

SENATE

No. 1140

The Commonwealth of Massachusetts

LEGISLATIVE RESEARCH COUNCIL

REPORT RELATIVE TO

STATE POLICE PROMOTIONS

*For Summary, See
Text in Bold Face Type*

June 30, 1965.

77166

The Commonwealth of Massachusetts

ORDER AUTHORIZING STUDY

Unnumbered Joint Order of 1965

Ordered, That the legislative research council be directed to investigate and study the subject matter of current House document numbered 3745, relative to establishing the procedure for promotions within the uniformed branch of the department of public safety, and to file the results of its statistical research and fact-finding with the clerk of the senate from time to time but not later than the last Wednesday of June in the current year.

Adopted:

*By the Senate, May 10, 1965
By the House of Representatives,
in concurrence, May 11, 1965*

U.S. Department of Justice
National Institute of Justice

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ACQUISITIONS

The Commonwealth of Massachusetts

LETTER OF TRANSMITTAL TO THE
SENATE AND HOUSE OF REPRESENTATIVES

To the Honorable Senate and House of Representatives:

GENTLEMEN: — The Legislative Research Council submits herewith a report prepared by the Legislative Research Bureau relative to the subject matter of current House document numbered 3745, pertaining to the establishment of a procedure for promotions within the uniformed branch of the State Police in the Department of Public Safety. This report was required by an unnumbered joint order adopted by the two branches of the General Court on May 10 - 11, 1965.

The Legislative Research Bureau is limited by law to "statistical research and fact-finding." Therefore, this report contains factual material only, without recommendations. It does not necessarily reflect the opinions of the undersigned members of the Legislative Research Council.

Respectfully submitted,

MEMBERS OF THE LEGISLATIVE
RESEARCH COUNCIL:

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The Commonwealth of Massachusetts

**LETTER OF TRANSMITTAL TO THE
LEGISLATIVE RESEARCH COUNCIL**

To the Members of the Legislative Research Council:

GENTLEMEN: — The unnumbered joint order of May 10-11, 1965, reprinted on the inside of the front cover of this report, directed the Legislative Research Council to study current House document numbered 3745, relative to establishing a procedure for promotions within the uniformed branch of the State Police in the Department of Public Safety.

The Legislative Research Bureau submits such a report herewith. Its scope and content have been governed by statutory provisions which limit Bureau output to factual reports without recommendations. The preparation of the report was the primary responsibility of Daniel M. O'Sullivan and James Hugh Powers of the Bureau staff.

Grateful acknowledgment is made for the generous and valued assistance of Public Safety Commissioner Richard R. Caples; State Police Executive Officer Lt. Col. Thomas D. Murphy and his staff; Professor Robert Sheehan of the Northeastern University Department of Law Enforcement and Security; the Federal Bureau of Investigation; the U.S. Secret Service; the International Association of Chiefs of Police; and the legislative research agencies, state police and state highway patrol authorities of other states, which cooperated in this study.

Respectfully submitted,

HERMAN C. LOEFFLER,
Director, Legislative Research Bureau.

The Commonwealth of Massachusetts

STATE POLICE PROMOTIONS

SUMMARY OF REPORT

Origin and Scope of Study

This document discusses the promotional procedure of the uniformed branch of the Massachusetts State Police. In addition, the report devotes considerable attention to related legislative developments, the organization of the uniformed branch, its recruitment methods, alternate promotional procedures and the procedures used in certain selected state police units and federal law enforcement agencies to choose their personnel and to make promotions.

This study originated from the action of a party caucus of the Massachusetts Senate calling for additional data on a pending legislative bill revising the promotional procedures of the Massachusetts State Police. Subsequently the General Court directed this study of the pending proposal.

The Senate has approved another resolve creating a special commission to make recommendations on this issue in the near future; the House has not yet taken similar action.

Organization of the Massachusetts State Police

Historical Development

The Massachusetts State Police is the oldest state law enforcement unit in the United States. Created in 1865, it was made responsible (a) for the enforcement of the State Prohibition Act, (b) for the suppression of vice and gambling, and (c) for the maintenance of order at political and anti-slavery meetings after the Civil War. Subsequently, it was also entrusted with the enforcement of labor laws, with oversight of industrial and public safety requirements, and with various other non-police functions.

With these added responsibilities it lost its efficiency as a police

organization, but the General Court refused to adopt a recess commission report recommending its abolition in 1917. Around this time the need of a new type of police force was developing. The advent of the automobile was spurring an increase in criminal activity and made the policing of rural areas more difficult. From these conditions stemmed the uniformed branch of the State Police which was established in 1921.

Present Status

The Commissioner of Public Safety is the chief executive officer of the State Police and is responsible for the operation of both its uniformed branch and detective division.

The uniformed branch started with an original nucleus of 50 men and has increased to a current agency containing 603 officers. It operates as a semi-military organization, governed principally by rules and regulations, and is not subject to either the Civil Service law or many of the administrative checks that regulate other state agencies. Personnel is distributed among (a) ten bureaus which perform specialized functions, (b) a headquarters command, (c) a training academy, and (d) 31 field stations. In addition, a few men are assigned to special duties serving state constitutional officers and the district attorneys throughout the Commonwealth.

The comparatively small detective division consists of 52 men — all either Captains or Lieutenants. Its work consists of criminal investigations, and fire prevention and related activity. Unlike the uniformed branch, appointments to and promotions within, the detective division are governed by civil service statutes and regulations.

Recruitment By The Uniformed Branch of State Police

Service Entrance

The reputation of the Massachusetts State Police, its paramilitary environment, the diversity and challenging nature of its work, and good pay — all combine to stimulate the enlistment of young men. Of importance also is the liberal retirement program which provides for retirement at an early age that permits the retiree to commence a second career.

To qualify as an applicant to the uniformed branch, he must be:

1. Between the age of 21 and 29;
2. A citizen of the United States;
3. A resident of Massachusetts;
4. Of good moral character and reputation;
5. Of a minimum height of 5'9" and of 150 pounds;
6. Holder of a Massachusetts driver's license; and
7. Able to swim 50 yards.

Written Examination and Physical Test

Applicants for admission to the corps are subject to both written and oral examination and to a physical test. As the basis of its written examination the State Police for many years used the entrance examination for admission to the University of Southern California. Since 1964, however, the Public Personnel Association has prepared this test. At present, such questions are correlated to an IQ of 110, and are designed to determine the general educational qualifications of the applicant in relation to possible police situations. The former passing mark of 70% has been raised to 75%. It may be raised even higher when a considerably greater number of men qualify with at least that minimum mark and hence a greater number of men become available than are required by the immediate personnel needs of the branch.

Physically, each applicant is given a general medical examination and must also pass an agility test, e. g. rope climbing, which was introduced into the recruitment process for the first time in 1964. However, the Commissioner has authority to waive the physical requirements.

Oral Interview Boards

Each applicant has his background and qualifications subjected to investigation among his neighbors, employer, his associates, and other public sources. If the findings are favorable to the candidate, he must then appear for oral questioning by the members of a board composed of four Captains, with the Commandant of the State Police Academy serving in an advisory capacity. This board was first used in the 1964 recruitment program, having been deve-

loped from the recommendation of an industrial personnel consultant. The board has broad latitude in its questioning of the candidate who must obtain a mark of 70% from this screening to qualify for another oral interview conducted by the Commissioner's Board, which usually consists of the Commissioner, Executive Officer and the Adjutant.

Recruit Selection for Admission to Police Academy

Each applicant receives a final mark based on his written examination and oral interviews, and, if that mark is of passing grade he is eligible for certification for admission to the Police Academy. These admissions should be made according to the top qualifiers on the list, but there has been considerable criticism to the effect that political intervention has brought admission of some qualified applicants in advance of other applicants with higher marks justifying early consideration. Such political sponsorship is defended on the basis that any applicant who has succeeded in making the list has demonstrated the potential for enlistment.

After members of the new class to attend the Academy have been designated, the roster remains in force for about a year, although the Commissioner may extend it beyond that period. This class is limited to 50 members by statute, and in the 1964 recruitment program was selected out of 1,500 approved applications.

Academy Training

At the Police Academy the intensive training course covers 14 to 15 weeks, depending on size of the appropriation voted by the General Court. The recruits attend both day and evening classes given by the seven-member faculty of State Police officers with the assistance of over 50 guest lecturers. Class quizzes are frequent. Weekly examinations are followed by both mid-term and final examinations, the latter require a passing grade of 70%.

A weekly evaluation report is prepared by the faculty for each trainee; in addition, squad members rate one another and submit their findings to the faculty.

If an acceptable final passing mark is achieved by an applicant upon completion of the course, he is recommended for enlistment

in the uniformed branch. At least 90% of the class is so recommended and all of the members of some classes have been approved. Enlistments are for two-year periods; by law the enlistment period may not exceed three years. Each new trooper serves an initial six-months probationary period during which he may be summarily expelled, if found unfit for the branch. During his service up to six years, when he acquires tenure, he may be discharged only after a trial. Tenure gives the officer the right to appeal both a trial board verdict and the Commissioner's decision to the district court.

Uniformed Branch Promotions

Promotions within the uniformed branch are governed by agency rules and regulations. The procedure is subject to two basic rules: (a) for all commissioned officers, the Commissioner is the sole appointing authority without restriction, and (b) for non-commissioned officers he is free to accept or reject recommendations made by the troop commanders from the grades just below the rank for which openings exist.

Politics in Promotions

Up to the present decade, promotions in the uniformed unit appear to have been made on merit. In recent years allegations have been quite frequent that political sponsorship has become a prime consideration for advancement. Subject to particular criticism on this score has been the escalation of members who have served as aides to governors and to other constitutional officers, and the creation of additional positions to reward political favorites.

Legislative Proposal

To correct this situation, three legislative proposals were introduced in the present session establishing various requirements for making police promotions. These proposals have been merged in a redraft (House, No. 3745) which provides for a total mark based on the following weighted criteria: (a) a 1% credit for each year of service up to a maximum of 20%, (b) a written examination counting 30%, (c) a performance evaluation history worth 35%, and (d) an oral interview counting 15%.

These criteria govern promotions up to and including the level of Captain. Above the later rank, the above longevity provision is not applicable in the selection of Staff Captains and the Division Inspector and hence the other factors weigh more heavily. The Adjutant and the Executive Officer are exempt entirely from the above factors.

Views on Pending Promotion Proposal

The redraft (House, No. 3745) has received much support in various quarters. Members of the uniformed branch contend, however, that House, No. 3745 is objectionable because of the stress on written examinations and the oral board inquiry.

Views of Uniformed Branch

They urge that, to be effective, the new promotional procedure should be based on longevity, in-grade service and a good performance rating system.

Retired members of the uniformed branch emphasize that something must be done to cleanse the promotion process of the present political considerations. Their suggestions seem to follow closely the above approach of the present rank and file.

Views of Sheehan Committee

This committee was appointed by the present Commissioner to review the promotional method. Initially it favored the establishment of a new procedure by changing the rules and regulations of the uniformed branch. Subsequently, the final report of the committee recommended adoption of all provisions of the current legislation, except for modification of the composition of the oral interview board. The committee strongly favored the conduct of the written examination by an out-of-state personnel testing service, although no official vote was taken on this score.

Recommendations of the Massachusetts Crime Commission

The recent report of Massachusetts Crime Commission states that political considerations often influence advancement in the uniformed branch. To eliminate this undesirable condition this investi-

gative body recommends that the head of the State Police be selected from among professional career men in police administration after written examination and oral interviews. It is urged that a new police head so chosen be appointed for a fixed term of five years, subject to reappointment without examination.

As to promotional aspects, the Commission urges that (a) service in grade (b) longevity, and (c) the recommendations of supervisory personnel, guide the promotion of men up to and including the rank of lieutenant. Senior officers should be chosen primarily on the basis of oral board interviews and performance ratings, the Crime Commission urges.

View of Industrial Management Consultant

The Massachusetts State Police has applied only to its recruitment process the dimension of the readiness of applicants for police responsibility recommended by a consultant in industrial management. This method has been tried out in Connecticut and has evidently been sufficiently successful so that a legislative proposal is being formulated for its mandatory application to the Connecticut State Police promotion procedure. A former Commissioner refused to consider this principle for promotion in the uniformed branch of the Massachusetts State Police.

This management expert stresses that a good performance evaluation system must be governed by proven standards. In addition to emphasis on performance rating, he also favors written examinations and oral interviews and would place relatively minor importance on seniority.

Views of Former Commissioners

Two former Commissioners were personally interviewed during the preparation of this report. Both agree in principle with the pending legislation as the answer to the promotional problem.

A newspaper report states that another former state Commissioner indicated that an in-grade requirement is all that is necessary to improve the present method. According to newspaper sources still another past Commissioner stresses seniority, but may favor examinations as a basis of making promotions.

Application of Civil Service to Both Branches of State Police

The application to promotions within the uniformed branch of the Massachusetts State Police of the civil service process, which is in general use for the state and its localities, rouses almost unanimous objection. It is contended that civil service is geared to mediocrity, dilutes responsibility for personnel management, and undermines discipline among employees. One police authority believes that such a change would be a progressive step if the present Massachusetts Civil Service were improved.

Since 1894, civil service requirements have controlled both appointments and promotions within the detective branch of the Massachusetts State Police. The present head of that division supports civil service, but its workings therein were criticized by special commissions on governmental operations.

Practices of Other States and Federal Jurisdictions

The two concluding chapters of this report describe briefly in turn the promotional procedures (a) of three federal law enforcement agencies, and (b) of state police agencies. The latter discussion is general because of the quick production of this report required by the General Court. However, two state promotional systems are discussed in some detail (Pennsylvania; and anonymously, an "Industrial State A" because information was supplied on that basis).

Three Federal Law Enforcement Agencies

The three federal agencies whose promotional plans for investigative and protective personnel are portrayed in full, include (1) the Federal Bureau of Investigation, (2) the United States Secret Service, and (3) the Metropolitan Police Department of the District of Columbia. Of the three, the Federal Bureau of Investigation is exempt from the Federal Civil Service Law, but the two other agencies come within the scope of that statute.

Federal Bureau of Investigation. Agents of the Federal Bureau of Investigation (FBI) are promoted by the FBI Director, on written recommendation of their supervisors. In such instances, the super-

visor's written recommendation to the Director must be based upon the following factors: (a) the annual performance rating record of each Agent, which is the most important criterion; (b) inspection reports upon the Agent; (c) any letters of commendation or criticism; and (d) educational background. Two further factors of seniority and of veteran status count only when all other considerations are equal. The supervisor's recommendation is reviewed by the personnel assistant to the FBI Director, before presentation to the Director for his final decision.

Since no effort is made by the FBI to grade agents on all of the foregoing promotional elements, no system of weighted grades is used to produce over-all scores for the establishment of eligible lists.

United States Secret Service. The United States Secret Service is subject to the Federal Civil Service Law and to the rules of the Federal Civil Service Commission governing the promotion of personnel. The Commission has delegated to agencies under its jurisdiction the authority to establish "merit promotion plans" which conform to the following six general requirements:

- (1) Each "merit promotion plan" must cover all applicable positions in the promoting agency. Positions must be grouped according to specific criteria, and opportunities for promotion must be made broadly available. Standards applied to promotional qualifications must be at least equal to competitive civil service standards.
- (2) The agency must solicit the views of its employees and their representational organizations before installing or altering its "merit promotion plan."
- (3) That plan must be integrated with other aspects of personnel administration in the agency.
- (4) Employees must be kept informed of promotional procedures
- (5) A grievance and appeal procedure is required.
- (6) The plan must apply systematically and uniformly to all promotional candidates.

Accordingly, the United States Secret Service has established separate merit promotion plans for three of its employee groups, namely: (a) agents, (b) White House Police, and (c) administrative and clerical personnel. The procedures, criteria, elements, and

weights used by each of these plans vary with the various ranks of office. Dominant elements in this process are: (a) performance rating, (b) an "evaluation" of the promotional candidate by his supervisor or by a promotional board, which may use oral interviews; and (c) length of service in specified lower ranks.

Thus, for example, the promotional plan for certain agent personnel bases promotions on supervisory "evaluations" of these agents (60%) and length of service (40%).

District of Columbia Police. Promotions of uniformed and investigative personnel of the Metropolitan Police Department of the District of Columbia are governed by a plan established by agreement between the District Government and the Federal Civil Service Commission. The Commission assists in the administration of certain phases of that plan.

Final competitive ratings for promotion are based on fitness and experience (60%), and practical questions (40%). The former element is determined under a process utilizing (a) initial "fitness and experience" ratings of applicants by their commanding officers, (b) credit for any citations and awards, and (c) an evaluation of such applicants by a promotional rating board. The latter element above, consisting of "practical questions", is graded on the basis of an examination administered by the Civil Service Commission. Appeal procedures are provided for aggrieved applicants.

State Police Agencies

Type and Extent of Promotional Systems. The 50 states vary greatly as to the promotional practices established for their state police (including "highway patrols", "safety patrols", etc.). These variations reflect differences of organizational size and function, and historical and other backgrounds of the individual state police agencies.

Of all the states, 27 subject their state police promotions to constitutional or statutory civil service (merit system) procedures. Such civil service coverage usually does not extend through the entire range of promotional positions of the state police agencies. Thus, for example, Massachusetts includes only its state police detective force within the scope of civil service. Normally, top management positions of the foregoing 27 state police forces are filled

on a non-competitive basis or are fully exempt from civil service coverage.

Another 20 states do not subject their state police to civil service, but instead have established competitive promotional procedures by means of state police agency regulations adopted with gubernatorial approval.

Reportedly, only three states lack any state police competitive promotional systems at all.

Time in Service Requirements. Nearly all states with competitive promotional systems for their state police limit participation in the promotional competition to officers who have served a minimum specified time in the state police force, or in their current rank, or both. There is no uniformity in this practice among the 50 states.

