

Public Safety Personnel Diversity Task Force Final Report

An Examination of Recruitment, Screening,
Hiring, and Promotions with Recommendations

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Abstract: Enclosed is the final report of the Public Safety Personnel Diversity Task Force (PSPD) and its examination of the current state of recruitment, testing, screening, hiring, and incumbent promotion of public safety personnel in the City of Indianapolis. The PSPD, assisted by City staff and external experts, read reports, viewed presentations, and held discussions to assist in producing the enclosed recommendations. Within this report, the reader is exposed to various internal documents and reports. The reader is exposed to existing literature regarding public safety recruitment, testing, screening, hiring, and incumbent promotion. Brand (1999), Tawney (2008), and Hutton and Sampson (1999) all offer expert advice and solutions on institutional best practices used throughout a variety of public safety selection processes. Holly (2003) and McCafferty (2003) argue the implications of using 21st Century approaches in testing and selection processes in general. These recommendations have a future oriented perspective and are not intended to be exhaustive. In fact, it is recommended that on-going and actionable employee engagement programs be instituted for all public safety employees. Much of the action-oriented engagement will occur synergistically over a continuum of time. A robust reference list and appendix completes the report and assures the reader that the actions of the PSPD and City staff were properly guided, objective, and strategic throughout the investigatory process.

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PREFACE

The City of Indianapolis is committed to achieving diversity in its workforce that reflects the diversity of the City's population as a whole. With the exception of the Department of Public Safety, the City's workforce is fairly representative of the City's population. In an effort to achieve the representative diversity in its Police and Fire Departments the City in 1978 entered into a consent decree with the U.S. Department of Justice that gave flexibility with the hiring and promotions of minorities.

The consent decree was similar to the one the City of Hartford Connecticut operated with and when it was challenged and lost, the City of Indianapolis voluntarily rescinded its decree. Even prior to that time, the diversity of the City's Police and Fire Departments was slipping backwards. The Mayor recognized this and asked Joe Slash, President and CEO of the Indianapolis Urban League and Reverend Richard Willoughby, Pastor of Promise Land Christian Community Church to lead a task force to review current practices and make recommendations that can lead to achieving the diversity of the City's Police and Fire Departments that reflects the diversity of the City of Indianapolis.

EXECUTIVE SUMMARY

The Public Safety Personnel Diversity (PSPD) Task Force was formed and commissioned by the Mayor of the City of Indianapolis, Greg Ballard on September 3, 2009. Mayor Ballard, accompanied by Deputy Mayor Olgen Williams, charged the Task Force with examining the current state of recruitment, hiring, and promotion programming for sworn public safety employees within the City of Indianapolis. This final report summarizes the direct and indirect efforts of all Task Force members and City staff members acting on behalf of the Task Force. For Task Force members and any executive of the City of Indianapolis, or member of the media reading this report, critical information can be found throughout the report in subsequent sections. This brief summary will only highlight the general recommendations made by Task Force members. The City of Indianapolis thanks all those involved in bringing these recommendations to the City Administration and those charged with finding and retaining the best public safety representatives, police and fire, the City has to offer.

Findings:

When comparing the demographics of the workforce employed by the City of Indianapolis with the labor pool of Indianapolis/Marion County, the workforce, with the exception of the Department of Public Safety, approximates the demographics of the labor pool. This suggests that the process for recruiting, screening, and hiring used by the Department of Public Safety has built in barriers that are more designed for screening out diversity than for screening it in. In addition to rescinding the consent decree with the United States Department of Justice, three other events have had a

negative impact on the City's ability to achieve diversity in its Department of Public Safety.

First, in 1996, the definition of the labor pool for hiring was changed from just Indianapolis/Marion County to include all of the surrounding counties which significantly lowered the targeted percentage of minority population. Second, during the process of merging the Indianapolis Police Department with the Law Enforcement Division of the Marion County Sheriff Department to form the Indianapolis Metropolitan Police Department (IMPD), a significant change in the enabling ordinance for operating IMPD was made. The original ordinance, Sec. 253-203, had language for the hiring of candidates that required the first 80% of new hires be appointed in the order in which they scored. The other 20% could be based on the needs of the Department. The same 80/20 guideline was used for promotions (This language we believe has been court tested.) The new language for IMPD, effective January 1, 2007 does not have the 80/20 flexibility.

The original language with the 80/20 flexibility is still intact in the enabling ordinance for the Indianapolis Fire Department (IFD), Sec.252-203. With this flexibility, IFD had made significant progress toward achieving diversity that reflects the demographics of the City's population. With the merger of township fire departments into IFD that diversity began to erode. It has continued to erode with the merger of additional townships. Also with the merger of township fire departments, IFD has become overstaffed and will be for some time and will not be hiring any new recruits. With the 80/20 language still intact, the IFD has the flexibility to achieve the desired diversity once it begins hiring again. One of the other things we learned was that the

rules and process of promotions was changed from year to year leaving a lot of dissatisfaction within the departments.

Finally, while not specifically under the purview of the Task Force, the Training Academy and Field Training Officer Program must be reviewed and steps must be taken to include diversity in the staffing and training and educational programs. Additionally, the City must make a commitment to fund and staff an aggressive recruitment program to assure that it will meet its goals for future diversity.

Specific Recommendations:

- The Task Force is recommending a number of steps to be taken that it feels will lead to a much more inclusive workforce in both the Fire and Police departments.
- The screening and selection process for new hires needs to be shortened. The City consistently loses excellent candidates who find employment opportunities elsewhere and withdraw from consideration before our process is completed.
- While it may be difficult to redefine the labor pool, weighting factors should be used that would favor hiring of residents of the City of Indianapolis before non residents.
- The City needs to reinstate the original language in the enabling ordinance of the Indianapolis Metropolitan Police Department, and it needs to force the use of the flexibility given. The suggested language is included as attachment 4 in the full report.
- It is recommended that the City continue the use of outside consultants for screening new applicants, screening candidates for promotion, and for providing psychological service and that these services be awarded to different vendors in order to avoid potential conflicts of interests.
- Screening procedures for both new hires and promotions should be based on candidates who are ranked as qualified and not qualified and no longer use a ranking process that separates candidates by fractions by percentage points. It is also recommended that the City appoint a committee of citizens to work with the Departments in their recruiting efforts to make certain that all efforts are exercised in the recruitment efforts to insure the results of a diverse workforce are achieved.
- Screening procedures for promotions should also be based on candidates ranked as qualified or not qualified and should also include performance evaluations. No new promotions list should be established until an existing list is exhausted. If a new promotion list is established before the current list is exhausted, the new list should not be used until the current list is exhausted.

General Recommendations

The following proposed recommendations are being made after careful and thorough examination of the aforementioned areas of the current state of public safety recruitment, hiring, and promotions programming within the City of Indianapolis. This

list of recommendations is not exhaustive and should be approached strategically and methodically. The City is currently employing some of the best-practices approaches identified in the following sections of this report. The Task Force understands that the City uses the professional assistance of outside experts and urges the City to locate, train, and develop internal staff members in delivering the services required so they may take the lead on any program needed.

The following recommendations include the acknowledgement that City-County Human Resources will conduct all hiring and promotions activities on behalf of public safety. In the past, IMPD and IFD conducted their own separate hiring and promotions programs, which may have contributed to adverse impact in hiring and promotions. The City-County Human Resources is directed by a former public safety official who has expert knowledge and training in a myriad of human resources related protocols. City-County Human Resources is in the best possible position to give public safety the opportunity to screen, test, and fully vet potential applicants for hire. It is also in a position to take the lead in assessing and vetting incumbent employees for promotional opportunities within the agencies.

Technology will also play a role in the recommended changes. City-County Human Resources recently invested in and implemented NeoGov's "Insight" applicant tracking system. NeoGov was an excellent choice of external and internal applicant tracking for the City of Indianapolis. NeoGov's system capabilities give its users the opportunity to pre-screen and pre-vet applicants for a wide range of personality and behavioral traits. The backdoor programming of the NeoGov technology provides robust reporting on applicant trends, assessment, failure and success rates, and 4/5ths

compliance. Additionally, the City of Indianapolis is implementing full enterprise resource planning (ERP). The importance of this is not lost on NeoGov. NeoGov is the technology provider of choice for most government ERP implementations. With ERP, the system becomes a full application, onboarding, retirement, personnel storage and filing, and engagement system, all with holistic capacity.

The Task Force members received public safety psychological consultant recommendations from the subcommittee, and reaffirms the use of the consulting firms vetted by the subcommittee and the City staff. The subcommittee chose to diversify the psychological consultants and their respective utility to ensure, diversity among vendors, and to extract the individual strengths and best-practices of each vendor. Each vendor will pay particular focus to that area in which they have the most expertise. For decades, previous contracts were granted to a sole-source provider. The Task Force believed that it was not in the best interest of the Department of Public Safety and it was unfair and conflicting to have a single vendor confirm its own consulting practices throughout various phases of the testing and screening processes, within and between processes.

The Task Force recommends that a permanent committee be formed to assist public safety with future recruitment, hiring, and promotion activities going-forward. The Public Employees Assistance Committee on Employment (PEACE) would be charged with reviewing and hearing proposals on recruitment, hiring, and promotions and making recommendations to the chief executives of IMPD and IFD. The PEACE committee would be comprised of one member of both unions representing IMPD and IFD, two existing Merit Board members, and two former members of the Task Force.

The Chair of the committee will be the City-County Human Resources Director. The HR Director will be responsible for scheduling quarterly and as-needed PEACE committee meetings and briefing the Director of Public Safety on recommendations made by the PEACE committee.

The Task Force agrees and recommends that the existing merit ordinance governing IMPD is deficient and thus should be revised to take advantage of existing state law governing all public safety entities across the State of Indiana. A written merit ordinance revision pertaining to the IMPD is included within the appendix of this report. The merit ordinance revision contains language restoring the 4/5ths or 80/20 rule compliance, which was part of the merit law prior to the consolidation of the Indianapolis Police Department and the Marion County Sheriff's Department. The expectation of 4/5ths compliance is legally acceptable according to the Equal Employment Opportunity Commission (EEOC) under its 1978 Uniform Guidelines. The EEOC, Civil Service Commission, Department of Labor, and Department of Justice together have uniform guidelines for employers to use (Dessler, 2005, p. 32). The importance of the 4/5ths compliance cannot be overstated. The EEOC has stated that whereupon analysis of minority applicants groups is less than 4/5ths shall be considered as evidence of adverse impact (<http://www.uniformguidelines.com>).

The Task Force recommends the potential use of test score banding in its hiring and promotions programming. Considerations regarding test score banding provisions may be included in the proposed merit law revision. The merit ordinance revision should be presented to the Board of Public Safety as soon possible after the release of this report to the public.

The Indianapolis Fire Department and its leaders have expressed serious concerns about the mergers and consolidations of township fire agency surrounding Indianapolis. Task Force member, Curtis Gregory forwarded a letter to the Task Force Chairs articulating his concerns and that letter has been incorporated with the attachment section of this report. It is expected that additional recommendations will be offered with respect to the IFD and its specific needs regarding recruitment and promotional programs. The demographic data presented in this report, support a need for aggressive action by the City of Indianapolis and IFD to assure that diversity and inclusion will be afforded to the department and to applicants for the position of firefighter. All other recommendations of the Task Force are located in the final section of this report. Once again, the final listing is not exhaustive and should be reviewed annually to ensure it is updated and refined as needed.

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BACKGROUND AND PURPOSE

The Public Safety Personnel Diversity Task Force was commissioned by Mayor Greg Ballard on September 3, 2009. Chris Cotterill, former Chief Counsel of the Office of Corporation Counsel (OCC), initially facilitated the Task Force. The Task Force was comprised of a cross-section of business and community leaders located within the City of Indianapolis – Marion County (see Attachment 1, p. 60). The first formal meeting of the Task Force included a presentation from Mayor Ballard, Deputy Mayor Olgen Williams, and a host of City staff members from the Department of Public Safety (DPS), Indianapolis Metropolitan Police Department (IMPD), and Indianapolis Fire Department (IFD). The Task Force received defined goals and objectives to examine and explore current recruitment, hiring, and promotional practices and policies of both IMPD and IFD. The overarching goal of the Task Force was to recommend further improvements that will ensure the City's public safety forces reflect the diversity within the Indianapolis community.

During the initial meeting, Task Force members were introduced to and heard personal testimony from public safety employees. The testimony mainly focused on concerns about the promotion practices and policies of IMPD. Clearly, several employees were frustrated with the promotions processes and asked the Task Force to thoroughly investigate their claims to the extent possible. Task force members empathized with the employees and believed their goals and objectives were clear; to conduct their analysis and recommend further improvements to assist public safety. The Task Force heard briefings from several City staffers on recruitment, hiring, promotions, current merit ordinances, and the current state of the consent decree.

RECRUITMENT, HIRING, PROMOTIONS, AND MERIT LAW

Recruitment Programs

During the first meeting, Officer Chris Wilburn, Captain Patricia Holman, and Deputy Chief Bryan Roach gave a briefing on the current state of recruitment, hiring, and promotions programming for IMPD. The presentation included applicant engagement activities, marketing, and advertisement, and targeted recruitment strategies currently being employed by IMPD. Overall, the task force was impressed by Wilburn's presentation and they applauded his professionalism and work ethic. It should be noted that Wilburn essentially had no dedicated budget with which to work, but made several recent improvements yielding very high minority applicant pools for the department. In many instances, Wilburn used his own financial resources to host meetings and discussion groups to further the engagement of applicants. This issue will be addressed in the recommendations section of this report.

Hiring Programs

Captain Patricia Holman, IMPD HR Commander, presented information on the hiring processes. The Task Force was less impressed by the current IMPD hiring process. The hiring process details are as follows:

- Written Examination
- Fitness Evaluation
- Oral Interview
- Conditional Offer of Employment (Merit Board)
- Background Investigation

- Polygraph Examination
- Medical and Psychological Evaluation
- Pension Board
- Interim Fitness Evaluation
- IMPD Chief's Review of Applicants
- Merit Board Approval of Final Applicant List

Captain Holman shared with task force members that the overall hiring process was conducted in three distinct phases. The phases were identified as 1) pre-employment, 2) post conditional offer of employment, and 3) final merit board approval. These three phases take approximately 8-9 months for IMPD to administer. At first glance, most task force members believed that the amount of screening time was unreasonable. Holman informed the Task Force that the time frame was nearly inflexible due to scheduling of the various board appointments and other related testing appointments. Holman also explained that the number of applicants made it difficult to reduce the time frame. Applicants themselves would cause huge delays in their processing by requesting reappointments.

Holman concluded her remarks with an analysis of the first phase written examination attrition and applications collected per class. Task force members were presented with information contained in Figure 1 and Figure 2, p. 16. The information provided is taken from the 2nd recruit class application process for IMPD. Clearly, IMPD attracts large quantities of applicants. However, as noted in the second figure, many of those applicants drop out of the process for whatever reason, without notice to the

department. There are recommendations regarding these issues as well, in upcoming sections. Detailed information about drop-out rates for other IMPD processes is contained within Table 1 and Table 2, p. 19.

Figure 1.

