

BRIEFING PAPER NO. 1

MASSACHUSETTS ASSOCIATION OF MAJOR CITY CHIEFS

**POLICE PERSONNEL
STANDARDS FOR THE
21ST CENTURY**

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Adopted July 20, 2010

Overview

Every major change in domestic public policy and technology, and the underlying globalization of economic life, exert a direct impact on the responsibilities and obligations of the police. This is especially true for the unintended consequences of policy in the socio-economic arena. Today's failed housing policy will be tomorrow's police hot spot. Yesterday's failed policy on treatment of the mentally ill homeless is today's upsurge in demand on the police to attend to homeless mentally ill persons on the street.

Policing will continue to evolve apace with the ever-evolving American society we serve. As the work grows in complexity, we need men and women fully equal to the challenges. That is why the MMCC has proposed what we see as important and necessary changes in the way we recruit, form, train and promote police officers.

HIRING & TRAINING

Reform begins with changing the standard education requirement to a bachelor's degree with a Concentration in Policing, from the current General Educational Development diploma (GED). Candidates won't acquire character in college. But we believe that candidates will come to us with a more mature sense of themselves and of their interests in the complex work of policing. They will have their inherent character traits tested and refined in their interactions with subject matter that exposes them to new ideas and to interactions with students, faculty and other members of their college communities who hold views and come from backgrounds different from their own. We can use life as the recruit's assessment center, gauging one's comparative competency in interacting with life situations as part of determining one's fitness for the police service.

From candidates' experience in college we as chiefs will have one more important source of information about the candidate's fitness to provide policing services in a diverse environment. They will also acquire knowledge and develop reasoning skills that will give them an intellectual foundation as they progress in their careers.

A Tradition of Change

Historically, change is one of the signature characteristics of the police service. Dramatic changes in social and economic relationships within urban centers led US state and municipal leaders in the mid-19th century to establish full-time police departments. In the early days, the main requirements for becoming a cop were to be competent in the “manly arts” and to have backed the right candidate in the most recent election (Bittner; Walker and Katz). One had to be white and male with rare exceptions until the late 1960’s, and male until the 1970’s. In the early days only white, Protestant males needed apply to most departments in Massachusetts. The impulse to reform these new institutions led in the 1880’s-1910’s period to the personnel administration framework whose ideas still govern police administration 120 years later.

At the turn of the 20th century the procedures that we employ today in recruiting, hiring, training and promoting police personnel were far-reaching reforms.¹ Today, it is again time to look at police personnel practices and initiate reforms that address contemporary problems. To keep pace with life in our century we need to keep faith with the commitment to integrity, excellence and fairness that guided the best of the 19th and early 20th century reformers. We need to be as courageous as they were in their time in creating policies and procedures that allow police departments to meet today’s needs and expectations.

Nowhere is the need for new personnel hiring and promotion strategies more pressing than in the communities we serve[□]. The police departments represented in the Massachusetts Major City Chiefs Association serve communities that comprise 40% of the Commonwealth’s population and where more than two of every three violent offenses reported in Massachusetts take place. See Tables 1 and 2.

¹ “WHEN MASSACHUSETTS ESTABLISHED ITS CIVIL SERVICE SYSTEM in 1884, it was on the cutting edge of public administration reform. Acting just one year after the Pendleton Act of 1883 created a federal merit system—in the wake of President James A. Garfield’s assassination by that now renowned “disappointed office seeker”—Massachusetts was well ahead of its peers in battling the rampant and pernicious effects of patronage in government hiring.” (Walters)

[□] See page 18 for the list of MMCC member departments.

Table 1. Percentage of population, violent offenses and police in MMCC communities²

| Population | Violent Crime | Police officers |
|------------|---------------|-----------------|
| 40% | 72% | 48% |

Table 2. MMCC as compared to state

| | Population | Violent Crime | Police officers |
|------------------|------------|---------------|-----------------|
| MMCC depts. | 2,595,278 | 22,231 | 6,513 |
| All MA municipal | 6,433,422 | 30,981 | 13,487 |

As part of a larger strategy to meet the challenges of reducing and preventing crime and victimization, the MMCC proposes reforms of the police personnel administration systems in Massachusetts. Some of the reforms we propose are overdue; others anticipate future needs. We believe that what we have in mind is a common-sense program of reform to position the police services in Massachusetts to continue to do our utmost to protect our citizens in this new century.