Competitive Promotional Examinations. In states with competitive promotional systems, promotions of state police officers are governed by one or more of the following nine elements:

Competitive Element	No. of States Using Element
1. Written examination or practical test	37
2. Oral examination or interview	35
3. Periodic or special performance rating	23
4. Service rating	10
5. Evaluation of personnel file of candidate	8
6. Evaluation of experience and training	5
7. Seniority (longevity)	27
8. Veterans' preference	at least 13
9. Medical examination	13

When more than one of these elements is used in the examination process, it is the practice to assign weighted values to each element used, such weighted values being expressed in percentages or points. The examinee's grade on each individual element is translated by formula into a weighted percentage or point score on that single element. These separate scores are then added up to produce an overall score for the entire examination. The greatest

weighted values usually attach to the written examination, the oral examination, performance rating and service rating elements.

For the higher state police positions, different elements are often used, along with different assigned weighted values.

As a sample of state weighting practices, the table below presents the weights (in points) given by the Pennsylvania State Police Department to the various elements used in its competitive promotional examinations:

Promotions To	Written Exam	Oral Interview	Service Rating	Seniority	Total Points
Corporal; Sergeant; Detective; Detective Sergeant	70	—	20	10	100
First Sergeant; Lieutenant	60	20	10	10	100
Captain	100	—	—	—	100

The Commonwealth of Massachusetts

STATE POLICE PROMOTIONS

CHAPTER I. INTRODUCTION

Origin of Study

By unnumbered legislative order, a copy of which is printed on the inside of the cover page of this document, the Legislative Research Council was directed "to investigate and study the subject matter of current document numbered House 3745 relative to establishing the procedure for promotions within (the) uniformed branch of the department of public safety." Proposed by Senator Philip A. Graham, Republican Minority Leader of the Senate, the order was adopted by that branch on May 10, 1965, and by the House of Representatives on the following day.

This legislative directive reflects the judgment of a party caucus for the need of added factual data to reach a decision on pending legislation dealing with State Police promotions which had been passed by the House of Representatives without any debate thereon. Legislators and others seek research data relative to promotional systems elsewhere, as a guide in any modification of the promotional system used in the uniformed division of the Massachusetts State Police — a system which has been the subject of much criticism.

Scope of Study

While it appears that major changes in the organizational structure of the Department of Public Safety may possibly result in improved personnel practices within the State Police uniformed branch, this report omits any extended discussion other than brief mention thereof where appropriate on this point.

Instead, the report explores methods of improvement in promotional procedures within the present framework of organiza-

tion. Emphasis is placed on the recruitment process for the unit, its para-military concept, its retirement policy, and other personnel management factors which affect promotional procedures. It presents an extended analysis of the promotional methods used in the state police systems of other states.

In the development of the above material, staff members have conferred as far as time permitted with interested legislators, professional police research groups, academicians in police administration and with others knowledgeable in the operations of the Massachusetts State Police. Among the latter group, the views of two former Commissioners of Public Safety have been solicited as well as those of the present staff officers of the unit, the uniformed branch delegate to the Massachusetts State Employees Association, and some retired members of the force. Prospective personnel improvements were discussed with an industrial management consultant who has conducted specialized personnel tests with State Police units here and elsewhere. Conferences were also held with the ranking officials of two important state police systems elsewhere and two related federal agencies about their promotional procedures.

Legislative Proposals

Study Commissions. The promotional system of the State Police has been almost completely immune from study groups in 44 years of activity. Thus, only two proposals have been submitted for study action in this area, — under House, No. 2082 of 1962, and Senate, No. 551 of 1965. The 1962 proposal was initiated by the then Representative Albert H. Zabriskie and provided for a recess study of the methods and standards for promotion within the uniformed branch. The political considerations associated with such promotions had stirred Representative Zabriskie to action; his proposal was consigned to an omnibus study order for the House Ways and Means Committee which failed to report on this score.

In the present session, Senator James A. McIntyre of Quincy filed a similar measure (Senate, No. 551). Redrafted as Senate, No. 1009 to include expanded commission membership of legislators, the Attorney-General, the Commissioner of Public Safety and public appointees, the measure has been approved by the Senate and

currently awaits action by the House of Representatives. Since it must report by July 15, 1965, such recommendations as it makes will undoubtedly be based on this document.

In its 1938 report covering the Department of Public Safety, the Special Commission on Taxation and Public Expenditures was highly complimentary in regard to the recruitment, promotion and manpower management methods of the uniformed division (House, No. 1707). In discussing the role of salary levels in stimulating State Police enlistments, the Commission states that "apparently the standing of the force in popular esteem, and opportunity for appointment and promotion according to demonstrated merit have been the controlling factors thus far." (p. 26).

Statutory Changes

As indicated above the Legislature has generally refrained from authorizing investigations of promotional aspects of the State Police. However, many substantive proposals have been made to apply new promotional techniques. Most of the proposals have called for placing the division under the state civil service system, with the more recent and pending measures making advancement contingent on some type of merit system.

These measures reflect a belief that the uniformed branch is a politically ridden bureaucracy. On the other hand, it is intimated that the resistance of some Commissioners of Public Safety to political pressure, particularly in the 1930s, motivated others. Moreover, since the uniformed division did not acquire tenure rights until 1947 (c. 407), it was felt in some quarters that job security, advancement, and other benefits could best be attained under civil service auspices.

A total of 21 legislative petitions have proposed placing the personnel administration of the uniformed State Police under civil service jurisdiction. The first proposals on this topic appeared in the 1934 session (House, Nos. 364 and 961), and the most recent in 1962 (House, No. 3104). The large majority of these measures were introduced in the 1930s and early 1940s; only three such measures have been considered by the General Court since 1948.

Basically, these petitions stipulated (1) that all future recruit-

ment and promotions within the uniformed division shall be in accordance with civil service requirements, and (2) that the present membership of the force was to be blanketed under civil service coverage without examination. Over the years, this proposal won passage only once by the House of Representatives, in 1935; in 1936, the House refused to advance the favorable action of the Joint Committee on Civil Service, and since then all proposals in this area have been rejected in committee.

In another development, the failure of the General Court to approve the extension of civil service to the uniformed branch brought an abortive attempt in 1937 to obtain this result by a constitutional amendment through the initiative process. Charging that the joint dismissal of a commissioned officer, a corporal and a trooper constituted a political discharge, police chiefs in two central Massachusetts communities invoked the constitutional procedure. Insufficient signatures nullified their efforts and thus prevented the submission of the petition to the Legislature.

The pending legislative proposals dealing with the establishment of a merit system and the alternatives thereto will be discussed in Chapter III of this report.

CHAPTER II. THE MASSACHUSETTS STATE POLICE

Historical Background

The State Police of Massachusetts constitutes the oldest state law enforcement unit in the nation. Created as the State Constabulary in 1865 with a complement of one Chief Constable and 32 deputies (20 assigned to Suffolk County and one to each of the other counties), its duties were threefold: (1) the enforcement of the state prohibition act; (2) the suppression of vice and gambling; and (3) the maintenance of order at impassioned political and anti-slavery¹ meetings after the Civil War. While applauded for its effective maintenance of order at the latter meetings, the Constabulary became unpopular for rigid enforcement of the prohibition law.

¹ These anti-slavery meetings were related to agitation for the ratification of the Thirteenth Amendment to the U. S. Constitution, abolishing slavery. That amendment took effect on December 18, 1865.

In 1875, the Constabulary was reorganized by statute as a State Detective Force, consisting of a Chief and 30 detectives (c. 15). This unit, precursor of the present State Detective Branch of the State Police, was required to aid the Attorney-General and the District Attorneys in their suppression of crime. In the following year it was also assigned enforcement of the labor laws, and safety inspection of factories and public buildings, — functions which were later transferred to other divisions of the Department of Public Safety. Several years later this Detective Force became the Massachusetts District Police and was assigned various additional activities.

A hodgepodge of responsibilities, including such duties as enforcement of the fishing laws, checking entertainment licenses, and making investigations, markedly reduced the efficiency of this force of 125 men as a police agency. Accordingly, the General Court passed a resolve in 1916 calling for a special commission study of reorganizing the District Police into a new State Police Force (c. 92).

The broad investigation which followed recommended a new State Commissioner of Police to supervise the operation of all police units, local and otherwise, according to unified standards and procedures of law enforcement. The commission proposed abolition of the District Police with transfer of detective and police functions to the Commissioner, and of inspectional duties to other non-police agencies. It also recommended that the new Commissioner consider the feasibility of an automobile and motorcycle rural patrol (a) to patrol the highways, (b) to enforce the automobile laws, (c) to protect thinly populated sections, and (d) to prevent and prosecute rural crime.¹ However, the General Court failed to adopt any of the above recommendations.

Following the Constitutional Convention of 1919, the General Court established the Department of Public Safety, within which the District Police became a Division of State Police. (Executive Reorganization Act of 1919, c. 350).

¹ *Report of the Special Commission on Constabulary and State Police*, House, No. 539 of 1917.

The Uniformed Branch

With the advent of the automobile, criminal activity increased and the policing of rural areas in particular became more difficult. The General Court therefore directed the Commissioner of Public Safety and the Adjutant General to explore the possibility of establishing a state police force (Resolves of 1920, c. 40). In response, these officials proposed a uniformed police patrol of 140 men (two troops of 65 men each, plus Lieutenants and Captains).¹ As a result, the Legislature approved a corps of 50 men, thereby establishing the uniformed branch of the State Police (G. L. c. 22, s. 9A; Acts of 1921, c. 461).

The Department of Public Safety consists of the four Divisions of (1) State Police, (2) Fire Prevention, (3) Inspections, and (4) Subversive Activities, — all serving under the Commissioner. In addition eight boards deal primarily with industrial and public safety; two of these Boards concerned with (a) Fire Prevention Regulations, and (b) Standards, are not subject to the administrative control of the Commissioner. Likewise, the State Boxing Commission is also a part of the Department but not under the Commissioner's control.

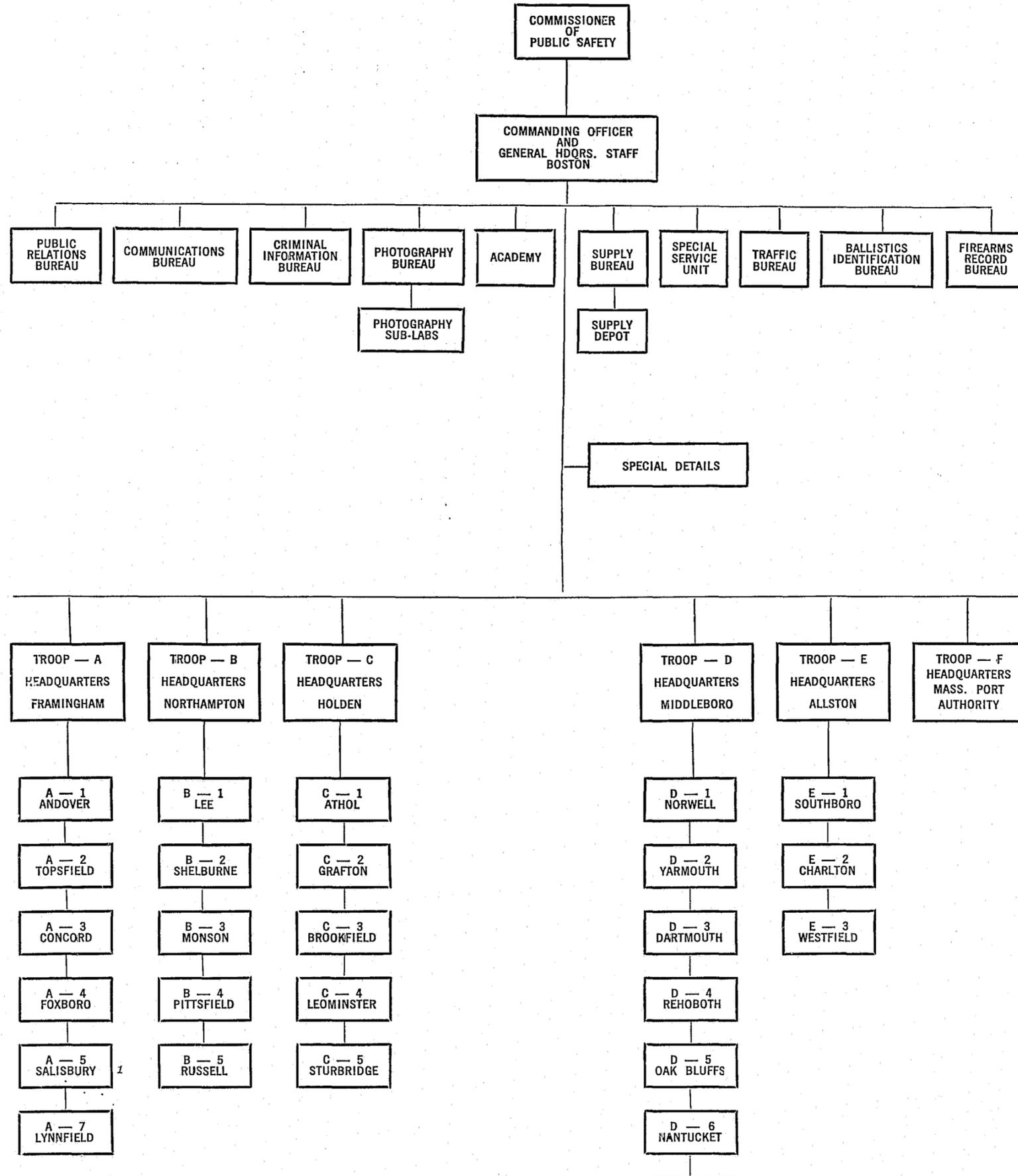
The Division of State Police is under the immediate charge of the Commissioner of Public Safety; an arrangement subject to some administrative criticism. It consists in turn of (a) the uniformed branch, headed by an Executive Officer (a Lieutenant-Colonel), and (b) the detective branch, with a Captain in command. Past suggestions that the detective branch be merged within the uniformed branch have not been adopted.

The uniformed branch consists of a general headquarters staff in charge of ten bureaus and six sets of field troops, as shown on the accompanying two-page chart. Of the ten bureaus, only the Criminal Information Bureau is prescribed by statute (G.L. c. 22, s. 3A; Acts of 1955, c. 771; G.L. c. 147, s. 4C). The other bureaus have been created to provide efficient law enforcement in line with modern police practice.

To provide for crime prevention and detection, and for the increasing demands of traffic enforcement, the uniformed branch

¹ *Report of the Adjutant-General and the Commissioner of public Safety on the Establishment of a State Police Force*, House, No. 280 of 1921.

Table 1
 ORGANIZATION OF STATE POLICE UNIFORMED BRANCH



has been authorized to provide a current complement of 522 officers and men.

By statute, State Police service must also be furnished to both the Massachusetts Turnpike Authority (G.L. c. 22, s. 9H; Acts of 1955, c. 552) and to the Massachusetts Port Authority (G.L. c. 22, s. 9K; Acts of 1959, c. 274). The respective Authorities must assume the financial costs of the salary, retirement and other fringe benefits of the manpower assigned — 66 members of the uniformed branch to the toll road, and 21 members to the Port Authority. Since these 87 officers on special Authority details are not included among the 516 persons shown to be on the State Police payroll in the following Table 2 the total enlisted personnel of the uniformed branch adds up to 603 members. Beyond this total, 137 civilians are permanently employed to fulfill the administrative, clerical and maintenance requirements of the uniformed branch.

As initially proposed, the uniformed branch is still organized as a semi-military unit. Troop details live in a scattered system of barracks and a chain of command is in control which closely follows the pattern of a military organization.

The first Commissioner of Public Safety was General Alfred P. Foote, World War I Commander of the 104th Infantry Division, and many of the State Police serving under him were World War I veterans recently retired. Among his successors, at least three Commissioners have had both active and reserve service as high-ranking military officers although they have not been professional soldiers. After World War II, enlistment in the uniformed branch attracted many ex-servicemen and thus the rank and file of the unit consists in large measure of individuals who are familiar with the vigors of military regimentation.

Statutory control of this unit is at a minimum, and relates mostly to enlistment, tenure, salary, hours of duty and retirement aspects. For the most part, the unit is governed by rules and regulations promulgated by the Commissioner with the approval of the Governor. Periodic changes in those rules have been of a limited nature since the last major revision and recodification which occurred in 1958. Neither the Executive Office of Administration and Finance nor the Division of Personnel and Standardization exercise any authority over the uniformed branch. As will be discussed later,

TABLE 2

Uniformed Branch Roster, May 1965

<u>State Police Designation</u>	<u>Authorized Strength</u>	<u>Number On Payroll</u>
Lt. Col. & Executive Officer	1	1
Major & Adjutant	1	1
Capt. and Civil Defense Officer	1	1
Capt. & Division Inspector	2	20
Capt. & Supply Officer	1	1
Captain	10	7
Lieutenant	23	25 ¹
Staff Sergeant	20	20
Technical Sergeant	17	18 ²
Detective Sergeant	10	9
Sergeant	24	34 ³
Special Officer Sergeant	24	16
Corporal	50	50
Policewoman	7	5
Trooper	331	326
Total No. Members	522	516

¹ Two Lieutenants in lieu of Captain.

² One Technical Sergeant in lieu of Detective Sergeant.

³ Eight Sergeants in lieu of Special Officer Sergeant
Two Sergeants in lieu of Policewomen.

the administration of the recruitment, promotion and other personnel problems of the unit is not subject to the state civil service law.

Detective Branch Organization

As has been indicated the detective branch of the State Police was created by statute long before the uniformed branch, and was organized with a maximum of 30 men, headed by a Chief Detective. The detective unit has gone through many reorganizations and now consists of 52 members, i.e. four Detective Captains and 48 Detective Lieutenant Inspectors.

The work of the branch is two-fold: (1) criminal investigations, and (2) fire prevention and related activities. Detectives must possess the versatility for either assignment.

The criminal work is headed by a Captain of Detectives with a command of 26 Detective Lieutenant Inspectors. Of this total,

three detectives are assigned to General Headquarters, and all the others to the various District Attorneys, to the Attorney-General and to branch offices of the Department of Public Safety throughout the state.

