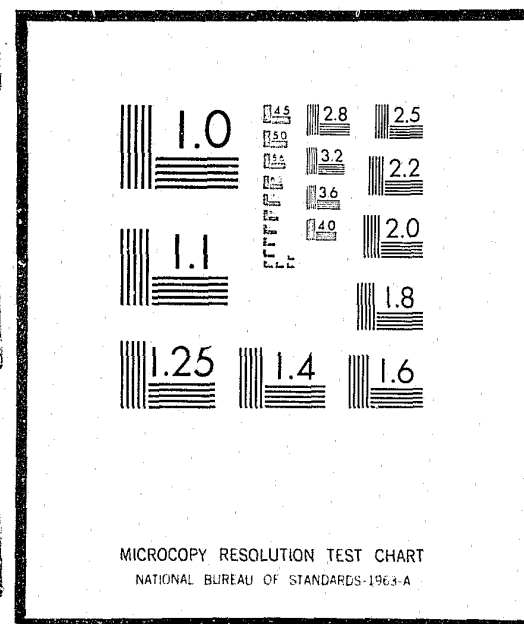


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U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

12/3/76

Date filmed

R-76-135

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION POLICE TECHNICAL ASSISTANCE REPORT

SUBJECT: Huntington, West Virginia; Police
Personnel System Analysis

REPORT NUMBER: 75-111

FOR: Huntington, West Virginia, Police Department
City Population 73,000
Police Strength (Sworn): 123
Total: 181
City Area: 15.86 square miles

CTOR: Westinghouse Justice Institute

TANT: Robert E. Magnus

CT NUMBER: J-LEAA-003-76

May 15, 1976

34649
Final Report

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FOREWORD

This request for Technical Assistance was made by the Huntington, West Virginia, Police Department. The requested assistance was concerned with analyzing the Department's present personnel system, identifying problem areas, and providing recommendations for improvement.

Requesting Agency: Huntington Police Department,
L. R. Nowery, Chief of Police

State Planning Agency: West Virginia State Planning
Agency, Colonel Reeger

Approving Agency: LEAA Region III (Philadelphia),
Mr. Edwin Schriver, Police Specialist

1. INTRODUCTION

In October 1975, Mr. Edwin Schriver, Police Specialist for the Law Enforcement Assistance Administration, Philadelphia Regional Office, requested the Center for Criminal Justice Agency Organization and Minority Employment Opportunities, Marquette University Law School, Milwaukee, Wisconsin, to provide technical assistance to the Huntington, West Virginia, Police Department. Technical assistance visits were provided during November and December, 1975 and a report was generated during the first quarter of 1976.*

The Witt report provided a comprehensive analysis of the Huntington Police Department's (HPD) personnel system as it impacted on the recruitment, selection, training, and promotion of minorities. The present technical assistance effort was for a more generalized analysis of the HPD personnel system to identify weaknesses that may be contrary to a professional police organization and to recommend corrective actions.

The technical requirements of this task included:

- Gaining familiarization with all aspects of the present personnel system of the HPD.
- Determining organizational needs for a personnel system.
- Analyzing the present personnel system in terms of organizational needs and accepted personnel practices.
- Preparing recommendations for corrective action where indicated.

Data for the accomplishment of these tasks were collected during an onsite visit to the HPD. The principal contact for coordination of the data collection effort was Sergeant Russell Houck, Commander, Administrative Unit. In addition to Sgt. Houck, the Consultant interviewed the following personnel:

- Colonel Reeger, West Virginia State Planning Agency.
- Chief of Police L. R. Nowery, HPD.

*Witt, J.W., Robinson, E.M. and Krueger, W.P. Final Report on the Employment Practices, Personnel Procedures, and Training Program of the Huntington, West Virginia, Police Department. Center for Criminal Justice Agency Organization and Minority Employment Opportunities, Marquette University Law School, 1976.

- Mr. George L. Malott, Police Civil Service Commissioner, Huntington.
- Mr. Selden S. McNeer, Jr., Police Civil Service Commissioner, Huntington.
- Captain I. Graham, Commander, Patrol Bureau.
- Captain N. Paden, Commander, Services Bureau.
- Captain N. Noble, Commander, Investigations Bureau.
- Lieutenant O. Adkins, Commander, Commander, Crime Prevention Unit.
- Patrolman W. Queen
- Patrolman B. Brooks.
- Patrolman J. Walker.
- Patrolman L. McClanahan.

2. UNDERSTANDING OF THE PROBLEM

A detailed discussion was held between the Consultant, Colonel Reeger, and Chief Nowery to address the problem posed in this technical assistance request. Chief Nowery's basic concern was that the present personnel system that controls the recruitment, selection, training, assignment, transfer, discipline, promotion, and dismissal of police officers might not be responsive to attracting and retaining highly qualified and educated manpower for a professional police organization. Colonel Reeger indicated that the State Planning Agency anticipated providing funds to the HPD for the development of a police personnel system. The police personnel system developed for and implemented in Huntington should also serve as a model system for other major cities in West Virginia.

