



City of Philadelphia



INTEGRITY AND ACCOUNTABILITY OFFICE
PHILADELPHIA POLICE DEPARTMENT

SECOND REPORT

SEPTEMBER 1998

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I. INTRODUCTION

In September 1996 the City of Philadelphia entered into a Settlement Agreement with the National Association for the Advancement of Colored People, the American Civil Liberties Union, and the Police-Barrio Relations Project, in response to litigation initiated by these groups arising from the investigation into and prosecutions for corruption and misconduct in the 39th Police District. The Agreement sets forth a comprehensive plan for reform in the Philadelphia Police Department. The goal of the Agreement is to minimize and deter police corruption

and misconduct to the greatest extent possible, and to thereby enhance public confidence in the Philadelphia Police Department.

To assist in meeting this goal, the Agreement called for the creation of a permanent Integrity and Accountability Office (IAO) to analyze and critique accountability and corruption control policies, to identify systemic deficiencies that give rise to or permit corruption and misconduct within the Police Department, and to make recommendations for change. The IAO is responsible for monitoring and auditing departmental policies, practices and operations as they relate to the detection and control of misconduct or corruption in the Department. In order to effectuate the broad duties of the Office, the IAO has access to virtually all Department records and personnel.

The parties to the Settlement Agreement intended that the IAO would work cooperatively with the Police Commissioner and other City departments. The IAO is also currently answerable to United States District Court Judge Stewart Dalzell, who has jurisdiction over the City's compliance with the terms of the Agreement. However, by virtue of our essential function to monitor and audit Police Department policies, practices and operations, the IAO must exercise independent judgment in reporting findings and making recommendations. This independence also means that our analyses, critiques and recommendations are solely our own. Our report should not be read as expressing the policies or positions of the government of the City of Philadelphia, or the opinions, views or beliefs of the Mayor, the Police Commissioner, the City Solicitor, or any other official of the City

of Philadelphia.

In conducting our research and formulating our recommendations, we are committed to acting in the best interests of the Police Department. When we express criticisms, as we do in this Report, our only intention is to help create a better Department for the people of this City.

In our first report, released in November 1997, we analyzed the organization and operations of the Internal Affairs Division (IAD), and audited IAD investigations of citizen Complaints Against Police. In that report we noted significant improvements in the quality of IAD investigations, and made several recommendations to further enhance the efficiency and performance of IAD.

Subsequent to the issuance of our first report, in March 1998 Mayor Edward Rendell appointed John F. Timoney as Commissioner of the Police Department, to succeed retired Commissioner Richard Neal. Among other actions, Commissioner Timoney immediately implemented a reorganization of the Department's Internal Affairs Bureau (IAB) in a manner that had been previously advocated by the IAO, the Court, and others. The reorganization included the merging of various internal investigative units in the Department, and the appointment of a Deputy Commissioner with exclusive command of IAB and related functions. Prior to this restructuring, the internal investigative functions in the Department were diffuse, uncoordinated, and inefficient. Additionally, the Deputy Commissioner previously in charge of IAB also supervised the narcotics and vice enforcement units. Since these units traditionally present the greatest potential for corruption, the prior

structure created an inherent conflict which threatened to undermine the effectiveness and credibility of the IAB functions. The consolidation of the various internal investigation functions under a separate Deputy Commissioner will streamline the chain of communication and command, permit more intelligent and efficient allocation of resources, and enhance the quality and integrity of internal investigations.

While this reorganization was an important and necessary reform in the Department's internal investigation functions, there are still significant resource, policy and personnel issues that need to be addressed to insure that IAB investigations are conducted in a efficient, professional, and productive manner. Some of these issues were raised in our first report, and we continue to work with the Department and other relevant city officials to help improve IAB operations.

We have now completed, and in this report discuss and analyze, an audit of the nature and scope of misconduct warranting dismissal of officers from the Police Department over the past ten years. In addition, we have incorporated findings from our ongoing review of IAD investigations into misconduct and corruption. Our findings from these inquiries into corruption and misconduct led us to examine Police Department personnel management practices, including the recruitment, hiring, evaluation and transfer systems. Since policing is a labor intensive profession, with approximately 95% of the Department's operating budget devoted to personnel costs, effective personnel management should be a priority of

the highest order. In this report, we identify fundamental deficiencies in the personnel management systems of the Police Department, and make recommendations to reform and improve these systems.

II. AUDIT OF DISMISSALS FROM THE PHILADELPHIA POLICE DEPARTMENT

A. Introduction

The first part of this audit consisted of an analysis of statistical data relating to all sworn personnel dismissed from the Department for disciplinary reasons over the past ten years. We then conducted an in-depth review of available records for a group of 85 officers dismissed between 1992 and 1997. This review consisted of an analysis of applicant background investigations, and of personnel, Police Academy, and Internal Affairs records and files. In selected cases we also reviewed labor arbitration files and civil litigation records.

To more fully understand the issues raised by these statistics, records and files, we also interviewed nearly 200 members of the Department of all ranks, as well as experts in law enforcement outside the Department.

The purpose of this audit was to determine whether we could identify existing operational or managerial practices which permit, or do not effectively minimize, misconduct and corruption. The audit was also intended to assist in achieving compliance with the terms of the Settlement Agreement, by proposing recommendations to improve the Department's evaluation and accountability systems to better identify officers likely to engage in misconduct or corrupt activity, and to establish systems for retraining, reevaluation and more intensive supervision for such officers.