The Evolving Mission

The police department mission will continue to change in terms of the quality and quantity of what we call on police to do. The police scholar and sociologist Egon Bittner probably captured it best when he wrote, “no human problem exists, or is imaginable, about which it could be said with finality that this certainly could not become the proper business of the police.” In our day, 9-1-1 continues to drive how police respond to all of this. Through 9-1-1 the police make themselves available all the time, as fast as they can get to you. Municipal leaders and the police achieved with 9-1-1 one of the greatest marketing successes in modern times. Before the President’s Commission on Crime proposed it in the late 1960’s, about 10% of Americans knew a seven-digit telephone to call in the case of an emergency. Within a few short years, over 90% knew to call 9-1-1. It is one public service that all people use, from the most

² US Census, 2003 Estimate; “Crime in Massachusetts, 2006, Commonwealth Fusion Center; FBI website, 2007

advantaged, powerful individuals to the least advantaged. Experience and research have taught us two important lessons:

- That the more frayed your social fabric the more frequently you are likely to need to summon help from the police using 9-1-1.
- That we can effect fundamental change when we –police and elected leaders – set our minds to it.

As we know from just looking around our Commonwealth, the police mission is not likely to shrink.

“Officer (n): a person appointed or elected to some position of responsibility or authority in the government...”

The word “officer” itself signifies the profound duties and authority we delegate to police to regulate and protect life and liberty where we live and work. These officers enjoy the most far-ranging discretion of any actor in the criminal justice process. The legal scholar Kenneth Culp Davis argued that he “knows of no close second” to the police officer in terms of discretion enjoyed and exercised in criminal justice. So we seek to expand the skills and competencies of those who will provide these services and the accountability for those, such as us and our peers across the Commonwealth, who will lead and manage policing now and in the time to come.

Bear in mind that the police vocation is an elite position in American society. The total number of police officers in America adds up to only about 700,000 people in a country of 306 million. That compares to, for example, about 860,000 physicians.

We agree with the management thinker Jim Collins when he argues (Good to Great, 2001) the primary importance of hiring the right people in the first place.

The good-to-great companies placed greater weight on character attributes than on specific educational background, practical skills, specialized knowledge, or work experience. Not that specific knowledge or skills are unimportant, but they viewed these traits as more teachable (or at least learnable), whereas they believed dimensions like character, work ethic, basic intelligence, dedication to fulfilling commitments, and values are more ingrained.

With support from our state leaders we plan to put Collins's lesson into operation in the recruitment, formation and education of police officers in Massachusetts.

Hiring's Long-Term Effects

The hiring of police officers is the single most consequential category of decision-making in which a police chief participates. Hiring police is one of the most consequential that municipal hiring authorities make. On the chief's recommendation a mayor or manager commits herself and her community to an individual municipal officer who likely will serve it with far-reaching powers for up to 30 or more years. Poor hiring decisions can continue to hurt for a long time. They also cause a major financial loss – as much as \$100,000 under the current hiring regime in testing, investigation, selection and training if they do not work out in the first year. As police chief executives we are asking with this set of proposed reforms to enjoy more authority over a process for which we will have 24-hour accountability once the decision is made.

When we compare experiences with hiring, (Deliberations of MMCC) we see a picture that suggests not so much a rigid, top-down system as much as a set of confounding, elastic procedures that seem sometimes designed to frustrate potential good candidates, police chiefs and municipal hiring authorities rather than facilitate the attraction and selection of good police officers.

Ensuring Access and Diversity

Change is constant but that does not mean that managing change is simple. One danger frequently cited in reference to raising the entrance requirements in any public field is that it will reduce career opportunities for people who grew up with educational, economic and social disadvantage, particularly in communities of color. We do not believe that raising the entry requirements to an appropriate level will discourage good candidates of any background, ethnicity, skin color, gender or preference. We would abandon our proposal for a higher educational requirement if we believed that any disadvantaged group of people would be effectively prohibited from aspiring to be and to becoming police officers. In fact, we believe that raising the entry educational requirement will improve and expand the quality of candidates

who choose our profession. Our colleague in Texas, Arlington Chief Theron L. Bowman^{*} wrote in the July 2009 monthly magazine of the IACP about his department's now 23 years of experience with employing the bachelor's degree as an entry requirement.

Many critics thought that the raised educational bar would harm APD's diversification efforts. Since requiring degrees, the APD has successfully recruited officers, even protected-class officers (racial and ethnic minorities and females-often first-generation college students). In fact, people from these protected classes "have made up about two-thirds of each of our recruit classes since 1986." APD has the "highest entry-level standards in Texas, yet is the most racially and ethnically diverse among major cities."

We believe that police departments should always strive to reflect the diversity of the communities in which they work. Most of the Commonwealth's people of color reside in MMCC communities. As chiefs we will continue to maintain as a core value a commitment to making our departments reflect the diversity of our communities.

