the best environment in which to make changes and set new organizational parameters. But the right kind of employment contract can insulate the chief from some fears and insecurities and improve performance substantially.

Performance Objectives

Reasonable performance objectives that are clearly understood by both the police chief and the local government manager should be included in the original contract and each contract thereafter. The year-end annual evaluation should be based on the performance objectives mutually agreed to the year before by the police chief and the manager.

Performance objectives will differ with the circumstances surrounding each chief's job. However, objectives for a competent police chief should deal with big picture issues, not daily details. Below are some examples of performance objectives that might be included in a chief's contract:

- Reduce overtime by 25 percent
- Graduate ten officers from the police academy
- Achieve national accreditation
- Write new use-of-force standards
- Improve community relations
- Create a training program for newly promoted sergeants
- Develop a citizens police academy program
- Develop a survey instrument to measure the impact of the community-oriented policing program.

Negotiating an Employment Contract

The Candidate's Advantage

Hiring a new police chief is one of the most stressful events in the career of a local government manager. The manager is under great pressure from many different sources to pick the right person for the job—a chief who can walk on water in the community. Because of the importance of the police chief position, the manager is joined at the hip with the chief he or she hires, as far as the local elected council, the news media, and the general public are concerned. Once the police chief is hired, his or her performance will directly reflect on the local government manager. For the most part, this does not happen when the manager hires any other department head.

Most competent local government managers will go through a thorough recruitment and selection process before hiring a police chief. But the process takes time, sometimes more than six months. Concern and speculation mount as the selection process drags on. Perhaps some of the candidates drop out, or the candidate group as a whole does not meet the local government manager's expectations. But as pressure to come to closure builds in the police department and the community, extending to the local government manager and the local elected council, no manager wants to start the process over.

With the pressure to decide—and decide well—mounting daily, there is a subtle but distinct change in negotiating positions. Power now shifts to the person the manager is trying to hire. If there is ever a time for the prospective chief to press for a contract, that time is now.

The Atmosphere of Negotiation

Negotiations between local government managers and police chiefs often go poorly. The fundamental reason is that neither individual has much, if any, experience with negotiations of this type. This is a much different process from the thrust and parry that goes on between the local government manager and the labor unions, or the verbal exchange between a police chief and senior citizens concerned about rising crime rates.

In his book *Smart Negotiating*, James C. Freund points out that most literature on the subject of negotiating tilts toward one of two schools: the “competitive” model or the “cooperative” model.¹

Competitive negotiating has its roots in the bargaining that takes place between a seller and a buyer. The end product of their efforts is a figure each is willing to accept. But trust, performance, understanding, and the other components of the positive relationship necessary between a police chief and a local government manager are left out of the process of competitive negotiating. There is no place in the relationship between a police chief and a local government manager for competitive negotiating.

Contrasted with this is the cooperative approach to bargaining, which is explained in the book *Getting to Yes*.² Both parties are supposed to put all their cards on the table and apply objective criteria, focusing on their real interests. Nice if the police chief and the local government manager can do it, but unlikely because too many real-world considerations have to be factored into both jobs.

The optimum situation is one in which the negotiations are straightforward and uncomplicated, conducted in an atmosphere of trust, and concluded in such a way that both the local government manager and the police chief feel good about the outcome.

Negotiating Tips for the Candidate

Deal with the totality of the issue. Compensation is a package of salary and benefits, which should include the considerations related to relocating to a new community and the costs of having to leave under circumstances beyond one’s control. Always negotiate on the basis of what you are presently earning, and giving up, in totality.

Protect severance. The most important component of the employment contract, certainly from the police chief’s viewpoint, is severance protection. The concept is simple. The severance package is there in the event the police chief is asked to leave before fulfilling his or her contractual requirements, so that there will be a certain amount of financial wherewithal to bridge the unemployment gap caused by the unexpected termination. Ambiguity has no place in the severance section of the employment contract. What you are to receive under certain conditions, or due to certain events, must not only be crystal clear in terms of interpretation but also legally impenetrable. Otherwise, you have an asset of little value.

Do your homework. Study the prospective employer’s benefits package. Frequently you will be able to work out a “custom” package that better serves your purposes and may even cost the employer no more or even less than what was

originally planned. Terms of automobile use are one example of a benefit that can be “customized.” Every police chief is provided with an automobile. Unless the community is very small, the vehicle is not a tactical unit but just transportation for the chief. A leased car, which can be used by the chief for personal reasons, is preferable to a fleet vehicle that is restricted by law and policy from anything other than official use.

Negotiate only with the person who has settlement authority. As the ancient proverb states, “There is many a slip ‘twixt the cup and the lip.” Frequently, when a police chief is being hired, the deal points are negotiated with the local government manager. A busy manager is likely to want to have someone from human services “work out the details.” In a local government bureaucracy, simple deal points have a way of becoming complex issues. Closure will come much faster when the prospective chief and the local government manager roll up their sleeves and do the necessary contract drafting and modification work together.

Don’t overreach. Overreaching makes people angry. This is why, if you have done your homework, you can negotiate by starting at the outer edge of the compensation envelope rather than inadvertently going beyond it and starting off on the wrong foot.

Document each resolved point. Documentation is important as the negotiations move along because people forget or sometimes simply misunderstand things. If the negotiations are complex, there will be times when both parties will have to return to something that was agreed to and strike it as an offset or gain against another benefit. Having documented it makes it much easier to come to resolution.

Don’t bluff. When you bluff, you lose. At this stage of the game, there are too many other ways to reach conclusion without having to put all the chips on the table in the context of a bluff.

Consider compensation over the long term. Focusing on the dollar amount in the starting salary is political dynamite. The higher your starting salary, the more criticism you will get, just because you are either the new face in town or have been promoted over your peers. Keep focused on forms of compensation that will automatically increase over the years. For instance, you can settle for a lower initial salary but work out an arrangement under which your salary will increase automatically each year. Another technique is to negotiate a generous annual leave package with a provision for a “cash-out” payment upon separation from employment.

Maintain your credibility. Always state your case clearly. Say what you mean, document what has been agreed upon, and live with the consequences. Your reputation is more important than any benefits gained by underhanded tactics.

Segregate issues. While you are negotiating for a total package, there are times, especially if the issue is complex (e.g., a portable pension fund versus the standard pension program), when it is easier to reach agreement on an isolated subject.

Deal from strength. The other side needs to be “appropriately” reminded of what you bring to the table in terms of credentials, talent, and accomplishments. But, at the same time, your strength should be stated in a subtle way so as not to create an adversarial negotiating environment.

Be patient. Patience is important to the development of a satisfactory compensation package. When you try to hurry the negotiations, you generally lose. There is no sense in losing benefits you might have otherwise received if you had been slightly more patient. Remember, you are negotiating with a very busy person, the local government manager. The best thing you can do is make sure your original deal points are clear, supply additional information rapidly when necessary, and make reasonable concessions when necessary.

Deadlines can be dangerous in the negotiating process. The public process is a slow one. Nothing is easy, so do not establish a deadline that causes a total breakdown in the negotiating process. Local government managers report to elected officials who often meet only twice a month. Sometimes they cannot produce a majority, and sometimes a key person is not available for a meeting. And sometimes the local council just needs more time to reflect on the employment contract.

Offer solutions. Come up with creative solutions when negotiations are at an impasse. It is usually in your best interest to solve the problem. When you present the solution, it is usually one that is more to your advantage than if the other side had worked something out.

Keep negotiating sessions short. If you have prepared your deal points well and are prepared to explain how they benefit all parties involved, it is far more likely that you can move through the process in a series of short meetings. For all the obvious reasons, the longer a session lasts, no matter what the topic, the more complicated the outcome is.

Be prepared to trade. Negotiating is the process of giving and taking. You are giving the employer your services. In return, you expect to receive certain benefits and compensation. But in some communities, there will be political, financial, or legal considerations that simply prevent the local government manager from making the benefits or compensation you want available to any prospective police chief. When faced with the necessity of leaving something on the bargaining table, consider what is really important to you and your family over the long haul.

Focus on long-term goal(s). Your immediate goal ought to be to be hired as the police chief. If not, you should have dropped out of the process earlier. A longer-term goal might be that of eventually becoming the chief in a larger jurisdiction, or the chief in a community in a specific region of the country. This means you may have to be willing to concede on certain compensation issues rather than lose the option of using this opportunity as a stepping stone toward a more desirable position.

Be able to walk away. Walk away from a deal that does not offer you what you think you need to make the move from your current position to the new job.

Sometimes the negotiating process between the prospective police chief and the local government manager just breaks down. When that happens, irreparable damage may have occurred, and it is perhaps better for both parties to go their own ways. If you are poised to accept a job under conditions that do not make you feel good about what you are about to do, then it is not a good career move for you. Walk away from it. There will always be another opportunity.

The Contract Document

In his book, *On The Dotted Line: Police Executive Contracts*, Sheldon F. Greenberg does an excellent job of explaining the model contract he developed for police chiefs and local government managers.³ There is little need to use a different model for the purposes of this chapter to illustrate what should appear in a police chief's employment contract. Although I have made modifications here and there, the model contract presented on the following pages is nearly identical to the one developed by Dr. Greenberg.

This is a sample contract that is intended to be modified based on negotiations between the police chief and the local government manager. To offer one small example of such a modification, the police chief might be given a year to establish residence in the community rather than six months as suggested in the sample contract.