This audit of the Department's disciplinary system focuses upon officers

whose misconduct was serious enough to warrant dismissal from the force. Such severe misconduct represents not only a failure on the part of the officer, but also a failure on the part of the organization, either in recruitment, training, supervision, evaluation, counseling, or use of progressive discipline to deter misconduct. The misconduct underlying these dismissals is also often a costly failure in terms of liability to the city. It is our hope that the recommendations generated by this audit will, if implemented, help minimize future dismissals, decrease liability costs to the City, and improve the public's perception of the integrity of its Police Department.

B. Dismissal Statistics

Computerized statistics maintained by the Department reflect that from 1987 until December 1997, 306 sworn officers and 16 recruits were dismissed from the Department for misconduct. Since the Department did not consistently computerize statistical information on dismissals until mid-1986, it is not feasible for us to attempt a comprehensive analysis of police dismissals prior to that date. These statistics also do not include those officers who resigned from the force in the face of corruption or misconduct charges.

The following tables present the information we were able to obtain from available statistical data. Because of minor variations in data provided in different formats, the numbers in these tables do not always total the 322 dismissals reported to us by the Department.

Table 1: Dismissals from the PPD 1987-1997, by Rank of Officer

Recruit	16
Police Officer	273
Corporal	4
Detective	7
Sergeant	14
Lieutenant	7
Captain	1

Table 1 reflects what one would expect to see--that in a Department in which the rank of police officer comprises the largest percentage of personnel, the great majority of those dismissed are of that rank.

Table 2: Dismissals from the PPD 1987-1997, by Race and Gender

White/Male	113
African-American/Male	130
White/Female	18
African-American/Female	42
Hispanic/Male	13
Asian-American/Male	4
Asian-American/Female	2

Table 2a: Dismissals from the PPD, 1992-1997 Study, by Race and Gender

White Males	29
African-American Males	39
White Females	3
African-American Females	6
Hispanic Males	7
Asian-American Males	1

Table 3: Dismissals from the PPD 1987-1997, by Year of Dismissal

1987 - 28
1988 - 27
1989 - 15
1990 - 16
1991 - 33
1992 - 24
1993 - 26
1994 - 30
1995 - 29
1996 - 39
1997 - 49

Tables 2, 2a and 3 must be interpreted with caution. First, the manner in which the Department has responded to disciplinary and other integrity issues in the past has greatly varied. The styles, philosophies and priorities of past Commissioners are evidenced not by any formal Department policy statements or directives, but rather by stories that are passed from officer to officer until they become part of the historical memory of the Department. Whether accurate or not, this historical memory, not any legacy of Commissioners institutionalizing reforms, defines the culture of the Philadelphia Police Department. Additionally, this Department, like other police departments, has at times been reluctant to aggressively expose and punish corruption and misconduct within its ranks. While there have been significant improvements in the investigations conducted by the Internal Affairs Division in the Department over the last two years, in the past this

unit was inconsistent in investigating and rooting out misconduct. Finally, record keeping and other management deficiencies discussed in this report prevent us from concluding that the number of dismissals or disciplinary proceedings in any given year provides an accurate reflection of the overall state of integrity within the Department.

Table 4: Dismissals from the PPD 1987-1997, by Age at Time of Appointment to Police Academy

19 yrs. - 12	28 yrs. - 17	37 yrs. - 2
20 yrs. - 18	29 yrs. - 14	38 yrs. - 1
21 yrs. - 26	30 yrs. - 7	39 yrs. - 1
22 yrs. - 28	31 yrs. - 11	40 yrs. - 0
23 yrs. - 33	32 yrs. - 14	41 yrs. - 0
24 yrs. - 31	33 yrs. - 6	42 yrs. - 0
25 yrs. - 22	34 yrs. - 6	43 yrs. - 0
26 yrs. - 17	35 yrs. - 1	44 yrs. - 1
27 yrs. - 13	36 yrs. - 5	

(Five sworn personnel were dismissed twice, having been reinstated following the first dismissal. In these instances, the officer's age at time of appointment was only counted once.)

Table 4 reflects a significant decline in dismissals for those entering the Police Academy after the age of 25, and would appear to support the arguments of those who favor raising the age requirement for entry to the police force.

Table 5: Dismissals from the PPD, 1992-1997 Study; Comparison of On-Duty and Off-Duty Misconduct.

Off-duty Incidents resulting in dismissal - 53
On-duty incidents resulting in dismissal - 32

Breakdown of Off-Duty Incidents:

Domestic Violence - 9
Sexual misconduct (rape, child abuse, etc.) - 3
Violent Behavior (assaults, murder, improper weapons discharges) - 9
Theft/Forgery/Fraud - 10
Driving While Intoxicated - 6
Drug Use/Sales/Possession - 6
Residency Violations - 1
Off-duty Abuse of Authority (e.g., false arrest) - 2
Other illegal conduct (e.g., illegal sale of firearms and other prohibited offensive weapons, bomb threats, resisting arrest, operating prostitution ring) - 7

Breakdown of On-duty Incidents:

Possession of illegal drugs - 1
Urinalysis positive for illegal drugs - 6
Abuse of Authority - 5 (includes illegal planting of evidence, false arrest etc.)
Theft - 10 (includes theft of drugs, money, property from fellow officers and during vehicle stops, drug arrests, and execution of search and seizure warrants.)
Physical Abuse/Brutality - 5
Sexual misconduct - 3 (includes rape of fellow officer and sexual harassment)
Perjury/False Reports/Fraud - 2

Table 5 reflects the severity of the long-standing problem of off-duty misconduct by Philadelphia police officers. On February 27, 1998, a Commissioner's Memorandum was issued which set forth the official Department policy regarding

off-duty conduct. The enforcement and effectiveness of this policy will be the subject of future monitoring by the IAO.

