# AN ANALYSIS OF THE DISCIPLINE PROCESS AND OUTCOMES, WITH RECOMMENDATIONS, FOR THE LANSING POLICE DEPARTMENT

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#### **OVERVIEW AND PROCESS**

In late January 2004, the consultant, Theodore H. Curry II, Professor and Director of the Michigan State University School of Labor and Industrial Relations met with Lansing Police Chief Mark Alley and Director of Human Relations Willard Walker. The consultant was asked to conduct an independent review of the disciplinary process and outcomes within the Lansing Police Department (LPD) and to provide recommendations on improvements that LPD might make. The following activities were undertaken by the consultant as a part of this project:

#### Orientation meeting with Chief Alley and Command staff

This initial meeting had the following objectives:

- To introduce the leadership team of the Lansing Police Department to the consultant.
- To review the objectives of the study,
- To provide background to the consultant on the discipline process and issues within LPD from the perspective of the Command Staff, and
- To share with the LPD leadership the process for the study and the need to meet in focus groups with their subordinates.

#### Focus Group Meetings

Eighteen, two-hour focus groups were held with groups of LPD employees – sworn and civilian, supervisory and non-supervisory, union leaders. The focus group sessions were held at LPD headquarters and at both the North and South Precinct facilities. Sessions were held from early morning until after midnight to accommodate the shifts worked by LPD officers and employees. Focus group sessions were voluntarily attended. LPD officers and staff attending were asked for their perceptions about the discipline process, outcomes, strengths, weaknesses, and possible improvements. Participants were assured that their comments during the sessions would only be reported in a summary fashion, in order to encourage the free expression of their opinions.

### Review of Relevant LPD Documents and Meetings with Key Officials

All Lansing Police Department collective bargaining agreements and relevant personnel policies were reviewed. Where necessary, clarification and confirmation was secured by interviewing appropriate LPD personnel, e.g. Internal Affairs, Human Resources, Assistant Chief, etc. Additionally, the Human Relations Commission Investigator was interviewed and the annual report and procedure for that office was reviewed.

#### Review and Analysis of Data re Discipline Outcomes

In addition to assessing the perceptions of LPD personnel about the Department's discipline process and outcomes through focus group meetings, LPD discipline data was reviewed and data sets constructed. The core questions to be answered by the data are:

- Is discipline imposed disproportionately for officers and employees of a different gender or ethnicity?
- Where discipline is imposed, are the penalties received similar when offenses of similar severity are committed?

#### **FINDINGS**

Conclusions from both perceptions and the analysis of LPD discipline data must be examined to understand the discipline situation within the Lansing Police Department.

#### Perceptions via Focus Group Sessions

First, it must be noted that focus groups were comprised of neither the entire population of LPD employees, nor a randomly drawn sample of employees. Instead, sworn and civilian employees voluntarily chose to participate. The probability exists, therefore, that those participating in focus groups are the employees feeling most strongly about the LPD discipline process and outcomes – either negatively or positively. Focus group sessions were free-flowing and covered a number of issues, including many issues much broader than the discipline process (e.g. personal opinions about command staff, organizational and operational issues, leadership/management style). Nevertheless, clear themes emerged from the focus groups about the discipline process and outcomes, some of which proved consistent with the findings from the analysis of discipline data:

- While not universal, the focus groups indicated widespread perceptions of inconsistency and unfairness in the administration of discipline.
  - Many expressed a belief that there was inconsistency in the degree to which formal charges are opened. A commonly expressed notion was that for sworn officers, sergeants have the power to simply accept a citizen complaint and initiate the formal Internal Affairs process. Alternatively, she/he could talk with the complainant, ask exploring questions, explain Departmental policies and procedures, all done in such a way that the citizen would decide no complaint was warranted. The commonly expressed perception was that some command officers and civilian supervisors ignored inappropriate behavior for some (e.g. friends,