Total Applicants per Recruit Class (IMPD): First Phase – Applications

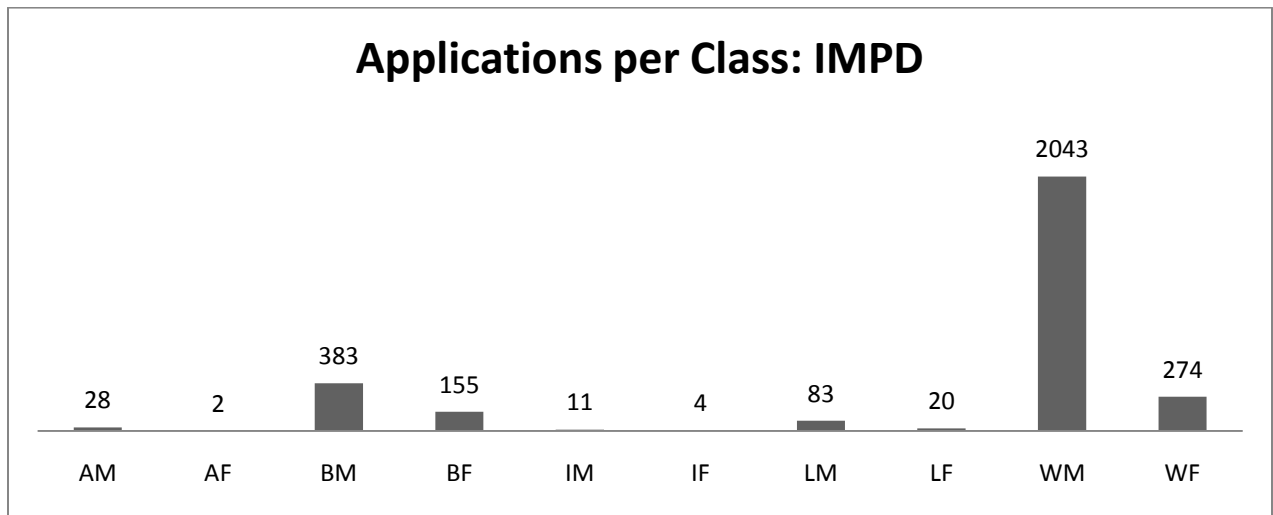


Figure 2.

No Shows per Recruit Class (IMPD): First Phase – Written Exam

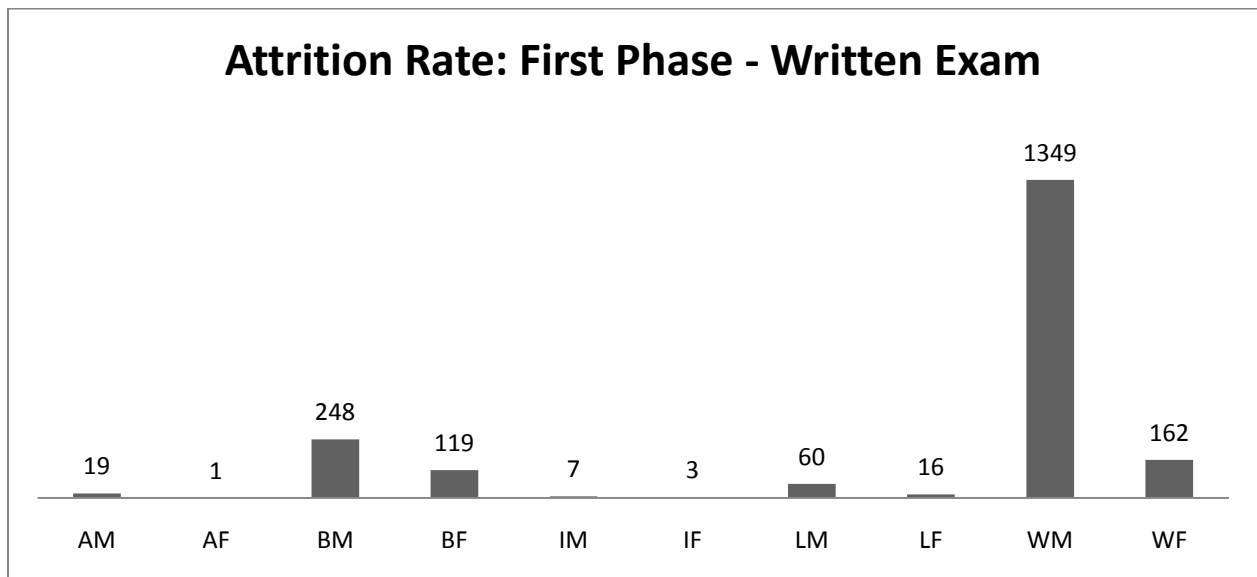


Table 1.

Total Applicants per Recruit Class (IMPD): First Phase – Applications

Total Applicants per Recruit Class (IMPD)										
RACE/SEX	2 ND	%	3 RD	%	4 TH	%	5 TH	%	6 TH	%
AM	28	.93%	24	.80%	19	.62%	6	.38%	23	.71%
AF	2	.07%	4	.13%	4	.13%	3	.19%	5	.15%
BM	383	12.75%	509	17.06%	563	18.31%	197	12.55%	454	14.02%
BF	155	5.16%	224	7.51%	249	8.10%	90	5.73%	182	5.62%
IM	11	.37%	8	.27%	9	.29%	5	.32%	9	.28%
IF	4	.13%	2	.07%	2	.07%	2	.13%	3	.09%
LM	83	2.76%	87	2.92%	92	2.99%	50	3.18%	103	3.18%
LF	20	.67%	14	.47%	17	.55%	13	.83%	19	.59%
WM	2043	68.03%	1891	63.37%	1877	61.06%	1098	69.94%	2163	66.78%
WF	274	9.12%	221	7.41%	242	7.87%	106	6.75%	278	8.58%
Grand Total	3003		2984		3074		1570		3239	

Table 2.

No Shows per Recruit Class (IMPD): First Phase – Written Exam

No Shows per Recruit Class (IMPD)										
RACE/SEX	2 nd	%	3 rd	%	4 th	%	5 th	%	6 th	%
AM	19	67.86%	12	50.00%	10	52.63%	3	50.00%	15	65.22%
AF	1	50.00%	3	75.00%	2	50.00%	1	33.33%	4	80.00%
BM	248	64.75%	391	76.82%	427	75.84%	138	70.05%	324	71.37%
BF	119	76.77%	172	76.79%	201	80.72%	72	80.00%	130	71.43%
IM	7	63.64%	6	75.00%	5	55.56%	4	80.00%	6	66.67%
IF	3	75.00%	2	100.00%	2	100.00%	1	50.00%	2	66.67%
LM	60	72.29%	60	68.97%	65	70.65%	36	72.00%	62	60.19%
LF	16	80.00%	10	71.43%	12	70.59%	9	69.23%	12	63.16%
WM	1349	66.03%	1221	64.57%	1188	63.29%	693	63.11%	1420	65.65%
WF	162	59.12%	129	58.37%	147	60.74%	72	67.92%	192	69.06%
Grand Total	1984		2006		2059		1029		2167	

Promotions Programs

Deputy Chief Bryan Roach joined Captain Holman as they shared information regarding the IMPD promotions processes. The Task Force members learned that IMPD has three merit ranks, 1) sergeant, 2) lieutenant, and 3) captain. Under current merit law, Section 279-234 (see Attachment 4, p. 66), only those employees at the merit ranks of lieutenant and captain are eligible for appointed ranks. The current appointed ranks are 1) major, 2, commander, 3) deputy chief, 4) assistant chief, and 5) chief (see Table 3, p. 23). Promotion processes are conducted only for merit ranks. There is no such promotion process for appointed ranks.

The department does not utilize succession planning, and therefore relies heavily on the reliability and validity of its promotional processes. This reliance causes the most critical assessment to be centered on seniority, near perfect attendance, and a lack of formal discipline. All other aspects of the promotional processes are testable and accessed by all eligible candidates after official notice of the process opening. Past promotional processes have included the following components:

- Written examination
- Oral Interview
- Assessment Exercises
- Writing Exercises
- Time in Service
- Time in Rank
- Education
- Military/FTO Service

- Attendance/Discipline (deductions)

Task force members received demographic information found in Figure 3, p. 24 and Figure 4, p. 25. The figures display, IMPD's internal workforce demographics by race, gender, and rank. Table 3, p. 23 and Table 4, p. 24, illustrate the current makeup of IMPD and displays its makeup by race, gender, and rank as well for a different perspective. It was noted that there are large numerical differences in merit level employees – males, females, and ethnicities. Although no information was presented to the task force on attrition rates from the incumbent promotion processes, attrition occurs in less dramatic fashion. Workforce demographics for IFD are depicted in Table 5 and Figure 5, p. 27.

Merit Ordinances and Indiana State Law

Bruce Henry, City-County HR Director presented information on the current merit ordinances and Indiana State Law governing hiring and promotions within IMPD and IFD. Full details on the ordinances and law are contained within the appendix of this report. The existing IMPD merit ordinance was revised during the most recent consolidation of the Indianapolis Police Department and Marion County Sheriff's Department. The ordinance is lacking in many details related to hiring protocols and does not fully capture allowances made in Indiana State Law. The existing IFD merit ordinance is very detailed and takes full advantage of state requirements. The ordinances were compared and contrasted for task force members. Recommendations

to revise and to capture and exploit the essence of the state law are included within the recommendations section of this report.

The existing merit ordinances do give a degree of latitude to public safety agencies in designing hiring and promotion processes. For example, though we could give integrity tests, we don't. Integrity tests are inexpensive, but yield high returns in ensuring that the right candidates are being hired and promoted. Integrity test essentially check each candidate for past behaviors such as absenteeism, terminations, drug abuse, arrests and convictions, violent behaviors, theft, DUI's, and others (Tawney, 2008, p. 34). Detecting any counter-productive work behavior before hiring or promoting a candidate is in the best interest of the departments. The lower cost of integrity test when compared to psychological personality test and medical exams are really its best selling point. The psychological consultant industry also argues using the integrity test early in the screening process to avoid the expense of post conditional offer exams.

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Table 3.

IMPD Personnel Analysis Race by Rank (May 3, 2010)

RANK	Rank Total	Black	Black %	White	White %	Hispanic	Hispanic %	Asian	Asian %	Other	Other %
CHIEF	1			1	100%						
A/C	1	1	100%								
D/C	4	1	25%	3	75%						
COMMANDER	7	2	28.57%	5	71.43%						
MAJOR	5			5	100%						
CAPTAIN	17	3	17.65%	14	82.35%						
LIEUTENANT	90	6	6.67%	84	93.33%						
SERGEANT	225	27	12.00%	186	87.11%	1	0.44%			1	0.44%
PATROL OFFICER	1202	174	14.48%	986	82.03%	25	2.08%	2	0.17%	15	1.25%
PROBATIONARY	45	3	6.67%	38	84.44%	2	4.44%			2	4.44%
RECRUIT TRAINEE	69	7	10.14%	60	86.96%	2	2.90%				
TOTAL SWORN	1666	224	13.45%	1392	83.55%	30	1.80%	2	0.12%	18	1.08%

Figure 3.

IMPD Personnel Analysis Race by Rank (May 3, 2010)

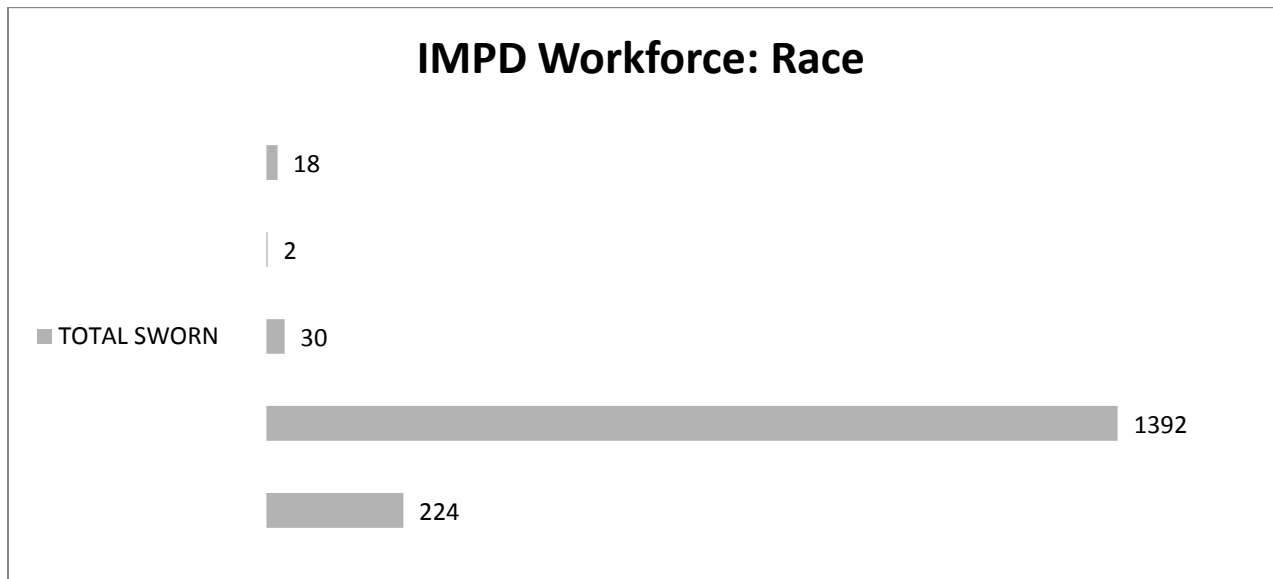


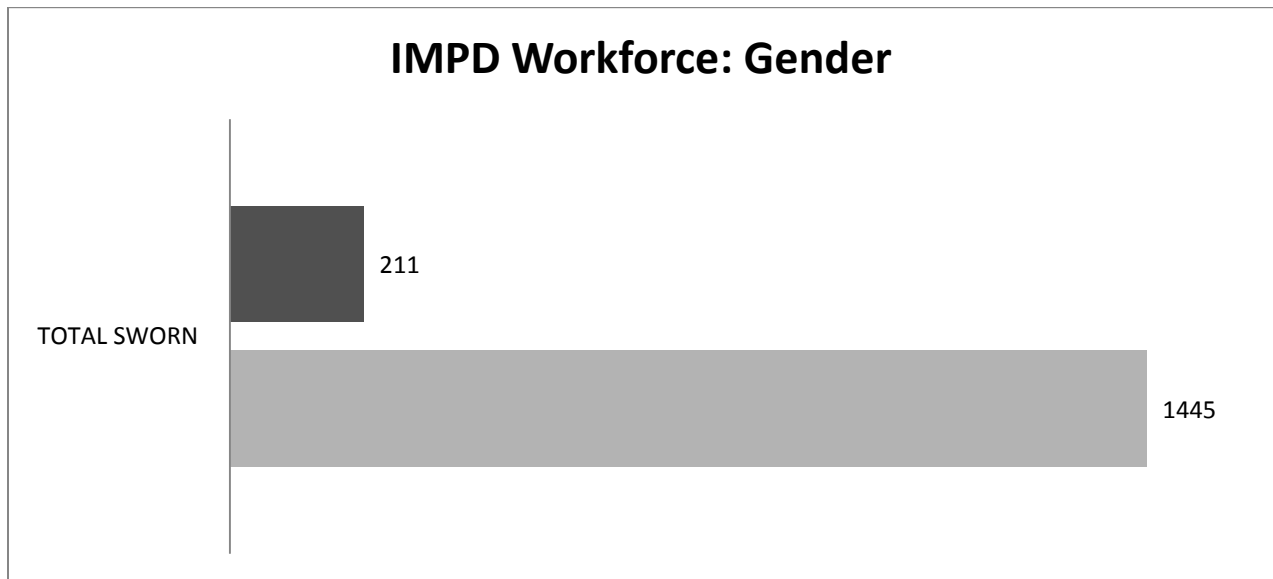
Table 4.

IMPD Personnel Analysis Gender by Rank (May 3, 2010)

RANK	Rank Total	Male	Male %	Female	Female %
CHIEF	1	1	100.00%		
A/C	1	1	100.00%		
D/C	4	3	75.00%	1	25.00%
COMMANDER	7	6	85.71%	1	14.29%
MAJOR	5	5	100.00%		
CAPTAIN	17	16	94.12%	1	5.88%
LIEUTENANT	90	81	90.00%	9	10.00%
SERGEANT	225	201	89.33%	24	10.67%
PATROL OFFICER	1202	1038	86.36%	164	13.64%
PROBATIONARY	45	43	95.56%	2	4.44%
RECRUIT TRAINEE	69	60	86.96%	9	13.04%
TOTAL SWORN	1666	1445	87.33%	211	12.67%

Figure 4.