Both Chief Nowery and Colonel Reeger indicated that the expected deliverables for this technical assistance effort were:

- The identification of deficiencies in the present personnel system that may have an adverse impact on attracting and retaining highly qualified and educated manpower for a professional police organization.
- A set of recommendations to guide the HPD and the State Planning Agency toward in-house and contractual efforts to develop and implement an improved police personnel system.

Certain internal and external influences must be considered when addressing any problem. These influences tend to be more critical when changes to traditional personnel practices are anticipated. Influences on the police personnel system of the HPD include:

- Federal, State, and local legislation controlling employment.
- The Huntington Police Civil Service Commission.
- The Huntington Fraternal Order of Police Lodge.
- The quasimilitary hierarchical organizational structure of the HPD.
- The relationship between HPD, the Police Civil Service Commission, and the Fraternal Order of Police Lodge.
- The availability of resources to develop and implement changes.

The above influences were considered as data were collected and analyzed. Their impact on the present personnel system and potential impact on the changes recommended will be discussed where appropriate.

3. ANALYSIS OF THE PROBLEM

This section presents a description of the present police personnel system of the HPD.

3.1 Legal Aspects

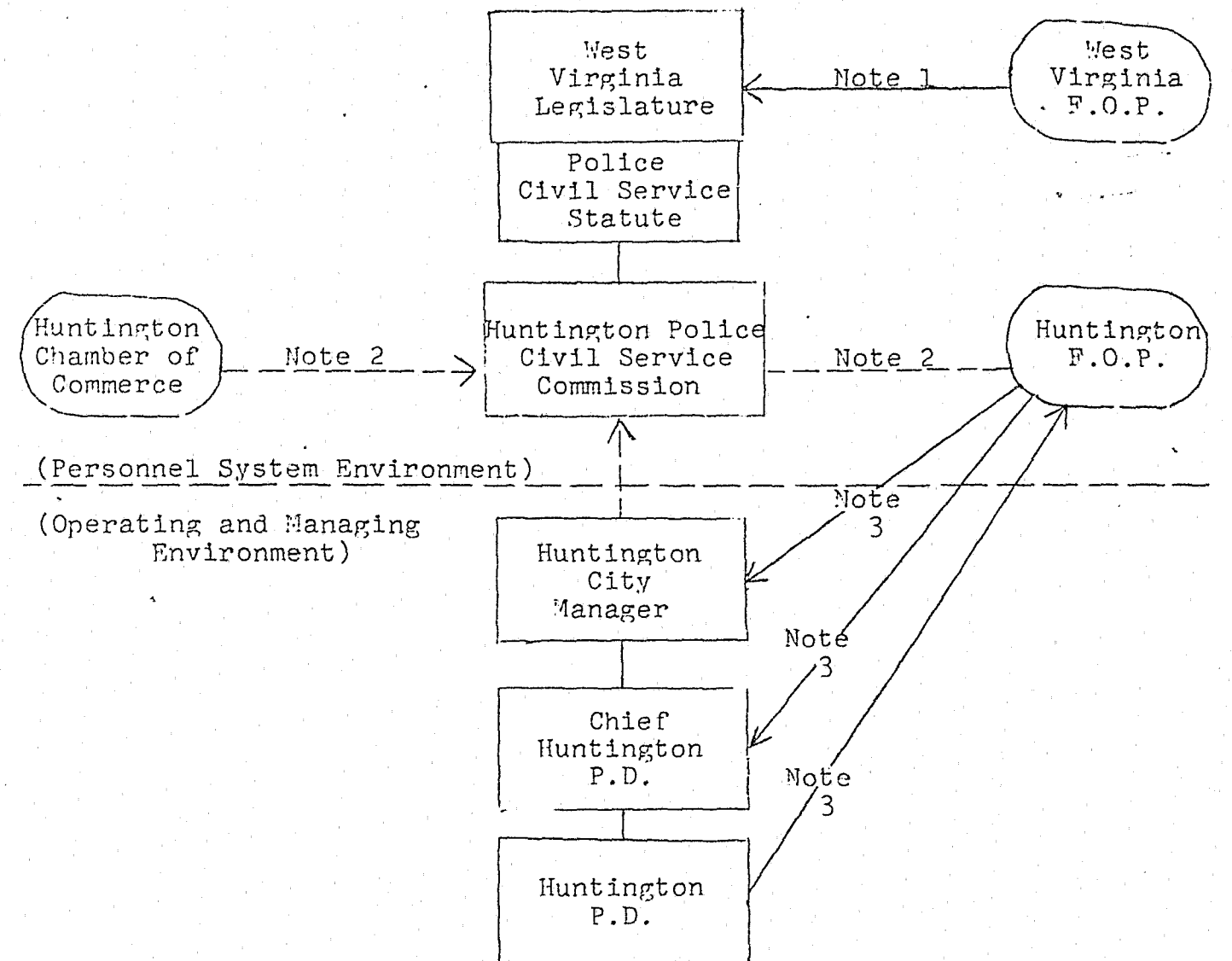
Like all public agencies, employment with the HPD is governed by certain Federal, State, and local statutes. The primary legal considerations from a Federal perspective are the nondiscriminatory provisions of US laws incorporated in EEOC and LEAA guidelines. The guidelines basically require public agencies to use personnel procedures that are nondiscriminatory, and to demonstrate the validity of these procedures if challenged in the courts.