As to fire prevention and related activities a State Fire Marshal supervises the activity of a Captain and 22 Lieutenant Inspectors; of this number, eight work out of General Headquarters in Boston and the remainder out of offices located throughout the Commonwealth.

Unlike the personnel of the uniformed branch, members of the detective branch are subject to the state civil service law and regulations. Civil service protection was first provided them in 1894. The fact that the branch is a comparatively small unit has meant that comparatively few vacancies occur, and that changes in the civil service requirements have been few in number.

During the early part of this century, almost any type of police work established eligibility for admission to the detective branch. In fact the limited nature of such qualifications, it is reported, developed situations whereby hotel and house detectives were able to obtain civil service certification.

The Commissioner of Public Safety refused to appoint men of small calibre, and from the early 20's to 1945 (when passage of Acts of 1945, c. 704 applied the civil service provisions of G.L. c. 31, s. 20 to the detective branch) agency appointments and promotions were made either (a) by non-competitive civil service examinations open to the uniformed branch, or (b) by transfer from the uniformed branch by administrative order, with subsequent statutory provision of civil service protection for the beneficiaries.

By administrative action in 1955, the Director of Civil Service applied the following entrance requirements:

- (1) *Age* — 25 to 45 years.
- (2) *Training and Experience* — At least five years of related experience within the last ten years of applicant activities, including at least one of experience in the grade (1) of corporal in the Massachusetts State Police, or (2) of sergeant in the Metropolitan District Police or in local municipal police systems, or (3) of lieutenant in a fire fighting force, or (4) of full-time service as a special agent of the Federal Bureau of Investigation or the United States Secret Service.

A legislative proposal of 1961 would have limited eligibility for appointment to detective to uniformed members of the State Police

with permanent status (6 years) and would have advanced the maximum age to 50 years; the proposal was rejected by the General Court (House, No. 1511).

The maximum examination mark is five points, of which training and experience qualifications count for two points, and the written examination three points. Applicants must attain a passing grade of 70% in each category to be certified.

Pros and Cons of Civil Service for the Detective Branch

The issue of applying civil service status to the state police detective has been the subject of much debate and comment. In considering the prevailing systems of state police personnel management in use in other states, it must be remembered that their detective branches are not separate from the uniformed unit as is the situation in this Commonwealth. Further, about one-half of the 50 states stipulate civil service coverage for all law enforcement personnel within their state police ranks, except certain technicians and top management personnel.

In a study published 40 years ago relative to the administration of state police organizations, the noted police authority, the late Bruce Smith, lamented the Massachusetts distinction between the uniformed and detective divisions. He emphasized that such organization was unique and that because of its civil service requirements Massachusetts was not free to select its detectives from the uniformed branch, — the best possible source.¹

Removal of Massachusetts State Police detectives from civil service provisions was unsuccessfully urged by the Special Commission on Taxation and Public Expenditures in 1938. This commission reported:

“ . . . it will prove desirable to abandon civil service control for all future additions to the detective force and to recruit the latter by temporary assignment from the uniformed branch. Practical police experience in a uniformed force is one of the best means of preparing for successful criminal investigation.” (House, No. 1707).

Dissatisfaction with the results of civil service was expressed in the findings of the Special Commission on the Structure of the

¹ Bruce Smith, *The State Police*, The McMillan Co. 1925.

State Government of 1952 (Little Hoover Commission).¹ The Commission stated that inadequate credit is allowed for the training and experience which members of the uniformed branch achieve. Indirectly this Commission suggested that civil service has denied the Commonwealth the best possible detective force, because high-rank officers of the uniformed branch have been handicapped in competition with their contemporaries in the cities and towns. The extra credit allowed the latter local officers for the rank they hold is denied to the State Police officer because he is not under civil service.

Finally, many Commissioners have opposed the application of civil service within the detective division because responsibility is said to be weakened by many refinements, and by the procedures in effect for appeals.

On the other hand, the application of civil service relative to detectives is defended by the present head of the detective branch who formerly served in the uniformed division. Among advantages, he cites the avoidance of inbreeding, the development of a more representative police force, and the special knowledge, contacts, etc., relative to the criminal element provided by recruits from municipal police ranks. Many potential aspirants enjoy civil service protection in their local departments and it is said that the loss of civil service would make appointment to the detective bureau less attractive.

Lastly, it is reasoned that the working conditions of the detective division — the type of work performed, less hours of duty, subordination of the semi-military concept, etc. — vary considerably from those of the uniformed group. The failure of the uniformed branch to install a civil service system it is argued should not be used to discredit the success of that procedure in the detective division.

Recruitment of Uniformed Branch

When the number of vacancies in the uniformed branch has reduced its membership considerably below its authorized strength, funds to undertake a recruitment program must be sought from the General Court. The recruitment program, including training

¹ *Ninth Report of the Special Commission on the Structure of State Government*, House, No. 2400 of 1952.

classes at the Police Academy in Framingham, requires five months. Activities are planned so that classes commence either in the month of March or in early autumn.

Enlistment Attractions

Many reasons motivate young men to seek enlistment in the Massachusetts State Police. As the oldest state law enforcement agency, its long history and tradition spur candidates for enlistment. It is considered to be one of the most modern and efficient of such agencies in the nation, and therefore attracts candidates who desire to develop their capacity for law enforcement work.

Because of the wide diversity of state police work and the variety of assignments, a greater appeal arises to avoid the monotony of restricted local police work. Undoubtedly, the attractive pay schedule influences others although there is definite evidence that some candidates suffer a personal financial loss through enlistment.

Finally, the *esprit de corps* of the service with its quasi-military environment are considered influencing factors, along with a liberal retirement system making it possible for a retired member to start a second career.

Basic Qualifications. By statute the exclusive control over admissions to the uniformed branch is placed with the Commissioner of Public Safety (G.L. c. 22, s. 9A). In only two ways is that authority restricted, — first by limiting admissions to persons from 21 to 29 years of age; this requirement may, however, be waived in the case of special enlistments, such as the selection by a Governor of a civilian as his personal aide or bodyguard. Second, there is the statutory limitation of recruit training to a maximum of 50 member classes (G.L. c. 22, s. 9A). Hence, the fundamental terms governing enlistments are determined by rules and regulations of the uniformed branch.

As preliminary qualifying conditions, the application of a potential trooper must be that of a person who:

- (1) Is between the ages of 21 and 29;
- (2) Is a citizen of the United States;
- (3) Has been a resident of the state for at least one year;
- (4) Has good moral character and reputation;

- (5) Is well proportioned physically (Minimum height of 5' 9", and weight of 150 lbs.);
- (6) Has a valid, non-restricted Massachusetts license to operate a motor vehicle; and
- (7) Is able to swim at least 50 yards.

The Application. Each candidate must submit a completed four-page application form to the Police Academy in Framingham, with an attached copy of both birth certificate and military discharge, if a veteran. In addition to basic personal information, the application requires educational, occupational, military, financial and other facts about the candidate. The application is pre-numbered and contains sections for the individual's photograph and right thumb print; the number is used to conceal the identity of each applicant during written examinations. The general experience of recent years is that the average applicant is about 23 years of age, a high school graduate with one-two years of college, a former serviceman, and is athletically inclined.

The Written Examination. Approximately three weeks after his application is approved, the aspirant is subjected to a written examination. Formerly, the examination was conducted simultaneously at various locations throughout the state. At this time the examination is given all candidates in a single auditorium, such as the Commonwealth Armory or Boston Garden. Such central examinations not only simplify administrative problems, but provide a psychological advantage. In the face of much confusion, commotion and controlled disorder, the prospective trooper must be able to think clearly and respond with accurate decisions in unpredictable situations. Centralized examinations are believed to demonstrate these necessary attributes.

The purpose of the written examination is to ascertain the general educational qualifications of the applicant. As has been indicated, a high school diploma or an equivalency certificate is not a scholastic prerequisite for membership in the uniformed branch. The examination is correlated to an IQ of 110, and must be completed in an hour. Unlike the preparatory texts available for candidates for local police forces regulated by civil service, there is no printed matter embracing the subject content of the test for these candidates.

For a 15-year period prior to 1964, recruiting officials used an examination which was identified as the entrance test for admission to the University of Southern California. When copies thereof became accessible in many large libraries, this particular test was discontinued. Upon recommendation of a management analyst, the division now uses examinations prepared by the Public Personnel Association of Chicago. Since four different examinations are supplied by that Association, the same examination is not continually reused — with the result that re-applying candidates who had failed in past performances will now be subject to wider interrogation and testing ranges.

This new examination measures the individual's general educational qualification to meet certain police situations. Thus, from illustrative material the student may be asked to describe a scar on the accompanying criminal's face or indicate the directional approach of a vehicle in a simulated automobile accident.

Formerly, the passing mark was 70%. This requirement has been raised to 75% and an even higher minimum mark may be used when preliminary grading shows that the number of successful candidates exceeds the demands for future personnel quotas. Examinations are corrected by data processing methods applied by the Framingham school department. An unsuccessful candidate may subsequently examine his paper and compare his answers with those desired, but there is no procedure to appeal his grading.

Physical Examinations. The candidate's physical condition is checked in two ways: (1) an agility test to reveal physical dexterity and endurance, e.g., rope climbing, broad jumping, etc.; and (2) a general medical examination, similar to the standard military test. The agility test was first used in 1964 to weed out physically fit candidates who nevertheless are unable to meet the arduous physical requirements of typical state police work. However, the Commission has statutory authority to waive the physical requirements when advisable. Candidates are notified immediately at the physical examinations of their successes or failures.

Oral Interview Board. Prior to the appearance of each applicant for an oral interview, a non-commissioned officer of the uniformed branch makes an extensive background investigation. For this

purpose he meets with the applicant's wife, neighbors, employer, etc., and checks relevant records at the local police headquarters, probation department, Registry of Motor Vehicles, and at other official agencies.

The oral interview is conducted by a board consisting of four Captains and the Commandant of the State Police Academy, as a non-voting member. This board was recommended by a management specialist who had reviewed the recruitment process. First used in 1964 it provides a more scientific method for evaluating candidates for state police work. This system of judging the candidate's maturity on the basis of established criteria of expression and effectiveness has been successful in formulating personnel policy in the Connecticut State Police, and in both the Boston and Syracuse Police Departments.

The Oral Interview Board exercises wide latitude in its interrogation. Each member must then rate the applicant. If these ratings average at least 70%, the applicant qualifies for the next step, examination by the Commissioner's Board. If the applicant's ratings average below 70% he is dropped.

The Commissioner's Board. The membership on this board varies but frequently consists of the Commissioner, the Executive Officer and the Adjutant. As in the case of the previous board, the Commissioner and his associates are not limited in their questioning. The candidate is likewise graded on this interview.

Selection to Academy. Final marks are then determined by averaging the results of written exams and of the oral interviews by the two boards, and a list is established with the names of candidates arranged in the order of their overall final grades.

Up to this point, there has been very little opportunity for political considerations to apply, and it is hoped that the presence and results of the newly established Oral Interview Board will foreclose any chance of political advantage. However, unfortunately there is evidence that political considerations do have some bearing in the actual selection of men for recruit training at the Academy.

The ideal assignment of the fifty candidates admitted should be based on the order of their standing on the list. But one school of thought defends the policy of departing from this order of listing

among the successful candidates on the grounds all of them have demonstrated the requisites for a good trooper, and they differ from one another only in the matter of degree. It is argued that differences between these listed candidates may merely mean that one or more of them had an "off" day at his board interviews and thus seriously impaired his final mark. Provisions for this and other subjective considerations would justify departing from the standings on the list, it is alleged. Yet no system is perfect, and to give weight to this sort of objection can easily make a mockery of the whole carefully conducted evaluation system.

Other commentators discuss political intercession possibilities in terms akin to the nomination of individuals to the military service schools by members of Congress. However, this analogy is not proper as the individuals nominated must subsequently pass an entrance examination to the chosen school.

After assignments are drawn for the Academy, the list remains in force for approximately one year but the Commissioner may extend its life.

In general, reactions to the recruitment process of the Massachusetts State Police have been favorable. As time goes on, it is hoped that the experience of the Oral Interview Board will strengthen the method. Except for the period in the mid-thirties when civil service proposals were frequent, the recruitment system has been relatively free of legislative attack, and laudatory comments have accompanied the findings of study commissions.

However, the Massachusetts Crime Commission mildly criticizes the recruitment procedure.¹ In addition to retaining certain existing requirements, its draft legislation proposes (a) that the applicant have a high school diploma or an equivalency certificate approved by the Commissioner of Education, (b) that he be allowed to appeal his oral examination mark to a higher board within the uniformed branch, and (c) that of the final grade, the written and oral examinations shall count for 60% and 40% respectively.

Emphasis in some quarters has been placed on psychological testing as a necessary step in a strong recruitment policy. Proponents of this view are convinced that the stereotyped pattern

¹ *Fifth Report, Massachusetts Crime Commission, May 17, 1965.*

of written and oral examinations has advanced very little since its inception with the London Metropolitan Police over 130 years ago.

Officials of the Massachusetts uniformed branch view such psychological testing unfavorably. They stress that this method was tried about ten years ago and was found wanting. Similar adverse opinions are held by the executive personnel of other state police units. A management consultant who has studied the Massachusetts procedure indicates that psychological testing is both unnecessary and undesirable.

The following table reflects the impact of the various stages of the 1962 and 1964 recruitment campaigns:

TABLE 3

State Police Recruitment, 1962 and 1964¹

Stage of Recruitment Process	1962	1964
Applications disseminated	3508	4353
Applications approved	2000	1500
Appeared for written exam	1408	1009
Passed written exam	550	293
Appeared for physical exam	513	177
Passed the physical exam	345	148
Appeared for agility test	NA ²	241
Passed agility test	NA ²	177
Appeared for oral board	344	142
Passed exam of oral board	342	119 ³
Appointed to 1st Class	45	50
Appointed to 2nd Class	50	— ⁴

¹ No recruitment conducted in 1963.

² Not applicable.

³ Two oral boards — 1st one comprised of 4 Captains — 23 disqualified by this board. 119 appeared before the second board which determined the final rating. Second Board consisted of the Deputy Commissioner and Executive Officer.

⁴ 50 Applicants appointed to the Academy — No additional class appointed.

Police Academy Training. All of the candidates who have been selected usually accept appointment to the class. Occasionally a successful applicant may renounce his appointment but such action is usually due to factors beyond his control, such as the pending discharge of a soldier being postponed because of a national emergency.

The training course at the Academy runs for 14 or 15 weeks depending on fiscal appropriations. A seven man faculty of commissioned or non-commissioned personnel is in control, assisted by approximately 50 guest lecturers who are expert in some phase of law enforcement.

The trainee's schedule is vigorous. Eight hours are devoted to classes during the day and another 1½ hours to instruction a night. Moreover the trainee must devote another hour to compulsory study each evening. He is subject to class quizzes and an examination on the course subject matter each Saturday. He is rated by his fellow students for leadership and other qualities, and the faculty prepares a weekly evaluation report. Gigs and demerits penalize attendees for unbecoming conduct and attitude. Mid-term brings a comprehensive exam and in the final exam a grade of 70 is necessary.

A composite grading mark is determined upon completion of the course, and each trainee is recommended for enlistment solely on this basis. In some classes all members graduate; generally at least 90% of the group successfully complete the training. Trainees deemed to be unfit may be eliminated at any time and no replacements are made after the third week. The longstanding and traditional policy of refusing reinstatement to an expelled trainee was breached in 1964 when the Commissioner of Public Safety was ordered by the Governor to reinstate a trainee in response to the demand of a Governor's Councillor.¹

If qualified graduates exceed the number of available openings, those not immediately appointed are nevertheless retained on an eligible list. Experience shows that all graduates are usually appointed within a year.

Service Appointment. Enlistments are for two-year periods. The new trooper is assigned to a troop and for the first six months he is on a probationary status during which his immediate superior prepares a monthly evaluation report. If events indicate he is unfit for service in the State Police during this period, he may be summarily discharged. Until he acquires tenure after serving six years, he may be discharged upon findings of a trial board after

¹ Fifth Report, Massachusetts Crime Commission, May 17, 1965, p. 38.

ratification by the Commissioner. A member having achieved tenure rights may appeal the Commissioner's decision to his local district court (G.L. c. 22, s. 9A, Acts of 1947, c. 407).

By order of the Commissioner of Public Safety, the trooper's work week was temporarily reduced from 100 to 92 hours in 1964, and by statute he is permitted one day off in four (G.L. c. 22, s. 9D). A new trooper starts at a salary of \$5,491 (Grade 13) and receives \$6,958 after six years. He may retire after 20 years or at age 50, whichever comes first.

CHAPTER III.

MASSACHUSETTS PROMOTIONAL PROCEDURE

Laws and Regulations

The statutes establishing the uniformed branch of the Massachusetts State Police contain no provisions on promotional requirements or procedure. Full authority on this score is vested in the Commissioner under his statutory power to make rules and regulations "for the discipline, organization and government of the force" (G.L. c. 22, s. 9A).

On this basis a promotional process has been set up which is governed by the following rules, of which the last two are of doubtful significance:

Rule 4.8. All commissioned officers of the Uniformed Branch shall be appointed by the Commissioner upon such conditions as he may fix and determine. All officers so appointed must have been enlisted by the same procedure as that prescribed for other members of the uniformed branch, except that the Colonel or Commanding officer need not be so enlisted.

Rule 4.9. Non-commissioned officers shall be appointed from the next grade inferior of the Uniformed Branch by the Commissioner. The Commissioner shall call upon the Executive Officer and the Troop Commander for recommendations for promotion to the various non-commissioned grades.

Rule 10.91. Members of the Uniformed Branch shall not request the aid of any person outside the Uniformed Branch to have them transferred to any assignment from which they have been removed by order of a superior officer, or to have them promoted to a higher rank in service; nor shall they knowingly permit any petition to be presented by citizens in their behalf requesting such transfer, restoration or promotion.