Table 6: Dismissals from the PPD 1987-1997, by Number of Years on Force at Time of Dismissal.

Less than 1 year to 5 years - 161
6 to 10 years - 65
11 to 15 years - 45
16 to 20 years - 35
21 to 25 years - 14
26 to 30 years - 0
31 to 35 years - 1

Table 6a: Dismissals from the PPD, 1992-1997 Study, by Number of Years on Force at Time of Dismissal, by Race and Gender

	<u>1 to 5</u>	<u>6 to 10</u>	<u>11 to 15</u>	<u>16 to 20</u>	<u>21 to 25</u>
White Males	10	7	2	7	3
African-American Males	24	8	6	1	0
White Females	3	2	1	0	0
African American Females	4	2	0	0	0
Hispanic Males	6	1	0	0	0
Asian-American Male	0	1	0	0	0
Totals	47	21	9	8	3

Tables 6 and 6a show that the greatest number of officers dismissed had been on the force for less than five years at the time of dismissal. Standing alone these

numbers may not appear high in relation to the total number of officers on the force, and in any large organization, a weeding-out period following the hiring of large groups of applicants can be expected. However, our audits reveal that the nature of the misconduct resulting in dismissal raises a fundamental question as to the integrity of individuals being recruited onto the Philadelphia police force. The dismissal of officers who engage in egregious and criminal behavior so early in their careers argues that those individuals lacked the basic values required of a police officer.

The information presented in Table 7 is drawn from our ongoing review of Internal Affairs Division investigations. In a six month period between May and November 1997, seventeen sworn officers were arrested for crimes including homicide, rape (of a sixteen year old girl), statutory rape (of a fifteen year old girl), off-duty assaults, and thefts. In addition to these arrests, one investigation into allegations of bribery is continuing, and another major investigation reviewed was prompted by the arrest of an officer in January 1997 for the rape of his partner. During this same period, four additional officers resigned after drug testing or were dismissed for violation of the Department's drug abuse policies. All but one of the crimes were committed off duty, and eleven of the seventeen arrested officers had been on the force six years or less.

Table 7: Sustained Internal Investigations--Criminal Conduct Found
(Listed by most serious charge only)

Homicide	1
Rape	1
Statutory Rape	1
Bribery	1 (investigation continuing)
Assault	6
Theft	6
Welfare Fraud	1
Receiving Stolen Property	1
Bigamy	1 (prosecution declined)

The implications of the information we obtained from our audits prompted us to review the Department's recruiting and hiring practices. Our purpose in this review was to assess whether these vital functions are being performed in a manner that minimizes the potential for misconduct and corruption, and to examine ways to improve these systems to assure that only qualified individuals become members of the Philadelphia Police Department.

III. RECRUITMENT AND HIRING

A. Recruitment Unit

The Recruitment Unit of the Philadelphia Police Department is responsible for outreach efforts directed toward potential minority and female recruits. This unit is comprised of five full-time officers, including a supervising sergeant. The members of this unit are responsible for organizing the month-long recruitment drives which occur prior to the administration of a police entrance examination. They deliver exam applications and copies of the test study booklets to various locations throughout the city, collect completed applications, publicize the upcoming exam through the media and other resources, notify by mail potential recruits they have met with over the year who have expressed interest in employment in the police department, and organize pre-examination study courses. During the remainder of the year, the members of this unit are involved in various job fairs, community and educational outreach programs, patrol duty, and other unrelated administrative responsibilities.

The officers assigned to this unit are located in a one room office in the rear of a converted firehouse, behind an indoor garage which at times reeks of exhaust fumes. This unit is an isolated outpost. When we first tried to contact the Recruitment Unit we found that members of the Police Department, including some high-ranking officials, were not aware of the unit's location, or even its correct telephone number.

The recruitment officers receive virtually no guidance, training, or objective

evaluation regarding the quality of their presentations, or their responses to questions and issues that they confront in the field. Lack of communication and coordination between this unit and Central Personnel can result in last minute notification of a recruitment drive, which further dilutes the recruiting efforts. There is little meaningful interaction or dialogue with other closely related Departmental units, such as the background investigation and training units, regarding the effectiveness of their efforts and the calibre of persons drawn to the department by the Recruitment Unit.

B. Internal Investigation Unit, Background Section

The Internal Investigation Unit, Background Section (IIU) (formerly called the Headquarters Investigation Unit) is responsible for collecting information to verify that an applicant meets the qualifications for appointment to the Police Department. Because it is responsible for screening those who will be vested with the significant powers of a police officer in a large urban environment, this unit is of the utmost importance to the Department

As of July 1998 there were twenty-one sworn personnel assigned to the Background Section. Four police officers and thirteen detectives conduct the applicant interviews and background investigations. Three detectives are responsible for scheduling the medical, psychological and polygraph examinations, and for processing the numerous appeals by applicants who fail the polygraph or are rejected after the mandated psychological examination. Three supervising sergeants

are responsible for review of the investigation files, and other administrative tasks. One supervising lieutenant oversees the entire operation.

The entire staff is housed in three small offices inside the 39th District Police Station. With seven investigators per room, desks are pushed against each other, allowing no privacy during the applicant interviews. Despite the sensitive nature of these interviews and investigations, no training or investigative experience is required for assignment into this unit. As a result, the quality of the interviews and investigations has at times suffered.