IMPD Personnel Analysis Gender by Rank (May 3, 2010)



Indianapolis Fire Department Consolidation

The Task Force heard from leadership of the Indianapolis Fire Department (IFD) on recruitment, hiring, and promotion. There was a collective consensus that the IFD was currently undergoing consolidation with several township fire agencies. Because of the consolidations, IFD would not recruit, hire, or make any promotions for some time to come. In fact, IFD leadership reported to the Task Force, that several other consolidations were currently being planned that would ultimately negate their need to recruit new hire and promotion incumbents for one to two years or until 2012. Current IFD workforce demographics are depicted in Table 5 and Figure 5, p. 27. IFD workforce demographics are very fluid and change dramatically after each consolidation.

Office of Corporation Counsel – Consent Decree

Chris Cotterill, Chief of Staff, joined by Jon Mayes, Deputy Public Safety Director, gave an update on the 1978 and 1979 Consent Decrees for both police and fire. The presentation essentially stated that the past consent decree was obsolete and the court had modified the terms of the consent decree. Cotterill and Mayes stated that the consent decree was now an affirmation to conduct fair, consistent, and legal hiring and promotions practices within the Department of Public Safety. Cotterill stated that the City would use best-practices in its hiring and promotion processes. He went on to state, that it is the City's goal and objective to have public safety agencies that are reflective of the diversity of the City and it's community members.

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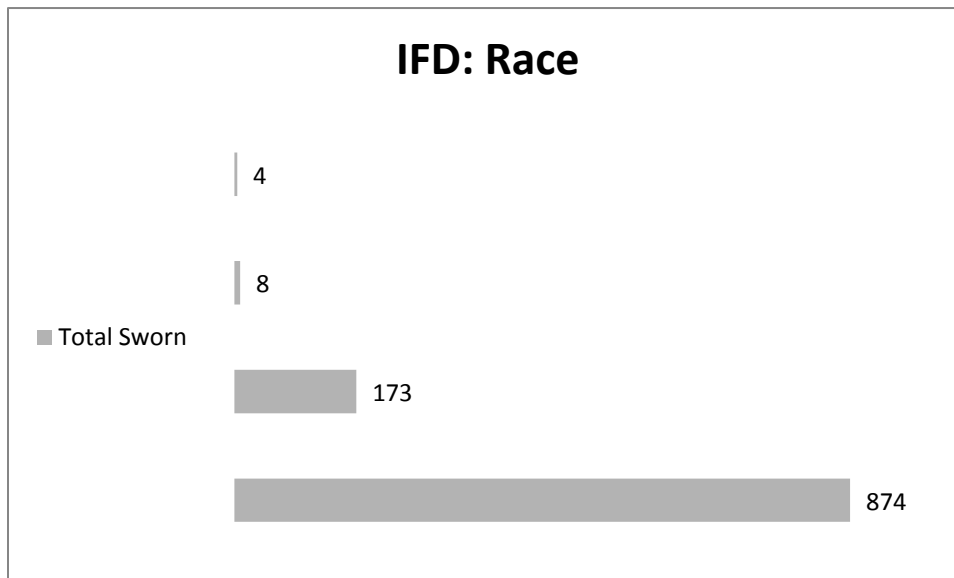
Table 5.

IFD Personnel Analysis Race by Rank

RANK	Rank Total	W	%	B	%	H	%	A	%
Chief	1	1	0.09%						
Assistant Chief	2	1	0.09%	1	0.09%				
Division Chief	5	4	0.38%	1	0.09%				
Shift Commander *	3	1	0.09%	2	0.19%				
Battalion Chief	38	31	2.92%	7	0.66%				
Captain	89	69	6.51%	20	1.89%				
Lieutenant	172	148	13.96%	23	2.17%	1	0.09%		
Engineer	185	157	14.81%	28	2.64%			1	0.09%
Private/Probationary	565	464	43.77%	91	8.58%	7	0.66%	3	0.28%
Total Sworn	1,060	874	82.45%	173	16.32%	8	0.75%	4	0.38%

Figure 5.

IFD Personnel Analysis Race by Rank



INTRODUCTION AND REVIEW

Nationally and internationally, public safety agencies are suffering from many of the same maladies regarding diversification of those entering the ranks of the profession. Researchers have conducted studies and examined the conditions under which departments and agencies have existed, that have influenced their ability to bring diversity into the ranks of both law enforcement and the fire services. This exploration adds to a host of priori that exists and specifically examines the City of Indianapolis Police and Fire Departments. Several recruitment, screening, hiring tactics and suggestions emerge from the following review of authors and researchers. Those tactics and suggestions will be included within the recommendations section of this report. It is imperative that public safety agencies get serious about the lack of diversity within their organizations and to take corrective actions. Government groups through census analysis and forecasting have shared that future population and demographic changes are occurring now and into the future. Historical and expected trends related to urban and suburban areas are being updated to include increases in the Hispanic and minority populations and decreases in the White and majority populations.

The U.S. Bureau of the Census anticipates a continual decline in the birth rate for all Americans. The birth rate of whites will continue to be dramatically lower than that of Blacks, Hispanics, Asians, and others. As a result, the white population in America has an older median age than other ethnic groups, and this age gap will continue to increase over the next 30 years (McCafferty, 2003, pp. 79-80.)

In a study conducted by Brand (1999) the perspectives of potential public safety applicants were analyzed uncovering some crucial and surprising information. The survey was administered at Florida State University to undergraduate students within the criminal justice program. The survey revealed that today's modern applicant is far from the applicants of yesteryear. Generation Xer's views of public safety were alarming and shocking in many cases. For example, when asked about individual character, honesty, and integrity being the most serious values needed by public safety officers, 95% agreed. However, when asked should their off-duty or personal lifestyle have any impact on their public safety careers, 63% of respondents disagreed, and 8% had no opinion. These responses are counterintuitive and seem to be in direct opposition to one another. Elsewhere in the survey respondents were asked about whether they would leave a party where marijuana was being used. Only 47% would leave, whereas 31% would stay. Shockingly, 22% had no opinion, suggesting that they would decide what to do when they were in situation.

McCafferty (2003) like Brand (1999) examined the generational juxtapositions of Baby Boomers (1943-1960), Generation X (1960-1980), and Generation Y (Millennials). McCafferty (2003) recognizes that each generation has its own set of peer influences, acting on their perspectives regarding public safety employment. The anticipated changes in population demographics are also noteworthy and should be precursor to public safety employers learning and tailoring their recruitment and hiring practices with a future orientation. Holly (2003) Brand (1999), and McCafferty (2003) all agree that the public safety community will need personnel who are highly professional and prepared to continue upgrading their skills. It would be wise to replicate the Brand (1999) study in

the City of Indianapolis with college and university students enrolled in local criminal justice programs. It would also be advantageous to examine a sample of high school graduates, since the minimum qualifications require a high school diploma.

Holly (2003) argues the basis of hiring. He details the pitfalls that all employers are exposed to when extreme care is not exercised in the selection of candidates. The argument to formalize selection procedures is grounded in recent case law such as, *Lockridge v. Board of Trustees of the University of Arkansas*, 294 F.3d 1010 (8th Cir. 2002). In this case, the employer simply failed to establish clear standards and procedures for promoting and hiring. The failure to watch for adverse impact is cited as a primary cause for litigation on behalf of employees inside and outside of public safety. The inclusion of subjective testing procedures usually frowned upon by litigators and employers is upheld in *Watson v. Fort Worth Bank & Trust*, 487 U.S. 977 (1988) and again in *Stender v. Lucky Stores, Inc.* 803 F. Supp. 259, 335 (N.D. Cal. 1992). These cases permit the use of subjective criteria, although the same rules of standardization and validity apply and can be used only with professional [human resources] guidance.

Hutton (1999) offers expert insight on assessment practices in the United Kingdom. It is suggested that assessors not be simply chosen at random by their agencies to assess their most important future and existing assets. It was discovered that assessors selected in this fashion brought very unstandardized and subjective expectations into the interview and screening environment. Both Holly (2003) and Hutton (1999) agree that this practice is faulty, dangerous, and tends to defeat objectivity and validity.

Jurkanin, Fischer, and Sergevnin (2001) examine and discuss the quandary of four arguably negative conditions influencing public safety recruitment and hiring. They point to the 1) general economy, 2) lacking occupational prestige, 3) working conditions, and 4) those in public safety being the potential worst enemy in seeking and hiring quality applicants. When the economy is good, competition for public safety applicants is fierce. Surveys exist that put public safety employment in the bottom tier for desirable employment. The working conditions in public safety need some work too. Very few people are able to properly assimilate into the world of public safety due to the cultural shock of dealing with injured children, poverty, crime, drugs, prostitutes, and homicide day in and day out. Finally, “we have seen the enemy and it is us,” may have some truth to it. This refers to the long laborious selection processes. Some processes are known for creating frustration and disillusionment, when there need not be any. Albeit, there are things outside the control of public safety entities that cannot be changed. City budgets, politics, and community upheaval are beyond public safety officials’ control. For those parts of the processes, they do control, examine them, and eliminate them if they do not make sense or are detrimental to the recruitment and hiring processes.

Gordon (2004) informs us that recruiting public safety personnel in the 21st Century presents specific challenges which only the most resilient and forward thinking organizations will be able to respond. Gordon joins Brand (1999) and McCafferty (2003) in their assessment of the change in demography as being the single most important factor to providing transformative change. Major cities such as, New York, Houston, Atlanta, and Los Angeles have already made substantive changes to their

recruitment programs to tap into the decreasing labor market for public safety applicants. Several recruitment tactics and suggestions from the aforementioned authors and researchers will be visited in the recommendations section of this report. A report such as this would be remiss, without the inclusion and acknowledgement that public safety unions are also part of the equation. DeLord (n.d.) shares that unions usually act against their own best interest by focusing on the problems rather than the solutions to recruitment and retention of top quality personnel. Public safety unions have largely been seen as anti-quality, anti-administration, and anti-improvements beyond the dollar amounts associated with future collect bargaining agreements.

The real underlying problem is that public safety agencies are selling a product few people are buying [sic]. Except for a few television glamorized jobs like FBI and DEA, the truth is that 99% of all public safety work is stressful, potentially dangerous, boring for long periods of time, under-appreciated, over-regulated, micro-managed, seniority-driven, bureaucratic, heavily disciplined, 24/7/365 shift work, little time off from work, premature death, and high rates of alcoholism, divorce and suicide. And more importantly, operational police work is not always viewed by the media and public as the best professional job choice by young people with a college education (DeLord, n.d., p. 4).

The question is, “Why have public safety (police and fire) unions not been invited, encouraged or challenged to provide solutions to the recruiting crisis?” Frankly, there has been a lack of trust and respect within public safety administrations and the unions

they negotiate with. There is a place for union and administration collaboration included in the recommendations section of this report.

Test score banding approaches involve grouping scores into ranges called “bands” within which all scores are considered statistically equal. Truxillo and Bauer (1999) all offer the test score banding solution to employers saddled with reduced applicant pools and high competition for minority candidates. Three studies were conducted by Truxillo and Bauer within a police department located in the southern region of the United States. The studies involved (S_1) $N = 85$, (S_2) $N = 369$, and (S_3) $N = 39$ participants (p. 322). S_1 and S_2 included police applicants and it tested their attitudes, beliefs, and perceptions about test score banding as they were related to test validity and affirmative action policies. S_3 included police incumbents and it tested their attitudes, beliefs, and perceptions about test score banding, as they were related to test validity and affirmative action policies. Results from S_1 and S_2 showed no significant differences within and between groups of Blacks and Whites views on test score banding (p. 326). Conversely, S_3 showed statistically significant results ($p < .05$) within and between groups of Blacks and Whites views on test score banding. These outcomes were not surprising considering the limited knowledge and exposure that police applicants have regarding testing protocols. Consequently, test banding for this group is viewed as a neutral stimulus (p. 323). Police incumbents seeking opportunities for promotion may be predisposed to learning more about testing protocols and view any test outcome manipulation directly with affirmative action goals or programs. Self-interest levels are high among incumbent groups, where higher-ranking positions are scarce and opportunities are few.

The most significant outcome of the Truxillo and Bauer (1999) study is the caution for public safety employers to provide critical about testing protocols upfront in the hiring and promotions processes. Do not hide information about testing procedures. Educate applicants and incumbents about what and why to expect certain practices. In the study, the researchers noted neutral responses from participants when they were informed by the agency about testing procedures.

Most employers pondering the utility of test score banding are looking for a practical application of banding and Lipson (1997) offers a legally tested and practical application currently in use at the Michigan State Security Agency. Lipson describes the principal methods of banding as, fixed bands and sliding bands. There are three variations of fixed bands currently in use today, 1) fixed bands with random selection, 2) fixed bands using minority preference with top-down selection, and 3) fixed bands using minority preference with random selection. There are three variations of sliding bands currently in use today, 1) sliding bands using random selection, 2) sliding bands using minority preference with top down selection, and 3) sliding bands using minority preference with random selection (pp. 4-6). Each of these methods and their variations incorporate the standard error measurement (SEM) or difference between test scores.

Admittedly, there is still ongoing debate about the use of test score banding evidenced by the Truxillo and Bauer (1999) study. It is cited in the Lipson (1997) review that banding can be applied, although it has advantages and disadvantages. Some of the advantages include a reduction in adverse impact on minority candidates. Banding also has the effect of producing substantial increases in minority group selection only with minority preference within bands in place. In 1992, the 9th Circuit Court of Appeals

held that banding was lawful under the Civil Rights Act of 1991. There is only one known disadvantage of banding which includes recognition that it lacks a linear relationship to job performance, but so does test anxiety. Too much test anxiety is viewed negatively, but so is too little. There is a non-linear relationship.

In Michigan, Lipson employs a process called broad banding at the Department of Civil Services in Lansing. Once a pool of candidates is screened, they are placed on employment lists by job area, unit, specialty, and type or other criteria. Eligible candidates are placed on these employment lists in one of three bands, corresponding to the following examination scores:

- First Band: Scores of 100 - 90
- Second Band: Scores of 89 - 80
- Third Band: Scores of 79 – 70

All hires and promotional appointments must be made from the top available band, appearing on a certified employment list (p. 11). There are other additional criteria; however, the process appears succinct and defensible. Note the resemblance of the Michigan banding process to a uniformly and nationally accepted practice of college instructors grading scale of the following:

- A 100 – 90
- B 89 – 80
- C 79 – 70
- D 69 – 60
- F < 59

Very few people would argue the reasonableness of the scale for its consistencies or inconsistencies; however, it is simply accepted as a measurement of skill and acumen. There is a place for banding in our processes, which we include in the recommendations section of this report.

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METHOD

To successfully learn as much about the multiple influences involved in the new hire and promotional processes, the Task Force relied on City staff to prepare additional presentations on existing and proposed career and leadership development, public safety psychological consulting, and the comprehensive use of psychological services in hiring and promotions. Specifically, they were interested in the best practices used by other agencies. To accomplish this, the Task Force received various presentations from City staff members and external professionals on topics such as career and leadership development (CLD) and public safety psychological services consultancy. City staffers also traveled to various cities to discuss with other public safety officials what they were doing and how they elevated their hiring and incumbent promotions programming. The co-chairs of the task force created a subcommittee to hear presentations on public safety psychological consulting. The subcommittee, assisted by City staffers was tasked with ultimately making recommendations regarding the consultancy to the full task force.

Career and Leadership Development

Lieutenant Rick Snyder delivered the presentation on CLD. Snyder's presentation covered a wide array of improvements proposed by IMPD that would in fact, soon be implemented. The CLD is essentially an internal promotion preparation program designed specifically to teach and train existing employees. Upon completion of the CLD program, existing employees would be prepared to participate in and become successful in the agency's promotional programs. The best practices of

leadership included within the CLD program would most certainly enhance the skill-set of participants. To gain access to the program, participants are required to receive a recommendation from their chain-of-command. The recommendation must be accompanied by a professional resume, request to participate, and a review of the employees personnel file. In the event that any of these items is found deficient, the employee will not be allowed to participate.