Summary

Inevitably, there will arise debate and differences of opinion regarding the logic of providing police chiefs with legally binding employment contracts. Because police and politics have long been recognized as working components of the local government they serve, the police chief will always feel political pressure to take one action or another. There is clear evidence that if the individual chief lacks protection from arbitrary and unjustified termination, performance suffers. With the advent of community-based policing, new ideas, programs, and policing concepts are demanded of police chiefs. Every innovation carries with it political risk, and local government officials must take care not to discourage chiefs from their attempts to pioneer new programs. The employment agreement, particularly the type based on clear-cut performance objectives, shields the police chief against the often daunting pressures that oppose visionary policing.

¹ James C. Freund, *Smart Negotiating* (New York: Simon and Schuster, 1992).

² Roger Fisher and William Ury, *Getting to Yes* (Penguin USA, 1991).

³ Sheldon F. Greenberg, *On the Dotted Line: Police Executive Contracts* (Washington, DC: PERF).

Police Chief Employment Agreement

This Agreement is made and entered into by and between the City of _____, a municipal corporation duly organized under the laws of the State of _____, hereinafter referred to as "Employer," and _____, hereinafter referred to as "Employee."

WITNESSETH:

WHEREAS, Employer desires to employ the services of Employee as Police Chief of the City of _____; and

WHEREAS, both Employer and Employee agree that it is appropriate to enter into this Agreement in order to provide benefits, conditions of employment, and the term of employment; and

WHEREAS, Employee desires to accept employment as Police Chief of the City of _____

NOW, THEREFORE, the City of _____ does hereby employ the services of _____ as its Police Chief under, and in accord with, the following terms and conditions:

SECTION 1. DUTIES

A. As Police Chief, the Employee shall be the Chief Administrative Officer of the Police Department. The Employee shall be responsible to the City Manager for the administration of the Police Department. The Employee shall be charged with the effective and impartial enforcement of all city ordinances and state laws for the protection of all citizens who live in or who visit the city. The Employee shall be responsible for planning, organizing, directing, staffing, and coordinating police operations. The Employee shall be responsible for reporting the operational performance of the Police Department. The Employee shall assist the City Manager in the preparation of a budget.

B. The Employee shall perform other legally permissible and proper duties and functions as the City Manager shall, from time to time, assign.

C. The Employee shall formulate departmental rules, regulations, and procedures in cooperation with the City Manager, to whom the Employee reports and to whom the Employee is responsible for the proper operation of the Police Department.

D. The Employee shall devote his entire time to the discharge of official duty and shall not engage in outside employment; however, the term "outside employment" shall not be construed to include occasional teaching, writing, or consulting. Employee shall be provided with five days off from his regular duties in the event he chooses to teach, write, or consult.

SECTION 2. TERM

The term of this Agreement shall be for _____ months, commencing on the _____, and terminating on the _____, unless this Agreement is extended by mutual agreement of both parties.

SECTION 3. SALARY

A. Employer shall pay Employee for his services an annual base salary of \$_____, payable in installments made at the same time as other Department Heads and Supervisors are paid.

B. Employer agrees to increase this salary in the same increments as any other general wage increases provided to city employees.

C. In addition, Employer agrees to increase this salary and/or other benefits of Employee in such amounts and to such extent as the City Manager may determine on the basis of an annual salary or benefit review of said Employee. For purposes of determining and setting the appropriate annual increase in salary for the Employee, the City Manager will consider the following variables:

1. The standard or uniform percentage increase given to all other management employees.

2. The degree to which the annual evaluation indicates the Employee is performing his duties and responsibilities and is achieving the Police Department's goals and objectives.

SECTION 4. PERFORMANCE EVALUATION

A. The City Manager shall review and evaluate the performance of the Employee at least once annually. The Employee shall be entitled to discuss the evaluation, fully, with the City Manager.

B. The City Manager shall hold the evaluation of the Employee's job performance in [anniversary date] of each year. If, as a result of this evaluation, a salary increase is merited, the increase shall become effective on the anniversary date of employment of the same year.

SECTION 5. HOURS OF WORK

A. Employee agrees to devote that amount of time and energy which is reasonably necessary for Employee to faithfully perform the duties of police chief under this Agreement.

B. It is recognized that Employee must devote a great deal of time outside the normal office hours to business of the Employer, and to that end, Employee shall be allowed to take compensatory time off as he shall deem appropriate during said normal office hours.

SECTION 6. RESIDENCE

The Employee shall reside within a radius of ten (10) miles of the city limits of _____ within six (6) months after appointment to the position if such condition is not in existence at the time of employment.

SECTION 7. AUTOMOBILE

Employee's duties require that the Employee shall have the exclusive and unrestricted use at all times during employment with Employer of an automobile provided to the Employee by the Employer. If requested by the Employee, the Employer will provide the Employee a monthly automobile allowance of \$____ in lieu of Employer being responsible for providing an automobile, including automotive liability insurance, property damage and comprehensive insurance, and operation, maintenance, repair, and regular replacement of said automobile. Said monthly automobile allowance shall be considered full reimbursement for use of the Employee's personal automobile within the _____ area. Said monthly automobile allowance shall include liability, property damage, and comprehensive insurance in the amount of \$250,000/\$500,000 naming the City of _____ as additionally insured. Said monthly allowance may be adjusted yearly in accordance with city policy. Employee shall receive the standard mileage allowance provided by the Employer for travel outside the _____ area.

SECTION 8. VACATION AND SICK LEAVE

A. The Employee shall be entitled to accrue vacation leave at the annual rate of one hundred twenty (120) hours, provided, however, that additional vacation awards shall be granted to the Employee for little or no sick leave use at the rate provided in the "Personnel Manual." Employee shall have the option to receive pay in lieu of vacation leave time in accordance with the provisions of the "Personnel Manual."

B. The Employee shall be entitled to accrue eight (8) hours of sick leave for every month of employment up to a maximum of seven hundred twenty-eight (728) hours.

C. If the Employee resigns or retires from employment, the Employee shall be paid for accrued vacation and holiday leave time (and for sick time as provided in the "Personnel Manual") such unused days at the time of termination.

D. Employee agrees to provide _____ days written notice to the _____ prior to resignation or retirement.

SECTION 9. DISABILITY, HEALTH, AND LIFE INSURANCE

A. Employer agrees to put into force and to make required premium payments for Employee for insurance policies which may include life, accident, disability, and medical group insurance. Said insurance coverage shall include hospitalization, surgical, and comprehensive medical insurance for Employee and his/her dependents. Total amount of premiums paid by Employer shall be equivalent to that which is provided all other employees of Employer.

B. In connection herewith, Employee agrees to submit once per calendar year to a complete physical examination by a qualified physician selected by the Employer, the cost of which shall be paid by the Employer. Employer shall receive a copy of all medical reports related to said examination.

SECTION 10. RETIREMENT

The Employer agrees to pay an amount equal to that which is provided to all other employees of the Police Department of the Employee's total cash remuneration into a retirement plan, or plans, on the Employee's behalf, in equal proportionate amounts each pay period. If allowed by law, the Employee shall have the option to participation within the City's police pension plan or to have the funds invested in the International City/County Management Association Retirement Corporation (ICMA-RC) or other Employee-selected retirement plan. The Employer agrees to transfer ownership within ICMA-RC or other Employee-selected retirement plan to succeeding employers upon Employee's resignation or discharge.

SECTION 11. DUES AND SUBSCRIPTIONS

Employer agrees to budget and to pay an appropriate amount for the professional dues and subscriptions of Employee necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional growth and advancement, and for the good of the Employer, including but not limited to the International Association of Chiefs of Police, the Police Executive Research Form, and State Chiefs' Association. The City Manager shall determine the amount to be appropriated in accordance with the budgetary processes of the Employer.

SECTION 12. PROFESSIONAL DEVELOPMENT

Employer hereby agrees to budget an appropriate amount for travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions. The amount shall be adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for Employer, including but not limited to the Annual Conferences of the International Association of Chiefs of Police, the Police Executive Research Forum, State Chiefs' Association, and such other national, regional, state, and local governmental groups and committees of which Employee serves as a member. Employer also agrees to budget and to pay for the travel and subsistence expenses of Employee for short courses, institutes, and seminars that are necessary for the Employee's professional development and for the good of the Employer.

SECTION 13. CIVIC CLUB MEMBERSHIP

Employee recognizes the desirability of representation in and before local civic and other organizations, and upon approval of the Employer, the Employee is authorized to become a member of such civic clubs or organizations for which Employer shall pay all expenses. Employee shall report to the Employer on each membership that he has taken out at the Employer's expense.

SECTION 14. DEATH DURING TERM OF EMPLOYMENT

If Employee dies during the term of his employment, Employer shall pay to Employee's estate all the compensation which would otherwise be payable to the Employee up to the date of the Employee's death, and the contract shall terminate as of such date.

SECTION 15. REMOVAL AND SEVERANCE PAY

A. Employer may terminate Employee's employment hereunder upon ten (10) days' prior written notice for insubordination, misconduct, or other just cause. Insubordination, misconduct, or other just cause is to be defined according to common definitions found in State and Federal Law. The written notice shall specifically set forth the cause for termination.

B. If Employee's employment is terminated for insubordination, misconduct, or other just cause pursuant to this section, then Employer shall pay to Employee the compensation payable to Employee for the month in which such termination occurs prorated to the day of termination. After the payment described in the immediately preceding sentence, Employer shall have no further financial obligation to Employee pursuant to this Agreement.