Rule 20.1. Members of the Uniformed Branch shall be subject to trial . . . for (f) causing or procuring any person to directly or indirectly solicit or request the Commissioner or any superior officer to take any action by way of advancement or promotion in behalf or for the benefit of any member of the Uniformed Branch.

Background of Promotions Within the Ranks

Upon teletype or other notification that vacancies have arisen among non-commissioned officers' positions and the rank of Lieutenant, troop commanders must submit their recommendations for promotions within the ranks to the Commissioner. The commanders are not informed of the specific location of any vacancy to be filled, though that information is quickly available through the "grapevine" and other sources. Troop commanders are not furnished with any list of candidates from among whom nominations must be made. Furthermore they are not restricted to the personnel within their own commands in making these recommendations.

The commanders are subject to no standard criteria, and may exercise wide discretion in making their selections. It is stated that the performance evaluation record of each employee recommended for promotion is a factor in decisions by commanders. However, the service folders of such enlisted men are kept in the station or troop to which they are now assigned, and are not readily available to a commander who wishes to recommend a man now serving in another command for promotion on the basis of prior service under his jurisdiction. In such cases the knowledge entering into the recommendation may have become obsolete relative to leadership and supervisory qualities of the officer concerned. Moreover, in the absence of a specific system of grading, enlisted men are undoubtedly recommended by different commanders on the basis of unrelated, or even conflicting, factors.

The rules specify that the Commissioner shall seek recommendations, but he may arbitrarily discard them and make entirely independent selections. In practice, the Commissioner usually confers with the Executive Officer and he may conduct a further investigation of the recommended people before reaching a final decision.

With reference to the promotions of commissioned personnel,

the Commissioner has complete dominion under Rule 4.8. He need not confer with his immediate subordinates if he wishes to make a completely unilateral decision without regard for promotions "from the next grade inferior" required under Rule 4.9, relative to the promotion of non-commissioned officers. Obviously this approach increases political hazards by placing the Commissioner so greatly under the desires of the Governor who has appointed him.

Political Considerations

When the uniformed branch of the State Police was organized, both the Adjutant-General and the Commissioner of Public Safety emphasized "that the greatest care should be taken to eliminate political consideration."

This admonition was heeded during the early development of the corps, according to the first Executive Officer, Captain George A. Parker. He asserts that the promotions were then made strictly on the basis of recommendations from within the branch. His superior, Commissioner of Public Safety Foote, refused to promote a member of the force in whose behalf political pressure had been asserted even though the individual did not know that such was the case. Despite the fact that the Commissioner had originally decided to promote this particular member, he declined to do so because he felt that the integrity of the force was at stake.¹ In connection with early promotions to the rank of corporal and sergeant, there is evidence that they only occurred after successful results in written examinations relative to related laws and departmental administration, and after appraisal of satisfactory qualities of personal leadership.

The charge that political pressures were being brought to bear in the promotions of members of the uniformed force seems to have first appeared in the mid-thirties when numerous legislative proposals were filed to place the uniformed branch under civil service. On the other hand, the evidence on this allegation is confused by the statements made in the subsequent 1938 report of the Special Commission on Taxation and Public Expenditures praising as meritorious the promotional system then in use (House, No. 1707).

¹ Bruce Smith, *The State Police*, The MacMillan Co. 1925.

Politics were probably of little consequence in the making of State Police promotions in the early 40s and in the immediate post World War II era. This opinion is supported by the fact that in 1942 the Executive Officer was chosen after a (1) written examination, (2) an oral interview with a board of out-of-state police officials, and (3) the favorable recommendation of a three-man special committee consisting of the Attorney-General, the Commissioner of Public Safety, and the retiring Executive Officer.

All officers of the rank of corporal or higher were eligible to seek this post. Forty-two members of the uniformed force took the written examination — of the twelve who attained passing marks, seven were corporals, four sergeants, and one a lieutenant with the highest mark who was appointed. This list remained in force for some time and was used to fill vacancies by promotion. Among those who passed the above written examination with a median mark was a corporal who at the time was the personal aide to the Governor.

The year 1953 has been pegged by one political writer in the State House¹ as the starting point for political manipulation of promotions in the uniformed branch. This development must not be interpreted as placing all State Police promotions under a cloud of suspicion; but episodes of recent years certainly indicate that many promotions are undoubtedly affected by political considerations.

Thus, one Commissioner of Public Safety is quoted as receiving 300 requests for promotion of political favorites within the first three weeks of his taking office. This Commissioner defends the promotion of aides of Governors and other constitutional officers to high rank because he believes that observing government operations of many sorts develops improved police attributes. Moreover he states that these promotions serve as compensation for the long working hours in these special assignments.

The limited time allowed for the preparation of this report has precluded a full search for evidence as to the potency of political influence at this time in the promotion of State Police officials. However, it is clear that the present staffing within the State Police seems to indicate that political assistance is certainly no handicap

¹ Thomas Gallagher, *The Boston Traveler*, August 11 and 18, 1964.

to obtaining promotions. Thus, out of six staff officers now active, at least three have served as aides to a Governor, to a constitutional officer, or to a Commissioner. And of ten Captains, one-half have had similar past service.

Evidence cannot be cited at this time to prove the gossip and rumors picked up during the preparation of this report. Thus men who have had "State House" service or other political power are said to have ascended to the rank of Lieutenant after comparatively short service. Temporary ratings with increased financial benefits are alleged to have paid off political debts in many instances. Persons without the requisite technical proficiencies have nevertheless been promoted to work in laboratories and other specialized bureaus, particularly in the troop stations.

Some police personnel enjoyed a meteoric rise from their initial enlistment. Others have gone through an extended period without change until sudden rapid escalation suggests that possibly they had located a political benefactor. Certainly the jumping of grades has not been uncommon, and double promotions by separate orders within one or two days are noted. Separate troops are said to have been established merely to accommodate the promotions of political favorites.

Among other developments, one Commissioner, upon taking office, rescinded the actions of his predecessor and filled surplus high ranking positions. A State Police captain was assigned to night duty answering a telephone at headquarters, only to be returned to duty at the State House upon the change of political party control. And, lastly, newly appointed captains have been placed second in command of troop headquarters notwithstanding departmental regulations to the contrary.

Evidently these conditions have motivated the special legislative scrutiny being given at this year's session to state police personnel problems.

Pending Legislation

To help correct existing conditions, three legislative proposals were filed for consideration at the present session of the General Court. Two of these proposals (House, Nos. 2016 and 2202, introduced by Representatives John J. Navin and William Longworth,

respectively) may be described as "longevity" bills, and the third (House, No. 417, the petition of Representative Paul J. Cavanaugh) is concerned with establishing a merit system. The following text discusses the pertinent features of these proposals.

House, No. 2016. This measure proposes that promotion to the respective grades indicated would be conditioned on the stated minimum years of State Police service:

<i>Promotion to:</i>	<i>Minimum Length of Service</i>
a) Corporal	3 years
b) Sergeant	5 years
c) Lieutenant	10 years
d) Captain, Major and Lt. Colonel	15 years

In-grade stipulations are omitted and thus the bill is ineffective in thwarting delayed but later rapid escalation, and double promotions.

House, No. 2202. The three salient features of this bill are: (1) the prohibition of initial advancement of members unless they have six years of tenure; (2) a minimum service period of two years within each police grade before promotion may occur to the next higher rank; and (3) the denial of time spent as an aide to a constitutional officer as creditable service. The above features would establish the following time requirements for promotions:

<i>Promotion to:</i>	<i>Minimum Length of Service</i>
Corporal	6 years
Sergeant	8 years
Lieutenant	10 years
Captain	12 years
Major	14 years
Lt. Colonel	16 years

Like the above House, No. 2016, this measure omits any control over promotions to temporary grades. Further, its denial of promotions to State Police officers serving as aides to constitutional officers has been criticized as too stringent.

House, No. 417. Basically, this proposal stipulates that the Commissioner promote from among those applicants with the three

highest marks who have passed a written examination prepared by the Commissioner. The bill contains no further standards. It would be advantageous to the man who has the faculty of writing good examinations.

House, No. 3745. After considerable study of promotional methods here and in other state's police units, Representative Cavanaugh submitted a substantially revised version of his original measure to the Committee on Public Service (House, No. 3603). This proposal was subsequently approved by the committee in the form of House, No. 3745. As indicated, this proposal would be referred to a study commission under a pending resolve approved by the Senate (Senate, No. 1009).

An extended discussion of House, No. 3603 is omitted inasmuch as it differs from House, No. 3745 in only three respects. Thus, the former specifically gives authority to the Commissioner to prepare the written examination; a passing mark of 70% is prescribed; and the averaging of performance evaluation reports is required.

The chief characteristics of the latter measure and their respective weights, are:

- (1) A written exam which is to be open to those with one year's service in the next lower grade (30%);
- (2) Performance evaluation as determined by those superiors under whom the aspirant had served in the two-year period prior to the examination (35%);
- (3) An interview before an oral board, composed of Massachusetts State Police officers, or out-of-state officer personnel of a rank higher than the position open (15%)
- (4) A longevity credit of 1% per year of service, subject to a maximum of 20%.

The above requirements would govern all promotions up to and including the rank of Captain. For Staff Captain and the Division Inspector (Captain) the same procedure would be followed but with different percentiles assigned to the various categories as follows:

<u>Nature of Test</u>	<u>Weight of Credit</u>
1. Written Examination	40%
2. Performance Evaluation	30%
3. Oral Interview	30%

The bill empowers the Commissioner to appoint an Adjutant (a Major) from the next lower grade, and an Executive Officer (a Lt. Colonel) from the next two lower ranks.

Other important features of H.3745 relate to the (a) abolition of temporary grades; (b) limitation of the Commissioner's appointing authority to the three listed candidates who have attained the highest total mark, with notice of declination and the reasons why the unsuccessful men were passed over, (c) the disclosure of examinations through departmental orders, and (d) the following longevity provisions:

<u>Promotion to:</u>	<u>Minimum Length of Service</u>
1. Corporal	4 years
2. Sergeant	6 years
3. Staff Sergeant	8 years
4. Lieutenant	10 years
5. Captain	12 years
6. Staff Positions	14 years

This redraft, popularly identified as the Cavanaugh bill, has attracted support from many sources which are conversant with existing promotional conditions in the uniformed branch. Some persons disagree with certain provisions, but nonetheless support the measure as a step in the right direction.

Newspaper articles refer to support from the uniformed branch, but it is much more likely that the uniformed branch provides most of the opposition to the measure. This opposition reflects the opinion of certain members who defend the status quo, and of other members who admit that reform is necessary, but believe that the pending measure is not the right step. The legislation is opposed on these varying grounds:

- (1) Its provisions go far beyond civil service requirements;
- (2) A written examination is unnecessary;
- (3) Disproportionate weight is given to the examination;
- (4) Politics will still be a force under its provisions;
- (5) The bill does not help those who are now being overlooked;
- (6) The Commissioner can control the examination and regulate attendant procedures;

- (7) It is based on the Connecticut system which is currently under attack; and
- (8) Its provisions are impractical for the State Police organization.

Sheehan Committee Report

Shortly after taking office in December 1964, the present Commissioner, former Senator Richard R. Caples, appointed a committee to study the uniformed branch promotional procedure. The committee was headed by Professor Robert Sheehan, Chairman of the Department of Law Enforcement of Northeastern University in Boston. Its membership included Judge Otis M. Whitney, a former Commissioner of Public Safety; Chief Philip Purcell of the Newton Police Department; District Attorney Matthew Ryan of Hampden County; and Lieutenant James J. Foley of the Massachusetts State Police who is the elected uniformed branch delegate to the Massachusetts State Employees Association.

In February of 1965, the committee rendered a preliminary report to the Commissioner calling for the immediate establishment of a promotional system through changes in departmental rules and regulations. Two months later — in early April — the committee filed another report proposing statutory changes which are almost identical with the provisions of House, No. 3745. However, some members dissented from particular provisions within the document.

The most important variation related to the staffing of the Massachusetts oral interview board with officers from other state police organizations. Moreover, the committee expressed sentiment for the preparation of the written examination by an out-of-state private personnel examining service, although no official vote was taken on this question.

Lieutenant Foley of the State Police dissented from the committee's action in terminating its business, and contended that other reform procedures should also have been explored. Accordingly, he voted in favor of the final report but only as a secondary means of solving promotional problems.

To date Commissioner Caples has taken no action on the committee report.

The Views of Police Delegate and Retired Officers

The following text is devoted to the views of Lieutenant James J. Foley who represents the uniformed branch personnel in the Massachusetts State Employees Association. Foley discounts as pure speculation any reports that the employee representatives from the various troops have prepared a promotional plan. In view of his long service as employee agent, his minority views may be interpreted as being those of the rank and file in the State Police.

Lieutenant Foley frankly admits that strong political ties have helped many men to advance in the uniformed branch, particularly those officers assigned to serve the Governor, and other constitutional officers. To obtain such coveted assignments, enlisted personnel have been known to take their vacations to assist a gubernatorial candidate from one of the two parties.

On the other hand, the Lieutenant believes that the various Commissioners must share much of the responsibility for the political atmosphere that has developed in the police service. Being political appointees, the Commissioners look beyond their service in the Department to a judicial post or to some other attractive executive position. On this score, he believes a decided improvement in departmental morale and efficiency would result if a career man or professional police administrator were to be appointed as top commandant of the force.

Lieutenant Foley criticizes the Sheehan Committee for limiting its considerations to House, No. 3745. He opposes the bill as written and he indicates that a poll of the 31 troop stations shows similar opposition. The lone exception to this general opposition is the Northampton troop which does not enthusiastically support the proposal, but nevertheless considers it to be a step in the right direction.

In large degree this opposition is predicated on the lack of emphasis on seniority and job performance as promotional standards. The Lieutenant is especially critical of written examinations as favoring that portion of the State Police which has conventional working hours at Headquarters, at the State House, and at the offices of the District Attorneys, and therefore has greater opportunity to study. He maintains that once the native ability and

intelligence of an adult man is established in police work written examinations are superfluous.

Similarly, the Lieutenant frowns on oral interview boards, particularly when their discretionary power is so broad. Competing candidates appear before different boards and are not judged on common grounds. In support of this observation, Lieutenant Foley cites the allegedly incongruous decisions of oral boards in the Connecticut State Police system which are now being challenged in the courts. He urges that the use of out-of-state police officers to serve on such Massachusetts boards be discouraged as these visitors do not know the needs and problems of the uniformed branch of the Massachusetts State Police.

Police promotions are urged on the combined basis of seniority and in-grade service and good performance evaluation. To apply seniority, the Lieutenant suggests the longevity requirements which are indicated for the various police ranks: for Corporal, 6 years; for Sergeant and Special Officer Sergeant, 8 years; for Staff, Detective and Technical Sergeant, 10 years; for Lieutenant, 12 years; and for Captain, 15 years. After a list of eligibles is established, the Commissioner should be allowed to select from the top five ranked applicants.

For Staff Captains, he urges that the Commissioner be given complete authority to select from all Captains in the corps who have served at least two years in grade; and for Major to have the same authority to select from Captains and Staff Captains generally. The position of Executive Officer, he believes, should be filled by automatic promotion of the Adjutant. The Lieutenant proposes that the Commissioner have exclusive appointment power at this level in order that he may attract loyalty and confidence among those highly ranked officers who must exercise responsibility for the everyday operation of the branch.

The retired members of the uniformed branch also insist that reform in the promotional system is vital. In general, their views parallel the above approach which emphasizes the use of seniority and of service in grade as major criteria.

Views in 1965 Report of the Massachusetts Crime Commission

In the light of its recent investigation of the Department of

Public Safety, the Crime Commission criticizes promotions within the uniformed branch as often resulting from political sponsorship.¹

Among various police recommendations, the Crime Commission urged a major reorganization of the Department, and the absorption of both the Metropolitan District Police and the Registry of Motor Vehicles by the State Police. Similarly, the Commission proposes changes in executive and personnel management areas of the State Police. Thus, it recommends that the Commandant of the State Police be selected by its proposed new three-member Commission on Public Safety on the basis of a written exam and oral interviews whereby the professional qualifications of all aspirants for the post would be analyzed and determined. The successful candidate would be appointed for a term of five years and may be reappointed without examination. His removal for misfeasance, malfeasance or willful neglect of duty would be controlled by the State Administrative Procedure Act (G.L. c. 30A).

Relative to promotions within the uniformed branch, the Commission's suggested procedure is spelled out in the following extract from its proposed legislation filed with the General Court:

Section 10. Ranks, ratings and promotions in the uniformed branch.

"The non-commissioned and commissioned officers in the uniformed branch shall be corporals, sergeants, staff sergeants, lieutenants, captains, staff captains, two majors and a colonel. Officers and non-commissioned officers performing special duties may be given special designations to indicate their duties but such designations shall not affect their ranks or ratings.

"Promotions shall be made to the next higher rating or rank only. No trooper shall be eligible for promotion to corporal until he has served as a trooper for six years. No corporal or member of the uniformed branch holding any other rating or rank shall be eligible for promotion to the next higher rating or rank until he has served two years with the rating or rank from which he seeks promotion.

"Promotions up to and including the rank of lieutenant shall be made as follows: —

"From time to time when they deem such action deserved or when they are ordered to submit recommendations for promotion to ranks or ratings up to and including the rank of lieutenant, officers in command or in charge of a troop, bureau, or other unit of the state police, and their superior officers, shall submit to the police director recommendations for the promotion of those men under their command or supervision whom they consider worthy of promotion. When the police direc-

¹ *Fifth Report, Massachusetts Crime Commission, May 17, 1965*

tor considers that one or more promotions should be made, he shall appoint three commissioned officers in the uniformed branch to act as a promotion board and shall refer to them the recommendations he has received which relate to the promotions to be considered. After investigation into the merits of the recommendations, the promotion board shall select therefrom and shall submit to the police director nominations for promotion. The police director shall make the promotions under consideration from those so nominated.

