



To: City Councilmember Bruce Harrell, Chair, Public Safety, Civil Rights and Technology Committee
City Councilmember Tim Burgess, City Council President

From: David G. Jones, City Auditor

Date: May 22, 2014

Re: Research on Police Chief Search and Selection Process

Background

This memorandum summarizes research we conducted at the request of Councilmember Burgess. He asked us to identify: 1) practices related to police chief selection, confirmation, employment contracts, and re-confirmation in cities similar to Seattle; and 2) any recommended best practices in these areas from academics or professional organizations with expertise in policing and police accountability and professionalism.

To obtain information about other municipalities, we surveyed 12 jurisdictions similar in size and policing environment to the City of Seattle and 10 other jurisdictions whose populations are similar in size to Seattle. To identify best practices, we contacted organizations that have experience with policing issues, including the Police Executive Research Forum and the International Association of Chiefs of Police, and conducted additional interviews with the cities of Baltimore, MD; Bridgeport, CT; Denver, CO; and Nashville, TN.

SURVEY RESULTS

Survey I

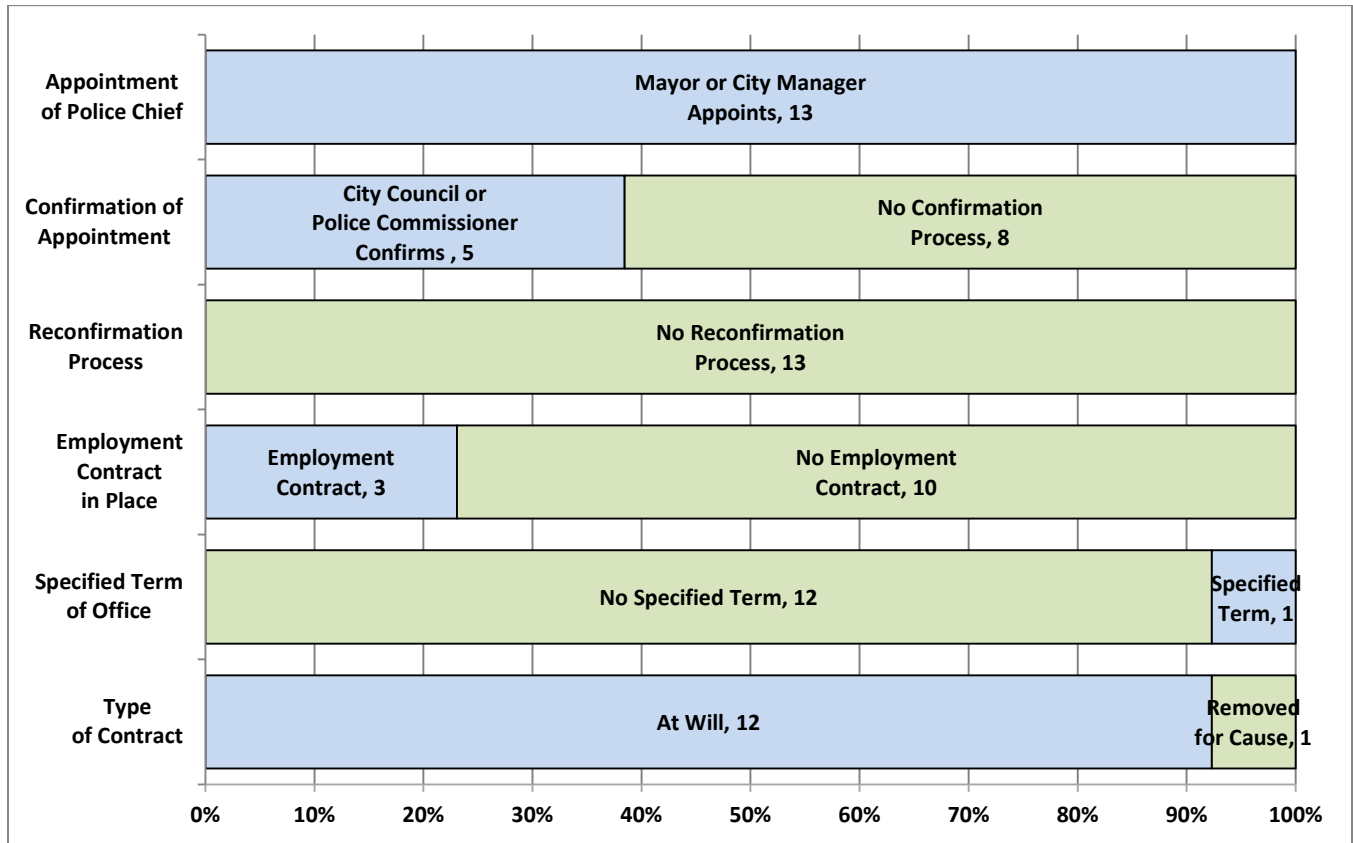
Our first survey included the City of Seattle and 12 jurisdictions¹ similar in size and policing environments to Seattle. For these 13 jurisdictions, we found that:

- 8 police chiefs are appointed by mayors; 5 are appointed by city managers.
- 8 cities do not have a confirmation process for their police chiefs, while 5, including Seattle, do.
- None of the 13 cities have a process to reconfirm their police chiefs.
- 10 cities, including Seattle, do not have employment contracts with their police chiefs, while 3 do.
- 12 cities, including Seattle, do not specify the term of service of their police chief, while 1 does.
- 12 police chiefs serve at will, while 1 (Seattle's) can only be removed for cause.

See Chart I below for a summary of these results. Detailed information about each city can be found in Appendix II, Chart III.

¹ The twelve cities are: Austin, TX; Boston, MA; Charlotte-Mecklenburg, NC; Denver, CO; Nashville, TN; Portland, OR; Long Beach, Sacramento, San Diego, San Francisco, and San Jose, CA; and Washington, DC. The Seattle Police Department developed this list several years ago by identifying cities of similar size and characteristics such as professional sports teams, nightlife, and being an entertainment destination and having a broader tourism draw.

Chart I. Survey of 13 Jurisdictions (including Seattle)



Survey II

We also surveyed 10 other jurisdictions² whose populations are similar in size to the City of Seattle. These survey results were generally consistent with our Survey I findings:

- 4 police chiefs are appointed by mayors; 3 are appointed by city managers; 3 are appointed by commissioners (Police, Fire, and Public Safety).
- 5 cities do not have a confirmation process for their police chiefs, while 5 do.
- 8 cities do not have processes in place to reconfirm their police chiefs; 2 have reconfirmation processes, but they are largely ceremonial.
- 7 cities do not have employment contracts with their police chiefs, while 3 do.
- 7 cities do not specify the term of service of their police chief; 2 have set terms; 1 has term limits negotiated on a case-by-case basis.
- 7 police chiefs serve at will, while 3 can only be removed for cause.

Detailed information about each city can be found in Appendix II, Chart IV.

² Albuquerque, NM, Baltimore, MD, Detroit, MI, El Paso and Fort Worth, TX, Honolulu, HI, Indianapolis, IN, Memphis, TN, Milwaukee, WI, and Oklahoma City, OK.

Policing Experts Views' on the Advantages and Disadvantages of Reconfirmation, Term Limits, and Employment Contracts

In addition to the surveys of municipal practices, we also asked policing experts about the advantages and disadvantages of having a formal reconfirmation process, term limits, and an employment contract.

The experts with whom we spoke were not in favor of instituting a formal reconfirmation process or term limits. Regarding a formal reconfirmation process, they noted that: 1) it may not be necessary for police chiefs serving at will, as they can be removed at any time, and 2) if things are going well, it can create an arbitrary timeframe and unnecessary strife.

Regarding term limits, experts said they may not be necessary because: 1) most police chiefs appointed by mayors know they will serve only while the mayor is in office, 2) five years is about the longest most people serve in this position (even without limits), and 3) it can create a period of unnecessary strife if things are going well. They also noted that term limits are not common.