C. If Employee is terminated for insubordination, misconduct, or other just cause as designated in the above paragraph "A," then upon ten (10) days' written notice delivered by Employee to Employer, Employee shall be entitled to a hearing in the presence of a hearing officer. After receipt of the request for a hearing officer, the Employer and the Employee shall meet to select a hearing officer. If no agreement can be reached, the Employer and the Employee shall jointly request the Federal Mediation and Conciliation Service or similar entity (e.g., State Division of Administrative Hearings or American Arbitration Association) to furnish a list of five (5) arbitrators. Both the Employer and the Employee shall have the right to strike two (2) names from the panel. The Employer and the Employee shall meet and alternately cross out names on the list. Lot chance shall determine who shall cross out first. The remaining person shall be the hearing officer. The hearing officer shall hold a hearing within thirty (30) days of receiving notice of the Employee's request for a hearing and shall render a written decision within thirty (30) days of holding a hearing.

1. The hearing shall be informal and the rules of evidence shall not apply.
2. In said decision, the hearing officer shall make findings of fact and determine if the Employee's termination was for cause.
3. Said decision shall be binding.
4. The hearing officer shall not have the power to add to, subtract from, modify, or alter the terms of this Agreement in arriving at a decision.
5. The hearing officer's fee and expenses shall be borne by the losing party.
6. Each party shall bear the full cost of its legal presentation. The Employer shall not be required to pay the Employee for time spent in attendance at the appeal hearing.
7. The hearing officer shall be empowered to reinstate the Employee with or without back pay in whole or in part as the circumstances warrant. Any award

of back pay shall be reduced by any unemployment compensation the Employee may have received.

8. If the Employee is terminated without cause, Employee shall be afforded _____ months' severance pay upon approval of the City Commission and any accrued sick leave, vacation, holiday, compensatory time, and other accrued benefits.

SECTION 16. INDEMNIFICATION

Employer shall defend, save harmless, and indemnify Employee against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as Police Chief of the City of _____, such duties to include all obligations and commitments as articulated in this Agreement. Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon, provided, however, that nothing herein shall obligate the Employer to pay the costs of defending any criminal action brought by any State or Federal authority.

SECTION 17. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The City Manager, in consultation with the Employee, may modify, amend, or fix such other terms and conditions of employment as may be determined, from time to time, to be necessary or appropriate, provided that such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, or any other law. Further, all provisions of the City Charter and the City Code and regulations and rules of the Employer relating to vacation and sick leave, retirement and pension system contributions, holidays, and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to Employee as they would to other employees of Employer, in addition to the benefits enumerated specifically for the benefit of the Employee, except as herein provided.

SECTION 18. NO REDUCTION OF BENEFITS

Employer shall not at any time during this agreement reduce the salary, compensation, or other financial benefits of Employee, except to the degree of such reduction across the board for all employees of the Employer.

SECTION 19. NOTICES

Notices pursuant to this Agreement shall be given by United States Mail, postage prepaid, addressed as follows:

- (1) Employer:
- (2) Employee:

Alternatively, notices required pursuant to this Agreement may be personally served. Notice shall be deemed given as of the date of personal service or

as of the date of deposit of such written notice into the United States Mail service.

SECTION 20. ASSIGNMENT

The rights and obligations of Employer under this Agreement are personal and shall be binding upon any and all _____ or equivalent authority of the City of _____.

SECTION 21. ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement of the parties. No oral agreement or arrangement not put in writing shall have any force and effect, provided, however, that the ordinance amendment to an Ordinance to the City Charter or amendment thereto shall automatically be incorporated, except as otherwise expressed herein, into the terms and provisions of this Agreement after proper adoption by the City Commission, and provided further that this Agreement shall be binding upon and inure to the benefit of the heirs at law and personal representatives of Employee.

This Agreement shall become effective commencing the _____ day of _____. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

THE CITY OF _____ has caused this Agreement to be signed and executed in its behalf by its _____ and duly attested to by the City Clerk, and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

Approved by the City Attorney

Employee

_____ date _____

_____ date _____

Attested by the City Clerk

City Manager

_____ date _____

_____ date _____

9

ANATOMY OF A SUCCESSFUL POLICE CHIEF SEARCH

KURT F. KIMBALL

Local government managers have myriad responsibilities, all of which compete for their time and attention. On any given day, some responsibilities will be more important than others. When a vacancy occurs in a key position on the manager's executive team, however, the responsibility of conducting a search to fill that vacancy with the best possible candidate becomes a high priority. When the vacant position is that of chief of police, the task of filling it becomes a *very* high priority. Indeed, choosing a police chief may be the most important hiring decision a local government manager can make.

About Grand Rapids

The city I have managed since 1987, Grand Rapids, Michigan, is an urban core city in western Michigan, population about 200,000. The metropolitan statistical area is home to just over 1,000,000 people. The local community is fairly diverse, with African Americans constituting 18 percent of the population, Hispanics 7 percent, Native Americans 1 percent, and Asian Americans 1 percent. The balance of the population (73 percent) is Caucasian. The city was established in 1850. It has one of the oldest council-manager local governments in the country, having adopted that form in 1916.

The city of Grand Rapids has enjoyed remarkable stability in terms of its key management staff. I have worked for the city for about a quarter-century. With more than a decade as city manager, I am the longest-serving manager in the city's history. The police chief whose retirement created the vacancy I recently filled had been chief for sixteen years. Both tenures are far longer than the average, especially considering the politics of a city the size of Grand Rapids.

The Retirement Announcement

When the chief of police informed me of his decision to retire, on September 19, 1997, it didn't exactly make my day. You know how it is when you finally assemble a great management team—you want it to stay that way forever. I had a very good working relationship with the chief. He was revered by much of the community. He was respected by the members of the police department and the city commission. He had exceptional political and communication skills. He never made messes he didn't clean up. In short, I rarely needed to expend time and energy solving problems involving the department. Many of my peers in the profession know what a luxury that is. Fortunately, he gave me plenty of advance notice—four months—so I had until mid-January 1998 to jump-start the search for a new chief before the chief's last day on the job.

I decided that it was important to notify the city commission of the chief's planned retirement without delay. On Friday afternoon of that same day, I called the mayor and asked if the chief and I could meet with him privately. He agreed, so the two of us shared the confidential news with him. I then made plans to assemble the entire city commission the following Monday morning, September 22, for a private breakfast at a nearby club. I did not share with them the precise purpose. After the meeting with the city commission, I released the news of the chief's impending retirement to the public in a news release.

I knew intuitively that the best interests of my city would be served by a thorough but swift selection process. Local residents get edgy when their police department lacks a permanent chief. A protracted period without a replacement for our retiring chief would, I reasoned, unnecessarily add to people's fears about crime and the city's ability to combat it. At the same time, I knew that it could take a long time to plan, organize, and execute a search without some outside help. Search processes for top staff, when conducted without any outside help, tend to drag on and on, for reasons not altogether clear to me.

Choosing a Search Process and an Executive Search Firm

In the interest of expediting things, I decided to explore the use of an executive search firm. The city had used search firms occasionally in the past to recruit previous city managers, but only once or twice before had they been used to find and select a department director. Grand Rapids is a fairly conservative town, especially when it comes to spending money. (I suppose most managers would say the same thing about their communities.) As a result, I couldn't assume that my bosses on the city commission would support my recommendation to hire a search firm. I decided to start by doing some homework.

I knew that the process of hiring a police chief would be unlike the process ordinarily used to select other department heads. I was minimally involved in the process my predecessor used sixteen years previously to hire the chief who was now leaving. I recall it being a totally atypical process compared to the search for any other department head, primarily because of the intense community interest in this important public safety position.

Fortunately, our city has a good records and archives system, so I was able to obtain the files on the 1981 police chief search process. The then-city manager had made use of two leaders of what then was the Police Executive Institute. He had also enlisted an esteemed but diverse group of citizens to serve on

an advisory committee that actually conducted public interviews with the candidates on behalf of the city manager.

Although I thought it was wise to enlist outside help, I quickly concluded that I did not want to invite an advisory committee to conduct the interviews on my behalf—and I certainly didn't want them to be public interviews. At the same time, I knew that the community would be clamoring for meaningful involvement in the process. I knew we were off to the races in this regard when the local Urban League chapter called a news conference to demand its involvement even before calling me to discuss its members' concerns.

I knew that I would need to lay out my plan for the process swiftly. Otherwise, it would be defined by others. I also needed to make it clear to everyone early on that our city charter made it *my* ultimate responsibility to make this hire. City commissioners can easily get confused on this point when such a visible and important position is involved. Citizens often do not understand the council-manager form of government, and, by extension, the hiring authority of the manager. The police chief is often more visible than the manager (and sometimes even the mayor). For some reason, citizens don't think of the police chief as having any boss, or, if they do, they assume it's the mayor or the local elected council.

The consultant who would be working for us would have to be able to communicate with the community.

For all of those reasons, I decided to devise my plan in broad outline and get it out to the city commission and the community as soon as possible. Exhibit 9-1 is the memorandum I wrote to my bosses at the start of the process—exactly seven days after the news release on the chief's retirement. It shared with the city commission six conclusions I had reached: (1) The search for a new police chief would begin immediately. (2) A national search would be conducted. (3) The city needed to obtain the assistance of a qualified executive search firm. (4) I would rely on an internal search team of key staff members. (5) I might choose to rely on an advisory committee to assist me in evaluating some of the top candidates for the position (something I never did). (6) The recruitment process would take some time and money to be done correctly. (The memorandum included a rough timetable and budget).