C. Freeman v. City of Philadelphia Consent Decree

An analysis of the Consent Decree in Freeman v. City of Philadelphia is essential to any discussion of the Department's recruiting and background investigation operations.

In 1990, the Guardian Civic League, an organization of African-American law enforcement officers, and a group of applicants to the Police Department filed suit in the United States District Court against the City of Philadelphia, alleging discrimination in the hiring of African-Americans onto the Philadelphia police force. Specifically, the Plaintiff's alleged that the City's Central Personnel Department was "engaging in unlawful race discrimination in hiring by using a written examination for the position of Police Officer Recruit which is not a genuine and reliable predictor of the quality of on-the-job performance in the position and which constantly results in a passing and eligibility rate for Afro-American

applicants which is statistically significantly lower than the corresponding rate for white applicants."

In response to these allegations, the City agreed to solicit and evaluate proposals for a new, validated police officer recruit exam. Until it could implement a validated entrance test, the City agreed to a hiring formula in which the percentage of African-Americans appointed to each new Police Academy class would equal the percentage of African-Americans who took the entrance examination. This formula does not distinguish between African-Americans who pass or fail the test. Thus, if 50% of the applicants who take the police entrance exam are African-American, then 50% of the next Academy class must be African-American.

This formula mandated by the Consent Decree has repeatedly been described by members of the Department at all levels as a "numbers game," that has resulted in a hiring process of "elimination, not selection." In recent years the rejection rate for applicants who pass the entrance test and undergo a background investigation has ranged from 90% to 93%; thus, for every one thousand applicants subjected to a background investigation, a hundred or less are appointed. This emphasis on quantity, not quality, has strained the limited resources of the recruitment and screening units as they struggle to comply with the hiring formula .

Prior to the Consent Decree, police entrance examinations were administered approximately every two years; those with passing scores remained on an eligibility list that expired after two years. Under the current process the number of eligible African-American applicants from one list is typically depleted before the percentage

requirement is fulfilled, necessitating the administration of another entrance exam. In some cases, a third examination has had to be given to satisfy the percentage requirements from the initial test. Most recently, the December 1997 Academy class still did not meet the racial percentage requirements despite the use of three active lists from which to cull potential recruits.

The increased frequency in the administration of the test has not necessarily increased the pool of suitable applicants; nor does the high rejection rate mean that the Department is hiring only those who are best qualified to meet the demands of policing in a large urban environment. Applicants who have been rejected from one list may take the next entrance exam again, be rejected from the second list, and take the test again, all within a relatively short time period. Since there is no automatic rejection process in these circumstances, the background investigation unit must open a file on the same applicants who were recently rejected, and begin the lengthy and costly process of conducting the background investigation.

The need to process large numbers of applicants precludes meaningful investigations into employment and educational backgrounds, as well as into a candidate's overall skills, character, integrity, dependability, and competence. Some critics of this system feel that the emphasis on applicant quantity versus quality has resulted in an over-reliance on rigid matrixes which automatically disqualify potentially desirable candidates, instead of using a truly meaningful, if more time consuming, system for assessing character and qualifications. Other critics believe that there is an over-reliance on the use of polygraphs, which they feel are

unreliable because of antiquated testing equipment, marginal training of polygraphers, an ineffective test, and problematic time constraints in administering the test. Allowing applicants to take the polygraph numerous times further dilutes the legitimacy and relevance of the polygraph. A meaningful background investigation would require more field work being conducted by skilled investigators, which is impossible in the current framework.

D. Case Studies

The following case studies reflect some of the questionable background investigation files we audited, and indicate basic weaknesses in the recruiting and hiring practices of the Department.

Candidate A failed entrance examinations to be considered as either a police officer or a prisons corrections officer. He retook and barely passed the police entrance examination, but twice failed the polygraph on questions related to drug use and sales. His appeal seeking leave to take a third polygraph was denied, and Candidate A was rejected.

Candidate A then filed a third application, passed that examination, but again twice failed the polygraph on questions related to drug use and sales. His appeal for a third polygraph was granted, which he took and failed. Candidate A was rejected a second time.

Candidate A filed a fourth application, passed the examination, but again twice failed the polygraph on questions related to drug use and sales. His appeal for a third polygraph was granted, and, after eight attempts, he passed the polygraph.

Documents prepared by the candidate, and retained in his application file, reveal an inability to spell simple words and write basic sentences. His file reflects six changes of residence in less than ten years. His credit history can only be described as abysmal. Nearly every credit card and loan in his name is either unpaid and reported as a loss by the creditor, assigned to a collection agency, or seriously delinquent.

Candidate A was deemed acceptable, and appointed to the force.

Before applying to the Philadelphia Police Department, Candidate B worked at nearly eighteen different jobs in a five and a half year period. Three prior employers gave negative evaluations, noting that he was "not dependable," that he showed "poor work performance, not capable of work responsibilities," that he "was not sober when and if he reported to work," and that he did "very poor work with attitude problem."

At the time of his application the candidate was a scofflaw, guilty of approximately a dozen motor vehicle violations. His license had been suspended several times.

Candidate B was deemed acceptable and appointed to the force. Four years later he was dismissed after being arrested on a criminal charge of Receiving Stolen Property.

Candidate C took police entrance examinations in two adjacent counties. He did not score high enough for consideration by those police departments.

He passed the Philadelphia Police entrance examination, but failed two polygraphs on the questions regarding drug use and sales. His appeal for a third polygraph was granted, which he took and failed.

Candidate C retook the entrance exam, but again twice failed the polygraph. His appeal for a third test was denied, and Candidate C was again rejected.