A Police Civil Service Statute was first enacted by the West Virginia legislature in 1937. Its provisions are applicable to all Class I and II cities in the State. It establishes the requirement for a three-member Police Civil Service Commission within each city, and prescribes the selection of the Commissioners, the general requirements for the selection and promotion of police officers, and the nature and processing of negative-type disciplinary actions. An additional State statute establishes a uniform pension system for police officers. The intent of such legislation is to ensure that undue political influence does not result in personnel abuses on police selection and promotion. However, such prescriptive legislation may also hinder the adoption of procedures and practices that lead to a more professional organization.

The Huntington Police Civil Service Commission promulgates the specific rules and regulations (in accordance with the West Virginia Statute) that prescribe the selection, promotion and disciplinary processes for the HPD. Figure 3-1, which is divided into two sections, presents the environments of the personnel system for the HPD: The upper half depicts those influences that promulgate personnel policy, and the lower half those that implement. As required by West Virginia Statute, the Huntington Fraternal Order of Police Lodge (FOP), Chamber of Commerce, and City Manager each appoint one member to the three-member Police Civil Service Commissioner. Each Commissioner appointed serves for a 4-year term. The FOP appointee has served 3 of his 4 years. The Chamber of Commerce and the City Manager appointees are presently in their first year of service. Discussions with two of the Commissioners indicated they would be willing to explore procedural changes that were not contrary to State law.

3.2 Organization

The HPD organizational chart is presented in Figure 3-2. Structurally, the HPD is a quasimilitary type of organization with personnel situated at varying levels within an hierarchy. All sworn police officers except the Chief of Police are selected and promoted in accordance with the Huntington Police Civil Service Commission's Rules and



Notes:

1. Influences the Legislature by lobbying.
2. Each organization appoints one of the three members of the Police Civil Service Commission.
3. Negotiated contract for pay, benefits, hours, etc.
4. Membership.