Performance Appraisal Program

Snyder and Holman, presented information on a proposed and recently implemented performance appraisal (PA) program. The Task Force was informed that neither IMPD nor IFD used employee PA's to document the performance of their employees. The new PA program was introduced in recent in-service training programs and was very well received by the employees. The Task Force was extremely impressed with both the CLD and PA program. Some of the Task Force members expressed concerns, such as inclusion in the CLD program for ethnic minorities and females. The programs are new and recently implemented and will go through reliability and validity testing to determine overall impact. Participant tracking, failure and success rates, and independent review are designed into the programs as well.

Public Safety Psychological Consultants

The Task Force psychological consultants subcommittee received various presentations from consult experts. The presenters included the Institute for Public Safety Personnel (IPSP), Industrial and Organizational Solutions (IOS), and Sawgrass

Consulting (SC). Each of the companies provided information on how their companies deliver psychological services. The companies use very different approaches. In fact, IPSP was very well known, as it has had been used by both IMPD and IFD for nearly twenty-five years. What emerged was that each company offered very unique approaches in areas in which they excelled. IPSP was superior in its ability to provide just-in-time psychological services, i.e., fitness for duty exams, applicant pre-employment psychological assessment, and high-risk crime-scene psychological counseling. IOS was superior in its ability to provide new hire processing, i.e., written exam test development, oral interview preparation, initial screening protocols (integrity testing). SC was superior in its ability to provide 21st Century incumbent promotions processing, i.e., task/job analysis, scalable promotions protocols, reliable and valid written exams, and incumbent talent assessment.

There was very little first-hand information known about IOS and SC, therefore City staffers traveled to their headquarters and met with their existing clients to get a different perspective on their capacity and professional work experience. IOS is located in the City of Chicago, Illinois and SC is located in the City of Gainesville, Florida. Both companies received endorsements from their clients in the areas mentioned above. Their best-practices approaches worked well for their clients and have withstood legal challenges as required. Contact information for the agencies interviewed on behalf of IOS and SC are included within the appendix of this report. Psychological consultant subcommittee recommendations were ultimately made to the full task force and are included within the recommendations section of this report.

City of Indianapolis Workforce Internal Demographics

Task Force felt it was important to fully understand the nature of the workforce within the City of Indianapolis externally and within the City-County Workforce internally. This comparison is imperative to fully appreciate the predicted versus the actual makeup demographically. Table 6 demonstrates the race and gender breakdown of the City of Indianapolis as reported using the census data obtained from the state and federal government. The data represents only those individuals within the actual workforce and not every citizen of Indianapolis.

Table 6.

City of Indianapolis – Marion County Community Labor Pool (est. 2009)

	Number	Percent
TOTAL POPULATION	890,879	
Sex		
Male	432,076	48.50%
Female	458,803	51.50%
Race		
W	564,817	63.40%
B	230,738	25.90%
H	69,489	7.80%
A	15,145	1.70%
AI/AN	3,564	0.40%
NH/PI	891	0.10%
Other	6,235	0.70%
Source: www.IN.gov Cross Referenced: www.census.gov		

Note the external rates of 63.40% White and 25.90% Black. When these rates are compared to the City-County internal workforce demographics (Table 7, p. 41), they are very representative at 72.46% White and 24.28% Black. Gender representativeness is also very similar at 48% Female and 52% Male, external and

internal. It appears that the internal workforce numbers are representative of the external workforce and could be achieved within the area of public safety. Although, a broader net is normally required to recruit and hire for public safety positions than it is for other positions.

Recall that the IMPD breakdown for race and gender were, 84% White versus 13% Black (see Table 3, p. 23), and 87% Male versus 13% Female (see Table 4, p. 24). These figures are in stark contrast to the community labor pool and are not representative of the community. The IFD breakdown, as depicted in Table 5, p. 27, shows a similar, although slightly better pattern, with 82% White versus 16% Black. IFD leadership reported to the Task Force, that as more township fire agencies are consolidated with IFD, their diversity numbers will most likely decline.

Table 7.

City-County Internal Workforce Demographics

	Number	Percent
TOTAL POPULATION	6,497	100%
Sex		
Male	4,148	48.3%
Female	2,349	51.77%
Race		
W	4,701	72.36%
B	1,577	24.28%
H	140	2.15%
A	29	0.44%
AI/AN	50	0.77%
Source: City-County EEO4 Report Jan. 1 – June 30, 2009		
Does Not Include MCSD – FTE=999		

Figure 6.

City-County Internal Workforce Demographics: Race

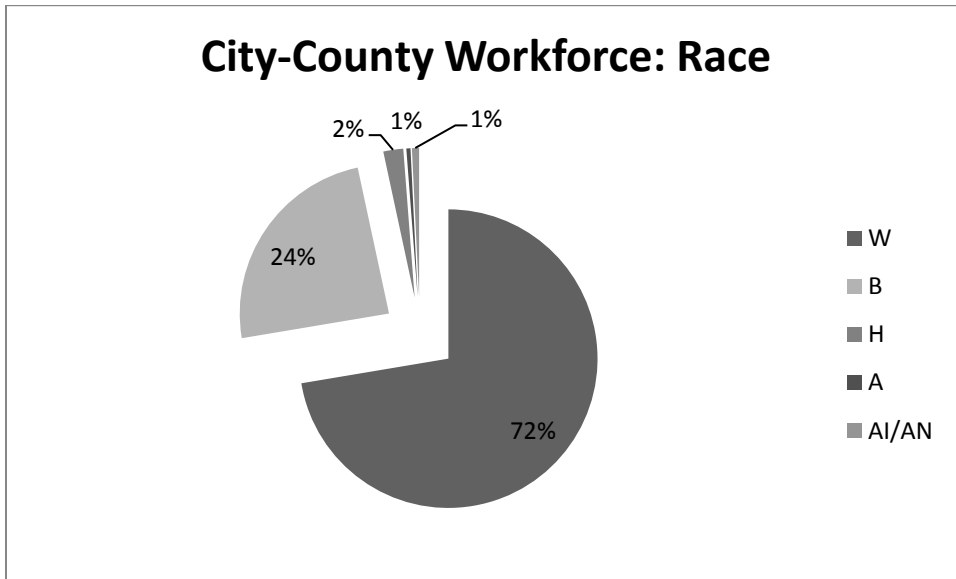
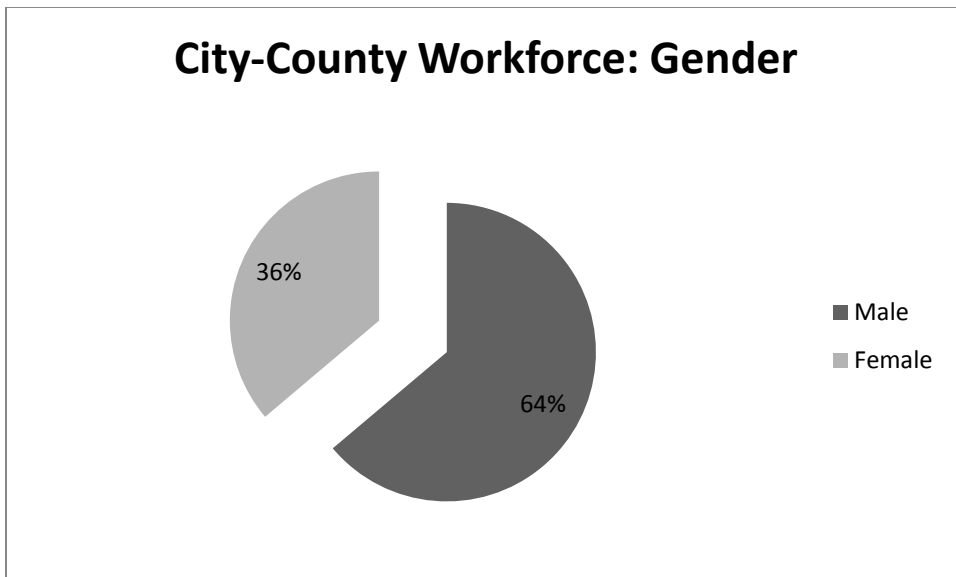


Figure 7.

City-County Internal Workforce Demographics: Gender



IMPD: Pre and Post Consolidation

In December of 2006, the Indianapolis City-County Council voted to merge the Indianapolis Police Department (IPD) and the Marion County Sheriff's Department (MCSD). The merger resulted in many intended and unintended consequences. Just as we note above, the IFD has seen significant demographic changes within its makeup (see Appendix, p. 63), and it can be rightfully assumed that IPD has suffered these same effects during its merger with MCSD. Here we will only explore the demographics of the merger, pre and post consolidation and their resulting effects. The pre and post merger gender by rank demographics are displayed below in Table 8 and Table 9.

Table 8: IMPD Pre-Consolidation (Gender) Demographics

Indianapolis Police Department Gender by Rank - Pre Consolidation					
RANK	Rank Total	Male	Male %	Female	Female %
CHIEF	1	1	100.00%		
ASSISTANT CHIEF	1	1	100.00%		
DEPUTY CHIEF	9	7	77.78%	2	22.22%
MAJOR	6	5	83.33%	1	16.67%
CAPTAIN	12	11	91.67%	1	8.33%
LIEUTENANT	72	64	88.89%	8	11.11%
SERGEANT	178	155	87.08%	23	12.92%
PTL FIRST GRADE	869	750	86.31%	119	13.69%
PROBATIONARY	33	29	87.88%	4	12.12%
RECRUIT TRAINEE	53	47	88.68%	6	11.32%
TOTAL SWORN	1234	1070	86.71%	164	13.29%

Table 9: IMPD Pre-Consolidation (Gender) Demographics

Indianapolis Police Department Gender by Rank - Post Consolidation					
RANK	Rank Total	Male	Male %	Female	Female %
CHIEF	1	1	100.00%		
ASSISTANT CHIEF	2	1	50.00%	1	
DEPUTY CHIEF	5	4	80.00%	1	20.00%
MAJOR	8	7	87.50%	1	12.50%
CAPTAIN	24	23	95.83%	1	4.17%
LIEUTENANT	110	98	89.09%	12	10.91%
SERGEANT	254	225	88.58%	29	11.42%
PTL FIRST GRADE	1115	969	86.91%	146	13.09%
PROBATIONARY	30	26	86.67%	4	13.33%
RECRUIT TRAINEE	52	46	88.46%	6	11.54%
TOTAL SWORN	1601	1400	87.45%	201	12.55%

The most significant negative effects on demographics due to consolidation for gender occur at the merit ranks of Captain, Lieutenant, and Sergeant. At these rank levels, the post merger changes are -12 (Captain), -34 (Lieutenant), and -70 (Sergeant), all in favor of males. We can assume the higher disproportion of males came from the MCSD. The additional significance of this threatens future leadership opportunities for females, particularly at the appointed levels. The merit law currently states, that only those officers reaching the rank of lieutenant can be considered for appointed ranks. The pre and post merger race by rank demographics are displayed below in Table 10 and Table 11.

Table 10: IMPD Pre-Consolidation (Race) Demographics

Indianapolis Police Department Race by Rank - Pre Consolidation									
RANK	Rank Total	Black	Black %	White	White %	Hispanic	Hispanic %	Other	Other %
CHIEF	1			1					
ASSISTANT CHIEF	1	1	100.00%						
DEPUTY CHIEF	9	2	22.22%	7	77.78%				
MAJOR	6	2	33.33%	4	66.67%				
CAPTAIN	12	1	8.33%	11	91.67%				
LIEUTENANT	72	8	11.11%	64	88.89%				
SERGEANT	178	34	19.10%	143	80.34%			1	0.56%
PTL FIRST GRADE	869	132	15.19%	718	82.62%	10	1.15%	9	1.04%
PROBATIONARY	33	1	3.03%	26	78.79%	2	6.06%	4	12.12%
RECRUIT TRAINEE	53	15	28.30%	37	69.81%	1	1.89%		
TOTAL SWORN	1234	196	15.88%	1010	81.85%	13	1.05%	14	1.13%

Table 11: IMPD Post-Consolidation (Race) Demographics

Indianapolis Police Department Race by Rank - Post Consolidation									
RANK	Rank Total	Black	Black %	White	White %	Hispanic	Hispanic %	Other	Other %
CHIEF	1			1					
ASSISTANT CHIEF	2	1	50.00%	1					
DEPUTY CHIEF	5	1	20.00%	4	80.00%				
MAJOR	8	3	37.50%	5	62.50%				
CAPTAIN	24	5	20.83%	18	75.00%				
LIEUTENANT	110	8	7.27%	102	92.73%				
SERGEANT	254	38	14.96%	214	84.25%	1	0.39%	1	0.39%
PTL FIRST GRADE	1115	157	14.08%	933	83.68%	13	1.17%	10	0.90%
PROBATIONARY	30	1	3.33%	26	86.67%			3	10.00%
RECRUIT TRAINEE	52	15	28.85%	36	69.23%	1	1.92%		
TOTAL SWORN	1601	229	14.30%	1340	83.70%	15	0.94%	14	0.87%

The most significant negative effects on demographics due to consolidation for race occur at the merit ranks of Lieutenant, Sergeant, and Patrol Officer. At these rank levels, the post merger changes are -38 (Lieutenant), -73 (Sergeant), and -240 (Patrol

Officer) all in favor of White males. We can assume the higher disproportion of White males came from the MCSD. The additional significance of this threatens entry level and future leadership opportunities for Blacks and other minorities, particularly at the appointed levels. The merit law currently states, that only those officers reaching the rank of lieutenant can be considered for appointed ranks.

We conducted additional analysis of the MCSD workforce demographics for gender and race. We note the complete internal demographics of the MCSD members absorbed into IMPD, pre-merger. That analysis is depicted in Table 12 and Table 13.

Table 12: Post Consolidation Differences by Gender

Post Consolidation Difference (MCSD) Gender by Rank		
RANK	Male Difference	Female Difference
CHIEF	0	0
ASSISTANT CHIEF	0	1
DEPUTY CHIEF	-3	-1
MAJOR	2	0
CAPTAIN	12	0
LIEUTENANT	34	4
SERGEANT	70	6
PTL FIRST GRADE	219	27
PROBATIONARY	-3	0
RECRUIT TRAINEE	-1	0
TOTAL SWORN	330	37

The post consolidation analyses of differences resulting from the merger are startling. For example the total difference in personnel acquired by IPD is 375 from December 13, 2006 through January 13, 2007. The organizational hierarchy of IPD was different from MCSD prior to the merger and accounts for differences in rank dispersion between departments. The net gain of males versus females is 330 to 37, and thus increased

greater disparity between gender within ranks of the newly formed IMPD. The effect is obviously negative. Table 12 and Table 13 provide a glimpse at the pre-merger organizational structure of the MCSD as well. Note that the department was very top-heavy. Sergeant and above supervisory positions accounts for slightly more than one third or 34.4% of all officers with MCSD. Pre merger conditions at IPD were better with 22.6% of personnel assigned to supervisor ranks. Post merger numbers are slightly higher at 25.2% or 1:4 ratios of supervisors to non-supervisors. As previously stated, the significance of this threatens entry level and future leadership opportunities for Blacks and other minorities, particularly at the appointed levels.

Table 13: Post Consolidation Differences by Race

Post Consolidation Difference (MCSD) Race by Rank				
RANK	Black Difference	White Difference	Hispanic Difference	Other Difference
CHIEF	0	0	0	0
ASSISTANT CHIEF	0	1	0	0
DEPUTY CHIEF	-1	-3	0	0
MAJOR	1	1	0	0
CAPTAIN	4	7	0	0
LIEUTENANT	0	38	0	0
SERGEANT	4	71	1	0
PTL FIRST GRADE	25	215	3	1
PROBATIONARY	0	0	-2	-1
RECRUIT TRAINEE	0	-1	0	0
TOTAL SWORN	33	330	2	0

Expanded Labor Pool Comparison

After the consolidation of the Indianapolis Police Department and the Marion County Sheriff's Department, the State of Indiana viewed the IMPD differently regarding its applicant pool. That change of view was based upon IMPD's policy to accept for hire and allow its incumbent officers to live outside of Marion County. Table 14 examines the relationship between Marion and the seven contiguous counties surrounding Marion. Note the large variance between counties in demographic makeup – race and gender. The resulting mean differences in makeup are stark and underscore the expectation that Marion be viewed differently, but do little to convince the State of Indiana of that need. The variance between observed percentages for Blacks (25.9%) and expected means, 5.24%, begs the question, should a county with such a large minority population be held to a standard that no other reciprocating county is held to?