- those liked, buddies, etc.), while for others, formal actions were initiated. Some officers were described as "Teflon coated."
- Inconsistency across precincts was also cited, for both sworn and nonsworn employees. It was frequently stated that "there are three departments – North, South, and Headquarters."
- Inconsistency and unfairness in disciplinary penalties imposed was also a frequently expressed opinion. One attendee stated, "they drop the hammer on one guy and give a verbal to another doing the same thing."
   Many command officers expressed perceived inconsistency in responding to three issues that they noted Chief Alley said were major offenses in a Fall, 2002 training seminar – insubordination, brutality, and dishonesty.
- o It was commonly expressed that at times, discipline seems to be dictated by the publicity of the situation, rather than the behavior itself. If a matter has become publicly known, LPD leadership feels a need to take a public action, i.e. discipline. Relatedly, many stated that while LPD was willing to publicly announce discipline, there was no similar publicity to announce when an officer was cleared of charges.
- When asked to, or voluntarily commenting on inconsistency in discipline between men and women and between minority and non-minority employees, there was no universally held perception expressed. Some felt that female and minority officers and employees were disciplined more frequently and severely. Others felt that improper or inappropriate behavior of minority officers and employees was more likely to be ignored than it would be for others.
- An unwillingness by LPD leaders to take disciplinary action against command officers relative to non-supervisory employees was commonly expressed. Many said the command officers do not receive discipline; their behavior is ignored. To quote one officer, "the command staff is untouchable."
- There were many complaints expressed that the verbal warning was too frequently used, specifically because under the union contract, it is not grieveable. "Management hides behind the verbal warning," was a statement heard frequently.
- Supervisors frequently complained about the time and effort required to investigate and prepare the write-up when they are asked to do an IA investigation. Many complained that doing the thorough job required to write the report could only be accomplished on weekends and/or holidays. One group of sergeants stated that three to twelve hours could be required.

- The use of the charge "unsatisfactory job performance" was complained about as a "catch all." Many stated that "when they can't find anything specific, they charge you with unsatisfactory job performance."
- Many of those in attendance at focus groups felt that the Commission Investigator process was biased against officers. In essence the complaint is that the process looks to prove that an officer charged did something wrong, rather than simply investigating the behavior about which the complaint was lodged. Specifically, officers complained about the Investigator finding no basis for sustaining a complaint on the issue about which a citizen complained, but nevertheless sustaining a charge about some related procedural issue. The process was described as "a fishing expedition."
- Rumors about the discipline process are widespread, with no way for officers to receive facts. "Everyone knows" when an IA complaint is filed because they are handed out at roll call. Afterwards, the grapevine provides the only information about discipline recommended and imposed, and any changes made by the Chief.

#### Recommendations from the Focus Groups

In addition to perceptions that were expressed about the current LPD discipline situation, focus group members often shared recommendations about changes to the process. Among those commonly cited were:

- Take sergeants out of the process,
- Have a single unit (like Internal Affairs) conduct all investigations,
- Develop a matrix structure delineating offenses and penalties,
- Leave some minor issues to the precincts to handle, and
- Standardize supervisory training.

#### Findings from the Analysis of LPD Discipline Data

Data on LPD discipline actions was examined for the period January 1, 1998 to December 6, 2003, nearly six years of data. Tables 1, 2, and 3 provide detailed information on the overall and relative extent to which employees receive discipline and the extent to which those disciplinary actions are sustained. The tables were constructed from a data base created from LPD Internal Affairs files of all discipline actions within the Department.

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Additional tables in the appendix provide tests results on the statistical significance of differences identified in Tables 1, 2. and 3.

Table 1: All Employees<sup>2</sup>

	Ma	ale	Fen	nale	Non-M	linority	Min	ority	То	tal
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All Individuals Employed During the Study	329	62.8	195	37.2	415	79.2	109	20.8	524 <sup>3</sup>	100.0
Sworn Employees During the Study	270	81.1	63	18.9	257	77.2	76	22.8	333 <sup>3</sup>	100.0
Non-Sworn Employees During the Study	59	31.1	131	68.9	156	82.1	34	17.9	190³	100.0
Individuals Receiving Complaints	201	64.8	109	35.2	224	72.3	86	27.7	310	100.0
Individuals Not Receiving Complaints	128	59.8	86	40.2	191	89.3	23	10.7	214	100.0
All Complaints (internal & external)	719	71.3	289	28.7	652	64.7	356	35.3	1008	100.0
Internal Complaints All Employees	208	55.9	164	44.1	214	57.5	158	42.5	372	100.0
External Complaints All Employees	511	80.3	125	19.7	438	68.9	198	31.1	636	100.0
Total Charges All Employees	868	72.9	323	27.1	767	64.4	424	35.6	1191	100.0
Total Sustained Charges (internal and external) All Employees	312	63.7	178	36.3	299	61.0	191	39.0	490	100.0
Internal Sustained Charges All Employees	210	58.8	147	41.2	207	58.0	150	42.0	357	100.0

Table 1, as supported by additional tables in the appendix that provide tests of statistical significance, provides the following insights:

- Complaints are significantly more likely to be made against minority employees than non-minorities (see Table 8).
- Complaints are significantly more likely to be made against males than females (see Table 9).
- Internal complaints are significantly more likely to be made against minorities than non-minorities (see Table 10).