After resolving to use an executive search firm, I next needed to decide on a fair process for choosing one. There are many firms in the executive search business. I wanted one experienced in searches for local governments, and most particularly searches for police executives. Even then, there were many to choose from. To save time, I decided to dispense with the formulation and distribution of a formal request for proposals. Instead, I made a few calls and quickly learned that there were only two credible search firms that did nothing but police executive searches—the International Association of Chiefs of Police (IACP) and an arm of the Police Executive Research Forum (PERF). I invited a couple of additional search firms with extensive experience in searches for all manner of

Exhibit 9-1 A Plan for the Selection Process

EXECUTIVE
OFFICES



CITY OF GRAND RAPIDS

DATE: September 29, 1997

TO: City Commission

FROM: Kurt F. Kimball
City Manager

**SUBJECT: PRELIMINARY PLANNING FOR POLICE CHIEF RECRUITMENT
AND SELECTION**

Since last week's announcement of Police Chief William Hegarty's retirement, effective January, 1998, I have conferred with a variety of people about how we should go about finding a replacement for the Chief. I also spent some time researching the process that the City utilized in 1981, which resulted in the appointment of Chief Hegarty. Finally, I spoke with several administrators and board members of the Grand Rapids Public Schools to learn from the process they utilized recently in selecting the new school superintendent.

As a result of these contacts and this research, I have begun to develop, in broad brush, the general approach I plan to follow in searching for and selecting a new Police Chief.

The City Charter very clearly makes it my responsibility to find and hire nearly all directors of the City's various departments, including the Chief of Police. I intend to exercise this authority in the hiring of the next Police Chief. At the same time, I recognize that the community has an extraordinary interest in providing input as a part of the process. Because of this, I plan to proactively solicit input from a broad cross-section of citizens on the criteria and qualities we should be looking for in our next Police Chief.

Following are six conclusions I have reached:

1. The process to find a new Police Chief will begin immediately. We only have 3-4 months before Chief Hegarty steps down. Search processes for department directors can easily consume 4-8 months. My objective is to reduce, if not eliminate, the amount of time we must rely on an interim or acting Chief after Hegarty leaves, understanding that we must and will take all the time that is necessary to find the best Chief for the Department.
2. I will conduct a national search for the new Police Chief. Grand Rapids needs to find the very best Chief to lead our police force into the next century. To do that, we must search both near and far. A national search does not imply that I intend to discourage qualified candidates within the Department from applying. On the contrary, Chief Hegarty has developed considerable talent within the Department. It is my hope and expectation that we will have a variety of existing personnel compete for this position along with the field of external candidates.
3. The City needs to obtain the assistance of a qualified executive search firm. Some quality candidates for the position of Police Chief cannot effectively be recruited without such assistance. The Police Chief we want may not be looking for a new job. An executive search firm can and does seek out qualified candidates and then sell them on the opportunity, when they may not have otherwise been interested. Furthermore, the process of gathering and distilling input from the community can and will be an arduous and difficult task. Firms that are experienced with this effort better assure a quality product and a timely result. Finally, firms that are always in the business of searching for qualified candidates know the business and have developed familiarity with many, many candidates.

The City has used executive search firms on occasion in the past to help recruit and select City Managers, a Police Chief (Hegarty), and a Human Resources Director (Margaret Sellers). I have already informally solicited statements of interest and qualifications from several premier executive search firms who have recent experience in recruiting Police Chiefs for significant cities like Grand Rapids. Unless you prefer another, more formal process, I would like to proceed expeditiously to review the qualifications submitted utilizing a small committee, negotiate with one or possibly two firms to produce a recommendation for the firm that we would like to utilize. If we follow this route, it should be possible to engage the successful search firm yet in October. If a couple of you are interested in serving this capacity, please let me know.

4. Internally, my core search team will include Human Resources Director Frank Smith, Equal Opportunity Director Ingrid Scott-Weekley, Deputy City Manager James Knack, and me. At various junctures and for specific purposes, the team may be expanded to include members of the City Commission, and other members of my Executive Office and/or extended staff, as circumstances dictate.
5. Externally, I may choose to compose an Advisory Committee to assist me in evaluating some of the top candidates for the position. If I elect to go this route, the Committee would be invited to interface with the top candidates and provide me with their perspective(s) on each. I would, of course, reserve for myself the final decision on who would be hired. I am interested in your comments on the pros and cons of my use of such an Advisory Committee. If you have suggestions as to whom you would encourage me to consider for such service, please provide me with their names.
6. The recruitment and selection process will take some time and cost some money to do the job correctly. Human Resources Director Frank Smith has prepared the attached, *very rough draft* of the time frame and estimated costs for this endeavor. This schedule will be frequently revised and updated as we move forward.

You should regard all of the proceeding as preliminary planning in the interest of moving us forward. I am very interested in your suggestions and your advice as I progress with this very important responsibility. Additional process steps will be added after I have conferred with each of you, and once we have retained and conferred with the successful search firm.

<u>Time Frame</u>	<u>Event</u>	<u>Est. Costs</u>
1 - 2 weeks	Review and selection of an Executive Search Firm	\$25,000
8 - 16 weeks	Proactive recruitment Definition of KSAs (Knowledge, Skills & Abilities) by input group	2,000
2 - 4 weeks	Pre-assessment of candidates by Consultant based on KSAs Background on top six	10,000
1 week	Interviews of top six including possible transportation costs for candidate and spouse	5,000
2 weeks	Post assessments (PSY evaluation)	1,000 - 6,000
1 week	Final selection and offer	
4 weeks	Candidate begins Relocation expenses Temporary lodging	\$0 - 10,000
<hr/>		
17 to 28 weeks		\$43,000 - \$58,000

local government professionals to quickly send some information. One of these the city had contracted with before to hire a city manager and a human resources director. This particular firm was intimately familiar with the council-manager form of government.

After this handful of proposals arrived, I immediately narrowed the field to two, both of which I asked to send a representative to a face-to-face interview with several staff members and myself. I knew that the consultant who would be working for us would have to be able to communicate with the community, in addition to having a sure grasp of the basic mechanics of the executive search process.

In the end, I selected PERF because of the nature of the organization (a membership consisting of well-educated, progressive police professionals from larger cities), the research and development reputation of the organization (especially with regard to community policing and community-oriented problem solving), the extent of its contacts with and knowledge of progressive police professionals throughout the country, and, finally, the confidence I acquired in the woman who would be performing most of the work on our contract. Price was a factor, but not a big one in my book. I figured that the cost of a search that resulted in the hiring of the ideal police chief would be cheaper than the “cost” that would be exacted by a possibly less expensive process that resulted in appointment of the wrong police chief. I’m not sure that’s the way local residents saw it. In fact, I got the strong impression that they were generally displeased by the idea of paying \$20,000 or more just to find a police chief.

Rather than surprise the city commission with my plan, I met individually with each member of the commission to sell the advantages of using an executive search firm and to make sure my recommendation to contract with PERF would be favorably received. This proved to be time well spent, because the city commission unanimously approved my recommendation. Our city attorney’s office assisted with the preparation of a contract for the work to be performed. The contract was swiftly executed, and we were on our way!

Internal Search Team

Early on, I decided that I would need an internal search team of trusted advisors to help with all aspects of the process. I wanted a small but well-rounded group of professionals with differing perspectives. It was also important that the persons selected be able to keep the process entirely confidential until we were ready to go public. I chose the human resources director, the equal opportunity director, the deputy city manager (who has line responsibility for planning and development functions), and the assistant city manager for neighborhood services. On the basis of race and gender, we happened to be a reasonably diverse group—two white men, one black man, one black woman, and one Hispanic man. One of our objectives from the start was to do our utmost to end up with a diverse group of finalists to choose from. This was impressed upon our executive search consultants from the beginning.

Soliciting Input

The human resources director and I worked with the search consultant to compose an inviting job announcement (Exhibit 9-2), which was then advertised in

Exhibit 9-2 Position Announcement

1120 CONNECTICUT AVENUE, N.W., SUITE 930
WASHINGTON, D.C. 20036
PHONE: (202) 466-7820
FAX: (202) 466-7826
TTY: (202) 466-2670



CHUCK WEXLER
EXECUTIVE DIRECTOR

POSITION ANNOUNCEMENT CHIEF OF POLICE CITY OF GRAND RAPIDS, MICHIGAN

The City of Grand Rapids, located 30 miles east of Lake Michigan on the Grand River, is known as a family-oriented community with strong economic growth. With a population of 200,000 in a four county MSA of 1,000,000 population, Grand Rapids is the second largest city in Michigan. The city of 47 square miles features 67 urban parks. It is home to four colleges and universities, and well respected public and parochial schools. The local area is popular for recreation, including various water and snow sports as well as hunting, fishing and golf. The city features numerous cultural activities, and its new multi purpose downtown arena is home to a new IHL hockey team and a CBA basketball team. Two major limited access highways intersect the city, which is served by a nearby international airport.

Grand Rapids is currently seeking a proven professional for the position of Police Chief. The department has 484 employees (406 sworn) and 60 temporary employees and a budget of \$34 million. Responsible to the City Manager, the successful applicant must possess strong communication, leadership, organizational and management skills, as well as proven integrity in working with members of both the community and police department. Experience with and a strong commitment to Community and Problem-Oriented Policing is required. Grand Rapids has enjoyed very stable city administration with a city manager who has held that position for over ten years and a police chief who is retiring after 16 years.

The position requires a four-year college degree and a minimum of six years of command level experience, preferably in a comparably sized police agency in a diverse urban community. Labor/management experience and a masters degree in public or business administration, criminal justice or related field are preferred.

The Police Executive Research Forum (PERF) is assisting the City in the selection process. Salary range is \$71,000 to \$90,000. The City offers a generous benefits package. To apply, send a resume and a one-page letter summarizing your qualifications by **December 31, 1997**. Confidentiality may be requested. Apply to:

Police Executive Research Forum
1120 Connecticut Avenue, NW, Suite 930
Washington, DC 20036
Attn: Grand Rapids Search

The City of Grand Rapids is an Equal Opportunity Employer.

newspapers, *Police Chief Magazine*, *Michigan Police Chiefs Newsletter*, *Crime Control Digest*, PERF's *Subject to Debate*, and several other newspapers and journals.

