

INDEPENDENT POLICE AUDITORS' REPORT:

Review of PAPD Recruitment and Hiring

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Presented to the Honorable City Council

City of Palo Alto

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Introduction

In establishing new contract terms for the Independent Police Auditor (“IPA”) in 2021, the Palo Alto City Council expanded the IPA scope of work in different ways. One significant change, for example, related to uses of force by Police Department personnel: under the new agreement, a greater range of force deployments (as reviewed by PAPD supervision) are now part of the core content that the IPA reviews for its semi-annual public reports about PAPD internal accountability measures. A second expansion gave the Council the opportunity to authorize stand-alone systemic audits of distinctive aspects of PAPD operations that were not otherwise covered during the regular review process.

“Use of Force” is now an established category within the IPA monitoring and reporting functions. And at a meeting in 2022, the City Council accepted a proposal for OIR Group to assess “PAPD Recruiting and Hiring” as its first special topic. This Report is the product of that review.

At a time of significant transition for law enforcement in the United States, the effective recruiting and hiring of new officers is as critical an issue as it has ever been. There are several reasons for this, but two are especially salient to the current discussion. The first is that a heightened focus on procedural justice and the lingering impacts of systemic racism have brought renewed attention on the importance of officers who reflect and embrace a diverse, equitable culture. And the second is that controversial incidents, negative public perceptions, and increased accountability measures have influenced both ends of the employee “pipeline”: officers eligible to retire have perhaps been more inclined to do so, and the pool of new applicants to the profession is considerably smaller than in the past.

There are additional implications arising from the national narrative emanating from the George Floyd murder. Many jurisdictions have discussed and debated whether functions traditionally reserved for police might best be handled by non-police officers. This has caused many current officers and potential applicants to reassess the contours and future of the law enforcement profession.

In many cities – including Palo Alto – a fourth reality has further underscored the importance of effective recruiting and hiring: COVID-related budget impacts that

temporarily constrained the ability of cities to provide the resources to fully staff and competitively compensate their police forces.

These circumstances have created a nation-wide challenge in law enforcement. In our experience with agencies throughout California and in other states, “hiring and retention” are routinely cited as among the most significant challenges that local agencies are confronting. To some extent, this is true in Palo Alto as well. And it was against this backdrop that we evaluated PAPD’s process of recruiting and hiring, and its current circumstances and outlook for the immediate future.

In developing this Report, we drew upon our own direct familiarity with the experiences of agencies throughout California and in other states. We also researched the relevant guidelines required by “POST” (“The Commission on Peace Officer Standards and Training”), which provides state-wide certification and training requirements for California police agencies. And we engaged in a number of discussions with PAPD members who have direct responsibility for the recruiting and hiring functions. Lastly, we had the opportunity to perform an in-person review of several recent “background investigation” packages to learn about the comprehensive nature of the information-gathering that occurs and its influence on Department decision-making about candidate suitability.

Our takeaways were relatively straightforward. We were interested to learn about the mechanics of the process, impressed by the dedication and resourcefulness of the PAPD personnel who lead the agency’s efforts, and reinforced in our belief that this arena is especially deserving of the City’s attention and support. We discuss each of these impressions below.

That new officers be sufficient in number and excellent in quality is essential to the well-being of any law enforcement organization, and PAPD is no exception. The Department’s actions in the arena of recruiting and hiring are reflective of the agency’s own recognition of this dynamic, and they are yielding effective results. We have provided additional suggestions for both the Department and City’s consideration to increase those results, increase community involvement in the process, and engage future officers with the City in unique and educational ways.

Process Overview

The Department’s three-person core team operates out of the Personnel and Training Unit. It is led by a lieutenant and has one experienced civilian administrator (who has been in the role for several years) and a sworn officer of the “Agent” rank. For the agent

and the civilian, the recruiting and hiring role is their core responsibility – a reflection of both the demands of the assignment and the emphasis that it holds within the organization.

As stated above, that emphasis has certainly increased in the last year. The larger dynamics discussed above were compounded in Palo Alto by a budget-driving hiring freeze and reduction of authorized staff positions. Hiring resumed in the fall of 2021, and the most recent City budget cycle saw the restoration of five of the 13 slots that had been lost during the period of COVID-driven revenue shortfalls.¹ The challenge, then, is to fill newly available positions with capable individuals – and to do so as efficiently and effectively as possible in an environment where numerous local agencies are similarly situated.