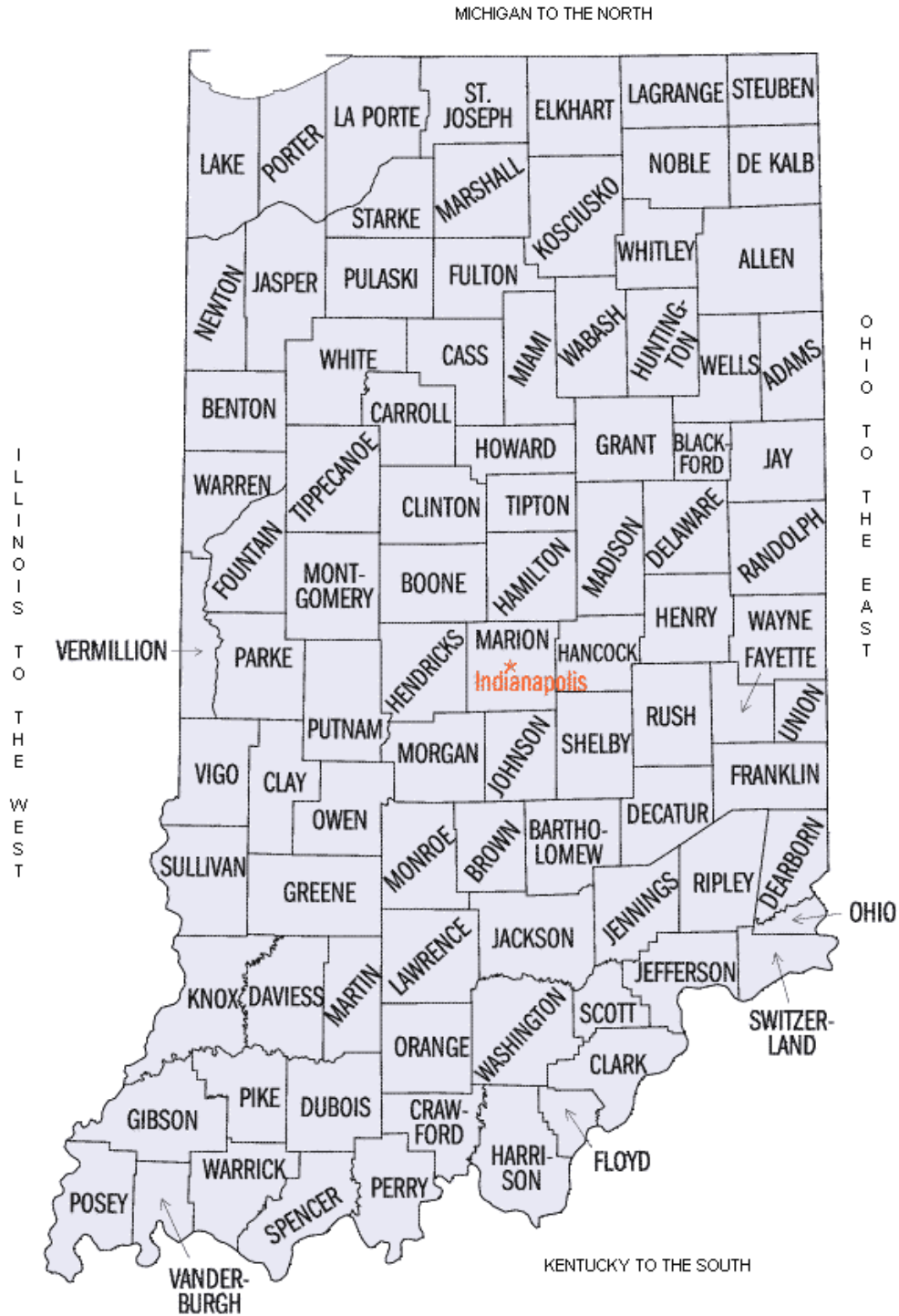
Undoubtedly, the merger between IPD and MCSD diluted gender and race demographics of the IMPD. The expanded county labor pool contributed negatively toward the departments' efforts at greater representativeness. Taken altogether, these two courses of action had both good and bad effects on the department that are known and unknown. The IFD is currently undergoing similar consolidation actions, these revelations must be considered, and plans of action must be employed now if the goal of community reflection is to be achieved and maintained.

Table 14: County Labor Pool Comparison (est. 2009)

County	Population Total	Male	Female	W	B	H	A	AI/AN	NH/PI
Marion	890,879	48.50%	51.50%	63.40%	25.90%	7.80%	1.70%	0.40%	0.10%
Hamilton	279,287	49.50%	50.50%	87.50%	4.00%	3.10%	4.20%	0.20%	0.00%
Boone	56,287	49.30%	50.70%	93.90%	1.60%	2.10%	1.50%	0.20%	0.00%
Hendricks	140,606	50.30%	49.70%	89.90%	4.70%	2.50%	1.80%	0.20%	0.00%
Morgan	70,876	49.90%	50.10%	96.70%	0.08%	1.00%	0.60%	0.20%	0.00%
Johnson	141,501	49.20%	50.80%	93.20%	1.70%	2.40%	1.80%	0.20%	0.00%
Shelby	44,503	50.00%	50.00%	93.80%	1.10%	3.10%	1.10%	0.20%	0.00%
Hancock	68,334	49.60%	50.40%	93.90%	2.80%	1.60%	0.80%	0.20%	0.00%
Average/ Mean	211,534	49.54%	50.46%	89.04%	5.24%	2.95%	1.69%	0.23%	0.01%
Source: www.IN.gov Cross Referenced: www.census.gov									
Does not equal 100% due to rounding; Other category eliminated; +/- 3% error.									

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Figure 8: State of Indiana County Map



RECOMMENDATIONS

The following recommendations are being made after careful and thorough examination of the aforementioned areas of the current state of public safety recruitment, hiring, and promotions programming within the City of Indianapolis. This list of recommendations is not exhaustive and should be approached strategically and methodically. The City is currently employing some of the best-practices approaches identified in the previous sections of this report. The Task Force understands that the City uses the professional assistance of outside experts and urges the City to locate, train, and develop internal staff members in delivering the services required so they make take the lead on any programs needed.

The following recommendations include the acknowledgement that City-County Human Resources will conduct all hiring and promotions activities on behalf of public safety. In the past, IMPD and IFD conducted their own separate hiring and promotions programs, which may have contributed to adverse impact in hiring and promotions. A former public safety official who has expert knowledge and training in a myriad of human resources related protocols directs the City-County Human Resources. City-County Human Resources is in the best possible position to give public safety the opportunity to screen, test, and fully vet potential applicants for hire. It is also in a position to take the lead in assessing and vetting incumbent employees for promotional opportunities within the agencies.

City-County Human Resources recently invested several thousand dollars in and implemented the use of NeoGov technology. NeoGov was an excellent choice of external and internal applicant tracking for the City of Indianapolis. NeoGov system

capabilities give its users the opportunity to pre-screen and pre-vet applicants for a wide range of personality and behavioral traits. The backdoor programming of the NeoGov technology provides robust reporting on applicant trends, assessment, failure and success rates, and 4/5ths or 80/20 compliance. This capability will assist City-County Human Resources in its compliance efforts with the Equal Employment Opportunity Commission, 1978 Uniform Guidelines and the proposed merit law revisions recommended by the Task Force. In the near future, the City of Indianapolis will implement full enterprise resource planning (ERP). The importance of this is not lost on NeoGov. NeoGov is the technology provider of choice for most ERP implementations. With ERP, the system becomes a full application, onboarding, retirement, personnel storage and filing, and engagement system, all with holistic capacity.

The Task Force received public safety psychological consultant recommendations from the subcommittee, and reaffirms the use of the consulting firms vetted by the subcommittee and the City staff. The subcommittee chose to diversify the psychological consultants and their respective utility to ensure, diversity among vendors, and to extract the individual best-practices of each vendor. Each vendor will pay particular focus to that area in which they have the most expertise. Previous contracts were granted to a sole-source provider. The Task Force believed that it was not in the best interest of the City-County and it was unfair and conflicting to have a single vendor confirm its own consulting practices throughout various phases of the testing and screening processes, within and between processes.

The Task Force recommends that a permanent committee be formed to assist public safety with future recruitment, hiring, and promotion activities going-forward. The

Public Employees Assistance Committee on Employment (PEACE) would be charged with reviewing and hearing proposals on recruitment, hiring, and promotions and making recommendations to the chief executives of IMPD and IFD. The PEACE committee would be comprised of one member of both unions representing IMPD and IFD, two existing Merit Board members, and two former members of the Task Force. The Chair of the committee will be the City-County Human Resources Director. The HR Director will be responsible for scheduling quarterly and as-needed PEACE committee meetings and briefing the Director of Public Safety on recommendations made by the PEACE committee.

The Task Force agrees and recommends that the existing merit ordinance governing IMPD is deficient and thus should be revised to take advantage of existing state law governing all public safety entities across the State of Indiana. A written merit ordinance revision pertaining to the IMPD is included within the appendix of this report. The merit ordinance revision contains language restoring the 4/5ths or 80/20 rule compliance, which was part of the merit law prior to the consolidation of the Indianapolis Police Department and the Marion County Sheriff's Department. The expectation of 4/5ths compliance is legally acceptable according to the Equal Employment Opportunity Commission (EEOC) under its 1978 Uniform Guidelines. The EEOC, Civil Service Commission, Department of Labor, and Department of Justice together have uniform guidelines for employers to use (Dessler, 2005, p. 32). The importance of the 4/5ths compliance cannot be overstated. The EEOC has stated that whereupon analysis of minority applicants groups is less than 4/5ths shall be considered as evidence of adverse impact (<http://www.uniformguidelines.com>). The Task Force recommends the

use of test score banding in its hiring and promotions programming. Potential test score banding provisions may be included in the proposed merit law revision (see Attachment 5, p. 67). The merit ordinance revision should be presented to the Board of Public Safety as soon possible after the release of this report to the public. Once again, the final listing is not exhaustive and should be reviewed annually to ensure it is updated and refined as needed.

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Recruitment Recommendations:

- Increase and diversify the recruiter staffing levels for IMPD and IFD
- Create an ideal candidate profile
- Create realistic job preview opportunities through internship programming, such as ride-a-longs, cadet academy, junior reserves, and IMPD/IFD Community Job Corps
- Use incumbent officers and fire-fighters to conduct peer-review of prospective candidates at various intervals of the recruiting and hiring process
- Consider rewarding incumbent police and fire-fighters for referring qualified candidates
- Create a dedicated financial budget to support recruitment activities and services
- Visit local high schools, colleges, and universities to share information about benefits of public safety employment
- Use professional marketing and advertising when possible to create brochures, flyers, and internet sites
- Utilize social networking sites such as Face Book, My Space, Twitter, etc.
- Build formidable relationships with the faith-based community to assist in the recruitment of qualified ethnically diverse candidates
- Partner with internal areas, such as PAL, OK Program, etc. to extend the reach of recruitment
- Recruiting must be strategically related to recruit class funding availability
- Challenge the seven (7) contiguous county ruling

- Conduct regular survey analysis of applicants to rate job expectations, pay expectations, position expectations, and job preparedness
- Ensure that the training academy requires cultural competency training
- Replicate the Brand (1999) survey for potential applicant feedback on employment in the field of public safety

Hiring Recommendations:

- Conduct routine trend and ratio analysis to forecast hiring needs based upon expected attrition from the agencies
- Determine the ideal staffing level using a base line independent variable such as total number of runs per operations officer
- Determine the minimum vacancy rate
- Secure funding to ensure recruit classes are financially supported
- Use psychological consultants that employ national standardized (reliable and valid) testing protocols
- Use integrity testing at the initial testing phase
- Use cultural competency testing at the initial phase
- Give additional points to applicants that are current residents of Marion County
- More than half of required references must come from Marion County
- Give additional points for college and/or military background
- Increase the use of citizen involvement with the assessment and interview of applicants suitable for hire, with consultant assistance
- Insure that any incumbent employee or citizen assisting with applicant testing and assessment be trained, approved, and certified prior to their involvement
- Use 4/5ths or 80/20 Rule Selection Criteria in the Merit Law Revision for Hiring
- Incorporate Test Score Banding Provisions in the Merit Ordinance Revision for Hiring

- Conduct survey analysis of applicants to rate process procedures such recruitment, pre & post test process expectations, HR staff conduct, and consultant conduct
- Conduct regular job task analysis on 3-5 year schedule with updates to patrol officer job descriptions to follow

Promotions Recommendations:

- Determine proper span-of-control for management personnel
- Redesign training programs to specifically focus on management needs that includes traditional and non-traditional concepts such as ethics, scheduling, employee engagement, training, fiscal responsibility, etc
- Ensure the adaptation of Career and Leadership Development (CLD) and performance appraisals (PA) processing to promotional programming through merit ordinance revisions
- Incorporate integrity testing as a promotions requirement
- Increase the level of citizen involvement in assessing and interviewing incumbents suitable for promotion, with the assistance of the consultant
- Insure that any incumbent employee or citizen assisting with applicant testing and assessment be trained, approved, and certified prior to their involvement
- Use a psychological consultant that can employ 21st Century promotion process services such as those disclosed to the Task Force subcommittee
- Use 4/5ths or 80/20 Rule Selection Criteria in the Merit Law Revision for Promotions
- Incorporate Test Score Banding Provisions in the Merit Ordinance Revision for Promotions
- Conduct survey analysis of incumbents to rate employee engagement, job satisfaction, and promotion preparedness
- Conduct regular job analysis on 3-5 year schedule with updates to sergeant, lieutenant, and captain job descriptions to follow

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APPENDIX

ATTACHMENT – 1

Public Safety Personnel Diversity Task Force Members

Co-Chair Joe	Slash
Co-Chair Rev. Richard	Willoughby
Rabbi Jon	Adland
Ellen	Annala
Susan	Blair
Raju	Chinthala
Justin	Christian
Jan	Clark
Roland	Dorson
Peggy	Gamlin
Tom	Glass
Curtis	Gregory
Debra	Jarvis
Bill	Jenkins
Rev. Michael	Jones
Barb	Malone
Jimmy	McMillan
Carmela	Miroff
Tim	Nation
David	Nguyen
Bill	Owensby
Mie Young	Reed
Louis	Ross
Elder Lionel	Rush
Rafael	Sanchez
Wayne	Smith
Dr. Charles	Ware
Chuck	Williams
Olgen	Williams
Wendy	Zhang

ATTACHMENT – 2

Indianapolis Fire Department Demographics

Pre-Consolidation Demographics (Lawrence Township Fire Department – 9/14/10)

Demographic	Total	Percent
White Male	904	79.1%
Black Male	168	14.7%
White Female	48	4.2%
Black Female	6	.5%
Hispanic Male	11	1.0%
Hispanic Female	1	.1%
Asian Male	5	.4%
Asian Female	0	0%

Post-Consolidation Demographics (Lawrence Township Fire Department – 1/1/11)

Demographic	Total	Percent
White Male	1000	80.1%
Black Male	172	13.8%
White Female	52	4.2%
Black Female	6	.5%
Hispanic Male	13	1.0%
Hispanic Female	1	.1%
Asian Male	5	.4%
Asian Female	0	0%

ATTACHMENT – 3

To: Joseph Slash & Rev. Richard Willoughby Co-Chairs of Public Safety Personnel Diversity Task Force for the City of Indianapolis

Date: October 13, 2010

From: Curtis Gregory, Member of Public Safety Personnel Diversity Task Force & Indianapolis Fire Department Battalion Chief

Several ideas have been mentioned during the Public Safety Diversity Task Force meetings regarding how the Indianapolis Fire Department can increase its minority representation within its ranks. It was mentioned that by increased recruitment efforts and targeting the population we intend to reach will have a positive effect on the minority representation over time.