Figure 3-1. Huntington, West Virginia, Police Personnel System

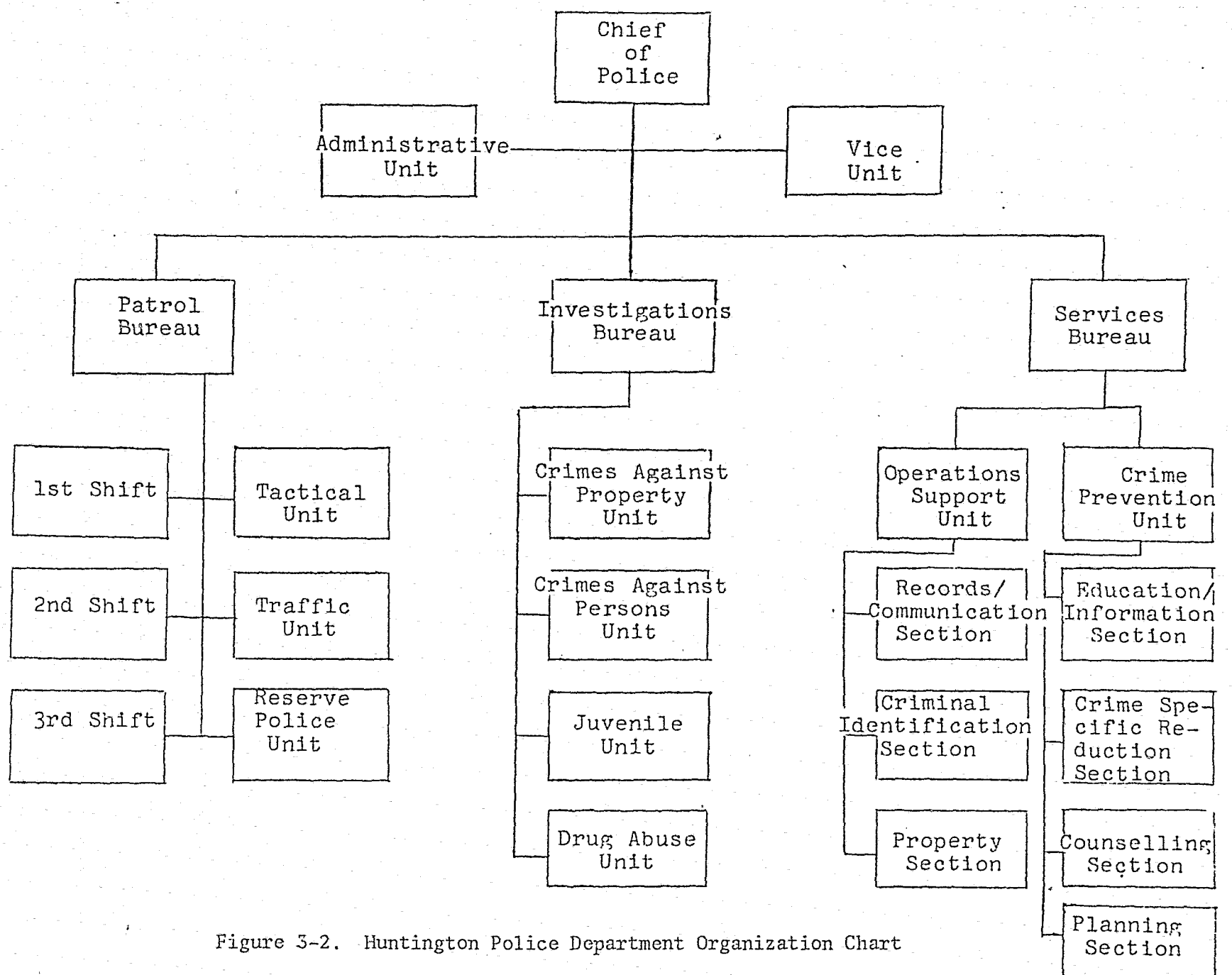


Figure 3-2. Huntington Police Department Organization Chart

Regulations. Progression in rank proceeds from patrolman (98 positions) to sergeant (14 positions) to lieutenant (7 positions) to captain (3 positions).

The most recent organizational trend within the HPD has been an increased recognition of its responsibilities for community service functions. A Crime Prevention Unit (11 personnel) interacts with the community as an educational and informational arm of the HPD. The Department also employs 20 Community Service Officers who have responsibility for providing ambulance service and performing many quasipolice functions such as traffic control and security checks of buildings.

Like most city police departments, the HPD has been experiencing increasing crime rates. It is unknown whether these increases are in actual crimes committed or the result of more citizen cooperation, improved reporting procedures, and improved police activity. Many police professionals believe that much of the increased crime rate can be attributed to the latter three conditions.

3.3 Procedures

A personnel system encompasses procedures for recruiting, selecting, and hiring new personnel; training; probationary periods; performance appraisal; promotion; assignment and transfer; discipline; complaint processing; and dismissal. The present procedures used by the HPD have been more than adequately described in the Witt report. Repeating them herein would be redundant and meaningless. It is sufficient to say that this report confirms that the processes described in the Witt report are considered accurate and adequate.

It was noted that the HPD did not have access to an automated personnel management data processing system. Analysis of personnel data is currently handled on a demand basis by manual methods. No routine procedures are used to statistically determine the impact of personnel decisions.

3.4 Historical Data

The needs of a particular personnel system are partially dependent on the extent and nature of the workload that the system is expected to handle. Table 3-1 presents the workload data over the past 4 year. An examination of the table reveals that heavy emphasis has been placed on hiring civilian personnel to relieve sworn personnel from nonpolice duties. Recruitment of candidates for the position of police officer is a sporadic enterprise, and has been tied to a requirement of at least 10 vacant positions so that recruit training conducted by the HPD will be cost effective.

TABLE 3-1

Numbers of Personnel Actions by Type -- FY 1973 through FY 1976

| Action | Year | | | |
|-------------|------|------|------|------|
| | 1973 | 1974 | 1975 | 1976 |
| New Hires: | | | | |
| Sworn | 0 | 13 | 0 | * |
| Civilian | 12 | 13 | 22 | 0 |
| Promotions: | | | | |
| Captain | 0 | 0 | 0 | 0 |
| Lieutenant | 3 | 0 | 0 | 0 |
| Sergeant | 2 | 2 | 0 | 2 |
| Losses: | | | | |
| Resigned | 3 | 4 | 2 | 1 |
| Pensioned | 4 | 1 | 1 | 1 |
| Dismissed | 0 | 0 | 0 | 1 |

*The HPD will recruit to fill 10 vacancies in April 1976.