"Promotions to ranks above lieutenant shall be made by the police director from the candidates recommended as qualified for promotion by an examining board consisting of a staff captain or major in the uniformed branch and two officers serving in the state police of New Jersey, Pennsylvania, Connecticut or Rhode Island, each of such two being from a different state police force. Such officers shall be designated by the heads of their respective state police forces. The special examining board shall conduct interviews and shall give due consideration to service records and experience. The board shall indicate by marks the relative standings of the qualified candidates. A single promotion shall be made from the top three qualified candidates having the highest marks. If more than one promotion is to be made at the same time, the number of candidates eligible for selection shall be increased above three by one candidate for each promotion over one that is to be made. Such candidates shall be added in the order of the marks given by the examining board.

"Examinations for promotions to ranks above lieutenant shall be open to all officers who have served at least two years in the rank below the rank for which the examinations are held.

"If a promotion is made within twenty-four months prior to the date on which a member of the state police retires, for the purpose of determining the amount of his retirement pay he shall be deemed to hold on retirement the rating or rank held before such promotion."¹

As indicated, the Commission would require no written examinations as part of the promotional process. Elevation to ranks as high as the grade of Lieutenant would not vary greatly from the present system, except for the requirements for in-grade service and longevity. However, under the Commission's proposal, the arbitrary power to reject recommendations would be eliminated. Since the Commandant or Police Director would be chosen because of his professional attainments and would not be responsive to political pressures, the Commission evidently deems that statutory safeguards in the form of detailed administrative requirements are unnecessary.

Relative to promotions of senior officers, the proposed staffing of the examination board with officers from other states so they constitute the controlling majority, will undoubtedly provoke con-

¹ Op. cit., p 44.

siderable objection. And the Commission's further proposal to bar promotions within two years of retirement is criticized as unequitable and impractical.

In summary, the Commission's total promotional method is based on longevity, oral boards and performance rating.

View of Industrial Consultant

An industrial consultant, Hrand Saxenian, of Concord, Massachusetts, first became officially associated with the operations of the State Police when he conducted a study of their budgetary and fiscal practices in 1957, at the invitation of the then Governor Foster Furcolo. This work developed his interest in that agency and he suggested to the then Commissioner Otis M. Whitney the application of proven industrial personnel theories, so as to measure the maturity and effectiveness of State Police personnel. The Commissioner then granted Mr. Saxenian permission to apply his test in an advisory capacity to twelve experienced corporals of the uniformed branch. The test is based on the theory that the extent to which a man expresses his own convictions while still bearing in mind the thoughts and feelings of others (i.e., "expression") serves also to indicate how effectively he will work both alone and with others when under pressure (i.e., "effectiveness").

The Saxenian test findings for these corporals are reported as having matched very closely the opinions of their superiors of their relative effectiveness as police officers. So did the findings of a later study of recruits at the State Police Academy when compared with the ratings of Academy staff who had observed the recruits over a 15-week period. As a result, these criteria are now being used by the Oral Interview Board to measure the prospective recruit's readiness to accept the responsibilities of police work.

The possibilities that good results might emerge from the application of this theory to State Police promotions was considered by former Commissioner Frank S. Giles, but he relinquished his duties as Commissioner before deciding on this matter. His successor, former Commissioner Robert MacDonald, took no further steps and is said to have deferred to the wishes of certain ranking officers who opposed a study of this technique as part of promotional procedure.

Meanwhile, this formula has also been tried out in the promotional processes of the Boston Police Department, the Syracuse (N.Y.) Department and the Connecticut State Police. Among various generally favorable comments, Commissioner Leo J. Mulcahy of the latter Connecticut force describes the Saxenian formula as a "statement of the intuitive 'gut feeling' one has of another's trustworthiness," and as helping his state make progress towards three important goals: (1) greater uniformity in ratings of comparable performance (2) increased tendency to give more high or low ratings when deserved; and (3) greater openmindedness both in the periodic performance evaluation and in actual daily police supervision.¹

This consultant suggests modification of present promotional practices for the Massachusetts State Police system on the basis of the following general outline:

1. Written examinations which emphasize the responsibilities of the position, questions of criminal law and administrative practices — to be given a weight of 25%.
2. Performance evaluation based upon effective criteria and standards — to be given a weight of 50%.
3. An oral interview board, a minority of which shall be police officers from other states to benefit from their lack of personal prejudices — to be given a weight of 25%.

Allowing credit for seniority has important morale advantages and should be given additional weight, according to Mr. Saxenian. He concurs with the longevity credit in House, No. 3745 — the proposed one point for each year of service — to be added to the total of the above scores.

Views of Former Commissioners of Public Safety

To determine the views of men heretofore in charge of the administration of the State Police, staff conferences were held with two former Commissioners of Public Safety, one of whom served some years ago and who requests anonymity.

¹ Hrand Saxenian and Major Victor J. Clarke, *Objectivity in Performance Evaluation*, 9 pp. In memorandum presented at New England State Police Administrators' Conference in April 1965. Major Clarke is associated with the Connecticut State Police.

This former Commissioner indicates that political pressures arose during his service but were invariably resisted. He laments the deterioration in the uniformed branch due to the political manipulations of promotions. While he believes that changes in the rules and regulations of the uniformed branch would be preferable, he states that the pending legislation appears to be a measure worthy of support.

The other former Commissioner, Judge Otis M. Whitney, indicated that statutory changes are necessary to eliminate political preferential treatment. He concurs in the report of the Sheehan Committee, but recommends that the proposed new four-way promotional formula be weighted as follows: (1) longevity (30%); (2) performance rating (30%); (3) written examination (25%); and (4) oral board examination (15%).

The promotions made in 1964 by former Commissioner Robert MacDonald were violently criticised. He is quoted in a newspaper article as defending the present system as fair; and states that promotions made were based on the recommendations of responsible officers who supervise the individuals concerned.¹ At that time the only modification he favors is a requirement that before a member may be promoted he must have a stated minimum length of service in the next lower grade.

Former Commissioner Frank S. Giles stated that seniority was his prime consideration in making appointments. However, a newspaper interview quotes him as then probably also favoring promotional examinations.²

Civil Service for Uniformed Branch

Approximately 10,500 police officers in the 39 municipalities and in 131 towns are under civil service coverage. The pertinent provisions for appointment and promotion are mostly governed by general statute (G.L. c. 31, s. 20), and by the regulations of the Massachusetts Division of Civil Service. However, many local police forces are covered by special statutes.

Some informed sources doubt the advantages of civil service for police personnel, particularly in making police promotions. Thus,

¹ *Christian Science Monitor*, August 25, 1964.

² *Boston Globe*, August 19, 1964.

the late Bruce Smith, a former distinguished police expert, moved part way in that direction in the following statement:

"One of the greatest handicaps suffered by the merit system as now practiced is that its mechanisms and processes are largely concerned with a personnel of mediocrity. Rarely is there provision for ways and means by which a real career in higher posts can be quickly achieved by qualified men."¹

Among the local sources interviewed by Bureau staff with respect to placing the recruitment and promotional procedures of the Massachusetts State Police under civil service only one individual, Professor Robert Sheehan of Northeastern University, has indicated a somewhat favorable reaction. He favors civil service for the uniformed branch but only if the major deficiencies which he finds in the present general civil service statutes are corrected.

All opponents including legislators, consultants, departmental administrators and study groups generally agree that a para-military concept of the uniformed branch calling for a young, flexible and highly disciplined unit cannot be maintained under basic requirements of civil service.

The 1917 Special Commission on the Constabulary and State Police strongly urged that all local police forces be placed under civil service. However, in its discussion of the rudimentary precursor of the uniformed branch — the rural and motorcycle patrol — the Commission omitted any endorsement of civil service for that body.

As has been indicated, various legislative study commissions have expressed dissatisfaction with the functioning of civil service within the detective branch.

CHAPTER IV. FEDERAL PRACTICES

This chapter outlines the promotional practices of three federal law enforcement agencies, two of which are subject to requirements laid down under the Federal Civil Service Law by the United States Civil Service Commission. The three federal agencies are (1) the United States Secret Service, (2) the Federal Bureau of In-

¹ Bruce Smith, *Police Systems in the United States*. N.Y., Harper and Brothers, 1949.

vestigation, and (3) the Metropolitan Police Department of the District of Columbia.

Promotional Practices of Federal Civil Service Law

Federal departments and agencies subject to the Federal Civil Service Law are allowed to establish their own "merit promotion plans," subject to guide lines laid down by the Federal Civil Service Commission. The relevant regulations of the Commission are published in its *Federal Personnel Manual* (c. 335). They stipulate that such plans must conform to the following six general requirements:

(1) Each "merit promotion plan" must be developed and administered for all applicable positions in the promoting agency. The plan must group positions according to specific criteria; must utilize qualification standards meeting competitive civil service requirements; must provide open promotional opportunities for a maximum practicable number of candidates; and must use reasonable qualification and evaluation standards.

(2) The agency must consult with individual employees and with employee organizations, to get their views before installing or altering a "merit promotion plan."

(3) The promotional plan must be integrated with other aspects of agency personnel administration.

(4) Employees must be kept informed of promotional procedures in the "merit promotion plan."

(5) The plan must include an intra-agency grievance and appeal procedure.

(6) The plan must apply systematically and uniformly to all promotional candidates.

Under such a "merit promotion plan" for its civil service personnel, a department or agency may utilize one or more of the following qualifying steps: (1) written tests, (2) performance rating,¹ (3) interviews, and (4) evaluation of training and experience of candidates for promotion. As a result there must be established

¹ For an extended discussion of performance rating systems, see: Mass. Legislative Research Council, *Civil Service Performance Rating*, House, No. 2655 of 1959, Boston Mass., 110 pp.

a list of candidates for promotion who are ranked as "qualified," "well-qualified," "best qualified," or in any other number of categories. The promoting officer must make his selection from among the three candidates at the top of that list. Veterans' preference, which is accorded on a mandatory basis only in original recruitments into the civil service and in lay-offs, does not apply to promotional grading.

Agency "merit promotion plans" need not be approved by the Civil Service Commission before they take effect, but they are subject to review by Commission inspection teams. Agency employees aggrieved by actions taken under an agency plan may appeal to the Commission for relief; and in the course of settling these disputes, the Commission examines the plan for compliance with the above six general requirements.

This delegation of promotional authority to many federal departments and agencies became necessary with the tremendous expansion of federal personnel during the Great Depression and after World War II, to its present level of over 2.4 million personnel. Such delegation has been approved by Congress.

Promotional Practices of U. S. Secret Service

Origin and Functions

The United States Secret Service was established as a Division within the United States Treasury Department in 1865 to combat widespread counterfeiting of currency during the Civil War. Today, it functions as: (a) the Department's principal investigative arm for enforcement of laws relating to counterfeiting, forging, certain aspects of foreign exchange and of safe deposit insurance; and (b) the agency primarily responsible for protecting the President, Vice-President and others in the presidential line of succession.

The Secret Service Division is commanded by a Chief who is responsible to the Secretary of the Treasury. The 870-member Division is organized in (a) a 70-member unit guard which protects the Treasury buildings and vaults, (b) a White House unit of 225 members, and (c) 575 personnel assigned to the headquarters offices and 59 district offices of the Secret Service. The latter district offices are headed in every instance by a District Supervisor; and they are grouped in a total of four area offices, each of which

is commanded by an Inspector. The 870 employees of the Division are subject to the Federal Civil Service Law; about 60% are investigative and protective personnel, and 40% are clerical and other non-investigative personnel. The appropriation requested by the Secret Service for fiscal 1966 was \$11.5 million.

Recruitment and Training of Personnel

The Secret Service recruits its personnel through the civil service system administered by the Federal Civil Service Commission.

Applicants for appointment to agent positions must take a non-competitive qualifying entrance examination and must be college graduates. After three years of satisfactory service, such new agents may be given full civil service status on recommendation of the Chief of the Secret Service and the Secretary of the Treasury.

Applicants for appointment to non-agent positions are chosen on the basis of competitive entrance examinations, and must meet other educational standards. Veterans preference is reflected in ten points added to the examination mark of applicants who are disabled veterans, and in five points so added in the instance of non-disabled veterans.

New investigative and protective personnel receive intensive training in specialized schools of the Treasury Department. This training is supplemented later on by other in-service training programs of the Secret Service.

Promotions of Agent Personnel

Separate merit promotion plans have been established by the Secret Service, pursuant to the above cited requirements of the *Federal Personnel Manual* of the Civil Service Commission, for (a) agent personnel, (b) White House Police, and (c) administrative and clerical personnel. The first two of these plans are described in this chapter.

The merit promotional plan for agent personnel applies to promotions subsequent to the initial non-competitive "promotion" of new agents, which is little more than a salary increase reflecting their improved work performance, and readiness for increased responsibility as determined by performance rating reports by supervisors.

An agent must have served at least two years following that initial non-competitive promotion before he may be considered for competitive merit promotion to positions in the next higher rank. This merit promotion is based upon an overall merit promotion grade given to each candidate for promotion, according to the following weighted elements: (a) his length of service (30%); (b) his record of training in certain schools of the Treasury Department (10%); and—most important—(c) an “evaluation” report by his supervisor (60%). That “evaluation” is in the form of a performance rating report which requires the candidate to be graded as “outstanding,” “above average,” “average,” or “below average” with regard to 20 aspects of his performance during the preceding 12 months.

Candidates are then listed in order of their overall marks, with the upper five to ten candidates being designated as “best qualified” (depending on the total number of candidates on the list). This eligible list is transmitted to the Secret Service Promotional Advisory Board, which consists of five top-ranking officers of the Division, for review, adjustment if need be, and a recommendation to the Chief of the Secret Service who then makes his promotional choice. Medical examinations of candidates may be required. Any candidate for merit promotion may appeal his non-selection for promotion to the Director of Personnel of the Treasury Department whose decision is final.

Competitive merit promotions to positions in the next four succeeding higher ranks of agent personnel follow a similar procedure, except that training is no longer included as a separate weighted element in overall grading. A weight of 40% is attached to length of service, which must include a specified number of years of service by the candidate in his current or previous rank or position. The “evaluation” of the candidate, which is performed by his supervisor, or directly by the Promotional Advisory Board in certain instances, has a weight of 60%. That evaluation includes a performance rating similar to that described previously, except that it is not confined to a 12-month period; the evaluating authority must take into consideration, also, awards and commendations in the personnel file of each candidate.

Promotions to the three higher agent ranks at the top management level are made by the chief of the Secret Service without use of grading or marking. These promotions are made largely on the basis of the experience of promotional candidates under consideration, and on the recommendation of the Promotional Advisory Board.

Promotions of White House Police

Promotions to the ranks of Sergeant and Lieutenant in the White House Police are made by the Chief of the Secret Service on the basis of an eligible list prepared by an Evaluation Board. The board consists of the Major (commanding officer) and seven other non-commissioned or commissioned officers.

Promotions to Sergeant are made from among the Privates in the White House Police. To qualify for consideration, such Privates must (a) have at least five years of service and (b) be among the 20 Privates having the highest annual performance rating scores (above 70%) as determined by their supervisors. Each of these 20 Privates is interviewed by the Evaluation Board, each member of which evaluates the candidate on an evaluation form using trait rating techniques. The individual scores by the eight board members are then averaged to produce a score for the candidate. An eligible list of candidates, in order of their marks, is then transmitted to the Chief of the Secret Service for his decision.

A similar procedure is followed in promoting Sergeants to Lieutenant, except that there is no requirement of a given number of years service in the former rank.

Promotions to Captain or Inspector are made from among those officers who have served as Lieutenants for at least one year. The Major commanding the White House Police, with the assistance of his deputy, evaluates all qualified Lieutenants, and lists them in descending order of preference. This eligible list, supported by a summary evaluation report upon each candidate, is transmitted to the Chief of the Secret Service for his action.

The Chief of the Secret Service makes his promotional selections from among the top three candidates on the relevant eligible lists. The promotion of any person further down on the list must be justified in writing by the Chief. Employees aggrieved because of

actions taken under the promotional plan may appeal to the Director of Personnel of the Treasury Department, whose ruling is final.

The rank of Major is a staff position, which is filled by the Chief of the Secret Service in accordance with the merit promotion plan for agent personnel.

Promotional Practices of Federal Bureau of Investigation

Origin and Functions

The Federal Bureau of Investigation (FBI) was established in 1908 as the investigative arm of the Department of Justice. It is responsible for the investigation of violations of over 170 federal statutes applicable to such matters as (a) crimes on federal property and against federal officials, (b) espionage, (c) kidnapping, (d) pursuit of felons who flee across state lines, (e) interstate racketeering and transportation of stolen property, and (f) federal election laws and civil rights laws. The FBI also compiles crime statistics and furnishes requested technical assistance to state and local law enforcement agencies. It is not a prosecuting agency; that function is performed by the Justice Department through its regional United States Attorneys, with FBI help.

Not included within the jurisdiction of the FBI is the enforcement of laws relating to customs, drugs and stimulants, the Internal Revenue Code and Post Office problems and previously described laws enforced by the U. S. Secret Service.

The FBI operates through more than 50 regional offices commanded by Agents-in-Charge responsible to the FBI Director, who is appointed by the Attorney-General. Its 1966 budget request seeks an appropriation of \$165.3 million to provide for 14,700 positions of which about 6,000 are "Agent" investigative positions, and the remainder are administrative and technical positions.

Recruitment and Training of FBI Personnel

The FBI maintains its own recruitment, training and promotional system for its personnel, independent of the civil service law. However, it is bound by the Performance Rating Act of 1950 which requires federal agencies, with but 13 exceptions, to establish performance rating plans for the administration of their personnel,

subject to approval by the Civil Service Commission and to regulations of that Commission (PL. 873, 81st Congress). Great emphasis is placed by the FBI on professional standards of police work and administration.

Special agents are recruited on a non-competitive basis through the Personnel Office of the FBI. Candidates must be either (a) attorneys or (b) certified public accountants, a requirement that automatically establishes higher educational standards. In addition, candidates must pass satisfactorily a personal interview, medical examination, and an exhaustive security check. Following appointment, the new special agents receive 14 weeks of specialized training in Washington and at the FBI Academy in Quantico, Virginia.

