

TOWARD A NEW PARTNERSHIP

Report by the Philadelphia
Police Study Task Force

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PHILADELPHIA AND ITS POLICE: TOWARD A NEW PARTNERSHIP

*A Report by the Philadelphia
Police Study Task Force*

March 1987



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Philadelphia Police Study Task Force

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March 2, 1987

Hon. Kevin M. Tucker
Police Commissioner
City of Philadelphia
Police Department
Headquarters, Franklin Sq.
Philadelphia, PA 19106

Dear Commissioner Tucker:

In May 1986 you honored the individuals who sign this letter by inviting us to serve as members of the Philadelphia Police Study Task Force. You asked us to review all aspects of the Philadelphia Police Department and to make recommendations to you for improvement in the way this vital service is provided to the citizens of Philadelphia.

You assured us of the cooperation of the Department; and we have received that in full measure, even when our inquiries involved probes into dark corners and into records not previously made public. Thanks to the assistance that was un-failingly available to us, we are pleased now to transmit to you a report, which we believe will serve the Department and the City of Philadelphia.

As you will see upon reading this report, we recognize many strengths in the Department as now structured, but we also find many areas in which we believe improvement is possible. One of the most remarkable aspects of our study is the discovery that you have already anticipated and begun implementation of a number of the changes we suggest. Despite the fact that you are already ahead of us in some respects, we offer you a full agenda for change within the Police Department.

Like other reports of a "reform" nature, this one is no better than the reaction it stimulates. From our conversations with public officials and representatives of the business community, we sense a willingness, even eagerness, to assist in implementation of whatever portions of our report you find worthy.

Thank you for the opportunity to participate in this important and fascinating inquiry. We earnestly hope it may serve a useful purpose in this unquestionably worthy cause.

Sincerely,

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William B. Eagleson, Jr., Vice Chair
Delores Flynn Brisbon
Bertram S. Brown, M.D.
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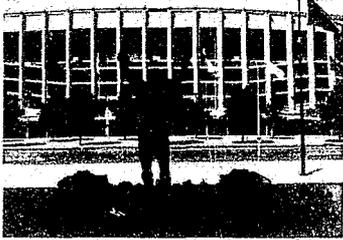
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Introduction



On May 5, 1986, Police Commissioner Kevin M. Tucker convened the Philadelphia Police Study Task Force. His immediate aim was to initiate an

independent review of the status and potential of the Philadelphia Police Department. His hope was that the Task Force would challenge him, the officers of the Philadelphia Police Department, the citizens and leaders of Philadelphia to contribute to the quality of life and economic well-being of the city. His goal was to have recommendations that would unleash the energies of both the Police Department and Philadelphia community to improve policing.

The group was well-designed to achieve this goal. It included distinguished Philadelphians, drawn from the fields of law, business, community development, and public administration. They knew what was best in Philadelphia's past. More importantly, they felt responsible for Philadelphia's future and were aware of the resources available from the broader community. The group also included police executives of national stature: men who had managed their own organizations on the forefront of law enforcement. Finally, it included scholars who had scrutinized the past practice of policing and charted new directions. Their job was to blend these perspectives and develop a challenging vision of policing in Philadelphia that molded national trends to the special characteristics of Philadelphia.

To ensure that the group understood the uniqueness of Philadelphia, we consulted widely. We met with police officers and their commanders, with leaders of the Fraternal Order of Police, with city officials who oversee the Police Department, with representatives of community groups, and with a host of concerned citizens. To understand the internal workings of the Police Department we spent countless hours riding with officers on patrol and visiting police facilities. We also studied other law enforcement agencies with reputations for innovation to identify practices that might be adapted to Philadelphia. Finally, we commissioned National Analysts, a prominent survey research company, to undertake a comprehensive study of community attitudes toward the police.

To ensure that we fully used the expertise of the Task Force itself, we talked extensively with one another. In our discussions we focused on these questions:

- Were the police meeting the expectations and needs of the public?
- Did they have ways of knowing what the public wanted and expected of them?
- Were they doing their job in fair, effective, and economical ways?
- Did they have means of evaluating their overall performance?
- Was the Department attracting the best people from Philadelphia's communities,

and then developing and using them effectively in achieving its goals?

- ◉ Was the Department well-managed in the sense of being efficient, adaptable, innovative and responsive?
- ◉ Above all, did the Department have a coherent view of its role in contributing to Philadelphia's quality of community life and did it feel accountable to the public?

Our general conclusion is simple: we believe that the Philadelphia Police Department should be challenged by internal and external forces to contribute more to the overall well-being of the Philadelphia community. The "should" gathers force from two different observations: one positive, the other less so.

The positive observation is that the Philadelphia Police Department has some enormously valuable assets to deploy on behalf of Philadelphia's citizens. Most importantly, it has the general good will and tolerance of the citizenry. Our survey makes it clear that, for the most part, Philadelphians like their police. Just as important, the Philadelphia Police Department is blessed with police officers who are dedicated to their jobs. The officers we interviewed and observed were devoted, skillful, and courageous in the face of danger. They generally respond promptly when citizens call for police services. Finally, relative to other cities, the Philadelphia Police Department benefits from a generous budget. Thus, the resources allow us to be ambitious.

Our other observation is that there is considerable room for improvement in the kind and quality of policing provided to Philadelphia. To us, the Philadelphia Police Department's development as an effective, modern department seems arrested. Relative to departments in many cities, the Department appears unfocused, unmanaged, under-trained, under-equipped, and unaccountable. There is little sense that it is aggressively pursuing a coherent and successful overall strategy. Mid-level managers rarely take the initiative in defining and solving community problems, preferring to wait for instructions from above. The line dividing management from labor is blurred, so that managers tend to think in terms of supporting their employees rather than challenging them for performance. The officers are provided with relatively little training as managers and have little incentive to seek advanced training. The Department's communications system is unreliable, its physical plant is in disrepair, and it does not yet take full advantage of modern office equipment, including computers. Nor does the Department file reports that would reveal to the citizens or their elected representatives how it has performed in the past and what it plans for the future.

In short, there is a complacency about the Department that wastes its considerable potential. In our view, this is principally a failure of the community. The community has not demanded enough from the Department. It has granted money, invested the Department with the enormous power to make arrests, and then let it operate without effective review. The lack of demand from the Philadelphia community has made the job of managing the Department much more difficult.

Yet, it is also a failure of management—at the top and throughout the middle management ranks. Without consistent external demands for improvement, management has little incentive to improve, and no way to explain to the force why changes in comfortable, traditional practices are necessary. The dead hand of past

traditions guides the Department, rather than the challenge of the future. A history of favoritism, corruption, and brutality hangs over it. These ghosts have not been exorcised by the painful reforms that have profoundly changed other city police departments. Moreover, although Commissioner Tucker has made many significant changes and has attempted to define the police mission with greater clarity, both street officers and command officials at times speak as if they are an infantry unit, charged with containing an unruly or hostile civilian population.

The solution to this problem depends on fashioning a different relationship with the broader Philadelphia community and its diverse neighborhoods. That change depends crucially on the Philadelphia community discovering the opportunity that the Police Department represents, thinking through what style of policing would aid Philadelphia, and creating structures and reporting mechanisms that would make the Department more accountable.

The solution also lies in improving the Department's management. That, in turn, requires making important changes inside the Philadelphia Police Department. We believe it essential that the organization's personnel and equipment be upgraded and that structural changes be made, so that mid-level police officers—lieutenants, captains and inspectors—are permitted and challenged to become managers as well as police leaders.

In researching this report we were encouraged by the number of police officers we encountered who shared our view that change is necessary. We anticipated that retired officials would be more willing to critique the system (and, in fact, we received useful suggestions from them), but we did not expect confirmation from those within the police bureaucracy. We expected, with their careers at stake, that active police would quite naturally be hesitant to criticize the system, unless they were certain that it would very soon be changed. We found they want to be able to take pride in their Department. Consequently, we learned a great deal from many dedicated, talented, and courageous members of the Department, and their insights are incorporated into this report.

To us, these officials represent the hope of the Department. To select the best among them, liberate them from the traditions of the Department that have held it back, give them the training and then the responsibility to take charge, is the hope of the future.

Many citizens whom we interviewed despair of change. They seem to share our view of the Department's shortcomings and of the need for wholesale change, but they do not believe that improvements are likely to occur. Nor do they believe that other cities are better off.

As to the first point, we can only observe that pessimism about change can itself be an impediment to reform. As to the latter point, they are incorrect; in fact, there are many police forces in the nation that are well-managed, have a clear sense of mission, and are free of systemic corruption. These departments recruit their officers from a pool of talented individuals, train and supervise them well, and provide educational incentives. What distinguishes them is their leadership—leadership that is innovative, not defensive or tradition-bound; leadership that enjoys a good relationship throughout the community; leadership that is aware of what is

happening in the outside world, beyond the police department and local politics, and understands its relevance; and leadership that can count on its command staff to support its initiatives, not fight them. These departments exist and their existence reinforces our conviction that improvement of the Philadelphia Police Department is possible.



Chapter 1

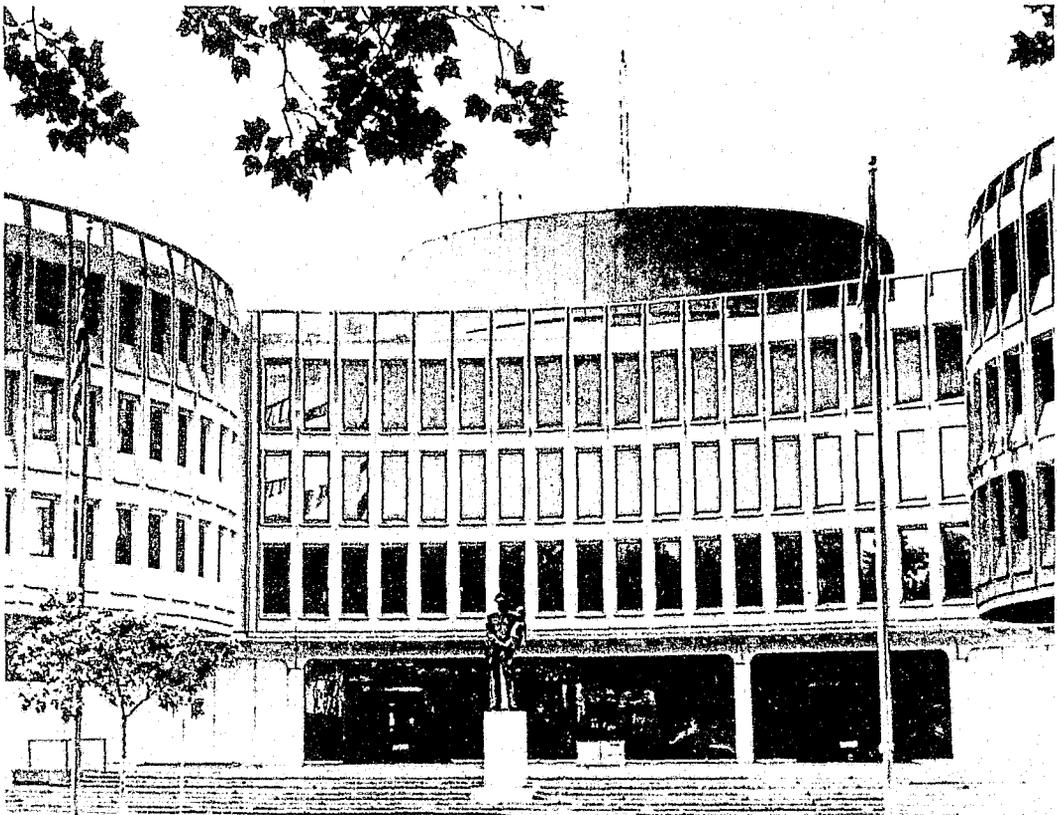
A Strategy for Policing Philadelphia

A crucial first step in developing a challenging vision of policing in Philadelphia is to define basic goals. Many assume this has been done or is obvious, or that the goals are the same for Philadelphia as for all other cities.

We take a different view. In developing a strategy for policing Philadelphia, we explored the distinctive features of the city and its culture and how the Police Department fits that environment. We looked at the different approaches to policing elsewhere in the nation. Finally, we reached a conclusion about how we thought Philadelphia should be policed. We present that view to open a dialogue with interested citizens.

PHILADELPHIA: The Environment of Policing

Philadelphia is the nation's fifth largest city. As one of the nation's oldest communities, tradition is important. Its traditions are rooted in American democratic values. The Quakers established Philadelphia as "the city of brotherly love,"



which valued tolerance and nonviolence as the essential conditions for prosperous individual and community life. As the host of the Constitutional Convention, Philadelphia stood for the creation of a union created from widely disparate colonies, one committed to guaranteeing basic rights of "life, liberty and the pursuit of happiness." As a city whose industries absorbed waves of immigrants in the nineteenth and twentieth centuries, Philadelphia exemplifies the American melting pot. Its economy provided great opportunities, and its political institutions allowed diverse ethnic communities to develop along their own paths and stand next to one another with reasonable respect.

These traditions establish a distinct image of Philadelphia—a city that has shaped a loose, but useful, confederation of diverse communities, joined together by commercial opportunities, but divided by different cultural traditions. The diverse communities are kept from warring with one another by a broadly shared commitment to tolerance.

Yet, this image does not entirely fit the reality of modern Philadelphia. Clearly, the strong ethnic communities survive. It is less clear whether the other traditions—the commitment to economic opportunity and commerce, tolerance and nonviolence—are as strong as the people of Philadelphia would like them to be.

Although traditionalists might deny it, Philadelphia is a city in transition. Its economic and social character has changed dramatically over the last one-half century. For much of this century Philadelphia was primarily an industrial city with easy access to raw materials and markets. The large immigrant populations provided a ready source of labor. Thus, Philadelphia became a national center of heavy industry.

Between the World Wars, however, as manufacturing employment for the nation as a whole declined, and as Philadelphia had to compete with other urban centers, manufacturing jobs in Philadelphia dwindled. With the manufacturing jobs went the prosperity of many smaller businesses—the barber shops, the landlords, the local grocery stores, the garages, the local newspapers. This was temporarily reversed by a burst of defense spending during World War II, and manufacturing in Philadelphia revived for several years.

In the 1950s the development of interstate highways freed industry of its reliance on rail and ship transport,¹ and subsequent suburban migration drew not only businesses but people from the center city. Philadelphia's population peaked in 1950 at 2,071,000 and then declined steadily to about 1,640,000. Despite the revitalization of many parts of the city, people continued to move to the suburbs much more frequently than they returned.² At the same time the city's composition changed. People over age 65 increased from 8 to 14 percent of the population between 1950 and 1980, and the percentage of black residents rose from 18 to 38 percent. By 1980 Hispanics accounted for 4 percent of the population.³

Accompanying the city's loss of residents has been a loss of jobs. While employment nationwide has increased by 25 percent during the last 30 years, Philadelphia suffered an eight percent loss.⁴ Losses were disproportionately severe in the manufacturing sector; new jobs grew largely in the service sector. Thus, the city's economic base has changed in character as well as in size,⁵ resulting in more

unemployment and greater reliance on government assistance programs. In 1980, 20 percent of Philadelphia's citizens were receiving government aid.⁶

These trends are not unique to Philadelphia. Over the last 30 years they have affected many American cities. When viewed against the background of Philadelphia's traditions, however, these trends challenge Philadelphia to focus on four key goals.

The first must be economic revitalization. This may be achieved by the growth in service industries—both large and small scale. Of special interest is the redevelopment of the infrastructure of small businesses that serve the needs of larger industries and the citizens of the city and provide the backbone of most strong communities. Philadelphia must concentrate on the stimulation of commerce across its neighborhoods.

The second goal must be to restore civility to the city's streets, parks, and public facilities. This goal is important to the first. The key to economic revitalization is investment. Investments are only undertaken when there is some security about the future. Optimism about the future is linked to what people observe around them. If civil life in the city looks dangerous—as if life and property could be sacrificed casually—people will be discouraged from making investments. This is particularly true for small investors who cannot raise enough capital to transform a whole area, but are instead heavily influenced by trends created by others. So, it is crucial that Philadelphians show they care about their city.

The third goal is to maintain a climate of tolerance in the city. The aim of restoring civility to city streets reminds us that an important duty of citizens in a free society is not to give offense to others. The goal of maintaining tolerance reminds us that citizens also should not take offense easily. A democratic society depends on sturdiness among citizens that allows them to overlook—perhaps even celebrate—differences among themselves. If citizens neither give nor take offense easily, one can have a city in which people feel free, and no one feels threatened by others. This climate of tolerance can be created more easily if threats to life and property are thought to be handled firmly and effectively.

The fourth goal must be to nourish hope and a sense of fairness in the city's most disadvantaged neighborhoods. The city's poorest communities are least able to protect themselves from despair and violence. They are the most victimized by crime. They are the ones where commerce has been stalled by fear. Their problems warrant special attention.

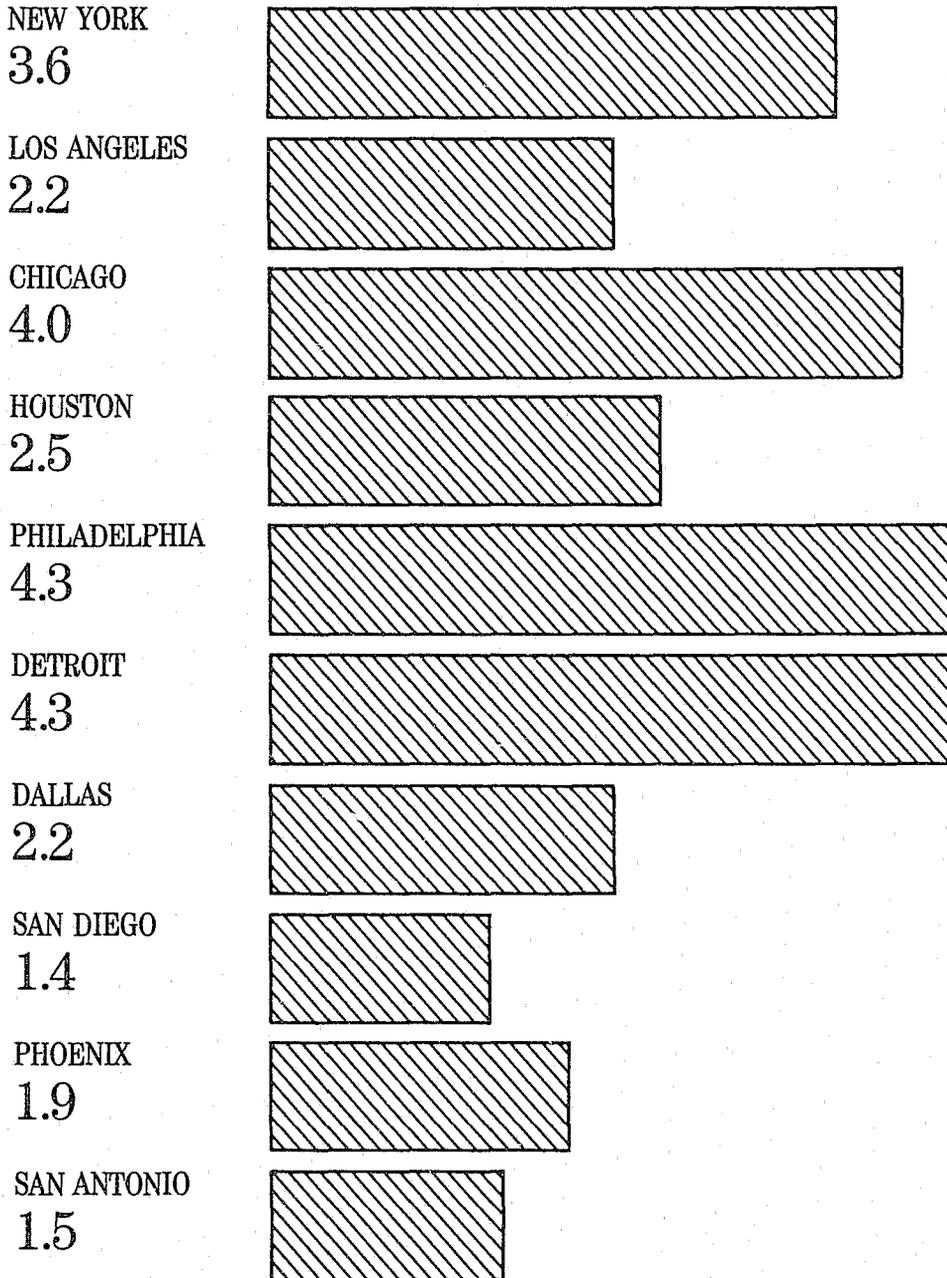
THE PHILADELPHIA POLICE

The Philadelphia Police Department is the fourth largest metropolitan police agency in the United States. Of the ten largest, Philadelphia has the highest number of officers per capita, along with Detroit (see chart, Police Officers Per 1,000 Population).⁷

On the positive side, there is much to be said about the Philadelphia Police Department. The reported crime rate is the lowest of the nation's ten largest cities.⁸ In 1985 it responded to more than three million calls for service, including two and

Police Officers Per 1000 Population

10 Largest US Cities



0 1 2 3 4 5

one-half million on the 911 emergency line. This amounts to nearly two calls per citizen per year.⁹ A survey, commissioned by this Task Force (see Appendix A) indicated that citizens believe the Department is performing well: 70 percent of the city's residents assessed the Department's performance as "excellent" (22 percent) or "good" (48 percent). Only 5 percent rated it as poor. Moreover, police enjoyed a particularly good reputation and close relationship with such Philadelphia neighborhoods as the Northeast. At their best, then, the Philadelphia police are familiar and helpful to the citizens of Philadelphia.

On the negative side, the police present an undisciplined and unprofessional image. Two-thirds of Philadelphia's citizens believe that their police use unnecessary force "often" (16 percent) or "sometimes" (49 percent). (Only 10 percent thought they never did.) One-half thought the police took bribes "often" (11 percent) or "sometimes" (38 percent). (Only 12 percent thought they never did.) Two-fifths of the citizens thought the police drank on duty "often" (5 percent) or "sometimes" (35 percent). (Only 20 percent thought they never did.)

These results cannot be taken as accurate estimates of whether and how often the police engage in such misconduct. The words "often," "sometimes" and "rarely" are inherently ambiguous. Even more important, the citizens' knowledge may or may not be accurate. The survey results probably reflect the general reputation, more than specific knowledge, about the Department.

But this opinion survey points up two additional features of the Philadelphia Police Department worth emphasizing. First, the Police Department labors under the burden of history. In the early years of this century, it was ridiculed for incompetence—serving as the model for the "Keystone Cops." And in later years its reputation grew uglier, as allegations of brutality and corruption mounted. In the late 1960s the Philadelphia Police Department successfully resisted reforms that occurred in other parts of the country, and this failure to reform bore its painful fruit in the 1985 and 1986 corruption indictments, and ongoing investigations of police attacks against handcuffed prisoners. As the Move Commission indicated, it may have resulted in an inappropriate handling of the small, urban cult, known as MOVE. In short, the historical reputation of the Police Department has been unenviable.

The second important point is that the police have done very little to change their reputation. Until recently, they have been unapologetic about their conduct. They have made only sporadic efforts to measure or control the extent of misconduct in the Department. Most important, they have isolated the community from any accurate information about improper police conduct. They file no reports on the problems of bribery, corruption or dishonesty. Without a flow of specific information, emphasizing changes in the Philadelphia Police Department, the citizens are free to assume that the unsavory past continues into the present and the future.

From our perspective the survey results are a puzzle. On the one hand, the police are viewed favorably by most (but by no means all) Philadelphians. On the other, a number of Philadelphians believe the police engage in many different kinds of misconduct. Our interpretation of this paradox is disturbing. It appears that the Philadelphia Police Department has succeeded in persuading citizens that protecting them from crime means that the police must be allowed to engage in certain

forms of misconduct. Otherwise, the police cannot do the job; they will be “hand-cuffed.”

We make this interpretation because this is the view of many members of the Philadelphia Police Department. The culture of the Department is now built around the imagery of “the thin blue line.” In this view, the job of the police is to build a wall between the “good people” of the community and the “bad.” The wall is maintained by locking up “bad guys.” To do their job well, many police believe they have to use force and deceit. They believe the society at large does not want to face this painful fact. Therefore, the police have to keep the character of their operations secret. They take the responsibility of doing what is necessary for society.

We conclude that this basic view has been dominant in the Police Department and has become commonplace in the broader Philadelphia community as well. We believe this results in wasting the potential of the Philadelphia Police Department to contribute to the quality of life in Philadelphia.

To understand this point, it is necessary to review the current strategy of policing in Philadelphia against the backdrop of contemporary knowledge of what citizens generally want from their police and national trends in policing.

REDEFINING THE POLICE MISSION: The Implications of Contemporary Research

Many in Philadelphia and elsewhere assume that “crime fighting” is the sole function of the police. “Real” police work is prowling the streets for muggers, racing to a burglary in progress, arresting a fleeing robber, or crashing through the door of a dangerous drug dealer. They hold this view largely because police are uniquely authorized and equipped to do these jobs for society. No other city officials are authorized to wield the power to arrest, to use deadly force to halt a fleeing suspect, to interrupt or prevent crimes. No other city officials are trained in the use of force, the use of “come-along grips,” “choke-holds,” or weapons. No other city agency is deployed 24 hours a day to be instantly available when a citizen is attacked. In short, we do depend on the police to deal with the wicked and brutal.

It does not follow, however, that because the police are uniquely qualified to deal with violent crimes, this is their sole function. In fact, the special capacities of the police (i.e., their authority, their 24 hour availability, and their general resourcefulness and competence) make them extremely valuable in a great many practical situations other than confronting dangerous criminals.

These valuable traits tempt citizens to call in emergency situations—when a traffic accident occurs, when someone has been injured, or when a spouse is drunk and threatening. They call when a child is missing. They call when a disoriented stranger is wandering in their neighborhood.

The police are also valuable in potentially explosive situations, which have not resulted in a crime and do not involve hardened offenders. They are important at crowded intersections, when drivers are arguing over who has the right to use the common road. They are important when a parent with lawful custody over a child is

resisting the efforts of the other parent to take the child away. They are important when landlords and tenants disagree about heating apartments.

Thus, rushing an accident victim to the hospital, bringing an alcoholic indoors on a winter's night, and breaking into a locked apartment to see whether an elderly occupant is alive and well are valuable services that no other agency can perform as well as the police. So is persuading a mentally ill person, who has barricaded himself in his apartment, to return to the hospital; administering first-aid to a heart attack victim or to someone who has taken a drug overdose; talking suicidal people out of killing themselves; rescuing the drowning; providing advice and help to the sick and elderly, as well as to healthy people who simply cannot cope with pressing problems. The police may not want to do these jobs, but the plain fact is that their 24 hour availability and authority give them special capacities to perform these jobs well.

We have categorized these diverse noncrime-fighting activities of the police into eight functions:

1. Helping accident or crime victims
2. Providing emergency medical services to those in need
3. Handling domestic and neighborhood disputes arising out of ongoing relationships (such as family violence, landlord-tenant relationships, or racial harassment within mixed neighborhoods)
4. Working with residents and local businesses to reduce crime and improve neighborhood conditions
5. Controlling automobile and pedestrian traffic
6. Providing emergency social services and referrals to those who are suddenly at risk (such as adolescent runaways, the homeless, the intoxicated, and the mentally ill)
7. Protecting constitutional rights (such as guaranteeing a person's right to speak, protecting lawful political assemblies from disruption, advising arrested defendants of their constitutional rights)
8. Providing a model of citizenship (by exhibiting good manners, helpfulness, respect for others, honesty and fairness)

This list suggests the breadth and complexity of police action and where it can contribute to the quality of community life.

Many elected officials, and most police officers, view these "noncrime-fighting" functions as a diversion and resent spending time on such matters. Their view—that "crime-fighting" is the only necessary or valuable part of police work—has three harmful consequences.

First, ironically, crime-fighting capabilities of the police may be hindered by neglecting these other duties. A growing body of research indicates the basic tactics that the police rely on to deal with violent crime are surprisingly ineffective without enthusiastic community support. Research tells us, for example, that random patrol neither deters crime nor reassures citizens. The reason seems to be that crimes are generally hidden from casual observation on the street, or happen very quickly within seconds or minutes. Thus, it is extremely unlikely they will be observed by police. Knowing this, offenders are rarely deterred. Research also tells us that rapid

police response to calls for service also dramatically fails to increase the chances of arrest. Although the police can respond to an urgent call with astonishing speed, the call is often made well after the crime has occurred. The victim cannot call while being attacked. After he or she has recovered, the first call is often made to a friend or family member. Thus, the crucial delay is in making the call—not police response. Finally, research tells us that in solving crimes, detectives are crucially dependent on information from victims and witnesses. If they receive information as to the identity of the offender, the chances of arrest and successful prosecution are very high. If they do not, it is rare that fingerprints, informants, or deduction can retrieve the situation.

We review this research not to argue against police ability to deter crime and apprehend offenders. Rather, our point is that police performance depends on the strength of their partnerships with the communities they police, and that apparent noncrime-fighting activities contribute to effective crime-fighting.

Second, if police work were confined to crime-fighting, the police would only be relating to citizens in negative ways—stops, investigations, inquiries, arrests, frisks, and so forth. By being the principal provider of emergency and social services to citizens in distress, the police have the capacity to develop broad-based community support. They can earn the gratitude of residents and build a reservoir of good will that can be drawn upon to support crime control efforts. Research shows that citizens who have been helped by the police, who have had favorable experiences with them, are more likely to provide needed information about crime conditions in the neighborhood. They are more willing to be witnesses in court and to call the police when criminal activity occurs. More directly, the drunk, whom the patrolman escorts home, will be neither the victim nor the perpetrator of an assault. In this way, maintaining order and performing emergency social service functions complement and enhance the ability of the police to curb crime.

At the community level problems are not distinguished by whether they fall within or outside the criminal code. Disrepair, disorder and crime are inextricably linked in a developmental sequence. In their now-famous article, "Broken Windows,"¹⁰ authors James Q. Wilson and George Kelling make this point:

If a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in run down ones. Window breaking does not necessarily occur on a large scale because some areas are inhabited by determined window-breakers, whereas others are populated by window-lovers—rather, one, unrepaired broken window is a signal that no one cares and so breaking more windows costs nothing.¹¹

From a police perspective this means that taking care of minor problems and maintaining order contribute in important ways to a community's feeling of security. In short, the police have the opportunity to protect a community, not just the individuals who live in it—an opportunity that will be missed if the police neglect their "noncrime-fighting" activities.

The third adverse consequence of downgrading community and emergency services is that this has a detrimental effect on the morale of those officers in uniformed patrol who spend most of their time performing these functions. It has been estimated nationally that a very high percent of police time is spent on these services, and a much smaller percent is spent responding to serious crime calls. In Philadelphia, only five percent of the three million dispatched calls involved crime emergencies. No one, especially those who take a positive interest in their work, likes being obligated to do things, day-in and day-out, that are disparaged by supervisors and colleagues. Moreover, the low evaluation of these duties leads to neglect in developing the skill and knowledge required to discharge noncrime-fighting responsibilities properly and efficiently.

To avoid these harmful consequences, we think it important to move these police functions from a secondary responsibility to a central one. Doing so will strengthen, rather than weaken, crime-fighting capabilities, and it will help to forge a partnership between the police and the community. That, in turn, will lead to more secure, free and orderly communities.

Historical Trends

This view—that the police have such important functions as maintaining order and emergency services, that performing these functions well helps to create effective partnerships between the police and the community, and that this, in turn, increases the value of the police within their communities—also gains support from a review of police history, as well as contemporary research.

Municipal police departments were invented in the United States less than 150 years ago. Before then, policing was performed exclusively by private individuals and agencies. All citizens had a duty to aid fellow citizens, when they raised a “hue and cry.” Thus responsibility for policing involved the entire community. This meant many eyes were on the street and vast resources could be deployed in detecting crimes and apprehending offenders.

Yet, such an approach failed to deal effectively with sophisticated criminals (who escaped detection), or with violent offenders (who successfully resisted arrest). Nor could it contain the large-scale violence associated with riots. Beyond this, reliance on private individuals to enforce the laws risked injustice. Sometimes, concerned citizens became vigilantes. Moreover, motivations were sometimes tainted by ethnic, political or class biases, and those with the greatest private resources—the rich, the powerful, the well-organized—acquired more effective protection than those who were poorer and less resourceful. Thus, when wielded by private agencies, the blade of justice did not fall along lines that a just society would mark out.

To remedy these shortcomings, the cities established police departments. These new agencies were expected to improve capacities to deal with crime and urban disorders, to be more disciplined in making arrests, and to be fairer in distributing protection across the population. At first, they found it hard to establish themselves in cities whose citizens were suspicious of all public agencies—particu-

larly those that imposed obligations on a free citizenry, but eventually these departments found a winning strategy; they became adjuncts to the political machines then developing in crowded cities.

The close association with machine politicians turned police departments into organizations providing important services to the waves of immigrants then arriving. Police stations offered soup kitchens and beds to those without food or shelter. They offered jobs—even careers—to those without economic opportunity, and they offered a sense of power and influence to those who felt like outsiders.

Yet, the effectiveness and fairness of the police were jeopardized. Employment and promotion decisions were determined by political loyalties, rather than professional merit. The powers of the police were used to reward the party faithful and punish the party's enemies.

The waste and corruption of this strategy became the focus of reforms. In the view of the reformers, the central problem was the close ties of the police to the corrupt political machines, and the solution was to separate the police from politics and transform them into neutral, but expert enforcers of the law.

To produce this result, the reformers introduced a few key institutional innovations. City charters were revised to give the police chief protection against arbitrary firing by the mayor. Civil service systems were instituted to replace “political loyalty” with “merit” as the basis for appointments and promotions in the police department. Departments were organized as paramilitary forces to emphasize the importance of discipline and the necessity of close supervision and control. Written policies and procedures were developed to ensure fairness, efficiency and accountability. Strong emphasis was placed on new technology as a method of increasing the effectiveness and enhancing the professionalism of the force.

These changes were not adopted uniformly across the country. Reforms had their greatest impact in western and southwestern cities. In northeastern cities, the influence was mitigated by the power of the political machines over the police.

The professional crime-fighter

In the late 1950s and 1960s the image of policing gradually came to be that of the “professional crime-fighter.” Its basic features are:

- A focus on serious crimes, such as murder, rape, robbery, and burglary, and a corresponding de-emphasis on emergency services and maintaining order
- Reliance on motorized patrol, rapid response to calls for services, and scientifically based investigations of crimes.
- Political support derived from the public's concern about crime, and reenforced by a neutral, but professional, enforcement of existing laws

Much commends this strategy. It avoids the most serious problems of the past. It exploits significant technological advances in transportation, communications, and forensic methods. It makes the police notably fairer, less intrusive and more restrained; the police intrude into people's lives where they are called, and policing is available to anyone who calls.

The model of professional crime-fighting, or reform model of policing, still retains its power to challenge police departments and guide improvements. Yet, officers have not reached the professional standards of qualification and training envisioned. The mechanisms for controlling corruption are still not robust enough, nor have questions about excessive use of force and racial discrimination in enforcement been resolved. A continued serious inquiry into ways of improving crime-fighting techniques is still needed. Thus, the agenda set by this reform strategy of policing has not yet been exhausted.

The new professionalism: community policing

Nonetheless, some believe that the future of policing lies elsewhere, in what might be called the "new professionalism."¹² Behind the new professionalism are novel, governing ideas: The police and the public are co-producers of crime prevention. To be successful, they must become partners. Communities cannot be mobilized for crime prevention from the top down, and members of the community must be motivated to become partners to law enforcement officers.

These considerations have led to the development of an alternative strategy of policing that has variously been called "community policing," or "problem-oriented policing," or "fear-reducing policing." It draws on the basic tenets of the old and new professional models. The major precepts of "community policing" are:

- Whereas the old professional model of policing centered on "serious crime" as the proper focus of policing, the new professional model also emphasizes the value of "maintenance of order" and "emergency service" functions. In community policing these latter activities are seen as valuable because they help to prevent crime as well as react to it, and because they reduce fear, promote feelings of security and help build the necessary partnership with local communities.
- Whereas the old professional model of policing relied heavily on reacting quickly to criminal incidents, the new professional model relies more heavily on "pro-active," or preventive approaches to crime and other community problems. Crime incidents are viewed as events emerging from underlying causes (such as a vulnerable bus stop, a developing youth gang, or an over-aggressive landlord). The challenge of community policing, then, is not just to react to incidents as they occur, but to fashion a more permanent solution. Alternative responses to waiting to arrest perpetrators are invented as a way of keeping the peace, and other city agencies are solicited to help find the solution to neighborhood problems.
- Whereas the old professional model of policing was not interested in the views of the public, the new professional model seeks consultation and collaboration with the community. The community is viewed as an essential partner in fighting crime and fear. The police make the partnership work; they must be more responsive and accountable to the communities they police. The new professional-community policing model is tolerant of the idea that local communities might differ from one another in terms of their principal problems and concerns.

A STRATEGY FOR POLICING PHILADELPHIA

We believe that the current strategy for policing Philadelphia is deeply flawed. It is flawed not only in its technical features, but also in its overall philosophy. It results in policing that is inefficient in fighting crime; is enormously expensive in terms of money and abuses of authority; and weakens and divides the community, rather than strengthening and unifying it. This, we think, is inconsistent with Philadelphia's traditions and its current interests.

At the same time, we believe there is an opportunity for the Philadelphia Police Department to change its basic strategy and increase its value to the community. We believe the directions indicated by the emerging model of "community" or "problem solving" policing are the appropriate ones to embrace. They seem consistent with what Philadelphians currently demand.

Our survey asked citizens what functions of the police they particularly valued and what functions they believed the police performed well. We found that citizens valued a wide diversity of functions almost equally. Moreover, they thought the police were performing best in the roles that the police were not emphasizing. They were the most disappointed in police performance with respect to solving crime. (See table, Comparison of Performance.¹³)

Finally, we believe this basic strategy of policing builds on significant strengths of the Philadelphia Police Department. Indeed, from our vantage point, the fact that the Philadelphia Police Department did not zealously pursue the reforms of the 1950s and the 1960s, presents a significant opportunity. We believe that the Philadelphia Police Department can leap from its current archaic strategy into the forefront of American policing by committing itself to a strategy of policing that builds professional competence, creates and continues close relationships with diverse ethnic communities, and forms a partnership in rebuilding the broad Philadelphia community.

To achieve this important goal many steps must be taken. The Philadelphia community must share this goal with the Philadelphia Police Department, and both must come to believe in the value of forming a partnership to achieve it. Both must reject the current assumption that to be effective in controlling crime, police misconduct must be indulged. Both must accept the challenge of joining together to bring mutual respect and discipline to Philadelphia communities and to the Philadelphia Police Department.

Comparison of Performance and Importance of Ten Police Functions Among City Residents

Function	Mean Performance Rating*	Mean Importance Rating**
Providing medical or emergency services	2.9	3.8
Helping accident or crime victims	2.9	3.8
Controlling automobile and pedestrian traffic	2.8	3.6
Preventing and controlling crime	2.7	4.0
Protecting rights of free speech and assembly	2.7	3.6
Handling disputes between individuals or groups	2.6	3.6
Providing other social services	2.6	3.6
Working with resident/business to reduce crime and improve neighborhood	2.6	3.8
Providing positive role models	2.4	3.7
Identifying and reducing neighborhood problems	2.5	3.7

*Ratings provided on a four-point scale, where "1" = "Poor" and "4" = "Excellent"

**Ratings provided on a four point scale, where "1" = "Not at All Important" and "4" = "Very Important"

Sample size = 862 for each police function

Source: National Analysts

We hope our report fosters this commitment; but to be effective a process that involves citizens must begin, and it must last longer than the ripple created by the publication of this report.

We note the Philadelphia Police Department now has a goal statement. It is:

To provide effective and efficient service to the public; to prevent the occurrence of crime and delinquency; to enforce laws protecting persons and property; to supervise law enforcement.¹⁴

This statement has three crucial weaknesses:

1. It fails to emphasize the importance of a partnership with and accountability to the public. A mission statement should be a living document, one that expresses the reasonable and shared aspirations of the Department. The statement should highlight the community's role with the police in common enterprise.

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2. The statement fails to recognize valuable functions now being performed by the police outside the domain of crime control and law enforcement. The mission statement should reflect not only the legal duties imposed on the police but also the opportunity for the police to contribute to the legitimate needs of the community.
 3. The statement is too general to guide the thinking of the Department. The current statement does not serve as a basis for strategic planning at high levels of the Department, nor as a guide for commanding officers in drafting short-term tactical allocation of resources, nor as a goal to those in the Academy who design the training of officers, nor as policy to division commanders in their interactions with residents.

RECOMMENDATION REGARDING A STRATEGY FOR POLICING PHILADELPHIA

Thus, the Task Force recommends:

The Commissioner should formulate an explicit mission statement for the Department that will guide planning and operations toward a strategy of "community" or "problem solving" policing. Such a statement should be developed in consultation with the citizens of Philadelphia and should reflect their views.

We believe that the process of developing an explicit goal statement for the Philadelphia Police Department with the community will naturally strengthen the goal statement in the direction that we believe is valuable. It will also give the statement life and vitality within the Department.

The steps necessary to develop a new role for the Philadelphia Police Department consist of an interlocking set of organizational changes and investments—some necessitated by the past failures of Philadelphia to professionalize the Department and some essential to exploit the opportunity represented by community or problem solving policing. These include the following:

1. The Police Department should make every effort to ensure that the maximum number of police are on the streets in contact with citizens at the times and places where citizens will need their services. This means thinning the ranks of executive management and decreasing the reliance on special units.
2. The Police Department should decentralize its operations and establish strong consultative relations with communities to assure that police operations reflect local concerns and priorities.
3. The Police Department should revamp its personnel policies to ensure that it attracts the best from Philadelphia's diverse neighborhoods, trains them well, challenges them to perform, and continues to develop and use their talent throughout long careers.
4. The city and Police Department should invest in equipment and facilities that allow the police to perform their job and reflect their importance to the city.
5. The Police Department should strengthen its ability to manage itself by changing its managers from people who defend the status quo to protect their subordinates to people who feel responsible for challenging their officers to be professional and

innovative, thereby achieving the goals of reducing crime, promoting security, and restoring prosperous open communities with the least use of public money and coercive force.

The specific nature of these changes and reasons for them are developed in greater detail in Chapters 2, 3 and 4.

A STRATEGY FOR POLICING PHILADELPHIA—Footnotes

- ¹ The Philadelphia Regional SCAN: Survey of Community Assets and Needs. (Philadelphia: Community Leadership Seminars, 1986), 8
- ² Ibid. 8. While immigration amounted to a modest three percent in the 1960s, it jumped to 13 percent during the next decade. Carolyn T. Adams, "The Constrained City" (Working Paper 5, Institute for Public Policy Studies, Temple University, 1985), 1.
- ³ Adams, Supra Note 2.
- ⁴ Ibid.
- ⁵ Ibid.
- ⁶ Ibid.
- ⁷ United States Department of Justice, Federal Bureau of Investigation, Crime in the United States—1985 (Washington, D.C.: GPO, 1985); Survey of Police Operational and Administrative Practices—1981 (Washington, D.C.: Police Executive Research Forum, 1981), 551-555.
- ⁸ Crime in the United States—1985, Supra Note 7, 63-110; Uniform Crime Reports, Supra Note 7.
- ⁹ This information is based on data collected from Police Department records by the Philadelphia Police Department Statistical Unit.
- ¹⁰ George L. Kelling and James Q. Wilson, "Broken Windows," Atlantic Monthly, March 1982, 29-38.
- ¹¹ Ibid. 31.
- ¹² Jerome H. Skolnick and David H. Bayley, The New Blue Line: Police Innovation in Six American Cities (New York: The Free Press, 1986).
- ¹³ National Analysts, "Survey of Community Attitudes Toward Philadelphia Police," prepared for Philadelphia Police Study Task Force (October 1986), 54.
- ¹⁴ Mission portion of the Departmental Objectives section of the Fiscal 1984 Operating Budget.



Chapter 2

Managing Police Deployment

By far the most important resource of the Philadelphia Police Department is the sworn police officer, and his or her deployment is the single most important decision regarding allocation of resources that police management makes. With 80 percent of the Department's budget on the line, every other decision pales in comparison. When the officer is on the street working—making arrests, settling disputes, giving advice and reassurance—the Department is creating something of value to the community. When the officer is idle or ill-used, an important—and expensive—asset is being wasted.

It costs a great deal to put officers on the street and keep them working effectively. Behind each officer lies a recruitment search of the city's neighborhoods and extensive training, both technical and psychological, to equip those recruited to assume the responsibilities of a sworn officer. There lie ranks of superior officers who "coach" their officers on the street in the performance of their jobs and hold them to high standards of conduct (lest the officers be "tempted by fear or favor"). There also lie the support and tools officers need to perform their jobs well—community support, working equipment, technical assistance—an elaborate communication system that makes the police available to individual citizens, and the police stations and cars that serve both as tangible symbols of the police presence and staging areas for police interventions. Then, there is a system of benefits and pensions, which motivates officers by giving today's work meaning and value in the future.

Ultimately, this expensive system of investment and support can only be justified by the quantity and quality of the work performed by the sworn officers on the street. Consequently, it becomes important to consider how the Department deploys its sworn officers and how the deployment might be improved.

EVALUATING POLICE DEPLOYMENT: Two Perspectives

The way police officers are deployed necessarily reflects and expresses a basic philosophy of policing. As indicated in Chapter 1, the "reform" strategy of policing relied heavily on police patrol. By the mid-1970s patrolling the cities through one- and two-person cars equipped with two-way radios had become the dominant mode of policing in American cities, including Philadelphia. The assumption was that a visible police presence would deter offenders. Patrol was essentially reactive because police officers responded to dispatches from a central command. To supple-



ment the patrol function by the Patrol and Special Patrol Bureaus, active tactical units focused on special problems or areas of the city. Their primary objective was to arrest offenders engaged in criminal activity.

From this perspective, the crucial problem in deploying the patrol force was to get the officers in the right place at the right time. As the President's Commission on Law Enforcement and Administration of Justice observed in 1967:

Many American police forces do not utilize their available police personnel effectively. The most significant weakness appears to be a failure of the departments to distribute patrol officers in accordance with the actual need for their presence . . . Efforts must be made to schedule police patrol at the times when, and places where, crimes are most likely to occur.¹

Six years later, in 1973, the National Advisory Commission on Criminal Justice Standards and Goals made a similar recommendation:

Every police agency immediately should develop a patrol deployment system that is responsive to the demands for police services and consistent with the effective use of the agency's patrol personnel. The deployment system should include collecting and analyzing required data, conducting a workload study, and allocating personnel to patrol assignments within the agency.²

In making a workload study a number of variables should be considered, according to the National Advisory Commission: "The workload study must include a comprehensive assessment of the demands for patrol services in the community, and the types of activities, services, and duties routinely performed by patrol personnel."³ The average time out per call, the size of the patrol area, the population, and population density are factors that should be considered to determine equitable workloads.

This perspective evaluates police deployment in a particular way. It focuses attention narrowly on the Department's patrol division and supporting elements, such as training and administration. Superior officers and detectives are excluded from close attention. How the patrol force is distributed across the areas of the city and hours of the day is important. The implicit objective is to distribute force to match the demands as evenly as possible. Since this requires the force to react as quickly as possible, response times become the most important performance measure of any given patrol plan. When no unit is available for dispatching, there are strong pressures placed on officers to finish their calls as quickly as possible and get back into their cars to be available for the next run. Officers announce their availability to the dispatcher by reporting they are "out of service" when they leave their vehicle to do police work and they are "in service" when they have finished and returned to their vehicles. Their most important job of policing is to be ready.

More recently police departments have begun to think about police deployment from a different perspective—the perspective of "community" or "problem solving" policing. This perspective emphasizes the following features of patrol deployment:

- Continuous assignment of the same police officers to specific neighborhoods or beats
- Insistence that officers know about problems, cultural characteristics and resources of the neighborhood
- Emphasis on officers reaching out to neighborhood residents and business people to assure them of the presence and concern of the police
- Involvement of neighborhood leaders in identifying local problems and in developing and implementing actions to solve them
- Delegating responsibility to officers for addressing both the crime and order problems of the beat and allowing them broad discretion to fashion solutions
- Utilizing information from the community to the police to make important arrests and to develop intelligence on illegal enterprises in the community

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- Sharing information with community representatives on local crime problems and efforts to address these problems.

This perspective assumes that police cannot substitute for a vigilant, interested citizenry, and that deployment should be designed to form effective partnerships with the community. Instead of reacting to crime, the goal is to mobilize the community and alleviate conditions that cause crime and fear.

These elements of community policing are not new. Aspects have been used in community relations units for two decades. All were tried during the neighborhood police team experiments in the 1970s. The question today is whether these community policing concepts should govern in planning police deployments.

This is an important and difficult question because the police do not now have enough resources to supply both kinds of policing. If patrol officers are always to be ready for dispatching, they cannot be in meetings or group projects with citizens. If they are working with citizens' groups, they cannot be ready for dispatching on a moment's notice.

Like many other cities, Philadelphia experienced a fiscal crisis in the mid-1970s. Population and the police force declined, but the demand for services remained the same. In response, the Police Department committed a larger portion of the patrol force to radio cars, dispatched centrally in response to calls. Uncommitted resources that could be deployed flexibly at the discretion of the district captain to address local crime conditions or human problems became rare. Opportunities for meaningful contact between patrol officers and residents of their beats diminished as crime reports and emergency service calls consumed nearly all of patrol time. Quality of life or order-maintenance problems, such as prostitution, street drug trafficking, public intoxication and associated panhandling, and roving groups of unruly and intimidating youths, got beyond control in many neighborhoods.

In this context, changing the deployment strategy to reflect community policing concerns requires particular responses. Action could be taken to channel the demand for calls for service more effectively so that lower priority calls do not interfere with either emergency situations or active community-based crime prevention activities of the police. The crime prevention efforts could reduce the calls for service—especially the “repeat calls.” Additional resources could be developed for a combined deployment by taking additional officers from special assignments, or thinning the ranks of top management. Citizens of the city could be willing to pay more for a police department that was not only ready to respond to calls but was responsive to their concerns.

In examining the current deployment of the Philadelphia Police, we will analyze it in terms of its ability to provide the ready service characteristic of the “reform” strategy and its capacity to promote the values of community-oriented patrol. In the familiar technical terms of the reform model, we will see there are clear opportunities to improve the current deployment of the patrol force. From the perspective of “community” or “problem solving” policing, we will see that there are some resources from parts of the Department other than the patrol divisions that might be made available for community policing. We will also see that the overall structure of

the Department could be streamlined to make police officers more available and more responsive to citizens. Together, these observations indicate fairly clear directions for improving the current utilization of sworn personnel.

