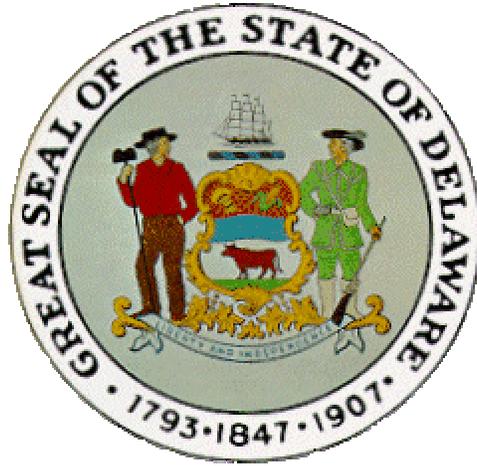


REVIEW OF THE
DELAWARE STATE POLICE
Executive Order Number 19



Presented

To

The Honorable Ruth Ann Minner, Governor
The Honorable James L. Ford, Jr., Secretary
Department of Public Safety

By

Lisa Blunt-Bradley, Director
State Personnel Office
December 1, 2001

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Most importantly we want to
Thank the women and men of the DSP for their
professionalism and cooperation during this project and
their dedication to the people of the First State every day!

“We must become the change we wish to see.”
Gandhi

December 1, 2001

Dear Governor Minner,

On behalf of the State Personnel Office, I am pleased to submit to you “A Review of the Delaware State Police” in response to Executive Order Number 19. This report is the first step of many to healing the wounds of those who feel wronged and moving forward as a community in a positive direction. While there are many perspectives and stories to tell, the focus of the report is on institutional and systemic issues and not individual situations.

With the signing of Executive Order Number 10 in the first month of your Administration, you sent a clear message that you would like Delaware State Government to be representative of the people we serve. This report represents the goal of having a Delaware State Police that continues to have high standards AND look like Delaware.

In initial interviews with Delaware leaders and troopers, when asked what are the issues, there was a range of theories. The answers varied greatly and included: “There is no problem, it’s a small group of people with problems, Northern vs. Southern Delaware, a Good Old Boy network, nepotism, favoritism, discrimination, reverse discrimination, racism, sexism, internal lack of communication, the media, in crowd vs. the out crowd...” One thing that was constant was that overall there is pride in our State Police.

*I am confident that working in **partnership** with the DSP, we will restore hope and confidence for all troopers. We have a myriad of recommendations. Some of them are based on best practices from within State government and some will be new for State government. It is our hope that the Delaware State Police become a model not only for State Agencies but also for the Nation.*

I thank you for the opportunity to contribute to building a 21st century roadmap for the DSP. It has truly been a blessing for me both personally and professionally, and I look forward to working on its further development and implementation.

Respectfully submitted,

*Lisa Blunt-Bradley
Director of State Personnel*

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Executive Summary

Governor Ruth Ann Minner signed Executive Order No. 10 on January 23, 2001 establishing new equal opportunity hiring standards for Delaware government. The State Personnel Office (SPO) was given the central managerial role over all diversity and equal opportunity matters in the Executive Branch and overall responsibility for the implementation and management of policies and procedures set forth in the Order. (Appendix A)

The head of each Executive Branch agency was directed to maintain an Affirmative Action Plan that would comply with federal laws, state laws, and Executive Order No. 10. The plans are to be filed annually with SPO and the Governor's Council on Equal Employment Opportunity on or before September 15 of each year. (Appendix A)

Governor Minner signed Executive Order No. 19 on August 17, 2001, directing the Director of the SPO to undertake an investigation into the workplace climate at the Delaware State Police (DSP), and mandating full compliance with any state investigation by the DSP. This report is the result of that investigation as summarized below.

Compliance with Executive Order 10:

DSP is in compliance with Executive Order No. 10 in that Executive Order No. 10 requires that processes be in place to ensure equal opportunity and non-discrimination. DSP has made great strides in recent years in these areas, especially in recruitment, so it is currently in technical compliance with Executive Order No. 10. However, the observations and findings of this report are that there are substantial issues still to be addressed. Therefore, now armed with the knowledge of these challenges, DSP must take action in order to remain in compliance with Executive Order No. 10.

Findings as to the working conditions and culture of DSP:

The overall finding of this report is that perception of a lack of fairness within DSP is not limited to minority or women troopers, but is held, to some extent, by a majority of the organization. Depending on which trooper you are talking to, race, gender, geography, seniority in DSP, family or membership in a "clique" can be viewed as affecting how one is treated within DSP.

With regard to race, this report finds that for the past two years, there does not exist a statistically significant impact generally with respect to DSP processes for application to the force, promotion, or termination. However, there are some particular employment devices that should be evaluated, and in some cases, re-evaluated, to ensure that they fairly measure job requirements. Although interviews and surveys of troopers generally show a positive approach to the DSP organization and work environment, there is cause for concern in that there is a significant difference in the way minority and non-minority troopers view the organization and their place in it.

With regard to gender, there was a finding that, overall, the systems for selection and promotion of troopers do not exclude or impact women in a statistically significant way.

Nevertheless, there are some employment measures that must be carefully studied. The survey of troopers found that most women stated emphatically that they had not experienced sexual harassment.

In the area of discipline, most troopers, not just minorities and women, believe there is a lack of consistency in the way discipline is applied throughout DSP.

In the area of promotions, there are a number of DSP practices which are not understood by the troopers and which, in some ways, are counterproductive to the goal of identifying and creating leaders and better troopers.

In the area of equal opportunity and discrimination complaints, it seems clear that troopers do not understand, trust or utilize the current system. When a DSP member feels that he or she must take action, it is often in the form of a lawsuit, a federal EEOC complaint, outreach to public officials or the media. Internal processes for resolving complaints are not being utilized.

Recommendations for change:

Throughout this report, there are a plethora of specific recommendations for changes in DSP policy and practices that will serve to continue the progress the agency has made over recent years.

Some of the major recommendations are:

- To professionally review and validate, revise or eliminate the aspects of the application and promotion processes that were found to have a statistically significant adverse impact on minorities or women. Those include: the written test for application to DSP, found to have an adverse effect on minorities; the oral board test for promotion to Sergeant, found to have an adverse affect on minorities; and the written test for promotion to Sergeant, found to have an adverse effect on women.
- To create and implement written discipline standards that will better ensure uniformity of discipline practices from Troop to Troop and person to person, so as to eliminate any reality or perception of a lack of fairness in discipline.
- To rework the promotional process of the DSP, including the creation of a Test Validation Review Board to ensure that promotional tests are in synch with the real-world duties and policies of DSP.
- To expand recruitment efforts by establishing formal relationships with colleges and universities, creating career paths for current State employees who may be interested in or suited to police work and making the application to DSP more accessible.

- To clearly identify and strengthen the avenues of appeal for troopers who wish to complain of racial or sexual discrimination.
- To create a Delaware State Police Advisory Council to provide ongoing advice and problem solving.
- To give SPO a monitoring role in the hiring, promotion, transfer and disciplinary process of DSP.

METHODOLOGY

In accordance with Executive Order No. 19, SPO's review of the DSP endeavors to gather qualitative and quantitative data to assess: (a) compliance with Executive Order No. 10; (b) the working conditions and organizational culture for women and minorities and conditions that may impede them from remaining with the DSP and advancing through the ranks; and (c) the overall ability to retain all qualified State Troopers.

SPO's review of the DSP proceeded on three tracks. On track one, Wilcher Global LLC (Wilcher) and its associates were retained by the SPO to: (a) conduct a full compliance evaluation of the personnel policies and practices of the DSP; (b) closely examine issues of retention and claims of harassment; and (c) investigate issues of organizational culture for both women and minorities. Consistent with investigative procedures used by the Office of Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor and other Federal and State civil rights agencies, Wilcher reviewed hiring, promotion, retention, termination, assignment and other terms and conditions of employment. Wilcher also examined evidence of a glass ceiling for minorities and women. Wilcher examined DSP documents, analyzed statistical information and conducted face-to-face interviews with DSP staff. Among those interviewed were the DSP leadership, minority and female troopers, and a like number of majority male troopers, from every troop and the special units. Approximately two hundred current members of the Delaware State Police were interviewed in addition to former troopers who volunteered to be interviewed. Wilcher instituted an "800" telephone number so that members of DSP staff seeking to communicate with the team could do so without incurring personal expenses. Questions asked during the interviews included issues surrounding recruitment, hiring, promotion, training, discipline, transfers, sexual or racial harassment and other relevant terms and conditions of employment. Interviewees were also asked to opine on any other issues if they chose and to make recommendations for improvements if they believed changes were warranted.

On track two, SPO engaged the services of John Jay College of Criminal Justice (John Jay). John Jay was charged with examining the promotion process, training and the culture of the DSP. John Jay conducted a literature review, organized a confidential questionnaire survey of the DSP ranks, and followed with on-site interviews and focus groups involving DSP personnel. On the survey portion of its work, John Jay received 361 questionnaire responses, for a return rate of 61%. The returns chiefly reflect the organization: 90% of the DSP are males and 10% are females; 88% of the returns were from males and 11% from females. The DSP is 87% white, 9% black and 4% other ethnic or racial minorities; the returns consist of 74% whites, 8% blacks and 4% other racial or ethnic minorities. (This does not include those who did not identify race). The DSP includes 25 captains and higher, and responses were received from 18 (72%) of them. There are 29 lieutenants and 22 (76%) responded. Forty-seven (56%) of the 84 sergeants are included, as are 187 (56%) of the 333 corporals and 73 (63%) of the troopers. The responses to the twenty-item questionnaire were tabulated by gender and race. Percentages of responses were determined and each question was cross-tabulated separately by gender and by race or ethnicity. The statistical analysis, like the interview and focus group information, provide direction, not definitive answers. They best serve as indicators to be closely examined in context with other data, with the end in mind of

affirming, clarifying or amending the various policies, procedures, practices and perceptions of the DSP.

On the third track, SPO reviewed information surrounding current lawsuits and complaints; the June 21, 2001 Senate Hearing Exhibits; the Governor's Equal Employment Opportunity Committee reports from 1997, 1998, 1999 and 2000; Department of Public Safety Affirmative Action Plans; news articles; and internet searches (including the International Association of Police Women, National Organization of Black Law Enforcement and the Coalition of Hispanic American Police Associations). In addition, SPO conducted one-on-one interviews with over 50 individuals including state legislators, current and former DSP Superintendents, and representatives of organizations interested in the DSP.

The Delaware Landscape: A Historical Perspective and Current Organizational Structure of the Delaware State Police

DELAWARE STATE POLICE: MISSION AND HISTORY

The Mission of the DSP is “*To provide the citizens and visitors of the State of Delaware with a professional and compassionate police service in a fair and objective manner.*” The Delaware State Police Force was established by the General Assembly in 1923, although the first traffic law enforcement officer was hired in 1919 after the State Highway Commission was formed in 1917. In 1919, the first traffic law enforcement officers were given the title of “Highway Traffic Police.” Their responsibility was to “patrol the Philadelphia Pike near Wilmington” as the establishment of paved highways and the registration of motor vehicles began to increase. These vehicles, speeding at 35 miles per hour and the “roving bands of troublemakers and bootleggers” also created the impetus for this new agency.

Between 1924 and the present, the State Highway Police, renamed Delaware State Police in 1931, has experienced substantial growth in the size of its workforce, physical facilities and variety of protective services. It also boasts a history of innovation, including the introduction of a canine unit, a Teletype service that linked the DSP to similar agencies in eight states, the use of the “Intoximeter” to determine the degree of alcohol in a person’s blood through breath, and the polygraph.

In later years, the canine unit would be joined by the aviation unit and the education field unit (1960s), and in the 1970s and 1980s, the DSP would add a drug strike force and the Fatal Accident Investigation and Reconstruction (FAIR) team. The 1990s saw the initiation of community policing.

In 78 years, the DSP has grown from a staff of one to more than six-hundred troopers, and the “motorcycle and red flag” used to signal the need for police intervention have given way to more specialization and innovative technology. It is a “full-service police agency” with services ranging from traffic enforcement to criminal enforcement.

Over the years, the face of the DSP has changed, as has the face of Delaware. In numerous interviews with Delawareans, one can see the changes. It has been said that like society historically, there were barriers to entry into the DSP. At one time there were physical restrictions, such as height, and other less formal perceived barriers such as religion, race, gender or not being a mason, according to reports.

Seven women were hired in 1943 to aid with clerical duties when there was a shortage of men during World War II. During the race riots of the 1960s, the General Assembly doubled the size of the DSP. (In the publication celebrating the 50th Anniversary of Delaware State Police, one can see photos of civil rights protesters being evicted from Legislative Hall by troopers.) In the 1970s, the State Police began to recruit African American and Hispanic troopers.

In 1967, a Native American joined the DSP. It was not until 1969 that the first African American was hired. The first women troopers were hired in 1975. The first black

female trooper was hired in 1980. The first Catholic, non-Masonic Colonel was appointed in 1983 and a Colonel who would not have met the former height standard was appointed in 1994. And as the Hispanic population has increased dramatically in Delaware, there is now an effort to increase their participation within the ranks as well.

Today, the DSP website declares: *“The Delaware State Police recognizes cultural diversity as a fundamental characteristic of our society and, as a state institution, the Division of State Police is committed to providing effective police services that are appropriate, sensitive and equally responsive to all segments of our diverse society.”*

DELAWARE STATE POLICE TODAY

Structure

Today, the DSP consists of more than 600 troopers in eight Troops, Special Units and Administration. A Superintendent who reports directly to the Secretary of Public Safety leads the DSP. Under the Superintendent are the Public Information, Inspections, Planning and Community Services Offices. The Deputy Superintendent reports to the Superintendent. Reporting to the Deputy Superintendent are the Legal, Personnel, Internal Affairs and Training Divisions. The field operations, including the New Castle County and Kent and Sussex County Operations, the Criminal Operations and State Police Administration also report to the Deputy.

Four troops (Troops 1, 2, 6 and 9) report to New Castle County Operations, and five (Troops 3, 4, 5, 7 and Traffic) report to the Kent and Sussex Counties Operations. The Criminal Operations Division includes the Executive Security, Intelligence, Homicide, Special Investigations, Aviation, Crime Lab, V.I.E.U., S.O.R.T. (SWAT), Conflict Negotiations and the Bomb Squad.

There are over 50 different types of positions available during one’s career as a trooper.

Accreditation

The DSP is accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). CALEA is a voluntary, independent accrediting authority and was established in 1979 by the four major law enforcement membership associations: International Association of Chiefs of Police (IACP); National Association of Black Law Enforcement Executives (NOBLE); National Sheriffs’ Association (NSA); and Police Executive Research Forum (PERF). The DSP has been accredited by CALEA since 1988. Only 13 of the 49 state police departments in the United States have applied for and earned this distinction. This accreditation is very prestigious and difficult to achieve.

Demographics

The DSP has approximately 608 Troopers consisting of: 544 men; 64 women (10.52%) and 74 people of color (12.17 %). Troopers of color include 51 African American men (8.38%); 4 African American women (.65%); 9 Hispanic Males (1.48%); and 5 Native American men (.822%). The DSP also has approximately 253 civilian personnel.

A further review of the DSP demographic data submitted by the DSP Human Resources Office reveals the following information:

DSP Workforce Statistical Analysis

DSP uniformed workforce statistics were analyzed at three points in time: October 1, 1999, October 1, 2000, and October 1, 2001. There are two reports for each year. Both reports display the data by EEO-4 Category. The first report displays summary data by EEO-4 Category and the second report displays data for each of the Job Titles within the EEO-4 Categories.

About 76% percent of the uniformed workforce is in the Protective Service Workers EEO-4 Category. This category includes Troopers and Corporals. Female and minority representation in this category stayed basically constant during the twenty-four month period. Females constituted 11.2% of the category on October 1, 1999 and 11.3% of the category on October 1, 2001. Minorities constituted 14.2% of the category on October 1, 1999 and 14.3% of the category on October 1, 2001.

DSP Sergeants are assigned to the Technicians EEO-4 Category. Female representation increased slightly and minority representation remained basically constant. Females constituted 6.8% of the category on October 1, 1999 and 7.9% of the category on October 1, 2001. Minorities constituted 11.4% of the category on October 1, 1999 and 11.2% of the category on October 1, 2001.

The Professionals EEO-4 Category includes Lieutenants, Captains, and Majors. Female representation decreased slightly in this category while minority representation increased slightly. Females constituted 5.9% of the category on October 1, 1999 and 5.3% of the category on October 1, 2001. Minorities constituted 5.9% of the category on October 1, 1999 and 8.8% of the category on October 1, 2001.