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- Complaints issued between January 1, 1998 and December 6, 2003 were included in the analysis.
- Four complaints with incomplete information were not included in the analysis.
- Subgroup analysis did not include any individuals with missing data defining the particular subgroup being considered.
- Complaints for separate individuals are counted as individual complaints. Individual complaint numbers
  may be assigned to multiple individuals for complaints arising from related incidents. Individuals may have
  multiple complaints.
- Classification is determined at the time of the complaint. Individual classifications may change over their employment period.
- Complaints may include multiple charges against a single employee arising from an incident.
- There may be multiple charges on a single complaint each of which may be sustained or not sustained.

<sup>&</sup>lt;sup>3</sup> 524 individuals were included in the study. Two individuals included in the 524 did not have proper classification information and were not included in the subtotals for sworn employees (333) and non-sworn employees (190). In addition, one employee was a cadet during part of the study period and a sworn officer during the remainder of the study period (this individual is counted in the 333 sworn employees and the 190 non-sworn employees).

- There is not a significant relationship between gender and the likelihood of receiving an internal complaint (see Table 11).
- External complaints are significantly more likely to be made against minorities than non-minorities (see Table 12).
- External complaints are significantly more likely to be made against males than females (see Table 13).
- There is no significant relationship between race and gender for individuals who received any complaint (internal or external) during the study.
- There is no significant relationship between race and gender for individuals who did not receive any complaint during the study.

Table 2: Sworn Employees

Table 2. Gworn Employees										
	M	ale	Fen	nale	Non-M	linority	Mine	ority	То	tal
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Sworn Employees During the Study	270	81.1	63	18.9	257	77.2	76	22.8	333	100.0
Internal Complaints Sworn Employees	149	79.7	38	20.3	89	47.6	98	52.4	187	100.0
External Complaints Sworn Employees	581	84.7	105	15.3	485	70.7	201	29.3	686	100.0
Total Internal Charges Sworn Employees	182	81.6	41	18.4	112	50.2	111	49.8	223	100.0
Internal Complaints Sustained Sworn Employees	120	82.2	26	17.8	69	47.3	77	52.7	146	100.0
External Complaints Sustained Sworn Employees	81	73.9	6	13.1	53	58.6	34	28.4	87	100.0

With respect to sworn officers, Table 2, as supported by additional tables in the appendix, provides the following insights:

- There is a significant relationship between race and the likelihood of receiving an internal complaint for sworn officers (see Table 14). Minority officers are more likely than expected by chance to receive internal complaints.
- There is no significant relationship between gender and the likelihood of receiving an internal complaint for sworn employees (see Table 15).
- There is a significant relationship between race and the likelihood of receiving an external complaint for sworn officers (see Table 16). Minorities are more likely than expected by chance to receive external complaints.
- There is no significant relationship between gender and the likelihood of receiving an external complaint for sworn employees (see Table 17).
- There is no significant relationship between race and the likelihood that an internal complaint which is made will be sustained or not sustained (see Table 18). However, as noted above minority employees are more likely to receive a complaint in the first place than are non-minority employees.

- There is no significant relationship between gender and the likelihood that an internal complaint which is made will be sustained or not sustained (see Table 19).
- There is no significant relationship between race and the likelihood that an external complaint which is made will be sustained or not sustained (see Table 20).
- There is a significant relationship between gender and the likelihood that an external complaint which is made will be sustained or not sustained. Females appear to be less likely to have sustained external complaints than expected by chance (see Table 21).

Table 3: Non-Sworn Employees

	Male		Female		Non-Minority		Minority		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Non-Sworn Employees During the Study	59	31.1	131	68.9	156	82.1	34	17.9	190	100.0
Internal Complaints Non-Sworn Employees	59	31.9	126	68.1	125	67.6	60	32.4	185	100.0
External Complaints Non-Sworn Employees	39	60.9	25	39.1	53	82.8	11	17.2	64	100.0
Internal Complaints Sustained Non-Sworn Employees	52	32.9	106	67.1	105	66.5	53	33.5	158	100.0
External Complaints Sustained Non-Sworn Employees	10	32.3	21	67.7	28	90.3	3	9.7	31	100.0

For civilian or non-sworn employees, Table 3 provides the following insights:

- There is no significant relationship between race and gender for all non-sworn individuals employed during the study.
- There is a significant relationship between race and the likelihood of receiving an internal complaint for civilian employees (see Table 22). Minority employees are more likely to receive internal complaints.
- There is no significant relationship between gender and the likelihood of receiving an internal complaint for non-sworn employees (see Table 23).
- There is no significant relationship between race and likelihood that internal complaints will be sustained for non-sworn employees.
- There is no significant relationship between gender and likelihood that internal complaints will be sustained for non-sworn employees.
- There is no significant relationship between race and likelihood that external complaints will be sustained for non-sworn employees.
- There is no significant relationship between gender and likelihood that external complaints will be sustained for non-sworn employees.