CURRENT DEPLOYMENT OF PHILADELPHIA POLICE

Philadelphia's Police Department is, relatively speaking, generously endowed in personnel. In 1986, it employed 6,777 sworn officers, 814 civilians, and 852 crossing guards. As indicated in Chapter 1, of the ten largest metropolitan police departments in the nation, Philadelphia (along with Detroit) has the highest number of officers per capita. In terms of officers per square mile Philadelphia also ranks high (see chart, Police Officers Per Square Mile). At 48.5 officers per square mile, it is exceeded only by New York and Chicago.⁴

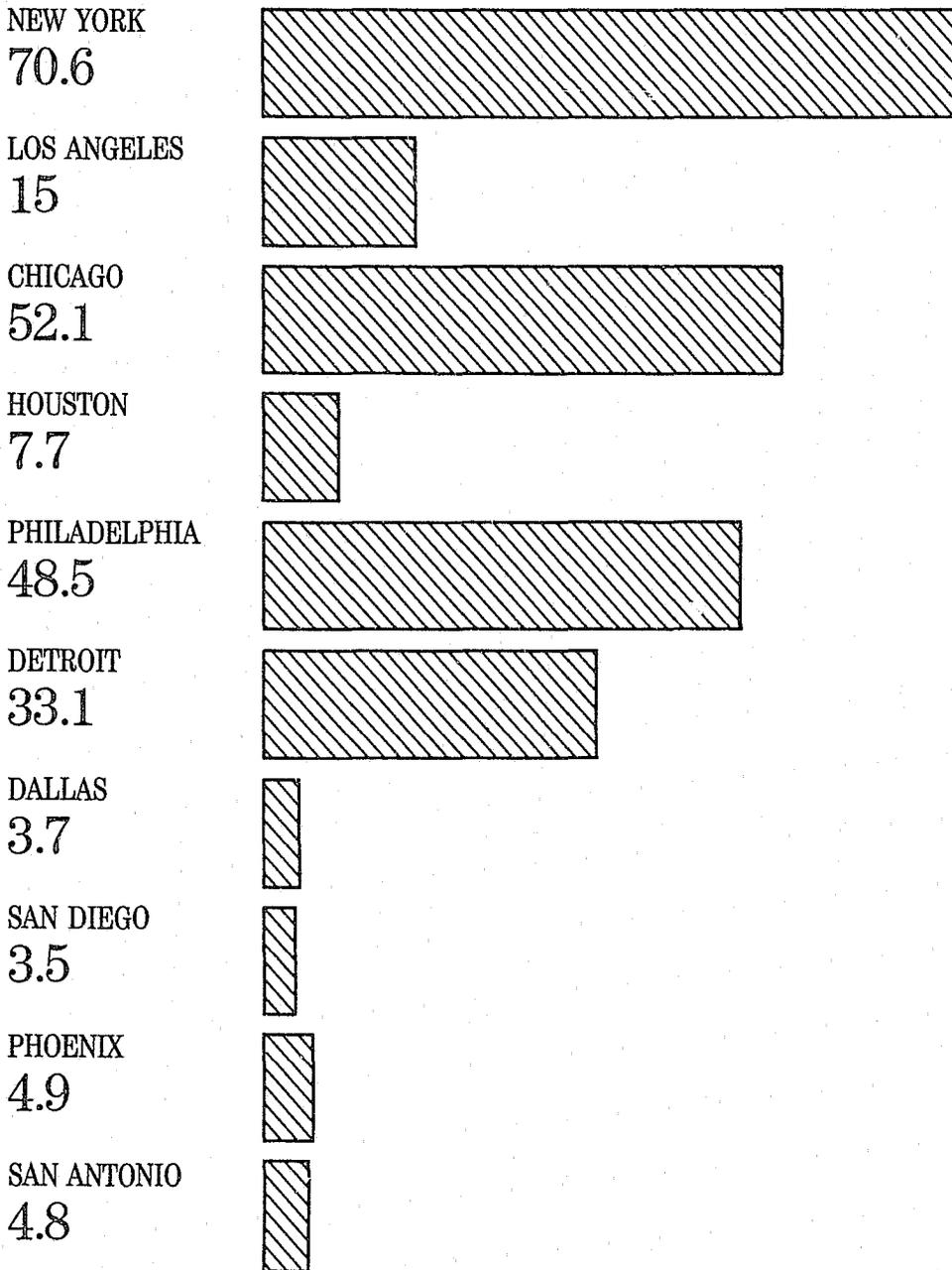
Organizational Structure

The Philadelphia Police Department, like other large departments, is a paramilitary organization in which all sworn officers hold ranks. The lowest rank is patrol officer; the highest is commissioner. The accompanying table, Distribution of Sworn Personnel By Rank, shows the current assignments. It is worth noting that the ratio of patrolmen to all other higher ranks is about 3.6 to 1. This means there are many officers in the Philadelphia Police Department—perhaps as many as one-half—who will spend their entire careers as patrolmen.

The commissioner of police (who is appointed by the mayor through the city's managing director) has no fixed term of office and serves at the pleasure of the mayor. The commissioner is responsible for the overall direction of the Department. He is assisted directly in his duties by the first deputy commissioner and by two deputy commissioners with responsibility for operations and administration. Except for a few specialized staff units (legal counsel, planning and research, public affairs) all the bureaus of the Department report to the commissioner through the first deputy commissioner and the deputy commissioners for operations and administration. Beneath the commissioner and deputy commissioner levels, the Department consists of eight principal bureaus. Under the deputy commissioner for operations are the four principal field operations: the Patrol Bureau/South, the Patrol Bureau/North, the Special Patrol Bureau, and the Detective Bureau. Under the deputy commissioner of administration are the three major support bureaus: the Training Bureau, the Staff Services Bureau, and the Administration Bureau. Reporting exclusively to the first deputy commissioner is the last major bureau, the Special Investigations Bureau. The accompanying Table of Organization shows in simple form the Department's organizational structure.

Police Officers Per Square Mile

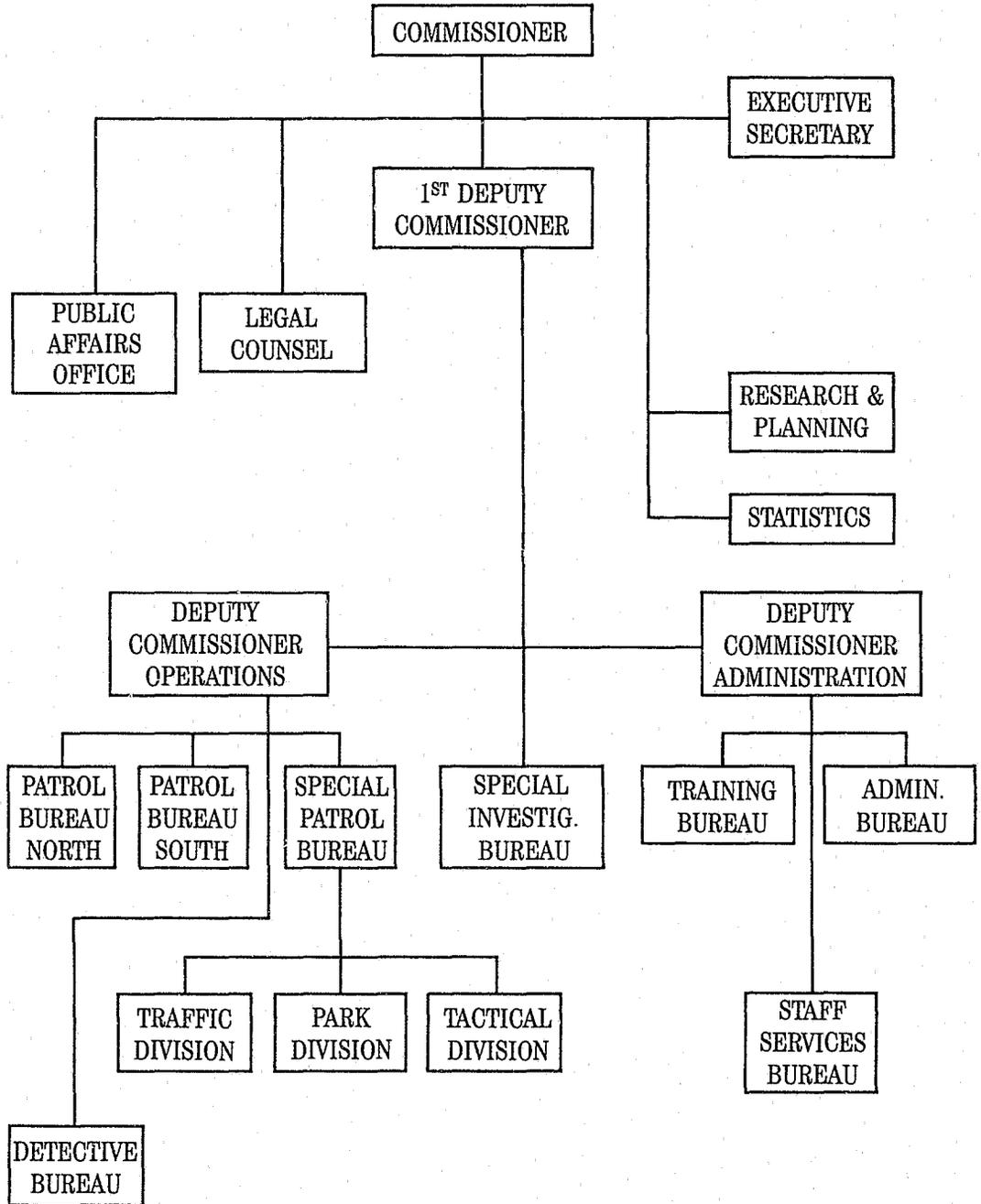
10 Largest US Cities



0 10 20 30 40 50 60 70 80

Philadelphia Police Department

Table of Organization (Condensed)



Distribution of sworn personnel by rank
Philadelphia Police Department—June 12, 1986

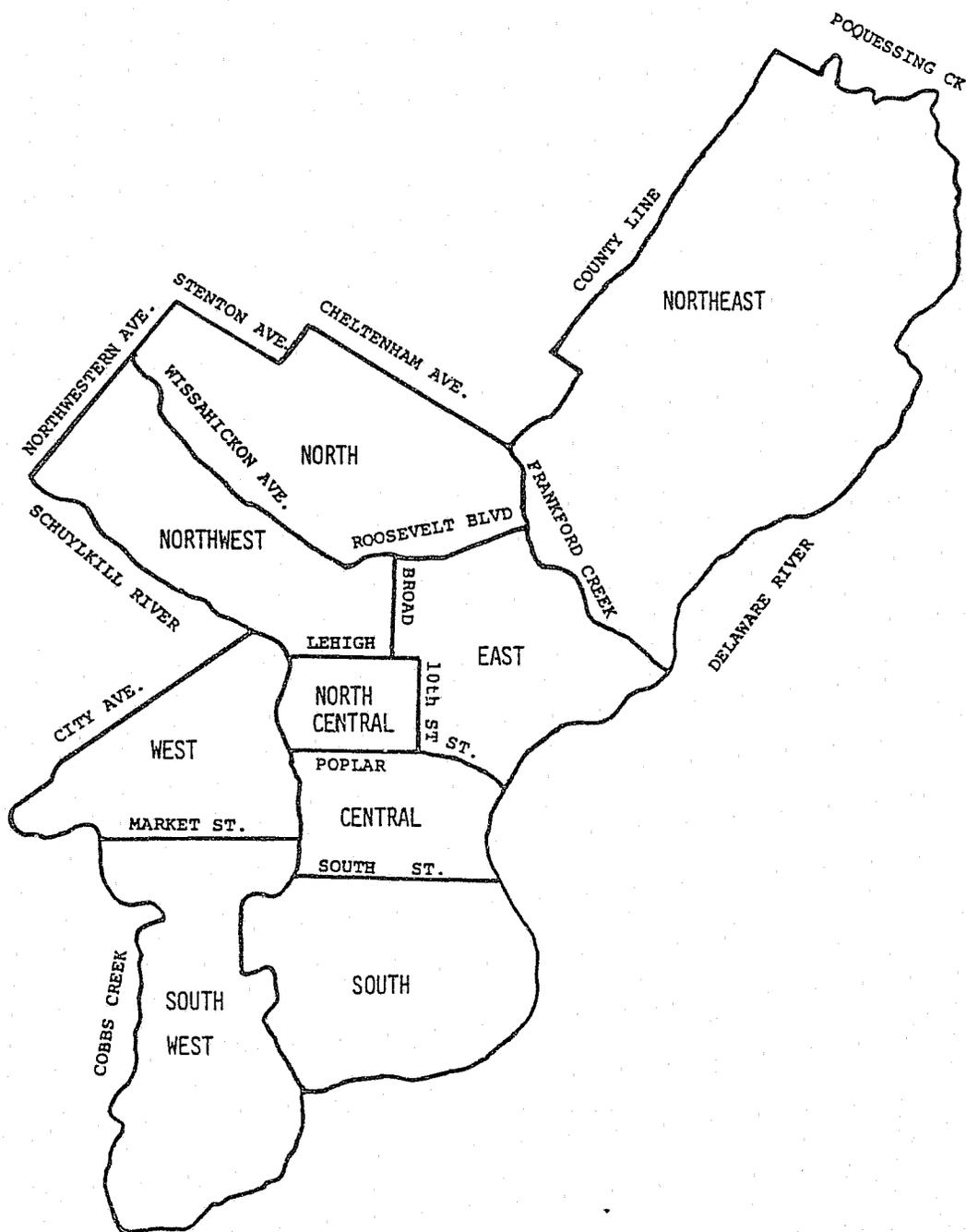
Rank	Number
Commissioner of Police	1
1st Deputy Commissioner	1
Deputy Commissioner	2
Chief Inspector	11
Inspector	27
Staff Inspector	10
Captain	90
Lieutenant	246
Sergeant	412
Corporal	173
Detective	514
Patrol Officer	5294
TOTAL	6781
Civilian (852 of whom are school crossing guards)	1666

Deputy commissioner: operations

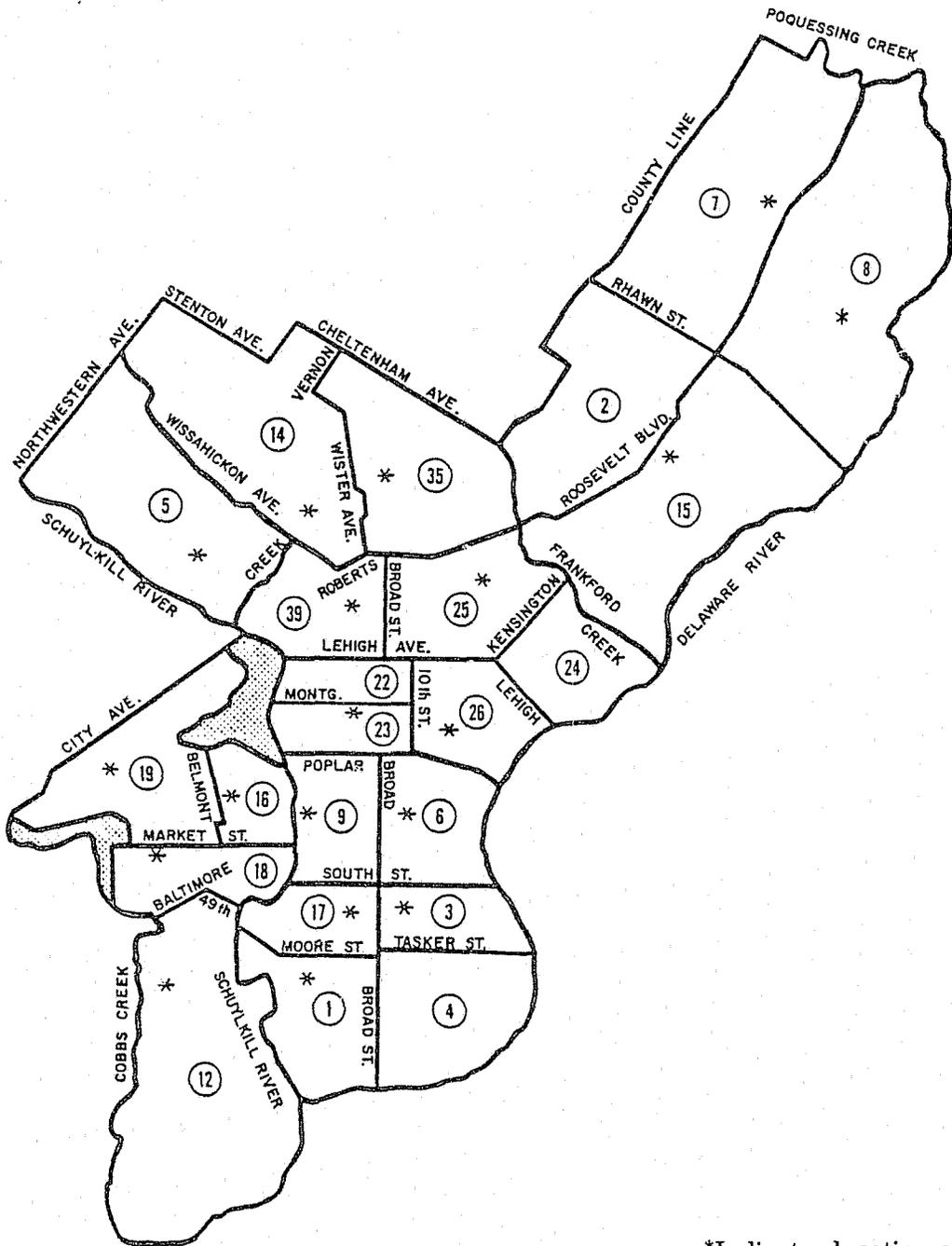
The Patrol Bureaus under the deputy commissioner for operations have 55 percent of the Department's total manpower and are its most visible element. Comprised of uniformed patrol officers, assigned to foot and mobile patrol, these two bureaus are responsible for answering all citizen calls for service and conducting preliminary investigations into incidents.

The Patrol Bureaus: North and South Each patrol bureau is commanded by a chief inspector. The bureaus are divided into nine geographical patrol divisions, which are subdivided into 23 patrol districts. Patrol divisions are commanded by an inspector, and patrol districts, by a captain. The accompanying maps, Philadelphia Police Division Boundaries and Philadelphia Police District Boundaries, show the lines of the patrol divisions and the patrol districts. Philadelphia police districts vary widely in terms of area, population, crime rate, and number of police officers. For instance, the 14th District with 216 officers⁵ is the largest in terms of manpower, but ranks fourth in area at 10.42 square miles.⁶ District 8, on the other hand, is the largest district at 14.5 square miles⁷ but is 19th in manpower with 119 officers.⁸ The districts also vary greatly in population. The 35th District is currently the largest, with 151,864 inhabitants, while the 6th District is the smallest with only 27,500.⁹

Philadelphia Police Division Boundaries



Philadelphia Police District Boundaries



*Indicates location of District Headquarters

Police districts are staffed by four platoons. A platoon consists of a lieutenant, two sergeants and approximately 40 officers. Only one platoon is on duty at any one time. Shift times are standardized (8:00 a.m.-4:00 p.m., 4:00 p.m.-12:00 p.m., and 12:00 p.m.-8:00 a.m.), and each platoon works six straight days, followed by two days off. When returning from its days-off, each platoon covers a new shift, rotating in a counterclockwise fashion. For example, a platoon works the "day work" tour (8:00 a.m.-4:00 p.m.) for six days before having two days-off. When returning to work, the platoon would cover "last out" (12:00 p.m.-8:00 a.m.), and on the next six-day tour 4:00 p.m. to 12:00 p.m. To make up for the additional time that all officers work on the six-day system, personnel are allotted additional days off, called "group days off" on a regular basis. With this system each platoon covers all three shifts in a 24 day period.

Each district is also assigned personnel for what is referred to as the "Fifth Platoon," or "Five Squad." This unit is under the direct supervision of the captain, who determines assignments. Generally, the Five Squad is composed of burglary teams or tactical patrol units as well as administrative, canine, mounted, and community relations personnel. Usually, the Five Squads work either the day or evening shift, and they seldom rotate with other platoons.

Specialized Patrol and Investigations The second largest operational bureau in the Department is called Special Patrol Bureau. Commanded by a chief inspector, this bureau is divided into three divisions: the Traffic Division, the Tactical Division, and the Park Division.

The Traffic Division seeks to maintain an orderly flow of vehicles through the center city. It investigates all accidents in Philadelphia involving fatalities, serious injuries, or damage to city property.

The Tactical Division combines the Department's most technical and specialized police services. Its Highway Patrol District carries out normal patrol functions on the interstate highways, located within the Philadelphia city limits, but it occupies much of its time on directed patrol assignments in high crime areas. The Stakeout Unit deals with hostage situations, explosive devices, and other incidents requiring special weapons and tactics. In addition, the Marine Unit patrols Philadelphia's waterways; the Mounted Unit provides horse patrol officers to each district; and the Canine Unit assists the patrol branch with trained police dogs.

The Park Division is responsible for patrolling the city's parks by foot and in automobiles.

The Detective Bureau The third largest bureau within the operations grouping is the Detective Bureau. This bureau handles all the "reactive" investigations: e.g., homicide, robbery, burglary, assault, car theft. The Detective Bureau comprises a Homicide Division, which has citywide responsibility, and two geographically based divisions and districts to deal with lesser offenses. Pro-active investigations against vice and organized crime, and internal investigations of police corruption are not handled in the Detective Bureau. They are the principal tasks of the Special Investigations Bureau, which reports to the first deputy commissioner to ensure the independence of these investigations.

Deputy commissioner: administration

Three bureaus are grouped under the deputy commissioner for administration. The Training Bureau is responsible for new recruit training, and in-service and field training. It also trains officers in the use of weapons and in maintaining a "mounted" and "canine" capability for the Department as a whole.

The Staff Services Bureau operates, and invests in, much of the technical capabilities that support field operations and investigations. Most important it is responsible for managing the police radio and communications system. It is this unit that essentially determines how quickly and effectively cars can be dispatched to crime scenes. It also oversees the police Laboratory Division. This division supports criminal investigations through such activities as firearms identification, polygraph tests, and mobile crime labs. Through the Field Support Division, the Staff Services Bureau also takes responsibility for receiving, controlling, and identifying arrested suspects. The Information Systems Division maintains and operates the computers that link the operating units to national and local files on suspects, outstanding warrants, and stolen property.

The Administrative Bureau has two different responsibilities. Two of its major elements—Automotive Services and Building Maintenance—are responsible for maintaining key capital facilities that the Department uses to fulfill its functions. The other two major elements—Personnel and Finance—are responsible for making sure that personnel is utilized and money expended properly and that overall performance objectives of the Department are met.

First deputy commissioner and the Special Investigations Bureau

The bureaus described above report to the first deputy commissioner through their respective deputy commissioners for operations and administration. There is one operational unit that reports directly to the first deputy commissioner without going through either of the other deputy commissioners. That unit is the Special Investigations Bureau (SIB).

Designed to handle highly sensitive investigations, the Special Investigations Bureau was established in early 1986 to centralize the investigation of police misconduct and vice enforcement into one bureau. It is commanded by a chief police inspector, who reports directly to the first deputy commissioner. SIB carries out two important functions: (1) Internal Affairs investigates allegations of criminal misconduct by police officers; and (2) Special Operations Division investigates organized crime, vice, and narcotics violations citywide.

Personnel of the Department

The Department's organizational structure shows how the Department's personnel are distributed across ranks and functions and provides valuable information about how the Department uses its personnel. Another perspective comes from examining the characteristics of the personnel themselves: specifically, whether they are civilian or sworn personnel, and their demographic characteristics.

About 10 percent of the Police Department are civilians. In comparison to other major cities, this percentage is low. In 1985, of the ten largest cities, Philadelphia employed the smallest percentage of civilians. Phoenix with 29 percent, San Diego with 28 percent and Los Angeles with 27 percent civilians, ranked at the top.¹⁰ Civilian employees fill many positions in Philadelphia, including management specialists, who head some of the Department's administrative branches. The directors of the offices of safety, personnel, fiscal management, and data processing are civilians. The Department also employs an educational psychologist to work with the staff of the training academy. One attorney is detailed from the City Solicitor's Office to advise on legal matters.

The Philadelphia Police Department is 81 percent white, 18 percent black, 1 percent Hispanic, and 8 percent female.¹¹ Over the last 15 years, the racial composition of the Department has remained stable. In 1970, 80 percent of the force was white and 20 percent black. In 1975, the proportion of white officers had risen to 83 percent, while that of black officers had declined to about 17 percent. During the next ten years the percentage of black officers remained about the same, while in the early 1980s the number of Hispanic employees nearly doubled to one percent of the Department. Since 1980 the number of female employees has more than doubled from 246 to 531.

The average Philadelphia Police Officer is 38 years old. Within five years nearly three-fourths of the force will be eligible for retirement. At present, 27 percent of the Department has 20 or more years of service. As retirements increase during the next few years, the loss of experienced personnel will not only place an added burden on the Department to train new officers and fill leadership positions, but also provide an opportunity for the Department to move forward with fresh ideas and added vigor.

EVALUATING THE CURRENT UTILIZATION OF PERSONNEL

In reviewing the current utilization of police personnel, the Task Force is concerned that the police force is not being used to its optimum capacity. We have come to this conclusion after reviewing the current deployment from the two perspectives described above.

Viewing police deployment from the "reform" perspective (which focuses on the allocation of patrol resources), we conclude that the effectiveness of the Philadelphia Police is hindered by a highly inefficient pattern of deployment and utilization of personnel resources. More specifically, we find the following:

- The current geographical deployment of patrol personnel no longer reflects workload demands; district and sector boundaries have not been systematically redrawn, despite substantial shifts in population and crime.
- The distribution of personnel assigns an equal number of officers on each of the three eight-hour shifts, even though workload varies significantly according to time and the day of the week.
- The police perform a variety of time-consuming tasks that are either the responsibility of other government agencies, or not properly a governmental function.

-
- The Department uses police officers to do work that civilians do in other departments, thus reducing the number of officers on the street.

When we view the current utilization of personnel from the perspective of "community" or "problem solving" policing, we also conclude that the Department is operating with a clumsy and inefficient organizational structure that draws too many people away from contact with citizens and reduces rather than increases accountability. More specifically, we find the following:

- The existence of many specialized operational units has drained valuable resources from the streets and diluted the responsibility of patrol captains, who should be the principal mid-level managers of the Department.
- By increasing layers of supervision and shifting functional responsibilities for such activities as training, internal discipline, and community relations to separate units valuable resources have been wasted and the sense of accountability among the officers and their principal supervisors reduced.
- The Department could field a leaner, more responsive and accountable force, if it would make a major effort to realign patrol divisions and districts, and staff them with experienced managers who are now presiding over specialized headquarters units that add little to the efficiency or accountability of the Police Department.

The Efficiency of Patrol Allocations

The efficiency of patrol allocations can be examined by looking at four different issues: the geographic allocation, the allocation over time, the activities of the patrol officers, and the Department's utilization of civilian personnel.

Geographic allocation

Philadelphia provides police patrol services to the public through 23 patrol districts. Boundaries are largely the result of historical development. They have not been comprehensively redrawn in response to an overall plan aimed at equalizing the workload or providing better service. Thus, large variations exist among the districts in population, crime rates, and calls for service.

The districts have great variations in the demand for police services, which have not been adequately addressed by the deployment of manpower among the districts. For instance, in 1985 the 35th District handled over 87,000 requests for police assistance, while the 5th District handled only 21,000. On the average a patrol officer in the 35th handled about 494 calls in 1985, while an officer in the 5th District responded to 225.¹² In terms of crime, in 1985 there were 773 major offenses in the 5th District, and 6,697 in the 35th. On a per officer basis, this means that the average workload for an officer in the 35th was 38 major offenses, while in the 5th District it was about 8.¹³

Due to excessive workloads experienced in some districts, officers are unable to respond to calls for service in a reasonable time. They are unable to patrol aggressively in response to special community problems, such as burglary or drugs. Districts with a disproportionately high workload experience logistical and administrative difficulties. In busy districts police radio channels are frequently overloaded during peak hours. This hinders the ability of headquarters to dispatch calls for

service, limits the ability of the field units to perform routine police functions, and creates a potentially dangerous situation for the officers in the field. Each district is generally assigned the same number of personnel for administrative functions, yet the workload varies greatly, causing inefficiencies and bottlenecks.

Another serious effect of unequal workloads is the stress placed on personnel assigned to high-activity districts. Stress can result in reduced productivity, greater danger to the officers, and poor community relations.

Since crime is often centered within particular neighborhoods, police can be more responsive to the needs of the neighborhoods if district lines follow the contours of neighborhood boundaries. However, under the current configuration, many districts do not coincide with neighborhood boundaries. For example, the neighborhood of Northern Liberties is currently bisected by the line separating the 6th and 26th Districts. Similarly, South Street, one of the city's busiest commercial and social areas, is the dividing line for the 9th and 17th Districts. Residents of these neighborhoods would find it easier to deal with one district command.

Discrepancies in workloads among districts can be remedied in large part by the proportional allocation of resources.

Patrol Sector Deployment The Task Force found serious problems with manpower deployment among the patrol "sectors," the geographical division within districts designed to be patrolled by a single car. Each sector is programmed into the Department's computer dispatch system. When a dispatcher receives a call for service, he or she enters the location into a computer, which assigns the job to the car in the sector where the incident occurred. However, sector boundaries were last comprehensively redrawn in 1972,¹⁴ and not only has the Department's manpower shrunk considerably since then, but demands for service have shifted as well. Districts are now often unable to staff all assigned sectors during a tour of duty. Thus, on a recent, randomly selected Saturday evening shift, only 190 (47 percent) of the 405 patrol sectors, and 53 (46 percent) of the patrol wagon sectors in the city were staffed. For instance, the 23rd District staffed 31 percent of its sectors, while the 5th District was able to staff 43 percent of its sectors, and one of the city's busiest districts, the 25th, could only staff 66 percent of its patrol sectors.¹⁵ Given these manpower levels, each officer cannot be assigned to a particular sector without leaving a large portion of the district uncovered. As a result, available cars are forced to cover two or three sectors.

Districts should be divided into sectors based on the amount of staff available to the district and a comprehensive workload study for each district. Currently, when districts are understaffed the available cars must respond to calls in other sectors, thereby reducing the attention given to either sector and limiting the officer's contact with the community. Furthermore, efforts should be made to equalize the workload within the individual sectors. At the present time, sector workloads vary tremendously across the city.

For instance, in 1985, 12,693 calls for service were received for the area designated as "C" sector of the 25th District, while during the same period only

3,567 calls for service were received from its "E" sector. This disparity is not infrequent, and comparing sectors of different districts to one another reveals even greater workload discrepancies. The 25th's "C" Sector handled over 12,000 calls, but the "M" Sector of the 5th District handled only 695 calls during the entire year—consequently "C" Sector had a workload more than 17 times greater.¹⁶

Recognizing the serious deployment problems within districts, some patrol captains have drafted resectoring plans. One developed a contingency sector plan, which involves using a different sector configuration depending on how many cars are staffed. If the district has 15 cars available, the 15-car plan takes effect; if two cars go out of service, the district changes to a 13-sector configuration.¹⁷ This does not aid in dispatching calls, however, since a 19-sector map is the only one programmed into the computer.

Time allocation

Philadelphia's 40-year-old rotating shift system also causes inefficient time allocation of personnel. Although the need for police services varies from hour to hour and day to day, the rotating shift system places the same number of officers on the street around the clock. Patrol officers in each district are divided into four platoons, each with the same number of officers. As noted previously, the district is patrolled in three shifts. Each platoon works one shift for six days, has two days off, and then returns to work another shift in a counterclockwise rotation. This system produces gross inefficiencies. The same number of officers are on the street at all times—during the early morning, when there is practically no activity, and on weekend evenings, when the calls for service are heaviest. The Department has developed some modest measures to alleviate the adverse effect of a rotating system. One is "drop-back," which involves taking several officers off "last out," or the last shift, and moving them to a 6:00 p.m. to 2:00 a.m. shift, or another more active eight-hour period. The city's contract with the Fraternal Order of Police permits a supervisor to adjust an officer's shift a maximum of two hours; therefore, a 6:00 p.m. to 2:00 a.m. or other comparable shift must be filled on a volunteer basis. Use of this alternative is left to the discretion of the district captains. While some captains actively seek volunteers and use drop-back extensively, many others are hesitant to do so. If rotating shifts are to be used in the future, drop-back must be used to a greater degree. The Task Force recommends that a directive be issued that sets forth the Department's policy in this regard. It should explain the contractual considerations, and encourage officers to volunteer.

A second device, which is used to compensate for the inefficiency of rotating shifts, is the "fifth platoon" or "five squad"—a group of officers in each district who are outside the four-platoon system. Deployment of these officers is the district captain's responsibility. Like drop-back, use of the fifth platoon varies among districts. A few captains use the fifth platoon creatively to add manpower at high crime times and in high crime areas. Largely, however, fifth platoon officers are placed on various types of directed patrol, or are given special assignments, such as the

burglary team, the tactical foot patrol,¹⁸ and the mounted patrol. The remainder of the officers are given special district functions, such as court liaison officer or statistics officer. As a whole, the fifth platoon is not used to compensate for rotating shift inefficiencies or to supplement patrol at peak crime hours.

As a result of the rotating shift system and the lack of effective compensatory devices, the Department does not have the flexibility to vary the number of officers on the street at different hours of the day or days of the week, despite the fact that the need for police services fluctuates greatly during these times. As the Commission on Accreditation for Law Enforcement Agencies observes:

The proportional distribution of patrol personnel is one of the primary means of improving the agency's efficiency and effectiveness. Proportional distribution . . . should recognize "temporal" concerns such as the hour of the day and the day of the week when incidents occur . . . As the workload for officers fluctuates according to shift, so should the number and size of patrol beats.¹⁹

Other police departments do not use an equal shift system. The Metropolitan Police Department of Washington, D.C., for example, uses volunteers to staff a permanent midnight shift that is smaller than its other two shifts, reflecting the reduced workload. Other departments have devised a sophisticated rotation system whereby shifts overlap at peak hours, providing increased manpower to handle the heavier activity.

Some police departments do not rotate officers on shifts but instead use a system of fixed shifts. This has the great advantage of allowing personnel to be concentrated when activity on the streets is the highest. The size of the midnight shift can be reduced to one more consistent with the low number of incidents occurring from midnight to morning and can be staffed with volunteers.

The current rotating shift system is not only inefficient, but it is also particularly hard on the officers. A recent study conducted for the Fraternal Order of Police revealed that the majority of patrol officers are dissatisfied with the current schedule. Over 62 percent felt that, if a rotating system is to be used, the direction of rotation should be clockwise and the frequency of rotation should be less than weekly. Over one-half of the officers felt that they get too little sleep as a result of the current system; 77 percent reported that they fell asleep on the job at least once per week when assigned to the last shift; 86 percent reported a moderate to great adjustment in their personal lives due to the present rotation; and 73 percent of the officers surveyed said they would be willing to go on a trial fixed work schedule for several months, the majority feeling that the primary goal of the new schedule should be better health.

Service calls

The misallocation of available patrol personnel only partially explains why the Patrol Bureau appears understaffed and over-worked. Another factor relates to the number and broad range of service calls. In Philadelphia patrol officers perform

more services than in most cities. They are directed to transport ill or injured persons to the hospital when medical care is needed (cases involving serious injuries are generally referred to the Fire Department's ambulance service). Directive 63 states: "Police personnel will consider the assignment of a hospital case an emergency unless advised otherwise by a medically competent person. Emergencies will be transported to the nearest hospital."²⁰ In 1985 patrol officers handled 218,413 hospital cases, more than any other type of call for service from a citizen, and more than six percent of the total patrol jobs for the entire year.²¹ In other cities this service is not the responsibility of the police department. Emergency medical care in Washington, D.C., for example, is the responsibility of the fire department.

Patrol officers and their sergeants seem to feel that the hospital service hinders their ability to do "real police work," and should not be a part of their duties. One internal Department task force urged the "elimination or drastic reduction in such services as hospital cases."²² We hesitate to endorse or reject this view without giving the matter further study.

Other services provided by patrol officers, however, seem inappropriate. For example, the Police Department is responsible for manning all school crossings in the city. Although the Department employs 852 civilian school crossing guards for this purpose, there are still 393 school crossings manned twice a day by police officers. In one district on days when school is in session, every single officer in the district is occupied at school crossings during the morning and afternoon hours. Ideally, the School Board should assume the responsibility for the school crossing guards.

The Task Force notes with approval that the Department is taking steps to eliminate some duties that can be performed by other agencies. Specifically, we cite the commissioner's decision of September 2, 1986, to remove about one-half of the officers assigned to city schools and reassign them to patrol duties. However, there continue to be other duties carried out by patrol officers that merit examination—money escorts, nightclub checks, liquor and gun-license investigations, for example.

A large percentage of calls for service do not require an officer to respond. Crimes that have occurred long before they are reported; lost or stolen automobiles or license plates; damage or vandalism to property; dog bites, among other matters, do not require immediate police response. Nevertheless, the Department dispatches a uniformed patrol officer to meet the complainant in all cases. This constitutes a large percentage of a patrol officer's tour and contributes considerably to his workload. Many police departments have experimented successfully with the use of a telephone reporting unit (TRU), which is designed to divert incidents such as these, take a report over the telephone, and save valuable patrol time. A component of the Washington Metropolitan Police Department's 1982 Improvement Plan was "increased utilization of alternative responses, such as telephone reporting, to those calls for service that do not require an on-scene patrol presence."²³ In 1983 Washington handled 54,686 incidents through its TRU.²⁴ Our breakdown of calls for service in Philadelphia indicates that 34 percent of all calls can be classified as non-emergency law enforcement incidents.²⁵ While the percentage of the calls that could

have been diverted through a TRU cannot be estimated, it is safe to say that a considerable amount of patrol time could be freed for the performance of services more useful and essential to the public.

Civilianization

To use personnel resources better it is important to implement "civilianization," the process whereby civilian employees replace sworn personnel in positions that do not require the special training and skills of commissioned employees or entail the performance of critical law enforcement functions. As the President's Commission on Law Enforcement and Administration of Justice observed nearly 20 years ago, two general kinds of tasks, the routine and the highly specialized, can and should be done by civilians:

Many tasks now performed by sworn officers do not require police skills. Police officers are now used in many departments as record clerks, school crossing guards, lab technicians, court bailiffs, receptionists, and mechanics. . . . Many tasks now performed by sworn officers should be assumed by civilian personnel within a department . . .

Civilians are needed for the performance of more than mechanical tasks, however. There are critical needs in police departments for skilled specialists in such fields as fiscal planning, personnel management, law, research and planning, and science and technology. Many departments now utilize sworn personnel for all staff and technical positions, even when such personnel do not possess the requisite skill for these positions. Police administration and operations will suffer as long as this continues to be the case. . . .

The recommendation that certain administrative and staff positions should be assigned to specialists does not mean that sworn personnel should be precluded from serving in these positions. It does mean, however, that sworn personnel should be selected for administrative, supervisory, and staff assignments, only if they possess the requisite skills.²⁶

Six years later, the National Advisory Commission on Criminal Justice Standards and Goals similarly observed:

Police, freed from routine tasks, can be more effectively used in line operations to combat crime. Many police are bored by routine tasks. When policemen are free to do more challenging work, their morale improves.

Civilians capable of performing routine tasks do not command the salaries of trained sworn policemen. It is less expensive to recruit, select and train a clerk than it is to hire another police officer.

Civilians frequently have specialized skills needed in police work. For instance, photographers, lab technicians, and chemists all are required for police work. Many of them do not want to be police officers. Yet their skills are needed.²⁷

The Philadelphia Police Department has lagged far behind other departments in hiring civilians.²⁸ As the following data demonstrate, Philadelphia ranks last among departments in the ten largest cities in the percentage of full-time employees represented by civilian employees.

Civilian employees in police departments of ten largest Cities²⁹

City	Total No. of Employees	Civilian Employees	Percentage of Civilian Employees
Phoenix	2,403	691	29%
San Diego	1,878	525	28%
Los Angeles	10,013	2,672	27%
Houston	5,959	1,358	23%
Dallas	2,708	591	22%
New York	29,707	5,779	19%
San Antonio	1,570	303	19%
Detroit	4,441	603	14%
Chicago	13,917	1,867	13%
Philadelphia	7,876	819	10%

Hundreds of positions in the Department currently held by sworn employees should be held by civilians.

Benefits of Civilianization Civilianization can improve the overall performance and productivity of the Police Department in several ways. The first is financial: ordinarily civilian employees cost less than sworn police officers. Second, civilianization enhances the status and image of the police officer. It allows sworn personnel to concentrate on those functions for which they were specially trained. As Professor Egon Bittner has observed:

To elevate peace keeping and crime control to the level of a professional vocation, indeed to create a favorable condition for this development, it would appear absolutely unavoidable that those who are assigned to such duties be freed of all tasks that are not connected with it, or only incidentally connected with it. . . . Certified or licensed policemen should not be required, nor are they likely to be willing, to do anything but policing.³⁰

Third, civilianization can lead to a decrease in police misbehavior. A police department staffed almost entirely with sworn officers has a tendency to become a closed society. When the doors of police stations are opened to outsiders, i.e., civilian employees, such abuses are more likely to be discouraged, detected, and eliminated.

Civilianization in Philadelphia The Office of the Controller recently issued a comprehensive study of civilianization. As of June 30, 1985, the City Controller

concluded there were 413 police officers in non-police positions. Replacing these officers with "less-costly civilians" would save \$2,629,569.³¹

In response to the Controller's recommendation, police officials stated they would "require funding for civilian employees in advance in order to begin to implement a civilianization program that would allow the reassignment of additional officers to patrol duty."³²

The Task Force is cognizant that civilianization must be implemented with caution. Sworn police officers are forbidden to strike by law, but the same prohibition is not applicable to civilian police employees. Steps must be taken to ensure that increased civilianization will not increase the risk of the disruption of essential police services. The potential for disruption was amply demonstrated by the strike by city workers in the summer of 1986, including civilian employees of the Police Department. Consequently, the city's contracts with the unions representing civilian police employees must contain a no-strike clause.

Civilian Specialists Police officers in Philadelphia have been considered capable of performing any function, however technical.³³ A police officer was thought competent to teach classes at the police academy one year, supervise the analysis of crime scene evidence the next, and run computer analyses of crime patterns the year after that. This notion of the Police Department as a self-sufficient enterprise, operated entirely by police officers, is outdated. Commissioned officers may be highly qualified to police, but they are not trained to perform many other necessary tasks. By filling jobs with generalists, the Department tacitly conveys the message that mediocre performance is satisfactory. As Professor Bittner states, officers "who can be ordered to do whatever comes up will not be expected to be good at anything in particular."³⁴

A trend in modern policing has been toward recruiting highly trained civilian specialists to aid the department in areas requiring technical expertise. Many recommendations made in this report cannot be implemented successfully without trained professionals.³⁵ The most important is education and training. Currently, the training academy is staffed almost entirely by sworn personnel. While we understand that the training of police officers requires instructors familiar with the nuances of police work, we nevertheless feel strongly that the assistance of specialists in training is essential. The appointment of a qualified civilian Director of Training to supervise all educational activity would be a welcome beginning. Second, law-related courses should be team-taught by lawyers or law professors and experienced police personnel.

Another area where augmented civilian support is needed is law. Currently the Department has the services of one legal advisor detailed from the City Solicitor's Office; he is assisted by a police officer with a law degree. This staffing is insufficient for a police department that is as large as Philadelphia's and that confronts difficult legal issues daily. The Legal Advisor's office needs to be expanded by several attorneys, and a sufficient number of clerks and aides to handle the office's heavy workload.

Finally, the Department needs to retain computer and other technical specialists to make the many technological advances urged in this report.

Overall Effectiveness of Police Deployment

When the Task Force reviewed police deployment from the perspective of "community" or "problem solving" policing, other weaknesses became apparent. Just as the "reform model" of policing is driven fundamentally by a desire to get officers in cars at times and places when they are most likely to be needed, the "community policing model" is driven by the desire to put police in sustained, face-to-face contacts with citizens and to decentralize operating responsibility so that captains, lieutenants, sergeants, and officers can respond effectively to problems of concern to the community. This implies basic changes in four different aspects of policing: reorientation of patrol concepts, police community partnerships, decentralization of command along geographic lines, and a reduction in specialized operational and functional units at headquarters.

Reorientation of patrol

In 1985 the Philadelphia police received over 3,140,000 total calls for service.³⁶ Of these, nearly 2,500,000 were "911" emergency calls. In 1985 there were over



1,900 calls for every 1,000 Philadelphia residents—an increase of 31 percent over 1981.

The Philadelphia communications system transmits all calls for service into a computer and then to the appropriate dispatcher. Law enforcement “jobs” requiring immediate aid to the caller accounted for only 5 percent of the recorded dispatches.³⁷

In many cities the 911 system with its promise of emergency response has become a tyrannical burden. The public expects that police will respond quickly to every call. When that does not happen, they complain to police, politicians, and the media.

The pressure of emergency response is so great that few officers are available to work with the community. Patrol personnel exhaust themselves speeding from one call to another and trying to understand the human situations to which they are subjected. Senior officers are aware that rapid response has been oversold, but they have not developed alternatives. Yet, all over America, police departments are experimenting with ways to reduce 911 pressures.

The reestablishment of foot patrols in many American cities is an obvious instance of this. Studies suggest that foot patrols generate positive effects:

- A concerned human presence is more adaptable to street happenings and may be able to prevent crime before it begins.
- Foot patrol creates good will in the neighborhood, and citizens provide more information to the police.
- Foot patrol raises officer morale. It humanizes policing. Research has indicated the community patrol officers in New York City like the assignments and prefer foot patrol over conventional radio motor patrol. They enjoy the challenge and the opportunity to stay with a problem long enough to find solutions. They like getting to know the residents and find comfort in the support they receive from the community.

Apart from foot patrol, some police departments are experimenting with directing officers to leave their patrol cars at regular intervals and patrol on foot, perhaps around the block or up and down both sides of one block. Other departments encourage police officers to take themselves out of “service” and simply stop and talk to people. Still others help officers prepare individualized plans for meeting local crime problems, even if that means not responding to calls.

Police-community partnerships

As discussed in Chapter 1, police-community partnerships require an understanding by the police that the public can contribute to effective policing. Enlightened police executives know that crime control does not occur without cooperation from the community.

If the police and the public are to become co-workers, the police must be outgoing in their response to citizens. The community has to become motivated to work with and alongside professional law enforcement agents. Community is, however, a complex notion. The community may be an area, a neighborhood or a block,

and each may have its own set of problems. The idea of community suggests that those residing within a particular geographical area have reasonably similar aspirations and expectations. To be successful, particular communities and their needs must be addressed. With community feedback and participation police can tailor their resources to local needs to the maximum degree. The affluent area will not experience the same problems as the low income area. Those living in affluent neighborhoods may care mostly about daytime burglars, who slip in through open doors or locked doors that are easily opened. Poorer neighborhoods may be especially concerned with the quality of street life.

Although poor neighborhoods may experience greater social disorganization or fragmented families than more affluent ones, even in poor neighborhoods substantial portions of the population are socially stable and share with those living in more affluent neighborhoods a strong preference for the safety of their persons and property. Poorer neighborhoods are, however, more susceptible to disintegration of the quality of street life. Families there are likely to complain that prostitutes are working the streets, children are at risk when at play, gangs are extorting money from children, or drugs are being sold in the street.

Street drug sales are, of course, an increasingly menacing problem in urban areas throughout the United States. The cooperation of citizens within the areas in which drugs are sold is necessary for enforcement against street drug dealers. Without information provided by citizens as to who is selling drugs on the street, police are severely handicapped in enforcing the law.

The more distant and aloof police are from communities, the more likely they are to fear the community. The experience of police-citizen cooperation could reduce fear of the police, especially as the police develop cordial relations with at least selected members of those communities. When police develop such positive relations, their estimates of crime and threat of crime within the community will be formed by a sense of reality rather than a tendency to stereotype.

In some "neighborhoods" and "communities," people may avoid developing closer relations with their neighbors. Indeed, their neighbors may be the very people they fear; but in Philadelphia, as elsewhere, more potential for community input exists than is initially obvious. Once police are viewed as representatives of stability and trustworthiness, the police may be able to facilitate a sense of community among neighbors where one did not previously exist or was only faintly imprinted.

Decentralization of command

We cannot envision a strategy of community crime prevention without decentralization of command. A centralized bureaucracy can neither invigorate local communities nor be responsive to their needs. Decentralization can take many forms.

Perhaps the most highly developed is found in Santa Ana, California. The city is divided into four communities with 150-250 block captains, each of whom may be responsible for 30 or 40 neighbors. Roughly one out of eight Santa Ana residents has signed up to receive information and attend meetings sponsored by the police

department. Block captains are actively involved in a liaison capacity, communicating with the police department. The department produces pamphlets, notices, and other forms of information for its residents and organizes meetings and community activities. The result is extraordinary. The police department has not only responded to the community; it has created a community where formerly none existed. Neighbors who were formerly strangers now know each other.

Like most California police departments emphasizing professionalism, high-pay, and education, corruption is not a serious problem in Santa Ana. As with many Eastern police departments, Philadelphia has had a traditional, century-old problem with corruption. A strategy of decentralization cannot be permitted to serve as an opportunity for illicit connections with citizens, nor does it imply an absence of control by centralized management over the most fundamental responsibilities of police. Corruption need not accompany decentralization, but this possibility must be kept in mind. On the hopeful side, decentralization has occurred in police departments that have had corruption scandals at one time or another in their history.

Newark, New Jersey, for example, is a city with a long history of corruption. Every imaginable form of urban chicanery has been found there. Votes have been falsified; commissioners have accepted bribes; the city has purchased land at a price much higher than its assessed value; suppliers of goods and services have been extorted; city employees have demanded kickbacks. An almost continual series of investigations of Newark public officials has followed. Nevertheless, the police department has recently been able to reform itself and even become recognized as a national leader in instigating experimentation and research. A recent management study of the police department generally praised the department's innovative management in the face of an "unrelenting reduction in resources."³⁸

One of the most interesting experiments instituted by the police department was a "storefront" community police center, serving about a 12- or 13-block area, marked by small retail stores, dilapidated residences and sectarian churches. Residents are nearly all black. As a result, several small businesses have opened and prospered within the purview of the police storefront center.

Detroit, Michigan, has had an even more ambitious decentralization program, according to research conducted by Jerome H. Skolnick and David H. Bayley.³⁹ It has established 52 mini-stations devoted exclusively to community mobilization. The mini-stations are staffed with crime prevention officers who work standard eight-hour days. They frequently reschedule their hours to attend evening or late afternoon meetings, when people arrive home from work. The field officers in the stations go door-to-door, and offer to make security inspections and enroll people in various crime-watch programs.

A mini-station is—at a minimum—one room with a reception table, a desk for the assigned officer, a telephone, a supply cabinet, coffeemaking equipment and a toilet. Station officers have considerable autonomy and have the opportunity to be imaginative and take initiative. Their principal challenge is to fit crime prevention to the needs of the local community.

Because community meetings are the lifeblood of crime prevention, officers

make sure all levels of the police force are involved. Meetings are held in basements, living rooms, apartment houses, recreation rooms, patios, business offices and backyards. The Detroit Police Department recognizes that effective community self-defense involves a demonstration of genuine reciprocity between the police and the public, even if that means exposing the police to seemingly endless meetings and unwelcome criticism.

The Houston Police Department has many of these elements together in an innovation called DART (Directed Area Responsibility Team). Essentially, DART is team-policing, based on decentralized management, plus community involvement. DART provides police services for a district of 67,000 people through a team of approximately 110 patrol officers, 10 detectives, 2 community relations officers, and 10 crime analysis specialists. The team includes eight supervisors. The evening shift, from mid-afternoon until just before midnight, has almost twice as many patrol officers as the day shift. Community service officers work generally in the daytime, as do crime analysts. Detectives work all shifts, although fewer are on duty late at night.

The captain in charge has considerable autonomy to use personnel as he sees fit. Only a few functions remain with central units, such as the investigation of homicide, forgery, and organized crime. Moreover, the districts operate as integrated teams, involving all specialties of the department. Patrol officers on each shift and beat formulate plans fitting the needs of their area. These plans are drawn up under the supervision of sergeants and are based on information provided both by the crime analysis unit and their own experience. Officers focus on their own beats and are required to stay strictly within them—a practice termed “beat integrity.”

DART is an explicit attempt to make reactive patrolling more flexible and creative. DART patrol officers are allowed to take themselves out of service, which means they are at times unavailable for radio calls to investigate suspicious circumstances, stake out likely criminal locations, and follow up leads on past crimes. They are also encouraged to investigate crimes themselves, using the team’s detectives as advisors, who keep in touch with cases throughout their processing.

To be successful, this kind of teamwork among patrol officers and specialists demands a radical change in traditional management. Some decisions are made from the bottom up rather than the top down. The supervisor’s job is not to produce conformity with a preordained plan, but to help develop a plan using the insights of many people working on the street. This is called “participatory management,” and it is uncommon in police circles.

In New York, for example, the police department in conjunction with the Vera Institute of Justice designed a Community Patrol Officer Program in 1983-84 that combines in a single officer “the law enforcement duty to arrest, the deterrence functions of the old-style foot cop, the outreach and community organization responsibilities of community relations officers, and the crime analysis and strategic activities of police planners.” By 1986, 367 trained officers were working in 37 of the city’s 72 precincts with further expansion contemplated. The community patrol officers have proved unusually effective. They made more arrests per officer in 1985

than any other unit in the Department, while still meeting with tens of thousands of citizens who live and work on their beats. They attended community meetings (2,834 in 1985), organized block associations (47), recruited civilian block watchers (1,333), and sought to identify and eliminate the conditions that were breeding fear and crime in the neighborhoods. Despite their almost daily contact with all elements of the community, these officers have been less likely than regular patrol officers to have complaints filed against them. The arrests they made resulted not from random patrol, but community involvement; many were the consequence of tips from local residents who had learned to "trust their cop." The New York experiment is just one of many occurring around the country in innovative police departments.

Thinning out headquarters

A fourth essential element of "community" or "problem-solving" policing is thinning out "top heavy" or "staff heavy" police bureaucracies. Proliferation of specialized units is common in police organizations. Whenever the public or a department discovers a functional problem in operations (such as corruption, insufficient minority recruitment, or inadequate field training), departments tend to respond by creating a special staff unit to assume operational responsibilities for the neglected function, or to design a new program that the operational units of the department must meet. Since the new office must be led by someone of stature, a high-ranking post is created out of the main lines of command.

A similar dynamic occurs when an operational or programmatic problem appears (such as an increase in street-level drug dealing, or an outbreak of armed robberies and homicides). Once again, the temptation is to create a "special unit" to deal with the problem. A new person is appointed and brought before the press. A team of officers is assembled. Great accomplishments are promised.

The immediate effects of such moves are often salutary. The public and the press are satisfied that "something is being done" and subside into quiescence. The newly formed unit, with high morale, often does make important contributions. Officers in the unit invent new methods of dealing with problems they have been asked to address. They serve as a rallying point for those most concerned about the problem with the department. They sometimes provide a useful managerial challenge in developing future leaders of the department.