The next major task was to design a meaningful process for public and interest-group input. Because I was determined not to relinquish my responsibility and authority to make the final decision to hire, I needed to assure the city commission and the community that I was listening to every voice with a legitimate stake in the outcome of the search process. Once again, I needed to come out with my plan as soon as possible, so that others would not invent it for me. So, in a very proactive way, we pulled out all the stops to collect information from all segments of the community. Because Grand Rapids is a big city with lots of different opinions on any given subject, I wanted to be sure that the process would provide input from all interest groups, including the "silent majority."

The approach we used was multifaceted. The search consultant started with private half-hour interviews with each member of the city commission (seven sitting members and three members-elect who would not take office until January). A special meeting was arranged for the search consultant and me to meet with the city's community relations commission, a seven-member board with the quasi-judicial duty of conducting hearings and making decisions on issues involving compliance with a number of city policies to eliminate prejudice and discrimination and to ensure equality of treatment and opportunity to all, regardless of gender, race, color, creed, national origin, or ancestry. The composition of this board is very diverse, including African American, Hispanic, Native American, Asian American, disabled, and gay and lesbian representatives. It also includes two student representatives recruited from area high schools (as do all of the city's myriad boards and commissions).

The search consultant started with private half-hour interviews with each member of the city commission.

The next group whose input was particularly important to solicit was the police department itself. Private, individual interviews with the search consultant were arranged for all of the top command members of the department (the deputy chief and captains) and the presidents of the police unions. Additionally, a "Police Task Force" consisting of volunteers from within the department (civilians, experienced as well as new employees, and uniformed employees from all units within the department) was composed and provided excellent input to the search consultant and me. We didn't forget to include the outgoing police chief, but care was taken not to let the retiring chief overly influence the process.

Because the government of Grand Rapids is increasingly team oriented, and because we see community policing in the city evolving into community-oriented government in which all city departments collaborate in new ways to better serve our customers, I felt it was important to solicit the input of other city departments. The search consultant and I met with groups of staff, including my executive "cabinet." Additionally, the search consultant met individually

with key department directors, including the fire chief, the director of parks and recreation, the streets and sanitation director, and the city attorney, among others.

The internal search team and I also felt that we needed a structured approach to soliciting input from a variety of other interest groups, many of whom were most anxious to be involved in the process. We decided that the search consultant and I would meet with small groups (ten to twelve persons each) representing each of the following: neighborhood associations (Grand Rapids has 35 such associations dating back to the 1970s), business (hosted by the chamber of commerce), African Americans, Hispanics, Native Americans, students (in both the public and the private schools), senior citizens, and the criminal justice community (officials such as the county sheriff, prosecuting attorney, city attorney, district and circuit court chief judges, probate judge, U.S. attorney, and a couple of practicing attorneys and members of the local bar association). It was not easy to decide whom to invite to each of these meetings. We wanted to keep these gatherings small, but we also wanted to ensure that no one would complain of being left out. I relied heavily on the internal search team in coming up with the final list of persons to be invited to these meetings. The team's collective knowledge of the community resulted in selection of a well-rounded group.

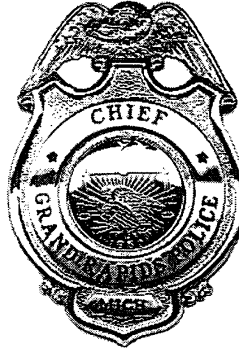
To provide opportunities for general public input, we hosted one citywide "public forum" in the city commission chambers in city hall. Also, I hosted a live call-in cable television show one evening on which the search consultant briefly talked about the process before we opened the phone lines to the viewing audience. We established a dedicated 24-hour phone hotline on which callers could leave one-minute messages concerning the search process that were recorded and later transcribed. We used the city's Internet page to invite comment, and plugged into the area's "virtual conference" capabilities via a network of Internet pages. We invited the public to fax us their opinions and advice and devised a simple questionnaire in both English and Spanish that was inserted in the daily newspaper as well as several weeklies that focused on the different minority communities. This questionnaire, which was titled "Who Should Wear This Badge?" (see Exhibit 9-3), asked for responses to the following three open-ended questions: What qualities are you looking for in a new police chief? What would you expect a new police chief to accomplish in the first year? How could a new police chief make the police department more effective?

We received more than 500 responses to our questionnaire. Most of these were thoughtful, thorough, and genuinely heartfelt opinions that clearly reflected the diversity of our citizenry. I personally read every one and then forwarded them to the search consultant for her use in composing a "profile" of the kind of police chief we would look for. Many local residents commented that they were surprised and delighted to be asked for their opinion. The effort we went to and the thoroughness of our efforts to obtain input from the entire community earned us praise from the news media, the general public, and virtually every segment of the community. More important, after digesting all this input, I felt that I had a sure feel for the pulse of the community in terms of its hopes and dreams for a new police chief—better than any other single individual in the city, including the mayor and any member of the city commission.

Lest you think that the input-gathering process was horrifically time consuming, let me assure you that it wasn't. Our news release announcing the call

Exhibit 9-3 Citizen Questionnaire

WHO SHOULD WEAR THIS BADGE?



Fold Here

Fold Here

Help City Manager Kurt Kimball in the search for a new Police Chief:

1. What qualities are you looking for in a new Police Chief?

2. What would you expect a new Police Chief to accomplish in the first year?

Fold Here

Fold Here

3. How could a new Police Chief make the Police Department more effective?

Please respond by November 14, 1997

for general public input was issued on November 3. The deadline for such input was November 14. All of the interviews with city commissioners, police department staff, other city staff, and all of the interest groups, as well as the public forum and cable television show, were conducted November 10 to 12. Advance planning was the key to accomplishing so much in so little time. After this whirlwind of input, we were amply prepared to move on with the search.

The search consultant compiled, digested, synthesized, and distilled all of this input into a seven-page summary of the qualities and abilities the community desired in the prospective Grand Rapids police chief.

Outreach Efforts

Throughout November and December, the search consultant directly recruited candidates to apply for the position and gathered recommendations from a variety of sources. More than 200 calls were made. The consultant sent a package of materials to prospective candidates that included a copy of the advertisement, recent newspaper articles on the search and issues facing the police department, a department organizational chart and budget, a copy of the profile report, public relations materials on the city, a city budget, city statistics, a copy of the police department's mission statement, a copy of *Grand Rapids Magazine*, housing information, a city map, chamber of commerce information, and a copy of the city's various newsletters to staff and the general public.

The initial closing date for applications was December 31. In retrospect, I would not have selected New Year's Eve as the deadline. What with the holidays and all, I'm sure some candidates were simply too busy to turn attention to the task of preparing and submitting résumés. As it turned out, the deadline was extended slightly to provide time for stragglers and to afford more time for the search consultant to approach candidates directly who might not otherwise have applied. Altogether, when the final deadline came, 52 résumés had been submitted.

Candidate Screening

The search firm then went to work on screening the résumés, gathering reference information, and performing a periodical search on the best-qualified candidates. By the middle of January, the executive search firm had completed its preliminary review of all candidates.

Rather than have the search firm narrow the list on its own, I decided to fly to its offices in Washington, D.C., to meet with PERF staff and peruse every résumé that had been submitted. The staff provided candid assessments of each of the candidates and the reasons why the search firm had separated them into different categories for different levels of consideration. I decided to perform this first cut by myself, without the aid of my internal search team, in part to maintain the highest level of confidentiality. I was adamant that there were to be no leaks. My team would work with me to narrow the list to the handful of finalists who would then be exposed to the general community. As discussed more extensively later in this chapter (under the heading "Initial Interviews"), this worked out better than expected, especially given the extraordinarily inquisitive nature of the news media in the Grand Rapids area.

The time I spent privately and confidentially with PERF staff proved invaluable. In a short time, we explored the fit between the profile the firm had constructed and a great variety of different candidates, some from large cities, some from small, some with extensive experience at different levels, some with less experience but with obvious potential. My thinking was challenged on several different fronts. For example, I was encouraged to consider “up and comers” from cities far smaller than Grand Rapids, as well as candidates from much larger organizations. We also discussed candidates with unusual experience or atypical backgrounds. In the end, we narrowed the field to 15 to 20 candidates. I returned home with résumés and other paperwork on this smaller group of candidates for more extensive review and screening with the internal search team.

About this time, I learned that one of the most promising African American candidates had been offered the job of police chief in another city. I quickly decided to arrange a quiet meeting with that candidate in hopes of convincing him to maintain his candidacy for the job in Grand Rapids. The meeting went well and I was very favorably impressed with the candidate. But in the end, that candidate could not wait for our process to conclude. As a result, he took the other job. I learned from this experience that it is important to move swiftly, lest you lose a top candidate to another suitor.

The internal search team and I met on three occasions the last week in January, at times connected by conference call to the search firm staff, to debate the relative merits of the candidates and to narrow the list to a small group to invite for interviews. We had a fairly strong consensus on nine candidates—four from inside the department and five from outside. We were intrigued with a couple of additional outside candidates, but not so intrigued that we were willing to pay for all of the expenses involved in having them come in for interviews. So we decided to conduct videoconference interviews with these two candidates, while electing to bring the others to Grand Rapids for their interviews. We recognized that this constituted some disadvantage for the additional two candidates, but the alternative, we decided, was not to interview them at all, and our curiosity was too great to let that happen.

Initial Interviews

The initial round of interviews with the eleven candidates was conducted over two days in mid-February. Tours of the city were scheduled for out-of-town candidates with confidential executive office staff. Hotel accommodations were made for the candidates by the city with all expenses being directly billed to the city. In an effort to preserve confidentiality during this phase, hotel reservations for the candidates were made under fictitious names. The interviews (except those conducted by video teleconference) were held in a penthouse suite in a downtown hotel. Hotel top management and security staff were briefed and were instrumental in keeping the candidates’ identity and the process itself confidential.