Experts had more to say about the advantages of employment contracts, citing the following benefits:

1. They can help attract qualified, experienced candidates, as most “seasoned” chiefs will ask for an employment contract, or would welcome one if the contract terms are negotiated and mutually agreed upon.
2. They can be structured to be advantageous to both parties – i.e., the jurisdiction can still guarantee their rights to remove the chief through a removal clause, while the chief can gain some protections, such as advance notice and/or compensation in the event of his/her removal.³
3. They can provide a place to outline goals and objectives for future evaluations. For this section to provide meaning and value, goals and objectives should be reasonable and achievable. For example, in Seattle a performance-based contract linked to implementation of the U.S. Department of Justice Consent Decree’s and Police Monitor’s recommendations and other performance measures could be used in lieu of a reconfirmation process.
4. They can mitigate some of the risk faced by a candidate applying for a new position, and therefore help attract qualified, experienced candidates.

The disadvantages to employment contracts noted by the experts were: 1) depending on the terms, they can restrict a jurisdiction’s ability to easily remove someone from office, and 2) they may be unnecessary for in-house candidates or those with no police chief experience, as these individuals may be more willing to serve at will.

³ For example, evergreen contracts—agreements between two parties that are automatically renewed (rolled over) after each completion or maturity period, until cancelled by either party—provide for continuous at-will service but guarantee a severance agreement if the chief is removed for anything other than cause. Generally the severance is 6-12 months of salary and benefits.

Key Elements Identified by Policing Experts

Policing experts identified several key elements that should be incorporated into each phase of the search process. Chart II (below) describes each of these elements by phase.

Chart II. Key Elements that Contribute to a Successful Police Chief Selection Process

Phase in the Search Process	Key Elements that Strengthen this Phase
<p>Select an executive search firm, or determine who will conduct the search in-house</p>	<p>The firm or individuals conducting the search should be well connected to the law enforcement community nationwide.</p>
<p>Develop a plan for the search</p> <p>Decide which parts of the process are open to the public, and which will be kept confidential</p>	<p>In accordance with public disclosure requirements, and balancing the desire to engage the public in the process, decide which phases of the search process, if any, will be kept confidential.</p> <p>Specifically identify what information should remain confidential, such as candidate names, information provided by candidate references, and documents pertaining to background investigations.</p> <p>Build safeguards into the process to help ensure that any confidentiality offered to applicants is protected. Let candidates know up front when in the process their names will become public. For example, note this in the city’s profile and in all advertising for the position.</p> <p>However, confidentiality is not something that can ever be guaranteed; rather it is a goal and a good recruiting tool.</p>
<p>Solicit public input early in the process</p>	<p>Interview key stakeholders and hold community forums to identify the key challenges a new police chief will face and the chief’s desired characteristics.</p> <p>Be as inclusive and exhaustive as possible at this stage. For example, focus groups can be held with stakeholders representing diverse community groups to ensure their input is incorporated into the process.</p> <p>These efforts will help identify common themes, needs, and desires that can be used to write the advertising and evaluation criteria for the position. They will also help solicit and obtain community buy-in.</p>
<p>Appoint an advisory committee</p>	<p>The advisory committee should be small enough to conduct its business quickly and efficiently, and include a cross section of highly visible, well regarded community members who can be trusted to keep applicant names confidential for the entire search process.</p>