Over the long run, however, these initiatives probably weaken the department. The reasons are essentially three. First, the specialized unit tends to reduce the accountability of line managers for the function or program the unit is asked to address. (This is not always true. If the specialized unit operates only in a staff capacity, overseeing the performance of the operational units, if it is effective in reviewing operations across the department, and if it never lets itself be made operationally responsible for producing the results, the operational unit's accountability will increase.) Typically, however, specialized units are drawn into approving operational plans, rather than actual performance, or into assuming operational responsibilities for producing the desired results, rather than leaving this in the hands of line commanders. And when line commanders are able to shift responsibil-

ity for a function or program to a central unit, overall performance is likely to suffer, since the central unit has less information and influence than the line units.

Second, special headquarters units often draw off the most talented, experienced, and motivated personnel in the organization. This is not undesirable, if their talent and knowledge is leveraged by their providing technical assistance and performance measurements for the rest of the organization. If they assume operational responsibility—and particularly, exclusive operational responsibility—then the organization as a whole will lose the benefit of their knowledge. They will become isolated, once the pressures that spawned them slacken. Also, those who work with the unit are unavailable for general duties and the organization loses key personnel and becomes less flexible and adaptable in responding to new problems.

Third, once special headquarters units are created, the police commissioner has more responsibility for integrating different functions and programs. In effect, in a functional or programmatically organized department the police commissioner is the only general manager. He must do all the work of blending the organization's diverse capabilities into a coherent whole to respond to the community. In a geographically organized department there are many more "general managers," who can help the commissioner with his task. Since headquarters units are typically special functions or programs, the long-range impact of these programs is to reduce the influence of the police commissioner, even though they appear to increase his control over any given program or function.

These observations are not arguments against all special functions or programs. There are many advantages or economies of scale to justify a special unit, such as developing specialized expertise or carrying out a sustained set of investments in the organization's administration or operational capabilities. But the more frequently one uses this management approach, the more one saps the initiative, the resources, and the accountability of line commanders, who ought to be the principal managers of the department. The effects are particularly serious if a department tries to do community policing, for this strategy depends crucially on encouraging initiative at lower levels, making substantial resources available to local commanders, and encouraging accountability for performance, rather than simply complying with pre-announced policies and procedures. To encourage initiatives, to provide resources, and to make managers feel accountable for the full range of police functions in pursuing a strategy of community policing, it is therefore important to thin out headquarters units. In the words of Sir Kenneth Newman, the head of Scotland Yard, a police commissioner must "de-squad the force, so that the force can do its job."

Assessing the Philadelphia Police Department in "community policing" terms

When the Task Force views the Philadelphia Police Department in terms of these requirements for "community policing," several conclusions can be drawn.

First, the Philadelphia Police Department still seems to be in the grip of a perceived obligation to respond to calls for service. This focus became paramount in

the budget cutbacks of the 1970s when foot patrol was sacrificed to the objective of filling cars. Rapid response remains an important implicit objective of the Department, and it appears that any effort to use patrol officers to do "community policing" was sacrificed. Patrol officers were assigned to do special tactical patrols, investigate accidents, and man the shooting range. They were protected from the demands of 911; so were detectives and high ranking officers in headquarters. Thus, it seems that the Department's commitment to 911 responses is just strong enough to eliminate "community policing" but not strong enough to draw officers back to the streets from other assignments or more comfortable billets. One wonders how much community policing the Police Department could do, if it drew on these resources, as well as on admittedly stretched resources in regular patrol units.

One also notices that the Philadelphia Police Department is making little investment in managing calls for service. None of the devices for distinguishing urgent calls from less urgent ones and setting realistic citizen expectations about police responses are now being used. Nor is the Philadelphia Police Department routinely generating meaningful statistics about response times to different classes of events in different neighborhoods in an effort to be accountable. The numbers are made known only to make the case for more resources, not to show how improved management has resulted in faster, more equitable service.

Second, the Philadelphia Police Department generally seems ill-equipped to form effective working partnerships with the city's neighborhoods. In a few areas neighborhood ties are strong and effectively used. In most, however, and particularly in the most disadvantaged, the partnerships are quite weak. This may be due in part to police arrogance for the communities they police; the police view themselves as experts who are accountable only to the standards of their own profession. But the problem may also result from the failure to recruit police officers from all neighborhoods of the city and the lack of consultative mechanisms at the neighborhood level. In any case, the capacity to form partnerships is generally weak and unevenly distributed.

Third, the Department is now handcuffed by a tradition of excessively centralized management. In the past too many decisions were brought to the commissioner's office. We note with approval that the current commissioner has tried to reverse this process—not only in the interest of faster, more accurate decisions, but also as a way of developing and using the talent of existing police managers. It is extremely hard to take people who have grown up in a system where their principal responsibility was to protect themselves by asking for approval from their boss, and turn them into people who are prepared to take responsibility for innovating to meet the community's needs, who are willing to be judged by performance, and who look to the community for guidance. In short, we think the Department is not now obtaining enough effective leadership from its middle-managers, as a consequence of living under a tradition of centralized management.

Fourth, we believe that the Department now suffers from an excess of specialized headquarters units that contribute to the problem of demoralized middle-management. We note with particular concern the special staffs set up to deal with

community relations, corruption, special tactical patrols, and narcotics and investigations. We wonder why these functions should not be the responsibility of line commanders. We especially wonder whether it is wise to retain a separate Detective Bureau, rather than distributing detectives to decentralized, combined commands throughout the city.

Recommendations Regarding Managing Police Deployment

To assure that the Philadelphia Police Department's new strategy of community policing is successfully implemented, the Task Force recommends:

1. The geographic designations of police divisions and districts should be re-designed to increase the amount of policing the Department provides, to distribute the police fairly across the city according to needs, and to reflect natural community boundaries.

2. More flexible work hours should be allowed so that the police can be available when they are needed, and the stress of rotating shift work can be reduced.

3. A refined analysis of 911 calls for service should be made to establish different priorities and ensure that:

A. Officers are available for serious crimes in progress.

B. Time for community policing is protected.

C. Calls that relate to crime fighting and building relationships with neighborhoods are distinguished from each other.

4. The number of civilian employees, particularly those specializing in training, law and technology, should be increased, and contracts with unions representing them should include a no-strike commitment.

5. More use should be made of foot patrol and team policing.

6. Patrol officers, sergeants, lieutenants, and captains should forge closer partnerships with Philadelphia's communities.

7. Decision-making responsibilities should be decentralized to use the talents of the Department more effectively.

8. The police commissioner should review the existing organizational structure and significantly reduce the number of specialized units and the size of staffs assigned to them, thereby providing resources for community policing.

MANAGING POLICE DEPLOYMENT—Footnotes

- ¹ The President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: GPO, 1967), 51-52.
- ² National Advisory Commission on Criminal Justice Standards and Goals, *Report on Police* (Washington, D.C.: GPO, 1973), 199.
- ³ *Ibid.*, 201.
- ⁴ United States Department of Justice, Federal Bureau of Investigation, *Crime in the United States—1985* (Washington DC: GPO, 1985), passim; Police Executive Research Forum and the Police Foundation, *Survey of Police Operational and Administrative Practices—1981*. (Washington, DC: 1981), 551-555.
- ⁵ "Manpower Report" (Philadelphia Police Department manpower report for April 30, 1986).
- ⁶ "Special Report: Offenses, Arrests, Police Services and Selected Census Data by Police District and Division, 1981-1985 (Technical Information Paper 82-1, Philadelphia Criminal Justice Coordinating Commission, March 12, 1986), Table 3(a).
- ⁷ *Ibid.*
- ⁸ "Manpower Report," *Supra* Note 5.
- ⁹ "Special Report," *Supra* Note 6, Table 3(a).
- ¹⁰ *Survey of Police Practices*, *Supra* Note 4, 551-555.
- ¹¹ This information is based on data collected from Police Department records by the Personnel Unit of the Philadelphia Police Department.
- ¹² Calls for service as reported in "Special Report," *Supra* Note 6, Table 8b. Manpower figures were obtained from the Commanding Officer of the specific districts cited, and include employees of patrol rank only.
- ¹³ Crime rates as reported in "Special Report: *Supra* Note 6, Table 4b. Manpower as reported by the district commanders for the period ending December 31, 1985.
- ¹⁴ Information in a memorandum from Captain M. Gelovich, Research and Planning Unit, Philadelphia Police Department.
- ¹⁵ Philadelphia Police Department, PPD 2121, Vehicle Strength Report, 8/23/86, 2333 hours.
- ¹⁶ Sector workload information provided by Philadelphia Police Department, Research and Planning Unit.
- ¹⁷ Memorandum from Commanding Officer, 26th Police District, Philadelphia Police Department, dated July 16, 1986.
- ¹⁸ The tactical foot patrol consists of uniformed officers assigned to patrol in marked police vehicles. The difference between these officers and regular patrol officers is that they do not usually handle radio assignments.
- ¹⁹ Commission on Accreditation for Law Enforcement Agencies, Inc., *Standards for Law Enforcement Officers* (Fairfax, VA; 1985), 16-3.
- ²⁰ Directive 63, "Hospital Cases," Philadelphia Police Department, dated September 28, 1979, 1.
- ²¹ "Dispatches by Nature Code," PPD 9541, Philadelphia Police Department, dated December 31, 1985.
- ²² Chief Inspector R. Wolfinger, et al., "Combined Crime Prevention Committee Report," an unpublished report, 2.
- ²³ Metropolitan Police Department, Washington, D.C., "1982 Improvement Plan" (Washington, D.C.: 1982), 10.
- ²⁴ Metropolitan Police Department, Washington, D.C., "Annual Report—Fiscal Year 1983," 41.
- ²⁵ "Dispatches by Nature Code," PPD 9541, Philadelphia Police Department, dated December 31, 1985.
- ²⁶ *Supra* Note 1, Task Force Report: The Police at 124-125.
- ²⁷ *Report on Police*, *Supra* Note 2, 255-256.
- ²⁸ See e.g., ABA Standards for Criminal Justice, Vol. 1, 2nd ed. (Boston: Little, Brown and Company, 1980), 202-209 and footnotes 29 and 30. The comments made by the American Bar Association Standing Committee on Association Standards for Criminal Justice concerning civilianization were in the context of a discussion of the "semimilitary, monolithic form of organization of the police agency."
- ²⁹ Sources: ICMA, *The Municipal Yearbook 1986*, 137; 1987 Fiscal Operating Budget for Philadelphia; and telephone interview of an employee of the Personnel Department of the Houston Police Department.
- ³⁰ Egon Bittner, *The Functions of the Police in Modern Society* (Cambridge: Oelgeschlager, Gunn & Hain, 1980), 75.
- ³¹ June 12, 1986, Letter to Police Commissioner Kevin M. Tucker from the First Deputy City Controller John G. Smithyman and City Controller Joseph C. Vignola 2. Among the 413 non-police positions identified by the City Controller were 73 positions in the radio unit, 56 in the garage, 28 in the Reports unit, and 26 in the Criminal Records unit.

The 1985 fiscal year audit report noted that the Police Department had conducted its own civilianization study in 1985, which concluded that 211 uniform employees could be replaced with civilian employees at a potential savings of \$1,900,000. *Ibid.*, 3.

³² *Ibid.*, 3.

³³ Egon Bittner referred to this phenomenon as "undifferentiated employment status" and described it as follows:

The mandate of policing is assigned to police organizations as corporate entities and not to particular staff members. Specific duties of individual officers are, therefore, wholly derivative and determined by internal schemes of division of labor. While this kind of work organization is characteristic of all corporate structures, the police differ from others in one important aspect. Because all personnel enter their respective police departments with identical qualifications . . . the work distribution is largely arbitrary. That is, all members of police departments are eligible for all assignments at the outset of their careers and most remain in this status throughout their careers. . . .

Because the preponderant majority of policemen are in undifferentiated employment status in terms of their official job classification and in terms of informal realities, and because there exists no open employment market for their occupational skill and experience, departments find it easy to order officers to do anything at all that according to the lights of the command needs to be done or will help to keep the system going.

The Functions of the Police in Modern Society, *Supra* Note 30, 72-73.

³⁴ *Ibid.*, 74.

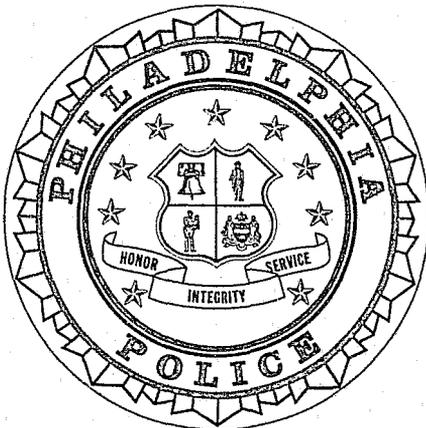
³⁵ "To free licensed policemen to do police work the departments must cease to be miniature military establishments, in which the soldiers can be expected to do whatever needs doing, and they have to begin to be like every other corporate enterprise. They will have to develop, just as schools, hospitals, airlines, the post office, etc., had to develop, a large variety of supportive services of a managerial, technical, clerical, skilled, and unskilled nature." *Ibid.*, 75.

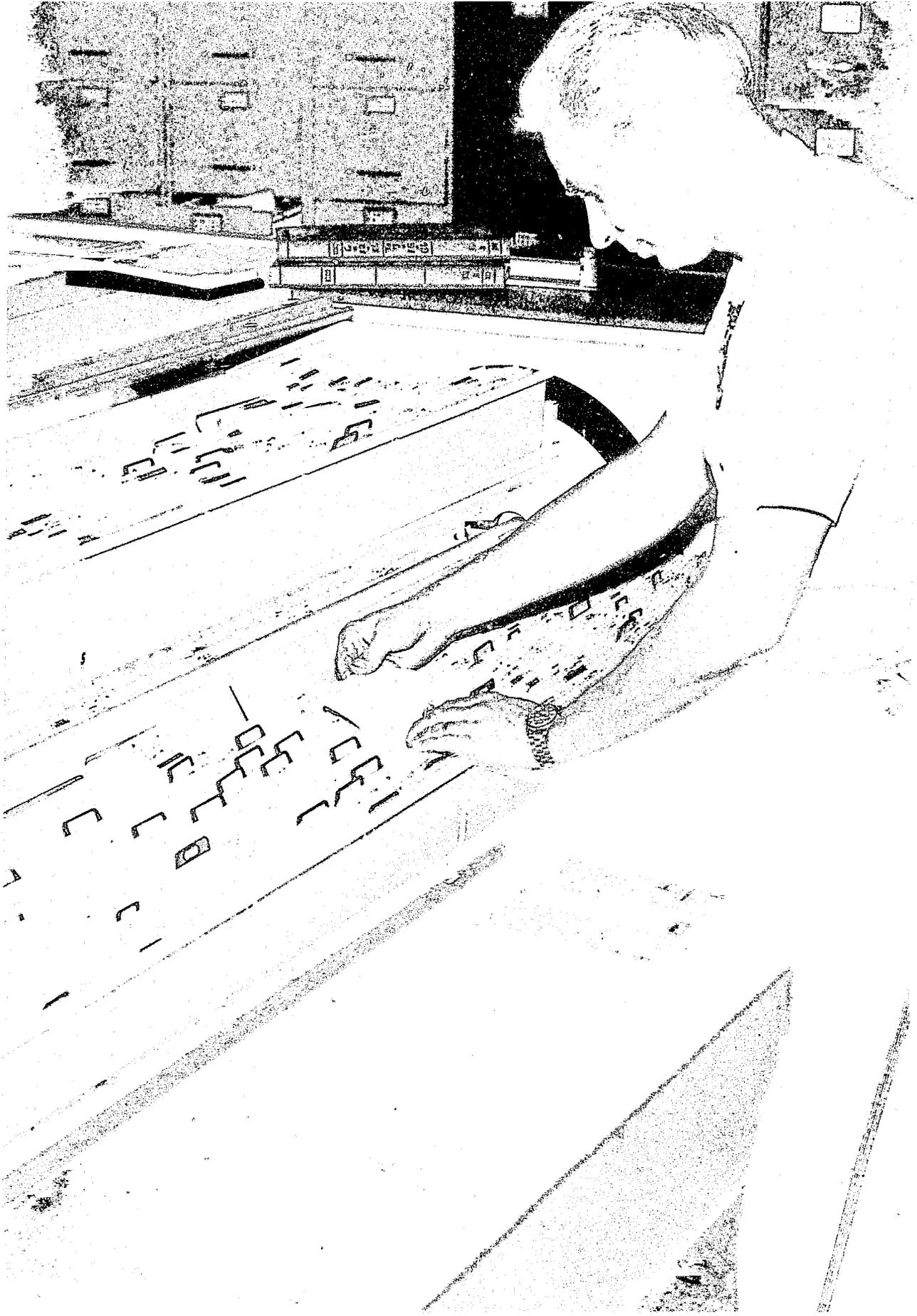
³⁶ This information is based on data collected from Police Department records by the Philadelphia Police Department Statistical Unit.

³⁷ The categories include: airport emergencies, assist [an] officer, burglary, rape, or robbery in progress, sound of gunshots, person with a knife, or gun, person in the river, prowlers, pursuit, burglar alarms, [man] breaking in, and woman screaming.

³⁸ Touche Ross & Co., "Newark Police Department Operations Review," a report sponsored by the Greater Newark Chamber of Commerce, July 15, 1984.

³⁹ Jerome H. Skolnick and David H. Bayley, *The New Blue Line: Police Innovation In Six American Cities* (New York: The Free Press, 1986).

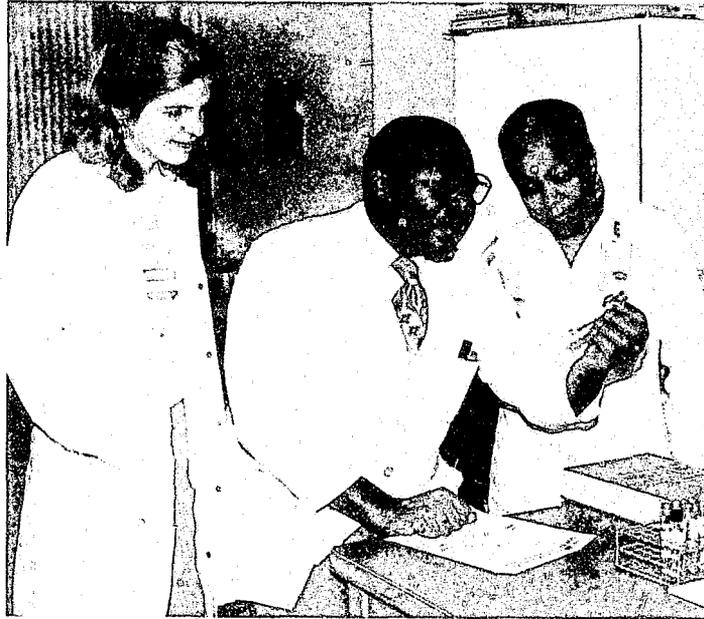




Chapter 3

Organizational Resources: Strengths and Weaknesses

If the Philadelphia Police Department is to fashion an effective partnership with Philadelphia's diverse communities and field a vigorous, resourceful and disciplined force, devoted to improving the quality of community life, it must have resources adequate to the tasks. By resources, we mean money, managerial talent, quality personnel, and appropriate equipment and facilities. The Study Task Force reviewed the adequacy of these resources within the Philadelphia Police Department. Our conclusions about strengths and weaknesses, along with recommendations to eliminate weaknesses, are presented below.



FINANCIAL RESOURCES

A crucial first question is whether the Philadelphia Police Department has "enough" money to do its job. Given the complexity of the job and the fact that it can be performed at many different levels of competence, this question cannot be answered with any precision. To help make this difficult judgment, the Task Force asked the Pennsylvania Economy League (PEL) to review expenditures on police services in Philadelphia, compared with those in other large cities, and to advise on whether available funding appears sufficient. Their report and supporting data concluded that, "The city commits more money and employs more officers to safeguard its streets than virtually any other large city in the United States."¹

In support of that statement, PEL's data indicate that per capita expenditures on police services in Philadelphia were \$139.00 in 1983, compared with an average of \$93.00 in the 57 largest American cities. Police expenditures per square mile were \$1.8 million in Philadelphia—three times the average of the 57 largest cities. By this indicator Philadelphia ranked third in 1983 behind only Washington and New York. Among the eight major northeastern cities, Philadelphia ranks third in the percent-

age of its budget devoted to police. In short, by any standard "Philadelphia spends generously for police services."

Philadelphia's percentage of the Police Department budget devoted to non-personnel services, however, is the smallest of the six largest United States cities. It amounts to only four percent of the total police budget. These data and findings suggest several conclusions:

First, the city is currently spending enough money to provide effective police services to its citizens. More officers are not the answer to the demand for more police services.

Second, the Department has drifted into an inefficient allocation of resources. It has attempted to solve each new problem as it came along by adding a new organizational unit and by yielding to the constant pressure to increase pay and career opportunities for its officers. The fact that the organization spends so little on nonpersonnel items indicates that it has been dominated by pressures from its personnel system. As indicated above, changes in the deployment of existing personnel should bring immediate, significant benefits.

Third, it is obvious that the Police Department is spending too much overall on personnel and not enough on the equipment that would allow them to perform more effectively. As we will observe below, the equipment and facilities of the Police Department are not sufficient to support the complicated enterprise of policing Philadelphia.

We conclude that the financial resources are adequate and that the police budget has been directed too heavily to support a large force and too little to managing it wisely and providing it with modern equipment. This conclusion brings into sharp focus the question of the Department's managerial capacities, for it will be up to the leadership to find ways of liquidating existing expensive obligations and shifting people and money to more profitable uses.

Recommendation Regarding Financial Resources

The budget for the Philadelphia Police Department should be modified to increase significantly the proportion allocated to facilities and equipment.

MANAGERIAL TALENT

An important influence on the performance of any organization is the quality of its management. In assessing the managerial talent of an organization considerable attention naturally focuses on the quality of the person at the top of the organization. In this regard, the Task Force thinks Philadelphia is fortunate to have Kevin Tucker as its commissioner. We admire the energy, openness, and skill he has displayed in leading the Department over the last year.

Without wanting to lessen the importance of his contribution, we nonetheless wish to focus our discussion of management elsewhere—namely at the executive and middle management levels of the organization. Considerable evidence indicates that while the leader of the organization is important to an organization's perfor-

mance because he determines the overall style of the organization, the most significant factor shaping organizational performance is density of managerial competence throughout the organization. The greater the proportion of talented managers in an organization's hierarchy, the better the performance of the organization. This is particularly true if the organization is trying to change. It is also true if the organization is decentralized. Since we are recommending a significant change to a more decentralized organizational form, the demands for high quality mid-level managers will be especially great.

This fact is of concern to the Task Force, since managerial capacity currently seems to be weak in the Philadelphia Police Department. This is not due to inherent weaknesses in the managers themselves. We met with many of the Department's current managers and judged them as individuals to be comparable to managers in other private and public sector organizations. Instead, we believe that the problems lie in the traditional managerial style, organizational structures, and executive development processes of the Department. These all need significant changes, if the managerial talent of the organization is to be developed, released, and effectively used.

The traditional management style of the Philadelphia Police Department has two weaknesses. First, it is excessively centralized and autocratic. This style has the virtues of using the talents of the commissioner and making the organization an exact expression of his values and capabilities. It has the disadvantage of reflecting whatever limitations the commissioner has, and it wastes the talents of other managers in that there is little incentive or opportunity for them to make a contribution. In this concept, there is only one manager—the commissioner. Everyone else is either an imitator, an implementor, or a follower.

Second, the dominant concept of management is that of supervision, rather than innovation or leadership. The executives of the Philadelphia Police Department do not have a clear idea of what it means to be a manager. For the most part, when they think of managing, they think in terms of supervising their subordinates. They are responsible for seeing that their subordinates devote the proper time to their work. They give them the benefit of their previous experience in the field and their knowledge of the organization's policies and procedures. When their subordinates make a mistake, they have to discipline them. Otherwise, their responsibility is to back their employees. Anything less would be disloyal. This idea of management derives from their early experiences as supervisors. As they rise to higher levels in the Department, their concept of management remains the same.

Our idea of management is different than mere supervision. Supervision is only a part of the manager's job. Higher level managers in the Department must add two additional functions. First, they must be capable of invention: they must be able to adapt procedures to deal with unique circumstances, and they must invent new ideas to deal with new problems. Second, they must think in terms of developing the talents of the people who work for them as well as simply deploying them and overseeing their activities.

Note that both these activities involve personal risks for the managers, and the risks are taken on behalf of the organization rather than themselves. Any innovation

carries the risk of failure as well as success. If it succeeds, the organization as a whole benefits rather than the individual manager. Similarly, the way a manager develops people is by giving them challenges they have not yet shown they can meet. That, too, involves a risk. If it succeeds, the organization has a new, better manager to use somewhere else. The manager who developed the person will not necessarily gain personally.

In the traditional, autocratic style of the Police Department, the opportunities for supervisors to become managers were quite limited. If they became managers, they no longer fit in the organization. As a result, the ability of the Police Department to produce and use managers withered.

These problems are exacerbated by the organizational structure of the Police Department. Essentially, the Department is organized along functional lines: administration, personnel, patrol, detectives, internal affairs. Separating the functions means that mid-level managers have little responsibility for integrating the different functions. A patrol captain can act as though the financial cost of his operation is the responsibility of the administrative section, the training of his men is the responsibility of personnel, crime solving is the problem of the detectives, and guaranteeing integrity is the responsibility of internal affairs. His only responsibility is to make sure officers show up for work, and to deploy a small, discretionary patrol on special assignments. This experience does not train a person to become a manager. It provides no opportunity for that person to feel responsible for the whole of the organization's activities, no chance to innovate, and little opportunity to develop subordinates by giving them challenging jobs. Thus, the structure defines the jobs through which people must pass to become high-level managers, but it does not challenge or train people to become general managers. The only general management position in the Department is the commissioner.

These difficulties are further compounded by the failure to recognize the special status and skills of executives and managers in the personnel system of the organization. As we will observe below, the salary differences between managers and subordinates are currently quite narrow. Special skills are not required for the tasks that managers do. Until recently, no special training was provided to people moving from supervisory to managerial positions. Consequently the formal personnel system does not reflect an interest in executive development in the Department.

An even more dramatic illustration of the failure to recognize the special status of managers can be seen in the relationship of command officials to the Fraternal Order of Police. Presently, police of all ranks, from senior commanders to the greenest rookies, belong to this organization. This arrangement is not conducive to effective management. It is hard to supervise, to investigate complaints, to make assignments, to evaluate performance, to run operations fairly and efficiently, if fear of repercussion exists. When command officials are dependent on the rank and file to advance their interests through a host of ways, including collective bargaining, their independence is undermined. When union leaders feel free to call commanders to ask a "favor," and these same leaders are responsible for representing the interests of the commanders, a serious potential conflict of interest exists. Officials

may be tempted to please union leaders, rather than act responsibly according to the rules and sound judgment.

Some authorities believe that as long as all sworn personnel are represented by the same bargaining unit, a climate for improvement cannot exist. All agree that it is undesirable to have management and labor commingled. Regretfully, many of the officials we interviewed felt otherwise. They indicated that they experienced no problems in being represented by an organization consisting primarily of patrol and retired officers. These attitudes highlight how far the Department must go toward reinstating its leadership responsibilities.

To his credit, Commissioner Tucker is working hard to change the management culture of the Department. He has delegated authority more widely than the organization has (so far) been prepared to accept. He has invested more heavily in specialized training for his managers. In trying to change the management style of the organization, he has been hampered by traditions, and by a sense that being an effective police executive was nothing more than being a good police supervisor.

A particularly frustrating problem, however, has been civil service rules that prevent the commissioner from either establishing the standards he wants to set, or choosing the people he wishes to appoint as executives and managers. An unhappy consequence of existing civil service rules is that the commissioner must, as a practical matter, accept a management team irrespective of its competence, integrity, or loyalty. Apart from the appointment of two deputy commissioners, the commissioner has no other discretionary appointments. The selection of the remainder of his management team is determined by civil service regulations. These regulations emphasize seniority and the ability to pass tests rather than a record of managerial accomplishments.

This system of authority for limited appointments rightfully confines a commissioner whose appointments would be dominated by favoritism and political influence—and these are important considerations given past history—but it also restrains the forward motion of a progressive commissioner, who has broad support throughout the community and the city administration to implement new goals and strategies. Two changes in the rules are clearly required.

First, applicants for executive jobs must be judged on their demonstrated accomplishments as managers. This would involve innovative projects undertaken and completed, key people developed, or special instances in which a candidate integrated diverse functions successfully. Perhaps, there should also be special recognition for formal management training.

Second, we believe the appointment authority of the commissioner must be broadened. This follows the pattern in other large cities and has roots in recent studies by the Committee of Seventy and the MOVE Commission, which recommended that the police commissioner "should be permitted to appoint six to ten ranking officers without reference to Civil Service or residency requirements." Our recommendation is more extensive and conventional and follows typical police personnel practices elsewhere. We think exemption should extend to the ranks of chief inspector and inspector. Enlarging the appointment authority of the commis-

sioner would allow the process of decentralization, which we have recommended, to occur at an accelerated pace.

Recommendations Regarding Managerial Talent

Thus, to enhance the managerial capability of the Police Department and allow important changes in strategy of policing Philadelphia, the Study Task Force recommends:

1. The commissioner should devise strategies to transform his managers from their historic narrow role to one in which they will acquire expertise and experience in decision-making and utilizing available resources efficiently. The commissioner must provide his managers with opportunities for training and growth so that they can learn to think of themselves as managers and perform as such.
2. The ranks of chief inspector and inspector (as well as deputy commissioner) should be exempt from the requirements of the civil service system. The commissioner should appoint these high ranking positions so that he can select a management team sympathetic to the Department's mission and the commissioner's objectives and hold the team accountable.
3. As part of an overall strategy to have management personnel assume their proper role, to build their pride, dedication, and morale, to create and nourish management attitudes, management should be precluded from being in the same bargaining unit as the rank and file.

DEVELOPING HUMAN RESOURCES

In the end, the quality of policing in Philadelphia depends on the quality of the police officers who meet the public. If they are skilled, resourceful, disciplined, and responsive, the quality of policing will be high. If they are clumsy, limited, self-indulgent, and indifferent, nothing can help improve the quality of policing. Thus, everything within the Police Department must be designed to challenge and support the officers on the street to do the best possible job for the citizens of Philadelphia.

The mechanics of the personnel system that recruits, selects, trains, evaluates, promotes and disciplines officers are complicated and detailed. We have reviewed these mechanics carefully in search of specific changes that had the potential to improve the overall quality of policing. Before describing the details of that system, however, it is useful to present basic principles that guided our evaluation of the personnel system. We believe they could also be useful in guiding managers of the Police Department, as they decide issues of labor relations and human resource management.

A Philosophy of Human Resource Management

We believe that labor relations and personnel policies in the Police Department can be guided by six basic principles. These, along with explanations and justifications, are set out below:

Principle 1: The quality of policing depends ultimately on the quality of the police officers.

This principle establishes the fundamental importance of the quality of individual officers in the Department to the mission of the organization. No amount of clever management or equipment can substitute for the absence of quality in officers themselves. Their work is too complex and discretionary to reduce it to mechanical rules. They must act too quickly and improvisationally to be constantly and closely supervised. Consequently, the quality of policing is determined by what officers want and know how to do.

This principle does not mean that officers can do whatever they want. Nor does it mean that the Department must accept the officers as they are. Instead, it means that the management of the Department must develop the talent of officers, train them to do a good job, coach them when possible, and test them occasionally to see if they are adequately prepared. It must also review their actions to see what can be learned from both success and failure. Just as a coach or manager of a baseball team cannot generally interfere with a player once a play has started, a police supervisor cannot interfere too often with officers. His job must be to train through practicing in advance and to review after the fact, rather than to control directly.

Principle 2: Officers must be prepared to be challenged by very high standards of performance.

Policing is a high calling. Officers have an important job to do. They are entrusted with valuable resources. The decisions they make about how to use their office have a strong impact on individuals in the society and the quality of community life. Consistent with the trust placed in them, the police must accept an obligation to meet high standards of performance. We depend on them to use force expertly and frugally; to face brutal and violent people but not yield to the desire to be brutal and violent themselves; and to be willing to cope with messy, unresolvable social problems without giving way to despair or promising more than they can reasonably deliver. The police must accept these expectations as reasonable terms of employment—not as unrealistic, arbitrary, or capricious demands.

Principle 3: Officers should be compensated financially (and thus in status) in terms that reflect the importance of their office.

If the police officers are as important as we believe and if it is proper to hold them to high standards, then it is also proper that they should be compensated in terms that reflect this importance. This is partly a matter of pay. We think of their status and skills as being comparable to physicians, nurse-practitioners and school teachers, and we believe their compensation should reflect that status.

Compensation is also a matter of future opportunities within the organization. There should be many routes upward in terms of both status and pay in the Police

Department. We believe the traditional route upward (through levels of command) should be supplemented by other routes rewarding officers for having exceptional operational skills of either a specialized or general nature. This would allow those who have little interest or aptitude as managers to be rewarded for developing their skills and accepting continuing challenges.

Finally, compensation is a matter of status and general support by the community and the organization. We believe that officers with good experience and skills should be treated as valuable assets to the community. They should be viewed in the same way as veterans: people who performed a service to the society for which they are owed continuing thanks.

Principle 4: Managers of the Police Department must treat occasional mistakes and shortcomings of officers as opportunities for coaching the officer and the rest of the organization about the standards and techniques of their profession; repeated mistakes and shortcomings must be disciplined.

Uncertainty is a fundamental fact of a police officer's life. Even the most well-motivated and skilled officer can make a decision that produces a disastrous result. Consequently, bad results are not always clear evidence of either poor motivation or incompetence of the officer. Sometimes these incidents can be used to coach the individual and the organization about their responsibilities. If, however, such incidents occur often in an individual policeman's career, this must be taken as evidence of either improper motivation and values, or imperfect skills and judgment, and the officer must be disciplined or removed from the organization. This principle results from the high value of police officers to the society, the understanding that honest mistakes can occur, and a determination to prevent dishonest mistakes from occurring without punishment.

Principle 5: Experience is a better teacher than books and classrooms; performance is a better basis for promotions than seniority or examinations.

To emphasize the importance of personnel functions, police departments have established separate units to manage personnel and training functions. Indeed, in many departments, these units have been the genesis of reform movements, aimed at professionalizing police forces. They have played important roles in emphasizing personnel and training and in providing an organizational haven for those who wanted the police to embody professionalism, integrity and responsiveness, rather than brute force.

There have been unanticipated side effects of creating these special units, however. One has been to separate selection and training from actual field experience. This is unfortunate because coached experience provides a much better opportunity to train recruits and evaluate their potential than tests and classrooms. A second has been to give undue emphasis to examinations in promotion decisions, since that is what personnel units can produce and apply equally. Exams are superior to favoritism or seniority as bases for appointment, but they are inferior to evaluation based on actual observations of performance.

A third consequence has been to relieve line commanders from responsibility for the personnel function of the Department. They can continue to behave as supervisors, living up to the rules created by the personnel department, rather than as managers trying to develop the quality of their people on behalf of the Department as a whole. In fact, this last point is sufficiently important that it leads to our sixth and last principle.

Principle 6: The principal human resource managers in the Department are the line managers—not the personnel managers.

If the Philadelphia Police Department is to challenge, coach, and train their employees to produce an outstanding performance day in and day out, the line managers must assume the primary responsibility for this job. They are the ones who are in close enough contact with officers and have the standing to challenge their officers. If they do not take these responsibilities seriously, no amount of technical skill in the personnel unit or the academy can guarantee an effective performance.

These principles established the perspective from which we evaluated the Philadelphia Police Department's personnel system: the job description and standards for officer performance; the performance measurement system; the level of compensation; the opportunities for upward mobility that motivate officers to keep working for the Department; the procedures for recruiting, training and screening new officers; and systems to maintain and enhance the emotional and physical fitness of officers to ensure that they continue to give value to the city.

THE JOB OF THE POLICE OFFICER: Standards and Performance Measurement

The City Charter provides that the city personnel director prepare and the Civil Service Commission approve civil service regulations, including job descriptions. However, both the Civil Service Commission and the Administrative Board, consisting of the mayor, the managing director and the director of finance, must approve regulations relating to the position classification plan, which is an "orderly plan under which positions, on the basis of duties and responsibilities, are grouped into classes, series and/or services and grades."

Job Qualifications

As currently drafted, the civil service class specification for police officer includes a "General Definition," which, in part, states that the class is "general duty police work on an assigned shift involving the protection of life and property, enforcement of laws, and investigations of crimes." It lists the following "required knowledges, skills and abilities":

- Ability to cope with situations firmly, courteously, tactfully and with respect for the rights of others
- Ability to analyze situations quickly and objectively, and to determine a proper course of action to be taken

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- Ability to understand and carry out oral and written instructions
 - Ability to write and speak effectively
 - Ability to complete satisfactorily the prescribed course of training at the police academy
 - Ability to develop skill in the use and care of firearms
 - Ability to learn clerical procedures connected with police work
 - Good general intelligence and emotional stability

Such standards—if set high enough—are adequate to define the job of a police officer in a Department pursuing a strategy of professionalized, community policing. The crucial issue is whether these standards are insisted upon as criteria that qualify people for appointment and as characteristics they must exhibit on a daily basis in the conduct of their jobs. That question can only be answered by an analysis of the current performance system.

Performance Evaluations

The civil service regulations require the “establishment of a system for determining and reviewing, and the keeping of records of, annual efficiency ratings of performance of all employees in the civil service, which efficiency ratings shall be considered ... as a factor in promotion tests ... and as a factor in demotions, discharges and transfers.”² Departmental Directive 23 (July 31, 1984) sets forth the procedures to be followed in the evaluation of police personnel. Under it, permanent employees up to and including the rank of chief inspector, are to be rated at least once in every calendar year, while probationary employees are to be rated at the end of the second and fifth months of the probationary period.

The immediate supervisor of a permanent sworn employee uses the “Performance Report for Employee represented by F.O.P. Lodge #5” (Form 73-277).³ This form lists ten performance factors to be evaluated:⁴ (1) quality of work, (2) quantity of work, (3) work habits, (4) relationship with people, (5) initiative, (6) dependability, (7) analytical ability, (8) ability as a supervisor, (9) administrative ability, and (10) factors not listed above. There are also spaces for making an overall rating and comments to the employee.

The supervisor’s only two options in rating these factors are “satisfactory” and “unsatisfactory.” It is rare for an officer to be rated unsatisfactory. Only two persons out of nearly 7,000 commissioned officers were so rated in 1985. In 1984 the number was seven. Since 1976, 99.9 percent of commissioned officers rated have received satisfactory ratings.

In practice, the current performance evaluation system appears to serve neither the interests of the employees nor of the Department. There are few champions of the system. Employees who excel at their work receive the same performance rating as those who perform average work. The evaluations are of negligible use to the Department in distinguishing among officers and in making decisions concerning promotions, assignments, and transfers.⁵

Effective use of performance evaluation requires that supervisors use the evaluation as a basis for meaningful conferences with officers. It is not simply a

matter of assigning grades, but rather of using the entire evaluation process as a positive tool for improving performance.

Adoption of a more graduated performance evaluation system similar to that employed by other large police departments is essential.⁶ Philadelphia itself employed such a system at one time,⁷ but apparently allegations of favoritism and general resentment by commissioned officers toward the system induced an arbitration panel to order its replacement by the current "satisfactory/unsatisfactory" system in 1974. The satisfactory/unsatisfactory system is now part of the contract between the City of Philadelphia and the F.O.P.⁸ In response to a demand made by the city during the 1986 contract negotiations that the current "satisfactory/unsatisfactory" categories be replaced by "outstanding/superior/satisfactory/improvement needed/unsatisfactory," the Arbitration Panel "strongly recommend[ed] that the annual performance ratings be changed from 'satisfactory' and 'unsatisfactory' categories to a more meaningful graduated performance evaluation."⁹ We concur and add only the proviso that safeguards be adopted to keep favoritism in the evaluation process at a minimum.

Apart from installing a more graduated performance evaluation system, there remains the central task of determining what work is actually being evaluated. This requires a performance management system to define clearly tasks, competencies required to perform the tasks, and accurate descriptions of outputs resulting from the work performed. Whether analyzing the work of a chief inspector or a police officer, consistent standards for evaluating adequate completion of work, exceptional completion of work, and substandard completion of work are needed. Only with a clear set of job specifications, which are consistent throughout the Department, can a manager or supervisor feel comfortable that he or she is performing a basic management task in a fair and equitable manner.

Performance management is hard to achieve. No manager wants to be singled out as an unfair evaluator of others, nor to be known as more critical or difficult to work for than his or her peers. Yet, the core of a manager's job is to be responsible for the growth and development of personnel, for the quality and scope of work and for correcting deficiencies in performance. To do this well, people who assess and people being assessed must feel that the system is fair.

The current practice—giving nearly all employees satisfactory ratings, and not utilizing performance evaluations for promotional decisions—deprives district commanders of formal, authorized ways of routinely rewarding or disciplining officers. Yet, if district commanders are to monitor the work of their officers, motivate superior performance and develop officers to do their jobs with pride, they must be able to manage performance.

Basic to any good performance management system is a job description that clearly defines specific tasks and priorities, and how they are to be performed. Roles must be made clear, and all personnel at the same level held accountable for similar responsibilities.

Two potential sources of resistance to a performance management system exist. Officers may resist because they see defined tasks as threatening, but if the

desired performance is spelled out, then assignments and promotions could be related to performance rather than favoritism. Being clearly accountable for doing a job well and having promotions based on good performance would cause the present informal ingratiation system to crumble.

The second obstacle is from management itself. Preparing effective performance appraisals is the most frequently mentioned problem managers in all organizations face. Being fair in the application of performance measures is a challenge for even the most sophisticated managers.

In an effective performance management system, managers learn to develop clear performance standards based on a common understanding of quality work. They develop fair and open ways of observing and assessing performance of their people. They learn to separate relevant from irrelevant factors, to focus on priorities, and to communicate their insights in ways that stimulate a desire for improvement, rather than invoking threats or discipline. Implementation of performance management training, based on organizational performance standards and competencies, is necessary to shift from management by fear to management based on reasonable job expectations.

The Task Force favors performance management that develops and rewards performance. Such a system helps to create a professional police department and instills pride and accountability in the force from police officers through chief inspectors.

Recommendations concerning performance evaluation

The Task Force recommends:

With assistance of executives from the business community, the Department should design and implement a graduated performance evaluation system, and provide supervisors with sufficient training to perform their evaluation tasks. Evaluation of command officials is as important, or more important, than evaluation of police officers and sergeants. The Department should also develop a performance management system.

COMPENSATION OF OFFICERS

In this report we have made recommendations that, taken as a group, impose new responsibilities and burdens on the Philadelphia police. We envision changes in the delivery of police services that require personnel to be not only highly motivated, but better qualified and trained. Because we are asking more from the men and women of the Department at all ranks, the Task Force believes they should be paid more for their services. For this reason increased compensation for the members of the force is one of our most important recommendations. Compensation should be at least at the level of other large police departments, with particular reference to those at the cutting edge of change and innovation.¹⁰

In making this recommendation for increased compensation, we are pleased to note that we have the support of many Philadelphians polled in our survey. Nearly

one-half indicated they felt the police were underpaid. If higher compensation is linked to higher performance, more than eight out of ten polled residents stated they were willing to pay higher taxes in return.¹¹

It is difficult to determine precisely how the salary structure of the Department compares with other police departments because much of a police officer's compensation takes the form of benefits as well as annual salary. Comparisons of health plans and pension programs are especially technical matters, and the Task Force did not undertake a detailed comparison or ranking. Nonetheless, some generalizations can be made. First, in base salaries, the Philadelphia police are underpaid, the lowest salary among the ten largest cities. The disparity in pay is least evident at the starting level and police officer class but generally and increasingly more apparent at advanced levels in the chain of command. In contrast, in fringe benefits, Philadelphia police personnel do very well. Pension and health plans are generous.¹²

SALARIES IN TEN LARGEST U.S. CITIES COMPARED¹³

	9-City Average Minimum	9-City Average Maximum	Phila. Min.	Phila. Max.	Phila. Percentage of Ave. Min.	Phila. Percentage of Ave. Max.
Police Officer	\$23,479	\$29,769	\$22,392	\$25,464	95%	86%
Police Detective	31,236	33,869	26,848	28,010	86%	83%
Police Sergeant	33,196	36,228	27,824	29,029	84%	80%
Police Lieutenant	38,332	41,923	31,720	33,094	83%	80%
	U.S. Average Minimum	U.S. Average Maximum	Phila. Min.	Phila. Max.	Phila. Percentage of Ave. Min.	Phila. Percentage of Ave. Max.
Police Captain	\$43,332	\$48,741	\$36,161	\$37,727	83%	77%
Police Inspector	51,389	58,452	41,224	43,009	80%	74%
Chief Inspector	56,817	63,957	46,995	49,030	83%	77%

(Continued)

Position	Average Current or Maximum Salary ¹⁴	Phila. Salary	Phila. Percentage of Average Salary
First Assistant/Deputy	\$74,636	\$54,900	74%
Police Chief/Commissioner	88,860	55,000	62%

PENSION PLANS OF POLICE DEPARTMENTS¹⁵

City	Percentage of Salary Contributed by		Minimum Years of Service	Minimum Pension Age
	Employee	City		
New York	5%	44.76%	20	None
Los Angeles	8%	18.1%	10	50
Chicago	9%	17.28%	23	53
Houston	7%	23.6%	20	55
Philadelphia	6%	29.2%	None	45
Detroit	6%	53.8%	25	None
Dallas	8.5%	27.5%	5	55
San Diego	.5%	17.23%	20	50
Phoenix	8%	8.84%	20	None
San Antonio	9.5%	19.0%	20	50

HEALTH MEDICAL INSURANCE PLANS OF POLICE DEPARTMENTS¹⁶

City	Single Employee		Employee and Family	
	City Cost Per Month	Employee Cost Per Month	City Cost Per Month	Employee Cost Per Month
New York	\$100	0	\$100	0
Los Angeles	84.94-192.08	0	243.20-277.96	0-51.60
Chicago	91.10-127.10	0	233.15-353.70	0
Houston	65.38	0	129.22	63.84
Philadelphia	302.46	0	302.46	0
Detroit	104.30	0	249.08	0
Dallas	93.58	0	93.58	12.00-159.00
San Diego	91.67	0	91.67	76.88-142.48
Phoenix	71.36	3.50-13.29	186.24	25.36-32.84
San Antonio	143.50	0	143.50	0

Salary Differentials

The current contract between the city and the Fraternal Order of Police requires that there be a salary differential of 14 percent between the following classes: police officer and sergeant; sergeant and lieutenant; lieutenant and captain; captain and inspector; and inspector and chief inspector.¹⁷ The contract mandates a ten percent differential between the classes of police officer and corporal/detective and those of captain and staff inspector.¹⁸ These pay differentials do not adequately reflect the greater responsibilities assumed by individuals as they are promoted. Equal percentage pay differentials between classes ought to be abandoned and replaced by progressively widening percentage differentials.

Merit Increases

Each Police Department class has a pay range, consisting of minimum and maximum base salaries, with one or two intermediate steps. According to the civil service regulations, "[p]ay step increases, within an established pay range, are granted to employees based on a combination of satisfactory work performance and length of service in a class."¹⁹ The length of service requirement is generally one year from appointment, promotion or last earned pay step increase.²⁰ Employees meet the work performance requirement, if they have obtained an overall performance rating of at least satisfactory on the last authorized or required report of performance.²¹

As pointed out earlier in this report, the performance evaluation system for uniform employees does not function. Thus, an intended merit pay system of salary increases for the Police Department classes has, in effect, become an automatic pay increase system, dependent only on length of service. Merit principles should help to determine pay increases. As the National Advisory Commission on Criminal Justice Standards and Goals has stated:

A workable and competitive salary plan should reward employees for superior achievement, individual initiative, and demonstrated excellence in job performance. A salary incentive is needed to distinguish the outstanding performer from the mediocre one. Too often the salaries of civil servants are based on classification level and job tenure, rather than on demonstrated performance. The development of a formal merit pay system will enable an agency to provide employees salary compensation commensurate with performance.²²

Recommendations Concerning Compensation

To assure that police officers receive fair compensation in relation to the new responsibilities advocated in this report, the Task Force recommends:

1. The Department should retain an expert consultant to develop, in conjunction with the Fraternal Order of Police, a schedule comparing the total compensation (salary and benefits) of Philadelphia police personnel with those of other large cities. Once the disparity is identified clearly in dollar amounts, and the Department and the city are implementing recommendations contained in this report that increase the responsibility of police officers, we urge the city to offer a new compensation package. We strongly support higher compensation for police officers because it is fair if they are to carry out expanded duties.
2. Percentage pay differentials among the nine Police Department classes (officers through commissioner) should be increased and become progressively larger as an officer is promoted.
3. Pay step increases should be governed by merit principles, and this should be accomplished by adoption and implementation of the performance evaluation system recommended in the Job of the Police Officer section of this report.

CAREER DEVELOPMENT WITHIN THE PHILADELPHIA POLICE DEPARTMENT

Each police department has a responsibility to foster professional development of its personnel. A successful personnel development program raises job satisfaction and morale, improves productivity, and creates a pool of qualified candidates for leadership positions.²³ In examining the Philadelphia Police Department's personnel development system, the Task Force found a lack of serious commitment to continuing training and education and rigid procedures for promotions and transfers.

Continuing Training and Education

The Department's Training Bureau oversees all advanced training for commissioned personnel, in addition to training recruits. The bureau's Advanced Training Unit is responsible for in-service, external, canine, mounted, and firearms training. In calendar year 1985, excluding firearms training, 5,578 officers participated in at least one of the four modules of the 40-hour advanced training program.²⁴

As originally conceived, the advanced training program was intended to be mandatory and to extend until "all personnel requiring the training will have received it."²⁵ However, in February 1986 the Department suspended the program indefinitely, well before all those eligible had completed it. The reason for discontinuance was that there was neither enough classroom space at the Police Academy nor enough instructional staff to conduct both recruit and advanced training classes.

This suspension is distressing. The Department should resume the program as quickly as possible, even if it means temporarily securing classroom space outside the Police Academy and employing non-Academy staff members as instructors. Concurrently, the Department should devise long-range solutions to the problems that caused discontinuance.

Outside the Academy other, less formal training mechanisms are available, i.e., audio-visual training films and written communications. All but one patrol district and a number of administrative units are equipped with television monitors, connected to equipment operated by the Audio-Visual Unit in the Police Administration Building. The Department intended the monitors to be used to provide training to officers and command staff, as well as to communicate important messages. In fact, the Audio-Visual Unit is not aware of how many monitors are functioning at any given time. Several districts have modified their sets to receive either regular or cable television with the effect of severing connections to the Police Administration Building and Audio-Visual Unit. In addition, the Audio-Visual Unit has not adopted a "fail-safe" system for determining the extent to which the monitors are used and who has viewed the training films. Finally, there are not enough films to provide instruction on legal matters.²⁶

Changes in the law or police procedure are frequently communicated to officers through Departmental directives. Currently, there are 139 such directives on a variety of topics affecting police policy and procedure. During recruit training the Department issues a set to each new Philadelphia police officer. As directives are updated or created, copies are sent to commanding officers for distribution. According to official policy, each officer signs for a copy of all new or revised directives. The signed acknowledgements are then forwarded to the Police Academy and filed. Departmental memoranda, reflecting minor changes in procedure or policies, and training bulletins issued by the Training Bureau are handled in the same manner.

In reality, few Departmental units require officers to sign for documents, and the directives do not, in fact, reach all officers. Often, the existence of a new or revised directive is announced at roll call, and copies are placed in a location to be picked up at the officers' convenience. Several officers expressed annoyance at their

inability to replace lost or damaged directives easily, but there is no official procedure for doing so, even for officers willing to pay for replacements. The 139 directives, memoranda, and training bulletins fill two bulky loose leaf binders, making them difficult to carry for easy reference. More important, there is insufficient instruction on the meaning of new directives.

The Planning and Research Unit is responsible for drafting, revising, and updating Departmental policies. The unit does receive several legal periodicals, reflecting the current status of the law, but these are incomplete and not fully utilized. One unit employee, when questioned about how he had learned of a recent change in the law that resulted in the revision of a directive, responded that he had received a phone call from a district captain who had just lost a case because of the change. Another responded that he often learns about changes in the law through reading the newspaper.

With respect to training and education outside the Department, for the first six months of 1986, 107 members received approval to attend such courses and seminars at a cost of about \$32,000.²⁷ Approved courses related to such topics as arson, auto theft, electronic surveillance/wiretap, explosives detection, internal affairs investigations, organized crime, and weapons and tactics. The Department is to be applauded for providing its personnel with the opportunity and the resources to improve their skills, and we encourage continued financial support for such outside programs.

The recent revision of the directive that deals with "Training Requests" states that all personnel are encouraged to participate in outside training/education,²⁸ but it does not require the Promotion and Transfer Boards to consider the education/training obtained by an employee at his own expense or on his own time as a positive factor in recommending promotions, assignments, and transfers.