There are only two employees (Lieutenant Colonel and Colonel) in EEO-4 Category 1 (Officials and Administrators). They are both white males.

Historically, actual percentages of females and males in the workforce are compared against labor market availability data in relevant EEO categories. In Delaware, 1990 U.S. Census data is fine tuned and extrapolated by experts to determine the local labor market availability. The first step is accomplished by looking at equivalent types of jobs. Overall, that effort showed that 7.5% of those employed in the State of Delaware as police and detectives, public service (Census Code 418) were females and 13.2% were minorities. The DSP representation of female and minority troopers and Corporals compares favorably to this data although it should be noted these employees represented 30% of the total pool of employees used to develop the statistics. Similarly, this census data showed that 16.2% of those employed in the State of Delaware as Supervisors, police and detectives (Census Code 414) were females and 36.0% were minorities. The DSP representation of females and minority sergeants, lieutenants, captains and majors does not compare favorably with this data. It must be noted however that this Census

Code contains data for supervisors of guards and security guards in addition to supervisors of public police and detectives.

Partially because of the concerns about the appropriateness of certain jobs being included in the labor market availability statistics, Delaware state officials did their own conversion from public sector EEO-1 Categories to EEO-4 Categories rather than use conversions already prepared by the Bureau of the Census and the Equal Employment Opportunity Commission. When these developed labor market availability statistics are compared with the current DSP workforce, the following is found based on a total workforce of 607 with 63 females and 69 minorities (data as of 12/1/01):

<u>EEO-4 Category</u>	Female Representation		
	<u>Labor Market %</u>	<u>DSP %</u>	<u>DSP % vs. Available Labor Market %</u>
Officials & Administrators	39.00	0	-39.00
Professionals	55.00	5.00	-50.00
Technicians	45.00	8.00	-37.00
Protective Services	17.00	11.00	-6.00

<u>EEO-4 Category</u>	Minority Representation		
	<u>Labor Market %</u>	<u>DSP %</u>	<u>DSP % vs. Available Labor Market %</u>
Officials & Administrators	10.00	0	-10.00
Professionals	14.00	7.00	-7.00
Technicians	16.00	10.00	-6.00
Protective Services	22.00	13.00	-9.00

This comparison indicates that DSP is underrepresented in all EEO-4 Categories when it comes to minorities. The problem is even greater when looking at female representation. DSP is underrepresented in all EEO-4 Categories for women, and except for the Protective Services Category, the percentage of female under-representation is much higher than minority under-representation.

Leadership

The executive staff consists of a Colonel (or Superintendent), a Lieutenant Colonel (or Deputy Superintendent), and five Majors. The Colonel is chosen by the Secretary of Public Safety, with the concurrence of the Governor, and reports to the Department of Public Safety. The Lieutenant Colonel is chosen by the Colonel and is responsible for all discipline, including internal affairs.

The Colonel appoints the Majors. They perform as Operations Officers for the three counties, Special Units, Information Technology, and Administration. Captains are Troop

Commanders. Lieutenants are assistant Troop Commanders for such responsibilities as Traffic or Crime. Sergeants act as Shift Commanders. They are the first line supervisors.

There is currently one African American male Captain, one African American male Lieutenant and two Hispanic male Lieutenants. There is also one white female Captain and two white female Lieutenants.

FINDINGS AND RECOMMENDATIONS

EQUAL EMPLOYMENT OPPORTUNITY

Affirmative Action Plan

Executive Order No. 10 mandates the head of each executive branch agency to maintain an Affirmative Action Plan. The Division of the DSP is included as part of the Department of Public Safety's 2000 Equal Employment Opportunity/Affirmative Action (EEO/AA) Report. During fiscal year 2000 the Department continued a comprehensive diversity-training program for all employees. Cultural Diversity is also taught at the DSP Training Academy twice a year.

The Department of Public Safety's presentation to the Governor's Council on Equal Employment Opportunity on July 17, 2001 contains an Affirmative Action Statement on Equal Employment Opportunity, Affirmative Action and Diversity. It indicates that the Department is committed to the principles of affirmative action and equal opportunity "without regard to gender, race, color, religion, age, national origin, marital status, physical or mental disability, Vietnam Era veterans status and/or political affiliation." It also notes that the Department will "take all steps necessary to ensure that all activities related to hiring, promoting, training, and discipline are free of discriminatory and harassment practices."

The Department of Public Safety charges Department managers, supervisors and personnelists with the responsibility for "uniform and consistent application of the Plan." Failure to do so is to be reflected in the annual performance evaluations of the appropriate persons.

The Affirmative Action Administrator maintains the EEO/AA Policy and Plan. This person reports to the Cabinet Secretary regarding such issues. This person also works with the Division Directors and agency personnelists to conduct accurate reporting on the status of EEO/AA efforts. He or she is also the official liaison with State organizations and groups, works with agency personnel to ensure that the Department's selection, appointment and discipline processes are job-related and "free of artificial barriers and discriminatory processes." The Affirmative Action Administrator also chairs the Department's Diversity Committee (which is currently being reconstituted) and is the first point of contact for all internal EEO/AA and harassment complaints or inquiries. This person also makes recommendations to the Cabinet Secretary regarding the disposition and resolution of complaints.

What is unique to the Department of Public Safety is that the DSP has a Human Resources Office separate from the Department's HR Office. This can create confusion, potential duplication of resources, disparity in HR practices and lack of clear accountability.

The Department of Public Safety's Affirmative Action Plan also provides for internal dissemination and for external outreach and recruitment.

The following are recommendations relating to Affirmative Action:

- 1. There should be a clear or a single point of contact for EEO/Affirmative Action for the DSP.**
- 2. The equal opportunity poster** required by the Equal Employment Opportunity Commission and other federal agencies should be conspicuously displayed throughout the DSP offices. These posters are available free of charge from the Delaware Department of Labor.
- 3. Affirmative Action in the promotional process can be applied in a manner that is not inconsistent with the principles of merit** – The DSP’s affirmative action plan should more specifically indicate the job groups in which minorities and women are underutilized compared with the available labor market in order to establish specific goals and to pinpoint where good faith efforts are needed to promote equal employment opportunity. The DSP should consult with counsel to assure that its promotional policies and practices are fully consistent with the law.
- 4. Affirmative Action efforts at the entry level are also consistent with maintaining high standards** – Research by the Police Executive Research Forum (PERF) has shown that requiring higher education does not necessarily reduce the number of qualified minority candidates. The Illinois experience strongly suggests that a targeted recruitment program is necessary to yield desired results. (See Appendix B)
- 5. To maintain the integrity of the data reported, ensure that the information is accurate** – For example, women and minorities should not be combined.
- 6. It is recommended that the Governor’s Council on Equal Employment Opportunity (GCEEO) establish a working group on EEO/AA data** – The upcoming release of the 2000 Census data, presents an opportunity for the State to re-examine the process utilized for converting US Census data for Delaware EEO/AA purposes.

RECRUITMENT

In recent years, the DSP has made great efforts to recruit Troopers who are qualified and representative of Delaware. In addition, through the efforts of the Delaware State Troopers Association (DSTA) and with the approval and support of the General Assembly and Executive Branch, compensation and benefits for state troopers are competitive with states in the region.

Application Process

The DSP Trooper Application Packet indicates that to perform the duties of State Trooper, an applicant must demonstrate “good judgment, thoroughness, conscientiousness, common sense, motivation, and enthusiasm for the job”. The minimum qualifications for the position include:

- citizenship (United States);
- age (at least 21 years and no older than 40);
- education (a high school diploma or GED and a minimum of 60 semester credits);
- residence in Delaware (or Maryland, New Jersey, New York, Pennsylvania or Virginia);
- a valid driver’s license;
- no felony convictions;
- the expungement of any arrests;
- pardoning of any convictions;
- no illegal drug use two years prior to conviction or any use of an hallucinogen;
- weight in compliance with DSP guidelines;
- normal hearing;
- and vision acuity in accordance to DSP requirements.

The selection procedures include a written examination, physical fitness assessment, oral board review, polygraph examination, and a background investigation. Once all of the requirements are met, the human resources office presents the candidates to the DSP executive staff. The executive staff makes the selections and offers the recruits chosen a “conditional hire.” The selected candidates are then required to undergo a physical examination and a psychological test, which identifies potential behavioral problems including possible “aggressive tendencies.” Candidates are then placed into bands, from “A” band (the highest scores) to “E” band.

Recruitment Efforts

The Department of Public Safety’s presentation to the Governor’s Council on Equal Employment Opportunity (GCEEEO) highlights a number of issues that may affect recruitment of DSP candidates. These issues include low unemployment levels, an aging workforce, a diminishing pool of young talent, increasing attrition rates, the nature of the Generation X employee, and competition with other agencies and the private sector. Particularly since the attacks on September 11, 2001, the DSP also has to compete with federal agencies for qualified recruits.

The DSP's Strategic Recruitment Plan for recruiting minority and female candidates is multi-faceted and includes conducting a job task analysis to ensure that every step of the selection process correlates to responsibilities of the trooper, revising the written test and the personal history statement to assist the polygraph and background investigation, "taking the show on the road," and scheduling events at times and locations for maximum accessibility.

The outreach effort emphasizes, "Recruiting is every trooper's responsibility at every troop." This approach reflects a change in culture at the DSP from "They can come to us" to more aggressive outreach. Every troop lobby has recruitment materials and troopers can recommend candidates directly with on-line referrals. According to DSP statistics the majority of troopers have been recruited in the following manner: 11% of the candidates are recruited by family or friends; 37% of recruits come in based on their own interest; and current troopers recruit approximately 17%. Seven percent of recruits are brought in via the Internet or through the recruitment team, 5% through TV, radio and newspaper, 2% are recruited through job fairs and 4% gave no source. New troopers from minority groups reportedly identified newspaper, radio and television as the source of their initial interest. In addition, the DSP currently has two full-time recruiters, an African American male Corporal and one white female Sergeant. There are also Trooper Recruiters assigned at each Troop who provide assistance in the recruiting efforts, such as hosting DSP job fairs and traveling to off-site career fairs. DSP has also participated in statewide job fairs sponsored by SPO.

Among additional actions DSP has taken are: Internet banner advertisements that link to DSP's website, obtaining an applicant tracking computer system for instantaneous information on where a candidate stands in the selection process, adding a 24-hour hotline, and providing extensive information on the DSP website. The DSP also provides an 85-page study guide to prepare candidates for the written test and conducts "How to be Successful in the DSP Hiring Process" seminars.

The DSP's recruitment program includes contacting leaders of the faith community and various neighborhoods, disseminating 800 letters to community leaders with updates of the hiring schedule, hosting events at community sites and posting job openings and qualifications inside church bulletins and bulletin boards of houses of worship. In order to "transform the organizational culture," the DSP also hosts a Citizens' Police Academy, a Crime Prevention Series, the Senior Citizens' Academy, the Business Community Police Academy, and other continuing education programs.

The Department of Public Safety's Affirmative Action Plan outlines a "Comprehensive Recruitment Strategy" for the DSP to do a better job of attracting minority applicants. The plan states that DSP contracted with Saville & Holdsworth/ SHL Landy Jacobs, Inc. of Pennsylvania to perform the job analysis and develop a new written exam, physical abilities test and oral board process.

The DSP is considering waiving the 60 credit hour requirement for individuals with two years of prior military experience or Delaware Police Department experience. The New York, New Jersey and Pennsylvania State Police reportedly have the same waiver.

There is currently no funding in the Department of Public Safety's budget for recruitment. Recruitment activity is currently funded through the Colonel's discretionary fund. In the

recent past, the DSP also received a block grant from the Department of Justice, and the funds were used for recruitment activities. They have been informed that the funds can no longer be used for this purpose.

Despite these efforts, the DSP is still underrepresented in the hiring of women and minorities and perceptions persist that one must know someone to be accepted as a trooper.

Recommendations for Recruitment

The recruitment efforts of the DSP are extensive. Upon review of the literature on best practices for recruiting, it is apparent that DSP is on the right track. However, one of the best recruitment tools is the use of one's own employees. Current morale issues make this strategy more difficult. When asked, "Would you encourage friends and family to join the DSP?" while 72% of the total surveyed said they "moderately agreed" or "strongly agreed", 63% of females agreed and 46% of minorities (African American) agreed. **While the following are offered as recommendations, it is imperative that the working conditions/cultural issues of DSP be addressed to make the greatest impact on recruiting.**

Recruitment efforts have been broad based (e.g., outreach to community groups and religious institutions) and targeted (e.g., the military). The broad based approach has helped the overall image of the DSP and sends a welcoming signal to those who have historically not viewed DSP as an option for employment.

While emphasis on the broad based approach should continue, the focus of the limited resources should be on the targeted approach. The following targeted approaches are offered:

1. Establish Formal Relationships with Colleges and Universities – Currently, DSP attends job fairs and works with various individuals from our local universities. DSP has also visited historically black colleges and universities. It is recommended that formal Memoranda of Agreement be established that could incorporate DSP presence in the classroom and as part of the career planning offices. Additionally, it is recommended that opportunities for joint community projects with our local institutions be created. Building this relationship with students is especially important. It has been reported that past relations with Delaware State University were strained and that while current relationships exist with administrators, students see the enforcement side of DSP when there are problems at parties more than the "compassion" side as stated in their mission.

2. Develop a Career Path for Current State Employees – There are many State employees who have an existing proclivity to law enforcement and for whom background checks have already been performed. The Departments of Natural Resources and Environmental Control, Corrections and Children, Youth and Their Families (Division of Youth Rehabilitative Services), to name a few, have employees with an interest in law enforcement. It is recommended that DSP Training Academy, working with SPO, create a career path for existing State employees. Training is key to maintaining the high standards of the DSP.

3. Develop an Online Application Form – The DSP has developed a very informative website for prospective recruits. An online application would greatly enhance the site, be more convenient and save time. Some application forms for Public Safety positions are currently online. We recommend that the trooper form be online (year round) as well for those considering this career.

4. Continue and Strengthen Efforts with Youth – Members of the DSP serve as role models in schools and in the community. It is recommended that programs such as School Resource Officers, DARE, Camp Barnes, Spanish Camp Barnes and Trooper Youth Week continue and be strengthened.

5. The DSP should consider changing its recruitment perimeter and permit candidates from all states to apply for positions as DSP troopers – It is clear that the goal is to hire qualified Delawareans first. However, a PERF study suggests that, “residency requirements nearly always have the effect of limiting the potential applicant pool from which police officers will be hired, and that is seldom advantageous in any respect when trying to recruit and hire the best-qualified officers.” While the recruiting packet does not have this requirement listed, it is displayed in other DSP materials. It was also shared that recruiters have gone to states as far away as Georgia and as close as New York and felt the investment did not produce results. Again, this recommendation deals with choice on the part of individuals from other states – they may learn of the DSP on the Internet. *It is recognized that one of the other concerns regarding this recommendation is the difficulty and cost of doing background checks on people who live out of state.*

HIRING

The DSP Academy training process is a rigorous 24-week regimen combining academic study with a paramilitary curriculum. Once the trooper recruits emerge from the Academy training process, they are given a patrol responsibility with oversight from Field Training Officers (FTOs) for 12 weeks. The FTOs ride along with the new troopers to evaluate their performance. A daily observation report is written by the FTO who grades the trainee on a scale of one to seven, from “most acceptable” to “least acceptable.” There are usually three FTOs per trooper; each one accompanies his or her “charge” for four weeks. The FTO training is typically conducted at three different troop locations. FTO training may be extended if the officers believe that a trooper is not performing satisfactorily. After successfully completing FTO training, the recruits officially become “Troopers” and are assigned to a barracks (troop). There they remain on probation for a total of two years.

The DSP averages approximately 30 recruits per Academy class and approximately three to five minorities (excluding women) with the exception of the 67th and 68th classes (1997 and 1998) in which there were no African American recruits. As a result of the aggressive outreach and recruitment effort since 1998, the DSP staff indicates that nearly 40% of the more recent class was comprised of minority and female recruits. In the 72nd Recruit Class, beginning July 16, 2001, there were 33 total recruits, including 3 African American males, 1 African American female, 1 Hispanic male, 1 Hispanic female, 1 Asian male, 20 white males, and 6 white females. There were, therefore, 21% minorities and 18 % women in this class.

Troopers are now trained to mentor a trainee. In assigning mentors, DSP tries to “marry” troopers with recruits. Consideration is given to race, gender, geography, and culture. Both trooper recruit and mentor have to agree to the arrangement. Troopers meet with their mentors before they begin the Academy training. After the training begins, the mentors stay in touch with their mentees.

