



CITY OF DURHAM | NORTH CAROLINA

Date: October 12, 2011

To: Thomas J. Bonfield, City Manager
Through: Theodore L. Voorhees, Deputy City Manager
From: Jose L. Lopez, Sr., Chief of Police

Subject: Use of Asset Forfeiture Funds for a Police Job Task Analysis and Promotional Assessment Services, and to Execute a Contract with Ergometrics and Applied Personnel Research, Inc.

Executive Summary

The Police Department is about to embark on a police promotional assessment process for the ranks of Corporal, Sergeant, and Lieutenant. Accreditation standards require that selection and promotion of police officers be based on job-related factors that have minimal adverse impact on any group. This will be particularly important in this promotion process, as the Police Department attempts to develop leaders in preparation for the retirements of a majority of the Command Staff over the next five years. Job task analysis is integral to this process. Regular job task analysis is important for all positions and assignments to incorporate changes in policies, technology, and job duties.

Recommendations

The Department recommends the use of controlled substance tax distribution funds and federal asset forfeiture funds in an amount not to exceed \$180,000 for the job task analysis and promotional assessment; and

the Durham Police Department further recommends that City Council authorize the City Manager to execute a contract in the amount of \$169,425 with Ergometrics and Applied Personnel Research, Inc. for police job task analysis and promotional assessment services.

Background

The Police Department originally attained national accreditation through the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) in the early 1990's, and has achieved re-accreditation since that time. Although some accreditation standards are optional, those pertaining to the classification, selection and promotion of employees are mandatory. The intent of the standards is to ensure that police classification, selection and promotion methods are useful (will result in selecting qualified officers), valid (job-related), and non-discriminatory (have minimal impact on any group of applicants). To attain that end, Ergometrics and Applied Personnel Research, Inc. will conduct a job-task analysis for all police classifications and work assignments.

The job task analyses, as well as focus groups with police subject-matter experts, will provide a study of each individual sworn and non-sworn police assignment, and the duties and essential functions performed in those assignments. For example, a Police Sergeant in Uniform Patrol would perform different tasks than a Sergeant in Domestic Violence or Training. Essential functions are those duties defined by the Americans with Disabilities Act (ADA) to be necessary for business operations and that cannot be transferred elsewhere.

Issues/Analysis

The job-task analyses, internal and City job descriptions, and the data from employee surveys and focus groups should be the main source for selection criteria used in promoting police officers. The tasks outlined the analyses and job descriptions, and by the focus groups, are related not only to the general duties of North Carolina officers and law enforcement officers in general, but specifically for the job tasks assigned within the Durham Police Department. Therefore, designing questions and assessment exercises around those tasks as part of the promotional assessment should result in better qualified officers (utility). Assessments will be more-easily validated (proven to be job related), and should have less adverse impact on any group. Using documented essential functions will also assist in a response to an ADA-related challenge.

The need for promotions is based on attrition, such as from retirements or incumbents being promoted to higher ranks. Promotions to higher ranks, such as Captain, may result in as many as four lower-level promotions (Captain, Lieutenant, Sergeant, and Corporal). With each promotion comes the need to learn new duties quickly and provide continuity in leadership for the department.

The officers promoted with this upcoming promotion process will be critical to the success of the police department. A majority of senior police commanders will be retiring in the next few years, the department has incorporated new technologies and police methodologies, particularly in the area of crime analysis and prevention, and there are updated policies and general orders. Newly promoted officers will need to have the qualifications and promotional potential to excel in their new positions. Of particular importance will be utilizing a consultant familiar with police operations, CALEA accreditation and current best practices in police promotions.

The last promotion process was conducted in 2009 through a contract with a consultant. That process resulted in an eligibility list which will expire this year. A new list will be needed to fill upcoming vacant ranking positions.

For this promotion process, the department solicited proposals nationally for consulting firms meeting the qualifications in the RFP (Police Job Task Analysis and Promotional Assessment Services). Six candidates submitted proposals and all six met the RFP criteria. A diverse selection committee consisting of the Civilian Administrative Chief, two Police Captains, the Senior Business Services Manager, Human Resources Public Safety Team representatives, and an EO/EA

representative met to review the proposals using the rating forms included in the City's current RPF model.