#### Comparison of Length of Service Within the Department and Race

A frequently expressed perception from focus group participants was that in its efforts to have a workforce more reflective of the diversity of the City of Lansing, LPD selected a poor cadre of new officers a few years ago. The consultant hypothesized, therefore, that perhaps minority employees with fewer years of service would have received more discipline than expected by chance. In fact, the following tables provide evidence that not only are minority employees with less than five years of service, sworn and non-sworn, disciplined more frequently than would be expected given their numbers on the job, but also veteran minority employees receive more discipline than would be expected. Specifically, Tables 4, 5, and 6 below indicate that:

- There is a significant relationship between race and time (length of service) in the Lansing Police Department. Minorities have higher than expected representation in the 0-5 year group and lower than expected representation in the 6 + years group (see Table 4). This confirms the hypothesis that LPD has diversified its workforce during the last five years.
- For individuals with 0-5 years in the LPD there is a significant relationship between race and the likelihood of receiving a complaint. Minorities were more likely than expected by chance to receive a complaint (see Table 5).
- For individuals with 6 + years in the LPD there is a significant relationship between race and the likelihood of receiving a complaint. Minorities were more likely than expected by chance to receive a complaint (see Table 6).

Table 4: Comparison of Race and Length of Service in the Lansing Police Department.

		Ra	Race		
Years in Department		Minority	non Minority	Total	
0-5 Years	Number	297	409	706	
	<b>Expected Number</b>	219.0	487.0	706.0	
6 + Years	Number	82	434	516	
	Expected Number	160.0	356.0	516.0	
Total	Number	379	843	1222	

Pearson chi-square of 95.473 with a probability of .000 (\*\*significant at the .05 level)

Length of Service in the Department Calculation: Individuals in the no complaint group included those who retired or left during the study period as well as those who were employed at the end of the study period. Service time for individuals with no complaints were computed based on the date they left service or the end date of the study period if currently employed. Individuals with multiple complaints were counted in each service time group for which they received one or more complaints: many individuals changed service time group over the study period.

Table 5: Individuals with 0-5 years with the LPD: Comparisons of Individuals With Complaints and Individuals Without Complaints by Minority or Non-Minority Status.

		Rac	Race		
		Minority	non Minority	Total	
Complaint Received	Number	283	333	616	
	<b>Expected Number</b>	259.1	356.9	616.0	
No Complaint Received	Number	14	76	90	
	<b>Expected Number</b>	37.9	52.1	90.0	
otal	Number	297	409	706	

Pearson chi-square of 29.751 with a probability of .000 (\*\*significant at the .05 level)

Time in the Department Calculation: Individuals in the no complaint group included those who retired or left during the study period as well as those who were employed at the end of the study period. Service time for individuals with no complaints were computed based on the date they left service or the end date of the study period if currently employed. Individuals with multiple complaints were counted in each service time group for which they received one or more complaints: many individuals changed service time group over the study period.

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 6: Individuals with 6 + Years with the LPD: Comparisons of Individuals with Complaints and Individuals without Complaints by Minority or Non-Minority Status

		Ra	Race		
		Minority	non Minority	Total	
Complaint Received	Number	73	319	392	
	<b>Expected Number</b>	62.3	329.7	392.0	
No Complaint Received	Number	9	115	124	
	<b>Expected Number</b>	19.7	104.3	124.0	
Total	Number	82	434	516	

Pearson chi-square of 9.102 with a probability of .003 (\*\*significant at the .05 level)

Time in the Department Calculation: Individuals in the no complaint group included those who retired or left during the study period as well as those who were employed at the end of the study period. Service time for individuals with no complaints were computed based on the date they left service or the end date of the study period if currently employed. Individuals with multiple complaints were counted in each service time group for which they received one or more complaints: many individuals changed service time group over the study period.

#### Consistency in Discipline Imposed

A separate data analysis was done to assess the extent to which discipline penalties received where charges were sustained differed among sworn and non-sworn employees along racial or gender lines. This analysis required the consultant to make a number of critical assumptions.

First, with input from LPD top management and Internal Affairs staff, charges or offenses were grouped in to three categories:

- Category I Major violations, crimes, violations of public trust,
- Category II Lesser and procedural violations, and
- Category III Minor violations, work rule violations.<sup>4</sup>

Second, because there were only seven sustained complaints in Category III during the review period, the 1.7% of such violations were collapsed into a combined category of "minor work rule and lesser procedural violations."

Third, when there were multiple sustained charges on a single complaint for an individual, the most severe charge was used to categorize the severity of the complaint.