Non-agent employees are recruited on the basis of satisfactory tests, training and experience, a personal interview, and a security check.

Because the FBI functions as an intelligence agency, its recruiting program emphasizes not only the vocational or professional competence of applicants, such as might be tested under civil service procedures, but also personal characteristics not ascertainable by civil service routines. These latter characteristics include the candidate's sense of discretion, mental stability, loyalty, alertness, learning capacity, and willingness to work under difficult circumstances.

In-service training is provided by the FBI to its agent and non-agent other personnel, who are also encouraged to avail themselves of higher educational opportunities.

Promotions of Special Agents

Agent (investigative) personnel are promoted by the FBI Director on written recommendation of their supervisors.

When a vacancy occurs or a new position is created, the relevant supervisor reviews the personnel record folders of agent staff members in the grade below that position, whose performance and experience qualify them for promotional consideration. The supervisor's written recommendation to the Director must be based on the following elements contained in every agent's folder: (a) the performance rating record of the agent, which is prepared annually in March by his supervisor, and also whenever he is transferred;

(b) reports on the agent by the inspectors sent out annually by FBI headquarters; (c) letters of commendation or criticism; (d) his educational background, including special courses taken, language proficiency, etc.; and (e) both the seniority status and military records of the agent, which are important only when other factors are the same. The supervisor's recommendation is reviewed, at FBI headquarters by the personnel assistant to the Director and by the Director (who makes the final promotional choice).

The performance rating reports upon the employee are the most important promotional consideration, and are used also in qualifying special agents for their step-rate increases in salary and for discharging those who fail to perform satisfactory work. The FBI performance rating plan is authorized by the Performance Rating Act of 1950, which lays down certain minimum requirements for such plans. Currently, the FBI uses a performance rating plan which merges adjectival trait rating with substantiating evidence methods.

The work of each agent employee is rated by his immediate supervisor annually by March 31st, which requires the supervisor to mark the agent employee as "outstanding," "excellent," "satisfactory" or "unsatisfactory" as to the following 25 elements; (1) personal appearance, (2) personality, (3) work attitudes, (4) physical fitness, (5) resourcefulness, (6) forcefulness, (7) judgment, (8) initiative, (9) planning ability, (10) accuracy, (11) industry, (12) productivity, (13) professional knowledge, (14) technical skills, (15) investigative ability, (16) surveillance ability, (17) weaponry, (18) development of informants and sources of information, (19) reporting ability, (20) performance as witness, (21) executive ability, (22) ability on dangerous assignments, (23) organizational interest, (24) ability to work under pressure, and (25) certain miscellaneous abilities.

On the basis of all these considerations, the supervisor must then rate the *overall* performance of the special agent as:

1. "Outstanding," which exceeds "excellent" and deserves special commendation. For such a rating, all 25 specific elements must be rated "outstanding," and each such element rating must be backed up by a narrative statement on the back of the rating form.

2. "Excellent," which means that the employee must not be rated "unsatisfactory" on any of the 25 specific elements of performance, and must have an "excellent" or "outstanding" rating on a majority of them.
3. "Satisfactory," which connotes "good or very good," the category in which most special agents normally fall.
4. "Unsatisfactory."

Any element rated "unsatisfactory," and any general rating of "unsatisfactory," must be supported by a narrative statement by the supervisor.

The supervisor's performance rating report is submitted to the agent employee being rated for his examination and initialing; and the supervisor must discuss with that employee appropriate steps to improve the latter's job performance. If an agent employee receives an overall rating of "unsatisfactory," he is given 90 days in which to bring his performance up to acceptable standards, and he is denied any salary increase. If he does not improve as demanded, he may be transferred or he may even be dismissed from the service.

Promotions of Non-Agent Personnel

Promotions of non-agent personnel, such as technicians and clerical employees, are based on a different performance rating plan, adjusted to the type of work concerned. As in the case of agent personnel, the non-agent plan affects promotions, salary increases, disciplinary transfers and dismissals. The promotional plan for non-agent personnel seeks to base promotion on ability and performance, rather than seniority.

Promotional Practices of District of Columbia Police¹

Promotional examinations for the Metropolitan Police Department of the District of Columbia are conducted by the Federal Civil Service Commission, by arrangement between that Commission and the District Government. The procedure utilizes the

¹ This text digests the following document: Government of the District of Columbia, Metropolitan Police Department, *Procedure to be Followed in Promotional Examinations Held by the United States Civil Service Commission for the Metropolitan Police Department, D. C.*, March 23, 1958, 4 pp. mimeographed.

services of (1) a Civil Service Advisory Board composed of Deputy Chiefs of Police and Inspectors and (2) two Promotional Rating Boards (one for uniformed personnel, composed of Deputy Chiefs; and one for investigative personnel, composed of Deputy Chiefs and Inspectors). The Civil Service Advisory Board is established by the District Commission on recommendation of the Chief of the Metropolitan Police. The two latter Promotional Rating Boards are established by the Chief.

Initiation of Examination Procedure

When vacancies occur or new positions are created to which promotions must be made, commanding officers are directed to prepare a rating on the "fitness and experience" of each subordinate who applies to take the promotional examination. The relevant supervisor must submit an individual rating for each member of the command. That rating is prepared on a form which reflects the service record of the applicant for examination, and provides narrative statements made by the supervisor. The Commanding Officer then confers with his officials at length to rate each member of his command.

Commanding Officers in turn present the units' final ratings to the Inspectors in command of their units for review. The ratings are then submitted to the appropriate Promotional Rating Boards at a meeting at which the Inspector and the Commanding Officer must justify each rating to the satisfaction of the members of the Board. The Board then rates each member who wishes to take the promotional examination. After the Board makes its rating, its members give additional credit, as approved by the Chief of Police, to personnel cited for meritorious service. The latter additional credit is only given in present grades and is not carried between grades.

Each member of the Department taking a promotional examination is provided with his two fitness and experience ratings in a sealed envelope prepared initially by the commanding officer and the Inspector, and finally by the Promotional Rating Board. Dissatisfied officers have five days to appeal to the Appeal Board (same officials as Promotional Rating Board) with their Inspector and commanding officer also present. The member who is appeal-

ing submits evidence to justify his request for an increase in his rating. If the rating was changed by the Promotional Rating Board, its chairman so informs the member making the appeal. After a full hearing, the Appeal Board decides the fitness and experience rating of the member. When appeals have been completed all ratings are forwarded to the Chief of Police, who makes the final decision and sends it to the United States Civil Service Commission prior to the date of the examination.

At the direction of the Chief of Police, all applicants for the promotional examinations for Lieutenant and Captain are personally interviewed by one of the two Promotional Rating Boards. These interviews are held prior to assignment of fitness and experience ratings and are taken into consideration with the ratings delivered by the Inspectors and Commanding Officers. At a future date, these personal interviews may be enlarged to take in all applicants for promotion in the Department.

Preparation for the Promotional Examination

With the approval of the District of Columbia Board of Commissioners, the Chief of Police then appoints a Civil Service Advisory Board. By agreement between that Board and the Federal Civil Service Commission, the questions for the examination are prepared as follows:

(a) Each Deputy Chief submits 25 questions with answers; each Inspector 20 questions with answers; and each Captain 15 questions with answers, or a total of 690 questions and answers. The U. S. Civil Service Commission also furnishes questions based on the regulations and on administrative competence.

(b) From all questions submitted, the Civil Service Advisory Board selects at least 300 questions covering the District of Columbia Code, the Police Regulations, the *Manual* of the Metropolitan Police Department, Traffic and Motor Vehicle Regulations, and certain General Orders issued by the Metropolitan Police Department.

(c) From this list the Examination Division of the U. S. Civil Service Commission then selects approximately 120 questions to be used in the promotional examination. The selection of questions by the Examination Division of the U.S. Civil Service Com-

mission is with the understanding that, if a question or answer is changed, the entire question must be referred to the Civil Service Advisory Board to determine whether the regulation or law that was used in the construction of the question still applied. If so, the question will be approved.

Rating of the Promotional Examination

The final rating for promotion allots 60% to fitness and experience, and 40% to practical questions. Papers are graded by both the Police Civil Service Advisory Board and the U. S. Civil Service Commission without a final mark being assigned. Each applicant must appear at U. S. Civil Service Commission offices on a specified date to examine his answers and the grade assigned each answer.

If the applicant believes that some answers merit higher grades, he may enter an appeal in writing within ten days to the U. S. Civil Service Appeal Board. That body investigates thoroughly the questions appealed, and reports to the Civil Service Advisory Board which submits an advisory opinion as to whether the appeal is justified. Final action is taken by the U. S. Civil Service Commission which furnishes the Metropolitan Police Department with a list of eligibles for the various positions.

The Chief of Police must recommend to the District of Columbia Board of Commissioners one of the top three applicants to fill the vacant position.

Out-of-Line Promotions

Whenever a highly specialized position is vacated, the Chief of Police forwards a recommendation to the U. S. Civil Service Commission, with justification, selecting a well-qualified eligible from the promotional list affected. The Commission has been approving such promotions with the proviso that those promoted would not receive seniority in grade until the officers preceding them on the list have been promoted. Out-of-line promotions cannot be made on the basis of outstanding or meritorious service. Such service can be recognized only at such times as fitness and experience ratings are assigned to participants in promotional examinations.

CHAPTER V.

PROMOTIONAL PRACTICES OF OTHER STATES

Limited Scope of Chapter

This chapter describes the promotional practices of the states as reported (a) in the responses of 38 states to inquiries of the Legislative Research Bureau concerning their state police, and (b) tentative data presented in a survey of all 50 states by the International Association of Chiefs of Police in 1963. As used in this chapter, the term "state police" includes also "state safety patrols", "state highway patrols", and "state public safety" divisions.

Limitations upon the time made available for preparing this report have not permitted detailed comparisons of state police promotional systems. However, the chapter does present (a) a generalized discussion of the practices in use in all of the states, and (b) a rather detailed treatment of the practices in two selected states.

State Police Promotional Systems Generally

Among the 50 states, promotional practices of the state police vary considerably, with no two states appearing to follow the same approach in every aspect of their promotional systems.

These variations reflect differences in regard to (a) the historical and political backgrounds of state police organizations, (b) the scope of their functions, (c) state-local sharing of policing responsibilities, and (d) state police organizational structures and numbers of personnel provided to serve the various state populations and areas. The following text reviews in a general way some of the more outstanding aspects of these many variations.

Civil Service vs. Non-Civil Service Administration

Twenty-Seven States With Civil Service Promotional Systems. Available information appears to demonstrate that the promotional practices among state police are subject to constitutional or statutory civil service (merit system) procedures in just over half (27) of the 50 states. Usually, these promotion procedures apply to all

positions except (a) some technician positions here and there, and (b) top-management positions.

In 18 (67%) of the 27 civil service jurisdictions, the state police are reportedly controlled by the same general constitutional or statutory civil service requirements as are in effect for other state departments and agencies in the same states, and, in certain instances, to local government agencies as well. The application of these over-all civil service codes to promotional and other personnel actions of the state police may be modified in certain aspects to accommodate the operating needs and circumstances of the state and local police forces, which are essentially semi-military organizations. (Ala., Ariz.; Calif.; Colo.; Conn.; Ha., whose county police perform state police functions; Kans.; La.; Me.; Md.; Mich.; Minn.; Nev.; N. H.; Okla.; Tenn.; Utah; and Wisc.).

Another six (22%) of the 27 civil service jurisdictions have a separate, special civil service (merit system) law applicable to the state police only, or to state law enforcement personnel including the state police. In three of these six jurisdictions, promotions and other personnel transactions of the state police are controlled by a merit system administered by a state police civil service board established by statute within the state police department or agency (Ariz., Ill., and S.D.). In the remaining three of these six states, the head of the state police department or agency administers all aspects of state police recruitment, promotions, discipline, etc., in line with criteria spelled out in varying detail by statute (Fla., N.M. and Wash.).

There remain three (11%) of the 27 civil service jurisdictions with only a very limited application of constitutional or statutory civil service requirements of a statewide character to promotional and other aspects of state police personnel administration (Mass., N.Y. and Pa.). In one of these states, Massachusetts, the uniformed branch of the state police is exempt from requirements of the state general civil service statute, while detective and other personnel are covered fully and in great detail by that statute. In the second state, Pennsylvania, the examination and certification of recruits for the state police force is conducted by the State Civil Service Commission; in contrast, that Commission participates in no way in promotions of investigative and uniformed personnel which are

administered by the state police agency itself. In the third jurisdiction, New York, state police personnel administration is not subject to that state's general civil service law, though it must conform to certain broad merit system criteria incorporated in the state constitution.

Practices differ among the 27 civil service jurisdictions as to the extent to which state police promotional criteria and procedures are controlled by regulations formulated by the civil service commission, or within the scope of the civil service statute by the state police agency. Thus, the State of Washington incorporates most of its state police promotional procedure within the relevant statute, whereas the brief Illinois law leaves most of that procedure to regulations formulated by the State Police Merit Board.

Twenty-States With Other Competitive Promotional Systems.

Another 20 states reportedly have competitive state police promotional systems which were established by regulations promulgated by the commissioner, superintendent or governing board of the state police, usually with gubernatorial approval. Such regulations are formulated under a broad statutory mandate authorizing that commissioner, superintendent or board to make rules for the government of the state police agency, which is exempted from any existing state general constitutional or statutory civil service provisions. As in the instance of the state police under civil service, the competitive promotional system usually applies to all but certain technical and top management positions. (Ark., Del., Ga., Idaho, Ind., Iowa, Ky., Mont., Nebr., N.J., N.C., N.D., Ohio, Ore., S.C., Tex., Vt., Va., W.Va., and Wyo.).

In most of these 20 jurisdictions, promotional examinations are conducted by the personnel office of the state police, under the supervision of the commissioner, superintendent or governing board of the state police. However, in at least five of the 20 states it is reported that such promotional examinations are conducted under the supervision of a merit or promotion board, of varying composition, established under regulations of the state police agency; on the basis of recommendations or eligible lists forwarded by that board, promotions are made by the head of the state police (Ga., Idaho, Ind., Ohio and W. Va.).

Three States Without Competitive Promotional Systems. Information received with respect to three of the 50 states indicates that they have no competitive state police promotional system involving an examination process. Promotions are made on a non-competitive basis by the commissioner or superintendent of state police, after receiving the recommendations of his subordinate troop commanders and bureau heads (Miss., Mo., and R.I.).

Prior Service Promotional Requirements

Nearly all states with competitive promotional systems for their state police specify that admission to the competitive examination shall be open only to members of the state police who have served for a given number of years in the next lowest rank, or in the state police force, or both. Often, this requirement consists of total service in the state police, including a year or more in the promotional candidate's current rank. These requirements vary from state to state as one ascends the promotional ladder to the higher positions.

Differing state practices are in effect for promotions from trooper to the lowest non-commissioned officer ranks, which may be either corporal or sergeant. Eight states report no minimum service requirements (Fla., Idaho, Ind., Mass., Miss., Mo., Nev., and R.I.). The single state of Delaware has a one-year total service requirement, while Illinois specifies one and one-half years of total service. Nine states have a minimum total service requirement of two years (Ariz., Calif., Ga., La., Tex., Va., W. Va., Wis., and Wyo.); six more specify three years (Ala., Ark., Colo., Ha., Md., and N.H.); ten states have a four-year rule (Conn., Me., N.Y., N.C., N.D., Ohio, Okla., Pa., S.C., and Wash.); nine states have a five-year total minimum service requirement (Kan., Ky., Mich., Minn., Mont., N.M., S.D., Tenn., and Utah); and the single state of Nebraska specifies 5½ years of service by a trooper before he may be promoted. The practices of the remaining four states are not clear (Alaska, Iowa, N.J., and Vt.).

Elements of Competitive Examination Process

Examination Elements Used. In states with competitive state police promotional systems, promotions of state police officers are governed by one or more of the following nine elements:

<u>Competitive Element</u>	<u>No. of States Using Element</u>
1. Written examination or practical test	37
2. Oral examination or interview	35
3. Periodic or special performance rating	23
4. Service rating	10
5. Evaluation of personnel file of candidate	8
6. Evaluation of experience and training	5
7. Seniority (longevity)	27
8. Veterans' preference	At least 13
9. Medical examination	13

When more than one of these elements is used in the examination process, it is the practice to assign weighted values in percentages or points to each element used. An examinee's grade on each element is translated, by formula, into a weighted percentage or point score, and all percentages and points are then added up to produce a score for the entire examination. The heaviest weighted values usually attach to the written examination, the oral examination, performance rating and service rating elements. Often, different weighted values are assigned to these examination elements in competitive examinations for promotions to the higher state police positions.

Written Examinations. The written examinations used by 37 states usually cover such topics as criminal and penal law, and police regulations, administration and practice. Such examinations are based in varying degrees on true-false questions, multiple choice questions, and questions requiring narrative answers.

The weighted values assigned to written examinations for promotion from trooper to corporal or sergeant range from as little as 20% in Minnesota to as much as 85% in Nebraska, with weights ranging from 40% to 70% being the prevailing practice. Of 34 states indicating the weighting they give these written examinations, 14 accord a weight of 50% or more, eight a weight of from 40% to 45%, 11 a weight of 30% to 35%, and one a weight of 20%.

Oral Examinations. Oral examinations are conducted by special oral boards of two or more state police officers or personnel consultants in at least 25 states (Ariz., Calif., Colo., Conn., Del., Ga., Iowa, Kans., Ky., Me., Md., Mich., Minn., Mont., Nev., N.H., N.M.,

N.Y., N.C., Okla., Ore., Pa., Tex., Wash., and W. Va.). In some jurisdictions using such boards — in Connecticut and Maryland, for example — the board may include one or more out-of-state state police officers. In states not using oral boards, the oral examination is administered by an individual official or consultant of the state police agency.

Oral examinations cover the same topical areas subject to the written examinations, but are designed to evaluate also the judgment, alertness, vitality and other personality and leadership qualities of the candidate for promotion.