Phase in the Search Process	Key Elements that Strengthen this Phase
<p>Develop a city profile and advertise the position</p>	<p>Target specific candidates in addition to sending a widespread advertisement. A competent search firm can play a key role as a liaison between the jurisdiction and potential candidates by providing valuable information to each party before the formal application is submitted.</p> <p>Identify the stakeholders’ priority characteristics for a new police chief—not just a laundry list of desired qualifications.</p> <p>Market the city by showing what your jurisdiction and region has to offer. Be clear up front about what both the rewards and challenges of holding the position will be.</p>
<p>Screen initial candidates and select candidates to interview</p>	<p>Maintain candidates’ confidentiality during the application process—this is key to accessing a pool of highly qualified candidates.</p> <p>The hiring pool for major cities’ police chiefs —i.e., those who have the requisite education, experience, and executive leadership skills to succeed in this position—is limited, and candidates risk losing credibility at their current position if it becomes known they are interested in moving on.</p> <p>Highly qualified potential candidates have recently told potential employers that they will not participate in an application process unless a certain level of confidentiality is guaranteed.</p>
<p>Interview final pool of candidates and select finalists</p>	<p>Again, it is important to maintain as much candidate confidentiality as possible at this stage of the process.</p> <p>Make sure the final hiring authority (e.g., the mayor) is actively engaged in the hiring process and the assessment of candidates; ultimately they will have to work as a team and agree on the city’s priorities, their politics, media relations, etc.</p> <p>A mayor or city manager who takes ownership of the process is to the jurisdiction’s advantage.</p> <p>A successful search should produce 2-3 well-qualified final candidates.</p>
<p>Interview final candidate and conduct a comprehensive background check</p>	<p>Conduct a comprehensive background check on the final candidate. All qualified candidates for this position will have some elements of controversy in their backgrounds. A comprehensive background check can provide contextual information important to understanding these controversies as the process moves forward.</p> <p>Opinions vary as to how public the process should be at this</p>

Phase in the Search Process	Key Elements that Strengthen this Phase
	point. Some jurisdictions prefer to invite the final candidate to public forums and to one-on-one meetings with police command staff and officers to provide a well-rounded picture of the candidate’s conduct in different environments. Another expert found that public forums and televised interviews may scare off potential applicants.

Experts noted the following benefits of incorporating the elements described above:

Benefit:

Elements of Search Process:

Attract a larger pool of highly qualified candidates

- Involve personnel who are well connected to the law enforcement community
- Maintain candidate confidentiality at least until final candidates are chosen
- Market what the city has to offer

Obtain important community input upfront

- Implement an early, inclusive public process to get input on desired qualifications

Keep the process manageable and candidates interested

- Appoint a small and trusted advisory committee

Set the stage for a good working relationship between the hiring authority and the new chief

- Maintain an actively engaged hiring authority
- Conduct a comprehensive background check on the final candidate

Finally, one of the greatest challenges to this process is attracting a pool of highly qualified candidates. Experts note that the following factors may discourage potential applicants:

1. **A highly controversial, public process.** The candidates most concerned with public exposure are the experienced “sitting” police chiefs, and risk the most if their current employers find out they are looking elsewhere⁴.
2. **A candidate’s impression they will not be competitive for the position.** Applicants who are police chiefs in other jurisdictions can’t afford to apply for positions for which they don’t at least make the final candidate pool—it’s too great a risk to their reputations and credibility. Many potential candidates conduct a self-review before applying and will not enter the process if they don’t think they’ll be competitive.
3. **How long the interim/acting police chief has been in office.** If one of the applicants has been the acting chief for a lengthy period of time (e.g., a year or longer), potential applicants may believe their chances of competing against the acting chief are not good, causing these applicants to not apply.

⁴ Our research identified at least two jurisdictions that included a public vetting process for final candidates as part of their successful searches. Key to this success was informing applicants early in the process when their names would become public.

Appendix I. Objectives, Scope, and Methodology

Seattle City Councilmember Tim Burgess asked the Office of City Auditor to identify: 1) practices related to police chief selection, confirmation, employment contracts, and re-confirmation in cities similar to Seattle; and 2) any recommended best practices in these areas from academics or professional organizations with expertise in policing and police accountability and professionalism.

To identify practices in other jurisdictions, we researched the policies and practices in two sample sets of local jurisdictions:

Survey Sample I: This sample included twelve jurisdictions similar in size or policing environment to the City of Seattle. The sample included Austin, Boston, Charlotte-Mecklenburg, Denver, Long Beach, Nashville, Portland, Sacramento, San Diego, San Francisco, San Jose, and Washington, DC.⁵

Survey Sample II: This sample included ten jurisdictions with populations similar in size to the City of Seattle. The sample included Albuquerque, Baltimore, Detroit, El Paso, Fort Worth, Honolulu, Indianapolis, Memphis, Milwaukee, and Oklahoma City. We also contacted Jacksonville, FL but eliminated them from the sample because they are served by an elected sheriff.