With that in mind, the Department recruits on a “rolling” basis, which is to say that it is consistently seeking new applicants to begin the process. The Department’s website prominently features information for people interested in learning more about the agency and employment opportunities. It also recently produced new recruitment videos (for the first time in several years) that showcase the range of backgrounds possessed by current PAPD personnel, the different enforcement roles that agency members can pursue, and the qualities of character that the Department is hoping to attract.

Along with being receptive and responsive to individuals who initiate contact with the agency, the recruitment team is also pro-active. Representatives regularly attend the periodic regional testing sessions that are offered for individuals interested in a law enforcement career. (The testing days give potential applicants the opportunity to pass the standardized prerequisites² that help dictate hiring eligibility.) The hope is obviously to express interest and to “advertise” the PAPD as a desirable agency for applicants to consider. Recruiting team members also regularly visit military bases and college campuses, focusing on criminal justice programs in the search for likely candidates.

If an individual does express interest and wishes to apply to PAPD, several phases ensue. Assuming that the tests for academic proficiency and physical fitness have been passed, an applicant must also submit a completed “Personal History Statement” to

¹ This brought the total number of authorized positions for sworn officers to 84.

² These are derived from POST guidelines and are applicable to the requirements of most agencies.

ensure that there are no disqualifying events in their individual backgrounds.³ These disqualifiers (such as applicable criminal history, drug use, and integrity-related past employment issues) are also based on POST standards.

Per the PAPD staff, a majority of potentially interested applicants are eliminated from contention by this initial screening process. Those who advance then participate in an “oral board” panel interview comprised of the two main recruitment team members and, generally, another PAPD employee. The questions are standardized, a combination of general inquiries and hypothetical situations that are meant to explore the applicant’s motivation, integrity, communication skills, and problem-solving potential.

We asked about the potential for incorporating community representatives into this phase of the process, which we have occasionally seen as a practice in other jurisdictions. The recruitment team representatives appreciated the concept but raised concerns about their need to be efficient in conducting the panels regularly and on short notice.

That being said, these hurdles do not seem insurmountable if the community representative(s) have the flexibility to be available on short notice. And their involvement could provide useful insights and a strong message about the Department’s commitment to more integration with the public it serves.

RECOMMENDATION 1

PAPD should consider revising its interviewing process – without sacrificing its need to remain nimble – to obtain community input on potential candidates.

A percentage of these candidates then meet with the recruitment lieutenant, who has a more open-ended discussion with the applicant. If she is sufficiently satisfied with the individual’s potential, the next phase of the process begins. This is a background investigation conducted by a third-party contractor.

The background investigator works off the applicant’s Personal History Statement, which is 25 pages in length and requires an extensive amount of detailed personal information. Utilizing this information as a starting point, the investigator contacts family members, friends, employers, and other references to question them about the

³ The framework for this document is also established by POST, which requires it for officer eligibility.

applicant. The investigator also does research through publicly available records and social media accounts.⁴

We reviewed four recently completed packages to get a more detailed sense of the process. We found it to be both thorough and rigorous. In three of the examples that we looked at, issues from the candidate's past history emerged from the investigation and ultimately caused PAPD to withdraw its interest – either because of the significance of the problem itself, or because of a credibility concern relating to the applicant's failure to volunteer the information during earlier submissions.

As another part of the background screening phase, a PAPD applicant also submits to a polygraph examination that is conducted by a separate contractor. These exams cover a wide range of topics, many of which are duplicative of other investigatory categories but that provide some added assurances about the quality and completeness of information otherwise shared by the applicant. Recently, one prospective employee was close to receiving an offer when potential issues as to credibility emerged in his polygraph exam. Because the results were ambiguous, the Department sent him to a different provider to be re-tested; this too led to "inconclusive" outcomes as to credibility, and PAPD decided not to move forward with the candidate.

Assuming that the applicant's background is suitable, the candidate meets with the Chief of Police as a final precursor to receiving a provisional offer for employment. At that point, the applicant receives physical and psychological examinations that are conducted by certified outside contractors.⁵ And if those are passed, then the candidate is officially eligible to attend the six-month-long police training academy – which of

⁴ Importantly, this includes a focus on potentially problematic group affiliations. Recent national attention on the nexus between some peace officers and extremist groups (such as the Proud Boys) was both discouraging and reinforcing of the need to identify any such allegiances and the ideology that animates them.