Recruiting

With new latitude to ensure the possibility of a pool of candidates more properly suited for the policing demands of the 21st century, we also commit to participating in a comprehensive recruiting effort that better explains the police vocation. We seek to attract young people who have the combination of character traits and desire to be great police officers, as that work is defined throughout this document. The job is not for anyone who fits a hiring preference or scores a high mark on the civil service test. We need people who can solve complex human problems, take command, extend empathy and sympathy, manage danger, bring order to chaos, and make the most profound decisions an officer of the state can make: whether to take a life and/or liberty.

One of our members said, "The higher the bar, the better we are."³ We want to create a virtuous cycle in recruiting in which, by appealing to the finest core values of our potential officers, we allow their aspirations to set that level, much as in a high jump competition. In the high jump, meet officials set the first level, usually calibrated to a height that almost all

^{*} Chief Bowman holds a Ph.D. in Urban and Public Administration and is a leader of the National Organization of Black Law Enforcement Executives (NOBLE)

³ Chief Frederick Ryan, Arlington, MMCC meeting November 17, 2009

contestants can leap over. As the heats go on, the participants themselves raise the bar through their achievements. This dynamic creates the virtuous cycle. We never allow the bar to become an unjust barrier. Rather we see creating a challenge great enough to attract the best from every group in our diverse population.

Research suggests that “raising the bar” also has beneficial effects on officer practice once hired. A study published in the March, 2010 edition of Police Quarterly found that “...officers with some college exposure or a 4-year degree are significantly less likely to use force relative to non-college-educated officers.”⁴

PROMOTIONS

If we believe that it is true that we need to take great care and select carefully the instruments we use to assess and hire line police officers, logic dictates that we must be at least equally painstaking and comprehensive when we promote people to supervise, manage and lead these key personnel. We need to ensure that the people to whom we entrust critical decisions affecting life and liberty are as qualified as possible. As chiefs, we hold ourselves accountable for the actions of all our personnel. We know where the buck stops. To fulfill our commitment to the best possible executive leadership and accountability we should enjoy the latitude, in terms of policy and procedure, to combine a number of approaches to assess, test and promote the most qualified personnel. As Yogi Berra once remarked in reference to George Steinbrenner’s well-known impulse to micro-manage: “I would rather be fired for my own mistakes, not someone else’s.”

In the most recent US Supreme Court decision on promotion of civil service personnel, the New Haven firefighter promotional case *Ricci v. DeStefano* (2009), Judge Ruth Bader Ginsburg’s dissent joined by Justices Stevens, Souter and Breyer makes the case for using assessment centers as part of an overall promotional testing process. We agree with these Justices. As you

⁴ “The Effect of Higher Education on Police Behavior,” Jason Rydberg and William Terrill, in Police Quarterly (March, 2010)

read, insert the words “police commander or supervisor” wherever you see “fire officer” in the text. Justice Ginsburg wrote,

Relying heavily on written tests to select fire officers is a questionable practice, to say the least. Successful fire officers, the City’s description of the position makes clear, must have the “[a]bility to lead personnel effectively, maintain discipline, promote harmony, exercise sound judgment, and cooperate with other officials.” CA2 App. A432. These qualities are not well measured by written tests. Testifying before the CSB, Christopher Hornick, an exam-design expert with more than two decades of relevant experience, was emphatic on this point: Leadership skills, command presence, and the like “could have been identified and evaluated in a much more appropriate way.” Id., at A1042–A1043.

The opinion cites court precedents in supporting the conclusions of Dr. Hornick, head of the Colorado-based CWH Research Inc. and a leader in police and fire personnel assessment services.

Hornick’s commonsense observation is mirrored in case law and in Title VII’s administrative guidelines. Courts have long criticized written firefighter promotion exams for being “more probative of the test-taker’s ability to recall what a particular text stated on a given topic than of his firefighting or supervisory knowledge and abilities” 625 F. Supp. 527, 539 (NJ 1985). A fire officer’s job, courts have observed, “involves complex behaviors, good interpersonal skills, the ability to make decisions under tremendous pressure, and a host of other abilities—none of which is easily measured by a written, multiple choice test.”⁵

The court’s description of the complexities of leadership in the fire service apply just as much and much more in the police setting, where leading and managing men and women in the regulation of human behavior, with life and liberty in the balance, is the core task.