The data on promotions presents a bleak picture to highly qualified and educated candidates. Based on the assumption that such a candidate is employed, he would soon learn that he would either have to wait many long years as a patrolman before being promoted or seek employment with a larger law enforcement agency after gaining experience. It is likely that the more qualified individuals opt for the latter.

3.5 Future Growth

The potential for the future growth of the City of Huntington and the HPD over the next 5 years was explored. It was reported that the city does not anticipate growth in the foreseeable future. The HPD has projected a requirement for seven additional patrolmen over the next budget year. Also, the HPD has requested that three patrolman positions be upgraded to sergeant and one sergeant position be upgraded to lieutenant.

4. FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

This section presents the Consultant's findings, conclusions, and resultant recommendations relevant to the problem studied based on his review of relevant statutes, rules, regulations, general orders, and procedures provided by the HPD, as well as his interviews with personnel indicated previously.

4.1 Recruitment

The 1-year residency requirement severely limits the HPD's capability to conduct any comprehensive recruiting campaign. Likewise, the infrequency of hiring (currently less often than once per year) creates a poor climate for attracting highly qualified and educated candidates. It is doubtful that such candidates would be willing to remain relatively idle while waiting for an opportunity to be employed by the HPD.

4.2 Selection

Any viable selection process should result in the hiring of individuals capable of performing the police role in a satisfactory or better manner. As indicated in the Witt report, the HPD utilizes a number of selection instruments (MMPI, GATB) that have no formally weighted impact on the final selection of applicants, but may influence the hiring authority in selections from the eligibility list. The use of data from these instruments by the hiring authority is a questionable practice. Such informal use of instrumentation to make employment decisions has the potential to increase the suspicion and distrust of nonselected applicants toward the HPD.

An even more significant problem for the HPD is the lack of objective data to indicate the validity of the components of the selection process. This lack of validity information makes the HPD legally vulnerable to complaints of discrimination under the EEOC and LEAA guidelines. To be valid, the selection process should evidence a statistically significant correlation with one or more objective measures of patrolman job performance.

4.3 Training

Although there is no minimum State-mandated police training, the HPD conducts its own basic training program that consists of 18 weeks of classroom and field training exercises. The majority of instruction is accomplished by law enforcement personnel of the HPD. The State of West Virginia does operate a centralized police academy for use by law enforcement agencies in training new personnel; however, the HPD considers the training insufficient to meet its needs.

The basic training program conducted by the HPD is a laudable effort, but some problems impacting on attracting highly qualified personnel result from such a heavy expenditure of in-house resources. Recruitment and hiring becomes a sporadic effort that is dependent upon the accumulation of sufficient manpower vacancies to justify conducting a basic

training class (reportedly at least 10 vacancies). Of course, this also affects the day-to-day operations of the HPD by the reduction of almost 10 percent of available manpower. Moreover, since there is such a large investment of resources, there is a great reluctance to eliminate possible selection errors during the training process.

Beyond the basic training, the HPD attempts to provide at least 40 hours of in-service training annually for all personnel and encourages personnel participation in specialized training courses. What appears to be lacking is the early identification of potential supervisory talent and a planned approach to the provision of supervisory and management training and education.

4.4 Probationary Period

All newly appointed police officers serve a 1-year probationary period (this includes the basic-training period). Upon completion of basic training, officers are assigned to shift vacancies in the Patrol Bureau. Presumably, the officer is closely observed during the probationary period, rated periodically on his performance, and rounds out his training as a police officer under the tutelage of experienced police officers.

As a final step in the selection of police officers, the probationary period must be well managed and should be integrated with the Department's basic training program. Some departments have designated highly qualified and experienced patrolmen as Field Training Officers (with a commensurate salary increment) to provide one-to-one, on-the-job training and supervision of new patrolmen during their probationary period.

4.5 Assignment and Transfer Policy

An important segment of any agency's personnel system is its assignment and transfer policy. The objectives of such a policy are to ensure mission accomplishment and to prepare personnel for supervisory and management positions.

A review of the HPD's written policies and discussions with some personnel indicate that there is a lack of structural guidelines for assignment and transfer. This could lead to favoritism in application and eventual charges of unfairness by personnel. The policy should be in writing and should establish eligibility criteria for selection to the more sought-after positions and shifts.

4.6 Discipline

The concept of discipline should include all processes that regulate conduct within the organization. Included in the concept are positive processes that reward (e.g., personnel recognition, letters, meritorious pay increases), negative processes that sanction (e.g., oral and written

reprimands, suspension, dismissal), and retraining when the problem conduct is the result of a lack of knowledge.