⁵ The psychological test is obviously a key measure of suitability for handling the challenges of law enforcement as a profession. Again, this practice is standardized and driven by POST requirements. The evaluator summarizes the applicant's profile into one of five categories, ranging from "Well-Suited" to "Not Psychologically Suited." A large Bay Area agency recently generated media attention when it was learned that nearly fifty of its hires from recent years were accepted in spite of being categorized in the second lowest range – which is generally considered to be a failing outcome. PAPD provided assurances that it requires a definitive "passing" evaluation.

course imposes its own demands and may also be a place where applicants fall out of the hiring process.⁶

In short, the candidates who succeed have passed through a rigorous and multi-faceted screening.⁷ This is necessary and important. But it is also occurring in a unique environment, in which the number of interested applicants has dropped considerably relative to traditional metrics.

Again, this phenomenon is not at all unique to Palo Alto – which is another part of the problem. Intense competition among agencies for the limited pool of qualified applicants adds to the challenges that the Department’s recruitment team faces.⁸ They are challenged by a hiring context in which they are, effectively, not only “sellers” in a job market heavily tipped toward “buyers,” but operating in service of a profession that holds any potential new member to exacting, restrictive standards.

Issues and Analysis

We had repeated discussions with personnel and executives involved with PAPD’s recruiting and hiring efforts. We wanted to learn about how the agency is navigating the challenges of law enforcement’s contemporary hiring landscape, and we gained confidence that PAPD is maintaining appropriately high standards even as it works to accommodate significant competition and a smaller pool of interested candidates.

We also focused on topics that have particular resonance as expectations for policing continue to evolve. Prominent among these is diversity.

The ongoing reality is that people of color are underrepresented in law enforcement – while at the same time they are statistically overrepresented in categories such as stops

⁶ Like all agencies of its size, PAPD sends trainee officers to a POST-approved academy that is run by another (larger) entity. The most common site is the Santa Clara County Sheriff’s Academy, but the infrequency of new classes has caused PAPD to also utilize alternative locations in recent years.

⁷ This is also true for what are called “lateral” hires – officers who are fully credentialed and employed by another law enforcement agency. These candidates are attractive in the sense that they are experienced and ready to begin working right away (as opposed to going through the months of academy training). But they are still considered new employees who are subjected to the same requirements and background reviews before being offered a position.

⁸ One relevant area over which the Department itself has limited control is of course the compensation/benefits package to which its new employees are entitled. Our understanding is that the Department falls in the “middle range” among agencies in the vicinity.

and arrests.⁹ And a legacy of discrimination throughout the criminal justice system has strained relations between the police and minority groups in countless communities. While the roots of these dynamics are both complex and deep-seated, and the solutions are necessarily multi-faceted, the potential benefits of more diversity in policing have long been recognized as one element of necessary reform.

The goal of this initiative is not only to enhance credibility and relationships with marginalized groups, but also to improve police operations themselves by introducing a greater range of perspectives, life experiences, and cultural insights. Unfortunately, in Palo Alto as in many other locations, achieving these benefits through recruiting and hiring has proven to be much more of a challenge than identifying the possible value of doing so.

This is not for a lack of trying. It seemed clear to us that PAPD has prioritized appealing to officers of all races as well as to female candidates, and its staff has been persistent in the face of results that are often disappointing.¹⁰ Frustratingly, though, the very tensions that have heightened the need for diversity have been obstacles to attracting large numbers of applicants from underserved communities – thus perpetuating if not exacerbating the problem.

Still, PAPD believes it has made inroads in recent months when it comes to expanding the diversity of its workforce. The City's policies on demographic information-gathering about employees place some constraints on definitive knowledge. However, a look at the photographs on social media of the Department's newly hired officers suggests that representation of different groups is increasing to an encouraging extent.

Along these lines, we encourage the Department to continue considering innovative approaches to connecting with prospective candidates from different racial and ethnic backgrounds. The PAPD staff members with whom we spoke explained that many of their recent successes have arisen through personal outreach at the regular regional testing events that offer interested people the opportunity to clear the initial hurdles for

⁹ California's "Racial and Identify Profiling Act" has imposed new requirements on local law enforcement with regard to data collection and reporting as to the demographic of individuals who are stopped and/or arrested. 2022 was the first year of the obligation for agencies of PAPD's size. Ideally, the information gleaned from the annual totals will promote meaningful evaluation of enforcement practices, particularly regarding any disparities that may be reflected.