A more serious deficiency is the absence of a degree incentive program. Such a program is favored by the Fraternal Order of Police and the police commissioner,²⁹ and was recommended in the most recent Arbitration Panel's award:

The panel favors a degree incentive program. The City is strongly encouraged to consider a tuition reimbursement plan and/or a plan whereby police officers will be encouraged to obtain graduate degrees.³⁰

We support the Arbitration Panel's recommendation of tuition reimbursement as an integral part of any degree incentive program.³¹

Because the duties of a patrol officer differ substantially from those of a supervisor or manager, training is essential to prepare officers when they are promoted to a new supervisory or managerial position. The Department's Training Bureau has developed a seven-day supervision course for corporals, sergeants, and lieutenants, and an eight-day management training program for the ranks of captain and above. This latter program includes many topics that are part of the supervision training program.

Both the supervision and management training programs are designed to prepare individuals for their new responsibilities and therefore to be administered

to those on the promotional lists prior to their promotions. Sometimes, however, individuals are promoted before they have received the necessary training, and sometimes officers on promotional lists for different ranks have attended the same management or supervision course together.³²

It is not desirable to appoint an individual to a supervisory or management position without prior training in how to perform a new assignment. Nor is it desirable to train in the same class period those who are to be promoted to different ranks, even if an effort is made to make a subject pertinent to the different ranks.³³

Recommendations concerning continuing training and education

The Task Force therefore recommends:

1. The Philadelphia Police Department's advanced in-service training program should be resumed as soon as possible, if necessary at locations other than the Police Academy.
2. Long-term solutions to the problems of space shortage and insufficient instructional staff, which led to the suspension of the Department's in-service training program, should be devised.
3. All sworn employees of the Police Department should be required to attend a minimum of 40 hours of advanced, in-service training each year.
4. Effective procedures for distribution of Departmental directives, memoranda, and training bulletins must be implemented. Adequate instruction concerning Departmental directives, memoranda, and training bulletins must be given simultaneously with the distribution of such material. Instructional aids that deal with current legal issues must be issued regularly and approved by the Department's legal advisor before being distributed.
5. The Promotion Board and Transfer Board should consider outside education and training as a positive factor in decisions concerning promotions, assignments, and transfers.
6. An incentive program to encourage commissioned personnel to work for bachelor and more advanced degrees should be developed. Under such a program employees with degrees should receive salary supplements based on the highest degree earned; and personnel working toward a degree should be reimbursed the costs of approved courses that are a part of degree programs.
7. Sworn officers should not be promoted to a supervisory or managerial position without first being trained in how to perform their new duties.
8. To the extent practicable, supervision and management training classes should not be integrated and should be confined to individuals on the same promotional eligible list.

Promotions

Eligibility for promotion within the Philadelphia Police Department depends on acquiring experience in a position (one or two years depending on rank aspired to) and passing a promotional examination. For each of the ten positions in the Department, ten percent of a rating is awarded for seniority. At the highest ranks (deputy commissioner, chief inspector, and police inspector) the remaining 90 percent

consists of an oral examination. At the middle ranks (captain, lieutenant, and sergeant) the test is divided about evenly between a written and oral component. A three-member panel, comprised primarily of individuals from police departments of other jurisdictions, administers the oral test component. For the lowest ranks (detective and corporal) the examination is entirely written.

The city personnel director establishes an eligible list in rank order of those who have passed, and names of candidates are thereafter certified to the police commissioner as vacancies occur. The director must certify the names of two eligibles for a single vacant position, and the number of names equal to one-and-a-half times the number of vacancies when the request relates to more than one vacancy (to conform with the "Rule of Two").³⁴ The "Rule of Two" provides the police commissioner with some discretion in making promotions, but it is quite limited. The commissioner does not have the absolute authority to select the candidates he believes are the most qualified from the names certified. He cannot "pass over" two candidates in a row. To illustrate, 3 vacancies = 5 eligibles who are certified ($3 \times 1.5 = 5$).

- A
- B
- C
- D
- E

From the list of five (5) names, the commissioner is not permitted to select ABE, CDE, or ADE. By doing so, he would be passing over two candidates ranked next to each other on the eligible list.³⁵

Although offering the police commissioner some choice in making promotions, the Rule of Two has not been frequently invoked."³⁶

But this appears to be changing. In January 1986 the police commissioner established a Promotion Board, consisting of a deputy commissioner and two chief inspectors, to review the records of those whose names were to be certified for future promotion.³⁷ The Board reviews the following information about a candidate: (1) use and/or abuse of sick leave, (2) disciplinary record, (3) previous assignments, (4) endorsements or letters of recommendations from the candidate's commanding officers, (5) commendations and awards, and (6) education and training pursued by the candidate outside the Department. The Board is also empowered to interview candidates to permit them to clarify or provide additional relevant information and to answer questions regarding their careers and interests.³⁸

The creation of the Promotion Board is designed to permit the police commissioner to exercise in a fair and open manner what little discretion he has on promotions under the Rule of Two, and is a welcome step. Yet the commissioner needs more discretion in appointments, if he is to be held responsible for the management of the Department.³⁹

To increase the management options of the police commissioner in making promotions, we think the City Charter should be amended to provide for the certification of at least three persons standing highest on the eligibility list, in lieu of the current two.

Other steps should be taken to make the promotional process more equitable to employees and more responsive to the Department's needs. Performance reports, unlike seniority, are not used to compute a candidate's final grade on the promotional examination, but operate only to determine whether a particular candidate is eligible for the promotional examination.⁴⁰

Seniority, on the other hand, seems a minor consideration at most. The President's Commission on Law Enforcement and Administration of Justice and the National Advisory Commission on Criminal Justice Standards and Goals⁴¹ concluded that service longevity is for the most part irrelevant to whether a particular employee can successfully perform the duties of a new position. Past performance, however, is relevant. If a graduated performance appraisal system is adopted, the most current performance report can be factored into the score on a promotional examination of a candidate.

Recommendations concerning promotions

The Task Force recommends:

1. Seniority should be used only as a qualifying factor in promotional examinations to satisfy current legal requirements and not to determine the final average grade on an examination.
2. If a more graduated performance evaluation system is adopted, an individual's most recent performance appraisal should be assigned a significant weight in computing the overall score on a promotional examination.
3. The Home Rule Charter should be amended to require the City Personnel Director to certify at least three names from a promotional eligible list to the Police Commissioner in response to a request for certification relating to a single vacancy.

Rewarding Exceptional Performance—Master Patrol Officers

There are outstanding police officers in the Philadelphia patrol bureau who for a variety of reasons do not seek promotions to supervisory and management positions or transfers to desk assignments. They like what they are doing and do it well, and they are a great asset to the Department. Moreover, they may not have a particular aptitude or desire for supervisory or management positions. These officers should be given recognition for their achievement. One solution is to create a new position—master patrol officer.

Our recommendation is supported by the Philadelphia Citizens Crime Commission, which said:

Promotion of the competent police officer into a potentially ineffective supervisor can be tragic for the department. But equally tragic is the dead end status assigned to the competent patrol officer whose lack of management potential has been recognized. This creates the stigma that officers who remain at the patrol level for many years are failures, even though they are the heart of every effective police organization.⁴²

Creating this new rank would afford an officer an opportunity for advancement in both pay and formal status without requiring that he move into a supervisory position. This would make it possible to recognize and reward patrol officers in the same manner as some jurisdictions now reward school teachers who excel in the classroom, but who have no desire to be school administrators. The first step toward the creation of this new position would be to alter the current job-classification system so that a master patrol officer could receive the same salary as first or second-level supervisors.

Great care must be taken in the development of criteria for promotion to this new position. Over time, there is a danger that the master patrol officer position will be filled by unsuccessful candidates for sergeants who are not truly excellent police officers.

Recommendation concerning master patrol officer

The Task Force recommends:

The position of "Master Patrol Officer" should be established to recognize and reward outstanding patrol officers.

RECRUITING, SELECTING, AND TRAINING PHILADELPHIA POLICE OFFICERS

The role of the police officer requires individuals of exceptional abilities. Intelligence, sound judgment, and good character are essential. Because police officers make decisions on complex matters affecting the lives of others, they need quick, accurate minds to analyze intricate problems on short notice. Because these problems must be solved in ways consistent with our constitution and laws, officers must bring to their duties a respect for law, manifested by an eagerness to know and comply with it. Because officers are presented with a multitude of opportunities for abusing authority, they also must be able to resist temptations placed in front of them or there for the asking.

Such individual qualities of officers are crucial to a police force, but it is also important that a police force have some aggregate characteristics as well. Specifically, a police force should represent the best talent from the Philadelphia community. If the force is not drawn from the community, it appears to be an alien group. If it is not the best from the community, it fails to challenge and guide the community.

In reviewing the Police Department's efforts to recruit, select, and train the best from Philadelphia's communities, the Task Force identified several obstacles and shortfalls. These include:

- Complicated administrative and legal restraints imposed by the City Charter, civil service regulations, and recent judicial actions.
- Failure to schedule examinations for the position of police officer frequent enough to permit the selection of the most talented candidates.
- Failure to establish a minimum educational requirement.

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- Failure to identify and discharge trainees who lack the aptitude to become police officers.
 - Failure to establish an adequate supervisory process (so as to identify those who during their probationary period are unable to perform to expectations or need assistance).
 - Failure to establish adequate training programs and facilities.

Recruitment

Legal restraints

In recruiting police officers the Philadelphia Police Department operates under legal restraints imposed by the City Charter, civil service regulations, and recent judicial actions. (See Appendix B.) In response to three lawsuits, filed in the 1970s, alleging that the city discriminated against blacks, women, and Hispanics in the hiring of police officers, the city agreed to a court-imposed quota system. The Police Department followed this system in connection with the results of the last Philadelphia Police Officer Examination, the written part of which was administered on November 20, 1982. To understand current practices, we must first turn to these lawsuits.

In 1974 the United States filed a lawsuit alleging that the Philadelphia Police Department engaged in sexual discrimination with respect to job opportunities. The court thereafter concluded that the city had failed to demonstrate that maleness is a bona fide occupational qualification for the position of police officer or that the minimum height requirement of 5'-3 1/2" for female applicants is a valid predictor of successful performance. The court also enjoined the city from engaging in sexual discrimination with respect to the recruiting and hiring of Philadelphia police officers. In 1980, the court approved a consent decree that, among other things, required the city to hire females at a 30 percent annual rate for the next 2,670 openings.⁴³

In *Commonwealth of Pennsylvania v. O'Neill*⁴⁴ the plaintiffs alleged racial discrimination in the hiring and promotional practices of the Philadelphia Police Department.⁴⁵ In 1983 the federal district court entered a consent order requiring the city to use the eligible list generated by the 1982 open competitive examination for four years from the date of certification. The consent order also required the city to engage in the remedial hiring of several hundred qualified black applicants over and above those hired on a rank order basis.

Finally, in early 1984 the federal district court in *Alvarez v. City of Philadelphia*⁴⁶ entered a consent order in settlement of three cases that had been filed as class actions on behalf of Hispanic applicants rejected for the position of Philadelphia police officer. The Alvarez consent order imposed equal opportunity requirements for Hispanics similar to those the O'Neill consent order had imposed for blacks. It also required the city to engage in the remedial hiring of bilingual and Hispanic applicants.

Present recruitment efforts

Against the backdrop of this litigation, Mayor William J. Green established a Task Force on Minority Employment in the Police Department in early 1982 to make recommendations on how to increase the number of minority officers in the Department. One of the products of the Task Force was Executive Order No. 2-82. It directed the police commissioner, in consultation with the city personnel director, to establish a unit in the Police Department for the recruitment of minority group members. This unit would consult with appropriate city officials, public relations experts, and community leaders, including leaders of minority communities. The Executive Order also sought to develop a pre-examination training program for applicants to prepare them to take the written test. In connection with the 1982 examination, prospective applicants were informed that pre-examination study booklets would be provided and that training for the written test would be available. According to the August 16, 1982, job announcement, there would be questions in the test "that cannot be answered unless the information in the booklet is learned before taking the test."

The city administered the written part of the police officer examination on November 20, 1982, and of 11,450 men and women who took it, 10,137 achieved a passing grade of 70 or better. Because points were added to the grades of veterans, provided they achieved a raw score of at least 70, some applicants scored as high as 108.64.

By virtue of the consent decrees entered in the racial and national origin discrimination lawsuits, the city agreed to extend the period during which it would use the list of eligibles to May 20, 1988, two years longer than permitted by the civil service regulations.⁴⁷

As a consequence of various consent decrees, certification of candidates from the eligible list associated with the 1982 examination has not occurred strictly on the basis of rank order. For example, the 100 members of Police Class No. 268, which began basic training at the Police Academy on June 23, 1986, were initially selected as follows:

Black male	16
Black female	15
Hispanic male	8
Hispanic female	3
Asian male	1
White male	42
White female	15
	<hr/>
	100 ⁴⁸

The use of quotas has led to charges of a "double standard" or "reverse discrimination" by white and male officers. It has caused some to question the qualifications of black and Hispanic supervisors who were promoted on the basis of merit. It has fostered resentment and tension in a Department where harmony among the races and between men and women is crucial to effective performance,

and it has helped create a false public impression that one must compromise standards to increase the number of minority officers, supervisors and managers.

Under the law, primary responsibility for recruitment is vested in the city's personnel department. This department historically has not recruited on a continuous basis but has focused its efforts on the several months immediately prior to test administration. There is, however, as a result of Mayor Green's Executive Order No. 2-82, a recruitment team in the Police Department responsible for "recruitment of members of minority groups."⁴⁹ In 1986 it consisted of seven persons and was headed by a sergeant, who reported to the head of the Community Relations Bureau. Salaries and clothing allowances alone for recruitment team members in fiscal year 1987 total approximately \$200,000.

In 1986 the team did little recruiting because the 1982 list was far from exhausted. Instead, the team concentrated on two functions: (1) it contacted persons remaining on the existing eligible list to encourage their continued interest in a career with the Police Department; and (2) it attempted to locate individuals on the eligible list who failed to report for either an appointment or training after they had been directed to do so.

Although the legal considerations concerning recruitment are considerable, a number of steps can be taken to assure that the best qualified candidates are found.

Recommendations concerning recruitment

The Task Force recommends:

1. To better coordinate the Department's recruiting efforts, the existing Recruitment Unit should be placed either in the Personnel Unit of the Administrative Bureau or within the Training Bureau, and headed by a ranking official. The head of the Recruitment Unit should file detailed quarterly progress reports with the police commissioner and the city personnel director. Personnel assigned to the proposed Recruitment Unit should be thoroughly trained in personnel matters, including the rules concerning equal employment opportunity hiring.
2. The City Council should change the residency requirement so that, instead of requiring a candidate to be a city resident for one year prior to appointment, the applicant need only be a resident at the time of appointment.
3. Assisted by private citizens, members of the Philadelphia business community and public relations firms, the city and Police Department should promote the opportunities and challenges of police work.
4. Especially qualified candidates should be aggressively recruited. Individuals with successful work experience, higher education or military service, who demonstrate maturity and judgment, make good police officers. As recommended elsewhere, affirmative action must be vigorously pursued.
5. The Department should establish a cadet corps to assist sworn personnel. A cadet program can be an effective way of encouraging high school seniors to pursue a police career.
6. The city should establish a loan program for college students who are interested in a police career. Loans could be forgiven in whole or in part, if the student should

thereafter become an officer. The extent of the forgiveness of the loan would be determined by length of service.

7. The Department should hire college students on a part time basis while they are attending school. If, after graduation, these students join the Department, they should receive retirement and pay credits for the time spent with the Department during the internship.

Selection and Appointment of Philadelphia Police Officers

Appointments to the Department must be "made in accordance with civil service regulations,"⁵⁰ a long and complicated process beginning with specification of the police officer class and extending through the probationary period.⁵¹ This process is generally guided by the requirement that individuals show evidence of their ability to meet the qualifications described above (i.e., "coping" abilities; quick, accurate analysis; understand and carry out instructions; write and speak effectively; general intelligence and emotional stability; etc.). Yet, the class specification for police officer requires neither experience nor education.⁵² The omission of a high school diploma or General Education Diploma (G.E.D.) as a prerequisite for appointment as a police officer makes Philadelphia unique among the ten largest urban departments. Dallas requires college education of applicants,⁵³ and the other eight cities require a high school diploma or its equivalent.⁵⁴ If Philadelphia were to adopt the requirement that an applicant must have a high school diploma or its equivalent, it would be doing what the President's Commission on Law Enforcement and Administration of Justice characterized in 1967 "an appropriate first step" that should be taken "immediately."⁵⁵

Requiring a high school diploma or its equivalent should not frustrate the Department's efforts to meet its minority recruitment obligations. If aggressive efforts are made to recruit the best from Philadelphia communities, if training and educational opportunities are made available within the Police Department, then the Police Department can meet its minority recruitment goals and the goals of setting high educational standards. It can become an organization that facilitates the integration of the broader Philadelphia community.

Police officer examination

The Home Rule Charter requires the civil service regulations to provide for "[o]pen competitive examinations to test the relative fitness of applicants for the respective positions." An open competitive examination may be continuous, periodic, or non-continuous. A continuous examination has no closing dates for filing applications; it permits candidates to make application and to take examinations on any day on which the test is given. It can be administered "whenever the director finds there is a shortage of qualified candidates." The continuous system is employed in many other police departments⁵⁶ because it has the great advantage of permitting well-qualified candidates to be added routinely to the existing eligibility list. Although continuously offered during a period in the 1960s, the examination is not currently so administered.

In determining the relative fitness of competitors for civil service positions by examination the director has discretion to "use any investigation of education or experience and any test of aptitude, capacity, knowledge, skill, character, personality or fitness." The director also determines the component parts of the examination, (e.g., written, oral, physical, a performance test, an evaluation of the applicants' training and experience, a seniority rating, a medical examination, or a psychiatric examination) and decides what weight should be accorded to each. Not all parts of an examination receive a numerical score or grade; for example, the medical and psychiatric examinations are qualifying tests and are graded pass or fail.

Because the purpose of the Police Officer Examination is to provide a mechanism to distinguish between qualified and unqualified applicants and to ensure the rank order of successful candidates on the basis of relative merit, changes in the examination procedures need to be made. Although fine police officers were produced by the 1982 administration of the examination, unqualified applicants could very easily have passed the examination and been appointed to the Police Department.

Under current practices no one from the Police Department substantively evaluates each candidate until that person has been ranked on the eligible list, has been appointed a police officer, and has begun recruit training. Although the probationary period is a "working test period [that is] considered an integral part of the examination process," an evaluation of an individual's potential should be made before ranking and appointment. Individuals with law enforcement experience, either from within or without the Police Department, should interview and test applicants orally. Such an oral test could be scored either pass or fail, or numerically scored and graded.⁵⁷ Whatever scoring option is chosen, an oral test would help to identify those who are unqualified. Oral testing will be a challenging task, given the potentially large number of applicants for the position, but other departments have used interviews successfully to hire officers.⁵⁸

The written test component of the 1982 examination consisted of 130 multiple choice questions and had an overall time limit of 3½ hours. The pre-examination guide to applicants instructed them as follows:

[Some] questions . . . are based on materials included in this booklet. YOU MUST CAREFULLY STUDY AND IN SOME INSTANCES MEMORIZE THESE MATERIALS IN ORDER TO DO WELL IN THE TEST. In the first part of this booklet, the materials you should learn and memorize are presented. In the second part of the booklet, the remaining kinds of questions in the test are explained.

Of the 11,450 individuals who took the written test, 10,137, or 88.5 percent, passed. This high passing rate suggests that the written test component was too easy and only screened out patently unqualified applicants. Because we were not permitted to see the written test used in 1982, we are in no position to evaluate whether the examination was, in fact, insufficiently challenging.⁵⁹

Eligible lists, certification, and appointment of police officers

The rank of successful applicants on the eligible list is determined by the order of relative excellence on the examination, based on the final passing average grade, plus, in some cases, a ten-point veterans credit. The eligible list must remain in effect for at least one year from its establishment and "thereafter until exhausted or replaced" by a more recently prepared list but in no case longer than two years.⁶⁰ Once an eligible list has been created, responsibility shifts to the appointing authority, the police commissioner; he requests the certification of names from the eligible list, and the personnel director certifies to him the names of the two persons' highest in rank. If the commissioner's choice is then between a veteran and non-veteran, he must appoint the veteran.

Length of probationary period

The civil service regulations stipulate that the probationary period is "expressly understood to be part of the entrance or promotional examination ... and ... the status of the appointee ... as a permanent employee is not approved until successfully completing his period of probation."⁶¹ The probationary period thus functions as a "working test period ... during which a new appointee is required to demonstrate his fitness for the position to which he has been appointed by actual performance of the duties of the position."⁶² The City Charter requires "[a] period of probation not to exceed six months before appointment or promotion may be made complete."⁶³

The six-month probationary period is inadequate to permit the evaluation envisioned by the City Charter and the regulations, because 19 weeks of the current six-month (or 26-week) probationary period, are spent at the Police Academy. This means that officials only have seven weeks to observe the performance of a recruit on the street.⁶⁴ This is insufficient to allow supervisors to determine whether a particular candidate is qualified to be a police officer. Nor is it fair to require a candidate to demonstrate fitness in so short a time. Six months after the completion of training would be sufficient to make an evaluation, if the candidate were, in fact, performing the duties of an officer during the entire six months.⁶⁵

Other cities require a far longer probation period, as follows.

City	Period of Probation
Chicago	12 mos.
Dallas	12 mos.
Detroit	12 mos.
Houston	12 mos.
Los Angeles	12 mos.
New York	18 mos.
Phoenix	12 mos. (after training)
San Antonio	6 mos. (after training)
San Diego	12 mos.

Recommendations concerning selection and appointment of police officers

The Task Force recommends:

1. The Civil Service Commission and the Administrative Board should require an applicant for police officer to have a high school diploma or its equivalent.
2. The Philadelphia Police Department should develop programs to qualify current or candidate officers in terms of these educational requirements.
3. The Philadelphia Officer Examination should be administered continuously or, in the alternative, annually.
4. The examination should have an oral test, administered by a three-person panel. At least one member should be from a minority group.
5. The personnel director should review the examination to determine whether it is job-related, nondiscriminatory, and provides meaningful and valid distinctions among those who pass. If it is determined that the examination cannot distinguish among the successful candidates with a high degree of confidence, then every part of the examination should be made a qualifying part, and ranking on the eligible list should be determined by a lottery or other similar method.
6. The Police Department should use the period of recruit training as a mechanism for screening unqualified police officers.
7. The City Charter and the civil service regulations should be modified so that the probationary period for candidate officers includes successful completion of recruit training, plus at least six months of field duty.

Recruit Training

The Home Rule Charter requires the personnel director to foster and develop, in cooperation with appointing authorities, "programs for the improvement of employee effectiveness, including training. . . ." ⁶⁶ In practice, however, responsibility for training new officers resides in the Police Department.

Within the last several years the training curriculum has come under the influence of state law and a state commission. In June 1974 the Pennsylvania legislature enacted the Municipal Police Education and Training Law,⁶⁷ imposing mandatory police training on all political subdivisions of Pennsylvania. The law established a Municipal Police Officers' Education and Training Commission (MPOET Commission) and charged it with setting up a training program.⁶⁸ The act provides that any municipal police officer, who has not been certified by the state police commissioner by the end of one year from the date of appointment, shall not be paid. Finally, it requires the MPOET Commission to reimburse a political subdivision 100 percent of the tuition charged by a certified school for training its officers and 50 percent of the regular salaries of police officers, while they undergo training.

Incoming recruits must complete 760 hours (19 weeks) of training at the Police Academy before being given a probationary assignment in a patrol district. The MPOET Commission mandates 480 hours (or 12 weeks) of instruction for certification as a municipal police officer. These hours have been divided into 12 areas:

Instruction Required by MPOET Commission Area	Hours Required
Orientation	49
Vehicle Code	36
Crimes Code and Related Statutes	46
Laws of Arrest and Search and Seizure	32
Rules and Procedures	24
Patrol Procedures	44
Investigation	71
Spoken and Written Communications	28
First Aid and Rescue	40
Operating Patrol Vehicles	26
Neutralizing Violent and Dangerous Persons and Mechanics of Arrest	37.5
Firearms	40
SUBTOTAL	473.5
Orientation and Testing	6.5
TOTAL	480

Several areas cover multiple topics. For example, orientation encompasses the following topics and hours: Role of the Police, 2; Police, Coroner and Judiciary, 2; Abnormal and Criminal Behavior, 3; Interpersonal Relations, 4; Stress Management, 4; Physical Fitness, 30.5; Law Enforcement and Civil Rights, 2; On-The-Job Training and Scheduling, 1; and Caring for Equipment, .5.

The Philadelphia Police Department provides its recruits with an additional 280 hours (seven weeks) of training "because of the special needs associated with urban policing."⁶⁹ Of these, 80 hours consist of college-level instruction taught by faculty members from Holy Family College at the Academy. Courses include urban society, deviant behavior, criminology and social sciences, key Spanish phrases, plus an introduction to Spanish culture in Philadelphia, and conflict resolution. The remainder is "200 hours of hands-on-training designed to increase the practical skill level of the recruit officer prior to his/her first duty assignment."⁷⁰ Many of these supplement the education and training mandated by the MPOET Commission. For example, there are 20 additional hours of physical training, and 40 more hours allocated to the firing range. However, candidates also learn about matters unique to the Philadelphia Department, such as administrative directives, city ordinances, department forms, and organization and department geography.⁷¹

To complete the training successfully, a Philadelphia police recruit must achieve a minimum grade of 75 percent in each MPOET area and in the additional 200 hours of hands-on training required by the Police Department.

Content and length of Philadelphia recruit program

Philadelphia's basic training program of 760 hours substantially exceeds the minimum advocated in the past by national study groups⁷² and compares favorably with that of other large urban police departments.

The American Bar Association recommends that the content of a police department's basic recruit training program "should be responsive to a community's definition of the police role."⁷³ It is here that the program suffers most. Since the Department itself has a blurred and contradictory image of its mission and since the community has played no role in establishing the character and direction of police services, the Training Academy has no vision to draw upon. Its tendency is to look backward to past practices and traditions. The Philadelphia police recruit training program must prepare new officers for a complicated role.⁷⁴

The most serious deficiency in the Philadelphia recruit training program is the absence of closely supervised field or on-the-job training. Other large urban police departments have such programs, either as part of Academy training or immediately following graduation.⁷⁵ The situation in Philadelphia is analogous to a graduate of a medical school entering practice directly without completing an internship. The director of the Training Academy in 1984 recommended that such field training be added to candidate training, and we agree. As the National Advisory Commission on Criminal Justice Standards and Goals pointed out:

The new officer is a relatively insecure employee and an effective field training program can provide the necessary support to help him develop self-confidence and absorb the cultural shock from citizen to officer and the reality shock from formal training to field experience.⁷⁶

One way to integrate supervised field training into the training program is to schedule it immediately after the completion of the MPOET Commission curriculum but before the remainder of recruit training is completed. This would permit returning officers to compare their field experience with others and with the formal instruction. The addition of field training to the basic training program would extend the program's length to approximately six months.

Recruit instructors

Most of the Academy staff (and all of the Holy Family College faculty) have college degrees; a few have master's degrees. All instructors of courses required by the MPOET Commission have been certified by the Commission as Municipal Police Instructors. Their credentials are impressive, and those we met seem competent and dedicated. None, however, are trained as teachers or in the administration of an institution of learning. They have learned largely through apprenticeship and natural ability how and what to teach. Hiring a professional educator to help design and implement the curriculum on the Academy staff would be a step forward. As the President's Commission on Law Enforcement and Administration of Justice observed, police training is one area in which "staff experts are most badly needed."⁷⁷

At the Academy new police officers are instructed in legal matters. Yet, no instructor is trained in law. Earlier this year the MPOET Commission considered a proposal to require all instructors in legal courses (search and seizure, arrest, use of force, police interrogation, evidence, criminal procedure) to be attorneys with criminal law experience. The Department opposed this recommendation, and it was ultimately rejected. We disagree. We recommend that law-related courses in the

basic training program be team-taught by an attorney with criminal law experience and a competent police instructor. This will ensure that the content is correct and current. Given the district attorney's interest in having well-trained police officers enforce the laws, make arrests, observe constitutional guarantees, and testify, it may be that assistant district attorneys could assist in the instruction.

Overcrowding

We know from our visits to the Police Academy that the facility is overcrowded, especially when two recruit classes are training at the same time. One reason for discontinuing the in-service training program was the lack of space. The Academy building, built in the 1950s, has only four classrooms and a large room that functions both as a gymnasium and meeting room. It is unacceptable that any training should be suspended for lack of space. An assessment of the physical and operational adequacy of the Police Academy building should be undertaken immediately, and in the interim, the necessary temporary space for training classes obtained. (See Facilities and Maintenance section of this chapter for further discussion of the inadequate and poor condition of police facilities.)

Recommendations concerning recruit training

In keeping with the above findings the Task Force recommends:

1. A specialist in education and training should be hired immediately to design and implement both recruit and in-service training programs.
2. An eight-to-twelve week closely supervised field training program should be added to the basic training program. Field training should be integrated into, rather than added onto the end of, the current program, so that additional time will be available at the Academy to review the field experiences of recruits.
3. Police instructors in the field training program should have completed a field training officer program, should have substantial patrol experience, and should have a distinguished service record. Field training officers should receive additional compensation for the added work they perform.
4. Law-related courses should be taught by a team of a competent police instructor and a lawyer with criminal law experience.
5. The time allotted to the topics of "Role of the Police" and "Law Enforcement and Civil Rights" should be expanded and introduced early in the training program.
6. The college curriculum portion of the basic training program should be expanded.

MAINTAINING THE FITNESS OF POLICE OFFICERS

The job of a police officer makes great demands on his or her judgment and physical fitness. He or she must maintain a cool detachment in dangerous or emotionally demanding situations and must be able to act physically with precision, endurance and skill. Moreover, these aspects of fitness are inter-related. One way that an officer can keep mentally fit is by keeping physically fit, and, an important

part of physical fitness is being mentally committed to the job; so it is important that Philadelphia's police officers be as mentally and physically fit as possible. We have looked at three different aspects of this general issue: employee assistance programs to deal with the emotional problems caused by the stress of the police officer's job; health programs to deal with physical fitness; and drug abuse as a special problem affecting the judgment and physical capacities of officers, as well as their integrity and discipline.

Employee Assistance Programs

Stress-related illnesses are a major source of sick time in the work force.⁷⁸ Stress has been linked to a number of physiological disorders, including heart attacks, strokes, increased blood pressure, and gastrointestinal dysfunctions. It is also believed to be a major factor in the occurrence of alcoholism, legal and illegal drug use, chronic sleeping disorders, depression, anxiety, and other psychological problems. It is now also well-recognized that police officers are subject to much occupational stress from a unique variety of sources.

Stress reduction, however, is possible. The police commissioner can develop administrative and command policies to reduce the sources of stress and its effects. Middle management and command personnel can be educated in the nature and effect of stress, so that they can better deal with it. Rank and file officers also need to be educated and persuaded that stress can be dealt with only if it is first acknowledged and understood.

Sources and consequences of stress

Police officers assigned to field duty are subject to long periods of inactivity. "Boredom is the king of stress," according to Dr. Sheldon Greenburg, of the Police Executive Research Forum.⁷⁹ These periods of inactivity are often punctuated by short bursts of high-stress activities, however. Entering a dark and unfamiliar building or alley in response to the cry of "man with a gun," or high-speed pursuits of fleeing felons can wrench the officer from the relaxation of dinner or a quiet conversation with a citizen.

Situations involving highly emotional, sometimes confrontational, and occasionally dangerous people are part of the field officer's everyday life. Unlike the average citizen, police officers cannot avoid these encounters; moreover, they are expected to handle the danger without violence.

Stress also emerges from shift rotation. Rotating shifts interrupt normal sleep cycles and the routine functions of the body. Sleep deprivation and alterations of the Circadian Cycle have been proven to disrupt the body's normal functions, causing irritability, difficulty with concentration, and episodes of depression. The counterclockwise rotation currently employed by the Philadelphia Police Department exacerbates this problem.⁸⁰

The police organization also requires compliance with a broad range of detailed and sometimes arbitrary rules and regulations. Decisions emanate from what is perceived to be the remote and faceless hulk, called "Headquarters." The officer has

few opportunities for advancement; if he or she loses a job, the chances of being hired by another police agency are remote. Lateral transfers between police agencies, unlike private industry, are not an option, and in this continuing period of fiscal austerity, his or her economic position causes concern.

Some officers internalize their stress, engendering episodes of depression, irritability, and other psychological disorders. Alcohol, caffeine, and prescription drugs are frequently used by officers. Some turn to illegal substances. Officers may isolate themselves from their family, friends, colleagues, and their responsibilities as well. Others may act out their stress, sometimes with tragic consequences, by using excessive force in the line of duty or with their families.

Reducing opportunities for unnecessary stress and its impact poses a challenge to caring police administrators. But measures can be taken.⁸¹

To provide guidance to the Department in this area, the Task Force studied counseling programs currently being offered by other police agencies, and reviewed services now offered by the Philadelphia Police Department.

Service systems of other cities

The Task Force studied the psychological treatment services offered by police departments in San Diego, Los Angeles, Prince George's County (MD), Boston, and Detroit.

Los Angeles, San Diego and Prince George's County feature well-organized and coordinated programs with strong leadership. They are staffed by full- and part-time professional psychologists and experienced police officers trained to provide specialized "peer support" counseling. Their mandate is to establish and coordinate a set of therapeutic, consultative and educational resources to meet identified needs, and they have authority to train large numbers of police officers to participate in the peer counseling program. The program leaders are highly visible advocates for their resources, who insulate the psychological and "peer support" services and staff from negative external pressures.

Services focus on solving problems and preventing crises. Therapy or counseling is usually brief, ranging from two-to-three sessions in Prince George's County to as many as ten-to-twelve in Los Angeles. One system begins offering services when police officers are selected and continues through pre-employment screening, the police academy, probationary field training and includes ongoing "sensitization to the psychological needs of its own personnel." Therapy is provided for alcohol and drug problems, as well as stress-related, marital and family difficulties. Seminars provide officers means for alleviating job pressures and improving their image in the community. If long-term treatment is needed, referrals are made to private clinicians, whose fees are covered by third-party insurance. To provide consistently high quality service, each department has established an organized network of outside specialists and clinics.

Whether sponsored by the police force or not, these services are permitted great independence from bureaucratic oversight to protect the confidentiality of communications. In San Diego, for instance, the chief of psychological services has

been retained by the city (not the police force) for seven years and is housed separately from police facilities.

The need for a well-trained and coordinated peer support/counseling service was stressed by all the police departments in our study. In Boston officials believe that police officers will be more apt to discuss emotional problems with a fellow officer than with a professional, mental health worker. The Boston Stress Program, set up in 1973, therefore depends largely on peer counseling. Three full-time and 50 voluntary, part-time police officer/counselors provide the bulk of the department's psychological services. The program subcontracts a counseling psychologist to screen and evaluate officers and refers officers to particular specialists, if necessary.

In Los Angeles the peer counseling center is completely autonomous from the psychological services, but it is an important adjunct to the comprehensive system. It is staffed by 200 police officer/counselors, who are conveniently available to officers and dependents. These counselors are trained by the psychological services staff and have special areas of expertise, which enable them to work effectively with, for example, recovering alcoholics, widows, or wives of officers involved in shootings. They are taught listening skills and how to help an officer identify problems affecting work performance. They are trained to understand and appropriately communicate the details of the official process, and they learn how to help a troubled officer learn about and make use of other resources. Officers are referred for psychological treatment of individual or marital problems, for family therapy or for the special needs of their children.

Elements of a comprehensive alcohol and drug treatment/ mental health program

In reviewing effective treatment programs the Task Force found they followed certain principles and contained several essential elements:

- *Concepts* The treatment programs recognize that police officers are not only subject to the same personal and family problems as civilian members of society but also that police work imposes added stresses, and that psychological services are necessary to support officers during the identification of their problems, referral to proper treatment services, and counseling. Emphasis is on prevention and early intervention.
- *Professional Leadership* Psychological services can be an integral part of the overall police system. Successful mental health programs have at their helm a highly competent professional who provides leadership, administers mental health services and consults with the police administration. In the cities we studied, program administrators have a high level of independence and access to all levels of the police force, including the commissioner, particularly on matters affecting employee morale, stress levels or psychological services. The program administrator must be qualified to provide training and supervision and be in a position to judge the professional qualifications of external service providers and the abilities of officers who participate in peer counseling.

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- *Skilled Police Officer Peer Counselors* Peer counselors are essential to the success of every mental health, drug and alcohol program reviewed. Peer counselors have a special rapport with other officers. A troubled employee is often less suspicious and more willing to talk with a person who he or she feels will understand his or her problems and who has no supervisory responsibility. In one city the entire program consisted of peer counselors. Peer counselors are trained to understand emotional difficulties, they learn how to counsel their peers, and they are instructed as to when an employee should be referred for professional counseling.
 - *Systems and Procedures* Effective mental health services have systems and procedures for accessing services, publicizing them, providing training, increasing early recognition of problems, referral, and conflict management.
 - *Coordinated Plans and Strategies* These are needed to assure that mental health services interact with the rest of the police system. It is essential that the relationship between disciplinary/dismissal actions and therapeutic processes be clearly established. Procedures must be spelled out, and actual operations monitored. In those cities where the mental health resources are used effectively to head off crises, officers and supervisors believe that entering the counseling process is a way to rehabilitate themselves, rather than a step towards dismissal.

Philadelphia's treatment program

Counseling programs and referral systems exist within the Philadelphia Police Department. Of these, the alcohol counseling unit and the peer counseling program are the primary forms of care. Referrals are also made by the Police and Fire Medical Association, the Fraternal Order of Police through Blue Cross and Blue Shield, and the Department's own psychologist. The Task Force did not attempt to assess the quality of services rendered, except to note that they appear to be marginally adequate given their somewhat limited objectives. We also note with approval that some of these services are presently being expanded. However, it is evident that the scope, interaction, and coordination of the various counseling services need to be reviewed. The multiplicity and fragmentation of services made review more difficult, and it is evidently confusing to those trying to use the services.

Alcohol Counseling Unit The need for specialized treatment of officers with "drinking problems" led to the first organized treatment program being established in 1969. Currently the unit has one supervisor and three full-time police officer counselors. The unit's primary task is to treat cases of alcohol abuse and to train supervisors to recognize symptoms. The unit services police and fire department personnel and members of their families. Generally, participants are referred to the program either by supervisors, friends, or on a self-referral basis. The unit uses education, individual screening, group therapy, referrals to Alcoholics Anonymous, and referrals to other outside service providers in its treatment efforts. The program is limited to alcohol, and the Department has consciously resisted its expansion to other drugs and chemicals.

Peer Counseling Unit In April 1986 the Department established a peer counseling unit to assist employees with personal, professional, and family problems. At present the unit is staffed by one full-time police officer-counselor. The unit's offices are located in a building away from other police services, and all records of service are entirely confidential. The unit is under no obligation to report to members of the police administration, except in instances where the officer poses a danger to himself and others. Clients are referred by others or seek help on their own.

During the unit's short period of operation it has attracted many requests for assistance. Although an effort is made to handle all types of requests, the unit gives primary attention to job-related problems. Most requests result in the employee participating in group counseling sessions, although several referrals to professional counselors have been made. Unit records are kept confidential, which makes assessment of demand and the complexity of problems difficult to determine, but the Task Force feels there is sufficient evidence to indicate an increasing demand for services.

Barriers and Limitations In reviewing the Department's counseling programs the Task Force found significant barriers and limitations to an effective program. These include the Department's degree of commitment, the lack of a comprehensive program for assisting employees with alcohol, drug, or psychological problems, and police employees' suspicions of treatment programs, including fear of being dismissed, disciplined or stigmatized.

The Department has historically placed little importance on counseling and treatment programs for troubled employees. Although this attitude is changing under the present administration, a clear commitment to an employee assistance program is necessary. The Department does not now have a psychological professional working specifically on employee counseling issues. Further, the Department does not have a clear policy on what services it will attempt to provide, or the procedure for obtaining those services.

Current services are badly fragmented and access to them is confusing. No referral process or single source of information about services exists within the Police Department. Services are primarily crisis-oriented, often requiring a serious incident before action is taken. Significant barriers to getting employees into treatment during the early stages of a problem exists, and education and prevention services are virtually non-existent.

Employee attitudes also present a substantial barrier to effective treatment and prevention of stress, substance abuse, and psychological problems. Officers must be convinced that they can seek help without fear of stigmatization or discipline. Supervisors must be trained to recognize the danger signs, and procedures must be established that allow an officer to be referred to treatment before the problem gets out of hand. A key to convincing employees that they can get help is for the Department to ensure the confidentiality of the program and to make a sincere effort to help the employee whenever possible.

Recommendations for employee assistance programs

The Task Force recommends:

1. A program coordinator with psychological counseling training should be retained immediately to develop policies and procedures defining assistance programs, and guiding line managers as to their responsibilities within this program.
2. The Department should develop an employee assistance policy that clearly states: (a) the Department's position on all alcohol, drug and psychological problems, (b) the relationship between the Department and service providers, (c) the counseling and treatment services the Department will provide to employees, (d) the services that will be referred to outside sources, and (e) the procedures for obtaining service.
3. A new unit to provide stress, substance abuse, and psychological counseling should be created, and all present services consolidated into it.
4. The Department should establish a standing committee representing the police administration, the Fraternal Order of Police, the internal mental health/counseling staff, and an external mental health professional, trusted by all parties. The committee should review current policy, practice, structure and systems, create a set of guiding principles, make recommendations as to actions to be taken, and ways to communicate and implement them throughout the Department.
5. In addition, the committee should be empowered to commission a further study of specific elements, such as training and development of peer counselors; the best means for offering services, including physical location of service sites; methods of training supervisors to counsel and refer officers; the relationship between discipline and treatment; ways to obtain the best working relationship between professional psychologists (inside and outside the police force) and peer counselors; and techniques for publicizing and encouraging use of the service. The recommended time for taking these actions is six months.
6. Additional peer counselors should be sought, and further training provided.

Health Maintenance Programs

In recent years, in both the public and private sectors, there has been an increasing recognition of the benefits of health maintenance and stress reduction programs. Since the effects of stress are both physiological and psychological, a comprehensive approach to health maintenance has the greater benefits. Physical fitness conditioning prepares the body for the physiological effects, while stress management, peer counseling, and professional counseling assist the individual with the psychological effects of stress.

A review of private and public programs now in use indicates certain similarities. The most useful generally have three components. First, employees receive an organizationally sponsored medical examination periodically. Second, trained personnel provide professional guidance to the employees in physical, nutritional, and mental health. Third, facilities and equipment are provided so that the employees can develop and maintain their physical fitness on their own.

One such program has been implemented by the Austin Police Department. As

suggested by many experts, this program takes a comprehensive approach to health care maintenance. The first step in the Austin program is a requirement that all police employees receive an annual physical examination, regardless of age. This examination is sponsored by the department and carried out by a physician. Next, officers are referred to the department's Physical Assessment Program. This physical program is voluntary; it is offered to reduce or reverse the effects of stress and poor health practices. The Physical Assessment Program includes a stress test, flexibility test, blood pressure check, cholesterol count, and fat percentage test, among others, to assess the employee's physical fitness. Based on these tests, health services personnel then provide the employee with an exercise prescription, which features a combination of walking, running, weight lifting, aerobic, and other physical fitness activities. Cardio-vascular conditioning is stressed, and informal intramural sports leagues and activity clubs are organized to encourage employees to participate. In addition, the health services program offers assistance in other areas. Stress management classes, nutritional counseling, and classes on quitting smoking are offered to the employees on a regular basis. The department also employs two staff psychologists to assist the officers with psychological counseling.

Austin is not alone in its approach to employee health maintenance. Many organizations in the public and private sector have adopted similar programs. Although the size and comprehensiveness of these programs varies, almost all contain the same basic components. Preventive medical care, professional guidance in physical fitness and other areas, and adequate and modern facilities to assist the employees to improve their health are all essential parts.

Although we are aware of the severe financial constraints the city currently faces, it is our belief that health maintenance programs are vital. They are evidence of a humanitarian concern and reduce the use of sick time. More importantly, it is incumbent upon the Department to make sure that the people to whom we issue a gun, and to whom we grant the right to take away the liberty of others, be fit for duty at all times.

Recommendations for health maintenance programs

The Task Force advocates:

1. The Philadelphia Police Department should develop a comprehensive health maintenance program to monitor and improve employee health within the Philadelphia Police Department. To implement this recommendation, the Task Force suggests the following course of action:
 - A. The city should provide the Police Department with funding to implement a fitness program, including resources for equipment, and facilities.
 - B. The Department should, as far as practicable, attempt to make the program accessible and responsive to all members of the Department. Although athletic facilities will help some officers, others may benefit more from stress management programs, nutritional counseling, psychological counseling, or other programs. The private sector could assist the Department in this endeavor.
 - C. All police officers should have a yearly physical to determine fitness for duty.

Testing for Drug Abuse on the Force

Amid growing national awareness of the consequences of substance abuse in the work force many employers have implemented drug testing programs as a means to identify illicit drug users. An increasing number of businesses, perhaps as many as 40 percent of the Fortune 500 companies, are now testing applicants or employees or both. Federal, state, and local governmental units have also implemented testing programs.

In some instances affected employees have raised constitutional challenges to a particular testing plan or have objected to the manner in which it has been administered. Some of these challenges have prevailed in the courts on the ground that the employee's reasonable expectation of privacy has been invaded and that no countervailing employer interests override these expectations of privacy.

With respect to the police, we believe there are special considerations that justify a comprehensive program of drug testing. Concern for privacy ought to shape the structure of the program and the manner of its implementation, but this concern ought not to prevent it altogether. A decent accommodation of competing values is possible.

Police officers who work under the influence of drugs pose special dangers to the citizenry and to each other. They may exercise poor judgment in responding to criminal events or providing emergency services to those who are ill or endangered. They may get involved in automobile accidents, while responding to calls for assistance. In life and death matters, they may make the wrong choices.

Beyond these considerations, since drug usage is both a federal and state crime, police officers using illicit drugs are likely to act in a corrupt or negligent manner in enforcing the drug laws. They may exempt certain drug dealers from arrest in exchange for drugs for personal use, and they may become especially amenable to taking or soliciting bribes from drug dealers.

For these reasons we believe that drug abuse by police officers, armed public employees charged with maintaining and promoting the public safety, is a serious matter justifying the fashioning of a comprehensive program of reliable drug testing by the police commissioner.

In recommending a drug testing program we make no judgments as to the extent of drug usage in the Department; we have no statistics at our disposal. We agree with the President of the Fraternal Order of Police, who observed that drug use by some officers is to be expected to the extent that the force is a microcosm of society. Our opinion survey indicated that over one-third of the Philadelphians responding believed that police officers in Philadelphia use illegal drugs while on duty either "sometimes" or "often." This is a disturbing perception. A drug testing program is likely to create a more positive image.

Once an individual is clearly identified as a drug user by the testing program (or by any other reliable investigative process), the question remains, what departmental response is required? The Task Force struggled with this question. One alternative would be to suspend the employee, while the employee participates in a mandatory drug treatment program, until such time as he or she is certified as being

rehabilitated. Another is to discharge the employee from the force. We recommend the latter approach. An officer using drugs poses too great a danger to the citizenry and to his brother and sister officers. He or she has dishonored the badge and knowingly imposed great risks on others. Such a person may deserve our assistance and sympathy, but he or she does not belong on a law enforcement agency. Documented drug use should be followed by dismissal. The Task Force sees one essential exception to this policy position: the officer, concerned with drug use, who voluntarily enters the treatment system before detection and succeeds in becoming drug free. This opportunity for self-help serves good management and is essential for the effective functioning of the peer counseling treatment program.

Recommendations concerning drug testing

Accordingly, the Task Force recommends:

1. The commissioner should issue a directive on the subject of illegal use of controlled substances, indicating that such drug usage will not be tolerated, and that a drug testing program of the following individuals will be established during 1987:
 - A. All applicants for the position of police officer,
 - B. All individuals receiving required routine physical examinations,
 - C. All members of the Department reasonably suspected of drug usage,
 - D. All members of the vice, narcotics, and internal affairs units.
2. The directive should indicate that the sanction for documented illegal drug usage is dismissal from the police force.

CAPITAL EQUIPMENT:

Communications, Technology, and Facilities

The performance of the Philadelphia Police Department will be influenced in the short and long run by its capital equipment as well as by the quality of its officers. Capital equipment influences operations directly: if the communications system works well, police can be dispatched quickly and accurately; if a system exists for establishing the priority of calls, the police may be able to pursue the objectives of rapid response and community-oriented policing simultaneously; if non-lethal weapons are available, shootings by officers and injuries to officers may diminish.

Another part of the influence of capital equipment is psychological, however. If the police have good equipment and facilities, they feel that the community cares about them and supports their efforts. If they maintain their equipment, they develop a sense of responsibility to the organization as a whole, and to the future, since well-maintained equipment serves those goals—not just the immediate needs of the officers. To allow officers to perform well, and to encourage feelings of community support and organizational responsibility, it is important that the Philadelphia Police Department be well-equipped.

To assess the strengths and weaknesses of the Philadelphia Police Department in terms of capital equipment, the Task Force undertook an evaluation of the

Department's communications system, its supporting technological base, and its facilities.

Communications and Dispatching

Radio communications is a critical aspect of the police operation because it links the police and the public. As indicated elsewhere in this report, policing in Philadelphia is basically reactive. Satellite units (patrol cars and wagons) respond to incidents most often when the public alerts police to those incidents. To be effective, police units must be linked to a central control by an adequate communications system; good communications assures proper coordination of field units.

Beyond these considerations, the quality of communications relates directly to the safety of individual officers in the field. Philadelphia dispatches its patrolmen in cars on an individual basis. Consequently, the importance of radio communications in reducing an officer's isolation and improving his sense of security and actual efficiency cannot be overstated. Riding alone at night in an unfriendly environment and facing uncertainties and risk is challenge enough for most officers. To do so with the additional burden of unreliable communications is unacceptable.

The Task Force is particularly concerned with the state of communications within the Philadelphia Police Department. Much of the equipment currently in use is old and has a high risk of failure. The age and design of the equipment are such that the police cannot take advantage of technological developments now considered to be standard equipment for most major police departments. The current state of communications is no more than marginally acceptable for a major police agency and needs to be replaced during the next several years on a planned basis with set priorities.

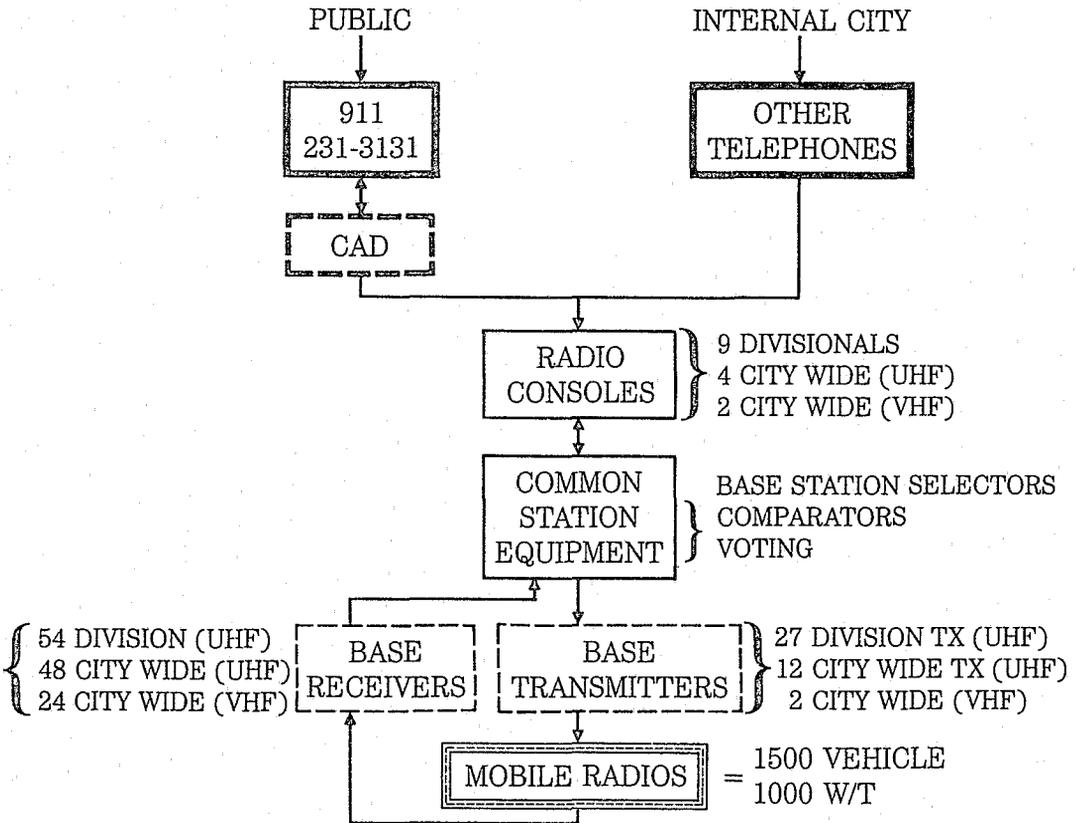
Organization of police radio

Philadelphia police communications are divided into three major components: (1) the 911 system, (2) the computer-assisted dispatch system (CAD), and (3) the basic radio communications system that facilitates communications between patrol cars and police headquarters. (A Police Department Communication System Flow Chart, showing the relationships of the equipment and the five basic sub-systems is shown.) We have found that the efficiency of each component part is inadequate.