Because none of us on the internal search team were police professionals, we asked PERF to aid us by finding a highly respected police chief from elsewhere in the country to participate with us in these first-round interviews. We didn’t want to put the retiring police chief in this position. The recruiter suggested that we ask the police chief of Saint Paul, Minnesota, Bill Finney, to

serve this purpose. Chief Finney, whose city is much like Grand Rapids in several respects, provided much insight and generally was very helpful to our process. Charlotte Lansinger, of the search firm staff, was similarly valuable to the internal search team throughout the interview process. Prior to the interviews, she composed about fifty potential interview questions, which the internal search team winnowed and revised down to about a dozen that were actually used.

We succeeded in getting through this entire process of candidates coming to town, lodging in a downtown hotel, touring the city, being interviewed, and returning home without the news media ever finding out. Although the media eventually learned the names of the four internal candidates, they never did learn the names of the other semifinalists who were interviewed but didn't make the list of five finalists that we announced when we were good and ready. I took great satisfaction in this success. Several of the candidates told me of their personal gratitude for the professional nature of the interviews and for the effort we expended to assure their confidentiality.

Selection of Finalists and Second Visits

After considerable debate and soul-searching, the internal search team ended up selecting five finalists whose identities, we agreed, we would make public. The finalists included two internal candidates and three outside candidates. The breakdown of the finalists by race and sex was three white men, one African American man, and one white woman. We succeeded in coming up with a reasonably diverse group of finalists, although we would have welcomed even more diversity. The finalists also presented variety in terms of type and length of experience as well as the size of the communities in which they had gained that experience. Included in the group were a woman from the largest police department in the country and a man from a southern town of 20,000 people—one-tenth the size of Grand Rapids.

On Saturday morning, February 28, I hand-delivered the notebooks to the homes of each member of the city commission.

A carefully scripted news release was prepared. Notebooks were assembled for each member of the city commission containing all available background information on each of the five finalists in tabbed sections as well as information on the plan for the balance of the process. Photographs were obtained of the finalists for use by the print and electronic media.

Everything worked precisely according to plan. On Saturday morning, February 28, I hand-delivered the notebooks to the homes of each member of the city commission. Exhibit 9-4 is the memo that accompanied the notebooks, announcing the selection of the finalists, advising commission members that the news would be breaking the next morning, and outlining the steps remaining in the process. On Sunday morning, March 1, at precisely 8 a.m., my confidential secretary hit the fax button that simultaneously sent the news release containing the names of the five finalists along with a short biography of each to all

Exhibit 9-4 Announcing the Selection of Finalists to the City Commission



CITY OF GRAND RAPIDS

DATE: February 28, 1998
TO: City Commission
FROM: Kurt F. Kimball
City Manager
SUBJECT: FINALISTS FOR THE POSITION OF POLICE CHIEF

It is with great pleasure that I introduce to you, in this notebook, the five candidates whom I have selected to be finalists for the position of Chief of Police.

The five finalists are: [names of finalists and their current position]

I will be issuing the attached news release at 8:00 a.m. tomorrow morning (Sunday, March 1). It provides the media with summary information on the candidates and shares general information on their activities while they are here in town on Monday and Tuesday, March 2-3. If I can reach an understanding with the editor on my ground rules, I may provide the Grand Rapids Press with advance information on the candidates so they can be prepared to run the story in Sunday's Press. As a result, you may get a call from a Press reporter some time today. Please do not share or confirm with any other media the names of the candidates before the news pops on Sunday.

A private reception to introduce the candidates to the City Commission and a group of select community leaders will be held on Monday, March 2, from 5:00 p.m. to 7:00 p.m. at the University Club, atop the Old Kent Bank Building.

I have also made arrangements for you, the candidates, and my internal search team, together with available spouses, to have dinner together at 7:00 p.m. in the DeVos/Van Andel Suite of the Amway Grand Plaza Hotel. Please confirm your availability with me at your earliest convenience.

If you are interested and have opportunity, I would very much like to personally introduce you to the candidates prior to the reception. An opportunity for you to do so has been carved out on Monday, March 2, here in City Hall from 11:30 a.m. to 1:30 p.m. Please call Rose if you wish to schedule yourself for this opportunity or if you need further details.

Charlotte Lansinger and her associates of the Police Executive Research Forum have provided excellent assistance with this most important search. Additionally, great counsel and insight was provided by Chief of Police William K. Finney of St. Paul, Minnesota, on whom we relied to help us critically assess the semi-finalists. Finally, I would like to take this opportunity to thank Jim Knack, Victor Vasquez, Frank Smith, and Ingrid Scott-Weekley for their conscientious and confidential help with all that has been involved to bring us to this point.

I will be most interested in your opinions of the candidates and your general advice on the selection process from this point forward. Please see or call me anytime at home or at work if you have any questions, or just wish to trade thoughts and compare notes with me. I need and sincerely value your counsel.

local news media. I waited at home for the phone to start ringing. It didn't take long.

On March 2, four of the five candidates returned for a second visit. The fifth had an emergency in her department that at the last minute precluded her coming. (She subsequently withdrew.) Throughout the day, informal meetings were arranged for the candidates to meet and chat with the mayor and interested city commissioners. Informal mini-interviews were arranged for other key members of my executive team and top management staff so they could get to know the finalists.

Six officials were included in the mini-interviews: the assistant city manager for fiscal services, the assistant city manager for public works services, the assistant to the city manager, the fire chief, the city attorney, and the parks and recreation director.

All finalists were interviewed again by the Police Task Force, which, as explained earlier, consisted of a cross-section of uniformed and civilian employees in the police department. Outside candidates were invited to bring their spouses, who received tours of the city. Tours of police facilities were scheduled for the outside candidates. We even arranged a news conference for the benefit of the news media, and had each candidate deliver a five-minute statement generally providing answers to the following questions: Who am I personally? (i.e., What are my defining characteristics?) What kind of police chief can you expect me to be? What are my impressions of the city of Grand Rapids and its people? What uniquely qualifies me for the position of police chief of the city of Grand Rapids?

We invited 100 diverse community leaders to a private reception to hear from each of the finalists and then to mingle with the candidates and their spouses for the next hour and a half. Included on the invite list were members of the city commission, many of the persons from the interest groups who had contributed their input in focus groups we had met with early in the process, and other formal and informal community leaders. We also included one of our homeless citizens who had evidenced a strong interest in the process. At the same time, we left out some of the traditional "captains of industry," reasoning that it was more important to include persons who were destined to have more extensive contact with the police department. We asked all of our invited guests to make notes of their impressions of the candidates and to provide them in writing or verbally to any member of the internal search team or to any of four other "community hosts" whom I had picked for their demonstrated trustworthiness and fairness and had used as confidential personal advisers throughout the process. After all of this, we hosted a private dinner for the candidates and their spouses, the city commission, and the members of the internal search team. Suffice it to say that it was a long, grueling day for the finalists. However, we learned an incredible amount about the candidates in these various settings.

The next day, March 3, the finalists took personality profile tests and met privately with the acting deputy chief of police before returning home. At the conclusion of this "second interview" phase of the process, I had almost all the information necessary to make a selection. All that remained were final reference checks, which I personally conducted, and formal background checks, which were conducted by me with help from our acting deputy police chief. After these reference and background checks, I felt no need to visit the community of my top candidate. I honestly felt that I knew him thoroughly.

Public Announcement of the New Chief

The public announcement of my choice for police chief took the community somewhat by surprise—not so much in terms of who my choice was, but because of the speed with which I made the final decision. Because I had asked the 100 persons who attended the private reception for their feedback on the candidates, I think many of them thought they could take a couple of weeks to get back to me, even though we had made arrangements with our community hosts to collect the reception guests' input the same evening as the reception. Perhaps they imagined that I would want to narrow the field further to a couple of candidates. Or, they may have supposed that I would take the time to visit the community of the top candidate.

Aside from my general inclination to be decisive when I have all the information I need, there was another reason for me not to dally. My top candidate was being wooed with another job offer in California. In fact, he had been out for a second visit there and had come to the second interview in Grand Rapids with a job offer in hand. He had put off responding to the California offer as long as he could and needed to make a decision. I quickly made it apparent to my top candidate that we wanted him in Grand Rapids. After a series of quick telephone calls and faxes, we had successfully negotiated the deal and evidenced this with a formal letter of agreement.

The swiftness of the decision entirely averted what could have been a fractious political process.

Attention then turned to how to go about making the public announcement. The search firm helped me draft a news release (Exhibit 9-5), which was edited several times back and forth with the soon-to-be new police chief. Although it would have been nice to have the new chief with me for the announcement, together we decided that he had been jetting around enough and that we could avoid this nicety and expense. So on Friday, March 6, just three days after the finalists left town and just four days after the public reception, I faxed a notice to the news media at 8:30 a.m. that I would be making an "important announcement regarding the future leadership of the Grand Rapids Police Department" at 9:30 a.m.—just one hour later. As expected, the news media were quick to respond. The news conference was attended by all the major media. I also invited key staff from the department to be on hand for the announcement. When the time came, I read a prepared statement (basically a summary of the news release), responded to a few questions, and then breathed a great sigh of relief.

While I was conducting my news conference in Grand Rapids, our new chief was doing the same in his home community. The only ones notified of the appointment in advance were my bosses (the seven members of the city commission), the internal search team, the city manager and city council of the community from which the new police chief was coming, and, of course, the search firm.