DSP has recently changed its Academy training philosophy from “washing out” trainees to helping them to succeed. Part of the reason for adopting this new approach is the cost and expense of losing recruits. In the last recruit class, 4 to 6 trainees left out of 31 hires. This was viewed as “catastrophic.” Remedial training is offered and in the Academy, everyone is mentored. Thus, if a trooper wants to quit, he or she is referred to his or her mentor for “Intervention.”

After two years have passed, troopers are eligible to be promoted to the rank of Trooper First Class. The promotion requires successfully completing an examination in which one is tested on basic job knowledge, criminal offenses, and accident reports. Troopers are also given physical proficiency tests and must take three firearms qualifications. They must also receive a passing score on their performance evaluations.

After four years, troopers may be promoted to Corporal. This promotion also requires written tests, and troopers must successfully pass the weight requirements. After six years, a Corporal may test to become a Sergeant. The Sergeant is the first-line supervisor and heads a platoon, shift or detective squad.

DSP APPLICATION PROCESS FINDINGS

For the purposes of this report, DSP selection data from the 71st and 72nd Recruit Classes were analyzed for adverse impact and disparities in written and oral board test scores. Five adverse impact analyses were conducted. The first compared overall applicants to conditional hire (those applicants offered appointments to the Academy). Applicants taking the written and physical exams were compared to those who passed each of the exams. The applicants for whom the DSP conducted background investigations were compared to those who passed the background investigations. Finally, the applicants who entered the Academy were compared to those who completed the academy. In addition, written and oral test scores were analyzed.

Significantly, for the two most recent recruit classes, the 71st Recruit Class, and 72nd Recruit Class, the overall selection process does not yield a statistically significant disparity among minority and non-minority applicants, or among male and female applicants. It remains the case, however, that minority applicants fail the written test for hiring at a statistically significant higher rate than do non-minority applicants. Moreover, the scores on the written test are lower for minority candidates than non-minority candidates. No aspect of the selection process, considered separately, had a statistically significant impact on female as compared to male applicants.

Further, as to the 71st Recruit Class, there was not a statistically significant difference between minorities and non-minorities, or between males and females, in completion of the Academy. Results for the 72nd Recruit Class cannot be documented because the Class is still active.

Recommendations for Hiring

- 1. An independent expert who was not involved in the preparation of the exam should examine the validation study** – The DSP went through considerable effort to develop and validate a new entry-level trooper examination. The written component of the test continues to have significant adverse impact against minority candidates. The DSP should have the validation study analyzed by an independent expert, to ensure that the test, and each of its components, appropriately measures the qualifications for becoming an entry-level trooper with the DSP. The expert should be provided with the confidential appendices to the previously performed validation report. The DSP should also continue to validate its exams on an ongoing basis.
- 2. SPO should play a more integral part in the selection process** – Currently, SPO is involved on a limited basis. SPO should administer the test, score the test, and monitor the oral boards. Components of the process such as background checks, polygraphs and physical exams should continue to be the role of DSP.
- 3. The DSP should pay particular attention to keeping records of the hiring process** – It is the understanding of the reviewers that an applicant tracking system has been implemented. This will be helpful in case of future challenges to the process.

4. Continue the mentoring program – It has been reported that this program has helped retain candidates. Ensure that the mentors are fully trained.

5. The DSP should also focus on finding qualified women and minority candidates – The DSP should continue and expand the efforts made in this regard. There is a concern that when you cast a broad net and candidates who are not suitable fail, it confirms the contentions of those who do not support efforts of inclusion. It has been stated by many troopers that this is a job you have to want to do. The addition of the information on the web site detailing the rigors of the job and the opportunities given to prospective recruits and their families are positive additions to the recruitment efforts. The DSP should also continue and expand the training it makes available to candidates for entry-level trooper positions.

TRAINING

The DSP Training Academy is utilized by State Troopers along with other police agencies throughout the State. They have experienced a cultural change at the Academy. They have gone from Drill Sergeants to TAC Officers (Trainer Advisor Counselor). Gone are the days of sleep deprivation and isolation from family and friends during the recruit training. The goal is not to turn out robots, but prepared well-rounded troopers.

At the Academy, training courses are offered all year for troopers. There is also a mandatory in-service training for all troopers.

The three teams working on the project each visited the Academy. During those visits, the following tasks were accomplished:

- Academy staff and instructors were interviewed
- A sample of recruit and in-service training lesson plans were reviewed
- An in-service trainer was interviewed
- A recruit class was observed
- Technical assistance was offered, as appropriate
- Materials presented at the Academy were compared with materials submitted in advance
- General materials related to training or DSP operations were reviewed

The following recommendations are based on an integration of the fact finding and discussions around the seven areas noted above.

Recommendations for Training

1. It is recommended that a thorough assessment of the curricula be completed by the Training Academy – A curriculum reflects the first effort to assure that the training needs of a certain group or in a certain area are addressed. All Academy curricula should be strategically developed to reflect the organizational needs of the DSP and the training needs of the officers receiving the training. The direct correspondence between the needs of the organization and the needs of the individual is what will ensure that the training serves the best interests of both. Additionally, when it is time to assess training, often on the following five levels, (1) reaction; (2) learning; (3) impact; (4) behavior; and (5) cost effectiveness, linking training from the organizational to the individual levels will increase the likelihood of performing soundly in all five areas.

The formal and informal approach to performing a needs assessment can be enhanced by structuring an approach that will correlate officer perceptions of their training needs with supervisor perceptions, incident reports, public perceptions, changes in policy and procedures, and advances in the profession of policing. To start this process, the Academy staff should work together on assessing the current curricula and establishing

their strategic contribution to the organization and the degree of satisfaction experienced by the officers who go through the training.

2. It is recommended that all lesson plans be reviewed and revised according to an adopted standard format – Once a curriculum has been developed, the lesson plans are the vehicle through which the plans reflected in the curriculum are potentially realized. Working from this perspective advises the training manager to take great care in assuring that the lesson plans reflect the intent of those who designed and adopted the curriculum. Lesson plan delivery is also the standard that will allow you to evaluate trainer performance objectively and assure consistency in Academy operations. There are several sample formats from which to choose, or adapt, that will best serve the needs of trainers and officers of the DSP. The essential components of a format, e.g., date, author, *behaviorally anchored performance objectives*, should be noted and adopted. These revisions will take time - but will be time well spent. As each lesson plan is revised, it should be reviewed for currency. All lesson plans should be indexed and stored for long-term retrieval.

Lesson plan development should follow the adoption of a lesson plan format to eliminate the need for a subsequent revision to a new format. All officers involved in lesson plan development should follow the same format.

3. It is recommended that the field of individuals involved in lesson plan development be narrowed – Writing a good lesson plan requires skills not possessed by all trainers. Identify those officers who have exhibited talent in this area and give them the narrow task of writing lesson plans, or revising them, in the newly adopted format. Even when you have good writers, however, even better editors will be needed to assure that the final product reflects the professionalism otherwise present at the Academy. Officers with editing skills should be actively sought out or it may be desirable to hire an outside writer/academic or professional editor to help initiate in the process

Updating lesson plans should be done systematically. The system developed should account for the following:

- Changes in policies and procedures, and rules & regulations
- Problematic patterns emerging in the review of incident reports
- Liability issues discovered by reviewing law suits
- Feedback from veteran officers and recruits (after training and then after one year on the job)
- Feedback from the public
- Feedback from supervisory staff
- A formal needs assessment process
- Changes in the law
- Emerging “hot button” issues such as racial profiling and excessive use of force
- Other relevant information

Once the system is developed, both curricula and lesson plans should be reviewed using the above checklist to see if any of the items apply. If a lesson plan is missing, outdated, or deficient in one or more of the areas, the lesson plan should be created, updated, or eliminated. Examples for consideration based on the team's observations include: a lesson plan for sexual harassment; changes to the Cultural Awareness and COPT lesson plans; the need for a separate Use of the Radio lesson plan; the need for a formal, personalized policy on the use of the baton; and all lesson plans not in a standardized lesson plan format (all lesson plans).

4. An assessment of the training of instructors is recommended and where enhancements are needed an investment should be made. Instructors should be trained as trainers in addition to the other skills they bring to the classroom – Perhaps one of the most difficult activities in an Academy is evaluation of trainers, especially when the trainers are your peers and colleagues. This process may be facilitated by making the first step in the evaluation process a Training-the-Trainers session (TtT) or series of sessions. Such a program should be designed to function above and beyond that offered by COPT certification courses. The TtT course would serve the function of an Academy orientation and platform for skills development.

Assuming that all trainers are at acceptable performance levels, a structured, periodic review of their classroom performance should be conducted. This review should be designed to provide feedback to the instructor on his/her strengths and weaknesses and offer assistance in professional development when the need is indicated. The process should also include the opportunity for peer review. The evaluation of the instructor is the final stage in the preliminary assurance that plans reflected in the curricula are realized in the classroom.

5. Proper training records should be kept. Agencies such as Delaware Health and Social Services and SPO have automated systems that may be adopted and enhanced – Besides being a critical component of effective Academy management, training records are legal documents that can be subpoenaed. These two characteristics require that proper attention be given to the essentials of record preparation and retention.

Minimally, records should include:

- Individual training files for each employee which documents all training received through the Academy and otherwise if officially sponsored by the DSP;
- A record of all curricula and related lesson plans, cross indexed with securely filed originals;
- All lesson plans (We discovered that several requested lesson plans could not be located);
- All training attendance records;
- A representative sample of evaluations of all training conducted;
- Instructor qualifications cross indexed with courses taught;
- Instructor evaluations.

These records should be maintained in a manner that allows for any given course to be cross-referenced with the students that attended the training (daily attendance records) and the instructors that provided the training. Likewise, all individual files should be kept in a manner that allows any given individual to be followed according to the training he/she received, the curricula and lesson plans in effect at the time of the training (and proof that the training was up-to-date), the instructor that provided that training and his/her qualifications, and the daily attendance record of that individual.

The responsibilities of the Academy may require the assignment of additional resources, both human and technological. Appropriate investment in the Academy can contribute to an overall atmosphere of actual and perceived professionalism and equal opportunity.

PROMOTION PROCESS

Current Promotion Process Of The Delaware State Police

The DSP promotional process was revised in 1997 in part on the recommendation of the United Troopers Association (UTA). The purpose of the changes was reportedly to remove bias or the perception of bias, as it was “possible for Delawareans to know each other.” An external board of assessors for the oral portion of the examination was chosen in lieu of a board exclusively from Delaware. The current process also reduced longevity requirements for eligibility, and removed points formerly added to the eligibility score for college credits, longevity, and performance evaluations. Previously, the components of the scoring for the promotional examination to Sergeant was 30% written, 30% oral board, 30% performance evaluation, 5% seniority, 5% education.

The process measures each candidate’s knowledge, skills, and abilities related to the job tasks and creates an eligibility list that stands for two years. A test is administered at three supervisory ranks: Corporal to Sergeant, Sergeant to Lieutenant, and Lieutenant to Captain. The examination includes a written test of 100 multiple-choice questions constructed by an outside vendor: 40% is derived from a police management textbook, 10% from publications on cultural diversity and risk management, and 50% from the Delaware Criminal and Traffic Law Manual (open book) as well as divisional and administrative manuals (closed book).

SPO uses automated scoring and the figures are sent to a statistics expert under contract with DSP to determine the cutoff scores related to the projected number of vacancies at each rank. An oral board is then conducted or, for candidates for the rank of Captain, an assessment center is convened. Candidates for Sergeant and Lieutenant appear before a board of five police officers from state police agencies outside of Delaware “with an emphasis on gender and minority representation.”

According to the DSP, the oral board is trained to evaluate “concrete, behavioral benchmarks.” Candidates are given a “realistic” work scenario and are given 45 minutes to prepare prior to the oral exam. At the oral board, the candidate is given 15 minutes to present his or her response to the scenario.

Candidates who score in the top 50% of the written examination for Captain proceed to an assessment center developed and conducted by the International Association of Chiefs of Police. Management knowledge, skills and abilities are assessed.

At the final selection phase for the ranks of Sergeant and Lieutenant, the written examination scores and oral board scores are equally weighted and combined to form a final score. An “outside statistical expert” creates groupings of the rankings or “bands.” Candidates from band “A” must be selected before candidates from subsequent bands (“B”, “C” or “D”). While bands must be exhausted sequentially, selecting officials are not required to select persons from individual scores within the bands.

Since 1994, most minorities that have made a promotable band (“A” or “B”) have been promoted, according to one DSP supervisor. However, African American troopers are usually clustered in the “C” and “D” bands.

For the Captain rank, candidates are not placed in bands. They are declared either eligible or ineligible for promotion. Candidates’ written assessments are matched with the vacancies to be filled.

Promotion to positions above the rank of Sergeant requires a bachelor’s degree. When asked about the necessity for this requirement, troopers responded that senior officials of rank have to handle complex issues including budgeting, human resources, employee motivation and other challenges, and higher education assists troopers with the skills needed to fulfill these tasks.

The DSP provides “tools to give promotional candidates equal standing.” Among these tools are: a study skills seminar, including recommended study techniques, test-taking skills, and advanced reading comprehension; orientation and training for preparing for the sergeant or lieutenant oral board; orientation and training for the assessment center for the rank of captain; and orientation regarding the behavioral benchmarks for each scoring category.

Troopers who seek opportunities for rank and pay raises without supervisory responsibilities must have satisfactory “markings” in all areas of performance evaluations, continuing education credits for attending professional development training, proficiency on a written test, and service as either a certified instructor or as a field training officer to attain the rank of Master Corporal.

DSP offers a general Oral Board Rater Training package on the process and scoring guidelines. DSP also has a Promotional Oral Board Manual Sergeant Board, revised October 1999, for the Sergeant’s exam, as well as a packet for the Lieutenant’s exam.

There are time-in-grade requirements for eligibility for career or supervisory promotions. Troopers who are placed on probation, as a result of disciplinary action, are not eligible for promotion during that period of probation.

DSP also makes \$60,000 per year available for leadership training. With these funds, troopers may attend training institutes at Northwestern University, North Carolina State, the University of Delaware, the Southern Police Institute and other institutions.

The Acting Superintendent has indicated that he will appoint an advisory committee to study police policies on promotions.

Promotion to Sergeant

One must be a Corporal to take the Sergeant’s test. Months ahead of the test, the agency issues a department memo announcing the test. The test is held every two years. This is a positive feature of the process since many agencies do not test that frequently. For the most recent Sergeant’s test, the areas involved were as follows:

- a. Supervising Police Personnel, the Fifteen Responsibilities, by Paul A. Whisenand, 4th Edition. The memo further indicated that approximately 40% of the test would come from this source.
- b. American Law Enforcement 2001: Tactical Risk Management, by Gordon J. Graham - approximately 5%.
- c. Diversity for the 21st Century and Beyond Delaware State Police, by Ondra L. Berry - approximately 5%.
- d. DSP Divisional and Administrative Manuals - approximately 20%.
- e. Delaware Criminal and Traffic Law Manual 2000-01 Edition- approximately 30%. Also noted in the memo was the fact that the law section of the test would be completely open book.

After completion of the written test, candidates were informed that on the basis of a statistical analysis of written test scores performed by a professor from the Wharton School of the University of Pennsylvania, a certain percentage of them would proceed to the next phase of the selection process, an oral board.

The final score of candidates competing for the rank of Sergeant is explained as being a composite of the written examination and oral board weighted equally. Candidates are then placed in bands according to a standard deviation. All candidates within each band are then considered equally qualified for promotion when all other promotional requirements are met. The candidates within a band are arranged alphabetically. Selection from within the band will then be at the discretion of the Superintendent. When selecting a candidate for promotion from within a band, the Superintendent shall consider any or all, relevant factors necessary for successful performance at the higher rank. All candidates eligible for promotion at a particular point in the process from a higher band will be selected before consideration of individuals within a lower band.

Other noteworthy features of the process for promotion to Sergeant which were listed in this memo were:

- a. The availability of a study skills seminar,
- b. The availability of an orientation and training program for the oral board process.

Promotion to Lieutenant

The process for the promotion from Sergeant to Lieutenant is very much the same as that for Sergeant, with the following notable exceptions:

- a. The text used is Police Administration: Structures, Processes, and Behavior, by Charles R. Swanson, et al. The percentage, however, remains at 40%.
- b. The percentage for the Divisional and Administrative manuals increases to 30%.

- c. The percentage for the Criminal and Traffic Law manual decreases to 20%.