911 Services Most requests for police service come via telephone using the 911 emergency number. These calls are taken by one of approximately 20 operators on duty around the clock in the radio room at police headquarters.⁸² The 911 calls are automatically given a priority and then routed by the computer-assisted dispatching system to individual police units, so that the most serious calls are answered first.

In 1985 the radio room handled 3.141 million calls for police service.⁸³ If all the telephone positions were manned during every shift on every day of the year (which they are not), each operator would be handling an average of more than 143 calls an hour, far more than his or her effective capacity. Despite this consistently high

Police Department Communication System Flow Chart



PRESENT PRIMARY POLICE COMMUNICATION SYSTEM
FIVE BASIC SUB SYSTEMS

- 1 - TELEPHONE
- 2 - CAD
- 3 - RADIO CONSOLES
COMMON EQUIPMENT
- 4 - BASE STATION (TRANSMITTERS)
BASE RECEIVERS
- 5 - MOBILE RADIOS

volume, between 1981 and 1986 the number of communications operators was reduced by 28.⁸⁴ Thus, there are fewer people to rotate into the operators' positions, and the frequency with which an individual operator must staff the telephone positions necessarily increases. The number of "overrings," calls to 911 that cannot be answered within the first two rings, are a problem.

In recent years, improvements to the basic 911 system in other police departments in the United States have been developed that increase the efficiency of the system. "Enhanced" 911 can provide the police operator with a read-out of the address and telephone number of each caller and hold the line until the operator is ready to release it. This reduces the possibility of incompleting calls, when the caller fails to give his address, and it discourages prank calls to the police because it is difficult for a caller to remain anonymous.

The Task Force notes with approval that an "enhanced" 911 system is planned for the communications center and that it will be installed in the near future. Unfortunately, the system will not be able to interface with the current computer assisted dispatch system and therefore will be less effective and flexible than it should be.

Computer Assisted Dispatching (CAD) The second component of the police communications system is the computer assisted dispatch (CAD) system. Installed in 1978, this system is designed to carry out five primary functions: (1) the CAD system verifies that the address given actually exists, (2) it assigns a priority to the request for service so that the most serious calls can be handled first, (3) it routes the call to the correct dispatcher with the appropriate patrol sector designated, (4) it keeps track of which patrol units are available so that the dispatcher can call the unit closest to the incident, (5) once the job is dispatched, the CAD system acts as an electronic manager—receiving calls, checking addresses, establishing priorities, tracking resources, assigning units to handle calls, and monitoring the progress of the call until it is finished.

The CAD system is a critical function of the police operation. It manages the allocation of available patrol resources. If it fails, the impact on police operations is serious.

The existing CAD system is obsolete, and maintenance problems present an ongoing dilemma. According to departmental reports, during the first nine months of 1986 the number of CAD failures increased by 15 percent over 1985, and the amount of time the system was out of service increased by 132 percent. Other parts of the CAD system have also required extensive maintenance during the past few years.⁸⁵

To perform the many complex tasks assigned to it, the CAD system utilizes sophisticated computer technology. The computer now performing this task is obsolete. According to the manufacturer's representative, no other models of the same type are currently in use on the east coast. As a result, repairs are difficult. Officials in the Police Radio Unit have predicted that service costs will begin to rise significantly as fewer technicians capable of working on this generation of computers are available and parts become harder to obtain.

In addition to hardware failures, the CAD system has suffered from software malfunctions. The software, which provides the written instructions and directs the computer how to perform its job, is complex and relies on several large files, called data files, for information. In the past, there have been several unexplained failures of the software, causing parts of the data files to be lost. At least one critical file is full and cannot be expanded to meet the needs of the Department. Even if these files were not full, it would be impossible to reprogram them since the set of codes (source codes) used in programming are locked in the computer and, according to the manufacturer, cannot be retrieved. This is an unacceptable situation and must be corrected.

Steps have been taken to purchase a new CAD system for the radio room. Deteriorating equipment, service difficulties, an obsolete computer language, and lack of computer storage capacity are all factors that compel its replacement. There have been major advancements of technology since the installation of the present CAD system, and state-of-the-art systems now perform the same basic functions with greater speed, less maintenance, and better options.

Radio Communications System The final, and most vital, component of the police radio system is radio communications. Without 911 lines there are still other phone lines. Without a CAD system there is still a manual system of sorting calls. Without radio communications there is no practical method of transmitting messages to police field units. The quality of radio communications impacts on the efficiency and safety of both officers and citizens.

Radio communications has two distinct parts. One is the high power transmitters and receivers used by headquarters to send and receive messages. The second is the equipment used by field units. Each has its own problems.

The equipment currently used by police radio at headquarters is about 19 years old. The transmission power of the system is 1,000 watts, and 33 transmitter sites are scattered throughout the city in locations designed to facilitate two-way radio communications, regardless of distances and physical barriers, such as hills and buildings. The Department is licensed to use 16 channels, divided into two VHF (Very High Frequency) frequencies and 14 UHF (Ultra High Frequency) frequencies. The VHF frequencies are used for special and "beat" assignments. Nine UHF frequencies are assigned to the designated sector cars, while four others are assigned to the detective and traffic commands. One frequency is reserved for emergency use.

Field equipment consists of 2,600 radios—1,500 mobile vehicle radios and about 1,000 hand-held radios, popularly known as "portables." Individual patrol car radios have a transmitting power of about 50 to 100 watts, depending on the specific radio unit. These are mounted in the car. By comparison, a portable transmits with a power of only 4 to 5 watts, depending upon its power source. The advantage of portables is that they can be removed from the car to provide officers with two-way communications wherever their duties take them.

The present radio communications system is plagued by maintenance problems

due to its age. In addition, the design of the system prohibits the Department from capturing the considerable advances that have been made in radio communications technology during the last 19 years.

To overcome environmental obstructions (tall buildings, hills, and atmospheric conditions) and to extend the range of lower power radios, police departments use high power remote transmitter/receiver sites called repeaters. Connected to the police radio room by a wire link, these repeaters are scattered throughout the city and facilitate communications by placing the source of the transmission closer to the field units. The repeaters also have electronic components that boost the strength of the transmitted or received signal.

For a number of reasons the repeater network currently in use by the Police Department is inefficient, although it has given good service during the past 19 years. It does face potential failures resulting from age, and it lacks back-up repeaters to take over if the primary unit fails. If a repeater fails, effective communication within its area becomes difficult for the higher powered mobile vehicle radios and almost impossible for portables.

Environmental barriers have also increased since the installation of the network. New buildings have been constructed, causing increased interference with the transmission and reception of messages. As evidence of current difficulty in radio communications, a recent Police Department survey of the city identified a number of "dead spots" in the city, where field radios are unable to contact a repeater site.

Finally, the dramatic increase in two-way radio use has led to severe overcrowding on the frequencies used in urban areas. This causes a condition known as "unknown interference" or "bleed over," when transmitters licensed for another frequency intrude on adjacent frequencies. The condition varies in intensity depending on atmospheric conditions, but it can become serious enough to block the transmissions of the units on adjacent frequencies. Two solutions are possible: First, the Department could move to relatively new frequencies that are less crowded. Second, the problem could be partially eliminated by the purchase of new transmitter/receiver equipment, which filters out the "bleed over."

The Philadelphia Police Department is one of the last major city departments to convert to the use of portable radios. These enable a police officer to communicate with headquarters as well as other police officers at all times, in or out of the patrol car. Such radios have the versatility of being used as the patrol car radio as well as being removed from the vehicle when the officer needs to leave it. Such features improve the control and coordination capabilities of police radio, add to the basic safety of the officer, and boost morale and confidence. They allow for increased foot patrol and ride-and-walk programs, which support the strategy of community policing.

Our research clearly indicates that it is uncommon in most large cities to have police officers on the street without a portable radio, and most cities are utilizing this equipment as the primary source of field communications. However, Philadelphia's transmitter/receiver system was not designed to function with portables. Consequently the transmitter/receiver sites are not located ideally to receive the lower powered radio transmissions of portable radios. If Philadelphia is to adopt this

approach, and we think it imperative that it does, then the current repeater system will have to be replaced.⁸⁶

Our logic favors putting priority on the replacement of the critical (and old) parts of the current system. The remote transmitters and receivers should receive first attention. Presumably this could be accomplished at a price of \$2.6 million, which is significantly less than the \$12.9 million estimate to replace the entire system.

In the absence of being furnished a portable radio, some police officers have purchased their own portable radios. These officers obviously believe the expenditure of their personal funds is worth the improved performance and security such radios provide. The portables acquired privately cost hundreds of dollars less than those provided by the Police Department. When modified they also appear to perform better and to be more flexible in communicating over more frequencies than the portables supplied by the Department. The Police Department must purchase state-of-the-art portable radios.

A failure in police communications is probably the most disruptive occurrence that could happen to the Police Department. All activities rely upon the communications network. Although the historic performance of this network has been good, the age of the equipment and the operational changes resulting from the increasing use of portables argue persuasively for a renovation of the system.

Recommendations regarding communications

The Task Force recommends:

1. The complement of operators available to answer 911 calls at police headquarters should be expanded. As a condition, however, the organization, housekeeping, and management of the radio room should be improved.
2. The number of operators' positions and computer-assisted dispatching (CAD) input lines should be increased to reduce the workload of individual operators and to increase the speed with which 911 calls are answered.
3. Before ordering new equipment or making improvements in the radio room or communications system, the Police Department and the Department of Public Property should develop a comprehensive communications plan with priorities to support the long term strategic concept of the Department.
4. Plans to connect the "enhanced" 911 system with the CAD system should be developed.
5. The CAD system should be replaced. As this report is being written, the replacement of the CAD system is being planned by the Police Department and the Department of Public Property. We recommend that procurement of a modern CAD system should move ahead expeditiously.
6. Because the possibility of a major failure in the police radio system increases steadily with time, immediate replacement of the current transmitter/receiver network is needed.
7. To increase the safety of the officers and the citizens and to increase the efficiency with which field units operate, the Department should provide officers with portable radios.

Supporting Technology

Our review of the technology used by the Philadelphia Police indicates that the Department does not at this time fully use the technology at its disposal, and that the Department lags behind other major police agencies in acquiring and utilizing state-of-the-art technology.

Police laboratory

Although short of space, the police laboratory appears adequately equipped to perform required tests. Its staff of 13 (11 of whom are technicians) conduct about 70,000 tests each year, most relating to drug analysis. The staff would be able to reduce the time spent on paperwork significantly if it were provided a microcomputer. Even better, the use of an electronic mail system (a local area network) connecting the lab to its customers would save an enormous amount of time in the transmission of reports. In addition, the computer could be used to track and file ongoing and completed assignments as well as other documentation required in connection with each case.

The Department could also benefit from the acquisition of an automated fingerprint analysis machine. These machines can classify and compare a fingerprint (or a piece of a fingerprint) which has been recovered from the scene of a crime to more than 190,000 sets of fingerprints on file. The computer will produce the ten sets of prints that most closely resemble the recovered print. In a high percentage of cases, a positive identification is achieved. Because the computer's files are capable of storing full sets of prints for all those arrested, a recovered print can be quickly identified as belonging to a known criminal as opposed to a person who was properly at the scene of the crime. The computer can also quickly compare the prints of an arrested person to those in the data base. If the arrestee has given a false name and has been arrested before, the computer will provide the correct identity. In addition, the computer stores all prints, or pieces of prints that it is unable to identify, and each time a new print is entered, it is compared with the data base. This storage of unidentified prints can lead to the solution of major cases upon the arrest of the perpetrator.

Since fingerprint evidence is one of the most reliable and readily accepted forms of physical evidence, we believe efforts should be made to increase the effectiveness of obtaining such evidence. The experience of other police departments with these systems has been excellent. Baltimore, for instance, credits its system with the resolution of 400 otherwise unsolvable crimes per year and preventing many more crimes. Although the cost of automated fingerprint analysis machines is high, they are valuable enough to justify the cost. One machine would provide considerable enhancement to the Police Department's crime fighting capabilities.

Computerization/information systems

Mainframe Service In June 1983 Philadelphia centralized all data processing services for the city into one department to increase efficiency and decrease

duplication of effort. As a result, the Philadelphia Computing Corporation (PCC) was established. The centralization of data processing responsibilities within PCC resulted in the removal of the Police Department's mainframe computer to the PCC headquarters. Since then, the Police have continuously voiced complaints about PCC service on a variety of topics.

The police complaints regarding PCC principally fall into four areas: security, quality of computer operations, contingency planning for power failures, and reliability of labor employed by PCC. In response to these complaints, officials within the Police Department have urged that the Department resume control of its own computer operations. The objections raised by the Police Department can be addressed without returning the responsibility for all data processing to the Police Department. Physical security can be easily achieved through implementation and enforcement of basic procedures commonly practiced by the business community.

Data systems security is more difficult to achieve. It is important that access to police files should be limited to a small number of personnel on a need-to-know basis and that appropriate background investigations and other security measures can be taken to assure data security. More important, there are a number of software security systems that can be acquired and installed at a nominal cost, which would further improve the basic security of the system.

Regarding complaints of declining service since the establishment of the PCC, the Task Force notes with approval that the Executive Director of the PCC has recently transferred several applications programmers to the direct supervision of the Police Department. This places responsibility for the Department's data processing requirements within the Department. Second, the PCC has recently installed a new IBM 4381, Model P-12 mainframe dedicated solely to police functions. This equipment should more than adequately provide for the Department's data processing requirements in the foreseeable future.

Similarly, complaints that the PCC has no emergency power source, and that PCC employees are civilian employees and might not be available during a work stoppage can also be addressed. Officials at the PCC inform the Task Force that new equipment, which will solve about 80 percent of the power problems, will be installed in early 1987, and that an uninterrupted power source, which will make the PCC "power independent," should be available within a year. Failure to provide such equipment earlier can be traced to a lack of funding by the city rather than failure by the PCC to accept its responsibility. Further, the city should meet with officials of the union representing PCC employees to review problems associated with work stoppage, and steps should be taken to implement practices that prohibit work stoppages in this critical part of city government.

Despite complaints, the greatest limitation the police face is the utilization of the computer resources they now possess. Although the Department has computerized many of its internal files, the process has been carried out in an uncoordinated manner. Most existing files are not "on-line," i.e. they can be accessed only by a written request to the Data Processing Unit, or they can only be accessed by a small group of people. Consequently, information valuable to officers in the field is not being disseminated to them.

The most glaring omission that we have found is the absence of a system that can track police activity from the receipt of a call for service to the disposition of a criminal case. Advanced systems in use by other police departments can tie all activity in a particular case together with a single number. Calls received are assigned a number, and if a report is made, all future file references utilize that same number. All information and reports concerning that case can be cross-referenced by the computer. In some departments reports are even made directly into the computer, eliminating the need to key in information later and providing an instantaneous data base.

Advanced systems allow the police to perform a variety of sophisticated functions. Crime analysis can be done on a daily, weekly, or monthly basis. General patterns and trends can be identified and targeted. Special analyses can be made to assist in solving particular crimes. Paper reports are eliminated, corrections are easy, copies can be made quickly, prosecutors can access the data for court, and the entire system is simplified.

Developing and installing the type of system outlined above is not a simple task, and a large commitment of capital will be necessary. Yet, much of the success in managing a police department and solving crime is dependent on how well the organization manages the flow of information. Computers are capable of distilling the pertinent information gathered by the police into a manageable form. The Department should move toward a comprehensive management information system which will provide timely and pertinent information.

Stand Alone Terminals We believe that greater use of microcomputers could also have great benefits for the Department. For instance, the Community Relations Division has signed up more than 15,000 town watch groups in Philadelphia. However, for lack of a computer they are forced to keep a card catalog of these groups, and communication with the groups is a herculean task. If a microcomputer were available, these records could be computerized and mailings simplified.

By obtaining microcomputer equipment for the various districts and other satellite units a variety of other tasks could be accomplished more efficiently. Commanders could make periodic assessments of crime patterns and workload requirements within their districts. Scheduling could be computerized to facilitate a more efficient allocation of personnel. District commanders could use the equipment to make periodic mailings to the "town watch" and citizens' groups in their areas. Unit commanders might even be able to track their expenditures by computer to make the units more budget conscious.

The Police Department is just beginning to embrace computers as a tool to achieve greater efficiency and power. The current effort to improve management information systems is hampered by the failure of the city and the Police Department to establish clear areas of responsibility, to determine the Department's actual computer needs on a priority basis, and to create a strategic plan for systems that will support a long range strategic plan for the entire Department.

Recommendations regarding technology

The Task Force recommends:

1. The Department should purchase an automated fingerprint analysis machine. It should investigate the possibility of setting up a regional fingerprint analysis center to help defray the cost of purchasing the equipment.
2. The Department should determine its current and future system needs. This will require major assistance from sources outside the Department.
3. A strategic plan for Department management information systems must be created and implemented on a prioritized basis. This is a major, vital task, critical to the future effectiveness of the Department. It will require the employment of consultants for technical assistance.
4. Work stoppages at the Philadelphia Computing Corporation must be eliminated.

Office Equipment

In the process of our investigation the Task Force also observed extraordinarily old and obsolete office equipment in use by the Police Department. The typewriters currently in use are in poor condition. An electric typewriter is a rarity in the districts, and word processors are nearly unknown throughout the Police Department, although a few microprocessors with word processing capacity have been acquired in Police Headquarters. The use of word processors and other modern office equipment could improve the efficiency of the average police officer and the quality of reports, assuming proper training in the use of the equipment is provided. This aspect of police operations is ripe for change in a variety of potential areas ranging from improved and simplified forms all the way to having specialized civilians perform the paperwork. If such a process were also integrated into a computer network to file the report and merge it into associated files and reports, the Department would achieve the efficiency that most businesses have already acquired.

During our investigation we found that several district commanders had purchased their own typewriters, word processors, and personal computers for use in their offices. We can find no better argument for the purchase of such equipment than to note that employees at this pay level would make a personal investment of one to two thousand dollars to improve the efficiency of their offices.

The acquisition of modern office equipment should be coupled with a training and service program for the use of such equipment.

Since police officers are required to produce significant amounts of paper work, reliable, modern office equipment is needed to allow officers and detectives to complete the paperwork quickly and return to the street for service.

Recommendations regarding office equipment

The Department should review the entire process of reporting with the objective of reducing the amount of time officers spend in completing their routine paperwork. The Department should assess its needs for upgrading office equipment and request the funding of these needs in its next budget request.

Facilities and Maintenance

The Philadelphia Police Department occupies 32 buildings, including the Police Administration Building, 19 district facilities, a juvenile aid facility, a marine unit, the training complex, the internal services building, two garages, a warehouse, and a tow squad auto pound. Our on-site inspections revealed that in general the buildings, with rare exceptions, are in a poor state of repair, and major capital improvements will be required to keep most of the buildings habitable.

Space is inadequate, and storage is universally at a premium. Heating, electricity, and plumbing are serious problems in many buildings. There is a lack of privacy for appropriate functions, a high level of noise frequently prevails, and there is general deficiency in working conditions. Surprisingly, security problems are apparent. The maintenance of most properties is extremely poor, and inspection imparts a general feeling of very inadequate housekeeping.⁸⁷

Our investigations found problems ranging from leaking roofs, lack of toilet facilities for female officers, enormous holes in the ceiling of one facility, deteriorating walls, dirty cells, poor lighting, maggots falling from a drain pipe in the ceiling of one property, asbestos noted in a "friable" state (meaning the asbestos is crumbling and thus being exposed to circulation within the facility), inoperative security lighting and defective plumbing facilities, among other deficiencies.

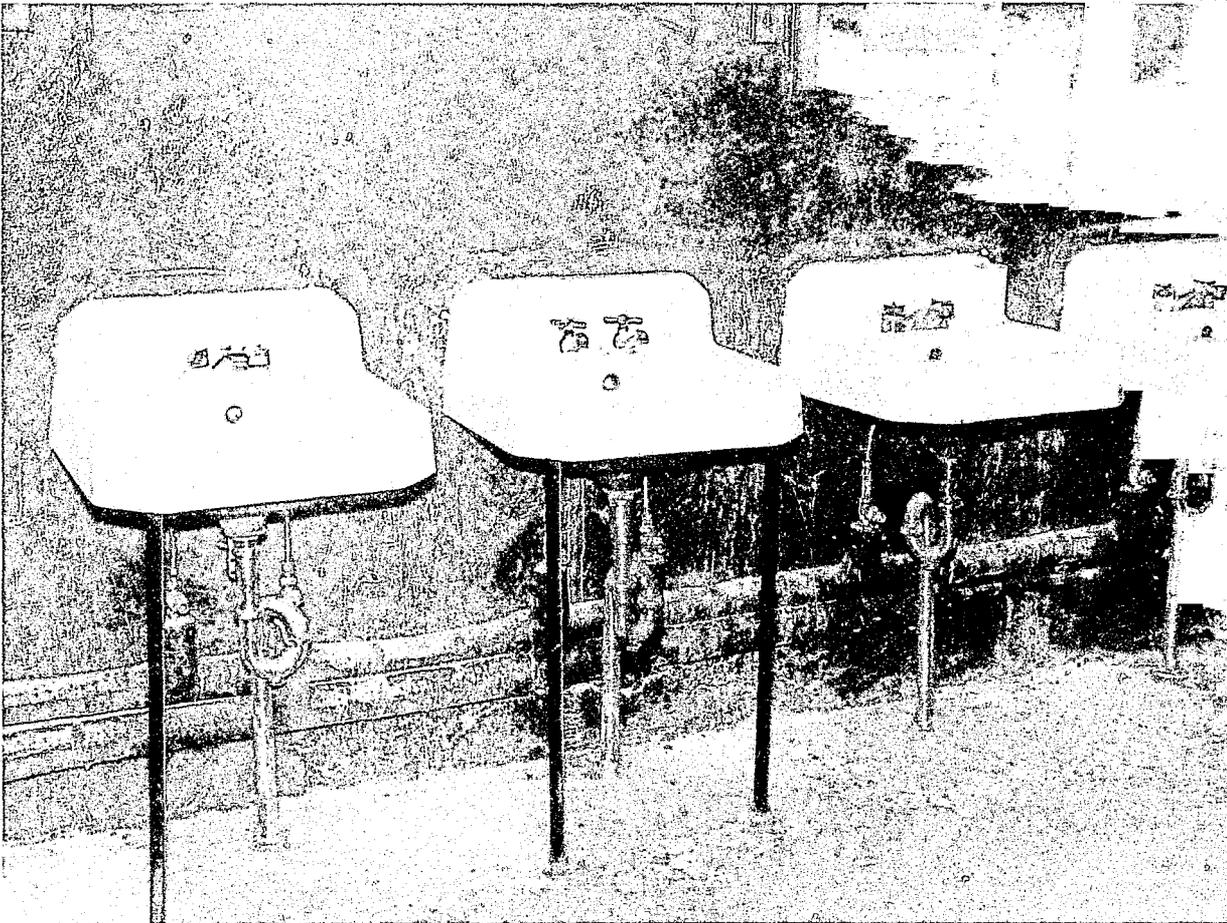
A survey of the physical condition of 21 police districts, located at 17 sites, prepared by Philadelphia's Office of the Controller on November 5, 1986, supports our findings.⁸⁸ This computerized report exposed such problems as a live Romex wire hanging in a men's locker room, the absence of a fire protection system in one building (two fire exits were nailed shut with plywood), reports of roach infestation, ten out of 19 cells with no lighting in one facility, two urinals and seven toilets in another building clogged, and no female toilet facilities in still another. Noting that 13 of the facilities were originally constructed in the 1950s and two in the 1960s and that a two-year backlog of 850 requests for maintenance exists, the report concludes: "We believe existing conditions in a considerable number of the districts are deplorable and are detrimental to the well-being and morale of the personnel stationed there."

Maintenance and repair responsibilities for police facilities are divided between the Police Department's Director of Administration, who is represented by the Building Maintenance Superintendent, and the Department of Public Property. The Police Department handles all routine maintenance at Police Headquarters and custodial work for all police facilities, while the Department of Public Property has the responsibility for maintaining the physical plant at all district and satellite facilities.

Because of union restrictions the police are prohibited from performing work related to the improvement of their facilities. All work must be done by city maintenance personnel. In the course of our investigations we repeatedly encountered comments (and complaints) from police personnel that their requests to the Department of Public Property for service go unheeded. They stated that in many cases city maintenance personnel perform a makeshift job without correcting the

real cause of the problem. It is clear to us that the city is failing to respond to definite needs and basic responsibilities regarding ordinary and necessary repairs. To quote one police commander, "We just keep resubmitting forms and do the best we can."

A common belief exists that the maintenance personnel assigned to the districts are not effective. Lack of adequate supervision and restrictive union work rules contribute to the perceived lack of effectiveness. One high police official commented that the building in which he works was cleaner during the city employees' strike, when it was being maintained by a skeleton crew of police, than when it was cleaned by the regular crew. There are also vagaries in the basic assignment of maintenance custodians to the various districts in that several are assigned two custodians while others of approximately the same size or even larger have only one.



Police officers resent the failure of the city to provide appropriate maintenance and support. Their attitude is one of frustration and disgust. The morale and effectiveness of the Police Department are adversely impacted by the poor state of its facilities.

In 1983 the city engaged the Vitetta Group, a Philadelphia consulting organization, to complete a study on space necessary for police administration and operations, as well as to advise on location issues. This study is essentially complete. The Vitetta Group reviewed nine sites and reached the conclusion that major rehabilitation and improved maintenance are needed. The results of this study indicate that only 54 percent of all space surveyed is adequate, while 38 percent was considered inadequate or very inadequate.⁸⁸

Through the commissioning of the Vitetta study the city has anticipated the need for change and the problem of future space requirements of Police Department buildings, but implementation of the study's recommendations will not be immediate and is totally dependent upon funding from the city. Thus, proper maintenance and capital improvements to existing facilities becomes even more vital.

In summary, Police Department facilities are overcrowded, generally obsolete, inadequately designed for present needs, and poorly maintained. They can be made more serviceable if a major effort is generated to clean them up, provide the required deferred maintenance, and establish a new program of routine maintenance with appropriate procedures and supervision. Much can be achieved now within existing resources if the Police Department and city respond to the challenge; but a change in attitudes, standards, management practices, and work habits is required. The current condition is the product of years of neglect and indifference. It will take a concerted effort, coupled with significant capital investment, to achieve the desired changes. Other police departments do not operate in facilities as poorly maintained as Philadelphia's. Philadelphia's facilities can be improved, and they must be, if the city is to achieve the excellence to which it aspires.

Recommendations regarding facilities and maintenance

The Task Force recommends:

1. The commissioners of police and public property should agree to appoint deputies, at the earliest possible date, to serve on a joint Departmental task force to identify specific maintenance problems in each police facility and to develop a schedule for correcting these problems.
2. Immediate steps should be taken by the managing director to implement the Task Force's priorities and to make systematic and operational changes, which will ensure that future requests for building maintenance by the Police Department are fulfilled.
3. The Mayor should analyze the Vitteta Report and commence a program to implement its recommendations according to a plan that establishes priorities.

Immediate Need for Corrective Action

More than any other section of our report the recommendations resulting from our review of the Department's communications system, advanced technology, equipment and facilities are heavily dependent upon capital appropriations. The Task Force is sensitive to the fiscal restrictions under which the city must operate,

and we have no illusions that all of our recommendations will be immediately possible. However, the unacceptable condition of police facilities is an imperative for some immediate corrective action. The communications system is functioning, but may be operating on borrowed time. The technology issues are the promise of the future regarding operational effectiveness; steps must be taken to prepare a plan that will lead to a future of utilized technology. This area will produce the greatest gains and be most cost effective, if the task is carefully planned and properly executed.

The Task Force was surprised at the poor condition of many police facilities. Not only do such conditions have an adverse effect on the morale of the officers, but they also reflect poorly on the city. First, we urge in the strongest possible terms that the responsible parties in city government move promptly to correct the deficiencies now apparent in the police facilities. Second, procedural and operational changes must be made to ensure that building maintenance is performed effectively. Third, we urge the city to recognize the need for an infusion of capital funds to improve communications and upgrade technology.

The communications system is not in the same state of disrepair as the police facilities. However, as detailed in our report, several serious deficiencies within the communications system need immediate attention. While we are encouraged by some actions, we are concerned about the final outcome of those efforts. It is clear the repeater network is a prime candidate for replacement. Once this is accomplished, the Department will have adequate capability to use portable radios as its primary form of field communications. Considering the projected cost of field radio equipment, it may be necessary for this type of radio to be phased into service. Finally, the CAD system and the 911 system need improvement. Careful consideration should be given to the recommended changes in this area. A properly designed CAD system is essential to the efficient functioning of the Department.

ORGANIZATIONAL RESOURCES: STRENGTHS AND WEAKNESSES—

Footnotes

- ¹ Pennsylvania Economy League, Eastern Division, Philadelphia. "The Adequacy of Philadelphia's Police Resources," Report No. 491 (September 1986).
- ² Philadelphia Home Rule Charter section 7-401(m) (1951) (hereinafter cited as "P.H.R.C. section ____"). In response to this statutory mandate, the Civil Service Commission promulgated Regulation 23, entitled "Performance Reports." To implement Regulation 23, a 12-page Performance Report Instruction Manual has been issued by the City Personnel Department.
- ³ Directive 23 refers to Form 73-28 (Performance Report for Permanent Employee) as the rating instrument for permanent police personnel, but we have been informed that Form 73-277 is now being used to rate such employees.
- ⁴ All commissioned employees must be rated with respect to factors 1, 3, 4, 5, 6, and the overall rating. Sergeants and corporals also have to be rated on factor 8, and all ranks above sergeant, in addition, must be rated with respect to factors 7, 8 and 9. Finally, Directive 23 requires the additional factor of "Promotional Potential" to be typed into block #10 and rated.
- ⁵ The City Charter requires that the annual evaluation of employee performance be a factor in promotions. P.H.R.C. section 7-401(n). Because of the satisfactory/unsatisfactory rating system, the performance reports for police personnel are used only for qualifying purposes, i.e., in order to be eligible to take a promotional examination, a police officer must have received a satisfactory overall rating on his last performance rating. Philadelphia Civil Service Regulations section 9.02322. As a result, past performance, no matter how outstanding, plays little if any role in the scoring or grading of promotional examinations and in the creation of promotional eligibility lists.
- ⁶ E.g., Chicago, Detroit, Atlanta, and Denver.
- ⁷ In the past, performance ratings reflected graduated levels in the quality of job performance. Committee of Seventy, Personnel Practices Governance Study (June 1986), 33.
- ⁸ See, e.g., Contract Between the City of Philadelphia and Fraternal Order of Police, Lodge No. 5, for the Term July 1, 1984 through June 30, 1986, Article XX(A) (Contract booklet published by the F.O.P.).
- ⁹ In re Arbitration between Fraternal Order of Police Lodge No. 5 and City of Philadelphia, No. 14 390 0440 86 A, at 6, paragraph 15 (slip op. July 21, 1986).
- ¹⁰ As the American Bar Association Standing Committee on Criminal Justice Standards has stated: "Both police and the community generally have an interest in the achievement of an economic status for police commensurate with the importance and difficulty of the tasks police perform. Significant improvement in law enforcement will depend on the ability of police agencies to attract and retain high-quality personnel. This is rarely possible if police agencies cannot offer competitive salaries, fringe benefits, and suitable working conditions. ..." American Bar Association Standards for Criminal Justice, Vol. 1, 2nd ed. (Boston: Little, Brown and Company, 1980), 1-159.
The National Advisory Commission on Criminal Justice Standards and Goals detailed some of the adverse consequences of low police salaries: "[P]olice officers, like everyone else, find their standard of living and their self esteem affected by how much they earn. They often regard salary as a reflection of how highly the service they provide is regarded by those they serve. ... [A]n inadequate salary may result in various forms of unacceptable employee behavior. Such behavior may range from inattention to duty to 'sick-ins' to outright corruption." National Advisory Commission on Criminal Justice Standards and Goals, Report on Police (Washington, D.C.: GPO, 1973), 352, 355.
- ¹¹ National Analysts, Survey of Community Attitudes Toward Philadelphia Police (Oct. 1986), 30-31, 33, 73. Of the 49 percent who offered this opinion, 15 percent believed that the police were greatly underpaid and 34 percent slightly underpaid. *Ibid.* Forty-six percent of the suburban residents surveyed opined that the police were underpaid. *Ibid.*, 73.
- ¹² In testimony prepared for the most recent interest arbitration proceeding involving the city and the F.O.P., the Pennsylvania Economy League made the following findings:
 - Philadelphia provides a broader range of benefits than other cities;
 - Philadelphia employees use benefits at a rate exceeding that of other employers, public or private; and
 - Costs, not only in absolute dollars but also in value of benefits as a percentage of pay, place Philadelphia above or near the top of other employers surveyed.Based on these findings, the League concluded that "in terms of existing benefit provisions for employees, Philadelphia lies at the extreme." In addition, the League summarized its study as follows: "[O]ur studies have shown that the city has a broad range of generous benefits. City total benefit costs are a much higher percentage of pay for time work than are benefit costs of the average employer." One possible explanation for the relative generosity of police fringe benefits when compared to base salaries is that retired police officers, approximately

- 5,000 individuals, are eligible to vote in F.O.P. elections. "Police Pick Leader in Vote Today," Philadelphia Inquirer, 7 Oct. 1986, p. 5-B.
- ¹³ City of Chicago Survey of Police and Fire Pay and Related Practices 1986 and Philadelphia Police Department Sworn Personnel Pay Schedule, Effective August 1, 1986. Not every city listed had all the classes that are compared.
- ¹⁴ Telephone survey conducted by Task Force. During calendar year 1985, as a result of overtime, 28 officers earned more than the police commissioner's annual salary. June 12, 1986, Management Letter to the Police Commissioner from First Deputy City Controller at 3.
- ¹⁵ City of Chicago Survey of Police and Fire Pay and Related Practices, 1986.
- ¹⁶ Ibid.
- ¹⁷ Contract between the City of Philadelphia and Fraternal Order of Police Lodge No. 5 for the term July 1, 1984 through June 30, 1986 and Arbitration Award in In re Fraternal Order of Police Lodge No. 5 and City of Philadelphia, No. 14 390 0440 86 A (July 31, 1986).
- ¹⁸ Ibid.
- ¹⁹ Philadelphia Civil Service Regulations, section 6.099.
- ²⁰ Ibid., section 6.09911.
- ²¹ Ibid., sections 6.09912 and 6.099121.
- ²² Report on Police Supra Note 10, 358. A uniform employee would not be granted a pay step increase if his or her last overall rating was unsatisfactory, unacceptable, improvement needed, or similar rating. Philadelphia Civil Service Regs. section 6.099122.
- ²³ Report on Police, Supra Note 10, 421, 427.
- ²⁴ November 29, 1985, Memorandum from Chief Inspector, Training Bureau, to the Police Commissioner, 1-2: These figures presumably are for calendar year 1985 through November 29, 1985. The Training Bureau developed a 40-hour advanced training program for Philadelphia Police Officers approximately two and one-half years ago, consisting of the following five modules:

	Hours
Module 1: Laws of Arrest	4
Crimes Code	4
Module 2: Search & Seizure	4
Use of Force	1
Responding to Patrol Incidents	1
Stress Management	2
Module 3: Firearms Training	8
Module 4: Use of Baton	4
Revolver Retention and Disarming Techniques	2
Searching and Handcuffing	2
Module 5: Role of the Police Officer	1
Conflict Management	3
Courtesy and Public Relations	1
Behavior Modification	1
Complaints Against Police	1
Dealing with the Handicapped	1

The following chart sets forth the total number of personnel who attended the law-related courses of the advanced training program during the active life of that program:

Module 1: Laws of Arrest Crimes Code		Module 2: Search and Seizure	
Police officers	2,631	Police officers	2,837
Corporals	27	Corporals	33
Detectives	13	Detectives	13
Sergeants	64	Sergeants	60
Lieutenants	34	Lieutenants	40
TOTAL	2,769	TOTAL	2,983

Source: Training Bureau Personnel

- ²⁵ November 29, 1985, memorandum from Chief Inspector, Training Bureau, to Police Commissioner, 14. Apparently, once all officers had completed modules 1, 2, 4, and 5, sometime between 1987 and 1991, the modules would be replaced by new ones.
- ²⁶ Only three films in the Audio Visual Unit's library appear to provide legal training, and these are "command" training films, which are not regularly viewed by many police officers.
- ²⁷ May 20, 1986, Memorandum from Commanding Officer, Training Bureau to the Police Commissioner.
- ²⁸ Directive 101, issued September 14, 1977. The original version of Directive 101 required personnel to "obtain written approval before registering for or beginning a course of instruction at an external training facility." The need for prior approval of all courses, including those to be paid for by an employee, may have discouraged employees from pursuing outside training/education.
- ²⁹ In the recent contract negotiations between the Fraternal Order of Police and the city, one of the union demands was the following:

In order to provide an incentive to those employees who have secured baccalaureate degrees to remain in police service, and also to compete with private industry, the city shall pay employees a degree increment, as follows:

a. Associate Degree	\$ 400.00
b. Bachelor's Degree	\$ 600.00
c. Master's Degree	\$ 800.00
d. Doctorate or Law Degree	\$1,000.00

See also August 14, 1986, General Computer Message (No. 0373) from Police Commissioner to all Commanding Officers.

- ³⁰ In re Fraternal Order of Police, Lodge No. 5 and City of Philadelphia, No. 14 390 0440 86 A at 3, paragraph 6 (slip op. July 21, 1986).
- ³¹ Police Commissioner Tucker favors "legislation which would provide police officers financial incentives to pursue higher education or to resume a previously interrupted college education." Under the proposed legislation, officers "taking college courses in criminal justice or related subjects would be provided a monthly cash payment from the Commonwealth as additional income." August 14, 1986, General Computer Message (No. 0373) from the Police Commissioner to All Commanding Officers. We support the Police Commissioner's lobbying for the tuition reimbursement plan. However, the plan should not be restricted to criminal justice or related courses. Any plan should permit the reimbursement for courses that qualify the student for bachelor and more advanced degrees.
- ³² November 29, 1985, Memorandum from Chief Inspector, Training Bureau to the Police Commissioner at 2.
- ³³ It may also be worthwhile to require those promoted to a supervisory or management rank to return to the Police Academy for a one- or two-day session during their probationary period to discuss actual work experience with others recently promoted to the same rank and with their instructors. Finally, as the Promotion Subcommittee of the Armstrong Special Select Committee, established on December 2, 1985, recommended with respect to those who were newly promoted to command ranks, the immediate "supervisor" of newly promoted supervisors and managers should develop a close and interactive relationship with the subordinate during the latter's probationary period to insure that the lessons of the pre-promotional training have been learned and are being applied. January 16, 1986, Memorandum from Captain Willie Williams to Chief Inspector Thomas Nestel, at 4-6.
- ³⁴ P.H.R.C. section 7-401(h) and Philadelphia Civil Service Regulations sections 11.03 and 11.04. See also January 16, 1986, Memorandum from Captain Willie Williams to Chief Inspector Thomas Nestel, at 2.
- ³⁵ January 16, 1986 Memorandum, at 2. A high ranking official of the Police Department confirmed that it was the view of employees of the Police Personnel Unit that the police commissioner cannot skip over two names next to each other on the list of eligibles certified to him.
- ³⁶ January 16, 1986, Memorandum at 3.
- ³⁷ January 7, 1986, General Computer Message (No. 5018) from Police Commissioner to Commanding Officers. Such a board was one of the recommendations made by the Promotion Subcommittee of the Armstrong Special Select Committee. January 16, 1986, Memorandum from Captain Willie Williams to Chief Inspector Thomas Nestel.
- ³⁸ The Promotion Board has reviewed a group of candidates twice since it was created and made recommendations on new assignments to be given to promotees. Because reviewing voluminous material and interviewing many promotional candidates were deemed to be too much for a single panel, several panels, comprised of officers of different ranks, reviewed and interviewed the second group of candidates.
- ³⁹ The Fraternal Order of Police (F.O.P.) filed a grievance on the day that the police commissioner announced the establishment of the Promotion Board, alleging that it was created without prior notification to the F.O.P., in violation of Article III, Section A of the then contract between the city and the F.O.P. Two days later, the F.O.P.

filed a second grievance alleging that the creation of the Promotion Board was an attempt to by-pass the F.O.P. as the exclusive bargaining representative in violation of Article IV, Sections A-F, and requested that the second grievance be consolidated with the first. Pursuant to contractual provisions, a hearing on the grievances was held on February 7, 1986, and the grievances were denied on February 13, 1986. It is our understanding that the matter has been submitted to arbitration, that an arbitration hearing has been conducted, and that no decision has yet been rendered by the arbitrator.

⁴⁰ Philadelphia Civil Service Regulations sections 9.0231 and 9.02322.

⁴¹ The President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: The Police 141-142; Report on Police Supra Note 10, 434-435.

⁴² Citizens Crime Commission, 1518 Walnut Street, Philadelphia, PA, "A Proposed Career Development Plan."

⁴³ *United States v. City of Philadelphia*, 499 F. Supp. 1196, 1204 (E.D.Pa. 1980). "[F]or the purpose of securing sufficient numbers of qualified female applicants to ensure that the City meets the thirty percent (30%) annual hiring goal for females," the City was required to adopt and implement a recruitment program that targeted females.

⁴⁴ 100 F.R.D. 354 (E.D. Pa. 1983), *aff'd*, 746 F.2d 1465 (3d Cir. 1984). The Commonwealth of Pennsylvania was one of the plaintiffs.

⁴⁵ In the memorandum approving the consent order entered in the O'Neill case, Judge Fullam made the following comments:

The litigation stemmed from a review by the Commonwealth of Pennsylvania, Department of Justice, and others, of some remarkable statistics. In the early 1960s, more than 20% of Philadelphia's police force were black. In 1966, 27.8% of the new appointees to the police force were black. At that point, responsibility for the selection process was transferred from the Civil Service Commission to the Police Department itself. By 1970, the percentage of black appointees had dropped to 7.7% in Philadelphia, whereas other major cities were experiencing marked increases in the percentage of successful black applicants for police appointments.

100 F.R.D. at 355.

⁴⁶ Nos. 77-4424, 79-375, 79-1192 (Shapiro, J.).

⁴⁷ The regulations provide that an eligibility list, established as a result of a non-continuous or periodic examination, is to be effective for at least one year, but no longer than two years, from its certification. Philadelphia Civil Service Regulations section 10.071.

⁴⁸ The O'Neill requirement that the city hire 12 additional qualified black applicants for each 100 hires is to continue until 293 additional blacks are hired over the next 2,442 hires.

⁴⁹ See Appendix B for requirements imposed by court orders.

⁵⁰ P.H.R.C. Section 7-300. Of approximately 7,800 full-time police employees, only four are in positions exempted by law from the Civil Service. Additional positions in the Police Department that ought to be exempt from civil service are discussed elsewhere in this report.

⁵¹ The probationary period is considered part of the appointment process. Philadelphia Civil Service Regulations section 2.36.

⁵² It does, however, refer to education equivalent to completion of a standard high school as being desirable training and experience.

⁵³ An applicant must have a minimum of 45 semester hours or 67½ quarter hours from an accredited college or university with a "C" average or better. Dallas Police Department Brochure.

⁵⁴ Police Executive Research Forum and the Police Foundation, *Survey of Police Operational and Administrative Practices—1981* (Washington, D.C., 1981), 107-111, 117-121. Of these cities, at least four, Dallas, Houston, Los Angeles, and San Antonio, increase the salaries, by some increment, of those officers who have completed some level of college education.

⁵⁵ Task Force Report: The Police, Supra Note 41, 125-126. The Commission intended that a high school diploma would be a transition measure, and that in time college education should be required of all those who performed police work. Its reasoning was this:

Policing a community is personal service of the highest order, requiring sterling qualities in the individual who performs it. . . . Few professions are so peculiarly charged with individual responsibility. Officers are compelled to make instantaneous decisions—often without clearcut guidance from a legislature, the judiciary, or from departmental policy—and mistakes on judgment could cause irreparable harm to citizens, or even to the community.

Complexities inherent in the policing function dictate that officers possess a high degree of intelligence, education, tact, sound judgment, physical courage, emotional stability, impartiality, and honesty.

Several years later, the National Advisory Commission on Criminal Justice Standards and Goals recommended that by 1982 every police department should require at least four years of education at an accredited college or university as a condition of employment. It reasoned:

[I]n more progressive police agencies such routine tasks are rapidly being turned over to civilian employees, paraprofessionals, and other governmental agencies. Thus, police officers are left with their more essential task which includes social control in a period of increasing social turmoil, preservation of our constitutional guarantees, and exercise of the broadest range of discretion—sometimes involving life and death decisions—of any government service. The need for police officers who are intelligent, articulate, mature, and knowledgeable about social and political conditions is apparent.

People with these traits, according to Charles Saunders in *Upgrading the American Police*, are more likely to be found on college and university campuses. . . .

In recent years, as more agencies employed college graduates, evidence showed that college-educated persons were better suited for police work.

Report on Police Supra Note 10, 369-370.

- ⁵⁶ For example, in Dallas applications are accepted daily at the City Civil Service Office. Applicants are then referred to the police personnel department for a preliminary interview. If the applicant passes the preliminary interview, he or she is scheduled for testing.
- ⁵⁷ Oral parts of promotional examinations are presently numerically scored and graded. The oral component of the entrance examination could be similarly rated.
- ⁵⁸ In Dallas, all applicants must appear before the Applicant Review board, comprised of three police officials, for a structured interview covering all job-related areas.
- ⁵⁹ We did learn that the written test was divided into two sections. The answers to questions in the first section were based on information presented in five parts contained in the study booklet, "Pre-examination Study Booklet." With respect to this material, applicants were warned: "You must MEMORIZE these materials." The second section did not require applicants to learn or memorize any specialized material to answer the questions therein, but the study booklet listed and explained the kinds of questions that could appear in that section.
- ⁶⁰ P.H.R.C. section 7-401(f); Philadelphia Civil Service Regulations section 10.071. These provisions were superceded by the O'Neill and Alvarez consent orders, which required that the eligible list remain open and in use for four years from the date of the certification of that list.
- ⁶¹ Philadelphia Civil Service Regulations section 14.01.
- ⁶² *Ibid.*, section 2.36.
- ⁶³ P.H.R.C. section 7-401(j). During the probationary period, the commissioner may, with the personnel director's consent, discharge or demote a probationary employee, if he determines that the employee is unable or unwilling to perform his duties satisfactorily or that his habits and dependability are objectionable. Philadelphia Civil Service Regulations section 14.04. A probationary employee who is rejected has no right of appeal to the Civil Service Commission from such action. *Ibid.*, section 14.042.
- ⁶⁴ As a Departmental Task Force recently observed, the current probationary system permits the Police Department "only [to] evaluate a recruit's learning ability" and not his capacity to perform police duties. Report of Performance Appraisal Subcommittee 5 (January, 1986). Unlike most other civil service positions, that of police officer requires a long, intensive training period before a recruit can perform the duties of his position. During the time a recruit is in training at the Academy, he cannot be said to be performing the duties of police officer. The rationale for the probationary period is therefore not applicable to the time that a new police officer spends at the Police Academy.
- Beyond this, the Police Department does not fully utilize the nineteen-week training program to discharge unqualified officers. Officials at the Training Academy indicate that their objective is to help everyone complete the program successfully, even if it means retraining those who have failed one or more of the program modules. The desire to avoid litigation by those who fail the program forms part of their rationale.
- ⁶⁵ An internal task force, the Performance Appraisal Subcommittee, recently made a similar proposal to expand the probationary period for new police officers. The specifics of the subcommittee's proposal are as follows: establish a class specification to be entitled "police recruit"; expand recruit training to 26 weeks and require police recruits to complete it successfully before being assigned to a district. Upon successful completion of recruit training, a police recruit would be appointed a police officer, subject to a 6-month probationary period from the date of appointment. The Task Force noted that under the civil service regulations (Philadelphia Civil Service Regulations section 15.042), a police officer who was rejected during the probationary period could conceivably be

restored to the position of police recruit. Section 15.042 might have to be modified or clarified to eliminate this possibility.

⁶⁶ P.H.R.C. section 7-101. See also Philadelphia Civil Service Regulations section 26.01.

⁶⁷ Act of 1974, June 18, P.L. 359, No. 120, codified at 53 P.S. sections 740-749 (1986 supplement).

⁶⁸ In fulfilling its statutory mandate to establish an education and training program, the MPOET Commission is required to: establish the minimum courses of study and training for municipal police officers (MPOs); approve, or revoke the approval of, schools which may educate and train MPOs; and establish minimum qualifications for instructors of MPOs.

⁶⁹ Police Academy Training Booklet, 1.

⁷⁰ Ibid.

⁷¹ Somewhat incredibly, 12 hours are assigned for Graduation Practice and Graduation.

⁷² In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that "formal training programs for recruits in all departments . . . should consist of an absolute minimum of 400 hours of classroom work spread over a 4- to 6-month period." Task Force Report: The Police, *Supra* Note 41, 139. The National Advisory Commission on Criminal Justice Standards and Goals made a similar recommendation in 1973. Report on Police, *Supra* Note 10, 392.

⁷³ ABA Standards for Criminal Justice, Vol. 1, 2nd ed. (Boston: Little, Brown and Company, 1980), 186.

⁷⁴ The following chart shows the current allocation of Philadelphia's basic training:

Allocation of Philadelphia Police Department's Basic Training		
Area:	Hours	% of Total
1. Criminal Justice System and Role of Police	9	1
2. Law	140	18
3. Patrol Procedures	64	8
4. Investigation	71.0	9
5. Physical Fitness/Training	54.5	7
6. Community and Interpersonal Relations and Human Values	90.0	12
7. Firearms Training	84	11
8. First Aid Training	44	6
9. Oral and Written Communications Skills	38	5
10. Driver Training	30	4
11. Other Police Skills	65.5	9
12. Miscellaneous	70	9
	<u>760</u>	<u>99</u>

⁷⁵ In Los Angeles, police academy graduates are assigned to an experienced training officer for one year to complete the remainder of their probation; Dallas requires recruits to work with a Field Training Officer for 16 weeks following graduation, before beginning a six-month probationary period in its Patrol Bureau.

⁷⁶ Report on Police, *Supra* Note 10, 396; See also President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, *Supra* Note 41, 139.

⁷⁷ Task Force Report: The Police, *Supra* Note 41, 49.

⁷⁸ Telephone interview with Dr. Harvey A. Goldstein, former Director of Psychological Services of Prince George's County Police Department, Prince George's County, Maryland, by P. Steven Pendleton on 4-5 September 1986; telephone interview with Dr. Sheldon F. Greenberg, Director of Management Services, Police Executive Research Forum, by P. Steven Pendleton, 4 September 1986;

⁷⁹ Interview with Dr. Sheldon Greenberg.

⁸⁰ Interview with Dr. Harvey Goldstein.

⁸¹ Interviews with Drs. Goldstein, Greenberg and Gregory Reide, Director of Psychological Services, Houston Police Department.

⁸² There are 30 operator positions in the radio room at police headquarters; however, there are only 27 lines available to the CAD system, thus only 27 operators can function at any one time. In addition, two more operators are detailed to handle administrative calls at all times, and one operator is assigned to handle a program of delayed police response. Finally, the communications commander reports that due to staff shortages only about 20 positions are staffed on the average.

⁸³ Philadelphia Police Department, Statistical Unit.

⁸⁴ Philadelphia Police Department, Communications Division.

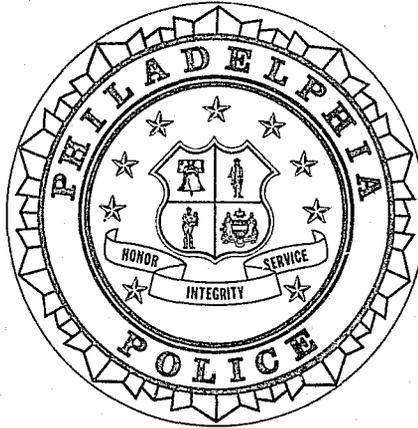
⁸⁵ The keyboards have required over 1,100 repairs since 1983, the computer screens have been repaired 276 times, and the brains of the CAD, the central processor units, were repaired 31 times in 21 months.