Fourth, the entire list of disciplinary actions utilized by the Department – VAN (verbal action notice), written reprimands, performance improvement plans (PIP), suspensions of varying lengths, termination – was examined in terms of the frequency with which each was used during the review period. The following frequency was found:

VAN, Counseling or PIP	189
VAN + (multiple sanctions) Written	1 102
Written + (multiple	
sanctions)	20
Suspension 1 day	43
Suspension over 1 day and less than 1 week	18
suspension 1 week	8
Suspension more than one week	8
Resigned	13
Terminated	18
Past 30 day rule	4

<sup>&</sup>lt;sup>4</sup> See Table 24 in the appendix.

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Fifth, because some sanctions or penalties were utilized infrequently, and because of the many different lengths of suspensions used, the distribution of sanction categories were further refined to the following ordinal groups.

verbal (pip)	190
written	122
suspension	77
termination	31

Finally, when there were multiple sanctions for a single complaint for an individual the most severe sanction was used to categorize the severity of the sanction.

With these assumptions, Tables 7 and 8 indicate the following:

- There was no significant relationship between race and the severity of sanction for minor work rule and lesser procedural violations (Categories II and III); and
- There was no significant relationship between race and the severity of sanction for major violations, crimes and violations of public trust (Category I).

Table 7: Sanction Severity by Race for Minor Work Rule and Lesser Procedural Violations.

		Rac		
Sanction	_	Minority	non Minority	Total
verbal (pip)	Number	51	107	158
	<b>Expected Number</b>	58.8	99.2	158.0
Written	Number	41	55	96
	<b>Expected Number</b>	35.7	60.3	96.0
suspension	Number	17	32	49
	<b>Expected Number</b>	18.2	30.8	49.0
termination	Number	10	7	17
	<b>Expected Number</b>	6.3	10.7	17.0
Total	Number	119	201	320

Pearson chi-square of 6.420 with a probability of .093 (\*\*not significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

In the above table the expected number for minorities receiving a verbal (pip) sanction is 58.8. It is calculated by taking the percent of the entire population (320 individuals) who received verbal sanctions (158) and applying it to the entire minority population (119) [158 divided by 320 = .49375 and .49.375 times 119 = 58.8].

Table 8: Sanction Severity by Race for Major Violations, Crimes and Violations of Public Trust.

anction		Race			
		Minority	non Minority	Total	
verbal (pip)	Count	12	20	32	
	<b>Expected Count</b>	15.4	16.6	32.0	
written	Count	15	11	26	
	<b>Expected Count</b>	12.5	13.5	26.0	
suspension	Count	15	13	28	
	<b>Expected Count</b>	13.4	14.6	28.0	
termination	Count	6	8	14	
	<b>Expected Count</b>	6.7	7.3	14.0	
otal	Count	48	52	100	

Pearson chi-square of 2.889 with a probability of .409 (\*\*not significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

## A Final Note With Respect to the Data Analysis

It must be noted that the analysis of LPD discipline data <u>does not</u> provide evidence of causality. Evidence is provided of correlations only. There are in fact many possible explanations for the correlations identified that should be explored by LPD.

#### **RECOMMENDATIONS**

In crafting recommendations for improving the discipline process within the Lansing Police Department, it is important to deal not only with the data-based conclusions, but also with the perceptions as identified through focus groups.

- Systematic monitoring of disciplinary data for the determination of adverse effect Every organization should regularly monitor its human resources decisions (e.g. hiring, promotion, transfer, discipline) to determine if gender or ethnic groups are disproportionately affected by those decisions. In fact, the EEOC's Uniform Guidelines on Employee Selection Procedures requires that employers of more than 100 employees annually examine, on a job group basis, the adverse impact of selection procedures (using the 4/5<sup>th</sup> rule or some other test of statistical significance). Where adverse impact exists, employers are required to examine each step in the decision making process for adverse impact and provide evidence of the validity where adverse impact exists. LPD should institute a system of quarterly monitoring of disciplinary actions to determine the extent and significance of any gender or ethnic differences.
- Simplified rule structure built around core values As is true of every organization, LPD is coping with a changing workforce with changing values. There was a time during which the Department hired mostly military veterans and those whose relatives had been in law enforcement. Values tended to be more universally held and were communicated and enforced often through informal means. Public and private sector organizations of today are finding that they can no longer rely on naturally occurring shared values among their employees. They, therefore, decide to establish and enunciate organizational values – a small set of core guiding principles for the organization that are timeless. Having this short list of values or guiding principles serves to guide the organization and its employees. The values are important in the selection, orientation and training processes and serve as a basis for evaluating the performance of employees. They also serve as the foundation for discipline rules. By focusing on the values or principles, LPD employees – sworn and non-sworn, supervisory and line – will have a defined and rememberable list of behavioral guides that are continuously reinforced. Recognizing that the nature of police work is complex and the consequences of error serious, it is understandable that a department would need a large number of rules and procedures. However, these could be built into a values-based system, allowing employees to focus and remember the core values or guiding principles.
- Clear identification of major versus lesser offenses In labor relations, the principal of corrective discipline is well established, i.e. an employer should impose the least severe penalty it can which would correct an employee's behavior and then impose increasingly more severe penalties if the employee does not correct the behavior, up to dismissal. Corrective discipline does not apply in cases of "major offenses."
   Major offenses are those for which the only appropriate penalty is dismissal –