The swiftness of the decision entirely averted what could have been a fractious political process fraught with interest-group lobbying on behalf of particular candidates. Even the daily newspaper was caught off guard. The newspaper

had done considerable research on each of the finalists (including a visit to each one's home community) and was planning to run a feature story on all of the finalists in the Sunday paper. When word came that I would be making my announcement two days before this planned feature story was to go to print, the editors weren't particularly pleased. But I was secretly delighted.

Postscript

In retrospect, I can say that I would not have done one thing differently if I had the process to do over again. At this writing, six months have passed since announcement of Grand Rapids' new chief of police. Both the community and the police department have warmly embraced our new chief. Members of the police department thank me daily for making such a superb choice. The news media coverage of the entire process was uncharacteristically positive. Even more important, we have made great progress toward developing a new five-year strategic plan to implement community policing and "community-oriented government" in Grand Rapids. In short, we are enjoying the fruits of our highly successful search process. I fully expect that the investments we made in time and money will pay handsome dividends for years to come.

Exhibit 9-5 News Release Announcing the Appointment of the New Police Chief

EXECUTIVE
OFFICES



CITY OF GRAND RAPIDS

For Release March 6, 1998

Contact: Kurt Kimball, City Manager
456-3883

NEWS RELEASE

City Manager Kurt Kimball today announced his appointment of Harry P. Dolan as Police Chief for the City of Grand Rapids. Chief Dolan was selected following a nationwide recruitment conducted by the Police Executive Research Forum (PERF).

Chief Dolan has been the Chief of Police in Lumberton, North Carolina since 1992. He is credited with implementing community policing and opening four community police substations in Lumberton which emphasize working actively with the community to resolve problems. From 1987 to 1992, he was the Chief of Police for the North Carolina Department of Human Resources Police Department in Black Mountain, North Carolina. He began his career as a deputy sheriff in 1980 for the Buncombe County Sheriff's Department in Asheville, and later served as a police officer for the City of Raleigh, North Carolina. Chief Dolan received a Bachelor of Science degree in Criminal Justice from Western Carolina University and a Master's Degree in Organizational Leadership and Management from the University of North Carolina at Pembroke. He is a Certified Public Manager with the National Certified Public Managers Consortium and attended the Police Executive Development Program at the Institute of Government, University of North Carolina at Chapel Hill.

Earlier this week, four finalists went through a series of interviews and meetings with key executive City staff, as well as a task force made up of uniformed and civilian employees within the Police Department. A private reception was held Monday evening for the candidates and their spouses to meet with the City Commission and a select group of community leaders. Mr. Kimball collected feedback from those who attended the interviews, meetings and reception before making the decision to hire Chief Dolan.

It was necessary to make a swift decision, in part, because Chief Dolan was also being pursued for another opportunity.

City Manager Kurt Kimball said, "I am pleased that the selection process has successfully concluded with the appointment of Harry Dolan as Grand Rapids' new Police Chief. We had a field of exceptional candidates for the position which made the final selection a very difficult decision. Chief Dolan is an outstanding choice for our department because he was the candidate who most closely matched the profile of what hundreds of citizens in our community said they wanted in a new Police Chief. I have every confidence that Harry will distinguish himself early on as a visionary and effective community leader. His success in implementing community policing in a diverse community has received national recognition. His experience and management abilities are an excellent fit for the Department at this point in its history. He will be a valued addition to my management team.

I appreciate the leadership that Acting Deputy Chief Dan Ostapowicz has provided during the time since Chief Hegarty retired. I want to thank Dan and the entire GRPD staff for continuing to provide excellent police services to the community. I also want to thank the Police Executive Research Forum and my entire search team for the tremendous help they provided me in the search process. Finally, I want to say 'thank you' to the hundreds of people from around the City who provided me with their sincere and heartfelt opinions in response to my call for their assistance with this most important search process."

Chief Dolan, who is 40 and stands 6-foot 8-inches tall grew up in the New York City area where his father was a police sergeant with the NYPD. A devoted family man, Harry will be moving to Grand Rapids with his wife, Paula, and their three children: Matthew, age 13; Lauren, age 11; and Keenan, age 8.

Chief Dolan has stated that although it is not required, it is important to him that he become a certified police officer in the State of Michigan. He intends to pursue that certification as soon as possible. Chief Dolan will commence his duties here on April 1. His starting annual salary will be \$80,632.

The City Manager encourages all our citizens to celebrate with him this appointment and to extend to Chief Dolan and his family a warm welcome to the City of Grand Rapids.

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APPENDIX A

EXECUTIVE SEARCH FIRMS

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waldronco@aol.com
www.waldron-mpi.com

APPENDIX B

ADVERTISING OUTLETS FOR POLICE CHIEF VACANCY ANNOUNCEMENTS

Commission of Accreditation for Law Enforcement Agencies, Inc. (CALEA)
Sylvester Daughtry,
Executive Director
10306 Eaton Pl., Suite 320
Fairfax, VA 22030
800/368-3757
703/591-2206 fax
www.calea.org
Posts job openings
on Web site.

Crime Control Digest
Kristin Littel
Editor and Publisher
3702 Pender Dr., Suite 300
Fairfax, VA 22030-6066
800/422-9267
703/352-2323 fax
Published weekly.

Criminal Justice Newsletter
Craig Fisher, Editor
1900 L St., NW, Suite 312
Washington, DC 20036
202/835-1770
202/835-1772 fax
Published semimonthly.

Hispanic American
Police Command Officers
Association (HAPCOA)
Jess Quinpero, Executive
Director
1726 M St., NW, Suite 704
Washington, DC 20036
202/296-5077
301/499-7967 fax
www.hapcoa.org
Publishes a quarterly
newsletter (*El Aguila*) and
distributes information to

members via a fax network.
Membership is approxi-
mately 1,000.

International Association of
Campus Law Enforcement
Administrators (IACLEA)
Peter J. Berry, CAE,
Executive Director
342 North Main Street
West Hartford,
CT 06117-2507
860/586-7517
860/586-7550 fax
www.iaclea.org
Publishes a bimonthly
members' journal. IACLEA's
1,350 members represent
900 institutions.

International Association of
Chiefs of Police (IACP)
Dan Rosenblatt, Executive
Director
515 N. Washington St.
Alexandria, VA 22314
800/843-4227
703/836-4543 fax
www.theiacp.org
Publishes *Police Chief*, a
monthly magazine. Member-
ship is 16,500.

International Association of
Women Police (IAWP)
Constance Maki, President
5413 W. Sunnyside Ave.
Chicago, IL 60630
773/736-3405
www.iawp.org
Publishes a quarterly maga-
zine (*Women Police*). Maga-
zine contact is Jan Taylor,
207/348-6976. Membership
is about 300.

International City/County
Management Association
(ICMA)
William Hansell, Executive
Director
777 N. Capitol St. NE,
Suite 500
Washington, DC 20002
202/289-4262
202/962-3500 fax
icma.org
Publishes a monthly maga-
zine, *Public Management*,
and two newsletters that
carry job announcements,
the *ICMA Newsletter* and
the *Job Opportunity
Bulletin (JOB)*.

Law Enforcement News
Marie Rosen, Publisher
John Jay College of
Criminal Justice
City University of New York
899 Tenth Ave.
New York, NY 10019
212/237-8442
212/237-8486 fax
Published semimonthly.

National Association of
Women Law Enforcement
Executives (NAWLEE)
Chief Susan Riseling,
President
University of Wisconsin-
Madison Police Department
1429 Monroe St.
Madison, WI 53711
608/262-4528
608/262-9768 fax
www.nawlee.com
Publishes a quarterly news-
letter (*NAWLEE News*).

Newsletter contact is Dee Taylor, 602/391-5350. The Web site features a listserv for members that provides job announcements. Membership is about 200.

National League of Cities
Donald J. Borut, Executive Director
1301 Pennsylvania Ave., NW, 6th Floor
Washington, DC 20004
202/626-3000
202/626-3043 fax
www.nlc.org
Publishes *Nation's Cities Weekly*.

National Organization of Black Law Enforcement Executives (NOBLE)
Robert Stewart, Executive Director
4609 Pinecrest Office Park Dr., Suite F
Alexandria, VA 22312
703/658-1529
703/658-9479 fax
www.noblenatl.org
Publishes a monthly newsletter (*Noble Actions*) and a quarterly magazine (*The Noble National*). NOBLE also has a job line on which it lists announcements at no cost (301/352-0842, option 5). Membership is approximately 3,200.

National Sheriffs' Association
1450 Duke Street
Alexandria, Virginia 22314-3490
703/836-7827
www.sheriffs.org
Publishes *Sheriff* magazine (bimonthly).

Office of Community Oriented Policing Services
Joseph Brann, Director
1100 Vermont Ave., NW, 10th Floor
Washington, DC 20005
202/616-2888
202/616-2914 fax
www.usdoj.gov

Police Executive Research Forum (PERF)
Chuck Wexler, Executive Director
1120 Connecticut Ave., NW, Suite 930
Washington, DC 20036
202/466-7820
Toll-free line for ordering publications: 888/202-4563
202/466-7826 fax
www.policeforum.org
Nonprofit association of progressive police executives. Publishes newsletters (*Subject to Debate* and *Problem Solving Quarterly*), a journal (*Police Quarterly*), and books. Provides execu-

tive search services and advertises executive positions in *Subject to Debate*, on the Web site, and through mailings to members.

Police Foundation
Hubert Williams, President
1001 22nd St., NW, Suite 200
Washington, DC 20037
202/833-1460
202/659-9149 fax
www.policefoundation.org
Provides research and technical assistance.