⁸⁶ A July 1986 estimate of the replacement cost for the entire communications system showed the following:

Consoles and Common Equipment (Headquarters)	\$1.6 million
Transmitters and Receivers (City-wide)	\$2.6 million
Portable & Mobile Radio Equipment (1500 radios and accessories)	<u>\$8.7 million</u>
TOTAL	\$12.9 million

⁸⁷ A prime example of the failure of the city's maintenance program is the building that houses the Juvenile Administration Division. Formerly known as the Horn School, located at Frankford Avenue and Castor, it was solidly constructed of stone with extensive use of oak on the interior. Built like a fortress, it should have had a potential life of centuries. Several years ago a leak developed in the roof of the Horn School that the City failed to repair. As a result, old plaster walls are now cracked and bulging. The life-span of the school has been cut short, and its basic utility reduced.

⁸⁸ Memorandum and attached report to The Honorable Kevin M. Tucker, Police Commissioner, The Honorable James S. White, Managing Director, The Honorable Dudley R. Sykes, Public Property Commissioner from Joseph C. Vignola, City Controller, Subject: Physical Conditions at Twenty-One Police Districts, November 5, 1986; see also: Vitetta Group, The Maxman Sutphin Partnership, Omega Consultants, "Philadelphia Police Administration and Operations Buildings Study, Philadelphia, Pennsylvania," (March, 1985), Section I.



Chapter 4

Police Governance and Accountability

The police are entrusted with important public resources. The most obvious is money: \$230 million a year flows through the Philadelphia Police Department. Far more important, the public grants the police another resource—



the use of force and authority. These are deployed when a citizen is arrested or handcuffed, when an officer fires his weapon at a citizen, and when an officer claims exclusive use of the streets with his siren. This use or misuse of a public resource also occurs when an officer fails to make an arrest due to fear of or favor toward a suspect. The rate at which that resource is being expended cannot be determined because accounting systems have not yet been developed to record it.

Because Philadelphia needs a Police Department and because the Department requires grants of money and authority, it often seems that these resources are owned by the Police Department. They are not. The resources belong to the citizens

of the community. They are loaned to the Police Department, and they are loaned under conditions.

The citizens expect the police to accomplish such purposes as deterring crime, promoting security, providing emergency services, allowing people and vehicles to move easily through the crowded streets, and generally establishing conditions within which community life can flourish. Moreover, they expect the police to accomplish these with the least possible use and the fairest distribution of the public's money and authority. They also expect the Department to have the expertise to determine how to do that well. The police are agents of the community and therefore accountable to it. How their relationship should be structured, both as a matter of philosophy, and of institutional arrangements, is the focus of this chapter.

The Task Force believes that establishing the terms and conditions under which the police are accountable to the community is important for three reasons.

First, we believe that improved accountability of the police is a virtue in itself. If an organization is entrusted with important public resources, it owes the public an account of their use and effects.

Second, the Task Force believes that strict accountability aids the management of the Department. Some police managers think that demands for accountability distract their attention from more pressing operational questions and make them vulnerable to criticism. This can be true if the mechanisms of accountability are onerous and arbitrary. If, however, they focus on the crucial public tasks of the organization, then accountability promotes effective management; it stiffens managers' spines and allows them to ask more of themselves and their officers than they otherwise could. The challenge is to install principles of accountability that both focus the police department on important issues of performance and protect them from capricious or inappropriate interventions.

Third, the Task Force believes that improved accountability will forge a stronger partnership between the police and the community. Being accountable is the way organizations build credibility with the community. The resulting confidence forms the basis for an improved partnership. That, in turn, improves effectiveness in dealing with crime and disorder and in fostering the conditions under which community life can flourish. Enhanced accountability is operationally significant to the Department, as well as a virtue in itself.

A PHILOSOPHY OF POLICE ACCOUNTABILITY

The basic terms of the accountability relationship between the police and the community have already been sketched: the community grants the police use of public money and authority in exchange for the police providing an extremely valuable public service. The police are responsible for using those resources sparingly, effectively, and fairly in providing the necessary services. The community relies on the expertise of the police to help them know how best to use the resources and often defers to their judgments.

The community is also concerned, however, that the police will be tempted to

use the resources entrusted to them for their own purposes, rather than the community's. For example, the police might not search aggressively enough for improved ways of policing the city, but instead rely on comfortable, traditional practices; the police might create too many "steady inside jobs" to provide havens from the stress of shift work on the streets; the police might use the force entrusted to them as a way of expressing their own anger and fears, rather than as a necessary instrument in effecting an arrest; the police might even take money to overlook serious offenses. To maintain their credibility with the community, the police must provide the community with information that allows the community to see how their resources are being used on behalf of the community.

Implicit in this relationship is the expectation that the police will feel morally responsible to the community, not just to themselves. If the police can find ways to stretch resources so that the cost of patrolling the city is less than it now is, they are duty-bound to seize the opportunity. If crime and problems regarding maintenance of order can be solved with less use of authority, that opportunity should be exploited. If the fairness of the distribution of police services across Philadelphia's communities can be improved, that, too, should be done. There must be an active commitment to reducing the cost and increasing the effectiveness and fairness of police services.

Where the responsibility for improving policing lies is an extremely important question. Initially, the Task Force assumed that the responsibility rested within managerial levels of the Department. That assumption was based on an implicit analogy with private sector firms in which management is assumed to be responsible for controlling costs, improving productivity, and positioning the organization for improved performance. Labor, on the other hand, is responsible for protecting the interests of the workers in management's plans.

To a degree, we still think this imagery is appropriate. We think police management does bear special responsibilities to represent the interests of the community within the Department, to challenge officers to contribute more to the quality of life in Philadelphia, and to find improved ways of making a contribution to the Philadelphia community.

We also think that police officers are different than mere employees of private enterprises: they are sworn officers of the law. As such, they make a broader commitment to their organization and the community than employees of private sector firms. They operate as professionals, rather than as closely supervised workers. In sum, we think police officers have a different, more responsible status than ordinary employees.

This means, on the one hand, that they should be accorded certain privileges, such as higher pay, greater social status, more discretion and autonomy in their work. On the other hand, this view implies that they accumulate special responsibilities. Some of the executive responsibilities that would otherwise be lodged only at managerial levels flow to them. They must assume responsibility for change and innovation, as well as doing things as they have always been done. They must keep themselves educated and informed and explain to the community how they are

helping it to achieve its purposes. They must also be exposed to liability judgments, if they perform at lower levels of care and competence than the standards they have implicitly set for themselves.

It seems to us, then, that accountability to the community extends more deeply and widely throughout the Department than is first assumed. It does not rest only at managerial levels. When officers swear their oath, pin on their badges, and buckle their gun belts, they become agents of community interests—not their own. As they accumulate experience, they become a valuable asset to the community. When they become managers, they are responsible for making sure that those who work under their supervision accept and understand their broad responsibilities to the community and that the accumulated knowledge and expertise of officers are effectively utilized on the community's behalf. While we think managers have special responsibilities for representing the community's interests in the Department, we believe that responsibility is diffused through the levels of the Police Department more powerfully than it is in private sector firms. Everyone in the Department must be made to feel this accountability to the public. This is what it means to be a "police officer."

To have force, this philosophy of accountability must be reflected in the structures of governance surrounding the Police Department. It is revealed in the processes through which the Department reports and consults with the community and its own internal managerial processes.

THE STRUCTURE OF ACCOUNTABILITY

To whom, and for what, are the police accountable? The answer begins with the City Charter. The Charter establishes the Police Department as an administrative entity within city government. It makes the police responsible for enforcing state and municipal laws and performing other functions related to the maintenance of public order and safety. It sets the terms and conditions under which the police commissioner is selected, and the conditions under which he can be removed. It delegates to him the responsibility and authority to deploy the police force.

For decades, it has become conventional to view the police commissioner and police department as largely independent of politics. In this concept, the police department's responsibility is to enforce the laws fully and faithfully, without fear or favor. The department's legitimacy is based on its neutral enforcement of the laws and its professional competence, rather than on its responsiveness to community sentiments and values. Politics are viewed as a source of corruption, rather than useful guidance, or an appropriate mechanism of accountability.

Surprisingly, the effect of this concept of police accountability is to leave the police accountable to no one but themselves. For example, no agency holds them accountable for the full and impartial enforcement of the laws. One might imagine that the courts would play this role, but that rarely occurs. When the courts have reviewed police conduct, they have been principally concerned with individual instances of abuse—not with aggregate patterns of enforcement activity.

Few suits are filed complaining of systematic patterns of over or under enforcement of laws. Similarly, no specific institution effectively stands for the professional standards of policing. There are some professional associations, and some accreditation standards for police departments, but these are rarely invoked. The notion that the police should be accountable by being independent of politics, faithful to the laws, and loyal to the standards of the profession turns out to be a false kind of accountability: the police end up setting standards for themselves.

Fortunately, as a practical matter, this image of police accountability has never fully captured the reality of the situation. As a legal and practical matter, the police commissioner and the police department are accountable to institutions other than the law and the standards of their profession.

As an agency of municipal government, the police commissioner and the police department are accountable to elected representatives of the people. The mayor and city council have the legal and moral right to express their views about the mission of the police department, to comment on the actions of the commissioner and even to recommend specific policies and procedures. They are generally hesitant to "interfere" lest they be accused of "politicizing" the police, but they often do so either publicly when a general problem arises, or privately to secure some advantages for their constituents.

The police commissioner and the police department are also subject to regulations established by administrative agencies concerned with budget and personnel. The police commissioner must spend the money allocated to him in the categories specified in the budget. He cannot reallocate resources without approval from the financial office. He cannot carry over savings made this year for use next year. Similarly, on the personnel side, he must abide by the requirements of the civil service system. He cannot remove people from their current positions without elaborate justification. In selecting people for new jobs he is bound by rules that limit his choices to people who have scored well on exams and accumulated additional points on the basis of seniority or veterans' preference.

These administrative systems were established to ensure that the commissioners of city departments did not misuse the money entrusted to them by stealing it, or using it for partisan political purposes. (These systems may be successful in preventing such abuses of public trust, but they have also become obstacles to innovation and change.)

The police commissioner and the police department also often feel accountable to the media, which stimulate others with formal or informal power to intervene in police operations. Newspaper and television coverage of the police department provide the principal means by which the public learns about the police.

The police commissioner is also responsible to his own subordinates—the rank and file of the police department. To a degree, this is formalized in Philadelphia in the collective bargaining agreements the commissioner negotiates with the Fraternal Order of the Police. Although these collective bargaining agreements are supposed to avoid issues of policy and performance and focus on working conditions, the rights written into the agreements influence how the resources of the Depart-

ment are utilized. Indeed, one can see their powerful effects in the current deployment of the police. Yet, the accountability is also informal. A police commissioner naturally feels a deep sense of responsibility to the officers who daily risk their lives for the citizens of Philadelphia.

Finally, the police commissioner is responsible to the courts—partly because, in extremis, they enforce the requirements associated with all other mechanisms of accountability. If the police commissioner violates laws governing the expenditures of public funds, the courts will step in and enforce the law. In addition, the courts have special responsibilities for protecting the interests of individual citizens. They enforce constitutional provisions, and they hear liability suits against the police.

EVALUATING THE STRUCTURE OF ACCOUNTABILITY

A review of this structure of accountability reveals four crucial problems. First, no institution in this structure has historically been a consistent, powerful force for sustained improvement in the overall quality of policing nor does it monitor police responsiveness to community concerns. Given the history, both generally across the nation and specifically in Philadelphia, elected officials would be quite suspect in performing this role. The administrative agencies may talk the language of accountability and efficiency, but they have stopped being a consistent pressure for the kinds of innovation and experimentation that policing now needs. The newspapers may reflect and represent the values of accountability, but they intervene on too intermittent and narrowly focused a basis. Union officials feel principally responsible for protecting the economic self-interests of the patrol officer. Professional standards reflect the view that enforcement agencies should be independent of the community.

The only person in this group who stands for sustained improvements in the quality and responsiveness of policing is the commissioner, but the job is too hard for him to do alone. If he alone stands for this goal, he will be powerless to effect it no matter how strong his commitment, how deft his technique, or how courageous his actions. He must have powerful partners to demand this from him and help him achieve it.

Second, there is little formal opportunity for the diverse neighborhoods of Philadelphia to make their special priorities and interests known and have them reflected in the operations of the Philadelphia Police Department. All policies and procedures are issued as general orders; established accountability mechanisms exist only at a central level. There are no formal procedures for consultation or planning with the community beneath the central level. This is consistent with the ambition of making the enforcement of the law equal across the city, but it denies the importance of differences among communities with respect to their aims and priorities.

Third, the standing of the Fraternal Order of the Police in this set of relationships is somewhat confusing and anomalous. Some find the whole notion of police officers and unions incompatible. Police forces have developed as quasi-

military organizations, required to respond in emergency situations when public safety and security are at stake. The ability of commanders to command and the need for discipline and strict rules of conduct are felt by these people to be inconsistent with the presence of a union standing between individual officers and their superiors. Others, of course, take the opposite view, feeling that unions are essential to assure that police officers are treated fairly.

Whatever one believes about the merits of these contrasting positions, the question of whether the police should be unionized is no longer the central issue. Unions, such as the Fraternal Order of Police (F.O.P.), are firmly established in cities throughout the country, as well as in Philadelphia. The Task Force believes, therefore, that the principal challenge confronting the modern police department is to find ways to work with their officers' union so as to serve the public need for an honest, efficient and effective police force. At the same time the legitimate needs of police officers—performing one of the most difficult assignments we give to any of our public servants—must be met.

Fourth, no special mechanisms exist to deal with society's deepest worries about the reliability of the police. Specifically, no mechanisms of external accountability focus on the problem of police corruption. No formal device for dealing with the difficult issue of excessive use of force exists. There is no way to focus on the issue of racial or class bias in the individual conduct (or aggregate deployment) of police officers. Without such mechanisms, those who suspect the police of misconduct have no assurances that the police are behaving properly. The Police Department itself is vulnerable to the devastating effects of occasional scandal. These problems, and recommendations for dealing with them, are set out in more detail below.

RECOMMENDATIONS REGARDING CREATING A CONSTITUENCY FOR IMPROVED POLICING

To deal with the fact that no oversight agency exists that exerts sustained, consistent pressure for improvements in the overall quality of policing, the Police Study Task Force recommends:

1. A small police committee should be created to assist the commissioner in making strategic decisions to implement the recommendations of this report. Members of the committee should be distinguished Philadelphians, experienced in government, law, business administration, and police management. The police commissioner should participate in the selection of the members and should be a member himself.

This proposed committee is in no way a civilian review board. Indeed, the Police Study Task Force explicitly rejects the idea of creating such a board, whose sole purpose is to hear complaints about police misconduct. We regard that task as too narrow to justify extensive citizen involvement. Moreover, we think that problems of police misconduct are handled better through determined management within the Department. Finally, we think that civilian review boards tend to divide the community from the police rather than joining them together.

The proposed committee differs from a civilian review board in two crucial respects. First, its responsibilities are to help develop an implementation plan and to evaluate the Department's performance in executing the plan. It would be responsible for monitoring the overall effectiveness of the Department. It could offer advice on subjects as diverse as how to make the best use of computers, how to change the executive development system to enlarge the number of talented managers available to the Department, and what to do about public indignation over the most recent scandal. It would not be involved in individual cases of misconduct, although it might be interested in the broader question of whether police misconduct was increasing or decreasing and how police managers were dealing with the problem.

Second, the committee would not be an outside critic. It would be working inside, sharing responsibility for implementing the recommendations, but its engagement would not be so close or constant that the control and responsibility of the operating managers of the Department would be weakened. It would be a group that felt responsible for both protecting the Police Department and challenging it.

The committee we propose would be similar to a board of directors of a corporation. A chief executive of a large organization benefits greatly from the advice of others who share the responsibility for managing an organization to produce the maximum value for the shareholders. The challenge is to force the commissioner and the Department to keep thinking about ways to increase the value of their organization to the community. This challenge, and their advice on important strategic questions, help to keep the organization on a path toward improved performance.

The Task Force also recommends:

2. The commissioner and the Philadelphia Police Department should assume the responsibility for reporting more regularly and more explicitly to the Philadelphia community about plans and accomplishments. More specifically, we recommend that the Department file a "strategic plan" annually in which the Department presents:

- A. Its candid evaluation of its past performance
- B. Its diagnosis of the problems it expects to face in the future
- C. The investments (in new systems and methods as well as equipment and hardware) it plans to undertake to meet new problems or deal more effectively with old ones
- D. Its expectations about what can be achieved.

The plan should not be a rigid document. It should be flexible and adjusted as conditions change. It should be a thoughtful document, based on wide consultation within the Department, and it should carry the commitment of the principal managers of the Department.

The Study Task Force also recommends:

3. The Philadelphia Police Department should construct improved ways of measuring its overall performance.

We believe a key element of such a system would be an annual survey, much like the one this Task Force conducted, that would discover levels of community

satisfaction with the Police Department. (See Appendix A.) We also believe it important to include reports on how force is being used throughout the Department (e.g., the frequency with which firearms are fired or drawn relative to the number of arrests, the number of times officers or suspects are injured in the course of an arrest, etc.), and the level and types of civilian complaints lodged. Such systems will never provide perfect measurement. If they are created now and used systematically over time, by about the third or fourth year of operation, it will become possible to use these systems to determine whether the performance of the police is improved or weakened.

RECOMMENDATIONS TO GIVE NEIGHBORHOODS AN EFFECTIVE VOICE

To deal with the problem of lack of police consultation with Philadelphia's diverse neighborhoods, the Task Force recommends:

The commissioner should mandate the establishment of Neighborhood Advisory Councils to meet regularly with the captain responsible for policing their areas. These councils should be organized on the same geographic basis as police districts. They should have some permanent members, and all meetings should be open to the public. The agenda for the meetings should include the identification of neighborhood problems, what the police can contribute to their solution, and what other agencies should be involved.

Consultations with the community are fundamental to the strategy of community policing. They have worked successfully in such places as Houston, Los Angeles, and London, England. They draw the police into a closer and more successful relationship with the community. The communities are pleased because police focus attention on the problems of concern to them. The police are pleased because they establish effective working relationships with the positive elements of the communities they police. Philadelphia's strong community base makes their prospects for success even greater than in other cities.

RECOMMENDATIONS TOWARD IMPROVED LABOR RELATIONS

The Task Force finds that both the F.O.P. and the Department appear willing to accept the challenge of working together to improve policing in Philadelphia. Although both recognize that a certain degree of conflict between them is inevitable, each understands that on many significant issues their interests are consistent. Their spirit of cooperation constitutes a starting point for improved labor relations. Still, the Task Force believes there are additional specific steps that can be taken to improve labor relations in Philadelphia. A review of the development and functions of police unions more broadly will help to explain our recommendations.

The growth of strong police unions has largely taken place over the past 30 years. Prior to that time police officer organizations existed, but they lacked influence. In the 1960s, this began to change. Police officers expressed dissatisfaction

with their jobs and with the turbulence and violence of that period. They also observed that public service unions generally were becoming more successful in securing benefits for their members. The result was an increased militancy within police unions as officers sought protection from, and increased rewards for, dealing with an increasingly hostile environment.¹

The functions of police unions can be divided into three categories: (1) they represent officers in the collective bargaining process; (2) they process grievances for individual officers; and (3) they act as public spokesmen for officers.

In the case of the F.O.P. they also provide social and welfare benefits to officers. This list suggests that there is conflict inherent in performing the functions. An individual officer may feel he was wrongly disciplined or discharged for drug use, for example, and may insist on the union's assistance in pursuing a grievance. At the same time, the union may recognize that in the interest of its members, drug-dependent individuals should not remain in the Department, undiscovered or untreated; no one in a crisis wants to turn to his or her partner and find that person is unstable because of drug use and incapable of reacting effectively. Similarly, a union leader may feel it necessary to defend police officers generally in the face of public criticism, and thereby appear to be insensitive to individual instances of corruption or clear misconduct.

Unions should recognize and deal with these conflicts. They must understand that the public's perception that a police force is generally honest and performing well will increase public support for the police and give them more resources and compensation. It is also important that police administrators recognize that when a union pursues grievances or defends a police officer, this does not mean it is hostile to all policy changes.

Much has been written about police unions and the role they can and should play. In reviewing this literature certain basic principles appear persuasive to the Task Force and we therefore recommend:

1. Management personnel should not be in the same organization with line officers.

There is an inherent conflict between these two groups of employees, including the fact that supervisors may be required to discipline subordinates. Different solutions to this problem may be appropriate.² For example, in some cities there are separate organizations representing different ranks within the department.

2. Basic law enforcement policies and implementation strategies for these policies should be outside the province of collective bargaining.

Police officers are not the same as other employees. They play a central role in carrying out one of government's most basic functions—providing a secure environment in which citizens can live. While the importance and difficulty of this responsibility requires, among other things, that officers be adequately compensated, it also means that some of their responsibilities are beyond the scope of collective bargaining.³

3. Effective mechanisms for communicating with police officers, leading to better, more realistic policies and to smoother implementation should be installed. These should not limit the basic management authority of the commissioner to make final decisions.⁴

While the City Charter and other laws may affect the relationship between the Department and the police, the core document is the contract between the F.O.P. and the City of Philadelphia. The current contract will continue through June 30, 1988. Among its principal provisions affecting operations of the Police Department are:

1. Scope of Agreement—The Agreement (as does the F.O.P.'s membership) covers all members of the Department from officers through chief police inspectors. As discussed above, the inclusion of senior supervisors, middle-management supervisors and line officers in a single organization, subject to a single contract, raises inherent problems regarding conflict of interest.

2. Joint Committee—The contract establishes four advisory committees. They cover practice and procedure, equipment and standardization, advancement and training and medical benefits and treatment. Each committee includes three members selected by the F.O.P. and three by the commissioner. Two committees are to be chaired by the F.O.P.'s representatives and two by the commissioner's. The committees are to meet regularly and to issue annual reports. The reports are advisory only and "shall not constitute any limitations on the management prerogatives of the police commissioner and the city." The Task Force is not in a position to evaluate the performance of these specific committees. We do believe it is important to have a mechanism that provides a meaningful exchange between the Department's leadership and its officers on issues of mutual concern, which are not subject to collective bargaining, provided that this is done with the understanding that the city is not thereby agreeing to bargain over the issues discussed, but is preserving its management prerogatives.

3. Grievances—The F.O.P. may initiate grievances concerning contract violations and individual officers may initiate those concerning disciplinary suspensions, demotions or discharges. Over the last three years 85 percent of all grievances filed relate to actions directed against individual officers. The police commissioner is the first and final step in the grievance procedure prior to binding arbitration. The commissioner should be allowed to delegate his authority to a subordinate to resolve grievances. It is not necessary or desirable for the commissioner to be personally involved in every grievance.

4. Performance Ratings—The contract limits ratings to satisfactory or unsatisfactory and provides that only an overall satisfactory rating is necessary to be eligible for promotion, as discussed elsewhere in this report. Such an evaluation system precludes meaningful review of officers' performances and fails to distinguish between merely acceptable performance and the level of accomplishment that clearly warrants praise and justifies promotion. The Task Force thus concurs with the recent arbitration award, which recommended a graduated performance system.

5. Transfers—The recent arbitration award added to the contract a provision that "[t]ransfers shall be for the purpose of maintaining essential manpower requirements and not for disciplinary or punitive purposes." While the Task Force obviously does not favor transfers for improper motives, it believes that the commissioner's transfer authority must be broad. Transfers may be necessary, for example, to avoid

corruption by bringing in new people who have not "settled into" a particular environment. More important, the commissioner must be able to hold supervisors accountable and transfer them, if they have not performed adequately, whether due to increases in crime within the supervisor's jurisdiction, corruption or other misconduct by officers under the supervisor's command. Such transfers should not be considered for "disciplinary or punitive purposes" and should be within the unreviewable discretion of the commissioner. It would be unfortunate if as a result of this new language grievances became a virtually automatic part of the transfer process.

In sum, the F.O.P. and its contract with the city are important elements in the environment within which any police commissioner must operate. While the relationship between the F.O.P. and commissioner will undoubtedly have certain tensions, the Task Force believes that through effective communications they can work together to accomplish what we believe both want: an honest, and effective, Police Department.

RECOMMENDATIONS TO CONTROL POLICE CORRUPTION

Although corruption is not ordinarily a subject for extended comment in a management study of a police department, its scope in the Philadelphia Police Department, as evidenced by recent and ongoing investigations, establishes it as an obstacle to the effective management of the Department. An ongoing grand jury investigation into alleged corruption within the Philadelphia Police Department, conducted by the United States Attorney's Office for the Eastern District of Pennsylvania and staffed by the Philadelphia Office of the Federal Bureau of Investigation, has resulted in the indictment and (in the vast majority of cases) convictions of sworn Philadelphia police officers and high-ranking officials. Thirty-six police men have so far been indicted. Thirty-one have been convicted. Among those convicted are a deputy commissioner, two chief inspectors, two inspectors, one captain, six lieutenants, and one sergeant. The investigations are continuing and more indictments are likely.

The federal indictments and trial testimony, offered by the United States Attorney's Office, describe a pattern of systemic corruption in vice enforcement. In exchange for money, police officers have provided "protection" or relief from enforcement. These leads are also being pursued in local investigations by the Philadelphia District Attorney's Office and by the Philadelphia Police Department itself.

These investigations, arrests, indictments and convictions have confirmed for many what had been a lingering suspicion. In 1974 the Pennsylvania Crime Commission in its highly publicized report on the Philadelphia Police stated, "... corruption and political influence ... have plagued the force since its inception ... [Corruption has been] ongoing, wide-spread, systematic, and occurring at all levels of the police department."⁵ The Task Force's survey showed that a majority of residents believe that Philadelphia police officers engage in some form of illegal or unprofessional

behavior, such as accepting free meals or gifts, taking or asking for bribes, sleeping or drinking on duty, or asking for sexual favors (See Appendix A).

Officials within the Department tend to understate the scope and seriousness of the problem. In our discussion, some said they thought the problem was exaggerated or largely confined to vice enforcement (gambling, liquor, narcotics and prostitution). Others said the police were being unfairly singled out, while other municipal employees were left alone. Yet, they did not deny its existence. This is a marked change from a decade ago, when police officials believed that to acknowledge that corruption was a major problem in the Department would be destructive of police morale.

Many former and present command officials, however, do not think that the existence of corruption interferes with the sound management of the Department. They think the commissioner can implement whatever organizational changes or experiments he feels are necessary without concern that patterns of corruption will interfere.

We do not share this view. When police officers are influenced or controlled through payoffs from outside parties, they are not only committing crimes, but the formal administrative machinery of the force—the rules and regulations that govern behavior—are taken less seriously and become ineffective. As one commentator said, “You can’t expect cops on the take to take orders.” A captain who takes or solicits bribes cannot easily control his subordinates. If officers learn about the captain’s activities (and in the closed society of a police force one must assume officers will), they may feel immune from discipline for their own derelictions. The captain’s authority is compromised. His misconduct, in effect, confers a license for the officers to operate without regard to department regulations. Without effective supervision, police officers typically respond more slowly to calls for assistance, avoid assigned duties, sleep on the job, and perform poorly in situations requiring discipline and organization.

In a profession dedicated to respect for the law, ethical considerations constitute the backbone of management decisions. The presence of corruption undermines the ethical health of a department. Morale suffers as well. All police officers, even honest ones, pay a price for corruption through the loss of reputation. Every policeman knows there are many people in the city who think of him as “just a crook in uniform.” When he buys a new car, his neighbors may look at him suspiciously, wondering where he got the money. Poor people who see gamblers, pushers, and hookers in their neighborhoods think every cop is on the take, although such is far from the truth.

Because corruption is a first cousin to favoritism and nepotism, it is no surprise that in a department where corruption has existed over time, officers will also feel that the department is not fairly run. In this atmosphere, it is hard for officers to take pride in their everyday achievements in preventing crime, apprehending criminals, and assisting persons in distress. They may be more difficult to motivate or supervise.

It is, therefore, essential to police management that certain basic anticorruption measures be installed:

- Ethical standards must be clearly defined and communicated to the force.
- Managers at all levels within the Department must be required to monitor the integrity of their subordinates as part of their responsibilities.
- Managers at lower levels must be equipped with the resources, responsibility and authority to deal with corruption problems in their divisions.

If detecting corruption in the Philadelphia Police Department is seen as the exclusive concern of the Internal Affairs Unit, little progress to combat it will be made. The job is too big for a single unit. Indeed, at this point the resources of the Federal Bureau of Investigation, Internal Revenue Service, U.S. Attorney and District Attorney are needed as well.

Few cities have been successful in moving from a milieu of corruption into one relatively free of corruption, but success stories do exist. Leadership in this process must come from the commissioner. Only through his active, continuous involvement will the climate in the Department change. Presently, the only written guidance for Philadelphia police officers is the Disciplinary Code, which prohibits "bribes or gratuities for permitting illegal acts."

The Task Force therefore recommends:

1. The commissioner should issue a clear, detailed statement spelling out acceptable ethical behavior for police officers. The statement should make clear through specific illustrations that no police officer shall accept any gift of money, goods or services for which others would be expected to pay, or which is offered because the intended recipient is a police officer. Once the Department adopts a policy, a comprehensive communications effort must be implemented to notify, explain and reinforce it. The commissioner should also provide strong incentives to Police Department management to detect corrupt police officers and take appropriate corrective action. He should hold all managers accountable for corruption among their subordinates.

Hopefully, these measures will contribute to a change in attitude among the officers. What is often called "the blue wall of silence" or "the blue curtain" must be penetrated. This "blue wall" is an exaggerated sense of loyalty among police officers to their fellow officers. Although the Department does attempt to install a sense of moral and ethical responsibility in the new recruits in the Police Academy, as officers continue in their careers and socialize with other officers, some feel their overriding obligation is to their colleagues. They ignore their duty to report criminal conduct.

The spirit of brotherly solidarity that binds members of the police also segregates them from the rest of society. The late Chief William H. Parker, whose leadership made Los Angeles one of the nation's most honest and efficient police departments, considered this "false sense of fraternal obligation" to be a major obstacle to police reform and did everything in his power to eliminate it.⁶ Once police officers understand that to go against their "own kind" is better than tolerating the worst behavior in their midst, progress against the grosser forms of corruption and brutality will come quickly. At present, too often the most serious aspersion

that one officer can cast upon another is that the latter breached the code of silent fraternity and provided information to the Internal Affairs Unit.

We realize there is some harshness in disciplining an officer who himself did nothing wrong but only failed to come forward with information. We also realize that officers who are suspected of providing the Internal Affairs Unit with information will be shunned by many and risk having their property vandalized, or even suffering physical injury. Nonetheless, we feel that if an officer discovers information that he knows is reliable and concerns serious criminal conduct by a fellow officer, he is as duty bound to take action as he is when the suspect is an ordinary citizen.

The Task Force recommends:

2. The commissioner should discipline officers who knowingly withhold valuable information concerning serious criminal conduct of other officers.

At the Police Academy more could be done to introduce the recruits to the dangers of corruption. Training should emphasize more than the legal obligations of a police officer not to accept or solicit benefits. It should prepare recruits for the temptations they will be exposed to and identify how to avoid and resist them. There are obvious dangers in such an approach, and for this reason many training academies avoid it. We believe that recruits should clearly understand the risks—that they will be selling their integrity for what often amounts to no more than a few dollars a week. Once they understand this, they will be better prepared to resist the constant breaks, free meals, tips or discounts they will be offered, and they will be more reluctant to solicit gratuities on their own. At present, too many rookies start work in the districts innocent of the world they are entering. Once there, their corruption happens so quickly and unobtrusively that they are involved—and thus silenced—before they know it.

For this reason the Task Force recommends:

3. The Training Academy should develop a realistic training program that frankly explains the corruption “opportunities” or risks that a recruit might confront and shows how to respond to them.

Corruption needs to be understood as not merely a police problem, but one that affects all who live and work in Philadelphia. Private citizens, who downplay the consequences of corruption or feel it is a price they are willing to pay as long as the police keep the streets reasonably safe, fail to recognize that corrupt officers may do little policing not related to graft. For these officers, a network of favoritism and personal accommodation takes precedence over official duties.

Each citizen can play a role, however modest, in combating corruption. A decision by Philadelphia’s businesses, both small and large, to stop giving gifts to police officers would be a start. If citizens would refuse to patronize businesses that make payoffs, this too would make a difference. Beyond this, city officials—the judges, members of the city council, the mayor himself—must set an example. They should not take gifts, accept discounts, or dine at fancy restaurants “on the house.” When police officers realize that the leaders of the city pay their parking and buy their admission tickets to sporting and entertainment events, the necessary climate will at last have been created for curbing corruption.

The Task Force therefore recommends:

4. The mayor of Philadelphia together with the managing director and the various department heads take steps to set an example of high ethical conduct to help curb corruption in city government.

RECOMMENDATIONS REGARDING USING FORCE AND AUTHORITY AT A MINIMUM

As noted above, the Philadelphia community grants the police the right to use force and authority to execute their functions. Just as public expenditures are derived by taxing citizens and thus reduce private consumption, public authority takes away individual freedom. To many scholars, the authorization to use force on behalf of the society uniquely defines the police function. It also makes the relationship between the police and a free community most problematic, for a free society can never be entirely comfortable with the existence of a police force. As one scholar observes: the police are "ambivalently feared and admired, and no amount of public relations can entirely abolish the sense that there is something of the dragon in the dragon-slayer."



The problem for the police, then, is to develop accounting mechanisms to reassure the community that force and authority are being used sparingly, wisely, and fairly. Otherwise the police will remain vulnerable to mercurial swings in public opinion, which alternately praise the police as the guardians of the society, and degrade them as a threat to its most cherished freedoms.

In establishing their accountability for the minimum use of authority and force, the Philadelphia police must recognize that force and authority wear many different faces. The most frightening is when a suspect—already in police custody—is harmed. This problem is highlighted by the recent settlement of the case of David Perkins. The allegation was that Mr. Perkins died in police custody in August 1985 after his arrest for running a traffic signal. Independent doctors concluded that the death was not accidental and more probably caused by police brutality. His surviving family settled their wrongful death claim against the city for \$250,000 in August 1986.

Our indignation about incidents of this kind are not based on a casual assumption that the police are always wrong in such circumstances. We understand that suspects sometimes cause their own injuries. We also understand that police officers are sometimes falsely accused of brutality. Nonetheless, it is the clear duty of a police force not only to arrest suspects but also to keep them safe for the orderly processes of justice. Failure to meet these obligations destroy the professional reputation of a police department more profoundly than corruption or stealing.

Equally as shocking as injuries to suspects in custody are instances where citizens are killed or roughly handled when police make arrests. Again, the Task Force is under no illusions about the necessity of using force in making arrests. We understand there are violent people who do not wish to be arrested. We also understand the difficulty of judging the right amount of force to apply. We know that one can err by applying too little force as well as too much and that the errors of too little force (e.g., harm to the officer, escape of the suspect) often seem much worse than the errors of applying too much force. Consequently, if someone is subdued with excessive force, it need not indicate either viciousness or incompetence on the part of the officer.

Still, when a level of force is used that seems grossly disproportionate to the situation, and when this happens often, the public must begin to question the professionalism of their Department. When excessive force is used often, it suggests that the Department is unskilled in the use of force, or badly motivated. This, in turn, invites closer public control and liability suits.

The major problems in this area, and the major achievements of the Department, relate to the use of deadly force in making arrests. Directive 10, promulgated July 15, 1985, provides that police officers "shall exhaust all other reasonable means of apprehension and control before resorting to the use of deadly force." Justification for the use of deadly force is acknowledged when an officer "believes that such force is necessary to prevent death or serious bodily injury," when the suspect is fleeing and possesses a deadly weapon for likely use, or when the arrest is for a forcible felony.

This directive was further amended by Commissioner Kevin Tucker in August 1986 in a further effort to conform to a 1985 Supreme Court decision.⁷ The court ruled on the constitutionality of the use of deadly force by a police officer to prevent the escape of an apparently unarmed suspect felon. For the majority Justice Byron White said:

We conclude that such force may not be used unless it is necessary to prevent the escape and the officer has probable cause to believe that the suspected person poses a significant threat of death or serious physical injury to the officer or others. . . .

In Philadelphia, as in many other jurisdictions, that decision required a review and modification of existing rules. That has been done, as further amplified by the additional rules of August 1986. The present task is to ensure that those rules continue to comply with the letter and spirit of the court decision and that they are followed.

The crucial point for the Police Department, beyond the announced rules, relates to the Department's efforts to implement effective training of all police officers.⁸ Another case raises that question. Lower courts have ruled that a city could be held liable for misfeasance caused by inadequate training.⁹ The case was argued before the Supreme Court of the United States in November 1986. Whatever the result, it is indisputable that rules about the use of force, like all others, must be effectively communicated to those who are charged with their application.

A third form in which excessive use of force and authority appears is in the casual use of police authority in conducting investigations. That the Philadelphia Police have a problem in this domain is suggested by the opinion of a federal judge,¹⁰ who in 1985 granted a preliminary injunction against the conduct of Philadelphia police. In his findings he said:

This police investigation [of the murder of a police officer] included a persistent and ongoing practice of stopping, searching, detaining, frisking, handcuffing and questioning plaintiffs without any reasonable cause, reasonable suspicions or warrants. There were no charges levied against any of the plaintiffs who testified. This practice can only be described as a 'sweep' of Spring Garden neighborhood.

Similar criticisms of the police were made as a result of a street level narcotics enforcement operation called "Operation Cold Turkey." While such operations have been successfully managed elsewhere, the Philadelphia effort generated enormous community hostility. The casual, indifferent use of police force to accomplish a purpose without consultation with neighborhood representatives or the courts reveals a Police Department that feels accountable only to itself and to its purposes.

For many citizens any confrontation with a police officer is somewhat threatening—particularly if the officer is unknown or behaving unpredictably. If words or body language that involve racial slurs, other personal denigration, or unwarranted threats of physical reprisal, are added to this, the challenged citizen may be offended or possibly wrongfully constrained from lawful assembly or other permitted activity.

The implied threat of the nightstick and firearm, supported by the investment of community authority in the police officer, is powerfully coercive to a citizen.

Abusive language and implied threats of force are difficult to control because supportable complaints are few, circumstances ordinarily ambiguous, and the presumption of justification necessarily rests strongly with the officer. Nevertheless, this is a matter of considerable importance, for these contacts set the tone for the entire relationship between police and citizens.

Throughout, we have emphasized the importance of force to the police function. We have also emphasized that its proper use depends crucially on professional skills and values, and that even under the best circumstances, mistakes may be made.

This implies that when a serious incident involving the use of force occurs—i.e., when a suspect in custody dies or alleges he was beaten, when a person is killed or injured during an arrest, or when a police operation interferes with community life—citizens must decide whether the incident was a proper or improper use of force. If improper, they must decide whether it was an honest mistake or badly motivated. In making these judgments, citizens will be guided not only by the facts of the particular case, but also by what they know about the Police Department.

If the Department seems disrespectful of their rights in the thousands of casual contacts made on a daily basis, citizens are more likely to interpret serious incidents as examples of bad motivation, rather than honest mistakes or prudent uses of force. If, on the other hand, the police have been courteous and respectful in their daily encounters, citizens will interpret the serious, ambiguous incidents more favorably. They will have evidence that the police use their authority sparingly, rather than casually.

To increase the ability of the Philadelphia Police Department to be accountable for its use of force and authority and to use them sparingly, appropriately, and fairly, the Task Force recommends:

1. The Philadelphia Police Department should continuously review its rules on the use of force to make sure they comply with applicable principles of law and with the basic principle that force should be used only as a last resort.

The need for this recommendation arises from three sources: (1) the recent changes in constitutional law governing the use of deadly force; (2) the necessity of guarding against liability suits; (3) and most importantly, the desire of the Police Department to set high standards of professionalism.

2. The Department should prepare an annual report on the use of firearms.

The aim is to learn more about how the Department is using its force. Where excessive force was used, and where it was negligently or maliciously used, discipline should be imposed as warranted. The results of each investigation and each disciplinary action should be available to the public.

A principal complaint against municipal police departments, including Philadelphia, is that violence is endemic. Whether the public perceptions are true or false is ordinarily not known because police commonly decline to disclose the results of internal investigations. The Philadelphia Police Department has taken the first step by instituting regulations that require reporting of firearms discharges and internal

investigations. The public has no way of knowing the quality of those investigations or, in most cases, the results, however. If investigation reveals that the complaints are few and/or insubstantial, the police deserve public vindication. If the complaints are many and/or substantial, the public is entitled to know and to demand reorientation of objectives or methodology.

3. The Department should develop new rules to make clear that all citizens are to be treated with equal respect and civility, regardless of race, creed, sex, age, ethnic background or sex.

4. All personnel who have contact with the public should receive initial training and periodic retraining in the most appropriate ways to deal with all residents, including those from diverse racial, ethnic and religious communities.

If the officers of the Philadelphia Police Department are to satisfy the standards of civility to which residents are entitled, the educational program must assure adequate instruction in common courtesy. Training must be continued until the lesson is learned well.

RECOMMENDATIONS TO ENSURE THE FAIRNESS OF POLICING

The police must be accountable not only for the economy and effectiveness of their use of resources entrusted to them, but also the fairness with which they are deployed. Fairness does not only imply equality on technical standards, such as cars per block, or response times within neighborhoods. It relates to perceptions of equal treatment and consideration. Those who have the most to gain and fear from the police—namely, the city's poor and minority communities—should feel well-treated. These goals are an important part of the strategy of community policing that the Task Force has recommended in Chapter 2.

Given these goals, it is disturbing to encounter evidence that the Police Department is viewed as unfair in its basic operations:

- The Task Force's opinion survey revealed that both whites and blacks perceive that white residents are substantially better treated by police than blacks or Hispanics.
- Citizen groups, such as the Coalition for Police Accountability, testify to the discriminatory treatment of black and Hispanic groups and individuals.¹¹
- Minority police officers observe that harassment, abuse and brutality, addressed particularly to the minority community, remain special problems of the Police Department. They report racial slurs by white police officers against minority colleagues.
- The proportion of minority police officers has scarcely changed over a period of several decades and remains unacceptably low at less than 20 percent.

No one in the Police Department defends discrimination in police practices, and no police department that pursues a strategy of professional, community policing can claim to be successful when it is perceived to be unfair. The problem is to find practical means for eliminating the appearance and reality of unfairness in the operations of the Philadelphia Police Department.

Since an important goal of community policing is to promote fairness by making the police more responsive and accountable to Philadelphia's diverse communities, implementation of recommendations made elsewhere will work toward this result. Thus, for example, one would expect the recommendation for Neighborhood Advisory Councils to promote a sense of fairness by drawing the community and the police into an honest dialogue about what the police can and cannot do for the communities they police.

Still, specific recommendations seem warranted. Thus, the Police Study Task Force recommends:

1. Contacts between police and residents of minority communities should be increased to develop a better understanding of the special problems of those communities. Spanish language instruction for officers assigned to Hispanic areas may be useful. (This should be a natural result of mandating the creation of Neighborhood Advisory Councils.)
2. Sensitivity training should be made a significant part of the training program for new recruits to the police force. To the extent such training is now part of the recruitment training program, it should be re-examined for effectiveness; and it should be a mandatory aspect of training for supervisors. Attitudes can be modified through carefully designed educational programs.
3. Incidents of racially motivated abuse, whether verbal or physical, should be disciplined.
4. Affirmative action goals must be vigorously pursued by providing opportunities for career development and bias-free testing.

It is important to establish role models at the supervisory level for all incoming minority officers so that they understand that promotion is a realistic possibility. Moreover, the infusion of a substantially increased number of qualified minority personnel, as in other cities, should promote a more favorable view of minority officers by their white colleagues. To attract additional minority members to the police force, there must be clear evidence that minority officers will have equal opportunities for assignments and promotions.

The fact that discrimination remains a fact of life in American society does not excuse similar attitudes and practices among the police. In a society that strives toward equality in attitude and practice, the police hold positions of special responsibility. Nowhere is equality of treatment more important than in the criminal justice system in which the police are the principal actors.

POLICE GOVERNANCE AND ACCOUNTABILITY—Footnotes

- ¹ See Herman Goldstein, *Policing a Free Society* (1977), 311; *Police Leadership in America* (William Geller, ed.), chapters 23-25.
- ² See generally, *ABA Standards for Criminal Justice*, Vol. 1, 2nd. ed. (Boston: Little, Brown and Company, 1980), Standard 1-60.7 (b)(u).
- ³ *Ibid.*, Standards 1-6.1, (b)(i), (ii) and (iv).
- ⁴ See generally, National Commission on Criminal Justice Standards and Goals, *Report on Police* (Washington, D.C.: GPO, 1973) Standard 18.1 and the President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: The Police* (Washington, D.C.: GPO, 1967).
- ⁵ The Pennsylvania Crime Commission, "Report on Police Corruption and the Quality of Law Enforcement in Philadelphia" (March, 1974), 69-91.
- ⁶ Egon Bittner, *The Functions of Police in Modern Society* (Cambridge: Oelgeschlager, Gunn and Hain, 1980), 63.
- ⁷ *Tennessee v. Garner*, 105 Sup. Ct. 1694 (1985). The case concerned the killing of a fleeing burglary suspect. He was attempting to escape arrest by climbing a six-foot chain-link fence, when he was shot by a Memphis police officer.
- ⁸ *City of Springfield v. Kibbe*, 777 F.2d 801 (1st Cir. 1985), cert. granted (1986).
- ⁹ The United States Court of Appeals for the First Circuit held, pursuant to *Monell v. New York City Department of Social Services*, 456 U.S. 658 (1978) that a city could be held liable for misfeasance caused by inadequate training.
- ¹⁰ Federal District Court Judge Clarence C. Newcomer in *Spring Garden United Neighbors, Inc. v. City of Philadelphia* (June 12, 1985). The case was a civil rights action pursuant to 42 U.S.C. 1983. Plaintiffs were a community group organized to alleviate problems and improve community life in the Spring Garden area of Philadelphia, which was then undergoing "gentrification."
- ¹¹ Commonly cited recent examples include the sweep of the Spring Garden Community, in which Puerto Rican men were taken into custody without any basis other than their ancestry; and the failure of police to take action to disperse hostile crowds outside the homes of a black family and a racially mixed family in southwest Philadelphia.





Chapter 5

Summary of Recommendations

The following are a summary of the recommendations made by the Philadelphia Police Task Force in this report:

STRATEGY FOR POLICING PHILADELPHIA

Because the current strategy for policing Philadelphia emphasizes crime control and neglects the Department's need to be accountable to the public and form a partnership with it, the Task Force recommends:

1. The police commissioner should formulate an explicit mission statement for the Department that will guide planning and operations toward a strategy of "community" or "problem solving" policing. Such a statement should be developed in consultation with the citizens of Philadelphia and should reflect their views.

MANAGING POLICE DEPLOYMENT

To ensure that the Philadelphia Police Department's new strategy of community policing is successfully implemented, the Task Force recommends:

1. The geographic designations of police divisions and districts should be re-designed to increase the amount of policing the Department provides, to distribute the police fairly across the city according to needs, and to reflect natural community boundaries.
2. More flexible work hours should be allowed so that the police can be available when they are needed, and the stress of rotating shift work can be reduced.
3. A refined analysis of 911 calls for service should be made to establish different priorities and ensure that:
 - A. Officers are available for serious crimes in progress.
 - B. Time for community policing is protected.
 - C. Calls that relate to crime fighting and building relationships with neighborhoods are distinguished from each other.
4. The number of civilian employees, particularly those specializing in training, law and technology, should be increased, and contracts with unions representing them should include a no-strike commitment.
5. More use should be made of foot patrol and team policing.
6. Patrol officers, sergeants, lieutenants, and captains should forge closer partnerships with Philadelphia's communities.
7. Decision-making responsibilities should be decentralized to use the talents of the Department more effectively.

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8. The police commissioner should review the existing organizational structure and significantly reduce the number of specialized units and the size of staffs assigned to them, thereby providing resources for community policing.

ORGANIZATIONAL RESOURCES OF THE DEPARTMENT

Financial Resources

To assure that police officers have the physical facilities and equipment necessary to perform their duties effectively, the Task Force recommends:

1. The budget for the Philadelphia Police Department should be modified to increase significantly the proportion allocated to facilities and equipment.

Managerial Capability

To provide the leadership necessary to carry out newly defined departmental goals and to manage resources effectively, the Task Force recommends:

1. The commissioner should devise strategies to transform his managers from their historic narrow role to one in which they will acquire expertise and experience in decision-making and utilizing available resources efficiently. The commissioner must provide his managers with opportunities for training and growth so that they can learn to think of themselves as managers and perform as such.
2. The ranks of chief inspector and inspector (as well as deputy commissioner) should be exempt from the requirements of the civil service system. The commissioner should appoint these high ranking positions so that he can select a management team sympathetic to the Department's mission and the commissioner's objectives and hold the team accountable.
3. As part of an overall strategy to have management personnel assume their proper role, to build their pride, dedication, and morale, to create and nourish management attitudes, management should be precluded from being in the same bargaining unit as the rank and file.

Performance Evaluations of the Police Force

To institute a promotional system that develops and rewards performance, creates a professional police force, instilled with pride and accountable to the public through all ranks of police officers, the Task Force recommends:

1. With assistance of executives from the business community, the Department should design and implement a graduated performance evaluation system, and provide supervisors with sufficient training to perform their evaluation tasks. Evaluation of command officials is as important, or more important, than evaluation of police officers and sergeants. The Department should also develop a performance management system.

Compensation of Officers

Because we are asking Philadelphia police officers to fashion a dynamic and creative partnership with the community and to be better qualified and trained and because they should receive fair compensation in relation to the new responsibilities, the Task Force recommends:

1. The Department should retain an expert consultant to develop, in conjunction with the Fraternal Order of Police, a schedule comparing the total compensation (salary and benefits) of Philadelphia police personnel with those of other large cities. Once the disparity is identified clearly in dollar amounts, and the Department and the city are implementing recommendations contained in this report that increase the responsibility of police officers, we urge the city to offer a new compensation package. We strongly support higher compensation for police officers because it is fair if they are to carry out expanded duties.
2. Percentage pay differentials among the nine Police Department classes (officers through commissioner) should be increased and become progressively larger as an officer is promoted.
3. Pay step increases should be governed by merit principles, and this should be accomplished by adoption and implementation of the performance evaluation system, recommended above.

Continuing Training and Education

To foster professional development through advanced training and education of officers, the Task Force recommends:

1. The Philadelphia Police Department's advanced in-service training program should be resumed as soon as possible, if necessary at locations other than the Police Academy.
2. Long-term solutions to the problems of space shortage and insufficient instructional staff, which led to the suspension of the Department's in-service training program, should be devised.
3. All sworn employees of the Police Department should be required to attend a minimum of 40 hours of advanced, in-service training each year.
4. Effective procedures for distribution of Departmental directives, memoranda, and training bulletins must be implemented. Adequate instruction concerning Departmental directives, memoranda, and training bulletins must be given simultaneously with the distribution of such material. Instructional aids that deal with current legal issues must be issued regularly and approved by the Department's legal advisor before being distributed.
5. The Promotion Board and Transfer Board should consider outside education and training as a positive factor in decisions concerning promotions, assignments, and transfers.
6. An incentive program to encourage commissioned personnel to work for bachelor and more advanced degrees should be developed. Under such a program employees with degrees should receive salary supplements based on the highest

degree earned; and personnel working toward a degree should be reimbursed the costs of approved courses that are a part of degree programs.

7. Sworn officers should not be promoted to a supervisory or managerial position without first being trained in how to perform their new duties.
8. To the extent practicable, supervision and management training classes should not be integrated and should be confined to individuals on the same promotional eligible list.

Promotions

To assure that the most competent officers are promoted and to encourage professionalism in the force, the Task Force recommends:

1. Seniority should be used only as a qualifying factor in promotional examinations to satisfy current legal requirements and not to determine the final average grade on an examination.
2. If a more graduated performance evaluation system is adopted, an individual's most recent performance appraisal should be assigned a significant weight, in computing the overall score on a promotional examination.
3. The Home Rule Charter should be amended to require the City Personnel Director to certify at least three names from a promotional eligible list to the Police Commissioner in response to a request for certification relating to a single vacancy.

Rewarding Exceptional Performance

To encourage exceptional performance, the Task Force recommends:

1. The position of "Master Patrol Officer" should be established to recognize and reward outstanding Philadelphia patrol officers.

Recruitment of Police Officers

To assure the selection of officers of the highest caliber in the present administrative and legal environment, the Task Force recommends:

1. To better coordinate the Department's recruiting efforts, the existing recruitment unit should be placed either in the Personnel Unit of the Administrative Bureau or within the Training Bureau, and headed by a ranking official. The head of the Recruitment Unit should file detailed quarterly progress reports with the police commissioner and the city personnel director. Personnel assigned to the proposed Recruitment Unit should be thoroughly trained in personnel matters, including the rules concerning equal employment opportunity hiring.
2. The City Council should change the residency requirement so that, instead of requiring a candidate to be a city resident for one year prior to appointment, the applicant need only be a resident at the time of appointment.
3. Assisted by private citizens, members of the Philadelphia business community and public relations firms, the city and Police Department should promote the opportunities and challenges of police work.
4. Especially qualified candidates should be aggressively recruited. Individuals

with successful work experience, higher education or military service, who demonstrate maturity and judgment, make good police officers. As recommended elsewhere, affirmative action must be vigorously pursued.