To identify best practices, we contacted the Police Executive Research Forum and the International Association of Chiefs of Police to obtain their insights on the police chief selection process, identify relevant research, and obtain referrals to jurisdictions whose hiring authorities were satisfied with their process and final selection. We then followed up with city managers in Denver and Baltimore to obtain feedback and lessons learned on the search and selection process.

⁵ Including Seattle, we compared a total of 13 jurisdictions in our first sample.

Appendix II. Results of Survey Data from Other Jurisdictions

Chart III. Survey I: Selected Data about Seattle and 12 U.S. Cities Similar in Size and Policing Environments to the City of Seattle

Jurisdiction	Who appoints	Who confirms	Reconfirmation If yes, frequency	Employment Contract Yes/No	Term of Office (years)	Type of Contract (At will, remove for cause, etc.)
Austin	City Manager	No confirmation, but City Council “confers ⁶ ” the appointment	No	No	Not specified	At will
Boston	Mayor	No confirmation	No	No	Not specified	At will
Charlotte-Mecklenburg	City Manager	No confirmation, though City Council is consulted	No	No	Not specified	At will
Denver	Mayor	No confirmation	No	Yes	Not specified	At will
Long Beach	City Manager	No confirmation	No	No	Not specified	At will
Nashville	Mayor	City Council	No	No	Not specified	At will

⁶ City Council bestows the title but does not confirm or approve the appointment.

Jurisdiction	Who appoints	Who confirms	Reconfirmation If yes, frequency	Employment Contract Yes/No	Term of Office (years)	Type of Contract (At will, remove for cause, etc.)
Portland	Mayor	No confirmation	No	No	Not specified	At will
Sacramento	City Manager ⁷	No confirmation	No	No	Not specified	At will
San Diego	Mayor	City Council	No	Yes	Not specified	At will
San Francisco	Mayor ⁸	No confirmation	No	No	Not specified	At will
San Jose	City Manager	City Council	No	No (current chief is interim)	Not specified	At will
Seattle	Mayor ⁹	City Council	No	No	Not specified	For cause, Mayor must file a statement of reasons with the City Council

⁷ Based on the recommendation of the City Advisory Committee (1 representative from each district appointed by the Councilmembers and 1 appointed by the Mayor).

⁸ Chosen from a list of 3 or more qualified candidates submitted by the Police Commission.

⁹ Selected from 3 highest ranking candidates in a competitive examination conducted under the direction of the Mayor.

Jurisdiction	Who appoints	Who confirms	Reconfirmation If yes, frequency	Employment Contract Yes/No	Term of Office (years)	Type of Contract (At will, remove for cause, etc.)
Washington, DC	Mayor	District Council	No	Yes	5 years	At will

Chart IV. Survey II: Selected Data about 10 U.S. Cities Similar in Population to the City of Seattle

Jurisdiction	Who appoints	Who confirms	Reconfirmation If yes, frequency	Employment Contract Yes/No	Term of Office (years)	Type of Contract (At will, remove for cause, etc.)
Albuquerque	Mayor	No confirmation	No	No	No	At will
Baltimore	Mayor	City Council	Yes, but likely to be ceremonial.	Yes	Determined on case- by-case basis (current Chief has 3- year term)	For cause
Detroit	Mayor	City Council	No	Yes	No	At will
El Paso	City Manager	No confirmation	No	No	No	At will
Fort Worth	City Manager	Mayor and City Council	No	No	No	At will
Honolulu	Police Commission	No confirmation	No	Yes	5 years	For cause
Indianapolis	Director of Public Safety	City Council	No	No	No	At will
Memphis	Mayor	City Council	Yes, but likely to be ceremonial.	No	No	At will ¹⁰

¹⁰ The Police Chief serves at will, but a termination by the Mayor would have to be approved by the City Council.

Jurisdiction	Who appoints	Who confirms	Reconfirmation If yes, frequency	Employment Contract Yes/No	Term of Office (years)	Type of Contract (At will, remove for cause, etc.)
Milwaukee	Fire and Police Commission	No confirmation	No	No	4 years	For cause
Oklahoma City	City Manager	No confirmation	No	No	No	At will