regardless of the employee's prior discipline record, length of service, etc. It is important to clarify for employees the major offenses within LPD. This is an important part of new employee orientation, and important for ongoing employee development.

- An Offense/Penalty Matrix The perceptions of fairness and consistency of the discipline process would be enhanced through an easier understanding of the relationship between offenses committed and the penalties likely to be received. Adopting an offense/penalty matrix that lists offenses and the expected penalty for violations would serve this purpose. It must be clear, however, that should such a matrix be adopted, the Department still has a responsibility to consider factors such as the employee's prior discipline record and mitigating and/or aggravating circumstances, and to make adjustments as needed to penalties imposed. A matrix does not remove management discretion, but it does place a burden on management to be prepared to explain the use of that discretion and serves to make the process more transparent. Sentencing guidelines used in the courts provide an example of such a system.
- Remove Minor Offenses from IA Process LPD has what must be one of the most complete systems for tracking disciplinary actions among law enforcement agencies, because Internal Affairs assigns a number to each case and manages the process. This has the effect of elevating even the most minor of offenses to the level of an Internal Affairs complaint. In most departments, an IA complaint implies something very serious, not an accident in the parking garage, as could be the case in LPD. Therefore, a system should be adopted in which minor offenses are tracked separately and not subject to an IA complaint and possible investigation.
- Increased Privacy in the IA Process An officer or employee should not "lose face" when being accused of an offense. In the current IA process, an officer receives an envelope from IA, handed out at roll call in the presence of others on the shift (or a non-sworn employee may receive it in front of co-workers). Because at present, an IA complaint can range from minor to very serious misconduct and only implies that a charge has been filed, not that the employee is guilty, notices of an IA investigation should be handled in private between the supervisor and the employee.

- Greater role for supervisors and managers in discipline process On the one hand, the current process in LPD which features substantial involvement by the Chief in all discipline probably explains the study finding of no racial or gender disparity in discipline penalties for those against whom complaints have been sustained. On the other hand, it is time consuming for the Chief to be so directly involved in all disciplinary penalty determination, and diminishes the authority and responsibility of lower level supervisors and managers. With the adoption of a discipline matrix, and the introduction of more comprehensive mandatory supervisory training, lower levels of management can take responsibility for discipline actions that do not involve suspensions or discharge. Review would be at the Captain level, with appeal to the Assistant Chief and Chief for review. Discharge or suspensions would still require approval by the Chief before being imposed.
- Mandatory training for new supervisors akin to FTO program -- LPD takes very seriously the training of new officers. The FTO process is intensive and comprehensive, even though an officer would already have successfully completed the academy. That same level of intensity must be given to the mandatory training of new supervisors. Critical topics must include coaching, problem-solving, communications skills, understanding cultural diversity, and discipline.
- Accountability for supervisors With responsibility comes accountability. Through the performance evaluation process, coaching, and development, supervisors at all levels should be held accountable for the thoroughness, fairness and consistency of their discipline actions. They should receive regular reports (at least quarterly) on the disciplinary actions they have imposed, including an analysis of any possible adverse impact. It is important to note that the existence of adverse impact (i.e. the fact that minority or women employees have been disciplined more frequently or severely) does not imply that the supervisor has done something wrong. But it should raise a red flag that the situation warrants review and verification.
- Diversity awareness As described above, LPD has a changing workforce, one becoming more reflective of the community served. As the Department becomes more culturally diverse, it is imperative that steps be taken for the ongoing improvement of interpersonal relations within the Department. This is more than "let's have a diversity training program," although that may be a necessary step. It is beyond the scope of this report and expertise of this consultant to suggest the specifics of such an effort. No doubt a thorough training needs assessment will be required to define the specifics of any training gaps relative to policy issues that such a training effort should address. Nevertheless, this consultant left focus group meetings with a clear sense that understanding, valuing, managing, and working within a more diverse culture are important areas for LPD

training and development.

# **Appendix**

Table 8: Comparison of Complaints or No Complaints by Race for Entire Sample.