Promotion to Captain

The process for the written portion of the examination for promotion from Lieutenant to Captain is very much the same as that for Sergeant to Lieutenant, with the following notable exceptions:

- a. The percentage for the Divisional and Administrative Manuals increases to 40%.
- b. The percentage for the Criminal and Traffic Law Manual decreases to 10%.

Unlike Sergeant and Lieutenant candidates, for Captain candidates there is no oral board after completion of the written test. Instead certain Captain candidates, based on a statistical analysis of their written test scores performed by a professor from the Wharton School of the University of Pennsylvania, proceed to the next phase of the selection process, an Assessment Center conducted by the IACP. The results of the Assessment Center are not quantified. Instead, the assessors generate comments on each candidate's performance in narrative form. And, all candidates who take the Assessment Center are then placed in what is essentially one broad band from which the Superintendent has the discretionary authority to select candidates to be promoted.

It should be noted that the DSP, which is exempt from State civil service laws, requires for those hired after July 1, 1985, a Bachelor's Degree for promotion to Captain and Lieutenant, and an Associate's Degree or an equivalent of credit hours (60 semester or 90 quarter) for promotion to Sergeant.

Current Promotional Policy/Procedures: Statistical Analyses

DSP Trooper Promotion Process

Wilcher analyzed DSP promotion data from the twelve-month period of October 1, 1999 - September 30, 2000, and the twelve-month period of October 1, 2000 - September 30, 2001. Total promotions from job titles (both competitive and non-competitive) were compared to incumbent employees in the job titles at the beginning of each of the twelve-month periods.

For 1999 promotions, there were no statistically significant differences among test scores and passage rates when comparing minority to non-minority, or male to female, promotions in the Captain's exam or the Lieutenant's exam. There were, however, statistically significant differences identified with respect to other promotional measures. In particular, non-minorities were promoted at a statistically significant higher level from the Trooper to Corporal rank. Further, non-minorities scored higher, and passed more frequently, on the Corporal to Sergeant oral board, and males scored higher than females on the Corporal to Sergeant written exam.

For 2000 promotions, statistical analysis yielded only one area of statistically significant differences between minority and non-minority promotion patterns, in that minority candidates were promoted from the Senior Corporal job title at a significantly lower rate than non-minority candidates. There was statistically significant adverse impact against females from only one job title during this twelve-month period. Over this time period 6 males were promoted from the trooper recruit position and the one female in that position left DSP.

Recommendations For The Promotion Process

Amended Promotion Process is attached. (See Appendix C)

Prior to the taking of the examination by candidates:

1. The DSP needs to validate the aspects of its promotion process that have adverse impact against minorities and females. The DSP should pay particular attention to the oral portion of the promotion exam for Sergeant and to the weight of each portion of the entire process. A representative from SPO should be included on the oral board to monitor the process. There should be a continuation and expansion of training made available to those who want to take the various promotional exams. The DSP should take the affirmative step of determining why individuals do not avail themselves of training opportunities.

2. DSP should evaluate the current performance evaluation system for fairness and consistency. Supervisors should be trained on appropriately applying the system– It has been noted, by some troopers, that people are eligible for promotions and advancement that may be substandard performers. When evaluating the performance system, it is recommended that DSP attempt to find qualitative and quantitative measures. (See Accountability section of the report on Metrics and 360-Feedback Evaluations) After evaluation and implementation of a more credible evaluation process, **performance should be a pre-requisite for promotion.**

3. A Pre-Test Study Guide (PTSG) should be created by the DSP and made available to candidates at least four months prior to the examination. This guide should be on-line on an Intranet site as well – A PTSG is much more than a test announcement and bibliography. It is a very specific and detailed listing of material that will be used as the source of questions for the pending examination. For example, in the case of a supervision text, the specific chapters that will be the source of questions would be indicated in the PTSG. Similarly listed would be specific sections of the Delaware Criminal and Traffic Manual, as well as the DSP Divisional and Administrative Manuals. Where appropriate, the PTSG should also show what sections of law or procedural manuals will be tested via an open book test, what sections will be tested via a closed book test, as well as what sources are to be used in the development of oral board questions. The responsibility for creating this PTSG should fall to the Test Validation Review Board (discussed below).

If the items on the examination are a result of the task/job analysis, then obviously the areas covered by the items are the ones that need to be mastered to appropriately and effectively function in the rank for which a candidate is being tested. It serves no purpose for the agency nor the individual candidates to have a candidate spend countless

hours in studying material that, although part of a text or other source which appears on a general examination bibliography, will never appear on the examination because the material has nothing to do with what the task/job analysis has revealed. This problem was mentioned frequently in our interviews. For example, one individual who was interviewed stated, "Why did I have to study about the history of policing in England to learn about supervisory and managerial abilities, skills and knowledge required by the DSP?" The rationale for this recommendation becomes even more vivid when one considers the tremendous volume of information that is contained in the Delaware Criminal and Traffic Manual, and the DSP Divisional and Administrative Manuals. Clearly there are laws and procedures contained in such manuals that would never be appropriate for use as part of a valid examination used to test candidates for promotion in the DSP.

Implementation of this recommendation has the potential of giving all that compete in the promotion process more of an equal opportunity.

4. The DSP testing cycle should be changed so that the intense candidate preparation for the examination that usually follows the issuance of the "Rules for Promotional Testing" could take place at a time other than the summer months. For example, if the examination were to be held in the month of February, then the "Rules for Promotional Testing" along with a Pre-Test Study Guide could be issued in September/October, thus allowing for preparation for an examination after the summer months.

In accordance with the current testing cycle, the issuance of the "Rules for Promotional Testing," which signals the beginning of the study efforts of most candidates, usually occurs during late spring or early summer. Therefore, candidates are studying during the summer months, a time during which children are home for summer break and vacation time. This was reported by more than one interviewee as causing some obvious family stresses. In addition it was indicated that the traditional dates of the promotional examinations cause field-staffing problems for the DSP. Under the current system, candidates are understandably seeking vacation to prepare for promotional examinations at a time that was reported to us as being the busiest for the DSP and at a time that requires increased staffing measures to deal with increased workloads.

5. The following are recommendations regarding textbooks used:

- **Textbook and other non-legal sources that appear on any examination bibliography must be screened to ensure that what is stated in such text or source is compatible with what is demanded by the DSP at the level of operation and is also compatible with the task/job analysis used to create the examination.** Understanding that candidate preparation for promotional examinations is an effective and efficient mode of training, it is clearly counter productive to have candidates studying and learning methods and procedures, which are counter to what is mandated by the DSP. For example, in the fourth edition of a well-respected text used in the most recent examination for Sergeant, Supervising Police Personnel, The Fifteen Responsibilities, by Paul M.

Whisenand, page 270, a procedure is recommended that is counter to the procedures of the DSP. Specifically it is recommended that multiple raters conduct the performance evaluation of an employee. Inquiry has established that this is not what occurs in the DSP. While others may examine the evaluation performed by an evaluator, the evaluation is a result of the direct and exclusive effort of one evaluator. Implementing this recommendation would also go a long way towards removing candidates' criticism received during interviews that the examinations do not realistically mirror what is required of them in actual practice. At the same time, implementing this recommendation would benefit the agency via the very economical but quite job related training that would result.

The task of pre-screening promotional materials in the manner suggested by this recommendation should be performed by the Test Validation Review Board (discussed below).

- **If a management or supervision text is found after being properly screened to be appropriate for use as the source for promotional questions, it should continue to be used unless and until a better text is found.** The current practice in the area of supervision, as reported in interviews, of using Text A, for example, as the source of questions for one testing cycle, and then Text B the next cycle, only to come back and use the exact same Text A again for the following cycle, creates confusion in the mind of candidates. Such candidates have posed the following question to us. "If a book is good, why change it?" If a text is capable of serving as the source of questions in areas that have been identified in a job/task analysis, and this text has been screened for irrelevant material as discussed above, such text should continue to be used until it no longer can address the areas identified by the job analysis. Often the criticism of this recommendation is that candidates really get to know the text well. However, is that not the aim of having candidates prepare for an exam – specifically, that upon promotion they will have knowledge that is required to function in the rank to which they have sought promotion? As long as a text satisfies the job/task analysis, and mirrors the policies of the DSP, it should continue to be used.

6. Open Book verses Closed Book recommendations:

- **The current policy of having promotional examination questions dealing with the Delaware Criminal and Traffic Manual appear as "open book" questions should be continued with one recommended modification. Those questions dealing with situations where time is critical, thereby requiring quick and decisive actions should not be open book questions.** Instead, these areas should be part of the closed book test. Closed book testing in such areas would more accurately indicate the type of content mastery called for by such situations.

Deciding on which areas of statutory law should be tested via an open book test, and which areas should be used for closed book testing, should be the

responsibility of the Test Validation Review Board (discussed below). This information regarding open and closed book testing should appear in the PTSG.

This recommendation should not in any way impact on the percentage of questions asked from the Delaware Criminal and Traffic Manual. This percentage should continue to be determined from the job analysis.

Open book testing on certain portions of the Delaware Criminal and Traffic Manual is clearly appropriate since so much of what actually occurs when dealing with these areas involves researching with an “open book” to seek out the correct information. However, there are certain instances where there is not time for research with an open book. Deciding during an ongoing incident whether there is probable cause to make a summary arrest is one such instance. Clearly the making of incorrect decisions in the taking of summary action gives rise to specific constitutional and liability issues.

- **The current policy of having promotional examination questions dealing with the DSP Divisional and Administrative Manuals appear as “closed book” questions should be continued with one recommended modification. The “red” and “yellow” sections of these manuals, which we have been informed deal with areas of emergencies, should continue to be tested by closed book questions, since these areas deal with situations where timely responses are often critical and hence should be thoroughly mastered. However, the “white” sections of these manuals should in future test cycles be part of an “open book” test.**

Please note that the majority of those interviewed complained about the many hours of study time spent mastering “white page” procedures, when in actual practice, time is always available to research these procedures before implementing them.

Deciding on which areas of these manuals should be tested via an open book test, and which areas should be used for closed book testing, should be the responsibility of the Test Validation Review Board (discussed below), and this information should appear in the PTSG.

This recommendation should not in any way impact on the percentage of questions asked from the DSP Divisional and Administrative Manuals. The percentage should continue to be determined from the job analysis.

Having promotional examination questions dealing with the DSP Divisional and Administrative Manuals’ red and yellow sections appear as “closed book” questions, and other questions dealing with the DSP Divisional and Administrative Manuals’ white sections appear as “open book” questions, would more closely resemble what has been described to us as actually occurring in the field. Some policies and procedures must be known as second nature to a

supervisor/manager, while other policies and procedures, although necessary, are used in situations where time is not of the essence.

7. Career development training for off duty members at no cost to such members should be conducted by the DSP to prepare interested candidates to take the promotional examination – Currently, training is given to candidates for promotion, but this training deals primarily with helping a candidate use proper study skills and to develop test-taking skills needed to take examinations. This is a good practice and should be continued. However, here the recommendation is that the training would be more than the current examination skills training, in that the actual areas covered would be those areas that are likely to find their way onto the examination. For example, if the task/job analysis has revealed that communication, specifically order giving, is part of a supervisor's job, then study material would be provided from the authoritative text appearing on the bibliography from the area(s) dealing with order giving. In addition, quizzes in the testing format that the candidate will see on the actual examination should be used to help the candidate master the material in a way that he/she will be required to demonstrate on the actual examination.

Such training will obviously go a long way towards helping candidates who may not be good at preparing for tests and test taking. It will provide focus for a candidate and guidance in preparation for the actual examination. Further, the use of actual examination like quizzes will build up a candidate's confidence that the material is being mastered at a level that will be required at the promotional examination. Equally obvious is the benefit to the agency since such training to off duty members is an extremely economical method of training.

8. Articulation agreements should be explored with the colleges and universities in Delaware to grant college credit for the off duty career development training recommended above to assist off duty members in preparing for promotional examinations – There is precedence for awarding such credit.

It would serve as an inducement for more members of the DSP to attend college with the inherent benefit for the DSP of conducting job related training quite economically. In addition, the criticism is often heard that if a candidate for promotion is not successful in his/her study efforts for promotion, it has all been a waste of time. Offering college credit for such a course could alleviate some of such sentiments in that if a candidate were not promoted as a result of taking a promotion examination, he/she would nonetheless gain college credit toward a degree for having taken such a career development course. While the logistics of time, place and college(s) involved would have to be assembled, there is certainly, once again, precedence for the awarding and receiving of such college credits. Depending on the resources of those involved, various distance learning configurations may be possible. It is also noted that college credits are one of DSP's requirements for promotion.

Preparation of the promotional examination and the taking of the examination by candidates:

1. All promotional questions must be constructed in a manner that demands that the candidate is able to display mastery of the abilities, skills, and knowledge identified by the job/task analysis – Questions on promotion tests should have face validity and they should also test for essential knowledge. For example, knowledge of what a particular letter of an acronym represents is not as valid as knowing how the acronym applies to the operations of the DSP. Yet such a question was asked on a test from the most recent testing cycle. Such knowledge could better be tested through the increased use of situational questions where the candidate is thrust into a situation by the fact pattern of a question and then tested to determine if he/she can deal with what is being asked by applying the correct area of knowledge.

The screening of questions to ensure that they test for essential knowledge should be the job of the Test Validation Review Board.(discussed below)

2. Continuation of the current process of pre-examination review by a board of selected high-ranking members of the DSP with certain modifications. Such a board is commonly called a Test Validation Review Board. At least one member of the DSP at the rank being selected should sit on the Board – This Board should assume the following responsibilities:

- a. To review and validate the job analysis prior to each testing cycle,
- b. To pre-screen the material upon which the test will be based to ensure its job relatedness, and to notify all candidates for promotion of the specifics of this material sufficiently in advance of the test to allow for adequate preparation. This notification should be in the form of a Pre-Test Study Guide as discussed above.
- c. To pre-screen the content matter of the questions that will appear on a multiple choice test to ensure their job relatedness, to make certain they have face validity, and test for essential knowledge,
- d. To pre-screen scenarios developed for oral board tests to insure their job relatedness,
- e. To pre-screen any assessment exercises which will be utilized to ensure their job relatedness,
- f. To pre-screen the answer key developed for each component of the test. In the case of multiple choice questions, the wrong answers, or distracters, must also be closely scrutinized

The rationale for performing the above tasks of the Test Validation Review Board has been mentioned as part of earlier recommendations. In addition, however, the existence of a centralized board performing these functions can assist greatly in establishing that the promotion process involved is valid and fair, and tests only for job related knowledge, skills and abilities.

3. The continued use of Assessment Center exercises is recommended – As long as a job/analysis continues to demonstrate that certain abilities, skills or knowledge needed to perform the job are best tested by Assessment Center exercises, such Assessment Center exercises should be continued. However, as was requested in one of our interviews, care should be taken to ensure that the items used in creation of any Assessment Center exercise (e.g., an In basket Exercise et al) are changed from testing cycle to testing cycle.

4. Captains should receive a final quantified score, which is a result of the combination of the quantified written score and a quantified assessment center score – Under the current practice, the written test score of a candidate for the rank of Captain is used only to determine if he or she should advance to the Assessment Center. All candidates who advance have equal standing. Yet, it was reported to us during an interview that there could be as much as a 15 point test score differential between the candidate who advances with the highest written test score, and the one who advances with the lowest written test score. This practice, we believe, seriously reduces the worth of such candidate's efforts in such written portion of the examination. Besides, if the written test is indeed job related, then ignoring a large spread between written marks on that test would seem to be counter-productive.

Also not to receive a written quantified score in the Assessment Center exercises invites and continues a feeling on the part of certain candidates of arbitrariness. Albeit that the criticism may be unjustified, it is even the appearance to candidates that the process may be arbitrary that should be avoided. It should be noted that if a job/task analysis indicates that more weight be given to the abilities, skills, and knowledge demonstrated through Assessment Center testing, then such weighting could be used when arriving at a Captain's candidate final quantified score. By illustration, the quantified results of the Assessment Center could account for 70% of a candidate's final quantified score with the written portion accounting for 30%.

5. The use of bands should be continued with the modification that all the discretionary factors used to select the next candidate for promotion from a band be clearly identified and made available to all candidates before the testing process begins – The discretion necessary to administer and select promotees for an agency such as the DSP is clearly recognized. However, here again our interviewing revealed that it is not the belief that the promotional process is arbitrary, but the mere appearance to candidates that the process may be arbitrary that should be avoided. A big step towards achieving this would be accomplished if all the criteria for making decisions, which select a candidate from a band for promotion, were more clearly and openly stated.