Candidate C retook the entrance examination for the third time, and, after five attempts, passed the polygraph. His prior employment history indicates seven different jobs in a nine year period.

Candidate C was deemed acceptable and appointed to the force.

Candidate D passed the police entrance examination, but twice failed the polygraph. He failed to appear for the appeal hearing he requested in order to take a third polygraph.

Candidate D retook the entrance exam, and was rejected by the Applicant Review Panel for falsification of his Police Data Questionnaire regarding numerous license suspensions and poor driving record.

Candidate D again retook the entrance examination within the same year. His file indicates that Candidate D is a high school drop-out who later obtained a GED, has had a Protection from Abuse Order entered against him, and is under court order to pay child support.

Candidate D was deemed acceptable and he was appointed to the force.

Candidate E passed the entrance examination, failed the first polygraph on questions related to drug use and sales, but passed a second polygraph. He was rejected after his first psychological exam, but accepted after a second psychological examination. His background investigation was incomplete when the hiring list expired.

Candidate E retook the entrance exam, but failed two polygraphs on questions related to drug use and sales. His appeal for third polygraph was denied and Candidate E was rejected.

Candidate E again retook the exam and passed the polygraph and remainder of the background investigation. His file reveals child support payments that are in arrears, and that a court judgment has been entered against him.

Candidate E was deemed acceptable.

E. Recommendations

1. Review of Hiring Criteria and Standards

If the Philadelphia Police Department is to fulfill its mission to carry out community-oriented, problem solving policing, and attract applicants with the skills to meet the challenges of the future, there must be a thorough reassessment of the Police Department's hiring criteria and standards, particularly as they relate to age and educational requirements, an applicant's academic, employment and financial history, prior drug use, driving record, existence of protection from abuse or unsatisfied child support enforcement orders, and reading, writing, comprehension and communication skills. Standards and guidelines regarding use of the polygraph as a tool for conducting applicant investigations should also be reassessed.

2. Improve the Police Recruit Entrance Examination

Since the issuance of the Consent Decree, Central Personnel has contracted with the consulting firm of University Research, at a cost of \$250,000, to develop a police recruit test and a scoring method that would validly predict job performance. It is our understanding that after conducting a thorough examination of the Police Department, and analyzing the skills required to be a police officer, this consulting firm has devised a new test which is nearly, if not already, complete.

If the new test is proven to be sufficiently predictive of relevant work performance, it must be implemented as soon as possible. A proper entrance

examination would be an invaluable tool for identifying those individuals who possess the skills necessary for the complex and demanding job of a police officer, and for weeding out inappropriate or marginal candidates before undertaking the costly processes of background investigations and recruit training.

3. Amend the Residency Requirement

Pursuant to Section 20-101 of the Philadelphia Code, "no person shall be appointed as an employee in the civil service of the City unless he has been a bona fide resident of the City for at least one year prior to his appointment." This ordinance was passed by City Council in 1953 and affects all City civil service employees.

It is widely believed that this residency requirement substantially limits the Department's recruitment efforts. To enhance the Department's ability to attract qualified applicants, including minority recruits, the residency requirement should be amended to allow an individual to become a city resident within six months of the date of appointment to the Police Academy. Such an amendment would permit recruiting at military bases, at colleges throughout the country with significant minority enrollment, and at other law enforcement agencies. We note that the Rendell Administration has long supported modification of the residency requirement.

4. Strengthen the Recruitment of Members of Racial Minority Groups and Females

The Department's commitment to diversification should be strengthened by increasing the resources available to the recruitment unit. If need be, experts should be retained to assist in the development of plans to intensify recruiting at minority colleges and high schools throughout the region. The Department should provide for a more inclusive racial and gender balance of officers assigned to recruitment functions to assist in the recruitment of targeted minority groups. There needs to be better coordination of efforts and communications of the recruitment unit and other related units within the Department, and Central Personnel. To the extent necessary, the Department should insure that minority applicants are provided with training and mentoring necessary to pass a validated entrance examination.

5. Allow for Continuous Police Entrance Examination Testing

Consideration should be given to instituting a practice of continuous police entrance examination testing. This would allow interested, qualified candidates to take the test while their interest and motivation are high, as opposed to making them wait a year or two. This would also stagger the workload of the recruitment and background investigation units, so that their efforts could be more comprehensive and meaningful.

6. Assign Experienced and Trained Investigators to the Background Investigation Unit.

Since its inception, the Background Investigation Unit has been partially staffed with police officers who have little, if any, investigative experience. Furthermore, personnel assigned to this unit receive no training in these types of investigations. Assigning only experienced, proven investigators to this important unit, and providing adequate training, would significantly improve the quality and thoroughness of the background investigations.

7. Obtain Academic Records as Part of the Background Investigation

While the current Background Section policy manual suggests obtaining school records as part of the investigation process, this practice does not occur. These records could be a valuable source of insightful and objective information regarding the applicant's reading, writing and communication skills, disciplinary history, reliability, and ability to complete tasks within time constraints and to work cooperatively within an organization.

8. Utilize Credit History and Financial Background Information in Evaluating Applicants.

Prior to 1997, the Police Department did not conduct credit and financial investigations as part of the background investigation process. Instead, the Department relied upon the applicant's answers to questions regarding financial status on the Police Data Questionnaire (PDQ). Since state law now mandates that

credit histories be obtained on candidates to all police departments in Pennsylvania, credit histories are now obtained once a candidate completes the background investigation and is certified to become a police officer recruit. However, Departmental practices indicate that no candidate has ever been rejected despite serious credit or financial problems which came to light in the credit history report. The Department appears to regard this State requirement as a mere formality, and the credit reports are filed without review.