Most of the ideas mentioned during our meetings have been used by previous I.F.D. recruitment teams and over time resulted with noticeable success.

Within the Indianapolis Fire Department we have been able to increase our minority representation provided there is strong support for our efforts and intended goals from the Mayor, Public Safety Director and the Fire Chief.

Experience has shown that without the full support of either of these individuals all working together in support of the recruitment efforts, the goals will stall and eventually fail.

The chief concern that has and will continue to negatively affect the goals of future recruitment efforts is the merger of several township fire departments into I.F.D.

Each township department merger into I.F.D. has consistently reduced the overall minority representation within the department at a time when the department has not hired a recruitment class for several years. In 2006 the minority representation within I.F.D. was approximately 22%

After the January 1, 2011 scheduled merger with the Lawrence Township Fire Department the minority representation on I.F.D. will be approximately 16%

Without new more aggressive goals, timetables and practices these numbers will continue to dramatically decrease with each township merger.

Previous I.F.D. recruitment efforts have resulted in 20 – 25% minority representation within each recruit class hired.

The overall class sizes has ranged between 20 – 30 recruits.

Based upon I.F.D.'s previous hiring trends it is estimated to take decades to reach the percentage of minority representation on the department that was represented just 4 short years ago.

Due to the aggressive merger efforts with the township fire departments by the City of Indianapolis, the business as usual approach to minority recruitment and hiring within I.F.D. has been rendered ineffective and obsolete for achieving significant goals.

As a member of the Public Safety Personnel Diversity Task Force Committee and a 35 year veteran of the Indianapolis Fire Department in which I'm proud to serve,

I cannot support the minority recruitment efforts to increase the minority representation on the Indianapolis Fire Department as noted in the Public Safety Personnel Diversity Task Force Draft Report.

My concerns and recommendations have been addressed with the President of the Firefighters Union Local 416 Wayne Smith, Indianapolis Fire Department Division Chief and Human Resource Director Ernie Malone and City County Council Member and Firefighter Vern Brown.

I would like to request a meeting with you and the above noted representatives of the Indianapolis Fire Department before the next scheduled full committee meeting. The purpose of this meeting is to discuss new more aggressive measures that will ensure the increase in minority representation within the Indianapolis Fire Department.

ATTACHMENT – 4

Indianapolis Metropolitan Police Department Current Merit Ordinance

DIVISION 3. MERIT SYSTEM

Sec. 279-231. Designation of merit system.

Pursuant to IC 36-3-1-5.1, the merit system established in this article is hereby designated the merit system for the Indianapolis Metropolitan Police Department. (G.O. 110, 2005, § 1; G.O. 47, 2009, § 9)

Sec. 279-232. Merit board established.

(a) The merit board for the Indianapolis Metropolitan Police Department is established, effective January 1, 2007.

(b) The board and merit systems of the Indianapolis Police Department and the sheriff's department are abolished, and the duties of those boards are transferred and assumed by the board, effective January 1, 2007 unless otherwise provided in this chapter.

(G.O. 110, 2005, § 1; G.O. 47, 2009, § 9)

Sec. 279-233. Appointment or election of board members; qualifications.

(a) The board consists of seven (7) members as follows:

(1) Four (4) members appointed by the director of the department of public safety;

(2) For the first term of the board, one (1) member appointed by the metropolitan law enforcement consolidation transition authority;

(3) For all subsequent terms of the board, one (1) member appointed by the city-county council; and

(4) Two (2) members elected by a majority vote of the active members of the department.

(b) An active member of the department may not serve on the board.

(c) The term of office for an appointed or elected member of the board is four (4) years, beginning on the date the member is qualified and assumes office, or for the remainder of an unexpired term. Members of the board serve during their respective terms and until their successors have been appointed and qualified.

(d) Not more than:

(1) Two (2) of the members appointed by the public safety director; or

(2) One (1) of the members elected by the members of the department; may belong to the same political party.

(e) Each member of the board must reside in the county.

(f) Each member of the board may be removed for cause duly adjudicated by declaratory judgment of the Marion Superior Court.

(g) Each member of the board is entitled to receive reimbursement from the county for actual expenses incurred while serving as a member.

(h) As soon as practicable after they are appointed and elected, the members of the board shall meet upon the call of the public safety director and organize by electing a president and a secretary from among their membership.

- (i) Four (4) members of the board constitute a quorum for the transaction of business.
- (j) The board must hold regular monthly meetings throughout the year as is necessary to transact the business of the department.

(G.O. 110, 2005, § 1; G.O. 2, 2008, § 10; G.O. 47, 2009, § 9)

Sec. 279-234. Classification of ranks, grades and positions; appointment of members.

(a) The board shall establish a classification of ranks, grades, and positions for members of the Indianapolis Metropolitan Police Department. For each rank, grade, and position, the chief, with the approval of the board, shall:

- (1) Set reasonable standards of qualifications; and
- (2) Fix the prerequisites of training, education, and experience.

(b) An individual may not be appointed or reappointed as a member of the department after December 31, 2006, unless the individual:

- (1) Is less than thirty-six (36) years of age; and
- (2) Passes:

a. The aptitude, physical agility, and physical examination required by the local board; and

b. The statewide baseline standards required by IC 36-8-8-19; however, this subsection does not apply to an individual who becomes a member of the department under section 279-103 of this chapter.

(c) The chief, with the approval of the board, shall devise and administer examinations designed to test applicants for the qualifications required for the respective ranks, grades, or positions. After these examinations, the chief and the board shall jointly prepare a list naming only those applicants who, in the opinion of both the chief and the board, best meet the prescribed standards and prerequisites. The chief only appoints members of the department from among the persons whose names appear on this list. All members appointed to the department under this chapter are on probation for one (1) year after the date of appointment.

(d) The chief, in his or her sole discretion, may:

- (1) Establish a temporary administrative rank or position within the department; and
- (2) Appoint to and remove from a temporary administrative rank or position a member of the department who meets the requirements in subsection (e) of this section.

(e) Except as provided by sections 279-103 and 279-104 of this chapter, a member who has served as a member of the department at least five (5) years before the appointment and holds the merit rank of at least lieutenant is eligible for appointment to a temporary administrative rank or position described in subsection (d) of this section. A member retains the rank, grade, or position awarded under subsection (c) of this section while serving in a temporary administrative rank or position. A temporary administrative rank or position established under subsection (d) of this section does not diminish or reduce the number and classifications of the existing merit ranks within the department. Subsection (d) of this section and this subsection may not be construed to limit, modify, annul, or otherwise affect a collective bargaining agreement.

(G.O. 110, 2005, § 1; G.O. 2, 2008, § 10; G.O. 47, 2009, § 9)

Sec. 279-235. Preferences for employment, promotions and appointments.

(a) Except as provided in subsections (b) and (c) of this section, the board shall give a preference for employment to a war veteran who has been honorably discharged from the United States Armed Forces.

(b) The board shall establish process phases and procedures for use in screening applicants to the department and members seeking promotion or appointment within the department. The board and the chief may use the services of professional consultants from outside the department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to selection methods, equal employment opportunity laws, court decisions and decrees that are binding on either the Indianapolis Police Department or the Marion County Sheriff's Department on the original effective date of this section, and generally acceptable law enforcement standards. The process may include, but need not be limited to, such phases as preliminary screening, physical agility testing, written examinations, interviews, background investigations, psychological testing, medical examinations, and polygraph examinations related specifically to the application process.

(c) A person described in subsection (a) of this section may not receive a preference for employment unless the person applies for such employment, and meets all employment requirements prescribed by:

- (1) Law, including physical and age requirements; and
- (2) The Indianapolis Metropolitan Police Department.

(G.O. 110, 2005, § 1; G.O. 2, 2008, § 10; G.O. 47, 2009, § 9)

ATTACHMENT – 5

Indianapolis Metropolitan Police Department Proposed Merit Ordinance

DIVISION 3. MERIT SYSTEM

Sec. 279-231. Designation of merit system.

Pursuant to IC 36-3-1-5.1, the merit system established in this article is hereby designated the merit system for the Indianapolis Metropolitan Police Department.

(G.O. 110, 2005, § 1; G.O. 47, 2009, § 9)

Sec. 279-232. Merit board established.

(a) The merit board for the Indianapolis Metropolitan Police Department is established, effective January 1, 2007.

(b) The board and merit systems of the Indianapolis Police Department and the sheriff's department are abolished, and the duties of those boards are transferred and assumed by the board, effective January 1, 2007 unless otherwise provided in this chapter.

(G.O. 110, 2005, § 1; G.O. 47, 2009, § 9)

Sec. 279-233. Appointment or election of board members; qualifications.

(a) The board consists of seven (7) members as follows:

(1) Four (4) members appointed by the director of the department of public safety;

(2) For the first term of the board, one (1) member appointed by the metropolitan law enforcement consolidation transition authority;

(3) For all subsequent terms of the board, one (1) member appointed by the city-county council; and

(4) Two (2) members elected by a majority vote of the active members of the department.

(b) An active member of the department may not serve on the board.

(c) The term of office for an appointed or elected member of the board is four (4) years, beginning on the date the member is qualified and assumes office, or for the remainder of an unexpired term. Members of the board serve during their respective terms and until their successors have been appointed and qualified.

(d) Not more than:

(1) Two (2) of the members appointed by the public safety director; or

(2) One (1) of the members elected by the members of the department;
may belong to the same political party.

(e) Each member of the board must reside in the county.

(f) Each member of the board may be removed for cause duly adjudicated by declaratory judgment of the Marion Superior Court.

(g) Each member of the board is entitled to receive reimbursement from the county for actual expenses incurred while serving as a member.

(h) As soon as practicable after they are appointed and elected, the members of the board shall meet upon the call of the public safety director and organize by electing a president and a secretary from among their membership.

- (i) Four (4) members of the board constitute a quorum for the transaction of business.
- (j) The board must hold regular monthly meetings throughout the year as is necessary to transact the business of the department.

(G.O. 110, 2005, § 1; G.O. 2, 2008, § 10; G.O. 47, 2009, § 9)

Sec. 279-234. Classification of ranks, grades and positions; appointment and reappointment of members.

(a) The board shall establish a classification of ranks, grades, and positions for members of the Indianapolis Metropolitan Police Department. For each rank, grade, and position, the chief, with the approval of the board, shall:

- (1) Set reasonable standards of qualifications; and
- (2) Fix the prerequisites of training, education, and experience.

Sec. 279-235. Merit Selection and procedures.

(a) Any person, including appointment or reappointment, shall be appointed to the city police department in accordance with the merit selection and appointment procedure created by this section and such rules and regulations as may be established by the merit board in accordance with the provisions of this section. Such rules and regulations may change the order of their procedure but not the substance of the requirements established by this section. Appointment and reappointment to the department shall be made without regard to an applicant's political party preference or activity.

(b) A person may not be appointed as a member of the city police after the person has reached thirty-six (36) years of age. A person may be reappointed as a member of the department only if the person is a former member or a retired not yet receiving retirement benefits of the 1925, 1937, 1953, or 1977 fund and can complete twenty (20) years of service before reaching sixty (60) years of age in accordance with IC 36-8-4-7; unless the individual meets the following criteria:

- (1) Age: Must be at least twenty-one (21) years of age and shall not have reached their thirty-sixth (36th) birthday except as proscribed above
- (2) Education: Shall have a high school education or equivalent;
- (3) Citizenship: Must be a resident citizen of the United States;
- (4) Residency: Shall reside within Marion County or a contiguous county at the time of appointment or reappointment;
- (5) Driving Record: Shall possess a valid driver's from their state of residence;
- (6) Criminal Record: Shall not have been convicted in any state of an offense which is a felony in the State of Indiana;
- (7) Military Record: Shall not have been dishonorably discharged from the military;
- (8) Personal History: Shall not have a history of alcohol, drug abuse, excessive debt, or domestic violence; and

(c) Submits an electronic or paper application for employment to human resources and must comply with the following additional requirements:

- (1) Applicants must pass a complete physical examination and psychological examination in accordance with state law. Applicants may be required to pay up to one-half (1/2) of the costs of the required physical and psychological examinations in accordance with applicable department rules.

(2) Applicants must pass a written examination to evaluate both aptitude and intellectual capacity for police work.

(3) Applicants must pass a job related physical agility test.

(4) Applicants must pass a structured oral interview as established by human resources. The rules and procedures for the above requirements shall be set by the chief of the department with the approval of the merit board.

(d) Human resources will prepare a list of those applicants eligible for appointment ranked in order of their total combined score. The written examination score constitute no more than fifty (50) percent of the applicants total eligibility score. Prior to the creation of the eligibility list, human resources, with the approval of the merit board, shall establish the weight of each of the components of the applicant process.

(e) Eligibility list prepared as the result of an applicant screening process shall be in effect for two (2) years or until a new eligibility list for the next process is final, whichever occurs sooner.

(f) However, subsection does not apply to an individual who becomes a member of the department under section 279-103 of this chapter.

Sec. 279-236. Conditional Offer of Employment

(a) Human resources after conferring with the chief, will present the eligibility list to the merit board to receive conditional offers of employment for those applicants listed based upon vacancy projections and available funding. Applicants receiving conditional offers will be notified by human resources.

(b) Beginning with the applicant having the highest eligibility score on the eligibility list and receiving a conditional offer, the department shall conduct a background investigation into the personal history and character of the applicant. Any information indicating that the applicant has engaged in any conduct or activities which would warrant the disqualification of the applicant from the appointment to the department shall be forwarded to the human resources director and shall be made a part of the applicants file. The file shall be presented by the human resources director to the merit board, which shall determine whether such conduct or activities are such as to disqualify the applicant for appointment. Any applicant who, personally or through any other person, solicits any member of the merit board to favor his appointment or reappointment to the department shall be thereby rendered ineligible for such an appointment.

(c) Applicants deemed ineligible due to background investigation findings shall be removed by the merit board for cause and notified by human resources. The notification shall state that the applicant is ineligible for appointment or reappointment for a two (2) year period.

Sec. 279-237. Vacancies; training academy for recruits; probationary period.

(a) The chief shall appoint as recruit trainees such applicants as are necessary to fill any vacancies which exist in the department based upon vacancy projections, available funding, and merit approval. Eighty (80) percent of such vacancies to be appointed at one time by the chief shall be filled by taking the applicant having the highest score on the final eligibility list and proceeding down the list in order. The chief shall fill the remaining twenty (20) percent of the vacancies by selecting any person remaining on

the final eligibility list. In selecting candidates, consideration shall be given to IC 36-8-4-10.

b.

(c) The chief, with the approval of the board, shall devise and administer examinations designed to test applicants for the qualifications required for the respective ranks, grades, or positions. After these examinations, the chief and the board shall jointly prepare a list naming only those applicants who, in the opinion of both the chief and the board, best meet the prescribed standards and prerequisites. The chief only appoints members of the department from among the persons whose names appear on this list. All members appointed to the department under this chapter are on probation for one (1) year after the date of appointment.

(d) The chief, in his or her sole discretion, may:

(1) Establish a temporary administrative rank or position within the department; and

(2) Appoint to and remove from a temporary administrative rank or position a member of the department who meets the requirements in subsection (e) of this section.

(e) Except as provided by sections 279-103 and 279-104 of this chapter, a member who has served as a member of the department at least five (5) years before the appointment and holds the merit rank of at least lieutenant is eligible for appointment to a temporary administrative rank or position described in subsection (d) of this section. A member retains the rank, grade, or position awarded under subsection (c) of this section while serving in a temporary administrative rank or position. A temporary administrative rank or position established under subsection (d) of this section does not diminish or reduce the number and classifications of the existing merit ranks within the department. Subsection (d) of this section and this subsection may not be construed to limit, modify, annul, or otherwise affect a collective bargaining agreement.

