

DURHAM



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CITY OF MEDICINE

CITY OF DURHAM | NORTH CAROLINA

To: Thomas J. Bonfield, City Manager
From: Jose L. Lopez, Sr., Chief of Police
Date: January 8, 2013
Subject: Execute a Contract with Morris & McDaniel, Inc., to Conduct Promotion Assessment Services

Executive Summary

The Police Department seeks to enter a contract for promotion testing and assessment, for the ranks of Corporal, Sergeant, and Lieutenant. The current eligibility lists for those ranks expire in late September, 2013.

In addition, current national accreditation efforts require that the Police Department adopt certain standards for promotion testing and assessments. The proposed contract with Morris & McDaniel, Inc., comports fully with applicable standards for test validity, job-relatedness, and fairness.

Recommendations

That City Council authorize the City Manager to execute a contract in the amount of \$107,095.00 with Morris & McDaniel, Inc., for police promotion testing and assessment services.

Background

The Police Department has been nationally accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. [CALEA] every three years since the early 1990s. The standards for promotion testing and assessment are mandatory, meaning that they must be completely complied with. Accreditation ensures that police promotion methods result in the selection of qualified candidates for promotion through means of valid, nondiscriminatory processes.

The current job task analysis, Police Department job descriptions, General Orders, and Standard Operating Procedures, and texts by noted experts in the field of police command, form the bases for the testing and assessment process. These materials are directly related to police command tasks standards for North Carolina law enforcement and specifically for those tasks and qualifications expected of command officers in the Durham Police Department. The process will result in eligibility lists that are resistant to challenge, limiting the City's exposure to liability.

The need to have new eligibility lists ready when the current ones expire is critical to successful operations in the department. Due to attrition, both through retirements and promotions, many senior command officers are expected to retire within the next few years. It is therefore important to appoint and train new command officers quickly, so that there is no leadership gap as the Police Department moves forward, embracing new technologies and police practices in response to our changing society and to the evolving needs of the community that we serve.

In September, 2012, the Police Department published a nationwide Request for Proposals from consultant entities seeking to provide the Department with promotion testing and assessment services. By means of a diverse panel, who interviewed the responsive applicants, Morris & McDaniel was selected and a contract was developed.

Of particular importance is partnering with a consultant competent and familiar with current police practice, academic theory, and CALEA standards. We believe that Morris & McDaniel, Inc., a national leader in police testing and assessment, and a firm which the City has engaged in the recent past, will deliver the results that we expect: validated, job-related, nondiscriminatory testing and promotion lists containing the names of the best-qualified candidates for promotion.

Issues/Analysis

It is essential that the promotional process and practices within the Police Department are compliant with CALEA standards, as well as being fair to all involved, by providing the City with competent leaders while offering some protection from potential challenges to the validity of the process.

Alternatives

There are currently two alternatives to authorizing the City Manager to execute the proposed contract with Morris & McDaniel, Inc.: the first is to extend the current eligibility lists until they are completely depleted and the second is to conduct the testing and assessment process in-house.

In the first alternative, the Sergeant's list is already expected to be depleted before a new eligibility list can be established. Without a valid Sergeant's list, the Police Department would need to select junior officers to be "acting" Sergeants in order to maintain operational effectiveness until a new list was developed. The "acting" Sergeants selected would not necessarily be the same as the next officers selected for a promotion list. Furthermore, any extension of existing lists would mean the promotion of lesser-qualified officers to all three ranks at a time when the Police Department needs a cadre of strong candidates for promotion. In addition, persons who were not eligible to sit for the processes giving rise to the current eligibility lists, but who are now eligible, would be foreclosed from participating in the promotion process as long as the current lists are valid. That puts those officers at an unfair disadvantage. Therefore, this alternative is not recommended by the Department.

The second alternative, of crafting a promotion process in-house, is fraught with difficulties. Staffing does not currently exist in the department which would allow for the time needed to develop, administer and assess a promotion process. This process requires several people to spend dedicated amounts of time over several months to the development of the process as well as provide resources to educate candidates. A third-party provider provides assurance to the candidates that each is treated without bias and reduces the likelihood of future challenges to the process, which would be expensive and time-consuming to defend. This alternative is also not recommended by the Department.

Financial Impact

The Police Department recommends that the City execute a contract with Morris & McDaniel, Inc., the entity which the Proposal Evaluation Team identified as the lowest and best bidder, offering the services described in the RFP, and at a contract price of \$107,095.00. The Police Department

has received approval to use forfeiture funds for the promotional process and this contract will not have any effect on the City's General Funds.

SDBE Summary

The Equal Opportunity/Equity Assurance Department reviewed the proposal submitted by Morris & McDaniel, Inc. of Alexandria, Virginia 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 Requirements

Workforce statistics for Morris & McDaniel, Inc. are as follow:

Total Workforce	14	
Total Females	10	(71%)
Total Males	4	(29%)
Black Males	0	(0%)
White Males	4	(29%)
Other Males	0	(0%)
Black Females	0	(0%)
White Females	9	(64%)
Other Females	1	(7%)