6. Assessment Center and Oral Board examinations should be video taped with audio recording as a backup in the event of mechanical failure of the video taping – When a candidate raises questions concerning his/her score, such questions are more easily dealt with when a candidate is able to see how he/she has performed during any such examination. The candidate will accept his/her score more readily than when simply notified of his/her results. In addition, examiners in such examinations then have the luxury to play back a candidate's performance when question arises among examiners

as to whether or not a candidate has addressed an issue indicated on an examiner's scoring key.

After promotions are made

1. After a candidate is promoted, it should be mandatory that such candidates attend a prescribed course of instruction specifically designed for the DSP by members of the DSP – The subject matter of the course should be a combination of what the job/task analysis revealed, the areas the candidate was required to study as a result of the Pre-Test Study Guide, and what the candidate will be faced with in his/her promoted rank. Similar to the previously made recommendation dealing with the career development training conducted by the DSP to prepare candidates to take the promotional examination, this training could also be structured to yield college credits.

According to information obtained during our interviews, an individual could proceed to the rank of Captain in the DSP without receiving any formal training in such areas as management and supervision. When those interviewed were asked how they develop such much-needed skills, they responded by saying that they either emulate what they have seen done by their previous supervisors, or they engage in trial and error learning. This, in our opinion, is an untenable situation, especially at the rank of Sergeant. There is no question that a first line supervisor must use skills not needed by his subordinates at the level of operations. Possession of such skills is even more important given the changing nature of the work force in the field of law enforcement. To assume that a candidate has mastered these all-important skills simply because he or she has passed the promotion test is a grievous error. The more correct assumption is that the candidates who have passed the promotion test are those who have the greatest potential to master these skills. It is then up to the agency to hone these skills.

Some of those interviewed indicated that the DSP does indeed send certain supervisors to well known and reputable training courses, e.g., the University of Delaware, the FBI-NA, the Southern Police Institute, and Northwestern University. Some application of this practice should continue. However, when questioned further it was revealed that only the "most qualified" are sent to such training courses. We would argue that such a policy surely helps the good to get better, but ignores the fact that the less qualified remain just that, less qualified.

It has been noted that the DSP conducted a Leadership Development School for Sergeants between 1996 and 1999. Further, ten Sergeants attended a five day Criminal Justice Leadership Institute provided by the University of Delaware during May 2001. These efforts are worthwhile but should be expanded to assure that a rank specific program is offered immediately prior to or upon promotion.

2. The procedure of requiring a probationary period for promoted ranks should be used – The probationary period is as an important a part of the promotional process as are any of the other components of the procedure. It is here that the newly promoted

candidate can be evaluated in his/her newly acquired duties to determine if a permanent promotion should be awarded.

ASSIGNMENTS AND TRANSFERS

The rationale and process for assignments and transfers was not clear to many troopers and minority troopers were particularly critical of the process. Troopers stated that some openings were widely known through the use of e-mails and others were assigned without advertising of the opening. Some troopers felt that women and minorities were given Special Unit assignments and had more opportunities. At the same time, many minorities felt that they were placed in Special Units without opportunities for supervisory experience and therefore lacked the experience and preparation for promotions. Minority troopers interviewed by the team also noted that persons of color are assigned to high profile positions including SRO and Communications, and occasionally in the Drug Unit, but are not assigned to be investigators for major crimes and burglaries. It has been reported by women, minorities and white male troopers that some individuals are placed in units who have not applied, while those who request them are not given an opportunity to compete. There is also a belief that transfers and assignments are used as a carrot or a stick. While there may be legitimate operational needs, the lack of communication perpetuates the belief that the process is not fair.

Recommendations for Transfers/Assignments

- 1. Consistent with the comments from troopers, it is recommended that DSP establish, communicate and apply policies for transfers and assignments.** This information should be placed on an Intranet site for easy access.
- 2. Both minority and non-minority troopers also believed that troopers should return to patrol after the requisite time in a special unit. It is recommended that the policy of returning troopers to the road every two years be consistently applied and rotation of assignments be encouraged to give others opportunities for these experiences.**

DISCIPLINE & TERMINATION

The area of discipline has been the subject of newspaper articles, lawsuits and Equal Employment Opportunity Commission (EEOC) complaints. Responses to questions posed regarding discipline ranged. There are some that say African Americans are not disciplined as harshly for fear of diminishing diversity statistics. Most recently, the EEOC found that an African American was more harshly treated in discipline than his white counterparts that had performed similar offenses. Another common complaint is that discipline is administered differently from County to County and Troop to Troop. While it is recognized that managers must have flexibility in meting out punishment (look at past infractions of the individual and current performance), without standards, perceptions prevail.

Policy/Procedures

DSP policy is covered by the Complainant and Disciplinary Procedures (52.1.6) (26.1.4d). It addresses the individual rights and responsibilities of troopers; internal investigations and disciplinary procedures; suspensions; and, summary punishments. The discipline procedures allow for troopers who justifiably feel that they may be threatened by a false accusation or contrived evidence to request an internal inquiry.

All complaints of misconduct from sources outside the DSP, regardless of the seriousness of the allegation, must be forwarded in writing to the Internal Affairs Section. Internal complaints other than summary punishment (less than 5 days suspension) are also forwarded to the Internal Affairs Section. The highest-ranking officer of the unit involved or the member acting in that capacity, may impose summary punishment for less serious transgressions.

From July 7, 2000 to July 13, 2001, there were a total of 94 summary disciplinary actions, as follows:

<u>Males</u>	
White	66
Black	11
Other	4
<u>Females</u>	
White	13
Black	0
Other	0

DSP Trooper Termination Process

DSP termination data from the twelve-month period of October 1, 1999 - September 30, 2000 and the twelve-month period of October 1, 2000 - September 30, 2001 were analyzed for adverse impact. Total terminations from job titles were compared to incumbent employees in

the job titles at the beginning of each of the twelve-month periods. During that two-year period, the data showed that there were no statistically significant discrepancies in the rate of terminations when comparing minorities to non-minorities or males to females. In general, however, the infrequency of termination makes any statistical analysis difficult, as the number of terminated troopers of any race or gender tends to be small.

Recommendations for Discipline

1. The creation of a discipline matrix is supported – It is the reviewers understanding that the new Administration of the DSP is embarking on a revamping of the discipline system. This revamp includes the creation of a discipline matrix as supported by law enforcement organizations such as PERF and IACP. Discipline should be progressive, fair and consistent with room for discretion that is defensible.

2. Internal Affairs records should be automated – The process of recording internal and external complaints on index cards should be automated. This would expedite reporting for management purposes and requests from entities such as the Governor’s Council on Equal Employment Opportunity and SPO.

3. Records of Summary Discipline should be standardized – The use of “defensible articulation” (why I did what I did) should be the rule. It is the understanding of the reviewers that this is part of the DSP’s current revamp of the discipline process.

4. There should be a stronger role for SPO – In almost all State grievance procedures under union contracts and/or the Merit grievance process, SPO has *institutionalized* the monitoring role in the hiring, promotional, transfer and disciplinary process. More specifically, that institutional role takes the form of either a Step 3 Merit grievance hearing, or a union contractual pre-arbitration meeting. Discrimination complaints (race, sex, age, etc.) as well as other employment issues discussed in this report are explicitly covered by these dispute resolution processes. Importantly, these processes have built in the structural flexibility on either a formal or informal basis, to achieve mutually acceptable resolution *without having to resort to the external final disposition forums of arbitration, the Merit Employees Relations Board, the Equal Employment Opportunity Commission or the Courts. In other words, they offer an inexpensive and less time-consuming alternative to litigation.*

For example, despite SPO’s urging, DSP management, and especially the Delaware State Troopers Association (DSTA), the union which represents the uniformed police ranks from Trooper up to the high management rank of Major, has resisted including a pre-arbitration step in the contractual grievance procedure. Therefore, SPO not only does not provide oversight or dispute resolution services, it does not even *know* what employment disputes exists, whether discipline or discrimination. Usually, SPO learns of them only after troopers have filed lawsuits or have resorted to external administrative agencies like the federal EEOC. Indeed, SPO has learned through interviews that troopers are either fearful or unwilling to use the contractual grievance procedure.

Perhaps this reluctance is based on peer pressure or fear of retaliation. Some troopers, particularly minority troopers, have expressed concerns that when they complain it impacts their assignments and promotions. In any event, the non-use of this internal (to the State Executive Branch) dispute resolution process is all the more implausible -- given the specific legally binding protections afforded Troopers under our collective bargaining agreement with the DSTA.

WORKING CONDITIONS/CULTURE

In order to ascertain the feelings and beliefs of State Troopers about the DSP, a confidential survey was used (Appendix D). The results of the survey are consistent with the interviews conducted and the focus groups held. Overall, women and men agreed more times than not, but minority and non-minority disagreed more often in their responses. The results follow:

This survey represents a snapshot in time. It reflects the differences and similarities in perceptions and feelings of troopers about the DSP. Overall, there is a common pride in the organization on the part of troopers. The level of pride differs slightly for women and minorities from majority troopers, however the level is high in all categories.

However, on questions such as whether DSP members care about each other and whether they would encourage friends and family to choose a career with DSP, there are gaps between minority and non-minority groups. While almost 80% of white and female troopers said they would join DSP again, only 54% of black troopers would. And when asked if working relations between different racial and ethnic groups within the DSP are good, almost 80% of females and whites agreed, while only 36% of blacks agreed. And both women and blacks were more likely to answer the question affirmatively about retiring today with full pension than whites and males.

There were common perceptions that there is favoritism (almost 60% in all categories and 89% for African Americans). Most felt their immediate supervisors were responsive and that they had realistic expectations of them. Most also said that they would choose law enforcement again. Regarding the working relations between men and women, 70% to 90% felt that they were good. And despite concerns about the promotional process, most felt their chances for advancement were good.

For many African Americans, their concerns go back decades. NAACP records of complaints date back to the 1950s when the first African American applied to the DSP. As recent as 1990, there were complaints of a troop where, as a joke, an individual surveyed the color of African American troopers' gums to determine certain attributes such as laziness. It is evident from the survey and interviews that much more work needs to be done to create a positive culture for all of DSP.

Recommendations for Working Conditions/Culture

The DSP has both internal and external pressures and accountabilities. Great strides have been made to work with external partners such as the business community, youth, faith-based organizations, civic groups and citizens in general. The efforts to transform from the "Highway Patrol" to community policing are ongoing. There has even been a shift from notepads and pencils to laptops and technology -- an area where Delaware leads the nation.

The challenge today is how to acknowledge those things of which DSP is proud and those things they are not and move forward in a positive direction. This effort requires trust and true commitment from all players – DSP leadership, elected officials, the union, current troopers, all races, gender, religions.

1. Continue the Open Door Policy – The current Administration has begun an open door policy and has been traveling to various troops. It is recommended that this practice continue and be done at varying shifts.

2. As an agency, it is recommended that DSP develop a common and overarching vision for the agency and shared core values – It is clear that there are competing goals and views on diversity and what the DSP of the 21st Century should be – What is productivity? What is the role of community policing? How do we treat those we serve and what is an abuse of power? Questions such as these should be clarified and engrained.

3. Enlist the services of an Organizational Development Specialist to help with the previous item and morale building – SPO has an OD specialist on staff who can be used at no cost to DSP, and SPO can also provide a list of recommended consultants.

4. Training opportunities should be continued and enhanced – The DSP is to be commended for their efforts to provide ongoing training in the areas of sexual harassment and diversity. The one-hour sessions on these topics each trooper receives per year, as part of the annual in-service is more than many state agencies receive. However, we recommend at this time a more intensive training for supervisors and managers. This training should be provided by someone other than DSP employees as it is difficult for subordinates to address concerns candidly and forthrightly in the presence of supervisors. They should 1) be clear about the goals of diversity; 2) know the laws and ;3) understand how to manage a more diverse population. For all employees there should be continued training. It is recommended that DSP augment their current staff trainers with representatives from the Delaware Department of Labor and SPO.

5. Support for troopers should be clearly identified and advertised – From the review, it was determined that many troopers were not aware of their rights and responsibilities for filing complaints. Since 1997 there have been 2 complaints filed with the Delaware Department of Labor, 8 complaints to the EEOC, and there are two cases pending in U.S. District Court. The DSTA has only received 1 grievance in 10 years. According to their leadership, they have worked informally to resolve many complaints. It is the belief of the reviewers that grievances do not necessarily reflect a bad organization, but one where individuals feel it is safe to complain. The true test on the part of management is the resolution and corrective actions that are taken. This builds trust. To ensure that troopers have an “internal to state government” vehicle for dealing with serious concerns or complaints, the following options should be explored:

- The use of the Intranet and/or laminated wallet card to give direction on the current options available to troopers, e.g., Internal Affairs, the DSTA, SPO, Delaware Department of Labor, EEOC...
- The creation of an Ombudsman Program. The State of Massachusetts was the first in the country to initiate such a program in 1999. The program's primary responsibility is to provide a confidential, neutral, and informal Alternative Dispute Resolution process for sworn and civilian personnel to assist with work-related problems and concerns. (Appendix E)
- Counseling Services (including marriage), especially during these stressful times, is currently offered by the State through a contract with Sheppard Pratt. This service is currently underutilized because of a fear that it will not be confidential and therefore used against you for employment purposes. (The DSP Administrative Manual policy on the program gives the appearance that authorization is needed from the Human Resources Office.) The program coverage includes 5 visits per person per problem with an EAP clinician and does not require prior authorization or co-pay. Representatives of this company have offered to provide education and resource information such as wallet brochures.

Many troopers have expressed that they fear retaliation or an impact on promotions and transfers, and therefore do not complain. The options above will provide them with an avenue to address their concerns, however the culture must support this.

6. It is recommended that the State Personnel Director conduct a Roundtable on Women in Policing – In collaboration with the Delaware Commission for Women, and utilizing the resources of the International Association of Women Police, the State Personnel Director should be directed by the Governor to invite Delaware women in law enforcement to a Roundtable discussion. The goal of the forum would be to identify issues that are unique to women in law enforcement, strategies to address those issues, and ideas for recruitment.

7. The DSTA can play a strong role in creating a more positive culture for all troopers – While the Board of the DSTA has minority representation, communication issues still persist. To address the concerns of African American troopers, the United Troopers Alliance was formed. Over the past month efforts have been made to improve communications between the two groups. Regardless of race, gender, or geographical location, the DSTA represents all troopers. *(It is to be noted that unlike other unions, all members of the DSP, with the exception of the Colonel and Lt. Colonel, are in the union.)*

8. DSP rank and file troopers should be consulted on the best mechanisms for communication and input – Consistent with the support of an open door policy, some agencies receive feedback through suggestion boxes, e-mail, union representatives and surveys. They also communicate information through newsletters, Intranet sites and “State of the Organization” speeches as has been done at DSP. It is recommended that DSP identify the best vehicles for communication based on the nature of the job with input from employees. Open communication fosters a positive workplace culture.

9. Community-Based and Faith-Based Organizations should be used to assist in creating a positive culture through the use of the Study Circles Program – While DSP has Chaplains (and most recently added a Chaplain of color) who help counsel troopers, especially during times of a fellow trooper’s death, it is recommended there be a stronger presence and support from CBOs and FBOs in our community. They could play a part in the healing process. In Fayetteville, North Carolina, Syracuse, New York and Louisville, Kentucky, the Study Circles on Police/Community Relations have been implemented. There is an established study guide for police and community relationships called *Protecting Communities, Serving the Public: Police and Residents Building Relationships that Work Together*. Study Circles have been used in Delaware communities through the YWCA. There are also examples of State agencies who have held Agency-wide Study Circles around race and gender issues.