		Rac	Race		
		Minority	non Minority	Total	
Complaints Received	Number	356	652	1008	
	Expected Number	312.6	695.4	1008.0	
No Complaint Received	Number	23	191	214	
	<b>Expected Number</b>	66.4	147.6	214.0	
Total	Number	379	843	1222	

Pearson chi-square of 49.806 with a probability of .000 (\*\*significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 9: Comparison of Complaints or No Complaints by Gender for Entire Sample.

		Gender		Total
		Female	Male	
Complaint Received	Number	289	719	1008
	<b>Expected Number</b>	309.3	698.7	1008.0
No Complaint Received	Number	86	128	214
	Expected Number	65.7	148.3	214.0
Total	Number	375	847	1222

Pearson chi-square of 11.007 with a probability of .001 (\*\*significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 10: Comparison Complaints or No Complaints by Race Internal Complaints.

		Ra	nce	Total
		Minority	non Minority	
No Complaint Received	Number	23	191	214
	<b>Expected Number</b>	66.1	147.9	214.0
Internal Complaint	Number	158	214	372
	<b>Expected Number</b>	114.9	257.1	372.0
Total	Number	181	405	586

Pearson chi-square of 64.053 with a probability of .000 (\*\*significant at the .05 level)

Table 11: Comparison of Complaints or no Complaints by Gender for Internal Complaints.

		Gender	Gender	
		Female	Male	
Complaint Received	Number	164	208	372
	<b>Expected Number</b>	158.7	213.3	372.0
No Complaint Received	Number	86	128	214
	<b>Expected Number</b>	91.3	122.7	214.0
Total	Number	250	336	586

Pearson chi-square of .844with a probability of .358 (\*\*not significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 12: Comparison of Complaints or No Complaints by Race for External Complaints.

		Race		Total
		Minority	non Minority	
Complaint Received	Number	198	438	636
	Expected Number	165.4	470.6	636.0
No Complaint Received	Number	23	191	214
	Expected Number	55.6	158.4	214.0
Total	Number	221	629	850

Pearson chi-square of 34.581 with a probability of .000 (\*\*significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 13: Comparison of Complaints or No Complaints by Gender for External Complaints.

		Gender	Gender	
		Female	Male	
Complaint Received	Number	125	511	636
	<b>Expected Number</b>	157.9	478.1	636.0
No Complaint Received	Number	86	128	214
	Expected Number	53.1	160.9	214.0
otal	Number	211	639	850

Pearson chi-square of 36.175 with a probability of .000 (\*\*significant at the .05 level)

Table 14: Comparison of Complaints or No Complaints by Race for Sworn Employees.

		Race		Total
		Minority	non Minority	
Complaint Received	Number	98	89	187
	Expected Number	69.6	117.4	187.0
No Complaint Received	Number	14	100	114
	<b>Expected Number</b>	42.4	71.6	114.0
Total	Number	112	189	301

Pearson chi-square of 48.807with a probability of .000 (\*\*significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 15: Comparison of Complaints or No Complaints by Gender for Sworn Employees.

		Gende	er	Total
		Female	Male	
Complaint	Number	38	149	187
No Complaint	<b>Expected Number</b>	35.4	151.6	187.0
	Number	19	95	114
	<b>Expected Number</b>	21.6	92.4	114.0
Total	Number	57	244	301

Pearson chi-square of .616 with a probability of .433 (\*\*not significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 16: Comparison of Complaints or No Complaints by Race for Sworn Employees and External Complaints.

		Ra	Race	
		Minority	non Minority	
No Complaint	Number	14	100	114
	<b>Expected Number</b>	33.4	80.6	114.0
<b>External Complaint</b>	Number	187	385	572
	<b>Expected Number</b>	167.6	404.4	572.0
Total	Number	201	485	686

Pearson chi-square of 19.118 with a probability of .000 (\*\*significant at the .05 level)

Table 17: Comparison of Complaints or No Complaints by Gender for Sworn Employees Receiving External Complaints.

		Gender		Total
		Female	Male	
No Complaint	Number	19	95	114
	<b>Expected Number</b>	17.4	96.6	114.0
<b>External Complaint</b>	Number	86	486	572
	<b>Expected Number</b>	87.6	484.4	572.0
Total	Number	105	581	686

Pearson chi-square of .195 with a probability of .659 (\*\*not significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 18: Comparison Internal Complaints Sustained or Not sustained for Sworn Employees by Race (a complaint is considered sustained if one or more charges is sustained).

		Race		
		Minority	non Minority	Total
no charges sustained	Number	21	20	41
	<b>Expected Number</b>	21.5	19.5	41.0
1 or more charges sustained	Number	77	69	146
	<b>Expected Number</b>	76.5	69.5	146.0
Total	Number	98	89	187

Pearson chi-square of .030 with a probability of .863 (\*\*not significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 19: Comparison Internal Complaints Sustained or Not sustained for Sworn Employees by Gender (a complaint is considered sustained if one or more charges is sustained).