Ongoing financial troubles can contribute to an officer's susceptibility towards corruption, especially that which is profit motivated. Furthermore, a chronic negative credit history offers valuable insight in the maturity, self-discipline and integrity of an individual. Such data should not be minimized or dismissed outright without careful review, evaluation, and follow-up.

IV. RECORDS MAINTENANCE AND MANAGEMENT

A critical problem we confronted in conducting our audit was the content, quality and maintenance of personnel records within the Police Department.

Because the Department lacks a centralized location where information pertaining to a police officer's background and performance can be accessed and reviewed, obtaining the various components of personnel records proved to be a cumbersome process. Records are stored at various facilities throughout the city, and are indexed by different criteria. For example, background investigation files and Police Academy records are maintained by the officer's date of appointment to the Academy, while other files are maintained by payroll numbers or investigation numbers. Personnel information is also maintained and controlled by different units and bureaus within the department, such as the Communications Bureau and the Personnel Unit. In light of the time and effort necessary to gather personnel information that is scattered throughout the Department, it is unrealistic to expect supervisors and commanders to regularly obtain these records to assist in the performance of their management functions.

The personnel records which we did acquire were often lacking in meaningful information regarding the officer's employment history. Many of the records we obtained were sterile and appeared designed not to distinguish, but to make everyone look the same. This lack of detail became apparent as we studied the files of officers in the Department who had long-standing discipline problems, bad

work habits, and notorious reputations. Too often these records revealed little, if anything, about the officer's troubled employment history.

This consistent lack of information about an officer's employment history, even for those officers with numerous incidents of misconduct or other impropriety, results from the Department's lack of uniform and consistent standards and policies for documentation and recording of personnel information. The information that is maintained is not integrated, easily accessible or formatted in a way that could prove useful as a management tool in a wide range of areas, including job assignments and transfers, performance evaluations, promotions, deployment, discipline, monitoring of existing or potential misconduct and corruption, risk management, and litigation. Furthermore, this lack of clearly articulated standards and practices has a negative impact on morale within the Department. Personnel throughout the Department have expressed to us a pervasive distrust of the Department's disciplinary, transfer and performance evaluation systems, calling them unfair; overly subjective, and inconsistent.

If this Department is to effectively manage and monitor the performance of its personnel, and to provide the citizens of this City with the highest level of police services, it must establish and institutionalize a uniform policy for the recording and documentation of personnel actions, and develop guidelines and procedures for the reporting and auditing of such information. These standards must be enforced as objectively, uniformly and consistently as possible, and their enforcement routinely monitored. Information that should be made readily available to

managers includes an officer's educational background and training, commendations, arrests made and cleared, firearms discharges, IAD investigations, vehicle accidents, lawsuits, use of force incidents, sick leave, injury on duty history, and court attendance records. Finally, guidelines and monitoring systems must be established to assure that supervisors are utilizing the data uniformly, consistently, and objectively, and to hold them accountable when they fail to do so.

V. EVALUATION SYSTEM

A. Overview

As part of our audit we reviewed hundreds of performance evaluation reports for the officers who had been dismissed. Only one officer received an "Unsatisfactory" rating, and this occurred after the officer had been dismissed for criminal conduct which resulted in his arrest. In a number of our case studies we found prior and ongoing evidence of an officer's inappropriate conduct, and a supervisor's knowledge of such conduct, yet nothing to that effect reflected on the officer's evaluation reports. During 1992 and 1993, supervisors failed to do personnel evaluations at all. These findings reflect a performance evaluation system in the Police Department that is ineffectual and meaningless.

B. Perceptions of the Evaluation System

To understand why these performance reports are not used more productively we interviewed supervisors throughout the Department. The following represents a summary of those opinions which were most prevalent:

- Every supervisor we interviewed believed that submitting a negative evaluation report would result in the officer filing a grievance alleging some sort of discrimination or unfair treatment. Not one supervisor we spoke to expressed any confidence that their determinations would be supported through the chain of command. In fact, we heard numerous stories in which unsatisfactory ratings or comments were altered by higher ranking supervisors, usually over the rating supervisor's objections. These supervisors stated that it was simply not worth the time and aggravation expended to defend a negative evaluation. Some supervisors expressed paranoia about unfavorably evaluating someone who, unbeknownst to them, had "connections" or friends "higher up" in the Department.

- Some supervisors did not really understand what they were supposed to be evaluating. There was a pervasive ambiguity about what specifically constituted such performance factors as "Quality of Work", "Quantity of Work", "Initiative", "Analytical Ability". Some supervisors felt that they received mixed messages as to the Department's goals, and that it was easier just to give a satisfactory rating. Many supervisors subscribe to what one Captain referred to as the "headache theory"--namely, that if the officer shows up on time, looks neat, takes care of the equipment, and does not otherwise cause the supervisor any headaches, then a satisfactory rating is warranted.

- Many supervisors believe that the current evaluation format of either "Satisfactory" or "Unsatisfactory" is too limiting, and that the "all or nothing" aspect of the form is unfair to both the evaluator and the officer. We agree. However, this format was determined by a labor arbitration ruling and as a practical matter cannot be modified without the consent of the Fraternal Order of Police. The current form makes it difficult to evaluate performance that is outstanding, or to give credit and recognition to those who make the extra effort or who display special skills and talents. In the reverse, this "all or nothing" format also rewards those whose performance is marginal or mediocre. While the evaluation form contains a section for comments, most supervisors do not utilize this in any consistent or meaningful manner, claiming that it is too time consuming and a fruitless effort since the comments are not considered for transfer or promotional purposes.