All six consulting firms who met the RFP criteria in their proposals were deemed to be qualified, with previous experience with police promotional assessment centers, and a good reputation within the business community with a range of prices and approaches. Ergometrics and Applied Personnel Research, Inc., though not the lowest bid, was deemed to be the clear leader and best choice by all committee members. The Ergometrics proposal was sufficiently detailed to demonstrate exactly what would be done, with examples and references from other job task analyses and police assessments. Their previous experience and the level of detail demonstrated their knowledge of job task analysis, police assessment centers, diversity issues, and validation methodologies.

Promotional assessment tools and selection measures should be based on up-to-date job-task analyses, job descriptions and job-related measurements of qualifications that do not have an adverse impact on any group. Assessments using up-to-date job-task analyses and incorporating job-related measures have been proven to successful predictors of success in industry research in general, and in other Durham Police promotional processes.

A promotional process lacking these elements may result in greater liability for the department in case of an ADA challenge or if the police selection and/or promotion processes based on them were challenged by an unsuccessful (and possibly more-qualified) applicant. The basis for the challenge might be that the selection measures were not useful, valid, or were discriminatory. A selection process that does not meet the requirements of the accreditation standards, all of which are mandatory, may put re-accreditation at risk. Most importantly, a promotional process lacking these elements may not produce the leadership necessary to meet the challenges of the next few critical years.

If there is to be a promotional process, the only viable alternative to using an outside consultant would be for the department to use internal resources, through the Police and Human Resources Departments. Internal promotional assessments have not occurred since the late 1990's and using internal resources would be problematic for several reasons:

- Members of both the Police and Human Resources Departments are currently facing the challenges and demands of multiple projects, including implementation of the Strategic Plan, budget challenges, and other urgent priorities. Using internal resources would delay the promotions and interrupt police operations.
- There have been changes in some assignments (i.e., HEAT), technology, and some general orders since the last promotion process, and therefore, the last promotional selection measures may have lost their validity.
- Ongoing re-accreditation efforts require the most professional promotional assessment measures, with proven validity as outlined in the proposal from

Ergometrics and Applied Personnel Research Inc., which may enhance the department's chances with the assessors.

- In case of a challenge by an unsuccessful applicant, a validated selection process by an experienced professional would reduce liability for the City. The contract outlines the consultant's role in representing the Department in any court case challenging the promotion process.
- Finally, the officers may be more confident in a selection process conducted by a professional consultant utilizing nationally-recognized best practices and incorporating Durham-police-specific tasks and general orders as has been proposed by Ergometrics and Applied Personnel Research, Inc.

Alternatives

If there is to be a promotional process, the only viable alternative to using an outside consultant would be for the department to use internal resources, through the Police and Human Resources Departments. Internal promotional assessments have not occurred since the late 1990's and using internal resources would be problematic for the reasons described above under Issues and Analysis and is not recommended.

Financial Impact

The Department recommends entering a contract with Ergometrics and Applied Personnel Research, Inc., the firm chosen by the selection committee with a bid of (\$169,425) for the RFP: Police Job Task Analysis and Promotional Assessment Services. The Department recommends using asset forfeiture funds to pay for the service. The total amount of forfeiture funds requested is \$169,425.

The City's General Fund resources will not be impacted because the Police Department will use its Controlled Substance Tax Distribution Funds and Federal Asset Forfeiture Funds to enter into a contract with Ergometrics and Applied Personnel Research, Inc. Controlled Substance Tax Distribution Funds, sometime called "Tax Stamp Funds", are received from the State of North Carolina/Office of the State Controller through the NC Department of Revenue. This is a result of the Departments seizing drug dealers' assets for their failure to pay sales and excise taxes on illegal drugs. Federal Asset Forfeiture Funds are funds the Police Department received from the Federal government as a result of assets seized during drug arrests/investigations.

SDBE Summary

The Equal Opportunity/Equity Assurance Department reviewed the proposal submitted by Ergometrics & Applied Personnel Research, Inc. of Lynnwood, Washington and have determined that they are in compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

SDBE REQUIREMENTS

No MSDBE or WSDBE goals were set.

WORKFORCE STATISTICS

Workforce statistics for Ergometrics & Applied Personnel Research, Inc. are as follows:

Total Workforce	20	
Total Females	12	(60%)
Total Males	8	(40%)
Black Males	0	(0%)
White Males	8	(40%)
Other Males	0	(0%)
Black Females	0	(0%)
White Females	10	(50%)
Other Females	2	(10%)