(G.O. 110, 2005, § 1; G.O. 2, 2008, § 10; G.O. 47, 2009, § 9)

Sec. 279-235. Preferences for employment, promotions and appointments.

(a) Except as provided in subsections (b) and (c) of this section, the board shall give a preference for employment to a war veteran who has been honorably discharged from the United States Armed Forces.

(b) The board shall establish process phases and procedures for use in screening applicants to the department and members seeking promotion or appointment within the department. The board and the chief may use the services of professional consultants from outside the department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to selection methods, equal employment opportunity laws, court decisions and decrees that are binding on either the Indianapolis Police Department or the Marion County Sheriff's Department on the original effective date of this section, and generally acceptable law enforcement standards. The process may include, but need not be limited to, such phases as preliminary screening, physical agility testing, written examinations, interviews, background investigations, psychological testing, medical examinations, and polygraph examinations related specifically to the application process.

(c) A person described in subsection (a) of this section may not receive a preference for employment unless the person applies for such employment, and meets all employment requirements prescribed by:

(1) Law, including physical and age requirements; and

(2) The Indianapolis Metropolitan Police Department.

(G.O. 110, 2005, § 1; G.O. 2, 2008, § 10; G.O. 47, 2009, § 9)

ATTACHMENT – 6

Indianapolis Fire Department Current Merit Ordinance

ARTICLE II. FIREFIGHTERS MERIT SYSTEM*

***Cross references:** Personnel, ch. 291.

Sec. 252-201. Fire merit board.

(a) There shall be established a civilian fire merit board which shall consist of four (4) members who shall be appointed by the director and two (2) members who shall be elected by the active members of the fire department in accordance with IC 36-8-3.5-1. Each member of the merit board shall be a registered voter who resides within the department's jurisdiction as established by section 252-102 of the Code, and no member appointed or elected to the merit board shall be a member of the department or of any other police or fire department or agency, or hold another elective or appointive office in either a city, town, township, county or state government. Members of the merit board shall serve for a term of two (2) years, and all members, either elected or appointed, shall serve during their respective terms and until their respective successor shall be appointed or elected, and qualified.

An appointed member of the merit board may be removed by the director, with or without cause, without right of hearing. If a vacancy occurs among the members of the merit board appointed by the director, the director shall appoint a replacement to serve the unexpired term. If a vacancy occurs among the members of the merit board elected by the active members of the department, a replacement shall be elected by the active members of the department in accordance with IC 36-8-3.5-8 to serve the unexpired term. A member of the merit board may be appointed or elected for successive terms.

(b) The chief of the department shall be an ex officio member of the merit board without voting power.

(c) Three (3) members of the board shall constitute a quorum for the purpose of taking official action; however, in the event of a tie vote, the recommendation of the chief shall be deemed adopted by the board.

(d) The merit board shall establish rules for its operation. Included in such rules shall be the time and place for holding regular monthly meetings and such special meetings throughout the year as may be deemed necessary to transact its business. Each year the merit board, with the concurrence of the director, shall select from its members a president, vice-president and secretary.

(e) The merit board shall administer and supervise the merit system established by this article.

(f) The city-county council, in accordance with IC 36-3-6-6, may provide the board a monthly stipend of fifty dollars (\$50.00).

(Code 1975, § 3-332; G.O. 71, 2006, § 22)

Cross references: County officials, boards and commissions, ch. 281.

Sec. 252-202. Merit selection and procedures.

(a) Any person, including persons seeking reappointment or reinstatement, shall be appointed to the city fire department in accordance with the merit selection and appointment procedure created by this section and such rules and regulations as may be established by the merit board in accordance with the provisions of this section. Such rules and regulations may change the order of their procedure but not the substance of the requirements established by this section. Appointment and reappointment to the department shall be made without regard to an applicant's political party preference or activity.

(b) Any individual of the age of twenty-one (21) or above and not over the age of thirty-five (35) having at least a high school education or equivalent is eligible to make application to become a member of the department; however, each applicant must meet minimum fitness/medical standards adopted by the department and continue to meet minimum fitness/medical standards, as a condition of employment, while serving as a member of the department. The department shall develop job-related minimum standards with the assistance of an independent consultant in order to meet applicable federal and state guidelines. All individuals appointed or reappointed to the department must establish residency in Marion County or a contiguous county at the time of such appointment or reappointment. Applicants shall not have been convicted of an offense which is a felony under Indiana law.

Applicants must obtain an application form from the personnel branch and must comply with the following additional requirements:

(1) Applicants must pass a complete physical examination and a psychological examination in accordance with state law. The psychological examination shall be given by an individual approved by the state board of examiners in psychology or the state board of medical registration. If a written psychological examination is administered, such examination shall be approved by the state board of examiners in mental health or the state board of medical registration, in accordance with psychological examinations approved by the PERF board in consultation with the commissioner of mental health. Applicants may be required to pay up to one-half (1/2) of the costs of the required physical and psychological examinations in accordance with applicable departmental rules.

(2) Applicants must pass a written examination to evaluate both aptitude and intellectual capacity for fire work.

(3) Applicants must pass a job-related agility test.

(4) Applicants shall have a structured oral interview as established by the fire merit board.

The rules and procedures for the above requirements shall be set by the chief of the department with the approval of the merit board.

(c) The personnel branch shall prepare a list of those applicants eligible for appointment ranked in order of their total combined score. The written examination shall constitute no more than fifty (50) percent of the applicant's total eligibility score. Prior to the creation of the eligibility list, the personnel branch, with approval of the merit board, shall establish the weight of each of the components of the applicant process.

(d) Beginning with the applicant having the highest eligibility score on the eligibility list, the department shall conduct a background investigation into the personal history and character of the applicant. Any information indicating that the applicant has engaged in any conduct or activities which would warrant the disqualification of the applicant from appointment to the department shall be forwarded to the chairman of the personnel branch and shall be made a part of the applicant's file. The file shall be presented by the chairman of the personnel branch to the merit board, which shall determine whether such conduct or activities are such as to disqualify the applicant for appointment.

(e) Final eligibility lists prepared as the result of an applicant screening process shall be in effect for two (2) years or until a new eligibility list for the next process is final, whichever occurs sooner. The merit board shall establish procedures for the management of the final eligibility lists. Any applicant who, personally or through any other person, solicits any member of the merit board to favor his appointment or reinstatement to the department shall be thereby rendered ineligible for any such appointment.

(Code 1975, § 3-333; G.O. 2, 2000, § 3)

Sec. 252-203. Vacancies; training academy for recruits; probationary period.

(a) The chief shall appoint as recruit trainees such applicant or applicants as are necessary to fill any vacancies which exist in the department. Eighty (80) percent of such vacancies to be appointed at one time by the chief shall be filled by taking the applicant having the highest score on the final eligibility list and proceeding down the list in order. The chief shall fill the remaining twenty (20) percent of the vacancies by selecting any person remaining on the final eligibility list. In selecting candidates, consideration shall be given to IC 36-8-4-10. Recruit trainees shall be assigned to the fire training academy for a training course prescribed by the chief with the approval of the merit board. No recruit trainee shall be assigned to regular active duty until he has attended and successfully completed the training course so prescribed. Failure to complete the course successfully shall result in dismissal from the department. After completing the training course, the recruit trainee shall be elevated to the probationary rank of firefighter and shall be assigned to regular active duty. The probationary period shall last for one (1) year of actual service from the date of the recruit trainee's graduation from the training academy. Each firefighter shall be evaluated monthly during this period by his immediate supervisor pursuant to the evaluation system provided for in this Code. The appointment of the firefighter becomes permanent when he has successfully completed the one-year probationary period.

(b) While an individual is in the status of recruit trainee or probationary firefighter, the chief may terminate or temporarily suspend an individual for cause, without right to any hearing before the merit board.

(c) The personnel branch, with the approval of the director, shall be authorized to conduct such recruiting and publicity campaigns in any county of this state as it may determine to be necessary to attract an adequate number of qualified persons to become members of the department.

(Code 1975, § 3-334)

Sec. 252-204. Retirement.

A member of the fire department shall be required to retire from the department consistent with state and federal guidelines or upon his failure to meet minimum medical/fitness standards adopted by the department. Such minimum medical/fitness standards shall be job-related and established with the assistance of an independent consultant to the department.
(Code 1975, § 3-335)

Sec. 252-205. Rules and regulations of the department.

(a) Within the limits of this Code, the chief, with the approval of the director, shall prescribe, adopt and put into effect such rules and regulations for the government of the department as, from time to time, he deems appropriate. Within the limits of this Code, the chief, with the approval of the merit board, shall establish a classification of ranks, grades and positions in the department and shall designate the authority and responsibilities of each rank, grade and position. The chief shall have authority to assign or reassign any member of the department to serve at any fire station or headquarters, within the limits of the Code, and to perform such duties as he shall designate, provided such grade and assignment results in no decrease in the firefighter's merit rank, and provided the firefighter's minimum salary is commensurate with his merit rank. The chief shall be authorized to make maximum use of civilian employees in any position in the department so as to release firefighters to perform essential department functions.

(b) Consistent with the terms of section 252-206(a), the chief, with the approval of the director, may establish a position classification system and a scale of compensation for the various firefighters in the department. The compensation so fixed shall be based on the rank held by the firefighter and the special technical competence of the job assignment of the firefighter. Any position pay granted to a firefighter shall remain in effect only while such firefighter is in such position. The scale of compensation shall be required to apply uniformly to all firefighters' merit rank and minimum salary commensurate with the rank.

(Code 1975, § 3-336)

Sec. 252-206. Merit promotion system.

(a) There shall be a merit promotion system which shall be administered in accordance with rules and regulations adopted by the merit board. This merit promotion system shall apply to all promotions to the ranks of lieutenant, captain and battalion chief. It shall not apply to the appointment of the chief by the director or to the appointment of assistant chief, deputy chiefs and division chiefs by the chief. Within the limits of this Code, the chief, with the approval of the merit board, shall set standards for promotion in conformity with the most widely approved standards of comparable fire departments and shall establish reasonable prerequisites of training, education and experience for each rank, grade and position in the department.

(b) The following eligibility requirements are established for all individuals seeking promotion within the department:

Private to lieutenant: To be eligible for promotion to the rank of lieutenant, an individual must have completed five (5) years of continuous service as a sworn member of the department, which time period shall include an individual's service as a full-time, paid

member of a fire department that has been consolidated into the Indianapolis Fire Department.

Lieutenant to captain: To be eligible for promotion to the rank of captain, an individual must have served two (2) years in the rank of lieutenant.

Captain to battalion chief: To be eligible for promotion to the rank of battalion chief, an individual must have served two (2) years in the rank of captain.

In determining years of service for promotion eligibility to the next merit rank, all time served from the candidate's date of appointment shall be considered. However, if an officer is demoted, no time served in a rank prior to the demotion shall be considered in determining years of service for promotion eligibility. The merit board shall resolve any issue relating to the determination of a firefighter's years of service. A member shall be promoted only to the next highest rank.

(c) The merit board, in conjunction with the chief of the department, shall establish process phases and procedures for use in selecting candidates for promotion to the various ranks. The board may use the services of professional consultants from outside the department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to selection methods, equal employment opportunity laws, and generally accepted standards for fire departments. Weightings of the components of the process shall be established by the department, using the services of professional consultants prior to the inception of the process with the acceptance of the merit board. The process may include, but is not limited to, such phases as a written examination, structured interviews, performance evaluations, and/or assessment center techniques, as structured to accommodate the various rank levels.

(d) Promotions shall be made by the chief of the department with the approval of the merit board. Such promotions shall be made to position vacancies identified by the chief and designated to be filled by the chief and the director of public safety. In making final selections for promotion, the chief shall promote the candidate who, in the opinion of the chief and merit board, is best qualified for the position based on such considerations as cumulative score on the merit selections procedures, the qualifications of the candidate for promotion, and community and legal obligations of the department and the city. The merit board shall establish guidelines, policies and procedures for the administration of the promotion process, and such guidelines, policies and procedures shall be posted in all Indianapolis Fire Department work sites and a copy provided to the public safety committee of the city-county council prior to the inception of the process.

(e) All promotions to the ranks of lieutenant, captain and battalion chief shall be made in accordance with this merit system, without regard to the candidate's political party preference or activities. Any member of the department who, personally or through any other person, solicits any member of the merit board to favor his promotion shall be thereby rendered ineligible for any such promotion.

(f) There shall be no acting ranks, however, in instances in which the officer assigned to an apparatus or station is temporarily absent due to illness, vacation, training or other reason, a firefighter may be temporarily assigned to fulfill the responsibilities of the absent officer.

(Code 1975, § 3-337; G.O. 2, 2000, § 4; G.O. 24, 2008, § 2)

Sec. 252-207. Evaluations.

The chief, with the approval of the merit board and with the assistance of the personnel office, shall establish a system for the evaluation of the performance of each member of the department. The personnel office shall maintain a record of all evaluations of each member under this system.

(Code 1975, § 3-338)

Sec. 252-208. Discipline.

(a) The fire chief shall have the ultimate authority to discipline all members of the fire department. However, that authority may be delegated by the chief in accordance with the provisions contained in this section. The authority of the chief to discipline shall be subject only to the firefighter's right of appeal to the fire merit board as provided herein.

(b) All disciplinary matters within the department shall be based on one (1) or more of the following infractions:

- (1) Violation of any rule, regulation, or order of the department;
- (2) Any breach of discipline;
- (3) Insubordination;
- (4) Neglect of duty;
- (5) Immoral conduct;
- (6) Conduct unbecoming a firefighter;
- (7) Substandard performance;
- (8) Violation, with the determination by the chief, of any federal, state or local law; and
- (9) Failure to cooperate or be truthful.

(c) An officer may be placed on leave with pay for up to thirty (30) calendar days by the chief pending determination of final disciplinary action. Such leave with pay shall be considered a duty status and not a punishment.

(d) The delegation by the chief of the authority to discipline shall not exceed the following:

(1) Any deputy or assistant chief may suspend any subordinate firefighter for up to a total of eighty (80) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.

(2) Any battalion chief may suspend any subordinate firefighter for up to a total of twenty-four (24) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.

(e) Firefighters who are classified by the department as exempt executive, administrative or professional employees pursuant to the provisions of the Fair Labor Standards Act are not subject to unpaid disciplinary suspensions other than for violations of safety rules of major significance unless the suspension is for the period of an entire workweek or a specified number of full workweeks.

(f) A disciplinary board of battalion chiefs, referred to in this section as the disciplinary board, shall assist the chief in departmental disciplinary matters. The board shall be subordinate and advisory to the chief and shall consist of three (3) member officers with

the permanent merit rank of battalion chief. Board members shall be selected at random and shall serve as a board for a term not to exceed six (6) months. A new board shall be empaneled every six (6) months. No battalion chief shall serve as a member of the board in consecutive six-month periods.

(1) Following the suspension of a firefighter by the chief for a period greater than eighty (80) working hours or any suspension of a firefighter by an assistant chief, the chief shall appoint a firefighter to gather all of the pertinent facts and to investigate the event surrounding the suspension. The results of that investigation shall be reported to the chief, to the disciplinary board and to the chairman of the personnel branch for inclusion in the firefighter's personnel record. The chief, or his designee if the chief so determines, may cause the firefighter to be brought before the disciplinary board for a hearing based upon any charges. Alternately, the chief, in his discretion, may also cause the firefighter to appear directly before the merit board for a hearing.

(2) Any firefighter subject to a hearing before the disciplinary board shall be notified in writing of the charges and of the time and date of the hearing. Such notice must be given by the board at least five (5) days prior to such hearing. In addition, the firefighter has the right to have witnesses subpoenaed by the disciplinary board to testify in his behalf upon forty-eight (48) hours' advance notice to the board. If the firefighter requests that witnesses be subpoenaed, he shall provide a list of such witnesses to the board and to the chairman of the personnel branch, who shall prepare and deliver the subpoenas on behalf of the board. All testimony at this hearing shall be under oath. Any firefighter appearing at this hearing, whether as an accused or as a witness, shall cooperate fully with the disciplinary board and answer all questions truthfully and directly. In such hearings, and pursuant to departmental policy, the firefighter shall have the right to have legal counsel.