- Many supervisors, particularly those in ranks of Captain and above, believe that some line supervisors do not give negative evaluations for fear of antagonizing or alienating the officers under their command. They also believe that some sergeants may identify too closely, both professionally and personally, with the officers under their command, and thus find it very difficult to judge them unfavorably. Some did not want to deal with the conflict bound to result from unsatisfactory ratings.

- Some supervisors were concerned that negative evaluations would adversely impact performance and morale within their commands. Some worried that negative evaluations would reflect poorly on their own performance as supervisors.

C. Discussion

While there are certain criteria generally used to evaluate performance (e.g., sick time, attendance, appearance, ability to follow orders), the information that is used by any individual supervisor depends upon the orientation, initiative, and standards of that supervisor. Some are more thorough and objective than others, some subscribe to the "headache" theory, and some think the whole process is a waste of time and fulfill this yearly responsibility with the least amount of effort possible.

We could find no department-wide uniform standards describing what information supervisors are required to utilize in making assessments about performance in terms of "quality of work", "quantity of work", "work habits", "initiative", and "analytical ability". We found a lack of standardization of even the basic criteria mentioned above, such as the documenting and reporting of lateness. This lack of standardization on even the most basic, seemingly objective criteria reinforces the widespread distrust of the evaluation process in the Department.

Our investigation further revealed weaknesses in supervisor training and accountability with respect to evaluations, and a need for improvement in this area. We reviewed all Police Directives, Training Memorandums, and Assist Officer Memorandums regarding evaluations. We interviewed individuals in the Advanced Training Unit (ATU), since this unit is responsible for pre-promotional training of all supervisory ranks. Finally, we reviewed training materials pertaining to evaluations which were provided to us by ATU.

Police Directive 23, titled "Performance Reports," was the only directive we could locate regarding evaluations. While this Directive describes the procedural aspects of preparing and distributing evaluation reports, it provides no guidelines for the substance of such reports.

Since the vast majority of personnel evaluations are done by patrol sergeants, we focused our inquiry upon training of this rank. Pre-promotional training for sergeants and higher ranks typically occurs over a one week period. During the sergeant's training week there is an average of four hours devoted to "effective personnel management". A subsection of this four-hour segment addresses the issue of evaluations. A portion of this training is a modified version of the more extensive state mandated course offered pursuant to the Municipal Police Officer's Education and Training Commission (MPOETC) to those in the Department ranked Captain or above.

Since the course content and instructors vary from class to class, it is impossible to state with any degree of certainty what training sergeants in fact receive regarding evaluations. While the MPOETC course guide addresses important issues regarding the difficult task of evaluating personnel and performance, how this translates into practice is another issue. Despite the training supervisors receive, the reality is that most supervisors are reluctant or ill-prepared, for whatever reasons, to conduct meaningful evaluations.

Finally, our review of the evaluation process in the Department revealed no supervisor accountability regarding evaluations. To our knowledge, no supervisor

has ever been formally reprimanded or disciplined for failure to properly supervise in the context of performance evaluations. Actions taken as a result of negative evaluations are usually informal and undocumented, further complicating an audit and analysis of the evaluation process.

The importance of meaningful and accurate personnel performance evaluations cannot be overestimated. The lack of meaningful and accurate evaluations precludes effective personnel management in terms of assignments, promotions, commendations and discipline. The City's legal defense in labor arbitrations challenging the imposition of discipline is weakened by records that fail to document any prior problems, but indicate only a "satisfactory" performance history. This has contributed to the reinstatement of dismissed officers and the reversal or lessening of disciplinary action taken.

In order to be able to prepare thorough, meaningful evaluations, supervisors need timely, accurate, and relevant information about the individuals they are evaluating. All supervisors should receive regular management information reports for each officer under their command. These reports should contain such information as commendations received, additional training and education, arrests made and cleared, firearms discharges, civilian complaints, other internal investigations (when appropriate), pursuits inconsistent with departmental policy, motor vehicle accidents, court attendance records, use of force incident notifications, attendance and leave usage.

Evaluating and judging the performance of fellow workers is a time consuming and delicate task and no performance evaluation system will ever be completely flawless or free of some element of subjectivity. However by clearly defining, communicating and enforcing the Department's objectives and goals, a more uniform, objective and meaningful evaluation process is achievable.

D. Recommendations

1. The leadership of the Police Department should define and communicate the purpose of the evaluation system, which should be seen as a tool for improving the professionalism of the force, not simply a device for detecting failure.

2. It is critical to assess, in a comprehensive and formal manner, the perceptions and concerns of those members of the Department who are responsible for the difficult task of evaluating personnel. Consideration should be given to conducting an anonymous survey of the district sergeants and commanders, followed by limited group discussions. This format should be a productive and efficient means of getting an accurate overview of the concerns and perceptions of the supervisors.

3. A fuller assessment of the accuracy and validity of the supervisor concerns and perceptions discussed in this report should be undertaken. This would require

a commitment by the Department's leadership to assess their expectations regarding evaluations, and their willingness to encourage and support those expectations through clear communication and action.

4. There should be an assessment of precisely what the Department is evaluating. An invaluable springboard for defining performance standards for the various ranks would be a review of the Department's current job descriptions. These job descriptions set forth a general definition of the rank, typical examples of the work performed for each rank, as well as the required knowledge, skills, abilities, training, experience, and other requirements for each rank. Some of these job descriptions have not been revised in decades. In light of the important changes that have occurred in policing, government, technology, law, and society generally, a review and revision of these descriptions is warranted.