Of 28 states indicating their weighting of oral examinations of troopers competing for promotion to corporal or sergeant, nine states reported weighted values of 20% to 25%, 11 states use weighted values of 30% to 35%, six states report such values of 40% to 50%, and two states allow weighted values of as much as 60% on the oral examination.

Performance Rating and Service Rating. More than half (32) of the 47 states promoting their state police by competitive examination use performance rating reports and service rating procedures in their promotional process. The distinction between "performance rating" and "service rating" is relatively superficial.

Performance rating reports are prepared periodically, and on special occasions, by supervisors with respect to each of their subordinate employees. The purposes and types of performance rating systems were outlined as follows in a Legislative Research Council report of 1959.

Purposes. Performance rating is a tool of management designed to improve the efficiency of employees and thereby increase the return for each dollar expended for personnel. Although not intended primarily as a device to improve employee morale, performance rating may serve that end also. Performance rating may be designed as the basis for one or more of the following purposes:

1. *Pay Increases.* — For approval of employee step-rate pay increases or "merit bonuses".
2. *Promotion.* — For selection of employees for promotion, and checking the effectiveness of the promotional system.
3. *Probation.* — For appraisal of probationary employees, to determine their eligibility for continued employment.
4. *Incentives; Morale.* — To provide employee incentives and to improve employee morale through recognition of superior work performance; and,

negatively, to exert pressure on the inferior employee who does not respond to training or improve the quality and quantity of his work.

5. *Training.* — To identify employee training needs and improve assignment of employees in terms of their abilities and knowledge.

6. *Order of Lay-off.* — To determine the order of lay-off of employees when reductions in force occur; and, alternatively, to establish the order of re-employment.

7. *Supervision.* — To improve supervision and administrative organization.

Seven Types of Rating Plans. — This report describes in detail the seven principal types of performance rating plans which have been developed since the initiation of federal civil service performance rating 72 years ago. All seven of these plans seek to identify (e) the superior employee whose performance merits special rewards and better promotional opportunities, (b) the average or satisfactory employee, and (c) the inferior employee who must be trained, transferred to a more suitable position, or discharged if the former two actions fail. Generally, performance rating plans and procedures require the employee's work performance to be described and evaluated solely in terms of the duties and specifications of his position.

The most frequent used of the seven types of performance rating plans are:

1. *Trait Rating Plans.* — All three major varieties of this most popular type of the performance rating plans usually require the work performance of an employee to be described and analyzed under a small number of job headings using such traits as quality of work, quantity of work, knowledge of the job, work attitudes, etc. The supervisor is directed to indicate on the rating form the extent to which the employee has these traits. For this purpose the trait rating plan uses a graphic so-called trait rating "scale" on which the supervisor shows by adjectives the traits of each employee, ranging from "Poor" to "Outstanding", with one or more intervening adjectives such as "Fair", "Good", and "Very Good." The supervisor must then combine on a numerical basis the grading of individual traits into an over-all performance rating for all of the marks given for the traits pertinent to the employee's job.

The report must be discussed with the employee by the supervisor. Procedures are prescribed whereby an employee may appeal for a review by a higher authority at which the supervisor must be prepared to justify his rating of the employee.

2. *Analytical Check List Plans.* — The major varieties of this type of performance rating also follow the above procedure, but there are two major differences, as follows: (a) In order to minimize supervisor prejudice, the rating form requires the supervisor to describe the employee's behavior on the job solely in terms of behavior and other incidents observed by the supervisor or known to him officially. For this purpose the supervisor is confronted on the printed form with a series of contradictory statements of employee's behavior or incidents on the job, and is asked to check-mark on the list those statements which apply to the employee. (b) Under analytical check list systems the supervisor is not requested to evaluate the report of employee performance. He is unaware of the

weights or numerical grades of the various statements appearing on the check list and the evaluation of each report which he completes is made subsequently by specialists in the personnel office of the organization who translate the check-marks into a performance rating by means of confidential formulae.

3. *Substantiating Evidence Plans.* — These plans provide that the supervisor shall automatically rate all of his employees as "Average" or "Satisfactory", except in those cases which he believes warrant either an "Unsatisfactory" or an "Outstanding" rating. For the latter two non-average types of employees, the supervisor must use a special performance rating form to explain, with substantiating evidence, why he thinks the employee merits a very poor or a very superior rating, respectively. Procedures are provided for a subsequent supervisor-employee interview, and then for appeals by the employee from the action of the supervisor.

4. *Other Rating Plans.* — Four other performance rating systems are also available though used less frequently than the three preceding plans. They are discussed in the report under the following titles: (4) narrative rating plans; (5) forced distribution plans; (6) field review plans; and (7) the obsolete rank-order plans.¹

Of the above four "Other Rating Plans", the *narrative rating system* requires the supervisor to submit periodic written reports on each of his subordinates without the use of rating devices and scores. The *forced distribution plan* assumes the existence of a "normal" distribution of employees from bad to excellent, in terms of mathematical probability, and obliges the supervisor to distribute his subordinates along a "normal distribution curve" ascertained by formula. *Field review plans* involve an interview between a representative of the personnel office of an agency and each supervisor, on the basis of which the former rates subordinates of that supervisor in line with the latter's oral report. *Rank-order plans* compel the supervisor to list his subordinates in order from the best to the least satisfactory, by rating each individual in comparison with the entire group.

These performance rating reports by supervisors are an element in the state police competitive promotional examinations of at least 23 states. Their weighted values in such examinations for promotions of troopers to corporal or sergeant range from as little as 10% (Nebraska), to as much as 40% (Maine), with a range from 20% to 33-1/3% being common.

¹ Massachusetts Legislative Research Council, *Civil Service Performance Rating*, House, No. 2655 of 1959, 110 pp. At pp. 8-10.

Service rating is essentially a performance rating of a candidate for promotion, which is made at the time of the competitive promotional examination as part thereof. It is prepared either by a supervisor in rank to the supervisor of the candidate (as in Georgia) or by a special board of officers of the state police agency (as in Michigan and Pennsylvania). The service rating procedure utilizes any of the above performance rating techniques or combinations thereof and often covers the performance for a period of several years or longer of the candidate up for promotion.

Service rating procedures are used by at least ten states, including one which also gives separate weight to performance rating (Alabama). In examinations for trooper promotions to corporal or sergeant, the weighted value given to the service rating of candidates in most of these states reportedly vary from 20% (Georgia) to as much as 45% (Illinois).

Evaluation of Personnel File of Candidates. Information submitted to the Legislative Research Bureau indicates that at least eight states provide for an evaluation of each promotional candidate's personnel file, on the basis of which weighted points are added to the candidate's total examination score (Ky., Md., Nebr., N.M., Ohio, Va., Wash., and W. Va.). In nearly all eight instances, this evaluation is made by an evaluation or promotion board or committee which is usually composed of higher ranking officers of the state police agency. The weighted values awarded to such personnel file evaluations in promotions of troopers to corporal or sergeant reportedly range from 10% to 20%.

Experience, Training and Seniority. More than half (27) of the 47 states which promote their state police on the basis of competitive examinations recognize seniority (longevity of service) in that examination process. Usually, the examining authority must credit each promotional candidate with points or fractions of points for each year of his state police service, subject to a ceiling upon the total number of points which may be so awarded. These points are added to the candidate's over-all examination grade, or are translated into a weighted value composing part of that over-all grade. The latter weighted values in trooper promotion to corporal or

sergeant range from as little as $\frac{1}{4}\%$ (California) to as high as 33-1/3% (Utah), with 5% and 10% values being common.

Similarly, at least five states score their candidates in state police competitive promotional examinations on the basis of their experience and training (education); and in a few instances this aspect embraces seniority although that element may be rated separately. This group of states includes Connecticut, Louisiana, Massachusetts (with respect to the detective branch only, which is under civil service), Tennessee and Wisconsin. Weighted values ranging from 10% to 30% are reportedly awarded to troopers competing for promotion to corporal or sergeant, in recognition of their experience and training.

Veterans Preference. Promotions in the state police systems in at least 13 states accord some degree of preference to veterans (Ala., Alaska, Ariz., Colo., Conn., La., N.Y., N.D., Pa., Tex., W. Va., and Wisc.; Mass., with only detective personnel under civil service). Usually, this preference is expressed in a prescribed number of points being added to candidate examination grades. Thus, five of the 13 states follow the federal example of granting 10 points preference to disabled veterans and 5 points to other veterans (Ala., Alaska, Colo., Conn., and Wisc.); one state gives 5 points to disabled veterans and 2½ points to other veterans (Industrial State A); one state reportedly allows 5 points to disabled and other veterans alike (Tex.); two states grant a flat percentage (Ariz., 5%; Mass., 2%, for civil service detective personnel); one state gives preference to veterans only when their examination scores are tied with those of non-veterans (Pa.); and the exact practice of three states were not reported (La., N.D. and W. Va.).

In a number of jurisdictions, veterans preference points are available only to veterans who have first achieved passing grades without those points.

Medical Examinations. Physical examinations are utilized in at least 13 states to ascertain the physical fitness of candidates in state police competitive promotional examinations, in terms of the requirements of the positions to which they seek promotion. No points or weighted values are assigned to these medical examinations, which may be administered either at the beginning or end of

the competitive promotional examination process. Candidates who fail to meet physical fitness minima are simply disqualified for promotion.

Promotional Appointment

Promotions in the 47 States With Competitive Examinations. In general, each candidate for promotion in the state police under the above-described competitive promotional examination processes must obtain a passing grade in each of these major elements in order to remain in contention, — the written examination, the oral examination, performance rating, and service rating. Thus, failure to pass the written examination usually immediately disqualifies the candidate who may not move on to the next competitive stage.

By this elimination process, the field of competitors is reduced ultimately to an eligible list composed of examinees who passed each component part of the total examination, and received a passing total mark under the weighted grade system. Names are arranged on the eligible list in declining order of the over-all marks received by the examinees. Usually the "competitive" states, by statute or by state police regulations approved by the governor, require the head of the state police agency to select for promotion one of the top three candidates on the eligible list, but some states grant him a broader scope of choice.

In the instance of state police promotions to positions which are filled on a non-competitive basis in the 47 "competitive" states, promotions are made by the head of the state police agency, often in consultation with his top aides and with the head of the unit concerned.

Promotions in Three Other States. In three states (Miss., Mo., and R. I.) all promotions are made non-competitively by the head of the state police. His choice is based on the recommendations of his principal administrative aids and troop commanders, and on records of the individuals under consideration for promotion.

Practices of Two Selected States

Industrial State A

The state police agency of a large industrial state has furnished the Legislative Research Bureau with information as to its promo-

tional practices, outlined below, upon the condition that the name of the state not be published in this report. This restriction requires a confidential presentation, and this state is therefore designated simply herein as "Industrial State A".

Organization and Role of State Police Agency. This state police agency is headed by a Superintendent, who serves directly under the Governor and who may be removed at the pleasure of the latter. For many years, a high degree of professionalism has been reflected in appointments of such superintendents by governors.

Over 2,400 police officers and 300 non-police employees of the agency are organized in four major staff-level divisions and eight line units. The former four staff divisions are those of (1) The Office of the Superintendent, (2) Administration, (3) Inspection and (4) Field Command, which includes both the Uniformed Force Headquarters and a Bureau of Criminal Investigation. The eight line units, under the direction of a Deputy Superintendent who has charge of the Field Command, includes (a) a special office headed by a Lieutenant-Supervisor of the Bureau of Criminal Investigation, and (b) seven troops, each of which is commanded by a Captain.

The state police agency functions include: (a) general law enforcement in areas outside incorporated cities; (b) enforcement of certain state criminal laws and of the motor vehicle laws; and (c) assistance to local law enforcement agencies in suppressing riots and in certain other matters, at the request of those agencies or on command of the Governor.

The state police agency functions under a general constitutional provision requiring state and local appointive personnel to be appointed and promoted on a merit basis. However, it is not subject to the general civil service statute of the state. The promotional standards of the state police agency are established by regulation adopted by the Superintendent with gubernatorial approval.

Recruitment of Trooper Personnel. Present recruiting requirements, set by statute and regulations, are that candidates must: (a) be between 21 and 29 years of age; (b) be U.S. citizens; (c) be at least 5'9" tall, with weight in proportion to build; (d) be free from physical defects, and have 16 natural teeth; (e) have good

eyesight; (f) have good hearing; (g) be of good moral character; (h) have a good credit rating, work record and driving record; (i) be mentally balanced and alert; (j) have a high school diploma or high school equivalency diploma, plus a driver's license; and (k) have no record of criminal charges or convictions. Candidates (over 4,000 in 1964) must pass a written examination on the basis of which an eligible list is established for appointment to the trooper ranks. About 130-140 candidates are chosen. The number of recruits accepted is governed primarily by (a) the loss of personnel through retirement and other causes, and (b) by budget-supported expansion needs.

In the early days, the turnover of trooper and investigative personnel reached a high of 11%. In 1961, a new Superintendent instituted improved personnel procedures and pay practices, with the result that personnel losses dropped to 4% in 1963 and to 2.8% in 1964. In 1964 a total of 67 men were lost, as follows: 46 by resignation, 14 by retirement, 5 by death, and two for other reasons. The turnover for all state agencies is about 17%.

Training. New state troopers are sent after appointments to the state police academy for 16 weeks of basic training. Each class, which varies from 130 to 140, is divided into four sections for administrative and instructional purposes.

The academy is also used for the training of local police officers, in connection with state programs of assistance for local police departments. Further, the academy is used in conjunction with the in-service training program of the state police agency. In-service courses are offered in administration, investigation, traffic control, instructor development, and driver training. The state police agency sends selected officers for advanced courses offered by the FBI National Academy, the FBI Fingerprinting School, the Federal Bureau of Narcotics, and various colleges and universities. Insofar as it can be arranged without interfering with duty hours, members of the state police are encouraged to attend higher educational institutions on their own time, and to take advantage of correspondence school programs.

General Aspects of Promotional System. The positions in the service of the state police consist of: (a) the Superintendent, who

is named by the Governor with consent of the Senate; (b) certain professional positions, and middle and upper management positions which are filled by appointment by the Superintendent on a non-competitive basis; (c) police positions filled on a competitive basis by the Superintendent; and (d) "civilian" clerical and other positions filled on a competitive basis by the Superintendent. The number, and in a few instances the qualifications, of state police positions are regulated by law.

State police regulations establish the following "Order of Rank" for state police personnel: (1) First Deputy Superintendent; (2) Deputy Superintendent (Field Commander); (3) Deputy Superintendent (Administration); (4) Chief Inspector; (5) Executive Assistant to the Superintendent, and Assistant Superintendents; (6) Deputy Chief Inspector; (7) Captains; (8) Inspectors; (9) Lieutenant Supervisors; (10) Lieutenants; (11) Senior Investigators, Staff Sergeants, Chief Technical Sergeants, and First Sergeants; (12) Zone Sergeants; (13) Investigators, Technical Sergeants, and Sergeants; (14) Corporals, a rank which is being allowed to expire by attrition; and (15) Troopers. Not included in this "Order of Rank" is certain state police personnel of a civilian professional nature, viz: the State Police Physician and his Assistant Physician, and the Legal Counsel.

In 1964, there were 182 promotions, appointments, designations and assignments to high level positions in the police service of the state police as follows: Captains (2), Inspectors (2), Lieutenant-Supervisors (3), Lieutenants (2), Zone Sergeants (3), Technical Sergeants (4) Sergeants (132), Lieutenant in the Bureau of Criminal Investigation (1), Senior Investigators (3) and Investigators (30).

Requirements re Competitive Promotions. Promotions to the positions of (a) *Sergeant* and (b) *Lieutenant* are the only promotions in the police service currently filled on a competitive basis.

Candidates are graded on the basis of major examination and credit factors weighted in points as follows:

<i>Basis of Grading</i>	<i>Sergeant</i>	<i>Lieutenant</i>
(a) Written examination — relative weight . . .	60	60
(b) Oral examination — relative weight . . .	20	40
(c) Service record rating — relative weight . . .	20	10

To the grades resulting from these three factors are added the following points as indicated:

- (d) Seniority: one-tenth of a point for each full year of continuous service in the state police, not to exceed 2 points.
- (e) Veterans' preference: 2½ points, if a non-disabled veteran; 5 points if a disabled veteran still able to meet the physical standards of service in the position to be filled by promotion.

In general, no person may be considered for promotion to either Sergeant or Lieutenant who (1) is under suspension, (2) is on disciplinary probation, (3) is subject to a permanent disability which prevents his engaging in strenuous physical exertion, and (4) has an overall annual performance rating of less than "satisfactory", or has "unsatisfactory" ratings with respect to any of the elements or sub-elements in the leadership category of his performance rating report.

Competitive Promotions to Sergeant. Requirements and procedures for promotions to the rank of Sergeant are outlined below under the four headings of (1) Service in Grade Requirements, (2) Written Examination, (3) Oral Examination, and (4) Service Record Rating.

- (1) *Service in Grade Requirements:* Candidates for promotion to Sergeant must — (a) Have served as Trooper for three years following one year of probationary service, and have served a year continuously since written promotional examination, except for military duty; or (b) Hold the permanent rank of Corporal; (which is allowed to expire by attrition); or (c) Hold the position of Investigator and have served three years in the uniformed force after one year of probationary service; or (d) Hold the position of Senior Investigator and have served previously in the uniformed force.

Eligible state police troopers, corporals, investigators and senior investigators who wish to enter the competitive examination for Sergeant must apply to their Troop Commanders within seven days following the official announcement of the examination. Eligible personnel who do not wish to participate must file a waiver within same seven-day period.

(2) *Written Examination:* The written promotional examination for Sergeant which has a relative weight of 60 in the candidate's ultimate score, is administered by the state police agency. Typically, it contains about 100 questions, of which about 15 relate to the state penal code, 15 to the code of criminal procedure, 10 to the vehicle and traffic law, 10 to the police regulations, and the remaining 50 questions to miscellaneous police problems. Approximately half the questions are multiple answer choice types, while the rest of the questions require a narrative response.