¹⁰ A PAPD supervisor described a recent initiative in which he sent out a series of emails to specific campus organizations throughout the region that focused on Black students. The hope was to solicit invitations to meet with interested members of these groups. However, the outreach was not only unsuccessful, but it also failed to produce a response of any kind.

application to any agency. This makes sense: even the most appealing recruiter welcomes the additional “head start” that comes from engaging with individuals who have self-selected law enforcement as a prospective career. But *proactivity* in attempting to elicit interest is also a strategy that we hope PAPD will continue pursuing – especially in terms of outreach to traditionally underrepresented factions.

More specifically, we urge the Department to build further relationships among church groups and a range of community-based organizations. These connections will ideally not only provide recruitment opportunities but also become a forum for targeted referrals that local leaders can help identify.

RECOMMENDATION 2

PAPD should remain committed to attracting potential applicants with varied life experience and backgrounds, and it should engage in proactive outreach efforts to introduce law enforcement as a viable career option for women, people of color, and other underrepresented segments of the community.

As for increasing the number of women officers in the agency, PAPD is tracking the resources and ideas being generated by the national “30 x 30” campaign, which is providing supports to help achieve the stated goal of having female candidates comprise 30% of the new recruiting classes for all local agencies by 2030. One agency with whom we have recently worked is actively engaged in addressing these issues – and has contemplated creative ways to overcome the barriers that have historically limited the participation of women in the profession. One of the concepts is a “job share” that would provide greater flexibility for officers who struggle to balance family commitments with the demands of full-time work. While there are undoubtedly practical obstacles to such arrangements, the idea that organizations would entertain new types of accommodation is, in our view, an appropriately progressive evolution – one that benefits employees but that also reckons constructively with the hiring and retention challenges that law enforcement faces.

RECOMMENDATION 3

PAPD should explore new, potentially viable ways of making the profession attractive to individuals across a range of family and lifestyle contexts, particularly if they can enhance the retention of female officers.

Finally, we also take note of PAPD's resourcefulness in preserving relationships with applicants during the sometimes-frustrating wait times between hiring offers and the next available training academy class. The Department has taken to employing some interested individuals in civilian assignments on a temporary basis. This provides some financial leeway that can help promising candidates weather any delays – and obviously offers the additional benefits of relationship-building and promoting familiarity with the agency and its operations.

We can appreciate the wisdom of this approach, and would encourage PAPD to look for ways to enhance it in the future. In particular, we advocate the sponsoring of community-based service opportunities for at least part of that interim period. Such a model would increase the recruits' knowledge of the city, its neighborhoods, and the organizations that are providing needed supports to disadvantaged community members.

We are aware of one agency that dedicates the first full week of "field training" for newly graduated officers to the task of providing such exposure in an organized context, and prior to their initial forays into patrol. This strikes us as an impressive investment – and one that should pay dividends in the form of the new officers' heightened understanding of and connections to the public they are entrusted to serve. To the extent that Palo Alto's current strategy for employing their pending candidates lends itself to modification, we hope that this additional goal will get consideration.

RECOMMENDATION 4

PAPD should consider adapting its current practice of finding temporary civilian assignments for new hires by incorporating elements of community service where practicable.

Conclusion

The profession of law enforcement is evolving on many fronts, including shifts in public perception, greater accountability, and new thoughts about the best roles for the police in contemporary society. As we discuss above, this has posed short-run challenges for police agencies in adapting to new expectations – including if not especially in the arena of recruiting and hiring qualified personnel. A smaller pool of applicants is gravitating toward the profession than at any time in recent memory, yet the need for talented, dedicated personnel is even more acute.

There are no simple solutions to this paradigm. As different jurisdictions navigate it – and do so in competition with each other – each contends with its own budgetary, cultural, and organizational constraints. Accordingly, success requires new levels of resourcefulness and flexibility. And police agencies must prioritize this aspect of their operations.

The Palo Alto Police Department is approaching this reality in constructive, effective ways. It has assigned energetic individuals to the task, with positive recent results that are all the more impressive in the current climate. PAPD has made efforts to maximize its appeal and attract worthy candidates, and it has done so without lowering standards or ignoring its own well-founded requirements. We encourage the Department to continue its good work in this important aspect of its operations, and hope that the additional suggestions we offer here will enhance a praiseworthy approach.