5. The Department should establish a cadet corps to assist sworn personnel. A cadet program can be an effective way of encouraging high school seniors to pursue a police career.
6. The city should establish a loan program for college students who are interested in a police career. Loans could be forgiven in whole or in part, if the student should thereafter become an officer. The extent of the forgiveness of the loan would be determined by length of service.
7. The Department should hire college students on a part time basis while they are attending school. If, after graduation, these students join the Department, they should receive retirement and pay credits for the time spent with the Department during the internship.

Selection and Appointment of Officers

To assure that the most qualified officers are selected and appointed, the Task Force recommends:

1. The Civil Service Commission and the Administrative Board should require an applicant for police officer to have a high school diploma or its equivalent.
2. The Philadelphia Police Department should develop programs to qualify current or candidate officers in terms of these educational requirements.
3. The Philadelphia Officer Examination should be administered continuously or, in the alternative, annually.
4. The examination should have an oral test, administered by a three-person panel. At least one member should be from a minority group.
5. The personnel director should review the examination to determine whether it is job-related, nondiscriminatory, and provides meaningful and valid distinctions among those who pass. If it is determined that the examination cannot distinguish among the successful candidates with a high degree of confidence, then every part of the examination should be made a qualifying part, and ranking on the eligible list should be determined by a lottery or other similar method.
6. The Police Department should use the period of recruit training as a mechanism for screening unqualified police officers.
7. The City Charter and the civil service regulations should be modified so that the probationary period for candidate officers includes successful completion of recruit training, plus at least six months of field duty.

Recruit Training

To improve the training of recruits, the Task Force recommends:

1. A specialist in education and training should be hired immediately to design and implement both recruit and in-service training programs.
2. An eight-to-twelve week closely supervised field training program should be added to the basic training program. Field training should be integrated into, rather than added onto the end of, the current program, so that additional time

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- will be available at the Academy to review the field experiences of recruits.
3. Police instructors in the field training program should have completed a field training officer program, should have substantial patrol experience, and should have a distinguished service record. Field training officers should receive additional compensation for the added work they perform.
 4. Law-related courses should be taught by a team of a competent police instructor and a lawyer with criminal law experience.
 5. The time allotted to the topics of "Role of the Police" and "Law Enforcement and Civil Rights" should be expanded and introduced early in the training program.
 6. The college curriculum portion of the basic training program should be expanded.

Employee Assistance Programs

To reduce unnecessary stress and improve the morale and efficiency of police officers, the Task Force recommends:

1. A program coordinator with psychological counseling training should be retained immediately to develop policies and procedures defining assistance programs, and guiding line managers as to their responsibilities within this program.
2. The Department should develop an employee assistance policy that clearly states: (a) the Department's position on all alcohol, drug and psychological problems, (b) the relationship between the Department and service providers, (c) the counseling and treatment services the Department will provide to employees, (d) the services that will be referred to outside sources, and (e) the procedures for obtaining service.
3. A new unit to provide stress, substance abuse, and psychological counseling should be created, and all present services consolidated into it.
4. The Department should establish a standing committee representing the police administration, the Fraternal Order of Police, the internal mental health/counseling staff, and an external mental health professional, trusted by all parties. The committee should review current policy, practice, structure and systems, create a set of guiding principles, make recommendations as to actions to be taken, and ways to communicate and implement them throughout the Department.
5. In addition, the committee should be empowered to commission a further study of specific elements, such as training and development of peer counselors; the best means for offering services, including physical location of service sites; methods of training supervisors to counsel and refer officers; the relationship between discipline and treatment; ways to obtain the best working relationship between professional psychologists (inside and outside the police force) and peer counselors; and techniques for publicizing and encouraging use of the service. The recommended time for taking these actions is six months.
6. Additional peer counselors should be sought, and further training provided.

Health Maintenance Programs

To improve the health of police officers, the Task Force advocates:

1. The Philadelphia Police Department develop a comprehensive health maintenance program to monitor and improve employee health within the Philadelphia Police Department. To implement this recommendation, the Task Force suggests the following course of action:

- A) The city should provide the Police Department with funding to implement a fitness program, including resources for equipment, and facilities.
- B) The Department should, as far as practicable, attempt to make the program accessible and responsive to all members of the Department. Although athletic facilities will help some officers, others may benefit more from stress management programs, nutritional counseling, psychological counseling, or other programs. The private sector could assist the Department in this endeavor.
- C) All police officers should have a yearly physical to determine fitness for duty.

Testing for Drug Abuse

Because of the law enforcement responsibilities of police officers, their obligation to set an example in upholding the law, and the dangerous consequences of drug use, the Task Force recommends:

- 1. The commissioner should issue a directive on the subject of illegal use of controlled substances, indicating that such drug usage will not be tolerated, and that a drug testing program of the following individuals will be established during 1987:
 - A. All applicants for the position of police officer,
 - B. All individuals receiving required routine physical examinations,
 - C. All members of the Department reasonably suspected of drug usage,
 - D. All members of the vice, narcotics, and internal affairs units.
- 2. The directive should indicate that the sanction for documented illegal drug usage is dismissal from the police force.

Communication Equipment

To improve the vital communications operations of the Department, the Task Force recommends:

- 1. The complement of operators available to answer 911 calls at police headquarters should be expanded. As a condition, however, the organization, housekeeping, and management of the radio room should be improved.
- 2. The number of operators' positions and computer assisted dispatching (CAD) input lines should be increased to reduce the workload of individual operators and to increase the speed with which 911 calls are answered.
- 3. Before ordering new equipment or making improvements in the radio room or communications system, the Police Department and the Department of Public Property should develop a comprehensive communications plan with priorities to support the long term strategic concept of the Department.
- 4. Plans to connect the "enhanced" 911 system with the CAD system should be developed.

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5. The CAD system should be replaced. As this report is being written, the replacement of the CAD system is being planned by the Police Department and the Department of Public Property. We recommend that procurement of a modern CAD system should move ahead expeditiously.
 6. Because the possibility of a major failure in the police radio system increases steadily with time, immediate replacement of the current transmitter/receiver network is needed.
 7. To increase the safety of the officers and the citizens and to increase the efficiency with which field units operate, the Department should provide officers with portable radios.

Technology

To assure the Department has state-of-the-art technology to carry out its law enforcement responsibilities, the Task Force recommends:

1. The Department should purchase an automated fingerprint analysis machine. It should investigate the possibility of setting up a regional fingerprint analysis center to help defray the cost of purchasing the equipment.
2. The Department should determine its current and future system needs. This will require major assistance from sources outside the Department.
3. A strategic plan for Department management information systems must be created and implemented on a prioritized basis. This is a major, vital task, critical to the future effectiveness of the Department and will require the employment of consultants for technical assistance.
4. Work stoppages at the Philadelphia Computing Corporation must be eliminated.

Office Equipment

To improve the efficiency of the average police officer, the Task Force recommends:

1. The Department should review the entire process of reporting with the objective of reducing the amount of time officers spend in completing their routine paperwork. The Department should assess its needs for upgrading office equipment and request the funding of these needs in its next budget request.

Police Facilities and Maintenance

Because of the overcrowded, obsolete, inadequately designed, and poorly maintained facilities and their bearing on the efficiency of operations and morale of officers, the Task Force recommends:

1. The commissioners of police and public property should agree to appoint deputies, at the earliest possible date, to serve on a joint Departmental task force to identify specific maintenance problems in each police facility and to develop a schedule for correcting these problems.
2. Immediate steps should be taken by the managing director to implement the Task Force's priorities and to make systematic and operational changes, which

will ensure that future requests for building maintenance by the Police Department are fulfilled.

3. The Mayor should analyze the Vitteta Report and commence a program to implement its recommendations according to a plan that establishes priorities.

GOVERNMENT AND ENVIRONMENT WITHIN WHICH THE DEPARTMENT OPERATES

A Constituency to Improve Policing

To provide oversight and exert pressure to improve the quality of policing, the Police Task Force recommends:

1. A small Police Committee should be created to assist the commissioner in making strategic decisions to implement the recommendations of this report. Members of the committee should be distinguished Philadelphians, experienced in government, law, business administration, and police management. The police commissioner should participate in the selection of the members and should be a member himself.
2. The commissioner and the Philadelphia Police Department should assume the responsibility for reporting more regularly and more explicitly to the Philadelphia community about plans and accomplishments. More specifically, we recommend that the Department file a "strategic plan" annually in which the Department presents:
 - A. Its candid evaluation of its past performance
 - B. Its diagnosis of the problems it expects to face in the future
 - C. The investments (in new systems and methods as well as equipment and hardware) it plans to undertake to meet new problems or deal more effectively with old ones
 - D. Its expectations about what can be achieved.
3. The Philadelphia Police Department should construct improved ways of measuring its overall performance.

An Effective Voice for Neighborhoods

To assure police consultation with Philadelphia's diverse neighborhoods, the Task Force recommends:

1. The commissioner should mandate the establishment of Neighborhood Advisory Councils to meet regularly with the captain responsible for policing their areas. These councils should be organized on the same geographic basis as police districts. They should have some permanent members, and all meetings should be open to the public. The agenda for the meetings should include the identification of neighborhood problems, what the police can contribute to their solution, and what other agencies should be involved.

Improved Labor Relations

To improve labor relations between the Philadelphia Police Department and the Fraternal Order of the Police, the Task Force recommends:

1. Management personnel should not be in the same organization with line officers.
2. Basic law enforcement policies and implementation strategies for these policies should be outside the province of collective bargaining.
3. Effective mechanisms for communicating with police officers, leading to better, more realistic policies and to smoother implementation should be installed. These should not limit the basic management authority of the commissioner to make final decisions.

Police Corruption

Because of the history and extent of corruption in the Philadelphia Police Department, ongoing federal and local investigations, and the need to respect the law and improve ethical behavior, the Task Force recommends:

1. The commissioner should issue a clear, detailed statement spelling out acceptable ethical behavior for police officers. The statement should make clear through specific illustrations that no police officer shall accept any gift of money, goods or services for which others would be expected to pay, or which is offered because the intended recipient is a police officer. Once the Department adopts a policy, a comprehensive communications effort must be implemented to notify, explain and reinforce it. The commissioner should also provide strong incentives to Police Department management to detect corrupt police officers and take appropriate corrective action. He should hold all managers accountable for corruption among their subordinates.
2. The commissioner should discipline officers who knowingly withhold valuable information concerning serious criminal conduct of other officers.
3. The Training Academy should develop a realistic training program that frankly explains the corruption "opportunities" or risks that a recruit might confront and shows how to respond to them.
4. The mayor of Philadelphia together with the managing director and the various department heads take steps to set an example of high ethical conduct to help curb corruption in city government.

Minimum Use of Force and Authority

To make the Philadelphia Police Department accountable for its use of force and authority and to assure that officers use their power sparingly, appropriately and fairly, the Task Force recommends:

1. The Philadelphia Police Department should continuously review its present rules on the use of force to make sure they comply with applicable principles of law and with the basic principle that force should be used only as a last resort.
2. The Department should prepare an annual report on the use of firearms.

3. The Department should develop new rules to make clear that all citizens are to be treated with equal respect and civility, regardless of race, creed, sex, age, ethnic background or sex.
4. All personnel who have contact with the public should receive initial training and periodic retraining in the most appropriate ways to deal with all residents, including those from diverse racial, ethnic and religious communities.

Ensuring Fairness of Policing

To promote fairness by making the police more responsive and accountable to Philadelphia's diverse communities, the Task Force recommends:

1. Contacts between police and residents of minority communities should be increased to develop a better understanding of the special problems of those communities. Spanish language instruction for officers assigned to Hispanic areas may be useful. (This should be a natural result of mandating the creation of Neighborhood Advisory Councils.)
2. Sensitivity training should be made a significant part of the training program for new recruits to the police force. To the extent such training is now part of the recruitment training program, it should be re-examined for effectiveness; and it should be a mandatory aspect of training for supervisors. Attitudes can be modified through carefully designed educational programs.
3. Incidents of racially motivated abuse, whether verbal or physical, should be disciplined.
4. Affirmative action goals must be vigorously pursued by providing opportunities for career development and bias-free testing.



Appendix A

Survey of Community Attitudes Toward the Philadelphia Police

To obtain data for use in this study, the Philadelphia Police Study Task Force commissioned the National Analysts Division of Booz-Allen & Hamilton Inc., to conduct a survey of community attitudes towards the Philadelphia police. The objective was to assess residents' opinions of Philadelphia police officers and their performance and to gauge the extent to which Philadelphia residents desire and support changes in the force.

National Analysts prepared a questionnaire and surveyed 850 residents in 7 neighborhoods within the Greater Philadelphia area and 150 suburban residents. It used a random sample procedure to obtain interviews with adult males and females, 18 years of age or older.

The following are excerpts describing the attitudes of those surveyed, taken from a report, entitled "Survey of Community Attitudes Toward Philadelphia Police," submitted by National Analysts in October 1986. The complete report, which includes the tables noted herein, may be obtained from the office of the Philadelphia Police Commissioner.

ATTITUDE OF PHILADELPHIA RESIDENTS

A. Assessment of Philadelphia Police Performance

The overall evaluation of the Philadelphia police is positive (Table 2).

- Almost three-fourths of the city residents (70%) rate the Philadelphia police as doing a good or excellent job overall, 24% report fair performance and 5% state they are doing a poor job.
- Residents' overall evaluation of the Philadelphia police varies according to demographic characteristics and location of residence.
 - The most positive ratings (as indicated by the largest percentage of good or excellent ratings) are given by:
 - Northeast residents (87%)
 - Whites (83%)
 - Residents 50 years of age or older (82%)
 - Residents with high school education or less (77%)
 - Blue-collar workers (77%)
 - The least positive ratings (as indicated by the smallest percentage of good or excellent ratings) are given by:
 - Residents of North Philadelphia, West/Southwest Philadelphia and Center City (59%, 60% and 64% respectively)
 - Blacks (53%)
 - Hispanics (59%)
 - Residents under 50 years of age (63%)
 - Residents with post-high school education (63%)
 - White-collar workers (63%)

Philadelphia police performance in specific functional areas generates varying opinions among city residents (Table 3).

- As shown below, residents report police are doing the best job at: (1) providing medical or emergency services, (2) helping accident or crime victims, and (3) controlling automobile and pedestrian traffic.
- Police are perceived as performing less well at providing positive role models or identifying and reducing neighborhood problems.



	% Reporting Good/Excellent Performance
—Providing medical or emergency services	73%
—Helping accident or crime victims	69%
—Controlling automobile and pedestrian traffic	68%
—Preventing and controlling crime	64%
—Protecting rights of free speech and assembly	61%
—Handling disputes between individuals or groups	57%
—Providing other social services	55%
—Working with residents/business to reduce crime and improve neighborhoods	55%
—Providing positive role models	50%
—Identifying and reducing neighborhood problems	48%

○ Performance ratings of specific police functions vary by respondents' area of residence, race/ethnicity and overall evaluation of police performance.

- Residents of Northeast Philadelphia give the highest percentage of good or excellent ratings to all, but one, of the functions evaluated.
- Residents of North Philadelphia, West/Southwest Philadelphia and Center City, compared to the overall sample, give a lower percentage of good or excellent ratings to many functions, especially:
 - Preventing and controlling crime (56%, 53% and 56% vs. 64% respectively).
 - Identifying and reducing neighborhood problems (39%, 39% and 36% vs. 48% respectively).
- Black residents give a lower percentage of good or excellent ratings to all police functions than do white residents, particularly:
 - Preventing and controlling crime (46% vs. 74%).
 - Identifying and reducing neighborhood problems (31% vs. 58%).
 - Working with residents/business to reduce crime and improve the neighborhood (38% vs. 65%).
- Hispanic residents give a lower percentage of good or excellent ratings than do white residents to all police functions, except one (providing other social services); the greatest disparity occurs for:
 - Providing medical/emergency services (58% vs. 80%).
 - Helping accident or crime victims (54% vs. 75%).
 - Working with residents/business to reduce crime and improve neighborhood (44% vs. 65%).
- Residents who rate the overall performance of the police as either fair or poor are much less likely to give good or excellent ratings to any police function than are those residents who give a better overall evaluation.

There is almost unanimous agreement among residents that the ten police functions surveyed are either somewhat or very important (Tables 4a and 5a).

- More than nine out of ten city residents report that each police function surveyed is somewhat or very important.
- The ten police functions are differentiated by the percentage of residents who rate each function as very important.
 - The two functions receiving the highest percentage of very important ratings are preventing and controlling crime (97%) and helping accident or crime victims (86%).
 - The two functions receiving the lowest percentage of very important ratings are handling disputes between individuals or groups (62%) and controlling automobile and pedestrian traffic (64%).

- The greatest disparity between rated police performance and importance is observed for preventing and controlling crime and providing positive role models (each with a mean difference of 1.3).

B. Treatment of Victims, Minorities and Alleged Criminals

Residents who live in households in which a member of the household was a victim of crime in the last five years are divided in their opinions about the quality of service provided by the Philadelphia police (Table 6).

- A majority of the residents in such households (56%) rate the service provided to victims of crime as good or excellent, although more than 40% of the respondents rate the service as either fair (21%) or poor (22%).
- Assessment of service provided by Philadelphia police to crime victims differs across neighborhoods and racial/ethnic groups.
 - West/Southwest Philadelphia residents rate police service to crime victims, on the average, most negatively; those in Center City rate the service most positively (mean ratings of 2.2 and 2.9 respectively on a four-point scale, where "1" = "Poor" and "4" = "Excellent").
 - Black and Hispanic residents rate police service to victims of crime less favorably than do white residents, with 37%, 35% and 13% respectively indicating poor service.

Residents in households that contacted the Philadelphia police in the last five years for various reasons, such as reporting a crime or seeking emergency assistance, are more likely to describe their most recent contact with the police in positive or neutral, rather than negative, terms (Table 7).

- Many city residents in households that have had contact with the Philadelphia police in the last five years describe their most recent contact as "courteous and friendly" or "businesslike"; fewer describe the contact in negative terms.
 - 56% describe their interaction with the police as "courteous and friendly"; 37% describe the interaction as "businesslike."
 - 15% describe the interaction as "abrupt and unfriendly"; 4% as "hostile and threatening"; and, 1% as "physically rough."
- Residents' descriptions of their most recent contact with the Philadelphia police vary across neighborhoods.
 - Residents of households in North Philadelphia who have had contact with the police in the last five years are more likely than residents of other areas to describe the contact as "courteous and friendly" (71% vs. 56% overall).
 - In contrast, residents of Center City households are more likely than residents of other areas to describe the contact as "businesslike" (47% vs. 37% overall) and less likely to describe it as "courteous and friendly" (41% vs. 56% overall).

A sizable percentage of residents report that Philadelphia police treat minorities differently than other citizens (Table 8).

- More than four out of ten residents (42%) feel that Philadelphia police treat minorities differently than other citizens.
- Proportionately more blacks (65%), Hispanics (54%) and college graduates (64%) express this view.
 - A majority of respondents who feel that minorities are treated differently report that minorities are treated more negatively, although some report that they are treated with favoritism (Table 8).
- Many respondents state that minorities are treated less fairly (87%) and more roughly (84%).
- However, 28% feel that minorities are treated with favoritism.
 - The view that minorities are treated with favoritism is held by a larger percentage of respondents who did not graduate from high school (52%) and residents of the Fishtown/Richmond/Kensington area (39%).
 - This view is not reported as frequently by the Center City area residents (19%).
- Among residents who judge the treatment of minorities to be different, proportionately more respondents in West/Southwest Philadelphia and Center City feel that minorities are treated in negative ways.
 - A larger percentage of respondents in West/Southwest Philadelphia state that minorities are treated less fairly (96% vs. 87% overall).

- A larger percentage of the respondents in Center City state that minorities are most harassed (15% vs. 5% overall).

A majority of residents feel that the treatment of people suspected of breaking the law is about right. However, a small segment of the residents describe Philadelphia police treatment of people in custody for a serious crime in negative terms (Table 9).

- A majority of residents feel that the treatment of alleged criminals is neither too lenient nor too harsh: 62% state that it would be "about right," 13% "too harsh" and 23% "too lenient."
 - A larger percentage of black than white or Hispanic residents say that the treatment is too harsh (22%, 7% and 8% respectively).
 - Similarly, a larger percentage of North Philadelphia residents say that the treatment is too harsh (23% vs. 13% overall).
- A small segment of Philadelphia residents feel police treatment of persons in custody for a serious crime is negative: 17% report the treatment is "physically rough" and 15% "hostile and threatening."
 - A much larger percentage of black than white or Hispanic residents feel that the treatment would be negative; 30% indicate "physically rough" and 29% "hostile and threatening," compared to 9% and 8% respectively for white residents and 14% and 13% respectively for Hispanic residents.

C. Public's Image of Philadelphia Police Officers

A majority of residents have a high regard for the police profession (Table 10).

- A majority of residents indicate that a person would not be making a mistake by becoming a police officer, if the person had an opportunity to take another job that pays the same in city government (60%) or in private business (52%).
- Becoming a Philadelphia police officer is especially attractive to Hispanic residents, as well as those with less than a high school education.
 - 85% of Hispanic residents feel that becoming a police officer, instead of taking a job in city government would not be a mistake, compared to 60% and 56% of white and black residents.
 - 70% of those residents with less than a high school diploma express this view, compared to 57% of those with at least a high school diploma.

Many residents feel that Philadelphia police are underenforcing some types of laws, especially in the areas of drugs and prostitution (Tables 11 and 12).

- As shown below, a larger percentage of residents feel that drug and prostitution laws are underenforced compared to laws on gambling, liquor, drunk driving or domestic violence:

Laws On:	% Reporting that Law is Underenforced
Drugs	69%
Prostitution	56%
Gambling	49%
Liquor	49%
Drunk driving	48%
Domestic violence	43%

- The view that laws are underenforced varies by neighborhood, race/ethnicity and age of respondents.
 - Residents of different neighborhoods vary in terms of their opinions about underenforcement of liquor and gambling laws.

- Proportionately more residents in the Fishtown/Richmond/Kensington area than other neighborhoods feel that liquor laws are underenforced (60% compared to 49% overall).
 - Proportionately fewer residents in Center City than other areas feel that gambling laws are underenforced (37% compared to 49% overall).
 - Hispanic and black residents are more likely than white residents to report underenforcement of gambling and domestic violence laws.
 - Gambling: 65%, 55% and 46% respectively.
 - Domestic violence: 62%, 52% and 38% respectively.
 - Additionally, Hispanic residents are more likely to feel that liquor laws are underenforced (68% vs. 52% and 47% for black and white residents respectively).
 - Younger respondents are more likely to feel that laws on domestic violence are underenforced: 18 to 29 years of age (45%), 30 to 49 (52%), compared to 35% of those 50 years of age or older.
- Overall, most residents describe Philadelphia police officers in positive terms, although some residents apply negative descriptors to the police (Table 13).
- More than eight out of ten residents indicate that the following terms describe police officers either somewhat or very well:

Brave	94%
Dedicated to their job	92%
Deserving of respect	90%
Professional	88%
Efficient	88%
Well-qualified	86%
Honest	81%

- However, at least four out of ten residents state that the following negative characteristics describe Philadelphia police either somewhat or very well:

Unfair	54%
Discourteous	52%
Not caring about people's welfare	45%
Lazy	42%

- The image of Philadelphia police officers varies by neighborhood, race/ethnicity and level of education.
 - The image of police officers differs across neighborhoods in terms of fairness, courtesy, laziness and concern for people's welfare.
 - North Philadelphia residents are more apt than the overall sample to describe police as unfair (66% vs. 54% overall), discourteous (66% vs. 52%), not caring about people's welfare (59% vs. 45%) and lazy (51% vs. 42%).
 - In contrast, Northeast residents are less inclined to describe police officers as discourteous (40% vs. 52% overall).
 - Black and Hispanic residents have a less positive image of police officers than do white residents.

In particular, black and Hispanic residents are more likely than white residents to describe Philadelphia police as:

- Unfair (68%, 58%, 44%)
- Not concerned about people's welfare (59%, 51%, and 35%)
- Lazy (53%, 48%, and 35%)

And they are less likely to describe Philadelphia police officers as:

- Honest (76%, 68%, and 86%)
- Black residents are also much more likely to describe police as discourteous (68% vs. 49% and 41% for Hispanics and whites).
- Additionally, Hispanic residents, compared to others, are less inclined to describe officers as brave (55% vs. 91% and 98% for blacks and whites respectively), dedicated (79% vs. 90% and 94%) and professional (76% vs. 85% and 92%).
- College-educated residents are less apt to indicate that police officers are honest: 71% say this term describes officers somewhat or very well, compared to 81% of the sample overall.

A majority of residents feel that Philadelphia police officers engage in some forms of illegal or unprofessional behavior (Table 14).

- As shown below, approximately one-third to one-half of city residents feel that Philadelphia police engage in some form of illegal or unprofessional behavior sometimes or often.
- More than 4 out of 10 residents feel that Philadelphia police sometimes use unnecessary force (49%) and accept free meals or gifts (43%).
- The illegal or unprofessional behavior of the Philadelphia police, reported as occurring often by at least 10% of city residents, are: accepting free meals or gifts (19%), using unnecessary force (16%), taking bribes (11%) and sleeping on duty (10%).

Behavior	% Reporting Activity Occurs:	
	Sometimes	Often
Use unnecessary force	49	16
Accept free meals or gifts	43	19
Take bribes	38	11
Sleep on duty	36	10
Ask for bribes	35	5
Drink on duty	33	8
Use illegal drugs on duty	32	4
Ask for sexual favors	31	5
Ignore requests for service	28	5

- Citizens' views of illegal or unprofessional behavior by Philadelphia police differ according to race/ethnicity and neighborhood.
 - For almost all forms of illegal or unprofessional behavior surveyed, a larger percentage of black residents than other residents feel that police engage in these activities either sometimes or often.
 - Black residents are more likely than white residents to state that police engage in the following behaviors often: sleeping on duty (17% vs. 6% respectively), using unnecessary force (28% vs. 8%), asking for bribes (16% vs. 3%) and taking bribes (19% vs. 6%).
 - Black residents are more likely than white residents to state that police engage in the following behavior sometimes: drinking on duty (45% vs. 29% respectively), ignoring a request for service (37% vs. 22%), accepting free meals or gifts (50% vs. 40%), asking for bribes (43% vs. 27%),

taking bribes (45% vs. 35%), using illegal drugs on duty (47% vs. 24%) and asking for sexual favors (47% vs. 23%).

- The opinions of Hispanic residents regarding illegal or unprofessional behaviors of Philadelphia police are mixed in comparison to white residents.
 - Approximately equal percentages of Hispanic and white residents feel that Philadelphia police use unnecessary force or sleep on duty sometimes or often, although Hispanic residents are more apt to report these behaviors as occurring often.
 - Hispanic residents are more likely than white residents to state that police officers sometimes ignore a request for service (36% vs. 22% respectively) and sometimes use illegal drugs on duty (38% vs. 24%).
 - In contrast, Hispanic residents are less likely than white residents to state that police officers sometimes accept free meals or gifts (30% vs. 40% respectively).
- Residents of North Philadelphia are more likely than those in other neighborhoods to feel that police officers engage in some forms of illegal or unprofessional behavior at least some of the time; residents of South Philadelphia are less likely to hold this view.
 - Residents of North Philadelphia are more likely than residents of other neighborhoods to state that police officers sometimes: 1) drink on duty (44% versus 35% overall), 2) ignore a request for service (44% versus 28%), and 3) ask for sexual favors (44% versus 31%). They are also more likely to state that police often use unnecessary force (35% versus 16% overall).
 - Residents of South Philadelphia are less likely than residents of other neighborhoods to state that police officers sometimes: 1) drink on duty (23% versus 35% overall), 2) use illegal drugs on duty (21% versus 32%), and 3) ask for sexual favors (21% versus 31%).

Most city residents' opinions of the media's coverage of Philadelphia police are divided between feeling that the media give a fair and give an overly negative picture (Table 15).

- Overall, 49% feel that media coverage (on TV, radio and newspapers) is fair, 43% feel that it is too negative and 7% feel that it is too positive.
- White residents are more apt to feel that media coverage is too negative, compared to black and Hispanic respondents (49%, 35% and 33% respectively).
- Similarly, respondents whose overall evaluation of the police is either good or excellent feel that media coverage is too negative compared to those whose evaluation is fair or poor (49% vs. 31%).

D. Philadelphia Police Responsiveness and Community Relations

A majority of residents feel that police take about the same amount of time to respond to calls in high- and low-income areas, although a sizable segment feel that police respond faster in high-income areas (Table 16).

- More than five out of ten residents (58%) feel that response time is about the same in high- and low-income areas, while more than three out of ten residents (35%) feel that response time is faster in high-income areas; the remainder (5%) feel that police respond faster in low-income areas.
- Some groups of residents are more likely to feel that police respond faster to calls in high-income areas.
 - Black residents are more likely than white and Hispanic residents to feel that response is faster in high-income areas (58% vs. 43% and 21% respectively).
 - Residents of North and West/Southwest Philadelphia are more apt to feel this way than residents of other neighborhoods (46% and 56% vs. 35% overall).
- In contrast, residents of Northeast and South Philadelphia are more inclined to feel that response time is equal (80% and 69% vs. 58% overall).

Overall, residents feel that Philadelphia police would be either somewhat or very responsive, rather than unresponsive, to specific problems, grievances or suggestions of concerned citizens (Table 17).

- More than three-fourths (76%) of the residents feel that police would be either somewhat or very responsive: 23% indicate very responsive, and 53% indicate somewhat responsive to citizens who raise specific problems, concerns, grievances or suggestions.

- Differences by neighborhood and race/ethnicity are apparent.
 - Northeast residents are more inclined than residents of other areas to feel that police would be somewhat or very responsive (85% vs. 76% overall).
 - In contrast, more of the residents of Center City and West/Southwest Philadelphia feel that police would be somewhat or very unresponsive (34% and 32% vs. 22% overall).
 - Black residents are more inclined than white or Hispanic residents to feel that police would be somewhat or very unresponsive (28% vs. 19% and 17% respectively).

Virtually all residents state that they would probably raise a complaint about a police officer's conduct, although a sizable percentage say they would not lodge the complaint directly to the police department (Table 18).

- More than six out of ten residents (61%) report that they would probably take the complaint to the police department: 32% without hesitation and 29% after careful consideration.
- Almost a third (32%) indicate they would probably speak to other city officials instead, while 7% say they would do nothing at all.
- Some groups of residents are less likely to take their complaints directly to the police department.
 - This is true for black and Hispanic residents, compared to white residents (50% and 40% vs. 69% respectively) who indicate that they would probably speak directly to the police department.
 - Proportionately more North and West/Southwest Philadelphia residents indicate that they would probably not talk directly to the police department, but rather to city officials (43% and 42% vs. 32% overall).
- Other groups, particularly Northeast residents, report more willingness to lodge their complaints directly to the department: 71% vs. 61% overall.

E. Police Force Composition and Compensation

On average, city residents overstate the percentage of minorities on the force by 8% (Table 19).

- The mean estimate of the percentage of minorities on the force is 28%, compared to the actual value of 20%.
- Residents' estimates of the percentage of minorities on the Philadelphia police force is variable.
 - 29% correctly estimate the percentage of minorities on the force within 5% of the actual value (15% to 25%).
 - 46% overestimate the percentage of minorities on the force by more than 5%, with some estimates being more than 40% of the force.
 - Proportionately fewer black residents overestimate the percentage of minorities on the force compared to Hispanic or white residents (39% vs. 43% and 50% respectively reporting that the percentage of minorities on the force is 26% or more).

A majority indicate that they would like to see the number of minorities on the force increased (Table 19).

- More than half (54%) believe minority representation on the force should be increased; more than one-third (35%) believe it should remain the same; and, 4% believe it should be decreased.
- Desire for increased minority representation is greatest among:
 - North Philadelphia residents (82% vs. 54% overall)
 - Blacks and Hispanics (82% and 83% vs. 35% for whites)
 - Residents with a fair/poor overall evaluation of the force (70% vs. 47% with good/excellent evaluation).
- Desire for the status quo or a decrease is greatest among residents of Fishtown/Kensington/Richmond and South Philadelphia areas (54% and 50% vs. 39% overall reporting "Remain the same" or "Decrease").
- Residents who state that the percentage of minority officers should be decreased are more likely to overestimate the percentage of minorities on the force.
 - Those who want the number of minority officers on the Philadelphia police force to be decreased estimate the mean percentage of minorities to be 42%, while those who want it to remain the same or increase estimate 32% and 25% on average respectively.

- On average, residents overstate the percentage of women on the force by 6% (Table 20).
- The mean estimate of the percentage of women on the force is 14%, compared to the actual value of 8%.
 - Residents' estimates of the percentage of women on the Philadelphia police force is variable.
 - 26% correctly estimate the percentage of women on the force within 2% of the actual value (6% to 10%).
 - 37% of the residents overestimate the percentage of women on the force by more than 2%, with some estimates being more than 20% of the force.
 - Proportionately more women (44%) make overestimates (by more than 2%) than do men (29%).
 - Proportionately more Hispanics make overestimates (by more than 2%) compared to blacks and whites (55% vs. 33% and 39% respectively).
- Sizable groups would like to see representation of women increased or remain the same (Table 20).
- Opinions about the representation of women on the force are divided among 45% who believe it should be increased, 36% who subscribe to the status quo and 16% who believe it should be decreased.
 - The same percentage of men and women alike (45%) believe that the number of women on the Philadelphia police force should be increased.
 - Desire for increased representation of women is greatest among:
 - Blacks and Hispanics (62% and 62% vs. 34% for whites).
 - North Philadelphia residents (59% vs. 45% overall).
- Few residents believe that Philadelphia police are overpaid; others are divided between those who believe they are underpaid and those who believe they are paid the right amount (Table 21).
- Almost 50% of the Philadelphia residents believe the police are underpaid, 15% believe greatly and 34% slightly; 39% believe they are appropriately compensated; and 7% believe they are slightly or greatly overpaid.
 - Opinions about compensation vary by neighborhood and race/ethnicity.
 - North Philadelphia residents are more likely to believe that police are adequately or overly compensated (57% vs. 46% overall).
 - Hispanic and black residents are also more likely to believe officers are justly or overly paid (73% and 55% vs. 42% for white residents).

F. Educational Requirement of Officers

- Virtually all city residents feel that a minimum education requirement should be set for becoming a Philadelphia police officer (Table 22).
- 98% of city residents feel that some minimum educational level should be required.
 - The vast majority of city residents (95%) feel that a high school diploma or better should be required to become an officer; as many as 35% feel that some college education or better should be required.
 - Opinions about an educational requirement vary among residents, with proportionately more Hispanics and those whose overall evaluation of Philadelphia police performance is fair or poor feeling that at least some college education should be required.
 - Hispanics: 58% vs. 40% and 30% for blacks and whites
 - Fair/Poor overall evaluation: 46% vs. 30% for good/excellent evaluation

G. Support for Changes in the Philadelphia Police Force

At least half of the residents state that changes in nine designated areas would improve the quality of the Philadelphia police force (Table 23).

- When asked what changes would improve the Philadelphia police force, nearly nine out of ten residents endorsed:

□ Improved training	89%
□ More attention to crime fighting	87%
□ More responsiveness to community concerns	87%

- Other improvements cited by more than 70% of the residents are:
 - Hiring more officers 78%
 - Modernizing police facilities and/or equipment 78%
 - Raising educational qualifications 71%
- Although not mentioned as frequently, changes in management policies, increasing pay scale and changes in management personnel are desired as well (64%, 57% and 56% respectively).
- Nearly one-third (29%) of the residents mentioned other types of changes, such as more foot patrol, specialized training (e.g., group dynamics), increased benefits and redistribution of police or patrolling areas.
- Residents who rate the overall performance of the police as either fair or poor, compared to those with a good or excellent rating, more frequently endorse:
 - More responsiveness to community concerns (94% vs. 85%)
 - Raising educational qualifications (82% vs. 66%)
 - Changing managerial policies (76% vs. 59%)
 - Changing managerial personnel (64% vs. 53%)
- For the most part, more than eight out of ten residents in every neighborhood endorse: 1) improved training of police, 2) more responsiveness to community concerns, and 3) more attention to crime fighting.
- Neighborhood residents differ from one another in the area of management personnel and improved training.
 - Changes in management personnel are most frequently espoused by North Philadelphia residents (66%) and least often cited by Center City residents (45%).
 - Improved training is least often cited by Fishtown/Richmond/Kensington residents, compared to the sample as a whole (77% vs. 89%).

When asked to select the two changes that would have the greatest effect on improving the Philadelphia police force, residents most frequently select improved training of police and raising educational qualifications (Table 24).

- One-third of the residents select improved training of police (33%) and raising educational qualifications (32%) as those changes they feel would have the greatest effect on improving the quality of the force.
- Unlike white or black residents, whose most frequently mentioned priorities are improved training and raising educational qualifications, Hispanic residents much more frequently call for increased attention to crime fighting (60% vs. 19% and 21% respectively).
- More than eight out of ten residents (82%) state that they are willing to support improvements in the force, even if it means higher taxes. The remainder are either unwilling to support increased taxes (13%) or are undecided (4%).

ATTITUDE OF SUBURBAN RESIDENTS

A. Assessment of Philadelphia Police Performance

Suburban and city residents are equally positive in their overall evaluation of Philadelphia police performance (Table 2).

- Suburban residents' average rating of Philadelphia police of 2.8 (on a four-point scale, where "1" equals "Poor" and "4" equals "Excellent") is comparable to city residents' average rating of 2.9.
- Opinions among suburban residents about Philadelphia police performance in ten functional areas for the most part parallel those of city residents (Table 3).
- As shown on the following chart, the largest percentage of suburban and city residents report that police are doing a good or excellent job at:
 - Providing medical or emergency services
 - Helping accident or crime victims
- Two differences are observed between suburban and city residents, with smaller percentages of suburbanites reporting good or excellent police performance in:
 - Providing other social services
 - Controlling automobile and pedestrian traffic

Function	% Reporting Good/ Excellent Performance	
	Suburban	City
Providing medical or emergency services	66	73
Helping accident or crime victims	66	69
Protecting rights of free speech and assembly	63	61
Preventing and controlling crime	62	64
Handling disputes between individuals and groups	57	57
Controlling automobile and pedestrian traffic	55	68
Working with residents/business to reduce crime and improve neighborhood	51	55
Identifying and reducing neighborhood problems	45	48
Providing positive role models	44	50
Providing other social services	40	55

Suburban residents are less likely than city residents to consider Philadelphia police provision of social services (other than medical or emergency services) as either very or somewhat important; in all other respects, city and suburban residents assign similar importance ratings to selected police functions (Tables 4b and 5b).

- 76% of the suburban residents report that providing social services (other than medical or emergency services) is very or somewhat important, compared to 91% of the city residents.
- For the remaining nine functions, suburbanites do not differ from city residents. In both cases, approximately nine out of ten respondents report each function as being very or somewhat important.
- Similar to city residents, the greatest mean difference between rated police performance versus rated importance of the functions as assessed by suburban residents is found for preventing and controlling crime (mean difference of 1.3); for city residents, providing positive role models has the same mean difference.

B. Treatment of Victims, Minorities and Alleged Criminals

Suburban residents who live in households in which a member was a victim of crime in the last five years and for which the Philadelphia police were contacted are as divided in their opinions about the quality of service provided by Philadelphia police as are city residents (Table 6).

- As shown below, there are no substantial differences in the ratings of Philadelphia police service to crime victims among suburban and city residents to whom this question applied:

Service was:	% Suburban	% City
Excellent	23	30
Good	32	26
Fair	26	21
Poor	19	22

Suburbanites are more likely than city residents to describe their most recent contact with the Philadelphia police as "abrupt and unfriendly" (Table 7).

- Suburban residents who have had contact with the Philadelphia police, for such reasons as getting a traffic ticket or reporting a crime, are more likely than city residents to describe their contact as "abrupt and unfriendly" (26% and 15% respectively).

Although approximately the same percentage of suburban and city residents feel that minorities are treated differently by Philadelphia police, there are distinct differences of opinion between the two groups on the form of treatment accorded to minorities (Table 8).

- 41% of suburban residents and 42% of city residents state that minorities are treated differently than other citizens by the Philadelphia police.
- Suburbanites are less likely to report that Philadelphia police treat minorities more roughly (67% vs. 84% for the city).
- In contrast, suburbanites are more likely to report that Philadelphia police treat minorities with more harassment (18% vs. 5% for the city).

There are no substantial differences between suburban and city residents' assessments of how Philadelphia police deal with persons suspected of breaking the law; both groups indicate it is "about right" (Table 9).

- A majority of suburban and city residents report that Philadelphia police handle suspects in the right manner (69% and 62% respectively).
- Among those who feel the treatment is not right, about the same percentages of suburban and city residents report treatment is too lenient (19% and 23%) or too harsh (10% and 13%).

Suburban and city residents differ with respect to their assessments of how Philadelphia police handle persons in custody for a serious crime (Table 9).

- Suburban residents are more likely than city residents to report that Philadelphia police treat alleged criminals "abruptly and unfriendly" (42% and 28% respectively).
- In contrast, city residents more frequently report that treatment of alleged criminals by Philadelphia police is physically rough (17% vs. 6%).

C. Public's Image of Philadelphia Police Officers

Suburban residents have a less positive regard for the police profession than do city residents (Table 10).

- Approximately equal percentages of suburban and city residents believe that a person would not be making a mistake by becoming a Philadelphia police officer instead of taking a job of equal pay elsewhere in city government (58% and 60% respectively).
- However, a larger percentage of suburbanites, compared to city residents, believe a person would be making a mistake by not taking a job of equal pay in private business (58% vs. 45% respectively).

Consistent with city residents, suburbanites feel that Philadelphia police are underenforcing some types of laws, particularly drug and prostitution laws (Table 11).

- Two-thirds or more of the suburban and city residents feel that Philadelphia police are underenforcing drug laws (67% and 69% respectively).
- Similarly, more than half feel that prostitution laws are underenforced (54% and 56% respectively).

Overall, suburban and city residents have a positive image of Philadelphia police. Suburban residents are less likely to describe Philadelphia police officers in negative terms (Table 13).

- Both suburban and city residents alike most often describe police officers in positive terms, as shown below:

	% Reporting Describes Officers Somewhat or Very Well	
	Suburban	City
Brave	96	94
Deserving of respect	89	90
Dedicated to their jobs	87	92
Professional	87	88
Well-qualified	85	86
Efficient	83	88
Honest	81	81

- In terms of negative attributes, suburban residents are less likely to say that the following characteristics describe Philadelphia police officers somewhat or very well:

	% Reporting Describes Officers Somewhat or Very Well	
	Suburban	City
Not caring about people's welfare	34	45
Discourteous	43	52

For the most part, suburban residents are less likely than city residents to report that Philadelphia police officers engage in selected forms of illegal or unprofessional behavior (Table 14).

- A smaller percentage of suburban residents, compared to city residents, report that Philadelphia police engage in the following behaviors sometimes or often:

% Reporting Behavior Occurs:	Suburban		City	
	Sometimes %	Often %	Sometimes %	Often %
Ask for sexual favors	18	3	31	5
Ignore requests for service	20	2	28	5
Use illegal drugs on duty	24	3	32	4
Ask for bribes	25	5	33	8

- In contrast, suburban residents are more likely than city residents to state that Philadelphia police officers accept free meals or gifts: often (27% versus 19%) or sometimes (56% versus 43%).

Suburban residents' opinions of the media's coverage of Philadelphia police are similar to city residents'; both feel coverage is either fair or too negative (Table 15).

- Both suburban and city residents feel that media coverage of Philadelphia police is either fair (42% and 49% respectively) or too negative (49% and 43%).
- A small percentage indicate that the coverage is too positive (8% and 7%).

D. Philadelphia Police Responsiveness and Community Relations

Opinions about Philadelphia police response time in high- and low-income areas do not vary substantially between suburban and city residents (Table 16).

- More than half of the suburban and city residents feel that Philadelphia police response time is about the same in high- and low-income areas (60% and 58% respectively).
- Similarly, about one-third of both groups feel that response time would be faster in high-income areas (32% and 35% respectively).

While the majority of suburban and city residents feel that the Philadelphia Police Department would be responsive to specific problems, concerns, grievances or suggestions, suburbanites are less apt to report feeling this way (Table 17).

- Although about three-fourths of the suburban and city residents (71% and 76% respectively) feel that Philadelphia police would be somewhat or very responsive to concerned citizens, suburbanites are less likely to report that the police would be very responsive (12% vs. 23%).

Suburban and city residents alike would direct a complaint about a police officer's conduct either to the department or to another city agency (Table 18).

- Almost equal percentages of suburban and city residents state they would lodge a complaint about an officer's conduct directly to the department (64% and 61% respectively) or to other city officials (29% and 32% respectively).

E. Police Force Composition and Compensation

Although suburban and city residents do not differ with respect to their estimates of the percentage of minority officers on the force, suburbanites are less likely to report that the number of minorities should be increased (Table 19).

- The mean estimate of the percentage of minority officers on the Philadelphia police force is 28% for both suburban and city residents (actual value is 20%).
- A smaller percentage of suburban residents, compared to city residents, report that they would like the number of minorities increased (39% vs. 54% respectively).

Compared to city residents, suburbanites come closer to estimating the actual percentage of women officers on the Philadelphia police force; they are also more likely to state that the number should stay the same (Table 20).

- Suburbanites' mean estimate of the percentage of women officers on the force is 10%, compared to 14% for city residents (actual value is 8%).
- A larger percentage of suburban residents, compared to city residents, report a desire to maintain the current number (46% vs. 36% respectively).

There are no substantial differences between suburban and city residents in terms of their opinions about Philadelphia police officers' compensation; most feel that Philadelphia police are underpaid or paid the right amount (Table 21).

- Like residents in the city, suburbanites are equally divided between those who believe Philadelphia police officers are underpaid (46% and 49% respectively) and those who believe they are paid the right amount (43% and 39%).
- The remaining percentage (8% and 7% respectively) feel that police officers are overpaid.

F. Educational Requirement of Officers

Although nearly all suburban residents, like city residents, believe that a minimum educational requirement should be required to become a Philadelphia police officer, suburbanites are more inclined to set a higher requirement (Table 22).

- 98% of suburban and city residents state that a minimum educational requirement should be set.
- Although the same percentages of suburban and city residents report that a high school diploma or better would satisfy this requirement (96% and 95% respectively), a larger percentage of suburbanites compared to city residents are in favor of setting the requirement at some college education or better rather than high school (50% versus 35% respectively).

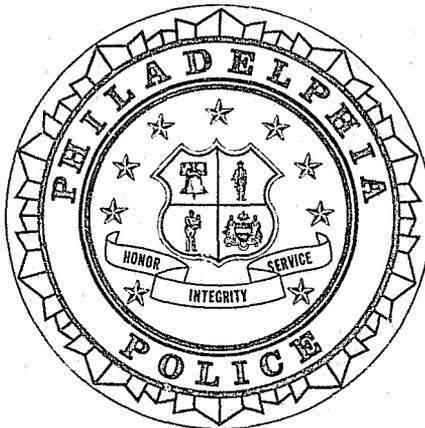
G. Support for Changes in the Philadelphia Police Force

Suburban residents' opinions about changes which would improve the quality of the Philadelphia police force parallel those of city residents with two exceptions (Table 23).

- A smaller percentage of suburban residents, compared to city residents, feel that hiring more officers would improve the force (63% vs. 78% respectively).
- In contrast, a larger percentage of suburban residents, compared to city residents, feel that a change in management personnel would make a difference (66% vs. 56% respectively).

When asked to select the two changes which would have the greatest effect on improving the Philadelphia police force, suburban and city residents choose the same two changes—improved training and raising educational qualifications—most frequently (Table 24).

- About one-third of each group select improved training (33% each) and raising educational qualifications (37% suburban and 32% city).
- When asked about financial support for these improvements, approximately the same percentage of suburban and city residents (83% and 82%) report they are willing to support these changes, even if it means increased taxes.



Appendix B

Legal Impediments To Change

This Appendix identifies the legal consequences of Task Force recommendations regarding personnel policies of the Philadelphia Police Department. Implementation of some recommendations may be impossible without changes in relevant laws or regulations. Other recommendations may need to be implemented in a specific manner to stay within the boundaries of legal authority. We have attempted to identify both kinds of legal impediments in this appendix. Implementation of any particular recommendation will require a thorough legal analysis.

Among the sources of authority we examined are: (1) the City of Philadelphia Home Rule Charter;¹ (2) City Civil Service Regulations,² which implement the charter's provisions regarding a merit system of employment;³ (3) the contract between the City of Philadelphia and the Fraternal Order of Police, Lodge No. 5, for the Term July 1, 1984, through June 30, 1986, and a July 21, 1986, Arbitration Award governing the terms and conditions of employment commencing July 1, 1986;⁴ (4) three consent orders governing the hiring of female, black, and Hispanic police officers;⁵ (5) the Constitution of the Commonwealth of Pennsylvania; (6) federal and state statutes; and (7) federal and state judicial opinions.

We have addressed legal issues related to the following areas of Task Force recommendations:

- (1) Residency requirement
- (2) Education requirement
- (3) Education points on recruitment and promotional exams
- (4) Educational incentive pay
- (5) Authority to hire and appoint police personnel
- (6) Clarification of Bargaining Unit
- (7) Probationary periods
- (8) Veterans preference
- (9) Performance evaluations
- (10) Creating the position of "master patrolman"
- (11) "Civilianization"

LEGAL SOURCES AFFECTING PERSONNEL PRACTICES

The Philadelphia Home Rule Charter

No discussion of these areas can be understood fully unless they are discussed first in the historical context of Philadelphia's 1951 Home Rule Charter. This document revamped the city's civil service system to ensure that the city's employment policies reflected merit principles and independence from political influences.⁶

The voters of Philadelphia "overwhelmingly adopted" the 1951 charter after years of failed attempts.⁷ A 1938 Charter Commission for the City of Philadelphia had drafted a proposed city charter that was to have reformed the civil service system, but the spirit of reform apparently was not strong enough to win political support for that charter.⁸ By 1949, however, the Pennsylvania General Assembly had authorized local home-rule charter commissions for cities of the first class,⁹ pursuant to a 1922 amendment to the Pennsylvania Constitution, which gave the Pennsylvania General Assembly discretion to enact home rule legislation. Moreover, the city's "Committee of Fifteen" had, in an unrelated effort to find revenue to increase city employee wages, "uncovered corruption, embezzle-

ment, and serious organizational and management problems" in the administration of Philadelphia.¹⁰ The stage was thus set for a serious effort at reform through a home-rule charter, and in 1949 a bipartisan, fifteen-member charter commission was appointed.¹¹

The product of this "spirit of reform and innovation,"¹² the charter was intended to foster "a more efficient and economical city government,"¹³ and to "assure the city the broadest, most comprehensive benefits of municipal self-government."¹⁴ Since 1885 the city has operated under a civil service system, but it has always been troubled. The National Civil Service Reform League had called Philadelphia's first civil service plan "a striking example of what civil service legislation should not be."¹⁵ While subsequent legislation was much improved, the civil service system frequently suffered from inadequate administration, and numerous exemptions and loopholes permitted the work force to come under political influence.¹⁶

The new Charter Commission thus faced the call for reform with a long and troubled history behind it. The principle of merit becomes the key to reform. This principle is reflected in the Home Rule Charter, which provides for a "system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, demotion, transfer, layoff, removal and discipline of its employees."¹⁷ The principle of merit and the dedication to reform form a backdrop for any discussion of the charter.

As described by the Committee of Seventy report, "Personnel Practices Governance Study,"¹⁸ the 1951 Home Rule Charter establishes a civil service system with very few exempt positions. To oversee the system, the charter calls for establishment of a three-member Civil Service Commission appointed by the mayor from a list of nominees of a Civil Service Panel.¹⁹ The commission, not the mayor, appoints the City's Personnel Director.²⁰ A percentage of funds spent on city salaries is guaranteed for administration of the civil service system.²¹

Under the charter the personnel director develops civil service regulations, which must be approved by the commission.²² Some regulations also require approval of the city's Administrative Board, composed of the mayor, the managing director, and the director of finance.²³ The charter protects employees from political solicitations and prohibits their participation in certain partisan political activity.²⁴

The charter is designed to make the city's employment practices invulnerable to future political influence. A 1981 report of the National Academy of Public Administration, however, revealed eight ways that the civil service system can be circumvented,²⁵ and the Committee of Seventy concluded that some of these methods are used quite frequently.²⁶

The few attempts made in the 1950s to modify the charter to increase civil service exemptions were unsuccessful.²⁷ More recently, a 1984 City Council bill to exempt employees of the sheriff's and city commissioner's offices from the civil service was referred back to the committee "for further study" in the face of strong political opposition.²⁸ The Committee of Seventy has concluded:

[W]ith the decline in power of the political parties and the ever-diminished opportunities to reward party faithful with jobs and other privileges, as well as the continued dissatisfaction of even civil service supporters with the manner in which that system is currently executed in Philadelphia, it is likely that attempts to alter, and perhaps weaken, the civil service provisions of the city's home rule charter will be undertaken again in the not-too-distant future.²⁹

Nonetheless, the committee pointed out that even among those urging reform, there is often a strong resistance to changing the charter because of fear that risks of change may outweigh its benefits.³⁰ Amendment to the charter appears to be a politically charged issue independent of the merits of any proposed amendment. Although changes in some charter provisions would no doubt best serve the charter's own principles of merit and reform, the difficulties of amending it will be a factor in the effort to achieve reform in the operation of the Police Department.