Like many agencies, the HPD's policies and procedures dwell upon the imposition of the negative processes, but are silent with regard to the positive processes of discipline. The positive processes and retraining are the more important aspects of discipline in building a highly qualified and professional police agency.

4.7 Promotion

One of the primary aspects of a personnel system to attract and retain highly qualified and educated individuals is the opportunity to obtain financial rewards for meritorious service. This concept can be operationalized through a system of multiple-merit steps within a pay grade and through promotion.

The HPD has the typical promotional progression through the quasi-military rank structure, from patrolman to sergeant to lieutenant to captain. Multiple-merit steps within pay grades are not used by the HPD.

Under the HPD promotional system, the basic requirement for promotion is 2 years of service in the next lower grade. When promotional vacancies are announced, all persons meeting this basic requirement are processed by the Police Civil Service Commission for promotion. Weighted elements for placement on the promotion list are: (a) A written examination -- 40 percent, (b) Chief of Police evaluation -- 10 percent, (c) an oral interview by the Civil Service Commission -- 40 percent, and (d) seniority -- 10 percent. The Chief of Police then operates under a "rule of one" and must select the top man on the promotion list. If this individual can then pass a physical examination, he is promoted. No provisions are made for a probationary period to test the promotional selection process by on-the-job performance. The promotional process has not been validated to determine its job-relatedness.

Opportunities for promotion within the HPD are minimal. This lack of opportunity is likely to manifest itself in the highly qualified and educated individual seeking employment in other law enforcement agencies after obtaining law enforcement training and experience at the expense of the HPD. It would appear that at least one additional promotional grade is necessary to increase opportunities. The logical placement of this grade is between patrolman and sergeant.

Likewise, a system of multiple-merit steps within pay grades for all ranks of sergeant and below should be instituted. This would permit the implementation of the positive processes of discipline to reward meritorious individuals. The award of merit increases should not be handled by the Civil Service Commission, but should be a management option of the Chief of Police. A merit increase is not a promotion, but the awards of meritorious increases should be controlled by procedural and budgetary considerations.

The present procedural system of promotional selection by the Police Civil Service Commission does not ensure selection of the best qualified, but may effectively limit management's ability to identify, train, and educate supervisory talent. The following specific aspects of the system present problems:

- A weight of 40 percent for a written examination at all promotional grades is unrealistic. The leadership, supervisory, and management skills required at the higher grades cannot be tested by written examination. It would seem that the type of written examination would be geared to a promotional grade and weights would be on a sliding scale from perhaps 40 percent for promotion to corporal to no written examination for promotion to captain.
- The Civil Service Commission exercises an inordinate amount of influence on final selection by its oral interview (40 percent of weight) as contrasted to the Police Chief's evaluation of candidates (10 percent of weight). It would seem more realistic and should prove more organizationally effective to equalize the weights of the oral interview and the Chief's evaluation.
- The Civil Service Commission has knowledge of written examination scores, seniority scores, and the Chief's evaluation scores prior to the oral interview. This knowledge could tend to bias the oral interview scoring by producing a "halo" effect. Each part of the promotional selection process, particularly at the lower grades, should contribute to the total promotional list score on an independent basis. Likewise, data should be routinely collected in order to assess the validity of each part of the process and of the final promotional scores.
- The lack of provisions for some probationary period following promotion creates a situation that precludes the correction of selection errors. With the relatively small number of supervisory positions in the HPD, even a small number of selection errors can be disastrous to organizational effectiveness.

4.8 Patrol Operations

The majority of HPD personnel are assigned to the Patrol Bureau. Like most police organizations, the more responsible and desirable patrolman positions are contained in other organizational elements (e.g., Investigative Bureau, Administrative Unit). To improve the retention of highly qualified and educated personnel, the status of patrol operations within the organizational structure should be improved.

4.9 Rules and Regulations

The HPD rules and regulations appear too voluminous and prescriptive if individual innovation, initiative, and responsibility are to be fostered. Police officers on patrol are normally faced with unique and unusual situations that are seldom "routine;" although, there are some "routine" procedures that need to be applied.

5. RECOMMENDED PLAN OF ACTION

Many recommendations were explicitly or implicitly mentioned in Section 4. Furthermore, the Witt report presented numerous recommendations for consideration. Therefore, a reiteration of specific recommendations will not be attempted in this section of the report. A recommended six-phase action plan will be presented to guide the HPD in their consideration and resolution of the problem situations identified. Figure 5-1 depicts the flow of events envisioned.

5.1 General Parameters

The phased approach, which is described below, is predicated upon two basic assumptions: First, there is a logical process that should be followed in problemsolving. In this regard, the attainment of end goals is dependent upon the satisfactory resolution of prior phases in the process. Second, police organizations and police management do not and can not operate in a vacuum. Significant problemsolving requires input from all levels within the organization and from outside sources. The formation of task forces with representation from the various input sources ensures a reasonable consideration of the multiple aspects of a given problem, and is more likely to result in workable, albeit compromised, solutions.