ACCOUNTABILITY

In order to ensure that adopted recommendations are carried out and that they have their intended consequences, there must be a measure of accountability and monitoring. The following recommendations are presented for this purpose:

1. **The Creation of the Delaware State Police Advisory Council** – The DSP has historically worked with local groups and been an integral part of the community. This history dates back to the Commission form of Government where Delaware residents gave advice and direction to today’s efforts in Community Policing where Troopers work hand in hand with community leaders. Recently, the Department of Public Safety/DSP has tackled the national issue of racial profiling by creating an informal Data Collection Committee. This Committee includes representatives from the Urban League, ACLU, NAACP and the Multi-cultural Section of the Delaware Bar Association. It is recommended that a group such as this, with the addition of representation from civic groups be established to provide on-going advice and problem solving on high-level issues that affect the entire State. As stated by Lt. Colonel Ondre Berry of Reno, Nevada, “The goal is to become a more transparent organization.”
2. **There should be continuous feedback from troopers at all levels** – Many troopers remarked that they liked the open door policy and site visits by the Acting Superintendent. We recommend that this be continued and done at various shifts. We also support the planned creation of an internal Committee to look at working conditions at DSP that would represent the diversity (gender, race, county, rank) of DSP. Because this review represents a snapshot in time, **it is recommended that another survey be conducted next year to determine changes in the culture and perceptions.**
3. **DSP should create a Diversity Committee** – Leadership for diversity must come from the top and not as a Human Resource staff assignment. In addition to the reconstitution of the Department-wide Diversity committee, DSP may want to create its own committee. There are examples of State agencies that have active diversity committees. The focus of such committees is broader than gender and race. SPO can provide advice and information on State agency efforts.
4. **It is recommended that DSP explore the use of metrics in measuring quality indicators** – The State of North Carolina has invested in quality training for their managers and they “manage for results”. To measure performance on a host of indicators they use metrics and diagrams. These results include diversity measures as well. It is recommended that DSP consult with North Carolina.
5. **360-degree feedback** – It is recommended that the DSP begin utilizing 360-degree evaluations. These types of evaluations obtain input not only from supervisors, but also from subordinates, peers and customers. Supervisor only evaluations may reflect biases, politics or favoritism. Supervisors may have insufficient knowledge of the

employee's work or situation. Also, different supervisors tend to rate very differently (i.e., some may rate all employees very high and some may rate all employees as average). The 360-degree evaluation gives everyone a voice in the process including key customers, and it provides supervisors with information that they might not have otherwise. This type of evaluation is good for diversity management. It gives access to strengths and weaknesses so that training and development can be specifically targeted for the individual as well as focusing those limited training and development dollars for the organization. This type of evaluation is critical for succession planning within an organization. It is typically utilized for employee development, to build internal trust and to plan for the future. It is not typically used for promotion or pay decisions unless part of a more comprehensive assessment. It is also a good tool to evaluate supervisors and managers for the same reasons as stated above.

6. **The Governor's Council on EEO should continue to monitor the DSP and provide recommendations based on other State agencies' best practices** – The Council has been a major impetus for many of the improvements witnessed today. Through the Council reviews beginning in 1997, recommendations have been made and implemented. They include the creation of an applicant tracking system, broader recruitment of women and minorities at Delaware colleges and universities in addition to Delaware State University and mandatory diversity training. The Council normally reviews agencies every three years, but has been reviewing DSP on an annual basis. This annual review should be continued. The Council working with SPO should continue monitoring for compliance with Executive Order Number 10.
7. **Utilization of the State's Integrated Human Resource System** – It is strongly recommended that the DSP Human Resource Office fully utilize the PHRST System (PeopleSoft). Transitioning to the new system will eliminate the need for inputting information in two systems, provide information consistent with other State agencies and will provide more accurate historical data.
8. **The Role of SPO in Assuring the Integrity of Executive Branch HR Practices** – Lastly, SPO should have a monitoring role in the hiring, promotion, transfer and disciplinary process of the DSP. SPO should serve as an external monitor to work with the DSP and correct any policies or practices that may have an adverse effect on members of protected groups as well as non-minorities.

Historically, SPO has been viewed as an external entity by the Delaware State Police. While we recognize the uniqueness of a law enforcement agency, there must be recognition that the DSP is a component agency within an Executive Branch department headed by a Cabinet Secretary who reports directly to the Governor. More specifically, DSP must act as an integral member of the Executive Branch and submit to the accountability and checks and balances, as do all other State agencies.

DSP must make this management and cultural transformation if it is to successfully address the practices and conduct identified as problematic in this report. SPO must work in partnership with DSP to accomplish this transformation.

Conclusion

The Delaware State Police is to be commended for the *high quality* of its troopers. Their professionalism, discipline and dedication to the mission of the agency were clearly evident during this review. Troopers that were interviewed were proud to be members of the profession and many were fiercely loyal to the organization even when they expressed concerns about its employment policies and practices.

Recent action taken by Lieutenant Colonel Aaron Chaffinch to open the lines of communication with all of his troops is a commendable first step. For the sake of equity and fairness for all, the leadership of the Delaware State Police must continue to boldly and without equivocation enter the 21st Century with a renewed commitment to eliminate barriers to inclusion and to forge an even deeper unity and comradeship among *all* of its dedicated and honorable workforce.

References Utilized in the Development of this Report

Black in blue - a study of the Negro policeman. (1969). NY: Appleton-Century-Crofts.

Campbell, D., Christman, B. & Feigelson, M. (2000). Improving the recruitment of women in policing: An investigation of women's attitudes and job preferences. Albany, NY: New York State Police.

Canadian Association of Police Chiefs. (1993). Police race relations: The recruitment, selection and retention of visible minorities. Canadian Association of Police Chiefs.

Community Policing Consortium. (1998). Partnerships: 1995-1998 edition. Washington, DC: Community Policing Consortium.

Correia, M., Reisig, M. & Lovrich, N. (1996). Public perceptions of state police: An analysis of individual-level and contextual variables. Journal of Criminal Justice, 24, 17-28.

Edwards, T. (1995). Felonious killings of state police and highway patrol officers: A descriptive and comparative evaluation. American Journal of Police, 14, 89-105.

Exec. Order No. 10. (2001).

Ford, J. & Pepper, G. (2001, July). Delaware State Police. Paper presented to the Governor's Council on Equal Employment Opportunity, Dover, DE.

Goff, J. (2001). Breaking through the blue wall: Women on the force. Unpublished paper, John Jay College of Criminal Justice, New York.

Holdaway, S. (1991). Race relations and police recruitment. British Journal of Criminology, 31, 365-382.

Hunt, R. & Beal, P. (1999). Developing a partnership between a university and a police department: The University at Buffalo School of Management and the Buffalo Police Department partnership project. University at Buffalo School of Management.

Hunt, R. & Beal, P. (1999). Developing a partnership between a university and a police department: The University at Buffalo School of Management and the Buffalo Police Department partnership project - Executive summary. University at Buffalo School of Management.

International Association of Chiefs of Police. (2000). Recruitment and Retention of Qualified Police Personnel, A Best Practices Guide. International Association of Chiefs of Police.

International Association of Chiefs of Police. (1998). The future of women in policing: Mandates for action. International Association of Chiefs of Police.

Mahtesian, C. (1996). The big blue hiring spree. Governing, 9, 28-31.

Maryland State Police Annual Report 2000. (2000). Pikesville, MD: Maryland State Police.

McAndrew, J. (2001). A Study in blue: A study of police officer morale in the NYPD. Unpublished thesis, John Jay College of Criminal Justice, New York.

McKeever, J. & Kranda, A. (2000). Recruitment and retention of qualified police personnel. Big ideas for smaller police departments, 1, 2-3.

National Center for Women and Policing. (2001). Recruiting and retaining women: A self-assessment guide for law enforcement. Bureau of Justice Assistance

National Urban League. (1980). Law enforcement minority persons project - Final report, Fifth, June 1978-March 1980. Washington, DC: National Urban League.

Price, B. (1996). Female police officers in the United States. In M. Pagon (Ed.), Policing in central and eastern Europe: Comparing firsthand knowledge with experience from the west. (pp. 635-640). Ljubljana, Slovenia: College of Police and Security Studies.

Reaves, B. & Hart, T. (2000). Law enforcement management and administrative statistics, 1999: Data for individual state and local agencies with 100 or more officers. Washington, DC: US Department of Justice.

Rodriguez, M. (1995). Increasing importance of higher education in police human resource development programs. CJ the Americas, 8, 1,6-9.

Sauls, J. (1995). Establishing the validity of employment standards. FBI Law Enforcement Bulletin, 64, 27-31.

Schulz, D. (1995). Invisible no more: A social history of women in U.S. policing. In B. Price & N. Sokoloff (Eds.), The criminal justice system and women: Offenders, victims and workers (2nd ed.) (pp. 372-382). NY: McGraw-Hill.

Smith, K. & Lingerfelt, J. (2000). How law enforcement executives can use enterprise resource planning to improve their agency's effectiveness. Police Chief, 67, 68-72.

Stokes, L. & Scott, J. (1996). Affirmative action and selected minority groups in law enforcement. Journal of Criminal Justice, 24, 29-38.

Torres, D. (1987). Handbook of state police, highway patrols, and investigative agencies. Westport, CT: Greenwood Press.

United States Commission on Civil Rights (2000). Revisiting *Who is guarding the guardians?*: A report on police practices and civil rights in America. Washington DC: United States Commission on Civil Rights.

Weiss, J. (1998). Police-researcher partnership: Building the infrastructure for effective program evaluation. Washington, DC: International Association of Chiefs of Police.

Appendix A(1)

Executive Order No. 10 Establishing New Equal Opportunity Hiring Standards For Delaware Government

WHEREAS, Delaware law and/or executive order prohibit discrimination in state employment based on gender, race, color, religion, national origin, marital status, disability, sexual orientation, or Vietnam Era veterans status; and

WHEREAS, the State of Delaware is committed to providing equal employment opportunities to all Delawareans; and

WHEREAS, the State of Delaware is committed to maintaining a high quality workforce that draws upon the talents of our diverse citizenry to operate our government effectively for the benefit of the State's citizens; and

WHEREAS the State of Delaware has succeeded over the past several years in diversifying its workforce; and

WHEREAS despite these efforts, the State of Delaware should continue to strive for a workforce that reflects the diversity of the State's population and labor market; and

WHEREAS the State of Delaware can only achieve the diversity it seeks by continuing and improving an equal employment opportunity program that enforces sound recruitment and promotion practices throughout state government;

I, Ruth Ann Minner, Governor of the State of Delaware, hereby ORDER on this 23rd day of January, 2001:

1. The State of Delaware's commitment to equal employment opportunity is hereby affirmed and heads of each Department and Agency within the Executive Branch (collectively "Executive Branch Agencies") are directed to pursue diligently the recruitment and promotion of qualified women and minorities and to be vigilant in complying with the laws prohibiting discrimination in employment.
2. The work atmosphere in Executive Branch agencies shall be one that fosters mutual respect and understanding among persons of different races, sexes, and faiths.
3. Paragraphs 1 and 2 of this Executive Order are directives from the Governor to Executive Branch Agencies. They will be vigorously enforced by the Governor. However, they are not intended to and shall not create independent causes of action for or on behalf of persons who allege a lack of compliance with those paragraphs.
4. The Governor's Council on Equal Employment Opportunity (hereinafter "Council") is continued. The function of the Council shall be to assist in the monitoring and evaluation of the Executive Branch Agencies' implementation of and compliance with this Executive Order, and to provide advice and recommendations to the Director of State Personnel and the Governor.
 - a. The Council shall consist of eight members. One half of the Council's members shall be members of the Delaware Human Relations Commission who shall be nominated by the Chairperson of the Human Relations Commission and appointed by the Governor.

One half of the Council's members shall be appointed by the Governor. All members of the Council shall serve at the pleasure of the Governor. The Chairperson of the Council shall be appointed by the Governor from among the Council's members, and shall serve as Chairperson at the pleasure of the Governor.

b. The Council shall receive staff support from the State Personnel Office and the Office of Human Relations. The Division of Vocational Rehabilitation shall advise the Council on matters regarding persons with disabilities.

c. The Council shall furnish on October 30 of each year a written annual report to the Governor and State Personnel Director on the progress being made in improving the diversity of the State's workforce and recommend any additional action which, in the Council's judgment, should be undertaken. Such report shall be available to the public.

5. The State Personnel Office shall maintain the central managerial role over all diversity and equal employment matters in the Executive Branch and shall bear overall responsibility for the implementation and management of the policies and procedures set forth in this Order. The Director of the State Personnel Office shall:

a. establish the duties and responsibilities of the Equal Employment Opportunity/Affirmative Action Administrator and of Agency equal employment officers ("EEO officers");

b. prepare and submit an annual Executive Department Affirmative Action plan, to include short and long term strategies;

c. hold agencies accountable for their implementation of this Order;

d. act as the State of Delaware's liaison with the EEOC for federal reporting requirements; and

e. communicate and coordinate diversity and equal opportunity initiatives across agencies.

AFFIRMATIVE ACTION PLANS

6. The head of each Executive Branch Agency shall maintain an Affirmative Action Plan which shall be filed annually with the State Personnel Office and the Council on or before September 15.

7. Each Affirmative Action Plan referred to in paragraph 6 shall be in a form prescribed by the State Personnel Office to ensure compliance with federal laws, state laws, and this Order. Each plan shall include, but shall not be limited to, the following provisions:

a. A specific statement of goals and objectives designed to assure equal employment opportunities in hiring and promotion and to eliminate any unlawful discrimination in Agency employment;

b. A specific statement of action steps designed to maximize the degree to which qualified minorities and women are represented in the Agency as compared to Delaware's labor pool. Such action steps shall include:

(i.) Specific proposals for recruiting minorities and women for employment in the Agency to the extent that they are underrepresented in the Agency when compared to the relevant statewide labor market.

(ii.) Specific proposals for assuring that hiring practices are conducted consistently with the objectives of this Order.

(iii.) Specific proposals for assuring that all promotional opportunities are offered in a manner consistent with this Order.

(iv.) Specific proposals for staff participation in training programs on interview techniques and acceptable hiring practices.

(v.) Specific proposals for employee participation in career enhancement programs and seminars.

(vi.) Specific statements regarding the applicability of the following outreach, training, and accountability measures to the Agency's recruitment and retention efforts:

A. Job fairs

B. College and university outreach

C. Professional group outreach

D. Advertising

E. Employee recognition programs

F. Formal and informal mentoring

G. Internal leadership programs

H. Participation in statewide programs

I. Professional development for existing staff, including tuition reimbursement programs, attendance at conferences and seminars, and internal training opportunities

J. Inclusion of recruitment and retention of women and minorities in Agency's strategic and staff plans

K. Statements of Agency policy

L. Creation or continuation of Agency committees

M. Specific efforts of top leadership within the Agency

N. Internal communications efforts within the Agency

c. A designation of the EEO officer within the Agency to carry out diversity and equal employment opportunity functions for the Executive Branch Agency.

8. Each Executive Branch Agency shall make available a summary or full copy of its Affirmative Action Plan to any employee upon request.

RECRUITMENT AND PROMOTION OF A DIVERSE WORKFORCE

9. To support the recruitment of a diverse workforce, the Director of the State Personnel Office or her designee shall:

- a. Assist Executive Branch Agencies in updating their Affirmative Action Plans in accordance with federal guidelines.
- b. Develop, coordinate, and implement professional recruiting efforts throughout State government designed to increase the number of qualified women and minority candidates for state employment. The State Personnel Office shall develop a statewide directory of organizations that can serve as resources for the identification of qualified women and minority candidates in particular fields, so that these organizations can be notified regarding specific vacant positions.
- c. Review and revise employment hiring procedures and Merit Rules to ensure a selection process that is fair, non-discriminatory and equitable.
- d. Require agencies filling merit positions at paygrade 15 and above to use an interview team of at least three members. When feasible, such a team should be diverse in its composition.
- e. Work with the State Manager of Training and Development to facilitate statewide training and technical assistance programs to ensure compliance with state and federal equal opportunity laws and this Order, and to inculcate effective recruitment and career development procedures.
- f. Work with the EEO officers and personnel officers of the various Executive Branch Agencies to review job classifications within those agencies, and the qualifications of the employees of such Agencies, with a view toward eliminating any artificial barriers to hiring and promotion, and targeting appropriate employee career development seminars.

REPORTING REQUIREMENTS

- 10. Each Executive Branch Agency shall:
 - a. Be held accountable for compliance with this Order by including the measures and statements required in this Order in each manager's performance plan and each relevant Agency strategic plan;
 - b. Retain a record of all applicants who voluntarily divulge protected class information. The information required shall be prescribed by the State Personnel Office and, to the extent practicable, shall be in a format consistent with the terminology and categories used in federal EEO standard forms;
 - c. Ask each terminating employee to participate in an exit interview to determine the reasons for that employee's termination and retain records of such interviews;
 - d. Report to the State Personnel Office information requested by the State Personnel Office concerning the Agency's Affirmative Action Plan.
- 11. The State Personnel Office shall:
 - a. Maintain a comprehensive, statewide, on-line, user-friendly system that allows continuous monitoring of the diversity of the State's workforce across all paygrades;
 - b. Work with the Council to ensure the publication of clear information regarding the composition of the State's workforce;
 - c. Submit a quarterly report to the Council; and

- d. Assist the Council in preparing its annual report.