The Civil Service Regulations

In some cases Task Force recommendations might be accomplished by amending a civil service regulation or by adopting new civil service system practices, rather than by attempting to amend the

charter. The civil service regulations are prepared by the personnel director and adopted by the Civil Service Commission,³¹ although some regulations must also be approved by the City's Administrative Board.³² Civil service regulations relevant to the Task Force recommendations are discussed throughout this appendix.

The F.O.P. Contract

The contract between the city and the bargaining unit for its police officers, the Fraternal Order of Police, Lodge No. 5 (F.O.P.) also affects personnel decisions regarding the Police Department. The F.O.P.'s right to bargain for the city's police officers is derived from a Pennsylvania statute, Act 111, which authorizes collective bargaining for police officers and fire fighters.³³ This act provides Philadelphia's police officers with the right to "bargain collectively with their public employers concerning the terms and conditions of their employment, including compensation, hours, working conditions, retirement pensions and other benefits."³⁴ If the collective bargaining process reaches an "impasse and stalemate," or the agreement reached is not approved by the appropriate lawmaking body, Act 111 provides for binding arbitration of the disputed issue or issues.³⁵ Police officers may not lawfully strike to achieve changes in the terms and conditions of their employment.

The F.O.P. contract specifies that it is "not intended to abridge in any way the right of the city under the Home Rule Charter to manage its employees and to affect changes in all personnel matters . . .,"³⁶ although "[w]hen any new rule or regulation solely applicable to the Police Department is to be instituted, or any existent rule changed, representatives of the F.O.P. shall be notified five (5) days before the effective date of the change, if practical."³⁷ This right to "meet and discuss," which is common to all of the city's union contracts, has been broadly construed and, according to the Committee of Seventy, gives city-employee unions, like the F.O.P. "rights over terms and conditions of employment—an area formerly governed exclusively by the Civil Service Commission."³⁸ In fact, the Committee of Seventy noted that "the unions have won a major vote in the formulation of city policies and practices. At times, union activity or influence may supplant or even supersede the decision-making processes established in the charter."³⁹ Any changes in personnel practices or the civil service regulations must undergo, at the least, union scrutiny and discussion. If they relate to salary, hours, working conditions, retirement, pensions, or other "terms and conditions" of employment, they are subject to collective bargaining and binding arbitration.

The Three Consent Orders

As a consequence of class action lawsuits brought against the city alleging discriminatory employment practices in the Police Department, Philadelphia is subject to orders intended to remedy discrimination against female,⁴⁰ black,⁴¹ and Hispanic⁴² applicants and employees in the Police Department. These orders prohibit such discrimination generally and also contain specific provisions governing the hiring and promotion of the affected classes of employees.

Thus, in 1980 the city was directed to hire females in 30 percent of the next 2,670 police officer positions, as well as to provide relief for female officers seeking transfers and promotions.⁴³ Similarly, in 1983 the city agreed to hire an additional 293 qualified black applicants over the next 2,442 hires, at the rate of 12 black hires for every 100 hires, and to undertake testing, screening, recruitment, etc., in a prescribed nondiscriminatory fashion.⁴⁴ In 1984 the city agreed to hire enough bilingual (Spanish/English) police officers to reach and maintain a total of 107 such officers in the Department, and to undertake specific nondiscriminatory testing, screening, recruitment, etc., as well.⁴⁵

We do not discuss all aspects of the consent orders in this appendix. Certain provisions are relevant to Task Force recommendations, and those are discussed as they arise. In general, however, the consent orders must be kept in mind with respect to all personnel decisions, because the city can undertake few personnel actions without reference to its obligations under the orders. Because of its history of discrimination, the city is likely to remain subject to close observation and perhaps judicial order.

Although the order affecting female police officers is a permanent injunction,⁴⁶ the consent orders for black and Hispanic police officers have contingent expiration dates for some provisions.⁴⁷ Again,

these expiration dates may provide latitude in Police Department personnel matters, but they do not mean that the city will be free from the obligation to avoid discrimination in its employment practices.

LEGAL ISSUES RAISED BY TASK FORCE RECOMMENDATIONS

Having discussed the background of the legal sources most commonly applicable to Police Department personnel practices, we turn now to specific recommendations and the legal impediments to their achievement.

Residency Requirement

All City of Philadelphia civil service employees are required to have been bona fide residents of the city for one year prior to appointment and to maintain this residence during employment, unless the Civil Service Commission grants a waiver. The requirement is set by the City Council, which is given this responsibility under the City Charter.⁴⁸ The residency requirement is implemented through the civil service regulations.⁴⁹

Any permanent modification of the one-year and continuing residency requirement for city police officers, if modification were considered desirable, would require that the City Council amend its ordinance. Thus, a general decision to recruit from Pennsylvania or New Jersey colleges or junior colleges and to require residency only from the day of appointment, could be implemented only if the City Council modified the city's residency ordinance, and the civil service regulations were correspondingly amended.

Alternatively, upon request of an appointing official, submitted through and with the approval of the personnel director, the Civil Service Commission may waive a residency requirement for a particular job.⁵⁰ Waivers are not routinely given and are apparently difficult to obtain.⁵¹ Nonetheless, the commission may grant waivers to a designated class to permit nonresidents "to be appointed to such positions provisionally and upon certification from an appropriate eligible list, and to continue to reside outside the city for the period of the provisional appointment and during the probationary period and for six (6) months thereafter."⁵² If the commission concluded that a class waiver for police officers was consistent with its general policies and otherwise appropriate, the pre-employment residency requirement might be eased by waiver.

It should be noted that any change in residency rules for police officers would also require the involvement of the F.O.P.⁵³

Education Requirements

There is no minimum level of education an applicant must have attained in order to be hired as a Philadelphia police officer. Requiring an applicant to have received a high school diploma (or its equivalent) raises several legal issues. The first is authority to impose such a requirement. The second is the possible consequences of such a requirement on the city's obligations under the F.O.P. Contract. The third is the impact of an education requirement on the consent orders regarding minority and female hiring.

In the absence of the consent orders or other legal considerations, the implementation of a high school education requirement would be a matter of amending the class specifications for police officers.⁵⁴ Pursuant to the civil service regulations, the Classification Plan for all positions in the Philadelphia Civil Service includes the "class title, a description of the duties and responsibilities of the work and a statement of the qualifications a person should possess to enable him to enter upon the duties of a position of the class with reasonable prospects of success."⁵⁵ The Civil Service Commission and the city's Administrative Board approve and amend these class specifications.⁵⁶ They consider amendment at the behest of the personnel director,⁵⁷ or by written appeal for change to the director and commission by "[a]ny person who believes that the Classification Plan requires amendment."⁵⁸ The precise procedures for amendment, including provisions for public hearing, are set forth in sections 5.06 and 5.07 of the civil service regulations. As discussed above, amending the civil service regulations

would also be a matter for at least the "meet and discuss" provisions of the F.O.P. contract, if not for collective bargaining and binding arbitration as a "condition" of employment.⁵⁹

As mentioned, the city must also assess the possible discriminatory effects of an education requirement. The city is operating under three consent orders, having a broad impact on nearly all Police Department personnel matters.⁶⁰ Changes in the terms and conditions of police officer employment can be made only in relation to these three consent orders. Moreover, under Title VII of the Civil Rights Act of 1964,⁶¹ the city has the obligation, common to all employers, not to discriminate in employment on the basis of race, color, religion, sex, or national origin. Prohibited practices include using criteria that tend to deny employment opportunities to certain classes of employees or applicants.⁶²

Thus, besides prohibiting intentional discrimination, Title VII prohibits facially neutral practices that, in fact, fall more heavily on a protected group than on others, unless the practice can be justified by business necessity. As the United States Supreme Court has explained, Title VII protects against the use of "artificial, arbitrary, and unnecessary barriers to employment."⁶³

The first question is whether an education requirement would, in fact, have adverse disproportionate impact on minorities protected by Title VII. Although we cannot decide this in the abstract, it seems possible that this would be the case. In a number of other contexts, and in other police departments, the impact of an education requirement has fallen disproportionately on minority applicants.⁶⁴ Even assuming a disproportionate impact, however, the requirement must be examined to determine if it is justified because it is necessary to perform the job.

The question of job relatedness depends on the specific context. In *Griggs v. Duke Power Co.*,⁶⁵ for example, the Supreme Court considered a power company's requirement that applicants have a high school education or pass a standardized general intelligence test. Duke Power had a history of disparate treatment of black and white employees; its education test requirement had a disparate impact on black applicants and had not been shown to be significantly related to successful job performance. The Supreme Court found a Title VII violation.⁶⁶

The presence of the consent orders relating to race discrimination, and the potential for disparate impact, are important parallels between the *Griggs* case and the Philadelphia Police Department. An important difference, however, is the issue of job relatedness. A minimum educational requirement of a high school diploma (or its equivalent) appears to be substantially related to police officer functions. Several courts examining the question have so concluded.⁶⁷

In a case addressing certain hiring requirements for Dallas, Texas, police officers, the District Court found they had an adverse disparate impact on black applicants, but they were nonetheless valid because they were job related. In a lengthy opinion on the same case the United States Court of Appeals for the Fifth Circuit examined the job relatedness of educational requirements for police officers⁶⁸ and explained that while courts have "consistently condemned as discriminatory the requirement of a high school diploma for most positions . . . educational requirements for police officers have been consistently sustained."⁶⁹

This "solid line of authority sustaining the job relatedness of educational requirement for the position of police officer"⁷⁰ reflects the conclusions of the 1967 Reports of the President's Commission on Law Enforcement and Administration of Justice, a 1968 Report of the National Advisory Commission on Civil Disorders, and a 1973 Report of the National Advisory Commission on Criminal Justice Standards and Goals.⁷¹ The Law Enforcement Commission, in fact, recommended that "[t]he ultimate aim of all police departments should be that all personnel with general enforcement powers have baccalaureate degrees," a proposal the 1973 Commission recommended be mandatory by 1982.⁷² Some courts have joined the conclusion that a high school diploma is a "bare minimum for successful performance of the policeman's responsibilities."⁷³

This requirement is so generally accepted that Judge Posner of the United States Court of Appeals for the Seventh Circuit recently wrote, in an opinion upholding a high school diploma requirement for corrections officers:

[T]here has now been enough judicial and professional experience with educational requirements in law enforcement to establish a presumption in civil rights cases that a high school education is an appropriate requirement for anyone who is going to be a policeman, or, we

add, a corrections officer (jail or prison guard)...⁷⁴

In fact, the Fifth Circuit has concluded that the city of Dallas had a lighter burden in establishing the job relatedness of its educational requirement for police officers than it would have had in validating other job requirements, because of "the professional nature of the job, coupled with the risks and public responsibility inherent in the position."⁷⁵ Given "the lesser potential for abuse of academic credential requirements, compared to employment tests,"⁷⁶ the "degree of public risk and responsibility which the job of Dallas police officer entails,"⁷⁷ the "extent to which the skills required of an officer [are] not definable with significant precision,"⁷⁸ and the conclusions of presidential commissions that a high school education constitutes a "bare minimum" for police officers, the Fifth Circuit Court validated a Police Department's requirement for forty-five semester hours of college.⁷⁹

It appears that Philadelphia could make a strong argument that a high school education requirement is substantially related to the position of police officer and is therefore justified under Title VII because of business necessity. There is significant judicial and other support for this view. It must be emphasized, however, that the presence of the consent orders and a history of litigation over Police Department discrimination will no doubt make such a test in the courts quite likely and be considerations in any test of such a requirement.

Education Points on Recruitment and Promotional Exams

Besides suggesting a high school education requirement for police recruits, the Task Force has considered the possibility of providing additional points on the recruitment examination for those with some higher education, or additional points on promotional examinations for specific educational achievements. These objectives can be achieved by adding an educational component to the relevant examinations.

Under the civil service regulations, "[a]n examination may, as determined by the director, consist of one or more of the following parts: written tests, oral tests, tests of physical condition, performance tests, evaluation of the competitors' training and experience, ratings of seniority, medical examinations, psychiatric examinations, and any other appropriate tests."⁸⁰ Before the first part of an examination is held, the director determines and announces to candidates the several parts and the relative weights of each.⁸¹ Thus, the director could determine that specific educational achievement would be a weighted part of all recruitment and promotional examinations for police officers, carrying, for example, a standard of 10 percent.⁸²

As with other recruitment and promotional decisions, the three consent orders must be considered. The question arises, as it does with a high school equivalency requirement for recruits, whether points for educational achievement would violate the consent orders. For example, under *Pennsylvania v. O'Neill*,⁸³ the City agreed to develop and administer a new examination for the position of police lieutenant, "which shall contain an oral component and a written component scored as 45 percent oral, 45 percent written, 10 percent seniority."⁸⁴ Any change during the life of this obligation, to add a component for educational achievement, would require modification of the order. Generally, in fact, changes in recruiting or promotion that affect female, black, or Hispanic police officers would have to be reviewed for consistency with the city's obligations under the court orders.

Like a high school requirement, education points must also be examined under Title VII to determine whether they would have an adverse disparate impact on minority candidates for appointment or promotion.⁸⁵ Although points would not present an absolute barrier to hiring or promotion, as does a degree requirement, a system of examination points for educational achievement might still fall more heavily on one group of applicants than another, and thus be forbidden by Title VII, unless it were job related.⁸⁶

It is uncertain whether points for college-level course work would be as valid as a high school requirement.⁸⁷ Nonetheless, a high school requirement has been viewed as a "bare minimum" for police officers; several law-enforcement commissions have recommended that police officers have at least some college education, if not a baccalaureate degree.⁸⁸ Moreover, a requirement for at least some college education has been upheld elsewhere.⁸⁹ These factors would help support a contention that points for educational achievement beyond high school are job related.

Educational Incentive Pay

A related question is whether educational achievement can be rewarded by a system of incentive pay, as it is in several other cities.⁹⁰ Compensation is an item for collective bargaining under Act 111,⁹¹ and the salary scales for police officers are part of the F.O.P. contract with the city.⁹² Thus, it can be expected that incentive pay will be a subject for collective bargaining.⁹³

A salary-incentive program is not provided for in the City Charter or civil service regulations. The charter merely requires that the regulations establish a pay plan for all civil service employees;⁹⁴ the regulations require that pay ranges be linked directly to the Classification Plan, and set forth applicable criteria, including the "financial policies of the city, and other economic considerations."⁹⁵ Amendment of the pay plan must be accomplished according to procedures in the civil service regulations, including a public meeting and approval by the commission and the Administrative Board.⁹⁶

Although there is no explicit authority for incentive pay, the regulations do contain provisions for a limited system of incentive pay based on productivity.⁹⁷ Incentive pay for educational achievement might be similarly authorized. Currently, however, increases within an established pay range are granted on the basis of satisfactory performance and length of service.⁹⁸

Finally, a system of pay incentives might have the effect of discriminating against protected classes of employees. Thus, as with an education requirement or a system of points for educational achievement, both the consent orders and Title VII's requirement for proof of job-relatedness must be considered.⁹⁹

Authority to Hire and Appoint Police Personnel

As discussed previously in the section on the charter, nearly all employees of the City of Philadelphia are under civil service. Within the Police Department only the commissioner, two deputy commissioners, and a secretary to the commissioner are exempt from Civil Service.¹⁰⁰ These few exceptions are set forth specifically in the city's Home Rule Charter. As a consequence of the civil service system's pervasiveness, all appointments and promotions (with the few stated exceptions) must be made in accordance with civil service regulations.¹⁰¹ This means that the terms and conditions of a position are determined by the Civil Service Commission and that positions must generally be filled on a competitive basis.¹⁰² Specifically, an applicant for a particular job, or a candidate for promotion, is selected only after he or she appears on the appropriate eligibility list on the basis of a competitive examination and is certified by the personnel director as one of the two highest-ranked candidates from that list.¹⁰³ The appointing authority may then select either of the two certified candidates.¹⁰⁴ This process is known as the "rule of two."

The Task Force has examined the commissioner's authority to appoint subordinates, particularly key upper-level personnel. To the extent the Task Force contemplates an authority to appoint upper-level personnel outside the civil service system, the recommendation is constrained by the mandate of the City Charter: only two deputies and a secretary are exempt from civil service. Although the commissioner can, where circumstances warrant, request civil service certification of eligible candidates with "special experience, training, or skill,"¹⁰⁵ the commissioner is without legal authority to make appointments outside the civil service system, other than those authorized by the charter.

Even without removing employees from Civil Service, however, it would be possible to enhance the commissioner's discretion by expanding the number of eligible candidates from which he can select. Doing this by denominating applicants as "eligible" or "ineligible" without ranking them (so-called "banding") or by expanding the "rule of two" to a "rule of five" or "ten" would accomplish this goal.¹⁰⁶ The requirement of the "rule of two," however, is also a charter requirement¹⁰⁷ and cannot be changed without amending the charter.

In making any hiring decisions, of course, the commissioner or the Civil Service Commission would also be constrained by any applicable provisions of the consent orders to the extent they mandate recruitment or hiring procedures or goals. Moreover, changes in employment practices also must be considered with regard to the right of the F.O.P. at least to meet and discuss changes affecting police personnel.

The commissioner is also constrained in appointing lawyers to the Police Department. By provision of the City Charter, the Law Department, headed by the City Solicitor,

shall furnish legal advice to the Mayor, to the Council and to all officers, departments, boards and commissions concerning any matter or thing arising in connection with the exercise of their official powers or performance of their official duties and except as otherwise expressly provided, shall supervise, direct and control all of the law work of the city.¹⁰⁸

Thus, the responsibility to provide legal advice within the city's departments, boards, or commissions falls squarely within the authority of the Law Department. For this reason, the Police Department's legal counsel is detailed to the Police Department from the Law Department.

It should be noted that a lawyer may be engaged to represent the Department "in any matter" with the written approval of the city solicitor.¹⁰⁹ This provision does not appear to authorize the hiring of permanent legal counsel for a Department, however, nor is it certain that the city solicitor would be inclined to grant approval to do so, even if so empowered.

Clarification of Bargaining Unit

All uniformed civil service employees, up to the level of deputy commissioner, are part of the bargaining unit represented by the F.O.P. In the 1986 Philadelphia Police Department Arbitration, the city proposed that command ranks be taken out of the bargaining unit.¹¹⁰ This proposal was denied without a stated reason.¹¹¹ Despite the failure of the proposal at binding arbitration, it appears that certain command ranks may, as a matter of law, be separated from the bargaining unit of the rank and file.

Act 111,¹¹² which governs collective bargaining for Pennsylvania police officers and firefighters, does not specify which employees should be included within a police bargaining unit.¹¹³ Nor does the Pennsylvania Labor Relations Act (PLRA),¹¹⁴ which should be read in *pari materia* with Act 111,¹¹⁵ and which further defines the rights to bargain collectively. The PLRA does give the Pennsylvania Labor Relations Board (the Board) the power to decide the appropriate bargaining unit.¹¹⁶

Under the Board's own precedent, managerial employees may not be included within the bargaining unit.¹¹⁷ Neither Act 111 nor the PLRA, however, defines the term "managerial" or gives other guidance for determining managerial status.¹¹⁸

One Pennsylvania statute, the Public Employee Relations Act (PERA)¹¹⁹ defines a management level employee to mean "any individual who is involved directly in the determination of policy or who responsibly directs the implementation thereof and shall include all employees above the first level of supervision."¹²⁰ The PERA expressly excludes police and firefighters from its coverage, however, and should not be read in *pari materia* with Act 111.¹²¹ Thus, supervisors who might be excluded from a bargaining unit under PERA have been included in an Act 111 bargaining unit.¹²² Under any statute, however, as interpreted by the board, positions that are denominated "managerial" should be excluded from the unit.

Because there is no statutory guidance for distinguishing managerial employees, the board's decision that a particular position is managerial or supervisory depends essentially on findings of fact. Courts therefore will defer to the board's "experience and specialized expertise in such factual matters," although the board must make its classifications in a consistent manner and adhere to its own rules.¹²³

Although "management" is defined more narrowly for purposes of Act 111 than it is under the PERA, both the board and the courts have sought guidance from the PERA in categorizing supervisory employees as management and nonmanagement.¹²⁴ Applying a functional test, the Commonwealth Court in *Township of Chartiers v. Pennsylvania Labor Relations Board*,¹²⁵ affirmed a board order that the township's police chief and sergeants were not managerial employees and thus could be included in the bargaining unit.¹²⁶ The court, in this recent and comprehensive description of board policy, outlined the following functions as ones the board treats as managerial:

Policy Formulation—authority to initiate departmental policies, including the power to issue general directives and regulations;

Program Development—authority to develop and change operational programs of the department;

Public Relations—independence in representing the department to the public;

Budget Making—authority to prepare proposed budgets for the department, as distinguished from merely making suggestion with respect to particular budget items;

Purchasing Decisions—authority to make substantial purchasing decisions, rather than merely making suggestions;

Hiring Recommendations—authority to make recommendations concerning persons to be hired and dismissed by the governing officials, and

Disciplinary Role—authority to initiate formal disciplinary actions.¹²⁷

Generally, the board has considered control of daily operations of subordinates as supervisory rather than managerial.¹²⁸ Moreover, performance of basic police duties, nonparticipation in the management side of bargaining, and past treatment of a position as being within the bargaining unit are treated as evidence that a position, even if supervisory, is not managerial.¹²⁹ The authority for shift scheduling is a function sometimes associated with supervision and sometimes with management.¹³⁰

It is unclear how application of these factors would affect the bargaining unit of the Philadelphia Police Department. As discussed above, the test is a factual one based on particular functions performed. Nonetheless, it is our understanding that at least with respect to police personnel at the level of captain and above (and perhaps some lieutenants, if they are serving as unit commanders), it is appropriate to describe their positions as managerial under the functional approach.

There is no direct precedent by which the city can gauge its own police personnel under the board's standards. In *In re Employees of the City of Philadelphia (Fire Department)*,¹³¹ the Commonwealth Court held that the board is not mandated by law to certify a separate officers union for firefighters in supervisory positions,¹³² but remanded on the question whether any of the officers (up to and including assistant fire chiefs) were in fact managerial and therefore unlawfully included in the bargaining unit.¹³³ The matter has not been pursued, and there has been no determination of which Fire Department officers are managerial.¹³⁴

The result of an attempt to clarify the bargaining unit depends on several conditions. The law can be stated fairly simply: managers may not lawfully be included in the Act 111 bargaining unit. A decision to pursue the question for the Philadelphia Police Department would require a functional analysis of the positions being claimed as managerial in light of the board's precedent. Although there is no formal procedure for filing for unit clarification, the board has a duty to undertake questions concerning the representation of employees when petitioned to do so.¹³⁵

Probationary Periods

City police officers, like all civil service employees, are subject to a six-month probationary period in any new position, whether they are newly hired or have been promoted. Only during probation may an employee be summarily dismissed. After the probationary period the full protections of the civil service system are in effect.¹³⁶ This six-month probationary period is mandated by the City Charter.¹³⁷

The date of appointment for police officers is the day they enter the Police Academy for training.¹³⁸ As a consequence, new police officers have a very short time "on the street" before their probationary period expires. One suggestion for combatting this short probation period is to make the date of appointment for police officers the day they finish training.

To change the date of appointment would require that the position of police officer be divided and that the positions of "police officer trainee" and "police officer" have separate appointment procedures and probation periods. This, in turn, would require that the class specifications for police officers be amended pursuant to the civil service regulations (as discussed previously in the section on "Education Requirements"). To create a new position, the personnel director must "recommend the necessary revisions to the commission."¹³⁹ The commission then considers the proposed changes at a public meeting.¹⁴⁰ Changes in the classification plan are effective only upon approval of the commission and the Administrative Board.

Prolonging the probation period in this manner is not simple. Nor is it clear that positions should be divided merely to lengthen the probationary period. The City Charter mandates a six-month probation period. Amending this document to provide for the desired probationary period for police officers would settle the matter most clearly and directly.

Veterans Preference

Under the City Charter the civil service regulations shall provide for "[t]he granting, as may from time to time be required by statute or ordinance, of preference in entrance examinations to qualified persons who have been members of the armed forces of the United States."¹⁴¹ Thus, the civil service regulations state: "The benefits of the Veterans Preference Act, as amended, of the Commonwealth of Pennsylvania shall be granted to all soldiers and to the widows and wives of disabled soldiers, as those terms are defined in Sections 1 and 7 of the aforesaid Act . . ."¹⁴² The regulations also set forth the conditions under which veterans preferences are granted, such as the time limitations for claiming the preference and the requirements for proof of eligibility.¹⁴³

Pennsylvania law, however, not city law, requires granting of veterans preferences. In fact, the Pennsylvania statute sets forth "the exclusive law applying to the Commonwealth, and its political subdivisions, in giving preference to soldiers in appointment . . . to . . . public position . . ."¹⁴⁴ Specifically, the law provides:

Whenever any soldier shall successfully pass a civil service appointment or promotional examination for a public position under this Commonwealth, or any political subdivision thereof, and shall thus establish that he possesses the qualifications required by law for appointment to or promotion in such public position, such soldier's examination shall be marked or graded an additional ten points above the mark or grade credited for the examination . . .¹⁴⁵

As applied to promotions, veterans preferences were held to violate the Pennsylvania constitution in 1951.¹⁴⁶ With respect to applicants, however, preferences are valid as long as they do not give undue weight to the value of military service.¹⁴⁷ The law also requires preference for a veteran whose name appears on any eligible or promotional list, "notwithstanding, that his name does not stand highest on the eligible or promotional list,"¹⁴⁸ and permits preference for a veteran who has passed a required examination and possesses the requisite qualifications for a position "although his name does not appear on the eligible or promotional list certified or furnished to the appointing or promoting power."¹⁴⁹ Veterans preferences also provide an exception to education or experience requirements for otherwise qualified veterans,¹⁵⁰ and provide seniority based on military as well as civilian service in the event of a reduction in force according to seniority.¹⁵¹

The veterans preference for applicants is pervasive. Because it is mandated by state law, modifications to the system of veterans preferences for police officers must be accomplished by amending the state statute itself.

Performance Evaluations

The City Charter mandates that civil service regulations provide for establishment of a system of rating the performance of all employees in the civil service.¹⁵² These ratings are to be used in decisions about salary, promotions, layoffs, demotions, discharges, and transfers.¹⁵³ The civil service regulations, in turn, give the personnel director responsibility for establishing and administering performance ratings.¹⁵⁴

The performance of Philadelphia police officers is rated by two standards only: "Satisfactory" and "Unsatisfactory." These options are the only ones permitted under the City's agreement with the F.O.P.¹⁵⁵ Thus, change in the performance evaluation system for police officers can be accomplished only through collective bargaining and, if necessary, binding arbitration. In fact, the panel of arbitrators that made an award governing the terms and conditions of employment of police officers for the period commencing July 1, 1986, "strongly" recommended "that the annual performance ratings be changed

from 'satisfactory' and 'unsatisfactory' categories to a more meaningful graduated performance evaluation."¹⁵⁶

Creating the Position of "Master Patrol Officer"

The Task Force has considered the possibility of creating a new position for senior police officers, which might be denominated "Master Patrolman." Setting up such a position would not in itself be a bargainable issue with the F.O.P. (although it could be a subject for discussion), but its terms and conditions, including the salary, would be bargainable issues.¹⁵⁷ Like other changes to the Classification Plan, discussed previously, there are specific requirements in the civil service regulations for establishing positions, including recommendation from the personnel director to the Civil Service Commission, consideration by the commission at a public meeting, and approval by the commission and Administrative Board.¹⁵⁸ The class code must state minimum and maximum salaries for a particular class.

"Civilianization"

"Civilianization" has many possible consequences. The question whether some jobs now being filled by police officers, like those in the radio room, or those in automotive services, should instead be filled by civilian employees, was described to us by city lawyers as essentially a question for managerial discretion. Nonetheless, because police officers have historically filled numerous "civilian" positions, decisions about which positions are to be filled by police officers and civilians will raise the active interest of both the F.O.P. and the civilian union district councils. This means that civilianization will at least be a "discussion" item with city unions. In fact, one city lawyer predicted that if police officers were removed from positions they have filled historically, the F.O.P. would file an unfair labor practice for taking away bargaining unit work. Thus, the legal issue of whether civilianization can be accomplished is perhaps less important than the political one.

One important legal issue, however, is whether civilians performing Police Department jobs are subject to the same prohibition on labor strikes that applies to police officers represented by the F.O.P.

City employees are represented by four labor organizations: District Council 33 (blue-collar workers); District Council 47 (white-collar workers); Fire Fighters Association, Local 22; and the F.O.P.¹⁵⁹ Both the Fire Fighters Association and the F.O.P. are covered by Act 111,¹⁶⁰ which, as discussed previously, provides for collective bargaining and binding arbitration, but does not authorize strikes to achieve bargaining goals.¹⁶¹

Labor relations between the city and its employees other than fire fighters and police officers, however, are governed by the Public Employee Relations Act of 1970 (PERA).¹⁶² Under PERA:

It shall be lawful for public employees to organize, form, join or assist in employee organizations or to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection or to bargain collectively through representatives of their own free choice . . .¹⁶³

The term "lawful concerted activities" for these public employees includes the right to strike after collective bargaining, "unless or until such a strike creates a clear and present danger or threat to the health, safety or welfare of the public."¹⁶⁴ Although strikes by prison guards (or mental hospital guards) and by personnel "directly involved with and necessary to the functioning" of the Pennsylvania courts are prohibited,¹⁶⁵ there is no exception for those non-Act 111 employees undertaking police work.

Whether a particular strike would so endanger the "health, safety or welfare of the public" as to be prohibited will depend on individual circumstances. If, for example, the work could be performed by nonstriking supervisors,¹⁶⁶ or if it is not clear that harmful consequences will materialize,¹⁶⁷ the perceived safety and welfare concerns might be insufficient under the statute. This means that although specific strikes might be enjoined, there is no general prohibition in state law that would prohibit these strikes in a blanket fashion.

CONCLUSION

Task Force recommendations cannot be considered on their merits alone. Although an ultimate choice of policy must be made on each Task Force recommendation, the legal implications may significantly affect that choice. We have therefore attempted to identify in this appendix legal impediments to, and changes that could facilitate, implementation of Task Force recommendations.

Footnotes

- ¹ Philadelphia Home Rule Charter Annotated (Apr. 17, 1951) [hereinafter City Charter].
- ² City of Philadelphia Civil Service Regulations [hereinafter Civil Service Regs.].
- ³ *Id.* § 1.01.
- ⁴ Contract Between the City of Philadelphia and Fraternal Order of Police, Lodge No. 5 for the Term July 1, 1984 through June 30, 1986 [hereinafter F.O.P. Contract]; In re Arbitration Between Fraternal Order of Police, Lodge No. 5 and City of Philadelphia, No. 14 390 0440 86 A (July 21, 1986).
- ⁵ *United States v. City of Philadelphia*, 499 F. Supp. 1196 (E.D. Pa. 1980) (female police officers); *Pennsylvania v. O'Neill*, 100 F.R.D. 354 (E.D. Pa. 1983), *aff'd*, 746 F.2d 1465 (3d Cir. 1984) and sub nom. *Appeal of Fraternal Order of Police, Lodge No. 5*, 746 F.2d 1466 (3d Cir. 1984) (black police officers); *Alvarez v. City of Philadelphia*, No. 77-4424 (E.D. Pa., March 19, 1984) (Hispanic police officers).
- ⁶ See generally Committee of Seventy, *Personnel Practices Governance Study* (June 1986) [hereinafter *Personnel Practices Study*] (discussing history of personnel practices in Philadelphia).
- ⁷ *Citizens Comm. to Recall Rizzo v. Board of Elections*, 470 Pa. 1, 367 A.2d 232, 275 (1976) (Roberts, J., dissenting). See generally *City Council Members v. Consumers Educ. & Protective Ass'n*, 58 Pa. Commw. 444, 428 A.2d 711, 713-16 (1981) (discussion by Crumlish, J., of the history of home rule), *rev'd sub nom. Consumers Educ. & Protective Ass'n v. Schwartz*, 495 Pa. 10, 432 A.2d 173 (1981); Note, *Home Rule in Pennsylvania*, 81 *Dick. L. Rev.* 265, 268-69 (1977) (providing historical information on Philadelphia Home Rule).
- ⁸ See *Personnel Practices Study*, *supra* note 6, at 16.
- ⁹ See Act of April 21, 1949, P.L. 665 (codified at Pa. Stat. Ann. tit. 53, §§ 13101-13157 (Purdon 1957 & Supp. 1986)). Home rule for all municipalities in Pennsylvania was permitted with the passage of Act 62 in April 1972. See Act of April 13, 1972, P.L. 184, No. 62 (codified at Pa. Stat. Ann. tit. 53, §§ 1-101 to 1-1309 (Purdon 1974 & Supp. 1986)).
- ¹⁰ See *Personnel Practices Study*, *supra* note 6, at 16.
- ¹¹ See *id.* As Judge Crumlish wrote in 1981:
Imbued with Bipartisan political support, the dynamic Richardson Dilworth inspired civic leaders from all walks of professional life to contribute to the Charter Commission for the sole purpose of forging this extraordinary document. Seldom, if at all, in the distinguished history of this Commonwealth, and locally not since the early sessions of the Continental Congress meeting in Colonial Philadelphia have such talented, resourceful, inspired leaders met to breathe new life into a decadent city.
City Council Members v. Consumers Educ. & Protective Ass'n, 428 A.2d at 714 n.8.
- ¹² *Id.* at 714.
- ¹³ *Citizens Comm. to Recall Rizzo v. Board of Elections*, 367 A.2d 232, 275 (Roberts, J., dissenting).
- ¹⁴ See *id.*; *City Council Members v. Consumers Educ. & Protective Ass'n*, 428 A.2d at 714.
- ¹⁵ See "Personnel Practices Study," *supra* note 6, at 12 (quoting "The Civil Service Throughout the Country," at 21, *Good Government*, vol. xix, no. 2 (Feb. 1902)).
- ¹⁶ See "Personnel Practices Study," *supra* note 6, at 12-16.
- ¹⁷ *City Charter* § 7-300.
- ¹⁸ See *supra* note 6.
- ¹⁹ *City Charter* § 3-804.
- ²⁰ *Id.* § 3-205.
- ²¹ *Id.* § 2-300(4)(a).
- ²² *Id.* § 7-400.
- ²³ *Id.* §§ 7-400; 3-103.
- ²⁴ *Id.* § 10-107.
- ²⁵ See "Personnel Practices Study," *supra* note 6, at 39-40 (citing National Academy of Public Administration, "A Review of the Philadelphia Civil Service System: Design for Accountability," 30-31 (1981)).
- ²⁶ See *Personnel Practices Study*, *supra* note 6, at 40.
- ²⁷ See *id.* at 18 (discussing three attempts to change the Charter).

- ²⁸ See *id.* at 21.
- ²⁹ *Id.*
- ³⁰ See *id.* at 48.
- ³¹ See City Charter § 7-400.
- ³² See *id.*
- ³³ Act of June 24, 1968, Pub. L. No. 237, No. 111 (codified at Pa. Stat. Ann. tit. 43, §§ 217.1 et seq. (Purdon Supp. 1986)).
- ³⁴ *Id.* § 217.1.
- ³⁵ *Id.* § 217.4.
- ³⁶ See F.O.P. Contract, *supra* note 4, § II.
- ³⁷ See *id.* § IIIA.
- ³⁸ See Personnel Practices Study, *supra* note 6, at 27.
- ³⁹ *Id.* at 28.
- ⁴⁰ See *United States v. City of Philadelphia*, 499 F. Supp. 1196, 1203 (E.D. Pa. 1980) (permanently enjoining city from engaging in "any act or practice with respect to the recruitment, hire, assignment, transfer, promotion, discipline, retention, compensation, or terms and conditions of employment of police officers . . . which has either the purpose or the effect of discriminating against any female on the basis of sex").
- ⁴¹ See *Pennsylvania v. O'Neill*, 100 F.R.D. 354, 362 (E.D. Pa. 1983), *aff'd*, 746 F.2d 1465 (3d Cir. 1984) and sub nom. *Appeal of Fraternal Order of Police Lodge No. 5*, 746 F.2d 1466 (3d Cir. 1984)
- ⁴² See *Alvarez v. City of Philadelphia*, No. 77-4424 (E.D. Pa., March 19, 1984) (enjoining City from discrimination against Hispanics, "with respect to the hiring and promotion or terms and conditions of employment of police officers").
- ⁴³ See *United States v. City of Philadelphia*, 499 F. Supp. at 1204-05 (enjoining City from "racial discrimination with respect to the hiring and promotion or terms and conditions of employment of police officers").
- ⁴⁴ See *Pennsylvania v. O'Neill*, 100 F.R.D. at 362-66.
- ⁴⁵ See *Alvarez v. City of Philadelphia*, slip op. at 13, 3, 15.
- ⁴⁶ See *United States v. City of Philadelphia*, 499 F. Supp. at 1203.
- ⁴⁷ See *Pennsylvania v. O'Neill*, 100 F.R.D. at 367; *Alvarez v. City of Philadelphia*, slip op. at 17-18.
- ⁴⁸ See City Charter § 7-401(u) (providing that civil service regulations shall prescribe "[s]uch residence qualifications for employees in the civil service as the Council may from time to time require"); see also *id.* art. II (election, organization, powers, and duties of the Council).
- ⁴⁹ See Civil Service Regs. § 30.01 (implementing Ordinance of Council, Bill 79, effective April 16, 1953).
- ⁵⁰ See Civil Service Regs. § 30.02.
- ⁵¹ See "Personnel Practices Report," *supra* note 6, at 49.
- ⁵² Civil Service Regs. § 30.05.
- ⁵³ See F.O.P. Contract, *supra* note 4, §III A; see also discussion in text at notes 36-39, *supra*; cf. *Cheltenham Township v. Cheltenham Police Dep't.*, 8 Pa. Commw. 360, 301 A.2d 430, 432 (1973) ("specification of residence as a requisite for application to or membership in a police department clearly is a condition of employment within the meaning of Section I of Act III . . .").
- ⁵⁴ See generally Civil Service Regs. §§ 5.01, 5.02 (describing classification plans for civil service positions). The class specification for police officers lists a high school education as desirable but not mandatory.
- ⁵⁵ Civil Service Regs. § 5.02 (emphasis added).
- ⁵⁶ *Id.* § 5.01. The Administrative Board, established by the City Charter, is composed of the Mayor, the Managing Director, and the Director of Finance. See City Charter § 3-103.
- ⁵⁷ *Id.* § 5.062.
- ⁵⁸ *Id.* § 5.07.
- ⁵⁹ See *supra* note 53.
- ⁶⁰ See *supra* notes 40-42 and accompanying text.
- ⁶¹ Civil Rights Act of 1964, as amended, tit. VII, § 703, Pub. L. No. 88-352, 98 Stat. 255 (codified at 42 U.S.C. § 2000e-2(a) (1982)). In addition, the City of Philadelphia is "specifically enjoined permanently from utilizing any new . . . criterion . . . for the selection of applicants . . . which has an adverse impact upon females unless the city first demonstrates to the Court . . . that such . . . criterion . . . is required by business necessity and has been validated in accordance with Title VII of the Civil Rights Act . . . and with the Uniform Guidelines on Employee Selection Procedures . . ." *United States v. City of Philadelphia*, 499 F. Supp. at 1203.
- ⁶² See *id.* § 2000e-2(a)(2). In assessing an education requirement, we assume the absence of discriminatory intent. Use of an education requirement as an intentional means of discrimination could violate both Title VII and the equal protection clause of the fourteenth amendment to the United States Constitution. Here, however, we examine the potential discriminatory impact of such a requirement. Impact alone could implicate the consent orders or Title VII without a showing of discriminatory intent.

- ⁶³ *Griggs v. Duke Power Co.*, 401 U.S. 424, 431 (1971).
- ⁶⁴ See *infra* note 67 (citing cases).
- ⁶⁵ 401 U.S. 424 (1971).
- ⁶⁶ See *id.* at 431-32.
- ⁶⁷ See, e.g., *Davis v. City of Dallas*, No. 84-1814 (5th Cir., Nov. 26, 1985); *Castro v. Beecher*, 459 F.2d 725, 735 (1st Cir. 1972); *United States v. City of Buffalo*, 457 F. Supp. 612, (W.D.N.Y. 1978), modified on other grounds and *aff'd*, 633 F.2d 643 (2d Cir. 1980) (*per curiam*); *Arnold v. Ballard*, 390 F. Supp. 723 (N.D. Ohio 1975); cf. *Aguilar v. Cook County Police & Corrections Merit Bd.*, 760 F.2d 844 (7th Cir. 1985) (corrections officers); *Morrow v. Dillard*, 412 F. Supp. 494 (D. Miss. 1976), *rev'd in part* on other grounds, 580 F.2d 1284 (5th Cir. 1978) (some college education for narcotics officers).
- ⁶⁸ See *Davis v. City of Dallas*, No. 84-1814 (5th Cir. Nov. 26, 1985). Dallas required 45 semester hours of college credit, and the court examined both high-school and college requirements for police officers.
- ⁶⁹ See *id.* (quoting *Hunt & Pazuniak*, *Special Problems in Litigating Upper Level Employment Discrimination Cases*, 4 Del. J. Corp. L. 114, 134 & n. 70 (1978)).
- ⁷⁰ See *Davis v. City of Dallas*.
- ⁷¹ See *id.*; see also *Castro v. Beecher*, 459 F.2d at 735.
- ⁷² See *Castro v. Beecher*, 459 F.2d at 735.
- ⁷³ See *id.* (emphasis added); *United States v. City of Buffalo*, 457 F. Supp. at 629.
- ⁷⁴ *Aguilar v. Cook County Police & Corrections Merit Bd.*, 760 F.2d 844, 847-48 (7th Cir. 1985).
- ⁷⁵ See *Davis v. City of Dallas*.
- ⁷⁶ *Id.*
- ⁷⁷ *Id.*
- ⁷⁸ *Id.*
- ⁷⁹ See *id.*
- ⁸⁰ Civil Service Regs. § 9.04 (emphasis added).
- ⁸¹ See *id.*
- ⁸² Cf. Memorandum to Personnel Officers and Personnel Representatives of all Departments, Boards, and Commissions, from Lewis W. Johnson, Chief of Examinations and Recruitment, re "Seniority Rating" (Dec. 12, 1960), reprinted in Civil Service Regs. following Regulation 10 (announcing policy of giving seniority ratings a 10% standard weight in all promotional examinations, and describing method of awarding seniority credit).
- ⁸³ 100 F.R.D. 354 (E.D. Pa. 1983), *aff'd*, 746 F.2d 1465 (3d Cir. 1984) and sub nom. *Appeal of Fraternal Order of Police, Lodge No. 5*, 746 F.2d 1466 (3d Cir. 1984).
- ⁸⁴ See *id.*
- ⁸⁵ See *supra* note 61.
- ⁸⁶ See text at *supra* notes 62-63.
- ⁸⁷ See text at *supra* note 74.
- ⁸⁸ Cf. text at *supra* notes 68-79.
- ⁸⁹ See *Davis v. City of Dallas*, No. 84-1814 (5th Cir. Nov. 26, 1985).
- ⁹⁰ See "Selection and Appointment of Philadelphia Police Officers," in main report (discussing salary incentives in Dallas, Houston, Los Angeles, and San Antonio).
- ⁹¹ See Act 111, *supra* note 33, § 1 (codified at Pa. Stat. Ann. tit. 43, § 217.1 (Purdon Supp. 1986)).
- ⁹² See F.O.P. Contract, *supra* note 4, § XVI; July 1986 Arbitration Award, *supra* note 4, ¶ 2.
- ⁹³ In fact, the July 1986 Arbitration Award provides in paragraph 6: "The panel favors a degree incentive program. The City is strongly encouraged to consider a tuition reimbursement plan and/or a plan whereby police officers will be encouraged to obtain graduate degrees." Although the panel does not recommend a pay-based incentive program, its language reflects a general approval of educational incentives.
- ⁹⁴ See City Charter § 7-401(b).
- ⁹⁵ Civil Service Regs. § 6.02.
- ⁹⁶ See *id.* § 6.04.
- ⁹⁷ See *id.* § 6.13.
- ⁹⁸ See *id.* § 6.099; see also *id.* 6.20 (longevity pay for police personnel).
- ⁹⁹ The consent orders prohibit discrimination with regard to compensation specifically, see *United States v. City of Philadelphia*, 499 F. Supp. at 1203, or the terms and conditions of employment generally. See *Pennsylvania v. O'Neill*, 100 F.R.D. at 362; *Alvarez v. City of Philadelphia*.
- ¹⁰⁰ See City Charter, § 7-301.
- ¹⁰¹ See *id.* § 7-301 (b), (c). There are exemptions for short-term emergency appointments as well as for appointments for tasks that can or should not be performed by persons in the civil service, see, e.g., *id.* §§ (d)-(f), but the only exceptions for regular employees are those stated in the text.
- ¹⁰² See *id.* § 7-300.

- ¹⁰³ See Civil Service Regs. §§ 11.02; 11.03. The term "examination" refers to a number of criteria used to establish fitness for a particular position. See *id.* § 9.04.
- ¹⁰⁴ See *id.* § 11.03; see also City Charter § 7-401 (mandating contents of civil service regulations).
- ¹⁰⁵ See *id.* § 11.031.
- ¹⁰⁶ See Personnel Practices Study, *supra* note 6 (recommending "banding" or a "rule of five").
- ¹⁰⁷ See City Charter § 7-401(h).
- ¹⁰⁸ See *id.* § 4-400(a) (emphasis added).
- ¹⁰⁹ *Id.* § 8-410.
- ¹¹⁰ See Philadelphia Police Department Arbitration, Testimony of Deputy Commissioner Nestel, at 1107 (July 3, 1986).
- ¹¹¹ See July 1986 Arbitration Award, *supra* note 4, ¶ 17 (denying all proposals and demands not specifically addressed in the Award).
- ¹¹² See *supra* note 33.
- ¹¹³ See *In re Employees of the City of Philadelphia (Fire Dep't)*, 477 A.2d 47, 49 (Pa. Commw. 1984).
- ¹¹⁴ Act of June 1, 1937, P.L. 1168, as amended (codified at Pa. Stat. Ann. tit. 43, §§ 211.1-211.13 (Purdon 1964 & Supp. 1986)).
- ¹¹⁵ See *Philadelphia Fire Officers Ass'n v. Pennsylvania Labor Relations Board*, 470 Pa. 550, 369 A.2d 259 (1977).
- ¹¹⁶ See *supra* note 114, § 211.7(b).
- ¹¹⁷ See, e.g., *Township of Chartiers v. Pennsylvania Labor Relations Board*, 510 A.2d 884, 885 (Pa. Commw. 1986); *In re Employees of the City of Philadelphia (Fire Dep't)*, 477 A.2d at 49; *Commonwealth v. Pennsylvania Labor Relations Board (Capitol Police)*, 441 A.2d 470, 478 (Pa. Commw. 1982), *aff'd in part*, 463 A.2d 409 (Pa. 1983).
- ¹¹⁸ See *Township of Chartiers v. Pennsylvania Labor Relations Board*, 510 A.2d at 885.
- ¹¹⁹ See *infra* note 162.
- ¹²⁰ *Id.* § 1101.301(16).
- ¹²¹ See *Chirico v. Board of Supervisors*, 504 Pa. 71, 470 A.2d 470 (1983).
- ¹²² See *In re Employees of City of Philadelphia (Fire Dep't)*, 477 A.2d at 50; *Commonwealth v. Pennsylvania Labor Relations Board (Capitol Police)*, 441 A.2d at 478.
- ¹²³ See *Township of Chartiers v. Pennsylvania Labor Relations Board*, 510 A.2d at 886.
- ¹²⁴ See *id.* at 886, n.3.
- ¹²⁵ See *id.*
- ¹²⁶ *Id.* at 889.
- ¹²⁷ *Id.* at 887 (footnotes omitted).
- ¹²⁸ *Id.* For nearly ten years, the Board has operated under a rebuttable presumption that police chiefs are supervisory and not managerial in departments of less than ten police personnel, but are managerial in larger departments. In *Township of Chartiers*, the Commonwealth Court rejected as arbitrary this presumption. See *id.* at 889. The fact of the presumption, however, suggests the narrowness of the term "managerial" in Act 111 situations.
- ¹²⁹ *Id.* There is something of a catch-22 involved in relying on the latter two factors—nonparticipation in the management side of bargaining and inclusion in the bargaining unit—if one is asserting that certain positions have been improperly included within the bargaining unit in the first place. Nonetheless, these factors reflect historical treatment of the positions.
- ¹³⁰ See *id.* at 888.
- ¹³¹ 477 A.2d 47 (Pa. Commw. 1984).
- ¹³² *Id.* at 50.
- ¹³³ *Id.* at 50-51.
- ¹³⁴ Conversation with City attorney (December 1, 1986).
- ¹³⁵ See Pennsylvania Labor Relations Act, *supra* note 114, § 211.10. If this provision does not provide for unit clarification, it is likely that some mechanism can be found to obtain a clarification of the status of command-rank police personnel, perhaps by analogy to the PERA. See text accompanying note 121, *supra*.
- ¹³⁶ See Civil Service Regs. § 14.01 et seq. (implementing rules for six-month probationary period).
- ¹³⁷ See City Charter § 7-401(j).
- ¹³⁸ See Aug. 16, 1982 Personnel Department Announcement of Police Officer Examination.
- ¹³⁹ See Civil Service Regs. § 5.062.
- ¹⁴⁰ See *id.*
- ¹⁴¹ City Charter § 7-401(d).
- ¹⁴² Civil Service Regs. § 7.052.
- ¹⁴³ See *id.* § 7.051.

- ¹⁴⁴ See Pa. Stat. Ann. tit. 51, § 7109 (Purdon 1976). A "soldier" is defined in § 7101 as:
a person who served in the armed forces of the United States, or in any women's organization officially connected therewith, during any war or armed conflict in which the United States engaged, or who so served or hereafter serves in the armed forces of the United States, or in any women's organization officially connected therewith, since July 27, 1953, including service in Vietnam, and who has an honorable discharge from such service.
- ¹⁴⁵ Id. § 7103(a).
- ¹⁴⁶ See *Commonwealth ex rel. Maurer v. O'Neill*, 368 Pa. 369, 83 A.2d 382, 383 (1951).
- ¹⁴⁷ See *Commonwealth ex rel. Graham v. Schmid*, 333 Pa. 568, 3 A.2d 701, 706 (1938) (invalidating a provision that veterans' exams be marked 15% perfect before considering their quality or content). Although the statute was reenacted in the 1970s, those provisions are still unconstitutional and therefore invalid.
- ¹⁴⁸ Pa Stat. Ann. tit. 51, § 7104(b) (Purdon 1976).
- ¹⁴⁹ Id. § 7104(c).
- ¹⁵⁰ Id. § 7105.
- ¹⁵¹ Id. § 7107.
- ¹⁵² City Charter § 7-401(n).
- ¹⁵³ Id.
- ¹⁵⁴ Civil Service Regs. § 23.01.
- ¹⁵⁵ See F.O.P. Contract, *supra* note 4, § XX(A); cf. Civil Service Regs. § 31.52 (performance rating of "Satisfactory" or "Unsatisfactory" for employees represented by District Council #33).
- ¹⁵⁶ *In re Arbitration Between Fraternal Order of Police, Lodge No. 5 and City of Philadelphia*, *supra* note 4, at 6 (¶15).
- ¹⁵⁷ Discussion with City attorneys (Aug. 6, 1986).
- ¹⁵⁸ Civil Service Regs. § 5.062.
- ¹⁵⁹ See Personnel Practices Study, *supra* note 6, at 27.
- ¹⁶⁰ See *supra* note 33.
- ¹⁶¹ See *id.*
- ¹⁶² Act of July 23, 1970, P.L. 563, No. 195 (repealed in part) (codified at Pa. Stat. Ann. tit. 43, § 1101.101 et seq. (Purdon Supp. 1986)).
- ¹⁶³ Id. § 1101.401.
- ¹⁶⁴ Id. § 1101.1003.
- ¹⁶⁵ Id. § 1101.1001.
- ¹⁶⁶ See *Highland Sewer & Water Authority v. Local Union 459*, 67 D. & C. 2d 564, 68 Mun. 11 (1973).
- ¹⁶⁷ See *Armstrong Educ. Ass'n. v. Armstrong School Dist.*, 5 Pa. Commw. 378, 291 A.2d 120, 125 (1972) (finding it likely that dispute would be resolved before teachers' strike would seriously damage school system).