The following addresses each phase of the action plan. An overview of the phase will be presented. Potential input sources for task force representation will be listed. From an HPD perspective, the Administrative Unit should have representation on each task force team since long-term followup and training will be that Unit's responsibility. In addition, this and the Witt report should be used as input for the process. Potential outputs of each phase will be listed and a range of anticipated number of days required to complete the phase will be indicated.

5.1.1 Phase I -- Organizational Analysis

The purpose of this phase is to ensure consideration of organizational objectives and constraints as the specific recommendations for action are addressed.

• Input Sources

- City Manager.
- Police management.
- Police Civil Service Commission.
- Fraternal Order of Police.
- Police supervisors.

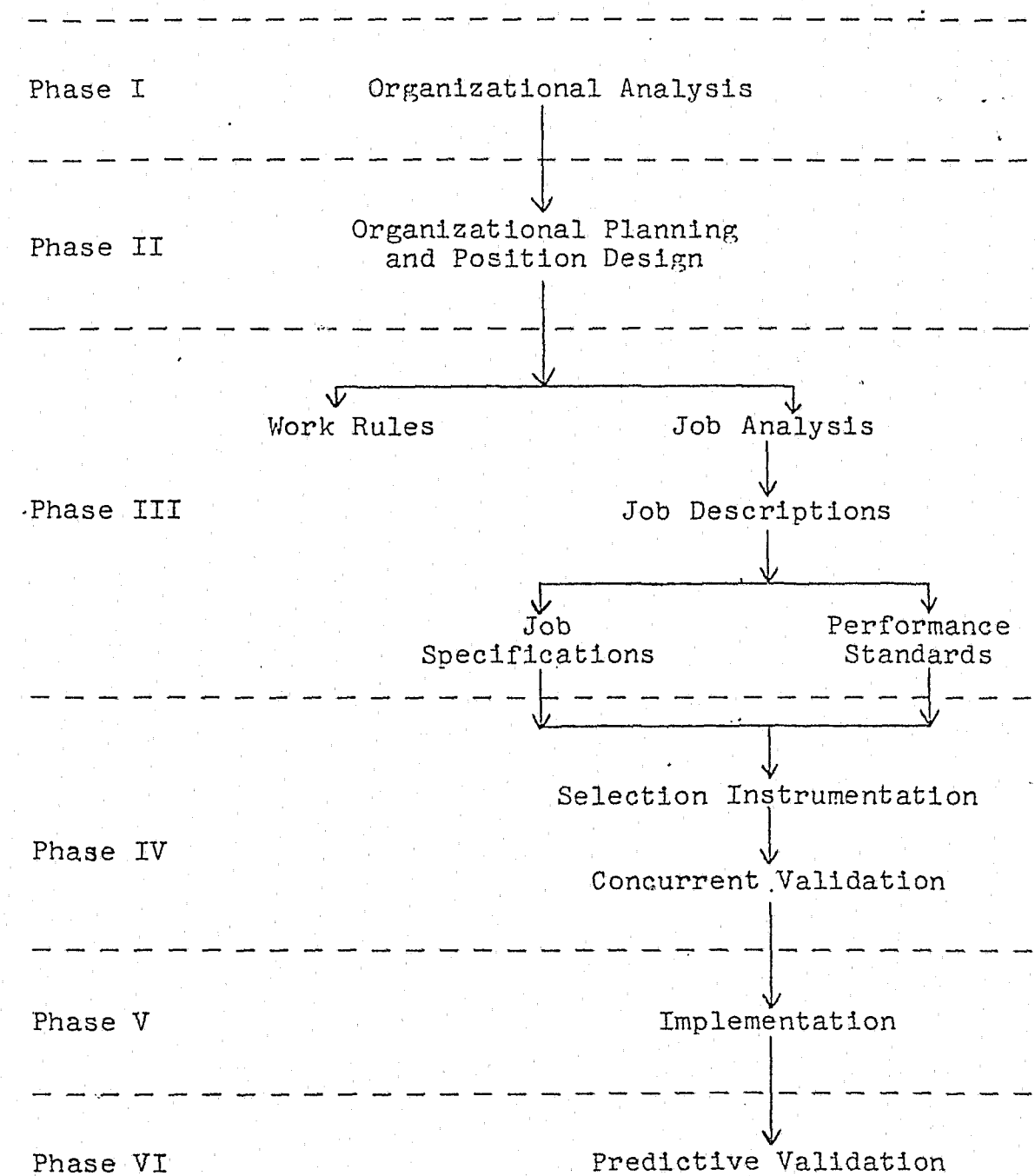


Figure 5-1. Recommended Action Plan -- Flow of Events

- Patrolmen.
- Administrative Unit.