PUBLIC ACCOUNTABILITY

12. The Council, with the assistance of the State Personnel Office and the Human Relations Commission staff, shall:

- a. Establish a schedule for conducting an intensive review of each Executive Branch Agency every three years to assess compliance with the terms of this Executive Order, the Agency's Affirmative Action Plan, and equal opportunity laws. The review shall involve an in-depth consideration of Agency promotion, hiring and recruiting practices. Each reviewed Agency shall receive a detailed report identifying those practices and policies of the Agency that are constructive and those practices and policies which need improvement or elimination, with specific recommendations for the Agency to consider. The Council shall incorporate a summary of the results of these reviews in its annual report, as required by paragraph 4 of this Order. From these annual reviews, the State Personnel Office shall submit to each Executive Branch Agency a guidance memorandum identifying successful practices used by the reviewed agencies to increase the diversity of their workforce and examples of policies and practices that hindered the State's attempt to create a more diverse workforce.

- b. Publish, as a part of its annual report, an overall report on the composition of the State's workforce and the State's effectiveness in complying with equal employment laws and this Order.

COMPLAINTS

13. Each Agency shall include in its Affirmative Action Plan a description of a mechanism or complaint procedure to permit and encourage employees to discuss any problems resulting from alleged bias, discrimination, lack of equal employment opportunity or any similar matters with appropriate division or Agency supervisory personnel. The procedure shall provide for the lodging of employee complaints and for a response to be made within a specified reasonable period of time. The employee shall be advised of his right to file a formal complaint with the Labor Law Enforcement Section of the Department of Labor and shall receive such assistance as may be requested from his Agency EEO officer.

14. The Office of State Personnel shall:

- a. Post a public notice, in conspicuous locations or bulletin boards, of all cabinet Departments, major offices, divisions or agencies which shall affirm the State's commitment to equal opportunity and advise all State employees and applicants for State employment that any complaints of discrimination should be promptly reported to the State Equal Employment Opportunity/Affirmative Action Program Administrator and the Labor Law Enforcement Section of the Department of Labor;

- b. Provide on the application form for State employment a statement of the State's commitment to equal employment opportunity and instructions as to how complaints of discrimination may be reported.

15. The complaint process for employment discrimination cases shall fall into two categories: informal and formal.

- a. An informal complaint is filed with the State Personnel Office by written or oral communication with the State Equal Employment Opportunity/Affirmative Action

Program Administrator requesting the State Equal Employment Opportunity/Affirmative Action Program Administrator to attempt to facilitate resolution of the complaint. The State Personnel Office shall determine whether or not the complaint appears to fall within the jurisdiction of the Labor Law Enforcement Section of the Department of Labor and may require a formal charge of discrimination within the time limits prescribed by statute.

b. The State Equal Employment Opportunity/Affirmative Action Program Administrator will inquire into such cases by working through the designated Agency EEO officer and appropriate management staff, as deemed appropriate by the Cabinet Secretary. Based on the determination, the State Equal Employment Opportunity/Affirmative Action Program Administrator will respond in writing to the complainant. If there is an apparent violation of Title VII of the Civil Rights Act of 1964 as amended, the Age Discrimination in Employment Act of 1967 as amended, Vietnam Era Veterans Readjustment Assistance Act of 1979, the Americans with Disabilities Act of 1990, or Title 19 of the Delaware Code relating to discrimination in employment, the complainant shall be referred to the Labor Law Enforcement Section of the Department of Labor to file a formal complaint. Cases which appear to violate discrimination laws shall be referred to the Labor Law Enforcement Section of the Department of Labor, even if resolution is reached by the State Personnel Office. Nothing in this Order shall be construed to bar mediation of a complaint by the State Human Relations Commission; however, such mediation shall not affect or in any way toll relevant time limitations.

REPEAL OF PREVIOUS EXECUTIVE ORDERS

16. Executive Order No. 28, dated March 10, 1995, is hereby repealed.

APPLICABILITY OF EXECUTIVE ORDER

17. This Order shall apply to all Cabinet Departments and Executive Agencies of the State. The members of the General Assembly and the Judiciary are also encouraged to adopt this Order.

18. No provision of this Order is intended to create any individual right or legal cause of action which does not already exist under state or federal law.

Ruth Ann Minner
Governor

Appendix A(2)

Executive Order No. 19 Directing An Investigation Into The Workplace Climate At The State Police, And Mandating Full Compliance To Any State Investigations Of The State Police

WHEREAS, questions have been raised as to the fairness of employment, discipline and promotion policies at the Delaware State Police; and

WHEREAS, a mechanism is needed to thoroughly investigate the climate at the Delaware State Police and to ensure full cooperation by the Delaware State Police with any future Delaware State Senate investigations;

I, RUTH ANN MINNER, GOVERNOR OF THE STATE OF DELAWARE, HEREBY ORDER ON AUGUST 17, 2001:

1. The Director of State Personnel is directed to undertake an investigation of the working conditions at the Delaware State Police. This investigation shall include:
 - a. Findings as to the compliance of the Delaware State Police with Executive Order No. 10, signed January 30, 2001.
 - b. Findings as to the working conditions and organizational culture for women and minorities at the Delaware State Police, and conditions that might impede women and minorities from remaining with the State Police and advancing through the ranks of the State Police.
 - c. Recommendations for changes at the State Police that could result in improvements in the state's ability to retain qualified State Troopers.
2. All state employees, including but not limited to members, employees, and officers of the Delaware State Police, are directed to fully and promptly comply with any requests made by the Director of State Personnel for access to persons, records, or other information in connection with the investigation I have ordered in paragraph 1 of this order.
3. The Director of State Personnel is directed to report her findings and recommendations to me and the Secretary of Public Safety by December 1, 2001.
4. All employees, officers and members of the Delaware State Police are directed to fully and promptly comply with any requests for information by the legislature of the State of Delaware or any formally constituted committee of that legislature. To the extent that any employee, officer or member seeks to withhold information on the basis that it is confidential or privileged, he or she shall do so only after receiving express permission to withhold that information from my office, and he or she shall explain to the legislature what information is being withheld and the specific reason that it is being withheld.
5. No employee, officer or member of the Delaware State Police shall be disciplined, punished, reprimanded, or sanctioned in any fashion as a consequence of providing information to the legislature of the State of Delaware or any formally constituted committee of that legislature.
6. No employee, officer or member of the Delaware State Police who has provided information in a public forum to the legislature of the State of Delaware or any formally constituted committee

of that legislature shall be transferred, demoted, or otherwise have his or her employment status changed unless my office and the Secretary of Public Safety has been provided with prior notice of such impending change.

7. Any failure by any employee, member or official of the Delaware State Police to comply with the terms of this Order shall be considered an act of direct insubordination and shall be subject to the discipline associated with such acts.

8. None of the directives in this order waive any of the existing obligations of the Delaware State Police to comply with existing state and federal laws and regulations. If any member of the Delaware State Police perceives any direct conflict between this Order and any existing state or federal law or regulation, said conflict shall be brought to my attention in writing immediately and will be resolved by my office.

Ruth Ann Minner
Governor

ILLINOIS STATE POLICE MERIT BOARD

<http://www.illinoistrooper.com/history.htm>

Web site Directory: [Home](#) [Mission Statement](#) [History](#) [Pre-Employment Requirements](#)
[Current PIC Cycle Dates](#) [Recruitment Process](#) [Selection Process](#) [Promotion Process](#)
[Discipline Process](#) [Illinois State Police](#) [State of Illinois](#) [Contact Us](#) [Online Application](#)
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History The State Police Merit System was established under the Illinois Highway Police Act on July 20, 1949, by the 66th session of the General Assembly. The Governor, with consent of the Senate, appointed a three-member Board to govern the merit system. No more than two members of the Board could belong to the same political party. Terms of the members were set at six years, with original appointments at two, four and six years to allow staggered terms and continuity of the board policy. The Board had three main functions: 1. Establish standards, recruit, select and certify for appointment, those qualified applicants who the Superintendent of the Illinois State Highway Police would appoint to the police force 2. Establish standards and methods for promotion and certify to the Superintendent of the Illinois State Highway Police, those candidates who are eligible for promotion 3. Act as a hearing board for all charges alleged by the Superintendent of the Illinois State Highway Police against officers, when seeking their suspension for more than 30 days, their demotion or their discharge In accordance with the provision of the Illinois Highway Police Act, the board established qualifications for state police applicants. The original qualifications stated that an applicant needed to be, at least, 21 years of age and not more than 35 years of age at the time of appointment. An applicant was required to be a United States citizen, with no criminal record, and a resident of Illinois for the two previous years. The minimum height requirement for an applicant was five feet nine inches and the maximum height requirement was six feet four inches. The U.S. Army standards dictated minimum weight for height, and an applicant, weighing more than 35 pounds over Army standard, was not eligible. An applicant was required to have a high school diploma or a General Education Development Certificate. Finally, an applicant was required to be of sound mind and body and of good moral character. On July 1, 1963, the Board began a recruiting program that included qualification standards for women. A female applicant was required to have at least five years employment experience in social, group, probation, parole or penological work, or in law enforcement, nursing, teaching or investigation. A female applicant was required to be a qualified stenographer or, in lieu of that, she must have graduated from college, in addition to having one or more years of employment experience in the fields previously mentioned. The age requirement for a female applicant was no less than 25 years of age and no more than 40 years of age and the height requirement was a minimum of five feet two inches tall and a maximum of five feet nine inches tall, without shoes. In 1970, the State Highway Police changed to the Department of Law Enforcement. Legislation effective July 1, 1977, which reorganized the Department of Law Enforcement, was responsible for abolishing the State Police Merit Board and establishing a new board entitled the Department of Law Enforcement Merit Board. The Board was expanded

to five members, with no more than three of the same political party. The new board modified the applicant requirements. The new criteria stated that an applicant must be between the ages of 21 years and 36 years, or 20 years old if the applicant had successfully completed two years (60 semester hours or 90 quarter hours) of law enforcement studies, at an accredited college or university, with a "C" average or better. An applicant must have a valid driver's license, be physically fit and agile, with weight proportioned to height, and have no defects that would affect or interfere with the nature of the work. A vision requirement for 20/20 vision, or correction to the same, was added. An applicant with tattoos on either hand, wrist or forearm would not be considered. Executive Order Number 3 of 1985 by Governor James R. Thompson, renamed the Department of Law Enforcement to the Department of State Police. Then, in September of 1988, the Department of State Police became known as the Illinois State Police. During all this time the Merit Board remained an entity within the Illinois State Police. On November 1, 1989, House Bill 44, introduced by Representative Wayne Goforth, was passed, separating the Board from the Illinois State Police. This separation, effective on that date, allowed the now named Illinois State Police Merit Board to exercise its powers and duties in an independent manner, free from the direction, control or influence of any other agency. Currently, the five-member Merit Board remains deeply dedicated to providing a fair and equitable merit process for the selection of state trooper candidates and **promotion** and **discipline** of State Police officers.

Appendix C

A Model Promotion Process for Police Agencies

Submitted by John Jay College of Criminal Justice

In the early 1970s, because of a number of federal and state court decisions, the primary focus of the promotion process of many police departments was simply to obtain validity. Police jurisdictions all over the country scrambled to construct a promotion process that would satisfy many new legal requirements. While such efforts were and still are obviously necessary, it is our opinion that many police agencies do not take full advantage of some significant ancillary benefits that can accrue via the progressive use of their promotion processes. In short, we believe that police promotional examinations can be both legal and, if properly constructed, extremely beneficial to both the agency and the officers involved.

The study team members most directly involved in the phase of the review (Lombardo and Schroeder) have been involved in a variety of aspects of competitive examination promotion for over twenty-five years. They have served many jurisdictions as test developers, administrators, and scorers, and also have significant experience in preparing candidates for competitive examination promotion. Throughout this time, they have regularly observed that law enforcement agencies often do not take full advantage of their promotion process. In short, our basic premise is that when properly constructed, a police promotion system can produce a cost effective training mechanism for a police agency, and also identify the most deserving and qualified candidates for supervisory and managerial promotion. Unfortunately, we believe that currently very few jurisdictions recognize and take full advantage of the potential that results from a properly constructed promotion process.

The Level of Motivation Of Those Who Seek Promotion

To understand the premise advanced above, one must first recognize that those who desire police promotion are readily willing to devote a great deal of their own time, as well as their own resources, to obtain promotion; nowhere in any criminal justice classroom is there greater motivation to learn than that which is present in a police promotion preparation class. This is because the individuals who successfully earn promotion in jurisdictions which utilize competitive examinations to select those who are promoted, are, with rare exception, individuals who study long and hard for the promotion exam. The situation is made even more intense and competitive by the fact that, on the average, the opportunity to take a promotion exam usually comes along only once every two to four years. Here it is noted that the more frequently the promotion examination is held, the better it is for the agency. Constant promulgation of new eligible lists, e.g. every two years, allows the agency to always promote from the top of the list where, presumably, the better candidates are located. Plus there is the added benefit of having employees who are continually learning about their jobs.

The Importance Of An Up To Date Job Analysis

From a legal standpoint, promotion tests must be based on a professionally prepared and current job analysis. It is absolutely essential that the job relatedness of all material on which the test is being built be identified via such a job analysis. But, basing promotion standards on a job analysis is not only a legal obligation, it is also vital if the agency involved wants to receive maximum benefit from the process. When a candidate for promotion studies materials that are directly related to the position being tested for, he or she is preparing to do the job as it is actually performed in the agency involved. Being required to study material that is not related to what is actually being done by incumbents already in the ranks is counterproductive. The sole result of such studying is that the candidate learns what he has to in order to pass the examination. After the examination, the acquired knowledge has no value to him.

The Importance Of Pre-Screening Of Test Material

To take full advantage of the unique opportunity to improve the quality of their supervisors, agencies must pay close attention to the content matter that will be included on the promotion examination. The most common error made in this regard is overloading. Overloading occurs when material is included in the test announcement as being testable simply because it has a general relationship to the job analysis. When overloading occurs, the agency is literally forcing members to study material that will not be needed by them upon promotion.

An example of overloading is the inclusion on a test announcement of the entire contents of a procedural manual simply because the job analysis reveals that knowledge of certain procedures is needed by incumbents in the rank being tested for. Another example is the inclusion on the test announcement of the entire contents of a legal manual because the job analysis shows that incumbents must be familiar with certain statutes to do their job. The most obvious example of overloading occurs when an agency includes on its test announcement the entire contents of a textbook on police management or supervision in response to the fact that the job analysis invariably reveals that police supervisors must have knowledge of certain principles of management and supervision. The problem created by such inclusion is that virtually every management/supervision text contains information that is simply not needed by incumbents in the rank being tested for. Such material includes, but is not limited to, historical information, complex theories of motivation, some of which are outdated and have little or no applicability to the agency, and complex theories of supervision that are not utilized by the agency involved. In this regard, it is sometimes necessary to remind the appropriate police officials that there are different approaches to police supervision and management. For example, some authors rely on what we call a military model of supervision, while others champion more of a team approach to supervision.

There is a companion problem, under loading. This occurs when the job analysis reveals that incumbents in the rank being selected require specific knowledge that is not included in the test announcement. The most common example of this occurs when agencies include only technical material on their test announcements, thereby turning a blind eye to the fact that all police supervisors require management and supervisory skills that are not needed by subordinate employees at the level of operation.

Problems created by inclusion of extraneous material on the test announcement can be overcome by a thorough pre-screening of the sources and material that will ultimately be tested by the examination process. This pre-screening should be performed by a Test Validation Review Board, which is discussed below. Admittedly, pre-screening is a time consuming process, but, the time involved is well spent if the result is the identification of those candidates who are best suited to do the job being tested for as it is actually performed in the agency.

It is important to note that pre-screening of testable material also serves to level the playing field. It assists everyone interested in promotion in receiving an equal opportunity to obtain such promotion. Taking much of the guesswork out of the studying process does this. Guesswork invariably occurs when a test announcement is overloaded. Pre-screening serves, therefore, to give promotional candidates an equal starting point.

A Test Validation Review Board

Every agency that utilizes a competitive testing process to select their supervisors should have a Test Validation Review Board. The purpose of this board is to insure the validity of the testing process by verifying prior to the holding of the examination, that the universe of material from which the examination will be created is job related. This board must also, after the test has been written, assure that all multiple choice questions, and all oral board and assessment center scenarios are job related, have face validity, and, in the case of multiple choice questions, that the question has one and only one correct answer. The principal functions of this board are as follows:

- a. To review and validate the job analysis prior to each testing cycle,
- b. To pre-screen the material upon which the test will be based to insure its job relatedness, and to notify all candidates for promotion of the specifics of this material sufficiently in advance of the test to allow for adequate preparation. This notification should be in the form of a Pre-Test Study Guide discussed below.
- c. To pre-screen the content matter of the questions that will appear on a multiple-choice test to insure job relatedness,
- d. To pre-screen scenarios developed for oral board tests to insure job relatedness,
- e. To pre-screen any assessment exercises which will be utilized to insure job relatedness,
- f. To pre-screen the answer key developed for each component of the test.