VI. TRANSFER PRACTICES AND POLICIES

In many of the personnel files we reviewed prior to February 1998, we found officers who repeatedly requested transfers to different districts and special units. Of the several hundred transfer requests we reviewed, less than half a dozen were granted. In light of these findings, we undertook a more detailed inquiry into the transfer policies and processes in the Department, and interviewed individuals of all ranks from throughout the Department to ascertain the extent to which these practices impact on behavior and performance of sworn personnel.

Our investigation revealed that while a formal transfer process does exist in the Department, until recently the process was largely meaningless, since few actual transfers occurred through the formal process. The vast majority of transfers occurred outside the formal process, by order of the Commissioner.

While we cannot confirm a definitive correlation between the failure of the Department to institute an objective and meaningful transfer policy and the incidence of misconduct or corruption, we did find that the transfer practices in the Department have a profound impact on morale and productivity, and foster widespread feelings of frustration and resentment. These negative attitudes can only contribute to a diminished commitment to the mission and standards of the Department.

The consensus expressed to us by officers throughout the Department is that transfers were granted based not on an employee's performance, experience,

commitment, skill, or education, but rather on a "who you know" basis. It is widely perceived that without the right connections, desirable assignments are unattainable, but that knowing the right people can result in choice assignments despite a lack of experience or skills. Sworn personnel who acquire the skills, education, and experience necessary for specialized units have expressed resentment at seeing less qualified applicants rewarded with desirable assignments.

The formal transfer request process is as follows: An employee submits an Application for Transfer which contains the supervisor's employee evaluation. This evaluation consists primarily of the officer's activity on arrests, car stops, pedestrian stops, and curfew violations, and use of sick leave. The application is forwarded to the Human Resources Bureau (HRB). The Department currently has 6,882 sworn personnel, yet there is only one corporal assigned to process and track the transfer requests. (An exception to this are transfer requests into the specialized narcotics units.) The request is entered into a stand-alone computer database and sent to the Personnel unit, which locates the employee's last three performance evaluation reports, disciplinary record and history of assignments. The file is returned to HRB and an interview is scheduled for the requested unit's commanding officer and the officer requesting the transfer. After the interview, the file is returned to HRB. If the candidate is deemed acceptable for transfer, the transfer application is filed by unit/district of request and remains active for two years. If the candidate is deemed unacceptable for the transfer, the request is automatically reviewed by the Transfer Review Board which currently consists of

the Chief Inspector of HRB, the Inspector from Homicide, and the Captain of the Labor Relations Unit.

As of June 1998, there were approximately 1,200 active transfer requests on file. In December 1997, HRB instituted a new tracking system which cross-references approved transfers sent over the Department teletype with the active HRB transfer request data base. Prior to institution of this tracking system, there were no statistics available as to the number of transfers which actually occurred through the formal process. However, the fact that very few names were removed from the active list because the transfer request was granted, but rather because the two-year period expired is evidence that transfers requested through the formal and established process were a rare occurrence.

This issue is not new to the Department. In 1990, a report titled "Proposed Career Services System" was prepared by the Career Services Division of the Philadelphia Police Department Training Bureau. That report found that personnel development needs and programs within the Department are disparate, uncoordinated, and not designed to meet the needs, mission or goals of the Department. This report recommended that the Department:

develop an awareness of and a management system capable of monitoring the experiences that departmental personnel receive in their varied assignments. The management of career development, by consequence, should include concern for selectively exposing personnel to varied experiences so as to: 1) improve morale, 2) increase individual motivation through enhanced self-esteem, 3) increase individual and organizational efforts toward the attainment of the departmental mission, and 4) systematically identify and

develop personnel for increasing responsibilities as they move up the command structure. Cumulatively, these functions will result in selecting, training and placing the right persons in the most appropriate organizational roles for their knowledge, skill and ability level. This will require the design and implementation of a more routine transfer system, and modifications to the promotional system and attendant policies within the Police Department.

To achieve these goals, this report presents a comprehensive plan to more effectively structure the human resource management system within the Department. Until recently, the formal transfer process and "human resource management system" was handled by a solitary individual whose main function appeared to be that of processing meaningless paperwork. This exemplified the Department's lack of strategic planning to best utilize the experience and motivation of its work force.

Since Commissioner Timoney's appointment in March 1998, there have been some encouraging changes in the transfer practices. In the first four months of Commissioner Timoney's tenure, he has approved nearly 250 requests for transfers through the formal process which represents a dramatic increase from prior years. Additionally, a career track program for uniformed patrol personnel is currently under consideration by Commissioner Timoney. These two developments represent a positive step forward in recognizing and addressing the importance of this personnel management issue on employee performance and morale. The IAO will continue to monitor and report on further developments in this area.

VII. CONCLUSION

Through our audit of dismissals in the Philadelphia Police Department, we have identified fundamental, systemic operational and management deficiencies which hamper the Department's ability to deter and detect corruption and misconduct. While it is unrealistic to expect quick, easy solutions to the problems facing the Police Department, incremental improvements are not impossible, and can significantly improve Departmental operations.

Despite our critical assessments of the Department, we also are compelled to express our admiration and respect for the many creative and committed individuals we continue to meet throughout the Department who work hard to serve the citizens of this city in a professional manner, despite many obstacles and frustrations. In this report we have tried to give voice to their concerns, and their commitment to improving the Philadelphia Police Department.