(3) The hearing before the disciplinary board shall be conducted in accordance with written directives of the chief. The disciplinary board shall, by a majority vote, make a finding of guilty or not guilty and reduce it to writing. If the finding is guilty, the board shall make its recommendations for punishment. The findings and recommendations shall then be referred to the chief or his designee for his determination and shall be made available to the accused firefighter.

(4) After receiving the findings and recommendations, the chief or his designee may, with or without hearings, either concur with the disciplinary board or may reverse the board in full or in part. After making his determination, the chief or his designee may:

- a. Suspend the firefighter without pay for up to six (6) months. If the suspension does not exceed a total of eighty (80) working hours, suspension shall be without the right of appeal to the fire merit board. That portion of any suspension exceeding a total of eighty (80) working hours may be appealed to the fire merit board within thirty (30) calendar days;
- b. Demote the firefighter in rank; however, any demotion may be appealed to the fire merit board within thirty (30) calendar days;
- c. Recommend to the merit board that the firefighter be terminated, in which case the merit board shall consider such a recommendation in the same manner as an appeal of a chief's determination for suspension or demotion;
- d. Reprimand the firefighter verbally or in writing;
- e. Reinstate with pay any firefighter who has been previously suspended without pay.

(5) A copy of the findings of fact and recommendations of the disciplinary board as well as the chief's determination shall be made a permanent part of the subject firefighter's personnel record. A copy of all of these findings of fact and recommendations as well as the chief's determination shall also be referred to the director of the department of public safety within fifteen (15) days.

(g) Appeals to the merit board shall be handled in the following manner:

(1) Any member of the fire department may appeal the following determinations to the fire merit board within thirty (30) calendar days of such determination:

- a. That portion of any suspension without pay exceeding eighty (80) working hours;
- b. Any demotion in rank.

(2) The hearing before the merit board shall be an administrative hearing, shall be de novo and shall be a hearing of record. The evidence before the merit board shall consist of the findings of fact and recommendations of the disciplinary board of battalion chiefs if such disciplinary board is convened, the written charges and the determination of the fire chief upon those charges, and any other evidence requested by the merit board, presented by the aggrieved firefighter, or presented by the chief.

(3) Any firefighter appealing any decision of the chief shall be given notice at least fifteen (15) calendar days prior to the hearing before the merit board.

(4) The appealing firefighter may be represented by legal counsel before the merit board, and the chief shall be represented by the corporation counsel or his designee.

(5) The merit board may fully or partially affirm or completely reverse any portion of the chief's determination which is appealable. In the case of a demotion, the merit board may demote a firefighter only one (1) permanent rank at any one (1) time. The merit board may order any firefighter reinstated with pay for any appealable suspension. In addition, the merit board may remand the action for further review by the fire chief.

(6) After hearing the evidence, the merit board shall make a finding by majority voice and reduce its findings and decision to writing. A copy of the findings and decision shall be forwarded to the firefighter in question and to the director of the department of public safety and shall become a permanent part of the firefighter's personnel record.

(h) For the purpose of all hearings before the chief, the disciplinary board of battalion chiefs, and the merit board, each respectively shall have subpoena power enforceable by the circuit or superior court.

(i) Any member of the fire department may, following a decision of the merit board, file a verified petition in the superior or circuit court of the county for a review of the decision. The petition for review shall be filed within thirty (30) days of the written decision of the merit board. The consolidated city shall be the sole defendant in the petition. Within thirty (30) days after receipt of the summons, the city shall cause the merit board to file a complete transcript of the hearing. The court, without jury, shall review the record and render its decision as in other administrative reviews. The clerk of the court shall send a copy of the court's decision to the department of public safety and the appealing firefighter. Either party may appeal the decision of the court.

(Code 1975, § 3-339; G.O. 2, 2000, § 5)

ATTACHMENT – 7

State of Indiana Current Public Safety Employment Policies

Information Maintained by the Office of Code Revision Indiana Legislative Services Agency

IC 36-8-4

Chapter 4. Police and Fire Employment Policies in Cities

IC 36-8-4-1

Application of chapter

Sec. 1. This chapter applies to all cities.

As added by Acts 1981, P.L.309, SEC.53.

IC 36-8-4-2

Residence requirements

Sec. 2. (a) Members of the police and fire departments must reside in Indiana within:

(1) the county in which the city is located; or

(2) a county that is contiguous to the county in which the city is located.

(b) In a consolidated city, a member who was residing outside the county on January 1, 1975, is exempt from subsection (a).

(c) A city with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the city's police or fire department to comply with the following:

(1) Reside within the county in which the city is located.

(2) Have adequate means of transportation into the city.

(3) Maintain in the member's residence telephone service with the city.

(d) This subsection applies to a city that:

(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.

A city may require, in addition to the requirements of subsection (c), that a member of the police or fire department reside within the city until the member has served in the department for five (5) years.

(e) An ordinance adopted under subsection (c) or described in subsection (d)(2) may not require a member of a city's police or fire department to reside within the county in which the city is located if the member resides outside the county on the date the ordinance is adopted.

As added by Acts 1981, P.L.309, SEC.53. Amended by Acts 1981, P.L.44, SEC.56; P.L.198-1984, SEC.1; P.L.266-1993, SEC.1; P.L.164-1995, SEC.21; P.L.235-1996, SEC.1; P.L.230-1997, SEC.1; P.L.65-2008, SEC.1.

IC 36-8-4-3

Use of departmental vehicles

Sec. 3. Members of the police and fire departments may not use vehicles owned or maintained by their department outside the county in which the city is located except during the performance of official duties or as provided for by department regulation. *As added by Acts 1981, P.L.309, SEC.53. Amended by P.L.199-1984, SEC.1.*

IC 36-8-4-4

Provision of uniforms and equipment; cash allowance

Revisor's Note: IC 36-8-4-4, as added by Acts 1981, P.L.309, SEC.53 (which was effective 9-1-1981 until 7-1-2009), was printed incorrectly in the 1993 Edition of the Indiana Code but was correctly printed in the 1994 Supplement to the Indiana Code and subsequent Supplements and Editions of the Indiana Code through the 2004 Edition.

Sec. 4. (a) A city shall provide the active members of the police and fire departments with all uniforms, clothing, arms, and equipment necessary to perform their duties. Except as provided in section 4.5 of this chapter, after one (1) year of regular service in either department, a member may be required by the city to furnish and maintain all of the active member's uniforms, clothing, arms, and equipment upon payment to the member by the city of an annual cash allowance of at least two hundred dollars (\$200). The city may credit the uniform allowance to each member against the active member's purchases during the calendar year and provide for the payment of any cash balance remaining at the end of the calendar year.

(b) All uniforms, clothing, arms, and equipment provided by the city under this section remain the property of the city. The city may sell the property when it becomes unfit for use, and all money received shall be paid into the general fund of the city. Any property lost or destroyed through the carelessness or neglect of an active member shall be charged against the active member and the value deducted from the active member's pay.

As added by Acts 1981, P.L.309, SEC.53. Amended by P.L.8-2009, SEC.1.

IC 36-8-4-4.5

Body armor for active members of police departments

Sec. 4.5. (a) As used in this section, "body armor" has the meaning set forth in IC 35-47-5-13(a).

(b) After December 31, 2009, a unit shall provide an active member of the police department of the unit with body armor for the torso. The unit shall replace the body armor for the torso according to the replacement period recommended by the manufacturer of the body armor for the torso.

(c) An active member of the police department of a unit shall not be required to maintain the body armor for the torso furnished under this section from any annual cash allowance paid to the member under section 4(a) of this chapter.

(d) Body armor for the torso provided by a unit under this section remains the property of the unit. The unit may sell the property when it becomes unfit for use, and all money received shall be paid into the general fund of the unit.

As added by P.L.8-2009, SEC.2.

IC 36-8-4-5

Care of police officers and firefighters injured or contracting illnesses as a result of

performance of duties

Sec. 5. (a) A city shall pay for the care of a police officer or firefighter who suffers an injury while performing the person's duty or contracts illness caused by the performance of the person's duty, including an injury or illness that results in a disability or death presumed incurred in the line of duty under IC 5-10-13. This care includes:

- (1) medical and surgical care;
- (2) medicines and laboratory, curative, and palliative agents and means;
- (3) X-ray, diagnostic, and therapeutic service, including during the recovery period; and
- (4) hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(b) Expenditures required by subsection (a) shall be paid from the general fund of the city.

(c) A city that has paid for the care of a police officer or firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the police officer or firefighter has a cause of action for an injury sustained because of or an illness caused by the third party. The city's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the police officer or firefighter against the third party.

As added by Acts 1981, P.L.309, SEC.53. Amended by P.L.169-1994, SEC.1; P.L.185-2002, SEC.4.

IC 36-8-4-6

Promotions

Sec. 6. (a) This section applies only to:

- (1) police departments in second and third class cities having a population of ten thousand (10,000) or more; and
 - (2) fire departments in second and third class cities;
- that are not governed by a merit system prescribed by statute or ordinance.

(b) Promotion of police officers or firefighters must be from the active personnel of the department.

(c) A person appointed fire chief must have had at least five (5) years of continuous service with the department immediately before his appointment. However, this requirement may be waived by a majority vote of the city legislative body upon request of the city executive, although the person must still have at least five (5) years service with a full-time, paid fire department or agency.

(d) A person appointed to a rank other than police or fire chief or deputy police chief must have had at least two (2) years of continuous service with the department immediately before his appointment.

As added by Acts 1981, P.L.309, SEC.53. Amended by Acts 1981, P.L.315, SEC.4; P.L.348-1987, SEC.2.

IC 36-8-4-6.5

Police chiefs or deputy police chiefs; requirements

Sec. 6.5. (a) This section applies to the appointment of a police chief or deputy police chief in all cities.

(b) An applicant must meet the following requirements:

- (1) Have five (5) years of service as a police officer with a full-time, paid police department or agency.
 - (2) Be a citizen of the United States.
 - (3) Be a high school graduate or equivalent.
 - (4) Be at least twenty-one (21) years of age.
 - (5) Be free of mental illness.
 - (6) Be physically fit.
 - (7) Have successfully completed the minimum basic training requirements established by the law enforcement training board under IC 5-2-1, or have continuous service with the same department to which the applicant was appointed as a law enforcement officer before July 6, 1972.
- (c) In addition to the requirements of subsection (b), an applicant for appointment as police chief or deputy police chief must have at least five (5) years of continuous service with the police department of that city immediately before the appointment. This requirement may be waived by the city executive.
- As added by P.L.348-1987, SEC.3. Amended by P.L.148-1992, SEC.3; P.L.68-1996, SEC.8.*

IC 36-8-4-7

Age limitations; aptitude, physical agility, and physical examinations

Sec. 7. (a) A person may not be appointed as a member of the police department or fire department after the person has reached thirty-six (36) years of age. A person may be reappointed as a member of the department only if the person is a former member or a retired member not yet receiving retirement benefits of the 1925, 1937, 1953, or 1977 fund and can complete twenty (20) years of service before reaching sixty (60) years of age.

(b) This section does not apply to a fire chief appointed under a waiver under section 6(c) of this chapter or a police chief appointed under a waiver under section 6.5(c) of this chapter.

(c) A person must pass the aptitude, physical agility, and physical examination required by the local board of the fund and by IC 36-8-8-19 to be appointed or reappointed as a member of the department.

(d) A fire chief appointed under a waiver under section 6(c) of this chapter or police chief appointed under a waiver under section 6.5(c) of this chapter who is receiving, or is entitled to receive, benefits from the 1925, 1937, 1953, or 1977 fund may receive those benefits while serving as chief, subject to all normal requirements for receipt of a benefit, including a separation from service.

As added by Acts 1981, P.L.309, SEC.53. Amended by Acts 1981, P.L.315, SEC.5; P.L.38-1986, SEC.3; P.L.55-1987, SEC.3;

P.L.4-1992, SEC.31; P.L.213-1995, SEC.4; P.L.246-2001, SEC.13.

IC 36-8-4-8

Police officers; maximum work week; compensation for additional time

Sec. 8. (a) A member of the police department may not be required, except in case of a public emergency as determined by the city executive, to work more than six (6) days of

eight (8) hours each in one (1) week, or more than an average of forty-eight (48) hours per week in one (1) year.

(b) If a member of the police department is requested or required to appear in court or to perform another service, and the time served does not fall within the limits of his normal eight (8) hour shift, then the member may be compensated for the additional time at a rate to be fixed by ordinance.

(c) This section does not apply to the police chief, chief of detectives, superintendent of the department, or matron of the department.

As added by Acts 1981, P.L.309, SEC.53.

IC 36-8-4-9

Firefighters; hours of work

Sec. 9. (a) A member of a regularly organized and paid fire department may not be required to work more than an average of fifty-six (56) hours per week. However, if on September 1, 1985, a fire department was using sixty-three (63) hours as the maximum average number of hours a member could work a week, the department may continue to use that figure as the standard. A member may not be on duty more than twenty-four (24) consecutive hours and must be off duty at least twenty-four (24) consecutive hours out of any forty-eight (48) hour period. Each member is entitled to an additional twenty-four (24) consecutive hours off duty in every eight (8) day period.

(b) Notwithstanding subsection (a), in case of emergency, or if the personnel of the fire department has been reduced below its regular strength because members are serving in the armed forces of the United States, the chief of the fire department, the assistant chief, or other officer in charge may assign a member of the fire department to continuous duty during the emergency.

As added by Acts 1981, P.L.309, SEC.53. Amended by P.L.343-1985, SEC.1.

IC 36-8-4-10

Public safety officers; preference for employment

Sec. 10. (a) Subject to subsection (b), the board or persons having the authority to employ members of the fire or police department shall give a preference for employment according to the following priority:

(1) A war veteran who has been honorably discharged from the United States armed forces.

(2) A person whose mother or father was a:

(A) firefighter of a unit;

(B) municipal police officer; or

(C) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

(b) A person described in subsection (a) may not receive a preference for employment unless the person:

(1) applies; and

(2) meets all employment requirements prescribed:

(A) by law, including physical and age requirements; and

(B) by the fire or police department.

As added by Acts 1981, P.L.309, SEC.53. Amended by P.L.95-2003, SEC.1.

IC 36-8-4-11

Layoffs; reinstatement

Sec. 11. (a) If it is necessary for the safety board to reduce the number of members of the police or fire department by layoff for financial reasons, the last member appointed must be the first to be laid off, with other members also laid off in reverse hiring order, until the desired level is achieved.

(b) If the department is increased in number again, the members of the department who have been laid off under this section shall be reinstated before any new member is appointed to the department. The reinstatements begin with the last member laid off.

(c) A member who is laid off shall keep the appointing authority advised of his current address. A member shall be informed of his reinstatement by written notice sent by certified mail to his last known address. Within twenty (20) calendar days after notice of reinstatement is sent to a member, he must advise the hiring body that he accepts reinstatement and will be able to commence employment on the date specified in the notice. All reinstatement rights granted to a member terminate upon his failure to accept reinstatement within that twenty (20) day period or three (3) years after the day on which a member's layoff begins.

As added by P.L.361-1983, SEC.1. Amended by P.L.344-1985, SEC.1.

IC 36-8-4-12

Probationary appointments

Sec. 12. The safety board may provide that all appointments to the police or fire department are probationary for a period not to exceed one (1) year. If the safety board finds, upon the recommendation of the chief of the department during the probationary period, that the conduct or capacity of a member is not satisfactory, the safety board shall notify the member in writing that he is being suspended or that he will not receive a permanent appointment. If a member is notified that he will not receive a permanent appointment, his employment immediately ceases. Otherwise, at the expiration of the probationary period, the member is considered regularly employed.

As added by P.L.361-1983, SEC.2.

ATTACHMENT – 8

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