⁵ Dissenting opinion of the USSC in Ricci v. DeStefano, p. 22

The very purpose of the provision (Title VII) is to ensure that individuals are hired and promoted based on qualifications manifestly necessary to successful performance of the job in question, qualifications that do not screen out members of any race.⁶

The system for promotions should be as removed as possible from all influences save for those that tell us how a sergeant, lieutenant or captain is likely to perform when on his or her own as a boss. As officers climb the command ladder, they come to exert greater and greater influence on the quality of the safety and justice of their fellow citizens. They likely will continue to be highly influential municipal administrative officers for many, many years. In the long-term interests of our communities we see the need to create a promotional process that has the breadth and depth to ensure diversity at all ranks and to test honestly whether a candidate is worthy of promotion to these important government posts.

SUMMARY

By better aligning skills and competencies of the future police recruit as well as the future police manager with the myriad expectations the public has of the police, we can begin to see police professionals the same way we think of professionals in fields such as registered nursing, elementary and secondary education and engineering.

In these fields, employers expect candidates for entry to arrive at their front doors with certain educational credentials and professional certifications in hand. Currently, all one is required to have at the front door of the police station is a General Educational Development diploma (GED). We can think of no other profession or calling in which so much is expected of people allowed to start with so little.

⁶ Ibid. p. 22

Recommendations

ENTRY REQUIREMENTS

Simplify the process to facilitate the expansion of the pool of candidates for the job. Enable police chiefs and municipal hiring authorities to hire the best possible individuals for the police profession. Remove the mystery and unnecessary uncertainty from the process for candidates.

Character Attributes of Candidates

- We expect candidates to possess sufficient depth of character and personality in these areas:
 - Moral judgment sufficient to guide discretion, using as guides the US Constitution; accurately interpret the law; and to operate within the parameters of set guidelines
 - Compassion and open-mindedness
 - Vigor
 - Demonstrated honesty and integrity
 - Balanced temperament in the face of conflict and chaos and the demonstrated aptitude for using de-escalation techniques
 - Courage in the face of danger to others and oneself
 - Demonstrated aptitude for dealing with complex social situations.

BS or BA degree, preferably with a Certificate of Concentration in Policing to be completed in the junior and senior years.

- The concentration would include courses such as Constitutional Law; Social History of US Policing; Human Behavior; Deviance in Human Behavior; Sociology or Social Psychology; Juvenile psychology

Passing an Entrance Examination

- The entrance exams would be offered semi-annually (every 6 months).
- The exam would be designed to test for among other things the character attributes listed above and for a candidate's affinity for service to others.
- The exam would be uniform statewide; offered regionally; and all candidates would be combined in a statewide pool. The roster of the statewide pool will be maintained by EOPSS and updated semi-annually.
 - EOPSS would provide guidance, funding and technical assistance to Regional Law Enforcement Councils to develop and administer the written entrance exams and other tests. The Regional LEC's would appoint members of **Police Entrance Requirement Administration Units**, made up of personnel from police departments and local governments to administer entrance exams and tests. The exams would be standardized across the Commonwealth.
 - If a candidate wishes to remain in the pool after a new exam is offered (subsequent to taking the exam) s/he only needs to notify the relevant regional administering unit(s) in writing. S/he will be put in the new pool according to his score.

Ensuring a Diversity of Backgrounds in the Candidate Pool

In order to achieve a truly large and diverse pool of candidates we need to make the playing field more level for all. We would urge our military veterans to seek careers in policing – indeed most of our best current leaders have served in the Armed Forces – but change the entry rule from an absolute preference to an automatic points preference, e.g. add three points to the score for military service.

In the same spirit of enhancing diversity, we would eliminate the residency requirements for recruits. Policing has to be able to compete for career professionals on the same footing as any other professional enterprise.

Physical and Psychological Fitness Certification Exams

- These will be administered by the Regional PERAU before the officer enters the police academy and is offered any promise or offer of employment. Recruits will pay a fee for these certifications.

Departmental Interviews

- Our personnel should come to us with the attributes of character listed above, which should be assessed in the Exam, Psychological Fitness Test and the Background Investigation;
- Upon completion of a background investigation and physical and psychological fitness tests, finalists will be subject to a set of screening interviews. All interviews shall include required questions that shall be consistent statewide as well as a uniform system for candidates' performances quantitatively. The series of interviews will include one session each with
 - a board of three top-ranking department officers,
 - an assessment board of external ranking personnel, and
 - an interview with the police chief.

These interviews will be recorded digitally.

Banding

- Hiring authorities will have the authority to band candidates by their exam scores and their GPA's in the college Concentration in Policing. The hiring authority may select candidates from among the band. This will be a local option but not a statewide requirement.