		Gene	Gender	
		Female	Male	
no charges sustained	Number	12	29	41
	Expected Number	8.3	32.7	41.0
1 or more charges sustained	Number	26	120	146
	<b>Expected Number</b>	29.7	116.3	146.0
Total	Number	38	149	187

Pearson chi-square of 2.596 with a probability of .107 (\*\*not significant at the .05 level)

Table 20: Comparison External Complaints Sustained or Not sustained for Sworn Employees by Race (a complaint is considered sustained if one or more charges is sustained).

		Ra	Race	
		Minority	non Minority	
no charges sustained	Number	153	332	485
	<b>Expected Number</b>	158.6	326.4	485.0
1 or more charges sustained	Number	34	53	87
	<b>Expected Number</b>	28.4	58.6	87.0
Total	Number	187	385	572

Pearson chi-square of 1.903 with a probability of .168 (\*\*not significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 21: Comparison External Complaints Sustained or Not sustained for Sworn Employees by Gender (a complaint is considered sustained if one or more charges is sustained).

		Gende	Gender	
		Female	Male	
no charges sustained	Number	80	405	485
	<b>Expected Number</b>	72.9	412.1	485.0
1 or more charges sustained	Number	6	81	87
	<b>Expected Number</b>	13.1	73.9	87.0
Total	Number	86	486	572

Pearson chi-square of 5.320 with a probability of .021 (\*\*significant at the .05 level)

Note: The expected number is the number of cases that would be expected if the row and column variables were statistically unrelated to one another.

Table 22: Comparison of Complaints or No Complaints by Race for Non-Sworn Employees and Internal Complaints.

		Ra	ace	Total
		Minority	non Minority	
Complaint Received	Number	60	125	185
	<b>Expected Number</b>	45.1	139.9	185.0
No Complaint Received	Number	9	89	98
	<b>Expected Number</b>	23.9	74.1	98.0
Total	Number	69	214	283

Pearson chi-square of 18.78 with a probability of .000 (\*\*significant at the .05 level)

Table 23: Comparison of Complaints or No Complaints by Gender for Non-Sworn Employees and Internal Complaints.

		Gender		Total
		Female	Male	
Complaint Received	Number	126	59	185
	<b>Expected Number</b>	125.5	59.5	185.0
No Complaint Received	Number	66	32	98
	<b>Expected Number</b>	66.5	31.5	98.0
Total	Number	192	91	283

Pearson chi-square of .017 with a probability of .896 (\*\*not significant at the .05 level)

Table 24: Categories of Offenses

Category I major violations, crimes violations of public trust	Category II  lesser violations procedural violations	Category III  minor violations  work rule violations
1.02 Unbecoming Conduct	1.00 Responsibilities	1.08 Sleeping on Duty
1.03 Immoral Conduct	1.01 Violation of Rules	1.11 Employment Outside the Department
1.04 Conformance to Laws	1.05 Reporting for Duty	1.15 Use of Alcohol Off Duty
1.13 Possession and Use of Drugs	1.06 Neglect of Duty	1.16 Use of Tobacco
1.17 Insubordination	1.07 Fictitious Illness or Injury Reports	1.21 Endorsements and Referrals
1.19 Gifts, Gratuities, Bribes, or Rewards	1.09 Leaving Duty Post	1.22 Identification
1.20 Abuse of Position	1.10 Unsatisfactory Performance	1.26 Associations
1.28 Public Statements and Appearances	1.12 Alcoholic Beverages and Drugs in Police Installations	1.29 Personal Appearance
1.33 Dissemination of Information	1.14 Use of Alcohol on Duty or In Uniform	1.30 Political Activity
1.35 Departmental and Injury Reports	1.18 Conflicting or Illegal Orders	1.32 Telephone/Address Changes
1.36 Processing Property and Evidence	1.23 Citizen Complaints	1.38 Use of Department Equipment
1.37 Abuse of Process	1.24 Courtesy	1.39 Operating Vehicles
1.40 Carrying Firearms	1.25 Requests for Assistance	1.51 Expectations of Privacy
1.41 Truthfulness	1.27 Visiting Prohibited Establishments	
1.43 Treatment of Persons in Custody	1.31 Payment of Debts	
1.44 Use of Force	1.34 Intervention	
1.45 Use of Weapons	1.42 Photographs, Lineups, Ballistics Tests, Firearms	
1.46 Arrest, Search, and Seizure	1.47 Gambling	
1.48. Prohibited Weapons	1.50 Conduct Toward Co-workers	
1.49 Accountability, Responsibility and Discipline		