U.S. Conference of Mayors
Tom Cochran, Executive Director
1620 Eye St., NW
Washington, DC 20006
202/293-7330
202/293-2352 fax
www.usmayors.org

Other Web sites:
www.govtjobs.com/safe

LIST OF CONTRIBUTORS

Susan E. Bortz retired from the FBI in 1996 after 13 years of service as a special agent. At the time of her retirement from the Washington field office, she was a member of the Computer Analysis Response Team, which specializes in computer forensics, data analyses, and evidence retrieval, and a specialized member of the Evidence Response Team. Ms. Bortz has extensive experience in health care fraud, national security investigations, seizures and forfeitures, and background investigations. She is founder and chief executive officer of ENGEL WOERCS, Inc., a consulting firm that specializes in database management and analytical software support for investigators and litigators, as well as in employee background screenings for a variety of employers.

Wayne Bowers has served as city manager of Gainesville, Florida, since 1995. He began his career in city government in Tallahassee, Florida, as an administrative assistant and then as assistant to the city manager. Since 1977, he has served as manager in four cities, including Jacksonville Beach, Florida; Huntington, West Virginia; Spartanburg, South Carolina; and Gainesville. He is currently a board member of the Florida City and County Management Association and a member of the International City/County Management Association.

Anthony E. Daniels began his career with the FBI in 1967 and retired after 27 years. At the time of his retirement, he was the assistant director in charge of the Washington field office, the

second-largest FBI field office in the country. Previously, he was the assistant director in charge of the FBI Academy at Quantico, Virginia, where he directed all training for the FBI. Mr. Daniels is a recognized expert in investigative matters, including background, criminal, and national security investigations; executive protection; field task force management and development; and training management. He is a cofounder of Daniels-Burke & Associates, Inc., a private investigating firm that specializes in corporate security and corporate investigations and also provides litigation prevention programs and litigation support.

Michael A. Fry is an assistant attorney general with the Office of the Attorney General of Maryland and serves as the Counsel to the Sheriffs, a position created by the Maryland General Assembly in 1997. His responsibilities in that role include handling complex civil litigation at the trial and appellate levels in state and federal courts, and serving as a legal advisor on a wide variety of law enforcement issues. A former supervisor with the Baltimore City Police Department, Mr. Fry has nearly 17 years of experience as a sworn law enforcement officer and 10 years as a law enforcement attorney. He has served as an assistant city solicitor and was the assistant legal advisor to the Baltimore City Police Department and legal advisor to the Baltimore City Fire Department. He was also an assistant county attorney for Baltimore County and served as a litigation attorney for the Baltimore County Police Department. Mr. Fry has conducted training

on the Law Enforcement Officers' Bill of Rights, hearing board procedures, internal investigations, civil liability, and supervisory liability for nearly 10 years, and he has written numerous publications on those subjects.

Kurt F. Kimball has devoted his entire professional career of 25 years to the city of Grand Rapids, Michigan. For the past 12 years he has served as city manager, and he is currently the city's longest-serving city manager. He has implemented a variety of reorganizations and studies that have resulted in improved management and more efficient and effective service delivery. His current priorities include regional growth management and land use policy, economic development, downtown revitalization, and social justice for all segments of the community. He is a past president of the Michigan City Management Association and a member of the International City/County Management Association.

William E. Kirchhoff has over 30 years of experience in city management, including service since 1971 as city manager in Glendale Heights, Illinois; Wheaton, Illinois; Lakewood, Colorado; Arlington, Texas; and Redondo Beach, California. He has served three terms as commissioner on the Commission for the Accreditation of Law Enforcement Agencies and has been a member of the Justice Department's C.O.P.S. Advisory Board. He is the author of numerous law enforcement publications, including the books *How Bright Is Your Badge?* and *Conflict Management: Lessons Learned from the Art of War*. Mr. Kirchhoff has served on five graduate school faculties and currently teaches leadership at California State University. He is a member of the International City/County Management Association, and in 1996 he won the

ICMA William H. Hansell, Sr., Award for Public Safety Program Excellence.

Charlotte Lansinger is the executive search consultant for the Police Executive Research Forum (PERF) in Washington, D.C. She has 18 years of experience in personnel selection and human resources management, has been a specialist in the field of police chief selection for over 11 years, and has managed the Executive Search Service at PERF since 1993. Prior to working at PERF, she was the director of executive search services at the International Association of Chiefs of Police for six years, where she also served as project associate for the development and administration of police promotional examinations and assessment centers. Ms. Lansinger has assisted with the placement of more than 40 police chiefs and 5 fire chiefs around the country.

Michael R. Maehler is the chief of police in Mountain View, California. He began his career as a police officer with the San Jose Police Department and now has 35 years of police experience. He has worked in a total of five police departments in California and Colorado, in three of those as chief. Chief Maehler has worked on process development with several professional search consultants and as an assessor on numerous executive selections. He has also administered several executive selections himself.

Michael D. Mendenhall has worked for the personnel department of Omaha, Nebraska, since 1973, serving as manager of employment since 1980. He has developed and administered assessment centers since 1975, including two that were challenged and successfully defended in court. Mr. Mendenhall is responsible for all as-

pects of the administration of examinations for the city, including assessment centers: job analysis, exercise design, administration, evaluation, and assessor training. Under his direction, the employment division of the city of Omaha has led the nation in assessment center innovations. Mr. Mendenhall is an instructor at the University of Nebraska at Omaha, teaching courses in human resource management. He is also an instructor and consultant for the International Association of Chiefs of Police.

John R. Moran, Jr., manages all public safety applicant investigations for the Prince George's County (Maryland) office of personnel. Mr. Moran, a veteran of 28 years in law enforcement, is a graduate of the Senior Management Institute for Police. He teaches at several colleges in the Washington-Baltimore area and is an officer of the District of Columbia Army National Guard.

Mark G. Spurrier, J.D., is director of the Mid-Atlantic Regional Community Policing Institute. Funded by the Department of Justice, the institute is a partnership of local, state, and federal law enforcement agencies, community organizations, and the Johns Hopkins University. It was established to provide technical assistance and educational programs on community policing to law enforcement and community officials in Maryland, Delaware, and the District of Columbia. For more than 13 years, Mr. Spurrier has served as general counsel to the Major Cities Chiefs Association, an organization representing the chief police executives of the 48 largest cities/jurisdictions in the United States as well as Montreal, Toronto, and Winnipeg, Canada. He has also served as general counsel to the Maryland Chiefs of Police Association

since 1990. Before his retirement in 1998, Mr. Spurrier was the director of the legal services division within the Baltimore County Police Department. A nationally recognized authority on employee disciplinary processes, sexual harassment, and the Americans with Disabilities Act, Mr. Spurrier lectures frequently on employment and management topics to local, state, and federal law enforcement agencies, including the FBI's National Executive Institute and Law Enforcement Executive Development program and the U.S. Secret Service.

Darrel W. Stephens has been the city administrator for the city of St. Petersburg, Florida, since 1997. From 1992 to 1997, he served as St. Petersburg's police chief. He has spent most of his working life in policing, including six and a half years as executive director of the Police Executive Research Forum. He began his career in 1968 as a police officer with the Kansas City (Missouri) Police Department. He became the assistant police chief in Lawrence, Kansas, in 1976, and in 1979 he accepted the position of police chief in Largo, Florida. In 1983, he was hired as police chief in Newport News, Virginia. During his tenure the Newport News Police Department was nationally recognized for its work with problem-oriented policing and provided much of the foundation for community policing. Mr. Stephens has coauthored several books and published many articles on policing issues.

Tom Wagoner began his career as a police officer in Thiensville, Wisconsin, and then served in Hoopeston, Illinois, and Greeley, Colorado. In 1987, he became police chief in Tullahoma, Tennessee. Since 1989, he has served as police chief in Loveland, Colorado. Chief Wagoner has taught for a number of

organizations, including the International Association of Chiefs of Police, the Colorado Municipal League, the New Mexico Sheriff's Association, Aims Community College, the University of Northern Colorado, the Rocky Mountain Police Institute, Colorado State University, and University of Colorado-Denver. He is immediate past president of the Colorado Association of Chiefs of Police and recently finished a term on the executive committee of the International Association of Chiefs of Police. He has published articles in several publications, including *Police Chief*, *Law & Order*, *The Command Post*, *The Colorado Policeman*, and *Focus on Family Magazine*.

Chuck Wexler, appointed as the executive director of the Police Executive Research Forum (PERF) in 1993, leads a staff engaged in police and criminal justice research, management studies, publication, technical assistance, demonstration projects, and executive development and selection. Mr. Wexler is routinely consulted by city managers, mayors, police executives, federal and state officials, community leaders, the national media, major corporations, and universities on criminal justice issues. He serves on the board of the National Funding Collaborative for Violence Pre-

vention and has been an evaluator for the Ford Foundation Innovations in Government Project. Prior to joining PERF, Wexler held a number of other public policy and criminal justice-related positions in Washington, D.C. He worked as an assistant to the nation's first "drug czar" (Office of National Drug Control Policy), where he identified exemplary local initiatives and helped craft national policy. As head of the Professional Development Division of the International Association of Chiefs of Police, he designed a national program for the selection of police chiefs and revamped and broadened executive development programs for police executives. A native of Boston, Mr. Wexler held a number of key positions in the Boston police department. As operations assistant to the police commissioner, he played a central role in the department's management of racial violence in the wake of court-ordered desegregation of the Boston school system. He was also instrumental in the development and management of the Community Disorders Unit, which earned a national reputation as a model for innovative strategies for the prosecution and prevention of racially motivated crime. Mr. Wexler has been an instructor at Bowdoin College and the Massachusetts Institute of Technology.

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A Handbook for Local Government**

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