Regarding pre-screening of the content matter of multiple choice questions, subdivision "c" above, it should be noted that such questions should test for essential knowledge. Ensuring that a question comes from an area that has been identified, as being related to the job is not sufficient. The real issue is whether the question gets to the heart of the matter. And, for the sake of the credibility of the examination process, the questions should have face validity - that is, test takers should be able to see an obvious connection

between the question and the job of incumbents in the rank being selected. The best way to accomplish this is via the use of situational questioning. Situational questioning requires a candidate to apply the knowledge from a particular source to a commonly occurring situation as identified by the job analysis. Above all, however, the Test Validation Review Board should not allow questions to appear on the examination if all they test is rote knowledge of material from a source, such as a textbook, without consideration of applicability of that material to the actual job being tested for.

Regarding the pre-screening of the answers to multiple choice questions, subdivision “f” above, the Test Validation Review Board has to closely examine all of the choices to make a determined effort to administer a multiple choice test which has only one right answer. Distractors, which is the term used to describe wrong choices, must be closely examined to insure they are indeed wrong choices. Double answers or voided questions are damaging to the credibility of the testing process.

Members sitting on the Test Validation Review Board must be individuals who are extremely familiar with the requirements of the job being tested for, and should include one or more high performers currently performing that job.

Publication Of A Comprehensive Pre-Test Study Guide

Upon completion of their review of the material upon which the test is to be based, the Test Validation Review Board should oversee the publication of a Pre-Test Study Guide. This guide, that should be made available to candidates for promotion at least four months prior to the actual test date, must be as specific as possible. For example, it should specify such things as:

- a. Those sections of statutory law involved in the test,
- b. Those sections of procedural manuals involved in the test,
- c. Those portions of textbooks involved in the test.

A properly constructed Pre-Test Study Guide serves the following purposes:

- a. It is beneficial to the agency and to candidates seeking promotion because it helps such candidates study only material which is needed by them upon promotion, and,
- b. It gives promotional candidates an equal starting point, and takes away any unfair advantage that may accrue to those candidates who are more sophisticated test takers.

One final note concerning the Pre-Test Study Guide, it is absolutely essential that all components of the test being written use material listed in the guide. To do otherwise is clearly unfair to the candidates seeking promotion.

The Use Of Open And Closed Book Tests

Far too many police agencies fail to see the advantages of including an open book test as a component of their testing process. Open book tests are most suitable for the testing of technical material, such as statutory law and agency procedures. When deciding whether material should be tested via an open or closed book test, the rule is simple. Knowledge that is needed to make immediate decisions in situations where time is of the essence should be included on a closed book test. Examples are statutory and case law, and policies and procedures related to such things as the making of summary arrests, the use of force, and the conducting of high-speed pursuits. Technical knowledge needed in situations where time allows for the researching of the matter should be included on an open book test. Examples are the making of required after the fact notifications and the time frames mandated for such notifications.

The Scope Of The Testing Process

As discussed above, content matter for police promotion examinations must be identified through a good job analysis. In the great majority of cases, however, a quality job analysis of a police supervisor's position should reveal that a police supervisor must have knowledge of:

- a. Pertinent statutory law,
- b. Pertinent case law,
- c. Pertinent statewide and agency legal guidelines,
- d. Pertinent agency policies and procedures,
- e. Pertinent principles of management and supervision.

The problem, as we see it, and as mentioned to us countless times by students for police promotion, is captured by the use of the word "pertinent." Let's examine each of these five categories.

PERTINENT STATUTORY LAW

There is no doubt that police supervisors must have knowledge of pertinent statutory law, and that the need for such knowledge is most urgent for supervisors directly involved in the arrest process, such as field supervisors and/or station house supervisors. However, any test announcement that simply states that the test will include questions from the state's penal and traffic code, as many do, is doing a great disservice to both the agency and the student. Such a general statement results in many hours being spent by sworn officers studying laws that they only have to know to answer questions on a promotional exam and which will probably never be required for use in the workplace. The result of this is an agency with a cadre of newly promoted supervisors who have knowledge that is not needed by them to do a quality job. It is far better for the test announcement to specify which crimes will be tested on the examination. And obviously identifying such crimes results from a quality job analysis of the position being selected.

But, there is an additional factor that should be considered in this area. As discussed above, statutory law questions that are part of a closed book test should be limited to knowledge that is instantly needed when there is a sense of urgency and no time available to research the matter. The primary issue involved in the making of a summary arrest or taking summons action is whether or not a violation of a statute or code has occurred. To ask the degrees of offenses involved on promotion examinations is extremely non-productive. Yet, many test questions require the candidate to identify the degree of crime spelled out by the question's fact pattern. This occurs despite the fact that it is not necessary to know this information when taking summary action. [As all practitioners know, determining the specifics such as the degree of the crime charged could consulting the statutory law after the initial arrest is made effectively do most.] By further example, in order to make an arrest for robbery, it is important to establish that some degree of robbery has occurred. Questions about the degrees of such crimes could be appropriate as part of an open book examination.

PERTINENT CASE LAW

The knowledge of pertinent case law should definitely be tested as part of a police promotion examination, especially those examinations given to select supervisors directly involved in field operations. But it is counter productive and unfair to students to specify in a Pre-Test Study Guide that case law will be tested without (a) specifying the cases, and equally important (b) ensuring that the student has access to the cases so specified.

The number of hours needed to effectively learn all of the case law applicable to police work is clearly staggering, not to mention the time spent in locating these cases. To make matters worse, it is wasted time, since, as in the case concerning statutory law, so often much of the information needed to ensure that legal procedures have been followed is information that can be, and should be in practice, researched after summary action is taken. Here again, only that knowledge of case law that is needed to ensure that proper summary action is taken should be tested on a closed book examination. Open book testing would be appropriate for other such pertinent case law testing.

PERTINENT LEGAL GUIDELINES

Legal guidelines, such as those mandated by an Attorney General, should most certainly be included on promotion examinations. The same thinking as discussed above concerning the need to know in order to take summary actions applies here also. For example, guidelines on such things as vehicle pursuits, and the use of force must be thoroughly known. We prefer to call these summary action guidelines. Guidelines on what to do after summary action is taken are, of course, also important, but can and should be referred to when needed. They, therefore, might be more appropriately tested through open book testing.

PERTINENT PRINCIPLES OF MANAGEMENT AND SUPERVISION

All areas discussed thus far involve technical knowledge that all sworn officers are exposed to at entry level and in-service training. But, test developers must recognize that

the skills needed to supervise effectively differ significantly from those skills needed by subordinates working as police officers. The job of a supervisor is to get the job done through others. To accomplish this, at a minimum, supervisors must be able to appropriately communicate, train, discipline, counsel, motivate, receive grievances, resolve conflict, and engage in problem solving and planning. Above all, a good supervisor must have excellent interpersonal skills. A quality job analysis of a police supervisor's position in any law enforcement agency will surely identify the need for these management and supervision skills.

It must be mentioned that while including principles of management and supervision on promotion examinations is valuable, there are pitfalls that must be avoided. In the world of management theory, there are many approaches to supervising and managing. For example, one author, whose work has appeared on police promotion bibliographies, suggests that the chain of command has little value, the policy on insubordination should be eliminated, all titles should be eliminated and finally everyone should be required to address each other by first names only. Many students from agencies who use this text on their promotion tests have told us that, despite what is stated in that text, the reality in their agencies is that chain of command is very important, insubordination is not tolerated, and that the use of a supervisor's first name by a subordinate in a formal work setting is frowned upon. The point is that agencies must thoroughly screen the management and supervision books they use and include on their promotion tests only those authors whose viewpoints are in accord with what has been revealed by a quality job analysis. This same specificity stemming from a quality job analysis can even be used to identify specific chapters and even portions of chapters of a text. Not to do so, results in wasting the time of students who must learn principles that may cause confusion and which will not be used after promotion.

THE USE OF DISCRETIONARY AUTHORITY

It is not unusual for an agency head to have some discretionary authority with regard to the selection of those who are promoted. Such discretionary authority is usually broader in agencies not bound by civil service law. There is a problem, however, which occurs when everyone in the agency is not fully aware of the guidelines the agency head uses when exercising this discretionary authority. The problem involves perception of unfairness. We, along with other experts in the field, believe that the presence of a perception of unfairness is extremely damaging, especially when females and minority groups are involved. And, while the perception of unfairness can probably not be totally eliminated when discretionary authority is involved in a process, we believe it can be reduced significantly if all involved are aware of the guiding principles that guide such discretionary authority.

TRAINING FOR NEWLY PROMOTED FIRST LINE SUPERVISORS

A promotion process that does not provide for the immediate training of newly promoted first line supervisors is a flawed process. Such a process ignores the irrefutable fact that newly promoted supervisors need to have knowledge, skills and abilities that are not needed by line officers to perform effectively. As mentioned above, any professional job analysis of a police supervisor's job will reveal that a large percentage of the supervisor's job involves such things as training, disciplining, counseling, motivating, receiving grievances, resolving conflict, solving problems, and planning. For example, the New York City Police Department provides a 140-hour block of classroom training for all newly promoted sergeants prior to their assignment to the field in their new capacity.

To allow someone to make the transition from worker to supervisor without providing formal training is to invite problems. This is especially so in view of the changing nature of the composition of the work force of police agencies around the country. As more and more females and minority group members enter the agency, the need for supervisors with excellent interpersonal skills is increased dramatically. It is therefore, our opinion that police agencies are obligated to provide uniform training to newly promoted supervisors in those principles of supervision that the agency believes is most appropriate for use by such supervisors in their new positions.

Another extremely important point in this area is that such formal training must build on the foundation already laid by requiring candidates to study specific management and supervision books as part of their preparation to take the promotion examination. Not to do so is a waste of the many hours of studying by the newly promoted individual.

While it is recommended that all newly appointed supervisors receive standardized pre-assignment training, nowhere is the need for such training more vital than that which exists for the first line supervisor.

All newly promoted personnel should also be required to satisfactorily complete a probation period that should be viewed as an important component of the promotion process.

Appendix D (1)

**DELAWARE STATE POLICE STUDY
DEMOGRAPHICS AND COMMENT RESPONSES**

N=361

DEMOGRAPHIC	PERCENT
MALE	88%
FEMALE	11%
MEAN AGE	36
MEAN YEARS OF SERVICE	12
BLACK	8%
WHITE	74%
HISPANIC	2%
OTHER	2%
ASIAN	0.3%
DECLINE TO ANSWER RACE/ETHNICITY	13%
TROOP OPERATIONS	56%
HQ AND ADMINISTRATIVE	13%
CRIMINAL OPERATIONS	25%
MISSING OPERATING LEVEL	7%
PATROL	43%
UNIFORMED ADMINISTRATIVE	10%
UNIFORMED SPECIAL ASSIGNMENT	9%
INVESTIGATIVE ASSIGNMENT	24%
OTHER ASSIGNMENT	12%
TROOPER	20%
CORPORAL	52%
SERGEANT	13%
LIEUTENANT	6%
CAPTAIN AND ABOVE	5%
HIGH SCHOOL/GED	0.3%
64 CREDITS OR LESS	7%
65-119 CREDITS	31%
BACHELOR DEGREE	52%
MASTER DEGREE	8%
DOCTORATE	0.3%
TRANSFER COMMENT	65%
COMMENT/SUGGESTION	33%

Appendix D(2)

**DELAWARE STATE POLICE STUDY
DEMOGRAPHIC RESPONSES**

N=361

DEMOGRAPHICS	6/6/2001		11/29/2001		SURVEY RESPONSE AS % OF TOTAL
	DSP PERSONNEL		JOHN JAY SURVEY		
GENDER/RACE	COUNT	PERCENT	COUNT	PERCENT	PERCENT
TOTAL	587	100%	361	100%	61%
MALE	530	90%	317	88%	60%
FEMALE	57	10%	38	11%	67%
WHITE	511	87%	267	74%	52%
BLACK	53	9%	28	8%	53%
OTHER MINORITIES	23	4%	15	4%	65%
DECLINE TO ANSWER/MISSING	N/A	N/A	51	14%	N/A

RANK					
CAPTAIN AND ABOVE	25	4%	18	5%	72%
LIEUTENANT	29	5%	22	6%	76%
SERGEANT	84	14%	47	13%	56%
CORPORAL	333	57%	187	52%	56%
TROOPER	116	20%	73	20%	63%
MISSING	N/A	N/A	14	4%	N/A
TOTAL	587	100%	361	100%	N/A

Appendix D(3)

**DELAWARE STATE POLICE STUDY
SURVEY RESPONSES**

N=361

This table represents the responses "Moderately Agree" and "Strongly Agree" Only.

STATEMENT	ALL	GENDER		RACE	
		M	F	B	W
1. DSP members care about each other.	88%	89%	84%	57%	91%
2. Primary reason job security/benefits.	31%	31%	37%	39%	31%
3. Definitely join DSP again.	78%	78%	79%	54%	79%
4. Encourage friends/relatives to join DSP.	72%	73%	63%	46%	74%
5. Immediate supervisors are responsive.	83%	84%	74%	71%	85%
6. Headquarters is responsive.	47%	47%	39%	32%	49%
7. Working relations men/women DSP are good.	91%	91%	87%	71%	93%
8. Still choose law enforcement.	84%	84%	87%	79%	85%
9. DSP members proud of organization.	92%	93%	84%	79%	94%
10. Favoritism common in DSP.	59%	59%	61%	89%	57%
11. Chances for advancement in DSP.	63%	62%	68%	57%	62%
12. Appropriate recognition from supervisor.	69%	68%	74%	50%	72%
13. Disciplinary action = personal friction.	7%	7%	8%	25%	5%
14. Socialize with co-workers off duty.	69%	70%	63%	43%	72%
15. Society makes police job difficult.	62%	64%	50%	46%	65%
16. Retire full pension now.	46%	44%	58%	79%	42%
17. Working relations racial/ethnic are good.	78%	77%	79%	36%	81%
18. Supervisors expectations are unrealistic.	9%	9%	8%	4%	9%
19. Employee grievance = personal friction.	19%	18%	26%	29%	19%
20. DE citizens well served by DSP.	92%	92%	84%	75%	93%
Transfer	65%	67%	58%	71%	67%
Comments	33%	32%	37%	11%	33%

Appendix E

Ombudsman Program

Captain Charles Flynn, Massachusetts State Police
Trooper Mary t. McCauley, Massachusetts State Police
Trooper Dan Moye, Massachusetts State Police

The Massachusetts Department of State Police initiated the Ombudsman Program on January 1, 1999. The Massachusetts State Police was the first State Police organization to initiate an innovative program of this type. The Program's primary objective is to provide a confidential, neutral, and informal Alternative Dispute Resolution (ADR) process for sworn and civilian personnel to assist with work-related problems and concerns. Since the establishment of the Ombudsman Program, members of the Unit have created a rapport with the entire Massachusetts Department of State Police. This was accomplished through the distribution of pamphlets during their many visits to the state barracks and participation in meetings throughout the state.

The Ombudsman office assists in matters an employee may wish to address without being "on the record" or about which they seek informal advice in regards to work-related problems and concerns (e.g., ethics, harassment, discrimination, conflict of interest, policy & procedure clarification and performance issues). The Office of the Ombudsman does not keep case records for the Department and maintains only those notes necessary to manage an ongoing case. An analysis of the cases handled is submitted yearly and in a format that protects the confidentiality and anonymity of the involved parties.

It is their policy that communications with the Office of the Ombudsman are considered privileged. That privilege cannot be waived, unless failure to disclose information that was obtained from an employee could cause a clear and present danger to the safety or security of any individual, the public, or the Department. Also, the office does not take action on calls, letters, or other communications that are anonymous.

A significant benefit derived from the Ombudsman Program is the creation of an organizational climate where it is acceptable for people to raise questions and encourage them to identify and recognize problems at the outset, when problems are generally easier to resolve. The goal is to create the expectation that fairness will prevail. Other benefits include cost savings (e.g., litigation avoidance), low cost data collection, the ability to forecast issues before they become problems and improved communications between employees and management.

The Massachusetts State Police Ombudsman Office is certified by and adheres to the Standards of Practice and the Code of Ethics of The Ombudsman Association (TOA). TOA certifies members/agencies by giving a basic Ombudsman Training Course and Advanced Training Course. TOA also promotes networking and offers various workshops and specialized training courses.

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