Two alternative grading systems are used by the state police agency, one requiring a passing grade of 75% and the other fixing the passing grade by ranking the examinees in order of their marks, and qualifying the top quarter, third, etc.

Written examinations take about three hours, and are made on basis of secret identification numbers issued to candidates. Hence completed examination booklets carry only these identification numbers.

(3) *Oral Examination:* Sergeant promotional tests next involve oral examinations which have a maximum value of 20 points. They are conducted by seven or eight pairs of commissioned officers, selected by the Superintendent. These teams receive special training and operate under uniform written instructions. Their work is supervised by an Examiner-in-Charge also designated by the Superintendent.

The candidates who passed the written examination are divided up among these oral examining teams, who know only without any detail that their interviewees "qualified" on the written test. Candidates usually may not be interviewed by an oral team member with whom they have had close personal relationships.

Oral interviews are designed to evaluate (a) judgment and reasoning ability, (b) ability to present information orally in a clear and effective manner, and (c) ability to deal effectively with others, and to exercise leadership. Each oral team is provided with about 20 questions which test these sub-elements reflecting the characteristics and knowledge of the candidate:

- A. Element of Judgment and Reasoning Ability: (1) mental alertness, (2) practicability, (3) handling matters and problems and when to refer or to take up matter with superior, (4) ability to make correct decisions, (5) sense of relative values, (6) resourcefulness, (7) ingenuity;
- B. Element of Ability to Present Material Orally in a Clear and Effective Manner: (8) organization of ideas, (9) following logical course to proper conclusion, (10) clarity, (11) conciseness, (12) vocabulary, (13) diction;
- C. Element of Ability to Deal Effectively With Others: (14) leadership, (15) initiative, (16) organization, (17) persuasiveness, (18) decisiveness, (19) flexibility, and (20) tact.

Each oral team member grades each candidate's responses on a rating sheet as "outstanding" (10 points); "excellent" (8 points); "good or very good" (6 points); and "satisfactory" (4 points). There is no "unsatisfactory" mark. By a complicated formula, these marks are combined in a maximum composite grade of 30 (equal to 100%). The composite grade, divided by 30 and then multiplied by 20 gives the weighted oral examination mark (maximum, 20 points) in the total scheme of written examinations (60), oral examination (20) and service rating records (20). In addition seniority and veterans points are included for sergeant promotions.

(4) *Service Record Rating:* The two-year service record rating system was adopted by the state police agency because of dissatisfaction with earlier experience with annual performance ratings as a major criterion in promotions. Performance rating is an element in the determination of

candidates' service ratings, but is stretched out over a two-year period, and is modified somewhat by consideration given to other factors.

In a large organization such as the state police, changing needs make it necessary to transfer personnel among units, activities, and areas. Thus, if an officer were transferred to another type of unit, he would require a certain amount of time to "learn the ropes" and would be likely to receive a lower performance rating than a fellow officer with the same over-all length of service and rank who had been in that unit longer. The service record rating procedure was devised to offset such inequalities of treatment in the promotional process.

The service record rating, which has a maximum relative weight of 20 points in the competitive promotional examination for Sergeant, is determined by a service rating board consisting of three commissioned officers. In all but one of the troops the board includes the Troop Commander (or Acting Troop Commander), one Lieutenant-Supervisor, and the candidate's immediate superior commissioned officer. In the remaining troop, the board has a fourth commissioned officer. In other commands, the board consists of three commissioned officers, one of whom is the candidate's immediate commissioned officer superior. No person may serve on the board who is a candidate for the positions to be filled.

The service record rating board must prepare a service rating for each eligible candidate in its area of jurisdiction, who has applied for promotion to Sergeant, prior to any written examination. Ratings must comply with instructions of the Superintendent, in an 11-page *Service Record Rating Form* which covers such aspects as (1) initiative, (2) industry, (3) ability to work under pressure, (4) planning ability, (5) accuracy, (6) attitude, (7) reliability, (8) cooperativeness, (9) judgment, and (10) responsibility. In essence, this form is an elaborate performance rating form of the substantiating evidence variety (which assumes workers are "satisfactory" and requires narrative justification only for ratings of "outstanding" and "unsatisfactory"). The Service Record Rating report requires ratings of "outstanding" (10 points), "excellent" (8 points), "good or very good" (6 points) or "satisfactory" (4 points). No "unsatisfactory" rating is included and a narrative explanation is required for each element rating. Total points are then scored.

Sealed reports are held by the Superintendent, and not opened until after written examinations. The weighted grade is obtained by multiplying the candidate's service record rating points by (.20). This information is not given to the oral examining teams.

Competitive Promotions to Lieutenant. The procedure followed in these promotions are outlined below under the same four headings, used above, of (1) Service in Grade Requirements, (2) Written Examination, (3) Oral Examination, and (4) Service Record Rating.

(1) *Service in Grade Requirements:* The position of Lieutenant is the highest position filled by competitive examination in the state police; to be eligible, the candidate must:

- (a) Possess all the qualifications required of candidates for promotion to Sergeant.
- (b) Hold the permanent rank of Sergeant, including at least two-years service as a non-commissioned officer in the uniformed force; or
- (c) Hold the position and permanent rank of Sergeant with three years combined service as a non-commissioned officer in the uniformed force and as an Investigator, or
- (d) Hold the position of Senior Investigator with a total of at least two years service as a non-commissioned officer in the uniformed force; or
- (e) Hold the position of Senior Investigator with a total of at least two years service in an investigatory position, have served previously in the uniformed force, and hold the permanent rank of Sergeant or have been certified on an eligible list established after January 1, 1963 for appointment to the permanent rank of Sergeant; or
- (f) Hold the position of Investigator with a total of at least three years service in an investigatory position, have previously served in the uniformed force and hold the permanent rank of Sergeant or have qualified for appointment to the permanent rank of Sergeant by competitive examination and have been certified on an eligible list established after January 1, 1963 for appointment to the permanent rank of Sergeant; or
- (g) Hold the position of Investigator and have held the permanent rank of Sergeant for at least two years; or
- (h) Hold the rank of Lieutenant or Lieutenant-Supervisor in the Bureau of Criminal Investigation (positions filled on a non-competitive basis), have previously served in the uniformed force and hold the permanent rank of Sergeant or have been certified on an eligible list established after January 1, 1963 for appointment to the permanent rank of Sergeant.

Eligible candidates desiring to participate in the competitive examination for Lieutenant, or to waive their right to do so, follow the same procedure in this respect which is outlined above for the Sergeant examination.

(2) *Written Examination:* The written examination included in the competitive promotional examination for Lieutenant has a maximum weighted value of 60, as in the case of examination for Sergeant. The examination for Lieutenant is administered in the same manner as the Sergeant written examination, but uses only one basis of marking. Candidates who fail to pass this written test with a grade of 75 or more are disqualified from further competition.

A representative examination for Lieutenant includes about 100 questions — 25 on the state penal code, 15 on the code of criminal procedure, and 60 on miscellaneous police topics. Approximately 78 of the questions are multiple choice types, 16 require narrative answers, and six fill-in of missing words or phrases.

(3) *Oral Examination:* In the competition for Lieutenant, the oral examination has a much greater weighted value (40) than is true of the oral test of Sergeant candidates (20). Candidates for Lieutenant are dropped if they receive a grade under 75 out of a maximum mark of 100%. This examination, but used only one basis of marking. Candidates who fail to

Sergeant examinations. Procedures are similar, and follow written instructions.

Candidates for Lieutenant are asked eight questions testing (a) judgment and reasoning ability, (b) ability to present information orally in a clear and effective manner, and (c) ability to deal effectively with others and to exercise leadership. Rating sheets are almost identical with those used in the Sergeant oral examination, except that grades of "outstanding" are expressed as 100 points, "excellent" as 85 points, "satisfactory" as 75 points, and "inadequate" as 65 points.

By mathematical formula, detailed ratings are combined into a score which is then multiplied by (.40) to obtain the candidate's weighted oral examination grade.

(4) *Service Record Rating:* Procedure varies only slightly from ratings for Sergeants; the rating accorded to candidates has a weighted value of only half the 20 used in the Sergeant examination.

Examination Appeals and Eligible Lists. Using examination results, eligible lists of qualifying candidates are prepared. When candidate ratings are identical, listings are based on the following factors in order: (1) service record rating grade, (2) oral examination grade, (3) written examination grade, and (4) seniority.

Candidates are notified of their detailed and overall examination results and, if found eligible, of their numerical listing. Within a week any candidate may, on written request review his examination papers, and within another week the candidate may request in writing a partial or complete review of his examination. Such appeals are referred by the Superintendent for recommendations to an Appeal Board of three top officers. In the last year, the Board considered 70 appeals of written examination grades, 15 appeals of oral tests and 12 appeals of service record ratings; this activity took several weeks. The Superintendent may then act so as to modify the appellant's position on the eligible list.

Eligible lists are valid for one year, but may be extended an additional year. Appointments must be made by the Superintendent from members "whose final rating is equal to or higher than the final rating of the third highest ranking member on the list." Appointees must be willing to accept assignment anywhere in the state, must be able to perform strenuous physical duties, and must pass any required medical examination.

Candidates may be removed from the eligible list because of: (1) refusal to accept a promotion offered; (2) mental or physical unfitness determined by medical examination; and (3) violation of

disciplinary regulations. All persons promoted must serve a probationary period of six months.

Time Required for Competitive Examination Process. Competitive promotional examinations for Sergeant and Lieutenant positions are ordered by the Superintendent as the need to establish new eligible lists arises. The Superintendent is not restricted to any fixed number of competitive promotional examinations annually. In 1964, two major examinations were held. Under Division regulations, the following schedule must be observed, however:

- (a) Official announcement of competitive promotional examination: 30 days before date of written examination.
- (b) Within 7 days after that announcement, participants must file their applications with their Troop Commanders. Other eligible persons who do not wish to participate must file their waivers. About this time, the service rating boards must be organized in each Troop, to undertake this rating task (which requires about half-an-hour per candidate, and may consume six weeks in all).
- (c) 30 days following its announcement, the written examination is held. Since there may be as many as 1,000 examinees for a position of Sergeant, and over 240 examinees for Lieutenant, four to six weeks may be needed to grade the written examinations.
- (d) As soon as the candidates who passed the written examination are listed, the examining teams commence oral examinations.
- (e) The eligible list for appointees is established, based on composite written examination, oral examination and service record rating scores of candidates, plus their seniority and veterans points. The eligible list appears within 4-6 months following the examination announcement under (a) above.
- (f) Upon the announcement of the eligible list, aggrieved candidates have seven days to examine their papers, and an added seven days to appeal. These appeals do not delay the establishment of the eligible list, but are reflected only in subsequent amendments of the list (if such are warranted).

State Police Positions Filled on Non-competitive Basis. Under state police regulations, the following 19 classes of positions are filled by the Superintendent on a noncompetitive basis, almost always by promotion from within the state police agency: (1) First Deputy Superintendent; (2) Deputy Superintendent for the field Command; (3) Deputy Superintendent for Administration; (4) Chief Inspector (5) Executive Assistant to the Superintendent; (6) Assistant Superintendent; (7) Deputy Chief Inspector; (8) Captain; (9) Inspector; (10) Lieutenant-Supervisor; (11) Lieutenant;

Bureau of Criminal Investigation; (12) Senior Investigator; Bureau of Criminal Investigation; (13) Staff Sergeant; (14) Chief Technical Sergeant; (15) First Sergeant; (16) Investigator, Bureau of Criminal Investigation; (17) Technical Sergeant; (18) Counsel; (19) Physician; and (20) Assistant Physician. State police regulations spell out the qualifications for appointment to these positions (such as educational background, service in next lower grade or grades, experience, etc.).

In making these appointments, the Superintendent consults with an Executive Committee which includes the three Deputy Superintendents, his Executive Assistant, the three Assistant Superintendents, and both Chief and Deputy Chief Inspectors. The Committee reviews the personnel folder of each candidate, which includes his performance rating reports, commendations, etc. No interviews or written tests are required.

Usually, candidates for Captains (who are to be Troop Commanders) are chosen from the Inspection Service, whose members become familiar with the work of each state police unit because of their inspection of unit facilities and administration. The state police agency policy is to develop their top leadership from within.

Police Performance Rating. The state police agency uses a performance rating system modelled on that of the Federal Bureau of Investigation which merges adjectival trait rating with substantiating evidence techniques.

Each investigative and uniformed employee is rated annually by his immediate supervisor on a rating form, titled *Performance Rating Guide for Investigation and Uniform Personnel*, which requires the supervisor to mark the employee as "outstanding", "excellent", "satisfactory" or "unsatisfactory" as to 25 specific elements of his work performance. Ratings of "outstanding" and "unsatisfactory" must be supported by a narrative explanation. In addition, the supervisor must outline the employee's duty assignment, special talents, availability for general and special assignments, and sick leave record. Finally, the supervisor must discuss his performance rating report with the employee. The report is then reviewed at higher levels before incorporation in the personnel record of the employee.

These performance rating reports are used as a basis for (a) granting or withholding pay increases, (b) preparing the service record rating of candidates for competitive promotion, (c) spurring better individual work performance, and (d) removing unsatisfactory employees.

Normally, performance ratings are made annually, but they are also required whenever a transfer or promotion occurs. They may be requested each 60 days for certain employees, or when an employee's separation from service occurs.

Civilian Personnel of State Police Agency. The state police agency has about 300 "civilian" employees, who are not subject to the state civil service laws, but who are recruited and promoted under similar state police regulations. Such personnel receives all the "fringe benefits" of regular civil service employees.

New employees are selected through the use of written tests or practical tests, except in the instance of certain professionals. Promotions are based largely on performance ratings, with written or tests required in certain instances. No credit is given for seniority.

Pennsylvania

Organization and Role of Pennsylvania State Police. The Department of State Police was created in 1905. Subsequently, it was enlarged by "annexation" of the motor vehicle inspector force. At the present time it is headed by a Commissioner named by the Governor, with Senate consent; and the Commissioner, with the Governor's approval, appoints his own Deputy Commissioner. The Department is governed by regulations made by the Commissioner with gubernatorial approval, pursuant to statute. It is organized in a Detective Bureau, Crime Laboratory Bureau, Criminal Identification Bureau, Police Academy, and Fire Marshal's Bureau, and has an authorized strength of 2,100 employees. The Department maintains 96 installations across the state.

The uniformed force consists of 16 troops, one of which is a "Turnpike Division". About 80% of the man-hours of the uniformed force is taken up with highway policing duties and traffic control.

Trooper personnel are recruited through the State Civil Service Commission on the basis of competitive entrance examinations, pursuant to civil service statutes and rules. However, promotions of state police are conducted under a merit promotional system established by regulations of the Department of State Police.

Competitive Promotions. Positions filled on a competitive basis include all non-commissioned officers (except Technical Sergeant) and commissioned officers up to and including the rank of Captain. The competitive promotional factors used, and the weights (in points) accorded each such factor, are as follows:

<i>Promotion To</i>	<i>Written Exam.</i>	<i>Oral Interview</i>	<i>Service Rating</i>	<i>Seniority</i>	<i>Total</i>
Corp.; Sgt. and Det. Sgt.	70	—	20	10	100
1st. Sgt., Lt.	60	20	10	10	100
Captain	100	—	—	—	100

Written examinations are prepared by a private examining service under contract to the state. The company provides monitors, gives the examinations, does the grading, adds service rating points and seniority points provided by the Personnel Office of the Department, and then prepares the eligible list of candidates in order of their total weighted points. Candidates must pass the written examination or be dropped from competition. Any required oral interviews are administered by the same examining service.

The service rating of each candidate is determined by a board consisting of his commanding officer and two other officers or non-commissioned officers. The make-up of the board varies slightly, according to the type of personnel being rated. The service rating process utilizes a "service rating report" which is an adjectival trait-rating form covering ten specific performance factors, plus additional factors which may be added to this list by the Department. On each factor, the candidate is rated as "outstanding", "excellent", "good", "fair", or "unsatisfactory", such adjectives being translatable into numerical points which are then totalled.

Seniority is credited only at the rate of $\frac{1}{2}$ point per year of service in the state police, not to exceed a total of 10 points.

No points are awarded for veterans' preference in promotions.

However, when veteran and non-veteran candidates are otherwise tied, the veteran is usually chosen.

Role of Pennsylvania Performance Rating. Pennsylvania State Police Troopers, non-commissioned officers and Lieutenants are subject to annual performance ratings by their immediate supervisor each June. In addition, such ratings may be especially prepared by supervisors on their own initiative or upon request of a Troop Commander; they are required each three months for employees with overall unsatisfactory or marginal annual ratings. They must be reviewed by supervisors with the rated employees, and are subject to endorsement by the superior of the supervisor in certain instances. The report is subject to review by an officer of still higher rank, to whom the rated employee may appeal for a change of rating.

The performance rating form used is a hybrid of trait rating, analytical check list, and substantiating evidence types of performance rating plans. The supervisor is required to check off the one of the five appropriate descriptive statements, five which most nearly indicates the following "performance qualities" of the employee: (1) quality of work, (2) quantity of work, (3) judgment and common sense, (4) initiative and self-reliance, (5) ability to learn new duties, (6) knowledge, (7) attitude and loyalty, (8) dependability, (9) personality, and (10) maintenance and care of departmental equipment. Three additional qualities must be rated in the case of noncommissioned officers: (11) supervisory ability, (12) ability to use resources, and (13) ability to write and speak.

The rating official must then make an "over-all evaluation" of the employee on a graphic trait rating bar, ranging from 0 to 100 points, thus: "unsatisfactory" or "marginal", 0 points; "good", 10-30 points; "excellent", 40-60 points; "exceptional", 80 points; and "outstanding", 100 points. Any "unsatisfactory", "marginal", "exceptional" or "outstanding" over-all rating requires specific written justification.

Performance rating reports are used to detect training needs, to improve personal performance, to appraise employees for promotion in the service rating process, to grant or withhold pay increases, and to identify persons best separated from the service.

END