Recruit Training and Education

- Create a Massachusetts Commission on Peace Officer Standards and Training (POST). The POST will create a recruit curriculum. The curriculum should be further certified by the state Board of Higher Education. Candidates will be responsible for all tuition and related costs for training and education, post-graduate. We recommend that the Commonwealth create a need-based grant-in-aid program and a merit scholarship program.

- The Mass. POST curriculum will offer advanced recruit education and training, building on the Concentration in Policing already completed by recruits.
 - A task force comprising sworn police personnel and educators should develop the curriculum for recruit education and training.
 - The curriculum should serve as a comprehensive introduction to the complexity of the police profession, including helping recruits make the transition from civilian to sworn professional life. It should also ensure that recruits receive a deep understanding of the critical practical skills and competencies they must possess, including application of the criminal law, exercising discretion, managing chaos/creating order, other operational tactics and crime scene protocols.
 - A field training curriculum should be codified and mandated for use in all municipal departments.

Continuing Education

Personnel at all ranks must compete an annual Continuing Education program, consisting of mandatory and elective courses. The POST will create a continuing education program that will include courses certified and offered by the POST and certified by the POST but offered by outside organizations. Personnel will be required to complete a certain number of continuing education units in order to remain in good standing.

RECRUITMENT CAMPAIGN

- State and local agencies will collaborate to create a new recruitment campaign to attract to the policing profession the persons of sound character and background whom we seek.

CONTINUING TRAINING AND EDUCATION

- Police personnel will be required each year to complete successfully 60 continuing education units/hours (CEU) in people-management, innovations in anti-crime strategies and tactical operations, customized to each rank. Mandatory courses shall include legal updates; CPR/first aid; and firearms certification. Elective courses shall include police technology; civil rights; crisis intervention; health and wellness and psychology.

PROMOTION

- Grant police chiefs the lawful authority to use a comprehensive set of assessments and examinations to ensure that we are promoting the right people into the right roles.
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- We think that policy makers should look to the opinion of Justice Ginsburg in the most recent promotional case, the New Haven *Ricci v. DeStefano* case (2009), for wisdom on ensuring a process that would ensure true equal opportunity and excellence in making promotions to supervisory and command ranks. See the discussion on page 13.
 - Promotions should be made based on
 - relevant, demonstrated experience and completion of continuing education units (20%) ;

- written examinations (40%), that is tailored to each community's concerns; and
 - the use of assessment centers (40%). The assessment center should examine officers' knowledge appropriate to the rank they seek in criminal law, court decisions and department policies and procedures.
- Candidates will be required to pass each step with a grade of 90% or better before going on to the next step.
 - All of the tests and assessments should be quantifiable into a single **command/management index score**. Chiefs should be conferred the option to sort these scores into bands and pick the best candidate from among personnel within the band.

COMPENSATION

- Police officers' Group 4 pensions will be calculated based on 100% of their highest 36 months of annual salary.
- Officers will receive percentage increases in pay for attaining degrees over and above the Bachelors.

PROTECTION OF THE RIGHTS OF EMPLOYEES

- Officers would continue to enjoy all the protections they currently enjoy against arbitrary punishment, dismissal, etc.

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ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
SECOND CIRCUIT [June 29, 2009], JUSTICE GINSBURG, with whom JUSTICE STEVENS,
JUSTICE SOUTER, and JUSTICE BREYER join, dissenting.”

MMCC MEMBER DEPARTMENTS

ARLINGTON, ATTLEBORO, BEVERLY, BOSTON, BROCKTON, BROOKLINE, CAMBRIDGE, CHELSEA, EVERETT, FALL RIVER, FITCHBURG, FRAMINGHAM, HAVERHILL, HOLYOKE, LAWRENCE, LOWELL, LYNN, MALDEN, MBTA TRANSIT POLICE, MASSACHUSETTS STATE POLICE, MEDFORD, METHUEN, NEW BEDFORD, NEWTON, PEABODY, PITTSFIELD, REVERE, QUINCY, SALEM, SOMERVILLE, WALTHAM, WOBURN, WORCESTER, PRESIDENT, MASSACHUSETTS ASSOCIATION OF CHIEFS OF POLICE (EX OFFICIO).

**PREAMBLE OF THE
Massachusetts Major City Chiefs Association**

The mission of the Massachusetts Major Cities Chiefs shall be to advance police policy and practice in the areas of public safety, justice and security; to develop and maintain the highest professional and ethical standards of police practice; to equip law enforcement professionals with the most effective resources possible; and to promote ethical, progressive executive leadership of police departments in the interest of the safety, liberty and security of the citizens of the Commonwealth.

Our primary interests are public safety, justice and excellence in police practice. In pursuit of these interests, we neither endorse nor oppose candidates for elective public office, but we may take an organizational position on public policy.