• Potential Outputs Anticipated -- Decisions on:

- Legislative followup to eliminate residency requirements.
- Changes in emphasis of organizational mission and objectives.
- Nature and type of organization (pyramidal and hierarchical vs. flat and functional).
- Availability of annual budgetary resources to add an additional pay grade and to provide multiple-merit steps within pay grades.
- Availability of resources and funding to complete remaining phases of this action plan.
- Adding a probationary period for personnel promoted.
- Continuation of recruit training by the HPD.
- Identification and assignment of followup responsibilities for all decisions.

• Number of Days Anticipated -- 45 to 75.

5.1.2 Phase II -- Organizational Planning and Position Design

The purpose of this phase is to specify, in terms of an organizational structure, some of the decisions in Phase I and to prepare plans for the accomplishment of succeeding phases.

• Input Sources

- Police management and supervisors.
- City personnel officer.
- Administrative Unit.

• Potential Outputs Anticipated

- An organizational structure and chart.

- Indications of civilian and uniformed positions.
- Design and classification of positions within organizational elements.
- Identification of and criteria for merit steps within position classifications.
- A program plan for the succeeding phases.
- Bid specifications for invitations for proposals from contractors for Phases III, IV, and V.

• Number of Days Anticipated -- 60 to 75.

5.1.3 Phase III -- Job Analysis

The purpose of this phase is to accomplish the tasks required to identify the discrete nature and function of each position classification within the organization.

• Input Sources

- Administrative Unit.
- Contractor.
- Personnel interviewed by the contractor.

• Potential Outputs Anticipated

- Work rules and regulations coordinated by the Administrative Unit.
- Job analysis.
- Job descriptions, specifications, and performance standards for all positions.
- Procedures and instrumentation for performance evaluation against the performance standards.

• Number of Days Anticipated -- 180 to 240.

5.1.4 Phase IV -- Selection Design and Validation

The purpose of this phase is to design the selection processes for promotion and initial hiring of police officers and to produce evidence of their validity to satisfy EEOC and LEAA requirements.

- Input Sources

- Police Civil Service Commission.
- Administrative Unit.
- Police management.
- Contractor.

- Potential Outputs Anticipated

- Design and detailed description of the selection processes.
- Preparation of selection instrumentation and oral interview procedures.
- Training of selected personnel in the application and use of the processes, instrumentation, and procedures.
- Data collection plan.
- Data collection.
- Concurrent validation for initial selection and promotion at all grades.
- Data collection plan for predictive validation.
- Training of Administrative Unit personnel in data collection and statistical analyses for predictive validation.
- Contractor recommendations for phased implementation of the new selection processes.

- Number of Days Anticipated -- 120 to 180.

5.1.5 Phase V -- Implementation

The purpose of this phase is to ensure a smooth transition into the application of the new processes and procedures.

• Input Sources

- Police Civil Service Commission.
- Police Chief.
- Police managers and supervisors.
- Administrative Unit.
- Contractor.

• Potential Outputs Anticipated

- Information to all personnel on the nature and impact of the changes.
- Training of all personnel in the uniform application of procedures and processes.
- Implementation.

• Number of Days Anticipated -- 30 to 45.

5.1.6 Phase VI -- Followup

The purpose of this phase is to determine if the new processes and procedures are having the desired effect and to plan changes, if necessary.

• Input Sources

- City Manager.
- Police management.
- Police Civil Service Commission.
- Fraternal Order of Police.
- Police supervisors.

- Patrolmen.

- Administrative Unit.

• Potential Outputs Anticipated

- Collection and evaluation of data indicating success or failure.

- Documentation of and/or planning for changes indicated.

- Predictive validation of the selection processes.

• Time Anticipated

- Logically, this is an open-ended phase. Predictive validation requires an adequate-sized sample for whom data is available. If turnover and promotion within the HPD continue as in the past, then data collection for predictive validation will be accomplished over a 3- to 5-year period.

5.2 Conclusion

Section 5.1 has presented a phased action plan for addressing the recommendations contained herein, as well as in the Witt report. It should be recognized that effective efforts to change, and hopefully improve, a personnel system are time-consuming and require the investment of substantial manpower and financial resources. For these reasons, Phases I and II should be considered critical in the change process.

Colonel Reeger indicated the desirability of creating a "model" police personnel system for the HPD that could have application throughout West Virginia. To pursue these desires, it is recommended that a statewide task force/committee consisting of Police Civil Service Commission and police management representation from each Class I and II city in West Virginia be organized. This task force/committee should keep abreast of the progress in Huntington, provide necessary input for consideration, and provide assistance if legislative action at the State level is required.

END

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